

**Council Meeting****AGENDA NO. 21/11**

**Meeting Date:** Tuesday 13 December 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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**17/11 RECOGNITION OF DIAMOND JUBILEE OF QUEEN  
ELIZABETH II - The Mayor, Councillor Artin Etmekdjian**

**File Number: GRP/09/6/1/7 - BP11/616**

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Advice has been received from the Australian Monarchist League that 6 February marks the Diamond Jubilee of Queen Elizabeth II.

The League notes that it may be appropriate to conduct a celebration of this event at the local level and asks Council if it would consider marking the Diamond Jubilee in some way.

The letter notes that this will be the first Diamond Jubilee celebrated since Federation.

The following suggestions have been received as to suitable ways to mark the event:-

1. Hanging the most recent portrait of the Queen in a prominent position within the main Council building
2. Formal mention of the Diamond Jubilee at Council's February 2012 meeting
3. An exhibition or display where ratepayers can temporarily donate items having significance to the Queen's reign.
4. Planting 60 trees across the Council area to recognise the Queen's 60 years of service

I would seek that Council resolve to mark Queen Elizabeth II's Diamond Jubilee in some way and that Council's decision be advertised in the CityView, Mayoral Column etc.

**RECOMMENDATION:**

That the Diamond Jubilee of Queen Elizabeth II in February 2012 be celebrated in a suitable manner.

**ATTACHMENTS**

- 1 Diamond Jubilee of Queen Elizabeth II

**Councillor Artin Etmekdjian  
The Mayor**

MM17/11 (continued)

ATTACHMENT 1



### Australian Monarchist League

[www.monarchist.org.au](http://www.monarchist.org.au)  
PO Box 10, Clontarf Beach Q 4019  
QldChair@monarchist.org.au  
0422 12 6421

**Councillor Artin Etmekdjian**  
Mayor of Ryde City  
Locked Bag 2069  
North Ryde NSW 1670

5 September 2011

**RE: Diamond Jubilee**

Dear Mayor Etmekdjian,

The 6<sup>th</sup> of February 2012 will mark the Diamond Jubilee for the Queen, Australia's first Diamond Jubilee since Federation.

Even though we have been embroiled in debates on a republic for some twenty years, this is an occasion which should rise far above the politics of constitutional change. After all, has not the Queen been our Sovereign for over half of our existence as a nation, and it is not right and fair that the occasion be celebrated as a tribute to one of the greatest monarchs of all time?

Since 2009 we have been suggesting that the Australian Government set up an impartial committee to organise celebrations which would bring together the peoples of Australia, whatever their race, their religion or their social standing.

Another entirely appropriate way to mark this occasion would be to have celebrations at a local level. We have a short amount of time to prepare for such celebrations and I would accordingly very much appreciate your advice on whether your Council would consider doing something it its own right to mark the Diamond Jubilee. Please do not hesitate to contact me to discuss this matter.

Regards,

(Original signed)

**Tristan J Rogers**  
Member of the National Council  
Australian Monarchist League

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**18/11 CHARITY GOLF DAY – LIVVI'S PLACE YAMBLE RESERVE -  
The Mayor, Councillor Artin Etmekdjian**

**File Number:** GRP/11/7/1/3 – BP11/921

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In 2011, a Charity Golf Day was held as part of Council's fundraising effort for the Disaster Relief Appeal which assisted victims of the Queensland floods. This event was conducted at no cost to Council and raised approximately \$10,500.00.

I am proposing another Charity Golf Day in 2012 with the funds raised going to the development of the accessible playground in Yamble Reserve – Livvi's Place.

The facility which will cater for children with and without disabilities and is expected to cost approximately \$1.5 million dollars to construct.

Significant funding has been received to date as follows:-

Council commitment - \$400,000,  
Federal Government grant - \$147,000  
State Government funding - \$200,000  
Community support in excess of \$90,000.00. This includes donations from major partners such as St George Bank Foundation and local businesses.

The playground when completed will allow children to play, learn and socialise together. It will combine traditional and purpose built play equipment which will stimulate, calm and provide sensory interest which is ideal for children with physical, intellectual and emotional disabilities. The playground will be available to children from both within the Ryde area and other areas.

The project is being undertaken in partnership with the Touched By Olivia Foundation which has conducted fundraising activities such as a charity ball and movie night.

I suggest the charity golf day be held at the end of March with all proceeds going to the Livvi's Place project.

There will be no cost to Council in running this event.

**RECOMMENDATION:**

- (a) That a Charity Golf Day be held at the end of March with proceeds raised going to the Livvi's Place – Yamble Reserve project.
- (b) That Council report to the community regarding the funds raised by providing details on Council's website, Ryde CityView and the Mayor's column.

**ATTACHMENTS**

There are no attachments for this report.

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

**1 CONFIRMATION OF MINUTES - Council Meeting held on 22 November 2011**

**File No.:** GRP/11/5/4/6 - BP11/153

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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 20/11, held on Tuesday 22 November 2011, be confirmed.

**ATTACHMENTS**

- 1** Minutes - Ordinary Council Meeting - 22 November 2011

**ITEM 1 (continued)**

**ATTACHMENT 1**



**Council Meeting**

**MINUTES OF MEETING NO. 20/11**

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**Meeting Date:** Tuesday 22 November 2011  
**Location:** Council Chambers, Level 6  
**Time:** 7.30pm

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**Councillors Present:** The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.

Councillor Petch arrived at 7.49pm and was not present for Suspension of Standing Orders and the Presentation.

**Apologies:** Nil.

**Staff Present:** General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager – Urban Planning, Manager – Customer Service, Manager – Assessment, Chief Financial Officer, Centre Manager – Ryde Aquatic Leisure Centre, Team Leader – Assessment, Manager – Governance and Media & Community Relations Officer.

**LEAVE OF ABSENCE**

Councillor Petch requested a Leave of Absence for the period Wednesday, 23 November 2011 until Friday, 16 December 2011.

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

That Councillor Petch's Leave of Absence for the period from Wednesday, 23 November 2011 until Friday, 16 December 2011 be approved.

**Record of Voting**

For the Motion: Unanimous

**PRAYER**

Associate Pastor Ben Rodgers of Ryde Baptist Church was present and offered prayer prior to the commencement of the meeting.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**DISCLOSURES OF INTEREST**

Councillor Campbell disclosed a less than significant non-pecuniary interest in Item 9 of Council Meeting 20/11 – Installation of a Cogeneration Plant at the Ryde Aquatic Leisure Centre for the reason that she is an employee of the Office of Environment and Heritage.

Councillor Petch disclosed a less than significant non-pecuniary interest in Item 11 – Deferred Report: Potential Development Partnership Arrangements for Coulter Street Car Park for the reason that he is an honorary life member of Gladesville RSL Club.

Councillor Maggio disclosed a less than significant non-pecuniary interest in Notice of Motion 1 of Council Meeting 20/11 – Participation of Local Scout and Guides Groups at City of Ryde Citizenship Ceremonies for the reason that his children are members of the guiding movement.

**SUSPENSION OF STANDING ORDERS**

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

That Standing Orders be suspended to allow a presentation of Artworks from the City of Ryde Art Show. The time being 7.36pm.

**Record of Voting**

For the Motion: Unanimous

**PRESENTATION OF ARTWORKS FROM THE CITY OF RYDE ART SHOW**

Mr Martin Watson presented his artwork titled “We built this City” to the Mayor, Councillor Etmekdjian. The artwork was purchased on behalf of Council at the City of Ryde Art Show held on 14 October 2011.

Mrs Jeanette Watson presented her artwork titled “Eastwood Park” to the Mayor, Councillor Etmekdjian. Mrs Watson donated her artwork to Council.

**RESUMPTION OF STANDING ORDERS**

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

That Standing Orders be resumed, the time being 7.45pm.

**Record of Voting:**

For the Motion: Unanimous



**ITEM 1 (continued)**

**ATTACHMENT 1**

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

Note: Councillor Petch arrived at 7.49pm during Public Participation on Items Listed on the Agenda.

**PUBLIC PARTICIPATION – EXTENSION OF TIME TO SPEAK**

**RESOLUTION:** (Moved by Councillors Tagg and Salvestro-Martin)

That Council allow Mr Plumb the opportunity to speak for a total of 12 minutes, allowing three minutes on each Item as listed. The time being 7.53pm.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Li, Perram, Petch, Salvestro-Martin, and Tagg.

Against the Motion: Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

The following persons addressed the Council:-

<b>Name</b>	<b>Topic</b>
Ms Denise Pendleton (representing herself and Residents for Ryde)	<b>ITEM 19</b> – Creation of a City of Ryde Property Trust
Mr Phil Peake	<b>NOTICE OF MOTION 2</b> – Shortfall of Open Space in Parts of North Ryde
Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance)	<b>MAYORAL MINUTE 15/11</b> – Cudal Reserve Putney and Smalls Road Ryde <b>NOTICE OF MOTION 2</b> – Shortfall of Open Space in Parts of North Ryde <b>ITEM 11</b> – Deferred Report: Potential Development Partnership Arrangement for Coulter Street Car Park <b>ITEM 19</b> – Creation of a City of Ryde Property Trust
Mr Kevin Page	<b>ITEM 19</b> – Creation of a City of Ryde Property Trust
Ms Rosemary Hadaway	<b>MAYORAL MINUTE 15/11</b> – Cudal Reserve Putney and Smalls Road Ryde

**SUSPENSION OF STANDING ORDERS – PUBLIC PARTICIPATION**

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

That Standing Orders be suspended to allow those speakers listed to speak on Items not on the Agenda to address the meeting, the time being 8.21pm.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, Maggio, Perram, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM

**ITEM 1 (continued)**

**ATTACHMENT 1**

Against the Motion: Councillor O'Donnell

The following persons then addressed the Council:-

Name	Topic
Ms Diane Erickson	Proposed Development on Civic Centre Site
Mr John Farinelli	No Towers for Ryde in Civic Centre at 24 Levels

**ORDER OF BUSINESS**

**MOTION:** (Moved by Councillors Salvestro-Martin and Tagg)

That due to the extensive Agenda before Council, that Council suspend Standing Orders and adjust the agenda to give priority to the following issues, Notices of Motion and Mayoral Minutes where there is public participation:

- Mayoral Minute 15/11.
- Mayoral Minute 16/11.
- Notice of Motion 1 – Participation of Local Scout and Guides Groups at City of Ryde Citizenship Ceremonies.
- Notice of Motion 2 – Shortfall of Open Space in Parts of North Ryde.
- Notice of Motion 3 – Official Meetings with a State Minister or Member.
- Item 11 – Deferred Report: Potential Development Partnership Arrangement for Coulter Street Car Park; and
- Item 19: Creation of a City of Ryde Property Trust.

The Motion was put and **LOST** there being five (5) votes For and six (6) votes Against.

**Record of Voting:**

For the Motion: Councillors Li, Perram, Petch, Salvestro-Martin and Tagg

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

**MAYORAL MINUTES**

**MM15/11 CUDAL RESERVE PUTNEY AND SMALLS ROAD RYDE – The Mayor, Councillor Artin Etmekdjian**

Note: Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance) and Ms Rosemary Hadaway addressed the meeting in relation to this Item.

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

- (a) That the Mayor and General Manager pursue meetings with the relevant State Government Ministers with the purpose of:

**ITEM 1 (continued)**

**ATTACHMENT 1**

- (1) ensuring that both sites remain in public ownership;
- (2) ensuring that the zoning of both sites reflects public ownership;
- (3) obtaining the dedication of Cudal Reserve as a park under the care, control and management of the City of Ryde in perpetuity at no cost to Council;
- (4) obtaining the dedication of the ovals within the former school site at Smalls Road as a park under the care, control and management of the City of Ryde in perpetuity at no cost to Council.

(b) That this matter be reported back to Council.

**AMENDMENT:** (Moved by Councillor Salvestro-Martin and Tagg)

That the Mayor and General Manager pursue meetings with the relevant State Government Ministers with the purpose of:

- (1) ensuring that both sites remain in public ownership;
- (2) ensuring that the zoning of both sites reflects public ownership;
- (3) obtaining the dedication of Cudal Reserve as a park under the care, control and management of the City of Ryde in perpetuity at no cost to Council;
- (4) obtaining transfer of the portions of Porters Creek not currently under Council ownership to Council;
- (5) maintaining Bundarra Reserve, the site previously occupied by Tennis World and the balance of the M2 land in public ownership.

On being put to the meeting, the Amendment was put and **LOST** there being five (5) votes For and six (6) votes Against. The Motion was then put and **CARRIED**.

**Record of Voting:**

For the Motion: Councillors Li, Perram, Petch, Salvestro-Martin and Tagg

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

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

- (a) That the Mayor and General Manager pursue meetings with the relevant State Government Ministers with the purpose of:
  - (1) ensuring that both sites remain in public ownership;
  - (2) ensuring that the zoning of both sites reflects public ownership;

**ITEM 1 (continued)**

**ATTACHMENT 1**

- (3) obtaining the dedication of Cudal Reserve as a park under the care, control and management of the City of Ryde in perpetuity at no cost to Council;
- (4) obtaining the dedication of the ovals within the former school site at Smalls Road as a park under the care, control and management of the City of Ryde in perpetuity at no cost to Council.

(b) That this matter be reported back to Council.

**Record of Voting:**

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

Against the Motion: Councillor Salvestro-Martin.

**MM16/11 CIVIC PRECINCT PROGRAM, PROCUREMENT, BUDGET AND FINANCIAL POSITION UPDATE – The Mayor, Councillor Artin Etmekdjian**

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

That Council amend Part 2 of the resolution from the report titled Civic Precinct Program, Procurement, Budget and Financial Position Update at its meeting held on 18 October 2011 by removing two words being “private” and “public”.

**Record of Voting:**

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

Against the Motion: Councillors Li, Perram, Salvestro-Martin and Tagg

**COUNCIL REPORTS**

**1 CONFIRMATION OF MINUTES - Council Meeting held on 8 November 2011**

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

That the Minutes of the Council Meeting 19/11, held on Tuesday 8 November 2011, be confirmed.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin and Yedelian OAM.

Against the Motion: Councillor Tagg

**ITEM 1 (continued)**

**ATTACHMENT 1**

**2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE MEETING 15/11 held on 15 November 2011**

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

That Council determine Items 2 and 3 of the Planning and Environment Committee report, noting that Items 1 and 4 were dealt with by the Committee within its delegated powers.

**Record of Voting**

For the Motion: Unanimous

**2 252 QUARRY ROAD, RYDE. LOT 2 DP 701738. Local Development Application for demolition and erection of an attached dual occupancy. LDA 2010/439**

Note: Further information relating to this Item was tabled and a copy is ON FILE.

**RESOLUTION:** (Moved by Councillors Pickering and Salvestro-Martin)

That this matter be deferred to allow the Group Manager, Environment and Planning to undertake mediation to address the issues of overshadowing, privacy and unacceptable non compliances and that a further report be provided to Council following the conduct of this mediation.

**Record of Voting**

For the Motion: Unanimous

**3 18 FIFTH AVENUE, DENISTONE. LOT 5 DP 12367. Local Development Application for a new deck at rear of dwelling. LDA2011/0327**

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

- (a) That Local Development Application No. 2011/0327 at No. 18 Fifth Avenue, Denistone being LOT 5 DP 12367 be approved as a deferred commencement to limit that size of the deck to a maximum of 68m<sup>2</sup> with the applicant to submit amended plans to Council to the satisfaction of the Group Manager – Environment and Planning and the adjoining neighbour who objected to the proposal and subject to the general conditions as listed below:-

**GENERAL**

1. The approved deck is to be erected in accordance with the following stamped approved plans:

**ITEM 1 (continued)**

**ATTACHMENT 1**

<b>Drawing Reference</b>	<b>Drawing No.</b>	<b>Date</b>
Site Analysis Plan	11.14-DA01	June 2011
Ground Floor Plan	11.14-DA02	June 2011
Deck Floor Plan	11.14-DA03	June 2011
Section and Rear Elevation	11.14-DA04	June 2011
Side Elevations	11.14-DA05	June 2011

2. The brushwood privacy screen is not approved. An alternative privacy screen must be provided similar to timber lattice screening with 50% transparency. Details of the alternative screen are to be provided **prior to the issue of a Construction Certificate**.
3. The proposed 'cut outs' are to be left in the deck to allow for the affected trees to protrude through the deck without obstruction.
4. The applicant must provide some additional privacy planting in the form of 5 Blueberry Ash (*Elaeocarpus Reticulatus*) planted at a distance of 2.5m from the base of the trees to supplement the screening of the existing Camellia at the eastern common boundary. Details are to be provided **prior to the issue of a Construction Certificate**.
5. All new building works are required to be carried out in accordance with the provisions of the Building Code of Australia.
6. Compliance with the Building Code of Australia
  - a) All building work must be carried out in accordance with the requirements of the Building Code of Australia (as in force on the date of the application for the relevant construction certificate or complying development certificate was made)
  - b) This clause does not apply to the extent to which an exemption is in force under clause 187 or 188, in the Environmental Planning and Assessment Regulations 2000, subject to any terms of any condition or requirement referred to in Clause 187(6) or 188(4).
7. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council's publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
8. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
9. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of

**ITEM 1 (continued)**

**ATTACHMENT 1**

appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.

10. **Site cover.** To prevent the risk of increasing soil instability downslope of the building from the concentration of collected stormwater no roof shall be constructed over the deck without the consent of Council.
11. Certification of the existing part constructed deck framing and footings is to be provided by a Structural Engineer Details of the alternative screen are to be provided prior to the issue of a Construction Certificate.

**PRIOR TO CONSTRUCTION CERTIFICATE**

12. Prior to commencing any construction works, the following provisions of the Environmental Planning and Assessment Amendment Act, 1997 are to be complied with:
  - a) A Construction Certificate is to be obtained in accordance with Section 81A (2)(a) of the Act.
  - b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A (2)(b) of the Act and Form 7 of Schedule 1 to the Regulations.
  - c) Council is to be notified at least two (2) days prior to the intention to commence building works, in accordance with Section 81A (2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.
13. The applicant may apply to the Council or an accredited certifier for the issuing of a Construction Certificate and to Council or an accredited certifier to monitor compliance with the approval and issue any relevant documentary evidence or certificate/s. Council Officers can provide these services and further information can be obtained from Council by telephoning 9952 8222 (Customer Service).
14. A security deposit (*category: other building with no delivery of bricks or concrete or machine excavation*) is to be paid to Council (Public Works and Services Group) as well as the Infrastructure Restoration and Administration Fee. Please refer to Council's Management Plan for the current fee amounts.
15. An **Enforcement levy** is to be paid to Council on lodgement of the **Construction Certificate** application in accordance with the requirements of Council's Management Plan (scheduled fees).
16. Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be received prior to the issuing of the **Construction Certificate**.



**ITEM 1 (continued)**

**ATTACHMENT 1**

17. Documentary evidence of compliance with Conditions 14 to 16 to the satisfaction of Council or an accredited certifier is to be submitted to the Council prior to the issuing of the **Construction Certificate**.
18. The applicant is advised that the **Construction Certificate** plans and specifications must comply with the provisions of the Building Code of Australia.

**PRIOR TO OCCUPATION CERTIFICATE**

19. An **Occupation Certificate** must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting**

For the Motion: Unanimous

**3 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 17/11 held on 15 November 2011**

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

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

**Record of Voting:**

For the Motion: Unanimous

**2 PUBLIC TOILET BLOCK FEASIBILITY AT FIVE WAYS AND REVIEW OF SIGNAGE REQUIREMENTS**

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

- (a) That signage based on the international symbol to improve access to toilet facilities in the town and neighbourhood centres be approved at the following locations:
- Trim Place, Gladesville – two signs.
  - Cox's Road North Ryde, adjacent to the North Ryde library – two signs.
  - Rowe Street (east), Eastwood – one sign.



**ITEM 1 (continued)**

**ATTACHMENT 1**

- Meadowbank at Memorial Park and near the entry statement to Shepherd's Bay - two signs.
- (b) That a new toilet unit and appropriate signage at Rotary Park, Eastwood be considered for inclusion in the 4 Year Delivery Program under Toilet Block Renewal (excluding sports fields).
- (c) That existing toilet signs that do not include international symbols be replaced in a rolling program with a priority for shopping centres.

**Record of Voting**

For the Motion: Unanimous

**5 DEEBLE STREET – Negotiations on Leasing Landscaped Area**

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

- (a) That Council proceed with the statutory public notification of the proposed lease to the residents of Tennyson Point as required by the Roads Act for lease of public road.
- (b) That the matter be referred back to Council on receipt of submissions.

**Record of Voting:**

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

Against the Motion: Councillors Campbell, Maggio, O'Donnell, Salvestro-Martin and Yedelian OAM

**4 SEPTEMBER 2011 QUARTERLY REVIEW REPORT - 2011/2015 DELIVERY PLAN AND 2011/2012 OPERATIONAL PLAN**

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

- (a) That the report of the Chief Financial Officer, dated 2 November 2011 on SEPTEMBER 2011 QUARTERLY REVIEW REPORT - 2011/2015 DELIVERY PLAN AND 2011/2012 OPERATIONAL PLAN be received and endorsed.
- (b) That the proposed budget adjustments included in this report totalling \$0.13 million be endorsed and included in the 2011/2012 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net decrease in Reserves of \$1.971 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 2 November 2011 be endorsed.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Record of Voting**

For the Motion: Unanimous

**5 INVESTMENT REPORT - October 2011**

**RESOLUTION:** (Moved by Councillors Petch and Salvestro-Martin)

That the report of the Chief Financial Officer, dated 3 November 2011 on INVESTMENT REPORT – October 2011, be endorsed.

**Record of Voting**

For the Motion: Unanimous

**6 RESULTS OF COMMUNITY CONSULTATION REGARDING PARKING DEVELOPMENT CONTROL PLAN (DCP)**

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

That Council adopt the Ryde Development Control Plan Part 9.3 Parking as amended in accordance with submissions received during the public exhibition and an advertisement be placed in the local press to bring the plan into effect.

**Record of Voting:**

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

Against the Motion: Councillor Li

**7 2012 LOCAL GOVERNMENT ELECTION**

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

- (a) That Council, for the reasons stated in the report, appoint the NSW Electoral Commission at an estimated cost of \$460,000 to administer its elections until the conclusion of the 2012 ordinary elections.
- (b) That the General Manager request the Electoral Commission to provide a fixed quotation for the elections together with a plan that addresses all aspects of the 2012 election by 31 March 2012.
- (c) That Council confirm it will not undertake a Constitutional Referendum in respect of any issue, in conjunction with the 2012 ordinary election.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin and Tagg

Against the Motion: Councillor Yedelian OAM

**8 FUNDING OPTIONS FOR THE SURF ATTRACTION AT THE RYDE AQUATIC LEISURE CENTRE**

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

- (a) That Council fund the Surf Attraction equipment at the Ryde Aquatic Leisure Centre through a tender for an external loan of \$1.2 million.
- (b) That Council borrows funds of \$2.3 million internally from the Ryde Aquatic Leisure Centre Reserve for the additional works for the area, including the other structures as an internal loan, at 0.5% less than the applicable variable commercial rate for loans of that amount, with the interest being paid to the Ryde Aquatic Leisure Centre Reserve.
- (c) That Council repay both loans concurrently and the repayments be amortised over a seven (7) year period.

**Record of Voting:**

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

Against the Motion: Councillors Li, Perram, Petch, Salvestro-Martin and Tagg

**9 INSTALLATION OF A COGENERATION PLANT AT THE RYDE AQUATIC LEISURE CENTRE**

Note: Councillor Campbell declared a less than significant, non-pecuniary interest in this Item for the reason that she is an employee of the Office of Environment and Heritage.

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

That Council call for tenders for the supply and installation of a 400kW gas cogeneration plant at the Ryde Aquatic Leisure Centre.

**Record of Voting**

For the Motion: Unanimous

**ITEM 1 (continued)**

**ATTACHMENT 1**

**10 ANNUAL TENDERS - Preferred Contractors for the Provision of Minor Works and Services**

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

- (a) That the report of the Manager Tenders & Contracts, dated 28 October 2011 on Annual Tenders – Preferred Contractors for the Provision of Minor Works and Services be accepted.
- (b) That the tenders for Provision of Minor Works up until 30 November 2012 from the following tenderers be accepted in an “as required” basis for the indicated Contract item numbers:

**Category A: Preferred Contractors (in numerical order)**

<b>Tenderer Ref No.</b>	<b>Tenderer</b>
1	ITS Trenchless
2	Sydney Brick Paving Company
3	Anzelltti Constructions P/L
4	Australian Urban Tree Services
5	Sydney Metro Tree Services
6	Active Tree Services
7	Pro-cut Concrete Pty Ltd
8	MasterCut Concrete Aust Pty Ltd
9	Get Civil Pty LTd
10	SouthWest kerbing
12	Advanced Arbor Service P/L
13	All About Pipes
14	Ally Civil
15	Atlantis Group of Companies Pty Ltd
16	C W Concrete Pty Ltd
17	Citywide
18	CJ Murphy Tree Recycling
19	Complete Concrete Cutting
20	Complete Linemarking Services Pty Ltd
21	Devcon
23	Interflow
26	Kelbon Concrete& Paving
27	AJ Paving
28	KK Civil Engineering
30	Mansour Paving Aust Pty Ltd (file corrupted)
31	Workforce Road Services Pty Ltd
32	NRS (National Road Sealing)
33	North Shore Paving Co Pty Ltd
34	Online Concrete Cutting Services Pty Ltd
35	Ozpave
36	Performance Concrete Pty Ltd
37	Plateau Tree Service

**ITEM 1 (continued)**

**ATTACHMENT 1**

38	Saferoads P/L
39	Sam The Paving Man
40	Superharmonious Pty Ltd
42	Sydney Metro Tree Services
43	Synergy Civil and Construction Pty Ltd
44	The Australian Grinding Company Pty Ltd
45	Total Drain Cleaning
46	Veolia Water Network Services
48	All Concrete SLD P/L
49	Durkin Construction P/L

**Category B: Non Competitive of Non-conforming Tenderers**

<b>Tenderer Ref No.</b>	<b>Tenderer</b>
11	Ripa Concrete Cutting
22	GHB Contracting
24	JG Cobblestone Pty Ltd
25	Jet Civil Pty Ltd
29	Kodi Civil
41	SuperSealing
47	Stateline Asphalt

- (c) That the Preferred Contractors be advised that work will be allocated to them on as on “as required” basis, following consideration at the time of the following factors: type of work, price, availability, previous workmanship, relevant expertise, previous service provided to the residents and previous compliance to safety requirements.
- (d) That the Preferred Contractors provide details of the required insurance (i.e. Public Liability and Workers Compensation), and other conforming documents for approval within fourteen (14) days from the date of acceptance of the Tender.
- (e) That the Category A and B Tenderers be advised of the Council’s decision.

**Record of Voting:**

For the Motion: Unanimous

**11 DEFERRED REPORT: POTENTIAL DEVELOPMENT PARTNERSHIP ARRANGEMENT FOR COULTER STREET CAR PARK**

Note: Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance) addressed the meeting in relation to this Item.

Note: Councillor Petch declared a less than significant, non-pecuniary interest in this Item for the reason that he is an honorary Life Member of the Gladesville RSL Club.

**ITEM 1 (continued)**

**ATTACHMENT 1**

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

- (a) That Council accept the offer Gladesville RSL have provided as outlined in the ATTACHED letter dated 19 September 2011 and enter into an initial six Month Exclusivity Agreement with Gladesville RSL to jointly explore the highest and best uses of the combined site which meets the objectives set out in the DCP for the benefit of the community and Club's members.
- (b) On completion of the highest and best use study a full report be brought to Council for its consideration.

**Record of Voting:**

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

Against the Motion: Councillors Perram, Salvestro-Martin and Tagg

**12 RYDE PLANNING AND BUSINESS CENTRE**

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

That Council acknowledges the high levels of customer satisfaction with the operations of the Ryde Planning and Business Centre and continues its operations accordingly.

**Record of Voting**

For the Motion: Unanimous

**13 PERSONAL MOBILITY DEVICES - Transportation Solution**

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

- (a) That Council endorse the promotion of personal mobility devices (PMDs), as a viable transportation solution within the City of Ryde and urban areas within Australia.
- (b) That Council seek changes to Federal and State laws by petitioning all Governments and other parties.
- (c) That Council make representation to local State and Federal Members seeking their support of personal mobility devices (PMDs), as a viable transportation solution within the City of Ryde and urban areas within Australia.

**ITEM 1 (continued)**

**ATTACHMENT 1**

- (d) That a communications plan be developed to support personal mobility devices (PMDs), as a viable transportation solution within the City of Ryde and urban areas within Australia.
- (e) That the Group Manager, Public Works be commended for his efforts in this matter.

**Record of Voting**

For the Motion: Unanimous

**COMPLETION OF BUSINESS**

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

That the meeting time be extended to 11.30pm to allow Council to complete the business on the Agenda, the time being 10.59pm.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM

Against the Motion: Councillor Maggio

**14 FLOOD MODELLING FEES & CHARGES**

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

- (a) That the fee for the purchase of Council's DRAINS model in the amount of \$2,200 be publicly exhibited for a period of not less than 56 days.
- (b) That the fee for the purchase of Council's TUFlow model in the amount of \$4,950 be publicly exhibited for a period of not less than 56 days.
- (c) 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

**ITEM 1 (continued)**

**ATTACHMENT 1**

**15 SHAFTSBURY ROAD AND GLEN STREET, EASTWOOD - Proposed Roundabout (Black Spot Remediation Site - UPDATE)**

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

- (a) That Council approve the current alternative design proposal for community consultation.
- (b) That the results of the community consultation be tabled at Council.

**Record of Voting**

For the Motion: Unanimous

**16 ADVISORY COMMITTEES - Proposed review and timetable**

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

- (a) That Council endorse the proposed structure of the review of Council Advisory Committees.
- (b) That a Councillor Workshop on the structure of Advisory Committees be conducted on 7 February 2012 at 7.30pm.

**Record of Voting**

For the Motion: Unanimous

**17 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS POLICY**

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

- (a) That Council adopt the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy, as placed on public exhibition; subject to the removal of "business class air travel" from part 2 of clause 9 – General travel and accommodation arrangements.
- (b) That a copy of the Payment and Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and a copy of the public notice of exhibition be submitted to the Division of Local Government, in accordance with the Local Government Act, 1993.

**Record of Voting**

For the Motion: Unanimous



**ITEM 1 (continued)**

**ATTACHMENT 1**

**18 FEE ADJUSTMENT - FURTHER REPORT (Part 4A Certificates)**

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

That the fee for the lodgement of Part 4A Certificates in the amount of \$36 be adopted and included in Council's Fees and Charges for 2011/12.

**Record of Voting**

For the Motion: Unanimous

**19 CREATION OF A CITY OF RYDE PROPERTY TRUST**

Note: Ms Denise Pendleton (representing herself and Residents for Ryde), Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance) and Mr Kevin Page addressed the meeting in relation to this Item.

**MOTION:** (Moved by Councillors O'Donnell and Pickering)

That Council receive and note this Report.

The Motion was put and **LOST** there being five (5) votes For and six (6) votes Against. The Matter was then **AT LARGE**.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell and Pickering

Against the Motion: Councillors Li, Perram, Petch, Salvestro-Martin, Tagg and Yedelian OAM

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

That no further action be taken in relation to this matter.

**Record of Voting:**

For the Motion: Councillors Li, Perram, Petch, Salvestro-Martin, Tagg and Yedelian OAM

Against the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell and Pickering

Note: A Rescission Motion signed by Councillors Pickering, Campbell and Maggio was lodged after the meeting in relation to this Item and will be considered at the Council meeting to be held on 13 December 2011.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**COMPLETION OF BUSINESS**

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

That the meeting time be extended by a further 15 minutes to allow Council to complete the business on the Agenda, the time being 11.32pm.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, Maggio, Perram, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM

Against the Motion: Councillor O'Donnell

**20 REPORT ON OUTSTANDING RESOLUTIONS**

**RESOLUTION:** (Moved by Councillors Tagg and Salvestro-Martin)

That the report on Outstanding Resolutions be endorsed.

**Record of Voting**

For the Motion: Unanimous

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

There were no Precis of Correspondence for Consideration.

**NOTICES OF MOTION**

**1 PARTICIPATION OF LOCAL SCOUT AND GUIDES GROUPS AT CITY OF RYDE CITIZENSHIP CEREMONIES - Councillor Roy Maggio**

Note: Councillor Maggio disclosed a less than significant non-pecuniary interest in this Item for the reason that his children are members of the guiding movement.

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

That the General Manager prepare a report to Council:-

- (a) On how the format for the City of Ryde Citizenship Ceremonies could be changed to incorporate the Local Scout groups and Guides participation in these ceremonies.
- (b) To investigate with the local Primary and High School Principals to develop a concept for school bands to perform with the Ryde City Band at the Citizenship Ceremony.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Record of Voting**

For the Motion: Unanimous

**2     SHORTFALL OF OPEN SPACE IN PARTS OF NORTH RYDE - Councillor Roy Maggio**

Note: Mr Phil Peake and Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance) addressed the meeting in relation to this Item.

Note: Councillor Salvestro-Martin left the meeting at 11.47pm and was not present for voting on this Item.

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

- (a) That in accordance with the draft IOSP which identifies a shortfall of open space in parts of North Ryde, Council facilitate a meeting with the Transport Coordination Authority development team to request that as part of the developers contribution through either Section 94 or a VPA, to provide in the identified areas for open space to include sportsgrounds and/or multi use sports facility (including the possibility of synthetic surfaces) to benefit the community of Ryde.
- (b) That the meeting include all key stakeholders, such as Ryde City Hockey Club with the outcomes being reported to Council.

**Record of Voting**

For the Motion: Unanimous

Note: Councillors Salvestro-Martin returned to the meeting at 11.49pm.

**COMPLETION OF BUSINESS**

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

That the meeting time be extended to allow completion of all remaining items on the Agenda. The time being 11.49pm.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, Maggio, Perram, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM

Against the Motion: Councillor O'Donnell

**ITEM 1 (continued)**

**ATTACHMENT 1**

**3 OFFICIAL MEETINGS WITH A STATE MINISTER OR MEMBER - Councillor Terry Perram**

**MOTION:** (Moved by Councillors Perram and Tagg)

- (a) That, except in emergencies or where delegated, the Mayor obtain the endorsement of Council before attending any official meeting with a State Minister or member at which Council business will be discussed;
- (b) That Council staff accompany the Mayor at any such meeting where endorsement is given;
- (c) That a report of the meeting be presented to Councillors through the Councillors' Information Bulletin and if appropriate, through the Council business papers;
- (d) That the report include all matters raised, any advice or commitments given by either side and any other relevant information to ensure that Council remains fully informed.
- (e) That any recently held meetings with State Ministers or members be reported to Councillors through the Councillors' Information Bulletin, including all matters raised, any advice or commitments given by either side and any other relevant information.

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

- (a) That Council staff accompany the Mayor at any meeting with a State Minister or member at which Council business will be discussed;
- (b) That a report of the meeting be presented to Councillors through the Councillors' Information Bulletin and if appropriate, through the Council business papers;
- (c) That the report include all matters raised, any advice or commitments given by either side and any other relevant information to ensure that Council remains fully informed.

The Amendment was put and **CARRIED**, thereby becoming the Motion.

**Record of Voting:**

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

Against the Motion: Councillors Li, Perram, Petch, Salvestro-Martin and Tagg

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

- (a) That Council staff accompany the Mayor at any meeting with a State Minister or member at which Council business will be discussed;

**ITEM 1 (continued)**

**ATTACHMENT 1**

- (b) That a report of the meeting be presented to Councillors through the Councillors' Information Bulletin and if appropriate, through the Council business papers;
- (c) That the report include all matters raised, any advice or commitments given by either side and any other relevant information to ensure that Council remains fully informed.

**Record of Voting:**

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

Against the Motion: Councillors Li, Petch, Salvestro-Martin and Tagg

**NOTICES OF RESCISSION**

There were no Notices of Rescission.

**QUESTIONS BY COUNCILLORS AS PER POLICY**

There were no Questions by Councillors as per Policy.

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

Ms Diane Erickson and Mr John Farinelli addressed the meeting in relation to Items not Listed on the Agenda earlier in the Meeting as detailed in these Minutes.

**CLOSED SESSION**

**ITEM 21 - REQUEST FOR PROPOSALS - FOR THE LICENSING, INSTALLATION AND MANAGEMENT OF SIGNAGE ADVERTISING SPACE ON SOUTHERN PEDESTRIAN FOOTBRIDGE ACROSS DEVLIN STREET, TOP RYDE NSW - COR-RFP - 01/11**

**Confidential**

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

**ITEM 1 (continued)**

**ATTACHMENT 1**

**ITEM 22 - 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 Pickering and Campbell)

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 12.01am on Wednesday, 23 November 2011. The public and media left the chamber.

**21 REQUEST FOR PROPOSALS - FOR THE LICENSING, INSTALLATION AND MANAGEMENT OF SIGNAGE ADVERTISING SPACE ON SOUTHERN PEDESTRIAN FOOTBRIDGE ACROSS DEVLIN STREET, TOP RYDE NSW - COR- RFP - 01/11**

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

- (a) That Council accepts the proposal submitted by OOH! MEDIA for the licensing, installation and management of the pedestrian footbridge signage site and enters into a 10 year agreement as specified in the Request for Proposal.
- (b) That the General Manager be delegated authority to negotiate final terms and enter into a contract with the OOH! MEDIA on the terms contained within the proposal and for amendments to be made to the contract documents as required.
- (c) That all unsuccessful respondents be notified of Council's decision in this matter.

**ITEM 1 (continued)**

**ATTACHMENT 1**

**Record of Voting**

For the Motion: Unanimous

**22 ADVICE ON COURT ACTIONS**

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

That the report of the General Counsel be received.

**Record of Voting**

For the Motion: Unanimous

**OPEN SESSION**

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

That Council resolve itself into open Council.

**Record of Voting**

For the Motion: Unanimous

Note: Open Council resumed at 12.06am on Wednesday, 23 November 2011.

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

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 12.08am on Wednesday, 23 November 2011

CONFIRMED THIS 13TH DAY OF DECEMBER 2011

Chairperson

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**2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE MEETING  
16/11 held on 6 December 2011**

**File No. GRP/11/5/4/6 – BP11/903**

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**Report Summary**

Attached are the Minutes of the Planning and Environment Committee Meeting 16/11 held on 6 December 2011. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

All Items 1, 2, 3, 4, 5 and 6 were dealt with by the Committee within its delegated powers.

**RECOMMENDATION:**

That Council note that Items 1, 2, 3, 4, 5 and 6 of the Planning and Environment Committee report were dealt with by the Committee within its delegated powers.

**ATTACHMENTS**

- 1** Minutes - Planning and Environment Committee - 6 December 2011



**ITEM 2 (continued)**

**ATTACHMENT 1**

City of Ryde

**Planning and Environment Committee**

**MINUTES OF MEETING NO. 16/11**

**Meeting Date:** Tuesday 6 December 2011

**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

**Time:** 4.05pm

**Councillors Present:** The Mayor, Councillor Etmekdjian and Councillors Pickering (Chairperson) and Butterworth.

**Apologies:** Councillors O'Donnell, Salvestro-Martin and Yedelian OAM.

**Staff Present:** Group Manager – Environment and Planning, Manager Assessment, Manager Environmental Health and Building, Business Support Coordinator – Environment & Planning, Consultant Town Planner, Team Leader – Fast Track Team, Team Leader – Assessment, Team Leader – Building Compliance, Building Surveyor and Meeting Support Coordinator.

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Meeting held on 15 November 2011**

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

That the Minutes of the Planning and Environment Committee 15/11, held on Tuesday 15 November 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.

**2 82 CHATHAM ROAD DENISTONE. LOT 20 DP 9166. Local Development Application for a new two storey dwelling. LDA2011/0074.**

Report: The Committee inspected the property at 82 Chatham Road, Denistone.

Note: Mr Sunil Randeni (applicant) addressed the Committee in relation to this Item.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**RESOLUTION:** (Moved by Councillor Butterworth and the Mayor, Councillor Etmekdjian)

- (a) That consideration of Local Development Application No. 2011/0074, at 82 Chatham Road Denistone (LOT 20 DP 9166) be deferred to enable the applicant to submit amended plans incorporating the following matters:
- i. The submission of details of front fencing. This may involve retention of the existing low-scale front fence; or a new low-level fence consisting of red-brick (to the same height as existing).
  - ii. The proposed bay window along the front elevation of the house and detailing must be deleted and replaced by a gable end.
  - iii. A bay style window frame may be incorporated into the area referred to in part (b) above. The bay window style frame should not protrude from the front building line more than 600mm.
  - iv. The submission of external colours and finishes of all external materials (bricks, roof, gable details, timber battens). The proposed colours must be consistent with the Inter-war period features consisting of similar colours to terracotta roof tiles and no heavy or dark / bright brick highlight features.
  - v. To minimise privacy impacts, the side dining room window is to be modified to a highlight style window with a minimum sill height of 1.5m or maintain the current window with opaque or frosted glass.
  - vi. The site plan to be amended to show no fill between side of building and boundary.

**Upon receipt of satisfactory amended plans incorporating the above requirements, this development application be approved under delegated authority by Council's Group Manager Environment & Planning subject to the ATTACHED conditions (Attachment 1).**

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

**Record of Voting:**

For the Motion: Unanimous

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

**3 534 BLAXLAND ROAD EASTWOOD. LOT 11 DP 7997. Local Development Application for alterations and additions to dwelling including two storey addition at rear. LDA2011/0274.**

Report: The Committee inspected the property at 534 Blaxland Road, Eastwood.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**RESOLUTION:** (Moved by Councillor Butterworth and the Mayor, Councillor Etmekdjian)

- (a) That Local Development Application No. 2011/274 to carry out alterations and additions to the existing dwelling house at 534 Blaxland Road, Eastwood, being LOT 11 Section 1 DP 7997, be approved subject to the **ATTACHED** conditions (Attachment 2).
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Unanimous

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

**4 68 DOUGLAS STREET PUTNEY. LOT 334 DP 11471. Section 96  
Application for modifications to the cabana at the rear of the site.  
MOD2011/0058.**

Report: The Committee inspected the property at 68 Douglas Street, Putney.

Note: A Plan and a document titled "State Environmental Planning Policy for Dwelling Houses and Outbuildings" was tabled by the applicant in relation to this Item and copies are is ON FILE.

Note: Mr Stephen Gouge (on behalf of an objector) and Mr Harry Minassian and Mrs Maggie Minassian (applicants) addressed the Committee in relation to this Item.

**RESOLUTION:** (Moved by Councillor Butterworth and the Mayor, Councillor Etmekdjian)

- a) That Section 96 Application No. MOD2011/0058 for modifications to the cabana at the rear of the site at 68 Douglas Street, Putney, being LOT 334 DP 11471 be refused for the following reasons:
  - (1) Wall Plate Height (Ceiling)** – Control 'a' of Council's DCP 2010: Part 3.3 Dwelling Houses and Dual Occupancy (attached) – Section 2.7.1 'Building Height': states – *The maximum wall plate height for outbuildings is 2.7m.* The cabana has a wall plate height of 3.4m which is considered excessive for an outbuilding as it contributes to bulk and scale.
  - (2) Amenity of Neighbours** – Objective No.4 of Council's DCP 2010: Part 3.3 Dwelling Houses and Dual Occupancy (attached) – Section 2.9 'Outbuildings': states – *To ensure that the amenity of the dwelling or neighbouring dwellings is not adversely affected by outbuildings.* The cabana is considered to adversely affect the amenity of the surrounding properties given the size of the structure.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**(3) Small Scale** – Objective No.5 of Council's DCP 2010: Part 3.3 Dwelling Houses and Dual Occupancy (attached) – Section 2.9 'Outbuildings': states – *To ensure that outbuildings are of a small scale.* Control 'b' of Council's DCP 2010: Part 3.3 Dwelling Houses and Dual Occupancy (attached) – Section 2.9 'Outbuildings': states: The total area for all outbuilding not to exceed 20m<sup>2</sup>. The enclosed cabana area is 12m<sup>2</sup> and the overall roof area is 81.8m<sup>2</sup>. The approved roof area was 59.82m<sup>2</sup>, the further increase of 21.98m<sup>2</sup> contributes to the overall bulk and size. The cabana is not small in scale and considered excessive for an outbuilding.

- b) That the matter be referred to Council's Building Compliance team for an order to be served that requires the applicant bring the structure into compliance with the approved development consent unless a new Section 96 application is lodged seeking to regularise the structure by the end of March 2012.
- c) That a penalty infringement notice be issued for the unauthorised building works.
- d) That the objectors be advised of Council's decision.
- e) That the applicant be strongly encouraged to submit a further Section 96 application that addresses all of the non-compliances with Council's Development Control Plan and the concerns raised by the objectors.

**Record of Voting:**

For the Motion: Unanimous

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

**5 2 GREGORY STREET PUTNEY. LOT 1 DP 27720. Building Certificate Application for merit based assessment constructed rear timber decking and awning. BC2011/0040**

Report: The Committee inspected the property at 2 Gregory Street, Putney.

Note: A submission prepared by A & SA Lawrence (objectors) was tabled in relation to this Item and a copy is ON FILE.

Note: Mr Stephen Lawrence and Mrs Anne-Maree Lawrence (objectors) and Mrs Hana Blogg (applicant) addressed the Committee in relation to this Item.

**RESOLUTION:** (Moved by Councillor Pickering and the Mayor, Councillor Etmekdjian)

- (a) That Council approve the Building Certificate Application No. 2011/40 for the rear timber deck and pergola at 2 Gregory Street Putney subject to:
  - (i) the planting of three (3) 1.8m high Lily Pilly along the rear boundary fence to screen views from the top of the stairs of the deck.

**ITEM 2 (continued)**

**ATTACHMENT 1**

- (ii) the deck is to be certified by a suitably qualified engineer to withstand the flood forces during the 100 year ARI flood event.
- (iii) that additional lattice screening between the objectors property and the applicant be erected to a height of three (3) metres and a width of no less than three (3) metres to provide maximum privacy for 141 Morrison Road, to the satisfaction of Council staff.

**Record of Voting:**

For the Motion: Unanimous

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

**6 29 TRAMWAY STREET, WEST RYDE. LOT 9 DP8283. Local Development Application for Demolition, multi-dwelling housing (attached) containing four (4) units and strata subdivision. LDA2011/167.**

Note: An email from Mat Rous and Lyndell Coutts (objectors) dated 6 December 2011 was tabled in relation to this Item and a copy is ON FILE.

Note: Mr Andrew Martin (applicant) addressed the Committee in relation to this Item.

**RESOLUTION:** (Moved by Councillor Butterworth and the Mayor, Councillor Etmekdjian)

(a) That Local Development Application No 2011/167 at 29 Tramway Street, West Ryde, being LOT 9 DP8283, be approved as a deferred commencement in accordance with the draft Conditions set out in **Attachment 1** subject to the following amendments to conditions 15 and 117:-

15. An amendment to condition 15 to have the lattice screen 300mm high on top of the entire eastern boundary fence.

117. Deletion of the following paragraph from condition 117:-

A positive covenant shall be executed and registered against the title of any lot containing an on site detention system to require maintenance of the system in accordance with Council's standard terms.

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

**Record of Voting:**

For the Motion: Unanimous

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

**ITEM 2 (continued)**

**ATTACHMENT 1**

The meeting closed at 7.15pm.

CONFIRMED THIS 7TH DAY OF FEBRUARY 2012.

Chairperson

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**3 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 18/11  
held on 6 December 2011**

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

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**Report Summary**

Attached are the Minutes of the Works and Community Committee Meeting 18/11 held on 6 December 2011. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

All Items 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 were dealt with by the Committee within its delegated powers.

**RECOMMENDATION:**

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

**ATTACHMENTS**

- 1** Minutes - Works and Community Committee - 6 December 2011

**ITEM 3 (continued)**

**ATTACHMENT 1**

City of Ryde

**Works and Community Committee**

**MINUTES OF MEETING NO. 18/11**

**Meeting Date:** Tuesday 6 December 2011

**Location:** Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, Ryde

**Time:** 4.32pm

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

**Apologies:** Councillor Li.

**Leave of Absence:** Councillor Petch.

**Staff Present:** Group Manager – Community Life, Group Manager – Public Works, Manager – Community and Culture, Manager – Ryde Aquatic Leisure Centre, Manager – Urban Planning, Team Leader – Design and Development, Road and Community Safety Officer, Open Space Planner, Tree Management Officer and Councillor Support Coordinator.

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

**1 CONFIRMATION OF MINUTES - Meeting held on 15 November 2011**

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

That the Minutes of the Works and Community Committee 17/11, held on Tuesday 15 November 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.

**2 INFRASTRUCTURE PROGRAM - Delivery 2011 / 2012 - Progress Report**

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

That the One Year Operations and Four Year Delivery Plan be amended as follows:



**ITEM 3 (continued)**

**ATTACHMENT 1**

- (a) That the Hillview Road culvert repairs be brought forward.
- (b) That Lovell Road Stormwater Assets Renewal Project be brought forward.
- (c) That the cycleway construction program be adjusted to enable the acceptance of \$105,000 in Grant Funding from the RTA.
- (d) That the 2012/2013 Footpath Construction Program be reviewed to incorporate the joining of 'missing links' created by contributed assets (wherever possible subject to non-displacement of previously programmed works).
- (e) That the displaced Projects (from (a) to (d) above) be reallocated thus enabling Council to balance works.

**Record of Voting:**

For the Motion: Unanimous

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

**3 BORONIA PARK SHOPPING CENTRE - PUBLIC DOMAIN UPGRADE**

Note: Councillor Tagg requested that the roundabout at the intersection of the Railway and Constitution Roads be raised as General Business at the next Ryde Traffic Committee Meeting.

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

That Council adopt the Boronia Park Centre Landscape Concept Plan and Public Art Plan in order to proceed with detailed design and construction.

**Record of Voting:**

For the Motion: Unanimous

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

**4 TREE MANAGEMENT REVIEW - 172 PRINCES STREET PUTNEY**

Note: The Committee inspected the site at 172 Princes Street, Putney.

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

That approval be granted for the removal of two *Cedrus deodara* (Indian Cedar) trees located on the property of 172 Princes Street subject to the following:

**ITEM 3 (continued)**

**ATTACHMENT 1**

- (a) That the applicant be required to plant on the property of 172 Princes Street, Putney, two trees which are capable of attaining a minimum mature height of 8 metres and the stem of the tree is to be located more than 3 metres from any structure.
- (b) That the pot size of the replacement trees at the time of planting is a minimum of 75 Litres.
- (c) That the replacement tree be maintained until they reach the required size for protection under DCP Part 9.6 – Tree Preservation.

**Record of Voting:**

For the Motion: Unanimous

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

**5 TREE MANAGEMENT REVIEW - 99 CHATHAM ROAD DENISTONE**

Note: The Committee inspected the site at 99 Chatham Road, Denistone.

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

That approval be granted for the removal of one *Eucalyptus grandis* (Flooded Gum) tree located on the property of 99 Chatham Street, Denistone subject to the following:

- (a) That the applicant be required to plant on the property of 99 Chatham Road Denistone, one native tree which is capable of attaining a minimum mature height of 12 metres and the stem of the tree is to be located more than 3 metres from any structure.
- (b) That the pot size of the replacement tree at the time of planting is a minimum of 75 litres.
- (c) That the replacement tree be maintained until it reaches the required size for protection under DCP Part 9.6 – Tree Preservation.

**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**

**6 TREE MANAGEMENT REVIEW - 8 ELLEN STREET RYDE**

Note: The Committee inspected the site at 8 Ellen Street, Ryde.

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

That approval be granted for the removal of one *Pinus pinea* (Stone Pine) tree located on the property of 8 Ellen Street, Ryde subject to the following:

- (a) That the applicant be required to plant on the property of 8 Ellen Street Ryde, one native tree which is capable of attaining a minimum mature height of 8 metres and the stem of the tree is to be located more than 3 metres from any structure.
- (b) That the pot size of the replacement tree at the time of planting is a minimum of 75 Litres.
- (c) That the replacement tree be maintained until it reaches the required size for protection under DCP Part 9.6 – Tree Preservation.

**Record of Voting:**

For the Motion: Unanimous

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

**7 TREE MANAGEMENT REVIEW - 35 MONS AVENUE WEST RYDE**

Note: The Committee inspected the site at 35 Mons Avenue, West Ryde.

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

That approval be granted for the removal of one *Cedrus deodara* (Himalayan Cedar) tree located on the property of 35 Mons Avenue, West Ryde subject to the following:

- (a) That the applicant be required to plant on the property of 35 Mons Avenue West Ryde a tree which is capable of attaining a minimum mature height of 12 metres and the stem of the tree is to be located more than 3 metres from any structure.
- (b) That the pot size of the replacement tree at the time of planting is a minimum of 75 litres.
- (c) That the replacement tree be maintained until it reaches the required size for protection under DCP Part 9.6 – Tree Preservation.

**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**

**8 CRIME PREVENTION ADVISORY COMMITTEE - 20 October 2011**

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

- (a) That Council endorse the proposed works at Glen Street Car Park Eastwood as outlined in this report, to the value of \$5,000.
- (b) That \$5,000 be funded by an adjustment, in the December Quarterly Review, from the funding allocated to the implementation of the Crime Prevention plan. This will reprioritise the actions in the implementation plan.

**Record of Voting:**

For the Motion: Unanimous

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

**9 STAFF ACCESS TO RYDE AQUATIC LEISURE CENTRE THROUGH CITY OF RYDE HEALTH AND WELL BEING PROGRAM - SIX MONTH TRIAL REPORT**

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

- (a) That Council continues the 50% subsidy on the adult casual Aquatic Entry and Multi Visit Pass fees to the Ryde Aquatic Leisure Centre for City of Ryde staff.
- (b) That Council extend the application of the staff subsidy on Monday to Friday from the opening of the Centre to closing.

**Record of Voting:**

For the Motion: Unanimous

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

**10 WEST RYDE COMMUNITY CENTRE – Endorsement of Relationship Australia, Good Beginnings and Korean Lifeline**

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

- (a) That Council confirm that the Category Based Licensing Framework act as the basis of negotiations for prospective tenants in new Council Community Facilities and as a means of determining the proposed contribution to Council's operation and maintenance costs by community tenants.
- (b) That staff report to Council at the conclusion of negotiations to confirm endorsement of the specific community tenant and subsidy to be provided.

**ITEM 3 (continued)**

**ATTACHMENT 1**

- (c) That Council endorse the subsidy provided to Relationships Australia (Category 4), Good Beginnings (Category 2) and Korean Lifeline (Category 1) as the community tenants for the 126sqm available on Level 1 of the West Ryde Community Centre.

**Record of Voting:**

For the Motion: Unanimous

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

The meeting closed at 6.08pm.

CONFIRMED THIS 7TH DAY OF FEBRUARY 2012.

Chairperson

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**4 2011/2012 CHRISTMAS NEW YEAR ARRANGEMENTS - DELEGATIONS  
TO THE MAYOR AND GENERAL MANAGER**

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**Report prepared by:** Manager - Governance

**Report dated:** 29/11/2011

**File No.:** GRP/11/7/1 - BP11/919

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**Report Summary**

This report seeks Council's endorsement to delegate any functions of Council in accordance with Section 377 of the Local Government Act 1993 to the Mayor and General Manager during the Christmas / New year period from 14 December 2011 to 7 February 2012.

**RECOMMENDATION:**

- (a) That during the period 14 December 2011 to 7 February 2012, the Mayor and General Manager be delegated any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act provided the functions are exercised in compliance with the relevant Council policy and where no such policy exists with all due caution.
- (b) That all decisions made by the Mayor and General Manager under this resolution, be communicated to all Councillors as soon as reasonably possible.

**ATTACHMENTS**

- 1 Local Government Act 1993 - Section 377: General Power of the Council to delegate

Report Prepared By:

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

Report Approved By:

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

## **ITEM 4 (continued)**

### **Report**

In accordance with the Meeting Schedule endorsed by Council, the final Council meeting for the year is Tuesday, 13 December 2011. The first Committee meetings in 2012 will be held on Tuesday, 7 February 2012. If considered necessary at any time an extraordinary meeting can be called during this period.

As in previous years, it is necessary to grant the Mayor and General Manager the normal delegation of authority for the period of the Christmas / New year break in between Council meetings. This power is delegated pursuant to Section 377 of the Local Government Act (**ATTACHED**).

### **Critical Dates**

As 13 December 2011 is the final Council Meeting scheduled for 2011, it is appropriate that Council makes this determination to allow any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act to be undertaken by the Mayor and General Manager.

### **Financial Impact**

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

### **Policy Implications**

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

**ITEM 4 (continued)**

**ATTACHMENT 1**

**LOCAL GOVERNMENT ACT 1993 - SECTION 377**  
**General power of the council to delegate**

**377 General power of the council to delegate**

- (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:
- (a) the appointment of a general manager,
  - (b) the making of a rate,
  - (c) a determination under section 549 as to the levying of a rate,
  - (d) the making of a charge,
  - (e) the fixing of a fee,
  - (f) the borrowing of money,
  - (g) the voting of money for expenditure on its works, services or operations,
  - (h) the compulsory acquisition, purchase, sale, exchange or surrender of any land or other property (but not including the sale of items of plant or equipment),
  - (i) the acceptance of tenders which are required under this Act to be invited by the council,
  - (j) the adoption of an operational plan under section 405,
  - (k) the adoption of a financial statement included in an annual financial report,
  - (l) a decision to classify or reclassify public land under Division 1 of Part 2 of Chapter 6,
  - (m) the fixing of an amount or rate for the carrying out by the council of work on private land,
  - (n) the decision to carry out work on private land for an amount that is less than the amount or rate fixed by the council for the carrying out of any such work,
  - (o) the review of a determination made by the council, and not by a delegate of the council, of an application for approval or an application that may be reviewed under section 82A of the Environmental Planning and Assessment Act 1979 ,
  - (p) the power of the council to authorise the use of reasonable force for the purpose of gaining entry to premises under section 194,
  - (q) a decision under section 356 to contribute money or otherwise grant financial assistance to persons,
  - (r) a decision under section 234 to grant leave of absence to the holder of a civic office,
  - (s) the making of an application, or the giving of a notice, to the Governor or Minister,
  - (t) this power of delegation,
  - (u) any function under this or any other Act that is expressly required to be exercised by resolution of the council.



**ITEM 4 (continued)**

**ATTACHMENT 1**

- (2) A council may, by resolution, sub-delegate to the general manager or any other person or body (not including another employee of the council) any function delegated to the council by the Director-General except as provided by the instrument of delegation to the council.

## **5 AMENDED PLANNING PROPOSAL RESULTS OF COMMUNITY CONSULTATION - Ryde Civic Precinct**

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**Report prepared by:** Manager - Urban Planning

**Report dated:** 2/12/2011

**File No.:** LEP2008/480/007 - BP11/883

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### **Report Summary**

This report provides outcomes of community consultation on the amended Planning Proposal to vary the height and floor space controls within Ryde Local Environmental Plan 2010 that apply to the Ryde Civic Precinct.

The original planning Proposal for the site was considered by Council on 18 October 2011 where it was resolved that the Planning Proposal with amended height controls (in accordance with the recommendation of the independent Planners report dated 18 October 2011) be re-exhibited for 28 days.

The site which is currently occupied by the Council Chambers and office, Civic Hall , former library, car parking and landscaped areas is known as 1 and 1A Devlin Street and 150 – 156 Blaxland Road Ryde. It is also identified in Ryde Local Environmental Plan (LEP) 2010 Ryde Town Centre Precincts Map as Precinct 1 Civic/Mixed Use.

The amended Planning Proposal seeks to:-

1. Amend the maximum height of buildings allowed to be built on the Civic Centre site from RL91 AHD to a maximum height of:
  - 0m for the width of the proposed realignment of Blaxland Road
  - 21.5m along the eastern side of the realigned Blaxland Road and also across the south–western corner and at the northern end of the site
  - RL130 (75m) AHD along Devlin Street frontage to a depth of approximate 45m measured from the eastern Devlin Street frontage; and
2. Reduce the total amount of floor space that can be built on the Precinct from 100,000sqm to 60,000sqm net useable floor space (NUFA).

The original Planning Proposal for the site was supported by an indicative concept plan. That concept plan and all materials relating to the original Planning Proposal were exhibited with the amended Planning Proposal. The concept plan indicated the possible future use of the land as follows:

- Retention of a Civic presence through the provision of community/performance facilities such as Council chambers, facilities for councillors, meeting rooms for community groups, a 400 seat capacity auditorium with back of house and entrance foyers appropriate for the holding of exhibitions.
- Residential apartments developed to a height of RL 130AHD
- Small quantity of retail development
- Improved pedestrian access and linkages to existing pedestrian bridges
- Underground parking provided in accordance with DCP 2010 with access from main arterial roads

## ITEM 5 (continued)

The amended Planning Proposal is based on the recommendations of the independent assessment made by SJB Planning Pty Ltd of the original Planning Proposal for the land.

The amended Planning Proposal was exhibited for a 4 week period from 26 October to 23 November 2011. The exhibition process included letters being sent to 2,600 properties, notification in the Northern District Times, TWT and City View, information on Council's website and information available at Council offices/ libraries. At the 23 November 2011, 2042 submissions were received.

The key issues identified by the community were:

- Traffic and Parking
- Building Height and visual impact
- Heritage

A summary of the level of support for the Amended Planning Proposal is:

- Object 99.8%
- Support <1%
- Conditional Support 0%
- Neutral <1%

SJB Planning was commissioned again by Council to assess the amended Planning Proposal and to review the submissions received and provide an associated planning response to all issues raised in submissions.

The SJB Report of the 13 December 2011 advises that as it does not repeat those areas discussed in detail in the original report (dated 18 October 2011) that are common to both Proposals. Such areas include background information, strategic planning, planning controls, consultation process and detailed consideration of the issues of traffic and parking, built form and heritage. As such the report of the 13 December should be read in conjunction with the original SJB dated 18 October 2011.

The SJB Report states that the following with respect to the amended Planning Proposal.

*"This report provides a full assessment of all of the issues raised in the submissions and concludes that the proposal to amend the height and floor space controls applying to the Council owned land at 1A Devlin Street, and the corner of Parkes Street and Blaxland Road, Ryde is a rational planning outcome. The site is located within the Ryde Town Centre is an area of high accessibility to services, facilities and public transport. Increasing density in such a location is consistent with NSW Department of Planning and Infrastructure policies, is consistent with the Inner North Subregion Draft Subregional Strategy, is consistent with the Ryde Development Control Plan 2010 and therefore has merit. Whilst elements of the local community are concerned with the building height and the impact of the visibility of future development on the site, such building forms are not considered unreasonable for such a location..."*

## ITEM 5 (continued)

*This report concludes that subject to the preparation of a suite of site specific DCP controls, the Planning Proposal is considered acceptable and for this reason is supported."*

The SJB recommendations on the Planning Proposal are listed as follows:

- A. *That Council determine whether or not to hold a public hearing.*
- B. *Should Council resolve not to have a public hearing, we recommend:*
  - 1. *That Council support the amended Height of Buildings (refer to Attachments).*
  - 2. *That Council support the reduction in the maximum floor space permitted on the site from 100,000m<sup>2</sup> to 60,000m<sup>2</sup> NUFA.*
  - 3. *That Council adopt the written instrument generally as drafted in the amended Planning Proposal.*
  - 4. *That Council proceed with the Planning Proposal, subject to the preparation of site specific DCP controls prior to gazettal of the Planning Proposal.*
  - 5. *That Council proceed with the preparation of a site specific DCP for the site incorporating the following controls, prior to the gazettal of the Planning Proposal :*
    - (a) *urban design - slimmer buildings, tower separation, tower heights;*
    - (b) *built form and setbacks;*
    - (c) *site access;*
    - (d) *public domain/road widths;*
    - (e) *pedestrian linkages; and*
    - (f) *curtilage to Hattons Cottage.*
  - 6. *That Council note that endorsement of the Planning Proposal in no way fetters the statutory and regulatory responsibilities of the Council under the Environmental Planning & Assessment Act 1979 or Council's obligation to objectively consider the suitability of any future development application on this site.*
  - 7. *That all persons who have made a submission be formally advised of Council's decision.*

In considering the outcomes of the consultation process and recommendations of the planning consultant SJB, Council has two options it could follow with respect to the Planning Proposal, these are:

## **ITEM 5 (continued)**

1. Do not proceed with Planning Proposal - This option would result in the building height for the site remaining at RL91 (9/10 storeys) and the maximum floor space being 100 000m<sup>2</sup>.
2. Proceed with amended Planning Proposal as exhibited - The planning proposal requesting a variation to building height up to a maximum RL130 (75m) and a reduction in the floor space to 60 000 (NUFA) be submitted to DoPI requesting the plan be made.

Based on SJB findings and recommendations and the above options this report recommends that the amended Planning Proposal be approved by Council and submitted to DoPI with a request that the LEP be made.

Council is to note that the development controls supporting the amended Planning Proposal have been incorporated into the proposed draft Development Control Plan – 4.4 Ryde Town Centre (Precinct 1 Civic/Mixed use) which is the subject of a separate report to Council.

## **RECOMMENDATION:**

- (a) That Council approve the amended Planning Proposal for the land known as the Ryde Civic Precinct being 1 and 1A Devlin Street and 150 – 156 Blaxland Road Ryde to:
  - a. Amend the maximum height of buildings allowed to be built on 1 and 1A Devlin Street Ryde from RL91AHD to a maximum height of:
    - 0m for the width of the proposed realignment of Blaxland Road
    - 21.5m along the eastern side of the realigned Blaxland Road and also across the south–western corner and at the northern end of the site
    - RL130 (75m) AHD along Devlin Street frontage to a depth of approximate 45m measured from the eastern Devlin Street frontage; and
  - b. Reduce the total amount of floor space that can be built on the Precinct from 100,000sqm to 60,000sqm.
- (b) That the request for a public hearing under Section 57(5) of the EP&A Act 1979 be denied on the grounds that the concerns raised in the submission have been considered by Council and many of the issues will be addressed through the proposed amendment to the draft DCP for the site.
- (c) That the Director General of the Department of Planning and Environment be requested to draft and finalise the legal instrument amending the Ryde LEP 2010 and to forward the LEP to the Minister for the making of the Plan.

**ITEM 5 (continued)****ATTACHMENTS**

- 1** Ryde Civic Precinct - Amended Planning Proposal (Inc. Summary of submissions and Original Planning Proposal) - CIRCULATED UNDER SEPARATE COVER
- 2** Shadow diagrams - Civic Centre Building and the Concept Plan for the Civic Precinct - CIRCULATED UNDER SEPARATE COVER
- 3** PLANNING PROPOSAL RESULTS OF COMMUNITY CONSULTATION - Ryde Civic Precinct

Report Prepared By:

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

Report Approved By:

**Dominic Johnson**  
**Group Manager - Environment & Planning**

## ITEM 5 (continued)

### Background

#### *LEP 143 – Ryde Town Centre*

Draft Ryde LEP 143 rezoned the Civic Centre Site to Business (Town Centre), provided for a maximum nett usable floor area of 100,000m<sup>2</sup> and proposed a height of RL115 AHD - approximately 18 storeys.

At a workshop in November 2005 Council considered the Civic Centre site and expressed a desire to redevelop the site to deliver community benefits through redevelopment. To achieve these aims Council saw merit in redeveloping the Civic Centre Site not only to keep pace with the development of the Ryde Shopping Centre (which has planning controls that allow a height of 17 storeys (RL105)) but to retain the status of the site.

Council considered a report on submissions to the draft Plan on 13 December 2005. Based on:

- a submission made by Council's Corporate Services Group to the draft LEP that highlighted that the Civic Centre site under the Ryde Planning Scheme had no current height restriction and requested that the building height be increased from RL115 to RL130 to achieve a landmark development on the site; and
- a proposal to undertake a competitive design competition for the redevelopment of the site.

Council resolved to submit the DLEP to the Department of Planning and Infrastructure for gazettal with an increase in the height of the Civic Centre site to RL130AHD – approximately 24 storeys.

Ryde LEP 143 – Ryde Town Centre was gazetted on 29 May 2006. The gazetted plan reduced the permitted height for the site to RL 91AHD (the current height of the Civic Centre building) whilst maintaining the originally requested 100, 000m<sup>2</sup> of floor space potential.

The then Minister for Planning the Hon Frank Sartor MP advised Council in May 2006 that consideration would be given to an amending LEP to reconsider higher buildings on the site subject to Council undertaking a mandatory competition design process for the site.

#### *Amendment to Ryde LEP 2010*

Council resolved in June 2007 to undertake a competitive design process for the Civic /Mixed Use precinct on the basis of achieving a maximum height of RL130AHD.

Council on 9 December 2008 endorsed the undertaking of a competitive design process for the Civic Precinct site and resolved to prepare an amendment to draft Ryde Local Environmental Plan 2008 (now known as LEP 2010) to increase the permissible height of the Civic/Mixed Use Precinct site from RL 91AHD to RL 130 AHD.



## ITEM 5 (continued)

On the 6 May 2009 Council was given authorisation to exercise delegation under s65 of the EP&A Act with respect to the draft LEP by the Director General of DoPI. This letter indicated that a competitive design process was not necessary for the draft LEP to proceed.

During September/October 2009 consultation in accordance with s62 of the Act was undertaken with respect to the draft Plan. No significant issues were raised by the public authorities. The outcomes of the consultation were considered by Council in November 2009. At this meeting the Council resolved that the General Manager be delegated to issue the s65 Certificate and proceed to exhibit the draft Plan.

The Section 65 delegation that was issued to Council on the 6 May 2009, was not acted upon as Council in achieving best practice outcomes for the Civic Precinct, undertook the following:

- the establishment of a development team for the site to manage the deliverables required to achieve the best quality outcomes for the site
- a master plan and concept designs for the site to determine the best outcomes and options with respect to height, FSR, setbacks, open space and road network issues.

On the 25 November 2010 Council was advised by the DoPI the following:

- The draft Plan had been converted to a Planning Proposal under the Gateway Plan Making Process.
- The Planning Proposal should be made publicly available for comment for 28 days
- Any supporting documentation associated with the Planning Proposal should be exhibited at the same time.
- The draft LEP is to be finalised by 31 December 2011.

### *Planning Proposal – Ryde Civic Precinct*

The Planning Proposal – Ryde Civic Precinct was exhibited for a period of 6 weeks from 10 August 2011 to 21 September 2011. The aim of the Planning Proposal was to:-

- Amend LEP 2010 Height of buildings Map with respect to the Civic Centre site from maximum height RL 91 to RL 130; and
- Amend LEP 2010 - *Schedule 6 Planning controls for Ryde Town Centre precincts* Clause 1 (1) so that the total net useable floor area for the Civic Centre site does not exceed 60,000m<sup>2</sup>.

Given the need for an independent assessment of the planning proposal and the issues raised during the exhibition period, the Urban Planning Unit engaged SJB Planning Pty Ltd on the 8 September 2011 to:

- Review planning proposal documentation to ensure that sufficient information is provided to comply with the gateway determination and undertake a comprehensive assessment.
- Review the Planning Proposal.



## ITEM 5 (continued)

- Review all submissions and prepare a summary table of the submissions.
- Prepare a planning response to all issues raised in submission.
- Prepare a planning report to Council that considers submissions and that recommends either variation to the planning proposal and /or adoption of the proposal.

In response to the exhibition of the planning proposal 195 submissions were received by Friday, 23 September 2011.

The SJB report indicated that the key issues relating to the Planning Proposal were traffic and parking, built form and heritage. To address these issues the SJB report recommended:

- a variation to the building height on part of the site;
- the support the reduction in the floor space from 100,000m<sup>2</sup> to 60,000m<sup>2</sup> nett usable floor area;
- the preparation of development controls for the Precinct that will address issues such as urban design, setbacks, public domain, pedestrian linkages and heritage issues.

The Council report of the 18 October 2011 is **ATTACHED**.

On 18 October 2011, Council resolved:

- (a) That the Planning Proposal with amended height controls (in accordance with the recommendation of the independent Planners report dated 18 October 2011) for the Ryde Civic Precinct be re-exhibited for 28 days.*
- (b) That DCP 2010 – Part 4.4 Ryde Town Centre be amended to incorporate development controls for the Ryde Civic Precinct.*
- (c) That the General Manager write to the Director General of the Department of Planning and Infrastructure requesting a variation to the timeframe condition of the Gateway Process to this Planning Proposal.*

The DoPI on the 21 October 2011 issued a Revised Gateway Determination with respect to amended Planning Proposal stating:-

- The amended Planning Proposal may proceed
- The revised planning proposal must be exhibited for 28 days
- The timeframe for completing the LEP is extended to 21 April 2012

### *Rescission Motion*

A rescission motion against the Council resolution of the 18 October 2011 was to be considered by Council on 1 November 2011 at which time the rescission motion was lost.

## ITEM 5 (continued)

### Report

This section of the report provides details on:

- A. Environmental assessment of the Amended Planning Proposal undertaken by SJB Planning
- B. An outline of the consultation process
- C. An assessment of issues raised by the community and the recommended actions to address these issues undertaken by SJB Planning.

The SJB Planning Report titled *Ryde Civic Precinct - Amended Planning Proposal* dated 13 December 2011 is **CIRCULATED UNDER SEPARATE COVER**.

### A. Environmental Assessment of the Proposal

SJB environmental assessment of the Planning Proposal states the following;

*The key issues raised by the amended Planning Proposal are as per the original Planning Proposal, which are:*

- *Traffic and parking*
- *Built form*
- *Heritage*

Consideration of each of these issues is outlined below.

#### ***Traffic and parking***

*One of the key issues in the assessment of the original Planning Proposal and the amended Planning Proposal is the issue of the traffic and parking congestion likely to be generated by future development.*

*This issue was addressed in detail in Section 4.5 of our assessment of the original Planning Proposal (refer to Attachments).*

*The potential traffic and parking impacts remain unchanged between the original Planning Proposal and Amended Proposal as the amendments to the Planning Proposal are limited to changes to the Height of Buildings Map i.e. the height control. There is no change in terms of floor space, as the Amended Planning Proposal is identical to the original Planning Proposal in that it seeks to reduce the allowable floor space from the currently allowed 100,000m<sup>2</sup> NUFA to 60,000m<sup>2</sup>.*

*Given that the traffic and parking generation of any future development is a function of the density and land use, and there is no change in FSR between the two Proposals, our original conclusions remain valid...*

## ITEM 5 (continued)

*...whilst it is recognised that traffic and parking is a fundamental concern to the residents immediately surrounding the Ryde Town Centre, Council have facilitated major traffic infrastructure works as part of the urban regeneration of the centre, that ensure the Planning Proposal as proposed are within the bounds of that envisaged and approved under the ITS approved in 2007.*

*The Planning Proposal has provided sufficient information to demonstrate that the intensity of development envisaged under the Concept Plan can be accommodated without significant adverse impacts, subject to particular works occurring...*

### **Built Form and Building Height**

*The issue of built form/building height is the second of the two key issues to emerge in the assessment of both the original Planning Proposal and Amended Planning Proposal.*

*A detailed assessment of this issue was undertaken in Section 4.5 of the assessment of the original Planning Proposal (refer to Attachments).*

*It is acknowledged that RL 130 or 24 storeys as proposed by both the original and Amended Planning Proposal represents a very tall building and will be visually prominent within Ryde and the broader region. However, this height is considered appropriate for a town centre location well serviced by retail and commercial support services and public transport...*

*Notwithstanding this, it was recognised that the application of RL 130 across the whole of the site was inappropriate as it had the potential to impact significantly on those properties immediately to the west and south-west of the site. For this reason, it was recognised that the controls should concentrate the height on the eastern side of the site fronting Devlin Street and provide a transition toward the western boundary to minimise privacy, overshadowing and visual impacts. The provision of a reduced height along the western edge of the site was also required to provide an appropriate relationship with the neighbouring Hatton's cottage.*

*Whilst the amendments to the Height of Buildings Map would control the building height and location across the site, it was also recognised that the draft LEP controls should be supported by a suite of planning controls to shape the future development of the site and ensure design excellence. It is important that any future development on the site comprised tall slender buildings with sufficient separation between buildings. This would minimise potential bulk and visual impact. Tall slender buildings would also minimise overshadowing, whilst future towers of different height would create greater visual interest."*

## ITEM 5 (continued)

The key difference between the original Planning Proposal and the amended Planning Proposal is that the draft Height of Buildings Map in the amended Proposal has been amended to address the recommendations of the SJB Planning report dated 18 October 2011 - details are outlined above.

The SJB report on the built form and amended Planning Proposal states:

*“...subject to the preparation of the site specific DCP provisions, as recommended and adopted by Council, the issue of built form/building height has been satisfactorily addressed by the Amended Planning Proposal.”*

### **Visual Impact**

*The visual impact or loss of visual amenity as a result of future tall buildings on the site is one of the major concerns raised throughout the submissions. Particular concern is given to the loss of local character and streetscape, as a result of the changing scale and intensity of development. There is constant reference to the altered skyline and dominance of any future development on an already visually prominent site and the adverse impact this will have on the existing character of the area.*

*It is acknowledged that the site is a visually prominent site and the Planning Proposal will facilitate high rise development on the site in the future. However, as identified in the assessment of the original Planning Proposal, the highly visible nature of the site and tall buildings does not necessarily result in a detrimental visual impact...*

*Whilst construction of tall building on the site will be highly visible and would alter the character of the area, this is not considered inappropriate for the site given its town centre location, access to public transport and the current transition in the town centre character generated by the construction of the Top Ryde City Shopping Centre...*

*The amended Planning Proposal includes the amendments to the draft Height of Buildings Map recommended by the original assessment. Whilst these recommendations did not recommend a significant reduction in the proposed height controls across the whole site as is called for by many of the submissions, the amendment focuses on improving the relationship and a transition in height to the immediately surrounding properties.*

*The original assessment also recommended the DCP controls to be developed to require slimmer more elegant towers i.e. restrict the floorplate size and stipulate the minimum separation distance to maximise the void between the towers. It is understood that such DCP controls are under preparation by Council.*

## **ITEM 5 (continued)**

*In this respect, based on the Amended Planning Proposal and the development, adoption and implementation of an appropriate suite of DCP controls, the desired outcome of a local landmark development reflecting, design excellence that respects the community and provides highly level amenity is achievable.*

### **Heritage**

*As identified in the assessment report prepared in relation to the original Planning Proposal, the site contains two heritage items, identified in Schedule 5 of the RLEP 2010 as:*

- *Item 49, Obelisk - Devlin Street; and*
- *Item 54, Great North Road, Bedlam Point to Eastwood.*

*Furthermore, there are three heritage items in the vicinity of the site being:*

- *Item 15, Top Ryde Shopping Centre site – 115-121 Blaxland Road, Ryde (Lot 1 in DP 618154);*
- *Item 16, Masonic Temple (Hall) – 142 Blaxland Road (Lot 3 in DP 86255); and*
- *Item 17, “Hatton’s Cottage” (Cottage) - 158 Blaxland Road, Ryde (Lot P in DP 443304).*

*As identified in relation to the issue of built form and building height the Amended Proposal has amended the proposed draft Height of Buildings Map to accommodate the recommendations of the assessment of the original Planning Report...*

*... the impact of the Amended Planning Proposal in terms of heritage is largely the same as the original proposal and for this reason our recommendations in relation to heritage remain valid.*

The two other areas assessed by SJB Planning were the social and economic impacts and public infrastructure. SJB’s assessment is outlined as follows:

### **Social and Economic Impacts**

*The potential social and economic impacts of the original Planning Proposal were considered in the assessment report reported to Council on 18 October 2011.*

*The Planning Proposal may facilitate the future redevelopment of the site, allowing for a more sustainable development of the site, enabling new community and council facilities to be established....*

*The only difference between the original Planning Proposal and Amended Planning Proposal is that the draft Height of Buildings Map has been amended to restrict the application of the RL 130 height limit across the site and provide an improved transition to the properties to the west and southwest.*

*These amendments will not alter the likely social and economic impacts.*



## ITEM 5 (continued)

### **Public Infrastructure**

*Public Infrastructure provision to the site remains unchanged between the original and amended Planning Proposal i.e. the site is serviced by water, sewer, electricity, gas and telecommunications...*

*The Hyder report dated 30 March 2011 found that the site is well serviced by public infrastructure and is capable of being developed subject to relocation and/or augmentation of the relevant infrastructure.*

### **Overshadowing**

SJB Planning assessment of overshadowing indicates that the amended planning proposals reduce the height across the south western side of the site. The location of height on the site and the development of controls requiring slimmer building forms will assist in minimising the impact of the overshadowing of the future development.

The report states that “taller buildings will cast longer shadows and consequently affect a wider area than shorter buildings, due to the resulting narrower building form the duration (or time) that a shadow is cast will ultimately be reduced”.

The assessment report indicates the level of overshadowing from the proposed development is considered acceptable for a town centre location.

**CIRCULATED UNDER SEPARATE COVER** are the overshadowing diagrams for the existing civic centre building and the concept scheme illustrated in the concept plan. The shadow diagrams illustrate the shadows cast by the building at;

- 9am – 21 June and 21 December
- 10.30am – 21 June and 21 December
- 12 noon – 21 June and 21 December
- 1.30pm – 21 June and 21 December
- 3pm – 21 June and 21 December

SJB Planning’s assessment of overshadowing is outlined as follows:

*As part of the original Planning Proposal, shadow diagrams were provided at summer and midwinter, for the existing Civic Centre building, a development equal to that allowed under the current controls, and the concept scheme illustrated in the Concept Plan. The amended Height of Buildings Map does not affect the existing shadow diagrams.*

*When assessing solar access or overshadowing, shadow impacts are generally assessed in mid-winter i.e. the winter solstice being the worst case scenario. The shadow diagrams identify that any overshadowing in midwinter, as a result of the development proposed in the Concept Plan, will largely be limited to those residential properties located within the street block bounded by Devlin Street, Parkes Street and Belmore Street, immediately to the south of the site. Obviously those residential buildings closest to the site, in particular along the Parkes Street frontage, stand to be most affected.*

## ITEM 5 (continued)

*However, when the shadows of the Concept Plan development are compared with that permissible under the current controls, it is evident that the modulation of the building form along the Parkes Street frontage (between the realigned Blaxland Road and Devlin Street) such that it is part 6 storeys and part tower, results in an improved solar access outcome for the Parkes Street fronting properties.*

*In this regard, it is evident from the shadow diagrams that the location of the two residential towers at the northern end and south-eastern corner of the site, result in the least impact on the surrounding properties in terms of overshadowing. In actual fact, by midday in midwinter no neighbouring residential properties will be overshadowed by the development envisaged under the Concept Plan.*

*The construction of taller buildings on the site will obviously cast longer shadows than shorter buildings, and therein potentially affect a wider area. Similarly, it can be said that a taller slimmer building will cast a narrower shadow, that moves faster across surrounding properties, in effect, overshadowing a wider area but for a shorter period of time. Ultimately, the Concept Plan has been designed so as to minimise the extent of overshadowing by future development and is considered acceptable given the town centre location. Further analysis of the extent of any overshadowing will need to be assessed as part of any future development application for the site.*

### **B. An outline of the consultation process**

The Amended Planning Proposal – Ryde Civic Precinct was exhibited for a period of 28 days from 26 October 2011 to 23 November 2011.

As part of the formal exhibition process the following occurred:

- Notification in Weekly Times and Northern District Times on 26 October 2011 and the City View 9 November 2011
- Letters to 2,600 letters to adjoining residents advising of the Planning Proposal
- Letters to State and Federal Members of Parliament
- Exhibition material available for viewing at Customer Service Centre, Ryde Planning and Business Centre and all libraries.
- Website – material on the planning proposal.

### **C. Issues raised by the community and the recommended actions to address these issues**

In response to the exhibition of the planning proposal 2105 submissions were received by Wednesday 23 November 2011.

The assessment report on submissions prepared by SJB Planning examined all submissions and a response to submissions is provided in their report.

## ITEM 5 (continued)

A summary of matters raised in submissions is provided in the following extract taken from page 19 - 20 of the SJB report.

### **5.4 Summary of submissions**

*This report considers those submissions lodged with Council by 23 November 2011. Submission received after this date have not been addressed in this report.*

*A total of 2042 submissions were received. This included 59 individual written submissions and 5 different pro-forma letters, of which there were a total of 1,983 copies.*

*The matters raised in the submissions to the Amended Planning Proposal are largely the same list of issues as raised in relation to the original Planning Proposal. The issues have been summarised below:*

- *Traffic and parking impacts*
- *Building height, form and scale*
- *Amenity impacts – overshadowing, visual impact, wind tunneling, loss of privacy, loss of views*
- *Impact on the character of the area*
- *Pedestrian impact*
- *Overdevelopment, over population, overcrowding*
- *Precedent for further high density development*
- *Insufficient Infrastructure to support the development*
- *Retention of existing Civic building/heritage significance*
- *Impact on neighbouring heritage items*
- *Loss of Open Space*
- *Lack of provision for public transport*
- *Insufficient capacity on public transport*
- *Community benefit*
- *Form of civic space*
- *Provision of Council offices*
- *Turn site into a park*
- *Conflict of Interest/transparency of process*
- *Public Consultation – miscommunication/brochure misleading*
- *Insufficient detail of costs and funding options*
- *Sale of community assets/public ownership*
- *Impact on land values*
- *Social impacts – community isolation*
- *Building construction impacts – noise, dust, hours*
- *Rezoning of adjoining site*
- *Retention of Special Use zoned areas*
- *Impact on flight paths*



## ITEM 5 (continued)

*As demonstrated above the public exhibition attracted significant public interest. The objections raise a number of issues, but the majority of matters raised are concerned with the traffic and parking impacts, building height and built form impacts such as visual impact, loss of privacy and overshadowing.*

Detailed discussion of each of these matters and recommended action is outlined in the SJB report – Section 6 (pages 19 -32).

Within the SJB report it indicates that the matters raised by the community can be addressed through a suite of DCP controls that should include objectives and controls that address the following aspects:

- *urban design - slimmer buildings, tower separation, tower heights;*
- *built form and setbacks;*
- *site access;*
- *public domain/road widths;*
- *pedestrian linkages; and*
- *curtilage to Hattons Cottage.*

As noted previously development controls supporting the amended Planning Proposal have been incorporated into the proposed draft Development Control Plan – 4.4 Ryde Town Centre (Precinct1 Civic/Mixed use) which is the subject of a separate report to Council.

### **Request for a public hearing under Section 57 of the EP&A Act 1979.**

Clause 57(5) of the EP& A Act states the following:

(5) If:

- (a) *a person making a submission so requests, and*
- (b) *the relevant planning authority considers that the issues raised in a submission are of such significance that they should be the subject of a hearing,*

*The relevant planning authority is to arrange a public hearing on the issues raised in the submission.*

A total of 22 pro forma submissions were submitted to Council requesting that a public hearing be held by Council under Section 57 of the EP&A Act. The public hearing has been requested on the following grounds;

- Over 1500 submissions opposing the Planning Proposal have been submitted to Council
- Council has not adequately considered the detrimental impacts on the residents and the environment including
  - Overlooking
  - Server loss of amenity and privacy
  - Overshadowing
  - Increased traffic congestion

## ITEM 5 (continued)

- Increased air and noise pollution
- Inadequate open space provisions for residents of towers.

Clause 57 (5) states a public hearing is to be arranged if Council considers that “*the issues raised in a submission are of such significance that they should be the subject of a hearing*”. Under the wording of Clause 57 it is the issues raised in a submission not the number of submissions received by Council that determines whether Council should hold or arrange a public hearing.

The following is an extract from the SJB Planning report (page 17):

*Whilst it is acknowledged that there is significant public interest in the outcome of both the original and Amended Planning Proposal, SJB Planning disagrees with the view that “Council has not adequately considered the detrimental impacts on surrounding residents”. All of the issues raised in the above statement were addressed in detail in Section 6.0 of the assessment report for the original Planning Proposal (refer to Attachments) and continue to be addressed in this assessment of the Amended Planning Proposal.*

*In response to the above submission statements used to validate the need for a Public Hearing we note the following matters and responses as provided:*

- *Severe Loss of Privacy*  
*Council is developing site specific development controls that when combined with State Planning Policies such as State Environmental Planning Policy (SEPP) No. 65 Design Code for Residential Flat Buildings consider and address privacy between sites at the development application stage when a detailed design for the site has been developed.*
- *Amenity*  
*Amenity is a derived benefit of functional and well-designed spaces that improve or add to quality of life. Generally an area of high amenity is one that is located within established areas with access to services, infrastructure and transport. Moreover, high amenity can be derived through effective design that provides solar access, open space, ventilation and the like.*

*The subject site is strategically located within a town centre with access to services, infrastructure and transport. The amended Planning Proposal will contribute positively to local growth and have positive effects on the local socio-economic environment. Amenity derived from design, including the amenity of adjoining residents, will largely result from the ultimate built form of any future development.*

*Matters that relate to and affect amenity, raised through consultation, have been addressed in Section 6.0 and throughout the submission summary report table.*

## ITEM 5 (continued)

*It is our understanding that Council is currently developing a suite a development controls to ensure that any future development retains the amenity of existing and adjoining community members and achieves a high level of amenity for prospective community members.*

- **Overshadowing**  
*The amended Planning Proposal reduces the height across the south-western side of the site. This combined with the site specific controls (currently being developed by Council) that will seek slimmer building forms will ensure that the impact of any overshadowing from any future development is minimised.*

*It is acknowledged that taller buildings will cast longer shadows and consequently affect a wider area than shorter buildings due to the resulting narrower building form the duration (or time) that a shadow is cast will ultimately be reduced. Thus having a reduced impact on individual properties and ensuring the amenity of existing and neighbouring properties is protected.*

*Notwithstanding this, the site is located in a town centre location in an area of high accessibility to shops, services and public transport. The level of overshadowing from the heights envisaged under the Amended Planning Proposal is considered acceptable for a town centre location.*

- **Increased traffic congestion**  
*A comprehensive Integrated Transport Solution (ITS) was developed for the redevelopment of the Ryde Town Centre. The ITS involved intersection and road upgrades to accommodate traffic increases within the town centre. The ITS was approved by the RTA and has been partly implemented as part of the construction of the Top Ryde City Shopping Centre development. The ITS works will be completed with the redevelopment of the site.*

*The Planning Proposal has been considered by the RTA and the RTA concluded that based on a full implementation of the ITS there would be sufficient capacity within the road network to support the projected traffic volumes.*

- **Air and noise pollution**  
**Air Pollution**  
*The amended Planning Proposal itself will not create environmental impacts, such as pollution. The impact of the development in terms of the biophysical environment and potential to generate pollution will be considered at DA stage.*

## ITEM 5 (continued)

### *Noise Pollution*

*Similar to the response provided above, the amended Planning Proposal itself will not create noise. There are two categories of noise pollution concern raised by submitters that have been addressed, including noise impacts associated with construction and those associated with any future development when completed.*

*In general, the potential for noise generation and impact arising from transference between properties is a matter considered at DA stage when the type and mix of uses are known. There are specific development criteria to ensure that noise generating activities or plant are located away from sensitive receivers and/or attenuated to reduce the scope or potential for impact.*

*In relation to construction noise impacts, these are transient and as such there scope for impact is limited. Notwithstanding, construction impacts are controlled through the imposition of condition, wherein the hours of construction are limited to prevent disruption.*

- *Inadequate open space*

*The site is zoned for B4 Mixed Use. The site does not currently serve as open space for the purpose of providing recreational opportunities nor is it identified for such uses in Council's strategic documents.*

*As report previously, Ryde Park, which has an area greater than 45,000m<sup>2</sup> is located within the Town Centre and provides a suitable area of green/open space to meet existing and projected demand.*

*If the amended Planning Proposal is approved and redevelopment of the site proceeds provision of open space will be subject to detailed design and assessment. This will be informed by the development of site specific controls currently being developed by Council.*

*In this regard, SJB Planning is of the view that the issues raised in the submissions have been assessed and addressed in the report dated 18 October 2011 and this report are not of such significance that they warrant a Public Hearing.*

*Notwithstanding this, given that the Planning Proposal is for Council owned land, in terms of probity and public perception, especially given the considerable interest in the Planning Proposal, we consider that it is in Council's interest to hold a public hearing, so as to ensure that the local community has had all opportunities to express their concerns and raise all issues on the Planning Proposal.*

In view of the above it is considered that that the matters in the submission have been fully considered and that no further action is required.

## **ITEM 5 (continued)**

It should also be noted that the revised Gateway Determination issued by the DoPI on 21 October 2011 states that a public hearing is not required to be held into the matter by any person or body.

### **Consultation**

Internal Council business units consulted included:-

- All Group Managers were advised of the Amended Planning Proposal and invited to make a submission to the Planning Proposal.

Internal Workshops held:-

- Not Applicable.

External public consultation included:-

- Details of the external public consultation process have been discussed in the body of this report.

### **Critical Dates**

Under the Revised Gateway Determination the following deadlines are required to be met:

- time frame for completion (gazettal) of the LEP - 21 April 2012.
- request for the Department to draft and finalise the legal instrument amending the LEP - 25 February 2012 (8 weeks prior to the projected completion date).

Failure to meet the specified dates will require that Council approach DoPI requesting consideration for a variation to the condition of the Gateway process for the site. As Council has already been granted a 6 month extension to complete the LEP it is not considered that DoPI would support another request for a variation to the time frame.

### **Financial Impact**

The financial implications of the redevelopment of the Civic Precinct Site is not a matter for consideration in this report and is a matter to be dealt with separately by Council.

### **Policy Implications**

There are no policy implications through adoption of the recommendation.

### **Other Options**

Council has two options to consider in relation to proceeding with the Planning Proposal. Each of these options and the associated outcomes are outlined as follows:

1. Do not proceed with Amended Planning Proposal - This option would result in the building height for the site remaining at RL91 (9/10 storeys) and the maximum floor space being 100 000m<sup>2</sup>.

## ITEM 5 (continued)

### Outcomes

- Redevelopment opportunities not realised.
- Development program proposed for the redevelopment of the site may require to be revised.
- Redevelopment may result in a building mass of 10 storeys across the site.
- Certainty for the community that the future building height on the site would be no higher than the existing Civic Centre.

2. Proceed with the Amended Planning Proposal as exhibited - The planning proposal requesting the following:-

- an amendment in building height for 1 and 1A Devlin Street to permit approximately 24 storeys (RL130/75m) on that part of the site fronting Devlin Street and 6 storeys (21m) on the remainder of the site
- a reduction in the floor space of the Precinct to 60 000m<sup>2</sup> (NUFA) be submitted to DoPI requesting the plan be made.

### Outcomes

- Reasonable flexibility for the redevelopment of the site obtained.
- Development program for the site can proceed.
- Community concerns regarding bulk, mass, overshadowing etc addressed through DCP controls.

## PREFERRED OPTION – Option Two

- Option 2 - Proceed with Amended Planning Proposal as exhibited

The preparation and exhibition of draft development controls for the site, prepared as an amendment to DCP 2010 - Part 4.4 Ryde Town Centre (Precinct 1 Civic/Mixed use), has been undertaken separately to the planning proposal.

Details of the draft DCP controls are subject of a separate report to Council.

## Conclusion

The Amended Planning Proposal for the Ryde Civic Precinct proposes:-

- an amendment in building height to 1 and 1A Devlin Street Ryde to permit approximately 24 storeys (RL130/75m) on that part of the site fronting Devlin Street and 6 storeys (21m) on the remainder of the site and
- a reduction in the floor space of the Precinct to 60 000m<sup>2</sup> (NUFA)

The Amended Planning Proposal was publicly exhibited for a period of 4 weeks in October and November 2011. Over 2 000 submissions were received and the large majority objected to the Amended Planning Proposal.

The planning firm SJB Planning NSW was engaged to undertake an independent assessment of the Amended Planning Proposal. This included reviewing the submissions, preparing a planning response to the submissions and making a recommendation on proceeding with the proposal.



**ITEM 5 (continued)**

The SJB Planning report indicated that the key issues relating to the Amended Planning Proposal are traffic and parking, building height and visual impact and heritage. To address these issues the SJB report recommends:

- the preparation of development controls for the Precinct that will address issues such as urban design, setbacks, public domain, pedestrian linkages and heritage issues.

The development of such controls within draft DCP 4.4 Ryde Town Centre is subject to a separate report to Council.

**ITEM 5 (continued)**

**ATTACHMENT 3**

**1 PLANNING PROPOSAL RESULTS OF COMMUNITY CONSULTATION - Ryde Civic Precinct**

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**Report prepared by:** Manager - Urban Planning

**Report dated:** 26/09/2011

**File No.:** LEP2008/480/007 - BP11/624

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**Report Summary**

This report provides outcomes of community consultation on the planning proposal to amend the height and floor space controls within Ryde Local Environmental Plan 2010 that apply to the Ryde Civic Precinct.

The site which is currently occupied by the Council Chambers and office, Civic Hall , former library, car parking and landscaped areas is known as 1 and 1A Devlin Street and 150 – 156 Blaxland Road Ryde. It is also identified in LEP 2010 Ryde Town Centre Precincts Map as Precinct 1 Civic/Mixed Use.

The Planning Proposal, seeks to increase the maximum height of buildings allowed to be built on the Ryde Civic Centre site from RL 91 to RL130 and to reduce the total amount of nett usable floor space that can be built from 100 000m<sup>2</sup> to 60 000m<sup>2</sup>.

The Planning Proposal was supported by an indicative concept plan that indicated the possible future use of the land as follows:

- Retention of a Civic presence through the provision of community/performance facilities such as Council chambers, facilities for councillors, meeting rooms for community groups, a 400 seat capacity auditorium with back of house and entrance foyers appropriate for the holding of exhibitions.
- Residential apartments developed to a height of RL 130AHD
- Small quantity of retail development
- Improved pedestrian access and linkages to existing pedestrian bridges
- Underground parking provide in accordance with DCP 2010 with access from main arterial roads

The planning proposal including the indicative concept design was exhibited for a 6 week period from August to 21 September 2011. A comprehensive consultation program was undertaken to support the legislative exhibition process. This process included a letters being sent to 2,600 properties, ads in City View, information on Council's website, information available at Council offices/library and a series of information sessions. At the 23 September 2011, 195 submissions were received.

The key issues identified by the community were:

- Traffic and parking
- Built form and scale
- Amenity impacts, overshadowing, visual impact, loss of privacy, wind tunneling, loss of views.
- Pedestrian impacts
- Development is out of character
- Over development



## ITEM 5 (continued)

## ATTACHMENT 3

A summary of the level of support for the planning proposal is:

- Object 65.64%
- Support 23.5%
- Conditional Support 8.2%
- Neutral 2.56%

An independent assessment of the planning proposal and the review of the submissions received and associated planning response to all issues raised in submissions has been undertaken by consultants SJB Planning Pty Ltd. The planning consultant was engaged in accordance with Council's procurement framework.

SJB Report indicated that the planning proposal raises the following key issues:

- Traffic and parking
- Built form
- Heritage

The planning consultant's comments and recommendations of these key issues are outlined as follows.

### 1. Traffic and Parking

The infrastructure and road solutions network improvements to provide workable traffic solutions for Top Ryde City Shopping Centre and the Civic Centre Site (redevelopment) were outlined in the Integrated Traffic Solution (ITS) Report undertaken in 2005/2006 as part of the preparation of the LEP 143 controls. The ITS indicated that infrastructure works be undertaken in two phases. Phase 1 as part of the development of the Shopping Centre and Phase 2 with the redevelopment of the Civic Centre Site.

The ITS and more recent traffic modeling was undertaken for development of 100 000m<sup>2</sup>. The Traffic Impact Assessment for the Planning Proposal was undertaken on 60 000m<sup>2</sup>.

In relation to the traffic and parking issues SJB states:

*... whilst it is recognised that traffic and parking is a fundamental concern to the residents immediately surrounding the Ryde Town Centre, Council have facilitated major traffic infrastructure works as part of the urban regeneration of the centre, that ensure the Planning Proposal as proposed are within the bounds of that envisaged and approved under the ITS approved in 2007.*

*The Planning Proposal has provided sufficient information to demonstrate that the intensity of development envisaged under the Concept Plan can be accommodated without significant adverse impacts, subject to particular works occurring. The Phase Two works and their timing is a matter for a detailed DA application and will be a condition of any approval." (Taken from SJB report pg 21)*

## ITEM 5 (continued)

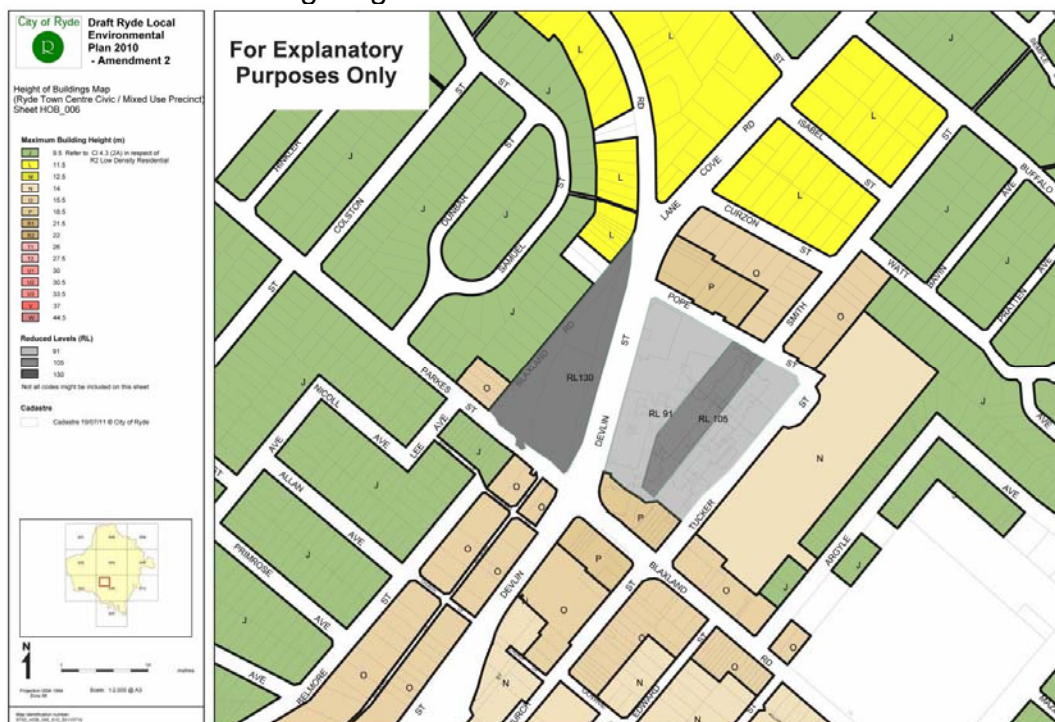
## ATTACHMENT 3

Council is to note that the Phase 2 works include :

- Construction of an access portal into the site off the Devlin Street northbound Top Ryde City exit ramp;
- Provision of an additional right turn lane from Devlin Street into Parkes Street westbound;
- Provision of an additional westbound lane in Parkes Street, west of Devlin St;
- Increase the approach lane capacity in Parkes St to three lanes on approach to Devlin St.

### 2. Built Form

The Planning Proposal proposes a building height of RL130 AHD for the whole of the Civic Centre Site. The building height controls exhibited in the Proposal are shown in the following diagram:



SJB in assessing the Planning Proposal and reviewing the submissions considers the key issues relating to the built form are:

- Height
- Bulk and scale
- Transition to Blaxland Road

To address these issues SJB recommend the following:

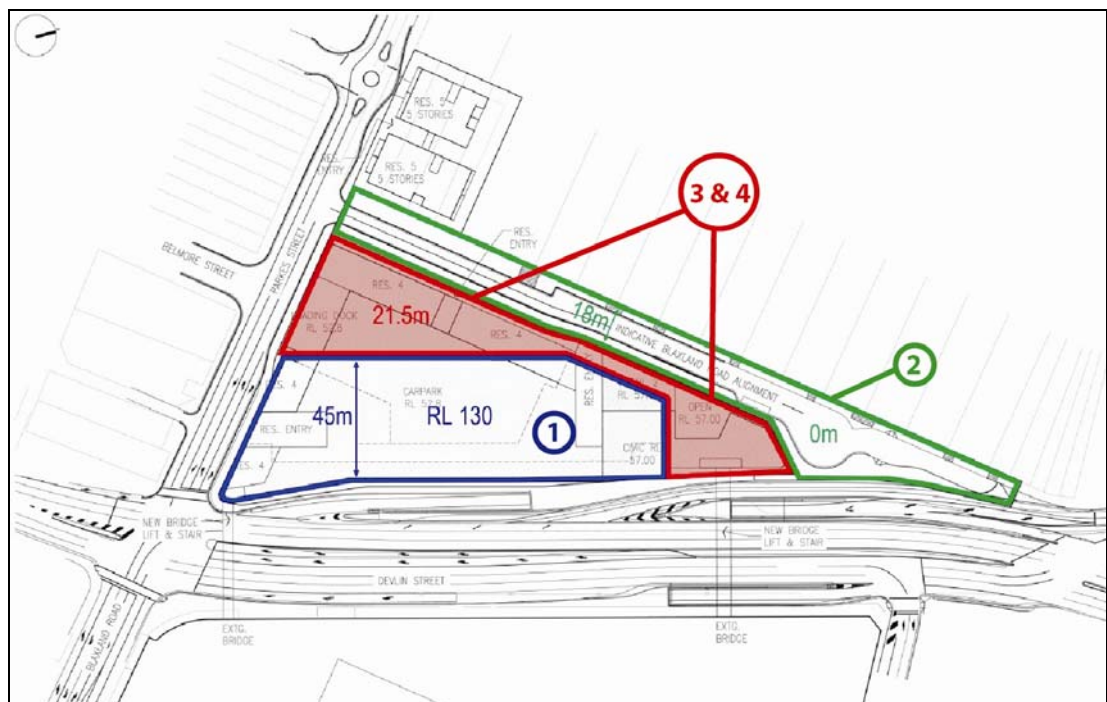
1. RL130 should be restricted to the band along the Devlin Street frontage. The width of this band should be approximately 45m measured from the eastern Devlin Street frontage
2. The proposed realignment of Blaxland Road should be shown 'white' in colour on the map, as per all other roads on the existing Height of Buildings Map under RLEP2010. The width of this 'white' should be approximately 17-18m boundary to boundary

## ITEM 5 (continued)

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3. A transitional building height should be provided along eastern side of the realigned Blaxland Road alignment and across the south-western corner of the site immediately opposite the Belmore Street/Parkes Street intersection. This is consistent with the development envisaged under the Concept Plan. The six storeys height envisaged under the indicative concept in the Concept Plan is considered reasonable. This would translate into a height limit of 21.5m under RLEP2010 i.e 6 storeys.
4. The height limit should also be reduced at the northern end of the site in the area of the proposed civic building to a six storey scale i.e. 21.5m.

An amended building height map is provided below. The numbers on the diagram correlates to the points above.



5. DCP controls for the site should be prepared to address the following:

- urban design;
- built form and setbacks;
- site access;
- public domain/road widths;
- pedestrian linkages;
- curtilage to Hattons Cottage.

### 3. Heritage

The Civic Centre site contains two heritage items being the Obelisk and part of the Great North Road. Three heritage items adjoin the site being the original Ryde Shopping centre (Council resolved to remove this item from the schedule in August 2010), Hattons Cottage and the Masonic Temple.

## ITEM 5 (continued)

## ATTACHMENT 3

SJB recommend that the heritage issues relating to the site are addressed as follows:

- Item 49 Obelisk & Item 54, Great North Road - suitable controls can be included within a site specific DCP to ensure the heritage significance is satisfactorily addressed.
- Item 17, "Hatton's Cottage" - it is recommended that the site specific DCP include:
  - controls to ensure that an appropriate curtilage is achieved. In this regard that part of Blaxland Road, upon which the Hatton Cottage fronts, should be of sufficient width to respect the heritage item and include an increased landscaped area at the frontage of the house.
  - setback requirements for any development on the Parkes Street Council car park part of the site so as to maintain an adequate curtilage to the Hattons Cottage property.
- Item 16, Masonic Temple (Hall) - the development envisaged by the Concept Plan does not detrimentally affect the curtilage of the Temple and therefore no further action is required.

The SJB recommendations on the Planning Proposal are listed as follows:

1. That Council amend the height controls sought under the Planning Proposal in accordance with the amended Height of Buildings Map shown in the above diagram.
2. That Council support the reduction in the maximum floor space permitted on the site from 100,000m<sup>2</sup> to 60,000m<sup>2</sup> NUFA.
3. That Council adopt the written instrument generally as drafted in the Planning Proposal.
4. That Council proceed with the Planning Proposal, subject to the amendment to the Height of Buildings Map and the preparation of site specific DCP controls prior to gazettal of the Planning Proposal.
5. That Council proceed with the preparation of a site specific DCP for the site incorporating the following controls, prior to the gazettal of the Planning Proposal
  - a. urban design - slimmer buildings, tower separation, tower heights;
  - b. built form and setbacks;
  - c. site access; public domain/road widths;
  - d. pedestrian linkages; and
  - e. curtilage to Hattons Cottage.
6. That all persons who have made a submission be formally advised of Council's decision.

In considering the outcomes of the consultation process and recommendations of the planning consultant SJB, Council has a number of options it could follow to proceed with the Planning Proposal, these are:



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1. Do not proceed with Planning Proposal - This option would result in the building height for the site remaining at RL91 (9/10 storeys) and the maximum floor space being 100 000m<sup>2</sup>.
2. Proceed with Planning Proposal as exhibited - The planning proposal requesting an increase in building height to RL130 and a reduction in the floor space to 60 000 (NUFA) be submitted to DOPI requesting the plan be made.
3. Vary the Planning Proposal to reduce height on part of the site with the amended proposal being submitted to DoPI with a request that the plan be made. The amendment to the Height of Buildings Map would reflect the recommendation of SJB.
4. Vary the Planning Proposal to reduce height on part of the site and re – exhibit the amended Planning Proposal.
5. Vary the Planning Proposal to reduce height on part of the site and re – exhibit the amended Planning Proposal with draft DCP controls for the site. (amendment to Part 4.4 DCP 2010)

The options 4 and 5 to re –exhibit the planning proposal is supported by legal advice provided by the Council's General Counsel which states:

*it will be a matter for the Minister to decide whether additional consultation is required but, the Minister's decision would be open to judicial review. I consider this to be a strong possibility as opposed to a probability. However, Council should, for abundant caution, re-exhibit the PP if it is to be amended as recommended.*

*I have based my advice largely on the decision of Craig J in Friends of Turramurra Inc v Minister for Planning [2011] NSWLEC 128. On the authority of that case, I consider Council is at risk of the Court declaring the amended PP, once adopted, to be contrary to the provisions of the EP &A Act for want of proper consultation and thereby of no legal force or effect.*

Based on SJB findings and recommendations and the options outlined above this report recommends:

- That the Planning Proposal with the amended height controls is re-exhibited for a period of 28 days.
- That development controls are developed for the site and these controls are incorporated into DCP 2010 - Part 4.4 Ryde Town Centre.

## ITEM 5 (continued)

## ATTACHMENT 3

### Background

Draft Ryde LEP 143 was placed on public exhibition between October and November 2005. The LEP rezoned the Civic Centre Site to Business (Town Centre), provided for a maximum nett usable floor area of 100,000m<sup>2</sup> and proposed a height of RL115 AHD - approximately 18 storeys.

At a workshop in November 2005 Council considered the Civic Centre site and expressed a desire to redevelop the site to deliver community benefits through redevelopment. To achieve these aims Council saw merit in redeveloping the Civic Centre Site not only to keep pace with the development of the Ryde Shopping Centre (which has planning controls that allow a height of 17 storeys (RL105)) but to retain the status of the site.

Council considered a report on submissions to the draft Plan on 13 December 2005. Based on:

- a submission made by Council's Corporate Services Group to the draft LEP that highlighted that the Civic Centre site under the Ryde Planning Scheme had no current height restriction and requested that the building height be increased from RL115 to RL130 to achieve a landmark development on the site; and
- a proposal to undertake a competitive design competitive for the redevelopment of the site.

Council resolved to submit the DLEP to the Department of Planning and Infrastructure for gazettal with an increase in the height of the Civic Centre site to RL130AHD – approximately 24 storeys.

Ryde LEP 143 – Ryde Town Centre was gazetted on 29 May 2006. The gazetted plan reduced the permitted height for the site to RL 91AHD (the current height of the Civic Centre building) whilst maintaining the originally requested 100, 000m<sup>2</sup> of floor space potential.

The then Minister for Planning the Hon Frank Sartor MP advised Council in May 2006 that consideration would be given to an amending LEP to reconsider higher buildings on the site subject to Council undertaking a mandatory competition design process for the site.

Council resolved in June 2007 to undertake a competitive design process for the Civic /Mixed Use precinct on the basis of achieving a maximum height of RL130AHD.

Council on 9 December 2008 endorsed the undertaking of a competitive design process for the Civic Precinct site and resolved to prepare an amendment to draft Ryde Local Environmental Plan 2008 (now known as LEP 2010) to increase the permissible height of the Civic/Mixed Use Precinct site from RL 91AHD to RL 130 AHD.

## ITEM 5 (continued)

## ATTACHMENT 3

As required by the then Environmental Planning and Assessment (EP&A) Act 1979 a Section 54 Notification Advice regarding the Council's intention to prepare a draft Plan was submitted to the DoPI on 23 December 2008 with a request that Council be given delegation to certify the draft Plan under Section 65 of the Act so as to enable the draft Plan to be exhibited.

On the 6 May 2009 Council was given authorisation to exercise delegation under S65 of the EP&A Act with respect to the draft LEP by the Director General of DoPI. This letter indicated that a competitive design process was not necessary for the draft LEP to proceed.

During September/October 2009 consultation in accordance with s62 of the Act was undertaken with respect to the draft Plan. No significant issues were raised by the public authorities. The outcomes of the consultation were considered by Council in November 2009. At this meeting the Council resolved that the General Manager be delegated to issue the Section 65 Certificate and proceed to exhibit the draft Plan.

The Section 65 delegation that was issued to Council on the 6 May 2009, was not acted upon as Council in achieving best practice outcomes for the Civic Precinct, undertook the following:

- the establishment of a development team for the site to manage the deliverables required to achieve the best quality outcomes for the site
- a master plan and concept designs for the site to determine the best outcomes and options with respect to height, FSR, setbacks, open space and road network issues.

On the 25 November 2010 Council was advised by the DoPI the following:

- The draft Plan had been converted to a Planning Proposal under the Gateway Plan Making Process.
- The Planning Proposal should be made publicly available for comment for 28 days
- Any supporting documentation associated with the Planning Proposal should be exhibited at the same time.
- The draft LEP is to be finalised by 31 December 2011.

The Planning Proposal – Ryde Civic Precinct aims to:

- Amend LEP 2010 Height of buildings Map with respect to the Civic Centre site from maximum height RL 91 to RL 130; and
- Amend LEP 2010 - *Schedule 6 Planning controls for Ryde Town Centre precincts* Clause 1 (1) so that the total net useable floor area for the Civic Centre site does not exceed 60,000m<sup>2</sup>.

## ITEM 5 (continued)

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This proposal was placed on exhibition for a period of six weeks from 10 August 2011 to 21 September 2011. Details of the exhibition process are outlined in the body of this report.

Given the need for an independent assessment of the planning proposal and the issues raised during the exhibition period, the Urban Planning Unit engaged SJB Planning Pty Ltd on the 8 September 2011 to:

- Review planning proposal documentation to ensure that sufficient information is provided to comply with the gateway determination and undertake a comprehensive assessment.
- Review the Planning Proposal.
- Review all submissions and prepare a summary table of the submissions.
- Prepare a planning response to all issues raised in submission.
- Prepare a planning report to Council that considers submissions and that recommends either variation to the planning proposal and /or adoption of the proposal.

### Report

This section of the report provides details on:

- A. Environmental assessment of the Planning Proposal undertaken by SJB
- B. An outline of the consultation process
- C. Issues raised by the community and the recommended actions to address these issues.

#### **A. Environmental Assessment of the Proposal**

SJB environmental assessment of the Planning Proposal identifies the following environmental matters with respect to the proposal:

- Traffic and parking
- Built form
- Heritage

These issues are discussed below.

#### Traffic and parking

##### *Background*

The principal planning instrument to facilitate the revitalisation of the Ryde Town Centre was LEP 143 which was gazetted in May 2006. The LEP was supported by a number of Traffic Reports including:



## ITEM 5 (continued)

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- the Top Ryde Town Centre LEP Traffic Assessment Report (2005) prepared by Mark Waugh Pty Ltd (now known as Better Transport Futures)
- A Supplementary Traffic Report in Support of the Draft Top Ryde LEP (2006) prepared by Parsons Brinckerhoff

LEP 143 provided for the integrated traffic access to the Civic and Town Core precincts – referred to as the Devlin Street Integrated Traffic Solution (ITS). The ITS was prepared and based on 100,000m<sup>2</sup> NUFA for Precinct 1 (Civic Centre site) comprising the following floor area allocations:

- Retail - 20,000m<sup>2</sup>
- Commercial 40,000m<sup>2</sup>
- Residential 40,000m<sup>2</sup> (or 339 units)

Section 138 Approval and RTA concurrence for the Integrated Traffic Solution was issued by the RTA on 22 March 2007 and forms the basis of the subject sites access solution.

The ITS required the implementation of a variety of engineering works to be carried out in two Phases. Phase 1 of those works has been completed and relates to the development of the Top Ryde Shopping centre, Phase 2 will be undertaken upon the development of the subject site. Phase 2 works include:

- Construction of an access portal into the site off the Devlin Street northbound Top Ryde City exit ramp;
- Provision of an additional right turn lane from Devlin Street into Parkes Street westbound;
- Provision of an additional westbound lane in Parkes Street, west of Devlin St;
- Increase the approach lane capacity in Parkes St to three lanes on approach to Devlin St.

### *Traffic Impact Assessment*

The Planning Proposal proposes a reduction in the Nett Usable Floor Area from 100,000m<sup>2</sup> to 60,000m<sup>2</sup>. For the purposes of traffic impact assessment, the following development scenario has been utilised:

- Retail - 750m<sup>2</sup>
- Commercial – Nil
- Residential - 62,120m<sup>2</sup> (or 530 units)
- Civic Uses - 3,350m<sup>2</sup>.

The Traffic Impact Assessment which accompanied the Planning Proposal makes the following conclusions:

- The modelling work confirms that the current development proposal falls within the maximum development potential of Precinct 1 – originally tested as part of the original ITS.

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- The overall conclusion of the transportation investigations is that the concepts of the Civic redevelopment are able to meet the requirements of transportation and access guidelines, and are within the bounds of the approved 2007 Integrated Traffic Solution.
- In terms of parking, the Traffic Impact Assessment identifies that a total of 665 spaces would be provided under the indicative Concept Plan. The Traffic Impact Assessment does not make an assessment of the quantity of car parking spaces. The quantity of parking to be provided will depend on the final composition of the development. This will be determined at the detailed DA phase, should the Planning Proposal be adopted and the LEP amendments be made.

### *Roads and Traffic Authority*

RTA has advised that the Sydney Regional Development Advisory Committee (SRDAC) considered the traffic impact of this Planning Proposal at its meeting on 24 August 2011 and that:

- the RTA has no objections to the amendments proposed by the Planning Proposal and
- the road works identified in the Integrated Traffic Solution (ITS) prepared for the Top Ryde Shopping Centre and the Ryde Civic Precinct are still required to support the redevelopment of the site.

SJB assessed the traffic and parking issue and make the following comment:

*“... whilst it is recognised that traffic and parking is a fundamental concern to the residents immediately surrounding the Ryde Town Centre, Council have facilitated major traffic infrastructure works as part of the urban regeneration of the centre, that ensure the Planning Proposal as proposed are within the bounds of that envisaged and approved under the ITS approved in 2007.*

*The Planning Proposal has provided sufficient information to demonstrate that the intensity of development envisaged under the Concept Plan can be accommodated without significant adverse impacts, subject to particular works occurring. The Phase Two works and their timing is a matter for a detailed DA application and will be a condition of any approval.” (Taken from SJB report pg 21)*

### Built Form

#### *Background*

Historically, the built form of the Ryde Town Centre has been characterised by a mix of 1 – 3 storey buildings, with the exception of the Civic Centre building, a seven storey building, which since 1964 has occupied the tallest point in Ryde.

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The Planning Proposal seeks to reinstate the landmark qualities of the precinct by amending the applicable height control so as to enable a built form with a maximum height at RL 130, 25m or approximately 8 storeys taller than the maximum height of RL105 permitted and currently under construction on the Top Ryde City shopping centre site.

### *Concept Plan*

The submitted Planning Proposal is accompanied by a Concept Plan for the redevelopment of the site prepared by HASSELL Architects.

The Concept Plan is not a detailed design for the final development of the site and is not approved, should Council resolve to support the subject Planning Proposal. The Concept Plan is an indicative design of one option illustrating how the site may be developed. It assists to identify the key features that should be retained and enhanced.

The Concept Plan as illustrated has a total Nett Useable Floor Area (NUFA) of 49,602m<sup>2</sup> comprising retail, residential and civic space.

In this respect, the Concept Plan does not illustrate the maximum 60,000m<sup>2</sup> of NUFA proposed by the Planning Proposal.

As the changes to the planning controls will not necessarily deliver the Concept Plan, it is important to determine what are the critical or fundamental elements identified in the Concept Plan that should be reflected in a suite of planning controls to shape the future development of the site.

SJB have identified the following elements as critical for the future redevelopment of the site:

- Height
- Thickness of tower elements
- Separation between towers
- Setback and treatment to Devlin Street
- Width of Blaxland Road
- Relationship to Hattons Cottage

Outlined below is an extract from the SJB report on the assessment and recommendations relating to the key elements identified above.

### Height

Council is to note that under the Planning proposal that was exhibited a height of RL 130 AHD was indicated for the whole of the Civic Centre site. The SJB report has assessed the height proposed and the extent of where such height i.e. RL 130 AHD is appropriate.

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*a) RL130*

*Whilst it is acknowledged that RL130 or 24 storeys represents a very tall building, and will be visually prominent within Ryde and the broader region, this height is considered appropriate for a town centre location well serviced retail and commercial support services, well serviced by public transport. Increasing densities in town centres is in accordance with the state governments Metropolitan Plan to maximise residences within walking distance of centres and public transport. Subject to design excellence, slender buildings and appropriate siting of tower elements, a building at RL 130 will not have significant detrimental or unreasonable impacts given the town centre location of the site.*

*b) Area of Application/Transition to Blaxland Road*

*The key issue to emerge in the review of this Planning Proposal and its indicative Concept Plan is the application of the proposed RL130 height control across the majority of the site.*

*The Draft Height of Buildings Map that accompanies the Planning Proposal seeks a maximum building height of RL130 across the majority of the site, the only exception being the Parkes Street carpark (which is proposed to retain a 15.5m height control i.e. 4 storeys)...*

*In terms of height and to what area of the site RL 130 should apply, the following observations were made from the urban analysis identified in the Concept Plan, discussions with Hassell Architects and inspections of the site:*

- The Devlin Street frontage of the site is the least sensitive to any increase in height. Devlin Street has a harsh noisy environment typical of a busy arterial road. It is also directly opposite the increased building heights of Top Ryde City and furthest from the low density residential west of the site. In this regard the eastern edge of the site is most suited to increased height.*
- The Blaxland Road frontage is the most sensitive given the typically one and two storey scale of development along the western side of Blaxland Road, in particular immediately around heritage listed Hattons Cottage. This means that there is a need for a transition in height and scale between the site and the Blaxland Road properties. A reduced height limit should be imposed.*
- Any significant height on the south-western corner of the site has the potential to have the greatest impact from an overshadowing point of view on the residential flat buildings and dwellings to the south of the site on the southern side of Parkes Street, in particular the street block between Belmore Street and Devlin Street. The indicative Concept Plan acknowledges this, and keeps development to 5 and 6 storeys in this location. In this regard, the RL 130 height limit should not apply to this part of the site and a more restrictive height limit should be imposed.*

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- *The indicative concept illustrated in the Concept Plan identifies a height of 5 to 6 storeys along the eastern side of the realigned Blaxland Road. Six storeys is considered an appropriate height for the peripheral development given the location within the Town Centre...*
- *The northern end of the site is most suited to a Civic Centre site due to its northern position, high visibility and good solar access and ability to spill out onto an open civic space. Given this and the fact that this is where the site is at its narrowest, i.e. any built form in this location will be at its closest to the Blaxland Road properties, the RL130 height limit should not apply to this part of the site and a more restrictive height limit imposed.*

*Therefore, the application of proposed RL130 height across to the western boundary of the site, immediately adjoining the Blaxland Road properties is considered problematic and unacceptable, due to a lack of a transition and the potentially resultant visual and overshadowing amenity impacts.*

*For this reason, the following amendments to the draft height map are recommended:*

1. *RL130 should be restricted to the band along the Devlin Street frontage. The width of this band should be approximately 45m from the eastern Devlin Street frontage...*
2. *The proposed realignment of Blaxland Road should be shown 'white' in colour on the map, as per all other roads on the existing Height of Buildings Map under RLEP2010. The width of this 'white' should be approximately 17-18m boundary to boundary...*
3. *A transitional height band should be provided along eastern side of the realigned Blaxland Road alignment and across the south-western corner of the site immediately opposite the Belmore Street/Parkes Street intersection. This is consistent with the development envisaged under the Concept Plan. The six storeys height envisaged under the indicative concept in the Concept Plan is considered reasonable. This would translate into a height limit of 21.5m under RLEP 2010.*
4. *The height limit should also be reduced at the northern end of the site in the area of the proposed civic building to a six storey scale i.e. 21.5m.*

*A suggested amended building height map is provided at below incorporating the above recommended amendments.*



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(Taken from SJB report pages 25 – 27)

**Other design elements**

The SJB report identifies that the following design areas should be part of a suite of DCP controls prepared for the subject site and be in line with the State Governments SEPP 65 and the Residential Flat Design Code:

- *Thickness of tower elements:* Tower thickness/ footplates should be encouraged to be kept to a minimum to encourage tall slim buildings. Taller slimmer buildings are considered more elegant and have less overshadowing impact.
- *Separation between towers:* The void between towers not only provides separation for privacy, overshadowing and visual amenity between the towers themselves, but ensures that a built form is modulated rather than reading as a single mass. This is important in terms of visual impact on the surrounding community. The DCP should include a control that requires a minimum separation of 40m as envisaged under the Concept Plan.
- *Setback and treatment to Devlin Street:* the Devlin Street frontage is a very harsh 'pedestrian unfriendly' environment dominated by the traffic of what is a 6-8 lane arterial road and the blank presentation of the upper levels of the Top Ryde City shopping centre site. This environment needs to be considered in any redevelopment of the site and the DCP for the site should include controls to address this environment.

## ITEM 5 (continued)

## ATTACHMENT 3

- *Width of Blaxland Road:* the width of the future realigned Blaxland Road needs to be considered with greater width being provided in the vicinity of Hattons Cottage.
- *Relationship to Hattons Cottage:* Future redevelopment of the site has the potential to impact on the heritage significance on Hattons Cottage at 158 Blaxland Road. Controls should be included in a DCP for the site to ensure that an adequate curtilage is provided both to the east across Blaxland Road but also adjoining the southern boundary of the cottage on Parkes Street site.

In summary the SJB report recommends a refined set of objectives and development controls for the site be prepared and incorporated into the Ryde DCP 2010 following finalisation of the Planning Proposal. The DCP controls would include the following:

- urban design;
- built form and setbacks;
- site access;
- public domain/road widths;
- pedestrian linkages;
- curtilage to Hattons Cottage.

It is envisaged that the DCP would also include controls that:

- address the interface between any red – development and the residential areas in Parkes Street;
- Provide setbacks for buildings fronting Blaxland Road with particular consideration given to setback controls for storeys 5 and 6 within any such developments; and
- Interpretation of the heritage matters including the Great North Road.

## Heritage

### *Background*

The site contains two heritage items, identified in Schedule 5 Environmental heritage of Ryde Local Environmental Plan (RLEP) 2010 as:

- Item 49, Obelisk - Devlin Street; and
- Item 54, Great North Road, Bedlam Point to Eastwood.

Furthermore, there are three heritage items in the vicinity of the site being:

- Item 15, Top Ryde Shopping Centre site – 115-121 Blaxland Road, Ryde
- Item 16, Masonic Temple (Hall) – 142 Blaxland Road and
- Item 17, “Hatton’s Cottage” (Cottage) - 158 Blaxland Road, Ryde

Graham Brooks and Associates (GBA) prepared a heritage impact assessment that reviewed the potential impacts of the Planning Proposal on the heritage items on and within the vicinity of the site. The following is a summary of their comments:



## ITEM 5 (continued)

## ATTACHMENT 3

- Item 49 Obelisk - Future development of the site is likely to necessitate the further relocation of the Obelisk. The Obelisk has been moved on several occasions and is not located in its original location. The exact location of this monument is not considered essential to its significance and the Planning Proposal is not considered to result in any additional impacts.
- Item 54, Great North Road, Bedlam Point to Eastwood - The alignment of the former Great North Road passes through a developable portion of the site and the Planning Proposal does not result in any additional heritage impacts
- Item 15, Top Ryde Shopping Centre site - Council on 17 August 2010 resolved that this item be deleted from the Schedule 5 Environmental Heritage of Draft Ryde Local Environmental Plan 2011.
- Item 16, Masonic Temple (Hall) - The proposed increase in building height to RL 130 will have no additional impact on the Masonic Temple.
- Item 17, "Hatton's Cottage" (Cottage) - Potential impacts to "Hattons Cottage" could be further mitigated through the inclusion of additional controls for building form and setbacks in a DCP and consideration should be given to the retention of the curved corner at the southern end of Blaxland Road to interpret the historical development of the site.

SJB made the following comments in relation to the heritage issues:

- Item 49 Obelisk & Item 54, Great North Road - suitable controls can be included within a site specific DCP to ensure the heritage significance is satisfactorily addressed.
- Item 17, "Hatton's Cottage" - it is recommended that the site specific DCP include:
  - controls to ensure that an appropriate curtilage is achieved. In this regard that part of Blaxland Road, upon which the Hatton Cottage fronts, should be of sufficient width to respect the heritage item and includes an increased landscaped area at the frontage of the house.
  - setback requirements for any development on the Parkes Street Council car park part of the site so as to maintain an adequate curtilage to the Hattons Cottage property.
- Item 16, Masonic Temple (Hall) - the development envisaged by the Concept Plan does not detrimentally affect the curtilage of the Temple and therefore no further action is required.

### **Social and Economic Impacts**

In relation to the economic impacts on Civic Centre site, the SJB report indicates that the amendments to the controls may facilitate the future redevelopment of the site, allowing for a more sustainable development of the site, enabling new community and council facilities to be established. In effect, have a positive economic impact.

## ITEM 5 (continued)

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Economic impacts on surrounding commercial properties - the Planning Proposal is unlikely to have a detrimental impact, as it seeks to reduce the allowable floor space on the site that could potentially have been utilised for retail or commercial development.

Social impacts - the Concept Plan accompanying the Planning Proposal identifies that the site will include new community facilities and new civic facilities at the northern end of the site. The provision of such new community facilities and a cultural and civic precinct will have a positive social impact.

### Public Infrastructure

The site is serviced by water, sewer, electricity, gas and telecommunications.

The SJB report states that a report by Hyder Consulting found that the site is well serviced by public infrastructure and is capable of being developed subject to relocation and/or augmentation of the relevant infrastructure.

This matter would be dealt with as part the DA phase of the development.

The SJB report and attachments are **CIRCULATED UNDER SEPARATE COVER.**

### B. Exhibition Process

Details on the exhibition process are outlined as follows:

#### 1. *Formal exhibition as required by the EP&A Act 1979*

Planning Proposal – Ryde Civic Precinct was exhibited for a period of 6 weeks from 10 August 2011 to 21 September 2011.

As part of the formal exhibition process the following occurred:

- Notification in Weekly Times and Northern District Times on 10 August 2011
- Letters to 2,600 letters to adjoining residents advising of the Planning Proposal
- Exhibition material available for viewing at Customer Service Centre, Ryde Planning and Business Centre and West Ryde Library.
- Letters to relevant State authorities and Local Members of State and Federal Government.
- Website – material on the planning proposal.

#### 2. *Consultation undertaken by the Civic Precinct Project Team*

Following the gazettal of LEP 143 – Ryde Town Centre a Civic Precinct Committee was established consisting of all Councillors to oversee the changes to the Civic Centre site.

The aim of the Civic Precinct Committee as identified in a report to Council in March 2010 is to provide direction in all projects involving the development of the Ryde Town Centre including land owned by the Council.

A Civic Precinct Project Team was established to undertake the day to day management of the Civic Precinct project and report to the Civic Precinct Committee on a regular basis.

## ITEM 5 (continued)

## ATTACHMENT 3

On the 11 May 2011 Council endorsed a report that highlighted a proposed exhibition process to be undertaken by Consultants KJA on behalf of the Civic Project Team during the formal exhibition of the draft LEP by Council. The consultation program undertaken by KJA supported the legislative process.

That exhibition process involved the following:

- Project displays at the Customer Service Centre and the Ryde Planning and Business Centre (RP&BC)
- Model of the Concept Plan – Ryde Planning and Business Centre
- Media Briefings – Northern District Times and Weekly Times - The briefings received extensive coverage with details and images of the Civic Precinct Proposal appearing as front page stories in both the Northern District Times and The Weekly Times on 10 August Wednesday 2011, as well as featuring in the electronic edition of both publications. A follow up briefing occurred to provide an update on consultation activities on 29 August, with stories appearing in both the Northern District Times and The Weekly Times on 31 August Wednesday 2011.
- Council's Webpage - Information on the Civic Precinct Planning Proposal was featured heavily on the front page of the City of Ryde website. In addition, dedicated web pages with a project overview, FAQ's and relevant planning documents have been established.
- 1800 phone number – community information line
- Doorknocking of neighbouring residents in Parkes Street (between the Civic Centre and Ryde TAFE), Dunbar Street, Samuel Street, Colston Street, Hinkler Ave, Lee Ave, Nicoll Ave, Allan Ave and parts of Blaxland Road (behind the Civic Centre), Belmore Street, and Addington Ave.
- An additional letter drop of the brochure was undertaken on Belmore Street to specifically target residential units.
- Ryde City View (4-page brochure) - The brochure was distributed to 38,000 households within the Ryde LGA.
- Advertisements - Display advertisements promoting community drop in sessions for the Civic Precinct Planning Proposal appeared in the Northern District Times and The Weekly Times on 10 August, 17 August and 7 September and 14 September 2011.
- Mayoral Column - Information on the Civic Precinct Planning Proposal was included in the weekly mayoral column on 17 August, 24 August and 7 and 14 September 2011.
- Community Drop in Sessions - Three community drop in sessions were scheduled during the public exhibition period at the Ryde Planning and Business Centre.
- Chamber of commerce briefing - A briefing to the Ryde Chamber of Commerce was provided on Wednesday 17 August 2011. The Briefing was attended by 35 people including representatives from the West Ryde Chamber of Commerce, North Ryde Chamber of Commerce, Eastwood Chamber of Commerce and Ryde Business Forum.

## ITEM 5 (continued)

## ATTACHMENT 3

- Community Information Day - A community information day was held in the Piazza of the Top Ryde City Shopping Centre on Saturday 27 August between 11am – 2pm. The information day was attended by more than 120 people.
- Letter drop and invitation to residents briefing - Approximately 550 letters were distributed on Monday 28 August, inviting people to attend a neighbouring residents briefing on 6 September at 6pm. The invitation was distributed via letter box drop to households in Parkes Street (between the Civic Centre and Ryde TAFE), Dunbar Street, Samuel Street, Colston Street, Hinkler Ave, Lee Ave, Nicoll Ave, Allan Ave, Blaxland Road (behind Civic Centre), Belmore Street, Addington Ave, Anderson Ave, Shepherd Street and Bowden Street
- Community groups hall hirers and business briefing - An invitation was sent via mail and/or email to 70 individuals or groups inviting them to a briefing on 30 August 2011.
- ESL and Non English groups - Communication via phone and email was undertaken with representatives groups for the Chinese and Korean communities

During the consultation process conducted by Civic Precinct Project Team all interested persons were invited to make a formal submission to the Planning Proposal during the formal exhibition period.

The KJA report received by Council on 30 September 2011 provides:

- a summary of the consultation events KJA undertook on behalf of the Civic Precinct Project Team and
- issues raised by the community that KJA were made aware of whilst undertaking that exhibition process is an attachment to the SJB report.

A summary of the feedback received from residents, community groups, hall hirers, business and others by KJA throughout the consultation period is contained with the KJA report. The main points of that summary are:

- Financial considerations - high level of agreement that the ongoing cost to maintain the existing Civic Centre Building is unsustainable. Concerns were expressed about the potential debt Council would incur to maintain or upgrade the current facilities which may in turn impact on the delivery of other services.
- Height - mixed comments on proposed height of any future development on site. Majority of neighbouring residents in close proximity were concerned with the impact of 24 storey towers on their visual amenity.
- Traffic and Parking – mixed comments between different groups with neighbouring residents being concerned with potential impact on residential streets whilst hall users, business and community organisations were concerned with on site accessibility, public transport , parking and loading dock facilities
- Community facilities – greatest interest in such facilities and the design of those facilities indicated by hall users, community

## **ITEM 5 (continued)**

## **ATTACHMENT 3**

- Relocation of Council's administration offices – preference indicated for administration offices to remain in Top Ryde
- Consultation – positive comments on level of consultation that the City of Ryde had undertaken with respect to the Planning Proposal.

### **C. Submissions and Response to issues raised by the community**

In response to the exhibition of the planning proposal 195 submissions were received by Friday 23 September 2011.

The assessment report on submissions prepared by SJB Pty Ltd examined all submissions and a response to submissions is provided in their report. As part of the review of the issues raised in the submissions SJB also reviewed the consultation outcomes reported by KJA.

A summary of matters raised in submissions is provided in the following extract taken from page 35 of the SJB report.

- Traffic and Parking Impacts
- Built form and Scale
- Amenity impacts – overshadowing, visual impact, wind tunnelling, loss of privacy, loss of views
- Out of Character
- Pedestrian impact
- Overdevelopment, over population, overcrowding
- Precedent for further high density development
- Insufficient Infrastructure to support the development
- Retention of existing Civic building/heritage significance
- Impact on neighbouring heritage items
- Loss of Open Space
- Lack of provision for public transport
- Improvement of Community Facilities
- Form of civic space
- Provision of Council offices
- Use of existing controls as a precedent misleading
- Uncertainty of outcome – Concept Plan
- Lack of options in Concept Plan
- Council business opportunities
- Lack of consideration of other uses
- Conflict of Interest/transparency of process
- Public Consultation – miscommunication/brochure misleading
- Insufficient detail of costs and funding options
- Sale of community assets/public ownership
- Impact on flight paths
- Impact on land values
- Social impacts – community isolation
- Building construction impacts – noise, dust, hours

**ITEM 5 (continued)**

**ATTACHMENT 3**

- Rezoning of adjoining site
- Impact on existing dance facilities and specification of new dance facilities
- Impact on television reception

Detailed discussion of each of these matters and recommended action is outlined in the SJB report – Section 6 (pages 35 -52).

Within the SJB report it indicates that the matters raised by the community can be addressed through the following:

- Amendments to maximum building height
- DCP controls that cover elements such as:
  - Urban design
  - Built form & setbacks
  - Access
  - Pedestrian linkage
  - Heritage issues
  - Interface with adjoining residential areas
  - Landscaping the site
- The design phase of the development and the Development application phase.

A summary of the level of support for the planning proposal is outlined in the table below.

Level of Support	Quantity	Percentage	Issues raised
Support	46	23.58%	<ul style="list-style-type: none"> <li>○ Positive Socio-Economic contribution to Ryde</li> </ul>
Conditional Support	16	8.20%	<ul style="list-style-type: none"> <li>○ Want to see improvements in Streetscape elements, reduced heights, provision of suitable support services and dance floor.</li> </ul>
Object	128	65.64%	<ul style="list-style-type: none"> <li>○ Social impacts (crime, overpopulation)</li> <li>○ Traffic and parking impacts</li> <li>○ Overdevelopment</li> <li>○ Pedestrian accessibility/safety/connectivity</li> <li>○ Public Transport</li> <li>○ Capacity of Infrastructure &amp; services to support population growth</li> <li>○ Amenity impacts (noise, dust, view loss, privacy loss, wind tunnels, overshadowing, aesthetics/visual amenity)</li> <li>○ Worsement;</li> <li>○ Uncharacteristic development;</li> <li>○ Streetscape;</li> <li>○ Lack of public open space;</li> <li>○ Transparency of process and lack of Community consultation;</li> <li>○ Privatisation of public land;</li> <li>○ Funding and costing options;</li> </ul>



**ITEM 5 (continued)**

**ATTACHMENT 3**

Level of Support	Quantity	Percentage	Issues raised
			<ul style="list-style-type: none"> <li>○ Alternative development options;</li> <li>○ Diversity of proposed land uses; and</li> <li>○ Sustainability/biophysical environmental impact.</li> </ul>
Neutral	5	2.56%	N/A
Total	195	99.98%	N/A

**Consultation**

Internal Council business units consulted included:

- The Civic Precinct Project Team have undertaken a number of staff briefings as part of regular internal communication activities by the project team, media/communications and HR Units. This has equipped staff with information about the project and ensured they are aware of the necessary protocols to direct queries to the relevant member of the project team.

Internal Workshops held:

- The Civic Precinct Project Team undertook Councillor workshops in November 2010, May and July 2011 . The workshops were to update council on the status of the Civic Precinct Redevelopment Project. No workshops were undertaken during the formal exhibition period.

City of Ryde Advisory Committees consulted included:

- Not Applicable

External public consultation included:

- Details of the external public consultation process have been discussed in the body of this report.

**Recommendation on the Planning Proposal**

The SJB report dated 18 October 2011 concludes and recommends the following :

*The report concludes that the proposal to amend the height and floor space controls is a rational planning outcome, is consistent with NSW Department of Planning policies, is consistent with the Draft Inner North Sub-regional Strategy, would potentially facilitate development generally consistent with the Chapter 8 of the Ryde DCP 2010 and therefore has merit.*

*The amendment to the height and floor space controls is considered to be strategically appropriate and an acceptable urban design outcome, subject to the implementation of development parameters.*

*However, having regard to appropriate urban design outcomes, it is recommended that the Planning Proposal be varied....*



**ITEM 5 (continued)**

**ATTACHMENT 3**

The recommendations of the SJB report are as follows:

1. *That Council amend the height controls sought under the Planning Proposal in accordance with the amended Height of Buildings Map shown in Figure 5 in this report and at Attachment 3.*
2. *That Council support the reduction in the maximum floor space permitted on the site from 100,000m<sup>2</sup> to 60,000m<sup>2</sup> NUFA.*
3. *That Council adopt the written instrument generally as drafted in the Planning Proposal.*
4. *That Council proceed with the Planning Proposal, subject to the amendment to the Height of Buildings Map and the preparation of site specific DCP controls prior to gazettal of the Planning Proposal.*
5. *That Council proceed with the preparation of a site specific DCP for the site incorporating the following controls, prior to the gazettal of the Planning Proposal*
  - a. *urban design - slimmer buildings, tower separation, tower heights;*
  - b. *built form and setbacks;*
  - c. *site access; public domain/road widths;*
  - d. *pedestrian linkages; and*
  - e. *curtilage to Hattons Cottage.*
6. *That Council note that endorsement of the Planning Proposal in no way fetters the statutory and regulatory responsibilities of the Council under the Environmental Planning & Assessment Act 1979 or Council's obligation to objectively consider the suitability of any future development application on this site.*
7. *That all persons who have made a submission be formally advised of Council's decision.*

Council should note that the DCP controls to support the Planning Proposal/LEP, if supported, will be prepared as an amendment to DCP 2010 Part 4.4 Ryde Town Centre. The draft planning controls will be the subject of a report to Council at a later date.

## **ITEM 5 (continued)**

## **ATTACHMENT 3**

### **Critical Dates**

Under the Gateway Plan Making Process the following deadlines are required to be met:

- time frame for completion (gazetted) of the LEP - 31 December 2011
- request for the Department to draft and finalise the legal instrument amending the LEP - 5 November 2011 (8 weeks prior to the projected completion date).

Failure to meet the specified dates will require that Council approach DoPI requesting consideration for a variation to the condition of the Gateway process for the site.

If Council decides to re – exhibit the Planning Proposal with the amended building height, this would result in the dates set by the gateway process not been met. If the Proposal is to be re –exhibited it is suggested that Council write to the DoPI requesting an extension until April 2012 for the making of the plan.

### **Financial Impact**

The financial implications of the redevelopment of the Civic Precinct Site is not a matter for consideration in this report and is a matter to be dealt with separately by Council.

### **Policy Implications**

There are no policy implications through adoption of the recommendation.

### **Options**

Council has five options to consider in relation to proceeding with the Planning Proposal. Each of these options and the associated outcomes are outlined as follows:

1. Do not proceed with Planning Proposal - This option would result in the building height for the site remaining at RL91 (9/10 storeys) and the maximum floor space being 100 000m<sup>2</sup>.

#### Outcomes

- Redevelopment opportunities not realised.
  - Development program proposed for the redevelopment of the site may require to be revised.
  - Redevelopment may result in a building mass of 10 storeys across the site.
  - Certainty for the community that the future building height on the site would be no higher than the existing Civic Centre.
2. Proceed with Planning Proposal as exhibited - The planning proposal requesting an increase in building height to RL130 ( approximately 24 storeys) and a reduction in the floor space to 60 000 (NUFA) be submitted to DoPI requesting the plan be made.

**ITEM 5 (continued)**

**ATTACHMENT 3**

Outcomes

- Flexibility for the redevelopment of the site obtained.
  - Development program for the site can proceed as proposed by the Project Development Team.
  - Community concerns regarding height not addressed
3. Vary the Planning Proposal to reduce height on part of the site with the amended proposal being submitted to DoPI with a request that the plan be made. The amendment to the Height of Buildings Map would reflect the recommendation of SJB.

Outcomes

- The development program for the site can proceed as scheduled by the Project Development Team.
- Community concerns regarding building height on the site and the impact on surrounding properties recognized.

In relation to this option the DoPI advised Council on the 10 October 2011 of the following:

- Under the EP&A Act 1979, Council can modify a planning proposal following public consultation. Ultimately it will be for the Minister to decide whether additional consultation is required (under Section 58(3) of the Act).
- Council is encouraged to obtain its own legal advice in relation to proceeding with the planning proposal without further exhibition.
- Should Council proceed to re-exhibit the Planning Proposal, it should do so for a period of time considered to be reasonable and necessary to satisfy the community's expectations.

The legal advice provide by General Counsel is provided below

*I note the Department of Planning's advice... I agree that ultimately it will be a matter for the Minister to decide whether additional consultation is required but, the Minister's decision would be open to judicial review. I consider this to be a strong possibility as opposed to a probability. However, Council should, for abundant caution, re-exhibit the PP if it is to be amended as recommended.*

*I have based my advice largely on the decision of Craig J in Friends of Turramurra Inc v Minister for Planning [2011] NSWLEC 128. On the authority of that case, I consider Council is at risk of the Court declaring the amended PP, once adopted, to be contrary to the provisions of the EP &A Act for want of proper consultation and thereby of no legal force or effect.*

**ITEM 5 (continued)**

**ATTACHMENT 3**

Council should note that the Town Centre LEP prepared by Ku-ring-gai Council was declared invalid by the court as the plan that was made was substantially different from the draft plan that was exhibited.

4. Vary the Planning Proposal to reduce height on part of the site and re – exhibit the amended Planning Proposal.

Outcomes

- The community are able to consider and comment on the variation to the building height proposed for the site.
- The risk that the plan, once made, could be subject to a legal challenge is reduced.
- The timeframe set by the DoPI to complete the Planning Proposal is unlikely to be met. Council would need to apply to DoPI to request that the timeframe to complete the draft plan is extended to allow the re-exhibition.
- The development program for the Civic Centre site would be delayed by approximately 3 months and the program and timeframes for the redevelopment of the site would need to be revised.

It is considered that to allow suitable time for community comment the Planning Proposal should be re – exhibited for 28 days.

(Council is to note that under Options 3 and 4 – draft DCP controls for the site ie amendment to Part 4.4 DCP 2010, would be prepared and exhibited as a separate process to the planning proposal.)

5. Vary the Planning Proposal to reduce height on part of the site and re – exhibit the amended Planning Proposal with draft DCP controls for the site.  
(amendment to Part 4.4 DCP 2010)

Outcomes

- The community are able to consider and comment on the variation to the building height proposed for the site.
- The risk that the plan, once made, could be subject to a legal challenge is reduced.
- The timeframe set by the DOPI to complete the Planning Proposal is unlikely to be met. Council would need to apply to DOPI to request that the timeframe to complete the draft plan is extended to allow the re-exhibition.
- The community is able to comment on the amended planning proposal together with the draft development controls for the site. Consideration of both documents would provide the community with an understanding of the controls that would guide the future development of the site.
- The development program for the Civic Site would be delayed by approximately 5-6 months and the timeframes for stages of the redevelopment program would need to be revised.

## ITEM 5 (continued)

## ATTACHMENT 3

### PREFERRED OPTION – Option Four

Option 4: Vary the Planning Proposal to reduce height on part of the site and re – exhibit the amended Planning Proposal for 28 days is the preferred option because:

- It enables the community to comment on the variation/reduction in building height on part of the site.
- The risk of a legal challenge on the plan (once gazetted) is minimal.
- The delays to the development program for the redevelopment of the civic centre site by approximately three months.

As indicated above, the preparation and exhibition of draft development controls for the site, prepared as an amended to Part 4.4 DCP 2010, would be undertaken separately to the planning proposal. Details of the draft controls would be reported to Council at a later date.

### Conclusion

The Planning Proposal for the Ryde Civic Precinct proposes an increase in building height from RL 91 to RL 130 and a reduction in the floor space from 100,000m<sup>2</sup> to 60,000m<sup>2</sup> NUFA. A concept plan was developed for the site to support the Planning Proposal.

The Planning Proposal was publicly exhibited for a period of 6 weeks in August and September 2011. Over 190 submissions were received and the majority objected to the Planning Proposal.

The planning firm SJB Planning NSW Pty Ltd was engaged to undertake an independent assessment of the Planning Proposal. This included reviewing the submissions, preparing a planning response to the submissions and making a recommendation on proceeding with the proposal.

The SJB report indicated that the key issues relating to the Planning Proposal are traffic and parking, built form and heritage. To address these issues the SJB report recommends:

- a variation to the building height on part of the site;
- the support the reduction in the floor space from 100,000m<sup>2</sup> to 60,000m<sup>2</sup> NUFA;
- the preparation of development controls for the Precinct that will address issues such as urban design, setbacks, public domain, pedestrian linkages and heritage issues.

**ITEM 5 (continued)**

**ATTACHMENT 3**

**RECOMMENDATION:**

- (a) That the Planning Proposal with amended height controls (in accordance with the recommendation of the independent Planners report dated 18 October 2011) for the Ryde Civic Precinct be re-exhibited for 28 days.
- (b) That DCP 2010 – Part 4.4 Ryde Town Centre be amended to incorporate development controls for the Ryde Civic Precinct.
- (c) That the draft amendments to DCP 2010 - Part 4.4 Ryde Town Centre is reported to Council.
- (d) That the General Manager write to the Director General of the Department of Planning and Infrastructure requesting a variation to the timeframe condition of the Gateway Process to this Planning Proposal.

**ATTACHMENTS**

- 1 Attachment 1: Ryde Civic Precinct Planning Proposal - Final Report
- 2 Attachment 1A: Ryde Civic Precinct Planning Proposal - Draft Instrument
- 3 Attachment 1B: Ryde Civic Precinct Planning Proposal - Draft Height of Buildings Map
- 4 Attachment 1C: Ryde Civic Precinct Planning Proposal - Proposed Height
- 5 Attachment 1D: Ryde Civic Precinct Planning Proposal - Submission Summary
- 6 Attachment 1E: Ryde Civic Precinct Planning Proposal - Leaflet Distribution Map
- 7 Attachment 1F: Civic Precinct Consultation - Final Report

Report Prepared By:

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

Report Approved By:

**Sam Cappelli**  
**Acting Group Manager Environment & Planning**

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## **6 DRAFT DEVELOPMENT CONTROL PLAN - Part 4.4 Ryde Town Centre**

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**Report prepared by:** Manager - Urban Planning

**Report dated:** 2/12/2011

**File No.:** DCP2011/117/005 - BP11/924

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### **Report Summary**

To recommend that Council resolves to exhibit Draft Development Control Plan – Part 4.4 Ryde Town Centre. The draft Part has been developed in line with the recommendations of the independent assessment made by SJB Planning of the Planning Proposal and Amended Planning Proposal – Ryde Civic Precinct and the submissions received to that Planning Proposal.

The draft DCP provides controls to guide the development of the site based on the building heights and a floor area of 60 000sqm contained in the Amended Planning Proposal for the site.

This report covers information on the proposed future character of Precinct 1 – Civic/Mixed Use (being Section 8.1 in DCP 2010 - Part 4.4 Ryde Town Centre). The draft DCP identifies objectives and controls for the Precinct as a whole and also for two distinct development sites which have been identified as:

- Site A - 1 and 1A Devlin Street containing the Council Chambers and office, Civic Hall , former library, car park and landscaped areas and
- Site B - 150 – 156 Blaxland Road Ryde containing a car park.

The following identifies some of the key areas for which objectives and controls for the Precinct and the two sites have been developed:

- General Precinct Provisions – Proposed objectives and controls relate to;
  - Architectural and Built Form Character
  - Landscape and Public Domain
  - Precinct Access and Circulation
- Site A – This site is to comprise a mix of uses that will include tower buildings up to 75 in height. Proposed controls relate to;
  - Land Uses, Public Domain and Pedestrian Amenity
  - Built Form, Residential Amenity, Parking and Sustainability
- Site B - The site is identified as providing a transition in height, bulk and scale between development on Site A to the east and lower density residential development to the west. Particular emphasis is placed on the redevelopment of the site having regard to Hatton's Cottage.

The draft DCP states that any future development within the Precinct will be the subject of a single development application and specifies the matters to be addressed in such a DA and the support plans, studies and assessments required to be submitted with a DA.



**ITEM 6 (continued)**

A number of amendments will be made to the remaining section of the DCP Part 4.4 Ryde Town Centre to ensure the provisions are consistent with the draft development requirements outlined in Section 8.1.

An amended DCP providing design controls for the future development of the Ryde Civic Precinct is necessary to support the Planning Proposal and subsequent LEP for the subject area and should be in place at the time of the gazettal of the draft LEP. As such this report recommends that draft DCP – Part 4.4 Ryde Town Centre be publicly exhibited for a minimum of 28 days and in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

**RECOMMENDATION:**

- (a) That draft Development Control Plan (DCP) 2010 - 4.4 Ryde Town Centre be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
- (b) That a report be prepared for Council's consideration following the exhibition period of draft DCP 2010 - 4.4 Ryde Town Centre.

**ATTACHMENTS**

- 1 Draft DCP 2010 - 4.4 Ryde Town Centre (8.1 Precinct 1 – Civic/Mixed use)

Report Prepared By:

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

Report Approved By:

**Dominic Johnson**  
**Group Manager - Environment & Planning**

## ITEM 6 (continued)

### Background

#### *DCP – Part 4.4 Ryde Town Centre*

Development Control Plan - Part 4.4 Ryde Town Centre came into effect in May 2006 with the gazettal of Ryde LEP 143 – Ryde Town Centre. The purpose of DCP – Part 4.4 Ryde Town Centre is to facilitate the revitalisation of Ryde Town Centre as a vibrant, attractive and safe urban environment with a diverse mix of retail, commercial, residential and leisure opportunities.

Part 4.4 Ryde Town Centre comprises a number of sections where development controls are specified such as:

- Public Domain
- Heritage
- Sustainable Development
- Residential Amenity and
- Precincts

Section 8.1 Precinct 1 – Civic/Mixed Use contains generalised controls and objectives which focus on maintaining the visual pre – eminence of the Civic /Mixed Use precinct within the Town Centre. The controls also outline the support material to be submitted with any DA for the site and encourage the prominence and significance of Ryde Town Centre as a civic hub.

#### *Planning Proposal – Ryde Civic Precinct*

The Planning Proposal – Ryde Civic Precinct was exhibited for a period of 6 weeks from 10 August 2011 to 21 September 2011. The aim of the Planning Proposal was to:-

- Amend LEP 2010 Height of buildings Map with respect to the Civic Centre site from maximum height RL 91 to RL 130; and
- Amend LEP 2010 - *Schedule 6 Planning controls for Ryde Town Centre precincts* Clause 1 (1) so that the total net useable floor area for the Civic Centre site does not exceed 60,000m<sup>2</sup>.

Given the need for an independent assessment of the planning proposal and the issues raised during the exhibition period, the Urban Planning Unit engaged SJB Planning Pty Ltd on the 8 September 2011 to in part:

- Review the Planning Proposal.
- Review all submissions and prepare a summary table of the submissions.
- Prepare a planning response to all issues raised in submission.
- Prepare a planning report to Council that considers submissions and that recommends either variation to the planning proposal and /or adoption of the proposal.

## ITEM 6 (continued)

In response to the exhibition of the planning proposal 195 submissions were received by Friday 23 September 2011.

The SJB report indicated that the key issues relating to the Planning Proposal were traffic and parking, built form and heritage. To address these issues the SJB report recommended the following:

- Amending the Height of buildings Map by reducing the proposed height on part of the site; and
- That Council proceed with the preparation of a site specific Development Control Plan for the site incorporating the following controls, prior to the gazettal of the Planning Proposal:
  - urban design - slimmer buildings, tower separation, tower heights;
  - built form and setbacks;
  - site access, public domain/road widths;
  - pedestrian linkages; and
  - curtilage to Hatton's Cottage.

On 18 October 2011, Council resolved:

- (a) the Planning Proposal with amended height controls (in accordance with the recommendation of the independent Planners report dated 18 October 2011) for the Ryde Civic Precinct be re-exhibited for 28 days.*
- (b) that DCP 2010 – Part 4.4 Ryde Town Centre be amended to incorporate development controls for the Ryde Civic Precinct.*
- (c) that the General Manager write to the Director General of the Department of Planning and Infrastructure requesting a variation to the timeframe condition of the Gateway Process to this Planning Proposal.*

The DoPI on the 21 October 2011 issued a Revised Gateway Determination with respect to Amended Planning Proposal which states in part:-

- The amended Planning Proposal may proceed
- The revised planning proposal must be exhibited for 28 days
- The timeframe for completing the LEP is extended to 21 April 2012.

The amended Planning Proposal - Ryde Civic Precinct was exhibited for 28 days from the 26 October to 23 November 2011. The outcomes of that exhibition process is the subject of a separate report to Council.

### *Rescission Motion*

A rescission motion against the Council resolution of the 18 October 2011 was considered on the 1 November 2011. On being put to the Council meeting the rescission motion was lost.

## **ITEM 6 (continued)**

The draft DCP Part 4.4 Ryde Town Centre – 8.1 Precinct 1 - Civic/Mixed Use has been developed in line with Council's resolution of the 18 October 2011 and the recommendations of the independent assessment made by SJB Planning of the Planning Proposal and Amended Planning Proposal – Ryde Civic Precinct.

### **Report**

The existing DCP 2010 - Part 4.4 Ryde Town Centre came into effect in 2006. The DCP contains a section on Precincts (Section 8.0 Precincts), which outlines the controls for the 11 Precincts in the Centre. The controls for Precinct 1 Civic/Mixed use (Section 8.1) identifies that the future character of the Precinct will comprise a range of uses being government, community, residential and commercial activities and will incorporate buildings and landscapes that demonstrate civic qualities and design excellence, governance and leadership, and triple bottom-line sustainability.

Many of the objectives in the existing Section 8.1 focus on the visual pre-eminence of the Civic/Mixed Use Precinct within the Town Centre, the need for improved pedestrian links between the Precinct and other areas of RTC and the need to facilitate community interaction by providing places to meet including civic and mixed use facilities, plazas and courtyards.

The controls for Precinct 1 Civic /Mixed Use in the existing DCP are broken up into;

- General controls for the Precinct (these controls focus on the materials required to be submitted to support a DA for the site land uses permitted and maintaining the visual prominence of the site)
- Public Buildings and Civic Development and
- Commercial and Residential Development

The controls are generalised and minimal in content. For example three controls apply to the Commercial and Residential Development section two of which make reference to compliance with other Parts of DCP 2010 or a Greenstar rating, the third requires such development to be located and designed to create a quality working and living environment.

The controls within 8.1 Precinct 1 - Civic/Mixed Use have been amended to respond to the provisions of the Planning Proposal and to guide the future development of the site.

The draft Part 4.4 Ryde Town Centre aims to provide more detailed development guidelines to ensure that the desired future character of the Civic/Mixed Use Precinct is achieved and that all development within the precinct is of a high quality that has taken into consideration all relevant studies and assessments.

## ITEM 6 (continued)

### *Draft DCP 2010 - Part 4.4 Ryde Town Centre (8.1 Precinct 1 - Civic/Mixed use)*

The draft Part 4.4 Ryde Town Centre (8.1 Precinct 1 - Civic/Mixed use) comprises the following sections:

- Introduction – provides a physical and historical overview of the precinct.
- Future Character – identifies that the precinct will contain a range of uses being government, community , residential and commercial and comprises two distinct sites (Figure 1):
  - Site A known as 1 and 1A Devlin Street and containing the Council Chambers and office, Civic Hall , former library, car park and landscaped area and
  - Site B known as 150 – 156 Blaxland Road Ryde containing the car parks.

**Figure 1 – Precinct Map**



The future development of the Precinct is identified as contributing to the revitalisation of the RTC by in part:

- Providing new mixed use development that complements and supports the high density urban character and functions of the RTC and
- Delivering high quality architectural and landscape design both in built form and public domain.

## ITEM 6 (continued)

A summary of the draft controls for Precinct 1 are outlined as follows;

- General Precinct Provisions - A series of objectives and controls for the Precinct as a whole are provided. They include:
  - Architectural and Built Form Character - Objectives
    - To enhance the landmark qualities of the Precinct and character of the Ryde Town Centre (RTC) through development that is visually prominent in terms of height and scale and architectural design
    - To provide for new civic and community uses with a good level of pedestrian connectivity to Precinct 2
    - To ensure that the design of future development considers the interface with adjacent development
    - To deliver development based on ecologically sustainable development principles
  - Landscape and Public Domain Character – Objectives
    - To provide a quality public domain within and immediately surrounding the Precinct that establishes landscaped frontages on Devlin and Parkes Streets and Blaxland Road, provides a landscaped plaza on the site and improves pedestrian amenity
    - To ensure that an environment is created along Blaxland Road that contributes to pedestrian amenity and assists in providing for an appropriate transition in the height and scale of built form between future development and existing residential development
  - Precinct Access and Circulation - Objectives and Controls
    - To provide for road network improvements that are required to support the future redevelopment of the Precinct
    - To ensure vehicular access to existing properties is maintained.
    - The detailed design of the realigned Blaxland Road which in part is to have a minimum road reserve of 17m , shared pedestrian vehicular environment where appropriate, incorporate a vehicle turning circle and drop off area at the northern end of the site.
- Site A – Objectives and controls specific to Site A, which is identified as the site to comprise a mix of uses that will include tower buildings up to 75 in height include:
  - Objectives
    - To encourage a creative and articulated skyline
    - To facilitate community interaction through the provision of civic and mixed use facilities, plazas and courtyards

## ITEM 6 (continued)

- Controls - Land Uses
  - The site is to comprise mixed uses, with predominantly residential, retail, commercial and civic uses
  - New civic uses (approximately 3 000sqm gross floor area) are to include a new Council Chamber and associated facilities and flexible spaces for a range of community activities
- Controls - Built Form and Sustainability
  - Future tower forms are to be located fronting Devlin Street and Parkes Street
  - Building setbacks of 3m from Parkes Street and Blaxland Road and 4m from Devlin Street are required.
  - Specified building separations with a 24m separation being required between habitable rooms/balconies for building nine storeys or greater
  - Building and massing is to be distributed on the site to ensure high amenity for public domain spaces, good solar access and protection from wind and noise levels and to minimise loss of amenity to adjacent buildings and public streets.
  - Residential development is to achieve minimum 4.0 Greenstar rating – Commercial a minimum 5 .0 Greenstar rating

Other controls are proposed for Site A relating to the areas of public domain, pedestrian and residential amenity and parking.

- Site B – The site is identified as providing a transition in height, bulk and scale between development on Site A to the east and lower density residential development to the west. Particular emphasis is place on the redevelopment of the site having regard to Hatton's Cottage.
  - Objectives include:
    - To ensure development respects the significance of Hatton's Cottage
    - To encourage development that responds to the existing low scale development to the west and the sites sloping topography
  - Controls include:
    - Building setbacks of 8m to Hatton's Cottage, 4m to Parkes Street, 6m to the western boundary and 3m to Blaxland Road
    - Specified building separations with a 12m separation required between habitable rooms and balconies for buildings 3 to 4 storeys

Figures and Maps within the draft DCP include:

- Precinct Map identifying Site A and B
- Examples of appropriate Town Centre built forms
- Examples of high quality landscape and public domain



## ITEM 6 (continued)

- Vehicular access and road network improvements
- Cross section of realigned Blaxland Road
- Setbacks and built to lines
- Sections illustrating the built form and height transitions.

The draft DCP states that any future development within the Precinct will be the subject of a single development application and specifies both the matters to be addressed and the minimum studies, plans and assessments that must be submitted in support of the DA.

Draft DCP 2010 - 4.4 Ryde Town Centre (8.1 Precinct 1 – Civic/Mixed use) is **ATTACHED**.

### *Draft DCP 2010 – Part 4.4 Ryde Town Centre*

A number of amendments are required to be made to other sections within the DCP to ensure the provisions that relate to the whole of RTC are consistent with the draft development controls for Section 8.1 Precinct 1 – Civic/Mixed use. An outline of the amendments are summarised as follows:

- Figure 4.4.02 Public Domain Control Drawing indicating the proposed pedestrian links on the Civic Precinct site
- Figure 4.4.03 Active Frontage control Drawing indicating active frontages along the Devlin Street frontage
- Figure 4.4.04 Awning Control Drawing indicating the requirement for awnings/weather protection along the Devlin Street frontage
- 4.4 Architectural and Design Quality - amendment to an existing control to ensure modulation and articulation of development.

## **Consultation**

For the preparation of the draft controls some consultation occurred with staff from the Assessment Unit. The draft DCP was also reviewed by the Urban Design Review Panel. The draft controls were amended to reflect the comments made by the Panel.

Public consultation will occur during the exhibition of the draft DCP.

### Internal Workshops held:-

A Council Workshop was held on 22 November 2011 to obtain Councillor views on the desired design controls for the Civic/Mixed Use Precinct.

At the workshop the following matters were raised:

- The need for shadow diagrams to illustrate potential shadow impacts – Shadow diagrams will be made available during the exhibition period for the draft DCP.
- Site permeability for vehicular access – the draft DCP provides details on the required vehicular access and road network improvements required with respect to the future development of the Precinct

## ITEM 6 (continued)

- Street addresses – the draft DCP requires ground floor dwellings which have frontage to Blaxland Road and Parkes Street to have individual access, this will ensure street numbering can be appropriately carried out.
- Setbacks (particular interest in Hatton's Cottage) – the draft DCP provides controls on setbacks and build to lines for the Precinct. The proposed setbacks to Hatton's Cottage range from 3m fronting Blaxland Rd up to 8m from the side boundary with Site B.
- Interface of Blaxland Road properties to existing development – in draft Ryde LEP 2011 properties 158 – 194 Blaxland Road Ryde are zoned B4 Mixed Use and a floor space ratio of 1.5:1 and height of 15.5 metres is introduced. In a separate report to Council it is recommended that the zoning, height and floor space that currently applies to such land be re-instated in DLEP 2011.

City of Ryde Advisory Committees consulted included:-

- Not Applicable

External public consultation included:-

As required under the Regulations to the Environmental Planning and Assessment Act the draft Plan will be required to be exhibited for a period of not less than 28 days, by notice in the local newspaper.

The proposed exhibition period will commence on the 25 January 2012 and run until the 22 February 2012.

As part of the formal exhibition process the following will occur:

- Notification in Weekly Times and Northern District Times
- Letters to 2,600 adjoining residents advising of the draft DCP
- Hard copies of the draft DCP available for viewing at Customer Service Centre, Ryde Planning and Business Centre and all Council Libraries.
- Letters to relevant State authorities and Local Members of State and Federal Government.
- Website – material on the draft DCP.

### Critical Dates

Under the Gateway Plan Making Process the time frame for completion (gazettal) of the LEP for the Ryde Civic Precinct is 21 April 2012.

As draft DCP – 4.4 Ryde Town Centre supports the amending LEP it will be necessary for the draft DCP to be finalised as soon as possible to ensure that it can come into effect upon the gazettal of the LEP.

### Financial Impact

To exhibit draft DCP – 4.4 Ryde Town Centre it is necessary to place an advertisement in a local newspaper. The cost of placing the advertisement is estimated at \$1000.

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This project is provided for in the current budget for the financial year 2011/12 from the Urban Planning Budget.

#### **Policy Implications**

The recommendation is consistent with the requirements of the Environmental Planning and Assessment Act 1979.

#### **Other Options**

The basis for amending Part 4.4 Ryde Town Centre is on Council resolving to proceed with the Amended Planning Proposal – Ryde Civic Precinct. If Council resolves not to proceed with the Amended Planning Proposal there will be no requirement at this time for an amendment to the subject Part of DCP 2010.

#### **Conclusion**

An amended DCP providing design controls for the future development of the Ryde Civic Precinct is necessary to support the Planning Proposal and subsequent LEP for the subject area and should be in place at the time of the gazettal of the draft LEP. To satisfy this requirement the development and exhibition of draft DCP Part 4.4 Ryde Town Centre is considered necessary.

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### 8.1 Precinct 1- Civic/Mixed Use

The Civic/Mixed Use Precinct is the existing civic hub for the City of Ryde. It is an island surrounded by roads and disconnected from the retail core and town centre by Devlin Street.

The Precinct is located on a ridgeline and accommodates a landmark building that is highly visible from within the Ryde Town Centre and regionally. The existing seven-storey City of Ryde Civic Centre was constructed in 1964, and later in the 1970's, the community hall was constructed. The Precinct is linked to two pedestrian overpasses across Devlin Street and the vehicle access portals currently serving Top Ryde City, located within the subsurface of Devlin Street. The Precinct also contains car parks and landscape areas associated with the Civic buildings.

The Civic Centre has contributed to the character of the Precinct for in excess of 40 years. However, the current building no longer provides the scale and amenity required of a modern functional Civic building. It is constrained by a lack of sizeable floor space and is rapidly approaching the end of its useful life. The successful adaptive re-use of the existing building is cost prohibitive.



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### Relationship of this part to other DCP Controls

The provisions included in this part of the DCP should be read in conjunction with Ryde LEP 2010 and with the other relevant requirements of this DCP. To the extent of any inconsistency between DCP provisions or requirements, it is intended that the provisions in this part of the DCP prevail.

The provisions of this part of the DCP should also be read in conjunction with the requirements of the Ryde Town Centre Public Domain Plan. The Public Domain Plan identifies specific and more detailed requirements for the treatment of the Precinct 1 public domain.

### Future Character

The Precinct is divided into two key future development sites: Site A and Site B – see Figure 4.4.10.

Site A is the larger and eastern most portion of the Precinct. It currently accommodates the existing Civic buildings, car parking and landscaped areas.

Site B is the smaller western portion of the Precinct. Currently Site B is utilised as an at grade car parking area for Council vehicles.

The two sites will be separated by a realigned Blaxland Road, which is to be provided to better service the Precinct and to continue to provide access to existing residential, commercial and community properties to the west of the Precinct.

It is anticipated that the future redevelopment of the Precinct will involve the demolition of the existing Civic Centre and the establishment of new landmark and sustainable building(s) that may comprise a mix of cultural, civic, community, retail, commercial and residential uses that demonstrate civic quality and design excellence, as well as triple bottom-line sustainability.

Future development will contribute to the revitalisation of the Ryde Town Centre by:

1. Providing significant new mixed used development of up to 60,000sqm of net useable floorspace (66,000sqm gross floor area) that complements and supports the high density urban character and functions of the Ryde Town Centre.
2. Replacing the existing Ryde Civic Centre and Civic Hall with approximately 2,600sqm of net useable floor space (approximately 3,000 sqm gross floor area) comprising a Council Chamber and civic uses (including flexible community, function, exhibition and performance spaces).
3. Realigning Blaxland Road and undertaking road network improvements to support the redevelopment of the site.
4. Establishing significant new development that complements and supports the high density urban character and functions of the wider Ryde Town Centre.
5. Delivering high quality architectural and landscape design both in built form and public domain, that is based on environmental and sustainability principles.



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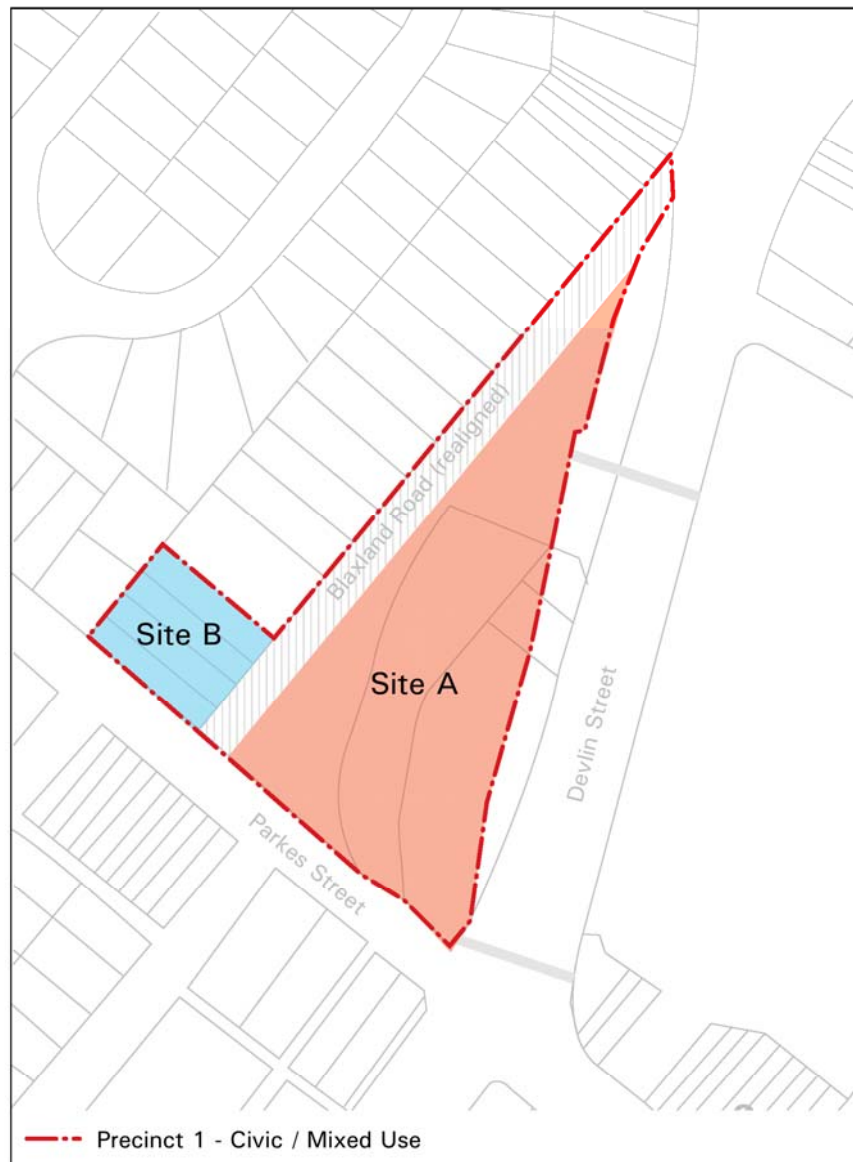


Figure 4.4.10 Precinct Map

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### General Precinct Provisions

#### Architectural and Built Form Character

##### Objectives

1. To enhance the landmark qualities of the Precinct and character of the Ryde Town Centre through the provision of development that is visually prominent in terms of height and scale and architectural design.
2. To encourage built form that reinforces the corners of Devlin Street with Blaxland Road and Parkes Street as key gateways to the Ryde Town Centre.
3. To provide for new civic and community uses within the Precinct with a good level of pedestrian connectivity to the existing civic and community uses in Precinct 2.
4. To ensure the Precinct is well connected to other Precincts in the Ryde Town Centre in terms of pedestrian access.
5. To encourage the provision of active / non-residential uses fronting the public domain.
6. To ensure that future development accommodates a mix of civic, residential and non-residential land uses within the Precinct.
7. To ensure vehicular and pedestrian access to all existing properties to the west of the realigned Blaxland Road is maintained and improved.
8. To ensure that the design of future development considers the interface with adjacent development, and provides for a transition in built form height and scale, particularly to lower density development to the west and south.
9. To deliver development based on ecologically sustainable development (ESD) principles.

The desired town centre built form character is conceptually illustrated by the images at Figure 4.4.11.

##### Controls

- a. The development of the site is to comply with the controls for the Site A and Site B in the following section of the DCP



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**Figure 4.4.11 Examples town centre built form**

**Landscape and Public Domain Character**

**Objectives**

1. To provide a quality public domain within and immediately surrounding the Precinct that:
  - a. establishes landscaped frontages on Devlin Street, Parkes Street and the re-aligned Blaxland Road;
  - b. provides a landscaped plaza on the site;
  - c. improves the pedestrian amenity and connectivity between the existing pedestrian bridges across Devlin Street at both ground and upper levels; and
  - d. provides a publicly accessible through site link and the northern end of the site between Blaxland Road and the northern pedestrian bridge across Devlin Street.
2. To create a frontage along Devlin Street that provides for improved pedestrian amenity and a softening of the interface between future development and the high traffic environment of Devlin Street.
3. To ensure that an environment is created along the re-aligned Blaxland Road that contributes to pedestrian amenity and assists in providing for an appropriate transition in the height and scale of built form between future development within Site A and existing low density residential development to the west.
4. To ensure an environment is created along Parkes Street that contributes to an improved pedestrian environment and positively enhances the streetscape.

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### Controls

- a. The public domain areas and pedestrian links are to comply with the controls for the Site A and Site B in the following section of the DCP and the provisions of the City of Ryde Public Domain Plan.



Figure 4.4.12 Examples of high quality landscape and public domain

### Precinct Access and Circulation

#### Objectives

1. To provide for road network improvements that are required to support the future redevelopment of the Precinct.
2. To integrate site vehicular access provision with the existing vehicular access arrangements that are in place for the Top Ryde Shopping Centre.
3. To ensure vehicular access to existing properties is maintained.
4. To provide for a shared pedestrian and vehicular environment at the termination of the realigned Blaxland Road with Devlin Street.

#### Controls

- a. Site access arrangements and road network improvements are to be provided in accordance with Figure 4.4.13.
- b. The detailed design of the realigned Blaxland Road as shown in Figure 4.4.10 and Figure 4.4.13 is to:
  - i. Have a road reserve that is a minimum of 17 metres wide.
  - ii. Incorporate short stay on-street parking.
  - iii. Maintain direct vehicle access to and from existing properties to the west.
  - iv. Provide a shared pedestrian and vehicular environment where appropriate.

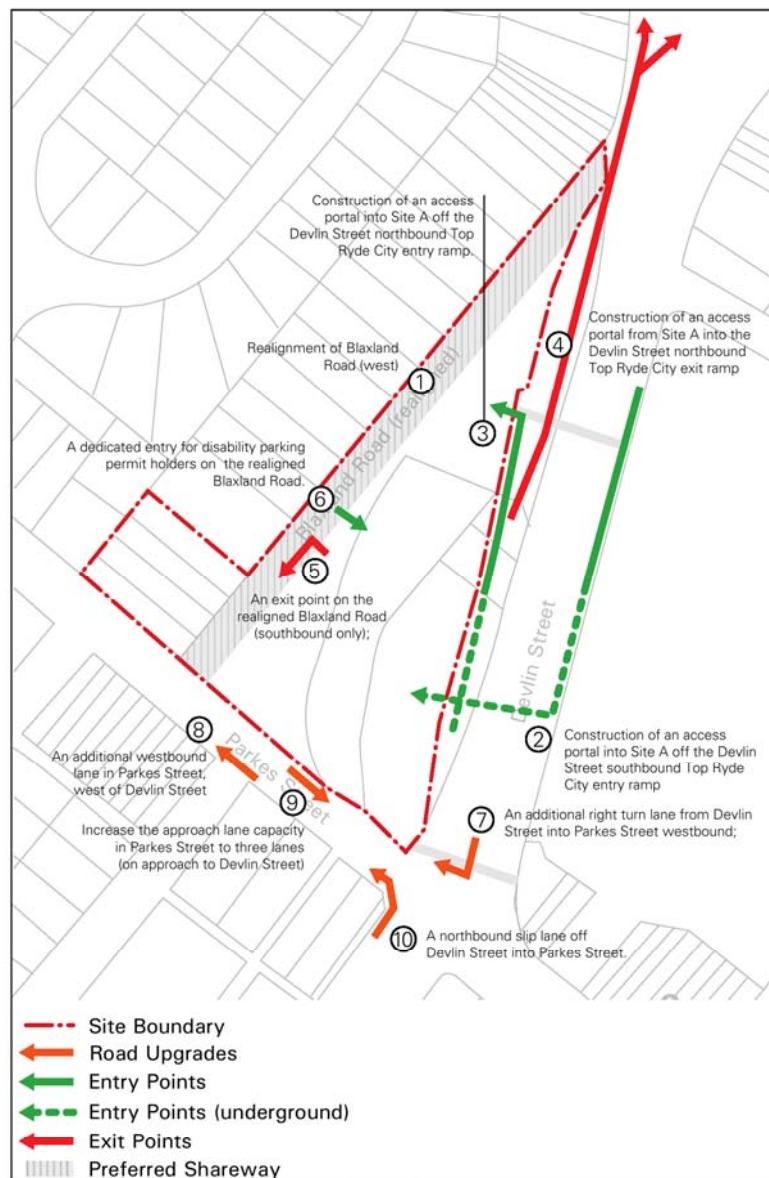
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- v. Provide clearly delineated vehicle and pedestrian spaces at the northern end of the realigned Blaxland Road, to minimise opportunities for conflict.
- vi. Incorporate a vehicle turning circle and drop off area at the northern end of the site.

A cross section of Blaxland Road is illustrated at Figure 4.4.14.



**Figure 4.4.13 Vehicular access and road network improvements**



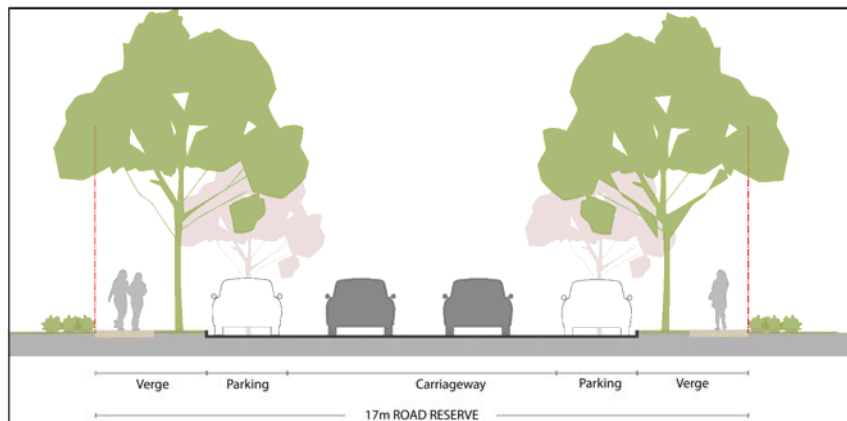
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**Figure 4.4.14 Illustrative cross section of realigned Blaxland Road carriageway**

**Site A**

Site A is the larger and eastern most portion of the Precinct. The redeveloped Site will contain landmark buildings at its the northern and southern ends. The site is to comprise a mix of uses and will include tower buildings up to 75m in height. The tower forms will take advantage of 360 degree view and vistas, and will be an identifiable landmark of the Ryde Town Centre.

Development of the site is to comply with the following controls and with the preceding architectural, built form, landscaping, public domain, access and circulation objectives and controls for the Precinct.

The location of Site A is illustrated in Figure 4.4.10.

**Objectives**

1. To encourage development of a scale and form that reinforces the prominence of the site on the ridgeline of the Top Ryde Town Centre, and is well proportioned.
2. To encourage a creative and articulated skyline.
3. To facilitate community interaction through the provision of civic and mixed use facilities, plazas, courtyards and the like.
4. To integrate development with the surrounding road network, while minimising impacts to local and regional traffic.
5. To respond to and minimise the effects of the high levels of wind and noise experienced on the site.
6. To ensure that the future development fronting the realigned Blaxland Road is designed to provide an interface with the adjacent lower residential development.

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**Controls**

**Land Uses**

- a. Site A is to comprise mixed uses, with predominantly residential, retail, commercial and civic uses.
- b. New civic uses (approximately 2,600 sqm net useable floor space / 3,000 sqm GFA) are to include a new Council Chamber and associated facilities and flexible spaces for a range of community, function, exhibition and performance activities.
- c. The new civic uses should be designed and located to facilitate easy pedestrian access to the existing civic and community uses within Precinct 2 on the opposite side of Devlin Street. The preferred location for the provision of future civic uses is towards the northern end of Site A in proximity to the existing northern pedestrian bridge over Devlin Street (refer to Figure 4.4.15). Alternative options for the location of the future civic uses will be considered on their merit.
- d. Retail and/or commercial uses should be in proximity to the new civic uses in order to create active and vibrant public spaces.
- e. Ground floor uses fronting Devlin Street are to be predominantly non-residential (eg commercial, retail, civic, community, incubator commercial, SOHO apartments and the like).
- f. Ground floor uses elsewhere within Site A should activate street frontages and public spaces where there are higher levels of pedestrian activity. The active uses may include retail, commercial and civic uses or residential apartments with direct access from the street



**Figure 4.4.15**  
**Preferred Location of Civic uses**

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**Public Domain**

- a. The public domain is to be a high quality design, embellished with quality and durable materials and be provided in accordance with the standards set out in the DCP and Ryde Town Centre Public Domain Plan.
- b. The Devlin Street frontage is to comprise a combination of hard and soft landscape elements that enhance the pedestrian amenity of this through route. Opportunities for substantial tree planting should be explored in the context of limited capacity to accommodate deep soil planting due to the portal vehicular access arrangement and future basement car parking.
- c. Street trees (8m metre canopy diameter at maturity) should be planted along the realigned Blaxland Road and at the northern end of the site. Deep soil planting zones or pit structures should be provided to accommodate the large trees.
- d. Tree species should be selected to suit the streetscape including street width, building heights, setbacks and views.
- e. The design of new buildings and public domain is to minimise blind corners and recesses. Entrances to new civic buildings and spaces should be clear, well lit and well defined.
- f. Setbacks are to be provided to Devlin Street, Parkes Street and Blaxland Road in accordance with Figure 4.4.17 to provide for improved amenity.

**Pedestrian Amenity**

- a. Development within Site A is to reinforce Devlin Street, Parkes Street and Blaxland Road as the primary pedestrian network for the Precinct. Refer to Figure 4.4.16.
- b. New and improved pedestrian connections are to be provided to Devlin Street, Parkes Street and Blaxland Road.
- c. Future development is to provide for a good level of connectivity to the existing pedestrian bridges across Devlin Street at both ground and upper levels.
- d. The pedestrian environment on Devlin Street is to be enhanced through the provision of continuous weather protection between the existing northern and southern pedestrian bridges on Devlin Street (refer to Figure 4.4.16). This may be in the form of awnings attached to built form, free standing awnings, colonnades or the like and any combination of these.

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Figure 4.4.16 Pedestrian Connections

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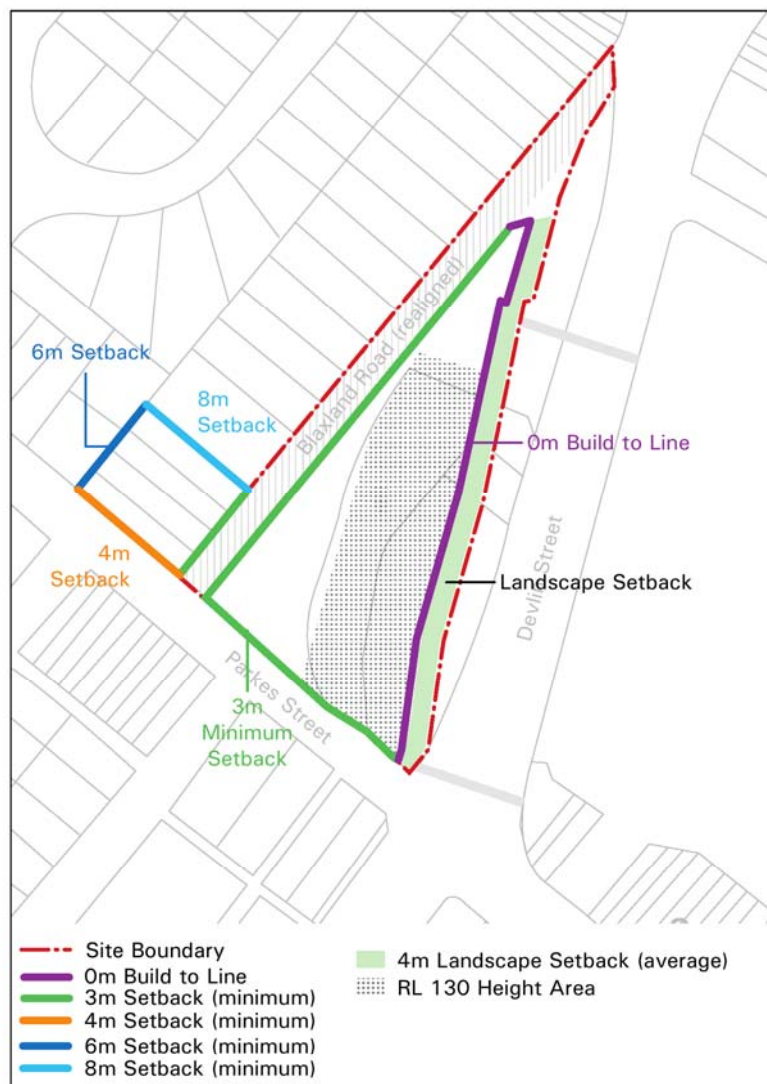
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**Built Form**

- Future tower forms within Site A are to be located generally fronting Devlin Street and Parkes Street within the area shown on Figure 4.4.17.
- Ground level build to lines and building setbacks are to be in accordance with Figure 4.4.17. The setbacks are to be measured from existing property site boundaries or from the boundaries of newly realigned Parkes Street and Blaxland Road, as illustrated in Figure 4.4.17.



**Figure 4.4.17 Setbacks and build to lines**

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- c. Buildings of 4-6 storeys are encouraged along Devlin Street and Parkes Street. A minimum 4 storey street wall height should be established on Devlin Street and Parkes Street.
- d. Buildings fronting the realigned Blaxland Road are to have upper levels above 4 storeys setback a minimum of 3m (refer to Figure 4.1.18).



**Figure 4.1.18 Section illustrating setbacks above 4 storeys**

- e. Ground floor dwellings in buildings fronting Blaxland Road and Parkes Street are to have individual access off the street (refer to Figure 4.4.19).



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- f. Buildings fronting Blaxland Road should have facades that are articulated and modulated. This may include 'punctuated' walls, variation in setbacks, and building elements such as balconies, porches, and sun shading devices.
- g. Within the RL 130 height area shown on Figure 4.4.17 any tower / above podium building forms should have a maximum width (fronting the street) of approximately 40m for residential development and approximately 50m for commercial development.
- h. A maximum façade length of 40m.

**Note:** At 40m, the building can be physically or visually separated through design elements/ or articulation.

- i. For residential development, building separations are to be in accordance with the following:

Height	Between habitable rooms and balconies	Between habitable rooms/balconies and non-habitable rooms	Between non habitable Rooms
Three to four storeys (12m)	12m	9m	6m
Five to eight storeys (25m)	18m	13m	9m
Nine storeys and above (over 25m)	24m	18m	12m

- j. Towers forms within Site A must:
  - i. be designed as highly articulated, slender built form elements that allow for reasonable view sharing and outlook within and across the site;
  - ii. be separated by a minimum distance of 24m (between habitable rooms and balconies), to ensure there is spatial delineation between tower forms when viewed from the broader urban context;
  - iii. add to the interest of the skyline of the Precinct and Ryde Town Centre, through a modulated and articulated form and interesting roof elements.
- k. Tower elements should connect visually with ground level. This may be achieved by providing continuity in the vertical articulation of tower and podium elements.
- l. Residential building forms should be orientated to take advantage of sunlight and view opportunities. Façade elements that incorporate eastern, northern and western summer shade elements should be provided.
- m. Building bulk and massing is to be distributed on the site so as to ensure:
  - i. high amenity for public domain spaces, including good solar access and protection from high wind and noise levels; and
  - ii. to minimise loss of amenity to existing adjacent buildings and public streets and spaces.
- n. A splay/chamfered corner element is to be provided at the corner of Blaxland Road and Parkes Street to provide a visual connection to Hatton's Cottage.

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- o. Building massing, scale and design is to minimise adverse wind impacts (such as down drafts) on the public domain in and around the development. Hence, the orientation, height and built form of development is to be designed to promote public safety and comfort at ground and publicly access podium levels.
- p. Lift overruns and plant areas are to be recessed and/or incorporated into interesting roof elements of buildings.
- q. Community / civic spaces are required to have a civic character which includes but is not limited to the following:
  - i. Design elements are to be generously scaled and of high quality materials expressive of contemporary best practice.
  - ii. Demonstrate best practice environmental sustainability outcomes.
  - iii. Generous floor to ceiling heights, where appropriate.
  - iv. include multifunctional performance space, meeting and conference rooms and Council Chambers.
  - v. a plaza area to compliment the functions and use of the civic/community spaces.
- r. The built form should be designed to minimise shadow impacts on surrounding properties.
- s. The existing Obelisk on the site is to be relocated is a location approved by Council.

Sections illustrating the built form and height transitions are shown at Figure 4.4.20

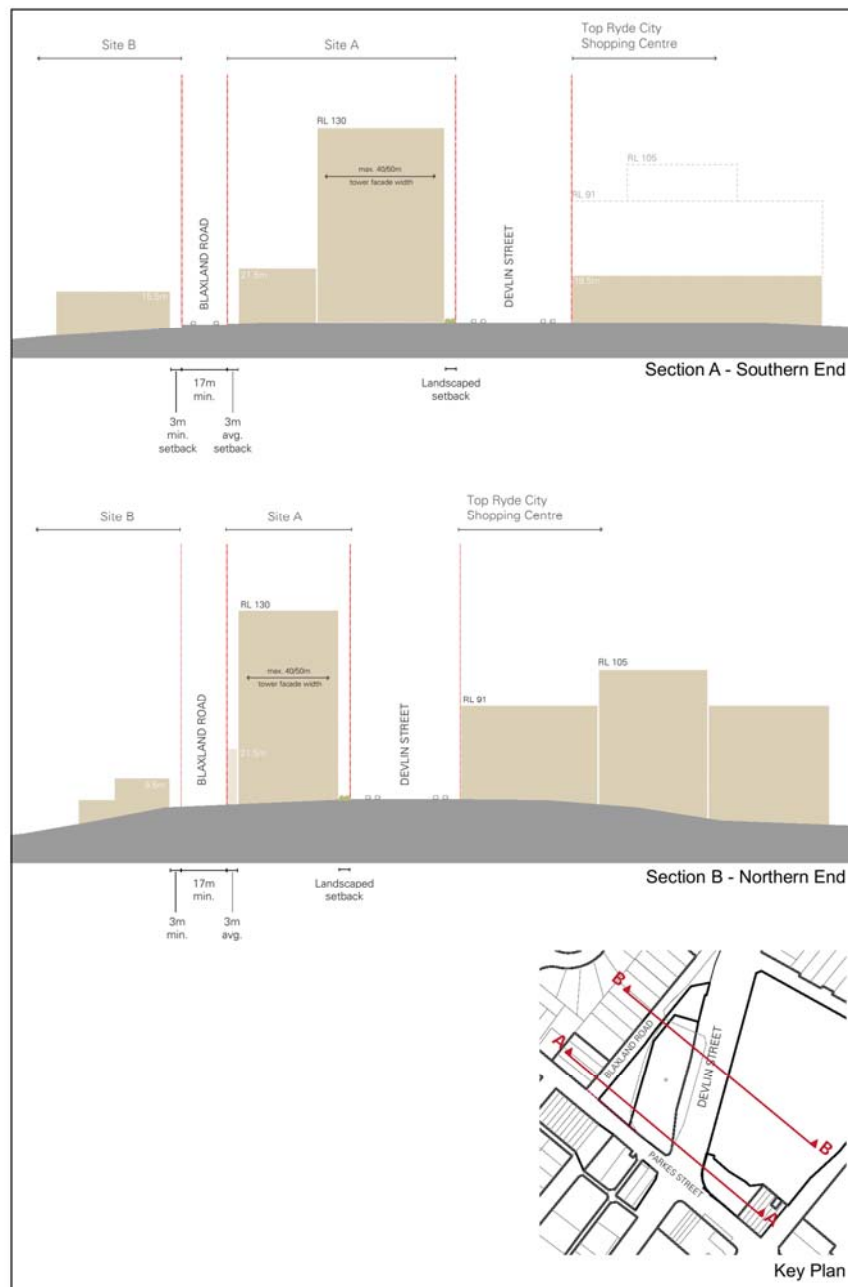
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**Figure 4.4.20 Sections illustrating the built form and height transitions**



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### Residential Amenity

- a. Residential development is to provide a high level of amenity for residents and visitors and meet the requirements of SEPP 65 – Design Quality of Residential Flat Development and the accompanying Residential Flat Design Code.
- b. The Residential Amenity controls in Section 7.2 – 7.6 of Part 4.4 of the Ryde DCP apply to residential flat buildings.
- c. Daylight access is to be provided to all habitable rooms.
- d. Living rooms and private open spaces for at least 70% of apartments should receive a minimum of three hours direct sunlight between 9am and 3pm in mid winter.
- e. Private balconies are to be a minimum depth of 2.4m and a minimum area of 10m<sup>2</sup>.
- f. Communal open space may be in a courtyard form and may also be provided on elevated gardens and roof tops.
- g. Communal open space should have a northerly aspect where possible.
- h. The design of private and communal open space is to address visual privacy, safety, security, wind and noise impacts.
- i. Communal open space should be a private area for use by residents only.

### Parking

- a. Parking areas are to be integrated with the form and arrangement of buildings on the site, screened or concealed from view from the public domain and adjoining streets. Slewing of any above ground parking areas or high quality, decorative screening is required.
- b. Loading of large vehicles to/from the site is to be made via Parkes Street only (excluding loading and unloading associated with performances and events).

### Sustainability

- a. Residential development is to comply the requirements of BASIX and achieve a minimum 4.0 Greenstar rating.
- b. Commercial development is to achieve a minimum 5.0 Greenstar rating.
- c. Civic development is to achieve a minimum 5.0 Greenstar rating in accordance with the current Green Star - Public Building rating tool (which may be a pilot or adopted rating tool at the time the relevant DA is to be submitted for assessment and determination).



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Part  
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Chapter  
8.0 Precincts

### Site B

Site B is the smaller and western most portion of the Precinct. The redeveloped Site B will be lower scale building(s) which will provide a transition in height, bulk and scale between development on Site A to the east and lower density residential development to the west. Redevelopment of Site B must have regard to the adjoining heritage listed Hatton's Cottage.

Development of the site is to comply with the following controls and with the preceding architectural, built form, landscaping, public domain, access and circulation objectives and controls for the Precinct.

The location of Site B is illustrated in Figure 4.4.10.

### Objectives

1. To ensure development respects the significance of Hatton's Cottage (heritage item) at 158 Blaxland Road, Ryde.
2. To encourage development that responds to the:
  - a. Existing low scale development to the west and north; and
  - b. Site's sloping topography.

### Controls

- a. Building setbacks to Blaxland Road (realigned), Parkes Street and the site's northern boundary are to be in accordance with Figure 4.4.17.
- b. The relevant controls in Part 3.4 Residential Flat Buildings and Multi Dwelling Housing Residential Amenity and the controls in Chapter 7.2 – 7.6 of Part 4.4 of the Ryde DCP apply to residential flat buildings.
- c. Residential development is to provide a high level of amenity for residents and visitors and meet the requirements of SEPP 65 – Design Quality of Residential Flat Development and the accompanying Residential Flat Design Code.
- d. For residential development, building separations are to be in accordance with the following:

Height	Between habitable rooms and balconies	Between habitable rooms/balconies and non-habitable rooms	Between non habitable Rooms
Three to four storeys (12m)	12m	9m	6m
Five to eight storeys (25m)	18m	13m	9m

- e. Buildings fronting Blaxland Road and Parkes Street should have facades that are articulated and modulated. This may include 'punctuated' walls, variation in setbacks, and building elements such as balconies, porches, and sun shading devices.
- f. Ground floor dwellings in buildings fronting Blaxland Road and Parkes Street are to have individual access off the street.
- g. Private balconies are to be a minimum depth of 2.4m and a minimum area of 10m<sup>2</sup>.

## ITEM 6 (continued)

## ATTACHMENT 1

Part	Chapter	
Ryde Town Centre	8.0 Precincts	4.4

- h. Common open space should be designed and landscape to optimise useability, privacy and for the amenity of adjoining neighbours. Landscaping should contribute to streetscape character of Parkes Street and Blaxland Road.
- i. Communal open space should have a northerly aspect where possible.
- j. The design of private and communal open space is to address visual privacy, safety, and security.
- k. Communal open space should be a private area for use by residents only.

### Development Application Requirements

- a. It is intended that future development within the Precinct will be the subject of a single development application (DA). As such any DA for the demolition of existing buildings and structures and the erection of new buildings is to address the following matters where relevant:
  - the consistency of the development with the above Objectives and Future Character statement for the Precinct;
  - whether the development is an appropriate design response to the opportunities and constraints of the Precinct;
  - proposed uses and use mix;
  - subdivision pattern;
  - sensitivity to heritage items and streetscape constraints;
  - the location of the proposed building envelopes and their relationship with the rest of the Precinct in terms of building separation, setbacks, amenity and urban form;
  - bulk, massing and modulation of buildings;
  - building heights (including street frontage heights);
  - the gross floor area of each building;
  - environmental impacts such as sustainable design, overshadowing, wind and reflectivity;
  - the achievement of the principles of ecologically sustainable development;
  - pedestrian, cycle, vehicular and service access, circulation and requirements, incorporating the realigned Blaxland Road;
  - impact on, and proposed improvements to, the public domain;
  - maximum car parking numbers for the Precinct;
  - indicative landscaping scheme;
  - Greenstar commitments; and
  - measures to incorporate Crime Prevention Through Environmental Design criteria.
- b. As a minimum, the DA must be supported by the following studies, plans and assessments:
  - Detailed site analysis of the Precinct;
  - Comprehensive Statement of Environmental Effects;
  - Architectural plans - demonstrating the proposed building envelopes and the

**ITEM 6 (continued)**

**ATTACHMENT 1**

4.4	<small>Part</small> Ryde Town Centre	<small>Chapter</small> 8.0 Precincts
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- general layout and configuration of land uses and development across the Precinct;
- Shadow diagrams;
  - Design Quality Plan – including details of the architectural merit and quality of the development;
  - Traffic and Parking Assessment;
  - Landscape and Public Domain Plan; - Wind Impact Report;
  - Greenstar/ESD Assessment;
  - Heritage Impact Assessment;
  - 3D Model and Photomontage of the proposed building envelopes, illustrating key design and architectural elements/features;
  - Arts and Cultural Plan;
  - Accessibility Plan;
  - Social Impact Assessment.

The consent authority may require additional information if it considers it necessary in the circumstances of the case.

## **7 DRAFT RYDE LOCAL ENVIRONMENTAL PLAN 2011 - COUNCIL WORKSHOP OUTCOMES**

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**Report prepared by:** Strategic Planner

**Report dated:** 2/12/2011

**File No.:** LEP2008/22/007 - BP11/851

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### **Report Summary**

This report recommends that Council seeks from the Department of Planning and Infrastructure (DoPI) an amended Section 65 Certificate with respect to Draft Ryde Local Environmental Plan (DLEP) 2011 to allow the draft plan to be placed on public exhibition.

This report covers the issues discussed at a Council Workshop on the 8 November 2011 and includes:

- A review of conditions relating to open space which are attached to the Section 65 Certificate issued on the 5 September 2011 by DoPI for DLEP 2011.
- The zoning, height and floor space of properties 158 – 194 Blaxland Road Ryde proposed in DLEP 2011.
- The future of Small's Road Ryde School.

The following identifies some of the issues reviewed at the workshop and the recommended way forward with respect to those issues:

**Section 65 Certificate – Condition 12 (b)** – Rezone Cudal Reserve at 22 Henry Street Ryde from SP2 WS&D to R2 Low Density Residential.

**Proposed Action** – request DoPI amend the Section 65 Certificate by deleting Condition 12(b) and request that a condition be added rezoning the land RE1 Public Recreation in line with its present use.

**Section 65 Condition 12 (d)** – Rezone 390 Pittwater Road North Ryde from E2 Environmental Conservation to SP2 Classified Road.

**Proposed Action** – request DoPI amend the Section 65 Certificate by deleting condition 12(d). This will result in the proposed zoning of the land ie E2 Environmental Conservation and R2 Low Density Residential in draft LEP 2011 being retained.

**158 – 194 Blaxland Road Ryde** - Under DLEP 2011 zoned B4 Mixed Use, height 15.5m, floor space ratio 1.5:1.

**Proposed Action** – request DoPI amend the Section 65 Certificate by adding a condition which reverts the zoning, height and floor space controls on the land to those that apply under LEP 2010. (Note: land zoned SP2 Church under LEP 2010 would be rezoned R2 Low Density Residential (this is in line with the requirements of DoPI).

## **ITEM 7 (continued)**

**Small's Road Ryde School** - Advice was received by Council on the 14 November 2011 from State Property Authority (SPA) that a portion of the site known as the oval site of 3B Smalls Road, Ryde has been declared surplus to Government and the SPA is acting as the disposal authority for the surplus portion of the site.

**Proposed Action** – A Council submission is made to both the DoPI and the State Property Authority:

- advising of its concern with respect to the possible sale and redevelopment of the rear of the subject land and
- requesting that the land be retained either as a school site or be made available to Council for the purposes of open space.

## **RECOMMENDATION:**

- (a) That the Director General of the Department of Planning and Infrastructure be requested to amend the Section 65 Certificate issued on 5 September 2011 for draft LEP 2011 in accordance with the following:
- i) 158 – 194 Blaxland Road Ryde - Add a new condition reverting the zoning, height and floor space controls for 158 – 194 Blaxland Rd Ryde to those that apply under LEP 2010 i.e. zoning 158 – 180 Blaxland Rd R2 Low Density Residential and 182 – 194 Blaxland Rd R4 High Density Residential.
  - ii) Cudal Reserve - Delete Condition 12 (b) rezoning Cudal Reserve from SP2 to R2 Low Density Residential.
  - iii) 390 Pittwater Road North Ryde - Delete Condition 12(d) rezoning of 390 Pittwater Road from E2 and R2 to SP2 Classified Road.
- (b) That a submission is made to the Department of Planning and Infrastructure and State Property Authority expressing Council's concern about the possible sale of land associated with Small's Road Ryde School.

## **ATTACHMENTS**

There are no attachments for this report.

Report Prepared By:

**Susan Wotton**  
**Strategic Planner**

Report Approved By:

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

**Dominic Johnson**  
**Group Manager - Environment & Planning**

## ITEM 7 (continued)

### Background

#### Development of Draft LEP 2011

Council resolved on the 11 December 2007 to prepare a comprehensive LEP in accordance with the Standard Instrument and based on the City of Ryde Local Planning Study.

Council adopted with amendments the City of Ryde Local Planning Study 2010 on the 7 December 2010 and resolved that the consultation process with Government agencies, required by Section 62 of the EP&A Act for draft Ryde LEP 2011 be carried out.

Council on 14 December 2010, after consideration of the comments from the government agencies, resolved that the Director General of the Department of Planning and Infrastructure be requested under Section 65 of the Environmental Planning and Assessment Act, 1979 to certify that the draft Plan, as amended, may be publicly exhibited.

A conditioned Section 65 Certificate was issued by the Director General of DoPI on the 5 September 2011. A report was submitted to Council on 27 September 2011 that provided details on:

- the differences between the draft plan that was lodged with DoPI in December 2010 and the draft plan approved to be exhibited in September 2011,
- the conditions attached to the Section 65 Certificate that was issued by DoPI on 5 September, and
- the proposed exhibition process for draft LEP 2011.

Council resolved with respect to that report the following:-

- That this matter be deferred for a Council 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.*
- That the Integrated Open Space Planning Working Party be invited to attend the workshop.*

The Council Workshop was held on the 8 November 2011 and covered the following areas: -

- Section 65 Conditions relating to open space,
- Rezoning of land at 158 – 194 Blaxland Road Ryde under DLEP 2011,
- Rezoning of SP2 land to adjoining zoning.

The community members of the Integrated Open Space Plan Project Reference Group were invited to attend. Three of the five community members were present as was the Convenor of the Ryde Environment Group.



## ITEM 7 (continued)

### Report

The issues that were highlighted for response at the Council Workshop included the following:-

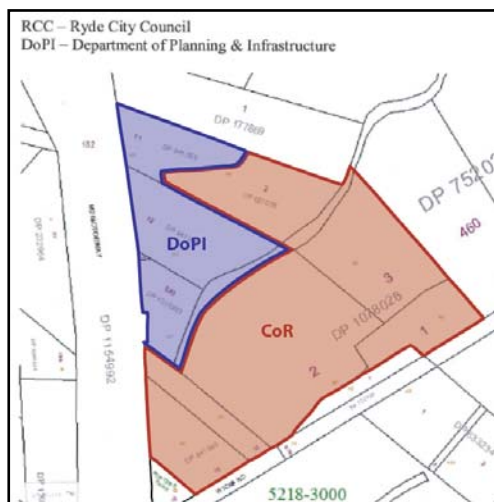
- Porters Creek site – Council owned land and DoPI owned land
- Cudal Reserve
- 390 Pittwater Road North Ryde
- 158 – 194 Blaxland Road Ryde
- Small's Road Ryde – School

Each of these issues and a recommended response by Council are discussed in detail below:

#### 1. *Porters Creek site*

The subject land which has a total area of 10.8ha (8.2ha owned by Council and 2.6ha owned by DoPI - Figure 1a), was zoned under the Ryde Planning Scheme - Open Space – Recreation Existing.

From 1969 – 1985 the land was used by Council as a waste putrescible landfill site (the exception of LOT 11 DP841065 which is owned by DoPI and was used for light industrial activities).



**Figure 1a**



**Figure 1b**

Since the opening of the Waste Transfer Station in 1985 the Council owned land and part of the DoPI site has been used as a construction material recycling facility.

On the 24 August 2010 Council resolved to rezone Council owned land (8.2ha) IN2 Light Industrial and that the new zoning be reflected in draft LEP 2011 (Figure 1b).

Condition 12(a) of the Section 65 Certificate requires the rezoning of the DoPI land adjoining Council's site to IN2 Light Industrial.

## **ITEM 7 (continued)**

At the Council Workshop the following concerns were expressed:-

- Loss of land zoned open space.
- Rationale for why Council needs to rezone the land when it has been satisfactorily operating under the existing open space zoning.

The following information has been provided by Council's Public Works Group on 15 November 2011 with respect to the above issues:

### **Value as Public Open Space:**

*The Porters Creek site has never been used as public open space, and use as open space would be difficult to justify due to:*

- *Contamination: It is known that contaminating substances such as lead paint, asbestos and hydrocarbon wastes were deposited at Porters Creek. Methane gas is also an issue. OEH / EPA views public open space use as a sensitive land use due to the access to subsoils. Uses that do not involve access to soil such as those permitted under IN2 are considered less sensitive, and applicable to a wider range of 'brownfield' sites like Porters Creek.*
- *Topography: The Porters Creek culverts, located beneath the lower-lying ground, preclude the option of conducting site works (eg filling) that would render the site more suitable for open space use.*
- *Surrounding land use: The SITA Ryde Waste Management Centre adjoins the Porters Creek site. The SITA site by nature generates noise and odour. This would be incompatible with public open space use but does not affect the current uses of Porters Creek Depot for storage and construction waste recycling. Other surrounding land uses (ie along Wicks and Waterloo Roads) are predominantly commercial / industrial.*

### **What problems exist with maintaining the use of the land under the RE1 zoning:**

- *Council is vulnerable in that it is currently relying on existing use rights to carry on the valuable recycling operations undertaken at Porters Creek Depot. . Provisions within the Environmental Planning and Assessment (EP&A) Act 1979 relating to existing use rights can and have been changed.*
- *Any expansion or minor change to the nature of uses on the site is impacted upon by the existing use right provisions within the EP& A Act 1979.*

### **Financial significance of the Porters Creek site**

*In 2010 it was reported to Council that the use of the facility had saved Council approximately 2.5 millions of dollars in material storage, disposal and purchase costs and has potential to generate additional income to Council through expansion of services to neighbouring Councils.*

*The rezoning to IN2 of the Council and DoPI owned lots will secure for Council a greater level of recurrent income from existing recycling operations, expanded and enhanced recycling operations and additional income-generating, compatible facilities.*

## ITEM 7 (continued)

### ***Why we need to change the zoning to IN2:***

*Changing the zoning of the Porters Creek site to IN2, as previously resolved by Council August 2010, would:*

- *secure the future of the construction materials recycling operations;*
- *allow Council to enhance the existing services offered;*
- *give Council the option of economically relocating the Constitution Road Operations Centre, which is being enveloped by high-rise residential development, to a more suitable area.*

### **Proposed Action**

#### **(a) Council owned land Porters Creek**

It is considered that the rezoning of Council owned land at Porters Creek to IN2 Light Industrial is appropriate in view of:

- the importance of the site as a recycling facility,
- topography and contamination issues associated with the site and
- the land has never been used for open space purposes.

As such no further action is required.

#### **(b) Section 65 Certificate - Condition 12 (a)**

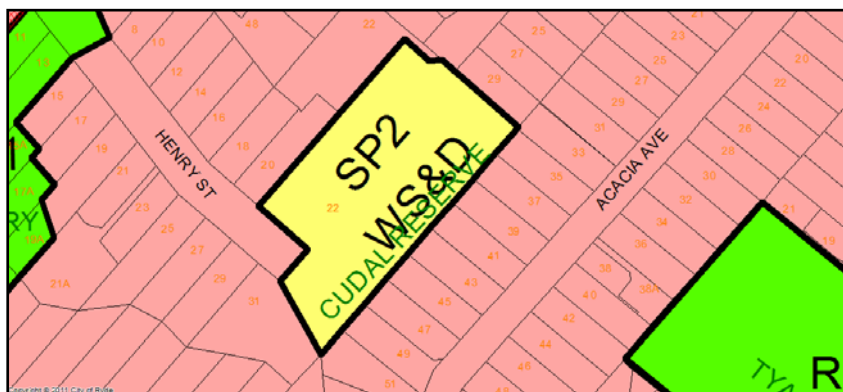
The rezoning of DoPI land at Porters Creek to IN2 (Refer to figure 1a) is considered appropriate as:

- the rezoning is in line with Council's decision to rezone its own land,
- the land has not been used for open space and
- the land has significant physical and contamination issues.

As such the retention of Condition 12(a) is considered appropriate and no further action is required.

### **2. Cudal Reserve (22 Henry St Ryde) – Section 65 Condition 12(b)**

The subject property is owned by Sydney Water and is zoned in both RLEP 2010 and Draft LEP 2011 – SP2 Water Sewage and Drainage. (Figure 2).



**Figure 2**

The land has been used for recreation purposes since 1943 and is identified in Council's Land Register as being under Council's care control and management.

### **ITEM 7 (continued)**

The land was identified in 2006 as surplus to Sydney Water needs. In 2008 a Site Compatibility Certificate to redevelop part of the site for residential purposes was issued by DoPI. The Certificate remains valid until 28 November 2013. A development application was submitted to Council in 2010 to subdivide the land into two lots. In February 2011 the then Minister gave Council a direction to approve the subdivision application, however the Minister for Planning and Infrastructure the Hon Brad Hazzard MP in June 2011 placed a stay of action on that direction.

Condition 12 (b) of the Section 65 Certificate requires that Cudal Reserve at 22 Henry Street Ryde be rezoned from SP2 WS&D to R2 Low Density Residential.

At the Council Workshop the following concerns were expressed:-

- Loss of land used for open space purposes for many years by the community.
- The need for the land to be recognised as an open space area and zoned RE1 Public Recreation.

#### **Proposed Action – Cudal Reserve**

Based on the above, it is considered that Council should request DoPI to amend the Section 65 Certificate by:

- Deleting Condition 12(b) and adding a new condition requiring the rezoning of the land to RE1 Public Recreation.

It is considered that if the rezoning of the land to RE1 cannot be resolved with DoPI and Sydney Water that the Department be requested to defer the land from LEP 2011 to allow the Draft LEP to be exhibited.

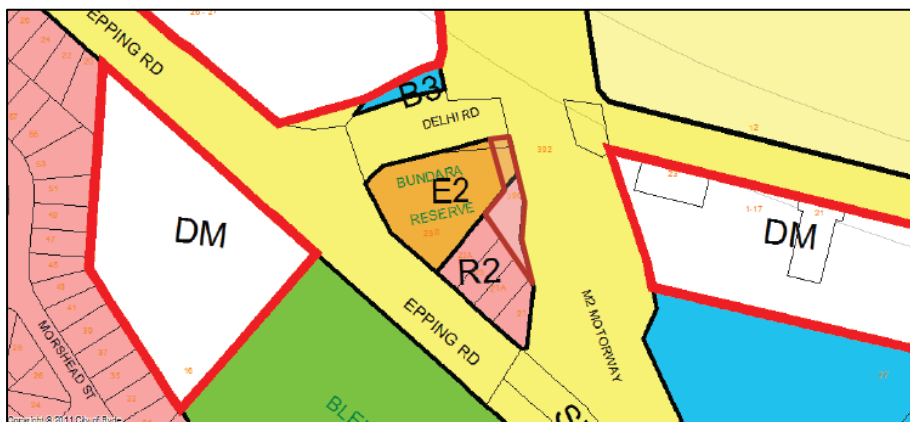
### **3. 390 Pittwater Road North Ryde – Section 65 Condition 12(d)**

The subject property adjoins the rear of Bundara Reserve and a number of residential properties with frontage to Epping Road. The land is zoned SP2 Classified Road under LEP 2010.

In the development of draft Ryde LEP 2011 Council received a submission from the RTA in which they requested that the M2 boundaries be correctly shown in DLEP 2011. This meant either reducing or increasing the SP2 classified zoning to correspond with the correct boundary information.

Based on other conditions relating to SP2 land it was considered appropriate that where the M2 boundary resulted in a decrease in SP2 land, the adjoining zoning should be applied. As a result LOTS 11 & 21 DP1017829 were zoned E2 Environmental Conservation and R2 Low Density Residential in accordance with adjoining zoning. (Figure 3).

## ITEM 7 (continued)



**Figure 3**

The zoning of the subject land to E2 and R2 was originally considered a drafting error resulting in DoPI applying Condition 12(d) to the Section 65 Certificate. The condition requires that the zoning of two lots under LEP 2010 be reinstated i.e. the land be zoned SP2 Classified Road.

At the Council Workshop the following concerns were expressed:-

- The land is not road and therefore should not be zoned for road purposes.
- The Department requires other SP2 land to be rezoned in accordance with the adjoining zoning and this requirement should apply for this site.
- State Government activity in the area is impacting on the zoning of the land.

Following the workshop, a request was made through the Councillor Helpdesk that the zoning of LOT 11 in DP 1017829 be reviewed to determine whether a environmental zone maybe more appropriate to the lot than the proposed R2 Low Density Residential zone.

Under DLEP 2011 LOT 11 in DP1017829 has a split zoning. The northern part of the lot which adjoins Bundara Reserve is zoned E2 and the southern part which adjoins residential properties is zoned R2. A review of the draft vegetation map associated with a report *The Native Vegetation of the Sydney Metropolitan Catchment Management Authority Area* prepared by the Department of Environment and Climate Change in 2009 identifies the northern part of LOT 11 as containing Sydney Turpentine – Ironbark Forest whilst the southern end of the lot (zoned R2) is identified as containing weeds and exotics.

The *Ryde Flora and Fauna Study 2008* by Biosphere Environmental Consultants Pty Ltd identified the subject lot as a Planting Area i.e. the trees are a result of recent planting activity. It is believed that the southern end of LOT 11 is remnant backyard vegetation with M2 native vegetation planting.

In view of the above it is considered that the proposed split zoning of the land is appropriate.



## ITEM 7 (continued)

**Proposed Action – 390 Pittwater Road North Ryde.** Based on the above it is considered that Council should request DoPI to amend the Section 65 Certificate by:

- Deleting Condition 12(d)

It should be noted that the subject land is part of Development Precinct known as *North Ryde Station Precinct* under *State Environmental Planning Policy (State and Regional Development) 2011*. This Precinct includes the land parcels identified in Figure 4.



**Figure 4**

Decisions regarding the concept plan for the development of this land have not been finalised however the information provided to Council for the whole precinct indicates the following:-

- The proposed development of the land will have a transit orientated focus.
- High density residential development is being considered with low scale retail and commercial.
- Development of the land would result in the delivery of road, pedestrian and cycle accessway networks.
- Portion of the site will be made available for Public open space.

Under the Act any development concept plan for the land will be assessed by the Department of Planning and Infrastructure and determined by the Minister, the Planning Assessment Commission (PAC) or senior departmental staff.

The concept plan once formalised for the land will be placed on exhibition and Council and the community will be invited to make comment at that time.

In the development of the concept plan DoPI has convened a Working Group consisting of Transport Construction Authority (previously TIDIC), DoPI, City of Ryde Council, Transport NSW and the RTA. In this Working Group opportunities are given to comment on the design of the Concept Plan and address key issues regarding the site. Council's attendees to this working group include the Manager and a Team Leader from Council's Urban Planning Unit and a Client Manager. Council will be

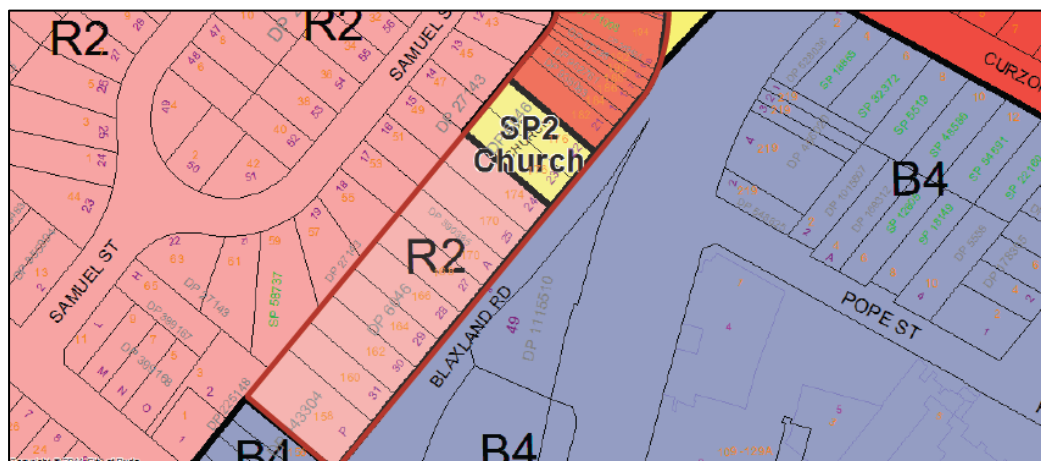


### ITEM 7 (continued)

kept informed of the issues that arise from the Working Group through Councillor Information Bulletins and reports to Council.

#### 4. 158 – 194 Blaxland Road Ryde

The subject land under LEP 2010 is zoned R2 Low Density Residential, SP2 Church and R4 High Density Residential (Figure 5).



**Figure 5**

Under the City of Ryde Local Planning Study 2010 it was recommended that the land 158 – 194 Blaxland Road Ryde be rezoned B4 Mixed Use and that a floor space ratio of 1.5:1 and height of 15.5 metres be introduced.

The reasons behind the rezoning and change of development controls to the Blaxland Road properties, as discussed in the Centres and Corridors Study which supports the Ryde Local Study 2010, included:

- the area shares access with Civic Centre site therefore integrally linked so it was appropriate to introduce a compatible zoning.
- the change in zoning allows for an interface between the Civic Centre site and adjoining low scale residential.

At the Council Workshop the following concerns were expressed:-

- The rezoning of the land is inappropriate.
- The zoning, floor space ratio and height should revert back to those in place under LEP 2010.

**Proposed Action – 158 – 194 Blaxland Road Ryde.** Based on the above it is considered that Council should request DoPI to amend the Section 65 Certificate by:

- Adding a new condition reverting the zoning, height and floor space controls for the subject land to those that apply under LEP 2010 i.e. zoning 158 – 180 Blaxland Road R2 Low Density Residential and 182 – 194 Blaxland Road R4 High Density Residential (Note: land zoned SP2 Church under LEP 2010 would be rezoned R2 Low Density Residential, this is in line with the requirements of DoPI).

## ITEM 7 (continued)

### 5. Macquarie Park Corridor

At the Council Workshop concerns were expressed over changes within Macquarie Park Corridor. The following provides information on a number of issues relating to the Corridor area:

#### *Floor Space Ratio and Zoning changes*

Under DLEP 2011 the following properties in Macquarie Park Corridor are proposed to be rezoned:

- *130 Talavera Road Macquarie Park.* The rezoning of the site from *Open Space – Recreation Existing* under the Ryde Planning Scheme to B7 Business Park under draft LEP 2011 is in response to a Council resolution in October 2005 to rezone and reclassify the land. The intent of this zone is to provide for office and light industrial uses and activities that relate to research uses that have a link to the University.
- *14 – 22 Delhi Road Macquarie Park.* The properties 14 – 22 Delhi Road Macquarie Park are zoned B7 under LEP 2010. The land uses that presently exist on the sites are of a commercial nature and a change in zoning of the land to B3 Commercial Core is proposed to reflect existing land use.

Under DLEP 2011 the following floor space changes have occurred:-

Floor Space changes in Macquarie Park	Reason	LEP 2010	LEP 2011
130 Talavera Rd 1-9 Peach Tree Rd 14 - 22 Delhi Rd	FSR changes proposed in draft LEP 2010 (Amendment 1) Macquarie Park have been incorporated into DLEP 2011 as required by DoPI. The changed FSR is to bring the properties in line with the FSR controls on adjoining land.	<b>130 Talavera Rd – no floor space</b>  <b>1-9 Peach Tree Rd – 1:1</b>  <b>14 – 22 Delhi Rd – 1:1</b>	<b>2:1</b>  <b>2:1</b>  <b>2:1</b>

#### *Review of planning controls for Macquarie Park Corridor*

Information on the review of the planning framework for Macquarie Park Corridor under Ryde LEP 2010 (Amendment 1) was presented at a Council Workshop on 22 November 2011. As part of this workshop height and floor space provisions in the Macquarie Park Corridor were reviewed.

## ITEM 7 (continued)

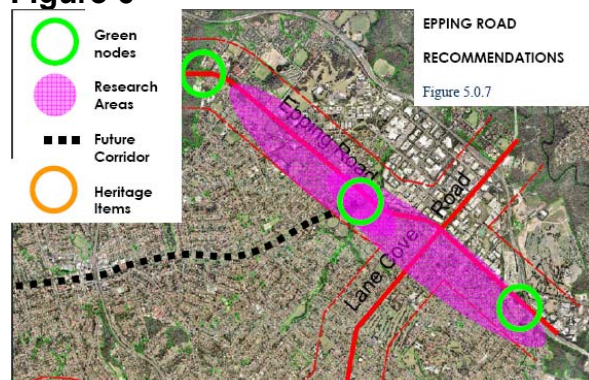
### *Epping Road Study*

Council on 7 December 2010 resolved to adopt Ryde Local Study 2010. The Study (Strategic Directions) recommended that Council investigate sites fronting Epping Road for mixed land uses and higher densities of residential development to allow transitional fringe development to the Macquarie Park Corridor and University and the low density residential area.

The Four Year Delivery Plan 2011 – 2015 indicates that it is planned for that study to commence in 2012/2013 and be completed in 2013/2014. However as part of reviewing the Council's delivery programs for 2012/2013 it is proposed to recommend that this study be commenced in 2013/2014 and completed in 2014/2015.

The area of the study is indicated in Figure 6.

**Figure 6**



### **Small's Road Ryde – School**

The subject land is known as 3A and 3B Small's Road Ryde and is zoned SP2 School under LEP 2010. Council's records indicate the land is owned by the State Property Authority. The site is currently used as follows:

- 3A – playing fields, buildings, car park
- 3B – building, car park

It is proposed to rezone the land R2 Low Density Residential under DLEP 2011 (note maps below).

**Map 1 - LEP 2010**



**Map 1 - DLEP 2011**



## ITEM 7 (continued)

The rezoning of the land to R2 occurred in response to the requirements of the Department of Planning and Infrastructure (DoPI). Under *LEP practice note PN10 – 001 Zoning for Infrastructure in LEPs* existing “special use” zones are required to be rezoned the same as the adjoining land if that “special use” is permitted in the adjoining zone. Under the State Environmental Planning Policy (Infrastructure) 2007 *Educational establishments* are permitted in all residential zones.

Information obtained from the Department of Education (Regional Manager, Regional Asset Management Dept. of Education) on the status of the subject site includes;

- The site is no longer used as a school – presently used as administration offices by the Dept of Education for the Regional area.
- The site is a “non core asset” and as such has been transferred to the State Property Authority.

The Manager, Property Transactions - State Property Authority (SPA) on the 14 November 2011 advised the following:-

- A portion of the site known as the oval site at 3B Smalls Road, Ryde has been declared surplus to Government. SPA is acting as the disposal authority for the surplus portion of the site and is the asset owner for the remainder.
- SPA does not have a current timeline for the sale of the property. SPA is currently undertaking its due diligence on the site as part of the divestment process. The SPA position regarding the asset is to ensure the Government achieves the highest and best use for the property. Currently we concur with the Department of Planning and Infrastructure’s position to adopt a R2 Zoning as per the Section 65 issued 5 September 2011.
- The property will be divested as per the Total Asset Management guidelines from Treasury NSW and in line with Government Asset Management Committee guidelines.

At the time of the development of DLEP 2011 the subject site had not been declared surplus government land. As such the zoning of the land was in accordance with the direction of DoPI and the *Practice Note PN08 – 002 Zoning for infrastructure in LEPs* (now been replaced with PN 10–001 *Zoning for Infrastructure in LEPs*) resulting in the land being rezoned R2 Low Density Residential.

The below is an extract from the latest DoPI Practice Note dated 14 December 2010 with respect to the zoning of surplus land.

### ***Principle 5.1 - Zone surplus public land as a compatible land use***

*Surplus public land should be rezoned to be compatible with surrounding land uses having regard to:*

- *the nature and character of the subject site*
- *existing adjacent land uses and preferred future uses*
- *regional strategy priorities*
- *availability of services and infrastructure to support new land uses*
- *environmental impacts and risks.*

### **ITEM 7 (continued)**

*An assessment will need to be made on a case by case basis to consider the appropriateness of the various adjacent zone types.*

As the subject site is:

- surrounded by land zoned R2 Low Density Residential (with the exception of 12a – 12b Lavarack Street which is zoned RE1 Public Recreation and abuts land not included as surplus in the site) and
- based on the above criteria

it is considered that the site is still required to be zoned R2 Residential Low Density based on the requirements of DoPI.

**Proposed Action** – It is considered that Council should make a submission to both the DoPI and the State Property Authority:

- advising of its concern with respect to the possible sale and redevelopment of the rear of the subject land and
- requesting that the land be retained either as a school site or be made available to Council for the purposes of open space.

### **Consultation**

Internal Council business units consulted included:-

- Public Works Group with respect to information relating to Council's Porters Creek site.
- Community Life Group regarding Small's Road land.
- Environment and Planning Group regarding land adjacent to Bundara Reserve.

Internal Workshops held:-

- The above issues were discussed at a Council Workshop held on 8 November 2011. The three of the five members of the Integrated Open Space Plan Project Reference Group attended. The Convenor of the Ryde Environment Group was also present.

External public consultation included:-

- Not applicable.

### **Critical Dates**

The following deadlines are required to be met:

- Under State Governments timetabling for the development of a comprehensive LEP for all Council areas within NSW the Ryde LEP 2011 - a comprehensive plan for the City of Ryde was to be completed by March 2011. No formal extension to this period has been given by DoPI. The March deadline has not being met due to:-
  - the delay in the gazettal of LEP 2010 (Stage 1 of the 3 Stage process towards a comprehensive LEP for the City of Ryde) by the Minister for DoPI;
  - the delay in receiving the Section 65 Certificate for draft LEP 2011; and
  - the changes to the Standard Instrument by DoPI that occurred in February 2011.



### **ITEM 7 (continued)**

Progressing the making of the Plan has also been delayed due to Council concern over conditions attached to the Section 65 Certificate.

The Department is now requesting that we finalise the LEP by the end of 2011.

#### **Financial Impact**

This project is provided for in the Urban Planning budget for 2011/2012.

There will be no on-going costs of maintaining this project.

#### **Policy Implications**

There are no policy implications through adoption of the recommendation.

#### **Other Options**

Council could amend draft Ryde LEP 2011 in accordance with the conditions of Section 65 Certificate dated 5 September 2011 and the Plan could be placed on exhibition in accordance with the report presented to Council on the 23 September 2011.

#### **Conclusion**

It is considered that Council should seek an amended Section 65 Certificate from DoPI based on the report details above. This process will require a formal application to the Minister and will further delay delivery of the new LEP 2011.



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**8 UPGRADE OF PITTWATER ROAD (HIGH STREET TO EPPING ROAD) -  
Review of Environmental Factors and Community Consultation.**

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**Report prepared by:** Section Manager - Projects Delivery

**Report dated:** 7/11/2011

**File No.:** GRP/11/3/6/6 - BP11/813

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**Report Summary**

The City of Ryde has been gradually upgrading Pittwater Road through a shared funding arrangement between Council and the NSW Roads and Traffic Authority (RTA). In 2010 there were community concerns about the next stage of proposed upgrade works between Carramar Avenue and Coxs Road, which led Council to seek an integrated approach to the proposed work along the length of Pittwater Road between Epping Road and High Street.

GHD Pty Ltd (GHD) was commissioned by Council to design and implement a community engagement program that consolidated the community consultation process into one project. Following feedback from the community and stakeholders a number of amendments have been made to the Concept Design.

Cardno and Eco Logical Australia were commissioned by Council to undertake an environmental assessment of the proposed road upgrade works which include the construction of a Shared User Path (SUP). As part of the environmental assessment they investigated five potential options for the proposed road upgrade works.

The preferred design option would provide a road upgrade and a Shared User Path along the section of Pittwater Road between Epping Road and High Street. In accordance with the consultants findings, Council's proposed 2011 concept design was assessed to be the preferred option. This option is expected to provide the most suitable outcome for stakeholders whilst keeping negative environmental and social impacts to a relative minimum.

This report seeks to formally adopt the Concept Plan prepared by Council and the Review of Environmental Factors prepared by Cardno after exhibition for a period of twenty one (21) days for public comment, following which a further report has been prepared and submitted to Council at its meeting to be held on 13 December 2011.

**RECOMMENDATION:**

- (a) That Council approves the concept plan and detail design plan for Carramar Avenue to Bronhill Avenue prepared by the Council.
- (b) That Council notes the Review of Environmental Factors and Report prepared by Cardno after exhibition for Public Comment for a period of 21 days.
- (c) That Council approves the construction of Pittwater Road upgrade works south from Carramar Avenue to Bronhill Avenue and also Shared User Path for pedestrian and cyclists. In addition, the necessary drainage works, water quality improvement works including Gross Pollutant Trap (GPT) and landscaping works be completed. The allocated funding for these works is \$947,000.

**ITEM 8 (continued)**

**ATTACHMENTS**

- 1 Pittwater Road Upgrade - Review of Environmental Factors - November 2011 -  
CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**Sri Srikantharajah**  
**Section Manager - Projects Delivery**

Report Approved By:

**Peter Nguyen**  
**Service Unit Manager - Project Development**

**Terry Dodds**  
**Group Manager - Public Works**

## **ITEM 8 (continued)**

### **Background**

Council has allocated, as part of the 2010-2014 Management Plan, significant funds (\$2.5M) for the reconstruction of Pittwater Road between Coss Road and High Street over the next four years. The proposed works include the widening of the road carriageway in sections to maintain two vehicle carriageway lanes, accommodate safety clearance zones and a new cycleway.

Council at its meeting on 27 July 2010 resolved:

- (a) That Council notes Section 137 (Roads Act) Approval provided by Hunter's Hill Council of the proposed roundabout in Pittwater Road/Buffalo Reserve/Field of Mars (covering the eastern half within the Hunter's Hill Council LGA).*
- (b) That Council as the road authority (within the City of Ryde LGA) approves the construction of the roundabout at Pittwater Road/Field of Mars/Buffalo Creek Reserve under Section 138 of the Roads Act for immediate construction.*
- (c) That Council approves further development of the design of Pittwater Road from Carramar Avenue to High Street (excluding the roundabout in (b) above) to fully consider the cumulative environmental effects of all stages, consolidate the community consultation process to one project and to consider suggestions and comments made to date from environmental groups.*

GHD was commissioned by Council to design and implement a community engagement program that would consolidate the community consultation process into one project. Key objectives of the Community and Stakeholder Engagement Strategy implemented by GHD were to:

- Ensure that a diverse range of the local community and stakeholders are informed about the project and given the opportunity to provide feedback.
- Provide stakeholders with an opportunity to ask questions and to identify areas of concern with respect to the project.
- Ensure that all concerns and issues raised by the community and stakeholders are considered in the development of the Review of Environmental Factors.
- Implement a planned approach to community and stakeholder communications.
- Effectively and proactively identify and manage local issues.

Community consultation activities undertaken during the finalisation of the concept design and draft environmental assessment included the following:

- Establishment of a project 1800 - number and email facility.
- Development of a contact and issues database.
- Delivery of community newsletter (500 issued) outlining the proposal and an upcoming workshop to local residents.

## ITEM 8 (continued)

- Provision of information about the project on the City of Ryde's website.
- Promotion of an online community survey.
- Distribution of a letter to various stakeholders and government agencies.
- Meetings with Ryde Environment Group, Friends of Kittys Creek and the Ryde-Hunter's Hill Flora and Fauna Preservation Society.
- Telephone discussion with representatives from Bike North.
- Information about the project included in the City of Ryde's *City View* publication (which is included in an edition of The Northern District Times).
- Signage installed along Pittwater Road to advertise the project and consultation process.
- An interactive community workshop was held at North Ryde RSL on 2 June 2011 and the general community participation was good.

Issues raised by the community and stakeholders during the consultation process included:

- Traffic and road safety.
- Treatment of stormwater.
- The need for and location of the Shared User Path.
- Removal of trees and vegetation trimming.
- Landscape restoration.
- Cost of the project.
- Impacts on the saltmarsh / mangroves within Kitty's Creek and other water courses.

A report on the community and stakeholder engagement is provided in Appendix E of the "Review of Environmental Factors" (provided **UNDER SEPARATE COVER**).

Design changes were made to the Concept Plans in direct response to concerns raised by the community. The amendments included staggered breakdown lanes on Pittwater Road along the stretch between Carramar Road to Bronhill Avenue in order to avoid the removal of two mature street trees. These changes will be conveyed in the detailed design phase of the project. The removal of trees was a significant concern to the community and was raised as an issue in the previous round of consultation that resulted in the project being delayed. An independent Arborist - Mackay Tree Management, was engaged by City of Ryde to assess the condition and significance of trees lining Pittwater Road that may be impacted by the proposed road works. The Arborist report is provided in Appendix F of the "Review of Environmental Factors" (provided **UNDER SEPARATE COVER**).

### Report

Cardno and Eco Logical Australia were commissioned by Council to undertake an environmental assessment and a flora and fauna assessment, respectively, of the proposed road upgrade works which include the construction of a Shared User Path along 3.1km of Pittwater Road, extending from High Street, Gladesville to Epping Road, North Ryde.

## ITEM 8 (continued)

As part of the Environmental Assessment they investigated five potential options for the proposed road upgrade works:

- Option 1 – Do nothing.
- Option 2 – Provide a road upgrade and a Shared User Path along the section of Pittwater Road between Epping Road and High Street in accordance with Council's proposed 2011 concept design.
- Option 3 – Provide a road upgrade and a Shared User Path with an alternative route (for example that submitted by the local community) to Council's proposed concept design.
- Option 4 – Provide a road upgrade and a Shared User Path on the eastern side of Pittwater road between Epping Road and High Street.
- Option 5 – Provide a road upgrade with an on-road cycling path and retaining the existing pedestrian path along the section of Pittwater Road between Epping Road and High Street.

Following an assessment of each of the options it was determined that Options 1 and 5 would not meet the objectives of the *Draft Four Year Delivery Plan 2011-2015*, *Draft Ryde 2021 Community Strategic Plan* and the *City of Connections* scheme. These options would not meet community demand for a Shared User Path and would deprive cyclist and pedestrian stakeholders of the transportation, health, recreation and safety benefits of a Shared User Path. Consequently Options 1 and 5 were not considered any further. In accordance with Council's statutory obligation to maintain its road infrastructure, Option 1 was also discounted.

Option 3, was not considered to be a viable solution by the Council design team, primarily because they would lead to additional, and potentially greater environmental impacts than under Option 2. In addition, Option 3 did not allow for the seamless integration with bicycle networks in adjoining Council areas in order to ensure sufficient regional and local connectivity.

The majority of the eastern side of Pittwater Road is adjacent to Lane Cove National Park. The environmental impact of constructing the cycleway on this eastern side was considered more extreme than other options. Option 4 was not assessed any further.

Option 2 is the preferred alternative because it is expected to provide the most suitable outcome for stakeholders whilst keeping negative environmental and social impacts to a relative minimum. The widening of Pittwater Road and upgrade to the kerbs and gutters will allow for improved safety for motorists, cyclists and pedestrians as well as controlling drainage and water quality by the introduction of a Gross Pollutant Trap.

## ITEM 8 (continued)

The proposed Shared User Path will fulfil the Council's obligations under the Draft *Four Year Delivery Plan 2011-2015* and Draft *Ryde 2021 Community Strategic Plan* and the *Ryde Bicycle Strategy and Masterplan* by providing better access and connection to, from and within the City of Ryde for its residents, visitors and workers. In addition, Option 2 would meet community demand for a Shared User Path and would provide cyclist and pedestrian stakeholders with the transportation, health, recreation and safety benefits of a Shared User Path. This also would provide access to recreational facilities at Field of Mars and Hunters Hill reserves.

In accordance with Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) Cardno have prepared a Review of Environmental Factors that has identified potential environmental impacts and mitigation measures to manage any negative impacts associated with the proposed upgrade works. The report concludes that the preferred option for the Pittwater Road upgrade would have no significant environmental impacts subject to the recommended mitigation methods as set out in the "Review of Environmental Factors" (provided **UNDER SEPARATE COVER**).

### Consultation

External stakeholder consultation included:

- Hunters Hill Council
- Office of Environment and Heritage (OED)
- Department of Planning and Infrastructure (DoPI)
- Heritage Branch of DoPI
- Department of Primary Industries (DPI) – Fisheries
- Metropolitan Local Aboriginal Land Council (MLALC)
- National Parks and Wildlife Service (NPWS)
- Sydney Metropolitan Catchment Management Authority (SMCMA)
- Local residents and the Ryde Community
- Ryde Hunters Hill Flora and Fauna Preservation Society (RHHFFPS)
- Friends of Kittys Creek
- Ryde Environmental Group
- Bike North

A summary of the responses received from stakeholders is provided in Appendix C of the "Review of Environmental Factors" (provided **UNDER SEPARATE COVER**).

### Community consultation

As discussed above a Community and Stakeholder Engagement Strategy was designed and implemented by GHD. A report on the consultation undertaken is provided in Appendix E of the "Review of Environmental Factors" (provided **UNDER SEPARATE COVER**).

### Critical Dates

There are no critical dates or deadlines to be met.



## **ITEM 8 (continued)**

### **Financial Impact**

The City of Ryde 2010/11 Capital Works Program includes a budget allocation of \$947,000 to extend the upgrade works further south from Carramar Avenue to Bronhill Avenue and to also take into consideration provision for pedestrians, cyclists, water quality Improvements and landscaping. The budget also includes carry over funds (\$320,000) from the previous financial year 2009/10. The balance portion of work will be carried out in the subsequent financial years as funding is allocated under its four year delivery plan.

### **Policy Implications**

There are no policy implications through adoption of the recommendations.

### **Other Options**

Five options for the proposed upgrade were considered as part of the Review of Environmental Factors. An environmental assessment was conducted on the preferred option (Option 2) as detailed in the “Review of Environmental Factors” (provided **UNDER SEPARATE COVER**).

### **Conclusion**

The preferred option would provide a road upgrade and a Shared User Path along the section of Pittwater Road between Epping Road and High Street in accordance with Council’s proposed 2011 concept design. This option is expected to provide the most suitable outcome for stakeholders whilst keeping negative environmental and social impacts to a relative minimum.

In accordance with Part 5 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) Cardno Pty Ltd have prepared a Review of Environmental Factors that has identified potential environmental impacts and mitigation measures to manage any negative impacts associated with the proposed upgrade works. The report concludes that the preferred option for the Pittwater Road upgrade would have no significant environmental impacts subject to the recommended mitigation methods being implemented [refer to the “Review of Environmental Factors” (provided **UNDER SEPARATE COVER**)].

## **9 TENDER FOR SURVEYING AND ASSESSMENT OF CITY OF RYDE'S CUSTOMER SERVICES**

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**Report prepared by:** Manager - Customer Services

**Report dated:** 30/11/2011

**File No.:** GRP/09/4/1/7 - BP11/942

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### **Report Summary**

This report advises of the outcome of the Request for Tender # COR-RFT-21/11 relating to the provision of Council's Surveying and Assessment of City of Ryde's Customer Services. Following detailed assessment of the tenders received the panel has provided an evaluation report as an attachment to this report. The recommendation of this evaluation is to award the tender to Micromex Research for the delivery of a City of Ryde Mystery Shopper Program and Customer Surveying Program.

### **RECOMMENDATION:**

- (a) That Council appoint Micromex Research for the provision of Surveying and Assessment of City of Ryde's Customer Services for the period 1 January 2012 till 31 December 2017 with a provision of an annual performance review to determine if the company's performance has been deemed as satisfactory.
- (b) That all companies who lodged a tender for the provision of Surveying and Assessment of City of Ryde's Customer Services be advised of Council's decision.

### **ATTACHMENTS**

- 1** Tender Assessment Panel Report - CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL
- 2** Tender Assessment Matrix - Mystery Shopper Component - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 3** Tender Assessment Matrix - Customer Surveying Component - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

**Angela Jones-Blayney**  
**Manager - Customer Services**

Report Approved By:

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

## **ITEM 9 (continued)**

### **Background**

City of Ryde Council is in the process of changing the way that it interacts and engages with local citizens. A key part of this renewed approach is the development of processes to better understand the perceptions and experiences of residents, customers, rate payers and other stakeholders. Within this larger program, Council is now seeking to undertake specific research into the performance of, and customer satisfaction with, the services that Council provides to individuals and businesses on a transactional and user initiated basis.

Council is seeking to engage consultants to investigate and report to Council on:

- the quality of the provision of Council's user initiated services through a mystery shopper program, and,
- the satisfaction of customers with the level and quality of service that they have received from Council through an ongoing customer survey process.

Aligning with these two objectives this tender will be divided into two components:

1. Mystery Shopper Program.
2. Customer Surveying Program.

In acknowledgement that many firms specialise in only one form of Customer Service based research, Council has resolved that it will accept tenders that address only one of these components. In the case that Council chooses to appoint a provider for each component then each tender will form a separate contract and each provider would be responsible for its own delivery.

### **Report**

The City of Ryde invited Request for Tenders (RFT) through advertising on Saturday 19 November 2011, from experienced and capable operators to provide a range of Surveying and Assessment services. The RFT included providing development of Customer Surveys, Service Standard Criteria and reporting to Council as well as conducting customer surveys and mystery shopper interactions.

The RFT closed on Friday 2 December 2011. Tender submissions were received from the following respondents:

- o Australian Survey Research Group Pty Ltd.
- o Colmar Brunton Pty Ltd.
- o Crosstabs Pty Ltd.
- o Customer Service Benchmarking Australia Pty Ltd.
- o Genroe (Australia) Pty Ltd.
- o Insync Surveys Pty Ltd.
- o Micromex Research.

## **ITEM 9 (continued)**

The submissions were opened in accordance with the Council protocol.

The Tender Assessment Panel Report can be viewed in **ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL**. Tender submissions were evaluated by the assessment panel using an Assessment Matrix – **ATTACHMENT 2** and **ATTACHMENT 3 – both CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL**.

### **Consultation**

Internal Council business units consulted included:-

- Risk and Audit

Internal Workshops held:-

- Not Applicable

City of Ryde Advisory Committees consulted included:-

- Not Applicable

External public consultation included:-

- Not Applicable

### **Critical Dates**

The contract for the RFT – Council's Surveying and Assessment of City of Ryde's Customer Services is scheduled to commence on 1 January 2012 for a period of up to five years.

### **Financial Impact**

Council's 2011/12 budget includes funding for Council's Surveying and Assessment of City of Ryde's Customer Services.

The costs for the tenderer's submissions are detailed in the Tender Evaluation Report. An analysis of the evaluation criteria and weightings by all respondents indicated that Micromex Research were the most cost effective tender submission for both components, that is the Mystery Shopper Program and Customer Surveying Program. Combined annual expenditure is estimated at \$115,700.

### **Policy Implications**

There are no policy implications through adoption of the recommendation.

### **Other Options**

None applicable.

### **Conclusion**

Council, through this initiative recognises that to be responsive to our customers, customer relationship management and the development of superior, streamlined service offerings is the key.

**ITEM 9 (continued)**

The importance of ensuring our customers are satisfied with the way we are connecting, engaging and delivering services to them is vital. Surveying and Assessment of City of Ryde's Customer Services allows Council to measure its operations and assists the organisation to achieve maximum business performance in responding to our communities' wants and needs.

This new platform of measurement and assessment of our services will significantly change the way in which Council connects with and understands its customers.

This initiative supports Council's aspirations for the City of Ryde to provide a superior service offering to our customers.

Based on an evaluation by the assessment panel using an Assessment Matrix, the panel recommends the acceptance of an offer from Micromex Research for both components of the tender for a period of five years with a provision of an annual performance review to determine if the company's performance has been deemed as satisfactory.

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## **10 TENDER - PROVISION OF INFORMATION TECHNOLOGY DISASTER RECOVERY SUPPORT FOR CITY OF RYDE**

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**Report prepared by:** Group Manager - Corporate Services

**Report dated:** 2/12/2011

**File No.:** GRP/11/7/1/6 - BP11/952

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### **Report Summary**

This report is to advise Council on the Tenders received for the Provision of Information Technology Disaster Recovery Support for the City of Ryde and recommends the tender from Interactive Pty Ltd to be accepted.

### **RECOMMENDATION:**

- (a) That the report of the Group Manager Corporate Services dated 2 December 2011 on the Provision of Information Technology Disaster Recovery Support for the City of Ryde be endorsed.
- (b) That the tender from Interactive Pty Ltd be accepted for a 12 month period, then reviewed on an annual basis to ensure the City of Ryde's requirements are being met.

### **ATTACHMENTS**

- 1** Tender Evaluation Report - Information Technology Disaster Recovery Support for the City of Ryde - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 2** Provision of Information Technology Disaster Recovery - Tender Evaluation Assessment Matrix November 2011 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

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

Report Approved By:

**John Neish**  
**General Manager**



## ITEM 10 (continued)

### Background

Following Council's formalisation of its Business Continuity Plan, this tender is seeking to appoint a third party provider in assisting Council to recover and restore its information systems and IT operations in the event of a disaster or interruption to services. This tender is being called on the basis that the arrangement will be reviewed annually to ensure it meets the City of Ryde requirements.

This tender ensures Council will have a formal Information Technology disaster recovery arrangement in place and is seen as a first step to protect Council's operations. Once in place, Council staff will over the next 1 – 2 years be seeking to further investigate other suitable options to ensure Council has a viable, effective and sustainable recovery service in place for all of Council's information systems and technology requirements.

### Report

The request for Tender closed on 27 May 2011 with Council receiving two (2) submissions. Tender submissions were received from;

- Interactive Pty Ltd
- Tardis Services

A tender evaluation panel consisting of the following members was established to assess the responses:

Name	Representing	Position
Roy Newsome	City of Ryde	Group Manager - Corporate Services
Rodney Redwin	City of Ryde	Business Solutions Manager
Paul Mosca	City of Ryde	Corporate Application Manager
Rafik Meleka	City of Ryde	Risk Manager

A Tender Evaluation report has been provided to Councillors **UNDER SEPARATE COVER – CONFIDENTIAL**. Pursuant to Section 10A(2)(d) of the Local Government Act 1993, this document is listed as confidential as it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it. Furthermore, it is considered that discussions in open meeting would, on balance, be contrary to the public interest as it could affect Council's ability to secure the preferred Tenderers.

The assessment was based on the following criteria as outlined in the Request for Tender document.

1. Legal Status of the Entity (Mandatory)
2. Conformity to The Documentation (Mandatory)
3. Insurance (Mandatory)
4. Referees (Mandatory)
5. Schedule of Pricing, Pricing Structure (30% Weighting)

### ITEM 10 (continued)

6. Demonstrated experience in the provision of similar support services to medium to large organisations (30% Weighting)
7. Demonstrated capability / capacity to comply with Council's requirements (30% Weighting)
8. Nominated terms and conditions (10% Weighting)

Tender submissions were evaluated by the assessment panel utilising an Assessment matrix which is attached to this report **UNDER SEPARATE COVER – CONFIDENTIAL**. Pursuant to Section 10A(2)(d) of the Local Government Act 1993, these documents are listed as confidential as they contain commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it. Furthermore, it is considered that discussions in open meeting would, on balance, be contrary to the public interest as it could affect Council's ability to secure the preferred Tenderers.

As detailed in the Tender Evaluation Report, the Evaluation Panel is recommending the Tender from Interactive Pty Ltd to be accepted.

### Financial Impact

Council has made provision of \$70,000 for meeting the cost of disaster recovery services in the 2011/2012 Operational Plan. The estimated annual cost of this service is \$120,000 and this amount has been allowed in the upcoming 2012/2016 Delivery Plan as a project.

### Other Options

Council could determine not to accept this tender, however, there are no other available options to provide this service in the short term. It is the intention to put this arrangement in place and then to review on an annual basis. Over the next 1 – 2 years, other opportunities will be investigated to confirm if there are any other alternative options that will ensure appropriate and timely business recovery services are available. This arrangement needs to ensure Council's customer service and business operations can be recovered in acceptable timeframes in the event of a disaster or interruption to services.

### Conclusion

Based on the evaluation of tenders as detailed in the Tender Evaluation Report, it is recommended for Council to accept the tender from Interactive Pty Ltd.

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## 11 STATE OF ENVIRONMENT REPORT 2010/11

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**Report prepared by:** Sustainability Programs Coordinator

**Report dated:** 2/11/2011

**File No.:** GRP/11/6/3/6 - BP11/782

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### Report Summary

This report recommends that the 2010-11 Northern Sydney Regional Organisation of Councils (NSROC) Regional State of Environment (RSoE) Report (supplementary) for the period 1/7/10 to 30/6/11 (**CIRCULATED UNDER SEPARATE COVER**) and the Draft Community Newsletter of case-studies relevant to Ryde, be received and endorsed.

The RSoE Report (supplementary) was submitted by NSROC to the NSW Department of Local Government (DLG) by 30 of November 2011 deadline to satisfy the annual reporting requirements for each of the Councils who were actively involved in the preparation of the regional report.

The RSoE Report (supplementary) provides clear and comparable statistics on key indicators of environmental health, across the member Councils. Importantly, it also provides comparisons through time that give some indication of the direction of changing trends.

The Draft Ryde newsletter has been prepared as a simpler, user-friendly, locally focused publication that complements the regional RSoE Report (supplementary) for the benefit of the local community.

As highlighted, the region's environmental features are a major contributing factor to the attraction of the area, and its status as a popular and high value residential and business locality.

### RECOMMENDATION:

- (a) That NSROC Regional State Of The Environment Report (supplementary) 2010/11 be received and noted.
- (b) That the Draft 2010/11 State Of The Environment Report Community Newsletter for Ryde be endorsed.
- (c) That the NSROC Regional State of the Environment Report (supplementary) 2010/11 and associated Ryde Community Newsletter be placed on the Ryde website and promoted in the Ryde City View.
- (d) That Council libraries and all secondary and tertiary educational institutions in the Ryde LGA be provided with two copies of the NSROC RSoE Report (supplementary) 2010/11 for their reference sections.

**ITEM 11 (continued)**

**ATTACHMENTS**

- 1 NSROC Regional State of Environment Report (supplementary) - CIRCULATED UNDER SEPARATE COVER**

Report Prepared By:

**Nilushi Disanayake**  
**Sustainability Programs Coordinator**

Report Approved By:

**Sam Cappelli**  
**Manager The Environment**

**Dominic Johnson**  
**Group Manager - Environment & Planning**

## **ITEM 11 (continued)**

### **Background**

- For the past six years, NSROC has prepared a regional SoE Report, with each of the NSROC Councils involved in the process.
- Councils across NSW were required to complete an annual SoE Report to satisfy the minimum statutory reporting requirements of the amended Local Government Act 1993.
- A comprehensive SoE Report is normally required every four years with annual supplementary reports required in the interim.
- The method of reporting is being evaluated with regard to integration with the Division of Local Government's Integrated Planning and Reporting (IPR) Guidelines. The latest SoE report is a stand-alone report in the historical format. Future SoE Reports may be incorporated in Council Annual Reports with abbreviated regional SoE Reports. Reference to relevant sections of City of Ryde's Community Strategic Plan has been made in the 2010/11 SoE Report's appendices.
- This year's regional SoE Report will be NSROC's 7<sup>th</sup> SoE publication. It has been approved by the NSROC Board.
- The Division of Local Government has advised that those Councils involved in the preparation of a regional report do not need to complete individual reports.
- Council has received and endorsed the annual Regional SoE Report in previous years.

### **Report**

The RSoE Report (supplementary) framework facilitates the documentation and improved understanding of the current and changing state of key attributes of the local environment, and how they compare to surrounding areas, through the application of regional environmental indicators. These indicators are compared through time and across Councils.

In many situations, a regional approach presents a more comprehensive picture as some variables (e.g. water catchments and atmospheric movements) cross Council boundaries. The regional approach also encourages member Councils to build cooperative partnerships and share sustainability ideas and practices.

The report is structured according to six themes; Sustainability, Human Settlement, Bushland, Water, Climate Change and Landscape. Features include numerous case studies, a key findings summary, tables and graphs with comparative data, reference to State level reporting, and commentary on changing trends. New features in this year's RSoE include, the 'at a glance' comparator, relevant extracts of member Council Community Strategic Plans and new streetlight and solar power uptake reporting.

## ITEM 11 (continued)

The report's key findings are noted below, with additional comments relevant to Ryde:

- Expenditure on environmental activities and related initiatives has risen across NSROC member councils by \$15 million in the last year to a total of \$195 million.
- NSROC councils continue to raise awareness of environmental issues and have actively sought community input in the determination of environmental goals reflected in each council's new Community Strategic Plan. City of Ryde's Outcome Area of 'A City of Environmental Sensitivity' is detailed in the appendices of the RSoE Report.
- As the population grows, environmental pressures increase however there appears to be positive outcomes being achieved in areas such as waste, energy and water across the region. City of Ryde case studies in energy and water savings are highlighted in the RSoE Report. It also indicates a slight increase in both recycling and landfill rates.
- Waste is an important environmental challenge for the NSROC region. NSROC councils have initiated an investigation into regional waste management options that promote best economic and environmental outcomes in light of changes in the market and the future impacts of carbon taxes on waste collection.
- Energy consumption in the region has generally trended downwards in residential activity but with some increases in non-residential. This year new information has also been provided about solar connections and streetlighting maintenance which will allow NSROC from this point forward to measure trends in these activities. While only three months data is available (September to December 2010) the NSROC region uptake of solar technology and exported power has virtually doubled. AUSGRID data on the City of Ryde's solar power connections and energy use reveals regionally consistent trends upwards. Residential energy use has decreased slightly in Ryde and commercial use has increased since the previous year.
- Water consumption in the region continues to decline. This year water consumption across all uses fell by around 700,000kL. This is a substantial effort given increased population in the region. At the council level, consumption by council assets has also been in gradual decline. In five years consumption by member councils has dropped from 860,832kL in 2006-7 down to 694,440 kL in 2010-2011. This trend is apparent in Ryde and a Ryde specific business water saving program is highlighted in the RSoE Report.



**ITEM 11 (continued)**

- Bushland and biodiversity continues to be an important issue for NSROC councils who invest substantially in bushland preservation, data gathering and education initiatives. Volunteer numbers for bushland support have increased this year although it has been observed that the number of hours provided by volunteers remains static. This appears to reflect greater engagement with the community on initiatives but less time being allocated by individuals for ongoing volunteer activities.
- NSROC councils are recognising the increased pressures on all open space in the region as density increases. Concerns about balancing open space and urban development are paramount to member councils. NSROC is looking at more strategic management of open space provision including a recently developed regional strategy for sportsground management to address the variety of competing demands and pressures on active open space.
- Water quality and direct management activities are ongoing in the NSROC region. Water quality in urban streams is relatively poor but typically stable. Beach quality as measured by the NSW Office of Environment and Heritage's Beachwatch program shows a relatively constant beach quality in the region with a mix of good fair and poor beaches whose quality varies given weather and run off events. Stormwater management is a key role that councils directly undertake to improve water quality. This year NSROC councils collected less waste from stormwater traps than previous years. While this may be due to a variety of factors such as less storm events, it can also be interpreted as a sign of reduced dumping in stormwater systems and surrounds. Results from City of Ryde's water quality monitoring strategy across 5 creek systems, have been relatively stable.
- Councils continue to undertake CO2 emission saving actions and many Councils have developed specific climate change and adaptation plans. Due to the increasing variety and measurement systems councils now have the ability to undertake sophisticated analysis, however aggregation of this information becomes less meaningful when different measurement systems are employed. Ryde initiated savings of over 2,390 tonnes of CO<sub>2</sub> through projects for all of Council assets this year. A case study describing City of Ryde's Climate Change Adaptation study is also highlighted in the RSoE Report.

**Consultation**

Internal Council business units that have been consulted and have provided information for the RSoE Report include:

- Urban Planning
- Waste
- Customer Service
- Environment and Health

### **ITEM 11 (continued)**

- Catchment and Assets
- Property
- Finance
- Parks and Open Space
- Environment

Internal Workshops held:

- Not Applicable

City of Ryde Advisory Committees consulted included:

- Not Applicable

External public consultation included:

- Aboriginal Heritage Office (AHO)
- Sydney Water
- Office of Environment and Heritage (OEH, NSW)
- Northern Sydney Central Coast Area Health Service (NSCCAHS)
- Ausgrid
- NSW Department of Planning
- Air Services
- NSROC Sustainability Committee and NSROC Board

### Comments

All the above internal business units provided statistics and other information referred to throughout the report. External agencies provided regionally relevant data and the report has been reviewed by the CoR Environment Unit, NSROC Sustainability Committee (with representation by staff from member Councils) and the NSROC Board.

### **Critical Dates**

The following deadlines are required to be met:

- The Regional NSROC SoE Report (supplementary) 2010/11 needs to be submitted to the Division of Local Government by 30<sup>th</sup> November 2011. This deadline is being attended to by the Executive Director of NSROC.

### **Financial Impact**

The City of Ryde will be contributing \$1,500 (incl. GST) towards the compilation of the Regional NSROC SoE Report and a further approx. \$400 has been allowed for printing of the report.

This amount has been allowed for in the current Environment Operational Expenditure Budget

## **ITEM 11 (continued)**

### **Policy Implications**

There are no policy implications through adoption of the recommendation.

### **Other Options**

A regional approach was selected for reasons detailed earlier such as comparing regional performance. No other options were considered applicable.

### **Conclusion**

The RSoE Report (supplementary) enables measurement and comparison of key environmental quality indicators across the region and across several themes. It helps to monitor environmental change over time and inform social, economic and environmental planning functions to encourage a holistic management focus for sustaining the quality of the region's natural environment.

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## **12 LEGAL ACTION - LGFS Rembrandt Investment and Funding Agreement**

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**Report prepared by:** Group Manager - Corporate Services

**Report dated:** 2/12/2011

**File No.:** GRP/11/7/1/6 - BP11/950

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### **Report Summary**

This report provides an update on the legal proceedings being undertaken in respect of Council's LGFS Rembrandt investment and the attempts to have this matter settled in addition to endorsing a variation to the IMF Funding Agreement due to the significant increase in legal costs.

### **RECOMMENDATION:**

- a) That Council endorse the actions to settle this matter as detailed in the report.
- b) That Council endorse the variation to the IMF (Australia) Ltd funding agreement as detailed in the report.

### **ATTACHMENTS**

- 1 Piper Aldermans update letter 30 November 2011 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 2 Variation to terms of funding agreement with IMF (Australia) Ltd 22 November 2011 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

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

Report Approved By:

**John Neish**  
**General Manager**

## ITEM 12 (continued)

### Background

As reported to Council through recent Investment Reports, proceedings have commenced and are continuing in the Federal Court with the City of Ryde and twelve other Councils taking action against the Local Government Financial Services (LGFS), ABN Amro and Standard & Poors (S&P).

Council, at its meeting on 20 July 2010 endorsed for Council's legal costs in this matter to be funded through IMF (Australia) Ltd. IMF's fees as detailed in the Funding Agreement, was 36% from the funds recovered.

As detailed in that report, the action to seek a funder to meet all legal costs was recommended due to the complexity and the additional parties such as S&P and ABN Amro being joined in this case.

### Report

Council has received an update in this matter from Piper Alderman, dated 30 November 2011 (**ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL**).

This update from Piper Alderman is the result of a teleconference between all Councils, Piper Alderman and IMF. The advice and teleconference provided the following information;

- from the evidence presented to date in the Federal Court, it shows that all Councils relied on LGFS's reputation and relationship.
- LGFS confirmed they were focused in building a relationship of trust with each Council.
- LGFS have admitted not providing or disclosing critical information that they had in their possession and not passed on to Councils. This was of particular relevance to two Councils, one being Ryde, as the purchase of this product by these Councils, occurred after this information was available.
- A critical issue is the AAA rating of the product which is the subject of various cross claims between the parties. LGFS required a AAA rating as a condition precedent before progressing with the product and there is conflicting evidence between ABN Amro and S&P on the rigour and testing undertaken in determining the products AAA rating.

In summary, the Council's claims are described by Senior Counsel, Noel Hutley SC as being strong against LGFS and reasonable against ABN Amro & S&P. As detailed in the attached advice, both Piper Alderman and Mr Hutley recommend an early settlement in this matter and this position has been supported by the City of Ryde. An update on the settlement discussions may be available at the Council meeting.

## **ITEM 12 (continued)**

Also, included in the attached advice from Piper Alderman is an explanation of additional professional fees in this matter. The main reason for the increase in costs relates mainly to the complexity of this matter with LGFS joining ABN Amro and S&P in this matter. This has resulted in the case taking longer which has seen the original estimate for professional fees of \$2.5 million being increased to \$5.48 million.

It is for this reason that IMF (Australia) Ltd have requested a variation to the funding agreement of their fee from 36% to 39% of the amount recovered (**ATTACHMENT 2 – CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL**).

Due to the circumstances and the details provided by both Piper Alderman and IMF Australia, it is recommended that Council endorse this variation.

### **Consultation**

Internal Council business units consulted included:-

- General Manager
- General Counsel
- Chief Financial Officer

### **Critical Dates**

Council needs to determine this matter at the Council meeting on 13 December 2011, to confirm its position in respect of this matter given the current status of the proceedings.

### **Financial Impact**

Adoption of the recommendation outlined in this report will potentially provide Council with the ability to recover approximately \$600,000 of Council's \$1 million investment. As Council has written down this investment to nil value, this will improve Council's overall financial position by this amount.

### **Policy Implications**

There are no policy implications through adoption of the recommendation.

### **Other Options**

Council may decide not to support the recommendation in this report, however, given the majority position of all Councils, this will determine the action that is taken.

### **Conclusion**

As detailed in this report, the Councils' position in the legal proceedings is very strong and are likely to win the case. However, given the risk of appeal and the growing legal costs, it is recommended that Council endorse the early settlement of this matter. This has the potential to return 60% or \$600,000 of Council's \$1 million investment. It is also recommended that Council support the variation to the Funding Agreement with IMF as detailed in the report.



## **13 SKATEBOARD CLINICS FOR ALL AGES AND ABILITIES IN THE CITY OF RYDE**

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**Report prepared by:** Community Project Officer - Young People and Leisure

**Report dated:** 28/11/2011

**File No.:** GRP/09/4/2/5 - BP11/915

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### **Report Summary**

This report responds to a Council resolution in November to investigate the process required to organise and promote skateboard clinics in the City of Ryde. The report recommends that Council run three clinics, one each in the school holiday periods of January, April and September 2012 by engaging the services of a contractor to provide both equipment and qualified staff, and also manage the event. The provision of the service will be subject to Council Procurement Policy. The report also recommends that a fee of \$20/child be levied to cover some of the costs associated with the skateboard clinics. This fee would need to be placed on public exhibition for 28 days as an addition to Council's approved fees and charges.

### **RECOMMENDATION:**

- a) That Council run three skate clinics as outlined in the body of this report, in a venue in the City of Ryde during the school holiday periods of January, April and September 2012.
- b) That Council fund the costs of running these clinics from an adjustment in the December quarterly review to the maximum of \$19,000 (inc GST)
- c) Should Council support the recommendation that a fee of \$20/child be placed on public exhibition for 28 days as an addition to the approved Council Fees and Charges to offset Council's costs.
- d) That if no submissions are received, the fee be implemented as at the next business day of the exhibition period.

### **ATTACHMENTS**

There are no attachments for this report.

Report Prepared By:

**Janice Nicholson**

**Community Project Officer - Young People and Leisure**

Report Approved By:

**Baharak Sahebekhtiari**

**Manager - Community & Culture**

**Danielle Dickson**

**Group Manager - Community Life**

## ITEM 13 (continued)

### Background

At its meeting on 15 November 2011 Council resolved:

*That Council prepare a report within a month that identifies a suitable venue for a skateboard clinic to be conducted during the school holiday period. This report should also include estimated costs to Council, identify any insurance risks or liabilities and the process that would be required to engage interested parties to organise and promote skateboard clinics for all ages and abilities in the City of Ryde.*

The City of Ryde has previously hosted and supported successful skate events as part of the Granny Smith Festival in 2007 and 2011 as well as successfully hiring skate ramps and skate services for The Core.

The adjacent local government area of Hunters Hill Council regularly hosts successful youth skating clinics in the April and October school holiday periods each year. Each of these clinic days see over 40 children and young people 7- 17 years of age making use of portable skate ramps, competing and building their skills and confidence in skating.

### Report

This report proposes that Council facilitate three skateboarding clinics in 2012, one each in January, April and September school holiday periods. An assessment of these events would then be utilised to determine any future program.

Following investigation it has been determined that the City of Ryde does not currently have adequate resources and expertise in-house to run these activities. It is therefore recommended to engage external contractors to deliver and manage the clinics for the trial.

### Appropriate Locations

The locations chosen for the skate clinics need to have the following characteristics:

- of adequate size to allow for a combination of ramps and associated equipment,
- include adequate shade and amenities,
- accessible by public transport and
- lend itself to being cordoned off from the public during the event.

The appropriate location would be chosen in consultation with the contractor engaged to deliver and manage the skateboard clinics and after a site specific risk assessment.

The following are possible venues for consideration:

- Meadowbank Park
- Blenheim Park
- ELS Hall Park (Shrimptons Creek Parklands)
- Ryde Aquatic Leisure Centre

### ITEM 13 (continued)

- Eastwood Park (lower field on West Parade)
- Ryde Park
- Gladesville Park (in partnership with Hunters Hill Council)
- Civic Centre Car park
- Top Ryde City -The Piazza

It should be noted that Blenheim Park, ELS Hall Park, Meadowbank Park and the Ryde Aquatic Leisure Centre have previously been identified as being potential suitable locations for the creation of a permanent skate facility. Of these, Blenheim Park and Ryde Aquatic Leisure Centre are proceeding to a feasibility assessment. The outcome of the feasibility study will be reported to Council in 2012 where the next steps towards the development of a permanent skate facility in the City of Ryde will be detailed.

#### Structure of the clinics

It is proposed that the event would be advertised and promoted as an open event and managed by the contractor engaged, their responsibilities will include logistics of staffing, gaining waivers, risk management and managing the clinic logistics on the day.

#### Role of City of Ryde staff

City of Ryde staff will be responsible for:

- Project management
- Create and distribute promotional material through local libraries and other venues, the City View and the City of Ryde website.
- Procurement of services
- Allocation and preparation of site
- Evaluation of the clinics for future programming

#### Cost of the event

It is estimated that clinics will incur a direct cost in the range of \$5000 for each event.

In addition to the \$15,000 it is anticipated the publicity, promotion and other ancillary costs for all three clinics is estimated will be approximately \$4000.

These costs are estimates only and based on previous experience of organising similar clinics.

It is anticipated that part of the cost can be recovered by charging a fee for the clinics. A fee of \$20/child is recommended, should Council wish to proceed.

This fee would be considered a new fee and would be subject to a 28 day public exhibition period as required under the Act.

To ensure the best value to the community in providing these events, staff will explore other possible options of cost recovery with the selected contractor.

## **ITEM 13 (continued)**

### Procurement

Contractors will be engaged as per Council's procurement policy, for the estimated costs of this project the Policy requires obtaining three quotations from suitably qualified operators.

### Timeframe

The process of engagement will include the following key milestones –  
Prepare brief for services – 1 week; plus  
Requisition of quotes – 2 weeks; plus  
Assessment and engagement – 1 week

While the usual time period for contracting a service provider and starting a project would be approximately four weeks, the Christmas/ New Year period and the availability of contractors may impact on the project timeline.

Following a Council resolution of the recommendations detailed in this report it is anticipated that the service provider would be approximately four weeks. During this four week period council staff would be working on site preparations and promotional material.

### Risk and Liability

- To ensure adequate time for parents to plan, the promotional material for the skate clinics will need to be distributed at the earliest possible time, and will include the intended \$20/child. This means that the promotional material will need to be distributed prior to the closure of the 28 day exhibition period.
- The risk associated with ensuring safety and satisfy the duty of care for the participants the contractor engaged will have to meet following requirements, which will be included as part of the brief for services:
  - Have adequate risk management processes
  - Have qualified staff and trainers
  - Have appropriate ration of staff to participants
  - Have the level of insurance cover as specified by Council's Procurement Policy

### **Consultation**

Internal Council business units consulted included:-

- Risk and Insurance
- Open Space

Internal Workshops held:-

- Not applicable

City of Ryde Advisory Committees consulted included:-

- Not Applicable

### **ITEM 13 (continued)**

External public consultation included:-

- Not applicable

#### **Critical Dates**

There are no critical dates or deadlines to be met however for the clinics to be organised for January School Holiday period planning will need to start as soon as possible. Broad milestones are provided under procurement in the preceding information.

#### **Financial Impact**

It is estimated that the total cost of the three proposed Clinics in the range of \$15,000. In addition it is estimated an additional \$4,000 will be required for promotion, publicity material and other incidental costs.

The total cost of the project therefore in the range of \$19,000.

This proposal is not provided for in the current budget 2012/11. If Council wishes to proceed with the project it would need to be funded from an adjustment as a part of the December quarterly review.

#### **Policy Implications**

The adoption of recommendations from this report will not have any policy implications

#### **Other Options**

- Council could choose to run smaller skate clinics in partnership with Hunters Hill Council in the skate park facility in Gladesville Park, which would reduce the cost significantly
- Council could choose to run only one clinic in 2012 during a School Holiday period

#### **Conclusion**

It is proposed that the City of Ryde seek suitable contractors to run three skateboarding clinics during school holiday periods of January, April and September in 2012. The estimated cost of this project is \$19,000. These clinics are an additional service to the current adopted operational plan and therefore would need to be funded from a budget adjustment in the December review. The relocation of funds may affect an existing level of service across Council which would be identified at the time of the budget review. The recommended \$20/child fee for this service is an addition to Council's approved fees and charges and will require a 28 exhibition period. This report outlines a means of providing a potential additional service for the youth of the City of Ryde.

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## **14 CODE OF MEETING PRACTICE - Results of Public Exhibition**

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**Report prepared by:** Manager - Governance

**Report dated:** 28/11/2011

**File No.:** CLR/07/8/9/3 - BP11/911

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### **Report Summary**

This report presents the results of the public exhibition of the draft Code of Meeting Practice for Council's consideration.

The draft Code placed on exhibition reflected Council's determination in regard to its Council and Committee structure. The draft Code also aligns with the Division of Local Government's Meeting Practice Note.

It is recommended that Council adopt the **ATTACHED (Under Separate Cover)** draft Code of Meeting Practice. In addition, **ATTACHED** is a revised schedule of Meetings for 2012 which includes the Civic Precinct Committee for Council's consideration.

### **RECOMMENDATION:**

- (a) That Council adopt the **ATTACHED** Code of Meeting Practice.
- (b) That Council adopted the revised schedule of Meetings for 2012 as **ATTACHED**.

### **ATTACHMENTS**

- 1** Code of Meeting Practice Working Document - CIRCULATED UNDER SEPARATE COVER
- 2** 2012 Meeting Schedule (including Civic Precinct Committee)

Report Prepared By:

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

Report Approved By:

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



## ITEM 14 (continued)

### Background

At its Meeting held 27 September 2011, Council resolved as follows:

- (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.*

As a result the draft Code of Meeting Practice was placed on public exhibition for the period from 5 October 2011 to 25 November 2011 (more than seven weeks). Public submissions were invited and accepted during the period from 5 October 2011 to 25 November 2011.

During this period no submissions were received.

### Report

An extensive review of Council's Code of Meeting Practice has been undertaken to improve the readability of the document and to align it with the Division of Local Government's Meeting Practice Note and Guidelines. A copy of the revised Code of Meeting Practice is **ATTACHED**.

As resolved by Council, a copy of the draft Code of Meeting Practice was forwarded to the Division of Local Government for comment. No comment was received during the exhibition period, however, on Wednesday, 7 December 2011 a representative from the Division of Local Government rang staff in relation to the draft Code of Meeting Practice. This feedback is discussed below.

The changes recommended are shown with deletions in ~~strike through~~ and additions in ***bold italics***.

## ITEM 14 (continued)

### Proposed Changes to Code

#### Civic Precinct Committee

At its meeting held 8 November 2011, Council resolved as follows:

*In the interests of transparency and accountability, Council amend the Terms of Reference of the Ryde Civic Precinct Committee so that:*

- 1. The Committee meets as required and no less than every two months.*
- 2. Meetings of the Committee are advertised on Council's website and in the Mayor's column.*
- 3. The Agenda of the Committee be available on Council's website prior to the meetings being held.*
- 4. Full Minutes of the meetings be published on Council's website.*

As a result of this resolution, the Terms of Reference for the Civic Precinct Committee have been amended in the attached draft Code of Meeting Practice to provide for meetings no less than every two months. Accordingly, the 2012 Meeting Schedule has been revised and is **ATTACHED**.

The Civic Precinct Committee is a Committee of Council as provided in the Code of Meeting Practice; meetings will be advertised as per the provisions of the Code. In addition, the Agenda and Minutes of the Civic Precinct Committee will be made available in accordance with the provisions of the Code.

In addition, based on advice received from the Division of Local Government, it is recommended that the Charter for the Civic Precinct Committee be amended to specify that the Committee can only address issues relating to the Civic Precinct area.

#### Section 12 of the Local Government Act

Section 12 of the Local Government Act has been repealed as a result of the introduction of the Government Information (Public Access) Act (GI(PA)). As a result, references to Section 12 in the Code of Meeting Practice have been removed and references to GI(PA) have been added.

#### Public Address at Meetings

During the public exhibition period no submissions were received regarding the draft Code of Meeting Practice, however, during the exhibition period there were instances where Council resolved to suspend Standing Orders to deviate from the Code of Meeting Practice. This related specifically to the Practice for Public Address.

## **ITEM 14 (continued)**

Currently, the Code of Meeting Practice states that “to be fair to everyone, you can only speak once at a Meeting and you can’t speak on the same subject more than once in a three month period.”

Staff have endeavoured to apply this requirement consistently, however, it can be difficult to ascertain the topic to be addressed based on the information provided. Council may wish to remove this provision from the Code of Meeting Practice.

### Items Listed on Agenda/not listed on Agenda

Currently the Code of Meeting Practice allows 30 minutes at the start of Council Meetings for addresses on Items listed on the Agenda and 15 minutes at the end of the meeting for Items not listed on the Agenda.

In practice, speakers who have registered to address Council on Items not listed on the Agenda have been allowed to speak at the start of the Meeting. Council may wish to amend the Code of Meeting practice to reflect this.

### Time allowed for each member of the Public

The draft Code of Meeting Practice provides that each speaker has three minutes, regardless of the number of matters they wish to address. Recently, Standing Orders were suspended to alter this provision.

Council may wish to amend the Code of Meeting Practice to allow each speaker three minutes on each matter or Item, noting that only 30 minutes is allocated at the beginning of the meeting.

In accordance with Section 362 of the Local Government Act, after considering all submissions received, Council may decide to amend the Code or adopt the draft Code as its Code of Meeting Practice.

If Council resolves to amend the draft Code it may publicly exhibit the amended draft in accordance with the Act, or, if Council is of the opinion that the amendments are not substantial, it may adopt the amended draft Code without public exhibition as its Code of Meeting Practice.

Following adoption of the Code of Meeting Practice, a copy will be forwarded to the Division of Local Government, the Code will be placed on Council’s website and copies will be available at meetings for reference.

## **Consultation**

The draft Code of Meeting Practice was placed on public exhibition for the period from 5 October 2011 to 25 November 2011 (more than seven weeks). Public submissions were invited and accepted during the period from 5 October 2011 to 25 November 2011.

## **ITEM 14 (continued)**

During this period no submissions were received.

As resolved by Council, a copy of the draft Code of Meeting Practice was forwarded to the Division of Local Government for comment.

### **Critical Dates**

There are no critical dates or deadlines to be met; however it is appropriate that Council adopt a Code of Meeting Practice that reflects the adopted Council and Committee Meeting Structure as soon as practicable.

### **Financial Impact**

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

### **Policy Implications**

The adopted Code of Meeting Practice will be placed on Council's website, copies will be provided to all Councillors and copies will be available at Council and Committee meetings.

The Code of Meeting Practice sets out the standards for the calling, conduct and recording of Council and Committee meetings.

### **Other Options**

Council may wish to make further amendments to the Code of Meeting Practice as discussed in this report with regard to the Practice for Public Addresses:

- (a) That the restriction on speaking on the same topic more than once in a three month period be removed.
- (b) That the Order of Business be amended to allow people speaking on Items not listed on the Agenda to speak at the beginning of the meeting.
- (c) That speakers be permitted to address the meeting more than once on different topics, noting that thirty minutes is allocated at the beginning of Council Meetings to Items listed on the Agenda.

Should further amendments be made Council will need to determine whether the changes are substantial and warrant a further public exhibition period.

### **Conclusion**

The exhibited Code of Meeting Practice is **ATTACHED** and includes changes as a result of Council's recent resolution regarding the Civic Precinct Committee.

The draft Code was placed on public exhibition for a period of more than 28 days. A period of more than 42 days was provided during which submissions were able to be made to Council. No submissions were received.

**ITEM 14 (continued)**

The Code of Meeting Practice has been extensively reviewed and formatted to fully align with the Division of Local Government's Meeting Practice Note and Guidelines and reflects Council's determination in relation to its revised Council and Committee Meeting structure.

It is recommended that Council adopt the Code of Meeting Practice and that the adopted Code of Meeting Practice be forwarded to the Division of Local Government.

**ITEM 14 (continued)**

**ATTACHMENT 2**

**2012 Meeting Schedule**

Meeting Date	Meeting Type	Comments
<b>FEBRUARY</b>		
07-Feb-12	Committees Civic Precinct Committee	
14-Feb-12	<b>COUNCIL</b>	
21-Feb-12	Committees	
28-Feb-12	<b>COUNCIL</b>	
<b>MARCH</b>		
06-Mar-12	Committees	
13-Mar-12	<b>COUNCIL</b>	
20-Mar-12	Committees	
27-Mar-12	<b>COUNCIL</b>	
<b>APRIL</b>		
03-Apr-12	Committees Civic Precinct Committee	
10-Apr-12	<b>COUNCIL</b>	Easter – 6 to 9 April
17-Apr-12	Committees	
24-Apr-12	<b>COUNCIL</b>	
<b>MAY</b>		
01-May-12	Committees	
08-May-12	<b>COUNCIL</b>	
15-May-12	Committees	
22-May-12	<b>COUNCIL</b>	
29-May-12	No Meeting	5 <sup>th</sup> Tuesday
<b>JUNE</b>		
05-Jun-12	Committees Civic Precinct Committee	
12-Jun-12	<b>COUNCIL</b>	
19-Jun-12	Committees	
26-Jun-12	<b>COUNCIL</b>	
<b>JULY</b>		
03-Jul-12	No Meetings	Mid-year recess
10-Jul-12	No Meetings	Mid-year recess
17-Jul-12	Committees	
24-Jul-12	<b>COUNCIL</b>	
31-July-12	No Meeting	5 <sup>th</sup> Tuesday
<b>AUGUST</b>		
07-Aug-12	Committees Civic Precinct Committee	
14-Aug-12	<b>COUNCIL</b>	
21-Aug-12	Committees	
28-Aug-12	<b>COUNCIL</b>	



**ITEM 14 (continued)**

**ATTACHMENT 2**

Meeting Date	Meeting Type	Comments
<b>SEPTEMBER</b>		
04-Sep-12	Committees	
11-Sep-12	<b>COUNCIL</b>	
18-Sep-12	Committees	
25-Sep-12	<b>COUNCIL</b>	
<b>OCTOBER</b>		
02-Oct-12	Committees Civic Precinct Committee	
09-Oct-12	<b>COUNCIL</b>	
16-Oct-12	Committees	
23-Oct-12	<b>COUNCIL</b>	
30-Oct-12	No Meeting	5 <sup>th</sup> Tuesday (LGA Conference)
<b>NOVEMBER</b>		
06-Nov-12	Committees Civic Precinct Committee	
13-Nov-12	<b>COUNCIL</b>	
20-Nov-12	Committees	
27-Nov-12	<b>COUNCIL</b>	
<b>DECEMBER</b>		
04-Dec-12	Committees	
11-Dec-12	<b>COUNCIL</b>	

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## **15 CONNECTING COMMUNITIES TO EASTWOOD AFTER THE FIRE**

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**Report prepared by:** City Urban Designer

**Report dated:** 10/11/2011

**File No.:** GRP/11/6/3/6 - BP11/833

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### **Report Summary**

The purpose of the report is to update Council on the status of the resolution - Connecting Communities to Eastwood after the Fire - by presenting the Eastwood and West Ryde Community Connections plan. The study contains a comprehensive review of the opportunities for increased community infrastructure, social support services and business support for the Eastwood and West Ryde communities. The outcomes of the study are based on community consultation and consultation with Council staff. The outcomes include a number of possible new actions for further consideration by Council. The study also identifies actions currently planned to be undertaken by the City of Ryde over the next 3-4 years and in the longer term.

### **RECOMMENDATION:**

- (a) That Councillors nominate any priority projects they wish to have considered in the 2012 – 16 delivery plan.
- (b) That the General Manager prepare a further report on a special rate levy for 2013/14, applying to the Eastwood Town Centre and West Ryde Town Centre, to fund and prioritise significant projects proposed in the report which do not already have a nominated source of funding.

### **ATTACHMENTS**

- 1 Eastwood and West Ryde Community Connection Plan – CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

**John Wilson**  
**City Urban Designer**

Report Approved By:

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

**Dominic Johnson**  
**Group Manager - Environment & Planning**

## ITEM 15 (continued)

### Background

The Eastwood and West Ryde Community Connections study was initiated following a Council resolution 'Connecting Communities to Eastwood after the Fire' at Council Meeting No. 13/11 held on 23 August 2011. Council resolved:

- (a) *In response to the tragic fire in Eastwood which has significantly impacted local businesses and residents in the West Ward area, the General Manager provide a comprehensive report to Council within three months that assesses opportunities for increased community infrastructure, social support services and business support for the Eastwood and West Ryde communities. The report should include advice on potential budgetary implications and timeframes for any options proposed. In preparing the report, Council staff are requested to liaise with local community organisations, businesses and local residents.*

The areas nominated were the communities of Eastwood and West Ryde. This resolution coincided with similar work already being undertaken by a consultant (Cred Community Planning) as part of the preparation for the Eastwood Town Centre Master Plan. With consideration of the substantial community links already established in Eastwood the consultant's scope of work was varied to include West Ryde and provide a detailed report for both centres.

The project has the following aims:

- Identification of opportunities for:
  - a) increased community infrastructure
  - b) social and cultural support services
  - c) support for local business.
- Basing the outcomes of the project on stakeholder consultation with the community in Eastwood and West Ryde and Council staff.

### Report

The following work has been undertaken as part of the Eastwood and West Ryde Community Connections plan (**CIRCULATED UNDER SEPARATE COVER**):

- An analysis of the study areas and the immediate surrounds including:
  - Review of existing demographic data
  - Review of the existing social services and community and business groups servicing the two areas.
- Gaining an understanding of the community's vision for the future opportunities in the Eastwood and West Ryde town centres through consultation with community, social and business groups within each town centre.

### ITEM 15 (continued)

- A review of Council's existing plans and policies for proposed programs, infrastructure and public domain improvements for the town centres (including social and economic development) primarily through interviews with staff.
- Listing opportunities for new actions, infrastructure improvements, cultural programs etc. Prioritising these opportunities based on the outcomes of the community consultation.
- Listing Council's existing plans, infrastructure upgrades etc based on consultation with staff.
- Working with the relevant business units to develop costings and time frames for implementation for the list of preferred outcomes.

Consultation was undertaken by Cred Community Planning with the following community, business and social groups as well as a number of individuals.

#### Stakeholders Eastwood Town Centre

- Eastwood Croquet Club
- Eastwood Friendship Tai Chi Group – interview and 37 written surveys completed
- Eastwood Women's Rest Centre
- Christian Community Aid
- Eastwood Library Manager
- Eastwood Community Services Team
- Eastwood Chinese Seniors Group
- Eastwood Korean Seniors Group
- Eastwood Chamber of Commerce
- Korean Chamber of Commerce
- Eastwood Tzu Chi Buddhist Church
- Australian Asian Association of Bennelong – online survey
- Eastwood Senior Citizens Association
- Eastwood Public School – online survey
- Eastwood Occasional Care Centre – online survey and interview
- KU Eastwood preschool
- St Kevin's Public School – online survey
- Wilson (Chinese community)
- Hugh Lee (Chinese community)
- Young people and grandparents and children using area outside Eastwood Library

## ITEM 15 (continued)

### Stakeholders West Ryde Town Centre

- West Ryde Chamber of Commerce
- Interviews with individual businesses in the Town Centre
- Hazel Myers
- West Ryde Meadowbank Progress Association
- Korean Women's Group
- Australian Asian Association of Bennelong
- Chinese Senior's Group
- Ryde Family Support Service
- Christian Community Aid
- Good Beginnings Community Hub including Indian Community Development Worker
- Relationships Australia
- West Ryde Neighbourhood Children's Service
- West Ryde Library
- Korean Chamber of Commerce
- Targeted online survey completed by 33 community groups, businesses and community leaders in West Ryde.
- Users of Anzac Park
- Wilson (Chinese Community)
- Survey with multicultural playgroup members

The details of the consultation are contained within the Plan.

### Outcomes

From discussions with the community and Council staff over 30 possible actions have been identified for each centre in the Community Connections plan. The actions are separated into the following categories:

- **Infrastructure and Public Domain Improvements**
- **Open Space and Recreation**
- **Community and Cultural Capacity Building**
- **Community Facilities**
- **Traffic and Transport**
- **Human Resources**

The actions nominated in the report would assist in increased community infrastructure, social support services and business support for the Eastwood and West Ryde communities. Actions not already in the 4 year Delivery Plan have been prioritised by Cred Community Planning based on the community consultation undertaken. Indicative budgets and timeframes prepared by Council staff have also been provided.

## **ITEM 15 (continued)**

The study identifies several groups within the Eastwood and West Ryde communities are willing to take on a number of actions with minimal leadership from the City of Ryde. Others would see themselves in partnership with Council. These groups are listed as external partners in the plan.

It should be noted that many of the actions proposed by the community sit outside of the current four year Delivery Plan. These actions would need new funding and / or staff resources prior to implementation. The actions which are already in the four year Delivery Plan are separately identified.

### **Next Steps**

A large number of possible actions have been proposed by the community. The consultation undertaken as part of this project has built up some momentum for these actions within the community. It is suggested that a Councillor Workshop could be held early in 2012 to discuss and prioritise the actions. The workshop should include discussions on budget and timeframes.

### **Consultation**

All business units were given the opportunity to provide input into this project. The discussions with staff were via meetings and interviews.

Internal Workshops held:-

- Not Applicable

City of Ryde Advisory Committees:-

- The Eastwood and West Ryde Community Connections plan is based on comprehensive community consultation and contains a large number of possible actions. Once Council has considered and agreed on which actions it will endorse these actions will then be developed further. At this stage the relevant Advisory Committees will be consulted.

External public consultation included:-

- Consultation was undertaken with key community, social and business groups as well as individuals within each Town Centre. A full description of the consultation methodology and outcomes is provided in the Community Connections Plan (**CIRCULATED UNDER SEPARATE COVER**).

### **Critical Dates**

There are no critical dates or deadlines to be met.

### **Financial Impact**

The cost of preparing the Community Connections plan was \$20,000. The plan provides advice on costs for each recommended action. Those actions that are already programmed and/or budgeted by the City of Ryde in the four year delivery plan are noted in the study. However, the majority of actions are not funded and sit outside of the current four year delivery plan. The total estimated cost for these actions is over \$37,200,000.



**ITEM 15 (continued)**

However, not all actions may be carried forward. The financial impact can only be finalised once Council has reviewed and determined which of the proposed actions shall be implemented.

**Policy Implications**

The policy implications will need to be assessed once Council has reviewed and determined which of the proposed actions shall be implemented.

**Other Options**

Not applicable.

**Conclusion**

This report provides a status update to Council on the resolution - Connecting Communities to Eastwood after the Fire. Further input from Council is required to determine the next step.

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## **16 CYCLEWAY CAPITAL WORKS PROGRAM 2011/2012 - Review of List of Priorities**

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**Report prepared by:** Traffic Engineer; Section Manager - Traffic

**Report dated:** 29/11/2011

**File No.:** GRP/11/3/6 - BP11/920

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### **Report Summary**

This report seeks to advise Council of the funding options in relation to the Roads & Marine Services (RMS - formerly the RTA) Grant Funded Cycleway Projects for the 2011/2012 financial year which is funded 50:50 between Council and the RMS. The report also recommends the acceptance of the Grant and the necessary budget adjustments to fund Council's share and further, to facilitate project re-prioritisation as suggested by the members of Council's Ryde Bicycle Advisory Committee.

### **RECOMMENDATION:**

- (a) That Council accepts the Roads & Maritime Services (RMS) Cycleway Project Grant funding, comprising the 100% funded project of Waterloo Road and the 50:50 funded project for Epping Road Cycleway (missing link), as follows:  
  
Epping Road SUP (Lyon Park Road to the Pedestrian Overbridge at Optus) - \$105,000 (RMS contribution).
- (b) That Council defer the following Capital Cycleway Projects for 2011/2012 as tabulated below, to allow for funds to be reallocated to facilitate the construction of alternative cycleway projects as detailed in (c) below:
  - (i) Vimiera Road SUP - \$92,500.
  - (ii) Pittwater Road SUP - \$164,000.
- (c) That Council re-allocate the available funds in (b) above, to facilitate the construction of the following cycleway projects (the reallocation of funds does not require Council to increase its current capital works funding contribution):
  - (i) Eastwood Bike Locker.
  - (ii) Epping Road SUP (Lyon Park Road to the Pedestrian Overbridge at Optus).
  - (iii) Marsden Road SUP (Fir Tree Avenue to Cobham Avenue).

### **ATTACHMENTS**

- 1** Location Plan - Epping Road Shared User Path (Lyon Park Road to the Pedestrian Overbridge at Optus)
- 2** Location Plan - Marsden Road - Shared User Path
- 3** Ryde Council - RMS Grant Funding for 2011-12

**ITEM 16 (continued)**

Report Prepared By:

**Ramesh Desai**  
**Traffic Engineer**

**Harry Muker**  
**Section Manager - Traffic**

Report Approved By:

**Terry Dodds**  
**Group Manager - Public Works**

## ITEM 16 (continued)

### Background

The Council Liaison and Regional Projects Manager at the RMS advised the City of Ryde on the 28 September 2011, that Council was successful in being offered 50:50 grant funding in relation to the Epping Road Shared User Path (SUP) from Lyon Park Road to the Pedestrian Overbridge at Optus, under the sub-program "*Traffic Management*".

On the 29 September 2011 Council staff circulated an email to all Bicycle Advisory Committee members seeking their initial support for funding re-allocation, to which a positive response has been received.

On 6 December 2011, Council received an extract of the approved RMS Grant Funding Allocation for the City of Ryde, which articulates the contribution for the Epping Road Shared User Path (**ATTACHMENT 3**).

### Report

On the 29 September 2011, the Cycleway Capital Projects Summary for 2011/2012, as set out below, was circulated to all members of the Bicycle Advisory Committee for their concurrence on the revised project prioritisation listing.

#### 1. Current:

For 2011/12 Council's current allocation is:

- Bike Logo's - \$6,000
- Eastwood Bike Locker - \$27,500
- Vimiera Road - \$92,500
- Pittwater Road - \$164,000

TOTAL = \$290,000

#### 2. Proposed:

For 2011/12 Council's proposed allocation is:

- Bike Logo's - \$6,000
- Eastwood Bike Locker - \$55,000
- Epping Road SUP (Lyon Park Rd to the Pedestrian Overbridge) - \$105,000
- Marsden Road SUP (Fir Tree Ave to Cobham Lane) - \$124,000

TOTAL = \$290,000

The project re-prioritisation is cost neutral and does not require Council to provide additional funds to carry out the proposed cycleway capital works during the 2011/12 financial year.

## **ITEM 16 (continued)**

The Epping Road SUP (Lyon Park Road to the Pedestrian Overbridge at Optus) and Marsden Road SUP location plans are **ATTACHED**.

Council was also successful in receiving 100% funding towards the construction of the Waterloo Road Shared User Path further west to the value of \$1 million. This funding will enable the remaining section of Shared User Path to be constructed up until the Macquarie Centre which will complete a key 'missing link' within the cycle network for Macquarie Park.

### **Consultation**

Internal Council business units consulted included:-

- Not Applicable.

Internal Workshops held:-

- Not Applicable.

City of Ryde Advisory Committees consulted included:-

- Bicycle Advisory Committee.

External public consultation included:-

- Roads & Maritime Services (Traffic Engineering Services).

### Comments

The Traffic and Governance section has consulted with members of the Bicycle Advisory Committee, details of which are set out in the body of this report.

### **Critical Dates**

All cycleway capital projects for the 2011/2012 financial year must be completed by 30 June 2012.

### **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.

### **Other Options**

That Council does not accept the funding allocation (50%) to construct the Epping Road SUP (Lyon Park Road to the Pedestrian Overbridge at Optus).

**ITEM 16 (continued)**

**Conclusion**

That Council, at the second quarterly review, adjust the Capital Works budgets to facilitate the construction of the following cycleway capital works projects, under the category “Paths and Cycleways”, to be undertaken during the 2011/2012 financial year, as follows:

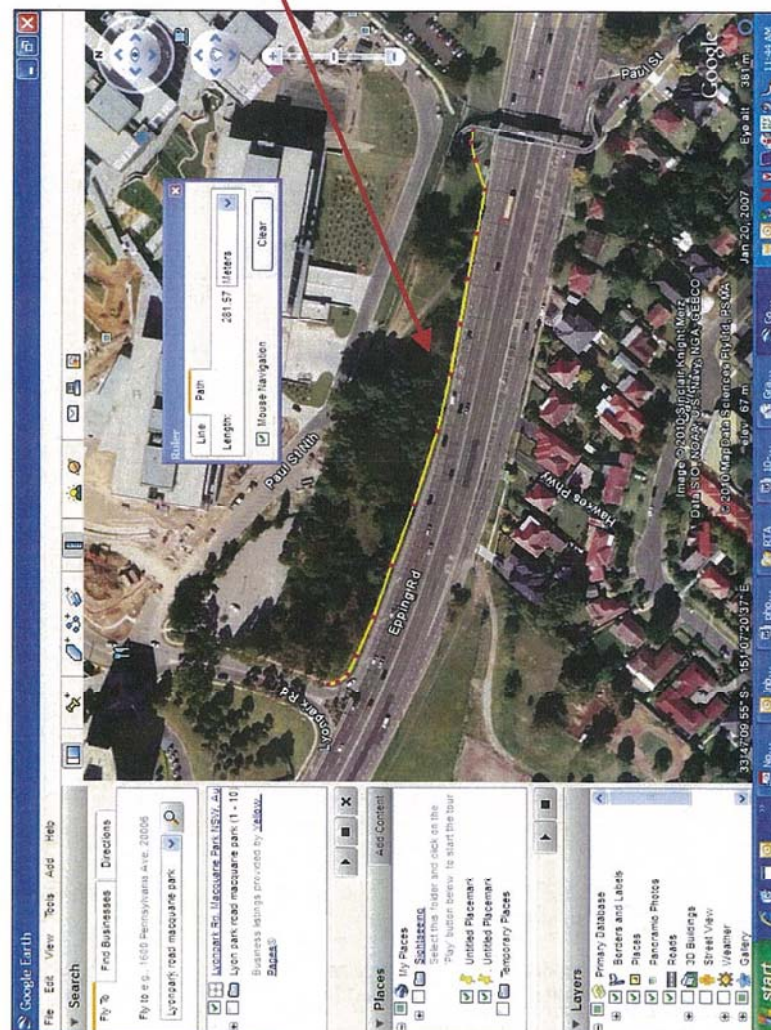
- (i) Eastwood Bike Locker - \$55,000 (Total).
- (ii) Epping Road SUP (Lyon Park Road to the Pedestrian Overbridge at Optus) - \$210,000 (Total.)
- (iii) Marsden Road SUP (Fir Tree Avenue to Cobham Lane) - \$124,000 (Total).



**ITEM 16 (continued)**

**ATTACHMENT 1**

Project No. 1 – Epping Road Cycleway (approximately 280 metres)



**ITEM 16 (continued)**

**ATTACHMENT 2**

Project No. 2 – Marsden Road – Shared User Path  
(approximately 130 metres)



**ITEM 16 (continued)**

**ATTACHMENT 3**

**RYDE COUNCIL**  
**2011\_2012 Program Funding**

*ONLY for Projects undertaken by Council.  
Does **NOT** include projects undertaken by RTA*

**Bicycle, Pedestrian and Black Spot Programs: Contact Divna Cvetojevic 8849 2591**

PROJECT	PROGRAM POSITION	PROJECT DESCRIPTION	RTA ALLOCATION
S/06203	26309	Constitution Rd/See St,Meadowbank-Median Funded 100%	\$ 45,000
S/06204	26309	Quarry Rd, Ryde-3km pavement improvement Funded 100%	\$ 65,000
S/06205	26309	Vimiera Rd,Marsfield-3.5km Signs and lines Funded 100%	\$ 45,000
T/05200	27304	Epping Rd (Nth side), Macq Pk-3.0m SUP Funded 50/50	\$ 105,000
			<b>\$260,000</b>

**Regional Roads: Contact Doug Lamont 8849 2110**

PROJECT	PROGRAM POSITION	PROJECT DESCRIPTION	RTA ALLOCATION
A/01913/22/H	22602	Herring Road: Ivanhoe Place to Epping Road Funded 50/50	\$ 153,000
098464	27504	Block Grant TRAFFIC FACILITIES	\$ 212,000
A/04898	22601	Block Grant ROADS	\$ 69,000
A/04900	22604	Block Grant Supplementary Road Component	\$ 67,000
<b>TOTAL</b>			<b>\$501,000</b>

<b>TOTAL Allocation</b>	<b>\$761,000</b>
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## **17 TENDER FOR THE PROVISION OF ADVERTISING SERVICES**

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

**Report dated:** 14/11/2011

**File No.:** GRP/11/4/3 - BP11/846

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### **Report Summary**

This report advises of the outcome of the tender assessment process for the provision of Council's advertising services. Following detailed assessment of the tenders received the panel has provided an evaluation report as an attachment to this report. The recommendation of this evaluation is to award the tender to Newslocal a Division of Nationwide News Pty Limited (Northern District Times).

### **RECOMMENDATION:**

- (a) That Council appoint Newslocal a Division of Nationwide News Pty Limited (Northern District Times) for the provision of Advertising Services for the period 1 January 2012 till 31 December 2012 with a provision to extend a further 12 months if performance is deemed satisfactory.
- (b) That all companies who lodged a tender for the provision of Advertising Services be advised of Council's decision.

### **ATTACHMENTS**

- 1 Final Evaluation Report - Provision of Advertising Services - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

**Derek McCarthy**  
**Manager - Community Relations and Events**

Report Approved By:

**Danielle Dickson**  
**Group Manager - Community Life**

## ITEM 17 (continued)

### Background

Council communicates with the community by a number of methods including the services provided through the Advertising Services Tender, this tender encompasses the services of the printing and distribution of the fortnightly Ryde City View newsletter and the placement of Councils advertising.

### Report

The City of Ryde invited Request for Tenders (RFT) through advertising on Tuesday 4 October 2011, from experienced and capable operators to provide a range of advertising services. The RFT included the printing and distribution of a fortnightly newsletter (Ryde City View) as an insert in a local newspaper and the placement of Councils advertising.

The RFT closed on Tuesday, 25 October 2011. Tender submissions were received from the following respondents:

- Newslocal a Division of Nationwide News Pty Limited (Northern District Times)
- The Weekly Times Gladesville P/L.

The submissions were opened in accordance with the Council protocol.

Tender submissions were evaluated by the assessment panel using a predefined Assessment Matrix. The tender Evaluation Report is **CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL**.

### Consultation

Internal Council business units consulted included:-

- Risk and Audit

Internal Workshops held:-

- Not Applicable

City of Ryde Advisory Committees consulted included:-

- Not Applicable

External public consultation included:-

- Not Applicable

### Critical Dates

The contract for the RFT – Advertising Services is scheduled to commence on 1 January 2012 for a period of up to two years, currently provided by the Cumberland Newspaper Group (Northern District Times) as part of the existing tender arrangements. If necessary these arrangements could be extended.

## **ITEM 17 (continued)**

### **Financial Impact**

Council's 2011/12 budget includes funding for the printing and insertion of the City of Ryde Newsletter and Advertising.

The cost for both tenderer's submissions are detailed in the Tender Evaluation Report. An analysis of the costs provided for the printing and distribution of the newsletter by both respondents indicated that both were in excess of Council's budget for the current financial year. The excess amount from the lowest tender would be approximately \$30,000 which could be funded through existing budgets.

### **Policy Implications**

There are no policy implications through adoption of the recommendation.

### **Other Options**

Council may investigate other methods to communicate with the community and not enter into a contract for the supply of part or all of the tendered services. Council has a statutory obligation to advertise certain services such as planning notifications, and this will be achieved through the tender.

### **Conclusion**

Following the evaluation process, the Panel's final scoring for the two submissions were:

Newslocal a Division of Nationwide News Pty Limited (Northern District Times) – 5.0

The Weekly Times Gladesville P/L. – 3.88

The panel therefore recommends the acceptance of offer from Newslocal, a Division of Nationwide News Pty Limited for a period of 12 months with an option to extend for a further 12 months if performance is deemed satisfactory.



## 18 ANNUAL TENDERS - Tender for Hire of Plant

**Report prepared by:** Section Manager - Plant and Fleet

**Report dated:** 24/11/2011

**File No.:** GRP/11/3/6/6 - BP11/909

### Report Summary

This report is to advise the Council on the Tenders received for hiring of plant and to recommend acceptance of Tenders to be placed on preferred contractors list between 1 January and 31 December 2012.

### RECOMMENDATION:

- (a) That the tenders for hiring of plant until 31 December 2012 from the following tenderers be accepted on an "as required " basis for the indicated category of plant:

TENDERER	CATEGORY OF PLANT
A & A Hire Services	1, 4, 6, 7
A & C Plant Hire Pty Ltd	4, 5, 6, 7, 8, 10
Acclaimed Excavations Pty Ltd	1, 3, 4, 5, 6, 7, 8
Action Recovery Services Pty Ltd	12
Allards Plan Hire Pty Ltd	1, 2, 3, 4, 5, 6, 7, 8, 11
AMA Plant Hire	4, 5, 6, 7, 8
Aquarius Transport Group Pty Ltd	5, 8
Australian Grader Hire Pty Ltd	1, 3, 4, 5
Barren Transport Pty Ltd	6, 7, 8
Building NSW Pty Ltd	4, 8
Coates Hire Operations Pty Ltd	11
Compete Hire	11
Conplant Pty Ltd	11
Earthmoving Hire Australia	4
G & RD Chong Pty Ltd	9
Hickeys Earthmoving Pty Ltd	4, 8
Matthews Contracting Pty Ltd	4
MJK Earthmoving Pty Ltd	4, 5
R & K Johnson Excavations	4
Raygal Pty Ltd	5, 6, 7, 8
Stanton Corporation	13
Sullivans Constructions	4, 6, 8
Tutt Bryant Hire	3, 6

- (b) That the preferred contractors be advised that the work will be allocated to them on an "as required" basis, following consideration at the time of the following factors: type of work, price, availability, previous workmanship, relevant expertise, previous service provided to the residents and previous compliance to safety requirements.
- (c) That the non-complying tenderers be advised of the Council's decision.

**ITEM 18 (continued)**

**ATTACHMENTS**

- 1** Plant Hire Tender - Rates 2012 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 2** Plant Hire Tender - Compliance Register - 2012 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

**Paul Chandrakumar**  
**Section Manager - Plant and Fleet**

Report Approved By:

**George Dedes**  
**Manager - Business Infrastructure**

**Terry Dodds**  
**Group Manager - Public Works**

## ITEM 18 (continued)

### Background

The plant owned by Council is not sufficient to carry out Council's works programs. A Plant Hire Tender is invited annually for various categories of plant and are placed on a Preferred Contractors List. Plant is hired on "as required" basis, from the Preferred Contractor List, in the absence of Council-owned plant.

A copy of both the **Plant Hire Rates** and the **Compliance Register** have been forwarded to Councillors **UNDER SEPARATE COVER – CONFIDENTIAL**.

### Report

Council has recently called tenders (COR-RFT-18/11) for the provision of hire plant included in Council's Construction and Maintenance Programs. Tenders were advertised in the Sydney Morning Herald on 11, 12 and 15 October 2011 and closed on 1 November 2011. Twenty six (26) tenders were received for thirteen (13) different categories of plant.

The tenders were assessed by a panel, consisting of three (3) Council Officers.

Tenderer's compliance was evaluated on the following selection criteria:

- (a) Legal status of entity and conformity to documentation.
- (b) Hire rates and transport charges.
- (c) Correct insurance covers.
- (d) Tenderer's experience and references.
- (e) Emissions specifications.

Tender prices were called for a total of thirteen (13) categories of plant as follows.

Category of Plant	Description
1	Graders
2	Front end Loaders
3	Backhoes
4	Excavators
5	Water Carts
6	Skid Steer Loaders
7	Skid Steer Loader and Truck combination
8	Rigid trucks 4.5 – 22.5 tonne GVM
9	Wood chipper truck
10	Utilities 1 tonne
11	Rollers
12	Cranes
13	Insulated EWP, 12 - 28m (Truck mounted)

The assessment panel has placed the Tenders into the following categories:

## ITEM 18 (continued)

### Category A: Preferred Contractors

TENDERER	CATEGORY OF PLANT
A & A Hire Services	1, 4, 6, 7
A & C Plant Hire Pty Ltd	4, 5, 6, 7, 8, 10
Acclaimed Excavations Pty Ltd	1, 3, 4, 5, 6, 7, 8
Action Recovery Services Pty Ltd	12
Allards Plan Hire Pty Ltd	1, 2, 3, 4, 5, 6, 7, 8, 11
AMA Plant Hire	4, 5, 6, 7, 8
Aquarius Transport Group Pty Ltd	5, 8
Australian Grader Hire Pty Ltd	1, 3, 4, 5
Barren Transport Pty Ltd	6, 7, 8
Building NSW Pty Ltd	4, 8
Coates Hire Operations Pty Ltd	11
Compete Hire	11
Conplant Pty Ltd	11
Earthmoving Hire Australia	4
G & RD Chong Pty Ltd	9
Hickeys Earthmoving Pty Ltd	4, 8
Matthews Contracting Pty Ltd	4
MJK Earthmoving Pty Ltd	4, 5
R & K Johnson Excavations	4
Raygal Pty Ltd	5, 6, 7, 8
Stanton Corporation	13
Sullivans Constructions	4, 6, 8
Tutt Bryant Hire	3, 6

### Category B: Non-complying Tenders.

- Accurate Asphalt & Road Repairs Pty Ltd.
- Advance Arbor Services Pty Ltd.
- W & D Elliott Earthmoving Pty Ltd.

Works awarded to Contractors under this contract are carried out on an “as required” basis, following consideration at the time of the following factors:

- Type of work.
- Hire rates including transport.
- Availability.
- Previous workmanship.
- Relevant expertise.
- Previous service provided to residents.
- Previous compliance to safety requirements.

## **ITEM 18 (continued)**

### **Consultation**

Internal Council business units consulted included:-

- Operations Unit, Public Works.
- Business Infrastructure, Public Works.

### **Critical Dates**

New rates must be in place by 1 January 2012.

### **Financial Impact**

Each engagement from the Contractor list will be funded from approved Capital works projects or Maintenance programs. Total Council expenditure on external plant hire over twelve (12) months is estimated at \$1 million.

### **Policy Implications**

There are no policy implications through adoption of the recommendation.

### **Other Options**

The current system of inviting annual tenders provides an open and transparent process of engaging contractors on an “as required” basis. This ensures competitive rates and better financial outcome.

### **Conclusion**

The tendered rates for hiring of plant are considered competitive and that the preferred list of contractors satisfy Council's selection criteria.

## **NOTICES OF MOTION**

### **1 CROWLE HOMES - Councillor Sarkis Yedelian OAM**

**File Number:** CLM/11/1/5/6 - BP11/908

#### **MOTION:**

- a) That, in response to community concerns, the General Manager write to the CEO of Achieve Australia regarding the proposed Concept Plan for the Crowle Homes site at 76 Belmore Street, Meadowbank currently being assessed by the State Government as a Part 3A Development to identify the future plans for the current residents living in the facilities on the site.
- b) That the General Manager contact the Minister of Planning and pass the concern of the residents.
- c) That any correspondence received from Achieve Australia be reported to Council.



## **NOTICES OF RESCISSION**

**1 NOTICE OF RESCISSION - CREATION OF A CITY OF RYDE PROPERTY TRUST - Councillor Bill Pickering, Councillor Nicole Campbell, Councillor Roy Maggio**

**File Number:** CLM/11/1/5/7 - BP11/902

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That Council rescind the previous resolution in relation to ITEM 19, passed at the Council Meeting held on 22 November 2011, namely:

*That no further action be taken in relation to this matter.*