

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

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Code of Meeting Practice

D10/85540

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Versions:

Date	Changes	Published

PRELIMINARY INFORMATION

A. Objectives

The objectives of the City of Ryde's Code of Meeting Practice are to:

- (1) Sets standards for the calling, conduct and recording of Council and Committee meetings in such a way that the public is aware of business to be conducted at all Council and Committee Meetings and the results of Council's determination of those matters.
- (2) Provides clear rules and PRACTICES for the orderly conduct of Council and Committee meetings.
- (3) Incorporates procedures to complement the Local Government (General) Regulation 2005 Part 10 - Meetings.
- (4) Provides PRACTICES to ensure that decisions made at Council and Committee meetings have legal effect and are within the scope of their powers.
- (5) Allows for referral to the "Standing Rules and Orders of the Legislative Assembly" for the New South Wales Parliament in cases where the Regulations, Act, and Code of Meeting Practice do not provide PRACTICES for meeting practice so far as the same are applicable to the proceedings of Council.
- (6) Ensures maximum transparency and openness of all Council and Committee meetings.

B. Citation and Definitions

Citation

This Code may be cited as the City of Ryde Code of Meeting Practice.

Definitions

In this Code:

- **Act and Regulation**
 - (a) This Code is made pursuant to section 360(2) of the Act.
 - (b) It incorporates relevant provisions of the Regulation and the Act.
 - (c) In the event of any inconsistency between the Code and the Act or the Regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.
- **amendment**, in relation to an original motion, means a motion moving an amendment to that motion;

- **chairperson,**
 - (a) in relation to a meeting of the Council - means the person presiding at the meeting as provided in Section 369 of the Act.
 - (b) in relation to a meeting of a committee - means the person presiding at the meeting as provided by clause 267 of the Regulation.
- **committee** means a committee appointed or elected by the Council in accordance with clause 260(1) or the council when it has resolved itself into a committee of the whole;
- **council** means the Council of the City of Ryde;
- **councillor** means a Councillor of the City of Ryde and includes the Mayor
- **deputy mayor** means the Deputy Mayor of the City of Ryde;

Note: Under section 231 (3) of the Act the Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.
- **employee** means an employee of the City of Ryde and includes the General Manager;
- **general manager** means the General Manager of the City of Ryde or, in the absence of that person, the employee designated to act for the General Manager of the City of Ryde;
- **mayor** means the Mayor of the City of Ryde;
- **record** means a document (including any written or printed material) or object (including a sound recording, coded storage device, magnetic tape or disc, microfilm, photograph, film, map, plan or model or a painting or other pictorial or graphic work) that is or has been made or received in the course of official duties by a councillor or any employee of the Council and, in particular, includes the minutes of meetings of the council or of a committee of the Council;
- **relative**, in relation to a person, means any of the following:
 - (a) the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;
 - (b) the spouse or the de facto partner of the person or of a person referred to in paragraph (a).
- **the Act** means the Local Government Act 1993;
- **the Code** means the City of Ryde Code of Meeting Practice;
- **the Regulation** means the Local Government (General) Regulation 2005.

Except as otherwise provided, expressions used in this Code which are defined in the dictionary at the end of the Act have the meanings set out in the dictionary.

C. Guide to References in this Code of Meeting Practice

This Code has been prepared in accordance with the provisions of the Local Government Act 1993 and the Local Government (General) Regulation 2005. The Division of Local Government's Meeting Practice Note 16 has also been taken into account in preparing the Code.

The section and clauses referred to in brackets under each heading of the Code refer to sections of the Act and clauses of the Regulation.

Supplementary Provision refers to supplementary information obtained from the Meetings Practice Note and from previous Codes. Notes in the text of this code are provided to assist in understanding the Code.

(Supplementary Provision – City of Ryde) denotes a provision specific to the City of Ryde.

(Supplementary Provision – Meeting Practice Note) denotes a provision drawn from the Department of Local Government Practice Note 16 (August 2009)

PRACTICE refers to procedures used by City of Ryde Council to embellish the provisions of the Act and Regulations.

In the event of any inconsistency between this Code and the Act or the regulation, the Act or the Regulation (as the case may be) prevails to the extent of the inconsistency.

PART 1 – BEFORE THE MEETING

1.1 Holding Meetings

1.1.1 When are Meetings Held

(Local Government Act - Section: 365)

The council is required to meet at least 10 times each year, each time in a different month.

(Supplementary Provision – City of Ryde)

Council meetings will commence at 7.30pm unless there are special circumstances that restrict the meeting starting at that time. The meeting of the Planning and Environment Committee will commence at 4.00pm and the Works and Community Committee meeting will commence at 4.30pm unless there are special circumstances that restrict the meetings starting at the specified time.

Council Meetings	7.30pm	Second and fourth Tuesday
Planning and Environment Committee	4.00pm	First and third Tuesday
Works and Community Committee	4.30pm	First and third Tuesday
Civic Precinct Committee	7.30pm	First and third Tuesday (as required)

PRACTICE

1. Prior to the end of each calendar year, the General Manager shall submit a draft schedule of meeting dates to Council for the ensuing year and Council shall adopt a schedule of meeting dates in compliance with Section 365 of the Act.
2. No circumstances shall prevent Council from altering the schedule of meeting dates provided the public is given adequate notice.
3. Where four or more Councillors indicate their intention to attend any seminar or the like which would clash with a Council meeting, the date of that meeting shall be altered to ensure the availability of the maximum number of Councillors possible.

1.1.2 When are Extraordinary or Special Meetings Held

(Local Government Act - Section: 366)

If the mayor receives a request in writing signed by at least 2 councillors, the mayor must call an extraordinary meeting of the council to be held as soon as practicable but in any event within 14 days after receipt of the request.

(Supplementary Provision – Meetings Practice Note)

Extraordinary meetings are not only held in 'extraordinary' circumstances. These meetings are usually held to deal with special business or where there is so much business to be dealt with that an additional meeting is required. Reference Clause 242 of the Regulation.

If an extraordinary meeting is called in an emergency, less than the usual three (3) days notice can be given to councillors. The Act does not define 'emergency'. It could cover things other than natural disasters, states of emergency, or urgent deadlines that must be met. Initially, the General Manager would decide what is an 'emergency'.

PRACTICE

1. The Mayor may, in accordance with Clause 2.2.1 of this Code of Meeting Practice, call an extraordinary or special meeting of the council on any matter or matters considered necessary.
2. The mayor, in consultation with the general manager, shall determine the time and place of an extraordinary or special meeting, called in accordance with Clause 2.2.1 of this Code of Meeting Practice
3. If the mayor refuses or delays to call an extraordinary or special meeting after receiving a request, signed by at least 2 councillors, those councillors may, in writing, request the general manager to call the meeting. The general manager shall call the meeting as soon as practicable.
4. The Mayor does not have the authority, in their own right, to call an Extraordinary or Special Council Meeting.
5. In accordance with the Meeting Practice Note the General Manager may determine when an extraordinary meeting is required and call such a meeting.

1.1.3 Where are Council Meetings Held

(Supplementary Provision – City of Ryde)

Meetings of Council will be held in the Council Chamber, 6th Floor, Civic Centre, 1 Devlin Street Ryde. Meetings of Committees will be held in Committee Rooms, 5th Floor, Civic Centre, 1 Devlin Street, Ryde. Should the Council Chamber or Committee Rooms not be available for any reason, the General Manager will select a suitable alternative venue for meetings.

1.2 Notice of Meetings

1.2.1 What Notice has to be given to the Public of Ordinary Council and Standing Committees

(Local Government Act - Section: 9)

- (1) A council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are councillors.
- (2) A council and each such committee must have available for the public at its offices and at each meeting copies (for inspection or taking away by any person) of the agenda and the associated business papers (such as correspondence and reports) for the meeting.
- (2A) In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:

- (a) the agenda for the meeting must indicate that the relevant item of business is of such a nature (but not give details of that item), and
 - (b) the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.
- (3) The copies are to be available to the public as nearly as possible to the time they are available to councillors.
- (4) The copies are to be available free of charge.
- (5) A notice given under this section or a copy of an agenda or of a business paper made available under this section may in addition be given or made available in electronic form.

(Regulation - Clause: 232)

- (1) This clause prescribes the manner in which the requirements outlined in section 9 (1) of the Act are to be complied with.
- (2) A notice of a meeting of a council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.
- (3) The notice must specify the time and place of the meeting.
- (4) Notice of more than one meeting may be given in the same notice.
- (5) This clause does not apply to an extraordinary or special meeting of a council or committee.

PRACTICE

1. During December each year, the full schedule of council and standing committee meetings proposed for the following year is advertised on our website.
2. Agendas for Ordinary meetings will be available on our website from Friday morning prior to the meeting. Copies of the agendas will also be available in the public gallery prior to the meeting.
3. Agendas for extraordinary or special meetings will be made available as soon as is possible, and no later than 9.00am on the day of the meeting.

1.2.2 What Notice has to be given to councillors for ordinary council and standing committees

(Local Government Act - Section: 367)

- (1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the council, a notice specifying the time and place at which and the date on which the meeting is to be held and the business proposed to be transacted at the meeting.
- (2) Notice of less than 3 days may be given of an extraordinary or special meeting called in an emergency.

- (3) A notice under this section and the agenda for, and the business papers relating to, the meeting may be given to a councillor in electronic form but only if all councillors have facilities to access the notice, agenda and business papers in that form.

(Regulation - Clause: 262)

- (1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the committee, a notice specifying:
- (a) the time and place at which and the date on which the meeting is to be held; and
 - (b) the business proposed to be transacted at the meeting.
- (2) However, notice of less than 3 days may be given of a committee meeting called in an emergency.

PRACTICE

1. Business papers for Council and Standing Committees meetings shall be distributed to Councillors on the Thursday prior to the meeting day.
2. Circumstances may necessitate the distribution of reports after the time specified in point 1 above. Such late reports, where possible will be delivered to Councillors prior to the commencement of the meeting.
3. Where the General Manager determines that a late report is necessary, all endeavours will be made to give public notice of the late report including placing the report on the Council website and making copies available at the meeting.
4. Reports determined by the General Manager to be confidential in nature (refer Section 10A (2) of the Act) will be included in the business paper and these reports shall be marked appropriately as confidential items.

1.2.3 What notice has to be given of extraordinary or special meetings

(Supplementary Provision – Meetings Practice Note)

Public notice must be given of the time and place of extraordinary or special meetings, but this does not have to be by publication in a local newspaper.

Where it is not possible to publish details of the meeting in a local newspaper, notice of the meeting will be given on Council's website.

A Council decision will still be valid even if proper notice has not been given for the meeting in which the decision was made, provided a quorum was present. If the meeting does not follow the Code of Meeting Practice there may be a breach of the Act, but this does not mean that the decision is invalid.

1.3 Agendas and Business Papers

(Regulation - Clause: 240)

- (1) The general manager must ensure that the business paper for a meeting of the council states:
- (a) all matters to be dealt with arising out of the proceedings of former meetings of the council; and

- (b) if the mayor is the chairperson - any matter or topic that the chairperson proposes, at the time when the agenda is prepared, to put to the meeting;
and
 - (c) subject to sub-clause (2), any business of which due notice has been given.
- (2) The general manager must not include in the agenda for a meeting of the council any business of which due notice has been given if, in the opinion of the general manager, the business is (or the implementation of the business would be) unlawful. The general manager must report (without giving details of the item of business) any such exclusion to the next meeting of the council.
- (3) The general manager must cause the agenda for a meeting of the council or a committee of the council to be prepared as soon as practicable before the meeting.
- (4) The general manager must ensure that the details of any item of business to which section 9 (2A) of the Act applies are included in a business paper for the meeting concerned.
- (5) Nothing in this clause limits the powers of the chairperson under Clause 243.

(Supplementary Provision – Meeting Practice Note)

Certain matters, because of their confidential nature may be considered in closed meetings. The General Manager is to indicate on the agenda, without details, that an item of business is likely to be discussed in a closed part of the meeting. The agenda should also indicate the reason the item will be dealt with in the closed part of the meeting.

PRACTICE

1. In accordance with Clause 240 of the Regulation, the General Manager determines any business of which due notice is to be given and therefore included in the Agenda for a meeting of Council or Committee. .
2. Once the agenda for a meeting has been sent to councillors an item of business on the agenda cannot be removed from the agenda prior to the meeting.
3. Confidential items shall be marked as confidential as the general manager may from time to time determine, and where practicable, be listed at the end of the business paper. These confidential items will comprise the confidential business paper for the meeting.
4. Where a councillor is, or in the opinion of the general manager is likely to be, the subject of proceedings by or against the council, any legal advice, reports or correspondence dealing with those proceedings or likely proceedings shall, if the matter is of a kind of business referred to in section 10A of the Act, be withheld from the business paper of that councillor and shall not be made available to that councillor by any person.

1.4 Order of Business

(Regulation - Clause: 239)

- (1) At a meeting of a council (other than an extraordinary or special meeting), the general order of business is (except as provided by this Regulation) as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix the general order of business) as fixed by resolution of the council.
- (2) The order of business fixed under sub-clause (1) may be altered if a motion to that effect is passed. Such a motion can be moved without notice.
- (3) Despite clause 250 (*of the Regulation*), only the mover of a motion referred to in sub-clause (2) may speak to the motion before it is put.

PRACTICE

1. The order of business for Council meetings shall be:
 - 1.1 Acknowledgment of Country
 - 1.2 Prayer
 - 1.3 Apologies
 - 1.4 Disclosures of interests
 - 1.5 Petitions (if required)
 - 1.6 Public participation on items listed on the agenda
 - 1.7 Mayoral Minutes
 - 1.8 Confirmation of minutes previous meetings
 - 1.9 Reports from committees
 - 1.10 Motions put without debate
 - 1.11 Report from the general manager
 - 1.12 Précis of correspondence
 - 1.13 Notices of motion
 - 1.14 Notice of rescission (if required)
 - 1.15 Urgent Items as submitted by the Mayor
 - 1.16 Questions by councillors as per policy
 - 1.17 Public participation on items not listed on the agenda
 - 1.18 Consideration of any business in closed session
 - 1.19 National Anthem
2. The order of business for Standing Committees shall be:
 - 2.1 Receipt of apologies
 - 2.2 Confirmation of minutes
 - 2.3 Motions put without debate
 - 2.4 Officers' reports
3. Council may after confirmation of the Minutes of the previous meeting make a variation of the order of the business to bring forward in the proceedings any matter on the business paper for consideration. Such action may be achieved by a resolution to "suspend standing orders".
4. Only the mover of a motion to suspend "standing orders" may speak to such a motion. Further, there shall be no debate on the motion.
5. Standing orders may be suspended for many reasons including: to bring forward an item which is of particular interest to the public in attendance; or to hear a person/s

previously granted special permission to address Council on a matter of business; and where an item within the business paper needs to be considered in conjunction with another item under a separate heading or any other circumstance allowed by the Chairperson.

6. Council and Committee of Council meetings will conclude at 11pm. Business not concluded by this time will be (if no other resolution is passed dealing with disposing of the unfinished business) included on the next Ordinary Council, or if appropriate Standing Committee, business paper.

1.5 Public Access to Agendas and Business Papers

(Local Government Act - Section: 11)

- (1) A council and a committee of which all the members are councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- (2) This section does not apply if the correspondence or reports:
 - (a) relate to a matter that was received or discussed; or
 - (b) were laid on the table at, or submitted to, the meeting, when the meeting was closed to the public.
- (3) This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A(2) are to be treated as confidential.

(Local Government Act – Section 12)

Section 12 (1) of the Local Government Act provides members of the public a right to access certain documents held by Council. These documents include:

- Code of Meeting Practice
- Agendas and business papers (except for agendas and business papers for closed meetings)
- Minutes of Council and Committee meetings (except for the minutes for closed meetings).

(Supplementary Provision – Meeting Practice Note)

Council may direct the General Manager to provide additional information. Where this is the case the additional papers will be marked separately from the business papers so as to avoid any confusion.

PART 2 – AT THE MEETING: GENERAL

2.1 Coming Together

2.1.1 Presence at Meetings

(Regulation - Clause: 235)

A councillor cannot participate in a meeting of a council unless personally present at the meeting.

(Local Government Act - Section: 376)

- (1) The general manager is entitled to attend, but not to vote at, a meeting of the council or a meeting of a committee of the council of which all the members are councillors.
- (2) The general manager is entitled to attend a meeting of any other committee of the council and may, if a member of the committee, exercise a vote.
- (3) However, the general manager may be excluded from a meeting of the council or a committee while the council or committee deals with a matter relating to the standard of performance of the general manager or the terms of employment of the general manager.

(Supplementary Provision – Meetings Practice Note)

If a Councillor is anywhere in the room where the Council or Committee meeting is being held, they are considered to be present for the purposes of voting. This means that if they are in the room but do not vote on an issue their vote is taken as against the motion.

PRACTICE

1. The seating arrangements for a meeting shall be determined by the chairperson of the meeting.
2. A Councillor shall only be present at a Council or Committee meeting whilst in the Council Chamber.
3. In relation to LGA 376 (3) above, other employees of Council shall also be excluded from the meeting in such circumstances unless otherwise directed by the Chairperson.
4. The presence of Officers at Council meetings shall be at the direction of the general manager and as required under the terms of employment contracts.
5. On occasions, managers or staff with specialist knowledge of a particular matter may be required to attend Council or Committee meetings. Such attendance shall be at the discretion of the general manager.
6. The area known as the Council Chamber includes the public gallery seating area. A Councillor, officer, or member of the press or public have not left the Council Chamber until they have passed through either of the two doors leading to it.

2.1.2 Who is entitled to attend meetings

(Local Government Act - Section: 10)

- (1) Except as provided by this part:
 - (a) everyone is entitled to attend a meeting of the council and those of its committees of which all the members are councillors, and
 - (b) a council must ensure that all meetings of the council and of such committees are open to the public
- (2) However, a person (whether a councillor or another person) is not entitled to be present at a meeting of the council or of such a committee if expelled from the meeting:
 - (a) by a resolution of the meeting, or
 - (b) by the person presiding at the meeting if the council has, by resolution, authorised the person presiding to exercise the power of expulsion.
- (3) A person may be expelled from a meeting only on the grounds specified in, or in the circumstances prescribed by, the regulations.

PRACTICE

Members of the public may be permitted to address meetings of Council or Standing Committees on items before the meeting, in accordance with our PRACTICE on public addresses (refer Appendix "G").

The reference in the regulation in Clause 10(3) above is a reference to Clauses 256 to 258 (inclusive) of the Regulation.

2.1.3 Who presides at meetings of the council

(Local Government Act - Section: 369)

- (1) The mayor, or at the request of or in the absence of the mayor, the deputy mayor (if any) presides at meetings of the council.
- (2) If the mayor and the deputy mayor (if any) are absent, a councillor elected to chair the meeting by the councillors present presides at a meeting of the council.

PRACTICE

1. An election to be conducted in accordance with sub-clause 2 of the Act as above shall be conducted by the General Manager or his nominee and the vote shall be recorded in the minutes.
2. The role of the Chairperson is outlined in Appendix "A".

2.1.4 Councillor to be elected to preside at certain meetings

(Regulation - Clause: 236)

- (1) If no chairperson is present at a meeting of a council at the time designated for the holding of the meeting, the first business of the meeting must be the election of a chairperson to preside at the meeting.

Note: Section 369 (2) of the Act provides for a councillor to be elected to chair a meeting of a council when the mayor and deputy mayor are absent.

- (2) The election must be conducted:
- (a) by the general manager or, in his or her absence, an employee of the council designated by the general manager to conduct the election; or
 - (b) if neither of them is present at the meeting or there is no general manager or designated employee - by the person who called the meeting or a person acting on his or her behalf.
- (3) If, at an election of a chairperson, 2 or more candidates receive the same number of votes and no other candidate receives a greater number of votes, the chairperson is to be the candidate whose name is chosen by lot.
- (4) For the purposes of sub-clause (3), the person conducting the election must:
- (a) arrange for the names of the candidates who have equal numbers of votes to be written on similar slips; and
 - (b) then fold the slips so as to prevent the names from being seen, mix the slips and draw one of the slips at random.
- (5) The candidate whose name is on the drawn slip is the candidate who is to be the chairperson.

PRACTICE

1. The provisions of clause 236 of the Regulation above shall also apply to Committee meetings ie: Works and Community Committee and Planning and Environment Committee.
2. An election to be conducted in accordance with sub-clause 2 shall be conducted by the General Manager or his nominee and the vote shall be recorded in the minutes.
3. The provisions related to the election of a person to preside do not apply where a previously elected or appointed Deputy Chairperson is present.

2.1.5 Chairperson to have precedence

(Regulation - Clause: 237)

When the chairperson rises during a meeting of a council:

- (a) any councillor then speaking or seeking to speak must, if standing, immediately resume his or her seat; and
- (b) every councillor present must be silent to enable the chairperson to be heard without interruption.

PRACTICE

1. The Mayor as Chairperson or a Councillor elected as Chairperson shall be empowered with the conduct of the Council or Committee meeting subject to the provisions of the Local Government Act 1993, the Local Government (General) Regulation 2005 and Council's adopted Code of Meeting Practice.
2. A Chairperson shall be heard without interruption and everyone should maintain silence whilst the Chairperson is speaking.
3. A Councillor shall address all remarks or questions, either through or to the Chairperson.
4. A Councillor or Officer of Council when in a Council meeting shall address and speak of other Councillors or Officers by their official designation eg. Mayor, Chairperson, Councillor, Group Manager etc.
5. Once the debate is closed, the Mayor or Councillor in his or her capacity as Chairperson shall not further debate the matter.

2.2 Business at Council Meetings

2.2.1 Giving notice of business

(Regulation - Clause: 241)

- (1) A council must not transact business at a meeting of the council:
 - (a) unless a councillor has given notice of the business in writing within such time before the meeting as is fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that time) as is fixed by resolution of the council; and
 - (b) unless notice of the business has been sent to the councillors in accordance with section 367 of the Act.
- (2) Sub-clause (1) does not apply to the consideration of business at a meeting if the business:
 - (a) is already before, or directly relates to a matter that is already before, the council; or
 - (b) is the election of a chairperson to preside at the meeting as provided by clause 236 (1); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with clause 243; or
 - (d) is a motion for the adoption of recommendations of a committee of the council.
- (3) Despite sub-clause (1), business may be transacted at a meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.Such a motion can be moved without notice.

- (4) Despite clause 250, only the mover of a motion referred to in sub-clause (3) can speak to the motion before it is put.

PRACTICE

1. A Councillor may place a motion before Council provided the conditions of Clause 241 of the Regulation above have been met.
2. Notices of Motion received by 9.00 a.m. on the Wednesday prior to the Council meeting shall be included on the business paper by the General Manager, if the General Manager considers that the content of the motion meets the requirements of Clause 240 (2) of the Local Government (General) Regulation 2005.
3. Notices of Motion may only be dealt with at an ordinary council meeting.
4. A Notice of Motion (except a Notice of Motion to rescind a resolution of Council – refer to s372 of the Act) is only required to be signed by the proposer; the formal moving and seconding shall take place at the meeting.
5. The wording of the motion shall be precise and clear and shall be reprinted on the business paper without alteration.
6. In putting forward Notices of Motion, Councillors must, balance their civic responsibilities for representing the interest of their community with their obligation to use Council's resources effectively and efficiently.
7. The Chairperson may call over the Notices of Motion on the business paper, in order in which they appear thereon; and if there is no objection to a motion being taken as a formal motion, it may, without discussion be put to the vote. In this case, the Motion shall still be moved and seconded.
8. All Notices of Motion shall be numbered as received and shall be entered by the General Manager upon the business paper in the order in which they are received.
9. In relation to sub-clause 3, if a Councillor wishes to raise a motion without notice, the basis of the motion shall be put to the Mayor who will first rule whether the motion is one of urgency, and therefore if it is in order for Council to consider it.
10. In order to meet the intent of providing all Councillors and the public with proper notice of business to be conducted, late reports will not be considered except in accordance with the provisions of sub-clause 3 of Regulation 241 above.

2.2.2 Agenda for extraordinary or special meeting

(Regulation - Clause: 242)

- (1) The general manager must ensure that the agenda for an extraordinary or special meeting of a council deals only with the matters stated in the notice of the meeting.
- (2) Despite sub-clause (1), business may be transacted at an extraordinary or special meeting of a council even though due notice of the business has not been given to the councillors. However, this can happen only if:
 - (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the chairperson to be of great urgency.

Such a motion can be moved without notice but only after the business notified in the agenda for the meeting has been disposed of.

- (3) Despite clause 250, only the mover of a motion referred to in sub-clause (2) can speak to the motion before it is put.

2.2.3 Petitions may be presented to the Council

PRACTICE

1. A Councillor may without notice present a petition to the Council during that part of the meeting designated for the presentation of petitions. (see order of business)
2. Any Councillor presenting a petition will be responsible for ensuring that:
 - (i) he or she is familiar with the contents and purpose of the petition, and
 - (ii) The petition is not derogatory or defamatory.

2.2.4 Questions may be put to councillors and council employees

(Regulation - Clause: 249)

- (1) A councillor:
 - (a) may, through the chairperson, put a question to another councillor; and
 - (b) may, through the general manager, put a question to a council employee.
- (2) However, a councillor or council employee to whom a question is put is entitled to be given reasonable notice of the question and, in particular, sufficient notice to enable reference to be made to other persons or to documents.
- (3) The councillor must put every such question directly, succinctly and without argument.
- (4) The chairperson must not permit discussion on any reply or refusal to reply to a question put to a councillor or council employee under this clause.

(Supplementary Provision – Meetings Practice Note)

Allowing questions without notice is inconsistent with the provisions of clause 241(1) of the Local Government (General) Regulation 2005 which requires notice to be given of matters to be raised at council meetings.

The purpose of the notice requirement is to enable all councillors and the public to be aware, by reading the agenda for the meeting, of matters that will be raised at the meeting.

If the subject matter of a question is genuinely urgent and the question is not on the agenda, the question could be raised under clause 241(3) of the Regulation. That clause allows a matter to be raised before council, despite notice not having been given.

Questions must be put succinctly and without argument.

PRACTICE

1. Questions Without Notice raised at a Council meeting, shall be in accordance with Subclause 1 of the Regulation above.

2. Questions With Notice will be in a written format when asked, then delivered to the General Manger for inclusion in the Minutes
3. Questions put to any Council employee during a Council meeting shall only relate to the business before Council or a particular matter under discussion.
4. If a question is put without notice, it can be ruled out of order if it does not relate to, or arise naturally out of, subjects before Council.
5. A Councillor who gives due notice of a question has no right to demand that it shall be replied to.
6. Responses to questions with notice from Councillors shall be recorded in the Minutes either verbatim or in précis form. Where timing permits, responses to questions with notice from Councillors shall be included in the Council meeting agenda.
7. Questions and motions which are of a personal nature or have nothing to do with Council business shall not be raised or debated.

2.2.5 Limitation as to number of speeches

(Regulation - Clause: 250)

- (1) A councillor who, during a debate at a meeting of a council, moves an original motion has the right of general reply to all observations that are made by another councillor during the debate in relation to the motion and to any amendment to it, as well as the right to speak on any such amendment.
- (2) A councillor, other than the mover of an original motion, has the right to speak once on the motion and once on each amendment to it.
- (3) A councillor must not, without the consent of the council, speak more than once on a motion or an amendment, or for longer than 5 minutes at any one time. However, the chairperson may permit a councillor who claims to have been misrepresented or misunderstood to speak more than once on a motion or an amendment, and for longer than 5 minutes on that motion or amendment to enable the councillor to make a statement limited to explaining the misrepresentation or misunderstanding.
- (4) Despite sub-clauses (1) and (2), a councillor may move that a motion or an amendment be now put:
 - (a) if the mover of the motion or amendment has spoken in favour of it and no councillor expresses an intention to speak against it; or
 - (b) if at least 2 councillors have spoken in favour of the motion or amendment and at least 2 councillors have spoken against it.
- (5) The chairperson must immediately put to the vote, without debate, a motion moved under sub-clause (4). A seconder is not required for such a motion.
- (6) If a motion that the original motion or an amendment be now put is passed, the chairperson must, without further debate, put the original motion or amendment to the vote immediately after the mover of the original motion has exercised his or her right of reply under sub-clause (1).
- (7) If a motion that the original motion or an amendment be now put is rejected, the Chairperson must allow the debate on the original motion or the amendment to be resumed.

PRACTICE

1. The provisions of Clause 250 of the Regulation above shall also apply to Committee meetings.
2. In relation to sub-clause (3) of this section of the Regulation, a Councillor may be granted with the leave of the meeting, an extension of three (3) minutes in which to complete his/her speech. Further extensions will be of two minutes at a time and granted upon resolution of Council.
3. Debate shall not be permitted on any motion to which no objection has been raised.

2.2.6 Committee of the whole**(Regulation - Clause: 259)**

- (1) All the provisions of this Regulation relating to meetings of a council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provision limiting the number and duration of speeches.
- (2) The general manager or, in the absence of the general manager, an employee of the council designated by the general manager is responsible for reporting to the council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- (3) The council must ensure that a report of the proceedings (including any recommendations of the Committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

(Supplementary Provision – Meetings Practice Note)

During the course of a Council Meeting, Council may resolve itself into the 'committee of the whole' under section 373 of the Local Government Act. That part of the meeting then becomes a committee meeting.

The only advantage of a Council forming a committee of the whole is that by reason of clause 259 of the Regulation the limits on the number and duration of Councillors speeches referred to in clause 250 of the Regulation do not apply.

If at the time Council resolves itself into the 'committee of the whole' the meeting was open to the public, then the meeting will remain open to the public unless council resolves to exclude the public under section 10A of the Local Government Act.

The committee of the whole may not pass a Council resolution. It makes recommendations to Council in the same way as any other committee of Council. Once the committee has completed its business and the Council meeting has resumed Council considers any recommendations made by the committee.

PRACTICE

After a meeting resolves itself out of the 'committee of the whole', any recommendations from the 'committee of the whole' are to be considered by the Council meeting immediately for determination.

2.2.7 Report of a Departmental representative to be tabled at council meeting**(Regulation - Clause: 244)**

When a report of a Departmental representative has been presented to a meeting of a council in accordance with section 433 of the Act, the council must ensure that the report:

- (a) is laid on the table at that meeting; and
- (b) is subsequently available for the information of councillors and members of the public at all reasonable times.

2.3 Mayoral Minutes**(Regulation - Clause: 243)**

- (1) If the mayor is the chairperson at a meeting of a council, the chairperson is, by minute signed by the chairperson, entitled to put to the meeting without notice any matter or topic that is within the jurisdiction of the council or of which the council has official knowledge.
- (2) Such a minute, when put to the meeting, takes precedence over all business on the council's agenda for the meeting. The chairperson (but only if the chairperson is the mayor) may move the adoption of the minute without the motion being seconded.
- (3) A recommendation made in a minute of the chairperson (being the mayor) or in a report made by a council employee is, so far as adopted by the council, a resolution of the council.

PRACTICE

- 1. A "Mayoral Minute" prepared in accordance with this regulation may be by formal notice contained in the business paper or tabled at the meeting.
- 2. Although a seconder is not required if the Mayor is the mover, the normal rules of debate shall apply to ensure the motion is adequately discussed prior to being put to the meeting for a vote.

2.4 Voting at Meetings

2.4.1 Voting entitlements of councillors

(Local Government Act - Section: 370)

- (1) Each councillor is entitled to one vote.
- (2) However, the person presiding at a meeting of the council has in the event of an equality of votes, a second or casting vote.

(Supplementary Provision – Meetings Practice Note)

Each councillor is entitled to one vote on each motion that comes before the meeting. If the voting on a motion is equal, the chairperson has a second or “casting” vote. The legislation does not specify how a casting vote is to be used. It is a matter for the chairperson as to how they will vote, after taking into consideration all relevant information. They do not need to vote the same way on their first and second vote. Should the chairperson decline or fail to exercise a casting vote the motion being voted upon would be lost.

(Supplementary Provision – City of Ryde)

At the Planning and Environment Committee and Works and Community Committee the Chair shall not have a casting vote. Any matters on which the voting is equal shall be minuted as AT LARGE and referred to the next appropriate Council meeting.

PRACTICE

1. The provision of Section 370 of the Local Government Act shall also apply to Committee meetings of which all Councillors are a member.
2. A Councillor who is present at a meeting of the Council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.

2.4.2 Conduct of voting at council meetings

(Regulation - Clause: 251)

- (1) A councillor who is present at a meeting of a council but who fails to vote on a motion put to the meeting is taken to have voted against the motion.
- (2) If a councillor who has voted against a motion put at a council meeting so requests, the general manager must ensure that the councillor's dissenting vote is recorded in the council's minutes.
- (3) The decision of the chairperson as to the result of a vote is final, unless the decision is immediately challenged and not fewer than 2 councillors rise and demand a division.
- (4) When a division on a motion is demanded, the chairperson must ensure that the division takes place immediately. The general manager must ensure that the names of those who vote for the motion and those who vote against it are respectively recorded in the council's minutes.

- (5) Voting at a council meeting, including voting in an election at such a meeting, is to be by open means (such as on the voices or by show of hands). However, the council may resolve that the voting in any election by councillors for mayor or deputy mayor is to be by secret ballot.

(Supplementary Provision – Meetings Practice Note)

A councillor must be present (in person) at a council or committee meeting to vote (Regulation Clause 235). Councillors cannot participate in a meeting by video-conferencing or tele-conference. There is also no provision for proxy votes to be allowed at council and committee meetings.

A councillor with a pecuniary interest in a matter cannot be present at, or in sight of, the meeting that is considering the matter or voting on it.

(Supplementary Provision – Local Government (General) Regulation - Elections)

The Local Government (General) Regulations 2005 Part 11 Elections provides that a council is to resolve whether an election by the councillors for mayor or deputy mayor is to be by preferential ballot, ordinary ballot or open voting (clause 394 of Part 11 and clause 3 of Schedule 7). Clause 3 of Schedule 7 also makes it clear that "ballot" has its normal meaning of secret ballot.

PRACTICE

1. The provisions of clause 251 of the Regulation as above shall also apply to Committee meetings.
2. A decision supported by a majority of the votes at a meeting of the Council at which a quorum is present is a decision of the Council.
3. A Councillor shall be present at a meeting whilst ever in the Council Chamber. The area known as the Council Chamber includes the public gallery seating area. A Councillor is deemed not to have left the Chamber until they have passed through either of the two doors leading to it.
4. In relation to the recording of motions and amendments, the minutes of the meeting shall show the motion or amendment, whether it was "carried" or "lost", and the mover and seconder of the motion or amendment.
5. If a Councillor is temporarily absent from the Council Chamber during a meeting, his/her absence shall be recorded in the minutes of the meeting.
6. All voting at council and committee meetings shall be recorded in the minutes of the meetings with all names of Councillors who voted for or against a motion or amendment being recorded or otherwise the words "unanimous" being recorded when all voting is the same.

2.4.3 Recording of voting on planning matters

(Local Government Act - Section: 375A)

- (1) In this section, "planning decision" means a decision made in the exercise of a function of a council under the Environmental Planning and Assessment Act 1979:

- (a) including a decision relating to a development application, an environmental planning instrument, a development control plan or a development contribution plan under that Act, but
 - (b) not including the making of an order under Division 2A of Part 6 of that Act.
- (2) The general manager is required to keep a register containing, for each planning decision made at a meeting of the council or a council committee, the names of the councillors who supported the decision and the names of any councillors who opposed (or are taken to have opposed) the decision.
- (3) For the purpose of maintaining the register, a division is required to be called whenever a motion for a planning decision is put at a meeting of the council or a council committee.
- (4) Each decision recorded in the register is to be described in the register or identified in a manner that enables the description to be obtained from another publicly available document, and is to include the information required by the regulations.
- (5) This section extends to a meeting that is closed to the public.

PRACTICE

- 1. In accordance with this Code of Meeting Practice, voting is recorded for voting for and against all motions and amendments, including planning matters. As a result, it is not necessary for a Division to be called whenever a motion for a planning decision is put at a meeting of Council or a Committee.
- 2. The Planning and Environment Committee has delegated authority to determine planning matters in accordance with the delegation set out in this Code.

2.5 Decisions of Council

2.5.1 Valid Decisions

(Local Government Act - Section: 371)

A decision supported by a majority of the votes at a meeting of the council at which a quorum is present is a decision of that council.

(Supplementary Provision – Meetings Practice Note)

A quorum is the minimum number of councillors necessary to conduct a meeting.

(Supplementary Provision – City of Ryde)

At Ryde, the quorum for council meetings is seven councillors. For Works and Community Committee and Planning and Environment Committee, a quorum is three councillors.

If a quorum is not present at any time during a meeting, then the meeting cannot continue until a quorum is achieved or restored. If a quorum cannot be achieved or restored, the meeting must be adjourned (Regulation - Clause 233).

In accordance with Section 375 of the Act, decisions made by Council shall be accurately recorded in the minutes of the meeting.

2.5.2 Certain Circumstances do not invalidate a Council Decision

(Local Government Act - Section: 374)

Proceedings at a meeting of a council or a council committee are not invalidated because of:

- (a) a vacancy in a civic office; or
- (b) a failure to give notice of the meeting to any councillor or committee member; or
- (c) any defect in the election or appointment of a councillor or committee member; or
- (d) a failure of a councillor or a committee member to disclose a pecuniary interest, or to refrain from the consideration or discussion of, or vote on, the relevant matter, at a council or committee meeting in accordance with section 451; or
- (e) a failure to comply with the code of meeting practice.

(Supplementary Provision – City of Ryde)

It would appear the intention of this Section is to validate a council's proceedings where there is some defect. The section does not provide a loophole for Chairpersons, Councillors and Officers of Council to avoid compliance with the requirements of the Act, Regulation or Code of Meeting Practice. The Section merely provides that the proceedings are not invalidated because of a failure on someone's part to observe a legal requirement or regulation.

PRACTICE

In accordance with Section 374 of the Local Government Act, a failure to comply with the Code of Meeting Practice does not invalidate proceedings of a meeting. This includes points of order and determinations with regard to meeting procedure.

2.5.3 Council Decisions Prior to a Local Government Election

(Supplementary Provision – Department Circular 08/37)

- (1) The Department of Local Government expect councils to assume a “caretaker role” (similar to Commonwealth and State Governments) during election periods to ensure that major decisions are not made that would limit the actions of an incoming council.
- (2) The caretaker period is defined as the period following the closing of the electoral rolls ie 40 days prior to an election, Council should exercise due caution in making major policy decisions that would bind an incoming council. In summary, council should avoid:
 - (a) determining controversial or significant development applications;
 - (b) new or potentially controversial permanent appointments of general managers; and
 - (c) entering major contracts or undertakings.

2.6 When do the Mayor and Councillors start and finish holding office?

(Supplementary Provision – Meetings Practice Note)

All councillors start holding office on the day the person is declared to be elected (LGA sec 233). All councillors, other than the Mayor, stop holding office on the day of the ordinary election (LGA Sec 233).

The Mayor holds office until his or her successor is declared elected (LGA Sec 230). This applies even if the (outgoing) Mayor has not been re-elected.

2.7 Defamatory Statements

(Supplementary Provision – Meetings Practice Note)

The NSW Ombudsman's publication "Better Service and Communication for Councils", states:

"A statement may be defamatory of a person if it is likely to cause an ordinary reasonable member of the community to think less of a person or to shun or avoid the person."

Councillors, staff and members of the public can seek legal compensation, apology etc if they are defamed.

Councillors acting within their official capacity at meetings of council or council committees have a defence of "qualified privilege" to actions of defamation. This recognises that Councillors may need to speak freely and publicly in carrying out their duties. However, qualified privilege must be treated with great caution. It only covers statements made at a council or committee meeting when a Councillor is carrying out his/her duties and on business relevant to the council. Statements must also be made with good intentions, not malice.

A statement made outside a council or committee meeting will not be protected by qualified privilege, but may be protected under the Defamation Act 2005. Councillors should be guided by their own legal advice on defamation issues.

(Supplementary Provision – Case Law)

- (1) Councillors should be aware in terms of their participation at meetings of the laws in relation to defamation.
- (2) Councillors may be sued for defamation for remarks made in meetings of the Council or its Committees which are open to the public. While the defences of qualified privilege or justification may attach, there is no absolute privilege in relation to Council proceedings of the kind which attaches to statements made in Parliamentary proceedings.
- (3) The law of defamation is primarily concerned with the protection of reputation and to provide a remedy for injury to reputation caused by any defamatory communication or publication. A statement may be said to be defamatory if the communication or publication is likely to cause the ordinary, reasonable member of the community to think less of the person concerned, or to shun or avoid him/her.

Of course, for a statement to be defamatory, its meaning must be communicated to a person other than the defamed person. This can be by spoken words, signs or gestures, writing, images, in person or by broadcast. (Refer Sly and Wiegall - "The Local Government Law Guide" (Dec.93) pp.412-414).

2.8 Role of the Mayor Between Meetings

(Local Government Act - Section: 226)

The role of the mayor is:

- to exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- to exercise such other functions of the council as the council determines
- to preside at meetings of the council
- to carry out the civic and ceremonial functions of the mayoral office.

(Supplementary Provision – Meetings Practice Note)

When necessary, the mayor may exercise the policy-making functions of the council between meetings (LGA Sec 226). The Mayor should report his/her actions to the next meeting of council.

PRACTICE

The Mayor is also required to undertake some administrative functions between meetings in accordance with adopted Council Policies.

2.9 Public Addresses

(Supplementary Provision – Meetings Practice Note)

There is no automatic right under legislation for the public to participate in a council or committee meeting, either by written submission or oral presentation. However, it is considered good practice to allow public addresses to Council and committee meetings in certain circumstances.

(Supplementary Provision – City of Ryde)

City of Ryde rules for public addresses are contained in Appendix G.

2.10 Audio or visual recording of meetings

2.10.1 Tape recording of meeting of council or committee: prohibited without permission

(Regulation - Clause: 273)

- (1) A person may use a tape recorder to record the proceedings of a meeting of a council or a committee of a council only with the authority of the council or committee.
- (2) A person may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council or a committee of a council for using or having used a tape recorder in contravention of this clause.
- (3) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary, restrain that person from re-entering that place.
- (4) In this clause, tape recorder includes a video camera and any electronic device capable of recording speech, whether a magnetic tape is used or not.

2.10.2 Audio recording of Meetings

(Supplementary Provision – City of Ryde)

Council has resolved (9 February 2010) that Audio recordings will be made of Council meetings for the purpose of:

- assisting in the preparation of minutes;
- ensuring decisions are accurately recorded;
- verifying the accuracy of minutes prior to their confirmation.

In order to comply with the Listening Devices Act 1984 and the Privacy and Personal Information Protection Act 1998 advice is provided to the members of the public attending meetings that an audio recording of the meeting will be made. The advice is displayed on notices in the public gallery and included on the call notice for each meeting. The wording of the advice is as follows:

'This meeting is being recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993.'

Audio recordings of meetings to which they relate are destroyed after three months of their creation, in accordance with the State Records Act.

PRACTICE

The use of visual or audio recording devices is not permitted without Council's prior approval.

PART 3 – CONFLICTS OF INTERESTS (PECUNIARY AND NON-PECUNIARY)

3.1 Pecuniary and Non-Pecuniary Interests

3.1.1 What is a pecuniary interest

(Local Government Act - Section: 442)

- (1) For the purposes of this chapter, a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person or another person with whom the person is associated as provided in section 443.
- (2) A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter or if the interest is of a kind specified in section 448.

3.1.2 What is a non-pecuniary interest

(Supplementary Provision – Meetings Practice Note)

A non-pecuniary conflict of interest is a conflict between a councillor's private interest in a matter being considered by the council, and his or her interest as a civic official (for example, kinship, membership of any association, society or trade union or involvement or interest in any trade union).

3.2 Pecuniary Conflicts of Interest

3.2.1 Who has a pecuniary interest

(Local Government Act - Section: 443)

- (1) For the purposes of this Chapter, a person has a pecuniary interest in a matter if the pecuniary interest is the interest of:
 - (a) the person, or
 - (b) the person's spouse or de facto partner or a relative of the person, or a partner or employer of the person, or
 - (c) a company or other body of which the person, or a nominee, partner or employer of the person, is a member.
- (2) However, a person is not taken to have a pecuniary interest in a matter as referred to in subsection (1) (b) or (c):
 - (a) if the person is unaware of the relevant pecuniary interest of the spouse, de facto partner, relative, partner, employer or company or other body, or
 - (b) just because the person is a member of, or is employed by, a council or a statutory body or is employed by the Crown, or
 - (c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

(Supplementary Provision – City of Ryde)

It is the responsibility of each individual to determine whether or not he or she has a pecuniary interest and if necessary to obtain legal advice. It is not the role of the chairperson or the general manager to rule on any question of pecuniary interest

3.2.2 What interests do not have to be disclosed**(Local Government Act - Section: 448)**

The following interests do not have to be disclosed for the purposes of this Chapter:

- (a) an interest as an elector,
- (b) an interest as a ratepayer or person liable to pay a charge,
- (c) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this Part,
- (d) an interest in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to a relative of the person by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this Part,
- (e) an interest as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not),
- (f) an interest of a member of a council committee as a person chosen to represent the community or as a member of a non-profit organisation or other community or special interest group if the committee member has been appointed to represent the organisation or group on the committee,
- (g) an interest in a proposal relating to the making, amending, altering or repeal of an environmental planning instrument other than an instrument that effects a change of the permissible uses of:
 - (i) land in which the person or a person, company or body referred to in section 443 (1) (b) or (c) has a proprietary interest (which, for the purposes of this paragraph, includes any entitlement to the land at law or in equity and any other interest or potential interest in the land arising out of any mortgage, lease, trust, option or contract, or otherwise), or
 - (ii) land adjoining, adjacent to or in proximity to land referred to in subparagraph (i), if the person or the person, company or body referred to in section 443 (1) (b) or (c) would by reason of the proprietary interest have a pecuniary interest in the proposal,
- (h) an interest relating to a contract, proposed contract or other matter if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company,
- (i) an interest of a person arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because a relative of the person is a shareholder (but not a director) of the corporation or is a member (but not a member of the committee) of the association or is a partner of the partnership,
- (j) an interest of a person arising from the making by the council of a contract or agreement with a relative of the person for or in relation to any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
 - (i) the performance by the council at the expense of the relative of any work or service in connection with roads or sanitation,
 - (ii) security for damage to footpaths or roads,
 - (iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council or by or under any contract,

- (k) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor),
- (l) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252,
- (m) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor,
- (n) an interest of a person arising from the passing for payment of a regular account for wages or salary of an employee who is a relative of the person,
- (o) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or member of a council committee,
- (p) an interest arising from appointment of a councillor to a body as representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

(Local Government Act - Section: 458)

The Minister may, conditionally or unconditionally, allow a councillor or a member of a council committee who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
- (b) that it is in the interests of the electors for the area to do so.

3.2.3 Disclosure and presence in meetings

(Local Government Act - Section: 451)

- (1) A councillor or a member of a council committee who has a pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the nature of the interest to the meeting as soon as practicable.
- (2) The councillor or member must not be present at, or in sight of, the meeting of the council or committee:
 - (a) at any time during which the matter is being considered or discussed by the council or committee, or
 - (b) at any time during which the council or committee is voting on any question in relation to the matter.
- (3) For the removal of doubt, a councillor or a member of a council committee is not prevented by this section from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or member has an interest in the matter of a kind referred to in section 448.

(Supplementary Provision – City of Ryde)

- 1. A general notice of disclosure can be made in some circumstances pursuant to section 454 of the Act which will fulfil the requirement of clause (1).
- 2. The Code of Conduct adopted by a council for the purposes of section 440 may also impose obligations on councillors, members of staff of councils and delegates of councils.
- 3. A councillor or a member of a council committee who has a pecuniary or non-pecuniary interest in any matter with which the Council is concerned and who is

present at a meeting of the council or committee at which the matter is being considered should disclose the interest, in writing, on the appropriate form, to the meeting as soon as practicable

3.2 Disclosures to be recorded

(Local Government Act - Section: 453)

A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

3.3 General disclosure

(Local Government Act - Section: 454)

A general notice given to the general manager in writing by a councillor or a member of a council committee to the effect that the councillor or member, or the councillor's or member's spouse, de facto partner or relative, is:

- (a) a member, or in the employment, of a specified company or other body; or
- (b) a partner, or in the employment, of a specified person,

is unless and until the notice is withdrawn, sufficient disclosure of the councillor's or member's interests in a matter relating to the specified company, body or person that may be subject of consideration by the council or council committee after the date of the notice.

3.4 Circumstances in which sections 451 and 456 of the LGA are not breached

(Local Government Act - Section: 457)

A person does not breach section 451 or 456 if the person did not know and could not reasonably be expected to have known that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

(Local Government Act - Section: 456)

- (1) A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given.
- (2) The person is not required to disclose the person's interest as an adviser

3.5 Non Pecuniary Conflicts of Interest

3.5.1 Managing Non-Pecuniary Conflicts of Interest

(Supplementary Provision – Meetings Practice Note)

A non-pecuniary conflict of interests is a conflict between a councillor's private interest in a matter being considered by the council, and his or her interest as a civic official (for

example, kinship, membership of any association, society or trade union or involvement or interest in any trade union).

A councillor should give consideration to Council's Code of Conduct with regard to managing non-pecuniary interests with regard to disclosure of interests and participation in meetings.

If a councillor has a non-pecuniary interest that conflicts with their public duty they must fully disclose that interest in writing as soon as practicable, even if it is not significant. Should a councillor be in doubt about a possible non-pecuniary conflict of interest they should seek legal advice.

(Supplementary Provision – City of Ryde Code of Conduct)

Code: 2.13. Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

Code: 2.14. If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 13.

Code: 2.15. How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.

Code: 2.16. As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:

- (a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
- (b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
- (c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.

Code: 2.17. If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:

- (a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
- (b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

Code: 2.18. If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances

3.6 Political Donations

(Supplementary Provision – City of Ryde Code of Conduct)

Code: 2.23. Where a councillor or the councillor's "official agent" has received "political contributions" or "political donations", as the case may be, within the meaning of the Election Funding Act 1981 exceeding \$1,000 which directly benefit their campaign:

- (a) from a political or campaign donor or related entity in the previous four years; and
- (b) where the political or campaign donor or related entity has a matter before council,

then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 17(b).

Code: 2.24. Councillors should note that political contributions below \$1,000, or political contributions to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.

Code: 2.25. If a councillor has received a donation of the kind referred to in clause.2.23, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff or appointing another person or body to make the decision in accordance with the law.

PART 4 – QUORUM AND ATTENDANCE

4.1 Attendance at Meetings

4.1.1 Councillor absence from meetings

(Supplementary Provision – Meetings Practice Note)

If a councillor is absent from three consecutive ordinary meetings of Council without the leave of the council having been granted then the councillor automatically vacates office (LGA Sec 234 [1]). Leave can only be granted by Council prior to the meeting or at the meeting concerned. However this provision does not apply to a councillor suspended from office by the Local Government Pecuniary Interest Tribunal (LGA Sec 482).

4.1.2 How to apply for leave of absence

(Regulation - Clause: 235A)

(1) A councillor's application for leave of absence from council meetings should, if practicable, identify (by date) the meetings from which the councillor intends to be absent.

(2) A councillor who intends to attend a council meeting despite having been granted leave of absence should, if practicable, give the general manager at least 2 days' notice of his or her intention to attend.

(Supplementary Provision – Meetings Practice Note)

A request for leave of absence by a councillor from a meeting should be made in writing to the General Manager. The written request should state the dates of the meetings the Councillor is expected to be absent, together with the reasons for absence.

Councillor leave of absence may be granted at the discretion of Council (LGA Sec 234 [1]). Leave of absence may be granted by the council prior to the meeting, or at the meeting for which leave is requested. An application for leave does not need to be made in person and the council may grant leave in the councillor's absence (LGA Sec 234 [2]).

4.1.3 Is tendering an apology the same as applying for leave of absence?

(Supplementary Provision – Meetings Practice Note)

No. The tendering of an apology is an accepted convention by which those present at a meeting are notified that the councillor tendering the apology will not be attending the meeting. It is a form of courtesy to those attending the meeting. Its purpose is also to aid the efficient conduct of meetings by informing the chairperson as to who will not be attending. This avoids delaying the opening of a meeting pending the arrival of such persons.

4.2 Quorum at Meetings

4.2.1 What is a quorum?

(Supplementary Provision – Meetings Practice Note)

A quorum is the minimum number of councillors required to hold a meeting. This minimum is set so that decisions are made by an appropriate number of councillors. Provided a quorum of councillors is present, council business can go ahead. If a quorum is not reached and maintained, a meeting cannot commence/continue.

4.2.2 What is the quorum for a meeting

(Local Government Act - Section: 368)

The quorum for a meeting of the council is a majority of the councillors of the council who hold office for the time being and are not suspended from office.

(Supplementary Provision – Meetings Practice Note)

In determining the number of councillors for the purposes of calculating quorum any casual vacancies in councillor offices and any suspended councillors are not to be counted.

Without a quorum the meeting is not a meeting of the Council. While a meeting without a quorum can be opened, resolutions cannot be made and any action taken will have no legal validity.

(Supplementary Provision – City of Ryde)

Without a quorum, the meeting is to be adjourned in accordance with Clause 4.2.4 of this Code of Meeting Practice.

Ryde has twelve councillors; therefore seven councillors must be present at a council or standing committee meeting of which all councillors are a member to form a quorum. If, for example, one councillor has resigned, then eleven councillors hold office for the time being and the quorum would be six councillors.

The Quorum for Works and Community Committee and Planning and Environment Committee is three (3) Councillors of that Committee, noting that the Mayor is a member of both committees ex-officio.

4.2.3 How do Pecuniary Interests affect a Quorum

(Local Government Act - Section: 458)

The Minister may, conditionally or unconditionally allow a councillor or a member of a council committee who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

- (a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business; or
- (b) that it is in the interests of the electors for the area to do so.

(Supplementary Provision – Meetings Practice Note)

A Councillor who is not capable of voting on the business before the council, by reason of having disclosed a pecuniary interest in a matter, is regarded as being absent from a meeting for the purpose of determining whether or not a quorum is present.

(Supplementary Provision – Case Law)

The case of Levenstrath Community Association Incorporated v Council of the Shire of Nymboida (1999) confirmed that a councillor who is not capable of voting on the business before the council (by reason of having disclosed a pecuniary interest or a significant non-pecuniary interest in a matter) is regarded as being absent from the meeting for the purpose of determining whether or not a quorum is present.

4.2.4 What happens when a quorum is not present

(Regulation - Clause: 233)

- (1) A meeting of a council must be adjourned if a quorum is not present:
 - (a) within half an hour after the time designated for the holding of the meeting; or
 - (b) at any time during the meeting.
- (2) In either case, the meeting must be adjourned to a time, date and place fixed:
 - (a) by the chairperson; or
 - (b) in his or her absence - by the majority of the councillors present; or
 - (c) failing that, by the general manager.
- (3) The general manager must record in the council's minutes the circumstances relating to the absence of a quorum (including the reasons for the absence of a quorum) at or arising during a meeting of the council, together with the names of the councillors present.

PRACTICE

- 1. If during a meeting of Council or Standing Committee, a quorum is not present, the Chairperson shall suspend the proceedings for a period of three minutes. If a quorum is not then present at the end of the three-minute suspension, the

- provisions of Clause 233 of the Regulation shall apply. This adjournment is to allow the return of any departed Councillors.
2. Where apologies have been received for a majority of Councillors the meeting will immediately be adjourned to a date and time to be specified by the Chair.
 3. A reconvened meeting, being for the purpose of completing unfinished business of the previous adjourned meeting shall be deemed a continuation of that adjourned meeting, and no new business shall be brought forward.
 4. The minutes of the meeting shall record the names of those Councillors who have left the meeting, and the time at which they left the Council Chamber/meeting venue.
 5. For City of Ryde Standing Committees, if no quorum is present, the balance of items for consideration will be referred to the next practicable Council Meeting for determination. .

4.2.5 Adjourned Meetings

(Supplementary Provision – Meetings Practice Note)

A meeting may be adjourned to a time later in the same day. An adjourned meeting is a continuation of the same meeting; it is not a new meeting.

If a meeting is adjourned to a different date, time or place, each councillor and the public should be notified of the new date, time or place.

PART 5 – MOTIONS AND AMENDMENTS

5.1 Terminology

5.1.1 What is a motion

(Supplementary Provision – Meetings Practice Note)

A motion is a proposal to be considered by council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business for the council to consider.

Further information on motions is contained in Appendix B.

5.1.2 What is an amendment

(Supplementary Provision – Meetings Practice Note)

An amendment is a change to the motion before the council (the initial motion), and is moved while the initial motion is being debated. An amendment to a motion must be put forward in a motion itself. It cannot be a direct negative of the original motion.

(Supplementary Provision – City of Ryde)

Only one amendment can be before the meeting at any one time, even though notice of a foreshadowed amendment is permissible.

Further information on Amendments is contained in Appendix B to this Code of Meeting Practice.

5.1.3 What is a resolution

(Supplementary Provision – Meetings Practice Note)

A resolution is a motion that has been passed by a majority of councillors at the meeting. While in practice it means the “council decision,” the word “resolution” also indicates the process by which the decision was made.

5.2 Motions

5.2.1 Motions to be seconded

(Regulation - Clause: 246)

A motion or an amendment cannot be debated unless or until it has been seconded. This clause is subject to clauses 243 (2) and 250 (5). *(of the Local Government (general) Regulation)*

PRACTICE

1. The mover of a motion may be allowed by the Chairperson to speak to the motion before a “seconded” is sought.
2. The seconder of a motion or of an amendment may reserve the right to speak later in the debate.
3. Where a motion has been seconded, it shall not be withdrawn without the seconder's permission.

5.3 Amendments to Motions

5.3.1 Moving an Amendment to a Motion

(Supplementary Provision – Meetings Practice Note)

An amendment to a motion requires a mover and a seconder to put it forward. To be accepted as an amendment, it must relate to the motion. The amendment must be dealt with before voting on the main motion takes place. If the amendment is carried, it becomes the motion and the original motion lapses.

Debate is only allowed in relation to the amendment and not the main motion – which is suspended while the amendment is considered.

5.3.2 How subsequent amendments may be moved

(Regulation - Clause: 247)

If an amendment has been rejected, a further amendment can be moved to the motion to which the rejected amendment was moved, and so on, but no more than one motion and one proposed amendment can be before the council at any one time.

(Supplementary Provision – City of Ryde)

If a Councillor intends to move a motion or amendment which differs from the recommendation included in the Business Paper, such motion or amendment should, where possible, be provided to the minute taker either electronically or in hard copy format, preferably prior to the meeting. This will allow the motion, amendment, etc to be displayed accurately on the visual screens at the time that the motion or amendment is being discussed.

Where a motion or amendment is developed by Councillors as a consequence of debate during the Meeting, the draft motion or amendment will be displayed on the visual screens by the minute taker to provide Councillors with the opportunity to review the motion or amendment prior to voting to ensure the intent of the motion or amendment is accurately reflected.

PRACTICE

1. An original amendment to a motion shall be dealt with before the motion and before any other amendment can be considered.
2. If an amendment and a motion are before the Chair, a Councillor may “foreshadow” a further amendment to the motion, although it cannot be debated until such time as only a motion remains. The mover of an amendment shall be given the opportunity to explain the proposed amendment before the seconder is called for.
3. When an amendment is defeated, the original motion shall stand and then and only then a further amendment may be moved, seconded, debated and voted upon. If the further amendment is defeated, the original motion still stands and another amendment then can be moved.
4. When an amendment is carried, it becomes the motion and shall be put to the vote.
5. An amendment which is a direct negative of the motion proposed is not legitimate and shall not be accepted by the Chairperson.
6. Only discussion relevant to the particular amendment that is being dealt with shall be allowed.
7. The mover of an original motion may exercise a right of reply but shall confine himself/herself to answering remarks previously made and not introduce new information.
8. Additions and alterations to a motion or amendment shall be allowed, so long as the fundamental nature and effect of the motion is not significantly changed. An addition or alteration which is a direct negative of the motion it seeks to alter or amend is not permitted, as the same effect can be achieved by voting against the original motion. Such alterations and additions may be in the form of an addendum subject to acceptance by the mover and seconder.

5.4 Notice of motion - absence of mover**(Regulation - Clause: 245)**

In the absence of a councillor who has placed a notice of motion on the business paper for a meeting of a council:

- (a) any other councillor may move the motion at the meeting; or
- (b) the chairperson may defer the motion until the next meeting of the council at which the motion can be considered.

PRACTICE

1. A Councillor who has placed a Notice of Motion on the business paper and is unable to attend the meeting may request that the motion be deferred, and upon receipt of the request, and provided the request is received prior to the meeting the Chairperson shall defer the motion to a future meeting.
2. A request by a Councillor to withdraw a Notice of Motion on the business paper standing in his or her name may be submitted in writing or raised verbally by that Councillor on the occasion such Notice of Motion is before the Council.

5.5 Chairperson's duty with respect to motions**(Regulation - Clause: 238)**

- (1) It is the duty of the chairperson at a meeting of a council to receive and put to the meeting any lawful motion that is brought before the meeting.
- (2) The chairperson must rule out of order any motion that is unlawful or the implementation of which would be unlawful.
- (3) Any motion, amendment or other matter that the chairperson has ruled out of order is taken to have been rejected.

(Supplementary Provision – reference Section 223 of the Act)

- (a) Section 223 of the Act provides that the "role of Council is to direct and control the affairs of the Council in accordance with the Act."
- (b) Matters which do not directly affect Local Government and are not within the scope of any Act conferring functions upon Council are out of order.

PRACTICE

1. The Chairperson has right to rule out of order any motion on the ground that the proposed resolution would if implemented, involve a contravention of the law.
2. Adjournments (except where disorder arises or a quorum is not present) shall only be taken following a resolution to that effect by the Council or Committee.
3. Debate shall not be permitted on any motion for adjournment of a meeting of the Council or Committee.
4. If a motion for adjournment is negatived, the business of the meeting shall proceed, and it shall not be in order for any Councillor to again move a motion for adjournment within half an hour of the previous negatived motion for adjournment except as may be acceptable to the Chairperson.
5. A motion for adjournment may specify the time, date and place of the adjourned meeting; however, if a motion for adjournment is carried but does not specify the time, date and place of the adjourned meeting, the chairperson shall make a determination with respect to whichever of these matters has not then been specified.
6. Regulation 238 above also applies to committees.

5.6 Motions for Voting of funds by Councillors

(Supplementary Provision – City of Ryde)

Motions from Councillors for the expenditure of funds on works and/or services other than those already provided for in the Budget must identify the source of funding for the expenditure the subject of the motion. If the motion does not identify a funding source, the meeting will determine that the motion be deferred, pending a report from the general manager on the availability of funds for implementing the motion if adopted.

5.7 Motions for on-site inspections

(Supplementary Provision – City of Ryde)

Whenever a motion is carried to conduct an on-site inspection, wherever practicable, the time and date of the on-site inspection will be determined at the Council or Standing Committee meeting approving the inspection. Where the time and date is not set at the meeting, the time and date shall be set by the Mayor and General Manager.

In the event that any item in the Planning and Environment Committee or the Works and Community Committee involves inspections and/or interviews and the committee is unable to use its delegation, the committee shall undertake the inspection and/or interview as arranged and no further inspections or interviews shall be conducted in respect of that item at any subsequent meeting without a specific resolution to that effect being first carried by the Council.

5.8 Motions Without Notice (Motions of Urgency)

(Supplementary Provision – City of Ryde)

A Councillor may move a motion without notice at a meeting of Council, but such motion will only be acceptable if the Chairperson considers and rules that the matters raised in the motion are of great urgency. If the Chairperson so rules, then the motion can be seconded and voted on for the Council Meeting to determine if it is allowed as a Matter of Urgency..

However, if the Chairperson rules that the motion raises issues that are not of great urgency, the motion cannot be considered at the meeting. Should the Chairperson rule that the matter raised in the motion is not of great urgency, the Councillor raising the motion should submit the motion in writing to the General Manager for inclusion in the business paper for a subsequent Council meeting as a Notice of Motion.

5.9 Procedural Motions

5.9.1 General Procedural Motions

(Supplementary Provision – City of Ryde)

A procedural motion is a motion that refers to the conduct of a meeting, such as a Point of Order. In general, a procedural motion requires a seconder, unless stated to the

contrary in the Code of Meeting Practice. There is no debate on procedural motions and procedural motions have precedence over substantive motions.

5.9.2 Point of Order

(Supplementary Provision – City of Ryde)

A Councillor may draw the attention of the Chairperson to an alleged breach of the Code of Meeting Practice. The Councillor shall draw the attention of the Chairperson by raising a “point of order.” A point of order does not require a seconder.

A point of order must be taken immediately it is raised. The Chairperson must suspend business before the meeting and permit the Councillor raising the point of order to state the meeting procedure(s) he/she believes have been infringed. The Chairperson will then rule on the point of order – either upholding it or overruling it. Further information on points of order can be found in Appendix “C”.

5.9.3 Motions of dissent

(Regulation - Clause: 248)

- (1) A councillor can, without notice, move to dissent from the ruling of the chairperson on a point of order. If that happens, the chairperson must suspend the business before the meeting until a decision is made on the motion of dissent.
- (2) If a motion of dissent is passed, the chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the business paper and proceed with it in due course.
- (3) Despite clause 250 (*Regulation*) only the mover of a motion of dissent and the chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.

PRACTICE

1. A motion of dissent shall not be debated until it has been seconded.
2. The Chairperson shall not be bound to leave the Chair during debate on a Motion of Dissent.
3. A Councillor upon moving a Motion of Dissent from the ruling of the Chairperson at a Council meeting shall be given the opportunity to explain the reason for the motion.
4. The Chairperson may reply to the Motion of Dissent and there shall be no further debate before the motion is put to the vote.
5. If a Motion of Dissent is carried, the ruling of the Chairperson is overturned; if it is not, the ruling stands and the business shall proceed as if the Motion had not been presented.
6. The Mayor or Chairperson, if the situation arises, shall have a casting vote on any motion of dissent.

PART 6 – RESCISSION MOTIONS

6.1 Rescinding or altering resolutions

(Local Government Act - Section: 372)

- (1) A resolution passed by a council may not be altered or rescinded except by a motion to that effect of which notice has been duly given in accordance with regulations made under section 360, or the council's code of meeting practice.
- (2) If notice of motion to rescind a resolution is given at the meeting at which the resolution is carried, the resolution must not be carried into effect until the motion of rescission has been dealt with.
- (3) If a motion has been negatived by a council, a motion having the same effect must not be considered unless notice of it has been duly given in accordance with the council's code of meeting practice.
- (4) A notice of motion to alter or rescind a resolution, and a notice of motion which has the same effect as a motion which has been negatived by the council, must be signed by 3 councillors if less than 3 months has elapsed since the resolution was passed, or the motion was negatived, as the case may be.
- (5) If a motion to alter or rescind a resolution has been negatived, or if a motion which has the same effect as a previously negatived motion, is negatived, no similar motion may be brought forward within 3 months. This subsection may not be evaded by substituting a motion differently worded, but in principle the same.
- (6) A motion to which this section applies may be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of council.
- (7) The provisions of this section concerning negatived motions do not apply to the motions of adjournment.

PRACTICE

1. A rescission motion shall only prevent a resolution of Council from being effective immediately, if notice is given at the meeting at which the resolution is passed.
2. A rescission motion shall be in writing and shall be signed by three Councillors.
3. Notices of Rescission which attempt to alter or stop some course of action which has been substantially proceeded with shall be ruled out of order: See part 6.2 below.
4. The re-committal of a matter which has already been determined earlier in the meeting and the carrying of the motion of re-committal shall expunge the previous resolution on the subject matter and the matter must be dealt with afresh. It is appropriate for the Chairperson, instead of insisting on a rescission motion for an item dealt with earlier in the meeting, to accept as valid a motion that a previously determined matter be brought back before Council for fresh consideration (i.e. motion of re-committal).
5. If there is a lapse in the continuity of the meeting, such as adjournment to another

- day, no re-committal shall be permitted from the previously adjourned section of the meeting.
6. A motion to rescind or alter a resolution of Council can be withdrawn only with the consent of all signatories to such motion.

6.2 Rescission of resolutions granting development consent

(Supplementary Provision – Case Law)

Under section 83 of the Environmental Planning and Assessment Act 1979 development consent has effect from the date endorsed on the written notification (subject to any appeal action).

In the case of *Townsend v Evans Shire Council* ([2000] NSWLEC 163) it was held that there was no effective development consent until formal notice of a determination was issued to the applicant and that "...it is necessary that the communication of the consent have some formal character as being authenticated on behalf of the council."

Verbal advice from the Mayor or Chairperson at a Council or Standing Committee meeting that the consent had been given was not notice to the applicants so as to "tie the council's hands." In this case, the rescission motion had been lodged with the general manager before the time required in the Planning Regulations for issuing a notice of determination.

Once the applicant has been formally advised of council's decision, there may be issues of compensation to the applicant if consent is later rescinded.

A Rescission Motion lodged after Development Consent has been issued will be ruled out of order.

PART 7 – CLOSED PARTS OF MEETINGS

7.1 Closure of meetings to the public

(Local Government Act - Section: 10A)

- (1) A council, or a committee of the council of which all the members are councillors, may close to the public so much of its meeting as comprises:
 - (a) the discussion of any of the matters listed in sub-clause (2), or
 - (b) the receipt or discussion of any of the information so listed.
- (2) the matters and information are the following:
 - (a) personnel matters concerning particular individuals (other than councillors),
 - (b) the personal hardship of any resident or ratepayer,
 - (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business,
 - (d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
 - (ii) confer a commercial advantage on a competitor of the council, or
 - (iii) reveal a trade secret,
 - (e) information that would, if disclosed, prejudice the maintenance of law,
 - (f) matters affecting the security of the council, councillors, council staff or council property,
 - (g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege,
 - (h) information concerning the nature and location of a place or an item of Aboriginal significance on community land.
- (3) A council, or a committee of the council of which all the members are councillors, may also close to the public so much of its meeting as comprises a motion to close another part of the meeting to the public.
- (4) A council, or a committee of the council may allow members of the public to make representations to or at the meeting, before any part of the meeting is closed to the public, as to whether that particular part of the meeting should be closed.

*The following table summarises the provisions of 10A and 10B. Council may go into closed session for receipt or discussion of any of the following matters, **for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security:***

Matter - Section 10A	Restrictions - Section 10B
(2)(a) personnel matters concerning particular individuals	
(2)(b) personal hardship of any resident or ratepayer	
(2)(c) information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(d) commercial information of a confidential nature that would, if disclosed: <ul style="list-style-type: none"> (i) prejudice the commercial position of the person who supplied it, or (ii) confer a commercial advantage on a competitor of council, or (iii) reveal a trade secret 	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest (except for trade secrets)
(2)(e) information that would, if disclosed, prejudice the maintenance of law	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(f) matters affecting the security of the council, councillors, council staff or council property	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(2)(g) advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest (2) advice must concern legal matters that: <ul style="list-style-type: none"> (a) are substantial issues relating to a matter in which the council is involved

Matter - Section 10A	Restrictions - Section 10B
	(b) are clearly identified in the advice, and (c) are fully discussed in that advice
(2)(h) information concerning the nature and location of a place or an item of Aboriginal significance on community land	(1)(b) must be satisfied that discussion in open meeting would, on balance, be contrary to the public interest
(3) so much of its meeting as comprises a motion to close another part of the meeting	(3) must not include any consideration of the matter or information to be discussed

7.2 Limitation on closure of meetings to the public

(Local Government Act - Section: 10B)

- (1) A meeting is not to be closed during the discussion of anything referred to in section 10A (2):
 - (a) except for so much of the discussion as is necessary to preserve the relevant confidentiality, privilege or security, and
 - (b) if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret - unless the council or committee concerned is satisfied that discussion of the matter in an open meeting would, on balance, be contrary to the public interest.
- (2) A meeting is not to be closed during the receipt and consideration of information or advice referred to in section 10A (2) (g) unless the advice concerns legal matters that:
 - (a) are substantial issues relating to a matter in which the council or committee is involved, and
 - (b) are clearly identified in the advice, and
 - (c) are fully discussed in that advice.
- (3) If a meeting is closed during the discussion of a motion to close another part of the meeting to the public (as referred to in section 10A (3)), the consideration of the motion must not include any consideration of the matter or information to be discussed in that other part of the meeting (other than consideration of whether the matter concerned is a matter referred to in section 10A (2)).
- (4) For the purpose of determining whether the discussion of a matter in an open meeting would be contrary to the public interest, it is irrelevant that:
 - (a) a person may mis-interpret or misunderstand the discussion, or
 - (b) the discussion of the matter may:
 - (i) cause embarrassment to the council or committee concerned, or to councillors or to employees of the council, or
 - (ii) cause a loss of confidence in the council or committee.
- (5) In deciding whether part of a meeting is to be closed to the public, the council or committee concerned must have regard to any relevant PRACTICES issued by the Director-General.

PRACTICE

1. After a motion to close part of a meeting to the public has been moved and seconded, the Chairperson at his or her discretion will ask the General Manager if there are any written representations from the public on the proposed closure.
2. The General Manager will either; read out the representations; or summarise their collective content (depending on the number of submissions); or state that no written representations have been received.
3. An invitation will then be made to persons present at the meeting to make verbal representations on the proposal for closure, and the “fixed period” referred to in clause 252 of the Regulation shall be the period between when the “closure motion” is moved and seconded and when the Chairperson declares the result of the voting on the motion, however it would be acceptable for a recommittal motion to be moved up until the time the doors of the Chamber are locked to exclude the press and the public gallery.
4. In respect of sub-clause 10A (2)(d) the Department of Local Government has advised that it considers decisions involving tenders and the setting of reserve prices are recognised categories of confidential information, the disclosure of which could damage Council's competitive position. Therefore these matters can be considered in closed meetings in accordance with clause 10A (2) (d) of the Act.

7.3 Closure of meeting to public in urgent cases – Matters of Urgency

(Local Government Act - Section: 10C)

Part of a meeting of council, or a committee of the council of which all the members are councillors, may be closed to the public while the council or committee considers a matter that has not been identified in the agenda for the meeting as a matter that is likely to be considered when the meeting is closed, but only if:

- (a) it becomes apparent during the discussion of a particular matter that the matter is a matter referred to in section 10A (2) and
- (b) the council or committee, after considering any representations made under section 10A (4), resolves that further discussion of the matter:
 - (i) should not be deferred (because of the urgency of the matter), and
 - (ii) should take place in a part of the meeting that is closed to the public.

7.4 Grounds for closure to be specified

(Local Government Act - Section: 10D)

- (1) The grounds on which part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- (2) The grounds must specify the following:
 - (a) the relevant provision of section 10A (2),
 - (b) the matter that is to be discussed during the closed part of the meeting,

- (c) the reasons why the part of the meeting is being closed including (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret) an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest.

7.5 Resolutions passed at closed meetings to be made public

(Regulation - Clause: 253)

If a council passes a resolution during a meeting, or a part of a meeting, that is closed to the public, the chairperson must make the resolution public as soon as practicable after the meeting or part of the meeting has ended.

7.6 Representations by members of the public - closure of part of meeting

(Regulation - Clause: 252)

- (1) A representation at a Council meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

(Regulation - Clause: 264)

- (1) A representation at a committee meeting by a member of the public as to whether a part of the meeting should be closed to the public can only be made for a fixed period immediately after the motion to close the part of the meeting is moved and seconded.
- (2) That period is as fixed by the council's code of meeting practice or (if the council does not have a code of meeting practice or its code of meeting practice does not fix that period) as fixed by resolution of the council. Different periods can be fixed according to the different types of matters to be discussed or received and discussed at closed parts of meetings.

(Supplementary Provision – City of Ryde)

Members of the public who request to make representations in accordance with section 10A(4) of the Act, may make such representations to the Council or Committee Meeting in writing or verbally. Each person wishing to make verbal representations may speak for up to one (1) minute prior to a resolution to close the meeting to public and press.

7.7 Disclosure and misuse of information

(Local Government Act - Section: 664)

- (1) A person must not disclose any information obtained in connection with the administration or execution of this Act unless that disclosure is made:
 - (a) with the consent of the person from whom the information was obtained, or
 - (b) in connection with the administration or execution of this Act, or
 - (c) for the purposes of any legal proceedings arising out of this Act or of any report of any such proceedings, or
 - (d) in accordance with a requirement imposed under the *Ombudsman Act 1974* or the *Freedom of Information Act 1989*, or
 - (e) with other lawful excuse.
- (1A) In particular, if part of a meeting of a council or a committee of a council is closed to the public in accordance with section 10A (1), a person must not, without the authority of the council or the committee, disclose (otherwise than to the council or a councillor of the council) information with respect to the discussion at, or the business of, the meeting.
- (1B) Subsection (1A) does not apply to:
 - (a) the report of a committee of a council after it has been presented to the council, or
 - (b) disclosure made in any of the circumstances referred to in subsection (1) (a)-(e), or
 - (c) disclosure made in circumstances prescribed by the regulations, or
 - (d) any agenda, resolution or recommendation of a meeting that a person is entitled to inspect in accordance with section 12.
- (2) A person acting in the administration or execution of this Act must not use, either directly or indirectly, information acquired by the person in that capacity, being information that is not generally known, for the purpose of gaining either directly or indirectly a financial advantage for the person, the person's spouse or de facto partner or a relative of the person.
- (3) A person acting in the administration or execution of this Act, and being in a position to do so, must not, for the purpose of gaining either directly or indirectly an advantage for the person, the person's spouse or de facto partner or a relative of the person, influence:
 - (a) the determination of an application for an approval, or
 - (b) the giving of an order.

(Supplementary Provision – Code of Conduct)

A breach of section 664 of the Act shall be treated as a breach of both the Act and Council's Code of Conduct and will be investigated in accordance with the provisions of the Code of Conduct.

Councillors and staff must comply with Council's adopted Confidential Information Protocol and any other relevant protocols and policies.

(Regulation - Clause: 412)

For the purposes of section 664(1B)(c) of the Act, any disclosure made with the intention of enabling the Minister or the Director-General to properly exercise the functions conferred or imposed on them by or under the Act is a prescribed circumstance.

7.8 Access to information and records by Councillors

(Supplementary Provision – City of Ryde)

The general manager shall produce and distribute a Councillors' Information Bulletin, generally on a weekly basis, to provide information to councillors on projects and local government matters of interest to Councillors.

Councillors shall have access to council documents in accordance with sections 12 and 12A of the Act, however, nothing in this code derogates from the common law right of councillors to generally inspect any record of the council relating to any business before the council, except where the councillor requesting inspection has, in the opinion of the general manager, a pecuniary interest in the matter.

PART 8 – ORDER AT MEETINGS

8.1 Questions of order

(Regulation - Clause: 255)

- (1) The chairperson, without the intervention of any other councillor, may call any councillor to order whenever, in the opinion of the chairperson, it is necessary to do so.
- (2) A councillor who claims that another councillor has committed an act of disorder, or is out of order, may call the attention of the chairperson to the matter.
- (3) The chairperson must rule on a question of order immediately after it is raised but, before doing so, may invite the opinion of the council.
- (4) The chairperson's ruling must be obeyed unless a motion dissenting from the ruling is passed.

(Supplementary Provision –Meetings Practice Note)

Clause 256(2) of the Regulation authorises the chairperson to require a councillor to take back comments or to apologise without reservation for an act of disorder.

PRACTICE

1. The Chairperson may name any Councillor who is guilty of:
 - (a) interrupting a speaker except upon a point of order;
 - (b) interrupting the Chairperson except on a point of dissent;
 - (c) refusing to accept a ruling from the Chairperson.
2. Any Councillor who is named by the Chairperson three times in one meeting for a disorder referred to in (a) - (c) above and fails to apologise for the disorder if requested to by the chairperson may be expelled from the meeting by resolution of Council in accordance with clauses 255 and 256 of the Regulation.

3. Acts of disorder are explained at Clause 256 of the Regulation below.
4. In accordance with Clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

8.2 Acts of disorder

(Regulation - Clause: 256)

- (1) A councillor commits an act of disorder if the councillor, at a meeting of a council or a committee of a council:
 - (a) contravenes the Act or any regulation in force under the Act; or
 - (b) assaults or threatens to assault another councillor or person present at the meeting; or
 - (c) moves or attempts to move a motion or an amendment that has an unlawful purpose or that deals with a matter that is outside the jurisdiction of the council or committee, or addresses or attempts to address the council or committee on such a motion, amendment or matter; or
 - (d) insults or makes personal reflections on or imputes improper motives to any other councillor; or
 - (e) says or does anything that is inconsistent with maintaining order at the meeting or is likely to bring the council or committee into contempt.
- (2) The chairperson may require a councillor:
 - (a) to apologise without reservation for an act of disorder referred to in sub-clause (1) (a) or (b); or
 - (b) to withdraw a motion or an amendment referred to in sub-clause (1) (c) and, where appropriate, to apologise without reservation; or
 - (c) to retract and apologise without reservation for an act of disorder referred to in sub-clause (1) (d) or (e).
- (3) A councillor may, as provided by section 10(2) (a) or (b) of the Act, be expelled from a meeting of a council for having failed to comply with a requirement under sub-clause (2). The expulsion of a councillor from the meeting for that reason does not prevent any other action from being taken against the councillor for the act of disorder concerned.

(Supplementary Provision –Meetings Practice Note)

Acts of disorder committed by councillors during council or committee meetings may amount to misbehaviour, leading to censure by the council or suspension in accordance with the Code of Conduct.

If a councillor does not act as requested by the Chairperson, a councillor may be expelled from the meeting. This can be done by the council, committee, chairperson (if authorised to do so by a resolution of the meeting) or by a person presiding at the meeting. However, council must have resolved to authorise the person presiding to exercise the power of expulsion: this is in accordance with section 10(2) of the Local Government Act.

(Supplementary Provision –City of Ryde)

The person presiding at a meeting of Council does not have the power of expulsion pursuant to Section 10(2) of the Local Government Act and would require a resolution of Council to exercise the power of expulsion.

PRACTICE

1. A Councillor commits an act of disorder if the Councillor, at a meeting of the Council or a Committee of the Council reads at length from any correspondence, report or other document, without the leave of Council.
2. The expulsion of a Councillor shall be recorded in the minutes of the meeting.
3. A Councillor expelled from a meeting in accordance with Clause 256 (3) of the Regulation shall leave the Chamber for the duration of the meeting.
4. Further to Clause 256 (1) of the Regulation, a Councillor commits an act of disorder if the Councillor insults or makes personal reflections on or imputes improper motives to any Officer of Council.
5. Councillors, Council Officers and members of the gallery must ensure that their mobile phones are switched off during meetings of Council and Standing Committees. Failure to do so or an attempt to use a mobile phone during a meeting of Council or Standing Committee will be deemed to be an act of disorder and render the offender liable to expulsion from the meeting. .

8.3 Disorder in committee meetings

(Regulation - Clause: 270)

The provisions of the Act and of this Regulation relating to the maintenance of order in council meetings apply to meetings of committees of the council in the same way as they apply to meetings of the council.

(Supplementary Provision –City of Ryde)

The person presiding at a Committee Meeting does not have the power of expulsion pursuant to Section 10(2) of the Local Government Act and would require a resolution of the Committee to exercise the power of expulsion.

8.4 How disorder at a meeting may be dealt with

(Regulation - Clause: 257)

- (1) If disorder occurs at a meeting of a council, the chairperson may adjourn the meeting for a period of not more than 15 minutes and leave the chair. The council, on reassembling, must, on a question put from the chair, decide without debate whether the business is to be proceeded with or not. This sub-clause applies to disorder arising from the conduct of members of the public as well as disorder arising from the conduct of councillors.
- (2) A member of the public may, as provided by section 10 (2) (a) or (b) of the Act, be expelled from a meeting of a council for engaging in or having engaged in disorderly conduct at the meeting.

(Supplementary Provision –City of Ryde)

- (1) No person shall enter a meeting if, in the opinion of the chairperson, the person is dressed to a standard that is inappropriate for the meeting.
- (2) No person shall display any sign at a meeting which, in the opinion of the chairperson, appears to attempt to influence any decision to be made at any

meeting or makes comment on any Council matter. Such action shall be considered to be conduct that is inconsistent with maintaining order at the meeting. In this subparagraph, "sign" shall include any item of clothing that has on it or attached to it any words that appear, in the opinion of the chairperson, to attempt to influence any decision or make comment on any Council matter.

- (3) In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

PRACTICE

1. Council has a duty of care to provide a workplace in which all staff are treated with respect and which is free from bullying, harassment, discrimination and other intimidating behaviours.
2. Where the General Manager or their delegate determines that a staff member present at a Council or Committee Meeting is not being treated appropriately they may requested that the offending comment be withdrawn and/or and apology given.
3. If the comment is not withdrawn and/or the apology given, the General Manager or their delegate may, in accordance with clause 2.1.1, withdraw staff from the meeting.

8.5 Power to remove persons from meeting after expulsion resolution

(Regulation - Clause: 258)

If a councillor or a member of the public fails to leave the place where a meeting of a council is being held:

- (a) immediately after the council has passed a resolution expelling the councillor or member from the meeting; or
- (b) where the council has authorised the person presiding at the meeting to exercise the power of expulsion, immediately after being directed by the person presiding to leave the meeting, a police officer, or any person authorised for the purpose by the council or person presiding, may, by using only such force as is necessary, remove the councillor or member from that place and, if necessary, restrain the councillor or member from re-entering that place.

PRACTICE

1. The power to remove a Councillor is confined to those circumstances that constitute a failure to comply with a requirement under Clause 256 of the Regulation and this Code.
2. For the purposes of this clause, the chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the council.
3. In accordance with clause 270 of the Regulation, the provisions of this clause apply to meetings of committees of the council in the same way as they apply to meetings of the council.

8.6 Certain persons may be expelled from council committee meetings

(Regulation - Clause: 271)

- (1) If a meeting or part of a meeting of a committee of a council is closed to the public in accordance with section 10(A) of the Act, any person who is not a councillor may be expelled from the meeting as provided by section 10(2) (a) or (b) of the Act.
- (2) If any such person, after being notified of a resolution or direction expelling him or her from the meeting, fails to leave the place where the meeting is being held, a police officer, or any person authorised for the purpose by the council, committee or person presiding, may, by using only such force as is necessary, remove the first-mentioned person from that place and, if necessary restrain that person from re-entering that place.

(Supplementary Provision –City of Ryde)

For the purposes of this clause, the chairperson may authorise any person or persons to remove a person who has been expelled by a decision of the council.

8.7 Conduct at Meetings

(Supplementary Provision – Code of Conduct)

Council's Code of Conduct also provides standards for appropriate behaviour and sanctions for misbehaviour at meetings. Councillors should also be aware of the provisions of the Code of Conduct in regard to these matters.

PART 9 – COMMITTEES, THEIR MEMBERS AND FUNCTIONS

9.1 Committee of the Whole

(Local Government Act - Section: 373)

A council may resolve itself into a committee to consider any matter before the council.

(Regulation - Clause: 259)

- (1) All the provisions of this Regulation relating to meetings of a council, so far as they are applicable, extend to and govern the proceedings of the council when in committee of the whole, except the provision limiting the number and duration of speeches.
- (2) The general manager or, in the absence of the general manager, an employee of the council designated by the general manager is responsible for reporting to the council proceedings in committee of the whole. It is not necessary to report the proceedings in full but any recommendations of the committee must be reported.
- (3) The council must ensure that a report of the proceedings (including any recommendations of the committee) is recorded in the council's minutes. However, the council is not taken to have adopted the report until a motion for adoption has been made and passed.

9.2 Council may appoint committees

(Regulation - Clause: 260)

- (1) A council may, by resolution, establish such committees as it considers necessary.
- (2) A committee is to consist of the mayor and such other councillors as are elected by the councillors or appointed by the council.
- (3) The quorum for a meeting of a committee is to be:
 - (a) such number of members as the council decides, or
 - (b) if the council has not decided a number a majority of the members of the committee.

PRACTICE

1. Committees established under this Clause shall be known as "Standing Committees" and comprise Elected Members only.
2. Unless council decides otherwise, a quorum for a committee comprising less than the full council shall be three (3) and for a committee comprising the full council shall be seven (7).
3. Standing Committees detailed above have such authority to make binding resolutions on all relevant matters in accordance with their charter and in accordance with their delegation.
4. The Delegation for Standing Committees is set out in Appendix F of this Code of Meeting Practice.

9.3 Functions of committees

(Regulation - Clause: 261)

A council must specify the functions of each of its committees when the committee is established, but may from time to time amend those functions.

(Supplementary Provision – City of Ryde)

The charter, functions, powers and meeting times of current committees are set out in Annexure "F".

The Civic Precinct Committee has full delegated authority to determine all matters referred to them. The charter, functions, powers and meeting times the Civic Precinct Committee are set out in Annexure "F".

The Works and Community Committee and Planning and Environment Committee as set out in Annexure F may operate with its delegates powers subject to the Act, the Regulations and the following restrictions:

Requirement before delegation can be used	Exception allowing delegation to be used
1 The report and recommendation is on the Agenda for councillor and community notice.	<ul style="list-style-type: none"> No exceptions.
2 No dissenting votes occurring	<ul style="list-style-type: none"> Where every dissenting Councillor present is agreeable to the decision

Requirement before delegation can be used	Exception allowing delegation to be used
	proceeding with their names being recorded against the decision.
3 No substantive changes are made to the published recommendation.	<ul style="list-style-type: none"> Where any inconsequential changes are made such as for clarification purposes, to correct typographical, grammatical or similar errors, or to extend thanks/congratulations.
4 No Councillor has requested the General Manager in writing by the commencement of the meeting to refer the matter to the next Council Meeting.	<ul style="list-style-type: none"> No exceptions

PRACTICE

If in the opinion of a Councillor another Councillor is repeatedly and unreasonably taking action that frustrates the use of delegated powers by any committee, the Councillor may have this matter considered by the Council through the submission of a Notice of Motion calling upon the alleged offending Councillor to justify his or her action. The Council may take such action as is considered appropriate in the circumstances.

9.4 Notice of committees meetings

(Regulation - Clause: 262)

- (1) The general manager of a council must send to each councillor, at least 3 days before each meeting of the committee, a notice specifying:
 - (a) the time and place at which and the date on which the meeting is to be held; and
 - (b) the business proposed to be transacted at the meeting.
- (2) However, notice of less than 3 days may be given of a committee meeting called in an emergency.

(Supplementary Provision – City of Ryde)

- (1) Urgent late items may be submitted to a committee meeting only by the general manager or with the concurrence of the general manager and the chairperson shall accept any such late items and have them dealt with by the committee.
- (2) The provisions of this Code, except for Clause 240(1) of the Regulation, apply to the business papers of committee meetings in the same manner as they apply to the business papers of meetings of the council as detailed in Clause 1.2 of this Code of Meeting Practice.

9.5 Procedure in committees

(Regulation - Clause: 265)

- (1) Subject to sub-clause (3), each committee of a council may regulate its own procedure.
- (2) Without limiting sub-clause (1), a committee of a council may decide that, whenever the voting on a motion put to a meeting of the committee is equal, the chairperson of the committee is to have a casting vote as well as an original vote.
- (3) Voting at a committee is to be by open means (such as on the voices or by show of hands).

PRACTICE

The chairperson shall not have a casting vote on any Standing Committee where the membership is fewer than all the Councillors.

There is no requirement to stand when speaking during any Standing Committee.

9.6 Chairperson and deputy chairperson of committees

(Regulation - Clause: 267)

- (1) The chairperson of each committee of the council, must be:
 - (a) the mayor; or
 - (b) if the mayor does not wish to be the chairperson of a committee - a member of the committee elected by the council; or
 - (c) if the council does not elect such a member - a member of the committee elected by the committee.
- (2) A council may elect a member of a committee of the council as deputy chairperson of the committee. If the council does not elect a deputy chairperson of such a committee, the committee may elect a deputy chairperson.
- (3) If neither the chairperson nor the deputy chairperson of a committee of a council is able or willing to preside at a meeting of the committee, the committee must elect a member of the committee to be acting chairperson of the committee.
- (4) The chairperson is to preside at a meeting of a committee of a council. If the chairperson is unable or unwilling to preside, the deputy chairperson (if any) is to preside at the meeting, but if neither the chairperson nor the deputy chairperson is able or willing to preside, the acting chairperson is to preside at the meeting.

PRACTICE

1. The Mayor shall be entitled to attend and vote at any Committee meeting of Council. However, if a Chairperson has been elected or appointed to a particular Committee by Council, the Mayor shall not have the right to preside at a meeting of that Committee unless the Chairperson or Deputy Chairperson is unable or unwilling to preside and then only if the Mayor has been elected by the members of the Committee as the Committee's Acting Chairperson.
2. If the Mayor enters the meeting room during a committee meeting it will be recorded in the minutes whilst ever he/she remains in the meeting room. The meeting area includes the public gallery seating area.
3. The Chairpersons, and Deputy Chairpersons, of Standing Committees shall be appointed by the Committee at the first Committee meeting following the Mayoral Election and determination of Standing Committee Membership..
4. The role of the Chairperson is outlined in Appendix "A".
5. The Chairperson of the Works and Community Committee and/or the Planning and Environment Committee does not have a casting vote.
6. The Chairperson of any Committee of which all Councillors are members has the right to a casting vote.

9.7 Absence from committee meetings**(Regulation - Clause: 268)**

- (1) A member ceases to be a member of a committee if the member (other than the mayor):
 - (a) has been absent from 3 consecutive meetings of the committee without having given reasons acceptable to the committee for the member's absences; or
 - (b) has been absent from at least half of the meetings of the committee held during the immediately preceding year without having given to the committee acceptable reasons for the member's absences.
- (2) Sub-clause (1) does not apply if all of the members of the council are members of the committee.

Note: The expression "year" means the period beginning 1st July and ending the following June. See the Dictionary to the Act.

9.8 Non-members entitled to attend committee meetings**(Regulation - Clause: 263)**

- (1) A councillor who is not a member of a committee of a council is entitled to attend, and to speak at, a meeting of the committee.
- (2) However, the councillor is not entitled:
 - (a) to give notice of business for inclusion in the agenda for the meeting, or
 - (b) to move or second a motion at the meeting, or
 - (c) to vote at the meeting.

9.9 Reports of committees

(Regulation - Clause: 269)

- (1) If in a report of a committee of the council distinct recommendations are made, the decision of the council may be made separately on each recommendation.
- (2) The recommendations of a committee of the council, are so far as adopted by Council, resolutions of the council.
- (3) If a committee of a council passes a resolution, or makes a recommendation, during a meeting, or a part of a meeting, that is closed to the public, the chairperson must:
 - (a) make the resolution or recommendation public as soon as practicable after the meeting or part of the meeting has ended; and
 - (b) report the resolution or recommendation to the next meeting of the council.

PRACTICE

1. The City of Ryde provides delegations to Standing Committees as set out in Appendix F of this Code of Meeting Practice.
2. Reports from Committees in accordance with their appropriate exercise of their delegation will be provided to the next practicable Council Meeting for determination.

9.10 Committee minutes

(Regulation - Clause: 266)

- (1) Each committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
 - (a) details of each motion moved at a meeting and of any amendments moved to it,
 - (b) the names of the mover and seconder of the motion or amendment,
 - (c) whether the motion or amendment is passed or lost.
- (2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

(Supplementary Provision – City of Ryde)

All voting of Councillors will be recorded for both Council and Standing Committee meetings.

PART 10 – AFTER THE MEETING

10.1 Acting on Council Decisions

(Supplementary Provision – Meetings Practice Note)

The Act requires Councillors as a group to direct and control the Council's affairs, allocate Council's resources, determine Council policies and objectives and monitor Council's performance.

The General Manager is responsible for the efficient and effective operation of Council's organisation, the day-to-day management of the council, employment of council staff and for acting on Council decisions (LGA Sec 335).

10.2 Public Availability of Decisions

(Supplementary Provision – Meetings Practice Note)

The public has the opportunity to review all Council decisions, even those made at closed meetings, through the inspection of Council's meeting minutes. The right of the public to inspect meeting agendas, business papers and minutes of council and committee meetings, is expressly provided for under section 12 of the Act.

10.3 Public Access to correspondence and reports

(Local Government Act - Section: 11)

- (1) A council and a committee of which all the members are councillors must, during or at the close of a meeting, or during the business day following the meeting, give reasonable access to any person to inspect correspondence and reports laid on the table at, or submitted to, the meeting.
- (2) This section does not apply if the correspondence or reports:
 - (a) relate to a matter that was received or discussed; or
 - (b) were laid on the table at, or submitted to, the meeting,when the meeting was closed to the public.
- (3) This section does not apply if the council or committee resolves at the meeting, when open to the public, that the correspondence or reports, because they relate to a matter specified in section 10A (2), are to be treated as confidential.

PART 11 – MINUTES

11.1 Why and How Should Minutes be Kept?

(Local Government Act - Section: 375)

- (1) The council must ensure that full and accurate minutes are kept of the proceedings of a meeting of the council.
- (2) The minutes must, when they have been confirmed at a subsequent meeting of the council, be signed by the person presiding at that subsequent meeting.

PRACTICE

1. The provision of Section 375 above shall also apply to Standing Committees.
2. The purpose of the minutes is to record procedural motions and substantive motions arrived at by the meeting. The minutes shall not record things said by way of debate or comment unless Council so resolves.
3. The correctness of the minutes of every proceeding ordinary, extraordinary or special meeting, not previously confirmed shall be taken into consideration as the first business at every ordinary meeting of Council, in order that such minutes can be confirmed.
4. A motion or discussion shall not be in order with respect to such minutes except with regard to their accuracy as a true record of proceedings.
5. In the absence of any formal direction from the Council, the structure and presentation of the minutes shall be at the General Manager's discretion.

11.2 What matters must be included in the minutes of council meetings

(Regulation - Clause: 254)

The general manager must ensure that the following matters are recorded in the council's minutes:

- (a) details of each motion moved at a council meeting and of any amendments moved to it,
- (b) the names of the mover and seconder of the motion or amendment,
- (c) whether the motion or amendment is passed or lost.

PRACTICE

1. All voting at council and committee meetings shall be recorded in the minutes of the meetings with all names of Councillors who voted for or against a motion being recorded or otherwise the words "unanimous" being recorded when all voting is the same.
2. Only in exceptional circumstances may Council Meeting Minutes be confirmed at an extraordinary or special meeting of the Council. Generally, Council Meeting Minutes will be referred to an Ordinary Council Meeting for confirmation.

11.3 Minutes for Closed Meetings

(Supplementary Provision – Meetings Practice Note)

In accordance with Clause 254 of the Regulation minutes must include the details of all motions and amendments; the names of their movers and seconders; and whether the motions and amendments are passed or lost.

Any person is entitled to inspect minutes containing resolutions or recommendations from the closed parts of meetings. While council cannot keep its decisions confidential, it is possible to discuss matters in the minutes in such a way as not to reveal confidential details.

11.4 Minutes from Committee Meetings

(Regulation - Clause: 266)

- (1) Each Committee of a council must ensure that full and accurate minutes of the proceedings of its meetings are kept. In particular, a committee must ensure that the following matters are recorded in the committee's minutes:
 - (a) details of each motion moved at a meeting and of any amendments to it;
 - (b) the names of the mover and seconder of the motion or amendment;
 - (c) whether the motion or amendment is passed or lost.
- (2) As soon as the minutes of an earlier meeting of a committee of the council have been confirmed at a later meeting of the committee, the person presiding at the later meeting must sign the minutes of the earlier meeting.

11.5 Inspection of the minutes of a council or committee

(Regulation - Clause: 272)

- (1) An inspection of the minutes of a council or committee of a council is to be carried out under the supervision of the general manager or an employee of the council designated by the general manager to supervise inspections of those minutes.
- (2) The general manager must ensure that the minutes of the council and any minutes of a committee of the council are kept secure and in safe custody and that no unauthorised person is allowed to interfere with them.

Note: Section 12 of the Act confers a right (restricted in the case of closed parts of meetings) to inspect the minutes of a council or committee of a council.

11.6 Confirmation of Minutes

(Local Government Act - Section: 703)

Every entry in the minutes of the business transacted at a meeting of the council and purporting to be signed by the person presiding at a subsequent meeting of the council is, until the contrary is proved, evidence:

- (a) that the business as recorded in the minutes was transacted at the meeting; and
- (b) that the meeting was duly convened and held.

(Supplementary Provision – City of Ryde)

The minutes of a meeting are “unconfirmed” until they are submitted for confirmation at a subsequent meeting. The minutes can be amended in terms of their accuracy by Council resolution at the meeting prior to their confirmation.

PART 12 – CODE OF MEETING PRACTICE

12.1 Conduct of meetings of council and committees

(Local Government Act - Section: 360)

- (1) The regulations may make provision with respect to the conduct of meetings of councils and committees of council of which all the members are councillors.
- (2) A council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them.
- (3) A council and a committee of the council of which all the members are councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

12.2 Preparation, public notice and exhibition of draft code

(Local Government Act - Section: 361)

- (1) Before adopting a code of meeting practice, a council must prepare a draft code.
- (2) The council must give public notice of the draft code after it is prepared.
- (3) The period of public exhibition must not be less than 28 days.
- (4) The public notice must also specify a period of not less than 42 days after the date on which the draft code is placed on public exhibition during which submissions may be made to the council.
- (5) The council must publicly exhibit the draft code in accordance with its notice.

12.3 Adoption of draft code

(Local Government Act - Section: 362)

- (1) After considering all submissions received by it concerning the draft code, the council may decide:
 - (a) to amend those provisions of its draft code that supplement the regulations made for the purposes of section 360; or
 - (b) to adopt the draft code as its code of meeting practice.
- (2) If the council decides to amend its draft code, it may publicly exhibit the amended draft in accordance with this Division or, if the 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.

(Supplementary Provision – City of Ryde)

- (a) The Council must consider all submissions received.
- (b) It is a matter for Council to determine whether any amendments are considered to be substantial in terms of Clause 362 (2) of the Act, and therefore not required to be publicly exhibited.

12.4 Amendment of the code

(Local Government Act - Section: 363)

A council may amend a code adopted under this Part by means only of a code so adopted.

PRACTICE

Changes that are made to Act and Regulation will automatically be incorporated into this Code and such changes will not be advertised or reported to Council.

Any further code adopted by Council must be prepared, notified, exhibited and adopted in accordance with the provisions of Sections 360, 361, 362 and 364 of the Act.

12.5 Public availability of the code

(Local Government Act - Section: 364)

- (1) The code of meeting practice adopted under this Division by a council must be available for public inspection free of charge at the office of the council during ordinary office hours.
- (2) Copies of the code must be available free of charge or, if the council determines, on payment of approved fee.

PART 13 – COUNCIL SEAL

(Regulation - Clause: 400)

- (1) The seal of a council must be kept by the mayor or the general manager, as the council determines.
- (2) The seal of a council may be affixed to a document only in the presence of:
 - (a) the mayor and the general manager; or
 - (b) at least 1 councillor (other than the mayor) and the general manager; or
 - (c) the mayor and at least 1 other councillor; or
 - (d) at least 2 councillors other than the mayor.

- (3) The affixing of a council seal to a document has no effect unless the persons who were present when the seal was affixed (being persons referred to in sub-clause (2)) attest by their signatures that the seal was affixed in their presence.
- (4) The seal of a council must not be affixed to a document unless the document relates to the business of the council and the council has resolved (by resolution specifically referring to the document) that the seal be so affixed.
- (5) For the purposes of sub-clause (4), a document in the nature of a reference or certificate of service for an employee of the council does not relate to the business of the council.

PRACTICE

The General Manager's Office shall have custody of Council's Common Seal in accordance with Clause 400 (1) of the Regulation.

A council seal is like the signature of the council. It signifies Council's approval to the content of the document to which it is affixed.

Clause 400 (4) of the Regulation requires a council resolution before each use of the seal. The resolution must specifically refer to the document to be sealed.

PART 14 – COUNCIL WORKSHOPS

(Supplementary Provision – Meetings Practice Note)

"Workshop" shall include a briefing session, an information session, and/or a discussion group.

- (1) The council may hold workshops under its general powers as a body corporate. Workshops and briefing sessions are not meetings of the council or its formal standing committees, under the Code of Meeting Practice. A Workshop may involve Councillors, staff and invited participants.
- (2) Workshops are informal and are intended and used to provide useful background information to councillors on issues, to develop councillor knowledge and expertise and to assist in their role as public officials,
- (3) No Council decisions are to be made at workshops.
- (4) Workshops do not have any decision making authority or powers and shall not be used for transaction of council business or detailed or advanced discussions where agreement is reached and/or a (de-facto) council decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, shall be left to the open forum of a formal council or committee meeting.
- (5) All councillors are entitled to attend workshops.

Continued: (Supplementary Provision – City of Ryde)

- (6) All councillors are invited to and expected to attend workshops.

- (7) Workshops shall be entered into the Councillors Calendar as soon as a date for such has been determined.
- (8)
 - (a) Matters for discussions at workshops will be included in the Councillor's Information Bulletin, but shall not be deemed an "Agenda" under this Code.
 - (b) Any information or briefing papers for a workshop shall be given to all councillors. Any information given to a particular councillor for a workshop in the performing of their civic duties, must also be available to any other councillor who requests it.
 - (c) Any document produced in relation to a workshop is a document of the council. This means that such documents could be inspected and copied in accordance with sections 12 to 12B of the Act, or the provisions of the Government Information (Public Access) Act, subject to any exemptions applying under either Act or copyright restrictions.
- (9) Workshop briefing papers shall contain information and options but no recommendations, and no recommendations are to be put to nor sought from, the councillors or other workshop participants in the course of the workshop. General consensus on any options may be expressed by the workshop participants.
- (10) The meeting procedures in the Act and the Regulation and in this Code do not apply to workshops held by the Council under this clause;
 - (a) which apply to meetings of the council and its formal committees comprising of all councillors and only councillors, and
 - (b) in respect of;
 - i. the attendance entitlements or requirements of councillors,
 - ii. attendance entitlements of the public
- (11) Pecuniary and conflicts of interest do apply to workshops conducted by the Council under this clause.
- (12) Minutes and recordings of the meeting will not be taken but a formal record of the workshop will be kept by Council staff detailing:-
 - (i) Date
 - (ii) Subject
 - (iii) Those present
 - (iv) Purpose of the workshop

PART 15 – MINISTER TO CONVENE MEETINGS

(Regulation - Clause: 234)

- (1) Whenever an area is constituted or reconstituted, the Minister is required:
 - (a) to convene the first meeting of the council of the area; and
 - (b) to nominate the business to be transacted at the meeting; and
 - (c) to give the councillors notice of the meeting.
- (2) If there is no quorum at that meeting, the Minister may convene meetings in the same manner until a quorum is present.
- (3) The council must transact the business nominated by the Minister for a meeting convened under this clause

APPENDIX "A" The Role of Chairperson

1. The Chairperson shall insist upon the proper conduct of debate.
2. The Chairperson should be impartial and consistent in rulings on all occasions regardless of their personal views and beliefs on the subject being discussed whether or not they have made their view known.
3. The Chairperson shall receive and put to the meeting any motion which is brought before the meeting in accordance with the Act, Regulation and Code of Meeting Practice.
4. The Chairperson should not permit discussion unless there is a motion before the meeting.
5. The Chairperson shall have no power to adjourn the meeting of his or her own accord except, but not limiting the provisions of the Act or the regulation, the Chair can adjourn when the meeting lacks a quorum and when disorder arises.
6. The Chairperson shall have the right to rule out of order motions that do not relate to the business before Council and motions that are "ultra vires".
7. The Chairperson may refuse to put motions and amendments that are not clear.
8. The Chairperson has the authority to advise and counsel the meeting.
9. The Chairperson shall preserve order and endeavour to prevent interference with speakers by private talk or heckling remarks, offensive statements and the imputation of improper motives. In the event of such occurrences, the Chairperson may call upon speakers to withdraw and apologise. (Refer to Clause 255 of the Regulation – Questions of Order)
10. The Chairperson of Council Meeting or Committees of which all Councillors are members shall have the right to exercise a casting vote. The Chairperson of the Planning and Environment Committee or Works and Community Committee does not have the right to exercise a casting vote.

APPENDIX "B" Motions, Amendments and Foreshadowed Motions

Motions

1. A motion is a proposal, moved by one Councillor and seconded by another calling for a specific action to be taken or a decision to be made on the particular matter before the Committee or Council.

2. If that motion is passed it becomes a resolution of the Council or the Committee (within the Committee's delegation).

The mover of a motion may be given the opportunity to explain the motion before a seconder is called for, if considered necessary by the Chairperson.

3. Once a motion is moved and seconded the meeting can then try and reach a decision by considering the specific proposal with speakers supporting it, opposing it, or suggesting changes to it.
4. If there is no objection to a motion before Council or Committee, there shall be no right of reply, and the Chair shall put the motion.
5. Where there is a motion and an amendment, following debate on the amendment and then the motion, the mover of the motion has a right of reply prior to voting on the amendment taking place.
6. A motion should be very specific in its intention, and must be capable of being implemented.
7. If possible, a motion should be qualified by referring to a timetable, financial implications, who is to take the necessary action, etc.
8. The motion should be simple and easy to understand so that there is no doubt about its meaning - it should be well structured and if it involves a number of different aspects then there should be different parts to the motion.
9. A Councillor seconding the motion is in effect saying "I support this proposal." If no person present is prepared to second the motion it then lapses and should not be discussed further.
10. When a motion is complex in its wording and intent, to assist other Councillors of the Committee/Council a Councillor shall submit the motion in writing so that it can be circulated to all members present and the minute taker either electronically or in hard copy format. This will allow the motion/amendment to be displayed accurately on the visual screens at the time that the motion or amendment is being discussed. This will remove any doubt in the minds of Councillors as to what exactly is being moved. Likewise, the Chairperson should ensure that any motion/amendment is clearly understood by all Councillors present prior to voting
11. A motion should start with the word "THAT", for example "THAT the road be closed."

12. Motions should be written in a positive sense so that a “yes” vote indicates support for the action, and a “no” vote indicates that no action should be taken.
13. The mover of the motion has the right to speak first, and a general “right of reply” at the end of the debate. No new information or material should be argued during the “right of reply.”
14. The seconder of the motion speaks after the mover, but may choose to hold over their speaking rights until later in the debate.
15. At the end of the debate, the Chairperson puts the motion to the meeting for voting by councillors.

Amendments

1. An Amendment to a motion requires a mover and a seconder to put it forward.
2. The Amendment must be dealt with before voting on the main motion. Debate is allowed only in relation to the amendment and not the main motion – which is suspended while the amendment is considered.
3. If the Amendment is passed, it becomes the motion and this new motion can be debated. If the Amendment is not supported, the main motion stays in its original form.
4. There should only be one Amendment to a Motion before Council at any time. If several amendments are proposed, each should be moved, seconded, debated and voted upon before the next
5. Amendments may be in the form of additional words to a motion and/or the removal of words. Any such Amendment to a Motion must not alter the Motion to the extent that it effectively reverses the Motion. In any case an Amendment to a Motion will need to be made with the concurrence of the mover and seconder of the Motion.

Foreshadowed Motions/Amendments

1. It is possible to advise the Council of an intention of a foreshadowed Motion/Amendment that relates to the business currently before Council.
2. The Chairperson can not accept the foreshadowed Motion/Amendment until the current Motion/Amendment has been determined.

APPENDIX "C" Calling a Point of Order

1. A Point of Order may be called in the following circumstances:
 - (a) A matter is raised that does not relate to the subject being discussed.
 - (b) There is no quorum present in the Council Chamber.
 - (c) There has been a failure to comply with some rule, regulation, standing order, policy or accepted rules of debate.
 - (d) A Councillor has used objectionable, insulting, offensive, abusive language or defamatory insinuations about a person's motives or conduct.
 - (e) A speaker has exceeded the time limit for speeches.
 - (f) An amendment under discussion has not been seconded.
 - (g) A matter is raised which is outside the powers of the Council.
2. The Chairperson may rule a Councillor out-of-order in two (2) ways - generally upon a ruling being given by the Chairperson after another Councillor has made a point of order, or by the Chairperson on his or her own initiative making the ruling.
3. When a Councillor raises a point of order, the person speaking must stop and resume his/her seat until the point has been dealt with. The Councillor who raises the point of order shall where possible refer to the specific section of the Code of Meeting Practice for example:

"Under section 8.4 of the Code of Meeting Practice...."
4. No other Councillor may speak on the Point of Order.
5. Chairperson will then rule on the Point of Order, either by agreeing that the speaker is out-of-order or disagreeing and allowing the speaker to continue.
6. If there is an objection to the Chairperson's ruling, a Councillor may move a Motion of Dissent. (Refer Clause 248 of the Regulation)
7. A Point of Order must not be taken for the purpose of contradicting statements made by another Councillor or providing a personal explanation. It must only be concerned with the conduct of the meeting. An explanation or contradiction is not a Point of Order.

APPENDIX “D” PRACTICE for Public Addresses

Aim

To assist the decision-making process, Council has provided the opportunity to members of the public to address Council and Committee meetings

Who can speak at a Meeting?

Anyone can speak at a Meeting! You may speak if you are a resident or ratepayer, or you can have someone else speak on your behalf. You can also speak as a representative of a local community organisation or authority.

Are there any restrictions on what I can speak about?

You may speak on any Council related matter whether it is listed on the agenda or not, except for:

- Matters relating to the determination of a Development Application (including any alleged breaches of the Environmental Planning & Assessment Act)*
- “confidential” matters under the Local Government Act, e.g. some legal matters, tenders, personnel matters – check with the staff if you’re not sure.
- Matters that have been already listed and considered by the Works and Community Committee and Planning and Environment Committee; and have then been referred to Council for determination under delegated authority.

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 3-month period.

You may not make insulting or defamatory statements, and you should take care when discussing other people’s personal information. Also, a member of the public may be expelled from a meeting for engaging in disorderly conduct.

Are there any rules for speaking at the meeting?

Council Meetings:

30 minutes is allocated at the beginning of the meeting for items listed on the agenda.

15 minutes is allocated at the end of the meeting for items not listed on the agenda.

Each speaker has 3 minutes – there is a warning bell after 2 minutes. No extensions of time are given and there is no question and answer period.

Committee Meetings:

A maximum of 5 minutes will be allowed per person or a maximum of 15 minutes for a group.

Councillors may ask speakers questions. It should be noted that speakers are under no obligation to answer any question put to them.

General Information

You may use and distribute printed information; sketches etc. but we can’t accommodate audio-visual equipment. The order of speakers is allocated on a first-come first-served basis except at Planning and Environment Committee Meetings where objectors speak first followed by the applicant or their representative.

The Chairperson may vary these PRACTICES, if such action will promote equity or will facilitate the conduct of the meeting.

Need more information? Any questions, please phone Governance on 9952 8200.

APPENDIX “E” PRACTICE on the Conduct of On-Site Inspections

Aim

For Councillors to familiarise themselves with the site and area to gain an understanding of the impact of any proposal.

Decisions to have an on-site inspection

When a decision to hold an inspection is made, it is important that a clear indication be given as to who will be notified of the inspection.

Conduct of inspections

The purpose of the inspection is for the gathering of facts and for Councillors to gain an appreciation and a full understanding of the onsite circumstances of a proposal. Any parties present are expected to contribute to this purpose. A decision on the proposal will not be made at the inspection.

Key points relating to the conduct of inspections are:

- The Chairperson at the inspection will have absolute authority.
- Applicants and objectors may be asked to contribute by assisting with advice and explanation of their various points of view and to answer questions from Councillors and Council officers.
- Objectors/applicants are not to debate issues with each other, Councillors or Council officers.
- Applicants and objectors will have the right to apply to address Council or Committee meeting when the matter is under consideration.

Inspections shall not be used for the transaction of council business or detailed or advanced discussions where agreement is reached and/or a (de-facto) council decision is made. Any detailed discussion or exchange of views on an issue, and any policy decision from the options, shall be left to the open forum of a formal council or committee meeting.

Chairperson of inspection

The Chairperson of the inspection will be either the Mayor, Chairperson/Deputy Chairperson of the relevant Committee present at the inspection.

Agenda for conduct of onsite inspections

- Council Officer introduces Chairperson and Councillors to those present.
- Chairperson explains
 - purpose of inspection
 - procedures and conduct of inspection including rights and obligations of the various parties present
 - Council Officer outlines the proposal including reference to plans
- If appropriate, applicants and objectors will be asked to put their views to the Councillors with the purpose of contributing to the understanding of the Councillors present.

APPENDIX “F” Meeting Times, Charters, Functions and Powers of Committees

The following Charters, functions and powers are provided under the Code of Meeting Practice and in accordance with Section 377 of the Local Government – General Power of the Council to delegate.

Civic Precinct Committee

Membership:	All Councillors
Quorum:	Seven
Meeting date, place and time:	3rd Tuesday of January (if considered necessary by the Mayor and General Manager) 1st and/or 3rd Tuesdays of the months February to November 1st Tuesday of December; Committee Rooms 2 and 3 Meetings scheduled to commence at 7.30pm and only to be held if considered necessary by the Mayor and General Manager.
Casting vote:	Chairperson
Charter	To address issues relating to the Civic Precinct area. To deal with any other matters referred to the Committee by a Councillor or the General Manager and adopt or otherwise determine such matters.
Functions and Powers	<i>Civic Precinct</i> Address and determine any other issues of a significant nature impacting on the City of Ryde Civic Precinct. <i>Referrals</i> Deal with, adopt or otherwise determine matters referred from other Committees at the instigation of a Councillor.

Planning and Environment Committee

Quorum:	A committee comprising less than the full council shall be three (3)
Meeting dates, place and time:	3rd Tuesday of January (if considered necessary by the Mayor and General Manager) 1st and 3rd Tuesdays of the months February to November inclusive 1st Tuesday of December; Committee rooms 2 and 3 Meetings scheduled to commence at 4.00pm.
Casting Vote:	Nil
Charter:	To adopt and monitor in accordance with established priorities and budgets the policies, plans and procedures for promoting the health of citizens and the creation of an attractive, harmonious living environment, review the execution of such policies and plans and determine local development and rezoning applications.

Functions and Powers:

Environmental Planning

Approve and monitor policies, codes and plans including statutory controls, to regulate and control the subdivision, development and use of land, the demolition of buildings, the alteration of buildings and the erection of buildings and structures.

Development Control

Consider major development projects and local development applications not otherwise determined and determine the applications. Approve the issue of notices and orders.

Environment Protection

Approve and monitor policies and programs for protecting the environment and enforcing regulations and controls for public health and convenience, environmental protection, the use of land and the parking of motor vehicles.

Court Action

Approve the institution of legal proceedings, review the progress of matters before the Courts and assess the implications of decisions from the Court.

Health Services

Address issues relevant to the physical well being of people and approve and monitor the implementation of health programs to ensure high standards of health within the community.

Works and Community Committee

Quorum:

A committee comprising less than the full council shall be three (3)

Meeting dates, place and time:

3rd Tuesday of January (if considered necessary by the Mayor and General Manager)

1st and 3rd Tuesdays of the months February to November inclusive

1st Tuesday of December;

Committee room 1

Meetings scheduled to commence at 4.30pm.

Casting Vote:

Nil

Charter:

To adopt and monitor in accordance with established priorities and budgets the cost effective implementation of:

1. policies and operating plans for infrastructure development and maintenance so that facilities and services are provided to satisfy the needs of the community
2. programs and services to promote the physical, social, cultural, recreational, spiritual and intellectual well being of individuals and the community.

Functions and Powers:

Research

Initiate and consider studies to evaluate the facilities and services provided and needed in relation to public works and services, infrastructure, transportation, public facilities, leisure facilities,

cultural facilities and recreational services and adopt appropriate policies and strategies.

Parks Operations

Approve works relating to the acquisition, development, embellishment and maintenance of parks, recreation facilities, bushland and wildlife corridors.

Engineering Works

Approve works relating to the construction, development, maintenance, repair and reconstruction of drains, roads, footpaths, carparks and bikeways.

Implement Programs

Monitor and review the efficiency and effectiveness of performance in relation to the implementation of the adopted programs for public works and services, community services and library services.

Council Lands

Initiate and adopt plans of management for public land to ensure the proper management, development and conservation of resources for the purpose of promoting welfare of the community and a better environment.

Asset Maintenance

Approve works relating to the maintenance, repair and replacement of Council's physical assets including the buildings, plant and parks.

Trees

Approve the planting, conservation, rehabilitation, maintenance, lopping or removal of trees and other vegetation. Deal with approvals, refusals and review of decisions in respect of the administration of the Tree Preservation Order.

Waste Collection

Approve policies and programs for the collection and disposal of waste and the promotion of recycling.

Library and Information

Monitor the performance of Council's library and information services and adopt policies for the upgrading and development of those services.

Community Development

Monitor and review the use and effectiveness of programs and services provided by Council and other bodies for information, leisure, recreation and community support, as well as welfare, social, cultural and intellectual development. Approve appropriate policies, plans and procedures.

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Code of Conduct Council Policy

Scope

This Code of Conduct is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code.

For the purposes of section 440 of the Act, the Code of Conduct comprises all Parts of this document, related procedures and guidelines. In essence, Council's Code of Conduct is the Model Code of Conduct issued by the Department of Local Government with some additional features.

The Code is made in four Parts: Context, Standards of Conduct and Procedures. The fourth part is the City of Ryde Charter of Respect.

- Part 1: Context, establishes the purpose and principles that are used to interpret the standards in the Code. This Part does not constitute separate enforceable standards of conduct.
- Part 2: Standards of Conduct, set out the conduct obligations required of council officials. These are the enforceable standards of conduct.
- Part 3: Procedures, contains the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer. This Part should be used to guide the management of complaints about breaches of the Code.
- Part 4: Charter of Respect, exists to strengthen the working relationship between Councillors and Council's Senior Management Team. These are the enforceable standards of conduct.

Purpose

The Code of Conduct sets the minimum requirements of conduct for council officials in carrying out their functions. The Code is prescribed by regulation.

The Code of Conduct assists council officials to:

- understand the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in the integrity of local government.

Guidelines / Procedures

Councillors have two distinct roles under the *Local Government Act 1993*: as a member of the governing body of the council; and as an elected person. Councillors, as members of the governing body, should work as part of a team to make decisions and policies that guide the activities of the council. The role as an elected person requires councillors to represent the interests of the community and provide leadership. The Code sets the standard of conduct that is expected when council officials exercise these roles.

Councillors, administrators, members of staff of council, independent conduct reviewers, members of council committees including the conduct review committee and delegates of the council must comply with the applicable provisions of council's code of conduct in carrying

out their functions as council officials. It is the personal responsibility of council officials to comply with the standards in the code and regularly review their personal circumstances with this in mind. Council contractors and volunteers will also be required to observe the relevant provisions of council's code of conduct.

Failure by a councillor to comply with Part 2, the standards of conduct, and/or Part 4, the Charter of Respect, of council's code of conduct constitutes misbehaviour. The *Local Government Act 1993* provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to *Reporting Breaches* in the Guidelines and *Complaint Handling Procedures and Sanctions*.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

References - Legislation

This Code of Conduct is made for the purposes of section 440 of the *Local Government Act 1993* ("the Act"). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code.

Review Process and Endorsement

Council must, within 12 months after each ordinary election, review its adopted code and make such adjustments as it considers appropriate.

Attachments

Title

- Part 1 - Definitions – Code of Conduct
Guideline – Key Principles
Guideline – Guide to Ethical Decision Making
- Part 2 - Standards of Conduct - Procedure
General Conduct Obligations
Conflicts of Interest
Personal Benefit
Relationship between Council Officials
Access to Information and Council Resources
Reporting Breaches
- Part 3 - Complaint Handling - Procedure
Complaint Handling Procedures and Sanctions
Complaint Assessment Criteria
Conduct Review Committee/Reviewer Operating Guidelines
- Part 4 - Charter of Respect

Code of Conduct		
Owner: Governance Unit	Accountability: Governance Framework	Policy Number: CSG002
Trim Reference: D10/63795	Review date: Annual	Endorsed: 28/9/10 - COUNCIL



Definitions – Code of Conduct

In the Code of Conduct the following definitions apply:

the Act	the Local Government Act 1993
act of disorder	see the definition in clause 256 of the <i>Local Government (General) Regulation 2005</i>
conduct review committee	a committee of three or more persons independent of council who are selected from those appointed by council to review allegations of breaches of the code of conduct by councillors or the general manager in accordance with the procedures set out in the Complaint Handling procedures.
conduct reviewer	a person independent of council who is solely selected from those appointed by council to review allegations of breaches of the code of conduct by councillors or the general manager in accordance with the procedures set out in the Complaint Handling procedures.
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
council official	includes councillors, members of staff of council, administrators appointed under section 256 of the Act, members of council committees, conduct reviewers and delegates of council
delegate of council	a person or body, and the individual members of that body, to whom a function of council is delegated
designated person	see the definition in section 441 of the Act
misbehaviour	see the definition in section 440F of the Act
personal information	information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion
person independent of council	a person who is not an employee of the council, has no current or ongoing contractual relationship with council in the nature of a contract for services, retainer or contract for the provision of goods of any kind, or is not an employee of any entity with such a contractual relationship.

The term “you” used in the Code of Conduct refers to council officials.

Definitions – Code of Conduct		
Owner: Governance Unit	Accountability: Governance Framework	Relates to Policy Number: CSG 002
Trim Reference: D10/63794	Review date: Annual	Page 3



Key Principles – Code of Conduct - Guideline

Related Policy

This Guideline relates to the Code of Conduct.

The Code of Conduct is based on a number of key principles. It sets out standards of conduct that meets these principles and statutory provisions applicable to local government activities. The principles underpin and guide these standards and may be used as an aid in interpreting the substantive provisions of the Code, but do not themselves constitute separate enforceable standards of conduct.

Principles

INTEGRITY

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

LEADERSHIP

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council. *This means promoting public duty to others in the council and outside, by your own ethical behaviour.*

SELFLESSNESS

You have a duty to make decisions in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. *This means making decisions because they benefit the public, not because they benefit the decision maker.*

IMPARTIALITY

You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. *This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.*

ACCOUNTABILITY

You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. *This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.*

OPENNESS

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. *This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.*

HONESTY

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. *This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.*

RESPECT

You must treat others with respect at all times. *This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.*

Key Principles – Code of Conduct - Guideline		
Owner: Governance Unit	Accountability: Governance Framework	Relates to Policy Number: CSG 002
Trim Reference: D10/63794	Review date: Annual	



Ethical Decision Making – Code of Conduct - Guideline

Related Policy

This Guideline relates to the Code of Conduct.

If you are unsure about the ethical issues around an action or decision you are about to take, you should consider these five points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with council's policy and with council's objectives and the code of conduct?
- What will the outcome be for the employee or councillor, work colleagues, the council, persons with whom you are associated and any other parties?
- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

Conflict of interests

If you are unsure as to whether or not you have a conflict of interests in relation to a matter, you should consider these six points:

- Do you have a personal interest in a matter you are officially involved with?
- Is it likely you could be influenced by a personal interest in carrying out your public duty?
- Would a reasonable person believe you could be so influenced?
- What would be the public perception of whether or not you have a conflict of interests?
- Do your personal interests conflict with your official role?
- What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?

Political donations and conflict of interests

Councillors should take all reasonable steps to identify circumstances where political contributions may give rise to a reasonable perception of influence in relation to their vote or support.

Seeking advice

Remember – you have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or trusted senior officer, your union representatives, the Division of Local Government, the Ombudsman's Office and the Independent Commission Against Corruption.

Ethical Decision Making – Code of Conduct Guideline		
Owner: Governance Unit	Accountability: Governance Framework	Relates to Policy Number: CSG 002
Trim Reference: D10/63794	Review date: Annual	



Standards of Conduct – Code of Conduct - Procedure

Related Policy

These Standards of Conduct relate to the Code of Conduct. These are the enforceable standards of conduct.

Failure by a councillor to comply with these standards of conduct, of council's code of conduct constitutes misbehaviour and may constitute a substantial breach for the purposes of section 9 of the ICAC Act 1988. The Local Government Act 1993 provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Reporting Breaches and Complaint Handling Procedures and Sanctions in these Standards and the related procedures..

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

Standards of Conduct

1. General Conduct Obligations

General conduct

- 1.1. You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council or holders of civic office into disrepute. Specifically, you must not act in a way that:
 - a) contravenes the Act, associated regulations, council's relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a council
 - c) is improper or unethical
 - d) is an abuse of power or otherwise amounts to misconduct
 - e) causes, comprises or involves intimidation, harassment or verbal abuse
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A*)
- 1.2. You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*)
- 1.3. You must treat others with respect at all times.
- 1.4. Where you are a councillor and have been found in breach of the code of conduct, you must comply with any council resolution requiring you to take action as a result of that breach.

Fairness and equity

- 1.5. You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

- 1.6. You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

Harassment and discrimination

- 1.7. You must not harass, **bully**, discriminate against, or support others who harass, **bully** ~~or~~ and discriminate against colleagues or members of the public. This includes, but is not limited to harassment, **bullying** ~~or~~ and discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender grounds or if a person has an infectious disease.

Any person who causes, instructs, induces, aids or knowingly permits another person to engage in bullying, harassment or discrimination in the workplace shall be deemed to have committed the act and shall also be treated accordingly. (Reference: Council's Anti Discrimination, Bullying and Harassment Policy)

Development decisions

- 1.8. You must ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 1.9. In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.

Lobbying

- 1.10. If you are being lobbied about the making of a decision you should **(Reference: Ethical Lobbying Policy)**:
- (a) observe the provisions of the relevant Council policies;
 - (b) be alert to the motives and interests of those who seek to lobby;
 - (c) be aware of which person, organisation or company a lobbyist is representing;
 - (d) avoid saying or doing anything which could be viewed as granting a lobbyist preferential treatment;
 - (e) be alert that Lobbyists may attempt to encourage decision makers to consider matters which are irrelevant to the merits of the decision under consideration;
 - (f) keep records of all meetings with Lobbyists, and if possible have another person attend the meetings or take notes;
 - (g) only hold meetings with Lobbyists in appropriate locations, such as the Council offices.

Drugs and Alcohol

- 1.11 The City of Ryde recognises that the use of alcohol and other drugs in the workplace may impact on the effectiveness of Council Officials in the performance of their duties to the health, safety and welfare of themselves and others.**

The City of Ryde will not tolerate unsafe and unacceptable behaviour resulting from alcohol or other drug misuse. Council officials should declare any consumption of alcohol, drugs or medications which may impair their ability to safely perform their duties. (Reference: Council's Alcohol and Other Drugs policy)

Health, wellbeing and safety

- 1.12 The City of Ryde is committed to providing a workplace that is safe and without risk to health or the welfare of all employees, contractors and members of the public in our workplaces, and the effective rehabilitation of injured employees.**

Council officials should take accountability and responsibility for the health, safety and welfare of other Council officials. (Reference: Council's OHS Policy Statement)

1.13 On 21 September 2010, City of Ryde adopted the following Statement for Gender Equity:

"We will work towards increasing the representation of women in local government, both as elected members and senior managers and professionals.

We will undertake ongoing reviews of policies and practices to remove barriers to women's participation and to engender safe, supportive working and decision-making environments that encourage and value a wide range of views"

2. Conflicts of Interest

- 2.1. A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 2.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 2.3. Any conflict of interests must be managed to uphold the probity of council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 2.4. Private interests can be of two types: pecuniary or non-pecuniary.

What is a pecuniary interest?

- 2.5. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (section 442)
- 2.6. A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (section 443)
- 2.7. Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
 - a) councillors and designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (section 449)
 - b) councillors and members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter (section 451)
 - c) designated persons immediately declare, in writing, any pecuniary interest. (section 459)
- 2.8. Designated persons are defined at section 441 of the Act, and include, but are not limited to, the general manager and other senior staff of the council.

- 2.9. Where you are a member of staff of council, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the general manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

What is a non-pecuniary conflict of interests?

- 2.10. Non-pecuniary interests are private or personal interests the council official has that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.
- 2.11. The matter of a report to council from the conduct review committee/reviewer relates to the public duty of a councillor or the general manager. Therefore, there is no requirement for councillors or the general manager to disclose a conflict of interests in such a matter.
- 2.12. The political views of a councillor do not constitute a private interest.

Managing non-pecuniary conflict of interests

- 2.13. Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 2.14. If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 13.
- 2.15. How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 2.16. As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
- a) a relationship between a council official and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse, current or former spouse or partner, de facto or other person living in the same household
 - b) other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - c) an affiliation between the council official and an organisation, sporting body, club, corporation or association that is particularly strong.
- 2.17. If you are a council official, other than a member of staff of council, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another council official
 - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply

- 2.18. If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 2.19. If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.
- 2.20. Despite clause 17(b), a councillor who has disclosed that a significant non-pecuniary conflict of interests exists may participate in a decision to delegate council's decision-making role to council staff, or appoint another person or body to make the decision in accordance with the law. This applies whether or not council would be deprived of a quorum if one or more councillors were to manage their conflict of interests by not voting on a matter in accordance with clause 17(b) above.

Political donations exceeding \$1,000

- 2.21. Councillors should note that matters before council involving political or campaign donors may give rise to a non-pecuniary conflict of interests.
- 2.22. Councillors should take all reasonable steps to ascertain the source of any political contributions that directly benefit their election campaigns. For example, councillors should have reasonable knowledge of contributions received by them or their "official agent" (within the meaning of the *Election Funding Act 1981*) that directly benefit their election campaign.
- 2.23. Where a councillor or the councillor's "official agent" has received "political contributions" or "political donations", as the case may be, within the meaning of the *Election Funding Act 1981* exceeding \$1,000 which directly benefit their campaign:
- a) from a political or campaign donor or related entity in the previous four years; and
 - b) where the political or campaign donor or related entity has a matter before council,
- then the councillor must declare a non-pecuniary conflict of interests, disclose the nature of the interest, and manage the conflict of interests in accordance with clause 17(b).
- 2.24. Councillors should note that political contributions below \$1,000, or political contributions to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interests. Councillors should determine whether or not such conflicts are significant and take the appropriate action to manage them.
- 2.25. If a councillor has received a donation of the kind referred to in clause.23, that councillor is not prevented from participating in a decision to delegate council's decision-making role to council staff or appointing another person or body to make the decision in accordance with the law (see clause 20 above).

Other business or employment

- 2.26. If you are a member of staff of council considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the general manager in writing. (section 353) (**Reference: Council's Secondary Employment Disclosure Form for staff**)
- 2.27. As a member of staff, you must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties

- b) involve using confidential information or council resources obtained through your work with the council
- c) require you to work while on council duty
- d) discredit or disadvantage the council.

Personal dealings with council

2.28. You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

Political support and community participation

2.29. Staff must ensure that any participation in party political activities does not conflict with their primary duty as an employee to serve the Council in a politically neutral manner.

2.30. If employees become aware that a conflict of interest has arisen or might arise due to their participation in party political activities they should inform their Group Manager or the General Manager immediately and take adequate steps to manage that conflict in accordance with the Code.

Sponsorship

2.31. Any sponsorship arrangements made must not limit Council's ability to carry out its functions fully and impartially.

2.32. All sponsorship arrangements must be made in accordance with Council's Sponsorship Policy.

Council officials and future employment

2.33. Councillors and employees should not use their position to obtain opportunities for future employment.

2.34. You must not allow yourself or your work to be influenced by plans for, or offers of, employment outside Council.

Former Council Officials

2.35. You must be careful in your dealings with former Council officials and make sure that you do not give them, or appear to give them, favourable treatment or access to information.

2.36. Former Council officials must not use, or take advantage of confidential information obtained in the course of the official duties that may lead to gain or profit. At the end of your involvement with Council you must return all Council property, documents or items and not make public or otherwise use any confidential information gained as a consequence of your involvement with Council

3. Personal Benefit

For the purposes of this section, a reference to a gift or benefit does not include a political donation or contribution to an election fund that is subject to the provisions of the relevant election funding legislation. (**Reference: Council's Gifts and Benefits Policy**)

Token gifts and benefits

3.1. Generally speaking, token gifts and benefits include:

- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business

- ii) council work related events such as training, education sessions, workshops
 - iii) conferences
 - iv) council functions or events
 - v) social functions organised by groups, such as council committees and community organisations.
- b) invitations to and attendance at local social, cultural or sporting events
 - c) gifts of single bottles of reasonably priced alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
 - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers.

Gifts and benefits of value

- 3.2. Notwithstanding clause 1, gifts and benefits that have more than a token value include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

Gifts and benefits

- 3.3. You must not:

- a) seek or accept a bribe or other improper inducement
- b) seek gifts or benefits of any kind
- c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
- d) accept any gift or benefit of more than token value
- e) accept an offer of money, regardless of the amount.

- 3.4. Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, the Mayor or the general manager. The recipient, supervisor, Mayor or general manager must ensure that any gifts or benefits of more than token value that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical. This must be done in accordance with Council's Gifts and Benefits Policy.

- 3.5. You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the council.

- 3.6. You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

Improper and undue influence

- 3.7. You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the appropriate exercise of their representative functions.

- 3.8. You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for council in order to obtain a private benefit for yourself or for any other person or body.

Relationship Between Council Officials

Obligations of councillors and administrators

- 4.1. Each council is a body corporate. The councillors or administrator/s are the governing body of the council. The governing body has the responsibility of directing and controlling the affairs of the council in accordance with the Act and is responsible for policy determinations, for example, those relating to industrial relations policy.
- 4.2. Councillors or administrators must not:
- a) direct council staff other than by giving appropriate direction to the general manager in the performance of council's functions by way of council or committee resolution, or by the Mayor or administrator exercising their power under section 226 of the Act (*section 352*)
 - b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the member or delegate (*Schedule 6A of the Act*)
 - c) contact a member of the staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager.
 - d) contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers, unless by the Mayor or administrator exercising their power under section 226 of the Act. This does not apply to council's external auditors who, in the course of their work, may be provided with information by individual councillors.

Councillors or administrators:

- a) can expect all staff to be courteous to councillors at all times.***
- b) may mix in the same social circles, or have associations through sporting, business or family interests with staff. General social interaction and conversation in these situations is acceptable.***
- c) can contact the General Manager regarding Council matters, Group Managers regarding Council matters specific to their area of business or the dedicated Councillor HelpDesk for any issue or request.***

Obligations of staff

- 4.3. The general manager is responsible for the efficient and effective operation of the council's organisation and for ensuring the implementation of the decisions of the council without delay.
- 4.4. Members of staff of council must:
- a) give their attention to the business of council while on duty
 - b) ensure that their work is carried out efficiently, economically and effectively
 - c) carry out lawful directions given by any person having authority to give such directions
 - d) give effect to the lawful decisions, policies, and procedures of the council, whether or not the staff member agrees with or approves of them.

Obligations during meetings

- 4.5. You must act in accordance with council's Code of Meeting Practice, if council has adopted one, and the *Local Government (General) Regulation 2005* during council and committee meetings.
- 4.6. You must show respect to the chair, other council officials and any members of the public present during council and committee meetings or other formal proceedings of the council.

Inappropriate interactions

- 4.7. You must not engage in any of the following inappropriate interactions:

- a) Councillors and administrators approaching staff and staff organisations to discuss individual staff matters and not broader industrial policy issues.
- b) Council staff approaching councillors and administrators to discuss individual staff matters and not broader industrial policy issues.
- c) Council staff refusing to give information that is available to other councillors to a particular councillor.
- d) Councillors and administrators who have lodged a development application with council, discussing the matter with council staff in staff-only areas of the council.
- e) Councillors and administrators being overbearing or threatening to council staff.
- f) Councillors and administrators making personal attacks on council staff in a public forum.
- g) Councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make.
- h) Council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- i) Council staff meeting with developers alone AND outside office hours to discuss development applications or proposals.
- j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by council associated with current or proposed legal proceedings unless permitted to do so by council's general manager or, in the case of the Mayor or administrator, exercising their power under section 226 of the Act.

- 4.8. It is appropriate that staff and staff organisations have discussions with councillors in relation to matters of industrial policy.

Public Comment

- 4.9. The Mayor or General Manager will generally be the spokesperson on Council business or matters before the Council. Only staff with specific delegations are authorised to make public comment about Council business or matters before Council. Any comment is to be made in accordance with Council's associated Policies, ~~including Media Policy when adopted.~~ **(Reference: Council's Media Policy)**

5. Access to Information and Council Resources*Councillor and administrator access to information*

- 5.1. The general manager, public officer and ~~Right to Information~~ **Access** Officer are responsible for ensuring that members of the public, councillors and administrators can gain access to the documents available under the Government Information (Public Access) Act and Regulation.

- 5.2. The general manager must provide councillors and administrators with information sufficient to enable them to carry out their civic office functions.
- 5.3. Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to carry out their civic office functions and in accordance with council procedures.
- 5.4. Members of staff of council who provide any information to a particular councillor in the performance of their civic duties must also make it available to any other councillor who requests it and in accordance with council procedures.
- 5.5. Councillors and administrators who have a private (as distinct from civic) interest in a document of council have the same rights of access as any member of the public.

Councillors and administrators to properly examine and consider information

- 5.6. Councillors and administrators must properly examine and consider all the information provided to them relating to matters that they are dealing with to enable them to make a decision on the matter in accordance with council's charter.

Refusal of access to documents

- 5.7. Where the general manager and public officer determine to refuse access to a document sought by a councillor or administrator they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their civic duty. The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

- 5.8. In regard to information obtained in your capacity as a council official, you must:
 - a) only access council information needed for council business
 - b) not use that council information for private purposes
 - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with council
 - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 5.9. You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.
- 5.10 In addition to your general obligations relating to the use of council information, you must:
 - a) protect confidential information
 - b) only release confidential information if you have authority to do so
 - c) only use confidential information for the purpose it is intended to be used
 - d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - e) not use confidential information with the intention to cause harm or detriment to your council or any other person or body
 - f) not disclose any information discussed during a confidential session of a council meeting.

Personal information

- 5.11. When dealing with personal information you must comply with:
 - a) the Privacy and Personal Information Protection Act 1998,
 - b) the Health Records and Information Privacy Act 2002,
 - c) the Information Protection Principles and Health Privacy Principles,

- d) council's privacy management plan,
- e) the Privacy Code of Practice for Local Government
- f) Government Information (Public Access) Act and Regulation

Use of council resources

- 5.12. You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate. **(Reference: Council's Use of Assets and Facilities Policy and the Mobile Telephone Use Policy for staff)**
- 5.13. Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
 - b) the representation of employees with respect to grievances and disputes
 - c) functions associated with the role of the local consultative committee.
- 5.14. You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 5.15. You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 5.16. The interests of a councillor in their re-election is considered to be a private interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. You must not use council letterhead, council crests and other information that could give the appearance it is official council material for these purposes.
- 5.17. You must not convert any property of the council to your own use unless properly authorised.
- 5.18. You must not use council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature.

Councillor access to council buildings

- 5.19. Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 5.20. Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.
- 5.21. Councillors and administrators must ensure that when they are within a staff area they avoid giving rise to the appearance that they may improperly influence council staff decisions.

6. Reporting Breaches

- 6.1. Any person, whether or not a council official, may make a complaint alleging a breach of the code of conduct.

- 6.2. For the purposes of Chapter 14, Part 1, Division 3 of the Act, failure by a councillor to comply with an applicable requirement of this code of conduct constitutes misbehaviour. (section 440F)

Protected disclosures

- 6.3. The ~~Protected~~ **Public Interest Disclosures Act 1994** aims to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration and serious and substantial waste in the public sector. (**Reference: Public Interest Disclosures – Internal Reporting Policy**)
- 6.4. The purpose of that Act is to ensure that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that matters raised in the disclosures are properly investigated.¹
- 6.5. If a complaint under this code is or could be a protected disclosure, you must ensure that in dealing with the complaint, you comply with the confidentiality provisions of the ~~Protected~~ **Public Interest Disclosures Act** set out in section 22:

'An investigating authority or public authority (or officer of an investigating authority or public authority) or public official to whom a protected disclosure is made or referred is not to disclose information that might identify or tend to identify a person who has made the protected disclosure unless:

- (a) the person consents in writing to the disclosure of that information, or*
- (b) it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to a person whom the information provided by the disclosure may concern, or*
- (c) the investigating authority, public authority, officer or public official is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively or it is otherwise in the public interest to do so.'*

Reporting breaches of the code of conduct

- 6.6. You should report suspected breaches of the code of conduct by councillors, members of staff of council (excluding the general manager) or delegates to the general manager in writing.
- 6.7. Where you believe that the general manager has breached the code of conduct, you should report the matter to the Mayor in writing.
- 6.8. Where you believe that an administrator has breached the code of conduct, you should report the matter to the Minister for Local Government in writing.
- 6.9. Councillors should not make allegations of suspected breaches of the code at council meetings or in other public forums.

References

~~Council's Media Policy~~

~~Council's Gifts and Benefits Policy~~

¹ Protected Disclosures Guidelines, 5th Edition, NSW Ombudsman, May 2004, Annexure 2.

~~Ethical Lobbying Policy~~

~~Protected Disclosures Internal Reporting Policy~~

~~Council's Sponsorship Policy~~

- ***Council's Sponsorship Policy***
- ***Council's Gifts and Benefits Policy***
- ***Ethical Lobbying Policy***
- ***Public Interest Disclosures Internal Reporting Policy***
- ***Local Government Act 1993***
- ***ICAC Act 1988***
- ***Council's EEO Management Plan***
- ***Election Funding Act 1981***
- ***Local Government (General) Regulation 2005***
- ***Government Information (Public Access) Act 2009 and Regulation 2009***
- ***Privacy and Personal Information Protection Act 1998***
- ***Health Records and Information Privacy Act 2002***
- ***Privacy Code of Practice for Local Government***
- ***Public Interest Disclosures Act 1994 (and Council's Internal Reporting Policy)***
- ***Council's Alcohol and Other Drugs policy***

Standards of Conduct – Code of Conduct - Procedure		
Owner: Governance Unit	Accountability: Governance Framework	Relates to Policy Number: CSG 002
Trim Reference: D10/63794	Review date: Annual	



Complaint Handling Procedure – Code of Conduct

Related Policy

These procedures relate to the Code of Conduct. They contain the complaint handling procedures, complaint assessment criteria and the operating guidelines for the conduct review committee/reviewer.

These procedures should be used to guide the management of complaints about breaches of the Code.

Complaint Handling Procedures and Sanctions

1. Complaints about the conduct of councillors, members of staff of council, members of council committees and delegates of council should be addressed in writing to the general manager.
2. Complaints about the conduct of the general manager should be addressed in writing to the Mayor.

Complaint handling procedures – staff, delegate and council committee member conduct (excluding the general manager)

3. The general manager is responsible for making enquiries, or causing enquiries to be made, into complaints alleging breach of the code of conduct regarding members of staff of council, delegates of council and/or members of council committees (other than councillors), and will determine such matters.
4. Where the general manager has determined not to enquire into the matter, the general manager will give the complainant the reason/s in writing as provided in clause 1 of the Complaint Assessment Criteria of this Procedure, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith.
5. Enquiries made into staff conduct that might give rise to disciplinary action must occur in accordance with the relevant industrial instrument and make provision for procedural fairness including the right of an employee to be represented by their union.
6. Sanctions for staff depend on the severity, scale and importance of the breach and must be determined in accordance with any relevant industrial instruments or contracts.
7. Sanctions for delegates and/or members of council committees depend on the severity, scale and importance of the breach and may include:
 - a) censure
 - b) requiring the person to apologise to any person adversely affected by the breach
 - c) counselling
 - d) prosecution for any breach of the law
 - e) removing or restricting the person's delegation
 - f) removing the person from membership of the relevant council committee
 - g) revising any of council's policies, procedures and/or the code of conduct.

Complaint handling procedures – councillor conduct

8. The general manager is responsible for assessing complaints, made under the Reporting Breaches section of the Standards of Conduct, alleging breaches of the code of conduct by councillors, in accordance with the Complaint Assessment Criteria of this Procedure, in order to determine whether to refer the matter to the conduct review committee/reviewer.
9. The general manager must determine either to:
 - a) take no further action and give the complainant the reason/s in writing as provided in the Complaint Assessment Criteria of this Procedure, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
 - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
 - c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
 - d) refer the matter to the conduct review committee/reviewer.

Complaint handling procedures – general manager conduct

10. The Mayor is responsible for assessing complaints, made under the Reporting Breaches section of the Standards of Conduct, alleging breaches of the code of conduct by the general manager, in accordance with the assessment criteria provided in the Complaint Assessment Criteria of this Procedure, in order to determine whether to refer the matter to the conduct review committee/reviewer.
11. The Mayor must determine either to:
 - a) take no further action and give the complainant the reason/s in writing as provided in the Complaint Assessment Criteria of this Procedure, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
 - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
 - c) discontinue the assessment in the circumstances where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing, or
 - d) refer the matter to the conduct review committee/reviewer.

Conduct review committee/reviewer

12. Council must resolve to appoint persons independent of council to comprise the members of a conduct review committee and/or to act as sole conduct reviewers.
13. The members of the conduct review committee and/or the persons acting as sole conduct reviewers should be appropriately qualified persons of high standing in the community. These persons do not need to be residents of the local government area of the council that has appointed them.
14. The conduct review committee, members of such committee and sole conduct reviewers may act in that role for more than one council.

15. The general manager, or in the case of complaints about the general manager, the Mayor, will undertake the following functions in relation to the conduct review committee/reviewer:
 - provide procedural advice when requested
 - ensure adequate resources are provided, including providing secretariat support
 - attend meetings of the conduct review committee if so requested by the committee, and then in an advisory capacity only
 - provide advice about council processes if requested to do so but not so as to take part in the decision making process
 - if attending the conduct review committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.
16. Where a matter is to be considered by the conduct review committee/reviewer, then in each case, the general manager, or Mayor in the case of complaints about the general manager, acting in their capacity as advisor, will either convene a conduct review committee and select its members from those appointed by council or alternatively select a sole conduct reviewer from those appointed by council.
17. The conduct review committee/reviewer will operate in accordance with the operating guidelines set out in the Conduct Review Committee/Reviewer Operative Guidelines of this procedure.
18. The conduct review committee/reviewer operating guidelines are the minimum requirements for the operation of conduct review committees/reviewers. Council may supplement the guidelines, but any additional provisions should not be inconsistent with the guidelines.
19. The conduct review committee/reviewer is responsible for making enquiries into complaints made under the Reporting Breaches section of the Standards of Conduct alleging breaches of the code of conduct by councillors and/or the general manager and must determine either to:
 - a) not make enquiries into the complaint and give the complainant the reason/s in writing as provided the Complaint Assessment Criteria of this Procedure, and those reasons may include, but are not limited to, the fact that the complaint is trivial, frivolous, vexatious or not made in good faith, or
 - b) resolve the complaint by use of alternative and appropriate strategies such as, but not limited to, mediation, making recommendations to the general manager, informal discussion or negotiation and give the complainant advice on the resolution of the matter in writing, or
 - c) make enquiries into the complaint, or
 - d) engage another appropriately qualified person to make enquiries into the complaint, or
 - e) not make enquiries or discontinue making enquiries where it becomes evident that the matter should be referred to another body or person, and refer the matter to that body or person as well as advising the complainant in writing. Despite any other provision of this code, this will constitute finalisation of such matters and no further action is required.
20. Where the conduct review committee/reviewer conducts enquiries or causes enquiries to be conducted, the conduct review committee/reviewer must make findings on whether, in its view, the conduct referred to it comprises a breach of the code of conduct.

21. Where the conduct review committee/reviewer makes findings, the conduct review committee/reviewer may recommend that council take any actions provided for in this code of conduct that it considers reasonable in the circumstances.
22. Where the conduct review committee/reviewer makes findings, the conduct review committee/reviewer will report its findings, and the reasons for those findings, in writing to the council, the complainant and the person subject of the complaint.
23. The conduct review committee/reviewer will report its findings and any recommendations to council only when it has completed its deliberations.

Sanctions

24. Before a council can impose a sanction it must make a determination that a councillor or the general manager has breached the code of conduct.
25. Where the council finds that a councillor or general manager has breached the code, it may decide by resolution to:
 - a) censure the councillor for misbehaviour in accordance with section 440G of the Act
 - b) require the councillor or general manager to apologise to any person adversely affected by the breach
 - c) counsel the councillor or general manager
 - d) make public findings of inappropriate conduct
 - e) prosecute for any breach of law.

Councillor misbehaviour

26. Under section 440G a council may by resolution at a meeting formally censure a councillor for misbehaviour.
27. Under section 440H, the process for the suspension of a councillor from civic office can be initiated by a request made by council to the Director General of the Department of Local Government.
28. The first ground on which a councillor may be suspended from civic office is where the councillor's behaviour has been disruptive over a period, involving more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the councillor's suspension.
29. Council cannot request suspension on this ground unless during the period concerned the councillor has been:
 - formally censured for incidents of misbehaviour on two or more occasions, or
 - expelled from a meeting of the council or a committee of the council for an incident of misbehaviour on at least one occasion.
30. The second ground on which a councillor may be suspended from civic office is where the councillor's behaviour has involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the councillor's suspension.
31. Council cannot request suspension on this ground unless the councillor has been:
 - formally censured for the incident of misbehaviour concerned, or
 - expelled from a meeting of the council or a committee of the council for the incident of misbehaviour concerned.

32. Under section 440H, the process for the suspension of a councillor can also be initiated by the Department of Local Government, the Independent Commission Against Corruption or the NSW Ombudsman.

Reporting on complaints

33. The general manager must report annually to council on code of conduct complaints. This report should include, as a minimum, a summary of the:
- a) number of complaints received,
 - b) nature of the issues raised by complainants, and
 - c) outcomes of complaints.

Complaint Assessment Criteria

1. The general manager or Mayor, in the case of a complaint about the general manager, will assess a complaint alleging a breach of the code of conduct to determine if the matter should be referred to the conduct review committee/reviewer. In assessing the complaint, the general manager and Mayor will have regard to the following grounds:
 - a) whether there is any prima facie evidence of a breach of the code of conduct
 - b) whether the subject matter of the complaint relates to conduct that is associated with the carrying out of the functions of civic office or duties as general manager
 - c) whether the complaint is trivial, frivolous, vexatious or not made in good faith
 - d) whether the conduct the subject of the complaint could reasonably constitute a breach of the code of conduct
 - e) whether the complaint raises issues that require investigation by another person or body, such as referring the matter to the Department of Local Government, the NSW Ombudsman, the Independent Commission Against Corruption or the NSW Police
 - f) whether there is an alternative and satisfactory means of redress
 - g) how much time has elapsed since the events the subject of the complaint took place
 - h) how serious the complaint is and the significance it has for council
 - i) whether the complaint is one of a series indicating a pattern of conduct.
2. Complaints that are assessed as not having sufficient grounds to warrant referral to the conduct review committee/reviewer or that are to be referred to a more appropriate person or body can be finalised by the general manager or the Mayor, in the case of complaints about the general manager.
3. If a matter is referred to the conduct review committee/reviewer, then the conduct review committee/reviewer should use the above criteria in clause 1 for its initial assessment of the complaint and determination of the course to follow in dealing with the complaint.

Conduct Review Committee/Reviewer Operating Guidelines

1. *Jurisdiction of the conduct review committee/reviewer*

The complaint handling function of the conduct review committee/reviewer is limited to consideration of, making enquiries into and reporting on complaints made under the Reporting Breaches section of the Standards of Conduct, about councillors and/or the general manager.

Complaints regarding pecuniary interest matters should be reported to the Director General of the Department of Local Government and will not be dealt with by the conduct review committee/reviewer.

Sole reviewers and members of the conduct review committee are subject to the provisions of this code of conduct.

2. *Role of the general manager and Mayor*

The general manager, or in the case of complaints about the general manager, the Mayor, will undertake the following functions in relation to the conduct review committee/reviewer:

- provide procedural advice when requested
- ensure adequate resources are provided, including providing secretariat support
- attend meetings of the conduct review committee if so requested by the committee, and then in an advisory capacity only
- provide advice about council processes if requested to do so but not so as to take part in the decision making process
- if attending the conduct review committee meeting to provide advice, must not be present at, or in sight of, the meeting when a decision is taken.

Where the general manager, or in the case of complaints about the general manager, the Mayor, is unable to act as advisor to the conduct review committee/reviewer due to a conflict of interests in relation to a complaint, they are to nominate a senior council officer or councillor (in the case of complaints about the general manager) to perform this role.

3. *Composition of the conduct review committee*

Where council has a conduct review committee it will comprise three or more appropriately qualified persons of high standing in the community who are independent of the council, convened and selected as provided in clause 16 of the Complaint Handling Procedures and Sanctions.

In the circumstances where a member of the conduct review committee cannot participate in a matter, the general manager, or Mayor in the case of complaints about the general manager, should select another person as provided in clause 16 of the Complaint Handling Procedures and Sanctions.

The chairperson is to be elected by the members of the conduct review committee.

The general manager, or in the case of complaints about the general manager, the Mayor, will act in an advisory capacity to the committee when requested.

4, *Quorum of the conduct review committee*

A quorum for a meeting of the conduct review committee is the majority of the members of the conduct review committee.

If a quorum is not present at a meeting of the conduct review committee it must be adjourned to a time and date that is specified.

Business is not to be conducted at any meeting of the conduct review committee unless a quorum is present.

Business may be conducted by video-conference or teleconference.

5. *Voting of the conduct review committee*

Each member of the conduct review committee shall be entitled to one vote in respect of any matter. In the event of equality of votes being cast, the chairperson shall have the casting vote.

If the vote on a matter is not unanimous, then this should be noted in any report to council on its findings.

In relation to any procedural matters relating to the operation of the conduct review committee, the ruling of the chairperson shall be final.

6. *Procedures of the conduct review committee/reviewer*

The general manager or Mayor, in the case of a complaint about the general manager, will be responsible for convening the initial meeting of the conduct review committee when there is a complaint to be referred to it.

The conduct review committee/reviewer will conduct business in the absence of the public.

The conduct review committee/reviewer will keep proper records of deliberations.

The conduct review committee shall determine the procedures governing the conduct of its meetings provided such procedures are consistent with these operating guidelines.

7. *Procedural fairness*

In conducting enquiries, the conduct review committee/reviewer or the person engaged to do so should follow the rules of procedural fairness and must -

- a) provide the person the subject of the complaint with a reasonable opportunity to respond to the substance of the allegation
- b) provide the person the subject of the complaint with an opportunity to place before the conduct review committee/reviewer or person undertaking the enquiry any information the person considers relevant to the enquiry
- c) provide the person the subject of the complaint with an opportunity to address the conduct review committee/reviewer in person
- d) hear all parties to a matter and consider submissions before deciding the substance of any complaint
- e) make reasonable enquiries before making any recommendations
- f) act fairly and without prejudice or bias
- g) ensure that no person decides a case in which they have a conflict of interests
- h) conduct the enquiries without undue delay.²

Where the person the subject of the complaint declines or fails to take the opportunity provided to respond to the substance of the allegation against them, the conduct review committee/reviewer should proceed to finalise the matter.

² NSW Ombudsman, Investigating complaints, A manual for investigators, June 2004.

8. *Complaint handling procedures*

In addition to complying with these operating guidelines, the conduct review committee/reviewer will ensure it deals with all complaints in accordance with the provisions of the Complaint Handling Procedures and Sanctions.

All persons who are the subject of complaints that are referred to the conduct review committee/reviewer will receive written information about the process being undertaken to deal with the matter.

The conduct review committee/reviewer will only deal with matters that are referred to it by the general manager or the Mayor.

Where the conduct review committee/reviewer determines to make enquiries into the matter, such enquiries should be made without undue delay.

In circumstances where the person the subject of the complaint meets with the conduct review committee/reviewer, they are entitled to bring a support person or legal adviser. That person will act in an advisory and support role to the person affected. They will not speak on behalf of the subject person.

9. *Findings and recommendations of the conduct review committee/reviewer*

Where the conduct review committee/reviewer determines, in its view that the conduct referred to it comprises a breach of this code of conduct it may, in its report to the council, make recommendations, that the council take any of the following actions:

- a) censure the councillor for misbehaviour
- b) require the councillor or general manager to apologise to any person adversely affected by the breach
- c) counsel the councillor or general manager
- d) make public findings of inappropriate conduct
- e) prosecute for any breach of the law
- f) revise any of council's policies, procedures and/or the code of conduct.

Before making any such recommendations, the conduct review committee/reviewer shall have regard to the following:

- a) the seriousness of the breach
- b) whether the breach can be easily remedied or rectified
- c) whether the subject has remedied or rectified their conduct
- d) whether the subject has expressed contrition
- e) whether the breach is technical or trivial only
- f) whether the breach represents repeated conduct
- g) the age, physical or mental health or special infirmity of the subject
- h) the degree of reckless intention or negligence of the subject
- i) the extent to which the breach has affected other parties or the council as a whole
- j) the harm or potential harm to the reputation of local government and of the council arising from the conduct
- k) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny
- l) whether an educative approach would be more appropriate than a punitive approach
- m) the relative costs and benefits of taking formal enforcement action as opposed to taking no action or taking informal action
- n) what action or remedy would be in the public interest

- o) where to comply with a councillor's obligations under this code of conduct would have had the effect of depriving the council of a quorum or otherwise compromise the capacity of council to exercise its functions

10. *Amendment of the operating guidelines*

The conduct review committee/reviewer guidelines may be added to and any additional requirements may be further amended or repealed by resolution of the council.

Complaint Handling Procedure - Code of Conduct - Procedure		
Owner: Governance Unit	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG 002
Trim Reference: D10/63794	Policy: Code of Conduct	



Code of Conduct – Charter of Respect

Related Policy

This Charter relates to the Code of Conduct. It exists to strengthen the working relationship between Councillors and Council's Senior Management Team. These are the enforceable standards of conduct.

Failure by a councillor to comply with these standards of conduct, of council's code of conduct constitutes misbehaviour and may constitute a substantial breach for the purposes of section 9 of the ICAC Act 1988. The Local Government Act 1993 provides for suspension of councillors from civic office for up to six months for proven misbehaviour. For further information on misbehaviour refer to Reporting Breaches and Complaint Handling Procedures and Sanctions in these Standards and the related procedures.

Failure by a member of staff to comply with council's code of conduct may give rise to disciplinary action.

As a **Councillor** of the City of Ryde, I will:-

Read reports and maintain confidentiality (as required) when making decisions

Evaluate and constructively challenge our performance

Strategically set the City's future direction and set clear priorities

Professionally deal with staff and create a non threatening culture by;

1. Debating the issue without denigrating staff (play the ball not the person)
2. Respecting that staff are bound by Council's policies and procedures
3. Telling us what is required not how to do it

Expect responses within realistic timeframes and utilise the helpdesk for my requests

Commit to representing the aspirations and needs of our Community whilst acting with dignity

Trust the staff to give their best apolitical advice but feel free to change it.

As a member of the **Executive Team** of the City of Ryde I will be:-

Receptive and responsive to Community concerns and Council's decisions

Ethical and apolitical in carrying out my duties

Supportive of Councillor requests and requirements

Professional in managing and optimising Council's resources and knowledge

Equal in my interactions with and treatment of all Councillors

Communicating in a frank, honest, clear and consistent way with Councillors and represent their views clearly to staff

Timely in all of our communications, responses and actions (within our recourse limitations)

NOTE

Receptive – includes using a range of market research and consultative methodologies, analysing the results and being guided by them

Ethical – includes honest and without prejudice or political bias, fair/impartial/independent

Professional – includes being efficient, effective, accurate, keeping our expertise up to date, being financially and commercially sound and focussed on reporting against and improving our performance across our key performance indicators.

Charter of Respect - Code of Conduct		
Owner: Governance Unit	Accountability: Governance framework (including registers) development	Relates to Policy Number: CSG 002
Trim Reference: D10/63794	Policy: Code of Conduct	



Public Interest Disclosures Internal Reporting - Council Policy

Purpose

The purpose of this policy is to support and protect staff making public interest disclosures. This policy also sets out the process for handling reports that are classified as protected disclosures under the Public Interest Disclosures Act.

Staff who come forward and report wrongdoing are helping to promote integrity, accountability and good management. Such behaviour is encouraged and supported by the City of Ryde and supports the City of Ryde values.

Scope

This Policy applies to Councillors, staff (permanent, full-time, part-time, temporary or casual), consultants and individual contractors working for Council. It may also apply to other people who perform public official functions such as volunteers.

Commitment

The City of Ryde is committed to encouraging and supporting the reporting of wrongdoing.

The City of Ryde is committed to protecting those who make disclosures from any adverse action motivated by their report, and keeping their identity confidential where possible.

The City of Ryde is committed to providing adequate resources to support this Policy and its implementation.

References

This Policy is one of several Council Policies relating to grievances and complaints, including the Code of Conduct.

This Policy and Procedure are supported by the NSW Ombudsman's Internal reporting policies and procedures Guideline.

Review Process and Endorsement

This Policy shall be reviewed annually to ensure that it meets the object of the legislation, and facilitates the making of disclosures under the Act.

Attachments

<i>Title</i>
Public Interest Reporting Procedures
Public Interest Reporting Workflow
Disclosures Officers – Current Listing (DATE)

Public Interest Disclosures Internal Reporting – Council Policy		
Owner: Governance	Accountability: Governance Framework	Policy Number: CSG 002 <i>Provided by Governance</i>
Trim Reference: D11/53490	Review date:	Endorsed: Date and Authority



Protected Disclosures Internal Reporting – Procedures

1. What should be reported?

You should report any wrongdoing you see within the City of Ryde. Reports about the four categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention – will be dealt with under the PID Act as protected disclosures and according to this policy.

a. Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the NSW Ombudsman's guideline on [what can be reported](#).

b. Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on [what can be reported](#).

c. Serious and substantial waste in local government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see the NSW Ombudsman's guideline on [what can be reported](#).

d. Government information contravention

A government information contravention is a failure to properly fulfil functions under the Government Information (Public Access) Act 2009 (GIPA Act).

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the NSW Ombudsman's guideline on [what can be reported](#).

e. Other wrongdoing

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with the City of Ryde's policies.

Consideration should be given to the Code of Conduct, the EEO Policy, the Anti-Bullying and Harassment Policy and the OH&S Policy and your obligations to act in accordance with these policies and report wrongdoing.

Even if these reports are not dealt with as protected disclosures, the City of Ryde will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

2. When will a report be protected?

The City of Ryde will support any staff who report wrongdoing. For a report to be considered a protected disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to one or more of the following:
 - a position nominated in this policy – see section 9 (b), (c) & (d) below
 - the general manager
 - one of the investigating authorities nominated in the PID Act – see section 10 below

Reports by staff and councillors will not be considered to be protected disclosures if they:

- mostly question the merits of government policy, including the policy of the governing body of the council.
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

3. How to make a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

Documentation relating to reports will be filed appropriately and handled in such a way as to ensure appropriate confidentiality.

4. Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the City of Ryde, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

5. Maintaining confidentiality

The City of Ryde realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the council's code of conduct, as this may mean certain information will have to be tabled at a council meeting.

If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the disclosures coordinator and the general manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

6. Who can receive a report within the City of Ryde?

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that – for a report to be a protected disclosure – it must be made to a public official in accordance with the council's disclosure procedures. For the City of Ryde, this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a protected disclosure must refer the staff member making the report to one of the positions listed below.

If you are council staff and your report involves a councillor, you should make it to the general manager or the Mayor. If you are a councillor and your report is about another councillor, you should make it to the general manager or the Mayor.

The following positions are the only staff within the City of Ryde who can receive a protected disclosure.

a. General manager

You can report wrongdoing directly to the general manager. The general manager is responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The general manager must make sure there are systems in place in the City of Ryde to support and protect staff who report wrongdoing.

They are also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The General Manager's Office can be contacted on 9952 8052.

b. Mayor

If you are making a report about the general manager, you should make your report to the Mayor. They are responsible for:

- deciding if a report is a protected disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.

The Mayor must make sure there are systems in place in the City of Ryde to support and protect staff who report wrongdoing.

If the report is about the general manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The Mayor's Office can be contacted on 9952 8332.

c. Disclosures coordinator

The disclosures coordinator has a central role in dealing with reports made by staff.

They receive them, assess them, and refer them to the people within the City of Ryde who can deal with them appropriately.

The Disclosure Coordinator is the Group Manager Corporate Services and can be contacted on 9952 8011.

d. Disclosures officers

Disclosures officers work with the disclosures coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

Details of Council's disclosure officers are attached to this procedure.

10. Who can receive a report outside of the City of Ryde

Staff are encouraged to report wrongdoing within the City of Ryde, but internal reporting is not your only option. If you follow the guidance below, your report can still be a protected disclosure.

You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to the City of Ryde. If your report is about the general manager or the Mayor, you should consider making it to an investigating authority.

You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.

a. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with. In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the Ombudsman — for maladministration
- the Police Integrity Commission (PIC) — for police misconduct
- the PIC Inspector — for disclosures about the PIC or its staff
- the Division of Local Government, Department of Premier and Cabinet — for serious and substantial waste in local government (reports about serious and substantial waste in State government agencies should be made to the Auditor General)
- the ICAC Inspector — for disclosures about the ICAC or its staff
- the Information Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

You should be aware that it is very likely the investigating authority will discuss the case with the City of Ryde. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

b. Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the general manager
- a person nominated in this policy
- an investigating authority in accordance with the PID Act.

Also, the City of Ryde or investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or the City of Ryde's code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the City of Ryde, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

11. Feedback to staff who report wrongdoing

Staff who report wrongdoing will be told what is happening in response to their report. When you make a report, you will be given:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening.

This information will be given to you within two working days from the date you make your report.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within City of Ryde to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

During any investigation, you will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

12. Protection against reprisals

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the protected disclosure.

The City of Ryde will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

a. Responding to reprisals

The City of Ryde will act to protect staff who report wrongdoing from reprisals.

When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, a disclosure officer, the disclosures coordinator or the general manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the general manager.

If the disclosures coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the general manager for a decision
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the general manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome.

The general manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the general manager, the Mayor may issue similar directions. These may include:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure
- relocating the member of staff who made the disclosure or the subject officer within the current workplace
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of staff who made the disclosure agrees to it. The disclosures coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this procedure.

b. Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

13. Support for those reporting wrongdoing

The City of Ryde will make sure that staff who have reported wrongdoing, regardless of whether they have made a protected disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

We also have staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

Human Resources staff can provide details of support services.

All supervisors must notify the disclosures coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

14. Sanctions for making false or misleading disclosures

It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

15. Support for the subject of a report

The City of Ryde is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under our policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

16. Review

This policy will be reviewed by council every twelve months. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

17. More information

Links to more information around protected disclosures is available on our intranet. Staff can also access advice and guidance from the City of Ryde disclosures coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

18. Resources

The contact details for external investigating authorities that staff can make a protected disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 21, 133 Castlereagh Street,
Sydney NSW 2000

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office
Phone: 02 9275 7100
Facsimile: 02 9275 7200
Email: mail@audit.nsw.gov.au
Web: www.audit.nsw.gov.au
Address: Level 15, 1 Margaret Street,
Sydney NSW 2000

For disclosures about police misconduct:

Police Integrity Commission (PIC)
Phone: 02 9321 6700
Toll free: 1800 657 079
Facsimile: 02 9321 6799
Email: contactus@pic.nsw.gov.au
Web: www.pic.nsw.gov.au
Address: Level 3, 111 Elizabeth Street,
Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street,
Sydney NSW 2000

For disclosures about serious and substantial waste in local government agencies:

Division of Local Government in the Department of Premier and Cabinet
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: dlg@dlg.nsw.gov.au
Web: www.dlg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra,
NSW 2541

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1800 463 626
Facsimile: 02 8114 3756
Email: picinfo@oic.nsw.gov.au
Web: www.oic.nsw.gov.au
Address: Level 11, 1 Castlereagh Street,
Sydney NSW 2000

INTERNAL REPORTING WORKFLOW

Staff who come forward and report wrongdoing are helping to promote integrity, accountability and good management. Such behaviour is encouraged and supported by the City of Ryde and supports the City of Ryde values.

Breaches of confidentiality can result in disciplinary action and dismissal.

1. A protected disclosure may be made to the nominated officer/person detailed in this Procedure. City of Ryde's nominated positions to receive protected disclosures from staff are set out in the attached.
2. Persons wishing to make a protected disclosure also have the option to lodge with the ICAC, NSW Ombudsman or Department of Local Government.
3. A person wishing to make a protected disclosure, shall make contact with any person identified in this Procedure and advise that a protected disclosure is to be made. The preferred contact points are either Disclosure Officers or the Disclosures Coordinator.
4. The Disclosure Officers will provide information to the Disclosures Coordinator who will then organise a meeting with the person making the disclosure (Discloser) as soon as possible and document the disclosure in a report.
6. The Disclosure Co-ordinator will as soon as practicable advise the General Manager of the report. If the report is about the General Manager the Disclosure Co-ordinator shall advise the Mayor.
7. The General Manager (or Mayor as appropriate) shall examine the report and determine whether or not the disclosure is to be investigated or whether the matter should be referred to another authority.
8. The Discloser shall be advised in writing by the Disclosures Co-ordinator (or General Manager if applicable) whether or not the matter is to be investigated and what action is proposed. If the matter is to be investigated the likely time for completion of the investigation is to be given. If the matter is not to be investigated the reasons why shall be given. If the matter raised does not fall within the ambit of the Protected Disclosures Act the letter shall advise what other action is proposed to be taken on the matter.
9. On completion of the investigation, the Discloser shall be advised in writing by the Disclosure Co-ordinator of the findings of the investigation and what action is proposed to be taken.
- 10 The General Manager (or Mayor as appropriate) shall be responsible for ensuring that the appropriate action arising from the findings of the investigation is taken.

Following is a list of current disclosure officers (15 August 2011)

Location	Disclosure Officers
Argyle Centre	Derek McCarthy 9952 8384 or 0418 465 603
Operations Centre	George Dedes 9952 8129 or 0434 563 804
RALC	Darren Ward 9952 8163 or 0409 099 215 Paul Hartmann 8878 5101 or 0407 407 984
Libraries	John Maunder 9952 8378 or 9817 1960
Civic Centre	Fred Hallab 9952 8256 or 0401 411 236 Shane Sullivan 9952 8034 Wayne Moy 9952 8184 or 0408 167 925 Chris Young 9952 8237 or 0417 068 607 Amanda Janvrin 9952 8026

General Manager

Civic Centre Level 1	John Neish 9952 8052
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Disclosures Coordinator

Civic Centre Level 2	Roy Newsome 9952 8011 or 0417 498 919
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Protected Disclosures Internal Reporting - Procedure		
Owner: Governance unit	Accountability: Governance Framework	Issue: Date
Trim Reference: D11/53490	Policy: Protected Disclosures Internal Reporting	



Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors – Council Policy

Scope

- (1) This Policy, and associated procedures and guidelines, may be cited as the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors and is effective from ~~28 September 2010~~ **[date to be inserted]**.
- (2) In this Policy, and associated procedures and guidelines, unless otherwise stated, the expression “Councillor” refers to all Councillors of the City of Ryde, including the Mayor and Deputy Mayor.

Purpose

This Policy ensures that Councillors have access to the facilities and support required to fulfil their civic duties. It also aims to ensure that the facilities provided to Councillors to carry out their civic functions are equitable and in keeping with legislative requirements.

In addition, the purpose of this Policy, and associated procedures and guidelines, is to ensure that there is accountability and transparency in the reimbursement of expenses incurred or to be incurred by the Councillors.

Objectives

- (1) The objective of this Policy is to describe those expenses incurred or to be incurred by, and the facilities provided to the Councillors of the City of Ryde, the cost of which shall be met by the Council.
- (2) This Policy also aims to uphold and demonstrate the following key principles:
 - (a) Conduct: Councillors must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their functions under the Act or any other Act,
 - (b) Participation, equity and access: The provisions of the Policy are to be non-discriminatory and used in an equitable manner to enable the full participation by Councillors from different walks of life. The provisions of the Policy shall also be at an appropriate level to encourage members of the community, particularly under-represented groups such as those in primary caregiver roles, to seek election to Council by ensuring that they would not be financially or otherwise disadvantaged in undertaking the civic functions of a Councillor.

The Policy shall also take into account and make reasonable provision for the special needs of Councillors to allow access to the appropriate parts of Council premises, and facilities, and maximise participation in the civic duties and business of Council.

- (c) Accountability and transparency: The details and range of benefits provided to the Councillors are to be clearly stated and be fully transparent and acceptable to the local community.

- (d) Reasonable expenses: Councillors shall only be reimbursed for expenses reasonably incurred in their performance of their role as a Councillor.
- (3) Only those entitlements specifically described in this Policy shall be provided by the Council.
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References - Legislation

This Policy is made pursuant to Sections 252 - 254 of the Local Government Act 1993.

Review Process and Endorsement

As required by Section 252 (1) of the Act, the Policy is to be adopted by Council annually, within 5 months after the end of each year.

As required by Section 253 of the Act, public notice of at least 28 days is required to be given of Council's intention to adopt or amend the Policy. Public notice is not required if an amendment is "not substantial". The term "not substantial" shall be taken to mean minor changes to wording of the Policy or changes to monetary provisions or rates that are less than 5%. It shall also mean minor changes to the standard of the provision of equipment and facilities. Any new category of expenses, facilities and equipment included in the Policy will, however, require public notice no matter how minor.

As required by Section 253 (5) of the Act, public notice of 28 days is required to be given prior to each annual adoption process, even if there is no proposed change to the Policy.

Attachments

<i>Title</i>
Procedure – Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors
Guidelines – Councillor Attendance at Conferences
Form – Councillor Reimbursement

Related Policy

These procedures relate to the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors.

Reporting requirements

Section 428 of the Act and clause 217 of the Local Government (General) Regulation (“the Regulation”) require Council to include in each Annual Report a copy of the Policy and details of the cost of implementing the Policy. These sections are set out in Clause 6.

PAYMENT OF EXPENSES GENERALLY

Payment of Councillor Fees

- 1 (1) An annual fee is paid to each Councillor by the Council. The fee is the amount fixed by the Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.
- (2) Unless otherwise provided for in this policy, the annual fee paid to each Councillor is intended to offset the costs involved in discharging the functions of civic office including, but not limited to, all incidental and out-of-pocket expenses relating to transport, clothing, home office expenses, home telephone and postage costs.
- (3) All fees payable under this policy shall be paid monthly in arrears for each month (or part of a month) for which the Councillor holds office.
- (4) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Councillors Fee.
- (5) **Councillors are entitled to donate all or part of their Councillor Fees to a nominated charity.**

Reimbursement and reconciliation of expenses

- 2 (1) Reimbursement of costs and expenses to Councillors under part 13 – Communication costs will only be made upon the production of appropriate receipts and tax invoices, and the completion of the “Request for Councillor Reimbursement” form. Expenses and costs incurred must be in accordance with the requirements of this Policy.
- (2) Reimbursement of other costs and expenses to Councillors will only be made upon the production of appropriate receipts and tax invoices, and the completion of the “Request for Councillor Reimbursement” form. Expenses and costs incurred must be in accordance with the requirements of this Policy. Where no receipts or tax invoices are submitted, a Councillor shall be required to sign a Statutory Declaration to confirm that the expense was incurred. If a Statutory Declaration is provided in lieu of receipts and tax invoices, Councillors are required to personally retain any supporting documentation for audit purposes and shall be required to produce this documentation to Council upon request.
- (3) The General Manager or one other delegated employee shall assess all such claims and if considered to be reasonable and to be legitimately payable under this Policy, shall approve the claim for payment and payment shall be made within seven (7) days.

- (4) Should the General Manager or delegated employee decide that the claim should not be paid, the General Manager shall explain such decision to the Councillor and should the Councillor still consider that the claim should be paid, it shall be considered that a dispute exists and the provisions of the Disputes clause of this policy shall apply. See Clause 33.

Payments in advance

- 3 (1) Councillors may request payment in advance in anticipation of expenses to be incurred in attending conferences, seminars and training away from home. Councillors may also request an advance payment for the cost of any other service or facility covered by the Policy. However, Councillors must fully reconcile all expenses against the cost of the advance within one (1) week of their return, with receipts, and submit these details to the General Manager or his/her delegated employee for verification. Any unspent money is required to be returned at this time.
- (2) The maximum value of a cash advance is \$500.

ESTABLISHMENT OF MONETARY LIMITS AND STANDARDS

Monetary Limits

- 4 Monetary limits are stated in this Policy against each expense category as required. These monetary limits set out the maximum amount payable in respect of any facility or expense. Any additional cost incurred by a Councillor in excess of any limit set shall be considered a personal expense that is the responsibility of the Councillor. All monetary amounts stated are exclusive of GST.

Time Limits

- 5 Reimbursement of costs and expenses to Councillors must be made within 3 months of the cost or expense being incurred.

Spouse and partner expenses

- 6 (1) In limited circumstances, Council shall meet certain costs incurred by a Councillor on behalf of their spouse, partner or accompanying person that are properly and directly related to the role of the Councillor in the performance of his or her duties, such as attendance at official Council functions that are of a formal and ceremonial nature when accompanying Councillors within metropolitan Sydney.
- (2) Costs and expenses incurred by the Councillor on behalf of their spouse, partner or accompanying person will be reimbursed if the cost or expense relates specifically to the ticket, meal and/or direct cost of attending the function, including carer costs. Peripheral expenses such as grooming, special clothing and transport are not considered reimbursable expenses.
- (3) Each Councillor is entitled to seek reimbursement up to \$300 per annum for the purposes of sub-clause (2). Official receipts will be required for reimbursement under this clause.
- (4) In recognition of the importance of a good work and family balance, spouses, partners or accompanying persons are welcome to join Councillors whilst attending events away from home. In such circumstances, Council will not require reimbursement of costs if no additional travel and accommodation expenses are incurred over and above what would have been expended by the individual Councillor. For example, if the person/s travel as a passenger in the Councillor's

vehicle and are able to be accommodated in the same room already provided as standard to the Councillor, it will be considered that no additional cost has been incurred by Council.

- (5) Where a spouse, partner or accompanying persons do attend an event away from home with the Councillor, all additional costs of the person/s will not be met by Council except for attendance at official dinners or ceremonies associated with the event and for which partners are invited to attend. This provision does not extend to social outings and tours which may be provided as part of a "partners program".
- (6) Each Councillor is entitled to seek reimbursement up to \$300 per annum for the purposes of sub-clause (5). Official receipts will be required for reimbursement under this clause.

SPECIFIC EXPENSES

Attendance at seminars, conferences and training courses

- 7 (1) Council approval is required for Councillors to attend seminars or conferences on behalf of the Council by way of a report to be included in the Council business papers. ~~Any application to attend a seminar or conference will require full details of the purpose, expected total costs, and expected benefits.~~ **The report will include the purpose of the seminar, conference and training course, expected total costs, expected benefits for Councillors to attend and the names of Councillors who have indicated an interest to attend.**
- (2) After returning from the seminar, conference or training course, the Councillor/s, or accompanying member of Council staff, shall provide a written report to Council on the aspects of the event relevant to Council business and/or the local community. No written report is required for the Annual Conferences of the Local Government Associations or for compulsory training courses or seminars required by any Government agency.
- (3) Council will pay the seminar, conference or training course registration fees charged by the organisers including the costs of related official meals and associated tours where they are relevant to the business and interests of the Council. Any time and costs incurred in undertaking activities not related to attendance at the event shall not be included in the expenses paid by Council.
- (4) Council will also meet the reasonable cost of transportation and accommodation associated with attendance at the seminar, conference or training course, including the cost of meals (and reasonable cost of drinks) when they are not otherwise included in the fees. Each Councillor is entitled to seek reimbursement up to \$100 per meal for the purpose of this sub-clause up to a limit of 3 meals per day. Official receipts will be required for reimbursement under this clause.
- (5) Councillors shall be entitled to seek reimbursement for attendance at dinners and other non-Council functions where briefings relevant to the Council's interest are provided by key members of the community, politicians, government departments and business. Each Councillor is entitled to seek reimbursement up to \$300 per annum for the purposes of this sub-clause. Official receipts will be required for reimbursement under this clause.
- (6) Councillors, who are Executive Members of an organisation relevant to Council's interest by way of a Council resolution, shall be entitled to seek reimbursement and support for their attendance to the Executive Meetings held by the organisation. Council will meet the cost of the Councillor's transportation and accommodation expenses, including the cost of meals. The support provided to Councillors in their

capacity as an Executive Member of an organisation shall only be valid for the period they hold such a position.

- (7) No payment shall be reimbursed for any component of a ticket that is additional to the cost of the function, such as a donation to a political party, candidate's electoral fund or some other private benefit.
- (8) When determining attendance at conferences and seminars consideration will be given to the Councillor Attendance at Conference guidelines.

Training and education expenses

- 8 (1) An induction program shall be conducted by the General Manager for Councillors upon election to Council and every subsequent re-election. This program may include the provision of resources and the attendance at training courses.
- (2) Provision for other training and education for Councillors will be made separately in Council's budget via the adopted Management Plan. All Councillors will be offered the same access to the same training in accordance with the budget allocated.

General travel and accommodation arrangements

- 9 (1) All travel by Councillors to a seminar, conference or training course shall be undertaken by utilising the most direct route and the most practical and economical mode of transport subject to any personal medical considerations or extenuating circumstances.
- (2) Economy class air travel will be provided as standard for travel within Australia although business class air travel will be allowed for longer haul travel to the Northern Territory and Western Australia. The cost of any upgrade shall be the responsibility of the Councillor. Business class air travel will be allowed for any overseas travel (subject to Council approval). **Councillors are not entitled to receive private benefits relating to travel bonuses such as frequent flyer schemes and other loyalty programs.**
- (3) Where trains are used, first class train travel will be provided, including sleeping berths where available.
- (4) Council shall also meet the cost of any transfers between a Councillor's residence and a transport interchange (ie: airport) and between the transport interchange and hotel or venue, such costs not to exceed the cost of taxi fares.
- (5) Council shall provide Councillors with taxi vouchers for travel to a seminar, conference or training course. Councillors must ensure that unused vouchers and the receipts of used vouchers are provided to Council after seven (7) days of the event.**
- ~~(5)~~ **(6)** Council shall reimburse travel expenses to a seminar, conference or training course by a Councillor whilst using their own private vehicle by way of a reimbursement for each kilometre travelled for the specific journey, plus any road tolls and parking fees necessarily incurred. The rate of reimbursement for kilometres travelled shall be equivalent to the rates prescribed in the relevant legislation or policies applicable to employees of the Council. Council is not liable for any traffic, parking or transport fines, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors whilst using their private vehicles on Council related business.

- (6) (7) Any accommodation required by Councillors will be provided by Council subject to availability, access to venue and cost. A reasonable standard of accommodation is considered to be 4 – 4.5 star although 5 star accommodation will be provided where no suitable alternative accommodation is available. The cost of any upgrade shall be the responsibility of the Councillor. **Where possible, Council will make payment of the accommodation booking prior to the date of arrival.**

Local travel arrangements and expenses

- 10 (1) Under normal circumstances, Councillors are expected to provide their own transport to and from the Civic Centre and the Councillor's home and place of work for the purpose of undertaking Council business.
- (2) Transport to and from the Civic Centre and a Councillor's home and/or place of work may be provided by the Council at the discretion of the General Manager having regard to the circumstances, whenever it is not practicable for a Councillor to use his or her normal method of transport.
- (3) Council shall reimburse expenses incurred by Councillors for travel on Council related business outside a 15km radius of the Ryde Civic Centre, excluding the NSROC region. Travel expenses include use of a private vehicle, use of public transport, taxis, hire cars, travel using a Council vehicle and associated costs such as parking and road tolls. Except for the provisions of clause 16(5), actual costs will be reimbursed. Council is not liable for any traffic, parking or transport fines, or costs of petrol, oil, depreciation, repair, maintenance, insurance or registration incurred by Councillors whilst travelling on Council related business.
- (4) A Council vehicle (with or without a driver), a hire car, or a taxi voucher may be provided to a Councillor for the purpose of attending any Council related event at the discretion of the General Manager having regard to the circumstances.
- (5) Nothing in this Policy prevents a Councillor from travelling in a Council vehicle with a staff member who is also attending any Council related event.

Interstate or overseas travel

- 11 (1) Council approval is required for interstate or overseas travel for which reimbursement is sought by Councillors. Any travel proposals for Councillors to travel interstate or overseas requires to be included in the non-confidential business papers of Council for which due public notice has been given. Such proposals cannot be considered in a late report or Mayoral Minute.
- (2) Any application for interstate or overseas travel will require full details of the travel including itinerary, expected total costs, reasons for the travel and expected benefits. Council does not allow the retrospective re-imbursement of such travel expenses so all expenses must be approved in advance.
- (3) After returning from interstate or overseas travel, the Councillor, or an accompanying member of Council staff, shall provide a written report to Council on the aspects of the trip relevant to Council business and/or the local community.

Incidental Expenses

- 12 (1) Council shall reimburse reasonable out of pocket or incidental expenses associated with attending conferences, seminars or training courses incurred by Councillors.
- (2) Incidental expenses include, but are not limited to, in-house hotel television, telephone or facsimile calls, internet charges, refreshments, laundry and dry cleaning, and newspapers.

- (3) Each Councillor is entitled to seek reimbursement up to \$20 per day for the purposes of this clause.

Communication costs and expenses

- 13** (1) Councillors are entitled to seek reimbursement for communications costs and expenses covering the areas of email, internet, telephone (both fixed and mobile) and postage.
- (2) Each Councillor is entitled to seek reimbursement up to \$300 per month (\$3600 per annum) for the purposes of this clause.
 - (3) Where the communication costs include the provision of a communication device through a communication plan, Council shall reimburse the costs associated with the plan, including email, internet and telephone access and usage. Communication costs also include expenses incurred by a Councillor for the proportion of leasing, renting or repayment costs associated with any communication device used by a Councillor in undertaking their role as a Councillor.

Meals and refreshments

- 14** (1) Morning and afternoon tea may be provided to each Councillor when in attendance at the Civic Centre during normal office hours. A meal including drinks may be provided to each Councillor at the Civic Centre whenever the Councillor is required to attend at the Civic Centre, or leave from or return to the Civic Centre, for a Council related event.
- (2) Meals and refreshments may also be provided to Councillors when attending a local community event or festival. The General Manager, shall determine when such meals and refreshments are to be provided.
 - (3) Pursuant to clauses 7(3), 7(4) and 7(5), meals and refreshments may also be provided to Councillors when attending a seminar, conference or training course.

Care and other related expenses

- 15** (1) Where a Councillor has responsibilities for the care and support of any relative, the Council may reimburse the actual cost incurred by the Councillor to engage professional care for the relative whenever considered necessary by the Councillor in order for the Councillor to discharge the functions of civic office.
- (2) The total amount paid to a Councillor in a financial year under sub-clause (1) shall not exceed an amount equivalent to 25% of the Councillors fee set for that year.
 - (3) In this clause, *relative* shall have the same meaning as set out in the Dictionary in the Local Government Act.

Relative, in relation to a person, means any of the following:

- (a) *the parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's spouse;*
 - (b) *the spouse or de facto partner of the person or of a person referred to in paragraph (a)*
- (4) Where a Councillor has a special requirement, such as disability and access needs, Council shall meet reasonable costs and expenses required in order for that Councillor to discharge the functions of civic office.

- (5) The total amount paid to a Councillor in a financial year under sub-clause (4) shall not exceed an amount equivalent to 25% of the Councillors fee set for that year, however, Council can approve additional expenditure in extenuating circumstances.
- (6) Each application for care and support of a relative or for meeting the special requirements of a Councillor is to be made in writing to the General Manager or his/her delegated officer and will be assessed on its merits. The General Manager may use his/her discretion to refer the matter to Council for determination.

Insurance provisions and expenses

- 16** (1) In accordance with Section 382 of the Local Government Act, Council is insured against public liability and professional indemnity claims ~~up to the value of \$300 million and \$200 million respectively.~~ Councillors are included as a named insured on this Policy.
- (2) Councillors are also provided additional liability protection by way of the Councillors and Officers Liability Policy, and personal injury protection by way of the Personal Accident Policy.
 - (3) Insurance protection is only provided if a claim arises out of or in connection with the Councillor's performance of his or her civic duties or exercise of his or her functions as a Councillor. All insurances are subject to any limitations or conditions set out in the policies of insurance.
 - (4) Council shall pay the insurance policy excess in respect of any claim accepted by Council's insurers, whether defended or not.

Legal assistance provisions and expenses

- 17** (1) Council may, if requested, indemnify or reimburse the reasonable legal expenses of:
- (a) a Councillor defending an action arising from the performance in good faith of a function under the Local Government Act; or
 - (b) a Councillor defending an action in defamation provided the statements complained of were made in good faith in the course of exercising a function under the Act; or
 - (c) a Councillor for proceedings before the Local Government Pecuniary Interest and Disciplinary Tribunal or an investigative body provided the subject of the proceedings arises from the performance in good faith of a function under the Act and the Tribunal or investigative body makes a finding substantially favourable to the Councillor.
- (2) Legal expenses incurred in relation to proceedings arising out of the performance by a Councillor of his or her functions under the Act are distinguished from expenses incurred in relation to proceedings arising merely from something that a Councillor has done during his or her term in office. For example, expenses arising from an investigation as to whether a Councillor acted corruptly would not be covered by this section.
 - (3) Council will not meet the costs of an action in defamation taken by a Councillor as plaintiff in any circumstances and will not meet the costs of a Councillor seeking advice in respect of possible defamation, or in seeking a non-litigious remedy for possible defamation.

- (4) Council must not meet the legal costs of legal proceedings initiated by a councillor under any circumstance.**
- (4) (5)** The provisions of this section shall not apply in respect of any enquiry, investigation or hearing initiated at the request of, or to any legal proceedings taken by, the Council itself.

ADDITIONAL MAYORAL EXPENSES

Mayoral Fee

- 18** (1) An annual fee is paid to the Mayor by the Council. The fee shall be the amount fixed by the Council under Division 5 of Part 2 of Chapter 9 of the Act in accordance with the appropriate determination of the Local Government Remuneration Tribunal.
- (2) Unless otherwise provided for in this Policy, the annual fee paid to the Mayor is intended to offset the additional costs involved in discharging the functions of the mayoral office over and above the costs incurred by other Councillors.
- (3) In the event that the Council resolves to pay an annual fee to the Deputy Mayor, the amount of such annual fee shall be deducted from the amount determined to be paid to the Mayor.
- (4) All fees payable under this policy shall be paid monthly in arrears for each month (or part of a month) for which the Mayor holds office.
- (5) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral Fee.

Civic Expenses

- 19** Council shall meet the cost of providing refreshments and associated expenses for civic functions, civic receptions and any other formal event hosted by the Mayor, subject to adequate funds being allocated and available in the Council's adopted Management Plan.

Communication costs and expenses

- 20** Council shall reimburse up to an additional \$250 per month (\$3,000 per annum) for communication costs and expenses for the Mayor, over and above the monthly expenditure limit prescribed in clause 13.

PROVISION OF FACILITIES - GENERAL PROVISIONS

Provision of facilities generally

- 21** (1) Facilities, equipment and services shall be provided to Councillors to support them in undertaking their role as elected members of the Council.
- (2) The equipment supplied under sub-clause (1) shall be of adequate capacity and functionality to generally undertake the role of Councillor. Unless otherwise resolved by the Council, the equipment shall be provided to a Councillor only once during the term of each Council. Council remains in ownership of the equipment and will be responsible for maintenance, replacement, insurance, technology upgrades and supply of consumables, and the equipment is required to be returned at the end of the term of each Councillor. However, Councillors shall be offered the option to purchase the subject equipment that they have been in possession of, at the conclusion of their term, at current market value. Unless

stated otherwise, the Councillor shall be responsible for all other costs of operation, for such equipment.

Private use of equipment and facilities

- 22** (1) Council facilities, equipment and services are not to be used for private purposes unless the use is incidental, unavoidable and of a minor nature.
- (2) Where a Councillor obtains a private benefit for the use of a facility provided by the Council, the Councillor shall be invoiced for the amount of the private benefit with repayment to be in accordance with Council's normal terms. The value of the benefit shall be determined by Council in non-confidential session of a Council meeting.
- (3) Council facilities, equipment and services are not to be used to produce election material or for any other political purposes.
- (4) Unless otherwise stated, no entitlement under this Policy shall be treated as being a private benefit that requires a reduction in the Mayoral fee or the Councillors fee.

PROVISION OF FACILITIES - SPECIFIC PROVISION OF EQUIPMENT AND FACILITIES FOR COUNCILLORS

Stationery and other items

- 23** (1) Each Councillor may receive:
- (a) 2500 sheets of plain white A4 paper per year;
 - (b) 500 plain white DLE envelopes per year;
 - (c) 500 business cards per year in a format agreed by each Councillor;
- the year commencing from the date of election to Council and each subsequent anniversary.
- Additional supplies of the above stationery items may be provided by the General Manager if considered warranted having regard to the particular needs of any Councillor.
- (2) Each Councillor may be issued from time to time with name badges, a security access card, ties/scarves and other corporate apparel or accessories for personal use. Security access cards are required to be returned when the Councillor ceases to hold office.
- (3) Stationery is not to be used to produce election material or for any other political purposes.

Home Office and Equipment

- 24** The following equipment and facilities may be provided by the Council at a location nominated by the Councillor:

a personal computer with office and related software (up to a total value of \$3,000)

a printer which may include or have attached facilities for facsimile, scanning, photocopying and telephone answering (up to a total value of \$1,000)

All amounts stated are inclusive of GST.

Parking

- 25** Councillors shall be provided with allocated parking at the Civic Centre for attendance at meetings and functions in the performance of their role as a Councillor and be provided with a parking permit sticker for use when parking in the Civic Centre Car Park. No other parking concessions within the City of Ryde will be granted and Council will not indemnify Councillors for any damage to their vehicles whilst utilising this facility.

Secretarial Support

- 26** Secretarial support may be provided at the discretion of the General Manager for each Councillor at the Civic Centre. This may include typing, photocopying or use of a telephone. All expenses incurred including the cost of staff shall be met by the Council.

Delivery of Material

- 27** At least once weekly each Councillor may receive a delivery of material from Council including business papers, correspondence, newspapers, etc delivered to one property address nominated by the Councillor.

Council Meeting Chamber

- 28** **Councillors may use the Council Meeting Chamber to conduct meetings with members of the public. The nature of the meeting must relate to Council business.**

PROVISION OF ADDITIONAL EQUIPMENT AND FACILITIES FOR THE MAYOR**Mayoral Office**

- 28** **29** A furnished Mayoral Office shall be provided by the Council at the Civic Centre, including a computer with office and related software (including access to email and internet).

Secretarial Support

- 29** **30** Secretarial support shall be provided by the Council. All necessary staff, office equipment, furnishings, printing, stationery, postage and other general office expenses shall be met by the Council, subject to adequate funds being available in the Council's adopted Management Plan.

Motor Vehicle

- 30** **31** (1) A Toyota Camry Hybrid Level 2 (or general equivalent) shall be provided by the Council and shall be fully maintained for use by the Mayor for Council related business. The vehicle may be used for private purposes by the Mayor. The cost of petrol used for private purposes shall be the responsibility of the Mayor.
- (2) A car parking space shall be allocated at the Civic Centre for the Mayoral vehicle.

Ceremonial Clothing

- 34** **32** The Mayor shall be supplied with a suitable robe and chains of office.

Other equipment and facilities

- 32 33** (1) In addition to equipment and facilities already provided to the Mayor as a Councillor, the Mayor shall be entitled to the following equipment and facilities:
- (a) an additional 500 business cards per year of term in a format agreed by the Mayor,
 - (b) 200 Christmas Cards per year of term,
 - (c) corporate attire and presentation gifts for use in connection with civic and ceremonial functions eg: tie, scarfs, mementos
- (2) The General Manager shall have discretion to provide the Mayor with further equipment and facilities, not otherwise specified in this Policy, subject to funding being made available in the adopted Management Plan and the provision of such equipment or facilities is considered reasonable for the efficient and effective performance of the Office of the Mayor. Should the General Manager exercise his/her discretion to provide the Mayor with further equipment and facilities, not otherwise specified in this Policy a report detailing the provision shall be presented to Council.

OTHER MATTERS**Disputes**

- 33 34** Should any Councillor consider that a dispute exists at any time regarding this policy, the parties to the dispute shall provide a written report on the nature of the dispute and the General Manager shall submit such reports to the next meeting of the Council to have the dispute determined by a resolution of the Council having regard to this policy, the Act and any other relevant law. The decision of the Council shall be binding on all of the parties.
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LEGISLATIVE PROVISIONS

The relevant legislative provisions are set out below. In this legislation, the expression “year” means the period from 1 July to the following 30 June.

Local Government Act**252 *Payment of expenses and provision of facilities***

- (1) *Within 5 months after the end of each year, a council must adopt a policy concerning the payment of expenses incurred or to be incurred by, and the provision of facilities to, the mayor, the deputy mayor (if there is one) and the other councillors in relation to discharging the functions of civic office.*
- (2) *The policy may provide for fees payable under this Division to be reduced by an amount representing the private benefit to the mayor or a councillor of a facility provided by the council to the mayor or councillor.*
- (3) *A council must not pay any expenses incurred or to be incurred by, or provide any facilities to, the mayor, the deputy mayor (if there is one) or a councillor otherwise than in accordance with a policy under this section.*
- (4) *A council may from time to time amend a policy under this section.*
- (5) *A policy under this section must comply with the provisions of this Act, the regulations and any relevant guidelines issued under section 23A.*

253 *Requirements before policy concerning expenses and facilities can be adopted or amended*

- (1) *A council must give public notice of its intention to adopt or amend a policy for the payment of expenses or provision of facilities allowing at least 28 days for the making of public submissions.*
- (2) *Before adopting or amending the policy, the council must consider any submissions made within the time allowed for submissions and make any appropriate changes to the draft policy or amendment.*
- (3) *Despite subsections (1) and (2), a council need not give public notice of a proposed amendment to its policy for the payment of expenses or provision of facilities if the council is of the opinion that the proposed amendment is not substantial.*
- (4) *Within 28 days after adopting a policy or making an amendment to a policy for which public notice is required to be given under this section, a council is to forward to the Director-General:*
 - (a) *a copy of the policy or amendment together with details of all submissions received in accordance with subsection (1), and*
 - (b) *a statement setting out, for each submission, the council’s response to the submission and the reasons for the council’s response, and*
 - (c) *a copy of the notice given under subsection (1).*
- (5) *A council must comply with this section when proposing to adopt a policy each year in accordance with section 252 (1) even if the council proposes to adopt a policy that is the same as its existing policy.*

254 Decision to be made in open meeting

The council or a council committee, all the members of which are councilors, must not close to the public that part of its meeting at which a policy for the payment of expenses or provision of facilities is adopted or amended, or at which any proposal concerning those matters is discussed or considered.

428(pt) Annual reports

- (1) *Within 5 months after the end of each year, a council must prepare a report as to its achievements with respect to the objectives and performance targets set out in its management plan for that year.*
- (2) *A report must contain the following:*
 - (f) *the total amount of money expended during the year on mayoral fees and councillor fees, the council's policy on the provision of facilities for use by councillors and the payment of councillors' expenses, together with a statement of the total amount of money expended during that year on the provision of such facilities and the payment of such expenses,*

Local Government (General) Regulation**217(pt) Additional information for inclusion in annual report**

- (a1) *details of the total cost during the year of the payment of the expenses of, and the provision of facilities to, councillors in relation to their civic functions (as paid by the council, reimbursed to the councillor or reconciled with the councillor), including separate details on the total cost of each of the following:*
 - (i) *the provision during the year of dedicated office equipment allocated to councillors on a personal basis, such as laptop computers, mobile telephones and landline telephones and facsimile machines installed in councillors' homes (including equipment and line rental costs and internet access costs but not including call costs),*
 - (ii) *telephone calls made by councillors, including calls made from mobile telephones provided by the council and from landline telephones and facsimile services installed in councillors' homes,*
 - (iii) *the attendance of councillors at conferences and seminars,*
 - (iv) *the training of councillors and the provision of skill development for councillors,*
 - (v) *interstate visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - (vi) *overseas visits undertaken during the year by councillors while representing the council, including the cost of transport, the cost of accommodation and other out-of-pocket travelling expenses,*
 - (vii) *the expenses of any spouse, partner or other person who accompanied a councillor in the performance of his or her civic functions, being expenses payable in accordance with the Guidelines for the payment of expenses and the provision of facilities for Mayors*

and Councillors for Local Councils in NSW prepared by the Director-General from time to time,

- (viii) *expenses involved in the provision of care for a child of, or an immediate family member of, a councillor, to allow the councillor to undertake his or her civic functions,*

403 Payment of expenses and provision of facilities

A policy under section 252 of the Act must not include any provision enabling a council:

- (a) *to pay any councillor an allowance in the nature of a general expense allowance, or*
- (b) *to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.*

Under Section 248A of the Act, Council must not, unless otherwise permitted, pay an annual fee to a Councillor for any period during which the Councillor is suspended from office or the right to be paid any fee is suspended.

Under Section 254A of the Act, Council may resolve that an annual fee not be paid to a Councillor or the amount reduced if the Councillor is absent, with or without leave, from meetings of the Council for a period not more than 3 months or in any circumstances prescribed by regulation. A fee must not be paid if the period of absence exceeds 3 months.

Under clause 404 of the Regulation, a prescribed circumstance for non-payment or reduction of a Councillor's annual fee is where payment would adversely affect the Councillor's entitlement to a pension, benefit or allowance and the Councillor is agreeable to the non-payment or reduction.

A Councillor may elect not to accept any entitlement under this Policy, except that the Mayor and every Councillor must be paid the appropriate minimum fees determined by the Local Government Remuneration Tribunal (unless the provisions of Section 254A of the Act apply). Payment of the appropriate minimum fees determined by the Remuneration Tribunal is a requirement of Sections 248 (4) and 249 (4) of the Act.

Other Government and Council Policy provisions

This Policy has been prepared with reference to other Government and Council Policy provisions as follows:

- (1) Department of Local Government Circular No. 06-57, 5 September 2006, *"Guidelines for the Payment of Expenses and Provision of Facilities to the Mayor and Councillors."*
- (2) Department of Local Government Circular No. 05-08, 9 March 2005, *"Legal Assistance for Councillors and Council Employees"*
- (3) ICAC Publication *"No excuse for misuse"*, November 2002
- (4) City of Ryde *"Code of Conduct"*

Related Policy

This guideline sets out the criteria to determine the attendance of Councillors at Conferences. It relates to the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors.

Guidelines

Council acknowledges the value of Councillor attendance at conferences to enable them to be both knowledgeable and current on issues affecting the City of Ryde. In order to ensure that attendance at Conferences is equitable, transparent and consistent, attendance will be limited as follows:

1. Local Government Association Conference – the number of voting delegates plus one. Details of the delegates and attendee to be determined by resolution of Council.
 2. Australian Local Government Association Conference.
 3. In addition, to 1 and 2 above, every Councillor is entitled to attend one conference in either NSW, Canberra, metropolitan Brisbane or metropolitan Melbourne. The conference must directly relate to the business of Council. More than one Councillor may attend the same conference if Council resolves that this will be beneficial for both Council and the Councillors concerned.
 4. Within 2 months after the conference the attending Councillor must report to Council on the proceedings of the conference. That report will be included in the Councillors Information Bulletin.
 5. No Councillor can attend a Conference without the prior approval of Council. Reports to Council are to include details of the Conference and an estimate of the associated costs including registration, transport and accommodation.
 6. Council may resolve that a Councillor can attend more than one conference per year but this determination will be dependant on budgetary constraints and with an emphasis on ensuring that all Councillors have equal access to conferences.
 7. Each year, as part of the review of the Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors, Council officers will provide a full report of expenditure and Conference attendance by Councillors.
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TABLE 1 - Amendments to Draft Ryde LEP(DLEP) 2011 –

Summary of changes between DLEP 2011 as submitted to Department of Planning and Infrastructure (DoPI) - 23 December 2011 and DLEP 2011 approved for exhibition - 5 September 2011.

Note: This table does not identify changes to clauses that have occurred as a result of changes to the gazetted Standard Instrument (SI) with the exception of the land use table.

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
Part 1 Preliminary	No change to any clause (Other than gazetted changes to the SI)		
Part 2 Permitted or prohibited development	No change to any clause (Other than gazetted changes to the SI)		
Land Use Table	<p>NOTE: The below does not reflect the required addition of land uses to Item 4 Prohibited by DoPI which were previously excluded from the Table because of the lack of relevance to the City of Ryde generally or to a particular zone. eg Farm buildings , Airstrips, Port facilities, making reference to boat ramps in zones which are landlocked.</p>		
Residential Zones R1 General Residential	<p>Item 3 Permitted with consent Added</p> <ul style="list-style-type: none"> o Respite day care centres <p>Deleted</p> <ul style="list-style-type: none"> o Residential care facility 	<ul style="list-style-type: none"> o SI change o Sub set of group term Seniors housing 	No significant change or impact

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
R2 Low Density Residential	Item 3 Permitted with consent Added: <ul style="list-style-type: none"> ○ Respite day care centres 	<ul style="list-style-type: none"> ○ PN11- 001 requirement that such centre be permitted wherever child care facilities are permitted 	No significant change or impact
R3 Medium Density Residential	Item 3 Permitted with consent Added <ul style="list-style-type: none"> ○ Respite day care centres 	<ul style="list-style-type: none"> ○ SI change 	No significant change or impact
R4 High Density Residential	Item 3 Permitted with consent Added <ul style="list-style-type: none"> ○ Respite day care centres 	<ul style="list-style-type: none"> ○ SI changes 	No significant change or impact

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
Business Zones B1 Neighbourhood Centre	<p>Item 3 Permitted with consent Added:</p> <ul style="list-style-type: none"> o Medical centre and respite day care centres <p>Item 4 Prohibited Added</p> <ul style="list-style-type: none"> o Garden centre, hardware and building supplies, landscaping material supplies , plant nursery , timber yards premises o Boat building and repair facility, Open cut mining, Animal boarding and training establishments, Heavy industrial storage establishment, Camping grounds ,Industrial training facility, Eco tourist facility <p>Deleted:</p> <ul style="list-style-type: none"> o Landscape and garden supplies, timber and building supplies, mining , boat repair facilities) o Emergency Service Centre 	<ul style="list-style-type: none"> o SI change o New dictionary terms which replace existing prohibited land uses e.g. Landscape and garden supplies and Timber and building supplies o All new stand alone dictionary terms o All covered by new terms o Covered by Infrastructure SEPP 	No significant change or impact

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
B3 Commercial Core	<p>Item 3 Permitted with consent Added</p> <ul style="list-style-type: none"> Commercial premises, Medical centres, Respite day care centres and Restricted premises <p>Deleted</p> <ul style="list-style-type: none"> Business premises, Office premises and Retail premises Self storage units <p>Item 4 Prohibited – Added</p> <ul style="list-style-type: none"> Heavy industrial storage establishment, Boat building and repair facility, Open cut mining Camping grounds Industrial training facility, Animal boarding or training establishments, Eco tourist facility Timber yards <p>Deleted:</p> <ul style="list-style-type: none"> Storage premises Vehicle sales or hire premises, bulky goods premises, landscape and garden supplies, , timber and building supplies, rural supplies 	<ul style="list-style-type: none"> SI change SI change New group term storage premises is restricted to self storage units and as such will not be listed as prohibited All new stand alone dictionary terms and new group terms some of which replace existing prohibited land uses eg mining, agriculture Condition on S65 Certificate Three of the land uses previously prohibited under group term Storage premises now covered by new group term Heavy industrial storage establishment Part of group term retail – now mandated as permitted us 	No significant change or impact

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
B4 Mixed Use	<p>Item 3 Permitted with consent Added:</p> <ul style="list-style-type: none"> Commercial premises, Medical centres, Respite day care centres and Restricted premises <p>Deleted:</p> <ul style="list-style-type: none"> Business premises, Office premises, Retail premises <p>Item 4 Prohibited Added</p> <ul style="list-style-type: none"> Heavy industrial storage establishment, Heavy industry, General industry, Camping grounds, Industrial training facility, Animal boarding or training establishments, Eco tourist facility Farm buildings <p>Deleted:</p> <ul style="list-style-type: none"> Hazardous storage establishments; Liquid fuel depots; Offensive storage establishments, Offensive industry and Hazardous industry 	<ul style="list-style-type: none"> SI change SI change – all covered by mandatory land use <i>commercial premises</i> New group terms and stand alone dictionary terms Condition on Section 65 Certificate Covered by new group terms Heavy industrial storage establishment and Heavy industry 	No significant change or impact

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
B5Business Development -	<p>Item 1 Objectives of zone – SI change The words specialised retail uses have been replaced with bulky goods premises</p> <p>Item 3 Permitted with consent - SI Added:</p> <ul style="list-style-type: none"> ○ Bulky goods premises, Garden centres, Hardware and building supplies, Landscaping materials supplies and Respite day care centres <p>Deleted:</p> <ul style="list-style-type: none"> ○ Self storage premises (part of new group term storage which is not prohibited) <p>Item 4 Prohibited - Nil Added</p> <ul style="list-style-type: none"> ○ Restaurants and cafes, Boat building and repair facility, Open cut mining ○ Plant nurseries and timber yards ○ Heavy industrial storage establishment, Camping grounds Industrial training facility, Animal boarding or training establishments, Eco 	<ul style="list-style-type: none"> ○ SI change ○ SI change ○ New group term <i>storage premises</i> is restricted to self storage units and as such will not be listed as prohibited ○ Replaces existing terms Restaurants, Boat repair facility and Mining ○ New land use terms added to group term retail ○ New group terms and stand alone dictionary terms 	No significant change or impact

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	<p>Deleted</p> <p>tourist facility</p> <ul style="list-style-type: none"> Timber and building supplies , bulky goods premises Storage premises 	<ul style="list-style-type: none"> Mandated uses – new terms used eg hardware and building supplies. New group term comprises self storage premises only . 	
B6 Enterprise Corridor	<p>Item 1 Objectives of zone – SI The following objective must be included if any type of residential accommodation is permitted in this zone:</p> <ul style="list-style-type: none"> To provide for residential uses, but only as part of a mixed use development. <p>Item 3 Permitted with consent Added:</p> <ul style="list-style-type: none"> Garden centres, Hardware and building supplies, Landscaping materials supplies, and Plant nurseries <p>Deleted</p> <ul style="list-style-type: none"> Landscape and garden supplies and Timber and building supplies Self storage units <p>Item 4 Prohibited Added:</p>	<ul style="list-style-type: none"> SI change SI change SI change SI change Now part of group term storage premises which are not listed as prohibited 	No significant change or impact

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	<ul style="list-style-type: none"> Heavy industrial storage establishment, Heavy industry, General industry ,Camping grounds , Industrial training facility, Animal boarding or training establishments ,Eco tourist facility <p>Deleted:</p> <ul style="list-style-type: none"> Hazardous storage establishments; Liquid fuel depots; Offensive storage establishments , Offensive industry and Hazardous industries 	<ul style="list-style-type: none"> New group terms and stand alone dictionary terms Covered by new group terms Heavy industrial storage establishment and Heavy industry 	
B7 Business Park	<p>Item 3 Permitted with consent Added</p> <ul style="list-style-type: none"> Respite day care centres Restaurants or cafes <p>Item 4 Prohibited Added:</p> <ul style="list-style-type: none"> Heavy industrial storage establishment, Camping grounds Industrial training facility, Animal boarding or training establishments ,Eco tourist facility Boat building and repair facilities, Open cut mining Timber yards 	<ul style="list-style-type: none"> SI change New dictionary term replacing Restaurant New group terms and stand alone dictionary terms Replacing amended terms mining and boat repair facilities Condition on Section 65 Certificate 	No significant change or impact

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	Deleted: <ul style="list-style-type: none">○ Bulky goods premises , Landscape and garden supplies, rural supplies , timber and building supplies, vehicle sales or hire,	<ul style="list-style-type: none">○ Now part of group term retail which is a prohibited use	

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
Industrial Zones IN2 Light Industrial	Item 1 Objectives of zone - SI The following objective has been inserted: To support and protect industrial land for industrial uses Item 3 Permitted with consent Added <ul style="list-style-type: none"> Industrial training facilities Respite day care centre (PN11-001 requirement that such centres be permitted wherever Child care centres are permitted) Hardware and building supplies; Landscaping material supplies Deleted <ul style="list-style-type: none"> Self storage premises Funeral chapel Item 4 Prohibited Added <ul style="list-style-type: none"> Commercial premises 	<ul style="list-style-type: none"> SI change SI change PN11-001 requirement that such centres be permitted wherever Child care centres are permitted. Land uses which are permitted but are now part of group term retail which is prohibited land use in zone Part of new group term storage premises which is not prohibited Deleted term from dictionary – use covered by term funeral homes Replaces land uses retail, business, office all of which are prohibited 	No significant change or impact

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	<ul style="list-style-type: none"> Heavy industrial storage establishment ,Camping grounds (new dictionary term to be prohibited where caravan parks are prohibited, Boat building and repair facilities, Open cut mining, Eco tourist facility Timber yards <p>Deleted</p> <ul style="list-style-type: none"> Storage premises Retail, Business premises and Office premises Bulky goods premises, Vehicle sales and hire, rural supplies (part of retail) 	<ul style="list-style-type: none"> New group terms stand alone dictionary terms, and replacement terms Condition on Section 65 Certificate New group term that permits self storage units Replaced by the new SI term <i>commercial premises</i> Part of retail group term which is now part of group term commercial which is prohibited 	
IN4 Working Waterfront	<p>Item 3 Permitted with consent Added:</p> <ul style="list-style-type: none"> Boat building and repair facilities <p>Deleted</p> <ul style="list-style-type: none"> Boat repair facilities <p>Item 4 Prohibited – Added:</p>	<p>Item 4 Prohibited –</p> <ul style="list-style-type: none"> SI change SI change New group term for land uses 	No significant change or impact

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	<ul style="list-style-type: none"> ○ Commercial premises ○ Heavy industrial storage establishment ,Camping grounds ,Animal boarding or training establishments ,Eco tourist facility ,Open cut mining Respite day care centre ○ Timber yards ○ Cemeteries , Marinas <p>Deleted:</p> <ul style="list-style-type: none"> ○ Bulky goods premises, Vehicle sales and hire, rural supplies 	<ul style="list-style-type: none"> ○ retail, business, office all of which are prohibits ○ New group terms stand alone dictionary terms, and replacement terms ○ Condition on Section 65 Certificate ○ Land uses omitted in error ○ Part of group term retail which is part of group term commercial which is prohibited 	

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
Special Purpose Zones SP1 Special Activities	No change		
SP2 Infrastructure	No change		
Recreation Zones RE1 Public Recreation	Item 3 Permitted with consent – NIL Added o Restaurants or cafes	o Replaces land use term restaurant	No significant change or impact
RE2 Private Recreation	Item 3 Permitted with consent – NIL Added o Restaurants or cafes	o Replaces land use term restaurant	No significant change or impact
Environment Protection Zones E1 National Parks and Nature Reserves	No change		
E2 Environmental Conservation	Item 4 Prohibited Added o Restricted premises	o SI change	No significant change or impact
Part 3 Exempt and complying development	No change to any clause (other than gazetted changes to the SI)		
Part 4 Principal development			

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
standards			
4.1 Minimum subdivision lot size [optional] - adopted	Added <ul style="list-style-type: none"> New subclause (5) – If a lot is a battle – axe lot or other lot with an access handle, the minimum lot size as shown on the Lot Size Map excludes the access handle. 	Condition on S65 Certificate	No impact – control presently applies under LEP 2010.
4.1A Minimum subdivision requirements in certain residential zone[local]	Deleted	Condition on S65 Certificate	Controls will be placed within Part 3.3 Dwelling house and Dual occupancy (attached).
4.1AA Minimum subdivision lot size for community title schemes Not adopted			
4.1B Residential buildings that cannot be subdivided	Deleted <ul style="list-style-type: none"> Reference to duplex building under subclause (1) Subclause (2) Definition of duplex. 	Condition on S65 Certificate	Note to be provided in Part 3.3 Dwelling house and Dual occupancy (attached), that defines duplex building and states that a reference to dual occupancy (attached) is a reference to a duplex building.

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
4.1C Minimum lot sizes for dual occupancy and multi dwelling housing	No Change		
4.1D Minimum lot size for hatchet shaped allotments	New clause specifying minimum lot size of 740sqm for hatchet shaped allotments	Condition on S65 Certificate	No impact – provides same minimum lot size control as per clause 4.1A (deleted by condition on S65 Certificate)
4.2 Rural subdivision – Not adopted			
4.3 Height of buildings [optional]	No change		
4.4 Floor space ratio [optional]- adopted	No change		
4.4A Residential zones—floor space ratio	No change		
4.4B Centres – floor space ratio	Deleted	Condition on S65 Certificate	No impact Clause provided a floor space and

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
			height incentive if development could exceed Best Practice Environmental Sensitive Design. Clause 4.6 Exceptions to development standards can be used to increase fsr and height where good environmental design is achieved in a development.
4.5 Calculation of floor space ratio and site area [optional] - adopted	NO change		
4.5A Density controls for Zone R2 Low Density Residential	NO change		
4.5B Macquarie Park	Deleted <ul style="list-style-type: none"> Subclause 5 Serviced apartments in Zone B3 Commercial Core 	Condition on S65 Certificate	<p>Clause 4.5B(5) specifies that to carry out a serviced apartment in the B3 zone the development must comprise at least 2 dwellings, be on the same lot of land (not separate strata or other title) not be a boarding house, hospital or hotel or motel accommodation</p> <p>Under the Standard Instrument (SI) a <i>Serviced apartment</i> is defined as a building containing self contained tourist and visitor accommodation. <i>Serviced apartments</i> are the only type</p>

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
			<p>of residential development permitted in the B3 zone. By deleting clause 4.5B(5) <i>Serviced apartments</i> can now be strata subdivided.</p> <p>This is considered undesirable for the Macquarie Park Corridor as by permitting the separate ownership of dwellings, <i>Serviced apartments</i> will become a more desirable development type in the zone. As Council does not have sufficient resources to ensure such developments are in compliance with the SI definition this will inevitable result in such dwellings being used as permanent residences. This may result in undermining the vision for the Corridor.</p> <p>It is considered that Council should make a formal submission to DLEP 2011 once on exhibition requesting the reinstatement of Clause 4.5B(5) with respect to prohibiting the subdivision of such developments</p>
4.6 Exceptions to development standards [compulsory]	NO change		

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
Part 5 Miscellaneous provisions	NO change to any clause (other than gazetted changes to the SI)		
Part 6 Additional local provisions			
6.1 Acid sulfate soils	No change		
6.2 Earthworks	No change		
6.3 Foreshore building line	Subclause (3)(h) – amended to include the entire model clause (part of sentence missing as a result of typo error)	Condition on S65 Certificate	No significant change or impact.
6.4 Planning controls for Ryde Town Centre 6.4.1 Precinct 1 – civic and mixed 6.4.2 Precinct 2 – Town Core	Deleted	Condition on S65 Certificate	Controls to be placed inside DCP . As majority of development completed in Precinct 2 and Precinct 1 under the development of a Master Plan removal of the controls not considered to have significant impact.

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
6.5 Ground floor development on land Zone B6 Enterprise Corridor	<p>Clause in part states that consent must not be granted if the development would result in any part of the ground floor not being used for business or employment activities other than parts of the floor used for a lobby for any commercial development</p> <p>Added: - subclause (2) which for the purposes of the clause defines commercial activities as business premises , community facilities , hotel or motel accommodation landscape and garden supplies , light industries, passenger transport facilities , timber and building supplies or warehouse or distribution centres.</p>	Condition on S65 Certificate	No significant change or impact
6.6 Flooding	No change		
6.7 Environmental Sustainability	<p>Clause rewritten to remove reference to 4 Star Green – Green Building Council of Australia.</p> <p>Clause now makes reference to Australian Best Practice Environmental Sensitive Design</p>	DoPI required the clause to be rewritten prior to issue of S65 Certificate.	No significant change or impact
6.8 Stormwater Quality	Replace clause with a new clause worded by DoPI	Condition on S65 Certificate	<p>Clause submitted to DoPI applied to development of 6 or more dwellings, development of 4 storeys or more and /or floor space of more than 2000sqm .</p> <p>New clause applies to all land zoned</p>

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
			Residential, Business and Industrial. The clause requires that all such developments <ol style="list-style-type: none"> 1. be designed to maximise the use of water permeable surfaces 2. include where practical on site stormwater retentions for uses as alternative supply to mains water etc and 3. avoids or minimises the disturbance and impacts on stormwater runoff on adjoining properties The amendment is not considered significant as the controls are broad and worded to apply where practical.
Schedules			
Schedule 1 Additional permitted uses	Minor amendments to items with respect to the use of dictionary terms	Requirement of DoPI prior to issue of S65 Certificate.	No significant change or impact
Schedule 2 Exempt development	Amends Footpath activity and Outdoor dining by: <ul style="list-style-type: none"> o Removing references to Council's <i>Footpath Activity Controls Council Policy</i> and Council's <i>Outdoor Dining Policy</i> o Includes major controls from the two Policy documents in the conditions associated with the 	Condition on S65 Certificate	No significant change or impact

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	development being Exempt development.		
Schedule 3 Complying development	No change		
Schedule 4 Classification and reclassification of public land	No change		
Schedule 5 Environmental heritage	<p>Changes to <i>Significance</i> classification for the following items</p> <ul style="list-style-type: none">o Denistone House – to be made Localo Wallamatta Reserve – to be made Localo Field of Mars Reserve _ to be made Localo Rockend Cottage – to be made Localo Eastwood House School – to be made Localo The Retreat – to be made Local <p>Amend <i>Item name</i> for a number of heritage items as specified below:-</p> <p>Gladesville Drill Hall Meadowbank Railway Bridge over Parramatta River</p>	<p>Condition on S65 Certificate</p> <p>Required changes to correct errors in the Schedule.</p> <p>No significant change or impact.</p> <p>Condition on S65 Certificate</p> <p>No significant change or impact.</p>	

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	Riverview House and outbuildings Ryde Pumping Station and site Hermitage and garden Former Police Station Addington House		
MAPPING CHANGES (Map No.)			
Land Zoning Map LZN_08 & 09	Rezoned the Porters Creek Site , being Lots 11 and 12 DP 841065 and Lots 540 and 543 DP 1005833 at Wicks Road, Macquarie Park from RE1 to IN2	Condition on S65 Certificate	<p>The subject land is presently zoned RE1 Public Recreation under LEP 2010 and draft LEP 2011. The S65 Certificate requires that the land be rezoned IN2 Light Industrial.</p> <p>The land adjoins 160 – 162 Wicks Road Macquarie Park which is owned by Council and known as the Porters Creek site. Council resolved on the 24 August 2010 to rezone 160 – 162 Wicks Road from RE1 Public Recreation to IN2 Light Industrial under draft LEP 2011. The change in zoning of the land to IN2 would allow an amalgamation of the land with Council's Porters Creek site.</p> <p>Note: The land was originally owned by the City of Ryde for its operational purposes together with other land that was acquired by the NSW State Government for the purpose of construction the M2.</p>

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
			During construction of the M2 excavation material was dumped on the site by the RTA/Abigroup Joint Venture over the culvert area. Due to its weight this has caused risk to the area and damage to the underlying culvert which requires removal in order to minimise that impact on the culvert.
Land Zoning Map LZN_05	Rezone Cudal Reserve at 22 Henry Street Ryde from SP2 WS&D to R2	Condition on S65 Certificate	<p>Council received a submission during the Community Consultation period from Sydney Water requesting the rezoning of the subject land to R2 on the basis of a Site Compatibility Certificate issued which supports a zoning compatible with the surrounding area. A similar submission was received by DoPI.</p> <p>On 7 June 2011, the Minister for Planning and Infrastructure, The Hon. Brad Hazzard MLA, wrote to Council advising that he has put a stay on the request of the Director-General DoPI to issue a consent for the development application submitted by Sydney Water to subdivide the subject site. Mr Hazzard further advised that subject to review of the matter, including of Council's view, he</p>

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
			<p>would consider an appropriate course of action.</p> <p>Council has approached senior staff within DoPI on a number of occasions requesting reconsideration of the rezoning of Cudal Reserve and an amendment to the S65 removing Condition 12 reference to Cudal Reserve . To date DoPI has not supported any of these requests</p>
Land Zoning Map LZN_06	Rezoned 20 Goulding Road , Ryde SP2 WS&D to R2	Condition on S65 Certificate	<p>Council received a submission during the Community Consultation period from Sydney Water regarding the rezoning of the land to R2 on the basis of a Site Compatibility Certificate issued which supports a zoning compatible with the surrounding area. A similar submission was received by DoPI.</p> <p>Note: Under LEP 2010 Clause 5.3 <i>Development near zone boundaries</i> applies to Sydney Water land at Henry Street and Goulding Road (zoned SP2). The Clause permits land to which it applies to be development for any land use permitted in an adjoining zone if the development is not inconsistent with the objectives of both zones and the</p>

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
			<p>carrying out of development is compatible with planning principles relating to the efficient and timely development of land.</p> <p>The State Government required that Clause 5.3 be inserted into LEP 2010 and is restricted to land zoned SP2.</p> <p>The clause has also be adopted for the SP2 zone under draft LEP 2011 and is consistent with the requirements of DoPI. The rezoning of the land at 22 Henry St (Cudal Reserve) or 20 Goulding Road to R2 Low Density does not alter the nature of land uses currently permitted on the land by virtue of Clause 5.3, meaning either parcel could be developed with dwelling houses or multi dwelling housing under the SP2 zone.</p>
Land Zoning Map LZN_09	390 Pittwater Road North Ryde – Rezoning to SP2 Classified Road	Condition on S65 Certificate	As a result of a drafting error the land was incorrectly zoned. The land which is owned by HillsM2 is zoned SP2 Classified Road under LEP 2010. The condition reinstates that zoning
Land Reservation Acquisition Map	Remove from Land Reservation Acquisition Maps and reinstate original zoning on the Land Zoning Maps for the	Condition on S65 Certificate	Council on the 21 June 2011 reviewed the properties proposed to be acquired and resolved that 8 of the

Clauses within LEP 2011	Changes	Reason for changes	Affect of Amendment
	<p>following properties</p> <p>43 Rocca St Denistone East 20 Richard Johnson Crescent Meadowbank 37 Constitution Road Meadowbank 25 Moreshead Street North Ryde 42 Epping Road North Ryde 77 Moreshead Street North Ryde 14 Quarry Road North Ryde 52 Griffiths Avenue Ryde</p>		<p>11 properties previously identified as being required for open space on Draft LEP 2011 Land Reservation Acquisition Map be deleted from that map and their previous zoning be reinstated.</p> <p>Council on the 4 July 2011 requested that DoPI condition the above change as part of the S65 Certificate. This condition is in response to that request</p>
Land Zoning Map LZM004	Rezone 209 Waterloo Road North Ryde from R3 and R4 to R4 High Density Residential	Condition on S65 Certificate	Minor drafting error being corrected (property given a split zoning).
Land Zoning Map	9 -19 Second Avenue to be rezoned R2 Low Density Residential 283 – 289	Condition on S65 Certificate	Maps to be amended to reflect Planning Proposals that have been under community consultation.
Note:	<p>All maps have been amended to reflect the technical requirements of DoPI e.g. legend of FSR Map amended , FSR colour and symbols on map reviewed and amended where necessary ,updating the M2 boundary (a request from RTA) to reflect the latest information. Some changes to the Land Reservation Acquisition Map also occurred as a result of a late submission from the RTA.</p>		

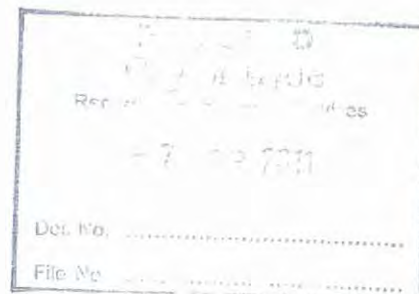
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**Planning &
Infrastructure**

Office of the Director-General

Mr John Neish
General Manager
Ryde Council
Locked Bag 2069
NORTH RYDE NSW 1670

Attention: Dominic Johnson



Dear Mr Johnston

Ryde Local Environmental Plan 2011– Certificate to exhibit draft Plan - Approval

I am writing in response to your request for certification of Ryde Local Environmental Plan 2011. I am pleased to advise that I have endorsed the draft Local Environmental Plan (LEP) for exhibition and have attached the section 65 certificate and a copy of the certified draft Plan dated 12 April 2011. I advise that this letter replaces the letter I previously forwarded dated 23 June 2011.

As an opinion has not been issued by Parliamentary Counsel that the Plan may be legally made, the Department has issued this certificate on the understanding that council, when exhibiting the draft LEP, makes it clear to the public that the draft Plan may be changed to satisfy legal drafting requirements. Council must also provide a plain English explanation of the Plan for exhibition explaining what the Plan does.

Please note that references to the particular sections of the *Environmental Planning and Assessment Act 1979* in this letter relate to the previous plan making provisions repealed on 1 July 2009.

Council is reminded to place the relevant State Environmental Planning Policies (SEPPs), any Regional Environmental Plans (deemed SEPPs) and section 117 Directions that apply on exhibition with the certified draft Plan.

It has been identified that the draft Plan is inconsistent with the section 117 Directions 2.1 (Environmental Protection Zones) and 4.3 (Flood Prone Land). I have approved that the inconsistencies are justified and are of minor significance in this case. Council is required to place this letter on exhibition to demonstrate that these inconsistencies have been addressed and are of minor significance.

Schedule 2 of the section 65 certificate includes conditions requiring amendments to be made to the draft LEP and maps before exhibition takes place.

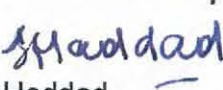
Council should ensure that any final draft plan and maps submitted to the Department following community consultation are consistent with the Act and Regulations. Council should also note that the Department and Parliamentary Counsel may modify some local model clauses and your plan may need to be amended accordingly. The

Department's Regional office can assist Council to review the final plan before submission to the Minister. Please be advised that the Department has updated the draft LEP in accordance with the Standard Instrument (Local Environmental Plans) Amendment (Miscellaneous) Order 2011 which came into force on 13 July 2011.

I would like to thank Council's staff for progressing the draft plan in a highly professional manner and look forward to your ongoing commitment to finalise this new planning instrument.

If you have any questions in relation to this matter, please contact Juliet Grant, Regional Director of the Department of Planning and Infrastructure's Sydney East Region on 02 9228 6113.

Yours sincerely


Sam Haddad
Director General 5/9/2011

Enc:

s65 certificate, Certified draft Plan and Maps

Attachment A Annotated Land Reservation and Acquisition maps LRA_003, 005, 006 and 009

Attachment B Annotated Land Zoning Maps LZN_003, 005, 006 and 009

Attachment C Annotated Land Zoning Map LZN_004



Planning &
Infrastructure

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

SECTION 65(2) CERTIFICATE

As the Director General of the Department of Planning and Infrastructure, I, Sam Haddad, under section 65(2) of the *Environmental Planning and Assessment Act, 1979*, certify that the draft plan named in Schedule 1 may be publicly exhibited under section 66 of the Act subject to the condition that the draft LEP be amended as set out in Schedule 2.

Signed

Sam Haddad
Director General

Dated 5th September 2011

Schedule 1

Draft Ryde Local Environmental Plan 2011 attached to this certificate.

Schedule 2 conditions

1. Update the Draft LEP in accordance with Table 1 below to accord with the Standard Instrument Order.

Table 1

Clause/Page	Change
Clause 1.3(1)	Add mandated clause 1.3(1): 1.3(1) This Plan applies to the land identified on the Land Application Map.

2. Update the Land Use Table in accordance with Table 2 to comply with the Land Use Matrix:

Table 2

Zone	Change
Zone B3, B7, IN2 and IN4	Add: 'Timber yards' under (4) Prohibited
Zone B4	Add: 'Farm buildings' under (4) Prohibited

3. Add the following text to Clause 4.1 after 4.1(4)

"4.1(5) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle."

4. Delete the following clauses:

- a) Clause 4.1A Minimum subdivision requirements in certain residential zones
- b) Clause 4.4B Centres- floor space ratio
- c) Clause 4.5B(5) Macquarie Park Corridor
- d) Clause 6.4 Planning Controls for Ryde Town Centre
- e) Clause 6.4.1 Precinct 1 – Civic and mixed
- f) Clause 6.4.2 Precinct 2 – Town Core

5. Under Clause 4.1B, delete 'or a duplex building' under subclause (1) and delete subclause (2).

6. Update Clause 6.3(3)(h) to include the entire model subclause.

7. Update Clause 6.5 by adding subclause (2) as follows:

*(2) In this clause, **commercial activities**, in relation to the use of a building, means using the building for the purposes of business premises, community facilities, hotel or motel accommodation, landscape and garden supplies, light industries, passenger transport facilities, timber and building supplies or warehouse or distribution centres.*

8. Replace Clause 6.8 with the following draft model clause:

6.8 Stormwater

(1) The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies, adjoining properties, native bushland and receiving waters.

(2) This clause applies to all land zoned Residential, Business and Industrial land uses.

(3) Before granting consent to development to which this clause applies the consent authority must be satisfied that the development:

(a) is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water,

(b) include, where practical, on-site stormwater retention for uses as an alternative supply to mains water, groundwater or river water; and

(c) avoids, or where an impact cannot be avoided, minimises and mitigates, the disturbance and impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.

9. Deleted

10. Update Schedule 2 in accordance with Table 3 below:

Table 4

Schedule 2	Change
Footpath Activity (associated with retail premises, industrial retail outlets, kiosk, neighbourhood shop and shop)	<p>Amend with the following text:</p> <p>Development on footpath (associated with commercial premises or industrial retail outlet)</p> <p>(1) Must be associated with an adjacent or nearby commercial premises (not including food and drink premises) or industrial retail outlet for which development consent has been granted.</p> <p>(2) Must not be located on a classified road.</p> <p>(3) Must be associated with an activity or area which is the subject of an approval for street vending under the Roads Act 1993.</p> <p>(4) The footpath must be a minimum width of 3.6 metres measured from the front of the associated premises to the kerb.</p> <p>(5) Unobstructed pedestrian access of a minimum width of 2 metres must be maintained.</p> <p>(6) All structures associated with the use are to be removable and stored within the associated premises outside approved business hours;</p> <p>(7) No A-frame (sandwich board) signs are permitted.</p> <p>(8) Must be located in a manner compatible with authorised adjoining uses.</p> <p>(9) Where located at an intersection of two roads, the use must not be located within 3 metres radius of the intersection measured from the property boundary.</p> <p>(10) Must not be located at bus stops, taxi ranks, near pedestrian crossings, or other areas where there is concentrated pedestrian traffic or vehicular traffic safety concerns.</p> <p>(11) Unobstructed access must be maintained to the host premises and adjacent premises at all times.</p> <p>(12) Must not involve the preparation of food.</p> <p>(13) Must not include the use of music (amplified, live or otherwise), or spruiking at any time.</p>
Outdoor dining (associated with food and drink premises)	<p>Amend with the following text:</p> <p>Outdoor dining (associated with food and drink premises, excluding pubs)</p> <p>(1) Must be associated with an adjacent/nearby food and drink premises (excluding pubs) for which development consent has been granted.</p> <p>(2) The use of the footpath for outdoor dining is limited to the front of the premises for which development consent has been granted.</p> <p>(3) Where located on a public road, the outdoor dining area is the subject of a current valid approval under section 125 of the Roads Act 1993.</p> <p>(4) The outdoor dining area must have a minimum width of 1 metre.</p> <p>(5) Where located adjacent to a parking lane, the outdoor dining area must be setback a minimum of 600mm from the kerb.</p> <p>(6) Unobstructed pedestrian access of a minimum width of 2 metres must be maintained.</p> <p>(7) Outdoor dining associated with a premises located at an intersection of two roads must not be located within 3 metres of the intersection measured from the property boundary.</p> <p>(8) Outdoor dining must not be located at bus stops, taxi ranks, or near pedestrian crossings.</p>

	<p>(9) All boundaries of the outdoor dining area must be delineated. Permanent structures must not be used to delineate the area, unless previously approved by Council.</p> <p>(10) Unobstructed access must be maintained to the host premises and adjacent premises at all times.</p> <p>(11) No music (amplified, live or otherwise) shall be played outside the premises at any time.</p> <p>(12) Smoking being prohibited in the outdoor dining area in accordance with Council's policy for no smoking in outdoor dining areas.</p> <p>(13) No food preparation is permitted in the outdoor dining area.</p> <p>(14) Must be operated only within the approved hours of the associated premises.</p> <p>(15) Must not involve construction work or the erection/hoisting of structures without the prior approval of Council.</p> <p>(16) Furniture, materials and equipment used in association with the outdoor dining area must be temporary in nature, and at the close of business must be removed from the public area and stored within the associated premises.</p> <p>(17) Umbrellas, furniture, heating devices used in association with the outdoor dining area are to be securely installed at all times whilst in use to ensure the protection and safety of people and property.</p> <p>(18) The outdoor dining area must not be enclosed or covered without the prior approval of Council.</p> <p>(19) No A-frame (sandwich board) signs are permitted.</p>
Outdoor lights (Fixed)	<p>Amend by adding the following line:</p> <p>(2) Must not apply to heritage items of local significance.</p>
Solid fuel heaters	<p>Amend by adding the following line:</p> <p>(5) Must not apply to heritage items of local significance.</p>

11. Update Schedule 5 in accordance with Table 4 below:

Table 5

Item	Change
I47, I133, I158, I55, I99 and I153	Replace significance from 'State' to 'Local'
I133, I56, I67, I155, I88, I150, I152	<p>Update item name for the following items:</p> <p>I113 to 'Gladesville Drill Hall'</p> <p>I56 to 'Meadowbank Railway Bridge over Parramatta River'</p> <p>I67 to 'Riverview House and outbuildings'</p> <p>I155 to Ryde Pumping Station and site</p> <p>I88 from "(House and Garden)" to "(Hermitage and garden)"</p> <p>I150 to "Former Police Station"</p> <p>I152 from "Addington (House)" to "Addington House"</p>

12. Update the following Draft LEP maps in accordance with Table 5 below:

Table 6

Map	Change
LZN_08 & LZN_09	Rezone the Porters Creek Site, being Lots 11 and 12 DP 841065 and Lots 54 and 543 DP 1005833 at Wicks Road, Macquarie Park from RE1 Public Recreation to IN2 Public Recreation.
LZN_05	Rezone Cudal Reserve at 22 Henry Street Ryde from SP2 WS& D to R2 Low Density Residential.

LZN_06	Rezone 20 Goulding Road, Ryde from SP2 WS&D to R2 Low Density Residential.
LZN_09	Rezone 390 Pittwater Road, north Ryde (being lots 11 and 21 DP 1017829) from E2 Environmental Conservation to SP2 Classified Road.

13. Update the Land Reservation Acquisition Maps LRA_003, 005, 006 and 009, and Land Zoning Maps LZN_003, 005, 006 and 009 by:

- a) Deleting the following properties from the Land Reservation Acquisition Map, also shown at Attachment A:

43 Rocca Street DENISTONE EAST
 20 Richard Johnson Crescent MEADOWBANK
 37 Constitution Road MEADOWBANK
 25 Morshead Street NORTH RYDE
 42 Epping Road NORTH RYDE
 77 Morshead Street NORTH RYDE
 14 Quarry Road NORTH RYDE
 52 Griffiths Avenue RYDE

- b) Rezoning the 8 items listed under 12 a) to the prevalent surrounding zone, in accordance with Attachment B.

14. Update the Land Zoning Map LZN_004 to rezone 209 Waterloo Road, North Ryde from R3 Medium Density Residential and R4 High Density Residential to R4 High Density Residential Zoning in accordance with Attachment C.

15. Insert Clause 4.1D:

4.1D Minimum lot size for hatchet shaped allotments

(1) The objectives of this clause are to:

- (a) maintain visual amenity and character of the area,*
(b) retain residential amenity through the provision of suitable landscaped areas and vehicular access.

(2) This clause applies to land in the R2 Low Density Residential, R3 medium Density Residential and R4 High Density Residential zones.

(3) Despite clause 4.1, for a hatchet shaped lot on land to which this clause applies the minimum lot size is 740 square metres.

(4) For the purpose of calculating the lot size of a hatchet shaped lot, the area of the access laneway is excluded.

16. Update the draft LEP maps in accordance with Planning Proposals for the following properties:

- a) 9-19 Second Avenue and part of 14-18 Third Avenue Eastwood; and
 b) 283-289 Blaxland Road, Ryde

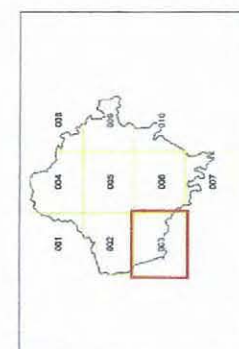
Attachment A



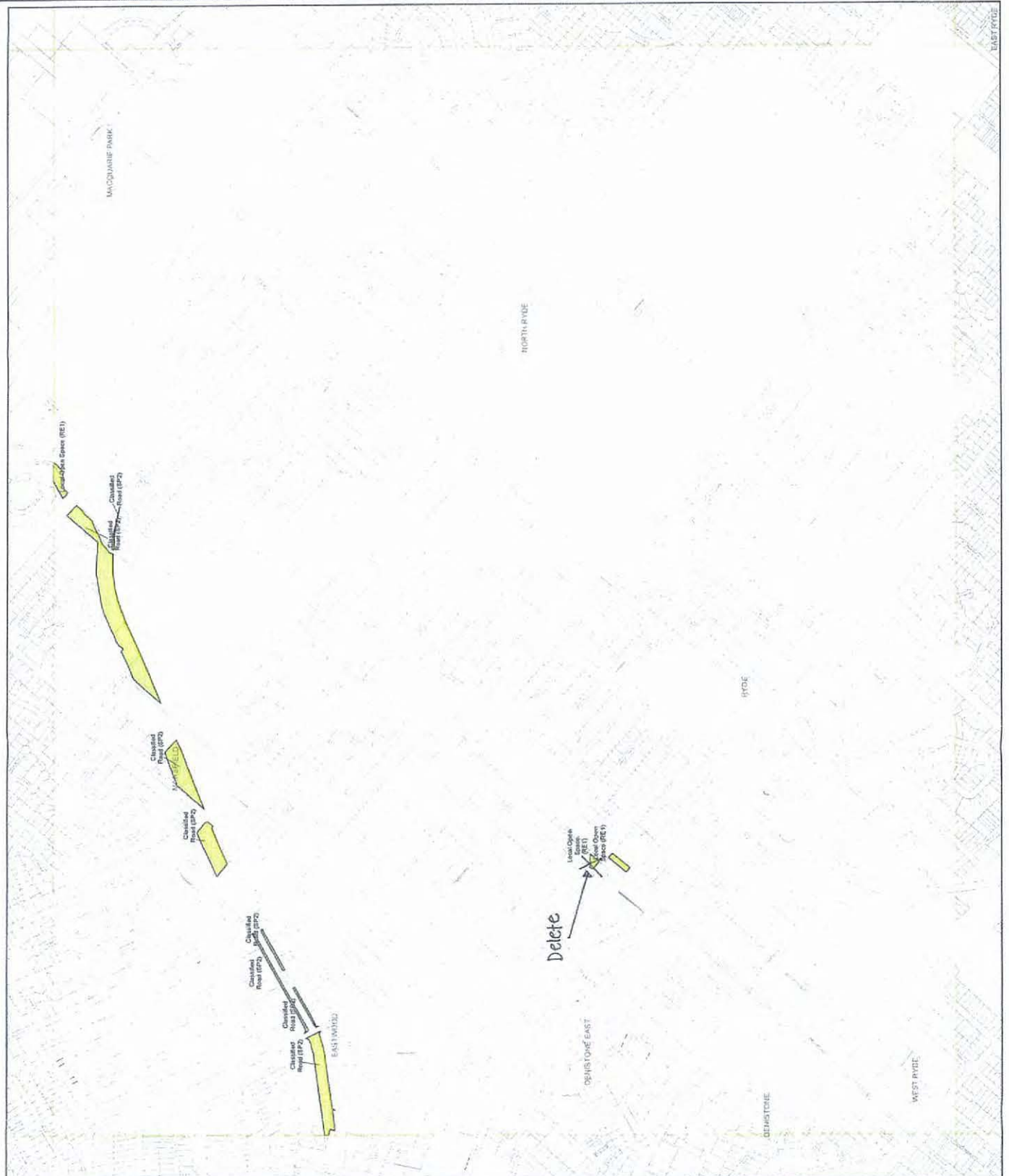
Ryde Local Environmental Plan 2011 Land Reservation Acquisition Map - Sheet LRA_003

- Classified Road (SP2)
- Local Open Space (RE1)
- Regional Open Space (RE1)
- Cadastre

Cadastre 30/11/2010 © City of Ryde



Projection: GDA 1984
MGA Zone 55
Map identification number: 0100_CON_LRA_003_010_20110910



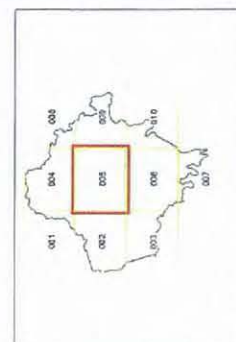
Ryde Local Environmental Plan 2011

Land Reservation Acquisition Map - Sheet LRA_005

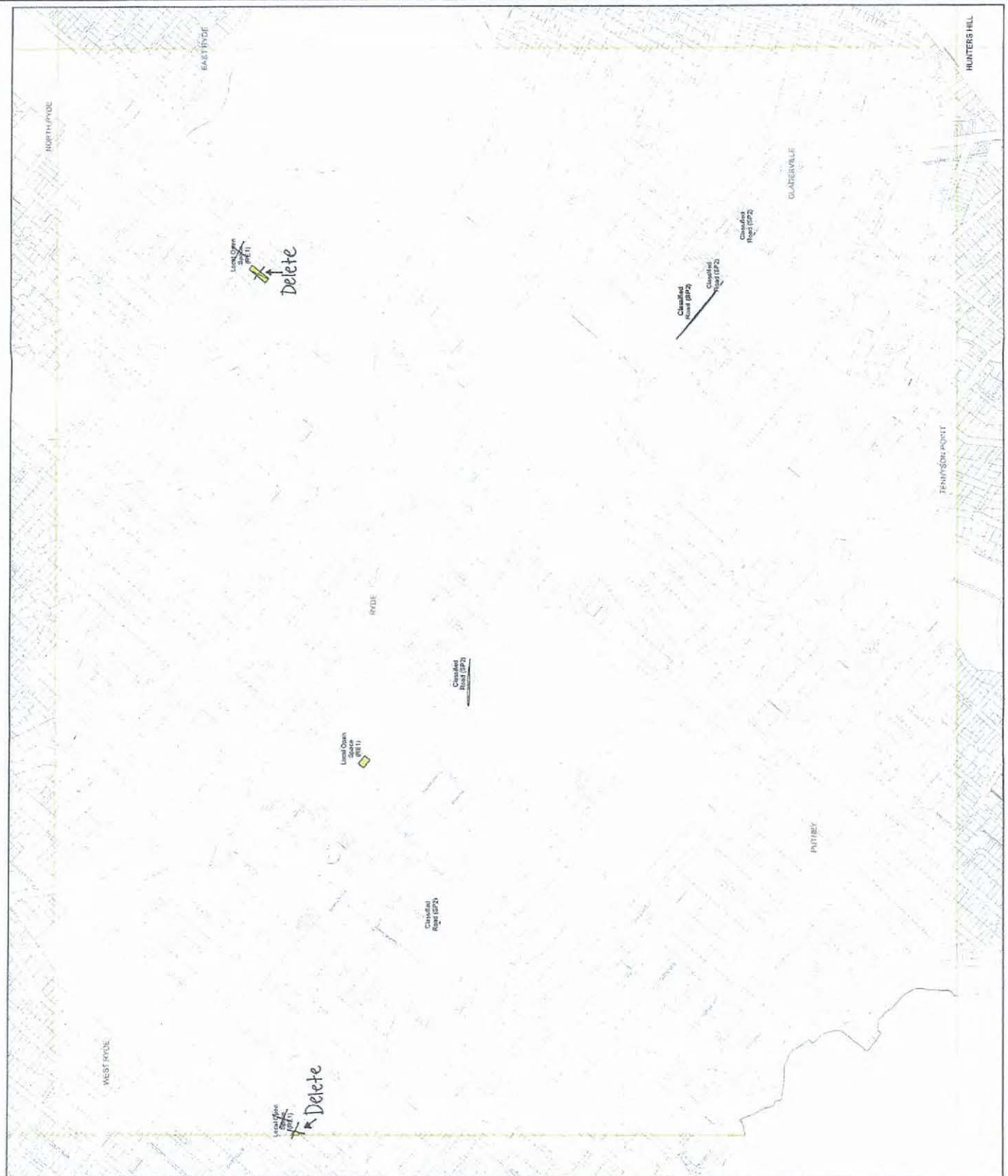
- Classified Road (SP2)
- Local Open Space (RE1)
- Regional Open Space (RE1)

Cadastre

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Project: LRA_005
Map identifier number: 6/20_COM_LRA_005_010_20110510



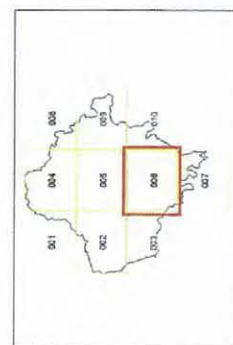
Ryde Local Environmental Plan 2011

Land Reservation Acquisition Map - Sheet LRA_006

- Classified Road (SP2)
- Local Open Space (RE1)
- Regional Open Space (RE1)

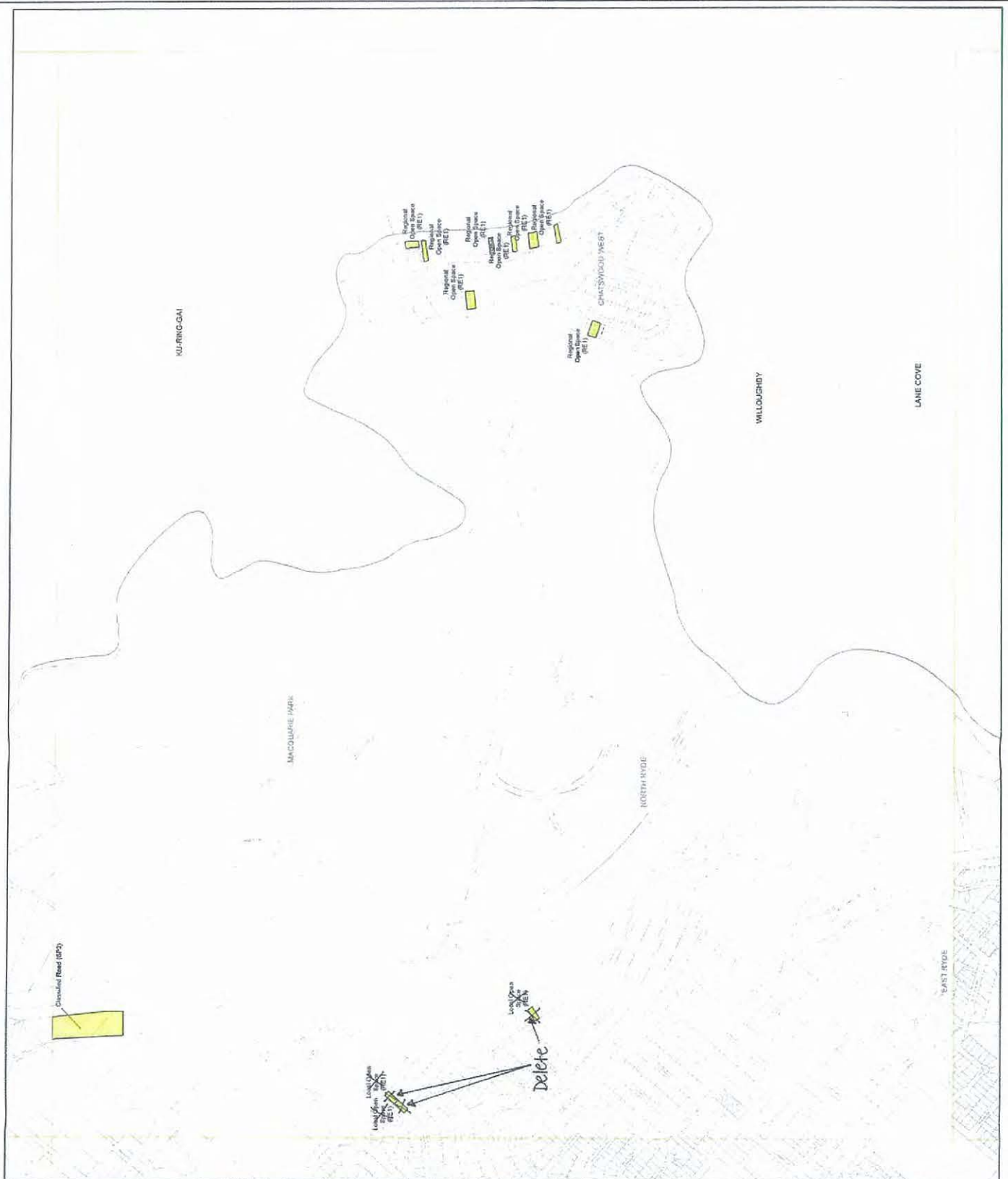
Cadastral

— — — — — Cadastral 30/11/2010 © City of Ryde



Proposed ODA 1104
MAY 2011

Map Identification Number: 6700_COM.LRA_006_010_20110510



Ryde Local Environmental Plan 2011

Land Reservation Acquisition Map - Sheet LRA_009

Cadastral

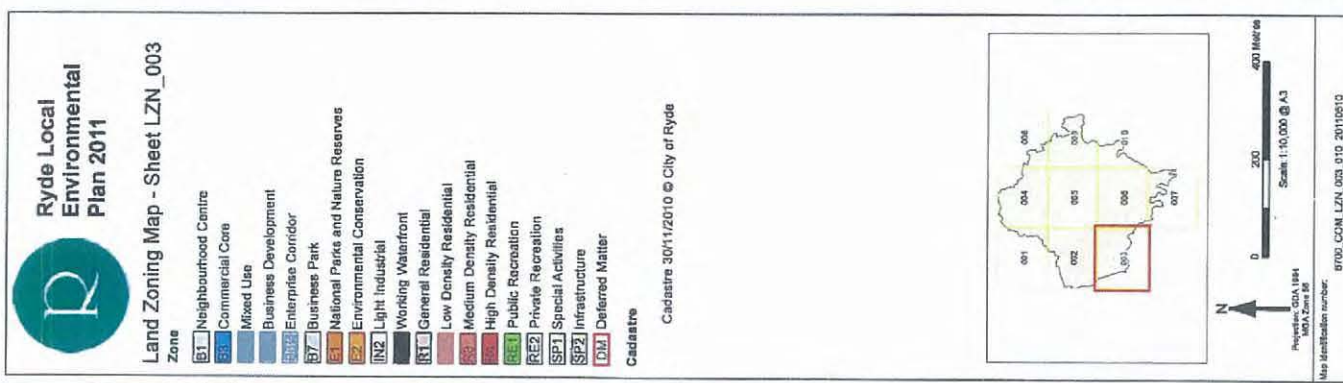
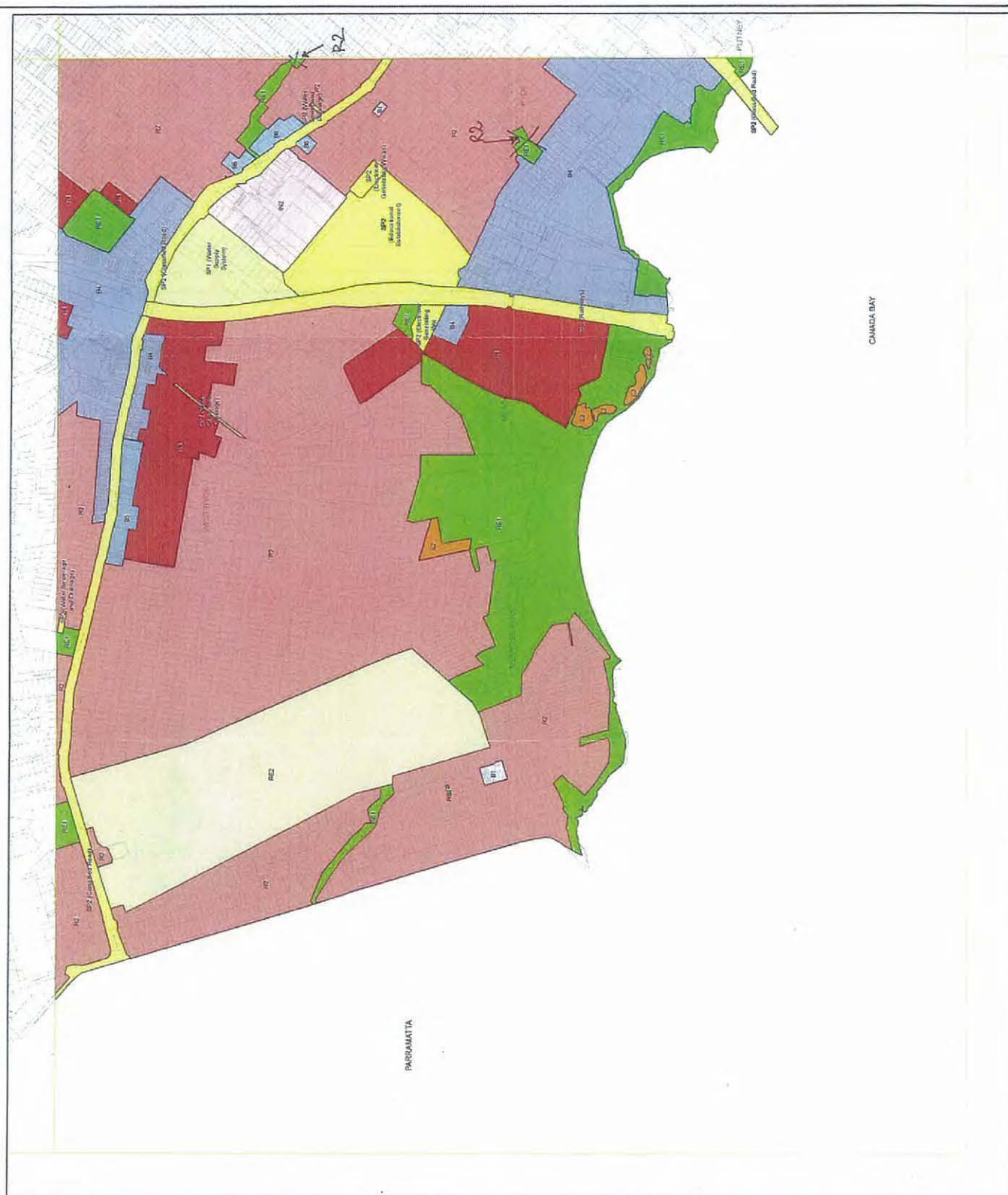
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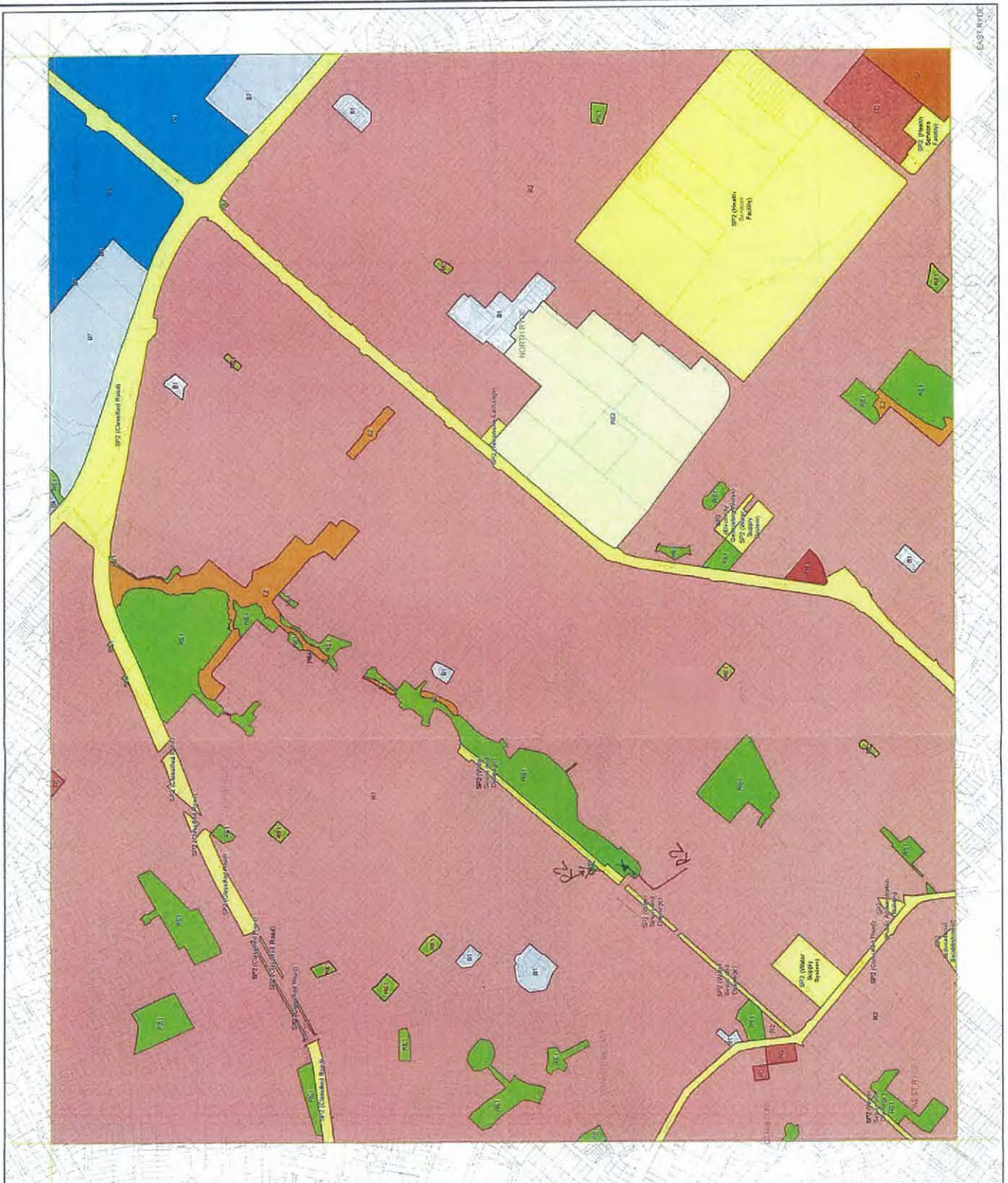
- Classified Road (SP-2)
- Local Open Space (RE1)
- Regional Open Space (RE1)

Map Information:

- Cadastral
- 30/11/2010 @ City of Ryde
- Projection: GDA 1984 MGA Zone 56
- Scale: 1:10,000 @ A3
- Map sheet location number: 01900_COM_LRA_009_010_20110510

Attachment B





Ryde Local Environmental Plan 2011

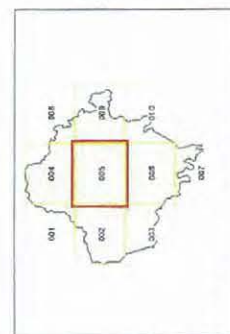
Land Zoning Map - Sheet LZN_005

Zone

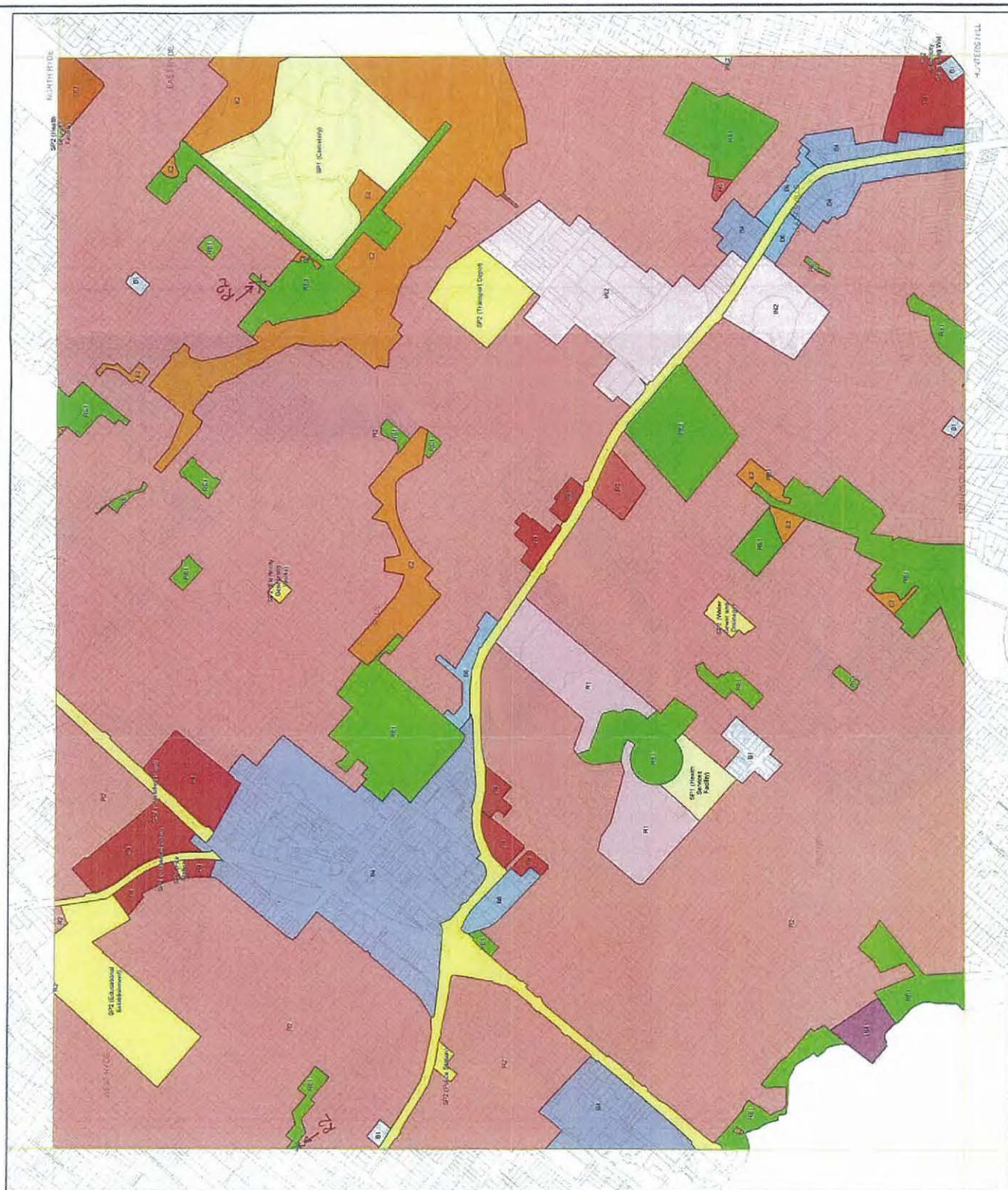
- B1 Neighbourhood Centre
- B2 Commercial Core
- B3 Mixed Use
- B4 Business Development
- B5 Enterprise Corridor
- B6 Business Park
- B7 National Parks and Nature Reserves
- E1 Environmental Conservation
- E2 Light Industrial
- E3 Working Waterfront
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- DM1 Deferred Matter

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Map identification number: 0700_COM_LZN_005_010_20110510



Ryde Local Environmental Plan 2011

Land Zoning Map - Sheet LZN_006

Zone

B1 Neighbourhood Centre	B2 Commercial Core	B3 Mixed Use	B4 Business Development	B5 Enterprise Corridor	B6 Business Park	B7 National Parks and Nature Reserves	B8 Environmental Conservation	B9 Light Industrial	B10 Working Waterfront	B11 General Residential	B12 Low Density Residential	B13 Medium Density Residential	B14 High Density Residential	B15 Public Recreation	B16 Private Recreation	B17 Special Activities	B18 Infrastructure	B19 Deferred Matter
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Cadastral

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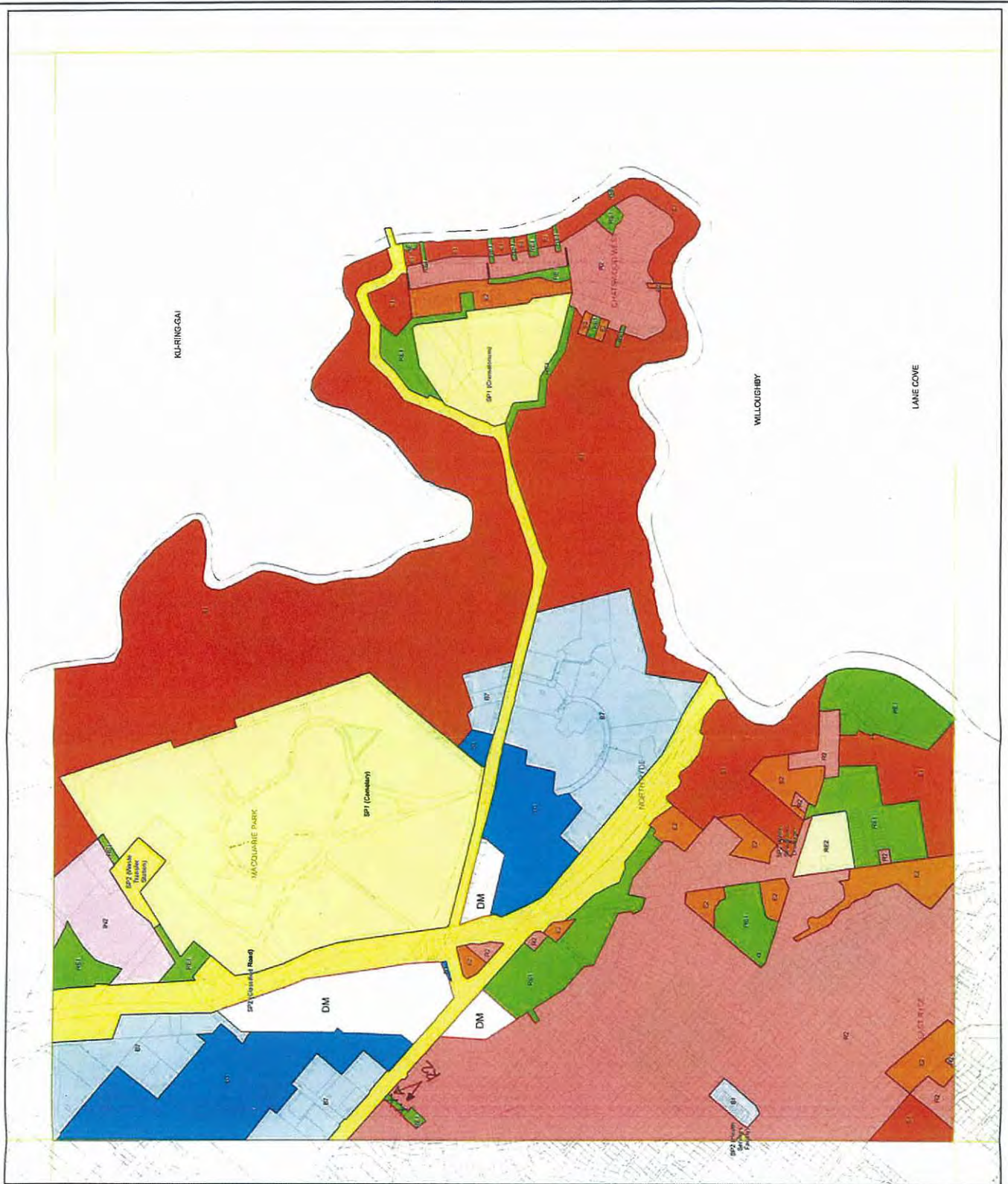
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MCA Zone 56

Map Identification number: B70L_C00M_LZN_006_010_20110510

Scale 1:10,000 @ A3

0 300 600 Metres

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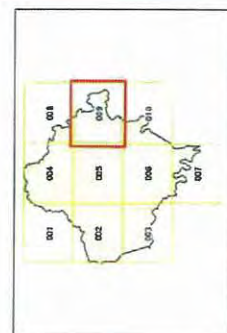
Ryde Local Environmental Plan 2011

Land Zoning Map - Sheet LZN_009

Zone

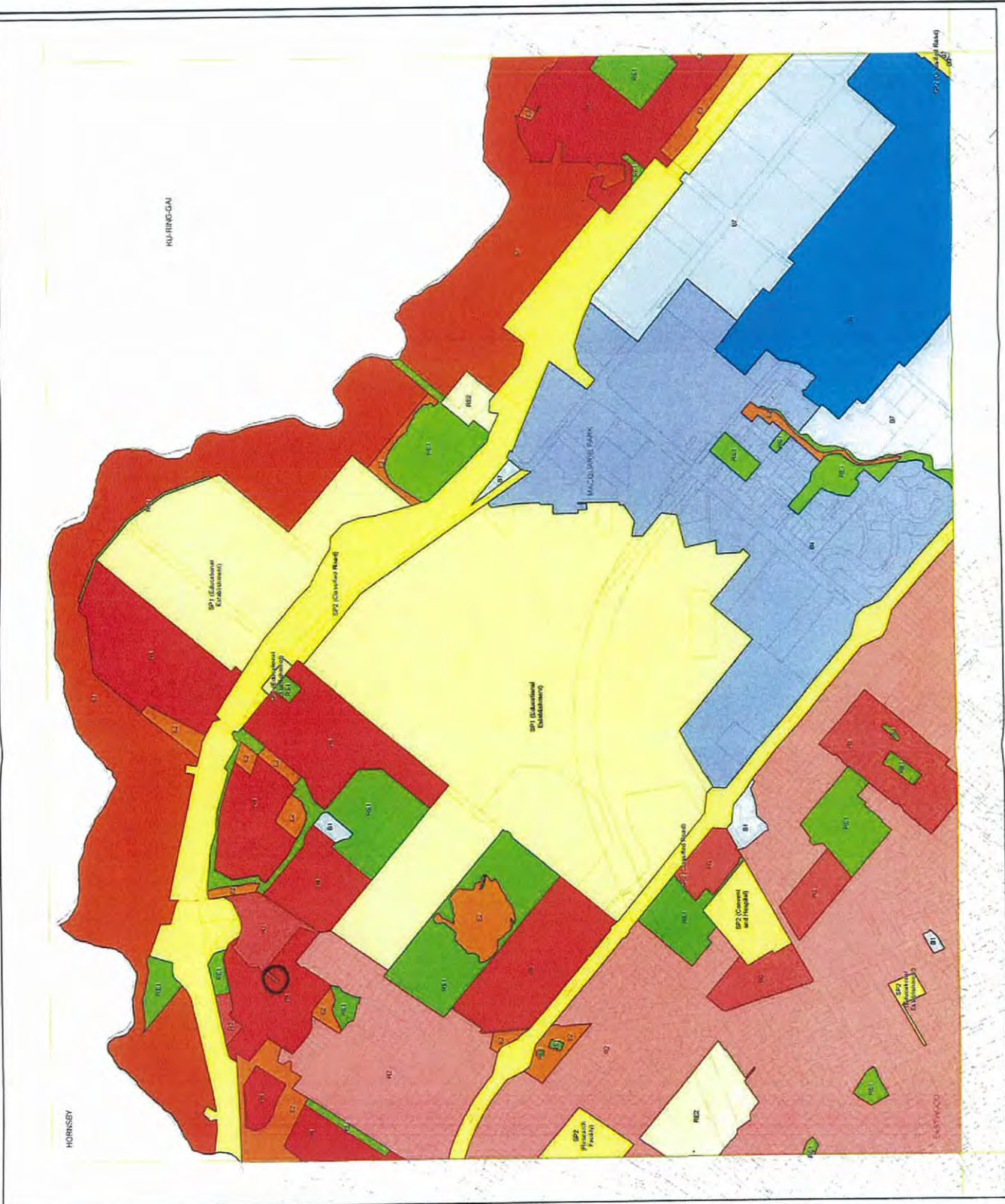
- B1 Neighbourhood Centre
- B3 Commercial Core
- Mixed Use
- Business Development
- Enterprise Corridor
- Business Park
- B7 National Parks and Nature Reserves
- Environmental Conservation
- IN2 Light Industrial
- Working Waterfront
- KL General Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- RE3 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure
- DM Deferred Matter
- Cadastre

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Projection: GDA 1984
MGA Zone 58

Map Information number: 6700_COM_LZN_009_010_20110510



Ryde Local Environmental Plan 2011

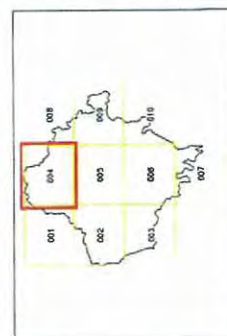
Land Zoning Map - Sheet LZN_004

Zone

- B1** Neighbourhood Centre
- B2** Commercial Core
- B3** Mixed Use
- B4** Business Development
- B5** Enterprise Corridor
- B6** Business Park
- B7** National Parks and Nature Reserves
- B8** Environmental Conservation
- B9** Light Industrial
- B10** Working Waterfront
- R1** General Residential
- R2** Low Density Residential
- R3** Medium Density Residential
- R4** High Density Residential
- R5** Public Recreation
- R6** Private Recreation
- S1** Special Activities
- S2** Infrastructure
- S3** Deferred Matter

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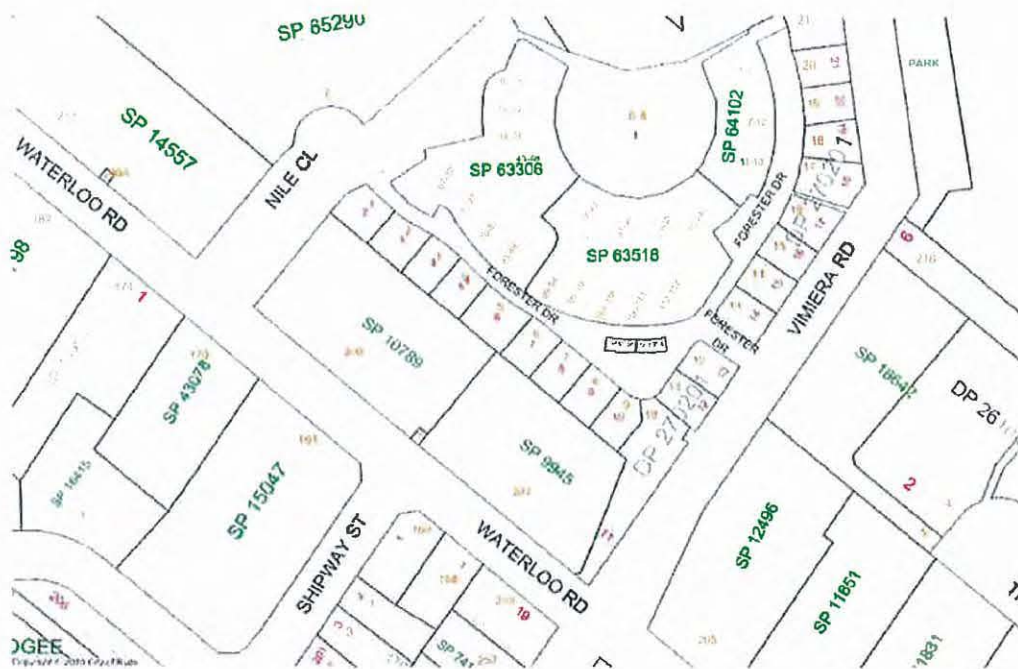


Prepared: 2011/04/20

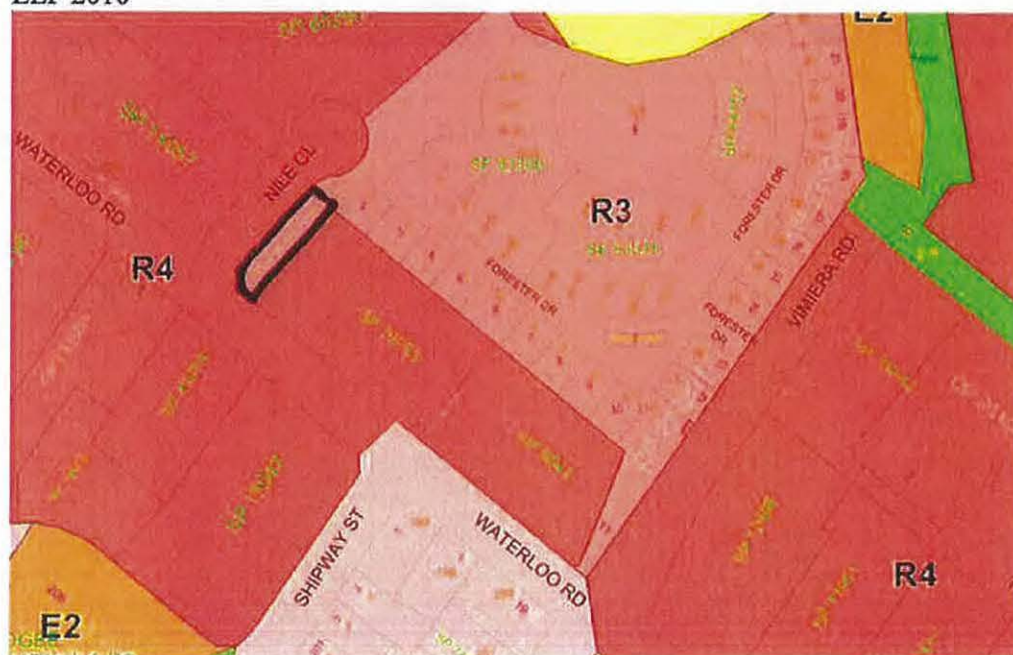
Map Zone 20

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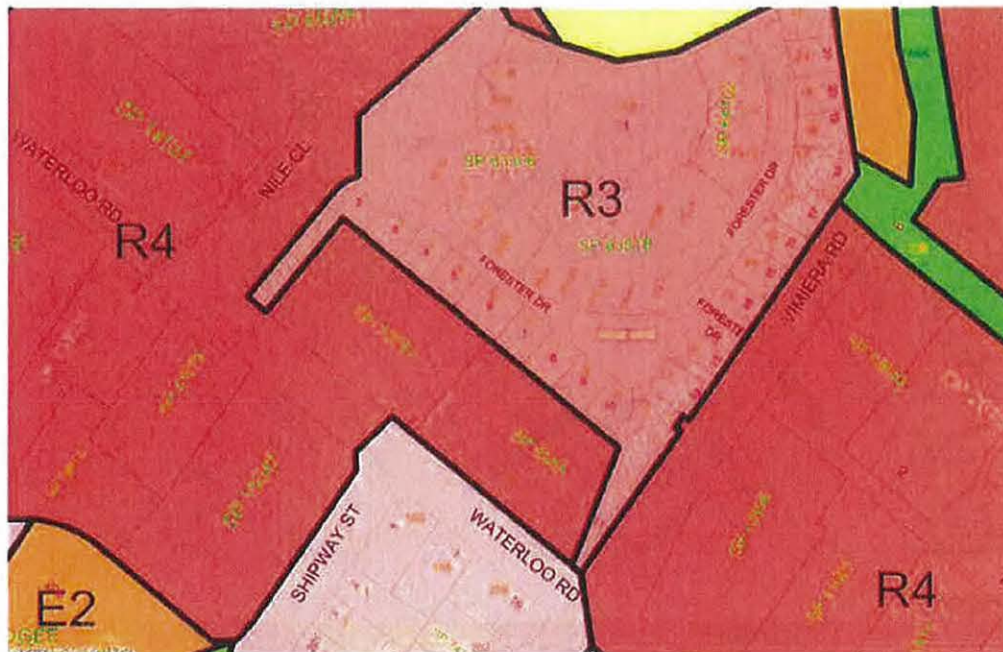
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LEP 2010



LEP 2011



Ryde Local Environmental Plan 2011

under the
Environmental Planning and Assessment Act 1979

I, the Minister for Planning and Infrastructure, pursuant to section 33A of the *Environmental Planning and Assessment Act 1979*, adopt the mandatory provisions of the *Standard Instrument (Local Environmental Plans) Order 2006* and prescribe matters required or permitted by that Order so as to make a local environmental plan as follows:

Minister for Planning and Infrastructure

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Part 1 Preliminary

1.1 Name of Plan [compulsory]

This Plan is *Ryde* Local Environmental Plan *2011*.

1.1AA Commencement [compulsory]

This Plan commences on the day on which it is published on the NSW legislation website.

1.2 Aims of Plan [compulsory]

- (1) This Plan aims to make local environmental planning provisions for land in *Ryde* in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
- (2) The particular aims of this Plan are as follows
 - (a) to encourage a range of development, including housing, employment and recreation, which accommodates the needs of the existing and future residents of Ryde
 - (b) to provide opportunities for a range of housing types and density that:
 - (i) accords with urban consolidation principles, and
 - (ii) is compatible with the existing environmental character of the locality, and
 - (iii) has a sympathetic and harmonious relationship with adjoining development
 - (iv) to enhance the amenity and characteristics of established residential areas
 - (c) to foster the environmental, economic, social and physical development of Ryde so that it develops as an integrated, balanced and sustainable city.
 - (d) to identify, conserve and promote Ryde's natural and cultural heritage as the framework for its identity, prosperity, liveability and social development.
 - (e) to improve access to the city, facilitate the maximum use of public transport and encourage walking and cycling.
 - (f) to protect and enhance the natural environment, including areas of remnant bushland in Ryde by incorporating principles of ecologically sustainable development into land use controls.
 - (g) to preserve and, where appropriate, improve the existing character, amenity and environmental quality of the land to which this Plan applies.
 - (h) in relation to economic activities, to provide a hierarchy of retail, commercial and industrial activities that enables employment capacity targets to be met, provides employment diversity and is compatible with local amenity, including the protection of the existing Centres within Ryde

1.3 Land to which Plan applies [compulsory]

- (1) This Plan applies to the land identified on the Land Application Map.
- (1A) Despite subclause (1), this Plan does not apply to the land shown on the Land Application Map as "Deferred Matter".

1.4 Definitions [compulsory]

The Dictionary at the end of this Plan defines words and expressions for the purposes of this Plan.

1.5 Notes [compulsory]

Notes in this Plan are provided for guidance and do not form part of this Plan.

1.6 Consent authority [compulsory]

The consent authority for the purposes of this Plan is (subject to the Act) the Council.

1.7 Maps [compulsory]

- (1) A reference in this Plan to a named map adopted by this Plan is a reference to a map by that name:
 - (a) approved by the Minister when the map is adopted, and
 - (b) as amended or replaced from time to time by maps declared by environmental planning instruments to amend or replace that map, and approved by the Minister when the instruments are made.
- (2) Any 2 or more named maps may be combined into a single map. In that case, a reference in this Plan to any such named map is a reference to the relevant part or aspect of the single map.
- (3) Any such maps are to be kept and made available for public access in accordance with arrangements approved by the Minister.
- (4) For the purposes of this Plan, a map may be in, and may be kept and made available in, electronic or paper form, or both.

Note. The maps adopted by this Plan are to be made available on the official NSW legislation website in connection with this Plan. Requirements relating to the maps are set out in the documents entitled *Standard technical requirements for LEP maps* and *Standard requirements for LEP GIS data* which are available on the website of the Department of Planning and Infrastructure.

1.8 Repeal of planning instruments applying to land [compulsory]

- (1) All local environmental plans and deemed environmental planning instruments applying only to the land to which this Plan applies are repealed.

Note. The following local environmental plans are repealed under this provision:

- (2) All local environmental plans and deemed environmental planning instruments applying to the land to which this Plan applies and to other land cease to apply to the land to which this Plan applies.

1.8A Savings provision relating to pending development approvals

If a development application has been made before the commencement of this Plan in relation to land to which this Plan applies and the application has not been finally determined before that commencement, the application must be determined as if this Plan had been exhibited but had not commenced.

1.9 Application of SEPPs [compulsory]

- (1) This Plan is subject to the provisions of any State environmental planning policy that prevails over this Plan as provided by section 36 of the Act.
- (2) The following State environmental planning policies (or provisions) do not apply to the land to which this Plan applies:

State Environmental Planning Policy No 1—Development Standards

State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development (clause 6 and 10 and Parts 3 and 4)

State Environmental Planning Policy No 60—Exempt and Complying Development

1.9A Suspension of covenants, agreements and instruments [local]

- (1) For the purpose of enabling development on land in any zone to be carried out in accordance with this Plan or with a development consent granted under the Act, any agreement, covenant or other similar instrument that restricts the carrying out of that development does not apply to the extent necessary to serve that purpose.
- (2) This clause does not apply:
 - (a) to a covenant imposed by the Council or that the Council requires to be imposed, or
 - (b) to any prescribed instrument within the meaning of section 183A of the *Crown Lands Act 1989*, or
 - (c) to any conservation agreement within the meaning of the *National Parks and Wildlife Act 1974*, or
 - (d) to any trust agreement within the meaning of the *Nature Conservation Trust Act 2001*, or
 - (e) to any property vegetation plan within the meaning of the *Native Vegetation Act 2003*, or
 - (f) to any biobanking agreement within the meaning of Part 7A of the *Threatened Species Conservation Act 1995*, or
 - (g) to any planning agreement within the meaning of Division 6 of Part 4 of the Act .
- (3) This clause does not affect the rights or interests of any public authority under any registered instrument.
- (4) Under section 28 of the Act, the Governor, before the making of this clause, approved of subclauses (1)–(3)

Part 2 Permitted or prohibited development

2.1 Land use zones [compulsory]

The land use zones under this Plan are as follows:

Residential Zones

- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential

Business Zones

- B1 Neighbourhood Centre
- B3 Commercial Core
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park

Industrial Zones

- IN2 Light Industrial
- IN4 Working Waterfront

Special Purpose Zones

- SP1 Special Activities
- SP2 Infrastructure

Recreation Zones

- RE1 Public Recreation
- RE2 Private Recreation

Environment Protection Zones

- E1 National Parks and Nature Reserves
- E2 Environmental Conservation

2.2 Zoning of land to which Plan applies [compulsory]

For the purposes of this Plan, land is within the zones shown on the Land Zoning Map.

2.3 Zone objectives and Land Use Table [compulsory]

- (1) The Land Use Table at the end of this Part specifies for each zone:
 - (a) the objectives for development, and
 - (b) development that may be carried out without development consent, and
 - (c) development that may be carried out only with development consent, and
 - (d) development that is prohibited.
- (2) The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within the zone.

- (3) In the Land Use Table at the end of this Part:
 - (a) a reference to a type of building or other thing is a reference to development for the purposes of that type of building or other thing, and
 - (b) a reference to a type of building or other thing does not include (despite any definition in this Plan) a reference to a type of building or other thing referred to separately in the Land Use Table in relation to the same zone.
- (4) This clause is subject to the other provisions of this Plan.

Notes.

- 1 Schedule 1 sets out additional permitted uses for particular land.
- 2 Schedule 2 sets out exempt development (which is generally exempt from both Parts 4 and 5 of the Act). Development in the land use table that may be carried out without consent is nevertheless subject to the environmental assessment and approval requirements of Part 5 of the Act or, if applicable, Part 3A of the Act.
- 3 Schedule 3 sets out complying development (for which a complying development certificate may be issued as an alternative to obtaining development consent).
- 4 Clause 2.6 requires consent for subdivision of land.
- 5 Part 5 contains other provisions which require consent for particular development.

2.4 Unzoned land [compulsory]

- (1) Development may be carried out on unzoned land only with development consent.
- (2) Before granting development consent, the consent authority:
 - (a) must consider whether the development will impact on adjoining zoned land and, if so, consider the objectives for development in the zones of the adjoining land, and
 - (b) must be satisfied that the development is appropriate and is compatible with permissible land uses in any such adjoining land.

2.5 Additional permitted uses for particular land [compulsory]

- (1) Development on particular land that is described or referred to in Schedule 1 may be carried out:
 - (a) with development consent, or
 - (b) if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.
- (2) This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.

2.6 Subdivision—consent requirements [compulsory]

- (1) Land to which this Plan applies may be subdivided, but only with development consent.

Notes

- 1. If a subdivision is specified as **exempt development** in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, the Act enables it to be carried out without development consent.

2 Part 6 of *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* provides that the strata subdivision of a building in certain circumstances is **complying development**.

- (2) Development consent must not be granted for the subdivision of land on which a secondary dwelling is situated if the subdivision would result in the principal dwelling and the secondary dwelling being situated on separate lots, unless the resulting lots are not less than the minimum size shown on the Lot Size Map in relation to that land.

Note. The definition of **secondary dwelling** in the Dictionary requires the dwelling to be on the same lot of land as the principal dwelling.

2.7 Demolition requires development consent [compulsory]

The demolition of a building or work may be carried out only with development consent.

Note. If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this Plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

2.8 Temporary use of land [optional]

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary purpose for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that:
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Land Use Table

Note. A type of development referred to in the Land Use Table is a reference to that type of development only to the extent it is not regulated by an applicable State environmental planning policy. The following State environmental planning policies in particular may be relevant to development on land to which this Plan applies:

State Environmental Planning Policy (Affordable Rental Housing) 2009 (including provision for secondary dwellings)

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

State Environmental Planning Policy (Infrastructure) 2007 – relating to infrastructure facilities such as those that comprise, or are for, air transport, correction, education, electricity generating works and solar energy systems, health services, ports, railways, roads, waste management and water supply systems.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007

State Environmental Planning Policy (Rural Lands) 2008

State Environmental Planning Policy No 33—Hazardous and Offensive Development

State Environmental Planning Policy No 50—Canal Estate Development

State Environmental Planning Policy No 62—Sustainable Aquaculture

State Environmental Planning Policy No 64—Advertising and Signage

Zone R1 General Residential

1 Objectives of zone

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home occupations; **Home based child care**

3 Permitted with consent

Attached dwellings; Boarding houses; **Business identification signs; Car parks; Child care centres; Community facilities; Dwelling houses; Educational establishment; Environmental protection works; Group homes; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Office premises; Places of public worship; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing; Shop top housing**

4 Prohibited

Any development not specified in item 2 or 3

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- **To provide for a variety of housing types.**

2 Permitted without consent

Home occupations; **Home based child care**

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Environmental protection

works; Group homes; Health consulting rooms; Hospitals; Multi dwelling housing ; Places of public worship; Recreation areas; Residential care facilities; Respite day care centres; Roads.

4 Prohibited

Any development not specified in item 2 or 3

Zone R3 Medium Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage revitalization, redevelopment and housing choice in residential area

2 Permitted without consent

Home occupations; Home based child care

3 Permitted with consent

Attached dwellings; Bed and Breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Environmental protection works; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential flat buildings; Respite day care centres; Roads; Seniors housing; Serviced apartments

4 Prohibited

Any development not specified in item 2 or 3

Zone R4 High Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Bed and Breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Environmental protection works; Multi dwelling housing; Neighbourhood shops; Places of

public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Serviced apartments; Shop top housing

4 Prohibited

Any development not specified in item 2 or 3

Zone B1 Neighbourhood Centre

1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.
- To encourage employment opportunities in accessible locations.

2 Permitted without consent

Home occupations, home based child care

3 Permitted with consent

Boarding houses; Business identification signs; Business premises; Child care centres; Community facilities; Light industries; Medical centres; Neighbourhood shops; Respite day care centres; Roads; Self-storage units; Shop top housing; Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrips; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Bulky goods premises; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Eco tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Garden centres; Hardware and building supplies; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupation (sex services); Hospitals; Industrial training facilities; Industries; Jetties; Landscaping materials supplies; Marinas; Mooring; Mooring pens Mortuaries; Open cut mining Passenger transport facilities; Port facilities; Plant nurseries; Pubs; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Sewage treatment plants; Sex services premises; Signage; Storage premises Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Vehicle sales or hire premises; Warehouse and distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities Water supply systems.

Zone B3 Commercial Core

1 Objectives of zone

- To provide a wide range of retail, business, office, entertainment, community and other suitable land uses that serve the needs of the local and wider community.

- To encourage appropriate employment opportunities in accessible locations.
- To maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home occupation

3 Permitted with consent

Building identification signs; Business identification signs; Child care centres; Commercial premises Community facilities; Educational establishments;; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Light industries; Medical centres; Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Roads; Restricted premises; Serviced apartments; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrip; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipad; Highway service centres; Home based child care; Home business; Home occupations (sex services); Industries; Industrial training facilities; Jetties; Marinas; Mooring; Mooring pens; Mortuaries; Open cut mining; Port facilities; Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage; Timber yards Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshop; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems. Wholesale supplies.

Zone B4 Mixed Use

1 Objectives of zone

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.

2 Permitted without consent

Home-based child care; Home occupations

3 Permitted with consent

Boarding houses; Building identification signs; Business identification signs; Child care centres; Commercial premises; Community facilities; Educational establishments; Entertainment facilities; Function centres; Hotel or motel accommodation; Information and education facilities; Medical centres;

Passenger transport facilities; Recreation facilities (indoor); Registered clubs; Respite day care centres; Restricted premises; Roads; Seniors housing; Shop top housing; Waste or resource transfer stations; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Depots; Eco tourist facility; Farm buildings, General industries; Heavy industries; Heavy industrial storage establishment; Home occupations (sex services); Industrial training facilities; Sewage treatment plants; Sex services premises; Signage; Vehicle body repair workshop; Vehicle repair stations; Waste or resource management facilities; Water recycling facilities; Water supply systems

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and bulky goods premises that require a large floor area, in locations that are close to, and that support the viability of, centres.

2 Permitted without consent

Home occupation

3 Permitted with consent

Bulky goods premises; Business identification signs; Child care centres; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping materials supplies; Light industries; Passenger transport facilities; Roads; Respite day care centres; Warehouse or distribution centres; Any development not specified in item 2 or 4

4 Prohibited

Agriculture; Airstrips ;Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematoria; Depots; Eco tourist facility; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishment; Helipad; Highway service centres; Home based child care; Home businesses; Home occupations (sex services); Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring; Mooring pens Mortuaries; Open cut mining; Plant nurseries; Port facilities; Pubs; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Residential accommodation; Restaurants and cafés; Restricted premises; Roadside stalls; Rural industries; Rural supplies; Sewerage reticulation systems; Sewage treatment plants; Sex services premises; Signage ; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshop; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems

Zone B6 Enterprise Corridor**1 Objectives of zone**

- To promote businesses along main roads and to encourage a mix of compatible uses.
- To provide a range of employment uses (including business, office, retail and light industrial uses).
- To maintain the economic strength of centres by limiting retailing activity.
- To provide for residential uses, but only as part of a mixed use development.
- To promote sustainable development including public transport use, living and working environments.

2 Permitted without consent

Home occupations

3 Permitted with consent

Building identification signs; Business identification signs; Business premises; Community facilities; Garden centres; Hardware and building supplies; Hotel or motel accommodation; Landscaping materials supplies; Light industries; Passenger transport facilities; Plant nurseries; Roads; Warehouse or distribution centres; Any development not specified in item 2 and 4.

4 Prohibited

Agriculture; Air transport facilities; Animal boarding or training establishments; Camping grounds; Caravan parks; Depots; Eco tourist facilities; General industries; Heavy industrial storage establishment; Heavy industries; Home occupations (sex services); Industrial training facility; Sex services premises; Signage; Waste or resource management facilities; Water supply systems.

Zone B7 Business Park**1 Objectives of zone**

- To provide a range of office and light industrial uses.
- To encourage employment opportunities.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To encourage industries involved in research and development

2 Permitted without consent

Home occupation

3 Permitted with consent

Building identification signs; Business identification signs; Child care centres; Light industries; Neighbourhood shops; Office premises; Passenger transport facilities; Respite day care centres; Restaurants and cafés; Roads;

Warehouse or distribution centres; Any development not specified in items 2 and 4.

4 Prohibited

Agriculture; Airstrip; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipad; Highway service centres; Home based child care; Home businesses; Home occupations (sex services); Industrial training facility; Industries; Jetties; Marinas; Mooring; Mooring pens; Mortuaries; Open cut mining; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Residential accommodation; Restricted premises; Retail premises; Rural industries; Service station; Sewage treatment plants; Sex services premises; Signage; Storage premises; Timber yards, Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshop; Vehicle repair stations; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies.

Zone IN2 Light Industrial

1 Objectives of zone

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

2 Permitted without consent

Home occupation

3 Permitted with consent

Animal boarding or training establishments; Business identification signs; Carparks; Depots; Funeral Homes; Hardware and building supplies; Industrial training facility; Landscaping material supplies; Light industries; Neighbourhood shops; Pubs; Respite day care centres; Roads; Warehouse or distribution centres; Any development not specified in item 2 or 4

4 Prohibited

Agriculture; Airstrip; Air transport facilities; Amusement centres; Biosolids treatment facilities; Boat building and repair facilities; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Eco tourist facility; Educational establishments; Electricity

generating works; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishment; Helipad; Highway service centres; Home based child care; Home businesses; Home occupations (sex services); Industries; Information and education facilities; Jetties; Marinas; Mooring; Mooring pens; Open cut mining; Port facilities; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Restricted premises; Registered clubs; Rural industries; Sewage treatment plants; Signage; Timber yards, Tourist and visitor accommodation; Water recreation structures; Water supply systems; Wholesale supplies.

Zone IN4 Working Waterfront

1 Objectives of zone

- To retain and encourage waterfront industrial and maritime activities.
- To identify sites for maritime purposes and for activities that require direct waterfront access.
- To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.

2 Permitted without consent

Nil

3 Permitted with consent

Boat launching ramps; Boat building and repair facilities; Business identification sign; Jetties; Light industries; Roads; Any development not specified in item 2 or 4.

4 Prohibited

Agriculture; Airstrip; Air transport facilities; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Camping grounds; Caravan parks; Car parks; Cemeteries; Charter and tourism boating facilities; Child care facilities; Commercial premises; Community facilities; Correctional centres; Crematoria; Depots; Eco tourist facility; Educational establishments; Electricity generating works; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishment; Helipad; Highway service centres; Home based child care; Home businesses; Home occupations (sex services); Industries Information and education facilities; Marinas; Mortuaries; Open cut mining; Passenger transport facilities; Places of public worship; Public Administration buildings; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Residential accommodation; Respite day care centre; Restricted premises; Rural industries; Service stations; Sewage treatment plants; Sex services premises; Signage; Storage premises; Timber yards, Tourist and visitor accommodation; Transport depots; Truck

depots; Vehicle body repair workshop; Vehicle repair stations; Veterinary hospital; Warehouse and distribution centres; Waste or resource management facilities; Water recreation structures; Water recycling facilities; Water supply systems; Wholesale supplies.

Zone SP1 Special Activities

1 Objectives of zone

- To provide for special land uses that are not provided for in other zones.
- To provide for sites with special natural characteristics that are not provided for in other zones.
- To facilitate development that is in keeping with the special characteristics of the site or its existing or intended special use, and that minimises any adverse impacts on surrounding land.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.
- To ensure the orderly development of land to minimize any adverse effect of development on other land uses.

2 Permitted without consent

Nil

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

Zone RE1 Public Recreation

1 Objectives of zone

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.

- To protect and enhance the natural environment for recreational purposes.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Business identification signs; Community facilities; Environmental facilities; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants and cafés; Roads

4 Prohibited

Any development not specified in item 2 or 3

Zone RE2 Private Recreation

1 Objectives of zone

- To enable land to be used for private open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.
- To ensure that the use and development of the land minimizes any adverse effect on the amenity of the locality.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

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

4 Prohibited

Any development not specified in item 2 or 3

Zone E1 National Parks and Nature Reserves

1 Objectives of zone

- To enable the management and appropriate use of land that is reserved under the *National Parks and Wildlife Act 1974* or that is acquired under Part 11 of that Act.
- To enable uses authorised under the *National Parks and Wildlife Act 1974*.
- To identify land that is to be reserved under the *National Parks and Wildlife Act 1974* and to protect the environmental significance of that land.

2 Permitted without consent

Uses authorised under the *National Parks and Wildlife Act 1974*

3 Permitted with consent

Nil

4 Prohibited

Any development not specified in item 2 or 3

Zone E2 Environmental Conservation**1 Objectives of zone**

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Environmental facilities

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; Any other development not specified in item 2 or 3

Part 3 Exempt and complying development

3.1 Exempt development [compulsory]

Note. Under section 76 of the Act, exempt development may be carried out without the need for development consent under Part 4 of the Act or for assessment under Part 5 of the Act.

The section states that exempt development:

- (a) must be of minimal environmental impact, and
 - (b) cannot be carried out in critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), and
 - (c) cannot be carried out in a wilderness area (identified under the *Wilderness Act 1987*).
- (1) The objective of this clause is to identify development of minimal environmental impact as exempt development.
 - (2) Development specified in Schedule 2 that meets the standards for the development contained in that Schedule and that complies with the requirements of this Part is exempt development.
 - (3) To be exempt development, the development:
 - (a) must meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia* or, if there are no such relevant provisions, must be structurally adequate, and
 - (b) must not, if it relates to an existing building, cause the building to contravene the *Building Code of Australia*, and
 - (c) must not be designated development, and
 - (d) must not be carried out on land that comprises, or on which there is, an item that is listed on the State Heritage Register under the *Heritage Act 1977* or that is subject to an interim heritage order under the *Heritage Act 1977*.
 - (Repealed) (e)
 - (4) Development that relates to an existing building that is classified under the *Building Code of Australia* as class 1b or class 2–9 is exempt development only if:
 - (a) the building has a current fire safety certificate or fire safety statement, or
 - (b) no fire safety measures are currently implemented, required or proposed for the building.
 - (5) To be exempt development, the development must:
 - (a) be installed in accordance with the manufacturer's specifications, if applicable, and
 - (b) not involve the removal or pruning of a tree or other vegetation that requires a permit or development consent for removal or pruning, unless that removal or pruning is undertaken in accordance with a permit or development consent.
- Note. A permit for the removal or pruning of a tree or other vegetation may be granted under this Plan. A development consent for the removal of native vegetation may be granted where relevant under the *Native Vegetation Act 2003*.
- (6) A heading to an item in Schedule 2 is part of that Schedule.

3.2 Complying development [compulsory]

Note. Under section 76A of the Act, development consent for the carrying out of complying development may be obtained by the issue of a complying development certificate.

The section states that development cannot be complying development if:

- (a) it is on land that is critical habitat of an endangered species, population or ecological community (identified under the *Threatened Species Conservation Act 1995* or the *Fisheries Management Act 1994*), or
 - (b) it is on land within a wilderness area (identified under the *Wilderness Act 1987*), or
 - (c) the development is designated development, or
 - (d) the development is on land that comprises, or on which there is, an item of environmental heritage (that is listed on the State Heritage Register or in Schedule 5 to this Plan or that is subject to an interim heritage order under the *Heritage Act 1977*), or
 - (e) the development requires concurrence (except a concurrence of the Director-General of the Department of Environment, Climate Change and Water in respect of development that is likely to significantly affect a threatened species, population, or ecological community, or its habitat (identified under the *Threatened Species Conservation Act 1995*)), or
 - (f) the development is on land identified as an environmentally sensitive area.
- (1) The objective of this clause is to identify development as complying development.
 - (2) Development specified in Part 1 of Schedule 3 that is carried out in compliance with:
 - (a) the development standards specified in relation to that development, and
 - (b) the requirements of this Part,
 is complying development.

Note. See also clause 5.8 (3) which provides that the conversion of fire alarms is complying development in certain circumstances.

- (3) To be complying development, the development must:
 - (a) be permissible, with development consent, in the zone in which it is carried out, and
 - (b) meet the relevant deemed-to-satisfy provisions of the *Building Code of Australia*, and
 - (c) have an approval, if required by the *Local Government Act 1993*, from the Council for an on-site effluent disposal system if the development is undertaken on unsewered land.
- (4) A complying development certificate for development specified in Part 1 of Schedule 3 is subject to the conditions (if any) set out or referred to in Part 2 of that Schedule.
- (5) A heading to an item in Schedule 3 is part of that Schedule.

3.3 Environmentally sensitive areas excluded [compulsory]

- (1) Exempt or complying development must not be carried out on any environmentally sensitive area for exempt or complying development.
- (2) For the purposes of this clause:

environmentally sensitive area for exempt or complying development means any of the following:

 - (a) the coastal waters of the State,

- (b) a coastal lake,
- (c) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* or *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
- (d) land reserved as an aquatic reserve under the *Fisheries Management Act 1994* or as a marine park under the *Marine Parks Act 1997*,
- (e) land within a wetland of international significance declared under the Ramsar Convention on Wetlands or within a World heritage area declared under the World Heritage Convention,
- (f) land within 100 metres of land to which paragraph (c), (d) or (e) applies,
- (g) land identified in this or any other environmental planning instrument as being of high Aboriginal cultural significance or high biodiversity significance,
- (h) land reserved under the *National Parks and Wildlife Act 1974* or land acquired under Part 11 of that Act,
- (i) land reserved or dedicated under the *Crown Lands Act 1989* for the preservation of flora, fauna, geological formations or for other environmental protection purposes,
- (j) land identified as being critical habitat under the *Threatened Species Conservation Act 1995* or Part 7A of the *Fisheries Management Act 1994*.

Part 4 Principal development standards

4.1 Minimum subdivision lot size [optional]

- (1) The objectives of this clause are as follows:
 - (a) to retain streetscape, amenity, landscaped areas and private open space in residential zones,
 - (b) to maintain a consistent density of development in Zone R2 Low Density Residential.
 - (c) To ensure that lots sizes enable sufficient areas of open space to be provided within each lot so as to enabling the retention and embellishment of green linkage corridors within residential zones.
- (2) This clause applies to a subdivision of any land shown on the Lot Size Map that requires development consent and that is carried out after the commencement of this Plan.
- (3) The size of any lot resulting from a subdivision of land to which this clause applies is not to be less than the minimum size shown on the Lot Size Map in relation to that land.
- (4) This clause does not apply in relation to the subdivision of individual lots in a strata plan or community title scheme.
- (5) Despite subclause (3) if a lot is a battle – axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential , Zone R3 Medium Density Residential , Zone B6 Enterprise Corridor , Zone B7 Business Park , Zone IN1 General Industrial and Zone IN2 Light Industrial , the minimum lot size excludes the area of the access handle.

4.1AA Minimum subdivision lot size for community title schemes

Not applicable

4.1B Dual occupancy (attached) – subdivision

- (1) Development consent must not be granted to the subdivision of dual occupancy (attached) in the R2 Low Density Residential Zone except for the strata subdivision of such a development where the land upon which the development is located is not less than 580sqm.

4.1C Minimum lot sizes for dual occupancy and multi dwelling housing

- (1) The objective of this clause is to achieve planned residential density in certain zones.
- (2) This clause applies to the R2 Low Density Residential Zone.
- (3) Development consent may be granted to development on a lot for any of the following purposes if:
 - (a) the area of the lot is equal to or greater than the area specified for that purpose:
 - (i) dual occupancy (attached) – 580m²,
 - (ii) multi dwelling housing – 900m², and
 - (b) the road frontage of the lot is equal to or greater than 20 metres.

4.1D Minimum lot size for hatchet shaped allotments

- (1) The objectives of this clause are to:
 - (a) maintain visual amenity and character of the area,
 - (b) retain residential amenity through the provision of suitable landscaped areas and vehicular access.
- (2) This clause applies to land in the R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential zones.
- (3) Despite clause 4.1, for hatched shaped lot on land to which this clause applies the minimum lot size is 740 square metres.
- (4) For the purpose of calculating the lot size of a hatched shaped lot, the area of the access laneway is excluded.

4.2 Rural subdivision [compulsory if clause 4.1 adopted and land to which Plan applies includes land zoned RU1, RU2, RU4 or RU6]

Not applicable

4.3 Height of buildings [optional]

- (1) The objectives of this clause are as follows:
 - (a) to maintain desired character and proportions of a street within areas,
 - (b) to minimise overshadowing and ensure a desired level of solar access to all properties,
 - (c) to encourage a built form that relates to human scale and topography,
 - (d) to concentrate building heights around railway station, to provide focal points that clearly highlight the role of railway stations, transport nodes, or large vehicular intersections.
 - (e) to reinforce the important road frontages along road corridors.
- (2) The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.
- (2A) Despite subclause (2), a building is eligible for an amount of additional building height to that shown on the Height of Building Map of:
 - (a) 6 metres if the building is in Area A and the building is on a site having an area of at least 800m².
 - (b) 2 metres if the building is in Area B and the building is on a site having an area of at least 1,200m².
 - (c) 6 metres if the building is in Area C and the building is on a site having an area of at least 1 200m².
 - (d) 6 metres if the building is in Area D and the building is on a site having an area of at least 2 000m²
 - (e) 3 metres if the building is in Area E and the proposed development is a mixed use development and provides laneway access; 6 metres if the building is on a site having an area of at least 900m² and the proposed development is a mixed use development and provides laneway access
 - (f) 3 metres if the building is in Area F is on a site having an area of at least 900m² and the proposed development is a mixed use development and provides laneway access.
- (2B) For the purpose of clause (2A) Areas A-F are the areas marked and edged heavy black on the Height of Buildings Map.

- (2C) Despite subclause (2), the maximum height of multi dwelling housing in Zone R2 Low Density Residential is:
- (a) for dwellings in the building that do not have a frontage to the street 5 metres.

4.4 Floor space ratio [optional]

- (1) The objectives of this clause are as follows:
 - (a) to provide effective control over the bulk of future development,
 - (b) to allow appropriate levels of development for specific areas
- (1A) In addition to the objectives specified in subclause (1), the objectives for the control of floor space ratios, on land identified as a centre on “Ryde Local Environmental Plan 2011 Centres Map” are as follows:
 - (a) to achieve a consolidation of development around railway stations, with the highest floor space ratios at the station nodes, transport nodes and large vehicular intersections.
 - (b) to allow feasible development of the sites around railway stations and facilitate focal points at the station areas,
 - (c) to implement strategic objectives of integrating land use and transport, reducing car dependency and creating opportunities for employment in areas supported by public transport,
- (1B) In addition to the objectives specified in subclauses (1) and (1A) , the objectives for the control of floor space ratios, on land identified as “Macquarie Park Corridor” on the “Ryde Local Environmental Plan 2011 Centres Map” are as follows:
 - (a) to ensure that the peripheral locations of the corridor reflect the landscape needs and buildings setting requirements of the corporate building.
 - (b) to reinforce the importance and function of the central spine (Waterloo Road and in the vicinity of North Ryde Station) with suitable built form,
 - (c) to encourage the provision of a new street network,
 - (d) to provide incentives for redevelopment in return for the provision of the proposed access network as a public benefit.
- (2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.
- (2A) Despite subclause (2), a building is eligible for an amount of additional floor space of to that shown on the Floor Space Ratio Map of:
 - (a) 1.1:1 if the building is in Area A and the building is on a site having an area of at least 800m².
 - (b) 0.8:1 if the building is in Area B and the building is on a site having an area of at least 800m².
 - (c) 0.8:1 if the building is in Area C and the building is on a site having an area of at least 2 000m².
 - (d) 0.7:1 if the building is in Area D and the building is on a site having an area of at least 1,200m².
 - (e) 0.3:1 if the building is in Area E and the building is on a site having an area of at least 1,200m²

- (f) 1.1:1 if the building is in Area F and the building is on a site having an area of at least 1,200m²
 - (g) 0.9:1 if the building is in Area G and the building is on a site having an area of at least 1,200m²
 - (h) 0.5:1 if the building is in Area H and the development is a mixed use development and provides laneway access; 1:1 if the building is on a site having an area of at least 900m² and the proposed development is a mixed use development and provides laneway access.
 - (i) 0.7:1 if the building is in Area I and the building is on a site having an area of at least 900m² and the proposed development is a mixed use development and provides laneway access.
- (2B) For the purpose of clause (2A), Areas A-I are the areas marked and edged heavy black on the Floor Space Ratio Map.

4.4A Residential zones—floor space ratio

- (1) Despite clause 4.4 (2), the maximum floor space ratio shown for a building on land in Zone R2 Low Density Residential on the Floor Space Ratio Map does not apply to multi dwelling housing developments.

4.5 Calculation of floor space ratio and site area [optional]

(1) Objectives

The objectives of this clause are as follows:

- (a) to define *floor space ratio*,
- (b) to set out rules for the calculation of the site area of development for the purpose of applying permitted floor space ratios, including rules to:
 - (i) prevent the inclusion in the site area of an area that has no significant development being carried out on it, and
 - (ii) prevent the inclusion in the site area of an area that has already been included as part of a site area to maximise floor space area in another building, and
 - (iii) require community land and public places to be dealt with separately.

(2) Definition of “floor space ratio”

The *floor space ratio* of buildings on a site is the ratio of the gross floor area of all buildings within the site to the site area.

(3) Site area

In determining the site area of proposed development for the purpose of applying a floor space ratio, the *site area* is taken to be:

- (a) if the proposed development is to be carried out on only one lot, the area of that lot, or
- (b) if the proposed development is to be carried out on 2 or more lots, the area of any lot on which the development is proposed to be carried out that has at least one common boundary with another lot on which the development is being carried out.

In addition, subclauses (4)–(7) apply to the calculation of site area for the purposes of applying a floor space ratio to proposed development.

(4) Exclusions from site area

The following land must be excluded from the site area:

- (a) land on which the proposed development is prohibited, whether under this Plan or any other law,
- (b) community land or a public place (except as provided by subclause (7)).

(5) Strata subdivisions

The area of a lot that is wholly or partly on top of another or others in a strata subdivision is to be included in the calculation of the site area only to the extent that it does not overlap with another lot already included in the site area calculation.

(6) Only significant development to be included

The site area for proposed development must not include a lot additional to a lot or lots on which the development is being carried out unless the proposed development includes significant development on that additional lot.

(7) Certain public land to be separately considered

For the purpose of applying a floor space ratio to any proposed development on, above or below community land or a public place, the site area must only include an area that is on, above or below that community land or public place, and is occupied or physically affected by the proposed development, and may not include any other area on which the proposed development is to be carried out.

(8) Existing buildings

The gross floor area of any existing or proposed buildings within the vertical projection (above or below ground) of the boundaries of a site is to be included in the calculation of the total floor space for the purposes of applying a floor space ratio, whether or not the proposed development relates to all of the buildings.

(9) Covenants to prevent “double dipping”

When development consent is granted to development on a site comprised of 2 or more lots, a condition of the consent may require a covenant to be registered that prevents the creation of floor area on a lot (the restricted lot) if the consent authority is satisfied that an equivalent quantity of floor area will be created on another lot only because the site included the restricted lot.

(10) Covenants affect consolidated sites

If:

- (a) a covenant of the kind referred to in subclause (9) applies to any land (*affected land*), and
- (b) proposed development relates to the affected land and other land that together comprise the site of the proposed development,

the maximum amount of floor area allowed on the other land by the floor space ratio fixed for the site by this Plan is reduced by the quantity of floor space area the covenant prevents being created on the affected land.

(11) Definition

In this clause, *public place* has the same meaning as it has in the *Local Government Act 1993*.

4.5A Density controls for Zone R2 Low Density Residential

The consent authority must not consent to the erection of multi dwelling housing on land in Zone R2 Low Density Residential unless:

- (a) the site area for the building is not less than:
 - (i) for each 1, 2 or 3 bedroom dwelling—300 square metres, and
 - (ii) for each 4 or more bedroom dwelling—365 square metres, and
- (b) each dwelling will have its own contiguous private open space and separate access to that space from an unbuilt portion of the site.

4.5B Macquarie Park Corridor**(1) Off street car parking controls**

The objectives for off-street parking controls in the Macquarie Park Corridor are as follows:

- (a) to recognise accessibility by foot, bicycle and public transport,
 - (b) to support the management and supply of parking as the primary means to influence travel behaviour of employees,
 - (c) to encourage greater reliance on public transport,
 - (d) to assist in the management of increased car usage and traffic congestion in the corridor,
 - (e) to effect a greater mode shift to public transport
- (2) The maximum off-street parking spaces for commercial and industrial development in the Macquarie Park Corridor are those shown on the Macquarie Park Corridor Parking Restrictions Map.

(3) Use of land in Zone B7 Business Park

The objectives for restricting uses listed in subclause (4) in the Macquarie Park Corridor are as follows:

- (a) to provide for the daily convenience needs of employees and visitors,
 - (b) to ensure that any activities support the needs of businesses and organisations in the development to which the facilities or services relate,
 - (c) to reinforce the station nodes as focal points of activity, supporting a range of retail and commercial activities.
- (4) Despite any other provision of this Plan, the total floor space of a building erected on land in Zone B7 Business Park in the Macquarie Park Corridor, for the purposes of a function centre, neighbourhood shop, registered club or restaurant
- (a) must not exceed 500 square metres for each individual land use or an area equivalent to 5% of the site area for each individual land use, whichever is the greater, in relation to that land and
 - (b) must be located on the ground floor level.

4.6 Exceptions to development standards [compulsory]

- (1) The objectives of this clause are as follows:
 - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development

standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

- (3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
 - (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
 - (b) that there are sufficient environmental planning grounds to justify contravening the development standard.
- (4) Development consent must not be granted for development that contravenes a development standard unless:
 - (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
 - (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and
 - (b) the concurrence of the Director-General has been obtained.
- (5) In deciding whether to grant concurrence, the Director-General must consider:
 - (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and
 - (b) the public benefit of maintaining the development standard, and
 - (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:
 - (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following:
 - (a) a development standard for complying development,
 - (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building*

Sustainability Index: BASIX) 2004 applies or for the land on which such a building is situated,

- (c) clause 5.4.
- (c1) clause 4.3, to the extent it applies to Precinct 2 (Town Core) shown on the Ryde Town Centre Precincts Map.

Part 5 Miscellaneous provisions

5.1 Relevant acquisition authority [compulsory]

- (1) The objective of this clause is to identify, for the purposes of section 27 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

Note. If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority
Zone E1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

5.1A Development on land intended to be acquired for a public purpose [local]

- (1) The objective of this clause is to limit development on certain land intended to be acquired for a public purpose.
- (2) This clause applies to land shown on the Land Reservation Acquisition Map and specified in Column 1 of the Table to this clause and that has not been acquired by the authority of the State specified opposite that land in Column 2 of the Table.
- (3) Development consent must not be granted to any development on land to which this clause applies other than development for a purpose specified opposite that land in Column 3 of the Table.

Column 1 - Land	Column 2 - Authority	Column 3 - Development
Zone RE1 Public Recreation and Council marked "Local open space"	Council	Recreation areas

Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 8 of the Act	Recreation areas
Zone SP2 Infrastructure and marked "Classified road"	Roads and Traffic Authority	Roads
Zone SP2 Infrastructure and marked "Local road"	Council	Roads

5.2 Classification and reclassification of public land [compulsory]

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

Note. Under the *Local Government Act 1993*, "public land" is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
 - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
 - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
 - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
 - (b) any reservations that except land out of the Crown grant relating to the land, and
 - (c) reservations of minerals (within the meaning of the *Crown Lands Act 1989*).

Note. In accordance with section 30 (2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

5.3 Development near zone boundaries [optional]

- (1) The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

- (2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 20 metres.
- (3) This clause does not apply to:
 - (a) land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or
 - (a1) land in zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density Residential, Zone B1 Neighbourhood Centre, Zone, B3 Commercial Core, Zone B4 Mixed Use, Zone B5 Business Development, Zone B6 Enterprise Corridor, Zone, B7 Business Park, Zone, IN2 Light Industrial, Zone IN4 Working Waterfront, Zone SP1 Special Activities, Zone RE2 Private Recreation .or
 - (b) land within the coastal zone, or
 - (c) land proposed to be developed for the purpose of sex services or restricted premises.
- (4) Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that:
 - (a) the development is not inconsistent with the objectives for development in both zones, and
 - (b) the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

5.4 Controls relating to miscellaneous permissible uses [compulsory]

(1) Bed and breakfast accommodation

If development for the purposes of bed and breakfast accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

Note. Any such development that provides for a certain number of guests or rooms may involve a change in the class of building under the *Building Code of Australia*.

(2) Home businesses

If development for the purposes of a home business is permitted under this Plan, the carrying on of the business must not involve the use of more than 30 square metres of floor area.

(3) Home industries

If development for the purposes of a home industry is permitted under this Plan, the carrying on of the home industry must not involve the use of more than 30 square metres of floor area.

(4) Industrial retail outlets

If development for the purposes of an industrial retail outlet is permitted under this Plan, the retail floor area must not exceed:

(a) 25% of the gross floor area of the industry or rural industry located on the same land as the retail outlet, or

(b) 400 square metres,

whichever is the lesser.

(5) Farm stay accommodation

If development for the purposes of farm stay accommodation is permitted under this Plan, the accommodation that is provided to guests must consist of no more than 3 bedrooms.

(6) Kiosks

If development for the purposes of a kiosk is permitted under this Plan, the gross floor area must not exceed 20 square metres.

(7) Neighbourhood shops

If development for the purposes of a neighbourhood shop is permitted under this Plan, the retail floor area must not exceed 200 square metres.

(8) Roadside stalls

If development for the purposes of a roadside stall is permitted under this Plan, the gross floor area must not exceed 8 square metres.

(9) Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area used for parking) must not exceed whichever of the following is the greater:

(a) 60 square metres,

(b) 11% of the total floor area of the principal dwelling.

5.5 Development within the coastal zone [compulsory if land to which Plan applies includes land in the coastal zone]

Not applicable

5.6 Architectural roof features [optional]

This clause applies to the land identified on the “Centres Map” as Gladesville Town Centre

(1) The objectives of this clause are as follows:

(a) to ensure that architectural roof features to which this clause applies are decorative elements only, and

(b) to ensure that the majority of the roof features are contained within the prescribed building height.

(2) Development that includes an architectural roof feature that exceeds, or causes a building to exceed, the height limits set by clause 4.3 may be carried out, but only with development consent.

(3) Development consent must not be granted to any such development unless the consent authority is satisfied that:

(a) the architectural roof feature:

(i) comprises a decorative element on the uppermost portion of a building, and

(ii) is not an advertising structure, and

(iii) does not include floor space area and is not reasonably capable of modification to include floor space area, and

- (iv) will cause minimal overshadowing, and
- (b) any building identification signage or equipment for servicing the building (such as plant, lift motor rooms, fire stairs and the like) contained in or supported by the roof feature is fully integrated into the design of the roof feature.

5.7 Development below mean high water mark [compulsory if land to which Plan applies contains tidal waters]

- (1) The objective of this clause is to ensure appropriate environmental assessment for development carried out on land covered by tidal waters.
- (2) Development consent is required to carry out development on any land below the mean high water mark of any body of water subject to tidal influence (including the bed of any such water).

5.8 Conversion of fire alarms [compulsory]

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.
- (2) The following development may be carried out, but only with development consent:
 - (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of:
 - (a) internal alterations to a building, or
 - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause:
private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

5.9 Preservation of trees or vegetation [compulsory, except subclause (9) optional]

- (1) The objective of this clause is to preserve the amenity of the area, including biodiversity values, through the preservation of trees and other vegetation.

- (2) This clause applies to species or kinds of trees or other vegetation that are prescribed for the purposes of this clause by a development control plan made by the Council.

Note. A development control plan may prescribe the trees or other vegetation to which this clause applies by reference to species, size, location or other manner.

- (3) A person must not ringbark, cut down, top, lop, remove, injure or wilfully destroy any tree or other vegetation to which any such development control plan applies without the authority conferred by:

- (a) development consent, or
- (b) a permit granted by the Council.

- (4) The refusal by the Council to grant a permit to a person who has duly applied for the grant of the permit is taken for the purposes of the Act to be a refusal by the Council to grant consent for the carrying out of the activity for which a permit was sought.

- (5) This clause does not apply to a tree or other vegetation that the Council is satisfied is dying or dead and is not required as the habitat of native fauna.

- (6) This clause does not apply to a tree or other vegetation that the Council is satisfied is a risk to human life or property.

- (7) A permit under this clause cannot allow any ringbarking, cutting down, topping, lopping, removal, injuring or destruction of a tree or other vegetation:

- (a) that is or forms part of a heritage item or that is within a heritage conservation area, or
- (b) that is or forms part of an Aboriginal object or that is within an Aboriginal place of heritage significance,

unless the Council is satisfied that the proposed activity:

- (c) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area, and
- (d) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Note. As a consequence of this subclause, the activities concerned will require development consent. The heritage provisions of clause 5.10 will be applicable to any such consent.

- (8) This clause does not apply to or in respect of:

- (a) the clearing of native vegetation:
 - (i) that is authorised by a development consent or property vegetation plan under the *Native Vegetation Act 2003*, or
 - (ii) that is otherwise permitted under Division 2 or 3 of Part 3 of that Act, or
- (b) the clearing of vegetation on State protected land (within the meaning of clause 4 of Schedule 3 to the *Native Vegetation Act 2003*) that is authorised by a development consent under the provisions of the *Native Vegetation Conservation Act 1997* as continued in force by that clause, or
- (c) trees or other vegetation within a State forest, or land reserved from sale as a timber or forest reserve under the *Forestry Act 1916*, or

- (d) action required or authorised to be done by or under the *Electricity Supply Act 1995*, the *Roads Act 1993* or the *Surveying and Spatial Information Act 2002*, or
- (e) plants declared to be noxious weeds under the *Noxious Weeds Act 1993*.

Note. Permissibility may be a matter that is determined by or under any of these Acts.

5.9AA Trees or vegetation not prescribed by development control plan [compulsory]

- (1) This clause applies to any tree or other vegetation that is not of a species or kind prescribed for the purposes of clause 5.9 by a development control plan made by the Council.
- (2) The ringbarking, cutting down, topping, lopping, removal, injuring or destruction of any tree or other vegetation to which this clause applies is permitted without development consent.

5.10 Heritage conservation [compulsory]

Note. Heritage items (if any) are listed and described in Schedule 5. Heritage conservation areas (if any) are shown on the Heritage Map as well as being described in Schedule 5.

The location and nature of Aboriginal objects and Aboriginal places of heritage significance may be described in Schedule 5 and shown on the Heritage Map (see the direction to Schedule 5).

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of **Ryde**, and
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
- (c) to conserve archaeological sites,
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance.

(2) Requirement for consent

Development consent is required for any of the following:

- (a) demolishing or moving any of the following or altering the exterior of any of the following (including, in the case of a building, making changes to its detail, fabric, finish or appearance):
 - (i) a heritage item,
 - (ii) an Aboriginal object,
 - (iii) a building, work, relic or tree within a heritage conservation area,
- (b) altering a heritage item that is a building by making structural changes to its interior or by making changes to anything inside the item that is specified in Schedule 5 in relation to the item,
- (c) disturbing or excavating an archaeological site while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed,
- (d) disturbing or excavating an Aboriginal place of heritage significance,

- (e) erecting a building on land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance,
- (f) subdividing land:
 - (i) on which a heritage item is located or that is within a heritage conservation area, or
 - (ii) on which an Aboriginal object is located or that is within an Aboriginal place of heritage significance.

(3) When consent not required

However, development consent under this clause is not required if:

- (a) the applicant has notified the consent authority of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development:
 - (i) is of a minor nature or is for the maintenance of the heritage item, Aboriginal object, Aboriginal place of heritage significance or archaeological site or a building, work, relic, tree or place within the heritage conservation area, and
 - (ii) would not adversely affect the heritage significance of the heritage item, Aboriginal object, Aboriginal place, archaeological site or heritage conservation area, or
- (b) the development is in a cemetery or burial ground and the proposed development:
 - (i) is the creation of a new grave or monument, or excavation or disturbance of land for the purpose of conserving or repairing monuments or grave markers, and
 - (ii) would not cause disturbance to human remains, relics, Aboriginal objects in the form of grave goods, or to an Aboriginal place of heritage significance, or
- (c) the development is limited to the removal of a tree or other vegetation that the Council is satisfied is a risk to human life or property, or
- (d) the development is exempt development.

(4) Effect of proposed development on heritage significance

The consent authority must, before granting consent under this clause in respect of a heritage item or heritage conservation area, consider the effect of the proposed development on the heritage significance of the item or area concerned. This subclause applies regardless of whether a heritage management document is prepared under subclause (5) or a heritage conservation management plan is submitted under subclause (6).

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or
- (b) on land that is within a heritage conservation area, or
- (c) on land that is within the vicinity of land referred to in paragraph (a) or (b),

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

(6) Heritage conservation management plans

The consent authority may require, after considering the heritage significance of a heritage item and the extent of change proposed to it, the submission of a heritage conservation management plan before granting consent under this clause.

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the *Heritage Act 1977* applies):

- (a) notify the Heritage Council of its intention to grant consent, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(8) Aboriginal places of heritage significance

The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and
- (b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items

The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item:

- (a) notify the Heritage Council about the application, and
- (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

(10) Conservation incentives

The consent authority may grant consent to development for any purpose of a building that is a heritage item or of the land on which such a building is erected, or for any purpose on an Aboriginal place of heritage significance, even though development for that purpose would otherwise not be allowed by this Plan, if the consent authority is satisfied that:

- (a) the conservation of the heritage item or Aboriginal place of heritage significance is facilitated by the granting of consent, and
- (b) the proposed development is in accordance with a heritage management document that has been approved by the consent authority, and

- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage management document is carried out, and
- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, or the heritage significance of the Aboriginal place of heritage significance, and
- (e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

5.11 Bush fire hazard reduction [compulsory]

Bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without development consent.

Note. The *Rural Fires Act 1997* also makes provision relating to the carrying out of development on bush fire prone land.

5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Infrastructure) 2007*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

5.13 Eco-tourist facilities [compulsory if eco-tourist facilities permitted with consent]

Not applicable

Part 6 Additional local provisions

6.1 Acid sulfate soils

- (1) The objective of this clause is to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.
- (2) Development consent is required for the carrying out of works described in the Table to this subclause on land shown on the Acid Sulfate Soils Map as being of the class specified for those works.

Class of land	Works
1	Any works.
2	Works below the natural ground surface. Works by which the watertable is likely to be lowered.
3	Works more than 1 metre below the natural ground surface. Works by which the watertable is likely to be lowered more than 1 metre below the natural ground surface.
4	Works more than 2 metres below the natural ground surface. Works by which the watertable is likely to be lowered more than 2 metres below the natural ground surface.
5	Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

- (3) Development consent must not be granted under this clause for the carrying out of works unless an acid sulfate soils management plan has been prepared for the proposed works in accordance with the Acid Sulfate Soils Manual and has been provided to the consent authority.
- (4) Despite subclause (2), development consent is not required under this clause for the carrying out of works if:
 - (a) a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Manual indicates that an acid sulfate soils management plan need not be carried out for the works, and
 - (b) the preliminary assessment has been provided to the consent authority and the consent authority has confirmed the assessment by notice in writing to the person proposing to carry out the works.
- (5) Despite subclause (2), development consent is not required under this clause for the carrying out of any of the following works by a public authority (including ancillary work such as excavation, construction of access ways or the supply of power):
 - (a) emergency work, being the repair or replacement of the works of the public authority required to be carried out urgently because the works have been damaged, have ceased to function or pose a risk to the environment or to public health and safety,
 - (b) routine maintenance work, being the periodic inspection, cleaning, repair or replacement of the works of the public authority (other than work that involves the disturbance of more than 1 tonne of soil),
 - (c) minor work, being work that costs less than \$20,000 (other than drainage work).

- (6) Despite subclause (2), development consent is not required under this clause to carry out any works if:
 - (a) the works involve the disturbance of less than 1 tonne of soil, such as occurs in carrying out agriculture, the construction or maintenance of drains, extractive industries, dredging, the construction of artificial water bodies (including canals, dams and detention basins) or foundations or flood mitigation works, or
 - (b) the works are not likely to lower the watertable.
- (7) State Environmental Planning Policy Exempt and Complying Development does not apply to development on land identified on the Acid Sulfate Soils Map as being Class 1 or Class 2.

6.2 Earthworks

- (1) The objectives of this clause are as follows:
 - (a) to ensure that any earthworks will not have a detrimental impact on environmental functions and processes, neighbouring uses or heritage items and features of surrounding land,
 - (b) to allow earthworks of a minor nature without separate development consent.
- (2) Development consent is required for earthworks unless:
 - (a) the work does not alter the ground level (existing)by more than 300 millimetres , or
 - (b) the work is exempt development under this Plan or another applicable environmental planning instrument , or
 - (c) the work is ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters:
 - (a) the likely disruption of, or any detrimental effect on, existing drainage patterns and soil stability in the locality,
 - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
 - (c) the quality of the fill or the soil to be excavated, or both,
 - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties
 - (e) the source of any fill material and the destination of any excavated material,
 - (f) the likelihood of disturbing relics,
 - (g) proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area.

6.3 Foreshore building line

- (1) The objective of this clause is to ensure that development in the foreshore area will not impact on natural foreshore processes or affect the significance and amenity of the area.
- (2) Development consent must not be granted for development on land in the foreshore area except for the following purposes:

- (a) the extension, alteration or rebuilding of an existing building wholly or partly in the foreshore area,
 - (b) the erection of a building in the foreshore area, if the levels, depth or other exceptional features of the site make it appropriate to do so,
 - (c) development for the purposes of boat sheds, sea retaining walls, wharves, slipways, jetties, waterway access stairs, swimming pools, fences, cycleways, walking trails, picnic facilities or other recreation facilities (outdoors).
- (3) Development consent must not be granted under subclause (2) unless the consent authority is satisfied that:
- (a) the development will contribute to achieving the objectives for the zone in which the land is located, and
 - (b) the appearance of any proposed structure, from both the waterway and adjacent foreshore areas, will be compatible with the surrounding area, and
 - (c) the development will not cause environmental harm such as:
 - (i) pollution or siltation of the waterway, or
 - (ii) an adverse effect on surrounding uses, marine habitat, wetland areas, flora or fauna habitats, or
 - (iii) an adverse effect on drainage patterns, and
 - (d) the development will not cause congestion of, or generate conflicts between, people using open space areas or the waterway, and
 - (e) opportunities to provide continuous public access along the foreshore and to the waterway will not be compromised, and
 - (f) any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained,
 - (g) in the case of development for the alteration or rebuilding of an existing building wholly or partly in the foreshore area, the alteration or rebuilding will not have an adverse impact on the amenity or aesthetic appearance of the foreshore, and
 - (h) sea level rise or change of flooding patterns as a result of climate change have been considered.

6.5 Ground floor development on land within Zone B6 Enterprise Corridor

- (1) Development consent must not be granted for development on the ground floor of a building within Zone B6 Enterprise Corridor if the development would result in any part of that floor not being used for business or employment activities, other than any parts of that floor used for the purposes of:
 - (a) lobbies for any commercial, residential, services apartment or hotel component of the development, or
 - (b) access for fire services, or
 - (c) vehicle access
- (2) In this clause commercial activities, in relation to the use of a building, means using the building for the purposes of business premises, community

facilities , hotel or motel accommodation, landscape and garden supplies, light industries , passenger transport facilities, timber and building supplies or warehouse or distribution centres.

6.6 Flooding

- (1) The objectives of this clause are as follows:
 - (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change,
 - (c) to avoid significant adverse impacts on flood behaviour and the environment.
- (2) This clause applies land that is shown as "Flood planning area" on the Flood Planning Map,
- (3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that the development:
 - (a) is compatible with the flood hazard of the land; and
 - (b) will not significantly adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) incorporates appropriate measures to manage risk to life from flood, and
 - (d) will not significantly adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses, and
 - (e) is not likely to result in unsustainable social and economic costs to the community as a consequence of flooding.
- (4) A word or expression used in this clause has the same meaning as it has in the NSW Government's *Floodplain Development Manual* published in 2005, unless it is otherwise defined in this clause.
- (5) In this clause:

flood planning level means the level of a 1:100 ARI (average recurrent interval) flood event plus 0.5 metre freeboard.

Flood Planning Map means the Ryde Local Environmental Plan 2011 Flood Planning Map.

6.7 Environmental Sustainability

Development consent must not be granted to development 1 500sqm in gross floor area or greater on land zoned business or industrial unless the consent authority is satisfied that the development will meet Australian Best Practice Environmentally Sensitive Design in the following areas::

- (a) Water demand reduction including water efficiency, water recycling and minimisation of potable water usage
- (b) Energy demand reduction including energy generation, use of renewable energy and reduced reliance on mains power;

- (c) Indoor environmental quality including daylight provision, glare control, increased outside air rates, thermal comfort;
- (d) Reduce new materials consumption and use sustainable materials including recycled content in concrete, sustainable timber and PVC minimisation;
- (e) Emissions reduction including reduced flow to sewer and light pollution.
- (f) Transport initiatives to reduce car dependence such as providing cycle facilities, car share and small vehicle parking spaces.
- (g) Land use and ecology including reduced topsoil removal and contaminated land reclamation.

6.8 Stormwater Quality

- (1) The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies , adjoining properties, native bushland and receiving waters.
- (2) The clause applies to all land zoned Residential, Business and Industrial land uses
- (3) Before granting consent to development to which this clause applies the consent authority must be satisfied that the development :
 - (a) is designed to maximise the use of water permeable surfaces on the sited having regard to the soil characteristics affecting on site infiltration of water,
 - (b) include , where practical on site stormwater retention for uses as an alternative supply to mains water, groundwater or river water and
 - (c) avoids or where an impact cannot be avoided, minimises and mitigates the disturbance and impacts of stormwater runoff on adjoining properties , native bushland and receiving waters.

Schedule 1 Additional permitted uses

(Clause 2.5)

1 Use of certain land at 11–13 Pennant Avenue, Denistone

- (1) This clause applies to land at 11–13 Pennant Avenue, Denistone, being Lot 1, DP 221325.
- (2) Development of the land in Zone R2 Residential Low Density for the purpose of road to that part of the land that is in Zone R3 Medium Density Residential is permitted with consent.

2 Use of certain land at 607 Blaxland Road, Eastwood

- (1) This clause applies to land at 607 Blaxland Road, Eastwood, being part Lot 100, DP 1107491.
- (2) Development for the purpose of a vehicle sales or hire premises is permitted with consent.

3 Use of certain land at 108 Pittwater Road, Gladesville

- (1) This clause applies to land at 108 Pittwater Road, Gladesville, being Lot A, DP 307137.
- (2) Development for the purposes of business premises or office premises is permitted with consent.

4 Use of certain land at 436 – 484 Victoria Road Gladesville

- (1) This clause applies to land at 436 – 484 Victoria Road Gladesville being Lot 2 DP539330.
- (2) Development for the purpose of commercial premises is permitted with consent.

5 Use of certain land at 455 – 459 Victoria Road Gladesville

- (1) This clause applies to land at 455 – 459 Victoria Road Gladesville being Lot 3 DP388518 and Lot 3 DP1008105
- (2) Development for the purpose of vehicle sales or hire premises is permitted with consent.

6 Use of certain land at 461 Victoria Road Gladesville

- (1) This clause applies to land at 461 Victoria Road Gladesville being Lot 1 DP739556
- (2) Development for the purpose of bulky goods retail, business premises and office premises (Building H) is permitted with consent.

7 Use of certain land at 37–39 Epping Road, Macquarie Park

- (1) This clause applies to land at 37–39 Epping Road, Macquarie Park, being Lot 1, DP 1060926.
- (2) Development for the purposes of business premises, office premises and bulky goods premises is permitted with consent.

8 Use of certain land at 307 Lane Cove Road, Macquarie Park

- (1) This clause applies to land at 307 Lane Cove Road, Macquarie Park, being Lot 10, DP 1071734.

- (2) Development for the following purposes is permitted with consent:
 - (a) landscape and garden supplies, including display gardens, research, education and training facilities and horticultural and gardening exhibitions, and
 - (b) commercial premises, broadcasting facilities and exhibitions either directly associated with the horticulture centre or for the promotion of aspects of horticulture, gardening and the environment, and
 - (c) use of the display gardens for small-scale entertainment activities such as outdoor theatre, storytelling and musical activities, and

9 Use of certain land at corner of Agincourt and Balaclava Roads, Marsfield (known as Curzon Hall)

- (1) This clause applies to land at corner of Agincourt and Balaclava Roads, Marsfield (known as Curzon Hall), being Lot 1, DP 703569.
- (2) Development for the purposes of a restaurants or cafes and function centre and any purpose ordinarily incidental to those purposes is permitted with consent.

10 Use of certain land at 192 Balaclava Road, Marsfield (Macquarie University)

- (1) This clause applies to land at 192 Balaclava Road, Marsfield (Macquarie University), being part Lot 18, DP 1058168.
- (2) Development for the purposes of agriculture, dwelling houses, hospitals, places of public worship, residential accommodation associated with the Macquarie University and service stations is permitted with consent.

11 Use of certain land at 32–62 Delhi Road, North Ryde

- (1) This clause applies to land at 32–62 Delhi Road, North Ryde, being Lots 4 and 5, DP 1047032, SP 74057 and SP 70943.
- (2) Development for the purposes of serviced apartments and hotel or motel accommodation is permitted with consent.

12 Use of certain land at 124A Epping Road, North Ryde

- (1) This clause applies to land at 124A Epping Road, North Ryde, being Lot 101, DP 1013188.
- (2) Development for the purposes of a medical centre, retail premises and business premises is permitted with consent.

13 Use of certain land at 8 Rocca Street and 293 Quarry Road, North Ryde

- (1) This clause applies to land at 8 Rocca Street and 293 Quarry Road, North Ryde, being Lot 10, DP 1015231.
- (2) Development for the purposes of car parking and road to adjoining land is permitted with consent.

14 Use of certain land at 600–640 Victoria Road, Ryde (known as Royal Rehabilitation Centre, Sydney)

- (1) This clause applies to land at 600–640 Victoria Road, Ryde (known as Royal Rehabilitation Centre, Sydney), being Part Lot 3, Part Lot 5, Part Lot6, DP1129793.
- (2) On the part of the land in Zone RE1 Public Recreation, development for the purposes of car parks and child care centres is permitted with consent.
- (3) On that part of the land in Zone SP1 Royal Rehabilitation Centre Sydney, development for the purposes of Recreation facilities (indoor) and Recreation facilities (outdoor) is permitted with consent.

15 Use of certain land at 33/46-48 Khartoum Road Macquarie Park

- (1) This clause applies to and at 33/46-48 Khartoum Road Macquarie Park being Lot 33 SP9423
- (2) Development for the purpose of business premises, light industry, office premises, restaurants or cafes, service station, shops and self storage units is permitted with consent.

Schedule 2 Exempt development

(Clause 3.1)

- Note 1. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies exempt development under that Policy. The Policy has State-wide application. This Schedule contains additional exempt development not specified in that Policy.
- Note 2. Exempt development may be carried out without the need for development consent under the Act. Such development is not exempt from any approval, licence, permit or authority that is required under any other Act and adjoining owners' property rights and the common law still apply.

Events (community and fundraising)

- (1) Maximum patrons for community and charitable organizations 250
- (2) Must not exceed 1 day.
- (3) If not on community land, only 2 days per year.
- (4) May only operate between 8 am and 9:30 pm.
- (5) Must have portable water and toilet facilities within 200m.
- (6) The noise level of any open air entertainment must not exceed the
- (7) Background noise level by more than 5dBA when measured at the nearest residential boundary.
- (8) Must provide adequate artificial lighting, if necessary, to permit safe movement of patrons.
- (9) Must have adequate and suitable waste containers for the removal of waste at the conclusion of the event.

Development on Footpath (associated with commercial or industrial retail outlet)

- (1) Must be associated with an adjacent/nearby commercial (not including food and drink premises) or industrial retail outlet for which development consent is current.
- (2) Must not be located on a classified road
- (3) Must be associated with an approved activity area which is the subject of an approval for street vending under section 139A of the Roads Act 1993.
- (4) The footpath must be a minimum width of 3.6metres measured from the front of the associated premises to the kerb
- (5) Unobstructed pedestrian access of a minimum width of 2 metres must be maintained
- (6) All structures associated with the use are to be removable and stored within the associated premises outside approved business hours
- (7) No A- frame (sandwich board) signs are permitted
- (8) Must be located in a manner compatible with authorised adjoining uses
- (9) Where located at an intersection of two roads , the use must not be located within 3 metres radius of the intersection measured from the property boundary
- (10) Must not be located at bus stops , taxi ranks, near pedestrian crossing, or other areas where there is concentrated pedestrian traffic or vehicular traffic safety concerns.

- (11) Unobstructed access must be maintained to the host premises and adjacent premises at all times
- (12) Must not involve the preparation of food
- (13) Must not include the use of music (amplified, live or other wise) or spruiking at any time

Outdoor dining (associated with food and drink premises, excluding pubs)

- (1) Must be associated with an adjacent/nearby food and drink premises (excluding pubs) for which development consent has been granted.
- (2) The use of the footpath for outdoor dining is limited to the front of the premises for which development consent has been granted.
- (3) Where located on a public road, the outdoor dining area is the subject of a current valid approval under section 125 of the Roads Act 1993.
- (4) The outdoor dining area must have a minimum width of 1 metre.
- (5) Where located adjacent to a parkin lane , the outdoor dining area must be setback a minimum of 600mm from the kerb.
- (6) Unobstructed pedestrian access of a minimum width of 2 metres must be maintained.
- (7) Outdoor dining associated with a premises located at an intersection of two roads must not be located within 3 metres of the intersection measured from the property boundary.
- (8) Outdoor dining must not be located at bus stops, taxi ranks, or near pedestrian crossings.
- (9) All boundaries of the outdoor dining area must be delineated. Permanent structures must not be used to delineate the area, unless previously approved by Council.
- (10) Unobstructed access must be maintained to the host premises and adjacent premises at all times.
- (11) No music (amplified, live or otherwise) shall be played outside the premises at any time.
- (12) Smoking being prohibited in the outdoor dining area in accordance with Council's policy for no smoking in outdoor dining areas.
- (13) No food preparation is permitted in the outdoor dining area.
- (14) Must be operated only within the approved hours of the associated premises.
- (15) Must not involve construction work or the erection/hoisting of structures without the prior approval of Council.
- (16) Furniture, materials and equipment used in association with the outdoor dining area must be temporary in nature, and at the close of business must be removed from the public area and stored within the associated premises.
- (17) Umbrellas, furniture, heating devices used in association with the outdoor dining area are to be securely installed at all times whilst in use to ensure the protection and safety of people and property.
- (18) The outdoor dining area must not be enclosed or covered without the prior approval of Council.
- (19) No A-frame (sandwich board) signs are permitted.

Outdoor lights (fixed)

Maximum height above ground level (existing) of pole mounted lights-3.6m.

Signage (retail premises windows)

- (1) Minimum area of window to remain uncovered by sign—75%.
- (2) Must be located at ground level (existing).
- (3) Message must relate to the use of the premise or its products.

Signage (real estate sign for the sale or lease of a business or industrial site)

- (1) Maximum area—4.5 m².
- (2) Only 1 per frontage.
- (3) Must be removed within 7 days of sale or lease.

Signage (real estate sign for a residential site)

- (1) Minimum area of window to remain uncovered by sign—75%.
- (2) Must be located at ground level (existing).
- (3) Message must relate to the use of the premise or its products

Signage (temporary sign for a cultural, educational, political, recreational, religious or social event)

- (1) Must not include advertising of a commercial nature except for the name of the event sponsor.
- (2) Must not be displayed more than 14 days before the event.
- (3) Must be removed within 7 days after the event.

Solid fuel heaters

- (1) Must be installed in accordance with AS/NZS 2918:2001, *Domestic solid fuel burning appliances—Installation*.
- (2) Must comply with AS/NZS 4013:1999, *Domestic solid fuel burning appliances - method for determination of flue gas emission*.
- (3) Top of the flue must be:
 - (a) at least 1m above any higher structure that is within a 1.5m radius, and
 - (b) not more than 3m above the roof.
- (4) If a rain cap is fitted, must not impede the vertical discharge of gases.

Schedule 3 Complying development

(Clause 3.2)

Note. *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* specifies complying development and the complying development conditions for that development under that Policy. The Policy has State-wide application. This Schedule contains additional complying development not specified in that Policy.

Part 1 Types of development

(When this Plan was made Part 1 of this Schedule was blank)

Part 2 Complying development certificate conditions

(When this Plan was made Part 2 of this Schedule was blank)

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land—no interests changed

Column 1	Column 2
Locality	Description

Part 2 Land classified, or reclassified, as operational land—interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
130 Talavera Road Macquarie Park	Lot 7 DP842855	Nil
46 Jeanette Street – mapped section only		Nil

Part 3 Land classified, or reclassified, as community land

Column 1	Column 2
Locality	Description
55 Pellisier Road Putney	Part Lot 1 DP 431246

Schedule 5 Environmental heritage

(Clause 5.10)

Part 1 Heritage items

Suburb	Item name	Address	Property description	Significance	Item No
Denistone	Stone marker	Road Reserve (Outside 456 Blaxland Rd)		Local	I200
Denistone	Open Space	Chatham Road, "Darvall Park"		Local	I26
Denistone	"Poynton" (House)	25 Commissioners Road	Lot A, DP28226	Local	I36
Denistone	"Denistone House" & "Trigg House" (both part of Ryde Hospital)	1 Denistone Road •	Lot I, DP869614	Local	I47
Denistone	House	24 Miriam Road	Lot 81A, DP6272	Local	I74
Denistone	House	30 Miriam Road	Lot B, DP344847	Local	I75
Denistone	"The Hermitage " (Hermitage and Garden)	1-9 Pennant Avenue	Lot 2, DP221325	State	I88
Denistone	"Wollondilly"	11-13 Pennant Avenue	Lot 1, DP221325	Local	I90
Denistone	House	37 Pennant Avenue	Lot I, DP1005675	Local	I91
Denistone	House	89-91 Terry Road	Lot 5, DP29054	Local	I126
Denistone	House	78 West Parade	Lot E, DP28643	Local	I164
Denistone East	"Highbury House"	495 Blaxland Road	Lot 1, DP514007	Local	I18
East Ryde	Sugarloaf Point (Open space)	191 Pittwater Road		Local	I95
East Ryde	Boobajool Reserve (Open space)	231-245 Pittwater Road		Local	I96
East Ryde	Wallamatta Reserve	1-13 Twin Road	Lot 7, DP790153	Local	I133
East Ryde	Field of Mars Wildlife Reserve	Wellington Road		Local	I158
Eastwood	House	4 Auld Avenue	Lot A, DP342192	Local,	I7
Eastwood	House	14 Auld Avenue	Lot 6, DP11568	Local	I8
Eastwood	"The Rectory" (House)	25 Clanalpine Street	Lot 45, DP4231	Local	I34
Eastwood	St Philip's	29 Clanalpine Street	Part Lot A, DP389661	Local	I35
Eastwood	Dwelling	30 Clanalpine Street	Lot 4, DP5132	Local	I201
Eastwood	House	1 Coronation Avenue	Lot 2, DP344414	Local	I38

Suburb	Item name	Address	Property description	Significance	Item No
Eastwood	House	11 Coronation Avenue	Lot A, DP375352	Local	I202
Eastwood	Seat	East Parade	(outside 36A)	Local	I50
Eastwood	Road	Great North Road, Bedlam Point to Eastwood		State	I54
Eastwood	Library, St Kevin's Primary School	24 Hillview Road	Lot 51, DP 8043	Local	I203
Eastwood	St Kevin's Catholic Church	36 Hillview Road	Lot 4, DP546071	Local	I204
Eastwood	"Eastwood House" School	40 Hillview Road	Lot 42, DP 8043	Local	I55
Eastwood	Brush Farm Park	2-4 Lawson Street	Lot 7059, DP 1062383	Local	I61
Eastwood	"Brush Farm" (House)	19 Lawson Street	Lot I, DP 800471	State	I62
Eastwood	Stone marker	Road Reserve (Outside 233 North Rd)		Local	I205
Eastwood	Stone marker	Road Reserve (Outside 264 North Rd)		Local	I206
Eastwood	House	9 Orange Street	Lot 50, DP 867300	Local	I83
Eastwood	Shops	15, 17, 19, 21, 23 and 25 Railway Parade	Lot 1, DP126235; Lot I, DP 324457; Lot 2, DP 324457; Lot C, DP 312242 Lot B, DP312242, SP43708	Local	I100
Eastwood	"Summer Hayes" (Shops)	119, 123 and 136 Rowe Street	Lot B, DP338186; Lot A, DP 33186; Lot A, DP340287	Local	I105
Eashwood	Fire Station 269 Rowe	269 Rowe Street	Lots 29 and 30, DP7464	Local	I107
Eastwood	"Upna" (House)	24 Rutledge Street	Lot B, DP364839	Local	I108
Eastwood	House	2 Second Avenue	Lot I, DP931131	Local	I114
Eastwood	"Womerah"(House)	31 Trelawney Street	Lot 2, DP607291	Local	I129
Eastwood	Eastwood Park (Gates)	45 West Parade	Lot 1, DP1679	Local	I161
Eastwood	Eashwood Park (Pavilion)	45 West Parade	Lot I DP 167919	Local	I162
Eastwood	Eastwood Park (Grandstand)	45 West Parade	Lot I DP 167919	Local	I163
Gladesville	House	19A Amiens Street	Lot 19 DP10088	Local	I3
Gladesville	Stone marker	Cnr Ashburn& Wharf Rd		Local	I207
Gladesville	Houses	23, 25, 27, 29 and 31 Amiens	Lot 2, DP597949; Lots 20 and 21, DP7709; Lot I DP171292; Part Lot 18, DP7709; Lot 16, DP456025	Local	I4

Suburb	Item name	Address	Property description	Significance	Item No
Gladesville	Glades Bay Park (Monument)	45 Ashburn Place		Local	I6
Gladesville	Wharf Remains	Bedlam Point		Local	I11
Gladesville	House	10 Cambridge Street	Lot D, DP324999	Local	I23
Gladesville	House	1-9 Monash Road	Lot 1 DP24099	Local	I141
Gladesville	House	8 Oates Avenue	Lot 12, DP 7563	Local	I82
Gladesville	House	10 Pelican Street	Lot 77, DP24052	Local	I84
Gladesville	Stone marker	Cnr Pittwater & Eltham St		Local	I208
Gladesville	Substation	38-42 Pittwater Road	Lot 1, DP547927	Local	I93
Gladesville	"Towalla"(House)	120 Pittwater Road	Lot B, DP397969	Local	I94
Gladesville	Banjo Paterson Park	38 Punt Road	Lot 2, DP 746316	Local	I98
Gladesville	"Rockend Cottage" (Cottage)	40 Punt Road	Lot I, DP 746316	Local	I99
Gladesville	House	126 Ryde Road	Lot 8, Sec 5, DP 679	Local	I111
Gladesville	Monash Park (Obelisk)	142 Ryde	Road Lot 7060, DP93662	Local	I112
Gladesville	Gladesville Drill Hall	144 Ryde Road	SP 69924	State	I113
Gladesville	House	3 Thompson Street	Lot 11, DP9945	Local	I127
Gladesville	Houses	17 and 19 Street Thompson Street	Lots 18 and 19, DP9945	Local	I128
Gladesville	House	3 Tyrell Street	Lot 8, Sec D, DP1821	Local	I135
Gladesville	House	42 Tyrell Street	Lot 3, DP355166	Local	I136
Gladesville	Memorial Clock	2D Victoria Road Cnr Wharf Road		Local	I137
Gladesville	Great North Rd	Victoria Road		Local	I54
Gladesville	Tavern	170 Victoria Road	Lot 1 DP131516	Local	I137A
Gladesville	Buildings B00B, B00A & B00D Gladesville Public School	172-180 Victoria Road	Lots I and 2, DP.1086692	Local	I138
Gladesville	Gates	220 Victoria Road	Lot 1 DP1043925 and Lot 1 and 2 3371 and Lot 10 DP1043925	Local	I139
Gladesville	Church	220 Victoria Road	Lot 1 DP1043925 and Lot 1 and 2 DP1033371 and Lot 10 DP1043925	Local	I140
Gladesville	Church	265A Victoria Road	Lot E DP25328	Local	I142

Suburb	Item name	Address	Property description	Significance	Item No
Gladesville	House	310 Victoria Road	Lot 1 SP 62723	Local	I142A
Gladesville	House	37 Wharf Road	Lot 1, DP712430	Local	I166
Gladesville	Houses	43 and 45 Wharf Road	Lots 23 and 24, DP 7844	Local	I167
Gladesville	House	55 Wharf Road	Lot C, DP367740	Local	I168
Gladesville	House	76 Wharf Road	Lot 763, DP1036898	Local	I169
Gladesville	Boat house	96 Wharf Road Looking Glass Point	Lot B, DP366228	Local	I170
Macquarie Park	Macquarie University (Ruins)	192 Balaclava Road	Part Lot 18, DP 1058168	Local	I10
Macquarie Park	Northern Suburbs Cemetery	12 Delhi Road		Local	I44
Marsfield	Curzon Hall (Restaurant)	53 Agincourt Road	Lot 10, DP1100767	Local	II
Marsfield	Eastwood Town Hall (Hall)	74 Agincourt Road	Lot 5, DP853803	Local	I2
Marsfield	Open space	Lane Cove National Park		Local	I59
Meadowbank Shops	Lots E, D, C	58, 60, 62 and 64 Constitution Road	Lots E, D,C and B, DP27200	Local	I37
Meadowbank	Meadowbank Railway Bridge over Parramatta River	Meadowbank (Pedestrian and cycle bridge- previously Ryde Railway Bridge)		State	I56
Meadowbank	Memorial Park (Obelisk)	2 Meadow Crescent		Local	I72
Meadowbank	Factory	37 Nancarrow Avenue	Lots 1-7 and 9-17, DP19585; Lot 1, DP 122205	Local	I80
Meadowbank	Fountain	(Corner) See and Angas Streets		Local	I115
Meadowbank	Attached dwellings	34 See & 1A Angus Streets	Lots 1 & 2 DP1063126	Local	I116
Melrose Park	Wharf	Wharf Road		Local	I165
North Ryde	House Lots 3 and 4,	50-52 Bridge Road	Lots 3 and 4, DP 219517	Local	I22
North Ryde	Buildings B00M, B00J & B00N North Ryde Public School	154 Coss Road		Local	I39
North Ryde	Northern Suburbs Crematorium	197 Delhi Road		Local	I46
North Ryde	Stone marker	Cnr Pittwater & Magdala Rd		Local	I209
North Ryde	Substation	293 Pittwater	SP 78624	Local	I97
North Ryde	"Bensonville" (House)	126 Twin Road	Lot 2, DP700353	Local	I134
North Ryde	House	16 Wicks Road	Lot 41, DP740721	Local	I172

Suburb	Item name	Address	Property description	Significance	Item No
North Ryde	Houses	60 and 62 Wicks Road	Lots I and 2, DP 612262	Local	I173
Putney	Punt	Pellisier Road, Mortlake Ferry		Local	I85
Putney	House	60 Pelliser Road	Lot 92, DP590979	Local	I86
Putney	Putney Park (House remains)	99 Pelliser Road	Lot I, DP133102	Local	I87
Putney	Kissing Point Park (former Boat Slips)	24 Waterview Street	Lot I, DP34075	Local	I157
Ryde	Stone marker	Road Reserve (Outside 60 Badajoz Road)		Local	I210
Ryde	House	7 Badajoz Road	Lot B, DP380470	Local.	I9
Ryde	Ryde Park (Gazebo)	7 Blaxland Road	Lot 50, DP I107483	Local	I13
Ryde	Ebenezer (Church)	22 Blaxland Road	Lot 14, DP994	Local	I14
Ryde	Masonic Temple (Hall)	142 Blaxland Road	Lot 3, DP86255	Local	I16
Ryde	"Hattons Cottage" (Cottage)	158 Blaxland Road	Lot P, DP443304	Local	I17
Ryde	Fountain	(Corner) Blaxland and Victoria Roads		Local	I19
Ryde	Church	74A Bowden Street	Lots 23 and 24, DP8677	Local	I20
Ryde	House	95 Bowden Street	Lot 101, DP1055980	Local	I21
Ryde	Stone marker	Road Reserve (Outside 54 Bridge Rd)		Local	I215
Ryde	Ryde Wesley Uniting Church, George H Trevill Memorial Hall and Hall (former Oddfellows Hall)	25-27 Church Street	Lots 102 and 103, DP588364	Local	I27
Ryde	Former Court House	42 Church Street	Lot 2, DP541856	Local	I29
Ryde	St Anne's Ryde Anglican Church and Cemetery	46 Church Street	Lot I, DP113532	Local	I30
Ryde	Terraces	76, 78 and 80 Church Street(80 also known as 45 Small Street)	Lots A, B and C, DP 436129	Local	I32
Ryde	Bridge	Church Street		Local	I33
Ryde	Bridge	Cressy Road over Buffalo Creek		Local	I40
Ryde	Obelisk	Devlin Street		Local	I49
Ryde	"Crowle Home" (House)	8 Junction	Lot I, DP921633; Lot 11, DP 51349	Local	I57
Ryde	"Mayfield" (House)	281 Morrison Road	Lot 102, DP838134	Local	I77

Suburb	Item name	Address	Property description	Significance	Item No
Ryde	Shop	312 Morrison Road	Lot 4, DP942466	Local	I78
Ryde	"Palmyra" (House)	26-28 Myra Avenue	Lot 2A, DP399330	Local	I79
Ryde	House	87 North Road	Lot 3, DP536702	Local	I81
Ryde	Stone marker	Road Reserve (Outside 38 Parkes Street)		Local	I211
Ryde	Stone marker	Road Reserve (Outside 1 Quarry Rd)		Local	I212
Ryde	Stone marker	Road Reserve (Outside 2 Quarry Rd)		Local	I213
Ryde	Stone marker	Road Reserve (Outside 35 Quarry Rd)		Local	I214
Ryde	"Woolbrook" (House)	7 Regent Street	Lot 1, DP20172	Local	I102
Ryde	House	5 Storey Street	Lot 2, DP867924	Local	I119
Ryde	Buildings B00A & B00C Ryde Public School	2 Tucker Street	Lot 1, DP749952	Local	I130
Ryde	"Westward Cottage" (House)	8 Turner Street	Lot 3, DP860174	Local	I131
Ryde	"Parsonage" (House)	12 Turner treet	Lot 4, DP860174	Local	I132
Ryde	Holy Cross College	499-521 Victoria Road	Lot I, DP807562	Local	I143
Ryde	"Squireville" (Apartments and meeting hall (formerly the chapel))	Victoria Road 512-550	SP 48164	Local	I145
Ryde	St Charles Borromeo Catholic Church and Cemetery	562-582 Victoria Road	Lot 1, DP633853	Local	I147
Ryde	Dalton House (Hospital)	642-648 Victoria Road	Lot 1012, DP836977	Local	I148
Ryde	Stone marker	Road Reserve (Outside 724 Victoria Road)		Local	I216
Ryde	"Willandra" (House)	770-772 Victoria Road	Lot 1, DP34639	State	I149
Ryde	"Former Police Station"	808 Victoria Road		State	I150
Ryde	Court House	812 Victoria Road	Lot 1, DP796948	Local	I151
Ryde	"Addington House"	813-815 Victoria Road	Lots 23 and 24, DP6883; Lot 2, DP313163	State	I152
Ryde	"The Retreat" (House)	817 Victoria Road	Lot 1. DP313163	Local	I153
Ryde	"Wallametta Club" (House)	826 Victoria Road	Lots 3 and 4, DP 219163; Lot 2, DP 205390	Local	I154

Suburb	Item name	Address	Property description	Significance	Item No
Ryde	Field of Mars Cemetery	1 Wellington Road		Local	I159
Ryde	House	Wellington Road		Local	I160
Tennyson	"Harwin" (House)	79 Champion Road	Lot 2, DP 962627	Local	I24
Tennyson	House	85 Champion Road	Lot 20, Sec 2, DP2166	Local	I25
Tennyson	Shops	113-115 Tennyson Road	Lot X, DP102073	Local	I121
Tennyson	House	139 Tennyson Road	Lot 1, DP1009906	Local	I122
West Ryde	Houses	61, 63, 65, 67, 69, 71, 73, 75 and 77 Forsyth Street	Lots I-3, P900778; Lots 1-3, P902526; Lot A, DP 103458; Lot B, DP103457; Lot 3, DP 902023	Local	I51
West Ryde	"The Downs" (House)	27 Goodwin Street	Lot 1, DP223488	Local	I53
West Ryde	House	4 Linton Avenue	Lot Y, DP404139	Local	I63
West Ryde	Church	7-9 McPherson Street	Lots 44 and 45, DP5048	Local	I64
West Ryde	"The Vinery" (House)	69 Marsden Road	Lot 1, DP1039275	Local	I65
West Ryde	House	75 Marsden Road	Lot 1, DP799009	Local	I66
West Ryde	'Riverview House and outbuildings'	135 Marsden Road	Lot 1, DP218486	State	I67
West Ryde	Church	7 Maxim Street	Lots 6 and 7, Sec 4, DP3646	Local	I69
West Ryde	"Milton" (House)	22 Maxim Street	Lot 14, Sec 3, DP 3646	Local	I70
West Ryde	House	24 Maxim Street	Lot 15, Sec 3, DP3646	Local	I71
West Ryde	House	14 Miriam Road	76A DP6272	Local	I217
West Ryde	House	16 Miriam Road	77A DP6272	Local	I218
West Ryde	House	22 Miriam Road	80A DP6272	Local	I219
West Ryde	House	38 Miriam Road	88A DP6272	Local	I220
West Ryde	House	33 Reserve Street	Lot 46, DP405 1	Local	I103
West Ryde	Houses	102 and 106 Rutledge Street	Lots 4 and 2, DP 218486	Local	I109
West Ryde	House	71 Station Street	Lot 12, DP705827	Local	I117
West Ryde	"Uplands" (House)	72 Station Street	Lot B, DP368089	Local	I118
West Ryde	Open Space	62 Terry Road, Denistone Park		Local	I125
West Ryde	Ryde Pumping station and site	948 Victoria Road		State	I155
West Ryde	House	958 Victoria Road	Lot 8, DP819902	Local	I156

Suburb	Item name	Address	Property description	Significance	Item No
West Ryde	Former School residence & 1988 Ermington School Building.	12 Winbourne Street	Lot 1, DP909464	Local	I174
West Ryde	Houses	91 , 93 and 95 Winbourne Street	Lots 7-9, DP218486	Local	I177
West Ryde	House	94 Winbourne Street	Lot A, DP401556	Local	I175
West Ryde	House	96 Winbourne Street	Lot B, DP401556	Local	I176

Part 2 Archaeological Heritage items

Suburb	Item name	Address	Property description	Significance	Item No
Gladesville	Archaeological site	334 and 336 Victoria Road	Lots 1 & 2, DP 127023 &	Local	
			Lot 6 DP 666532	Local	A143B

Part 3 Heritage conservation areas

Description	Identification on heritage map	Significance	Map ref
Brush Farm Park, Eastwood	Shown by green outlined and numbered C1	Local	HCA 1
Eastwood House Estate, Eastwood	Shown by green outlined and numbered C2	Local	HCA 2
Maxim Street , West Ryde	Shown by green outlined and numbered C3	Local	HCA 3
Rydedale Road, West Ryde	Shown by green outlined and numbered C4	Local	HCA 4
Gladesville Shopping Centre	Shown by green outlined and numbered C5	Local	HCA 5

Dictionary

(Clause 1.4)

Aboriginal object means any deposit, object or other material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of an area of New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains.

Aboriginal place of heritage significance means an area of land, the general location of which is identified in an Aboriginal heritage study adopted by the Council after public exhibition and that may be shown on the Heritage Map, that is:

- (a) the site of one or more Aboriginal objects or a place that has the physical remains of pre-European occupation by, or is of contemporary significance to, the Aboriginal people. It may (but need not) include items and remnants of the occupation of the land by Aboriginal people, such as burial places, engraving sites, rock art, midden deposits, scarred and sacred trees and sharpening grooves, or
- (b) a natural Aboriginal sacred site or other sacred feature. It includes natural features such as creeks or mountains of long-standing cultural significance, as well as initiation, ceremonial or story places or areas of more contemporary cultural significance.

Note. The term may include (but is not limited to) places that are declared under section 84 of the *National Parks and Wildlife Act 1974* to be Aboriginal places for the purposes of that Act.

acid sulfate soils means naturally occurring sediments and soils containing iron sulfides (principally pyrite) or their precursors or oxidation products, whose exposure to oxygen leads to the generation of sulfuric acid (for example, by drainage or excavation).

Acid Sulfate Soils Manual means the manual by that name published by the Acid Sulfate Soils Management Advisory Committee and made publicly available.

Acid Sulfate Soils Map means the Ryde Local Environmental Plan 2011 Acid Sulfate Soils Map.

advertisement has the same meaning as in the Act.

Note. The term is defined as a sign, notice, device or representation in the nature of an advertisement visible from any public place or public reserve or from any navigable water.

advertising structure has the same meaning as in the Act.

Note. The term is defined as a structure used or to be used principally for the display of an advertisement. Advertising structures are a type of **signage**—see the definition of that term in this Dictionary.

affordable housing has the same meaning as in the Act.

Note. The term is defined as housing for very low income households, low income households or moderate income households, being such households as are prescribed by the regulations or as are provided for in an environmental planning instrument.

agricultural produce industry means a building or place used for the handling, treating, processing or packing, for commercial purposes, of produce from agriculture (including dairy products, seeds, fruit, vegetables or other plant material), and includes wineries, flour mills, cotton seed oil plants, cotton gins, feed mills, cheese and butter factories, and juicing or canning plants, but does not include a livestock processing industry.

Note. Agricultural produce industries are a type of **rural industry**—see the definition of that term in this Dictionary.

agriculture means any of the following:

- (a) aquaculture,
- (b) extensive agriculture,
- (c) intensive livestock agriculture,

(d) intensive plant agriculture.

Note. Part 6 of the *Plantations and Reafforestation Act 1999* provides that exempt farm forestry within the meaning of that Act is not subject to the *Environmental Planning and Assessment Act 1979*.

air transport facility means an airport or a heliport that is not part of an airport, and includes associated communication and air traffic control facilities or structures.

airport means a place that is used for the landing, taking off, parking, maintenance or repair of aeroplanes, and includes associated buildings, installations, facilities and movement areas and any heliport that is part of the airport.

Note. Airports are a type of **air transport facility**—see the definition of that term in this Dictionary.

airstrip means a single runway for the landing, taking off or parking of aeroplanes for private aviation only, but does not include an airport, heliport or helipad.

amusement centre means a building or place (not being part of a pub or registered club) used principally for playing:

- (a) billiards, pool or other like games, or
- (b) electronic or mechanical amusement devices, such as pinball machines, computer or video games and the like.

animal boarding or training establishment means a building or place used for the breeding, boarding, training, keeping or caring of animals for commercial purposes (other than for the agistment of horses), and includes any associated riding school or ancillary veterinary hospital.

aquaculture has the same meaning as in the *Fisheries Management Act 1994*.

Note. Aquaculture is a type of **agriculture**—see the definition of that term in this Dictionary.

archaeological site means a place that contains one or more relics.

attached dwelling means a building containing 3 or more dwellings, where:

- (a) each dwelling is attached to another dwelling by a common wall, and
- (b) each of the dwellings is on its own lot of land, and
- (c) none of the dwellings is located above any part of another dwelling.

Note. Attached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

attic means any habitable space, but not a separate dwelling, contained wholly within a roof above the ceiling line of the storey immediately below, except for minor elements such as dormer windows and the like.

backpackers' accommodation means a building or place that:

- (a) provides temporary or short-term accommodation on a commercial basis, and
- (b) has shared facilities, such as a communal bathroom, kitchen or laundry, and
- (c) provides accommodation on a bed or dormitory-style basis (rather than by room).

Note. Backpackers' accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

bed and breakfast accommodation means an existing dwelling in which temporary or short-term accommodation is provided on a commercial basis by the permanent residents of the dwelling and where:

- (a) meals are provided for guests only, and
- (b) cooking facilities for the preparation of meals are not provided within guests' rooms, and
- (c) dormitory-style accommodation is not provided.

Note. See clause 5.4 for controls relating to the number of bedrooms for bed and breakfast accommodation.

Bed and breakfast accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

bee keeping means a building or place used for the keeping and breeding of bees for commercial purposes.

Note. Bee keeping is a type of **extensive agriculture**—see the definition of that term in this Dictionary.

biodiversity means biological diversity.

biological diversity has the same meaning as in the *Threatened Species Conservation Act 1995*.

Note. The term is defined as follows:

biological diversity means the diversity of life and is made up of the following 3 components:

- (a) genetic diversity—the variety of genes (or units of heredity) in any population,
- (b) species diversity—the variety of species,
- (c) ecosystem diversity—the variety of communities or ecosystems.

biosolids treatment facility means a building or place used as a facility for the treatment of biosolids from a sewage treatment plant or from a water recycling facility.

Note. Biosolids treatment facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

boarding house means a building that:

- (a) is wholly or partly let in lodgings, and
- (b) provides lodgers with a principal place of residence for 3 months or more, and
- (c) may have shared facilities, such as a communal living room, bathroom, kitchen or laundry, and
- (d) has rooms, some or all of which may have private kitchen and bathroom facilities, that accommodate one or more lodgers,

but does not include backpackers' accommodation, a group home, hotel or motel accommodation, seniors housing or a serviced apartment.

Note. Boarding houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

boat building and repair facility means any facility (including a building or other structure) used primarily for the construction, maintenance or repair of boats, whether or not including the storage, sale or hire of boats, but does not include a marina or boat shed.

boat launching ramp means a structure designed primarily for the launching of trailer borne recreational vessels, and includes associated car parking facilities.

boat shed means a building or other structure used for the storage and routine maintenance of a boat or boats and that is associated with a private dwelling or non-profit organisation, and includes any skid used in connection with the building or other structure.

brothel has the same meaning as in the Act.

Note. This definition is relevant to the definitions of **home occupation (sex services)** and **sex services premises** in this Dictionary.

building has the same meaning as in the Act.

Note. The term is defined to include part of a building and any structure or part of a structure, but not including a manufactured home, a moveable dwelling or associated structure (or part of a manufactured home, moveable dwelling or associated structure).

building height (or **height of building**) means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.

building identification sign means a sign that identifies or names a building and that may include the name of a building, the street name and number of a building, and a logo or other symbol but does not include general advertising of products, goods or services.

Note. Building identification signs are a type of **signage**—see the definition of that term in this Dictionary.

building line or **setback** means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or
- (b) the outside face of any balcony, deck or the like, or
- (c) the supporting posts of a carport or verandah roof,

whichever distance is the shortest.

bulky goods premises means a building or place the principal purpose of which is the sale, hire or display of bulky goods, being goods that are of such size or weight as to require:

- (a) a large area for handling, display or storage, and
- (b) direct vehicular access to the site of the building or place by members of the public for the purpose of loading or unloading such goods into or from their vehicles after purchase or hire,

and including goods such as floor and window supplies, furniture, household electrical goods, equestrian supplies and swimming pools, but does not include a building or place used for the sale of foodstuffs or clothing unless their sale is ancillary to the sale or hire or display of bulky goods.

Note. Bulky goods premises are a type of **retail premises**—see the definition of that term in this Dictionary.

bush fire hazard reduction work has the same meaning as in the *Rural Fires Act 1997*.

Note. The term is defined as follows:

bush fire hazard reduction work means:

- (a) the establishment or maintenance of fire breaks on land, and
- (b) the controlled application of appropriate fire regimes or other means for the reduction or modification of available fuels within a predetermined area to mitigate against the spread of a bush fire,

but does not include construction of a track, trail or road.

bush fire prone land has the same meaning as in the Act.

Note. The term is defined, in relation to an area, as land recorded for the time being as bush fire prone land on a map for the area certified as referred to in section 146 (2) of the Act.

bush fire risk management plan means a plan prepared under Division 4 of Part 3 of the *Rural Fires Act 1997* for the purpose referred to in section 54 of that Act.

business identification sign means a sign:

- (a) that indicates:
 - (i) the name of the person or business, and
 - (ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and
- (b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Note. Business identification signs are a type of **signage**—see the definition of that term in this Dictionary.

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or

(b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

Note. Business premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

camping ground means an area of land that has access to communal amenities and on which campervans or tents, annexes or other similar portable and lightweight temporary shelters are, or are to be, installed, erected or placed for short term use, but does not include a caravan park.

canal estate development means development that incorporates wholly or in part a constructed canal, or other waterway or waterbody, that is inundated by or drains to a natural waterway or natural waterbody by surface water or groundwater movement (not being works of drainage, or for the supply or treatment of water, that are constructed by or with the authority of a person or body responsible for those functions and that are limited to the minimal reasonable size and capacity to meet a demonstrated need for the works), and that either:

- (a) includes the construction of dwellings (which may include tourist and visitor accommodation) of a kind other than, or in addition to:
 - (i) dwellings that are permitted on rural land, and
 - (ii) dwellings that are used for caretaker or staff purposes, or
- (b) requires the use of a sufficient depth of fill material to raise the level of all or part of that land on which the dwellings are (or are proposed to be) located in order to comply with requirements relating to residential development on flood prone land.

car park means a building or place primarily used for the purpose of parking motor vehicles, including any manoeuvring space and access thereto, whether operated for gain or not.

caravan park means land (including a camping ground) on which caravans (or caravans and other moveable dwellings) are, or are to be, installed or placed.

catchment action plan has the same meaning as in the *Catchment Management Authorities Act 2003*.

Note. The term is defined as a catchment action plan of an authority that has been approved by the Minister under Part 4 of the *Catchment Management Authorities Act 2003*.

cellar door premises means a building or place that is used to sell wine by retail and that is situated on land on which there is a commercial vineyard, and where most of the wine offered for sale is produced in a winery situated on that land or is produced predominantly from grapes grown in the surrounding area.

Note. Cellar door premises are a type of **retail premises**—see the definition of that term in this Dictionary.

cemetery means a building or place used primarily for the interment of deceased persons or pets or their ashes, whether or not it contains an associated building for conducting memorial services.

Centres Map means the Ryde Local Environmental Plan 2011 Centres Map.

charter and tourism boating facility means any facility (including a building or other structure) used for charter boating or tourism boating purposes, being a facility that is used only by the operators of the facility and that has a direct structural connection between the foreshore and the waterway, but does not include a marina.

child care centre means a building or place used for the supervision and care of children that:

- (a) provides long day care, pre-school care, occasional child care or out-of-school-hours care, and
 - (b) does not provide overnight accommodation for children other than those related to the owner or operator of the centre,
- but does not include:
- (c) a building or place used for home-based child care, or
 - (d) an out-of-home care service provided by an agency or organisation accredited by the Children's Guardian, or
 - (e) a baby-sitting, playgroup or child-minding service that is organised informally by the parents of the children concerned, or
 - (f) a service provided for fewer than 5 children (disregarding any children who are related to the person providing the service) at the premises at which at least one of the children resides, being a service that is not advertised, or
 - (g) a regular child-minding service that is provided in connection with a recreational or commercial facility (such as a gymnasium), by or on behalf of the person conducting the facility, to care for children while the children's parents are using the facility, or
 - (h) a service that is concerned primarily with the provision of:
 - (i) lessons or coaching in, or providing for participation in, a cultural, recreational, religious or sporting activity, or
 - (ii) private tutoring, or
 - (i) a school, or
 - (j) a service provided at exempt premises (within the meaning of Chapter 12 of the *Children and Young Persons (Care and Protection) Act 1998*), such as hospitals, but only if the service is established, registered or licensed as part of the institution operating on those premises.

classified road has the same meaning as in the *Roads Act 1993*.

Note. The term is defined as follows:

classified road means any of the following:

- (a) a main road,
- (b) a highway,
- (c) a freeway,
- (d) a controlled access road,
- (e) a secondary road,
- (f) a tourist road,
- (g) a tollway,
- (h) a transitway,
- (i) a State work.

(See *Roads Act 1993* for meanings of these terms.)

clearing native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

clearing native vegetation means any one or more of the following:

- (a) cutting down, felling, thinning, logging or removing native vegetation,
- (b) killing, destroying, poisoning, ringbarking, uprooting or burning native vegetation.

(See Division 3 of Part 3 of the *Native Vegetation Act 2003* for the exclusion of routine agricultural management and other farming activities from constituting the clearing of native vegetation if the landholder can establish that any clearing was carried out for the purpose of those activities.)

coastal foreshore means land with frontage to a beach, estuary, coastal lake, headland, cliff or rock platform.

coastal hazard has the same meaning as in the *Coastal Protection Act 1979*.

coastal lake means a body of water specified in Schedule 1 to *State Environmental Planning Policy No 71—Coastal Protection*.

coastal protection works has the same meaning as in the *Coastal Protection Act 1979*.

coastal waters of the State—see section 58 of the *Interpretation Act 1987*.

coastal zone has the same meaning as in the *Coastal Protection Act 1979*.

Note. The term is defined as follows:

coastal zone means:

- (a) the area within the coastal waters of the State as defined in Part 10 of the *Interpretation Act 1987* (including any land within those waters), and
- (b) the area of land and the waters that lie between the western boundary of the coastal zone (as shown on the maps outlining the coastal zone) and the landward boundary of the coastal waters of the State, and
- (c) the seabed (if any) and the subsoil beneath, and the airspace above, the areas referred to in paragraphs (a) and (b).

The coastal zone consists of the area between the western boundary of the coastal zone shown on the maps outlining the coastal zone and the outermost boundary of the coastal waters of the State. The coastal waters of the State extend, generally, to 3 nautical miles from the coastline of the State.

commercial premises means any of the following:

- (a) business premises,
- (b) office premises,
- (c) retail premises.

community facility means a building or place:

- (a) owned or controlled by a public authority or non-profit community organisation, and
- (b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

community land has the same meaning as in the *Local Government Act 1993*.

correctional centre means:

- (a) any premises declared to be a correctional centre by a proclamation in force under section 225 of the *Crimes (Administration of Sentences) Act 1999*, including any juvenile correctional centre or periodic detention centre, and
- (b) any premises declared to be a detention centre by an order in force under section 5 (1) of the *Children (Detention Centres) Act 1987*,

but does not include any police station or court cell complex in which a person is held in custody in accordance with any Act.

Council means the **City of Ryde Council**.

crematorium means a building in which deceased persons or pets are cremated, whether or not it contains an associated building for conducting memorial services.

Crown reserve means:

- (a) a reserve within the meaning of Part 5 of the *Crown Lands Act 1989*, or
- (b) a common within the meaning of the *Commons Management Act 1989*, or
- (c) lands within the meaning of the *Trustees of Schools of Arts Enabling Act 1902*,

but does not include land that forms any part of a reserve under Part 5 of the *Crown Lands Act 1989* provided for accommodation.

curtilage, in relation to a heritage item or conservation area, means the area of land (including land covered by water) surrounding a heritage item, a heritage conservation

area, or building, work or place within a heritage conservation area, that contributes to its heritage significance.

dairy (pasture-based) means a dairy that is conducted on a commercial basis where the only restriction facilities present are milking sheds and holding yards and where cattle are constrained for no more than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief).

Note. Dairies (pasture-based) are a type of **extensive agriculture**—see the definition of that term in this Dictionary.

dairy (restricted) means a dairy that is conducted on a commercial basis where restriction facilities (in addition to milking sheds and holding yards) are present and where cattle have access to grazing for less than 10 hours in any 24 hour period (excluding during any period of drought or similar emergency relief). It may comprise the whole or part of a restriction facility.

Note. Dairies (restricted) are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

demolish, in relation to a heritage item or an Aboriginal object, or a building, work, relic or tree within a heritage conservation area, means wholly or partly destroy, dismantle or deface the heritage item, Aboriginal object or building, work, relic or tree.

depot means a building or place used for the storage (but not sale or hire) of plant, machinery or other goods (that support the operations of an existing undertaking) when not required for use, but does not include a farm building.

drainage means any activity that intentionally alters the hydrological regime of any locality by facilitating the removal of surface or ground water. It may include the construction, deepening, extending, opening, installation or laying of any canal, drain or pipe, either on the land or in such a manner as to encourage drainage of adjoining land.

dual occupancy means a dual occupancy (attached) or a dual occupancy (detached).

Note. Dual occupancies are a type of **residential accommodation**—see the definition of that term in this Dictionary.

dual occupancy (attached) means 2 dwellings on one lot of land that are attached to each other, but does not include a secondary dwelling.

Note. Dual occupancies (attached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

dual occupancy (detached) means 2 detached dwellings on one lot of land, but does not include a secondary dwelling.

Note. Dual occupancies (detached) are a type of **dual occupancy**—see the definition of that term in this Dictionary.

dwelling means a room or suite of rooms occupied or used or so constructed or adapted as to be capable of being occupied or used as a separate domicile.

dwelling house means a building containing only one dwelling.

Note. Dwelling houses are a type of **residential accommodation**—see the definition of that term in this Dictionary.

earthworks means excavation or filling.

ecologically sustainable development has the same meaning as in the Act.

eco-tourist facility means a building or place that:

- (a) provides temporary or short-term accommodation to visitors on a commercial basis, and
- (b) is located in or adjacent to an area with special ecological or cultural features, and
- (c) is sensitively designed and located so as to minimise bulk, scale and overall physical footprint and any ecological or visual impact.

It may include facilities that are used to provide information or education to visitors and to exhibit or display items.

Note. See clause 5.13 for requirements in relation to the granting of development consent for eco-tourist facilities.

Eco-tourist facilities are not a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

educational establishment means a building or place used for education (including teaching), being:

- (a) a school, or
- (b) a tertiary institution, including a university or a TAFE establishment, that provides formal education and is constituted by or under an Act.

electricity generating works means a building or place used for the purpose of making or generating electricity.

emergency services facility means a building or place (including a helipad) used in connection with the provision of emergency services by an emergency services organisation.

emergency services organisation means any of the following:

- (a) Ambulance Service of New South Wales,
- (b) Fire and Rescue NSW,
- (c) NSW Rural Fire Service,
- (d) NSW Police Force,
- (e) State Emergency Service,
- (f) New South Wales Volunteer Rescue Association Incorporated,
- (g) New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
- (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

entertainment facility means a theatre, cinema, music hall, concert hall, dance hall and the like, but does not include a pub or registered club.

environmental facility means a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks, observation decks, bird hides or the like, and associated display structures.

environmental protection works means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

estuary has the same meaning as in the *Water Management Act 2000*.

Note. The term is defined as follows:

estuary means:

- (a) any part of a river whose level is periodically or intermittently affected by coastal tides, or
- (b) any lake or other partially enclosed body of water that is periodically or intermittently open to the sea, or
- (c) anything declared by the regulations (under the *Water Management Act 2000*) to be an estuary,

but does not include anything declared by the regulations (under the *Water Management Act 2000*) not to be an estuary.

excavation means the removal of soil or rock, whether moved to another part of the same site or to another site, but does not include garden landscaping that does not significantly alter the shape, natural form or drainage of the land.

exhibition home means a dwelling built for the purposes of the public exhibition and marketing of new dwellings, whether or not it is intended to be sold as a private dwelling

after its use for those purposes is completed, and includes any associated sales or home finance office or place used for displays.

exhibition village means 2 or more exhibition homes and associated buildings and places used for house and land sales, site offices, advisory services, car parking, food and drink sales and other associated purposes.

extensive agriculture means any of the following:

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock for commercial purposes,
- (c) bee keeping,
- (d) a dairy (pasture-based).

Note. Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

extractive industry means the winning or removal of extractive materials (otherwise than from a mine) by methods such as excavating, dredging, tunnelling or quarrying, including the storing, stockpiling or processing of extractive materials by methods such as recycling, washing, crushing, sawing or separating, but does not include turf farming.

Note. Extractive industries are not a type of **industry**—see the definition of that term in this Dictionary.

extractive material means sand, soil, gravel, rock or similar substances that are not minerals within the meaning of the *Mining Act 1992*.

farm building means a structure the use of which is ancillary to an agricultural use of the landholding on which it is situated and includes a hay shed, stock holding yard, machinery shed, shearing shed, silo, storage tank, outbuilding or the like, but does not include a dwelling.

farm stay accommodation means a building or place that provides temporary or short-term accommodation to paying guests on a working farm as a secondary business to primary production.

Note. See clause 5.4 for controls relating to the number of bedrooms.

Farm stay accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

feedlot means a confined or restricted area that is operated on a commercial basis to rear and fatten cattle, sheep or other animals, fed (wholly or substantially) on prepared and manufactured feed, for the purpose of meat production or fibre products, but does not include a poultry farm, dairy or piggery.

Note. Feedlots are a type of **intensive livestock agriculture**—see the definition of that term in this Dictionary.

fill means the depositing of soil, rock or other similar extractive material obtained from the same or another site, but does not include:

- (a) the depositing of topsoil or feature rock imported to the site that is intended for use in garden landscaping, turf or garden bed establishment or top dressing of lawns and that does not significantly alter the shape, natural form or drainage of the land, or
- (b) the use of land as a waste disposal facility.

filming means recording images (whether on film or video tape or electronically or by other means) for exhibition or broadcast (such as by cinema, television or the internet or by other means), but does not include:

- (a) still photography, or
- (b) recording images of a wedding ceremony or other private celebration or event principally for the purpose of making a record for the participants in the ceremony, celebration or event, or
- (c) recording images as a visitor or tourist for non-commercial purposes, or

- (d) recording for the immediate purposes of a television program that provides information by way of current affairs or daily news.

fish has the same meaning as in the *Fisheries Management Act 1994*.

Note. The term is defined as follows:

Definition of “fish”

- (1) **Fish** means marine, estuarine or freshwater fish or other aquatic animal life at any stage of their life history (whether alive or dead).
- (2) **Fish** includes:
 - (a) oysters and other aquatic molluscs, and
 - (b) crustaceans, and
 - (c) echinoderms, and
 - (d) beachworms and other aquatic polychaetes.
- (3) **Fish** also includes any part of a fish.
- (4) However, **fish** does not include whales, mammals, reptiles, birds, amphibians or other things excluded from the definition by the regulations under the *Fisheries Management Act 1994*.

flood mitigation work means work designed and constructed for the express purpose of mitigating flood impacts. It involves changing the characteristics of flood behaviour to alter the level, location, volume, speed or timing of flood waters to mitigate flood impacts. Types of works may include excavation, construction or enlargement of any fill, wall, or levee that will alter riverine flood behaviour, local overland flooding, or tidal action so as to mitigate flood impacts.

Flood Planning Map means the *Ryde Local Environmental Plan 2011 Ryde Flood Planning Map*

floor space ratio—see clause 4.5.

Floor Space Ratio Map means the *Ryde Local Environmental Plan 2011 Floor Space Ratio Map*.

food and drink premises means premises that are used for the preparation and retail sale of food or drink (or both) for immediate consumption on or off the premises, and includes any of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) a pub.

Note. Food and drink premises are a type of **retail premises**—see the definition of that term in this Dictionary.

foreshore area means the land between the foreshore building line and the mean high water mark of the nearest bay or river..

Foreshore Building Line means the line shown as the foreshore building line on the *Foreshore Building Line Map*

Foreshore Building Line Map means the *Ryde Local Environmental Plan 2011 Ryde Foreshore Building Line Map*.

forestry has the same meaning as **forestry operations** in the *Forestry and National Park Estate Act 1998*.

Note. The term is defined as follows:

forestry operations means:

- (a) logging operations, namely, the cutting and removal of timber from land for the purpose of timber production, or
- (b) forest products operations, namely, the harvesting of products of trees, shrubs and other vegetation (other than timber) that are of economic value, or

- (c) on-going forest management operations, namely, activities relating to the management of land for timber production such as thinning, bush fire hazard reduction, bee-keeping, grazing and other silvicultural activities, or
- (d) ancillary road construction, namely, the provision of roads and fire trails, and the maintenance of existing railways, to enable or assist in the above operations.

freight transport facility means a facility used principally for the bulk handling of goods for transport by road, rail, air or sea, including any facility for the loading and unloading of vehicles, aircraft, vessels or containers used to transport those goods and for the parking, holding, servicing or repair of those vehicles, aircraft or vessels or for the engines or carriages involved.

function centre means a building or place used for the holding of events, functions, conferences and the like, and includes convention centres, exhibition centres and reception centres, but does not include an entertainment facility.

funeral home means premises that are used to arrange, conduct and cater for funerals and memorial services, whether or not the premises include facilities for the short-term storage, dressing and viewing of bodies of deceased persons.

Note. Funeral homes are a type of **business premises**—see the definition of that term in this Dictionary.

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or cafe and the sale of any the following:

- (a) outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- (b) pets and pet supplies,
- (c) fresh produce.

Note. Garden centres are a type of **retail premises**—see the definition of that term in this Dictionary.

general industry means a building or place (other than a heavy industry or light industry) that is used to carry out an industrial activity.

Note. General industries are a type of **industry**—see the definition of that term in this Dictionary.

gross floor area means the sum of the floor area of each floor of a building measured from the internal face of external walls, or from the internal face of walls separating the building from any other building, measured at a height of 1.4 metres above the floor, and includes:

- (a) the area of a mezzanine, and
- (b) habitable rooms in a basement or an attic, and
- (c) any shop, auditorium, cinema, and the like, in a basement or attic,

but excludes:

- (d) any area for common vertical circulation, such as lifts and stairs, and
- (e) any basement:
 - (i) storage, and
 - (ii) vehicular access, loading areas, garbage and services, and
- (f) plant rooms, lift towers and other areas used exclusively for mechanical services or ducting, and
- (g) car parking to meet any requirements of the consent authority (including access to that car parking), and
- (h) any space used for the loading or unloading of goods (including access to it), and
- (i) terraces and balconies with outer walls less than 1.4 metres high, and
- (j) voids above a floor at the level of a storey or storey above.

ground level (existing) means the existing level of a site at any point.

ground level (finished) means, for any point on a site, the ground surface after completion of any earthworks (excluding any excavation for a basement, footings or the like) for which consent has been granted or that is exempt development.

ground level (mean) means, for any site on which a building is situated or proposed, one half of the sum of the highest and lowest levels at ground level (finished) of the outer surface of the external walls of the building.

group home means a permanent group home or a transitional group home.

Note. Group homes are a type of **residential accommodation**—see the definition of that term in this Dictionary.

group home (permanent) or **permanent group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide permanent household accommodation for people with a disability or people who are socially disadvantaged,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note. Permanent group homes are a type of **group home**—see the definition of that term in this Dictionary.

group home (transitional) or **transitional group home** means a dwelling:

- (a) that is occupied by persons as a single household with or without paid supervision or care and whether or not those persons are related or payment for board and lodging is required, and
- (b) that is used to provide temporary accommodation for the relief or rehabilitation of people with a disability or for drug or alcohol rehabilitation purposes, or that is used to provide half-way accommodation for persons formerly living in institutions or temporary accommodation comprising refuges for men, women or young people,

but does not include development to which *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* applies.

Note. Transitional group homes are a type of **group home**—see the definition of that term in this Dictionary.

hardware and building supplies means a building or place the principal purpose of which is the sale or hire of goods or materials, such as household fixtures, timber, tools, paint, wallpaper, plumbing supplies and the like, that are used in the construction and maintenance of buildings and adjacent outdoor areas.

Note. Hardware and building supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

hazardous industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note. Hazardous industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

hazardous storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when in operation and when all measures proposed to reduce or minimise its impact on the locality have been employed (including,

for example, measures to isolate the building or place from existing or likely future development on other land in the locality), pose a significant risk in the locality:

- (a) to human health, life or property, or
- (b) to the biophysical environment.

Note. Hazardous storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

headland includes a promontory extending from the general line of the coastline into a large body of water, such as a sea, coastal lake or bay.

health care professional means any person registered under an Act for the purpose of providing health care.

health consulting rooms means premises comprising one or more rooms within (or within the curtilage of) a dwelling house used by not more than 3 health care professionals at any one time.

Note. Health consulting rooms are a type of **health services facility**—see the definition of that term in this Dictionary.

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following:

- (a) a medical centre,
- (b) community health service facilities,
- (c) health consulting rooms,
- (d) patient transport facilities, including helipads and ambulance facilities,
- (e) hospital.

heavy industrial storage establishment means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and that requires separation from other development because of the nature of the processes involved, or the goods, materials, plant or machinery stored, and includes any of the following:

- (a) a hazardous storage establishment,
- (b) a liquid fuel depot,
- (c) an offensive storage establishment.

heavy industry means a building or place used to carry out an industrial activity that requires separation from other development because of the nature of the processes involved, or the materials used, stored or produced, and includes:

- (a) hazardous industry, or
- (b) offensive industry.

It may also involve the use of a hazardous storage establishment or offensive storage establishment.

Note. Heavy industries are a type of **industry**—see the definition of that term in this Dictionary.

Height of Buildings Map means the **Ryde** Local Environmental Plan **2011** Height of Buildings Map.

helipad means a place not open to the public used for the taking off and landing of helicopters.

heliport means a place open to the public that is used for the taking off and landing of helicopters, whether or not it includes:

- (a) a terminal building, or
- (b) facilities for the parking, storage or repair of helicopters.

Note. Heliports are a type of **air transport facility**—see the definition of that term in this Dictionary.

heritage conservation area means an area of land of heritage significance:

- (a) shown on the Heritage Map as a heritage conservation area, and
 - (b) the location and nature of which is described in Schedule 5,
- and includes any heritage items situated on or within that area.

heritage conservation management plan means a document prepared in accordance with guidelines prepared by the Division of the Government Service responsible to the Minister administering the *Heritage Act 1977* that documents the heritage significance of an item, place or heritage conservation area and identifies conservation policies and management mechanisms that are appropriate to enable that significance to be retained.

heritage impact statement means a document consisting of:

- (a) a statement demonstrating the heritage significance of a heritage item or heritage conservation area, and
- (b) an assessment of the impact that proposed development will have on that significance, and
- (c) proposals for measures to minimise that impact.

heritage item means a building, work, place, relic, tree, object or archaeological site the location and nature of which is described in Schedule 5.

Note. An inventory of heritage items is also available at the office of the Council.

heritage management document means:

- (a) a heritage conservation management plan, or
- (b) a heritage impact statement, or
- (c) any other document that provides guidelines for the ongoing management and conservation of a heritage item, Aboriginal object, Aboriginal place of heritage significance or heritage conservation area.

Heritage Map means the **Ryde** Local Environmental Plan **2011** Heritage Map.

heritage significance means historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value.

high technology industry means a building or place predominantly used to carry out an industrial activity that involves any of the following:

- (a) electronic or micro-electronic systems, goods or components,
- (b) information technology (such as computer software or hardware),
- (c) instrumentation or instruments of a scientific, industrial, technological, medical or similar nature,
- (d) biological, pharmaceutical, medical or paramedical systems, goods or components,
- (e) film, television or multi-media technologies, including any post production systems, goods or components,
- (f) telecommunications systems, goods or components,
- (g) sustainable energy technologies,
- (h) any other goods, systems or components intended for use in a science or technology related field,

but does not include a building or place used to carry out an industrial activity that presents a hazard or potential hazard to the neighbourhood or that, because of the scale and nature of the processes involved, interferes with the amenity of the neighbourhood.

Note. High technology industries are a type of **light industry**—see the definition of that term in this Dictionary.

highway service centre means a building or place used to provide refreshments and vehicle services to highway users. It may include any one or more of the following:

- (a) a restaurant or cafe,
- (b) take away food and drink premises,
- (c) service stations and facilities for emergency vehicle towing and repairs,
- (d) parking for vehicles,
- (e) rest areas and public amenities.

home-based child care means a dwelling used by a resident of the dwelling for the supervision and care of one or more children and that satisfies the following conditions:

- (a) the service is licensed within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*,
- (b) the number of children (including children related to the carer or licensee) does not at any one time exceed 7 children under the age of 12 years, including no more than 5 who do not ordinarily attend school.

home business means a business that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of more than 2 persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home business.

home industry means a dwelling (or a building ancillary to a dwelling) used by one or more permanent residents of the dwelling to carry out an industrial activity that does not involve any of the following:

- (a) the employment of more than 2 persons other than those residents,
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,
- (c) the exposure to view, from any adjacent premises or from any public place, of any unsightly matter,
- (d) the exhibition of any signage (other than a business identification sign),
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building,

but does not include bed and breakfast accommodation or sex services premises.

Note. See clause 5.4 for controls relating to the floor area used for a home industry.

Home industries are a type of **light industry**—see the definition of that term in this Dictionary.

home occupation means an occupation that is carried on in a dwelling, or in a building ancillary to a dwelling, by one or more permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or

- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise, or
- (c) the display of goods, whether in a window or otherwise, or
- (d) the exhibition of any signage (other than a business identification sign), or
- (e) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include bed and breakfast accommodation, home occupation (sex services) or sex services premises.

home occupation (sex services) means the provision of sex services in a dwelling that is a brothel, or in a building that is a brothel and is ancillary to such a dwelling, by no more than 2 permanent residents of the dwelling and that does not involve:

- (a) the employment of persons other than those residents, or
- (b) interference with the amenity of the neighbourhood by reason of the emission of noise, traffic generation or otherwise, or
- (c) the exhibition of any signage, or
- (d) the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail,

but does not include a home business or sex services premises.

horticulture means the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture.

Note. Horticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

hospital means a building or place used for the purpose of providing professional health care services (such as preventative or convalescent care, diagnosis, medical or surgical treatment, psychiatric care or care for people with disabilities, or counselling services provided by health care professionals) to people admitted as in-patients (whether or not out-patients are also cared for or treated there), and includes ancillary facilities for (or that consist of) any of the following:

- (a) day surgery, day procedures or health consulting rooms,
- (b) accommodation for nurses or other health care workers,
- (c) accommodation for persons receiving health care or for their visitors,
- (d) shops, kiosks, restaurants or cafes or take-away food and drink premises,
- (e) patient transport facilities, including helipads, ambulance facilities and car parking,
- (f) educational purposes or any other health-related use,
- (g) research purposes (whether or not carried out by hospital staff or health care workers or for commercial purposes),
- (h) chapels,
- (i) hospices,
- (j) mortuaries.

Note. Hospitals are a type of **health services facility**—see the definition of that term in this Dictionary.

hostel means premises that are generally staffed by social workers or support providers and at which:

- (a) residential accommodation is provided in dormitories, or on a single or shared basis, or by a combination of them, and

- (b) cooking, dining, laundering, cleaning and other facilities are provided on a shared basis.

Note. Hostels are a type of **residential accommodation**—see the definition of that term in this Dictionary.

hotel or motel accommodation means a building or place (whether or not licensed premises under the *Liquor Act 2007*) that provides temporary or short-term accommodation on a commercial basis and that:

- (a) comprises rooms or self-contained suites, and
- (b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,

but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.

Note. Hotel or motel accommodation is a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

industrial activity means the manufacturing, production, assembling, altering, formulating, repairing, renovating, ornamenting, finishing, cleaning, washing, dismantling, transforming, processing, recycling, adapting or servicing of, or the research and development of, any goods, substances, food, products or articles for commercial purposes, and includes any storage or transportation associated with any such activity.

industrial retail outlet means a building or place that:

- (a) is used in conjunction with an industry or rural industry, and
- (b) is situated on the land on which the industry or rural industry is located, and
- (c) is used for the display or sale (whether by retail or wholesale) of only those goods that have been manufactured on the land on which the industry or rural industry is located,

but does not include a warehouse or distribution centre.

Note. See clause 5.4 for controls relating to the retail floor area of an industrial retail outlet.

industrial training facility means a building or place used in connection with vocational training in an activity (such as forklift or truck driving, welding or carpentry) that is associated with an industry, rural industry, extractive industry or mining, but does not include an educational establishment, business premises or retail premises.

industry means any of the following:

- (a) general industry,
- (b) heavy industry,
- (c) light industry,

but does not include:

- (d) rural industry, or
- (e) extractive industry, or
- (f) mining.

information and education facility means a building or place used for providing information or education to visitors, and the exhibition or display of items, and includes an art gallery, museum, library, visitor information centre and the like.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses or other livestock that are fed wholly or substantially on externally-sourced feed, and includes any of the following:

- (a) dairies (restricted),
- (b) feedlots,
- (c) piggeries,

(d) poultry farms,

but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

Note. Intensive livestock agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

intensive plant agriculture means any of the following:

- (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops),
- (b) horticulture,
- (c) turf farming,
- (d) viticulture.

Note. Intensive plant agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

jetty means a horizontal decked walkway providing access from the shore to the waterway and is generally constructed on a piered or piled foundation.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Note. See clause 5.4 for controls relating to the gross floor area of a kiosk.

Kiosks are a type of **retail premises**—see the definition of that term in this Dictionary.

Land Application Map means the **Ryde** Local Environmental Plan **2011** Land Application Map.

Land Reservation Acquisition Map means the **Ryde** Local Environmental Plan **2011** Land Reservation Acquisition Map.

Land Zoning Map means the **Ryde** Local Environmental Plan **2011** Land Zoning Map.

landscaped area means a part of a site used for growing plants, grasses and trees, but does not include any building, structure or hard paved area.

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screenings, rock and the like.

Note. Landscaping material supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

light industry means a building or place used to carry out an industrial activity that does not interfere with the amenity of the neighbourhood by reason of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, or otherwise, and includes any of the following:

- (a) high technology industry,
- (b) home industry.

Note. Light industries are a type of **industry**—(see the definition of that term in this Dictionary).

liquid fuel depot means premises used for the bulk storage of petrol, oil, petroleum or other inflammable liquid for wholesale distribution and at which no retail trade is conducted.

Note. Liquid fuel depots are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

livestock processing industry means a building or place used for the commercial production of products derived from the slaughter of animals (including poultry) or the processing of skins or wool of animals, derived principally from surrounding districts, and includes abattoirs, knackereries, tanneries, woolscours and rendering plants.

Note. Livestock processing industries are a type of **rural industry**—see the definition of that term in this Dictionary.

Lot Size Map means the **Ryde** Local Environmental Plan **2011** Lot Size Map.

Macquarie Park Corridor means the land shown as “Macquarie Park Corridor” on the Centres Map.

Macquarie Park Corridor Parking Restrictions Map means the Ryde Local Environmental Plan 2011 Macquarie Park Corridor Parking Restrictions Map.

maintenance, in relation to a heritage item, Aboriginal object or Aboriginal place of heritage significance, or a building, work, archaeological site, tree or place within a heritage conservation area, means ongoing protective care, but does not include the removal or disturbance of existing fabric, alterations (such as carrying out extensions or additions) or the introduction of new materials or technology.

marina means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:

- (a) any facility for the construction, repair, maintenance, storage, sale or hire of boats,
- (b) any facility for providing fuelling, sewage pump-out or other services for boats,
- (c) any facility for launching or landing boats, such as slipways or hoists,
- (d) any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,
- (e) any berthing or mooring facilities.

market means an open-air area, or an existing building, that is used for the purpose of selling, exposing or offering goods, merchandise or materials for sale by independent stall holders, and includes temporary structures and existing permanent structures used for that purpose on an intermittent or occasional basis.

Note. Markets are a type of **retail premises**—see the definition of that term in this Dictionary.

mean high water mark means the position where the plane of the mean high water level of all ordinary local high tides intersects the foreshore, being 1.44m above the zero of Fort Denison Tide Gauge and 0.515m Australian Height Datum.

medical centre means premises that are used for the purpose of providing health services (including preventative care, diagnosis, medical or surgical treatment, counselling or alternative therapies) to out-patients only, where such services are principally provided by health care professionals. It may include the ancillary provision of other health services.

Note. Medical centres are a type of **health services facility**—see the definition of that term in this Dictionary.

mezzanine means an intermediate floor within a room.

mine means any place (including any excavation) where an operation is carried on for mining of any mineral by any method and any place on which any mining related work is carried out, but does not include a place used only for extractive industry.

mine subsidence district means a mine subsidence district proclaimed under section 15 of the *Mine Subsidence Compensation Act 1961*.

mining means mining carried out under the *Mining Act 1992* or the recovery of minerals under the *Offshore Minerals Act 1999*, and includes:

- (a) the construction, operation and decommissioning of associated works, and
- (b) the rehabilitation of land affected by mining.

Note. Mining is not a type of **industry**—see the definition of that term in this Dictionary.

mixed use development means a building or place comprising 2 or more different land uses.

mooring means a detached or freestanding apparatus located on or in a waterway and that is capable of securing a vessel, but does not include a mooring pen.

mooring pen means an arrangement of freestanding piles or other restraining devices designed or used for the purpose of berthing a vessel.

mortuary means premises that are used, or intended to be used, for the receiving, preparation, embalming and storage of bodies of deceased persons pending their interment or cremation.

moveable dwelling has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

moveable dwelling means:

- (a) any tent, or any caravan or other van or other portable device (whether on wheels or not), used for human habitation, or
- (b) a manufactured home, or
- (c) any conveyance, structure or thing of a class or description prescribed by the regulations (under the *Local Government Act 1993*) for the purposes of this definition.

multi dwelling housing means 3 or more dwellings (whether attached or detached) on one lot of land, each with access at ground level, but does not include a residential flat building.

Note. Multi dwelling housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

native fauna means any animal-life that is indigenous to New South Wales or is known to periodically or occasionally migrate to New South Wales, whether vertebrate (including fish) or invertebrate and in any stage of biological development, but does not include humans.

native flora means any plant-life that is indigenous to New South Wales, whether vascular or non-vascular and in any stage of biological development, and includes fungi and lichens, and marine vegetation within the meaning of Part 7A of the *Fisheries Management Act 1994*.

native vegetation has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

Meaning of “native vegetation”

- (1) **Native vegetation** means any of the following types of indigenous vegetation:
 - (a) trees (including any sapling or shrub, or any scrub),
 - (b) understorey plants,
 - (c) groundcover (being any type of herbaceous vegetation),
 - (d) plants occurring in a wetland.
- (2) Vegetation is **indigenous** if it is of a species of vegetation, or if it comprises species of vegetation, that existed in the State before European settlement.
- (3) **Native vegetation** does not include any mangroves, seagrasses or any other type of marine vegetation to which section 205 of the *Fisheries Management Act 1994* applies.

navigable waterway means any waterway that is from time to time capable of navigation and is open to or used by the public for navigation, but does not include flood waters that have temporarily flowed over the established bank of a watercourse.

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

Note. See clause 5.4 for controls relating to the retail floor area of neighbourhood shops.

Neighbourhood shops are a type of **shop**—see the definition of that term in this Dictionary.

nominated State heritage item means a heritage item that:

- (a) has been identified as an item of State significance in a publicly exhibited heritage study adopted by the Council, and
- (b) the Council has, by notice in writing to the Heritage Council, nominated as an item of potential State significance.

non-potable water means water that does not meet the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

NSW Coastal Policy means the publication titled *NSW Coastal Policy 1997: A Sustainable Future for the New South Wales Coast*, published by the Government.

offensive industry means a building or place used to carry out an industrial activity that would, when carried out and when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the activity from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive industries are a type of **heavy industry**—see the definition of that term in this Dictionary.

offensive storage establishment means a building or place that is used for the storage of goods, materials or products and that would, when all measures proposed to reduce or minimise its impact on the locality have been employed (including, for example, measures to isolate the building or place from existing or likely future development on other land in the locality), emit a polluting discharge (including, for example, noise) in a manner that would have a significant adverse impact in the locality or on existing or likely future development on other land in the locality.

Note. Offensive storage establishments are a type of **heavy industrial storage establishment**—see the definition of that term in this Dictionary.

office premises means a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Note. Office premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

open cut mining means mining carried out on, and by excavating, the earth's surface, but does not include underground mining.

operational land has the same meaning as in the *Local Government Act 1993*.

parking space means a space dedicated for the parking of a motor vehicle, including any manoeuvring space and access to it, but does not include a car park.

passenger transport facility means a building or place used for the assembly or dispersal of passengers by any form of transport, including facilities required for parking, manoeuvring, storage or routine servicing of any vehicle that uses the building or place.

place of public worship means a building or place used for the purpose of religious worship by a congregation or religious group, whether or not the building or place is also used for counselling, social events, instruction or religious training.

plant nursery means a building or place the principal purpose of which is the retail sale of plants that are grown or propagated on site or on an adjacent site. It may include the on-site sale of any such plants by wholesale and, if ancillary to the principal purpose for which the building or place is used, the sale of landscape and gardening supplies and equipment and the storage of these items.

Note. Plant nurseries are a type of **retail premises**—see the definition of that term in this Dictionary.

port facilities means any of the following facilities at or in the vicinity of a designated port within the meaning of section 47 of the *Ports and Maritime Administration Act 1995*:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,

- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

potable water means water that meets the standards or values for drinking water recommended from time to time by the National Health and Medical Research Council.

private open space means an area external to a building (including an area of land, terrace, balcony or deck) that is used for private outdoor purposes ancillary to the use of the building.

property vegetation plan has the same meaning as in the *Native Vegetation Act 2003*.

Note. The term is defined as follows:

property vegetation plan means a property vegetation plan that has been approved under Part 4 of the *Native Vegetation Act 2003*.

pub means licensed premises under the *Liquor Act 2007* the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold or entertainment is provided on the premises.

Note. Pubs are a type of **food and drink premises**—see the definition of that term in this Dictionary.

public administration building means a building used as offices or for administrative or other like purposes by the Crown, a statutory body, a council or an organisation established for public purposes, and includes a courthouse or a police station.

public authority has the same meaning as in the Act.

public land has the same meaning as in the *Local Government Act 1993*.

Note. The term is defined as follows:

public land means any land (including a public reserve) vested in or under the control of the council, but does not include:

- (a) a public road, or
- (b) land to which the *Crown Lands Act 1989* applies, or
- (c) a common, or
- (d) land subject to the *Trustees of Schools of Arts Enabling Act 1902*, or
- (e) a regional park under the *National Parks and Wildlife Act 1974*.

public reserve has the same meaning as in the *Local Government Act 1993*.

public utility undertaking means any of the following undertakings carried on or permitted to be carried on by or by authority of any Government Department or under the authority of or in pursuance of any Commonwealth or State Act:

- (a) railway, road transport, water transport, air transport, wharf or river undertakings,
- (b) undertakings for the supply of water, hydraulic power, electricity or gas or the provision of sewerage or drainage services,

and a reference to a person carrying on a public utility undertaking includes a reference to a council, electricity supply authority, Government Department, corporation, firm or authority carrying on the undertaking.

rainwater tank means a tank designed for the storage of rainwater gathered on the land on which the tank is situated.

recreation area means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) a children's playground, or
- (b) an area used for community sporting activities, or

(c) a public park, reserve or garden or the like,

and any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor).

recreation facility (indoor) means a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

recreation facility (major) means a building or place used for large-scale sporting or recreation activities that are attended by large numbers of people whether regularly or periodically, and includes theme parks, sports stadiums, showgrounds, racecourses and motor racing tracks.

recreation facility (outdoor) means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

Reduced Level (RL) means height above the Australian Height Datum, being the datum surface approximating mean sea level that was adopted by the National Mapping Council of Australia in May 1971.

registered club means a club that holds a club licence under the *Liquor Act 2007*.

relic has the same meaning as in the *Heritage Act 1977*.

Note. The term is defined as follows:

relic means any deposit, artefact, object or material evidence that:

- (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and
- (b) is of State or local heritage significance.

research station means a building or place operated by a public authority for the principal purpose of agricultural, environmental, fisheries, forestry, minerals or soil conservation research, and includes any associated facility for education, training, administration or accommodation.

residential accommodation means a building or place used predominantly as a place of residence, and includes any of the following:

- (a) attached dwellings,
- (b) boarding houses,
- (c) dual occupancies,
- (d) dwelling houses,
- (e) group homes,
- (f) hostels,
- (g) multi dwelling housing,
- (h) residential flat buildings,
- (i) rural workers' dwellings,
- (j) secondary dwellings,
- (k) semi-detached dwellings,
- (l) seniors housing,
- (m) shop top housing,

but does not include tourist and visitor accommodation or caravan parks.

residential care facility means accommodation for seniors or people with a disability that includes:

- (a) meals and cleaning services, and
- (b) personal care or nursing care, or both, and
- (c) appropriate staffing, furniture, furnishings and equipment for the provision of that accommodation and care,

but does not include a dwelling, hostel, hospital or psychiatric facility.

Note. Residential care facilities are a type of **seniors housing**—see the definition of that term in this Dictionary.

residential flat building means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.

Note. Residential flat buildings are a type of **residential accommodation**— see the definition of that term in this Dictionary.

resource recovery facility means a building or place used for the recovery of resources from waste, including works or activities such as separating and sorting, processing or treating the waste, composting, temporary storage, transfer or sale of recovered resources, energy generation from gases and water treatment, but not including re-manufacture or disposal of the material by landfill or incineration.

Note. Resource recovery facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

respite day care centre means a building or place that is used for the care of seniors or people who have a disability and that does not provide overnight accommodation for people other than those related to the owner or operator of the centre.

restaurant or cafe means a building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, takeaway meals and drinks or entertainment are also provided.

Note. Restaurants or cafes are a type of **food and drink premises**—see the definition of that term in this Dictionary.

restricted premises means premises that, due to their nature, restrict access to patrons or customers over 18 years of age, and includes sex shops and similar premises, but does not include a pub, hotel or motel accommodation, home occupation (sex services) or sex services premises.

restriction facilities means facilities where animals are constrained for management purposes, including milking sheds, pads, feed stalls, holding yards and paddocks where the number of livestock exceeds the ability of vegetation to recover from the effects of grazing in a normal growing season, but does not include facilities for drought or similar emergency relief.

retail premises means a building or place used for the purpose of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale), and includes any of the following;

- (a) bulky goods premises,
- (b) cellar door premises,
- (c) food and drink premises,
- (d) garden centres,
- (e) hardware and building supplies,
- (f) kiosks,
- (g) landscaping material supplies,

- (h) markets,
- (i) plant nurseries,
- (j) roadside stalls,
- (k) rural supplies,
- (l) shops,
- (m) timber yards,
- (n) vehicle sales or hire premises,

but does not include highway service centres, service stations, industrial retail outlets or restricted premises.

Note. Retail premises are a type of **commercial premises**—see the definition of that term in this Dictionary.

road means a public road or a private road within the meaning of the *Roads Act 1993*, and includes a classified road.

roadside stall means a place or temporary structure used for the retail sale of agricultural produce or hand crafted goods (or both) produced from the property on which the stall is situated or from an adjacent property.

Note. See clause 5.4 for controls relating to the gross floor area of roadside stalls.

Roadside stalls are a type of **retail premises**—see the definition of that term in this Dictionary.

rural industry means the handling, treating, production, processing, storage or packing of animal or plant agricultural products for commercial purposes, and includes any of the following:

- (a) agricultural produce industries,
- (b) livestock processing industries,
- (c) composting facilities and works (including the production of mushroom substrate),
- (d) sawmill or log processing works,
- (e) stock and sale yards,
- (f) the regular servicing or repairing of plant or equipment used for the purposes of a rural enterprise.

Note. Rural industries are not a type of **industry**—see the definition of that term in this Dictionary.

rural supplies means a building or place used for the display, sale or hire of stockfeeds, grains, seed, fertilizers, veterinary supplies and other goods or materials used in farming and primary industry production.

Note. Rural supplies are a type of **retail premises**—see the definition of that term in this Dictionary.

rural worker's dwelling means a building or place that is additional to a dwelling house on the same lot and that is used predominantly as a place of residence by persons employed, whether on a long-term or short-term basis, for the purpose of agriculture or a rural industry on that land.

Note. Rural workers' dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

Ryde Town Centre Precincts Map means the Ryde Local Environmental Plan 2011 Ryde Town Centre Precincts Map.

sawmill or log processing works means a building or place used for handling, cutting, chipping, pulping or otherwise processing logs, baulks, branches or stumps, principally derived from surrounding districts, into timber or other products derived from wood.

Note. Sawmill or log processing works are a type of **rural industry**—see the definition of that term in this Dictionary.

school means a government school or non-government school within the meaning of the *Education Act 1990*.

Note. Schools are a type of **educational establishment**—see the definition of that term in this Dictionary.

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling.

Note. See clause 5.4 for controls relating to the total floor area of secondary dwellings.

Secondary dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

self-storage units means premises that consist of individual enclosed compartments for storing goods or materials (other than hazardous or offensive goods or materials).

Note. Self-storage units are a type of **storage premises**—see the definition of that term in this Dictionary.

semi-detached dwelling means a dwelling that is on its own lot of land and is attached to only one other dwelling.

Note. Semi-detached dwellings are a type of **residential accommodation**—see the definition of that term in this Dictionary.

seniors housing means a building or place that is:

- (a) a residential care facility, or
- (b) a hostel within the meaning of clause 12 of *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*, or
- (c) a group of self-contained dwellings, or
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c), and that is, or is intended to be, used permanently for:
- (e) seniors or people who have a disability, or
- (f) people who live in the same household with seniors or people who have a disability, or
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,

but does not include a hospital.

Note. Seniors housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

service station means a building or place used for the sale by retail of fuels and lubricants for motor vehicles, whether or not the building or place is also used for any one or more of the following:

- (a) the ancillary sale by retail of spare parts and accessories for motor vehicles,
- (b) the cleaning of motor vehicles,
- (c) installation of accessories,
- (d) inspecting, repairing and servicing of motor vehicles (other than body building, panel beating, spray painting, or chassis restoration),
- (e) the ancillary retail selling or hiring of general merchandise or services or both.

serviced apartment means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note. Serviced apartments are a type of **tourist and visitor accommodation**—see the definition of that term in this Dictionary.

sewage reticulation system means a building or place used for the collection and transfer of sewage to a sewage treatment plant or water recycling facility for treatment, or transfer of the treated waste for use or disposal, including associated:

- (a) pipelines and tunnels, and

- (b) pumping stations, and
- (c) dosing facilities, and
- (d) odour control works, and
- (e) sewage overflow structures, and
- (f) vent stacks.

Note. Sewage reticulation systems are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewage treatment plant means a building or place used for the treatment and disposal of sewage, whether or not the facility supplies recycled water for use as an alternative water supply.

Note. Sewage treatment plants are a type of **sewerage system**—see the definition of that term in this Dictionary.

sewerage system means any of the following:

- (a) biosolids treatment facility,
- (b) sewage reticulation system,
- (c) sewage treatment plant,
- (d) water recycling facility,
- (e) a building or place or place that is a combination of any of the things referred to in paragraphs (a)–(d).

sex services means sexual acts or sexual services in exchange for payment.

sex services premises means a brothel, but does not include home occupation (sex services).

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

Note. Shops are a type of **retail premises**—see the definition of that term in this Dictionary.

shop top housing means one or more dwellings located above ground floor retail premises or business premises.

Note. Shop top housing is a type of **residential accommodation**—see the definition of that term in this Dictionary.

signage means any sign, notice, device, representation or advertisement that advertises or promotes any goods, services or events and any structure or vessel that is principally designed for, or that is used for, the display of signage, and includes any of the following:

- (a) an advertising structure,
- (b) a building identification sign,
- (c) a business identification sign,

but does not include a traffic sign or traffic control facilities.

site area means the area of any land on which development is or is to be carried out. The land may include the whole or part of one lot, or more than one lot if they are contiguous to each other, but does not include the area of any land on which development is not permitted to be carried out under this Plan.

Note. The effect of this definition is varied by clause 4.5 for the purpose of the determination of permitted floor space area for proposed development.

site coverage means the proportion of a site area covered by buildings. However, the following are not included for the purpose of calculating site coverage:

- (a) any basement,
- (b) any part of an awning that is outside the outer walls of a building and that adjoins the street frontage or other site boundary,

- (c) any eaves,
- (d) unenclosed balconies, decks, pergolas and the like.

Small Centres Map means the Ryde Local Environmental Plan 2011 Small Centres Map.

spa pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined to include any excavation, structure or vessel in the nature of a spa pool, flotation tank, tub or the like.

stock and sale yard means a building or place that is used on a commercial basis for the purpose of offering livestock or poultry for sale and that may be used for the short-term storage and watering of stock.

Note. Stock and sale yards are a type of **rural industry**—see the definition of that term in this Dictionary.

storage premises means a building or place used for the storage of goods, materials, plant or machinery for commercial purposes and where the storage is not ancillary to any industry, business premises or retail premises on the same parcel of land, and includes self-storage units, but does not include a heavy industrial storage establishment or a warehouse or distribution centre.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

swimming pool has the same meaning as in the *Swimming Pools Act 1992*.

Note. The term is defined as follows:

swimming pool means an excavation, structure or vessel:

- (a) that is capable of being filled with water to a depth of 300 millimetres or more, and
- (b) that is solely or principally used, or that is designed, manufactured or adapted to be solely or principally used, for the purpose of swimming, wading, paddling or any other human aquatic activity,

and includes a spa pool, but does not include a spa bath, anything that is situated within a bathroom or anything declared by the regulations made under the *Swimming Pools Act 1992* not to be a swimming pool for the purposes of that Act.

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

Note. Take away food and drink premises are a type of **food and drink premises**—see the definition of that term in this Dictionary.

telecommunications facility means:

- (a) any part of the infrastructure of a telecommunications network, or
- (b) any line, cable, optical fibre, fibre access node, interconnect point equipment, apparatus, tower, mast, antenna, dish, tunnel, duct, hole, pit, pole or other structure in connection with a telecommunications network, or
- (c) any other thing used in or in connection with a telecommunications network.

telecommunications network means a system, or series of systems, that carries, or is capable of carrying, communications by means of guided or unguided electromagnetic energy, or both.

temporary structure has the same meaning as in the Act.

Note. The term is defined as follows:

temporary structure includes a booth, tent or other temporary enclosure (whether or not part of the booth, tent or enclosure is permanent), and also includes a mobile structure.

the Act means the *Environmental Planning and Assessment Act 1979*.

timber yard means a building or place the principal purpose of which is the sale of sawn, dressed or treated timber, wood fibre boards or similar timber products. It may include the cutting of such timber, boards or products to order and the sale of hardware, paint, tools and materials used in conjunction with the use and treatment of timber.

Note. Timber yards are a type of **retail premises**—see the definition of that term in this Dictionary.

tourist and visitor accommodation means a building or place that provides temporary or short-term accommodation on a commercial basis, and includes any of the following:

- (a) backpackers' accommodation,
- (b) bed and breakfast accommodation,
- (c) farm stay accommodation,
- (d) hotel or motel accommodation,
- (e) serviced apartments,

but does not include:

- (f) camping grounds, or
- (g) caravan parks, or
- (h) eco-tourist facilities.

transport depot means a building or place used for the parking or servicing of motor powered or motor drawn vehicles used in connection with a business, industry, shop or passenger or freight transport undertaking.

truck depot means a building or place used for the servicing and parking of trucks, earthmoving machinery and the like.

turf farming means the commercial cultivation of turf for sale and the removal of turf for that purpose.

Note. Turf farming is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

underground mining means:

- (a) mining carried out beneath the earth's surface, including bord and pillar mining, longwall mining, top-level caving, sub-level caving and auger mining, and
- (b) shafts, drill holes, gas and water drainage works, surface rehabilitation works and access pits associated with that mining (whether carried out on or beneath the earth's surface),

but does not include open cut mining.

vehicle body repair workshop means a building or place used for the repair of vehicles or agricultural machinery, involving body building, panel building, panel beating, spray painting or chassis restoration.

vehicle repair station means a building or place used for the purpose of carrying out repairs to, or the selling and fitting of accessories to, vehicles or agricultural machinery, but does not include a vehicle body repair workshop or vehicle sales or hire premises.

vehicle sales or hire premises means a building or place used for the display, sale or hire of motor vehicles, caravans, boats, trailers, agricultural machinery and the like, whether or not accessories are sold or displayed there.

Note. Vehicle sales or hire premises are a type of **retail premises**—see the definition of that term in this Dictionary.

veterinary hospital means a building or place used for diagnosing or surgically or medically treating animals, whether or not animals are kept on the premises for the purpose of treatment.

viticulture means the cultivation of grapes for use in the commercial production of fresh or dried fruit or wine.

Note. Viticulture is a type of **intensive plant agriculture**—see the definition of that term in this Dictionary.

warehouse or distribution centre means a building or place used mainly or exclusively for storing or handling items (whether goods or materials) pending their sale, but from which no retail sales are made.

waste disposal facility means a building or place used for the disposal of waste by landfill, incineration or other means, including such works or activities as recycling, resource recovery and other resource management activities, energy generation from gases, leachate management, odour control and the winning of extractive material to generate a void for disposal of waste or to cover waste after its disposal.

Note. Waste disposal facilities are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

waste or resource management facility means any of the following:

- (a) a resource recovery facility,
- (b) a waste disposal facility,
- (c) a waste or resource transfer station,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

waste or resource transfer station means a building or place used for the collection and transfer of waste material or resources, including the receipt, sorting, compacting, temporary storage and distribution of waste or resources and the loading or unloading of waste or resources onto or from road or rail transport.

Note. Waste or resource transfer stations are a type of **waste or resource management facility**—see the definition of that term in this Dictionary.

water recreation structure means a structure used primarily for recreational purposes that has a direct structural connection between the shore and the waterway, and may include a pier, wharf, jetty or boat launching ramp.

water recycling facility means a building or place used for the treatment of sewage effluent, stormwater or waste water for use as an alternative supply to mains water, groundwater or river water (including, in particular, sewer mining works), whether the facility stands alone or is associated with other development, and includes associated:

- (a) retention structures, and
- (b) treatment works, and
- (c) irrigation schemes.

Note. Water recycling facilities are a type of **sewerage system**—see the definition of that term in this Dictionary.

water reticulation system means a building or place used for the transport of water, including pipes, tunnels, canals, pumping stations, related electricity infrastructure, dosing facilities and water supply reservoirs.

Note. Water reticulation systems are a type of **water supply system**—see the definition of that term in this Dictionary.

water storage facility means a dam, weir or reservoir for the collection and storage of water, and includes associated monitoring or gauging equipment.

Note. Water storage facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

water supply system means any of the following:

- (a) a water reticulation system,
- (b) a water storage facility,
- (c) a water treatment facility,
- (d) a building or place that is a combination of any of the things referred to in paragraphs (a)–(c).

water treatment facility means a building or place used for the treatment of water (such as a desalination plant or a recycled or reclaimed water plant) whether the water produced is potable or not, and includes residuals treatment, storage and disposal facilities, but does not include a water recycling facility.

Note. Water treatment facilities are a type of **water supply system**—see the definition of that term in this Dictionary.

waterbody means a waterbody (artificial) or waterbody (natural).

waterbody (artificial) or **artificial waterbody** means an artificial body of water, including any constructed waterway, canal, inlet, bay, channel, dam, pond, lake or artificial wetland, but does not include a dry detention basin or other stormwater management construction that is only intended to hold water intermittently.

waterbody (natural) or **natural waterbody** means a natural body of water, whether perennial or intermittent, fresh, brackish or saline, the course of which may have been artificially modified or diverted onto a new course, and includes a river, creek, stream, lake, lagoon, natural wetland, estuary, bay, inlet or tidal waters (including the sea).

watercourse means any river, creek, stream or chain of ponds, whether artificially modified or not, in which water usually flows, either continuously or intermittently, in a defined bed or channel, but does not include a waterbody (artificial).

waterway means the whole or any part of a watercourse, wetland, waterbody (artificial) or waterbody (natural).

wetland means:

- (a) natural wetland, including marshes, mangroves, backwaters, billabongs, swamps, sedgeland, wet meadows or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with fresh, brackish or salt water, and where the inundation determines the type and productivity of the soils and the plant and animal communities, or
- (b) artificial wetland, including marshes, swamps, wet meadows, sedgeland or wet heathlands that form a shallow waterbody (up to 2 metres in depth) when inundated cyclically, intermittently or permanently with water, and are constructed and vegetated with wetland plant communities.

wharf or boating facilities means a wharf (or any of the following facilities associated with a wharf or boating) that are not port facilities:

- (a) facilities for the embarkation or disembarkation of passengers onto or from any vessels, including public ferry wharves,
- (b) facilities for the loading or unloading of freight onto or from vessels and associated receipt, land transport and storage facilities,
- (c) wharves for commercial fishing operations,
- (d) refuelling, launching, berthing, mooring, storage or maintenance facilities for any vessel,
- (e) sea walls or training walls,
- (f) administration buildings, communication, security and power supply facilities, roads, rail lines, pipelines, fencing, lighting or car parks.

wholesale supplies means a building or place used for the display, sale or hire of goods or materials by wholesale only to businesses that have an Australian Business Number registered under the *A New Tax System (Australian Business Number) Act 1999* of the Commonwealth.

Table 1 – Draft Development Control Plan (DCP) 2011**Definition of Administrative changes -**

- o Formatting changes- headers , footers , title pages
- o Updating legislative references, LEP and other plan references
- o Removal of information from individual chapters which is covered in the Introductory Chapter e.g. Land to which this DCP applies (where reference is the whole of the City)
- o Updating land use terms and definitions to reflect LEP 2011

Definition of No Impact – no significant change from what is already required under the DCP 2010 or other legislation

NOTE: Reference to **Immediate** in Timing of amendment means carried as part of Draft DCP 2011 on exhibition with Draft LEP 2011.

Proposed changes to DCP 2010 Part	Reason for change	Nature and impact of change	Timing of amendment
1.0 INTRODUCTION			
1.Introduction	Administrative	No impact	Immediate
2. ADMINISTRATION			
2.1 Notification of Development Applications	Administrative – recent amendments effective 10 August 2011.	No impact	Immediate
3.DEVELOPMENT TYPE			
3.1 Sex Services Premises	Administrative	No impact	Immediate
3.2 Child care Centres	Administrative	No impact	Immediate

Proposed changes to DCP 2010 Part	Reason for change	Nature and impact of change	Timing of amendment
3.3 Dwelling Houses and Dual Occupancy (attached)	<p>1. Administrative</p> <p>2. City of Ryde Local Planning Study (Housing Study) recommendation:- Delete:- Linear Separation</p> <p>3. Controls brought in line with changes to DLEP 2011:- (a) Added - Subdivision controls (b) Added - Referencing LEP 2011 clauses for Dual Occupancy (attached) developments relating to minimum 20m road frontage requirements and minimum area requirements 580m² and strata subdivision clause. (c) Added – Note stating duplex buildings are to be read as dual occupancy (attached)</p>	<p>1. No impact</p> <p>2. Removes requirement for dual occupancy (attached) developments to be separated from each other or multi dwelling housing developments by a specified distance . Increases development potential for dual occupancy (attached).</p> <p>3. (a) No impact - Provides controls on the subdivision of normal and hatched shaped allotments e.g. width of accessway , road frontage, width of block. Controls will be in line with subdivision requirements specified in LEP 2010 that have been removed by DoPI from DLEP 2011. 3 (b) Requirement that land has a minimum 20m wide frontage will impact on the number of allotments that can be developed for dual occupancy . 3 (c)No impact. Developments</p>	<p>1. Immediate</p> <p>2. Immediate</p> <p>3. Immediate</p>

Proposed changes to DCP 2010 Part	Reason for change	Nature and impact of change	Timing of amendment
	developments for the purposes of strata subdivision clause	approved under the Ryde Planning Scheme would have been approved as duplex buildings. The Clause making reference to duplex buildings being the same as dual occupancy developments has been deleted by DoPI from DLEP 2011. The note will reduce confusion for the community.	
	<p>4. Amended Parking controls brought in line with Chapter 9.3 Car Parking for dwelling houses.</p> <p>5. Overall review being undertaken to consider design and development control issues in the DCP</p>	<p>4. Control 2.10.1 <i>Parking</i> specifies maximum 2 spaces, minimum 1 space for dwelling houses . Under DCP 9.3 Car Parking requirement for dwelling houses is up to 2 spaces.</p> <p>5. To be subject of separate report to Council</p>	<p>4. Immediate</p> <p>5. June 2012</p>
3.4 Residential Flat Buildings and Multi Dwelling Housing (not within the Low Density Residential Zone)	Deleted	No impact - Controls and design requirements covered by <i>State Environmental Planning Policy 65 – Design Quality of residential development</i>	Immediate
3.5 Multi Dwelling Housing (attached)	1. Administrative	1. No impact	1. Immediate

Proposed changes to DCP 2010 Part	Reason for change	Nature and impact of change	Timing of amendment
	<p>2. City of Ryde Local Planning Study (Housing Study) recommendation – Delete:- Linear Separation</p> <p>3. Controls brought in line with changes to DLEP 2011:- (a) Added:- Referencing LEP 2011 clauses relating to Minimum 20m road frontage requirements and minimum area requirements 900m2 (b) Amended:- Reference to height controls e.g. maximum 5m for dwellings that do not front the street (c) Deleted Note providing guidance on the development of 2 storey dwellings that can be no more than 8 m in height (ie where the 2 storey must be within the roof</p>	<p>2. Removes requirement for multi dwelling housing developments to be separated from each other and dual occupancy (attached) developments by a specified distance. Increases development potential for multi dwelling housing .</p> <p>3(a) No impact - DCP controls presently reflect proposed LEP frontage requirements of 20m. and density requirements reflect a minimum area requirement of 900m2 .</p> <p>3(b) The LEP clause will limit the ability for dwellings that do not have road frontage to have an attic.</p> <p>3(c) Under DLEP 2011 restriction of height of dwellings to a maximum of 8m where adjoining dwellings are less than 9.5m high has been deleted. No impact as note is no longer relevant</p>	<p>2. Immediate</p> <p>3. Immediate</p>

Proposed changes to DCP 2010 Part	Reason for change	Nature and impact of change	Timing of amendment
	of the dwelling). 4. Overall review being undertaken to consider development controls and design issues.	4 Subject of separate report to Council	4. June 2012
Boarding Houses (to become Chapter 3.4)	New chapter	Subject of separate report to Council	March 2012
4.0 URBAN CENTRES			
4.1 Eastwood Town Centre	1. Administrative 2. City of Ryde Local Planning Study (Centres and Corridor Study)- (a) Deleted Car parking controls deleted and reference to Chapter 9.3 Car Parking made. (b) Added Controls for Lakeside/Glen Street Eastwood based on the	1. No impact 2. (a) By making Chapter 9.3 Car Parking the reference for all parking requirements for all centres a consistent approach to car parking requirements for such areas will be achieved. (b) Controls include:- <ul style="list-style-type: none"> • Front setbacks at upper and ground levels. 	1. Immediate 2. Immediate

Proposed changes to DCP 2010 Part	Reason for change	Nature and impact of change	Timing of amendment
	<p>Lakeside/Glen Street Master Plan added</p> <p>(c)Amended Maps reflecting land affected by chapter expanded to include Lakeside/Glen St</p> <p>3. Overall review of the controls for the Centre</p>	<ul style="list-style-type: none"> • Side and rear setbacks • Minimum floor to ceiling heights • Locations of awnings • Parking and access controls • Public domain controls • Public domain requirements <p>(c)No impact</p> <p>3. Subject to a separate report to Council</p>	3. December 2012
4.2 Shepherds Bay Meadowbank	City of Ryde Local Planning Study (Centres and Corridor Study) recommendation - <i>Chapter to incorporate the development provision of draft DCP 2008 prepared for the area</i>	<p>Provides a framework for the future of Meadowbank that will guide building , height and form, pedestrian and vehicular access, infrastructure upgrades and public domain improvements.</p> <p>Chapter previously known as DDCP Meadowbank Employment Area was exhibited in February 2008.</p>	Immediate
4. West Ryde Town Centre	Council resolution of 7 December 2010 to prepare a DCP for West Ryde Town	<ul style="list-style-type: none"> • General Development Controls - built form controls have been amended to 	Immediate

Proposed changes to DCP 2010 Part	Reason for change	Nature and impact of change	Timing of amendment
	<p>Centre</p> <p>Overall review of chapter and the development controls for the town centre undertaken as part of a West Ryde Master Study .</p> <p>New chapter to be known as West Ryde Town Centre.</p>	<p>provide greater clarity and direction on elements such as setbacks, architectural characteristics, use of awning. Provisions for housing choice/mix have been introduced.</p> <ul style="list-style-type: none"> Controls to create active street frontages have been introduced in defined parts of the Centre – e.g. along parts of Chatham Road and Ryedale Road. Controls allowing a variation of the planning controls where a public benefit such as a childcare centre, open space, community facility has been removed from the DCP in accordance with the Department of Planning and Infrastructure's (DOPI) direction to remove a similar clause from DLEP 2011. Controls have been introduced to ensure building design and siting address the interface that occurs between the built form in the town centres and the low scale residential development surrounding the centre. Controls for parking and signage have 	

Proposed changes to DCP 2010 Part	Reason for change	Nature and impact of change	Timing of amendment
		<p>been removed from the Part 4.3 as these elements are addressed in other Parts of DCP 2011 – Part 9.1 Signage and 9.3 Parking.</p> <ul style="list-style-type: none"> Controls relating to the public domain, access and environmental matters have been reviewed and amended to provide a comprehensive and updated set of provisions. Controls have been introduced for public art. Incorporate development controls to Anzac Park and land adjoining the town centre along Victoria Road (east of the centre) 	
4.4 Ryde Town Centre	<ol style="list-style-type: none"> Administrative changes City of Ryde Local Planning Study (Centre and Corridor Study) recommendation – <i>Chapter to be amended to incorporate development controls for the land adjoining the town centre</i> 	<ol style="list-style-type: none"> No impact (a) Chapter amended to incorporate development controls for the land adjoining the town centre including Ryde Ex- services Bowling 	<ol style="list-style-type: none"> Immediate Immediate

Proposed changes to DCP 2010 Part	Reason for change	Nature and impact of change	Timing of amendment
	<p>(a)Added Design controls for adjoining areas (this includes the incorporation of adjoining areas in all relevant maps)</p> <p>(b)Added Controls guiding urban form/design criteria for development based on the incentive clauses within draft LEP 2011 from the Ryde Town Centre Master Plan.</p> <p>3. Controls to be changed to be in line with DLEP 2011 (a) Added - Reference to incentive clauses within LEP 2011 (b) Added – Schedules removed from LEP 2011 relating to Precincts 1, 2 and 3 placed within DCP</p>	<p>Club and adjacent land , Hunter Holden and land through to the Scouts Hall along Victoria Road, 158 – 194 Blaxland Road (rear of Civic Centre).</p> <p>2 (b) Controls provided on setbacks for arterial roads and special sites and height (maximum of 6 storeys) for the Ryde Town Centre Commercial Core.</p> <p>3(a) Incentive clauses referenced and explained .</p> <p>3(b) No impact - Requirements previously in LEP 2010</p>	<p>3.Immediate</p>
4.5Macquarie Park Corridor North Ryde	<p>1. Administrative</p> <p>2. Council resolution 16 March 2010.- The inclusion of the Space</p>	<p>1. No impact</p> <p>2. Subject to a previous separate report to Council – controls will aim to</p>	<p>1. Immediate</p> <p>2. Immediate</p>

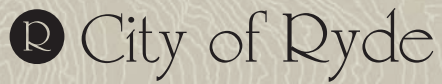
Proposed changes to DCP 2010 Part	Reason for change	Nature and impact of change	Timing of amendment
	<p>Syntax proposed Pedestrian Structure Plan and related controls</p> <p>Added</p> <p>Pedestrian Access Structure Plan and design controls to ensure pedestrian ways, through block connections and arcades are accessible , continuous, well lit , safe and supported by active retail uses</p> <p>3. Overall review based on the review of the infrastructure requirements.</p>	<p>promote pedestrian activity and contribute to the vitality of the Macquarie Park Corridor.</p> <p>3. Separate report to Council</p>	<p>3. June 2012</p>
4.6 Gladesville	<p>1. Administrative</p> <p>2. City of Ryde Local Planning Study (Centres and Corridors Study) recommendation – <i>Chapter to be amended to incorporate development controls for the land adjoining the town centre</i></p> <p>Added</p> <p>Design controls for adjoining areas (this includes the incorporation of adjoining areas in all relevant maps)</p>	<p>1. No impact</p> <p>2. Amending the chapter to incorporate development controls for the land adjoining the town centre including, 11 – 15 Farm Street, 14 – 28 Oxford Street , 2a and 2b Westminister Road.</p>	<p>1. Immediate</p> <p>2. Immediate</p>

Proposed changes to DCP 2010 Part	Reason for change	Nature and impact of change	Timing of amendment
5.0 SPECIAL AREAS			
5.1 Coronation Avenue and Trelawney Street, Eastwood Character Area	Administrative	No impact	Immediate
5.2 Eastwood House Estate, Heritage Conservation Area	Administrative	No impact	Immediate
5.3 Tyrell Street, Gladesville, Character Area	Administrative	No impact	Immediate
5.4 Blenheim Road Shopping Centre	<p>New Part City of Ryde Local Study (Small Centres & Centres and Corridors Study) recommendation - Detailed controls to be prepared for the centre at Blenheim Road. Chapter subject of separate report to Council.</p> <p>Note: Cox's Road Shopping Centre is part of the Small Centres Master Plan and a Traffic Study of the area is being finalised. The outcomes of the Traffic Study will be reported separately to Council.</p>	<p>Provides a framework of design guidelines that supports the development incentives within LEP 2011 to revitalise the Blenheim Road Shopping Centre .</p> <p>Controls for the area include:-</p> <ul style="list-style-type: none"> • Front setbacks at upper and ground levels. • Side and rear setbacks • Minimum floor to ceiling heights • Locations of awnings • Parking and access controls • Public domain controls • Public domain requirements 	Immediate

Proposed changes to DCP 2010 Part	Reason for change	Nature and impact of change	Timing of amendment
6.0 SPECIFIC SITES			
6.1 Blaxland Road (601-607) Eastwood	Administrative	No impact	Immediate
6.2 Linton Avenue and Victoria Road West Ryde	Deleted	Land rezoned from B5 Business Development to B6 Enterprise Corridor under DLEP 2011. Area to be included into Chapter 4.3 West Ryde Town Centre.	Immediate
6.3 M2 Highway Services Centre	Deleted	DoP advised with respect to LEP 2010 they no longer wish to utilise areas previously set aside for Highway Service Centre – No impact	Immediate
6.4 Pennant Avenue (1-13) Denistone	Administrative	No impact	Immediate
6.5 Waterloo Road (215-217) Crimea Road (101) Marsfield	Deleted	Development has been completed.	Immediate
7.0 ENVIRONMENT			
7.1 Energy Smart, Water Wise	Administrative Major Overall Review	To be a separate report to Council	June 2012
7.2 Waste Minimisation and Management	Administrative	No impact	Immediate
8.0 ENGINEERING			
8.1 Construction	Administrative	No impact	Immediate

Proposed changes to DCP 2010 Part	Reason for change	Nature and impact of change	Timing of amendment
8.2 Stormwater	Administrative	No impact	Immediate
8.3 Driveways	Administrative	No impact	Immediate
8.4 Title Encumbrances	Administrative	No impact	Immediate
8.5 Public Civil Works	New Part – previously exhibited and in use for a number of years.	No impact	Immediate
8.6 Floodplain Management Plan	New Part – Council on 3 November 2009 resolved to prepare a DCP in response to the Eastwood & Terrys Creek Flood Study and Plan .	The Part provides objectives and controls for the development of land in flood affected areas.	
9.0 OTHER PROVISIONS			
9.1 Signage	Administrative		Immediate
9.2 Access for People with Disabilities	1. Administrative 2. General Overview to ensure the controls are consistent with the State Government provisions released in May 2011.	1. No impact 2. Subject to separate report to Council	1. Immediate 2. December 2012
9.3 Parking	Administrative This chapter was recently reviewed by Council on 19/7/2011 at which time Council resolved to exhibit the amended DCP chapter .	This chapter was the subject of a recent report to Council	Immediate
9.4 Fencing	Deleted – incorporated into Dwelling		Immediate

Proposed changes to DCP 2010 Part	Reason for change	Nature and impact of change	Timing of amendment
	house chapter		
9.5 Installation of Satellite Dishes etc	Administrative		Immediate
9.6 Tree Preservation	Administrative	No Impact	Immediate
10.0 DICTIONARY	Administrative	No impact	Immediate



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City of Ryde Development Control Plan 2011

Part: 4.1 Eastwood Town Centre

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1.0 INTRODUCTION

1.1 Purpose of this Part

The purpose of this Part is to provide policies relating to the future development of Eastwood. It is one of a series of planning initiatives targeting the renewal and revitalisation of the City's traditional business centres of Eastwood, West Ryde, Ryde and Meadowbank. It will see these Centres progressively transformed into "urban villages".

This Part should be read in conjunction with the following documents:

- *Ryde Local Environmental Plan 2011*
- *Eastwood Centre Planning Study and Master Plan*
- *Glen Street/Lake Side Road Precinct Master Plan 2010*
- *Section 94 Development Contributions Plan 2007*
- *State Environmental Planning Policies (SEPP) including SEPP 65, Design Quality for Residential Flat Buildings.*

1.2 Objectives of this Part

Objectives

This Part aims to revitalise Eastwood through controls and provisions which:

1. Facilitate the creation of "community convenience retail centres";
2. Encourage new development or the re-use of existing buildings containing a mix of land uses;
3. Describe the desired maximum scale and bulk of new buildings;
4. Improve the appearance of the existing buildings;
5. Improve pedestrian amenity and develop a sense of community place;
6. Create a people-friendly place with active street life;
7. Increase the number of people living within walking distance of public transport services;
8. Provide for safe and convenient motor vehicle access and parking;
9. Protect and enhance items of environmental heritage within each centre; and
10. Provide for safe, well used and attractive public spaces.

1.3 Land affected by this Part

This Part applies to land within the Eastwood Village, Lakeside Road and Glen Street as identified in Figure 4.1.01.

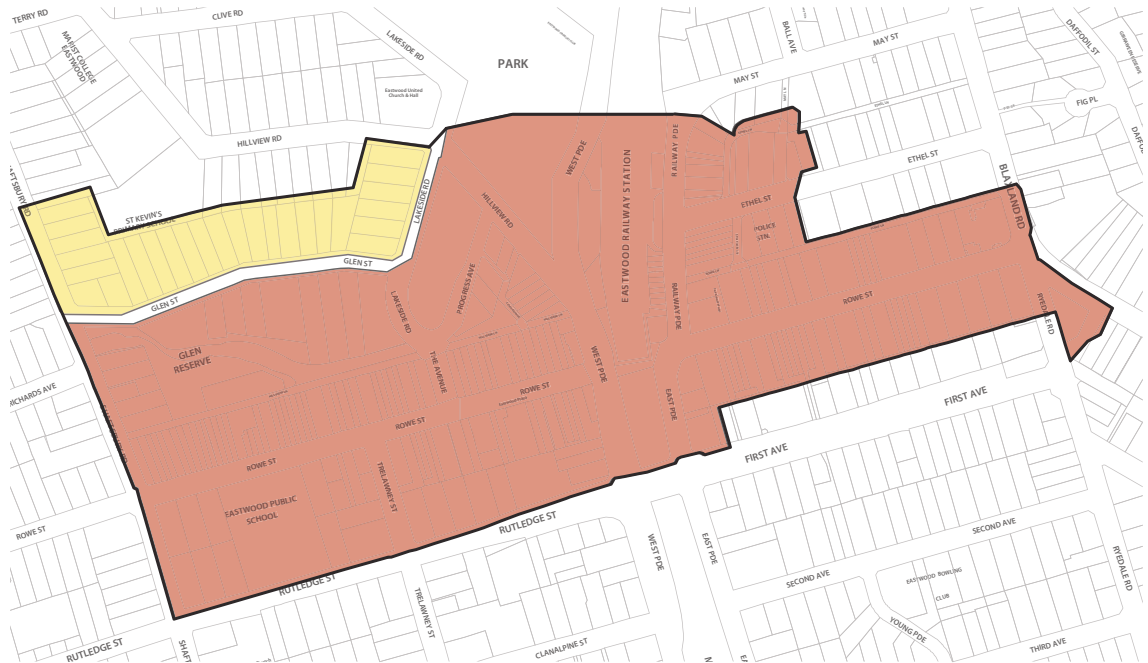


Figure 4.1.01 Eastwood Urban Village

Controls in Section 3.0 refer to the Eastwood Village and the controls in Section 4.0 refer to the Glen Street and Lakeside Road area (highlighted in yellow in Figure 4.1.01)

1.4 Structure of this Part

Section 3 of this Part provides guiding principles for future development and a statement indicating the desired future for Eastwood, to which Council and the community have committed.

Section 3 of this Part refers to Eastwood Village and contains seven development policy categories:

- Mixed use development
- Stormwater management
- Architectural characteristics
- Access & parking
- Pedestrian access & amenity
- Advertising & signage
- Environmental management

For each development policy there is a strategy that explains what compliance with the development policy seeks to achieve. The policy provides a set of provisions that detail the manner in which compliance may be achieved and any circumstances when Council may consider variations to the provisions.

It is critical that the development policies for Eastwood be considered as a whole to understand the relationships between the various components, which together will achieve the planning objectives for the Centre. For instance height planes and urban design components will collectively guide the bulk, form and scale of development. No single component is necessarily more important or significant than another, they inter-relate to achieve desired planning objectives, any variation to the specific development provisions will therefore be dependant on individual site circumstances (as determined by detailed site analysis at the development application stage) and the underlying planning principles.

Section 4 of this part refers to the Glen Street/Lakeside Road area shaded in yellow in Figure 4.1.01, which identifies objectives and controls that will shape the future development of Glen Street and Lakeside Road to create attractive, accessible and unique urban environments in which to live, work, shop, and visit.

The, Glen Street and Lakeside Road, Eastwood sites have been tested with regards to built form, public domain, design and traffic. The detailed development controls for these sites are provided in Section 4.0.

Specific built form development controls for the sites include building heights, building setbacks, active street frontages, awnings and built form sections.

2.0 GUIDING PRINCIPLES

2.1 Master Plan

Council, as part of its commitment to Centre Revitalisation, has embarked on an Urban Villages concept for the City's traditional centres. An Urban Village being a place in a City which has the characteristics of a village and may be defined as an urban precinct located around a public transport interchange, incorporating:

- A mix of land uses;
- Attractive and well used public spaces;
- A safe and convenient pedestrian environment; and
- Urban design elements which promote community pride and identity.

A Master Plan has been completed for Eastwood, which guides the development of the Village through to the year 2020. This Urban Village Plan is based on a set of strategies that have been developed to guide the future growth of Eastwood Town Centre. Supporting this Plan is a range of enhancement and infrastructure projects designed to improve the amenity of the area and increase the safety of those using the centre.

In assessing any development application relating to land within any centre, the council must take into consideration the aim of this Part that development should be consistent with the planning principles set out below.

2.1.1 Planning Principles for Eastwood

The planning principles for Eastwood are:

1. Regional Role

- a. Development should contribute to the status of Eastwood as an important business, employment and residential location.
- b. Development is to promote a compact working and living environment to maximise the efficient use of resources and infrastructure provision.

2. Integrated Planning and Development

- a. Planning and development is to ensure that social, economic, environmental and urban design issues are considered together and with proper regard for their mutual and cumulative impacts.
- b. All planning, design and development activities must take account of and effectively respond to the linkages and interfaces between public space and private land.

3. Public domain

- a. Development is to define and contribute to the public domain so as to create a high quality physical setting for buildings, which is safe and accessible and can be enjoyed by shoppers, residents and workers.
- b. Development of the public domain is to enhance the integration between individual precincts and their surrounding areas.
- c. Public space areas will be set aside for public use and enjoyment. Development that enhances the enjoyment of these public spaces, such as kiosks, restaurants, recreation facilities, will be encouraged.

- d. Car parking facilities should be set back away from the public spaces and should not prejudice pedestrian and cycle use of the public space.
- e. Public streets and spaces will be created generally in accordance with the Master Plan for Eastwood.

4. Urban Form

- a. Urban form is to reflect its location in relation to transport nodes, existing residential and commercial precincts, be architecturally rich and diverse, define and enhance the public domain and allow for mixed uses.
- b. Building form within specific blocks is to be articulated both in height and mass to provide interest resolve urban design and environmental issues and satisfy other principles in this plan.
- c. Buildings are to be of high quality and adaptable to a variety of uses over time, to ensure their long life.
- d. Buildings are to support and be integrated into the public domain network to achieve coherence and purpose.
- e. The integrity of heritage items and significant landscape elements is to be protected and enhanced.

5. Land use Mix

- a. Development is to provide a variety of housing types and employment-based activities and contribute to the character of the Village.
- b. Development is to contribute to an integrated mixed use development pattern (both vertical and horizontal) containing a wide range of housing, employment and recreation opportunities.
- c. Development is to facilitate the increase and diversity of employment opportunities, which are to be compatible with achieving a high quality, mixed shopping, living and working environment.

6. Transport and Access

- a. Development is to promote the reduction of motor vehicle dependency and actively encourage the use of public transport, walking and cycling.
- b. An accessible environment for people with disabilities and mobility difficulties is to be created to ensure access equity.
- c. The intensity of development is to be in accordance with the capacity of existing and proposed public transport and road systems.
- d. Parking provision is to acknowledge accessibility by foot, bicycle and public transport.

7. Environmental Performance

- a. Development is to create a safe and comfortable environment for shoppers, residents and workers in both the private and public space, by "best practice" design to ensure buildings and spaces achieve maximum environmental performance and minimum resources use.
- b. Development is to be designed having regard to:
- c. Wind effect; reflectivity; noise attenuation; solar access and energy
- d. conservation; water conservation and re-use; stormwater management; use of recycled materials; and waste reduction.
- e. The development of public spaces must contribute to greater bio-diversity, habitat protection and enhancement, and air and water quality.

2.2 Eastwood – Character Statement

2.2.1 Existing Character Statement

The Eastwood Commercial Centre is an important retail and commercial centre and transport interchange in the City of Ryde. There has been shopping at Eastwood since the 1880's when the railway was constructed. Growth in trade built up as Eastwood and surrounding suburbs grew in the twentieth century. It is the largest district centre in the surrounding network. Retail and commercial development extends to the east and west bisected by the railway line. It is described as being of 'village character' with development generally 2-3 storeys in height within the Rowe Street precinct with isolated buildings up to 7 storeys in height.

It has a concentration of larger specialised outlets such as hardware and building suppliers and large household goods that means the centre fulfils both a local and regional role. In recent years there has been a growth in food retailing, making it an important retailing category. Retailers of small household goods such as chemists, newsagents, bookstores, offices and professional rooms are also significantly represented.

Eastwood has seen a gradual increase in the quantity of floor space used for business purposes that is having a positive effect on the centre with additional employment and a boost to retail trade.

Residential activities are generally limited to the fringe of the centre with flat buildings occurring on the eastern edge and the remaining areas characterised by single dwellings.

Within the centre there are also parks, child care centres, schools, fire station, police station, community facilities and churches.

2.2.2 Future character Statement

Through a consultation program focused on the development of the Master Plan for Eastwood the community has expressed its expectations for the future of Eastwood.

In the future, Eastwood will be a place specifically designed for the enjoyment and utility of pedestrians and a place which allows convenient access for people between home, work, shopping and leisure.

It will also be a place which has a high level of aesthetic amenity at street level; have safe attractive and convenient public spaces; be a vibrant, viable and profitable commercial centre; and contain an appropriate mix and arrangement of uses, which satisfactorily integrate with existing surrounding activities.

There are some opportunities for future growth in the centre, which includes residential, retail and commercial uses. Eastwood must avoid competing with the larger regional centres and establish itself as a niche market. Concentrating on making retailing convenient, has been identified as critical to the economic future of Eastwood.

It is likely that the centre will attract office services, with demand likely to come from small to medium sized office firms. To ensure that the village character of the centre is retained, new developments that incorporate office and commercial activities with street activity at ground level should be encouraged.

Residential development will also be encouraged. Shop-top housing should be located within the centre and medium density on the fringe. High rise residential is only considered appropriate where there is existing high rise development and above the rail line.

3.0 DEVELOPMENT POLICIES - EASTWOOD URBAN VILLAGE

3.1 Mixed use development

Council seeks to encourage development forms and arrangements that contribute to the overall goal of developing its centres as urban villages.

Objectives

1. To establish a diversity of land uses, services and facilities within the Centre;
2. To encourage development which will improve safety and security in public places; and
3. To increase the number of persons living close to public transport.

Controls

- a. Car parking should be provided at either street level or basement level(s). If parking is provided at street level it should be masked from view from the street by shop frontages or architectural details. A balance however is to be achieved in having some parking clearly visible from the street to emphasise convenience while not creating an unattractive street level environment.
- b. Retail and other more active public uses, such as restaurants/cafes and libraries should be located at or around street level. These uses would tend to attract higher volumes of pedestrian traffic, resulting in a safer environment particularly after dark and would also result in adjacent public areas being better utilised (for example, side street cafes).
- c. The level immediately above street level could accommodate public and commercial uses which may not have the same regularity or intensity of pedestrian traffic as retail uses. Such uses may include professional offices, leisure uses such as gymnasium, cinemas/theatres or uses such as places of worship or meeting rooms. Residential dwellings could also be accommodated on this level.
- d. Upper levels of development could be used for either commercial or residential.
- e. Buildings should be designed to overlook public and communal streets and other public areas to provide casual surveillance.
- f. Private living spaces and communal or public spaces should be clearly identified and defined.
- g. Sufficient lighting is to be provided to all pedestrian ways, building entries, driveways and car parks to ensure a high level of safety and security for residents
- h. Pedestrian and communal areas to be well lit and designed to minimise opportunities for concealment.
- i. Pedestrian entry to the residential component of mixed use developments should be separated from entry to other land uses in the building/s.
- j. The use of outdoor restaurant seating whether on private or public land is a favoured land use in the urban village. Applicants should refer to Council's Footpath Activity Policy and Outdoor Dining Policy.

Variations

- Nil

3.2 Flooding and Stormwater Management

The quality and quantity of stormwater runoff directly affects the functionality of Eastwood and the Lane Cove River.

Urban inundation can represent a serious impediment to development. The extent of stormwater inundation in Eastwood has widespread potential to impact on the majority of the commercial district.

City of Ryde has adopted the major design stormwater standard as the 100 year Average Recurrence Interval (ARI) event. The major design inundation is to be accommodated by the use of pipe drainage, natural and modified channels, overland flow paths and floodways.

Built structures and public safety is to be protected for stormwater inundation up to the 'major design flood'. For more frequent stormwater inundation nuisance flooding is to be avoided, and channel scour prevented. Other requirements for stormwater drainage include sediment and silt control.

Objectives

1. Minimise and control nuisance stormwater inundation;
2. Provide the safe passage of less frequent stormwater inundation events;
3. Protect downstream properties from stormwater inundation due to upstream development;
4. Maintain acceptable water quality; and
5. Maximise land available for urbanisation.

Controls

- a. A stormwater inundation impact assessment or stormwater inundation management strategy is to be submitted for all developments.
- b. Floor levels within any new development should be a minimum of 300mm above the calculated flood level for the 100 year ARI event.
- c. Developments should comply with Part 8.2 Stormwater Management of this DCP.
- d. Flood Plain Management Part 8.6 for flood controls for Eastwood/Terry's Creek Flood Plain.

Variations

- Development that is considered to constitute minor modifications or does not intensify the use of the property.

Note: Further information on risk of flooding and any proposed stormwater infrastructure in the catchment can be obtained from Council's Development Engineers, during normal business hours.

3.3 Architectural characteristics

Architectural characteristics refer to the individual elements of building design that collectively contribute to the character and appearance of the built environment. The development provisions in this section of this development control plan are intended to encourage high quality design for new buildings, balancing respect for the defining characteristics of the Centre with innovation and creativity. The resulting built form and character of new development should contribute to an attractive public domain and produce a desirable setting for its intended uses.

3.3.1 Height

Eastwood contains a “village” character that is, in part, provided by the scale of buildings to the streetscape.

Objectives

1. To ensure that the existing human scale element of the streetscape is retained

Controls

- a. Buildings must comply with the maximum height limit shown on the Height of Buildings Map under Ryde Local Environmental Plan 2011.
- b. All parapets, fronting retail/pedestrian priority streets (see Section 3.5), shall remain at their existing levels. Vertical extensions to these buildings shall be designed so that they cannot be seen from the opposite side of the street onto which they face (see diagram in Figure 4.1.02).

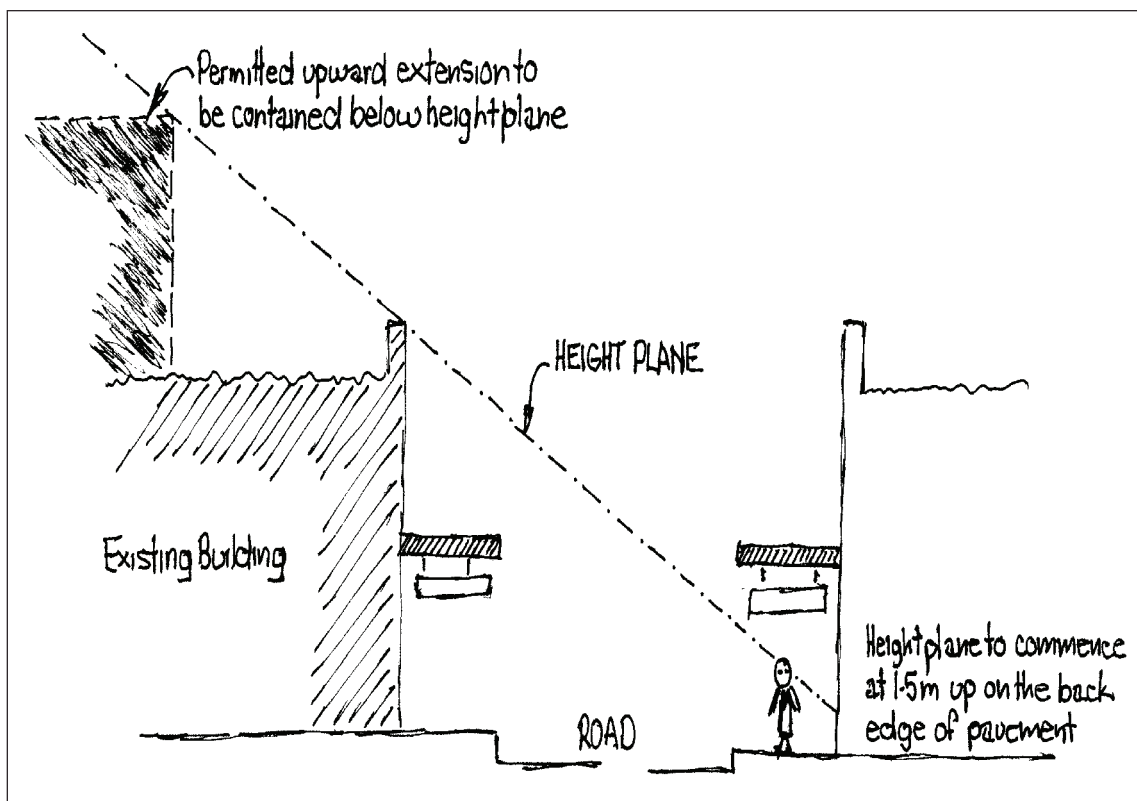


Figure 4.1.02 Building Height Control

- c. Except as specified above, development is to be within the envelope of the “sun altitude height plane” being the plane projected at an angle of 26° over a building site measured from the property boundary on the opposite side of the road (see diagram in Figure 4.1.03).

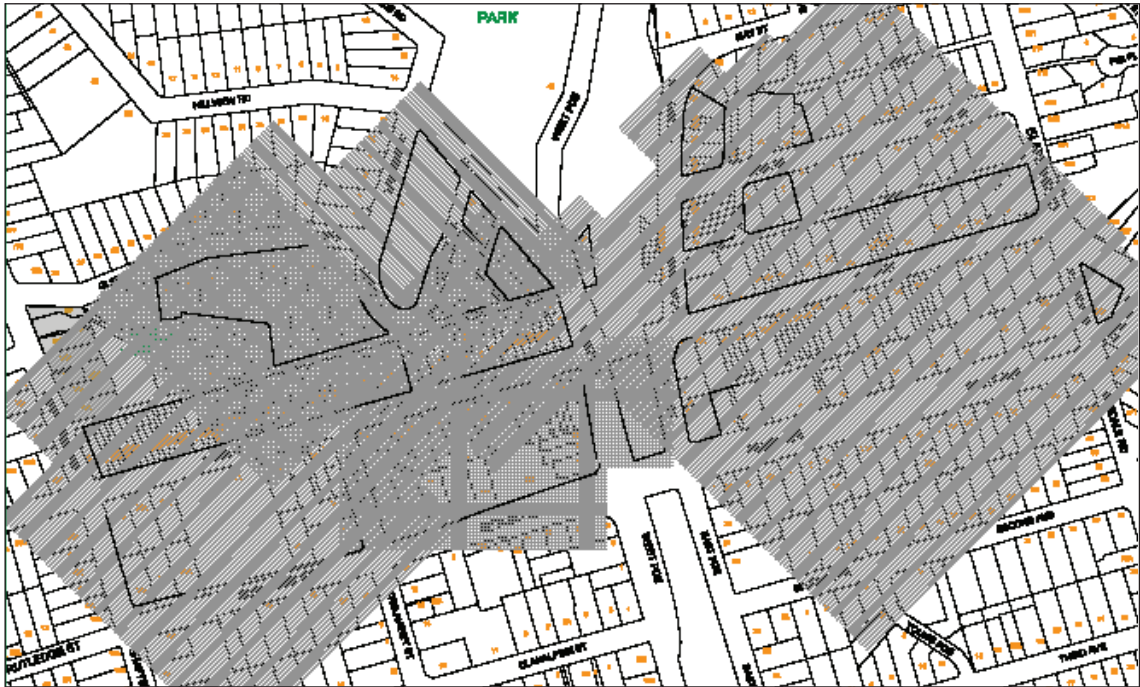


Figure 4.1.03 Eastwood Urban Village Sun Altitude Height Map

Variations

- The council may approve a building which projects above the building height plane where:
 - the non compliance is consistent with the aims, principles and strategies of the Plan;
 - in the circumstances of the site the strict application of the provision is unnecessary or unreasonable, such as corner allotments or the presence of an intervening structure;
 - it can be demonstrated that the intention of the control is largely met; or
 - variation of the control results in an improved design solution for the site taking into consideration the nature of the adjoining development.

3.3.2 Setbacks

The treatment of the first 2 to 3 storeys of a building are considered critical in terms of enhancing the public domain and maintaining the visual order of the streetscape.

Objectives

1. To reinforce the established and accepted streetscape characteristics of Eastwood when considered from the pedestrian perspective.
2. To separate multi storey buildings above the 2 storey level as a desirable measure to prevent a walling or canyon effect to the streetscape and to create spacing between buildings improving daylight, privacy, ventilation and minimising wind tunnel effects.

Controls

- a. New buildings are to have street frontages built predominantly to the street alignment for the first 2 storeys.
- b. Buildings may be constructed to the side and rear boundaries for the first 2 storeys.

- c. Buildings (including balconies) are to be setback a minimum of 3 metres from all boundaries above the first 2 storeys.

Variations

- Circumstances where building predominantly to the street alignment may be inappropriate include development where:
 - The site is adjacent to a freestanding heritage building. In this case the setback from the street alignment of the new building should match the setback of the heritage building;
 - It contributes an appropriate public space at the street frontage; or
 - It is desirable in terms of the overall design solution for the site as may be the case on corner sites of visual focal points within Eastwood.

3.3.3 Urban Design/Exterior Finishes

The maintenance and improvement of the public domain is dependent on a consistent approach to the design of new development including the articulation and finish of building exteriors.

Objectives

1. To contribute positively to the streetscape by means of high quality architecture;
2. To provide richness of detail and architectural interest especially at visually prominent parts of buildings such as lower storeys and roof tops;
3. To present appropriate design responses to nearby development that complement the streetscape;
4. To clearly define the adjoining streets, street corners and public spaces and avoid ambiguous external spaces with poor pedestrian amenity and security;
5. To maintain a pedestrian scale in the articulation and detailing of the storeys levels of the building; and
6. To contribute to a visually interesting skyline.

Controls

- a. Building exteriors are to be designed to avoid extensive expanses of blank glass or solid wall.
- b. Balconies and terraces should be provided, particularly where buildings overlook public spaces.
- c. All new buildings and renovations should incorporate a colour scheme using the colour palette.
- d. Corporate colours shall be limited to advertising signs or structures.
- e. The siting and configuration of buildings should take into account the impact on surrounding development and public spaces in terms of amenity, shadowing and visual privacy.
- f. The tops of buildings are to be designed so that they:
 - i. Integrate with the design of the building and conceal plant and equipment; and
 - ii. Promote a visually distinctive and interesting skyline.

Variations

- The design and external appearance of a proposed building will largely be considered on a "merits" basis.

3.3.4 Corner Allotments

Developments on corner sites should address the intersection that they front.

Objectives

1. To ensure buildings situated on corner allotments provide for visual interest and address the intersections that they front.

Controls

- a. The design of buildings should consider the following:
 - i. The height of adjacent buildings;
 - ii. Stepping the building up where the building turns the corner;
 - iii. The incorporation of distinctive features to enhance the streetscape, i.e. clocks, flag poles, towers, etc;
 - iv. Giving the corner a splayed, concave, convex or square recess treatment such that it signifies the intersection; and
 - v. Design incorporating the removal of clutter such as power poles and advertising signage from around intersections.

Variations

- Nil

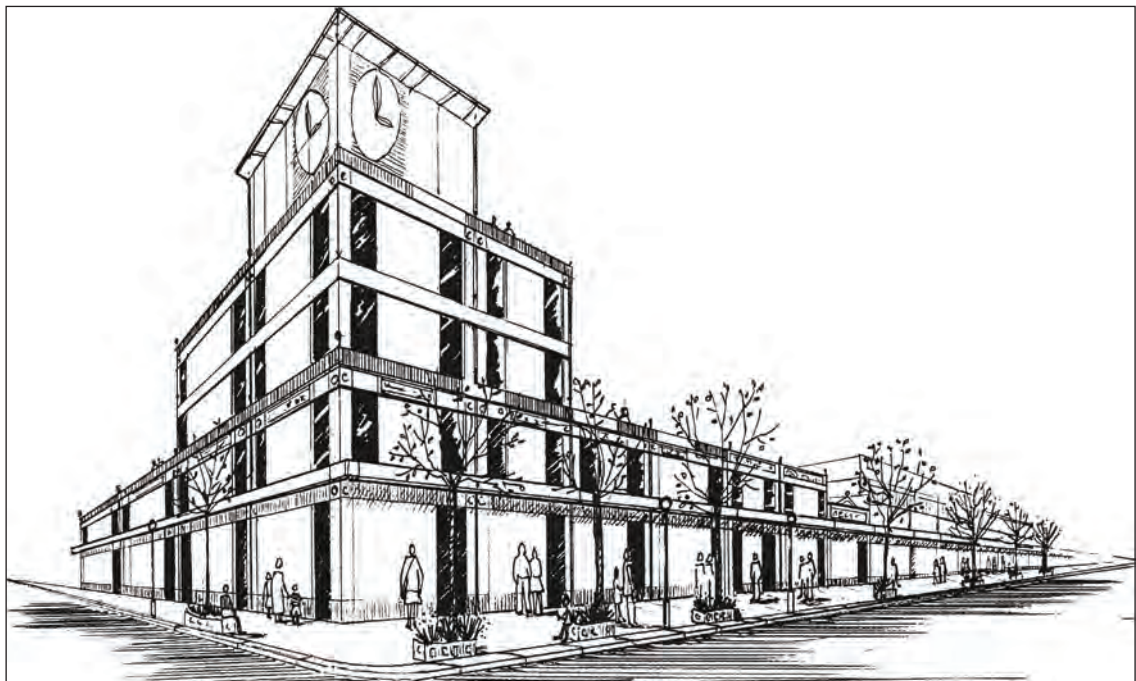


Figure 4.1.05 Example of Corner Treatment

3.4 Access & Parking

The access and parking provisions in this section are intended to limit the amount of parking provided on site related to:

- The capacity of the street system;
- Restricting the amount of on-site parking near the railway station, to ensure advantage is taken of public transport accessibility;
- Discourage parking and vehicle circulation in the parts of the centre where pedestrian activity is highest; and
- Enable development contributions for the shortfall between parking demand and on-site provisions, to be applied to conveniently located public parking areas.

3.4.1 Parking design and Location

To provide for a reasonable amount of safe and convenient car parking within the centre.

Objectives

1. To encourage additional on-street parking in appropriate locations.
2. To ensure that off-street parking does not interfere with the safety of pedestrians.

Controls

- a. The creation of additional on-street car parking is encouraged. Opportunities to amplify on-street car parking through reconfiguration of car spaces (i.e. angled parking) should be explored.
- b. Car parking associated with uses other than general retail uses should be located below ground level or should not be visible from the street. Alternatively, car parking can be screened from the street by situating retail uses between the street alignment and the parking area.
- c. In order to minimise vehicular conflict between residents' and delivery and customer vehicles, car parking associated with residential uses should be provided separately from parking for other land uses.

3.4.2 Contributions

If the number of car spaces provided on site for any development is less than that required by this plan, then the shortfall may be met by a monetary contribution.

Objectives

1. To ensure monetary contributions are levied for the number of car parking spaces not provided on site.
2. To ensure public parking areas will be provided at strategic location within Eastwood.

Controls

- a. Cash contributions are to be paid for the number of parking spaces not provided on site.
- b. Cash contributions shall be paid at the rate set in Council's Section 94 Contributions Plan.

Variations

- Nil.

3.4.3 Location of Vehicle Access and Footpath crossings

This element seeks to minimise the effects of vehicle crossings over footpaths that disrupt pedestrian movement, threaten safety and influence the quality of the public domain.

Objectives

1. Reduce the number of overly wide and high vehicle access points.

Controls

- a. The design and location of vehicle access to developments should minimise:
 - i. Conflicts between pedestrian and vehicles on footpaths, particularly along pedestrian priority streets; and
 - ii. Visual intrusion and disruption of streetscape continuity.
- b. New vehicle access points are restricted in retail/pedestrian priority streets. Where practicable, vehicle access is to be from lanes and minor streets rather than major pedestrian streets or major arterial roads such as Rutledge Street, First Avenue, or Blaxland Road.
- c. Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building.

Variations

- Nil.

3.4.4 Design of Vehicle Access

Vehicular crossings need to be managed to ensure that they do not detract from the visual harmony of the streetscape.

Objectives

1. Minimise the number of vehicular crossing for any development.
2. Reinforce the rhythm of the streetscape through the provision of visual interest.

Controls

- a. Wherever practicable, vehicle access is to be a single crossing, perpendicular to the kerb alignment.
- b. Vehicle access ramps parallel to the street frontage will not be permitted.
- c. Active uses or items of visual interest above vehicle access points are required in the horizontal line of sight of pedestrians.
- d. Vehicle entries are to have high quality finishes to walls and ceiling as well as high standard detailing. No service ducts or pipes are to be visible from the street.

Variations

- Nil.

3.4.5 Bicycle Facilities

Developments are to encourage walking, cycling and public transport use. Parking provision is to acknowledge accessibility by bicycle and provide adequate trip-end facilities for cyclists.

Objectives

1. To provide parking facilities for cyclists at popular journey destinations such as shopping centre, railway station and parks.
2. To require new developments to provide end-of-trip facilities such as cycle racks, U-rails, lockers and shower facilities to encourage people to ride to work, shopping and school.
3. To ensure consistency with, and implementation of, Council's adopted Bicycle plan for the establishment and implementation of cycle networks, linkages to external networks of open space and improvement of cycle facilities, providing the basis for a capital improvement program.

Controls

- a. New developments in the station interchange area (as defined by the Eastwood Master Plan) should provide parking facilities such as U-rails for bicycle users, to the satisfaction of the Council.
- b. Road improvements, new traffic calming measures such as speed humps and pedestrian refuge islands should be designed and installed so that they can be safely negotiated by cyclists.

3.5 Pedestrian Access & Amenity

Pedestrian amenity incorporates all those elements of individual developments that affect the quality and character of the public domain. The pedestrian amenity provisions are intended to achieve a high quality of urban design and pedestrian comfort in the public spaces of Eastwood. The pedestrian environment provides people with their primary experience of and interface with the centre. This environment should be safe, functional and accessible to all. It should provide a wide variety of opportunities for social and cultural activities. The pedestrian environment should be characterised by excellence of design, high quality materials and a standard of finish appropriate to a first class standard urban environment. The centre's design and layout should form an integrated pedestrian network providing a choice of routes for pedestrians.

3.5.1 Street Frontage Activities

It is important that the diversity of activities at street level is reinforced so that the attractiveness and liveliness of the public domain of Eastwood is increased.

Objectives

1. To provide for active street frontages along all retail/pedestrian priority streets, to maintain contact between the street and the interior of buildings.
2. To ensure uses with direct access to the street such as retailing, customer counter services, cafes and restaurants, and other uses that interact with the public are to be located along all retail/pedestrian priority streets.
3. To promote a visually interesting street frontage. In retail streets/pedestrian priority streets, a visually interesting street frontage is important, with attractive building entries, window displays, artworks, well designed architecture, facade modulation, clear glazed windows, and transparent security screens.
4. To promote of streetscape variety and diversity at the pedestrian level.

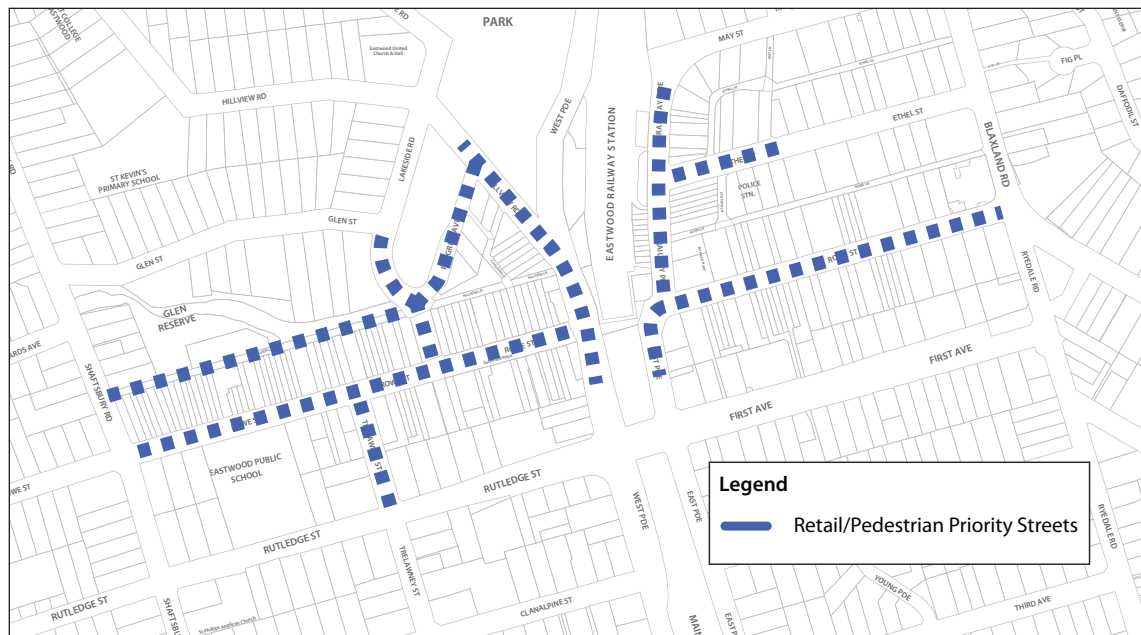


Figure 4.1.06 Retail/Pedestrian Priority Streets

Controls

- a. Buildings with frontages to retail streets are to contribute to the liveliness and vitality of those streets by:
 - i. Providing product retailing and/or food/drink outlets within all enclosed shop-fronts,
 - ii. Allowing for visual interest such as display cases on the external face of fire escapes, service doors and equipment hatches,
 - iii. Minimising the extent and visual impact of building entrances, office lobbies, foyers, vehicle entrances and other entries not associated with retail and fire escapes, services doors and equipment hatches.
 - iv. Locating activities that may involve queuing (including automatic banking machines) behind building frontages so that footpaths remain free for pedestrian movement. Queuing space is to be within the building. Recesses in the street alignment for these activities are appropriate.
 - v. Providing a high standard of finish for shopfronts.
- b. Buildings with frontages to retail/pedestrian priority streets are to contribute to the liveliness and vitality of those streets by providing one or more of the following at ground level:
 - i. Retailing, food/drink outlets, customer counter services or other activities which provide pedestrian interest;
 - ii. Enclosed shop-fronts with window displays of goods and services within, and/or artworks;
 - iii. Open shopfronts to food outlets and/or interiors with tables and chairs for diners;
 - iv. Indoor queuing space for activities that may involve queuing (including automatic teller machines) so that footpaths remain free for pedestrian movement.
 - v. Recesses in the street alignment for these activities are appropriate; and
 - vii. A high standard of finish for shopfronts.

- c. Buildings with frontages to other streets and lanes are to contribute to the liveliness and vitality of those streets by:
 - i. Providing visual interest;
 - ii. Providing well designed and attractive entrances, lobbies and commercial uses at ground level; and
 - iii. Incorporating, where practicable, either open or enclosed shopfronts with window displays of merchandise or services within, and/or artworks.
- d. Ground floor uses are to be at the same level as the footpath. Split level arcades or open retail forecourts at a different level to the footpath are inappropriate because they separate the activities within them from the street.
- e. The ground floor of all development is to be flush with the street footpath for the predominant level of the street frontage and at the main entry to the building.
- f. All street frontage windows at ground level are to have clear glazing.
- g. Enclosed shopfronts are preferred to open shopfronts, except for restaurants and cafes.
- h. Dining tables and chairs are generally permissible on the footpath along the street frontage of a site subject to compliance with Council's Footpath Activity Policy.
- i. Security grilles are to be fitted only within the shopfront. Such grilles are to be transparent.
- j. Recesses for roller doors and fire escapes are to be wide and shallow to provide for personal security. Narrow, deep recesses are to be avoided.
- k. Dining tables and chairs may be permitted on suitably designed spaces at awning level.

Variations

- The treatment of street frontages and provision for street frontage activity will be considered on a "merits" basis taking into account the above provisions and the circumstances of the site and its locality.

3.5.2 Circulation

The manner in which vehicles and pedestrians circulate within and around the Centre are important for its future success.

Objectives

1. To provide pedestrian links in accordance with the Circulation Strategy (Figure 4.1.07).
2. To ensure developments are designed in a manner which reinforces the Circulation Strategy (refer Figure 4.1.07).

Controls

- a. Where circulation is provided through a site or within a building serving to connect 2 points, the thoroughfare should function as a shortcut, be continuous and level with pedestrian areas and incorporate an active edge of retail or commercial uses.

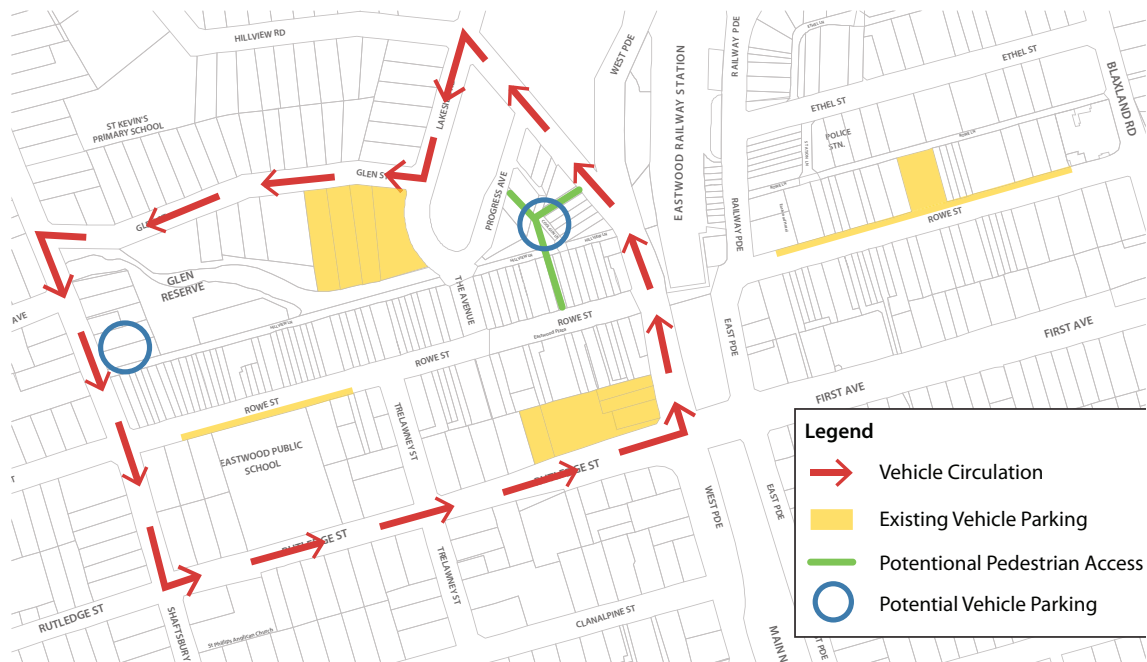


Figure 4.1.07 Circulation Strategy

- Entry and exit points for vehicles are to be designed in a manner that reinforces the Circulation Strategy.

Variations

- Nil

3.5.3 Street Furniture

The purpose is to create visual unity in the design and appearance of public spaces in each centre and to provide comfort and convenience for pedestrians.

Objective

- To ensure street furniture including lighting, seats, bus shelters, benches, litter bins, telephone booths, drinking fountains, street signs, etc, is used to establish an identity for each Centre and define roads, paths and gateways.

Controls

- Development which entail the provision of new public spaces (i.e. streets, footpaths, walkways and the like) will need to incorporate new street furniture on the public space. This embellishment will be at the developers cost and the type and amount of embellishment will be negotiated with Council.
- Street furniture should be designed and installed in accordance with a theme and provided throughout the centre, particularly in areas with the greatest concentration of and use by pedestrians.
- The style, colour and installation methods of street furniture shall be in accordance with Council's specifications.

Variations

- Nil

3.5.4 Landscaping & trees

To soften the appearance of buildings and improve the visual quality of the centre

Objectives

1. To create attractive public spaces and walkways.

Controls

- a. Development proposals, incorporating landscaped elements, are to be accompanied by a landscape plan.
- b. Where appropriate, developments should incorporate landscaping in the form of planter boxes incorporated into the upper levels of building to soften building form.
- c. Ground level entry areas to upper level dwellings should be well lit and not obstructed by planting in a way that reduces the actual or perceived personal safety and security of residents or pedestrians.
- d. Street trees shall be provided in accordance with the Master Plan for the Centre and shall be provided at the developers' cost in conjunction with any new building work involving additional floor space.
- e. Street trees at the time of planting shall have a minimum container size of 200 litres, and a minimum height of 3.5m, subject to species availability.
- f. Tree sites in the footpath area shall be 1.2m by 1.2m, filled with an approved gravel and located 200mm from the back of the kerb line.
- g. A tree grate of a type that meets Council's specifications shall protect all trees.
- h. Where a proposal involves redevelopment of a site with a frontage of at least 40m to a public road, the developer shall arrange for electricity and telecommunications utilities to be undergrounded along the entire length of all street frontages. Such utility modifications will be carried out to the satisfaction of the responsible authority (e.g. energyAustralia). This is to improve the visual amenity of the area and allow street trees to grow unimpeded.
- i. Where utility installations are undergrounded in conjunction with new development Council will waive 50% of the total contribution towards public space acquisition and embellishment normally payable under Council's relevant Section 94 Contributions Plan.

Variations

- Nil

3.5.5 Awnings and colonnades

It is important to provide continuous weather protection on street footpaths, particularly on pedestrian routes and retail frontages.

Objectives

1. To provide shelter from the natural elements along pedestrian routes.
2. To expand the usability of public spaces.

Controls

- a. Buildings with frontage to any street must incorporate an awning or colonnade along that boundary.

- b. The pavement level of a colonnade or covered walkway shall be at the same level as the footpath to which it is adjacent.
- c. The height of a colonnade, awning or covered way shall not be less than 3 metres or greater than 4.5 metres.
- d. The width of a colonnade, awning or covered way shall not be less than 3 metres.
- e. Any new awnings should:
 - i. Be continuous for the entire length of the site frontage;
 - ii. Be set back from the face of the kerb by 0.6m;
 - iii. Have cut-outs of 1m wide by 1m deep to accommodate street trees, where the frontage is proposed to accommodate a street tree in accordance with the master plan or any public domain improvement plan;
 - iv. Be weather sealed to the face of the building to which they are attached and to the adjoining awnings;
 - v. Have a height clearance above the footpath level of at least 3m or a height consistent with adjacent awnings; and
 - vi. Maintain sufficient clearances from any overhead electricity or telecommunications installations.
- f. Ground level shop fronts may incorporate see-through security grills or translucent barriers to ensure that maximum light is transmitted to footpath areas. Blank roller-shutter type doors will not be permitted.

Variations

- Council may allow other forms of shade or shelter and may not require continuous awning or colonnade if it is impractical or unreasonable in the circumstances.
- A colonnade, awning or covered way which involves different levels to the footpath, or is of different dimensions to those set out above may be approved, providing the basis for the strategy is met.

3.6 Signage

To allow advertising and signage in a manner that enhances the image and visual quality of the centre and which does not contribute to visual clutter or detract from architectural features.

Objectives

- a. Reduce visual clutter through the control and co-ordination of signage.
- b. Reinforce the streetscape and enhance the individual architectural features of buildings.

Controls

- a. Signage shall relate to the use of the building on which it appears.
- b. Architectural features of the building shall be considered in the design of the advertising sign or structure. Signs shall not obscure decorative forms or mouldings and should observe reasonable separation distance from the lines of windows, doors, parapets, etc.
- c. Signs should be of a size and proportion which complement the scale of the existing façade, as well as surrounding buildings and signs. Care should be taken in the design, size and positioning of signs above awning level.

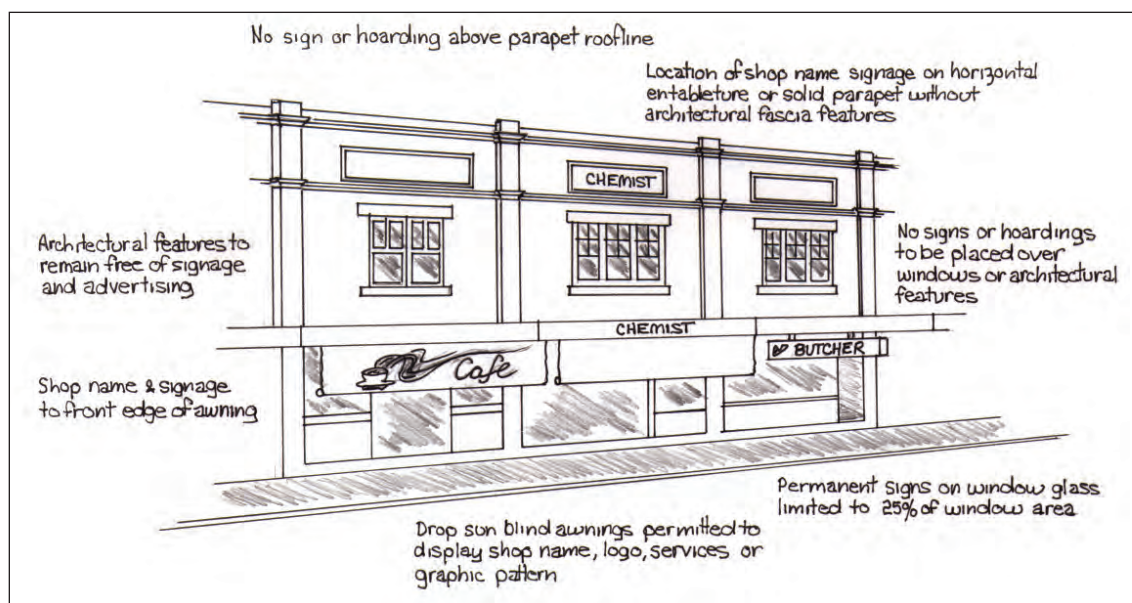


Figure 4.1.08 Location for Signage and Advertising

d. Signage must comply with the following restrictions and dimensional requirements:

i. Under-Awning Signs

- Should not exceed
- One per five (5) metres of street frontage; and
 - 2.4 metres in length and 0.3 metres in height.

ii. Flush Wall Signs

Should not exceed a maximum of five (5) square metres.

iii. Clearance

All signs should maintain a minimum clearance of 2.6 metres above footpaths or above any pedestrian areas.

iv. Multiple use of Properties

A co-ordinated approach to the sign development on the site should be used by utilising composite signs.

v. Prohibited Signs

- Flashing and moving signs;
- Signs other than identification, business and directional signs;
- Signs that would adversely affect traffic movement or safety or would interfere with the amenity of the neighbourhood;
- Signs attached to and above awnings;
- Illuminated signs on fascia of awnings;
- Signs not permanently fixed to the site or which obstruct the footpaths or pedestrian area;
- Pylon signs;
- Roof signs; and
- Blimps or airborne signs.

Variations

- Nil.

3.7 Environmental Management

Environmental management includes those aspects of development that have a measurable effect on the physical quality of Eastwood's environment. The environmental management provisions are intended to ensure that principles of ecologically sustainable development are integrated into design and construction of development, particularly in relation to reduced energy usage. They are also intended to lead to improved sun access to publicly accessible spaces and to lower overall levels of wind, noise and reflectivity that will contribute to people's enjoyment of the public domain.

3.7.1 Sunlight

This section is primarily concerned with sun access to public spaces in Eastwood, including those that are privately owned and sun access to residential developments.

Objectives

1. To provide access to sunlight in public spaces. Sun access during lunchtime hours is highly desirable in all public spaces. Some public spaces, particularly those with sun access, are heavily used throughout the day.
2. To maximise use of public spaces. Use of some public spaces is substantially increased by sun access, so overshadowing effects of development outside the lunchtime period should also be considered.

Controls

- a. Major public spaces should receive a minimum of 50% sunlight on the ground plane for at least 2 hours between 10am and 2pm on June 21.
- b. note: Depending on the nature and use of a particular space, periods outside those specified above may also be required.
- c. All new buildings should have an area of roof, with appropriate orientation and pitch that is suitable for the installation of solar collectors and photovoltaic cells.
- d. In new residential developments, windows to north-facing living areas should receive at least 3 hours of sunlight between 9am and 5pm on June 21 over a portion of their surface. North-facing windows to living areas of neighbouring dwellings should not have sunlight reduced to less than the above 3 hours.
- e. All development proposals of 2 storeys or more are to be accompanied by shadow diagrams that are to be submitted with the local development application.

Variations

- Nil

3.7.2 Wind Standards

Windy conditions can cause discomfort and danger to pedestrians, and down drafts from buildings can inhibit the growth of street trees. Conversely, moderate breezes that penetrate the streets can enhance pedestrian comfort and disperse vehicle emissions.

Objectives

1. To maximise public safety and comfort. The shapes, location and height of buildings are to be designed to promote public safety and comfort at ground level. The usability of open terraces on buildings also depends on comfortable conditions being achieved.

Controls

- a. Building design is to minimise adverse wind effects on recreation facilities and open terraces within developments.

Variations

- Nil

3.7.3 Energy Efficiency of Buildings

The Master Plan calls for ecologically sustainable development (ESD) principles to be taken into account in development within the Eastwood Centre.

Objectives

1. To maximise energy efficiency and sustainable design. Buildings should optimise 1. their passive and operational energy efficiencies, reduce pollution, include waste minimisation systems and use construction materials from renewable resources.

Controls

- a. New buildings should be designed to ensure that energy usage is minimised.

Variations

- Nil

3.7.4 Vibration and noise Mitigation

Loud noise and vibration affects the amenity of places. Developments within close proximity to the railway line may be subject to actual or potential impact from vibration.

Objectives

1. To minimise noise nuisance. New buildings can mitigate the effects of noise by using insulation. In particular, residential buildings, services apartments and the like should be insulated for noise reduction.
2. To encourage the use of the NSW Government's "Environmental Criteria for Road Traffic Noise" a guide to address the potential road traffic noise on the amenity of the area.
3. To encourage design to take into account that loud noise emanating from shops can also detract from otherwise pleasant street environments.
4. To encourage new developments within 100m of the railway line to consider urban design as a means of mitigating noise and vibration impacts.

Controls

- a. In respect of proposals for new residential buildings:
 - i. the building plan, walls, windows, doors and roof are to be designed and detailed to reduce intrusive noise levels.
 - ii. balconies and other external building elements are located, designed and treated to minimise infiltration and reflection of noise onto the façade.
 - iii. dwellings are to be constructed in accordance with:
 - Australian Standard 367 1-1989: Acoustics – *Road Traffic Noise Intrusion, Building Siting and Construction*; and
 - Australian Standard 367 1-1987: Acoustics – *Recommended Design Sound Levels and Reverberation Times for Building Interiors*.
 - *Environmental Criteria for Road Traffic Noise* (EPA, 1999).

- b. In respect of developments proposed within 100m of the railway line, the following document should be used as a guideline for incorporating measures to mitigate noise and vibration:
 - i. *Rail Related Noise and Vibration: Issues to Consider in Local Environmental Planning – Development Applications and Building Applications* (State Rail Publication, 1995).
 - ii. Department of Planning guidelines.

Variations

- Nil

3.7.5 Reflectivity

Reflective materials used on the exterior of buildings can result in undesirable glare for pedestrians and potential hazardous glare for motorists. Reflective materials can also impose additional heat load on other buildings.

Controls

- a. The excessive use of highly reflective glass is discouraged.
- b. Buildings with a glazed roof, façade or awning should be designed to minimise hazardous or uncomfortable glare arising from reflected sunlight.
- c. New buildings and façades should not result in glare that causes discomfort or threatens safety of pedestrians or drivers.
- d. Visible light reflectivity from building materials used on the façades of new buildings should not exceed 18%.

Variations

- Nil

3.7.6 External Lighting of Buildings

The external lighting of buildings can add to the architectural character of buildings at night and enliven the centre. However, external lighting has an impact on total energy efficiency and can affect residential amenity.

Objectives

- 1. To encourage use of lighting to highlight certain architectural features of a building rather than floodlighting whole façades.
- 2. To encourage designs that provide lighting with minimal energy consumption.
- 3. To control the effects of adverse impacts on neighbouring land uses.

Controls

- a. Any external lighting of buildings is to be considered with regard to:
 - i. The integration of external light fixtures with the architecture of the building (for i. example, highlighting external features of the building);
 - ii. The contribution of the visual effects of external lighting to the character of the building, surrounds and skyline;
 - iii. The energy efficiency of the external lighting system; and
 - iv. The amenity of residents in the locality.

Variations

- Nil

3.7.7 Waste Management

In making decisions under this Plan the Council seeks to apply the principles of Ecological Sustainability. Minimising and managing waste is one of the key components that can contribute to the achievement of ecological sustainability.

All waste streams contain many resources that are useful products. Recovering, recycling and using these as secondary resources is a key element in working towards ecologically sustainable development.

Much of the construction and demolition waste can be reduced with good design. A further high percentage can be reused and recycled if the time is taken to source-separate, promote local markets and arrange for transportation.

Objectives

1. To encourage waste minimisation (source separation, reuse and recycling) ensure appropriate storage and collection of waste and achieve good design of facilities.
2. To assist in achieving Federal and State Government waste minimisation targets in accordance with regional waste plans.
3. To minimise the overall environmental impacts of waste and foster the principles of ecologically sustainable development (ESD).
4. To require source separation, design and location standards that complement waste collection and management services offered by Council and the private service providers.
5. To encourage building designs and construction techniques which will minimise future waste generation.
6. To provide on-going management for waste handling and minimisation in premises.

Controls

- a. All applications for demolition, building and land development must be accompanied by a Waste Management Plan.

Residential Buildings

- b. A waste cupboard or other appropriate space is provided within dwellings for temporary storage of recyclables, garbage and compostable material.
- c. In residential developments where individual storage is proposed an accessible and usable waste storage and recycling area is provided.
- d. In circumstances where communal facilities are proposed, the area or room is of sufficient size to store Council's standard bins and is easily accessible from each unit and from Council's usual collection point.
- e. The location and design of facilities does not impact on adjoining premises and the amenity of the dwellings within the development (eg odour, noise).
- f. Adequate space has been provided to enable on-site composting.
- g. Acceptable administrative arrangements for ongoing waste management are determined.

- h. Where special waste materials to be generated (such as medical wastes and household hazardous waste) special arrangements will be required.
- i. Communal on-site waste storage and recycling area or garbage and recycling room must be provided in residential flat buildings and multi-level dwelling occupancy. The area should be capable of accommodating Council's required number of standard waste containers. Where such an area is proposed additional space for the storage of bulky waste such as clean-up materials awaiting removal or recycling should be provided.
- j. Buildings containing more than four storeys shall be provided with a suitable system for the transportation of garbage from each floor level to the garbage and recycling room(s). This may be a garbage chute system. Where such facilities are utilised, space must be provided on each floor for storage of recyclables.

Business and Retail Premises

- k. The system for waste management is compatible with collection services.
- l. On-site source separation is facilitated.
- m. An appropriately designed and well located waste storage and recycling area and/or garbage and recycling room is provided on-site.
- n. Clear access for staff and collection services is provided.
- o. Facilities are carefully sited, well-designed and do not impact on adjoining premises or the amenity.
- p. There are acceptable administrative arrangements for ongoing waste management.
- q. Every building shall be provided with a waste storage and recycling area designed and constructed to be flexible in size and layout to cater for future changes of use. The size is to be calculated on the basis of waste generation rates and proposed bin sizes.
- r. Where special waste material is to be generated (such as chemicals and other products past their expiry date) special arrangements will be required. Contact should be made with the Council and the EPA (DECC).
- s. Where multiple occupancy, such as a series of shops or an office complex is proposed, communal facilities may be appropriate. The waste storage and recycling area shall be designed to enable each separately tenanted or separately occupied area within the building or complex to be provided with a designated and clearly identified space for the housing of sufficient commercial containers to accommodate the quantity of waste and recyclable material generated.
- t. Buildings containing more than three storeys shall be provided with an acceptable method for transporting waste from each level to a garbage and recycling room. This could be a goods lift, a chute system or some other means of providing direct and convenient internal access. Where such facilities are utilised, space must be provided per floor for temporary storage of waste material and recyclables.
- u. Ongoing management is a significant issue - details are required in the waste management plan.
- v. For offices and commercial premises particular attention should be paid to paper and cardboard recycling with source separation at the waste storage and recycling area or garbage and recycling room.
- w. Special attention should be paid to food scrap generation. Specialised containment should be provided and a regular and frequent collection service arranged to ensure that no impacts result from the activity.

- x. Refrigerated garbage rooms should be provided when large volumes, perishables (such as seafood) and infrequent collection is proposed.
- y. Contact should be made with Sydney Water to obtain their trade waste requirements for the installation of grease arrestors where there is a likelihood of the need to dispose of liquid waste.

Note: Reference should also be made to Part 7.2 Waste Minimisation and Management under this DCP.

Variations

- Nil

4.0 DEVELOPMENT POLICIES - GLEN STREET AND LAKESIDE ROAD AREA

4.1 Site Amalgamation

Objectives

1. To ensure as few driveways as possible in order to promote pedestrian amenity and road safety.
2. To encourage access from the local roads network and the provision of new laneways.
3. To encourage development quality & amenity and meet other parts of the controls set out.

Controls

- a. Minimum lot sizes shall comply with Ryde LEP 2011 clauses 4.3 (2A) & 4.4 (2A).

Note : 1. To achieve the optimum development outcome a minimum lot size is required for particular development to occur. Clauses 4.3(2A) Height of buildings and 4.4 (2A) Floor space ratio make provision for additional height and floor space to be available when lots over a particular size are being developed. A preferred amalgamation is shown in Fig. 4.1.09 .

2. To achieve the required lot size may require the amalgamation of lots. If amalgamation is required an application for consolidation should be included as part of the development application.

3. Building Envelopes are based on the preferred amalgamation pattern (Figure 4.1.10 - Figure 4.1.17). They are indicative only.



Figure 4.1.09 Map showing Glen Street and Lakeside Road Small Centre Preferred Amalgamation Site Pattern

4.2 Built Form

4.2.1 Urban and Environmental Design

The quality of streets and public spaces may be enhanced by the way buildings address these spaces. Good environmental design includes the control of solar access and overshadowing.

Objectives

1. To ensure new buildings contribute positively to the urban built form and environment.
2. To ensure appropriate scale and good environmental amenity, such as sun access.
3. To ensure a built form of a high quality that successfully integrates environmental sustainability with architectural design.

Controls

- a. Development on corners must address all street frontages. Entries, windows and other architectural elements should be placed to reinforce the corner.
- b. Provide building articulation elements including awnings, verandahs, decks, loggias, pergolas, bay windows and recessed doors.
- c. Windows and entries shall be placed to overlook public spaces and streets to provide surveillance opportunities.
- d. Balconies may not be continuous along the whole length of building facades.
- e. Provide solar protection, including awnings, recessed windows, roof overhangs, external shutters and screens to the western and northern elevations of buildings.
- f. Where sites are amalgamated express the prevalent historic Eastwood Town Centre lot structure in the design of new buildings particularly at street level.

4.2.2 Residential Private Open Space

Private open space such as front gardens, private gardens, above ground open space and the like where located adjacent to the public domain contributes to the character of the public domain and provides amenity to residents.

Objectives

1. To contribute to the character and environmental quality of the landscape of the Small Centres.
2. To enhance the micro-climate created by development, in development and the Small Centres.
3. To ensure that every dwelling in the Ryde Small Centres has access to usable private open space.

Controls

Private open space

Refer to the *SEPP 65 Residential Flat Design Code (Planning NSW) - Open Space*.

- a. Single aspect apartments set below the natural ground level are not permitted.
- b. Comply with *SEPP 65 Rule of Thumb*.

4.2.3 Solar Access and Sun Shading

Sunlight is a major determinant of environmental comfort. Good passive solar design offers financial benefits, by reducing the need for artificial heating and cooling.

Objectives

1. To provide solar access to habitable rooms and external areas of dwellings in mid winter.
2. To achieve the development of living and working environments not reliant on artificial heating, cooling, and lighting with passive heating/cooling, solar orientation, appropriate shading treatments.

Controls

Refer to the *SEPP 65 Residential Flat Design Code (Planning NSW) - Daylight Access*.

- a. Comply with *SEPP 65* Rule of Thumb.
- b. The *SEPP 65* controls for lightwells apply to apartments below ground level for the purpose of satisfying *SEPP 65* requirements.

Note: Single aspect apartments set below the natural ground level are not permitted.

4.2.4 Visual Privacy

Objectives

1. To maximise the visual privacy of on-site and neighbouring residents.
2. To maximise outlook and views from habitable rooms and private open space without compromising visual privacy

Controls

Refer to the *SEPP 65 Residential Flat Design Code (Planning NSW) - Visual Privacy*.

- a. Comply with *SEPP 65* Rule of Thumb.

4.2.5 Acoustic Privacy

Potential unwanted noise sources increase in more densely developed areas. In mixed-use areas developments need to consider the amenity of a range of occupants. The impact of commercial and retail noise on residential development and pedestrian amenity needs to be considered. Residential, commercial and retail developments can be designed and managed to minimise noise generation and intrusion.

Objectives

- a. To achieve an appropriate acoustic environment, by giving design consideration to the following:
 - i. Siting of buildings.
 - ii. Building planning.
 - iii. Internal room layout.
 - iv. Location of private open space.

- v. Location and treatment of windows.
- vi. Building materials.
- vii. Location and design of waste storage and collection for commercial component.

Controls

Refer to the *SEPP 65 Residential Flat Design Code (Planning NSW)- Acoustic Privacy*.

- a. Acoustic separation between commercial and residential uses shall be attained.

4.2.6 Built Form Heights

Development within the small centre is of a scale and character that promotes an attractive and sustainable urban environment.

Objectives

1. To attract investment, new employment opportunities and enhance economic sustainability.
2. To promote an urban scale to the retail and commercial development.
3. To enhance the existing streetscape and ensure appropriate development scale in predominantly residential and retail precincts.
4. To ensure adequate sunlight is available for all buildings, streets and public domain.

Controls

- a. Buildings must comply with the maximum heights described in Ryde LEP 2011 Height of Buildings Map.
- b. Building height must comply with the Building Height Control Figure 4.1.10 and Figure 4.1.11.

Note: The height limits in the LEP and the DCP should be read in conjunction and they correlate to each other. The LEP provides building heights in metres and the DCP provides building heights in storeys.

- c. Floor to ceiling height must be a minimum of 2.7m for residential uses.
- d. To ensure that ground floor levels are adaptable over time for a wide range of uses, the floor to ceiling height on the ground floor shall be a minimum of 3.5m to allow adaptable use over time.



Figure 4.1.10 Glen Street and Lakeside Road Small Centre Building Height Control

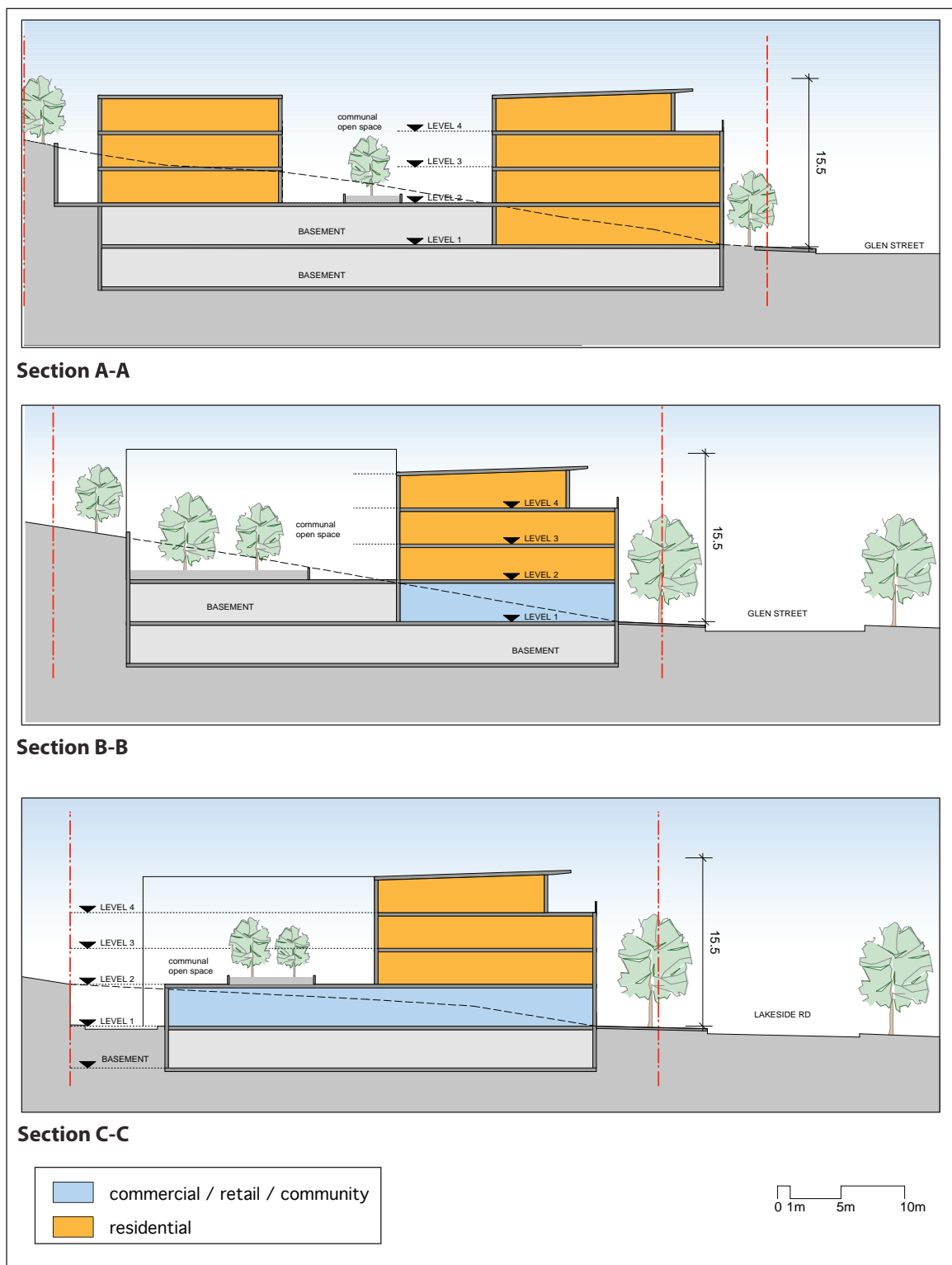


Figure 4.1.11 Glen Street and Lakeside Road Small Centre Building Height Control Sections.

4.2.7 Setbacks

Front setbacks give streets and public domain physical definition and control the relationships of buildings to each other. The front setbacks defined in this Part will reflect and reinforce the character of the Glen Street and Lakeside Road. The front setbacks will provide opportunities for improved pedestrian and transport access. Business and retail areas are to be built to the east of the precinct to reinforce and promote a positive urban character and personal safety and security. Rear and side setbacks control the relationships of buildings to each other and provide visual and acoustic privacy. Upper level setbacks reduce the visual bulk and scale of buildings; promote an interesting skyline and access to sunlight and fresh air.

Objectives

1. To establish an individual identity for the centre and influence street character.
2. To integrate Safer-by-Design principles into the design of the public domain and built form.
3. To effect positive relationships between buildings.
4. To create an interesting skyline.
5. To promote sunlight access to the public domain and buildings.
6. To provide for the future access and transport needs of residents and businesses.
7. To encourage integration between the private and public domain.

Controls

- a. Building setbacks at the ground level and upper levels must comply with the Setbacks Control Drawing Figure 4.1.12 - Figure 4.1.15. Unless noted otherwise the minimum rear and side setbacks shall be 6m.
- b. The top floor must be setback 4m from the boundary as indicated in the Setbacks Controls Drawing Figure 4.1.12 - Figure 4.1.15.
- c. Provide a continuous unimpeded paved surface as shown in Figure 4.1.12 - Figure 4.1.15.
- d. There shall be no barriers (such as fences and landscaping) provided on the pavement which will limit integration between the private and public domain.

Note: The set backs in Figure 4.1.12 - Figure 4.1.15 shall apply even if the building envelope differs from the envelopes shown.

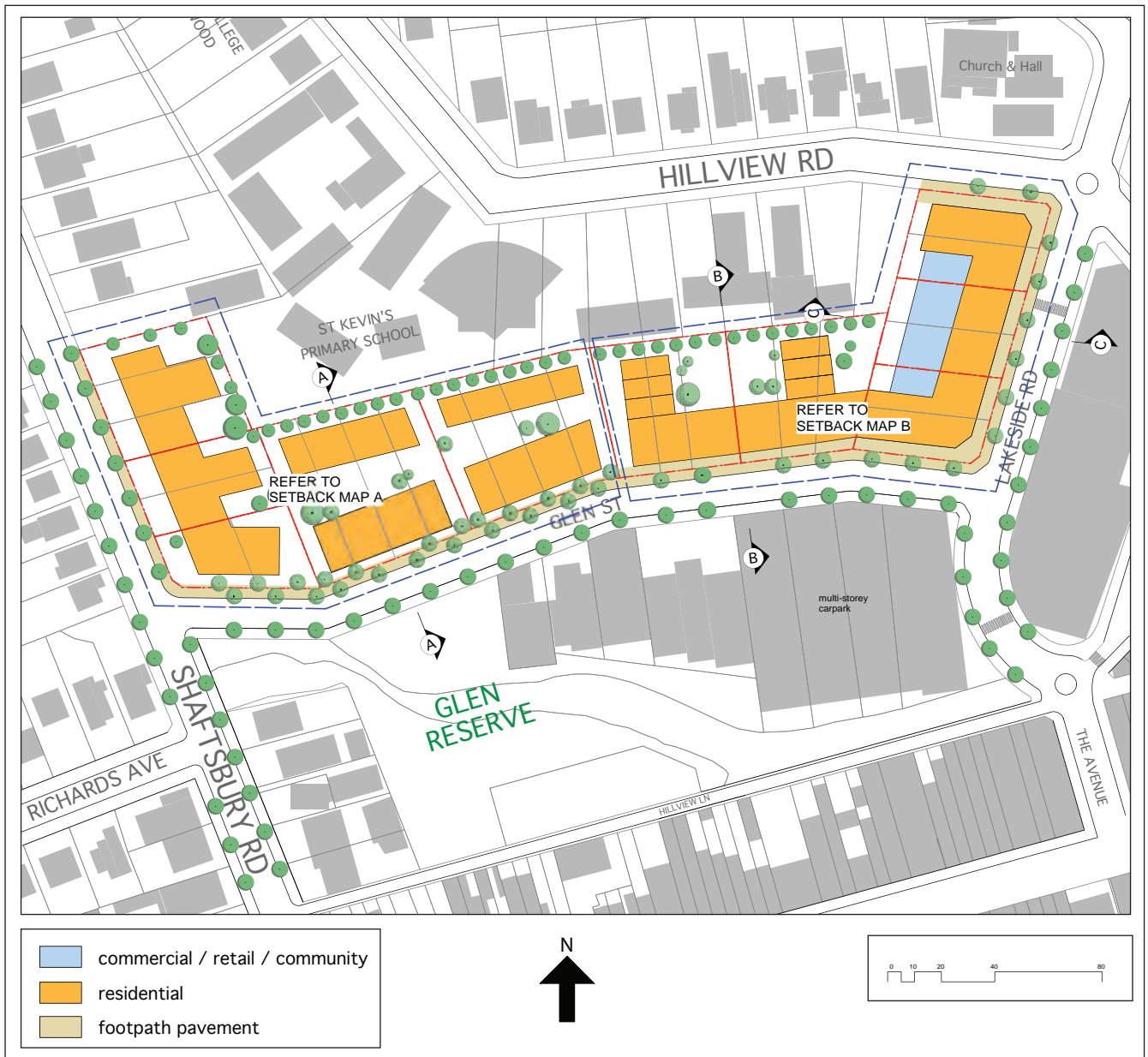


Figure 4.1.12 Glen Street and Lakeside Road Setback Control Plan.

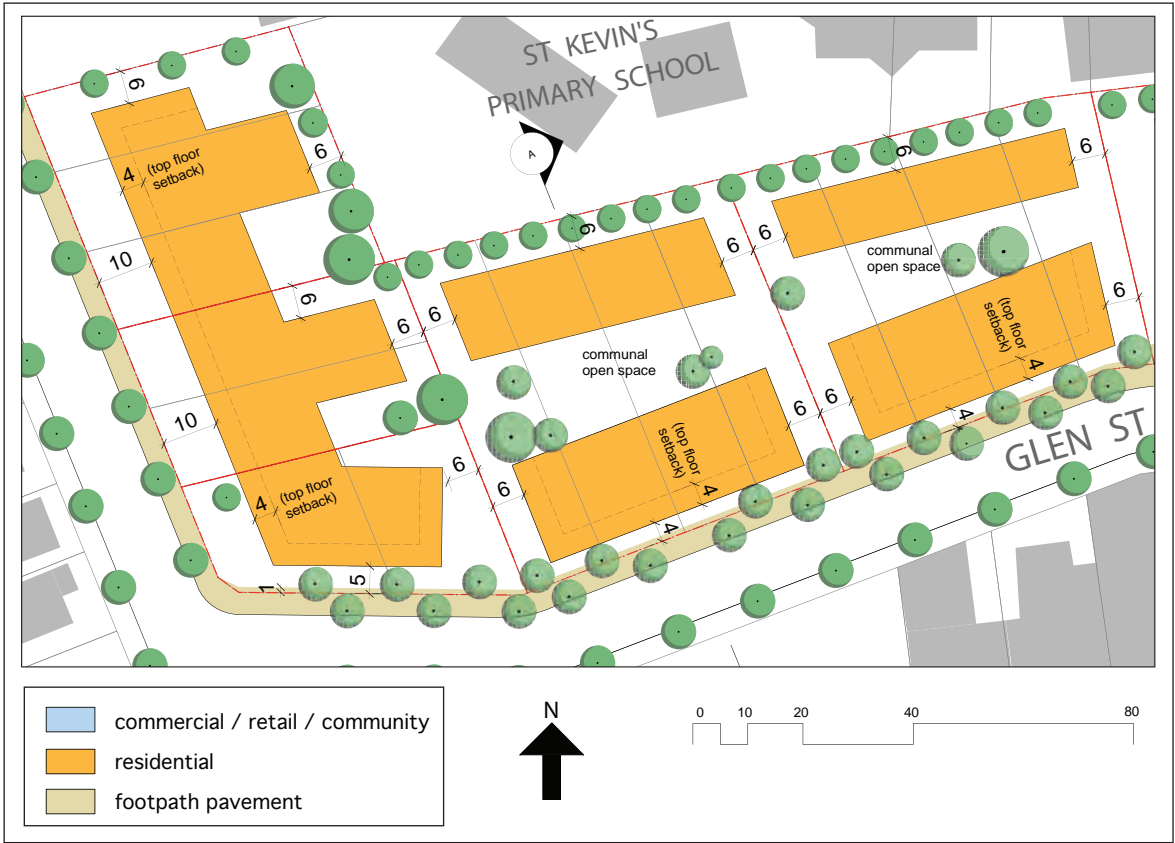


Figure 4.1.13 Map A. Glen Street & Shaftsbury Road Setback Control Drawing.

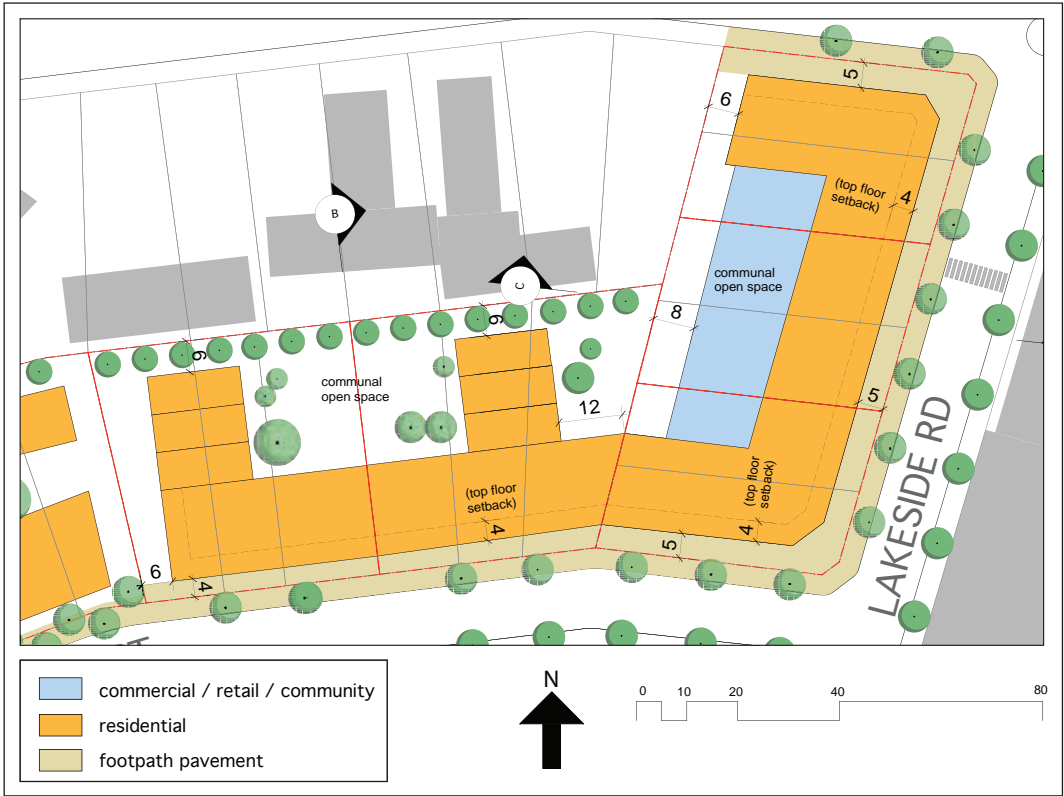


Figure 4.1.14 - Map B. Glen Street and Lakeside Road Setback Control Drawing.

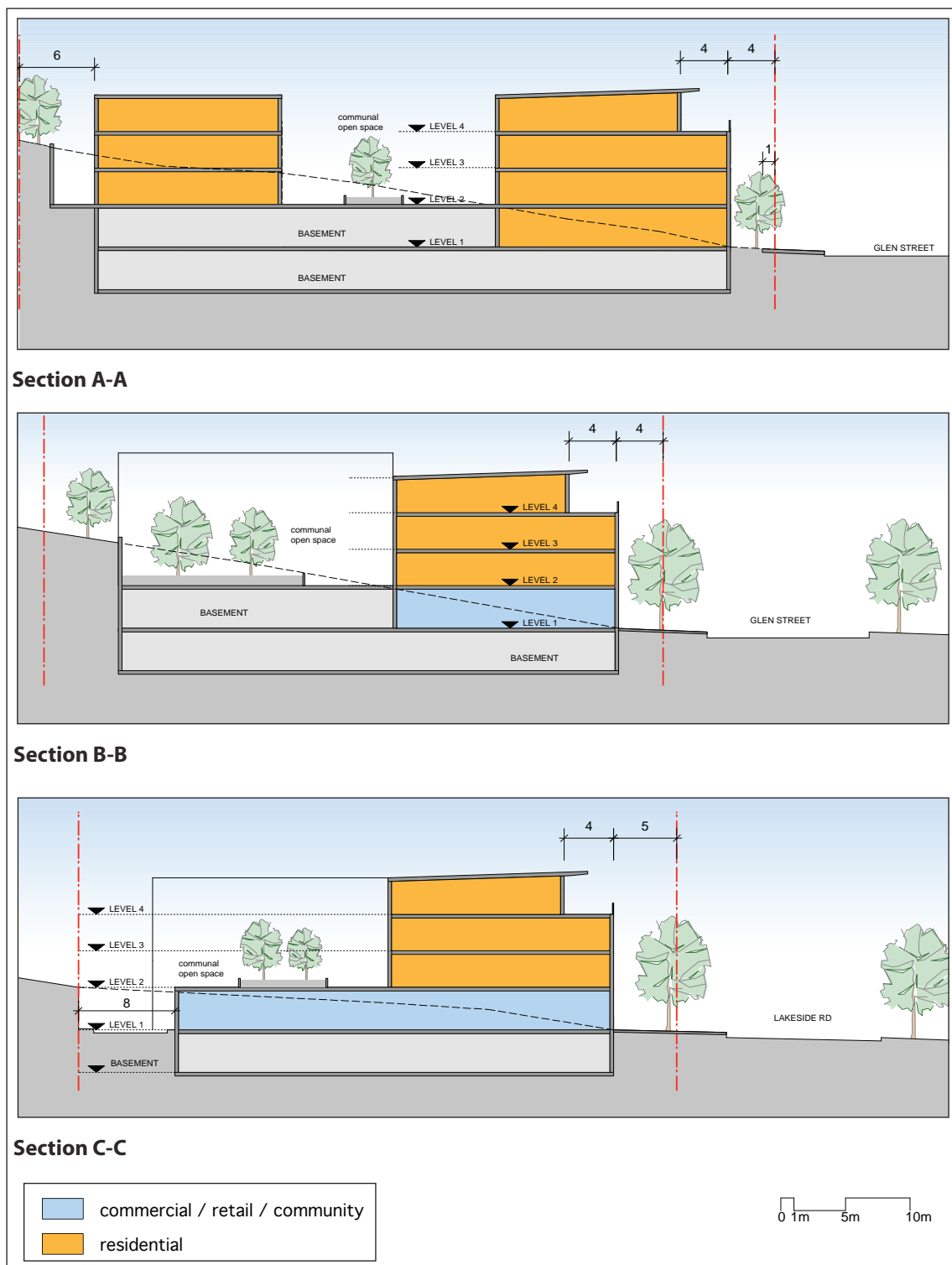


Figure 4.1.15 Glen Street and Lakeside Road Building Setback Controls Sections

4.2.8 Building Depth

Objectives

1. To promote sustainable built form.
2. To improve the amenity of buildings for users.
3. To improve cross ventilation.

Controls

- a. Building depth must comply with the Building Depth Control Drawing Figure 4.1.16.
- b. Achieve natural ventilation in residential buildings by having window openings in opposite directions and walls where possible. Comply with *SEPP 65* Rule of Thumb.
- c. Where alternative building envelopes and amalgamation patterns are proposed the maximum overall depth of buildings is 18m unless design excellence can be demonstrated and natural ventilation is achieved.



Figure 4.1.16 Glen Street and Lakeside Road Building Depth Control Drawing

4.4.5 Active Street Frontages

Objectives

To enhance personal safety and security within the small centre.

Controls

- a. Provide ground level active uses where indicated on the Active Street Frontages Control Drawing Figure 4.1.17.

Active uses contribute to personal safety in the public domain and comprise:

- i. Community and civic facilities;
 - ii. Recreation and leisure facilities;
 - iii. Shops;
 - iv. Commercial premises;
 - v. Residential uses, particularly entries and foyers, however, these must not occupy more than 20% of the total length of each street frontage.
- b. Residential uses, particularly entries and foyers, these must not occupy more than 20% of the total length of each street frontage.
 - c. Vehicle access points may be permitted where active street frontage is required if there are no practicable alternatives.
 - d. Ground floor shop fronts may incorporate security grills provided these ensure light falls onto the footpath and that the interior of the shop is visible. Blank roller- shutter doors are not permitted.
 - e. Locate retail, restaurants and / or other active uses at the ground level.

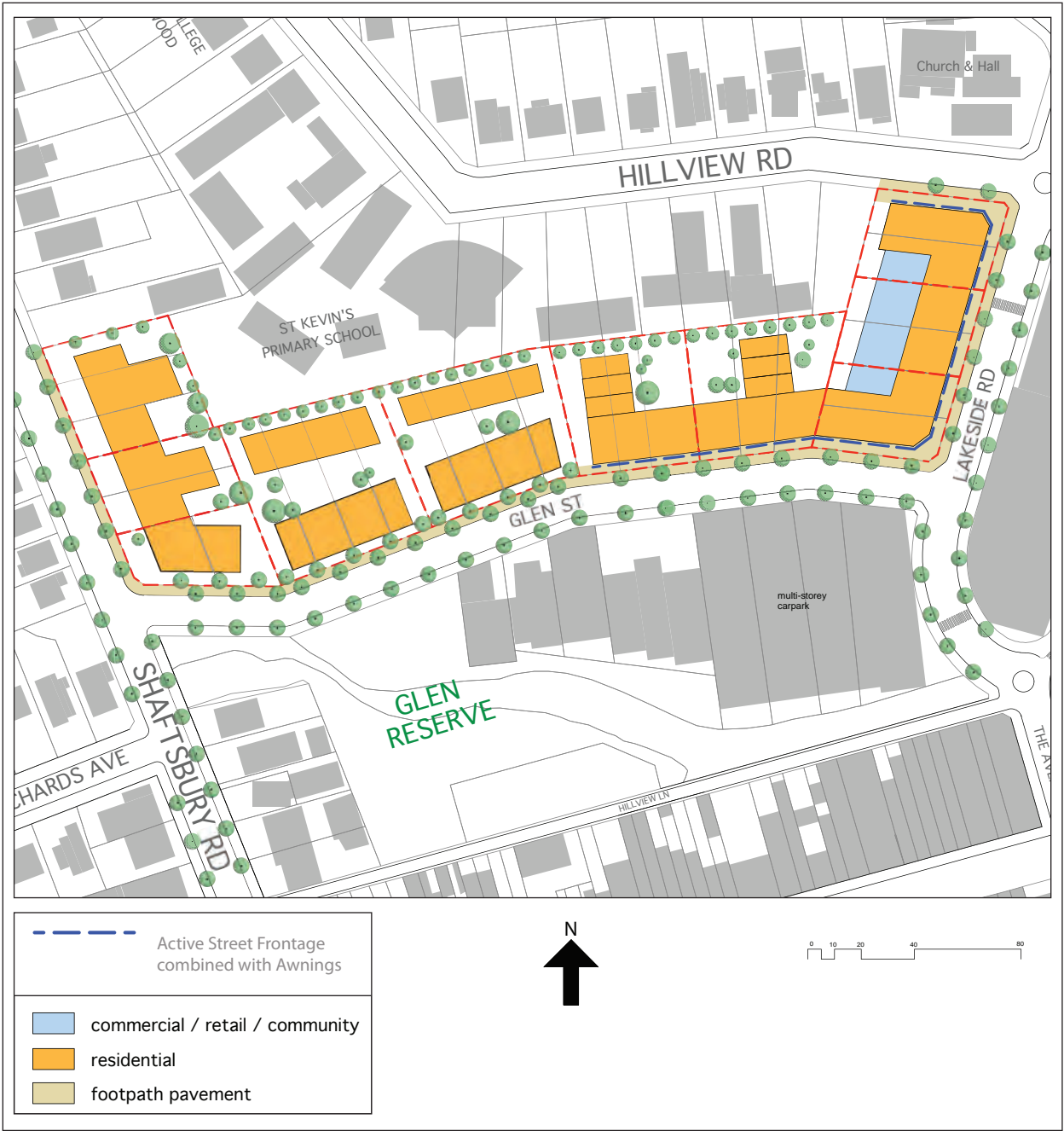


Figure 4.1.17 Glen Street and Lakeside Road Active Street Frontages Control Drawing.

4.2.9 Awnings + Entry Canopies

Objectives

1. To create a consistent streetscape.
2. To contribute to pedestrian amenity (all-weather protection), safety and security (lighting).

Controls

- a. Provide continuous awnings as indicated in Awnings Control Drawing Figure 4.1.17.
- b. Awning height is to be generally a minimum of 3m from the pavement and setback minimum 1m from the kerb edge. The heights of adjoining awnings should be considered.
- c. Design awnings to protect pedestrians from sun and rain. Glazed awnings will not be permitted where awnings are required unless it can be demonstrated that:
 - i. A cleaning and maintenance regime will be established; and
 - ii. Solar protection (shade) can be achieved; and
 - iii. Lighting will be installed to the underside of the awning that will light the footpath.
- d. Provide lighting, preferably recessed, to the underside of awnings, sufficient to ensure a high level of safety and security for pedestrians at night.
- e. Where the street or ground level is sloped, awnings should step down the hill.

4.2.10 Services Access and Parking

Objectives

1. To provide adequate and accessible parking and on-site service areas.
2. To provide size and number of service areas in proportion to the scale and intensity of the proposed use.
3. To ensure that service facilities do not detract from the amenity of nearby public spaces and residential areas.

Controls

Service Access

- a. On-site car and service vehicle access must be provided and designed in accordance with the following:
 - i. a driveway must be established that is of adequate strength, width and design for the intended car and service vehicle characteristics.
 - ii. the driveway is to be designed such that service vehicle movement is in a forward direction, both when entering and exiting the site;
 - iii. on-site manoeuvrability must be unimpeded for all site users.
- b. Generally service vehicle access is to be combined with parking access.
- c. Waste and recycling are to be provided in accordance with DCP Part 7.2 Waste Minimisation and Management Facilities for Waste.

Parking

- d. All carparking is to be provided underground.

Note: Refer to the CoR DCP 2011 Part 9.3 Car Parking.

Services

- e. All services infrastructure including fire hydrants, gas meters and the like shall be located within the building envelope and are not to be visible from the public domain.

4.3 Public Domain

The public domain is made up of streets, pedestrian connections, small civic parks and squares.

Streets form the framework of the public domain connecting people to shopping, services, recreation and residential. Public spaces are the outdoor rooms of the small centres, providing focal points for community life.

Refer to the *City of Ryde Public Domain Technical Manual* in relation to the following sections.

4.3.1 Access and the Public Domain

Public domain spaces within the Ryde Small Centres need to be designed and sited so that the areas are safe at all times for all pedestrians and cyclists and that they are accessible to all.

Objectives

1. To reduce vehicular conflicts through good design of building entrances and reducing footpath cross-overs.
2. To clearly differentiate uses and separate conflicting uses.
3. To use appropriate lighting levels.
4. To encourage 'safe' pedestrian access and mobility.

Controls

- a. To be in accordance with the *City of Ryde Public Domain Technical Manual* and are to be implemented by the developer.
- b. Adequate parking and safe convenient access to buildings for people with disabilities must be provided.
- c. To provide active frontage and quality building design, where applicable vehicular access ramps must enter and exit from the rear lane.
- d. Vehicular traffic must be separated from pedestrians and vehicular access points clearly identified with paving, signage and the like.
- e. Loading docks must be located to the rear of the retail / commercial premises so that vehicles do not stand on any public road, footway and vehicles entering and leaving the site move in a forward direction.

4.3.2 Landscape Character

Objectives

1. To create a memorable landscape image for the small centre, which builds on the positive characteristics of topography, landscape character and views.
2. To protect, through planning controls, those spaces in private lands that contribute to the character and quality of the small centre.
3. To create tree planting, to reinforce spatial quality & build on the palette of existing species in the street, provide shade for pedestrians, and improve the image of the small centre.

Controls

- a. Select street trees based on the scale of buildings, width of the street, aspect, and on environmental parameters such as soil type shall be provided in accordance with the City of Ryde Public Domain Technical Manual.

4.3.3 Urban Elements and Finishes

Objectives

1. To coordinate paving and urban elements within the small centres.
2. To improve the image, quality and amenity of streets and public spaces through quality paving, lighting and street furniture.
3. To ensure that the selection of urban elements and level of provision is based on the hierarchy of streets and intensity of use.

Controls

- a. Provide paving, seats, benches and bins as selected by Council in accordance with Eastwood Village in the *City of Ryde Public Domain Technical Manual*.
- b. Provide seating and shelter (awnings or bus shelter) at all bus stops, and provide seating at community facilities and drop off points. Seating shall be in accordance with Eastwood Village in the *City of Ryde Public Domain Technical Manual*.
- c. Provide new street lighting to council satisfaction.

4.3.4 Signage

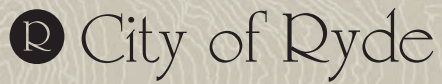
The aim is to provide consistent, attractive signage that enhances the built form within the Centre.

Objectives

1. To reduce visual clutter through the control and coordination of signage.
2. To reinforce the streetscape and enhance the character of the area.

Controls

- a. Signage shall comply with DCP Part 9.1 Signage.



Lifestyle and opportunity
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City of Ryde Development Control Plan 2011

Part: 4.3
West Ryde Town Centre

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1.0 INTRODUCTION

This Part will facilitate in the revitalisation of West Ryde Town Centre and adjoining areas as a vibrant, attractive and safe urban environment with a diverse mix of retail, commercial, and residential opportunities.

1.1 The Purpose of this Part

The purpose of this Part is to provide policies relating to the future development of the West Ryde Town Centre and adjoining areas.

This Part of the DCP provides objectives, principles and development controls to guide future development within the West Ryde Town Centre and adjoining areas and achieve the intended future vision for the West Ryde Town Centre.

This Part should be read in conjunction with the following documents:

- Ryde Local Environmental Plan 2011
- The relevant State Environmental Planning Policies (SEPPs) including SEPP 65, Design Quality for Residential Flat Buildings.

West Ryde Centre Study and Master Plan 2010 should be the source of reference for developers and other individuals interested in the development of the Town Centre.

Ryde City Council commissioned a study into the West Ryde Town Centre to update the vision for the centre. The West Ryde Town Centre Master Plan was developed in consultation with owners, traders, residents and servicing authorities in West Ryde and was adopted on 7 December 2010. The adopted Master Plan forms an important strategic planning document describing the development vision which is to be pursued in the centre.

1.2 Land to which this Plan Applies

This Part supplements and gives guidance to the controls and objectives of Ryde Local Environmental Plan 2011. Specifically, this Part identifies objectives and controls that will shape the future development of the West Ryde Town Centre. The controls contained indicate how the objectives are to be implemented.

This Part applies to all land within the West Ryde Town Centre and adjoining areas as shown in the following map.

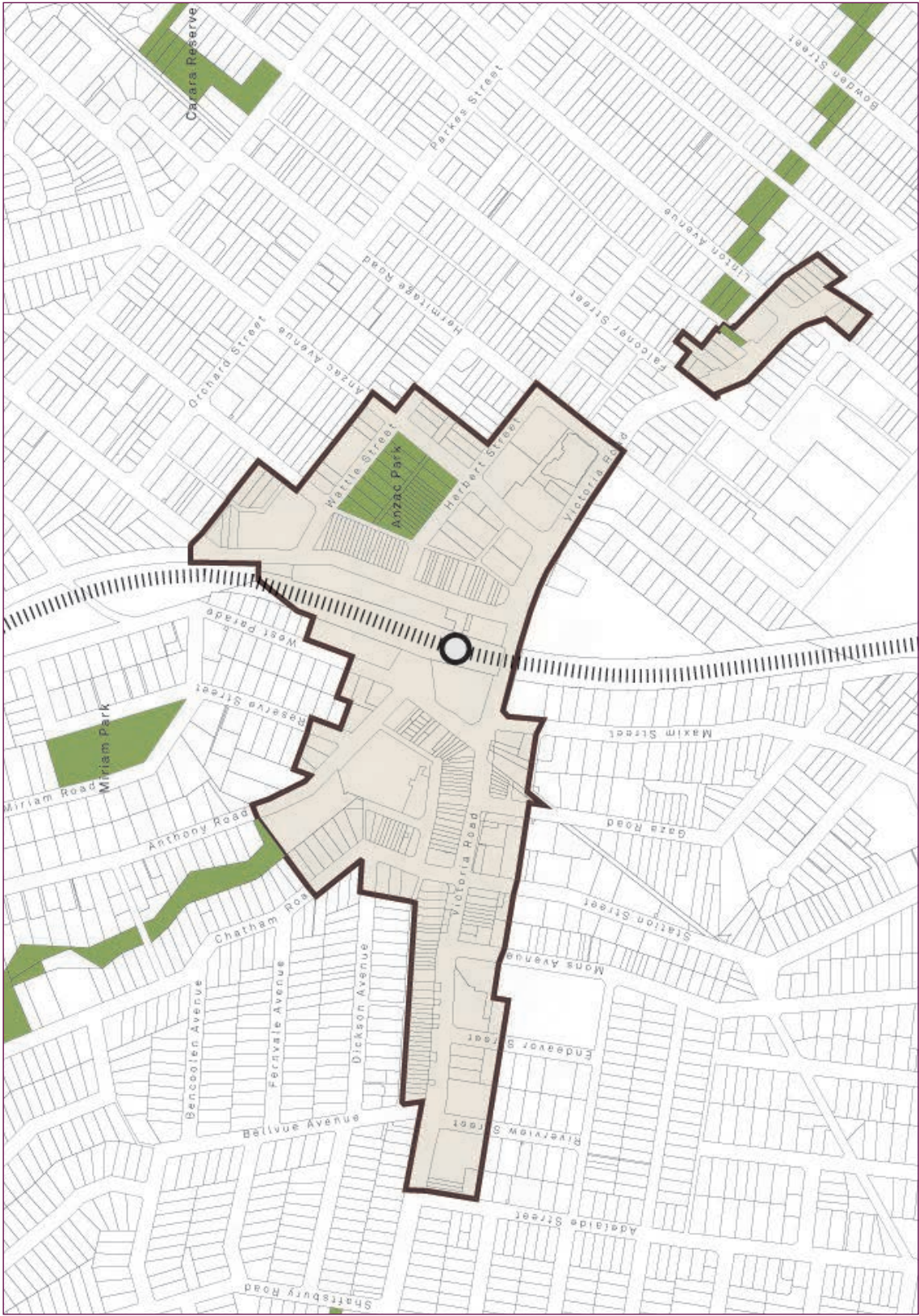


Figure 4.3.01 West Ryde Town Centre and adjoining areas

2.0 VISION

This Part is one of a number of planning initiatives undertaken to revitalise established urban centres within the City of Ryde. The vision for each centre is to create a unique character arising from its natural and built features, history and community expectations.

The objectives of this Part are to promote Council's vision for the West Ryde Town Centre.

2.1 Objectives

This Part aims to revitalise the West Ryde Town Centre through development provisions which:

1. Facilitate the creation of a convenient community and retail centre within the core town centre.
2. Encourage higher density development surrounding the town centre and provide transition to surrounding suburban areas.
3. Encourage new development and re-use of existing buildings to contain a mix of land uses.
4. Describe the desired maximum scale and bulk of new buildings.
5. Improve pedestrian amenity and develop a sense of community place.
6. Create a pedestrian oriented town centre including active street frontages.
7. Increase the number of people living within walking distance of high frequency public transport services.
8. Provide for safe and convenient vehicle access and parking.
9. Minimise risk of flooding to the town centre.
10. Facilitate development that is environmentally sustainable.
11. Encourage the protection and enhancement of items and areas of environmental heritage.
12. Enhance existing open space to offer increased amenity to surrounding residential development and provide for safe, inviting, well used and attractive public spaces.
13. Encourage a built form that integrates with the existing public domain and pedestrian network.

2.2 West Ryde Town Centre Master Plan

The Council adopted the West Ryde Master Plan on 7 December 2010. The Master Plan is supported by a number of planning studies, refining its underpinning objectives and desired outcomes, and informs the suite of controls contained in this section.

The Master Plan proposes a vision for the Town Centre and adjoining areas. It also provides an urban design framework to guide an increase in residential and employment opportunities, and promote the sustainable use of existing infrastructure and services.

2.3 West Ryde Town Centre Vision

The West Ryde Master Plan identifies a vision for West Ryde Town Centre that anticipates:

- The creation of a new identity for the Town Centre as an important place along Victoria Road. Improvements will see Victoria Road become a landscaped route, with the West Ryde Town Centre being defined by both new activity and built form.
- Improvements to key public domain areas will see the creation of a series of 'green links', which extend both towards and through the Town Centre core. Improvements at the core will also be implemented highlighting this area as a pedestrian priority environment as well as increasing permeability and pedestrian accessibility.
- Existing open spaces will be enhanced, offering increased amenity to surrounding residential development. New development and increased densities will be focused at the centre core in areas of pedestrian activity such as public transport nodes and close to open space areas.
- Achievement of a mix of development type introduces a transition between the core Town Centre and the surrounding residential areas of West Ryde. The retail core of the Town Centre will remain the primary retail and commercial centre for the surrounding locality.

2.4 Town Centre Precincts

The West Ryde Town Centre Master Plan provides a vision for the future urban form and function of the West Ryde Town Centre. Key precincts which are of importance to the future of the Town Centre have been identified for the purposes of this Part of the DCP. These key precincts are:

1. Victoria Road West
2. Retail Core
3. Ryedale Road
4. Anzac Park
5. Victoria Road Mixed Use
6. Victoria Road Enterprise Zone

Character objectives and the desired future character for these Town Centre Precincts are outlined in Section 4.0. The built form controls outlined in this Part support these objectives, guiding the design of new development that will reinforce the characteristics of each area. Future development within or adjacent to these identified Town Centre Precincts is to be consistent with relevant built form controls, and is to demonstrate that the intended future character is protected and enhanced.

The six Town Centre Precincts are identified in the following map (Figure 4.3.02).

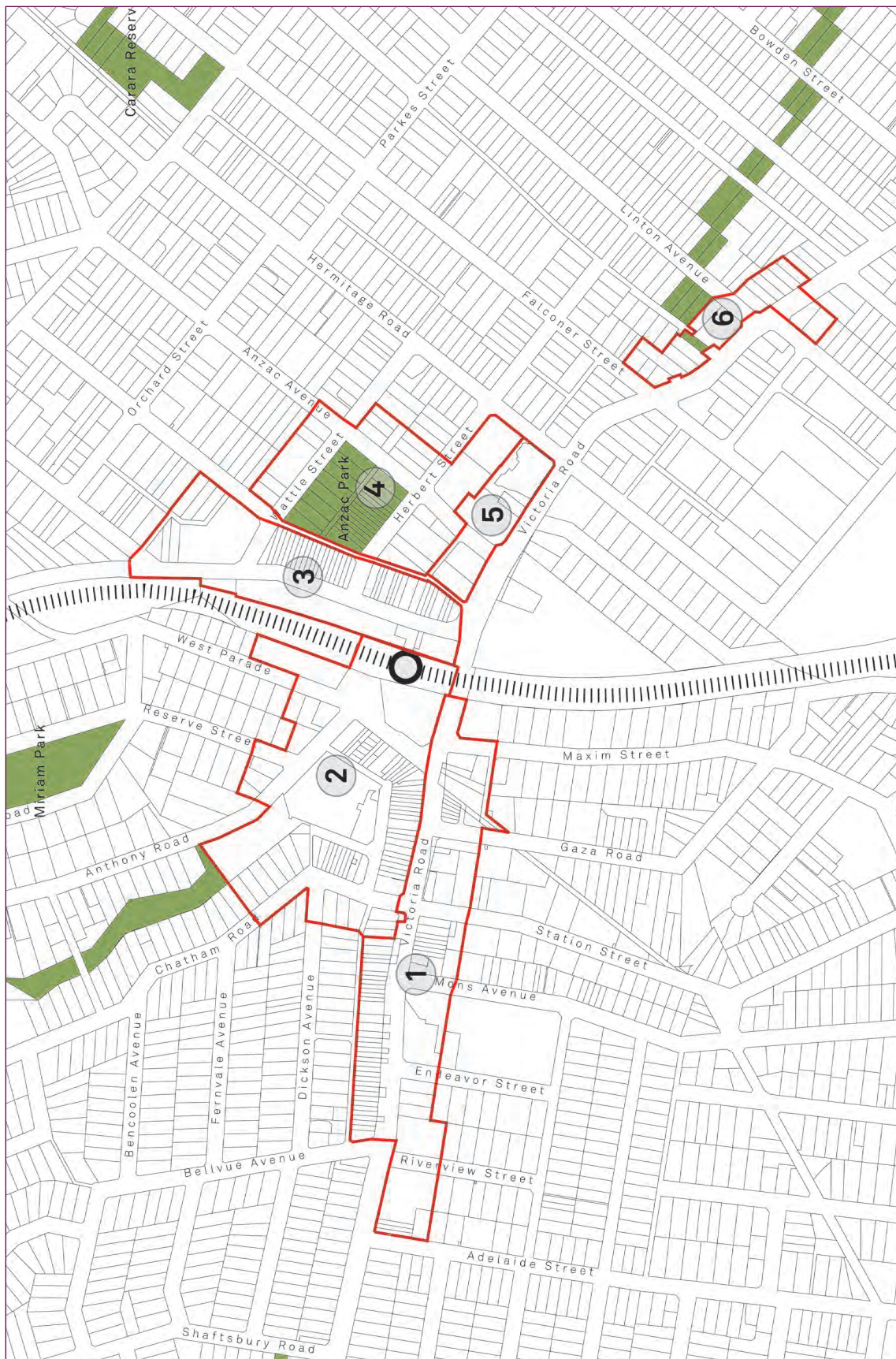


Figure 4.3.02 West Ryde Town Centre DCP Precincts

2.5 Key Town Centre Principles

The West Ryde Master Plan provides principles to influence the future built form and public domain of the West Ryde Town Centre and adjoining areas. There are five key factors which are important to the future development of the town centre and will influence future development. Each of these is supported by principles that achieve to the intended future vision of the West Ryde Town Centre and adjoining areas.

2.5.1 Green Strategy & Water Management

A series of 'Green Links' can be developed to connect the edges of the centre and existing green space areas to the central retail core precincts, and beyond. Through improving existing open spaces and integrating these with existing and new street tree planting and public/domain and streetscape improvements, these corridors will offer amenity to surrounding residential development and critical pedestrian linkages to, and throughout, the town centre. These links will also provide critical public transport.

Principles

1. To improve existing public amenity and build on existing natural assets to ensure the future sustainability and amenity of West Ryde.
2. To improve public domain through a series of connecting 'green links' extending towards and through the Town Centre Core.
3. To create a 'green strategy' that integrates residential amenity with water management.

2.5.2 Pedestrian Circulation

An integrated approach to pedestrian and vehicular circulation is needed to allow safe and efficient access to and within the town centre, with priority given to pedestrian movement, amenity and safety in the core.

The network of streets, lanes and pedestrian/shared spaces are a vital component of a town centre that need to be reinforced and maintained. The role and function of each of these spaces is determined by the scale, character, and purpose of the surrounding built form, as well as the activities that take place within the public domain.

Principles

1. To maximise pedestrian safety (primarily through traffic calming measures) within active precincts, integrated public transport corridors and bus interchange.
2. To provide a legible access and parking arrangement within the Town Centre through a clear hierarchy of pedestrian prioritisation with parking opportunities adjacent.
3. To define and activate edges to streets and parks to create a sense of character, legibility, convenience and safety for users of the public domain.
4. To improve the pedestrian environment and amenity including quality pavement design, street trees and furniture.
5. To ensure new buildings address streets and parks, in order to provide definition and casual surveillance of these spaces.
6. To ensure safe and convenient movement of cyclists within the town centre, including greater connectivity to surrounding cycle networks.

2.5.3 Safety & Accessibility

Future development within the town centre should encourage pedestrian movement, providing safe access for the whole community to and from the main transport hubs. Future consideration should be given to ensuring clear movement lines through the Town Centre and between primary transport nodes. Public domain upgrades will also assist in providing a safe and secure Town Centre.

Principles

1. To ensure development provides legible pathways for pedestrians and contributes to the provision of safe access.
2. To provide active frontages at street level to contribute to the safety and surveillance of the street.
3. To encourage public domain upgrades including street tree planting and street lighting.
4. To introduce safe road crossings to enhance north-south and east-west connectivity.

2.5.4 Retail and Employment Areas

The important economic and employment role of West Ryde is recognised and should be enhanced by future development of the Town Centre and adjoining areas. The Town Centre comprises several distinct retail and commercial areas. These areas should be further developed as an integrated series of retail and commercial precincts in order to enhance to economic viability of West Ryde.

Principles

1. To encourage future development of distinct, but connected, retailing precincts.
2. To activate and reinvigorate the Victoria Road corridor to improve amenity and viability of future uses.

2.5.5 Residential Precincts

Residential uses are considered an important land use in the Town Centre. Overtime, the development of the centre will encourage a mixture of housing densities throughout, with higher density residential developments concentrated around the central core and within close proximity to the transport interchange. Low density residential developments will be encouraged on the outer edge of the Town Centre to create a clear transition between the town centre and the surrounding zoned residential land.

Principles

1. To focus residential density around the Town Centre core in proximity to transport services, whilst improving the public domain considerably to increase 'livability'.
2. To focus density on open space areas to encourage casual surveillance and provide additional amenity to dwelling occupants.
3. To maintain a transition of residential development towards fringes of the centre.

3.0 GENERAL DEVELOPMENT CONTROLS

This section of the Plan sets out the objectives and development requirements that address

- Site Planning
- Building Form Character Principles
- Built Form Controls
- Public Domain/Public Amenity
- Accessibility
- Environmental Management
- Social Considerations
- Housing Choice.

The following controls apply to all types of development found within the Town Centre and adjoining areas. Precinct base controls are specified in Section 4.0 Precinct Development Controls.

3.1 Built Form

This section outlines specific built form controls for new development in the West Ryde Town Centre. New development is to address each of the built form controls, ensuring that the overall scale and form responds appropriately to its context.

3.1.1 Building Height and Bulk

The building height controls aim to deliver a range of building heights across the Town Centre, responding to sunlight access requirements, achieving an acceptable pedestrian scale and function of the public domain and promoting flexibility and adaptability into the future.

Objectives

1. To ensure an appropriate bulk and scale of development which is consistent with the character of the West Ryde Town Centre.

Controls

- a. The maximum height of any building in the town centre will be in accordance with the height shown on Ryde Local Environmental Plan 2011 Height of Building Map.
- b. Scale and bulk of development will primarily be determined by the maximum Floor Space Ratio applying to the land. Floor Space Ratio of buildings is to be in accordance with the Ryde Local Environmental Plan 2011 Floor Space Ratio Map.

Floor to Ceiling Heights

- c. The following controls provide the minimum floor to ceiling heights, as illustrated in Figure 4.3.03:
 - i. Non residential uses:
 - Ground floor retail/commercial uses require 3.6 metres floor to ceiling height; and
 - Any non residential level above require a minimum 3.3 metres floor to ceiling height; and
 - ii. All residential uses:
 - All levels minimum 2.7 metres floor to ceiling height.

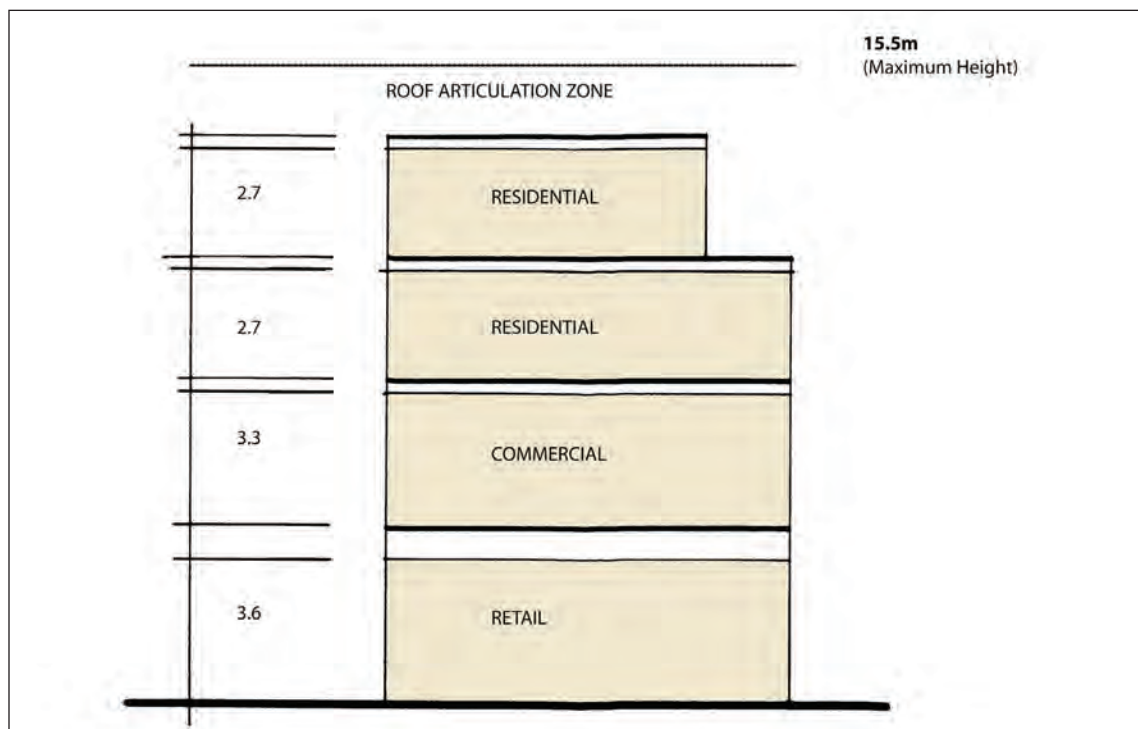


Figure 4.3.03 Minimum Floor to Ceiling Heights (Indicative)

Roof Articulation and Features

- d. In multi-storey and mixed use buildings, roof articulation should be provided to add visual interest to buildings. Any elements within the roof articulation zone are not to extend above the maximum height in metres specified by the Ryde LEP 2010.
- e. Roof articulation is to respond to the local context and environmental conditions by considering roof shape, pitch and overhangs, entries and verandahs, balconies, terraces, materials, finishes, fixtures, patterns, colours and detailing.
- f. Lift over runs, plant equipment and communication devices are to be integrated into the design of the building.

3.1.2 Mixed-Use Development

Objectives

1. To encourage a vibrant and active Town Centre and improve the visual image of West Ryde.
2. To encourage a mix of residential, commercial and retail land uses within the Town Centre.
3. To ensure buildings situated on corner allotments provide for visual interest and address the intersections which they front.
4. To ensure car parking provisions and servicing do not compromise active street frontage and desirable urban form outcomes.
5. To encourage safety through built form design and mixed-use developments.

Controls

- a. Uses which promote pedestrian activity (i.e retail shops, cafes etc) are encouraged at ground floor level to promote vibrancy and allow passive and active surveillance opportunities.
- b. New development is to encourage a mix of retail and commercial activities to be located on a single level or at ground level. Residential uses should be provided within upper levels of the building.
- c. Where new residential development is proposed as part of a mixed use development the following issues are to be considered:
 - i. the proposal should be consistent with the requirements of State Environmental Planning Policy No. 65 - Design Quality of Residential Flat Buildings and the Residential Flat Design Code, where appropriate;
 - ii. Development must comply with noise and sound insulation requirements under BCA and AS3671-1987: Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors. Design features may be used to achieve primary acoustic privacy. In addition, developments are to comply with State Environmental Planning Policy (Infrastructure) and RailCorp where appropriate.

3.1.3 Street Setbacks and Alignment

The way a building addresses the street is critical in delivering a high quality and vibrant public domain. Setback requirements have been determined having regard to the function of the street, laneway or public domain, which the development addresses.

Objectives

1. To establish build to street lines which respond to the function and character of the street.
2. To promote the definition and activation of the streetscape through built form.
3. To allow for access and circulation throughout the town centre.
4. To ensure a transition to the neighbouring low density residential areas.
5. To allow an outlook to and passive surveillance of the street.
5. To maintain reasonable sunlight access to the public domain, open space and to adjoining sites.
6. To clearly identify corner sites through prominent built form.

Controls

- a. New buildings are to have street frontages built predominantly to the street alignment for the first 2 storeys, except for land to which this Part of the DCP applies and are zoned residential, industrial or enterprise corridor.
- b. The first two storeys of all buildings along a build to street (hard) setback line as indicated in Figure 4.3.04, are generally to maintain a hard alignment with the street. Setbacks are to be minimised.
- c. New buildings which are built along a street frontage with no build to street setback line indicated in Figure 4.3.04 are to provide setbacks as required for their development type.
- d. Building design is to minimise any evident adverse wind effects on public spaces. The orientation, height and form of development are to be designed to promote public safety and comfort at ground level. Awnings are to be provided, if necessary, for pedestrian comfort.
- e. All applications for buildings over 5 storeys shall be accompanied with a Wind Impact Statement from a qualified person. For buildings over 9 storeys a detailed wind impact study must be submitted.



Figure 4.3.04 Build to Street Setback

3.1.4 Urban Design

In addition to built form controls, appropriate urban design is important to encourage the creation of a high quality urban environment and to enhance the sense of place. Within the West Ryde Town Centre, it is also important to maintain an appropriate transition to surrounding low density residential areas.

Objectives

1. To encourage commercial/retail facilities along Victoria Road reinforcing and supporting activities within the West Ryde Town Centre.
2. To encourage mixed used development activities.
3. To provide opportunities for a range of commercial/retail uses at ground level.
4. To ensure future scale and mix of development recognises the residential/ commercial interface and encourages a transition between high density development and lower density residential land.
5. To activate laneways and 'back-of-house' areas to create improved pedestrian environments and linkages and build upon the sustainability and accessibility corridors between the adjoining residential areas and West Ryde Town Centre.
6. To encourage clearer connections between the western and eastern sides of West Ryde Train Station.
7. To encourage a variety of built form in new development and to assist in defining street blocks.
8. To encourage high quality urban design of new development.
9. To ensure new and refurbished development responds to the urban context.

Controls

- a. Built form is to follow and reinforce the established street alignment, providing a continuous building line to define the public domain.
- b. Pedestrian corridors and linkages such as arcades, lanes and streets, should be provided, maintained and enhanced.
- c. Built form design should respect the existing character or contribute to a preferred character of the town centre.
- d. Open Space and public domain is to be provided, maintained and enhanced in accordance with the City of Ryde Public Domain Technical Manual.
- e. Off-street parking should be provided behind the front building line to limit impact to the streetscape and must be consistent with 3.1.6 Active Street Frontages and Street Address. Basement parking opportunities should be provided where possible.
- f. Where residential development is proposed, pedestrian entry should be separated
- g. from the entry to other land uses in buildings.
- h. Car parking and servicing must not impact adversely upon desirable built form outcomes and must be consistent with active street frontages objectives. Car parking should be located behind the building or at basement level.

3.1.5 Building Entrances and Lobbies

New development involving multi-storey and mixed use development, should provide safe and accessible building entry from the street. The controls for building entrances and lobbies are provided to ensure appropriate design of building entry.

Objectives

1. To ensure entrances establish a distinguishable address and outlook to the public domain.
2. To provide safe, high quality building entry points and lobby areas that contribute to the street frontage.
3. To provide all weather protection to all building entry and lobby areas.
4. To ensure compliance with Crime Prevention Through Environmental Design principles.

Controls

- a. All entrances are to be clearly visible and identifiable from the street and public areas. Use of colour, contrasting materials and articulation in the building design can assist in entrance visibility. Figure 3.4 provides preferred lobby layout principles.
- b. Building lobbies must be accessible from a continuous path of travel.
- c. The lobby area is to have a separate and identifiable street entry, at ground floor level from the footpath.
- d. All areas within the lobby are to be visible from the entry point to enhance the sense of security.
- e. All entrances and lobbies are to provide suitable and appropriate lighting.

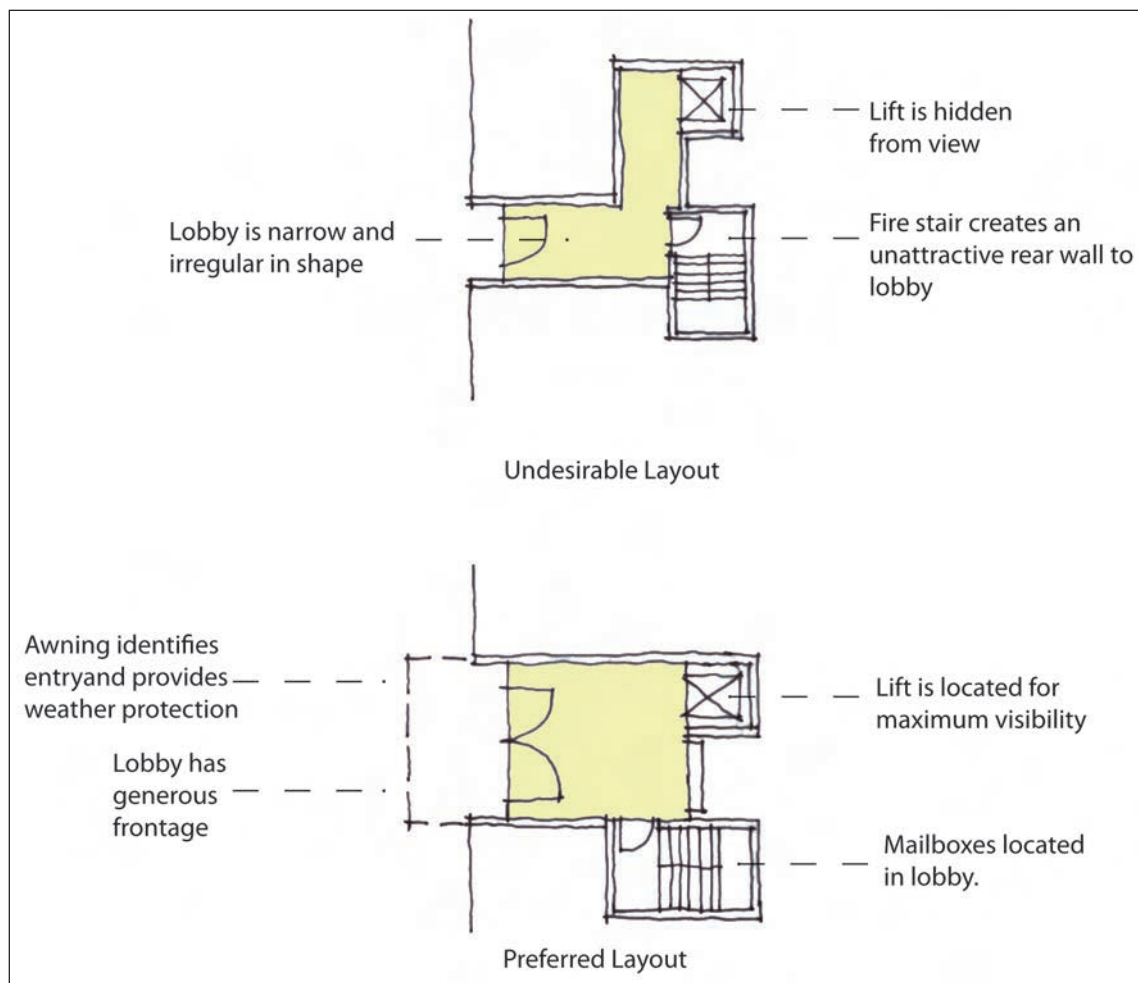


Figure 4.3.05 Lobby Design Principles

3.1.6 Active Street Frontages and Street Address

Active street frontages provide for interesting and safe pedestrian environments. Busy pedestrian areas and non-residential uses such as shops, studios, offices, cafes recreation and promenade opportunities promote the most active street frontages.

Active street frontages and street addresses are critical to the viability and vitality of the West Ryde Town Centre as direct, easy access from the footpath draws people from the street into premises. Active street frontages also add to the safety and security of a street by enabling casual surveillance.

Objectives

1. To maximise active street frontages and street address.
2. To retain and reinforce the continuity of activities along the street.
3. To clearly define corner sites and contribute to the street address through design and facade features.
4. To ensure buildings positively relate to surrounding development and enhance the quality and character of streetscape.
5. To ensure buildings situated on corner allotments address the intersections which they front.
6. To provide building facades that are of high architectural value and of visual interest to contribute to the character of the street and public domain.

Controls

- a. Active street frontages are required along those property frontages identified in Figure 4.3.06. Active frontages should be achieved using one or a combination of the following uses at street level:
 - retail shop front;
 - entrance to a retail arcade;
 - frontage to open space;
 - glazed entry to a commercial or residential lobby;
 - cafe or restaurant;
 - outdoor dining areas; and
 - active office uses (including community uses).
- b. Active ground floor uses are to be at the same general level as the footpath and be accessible directly from the street.
- c. Building facades are to be designed to maximise activation, movement and lighting within the public domain.
- d. Developments on corner allotments should incorporate a significant architectural feature to address the corner such as a wrap around verandah, upper storey balcony, bay window, corner entry or roof feature.

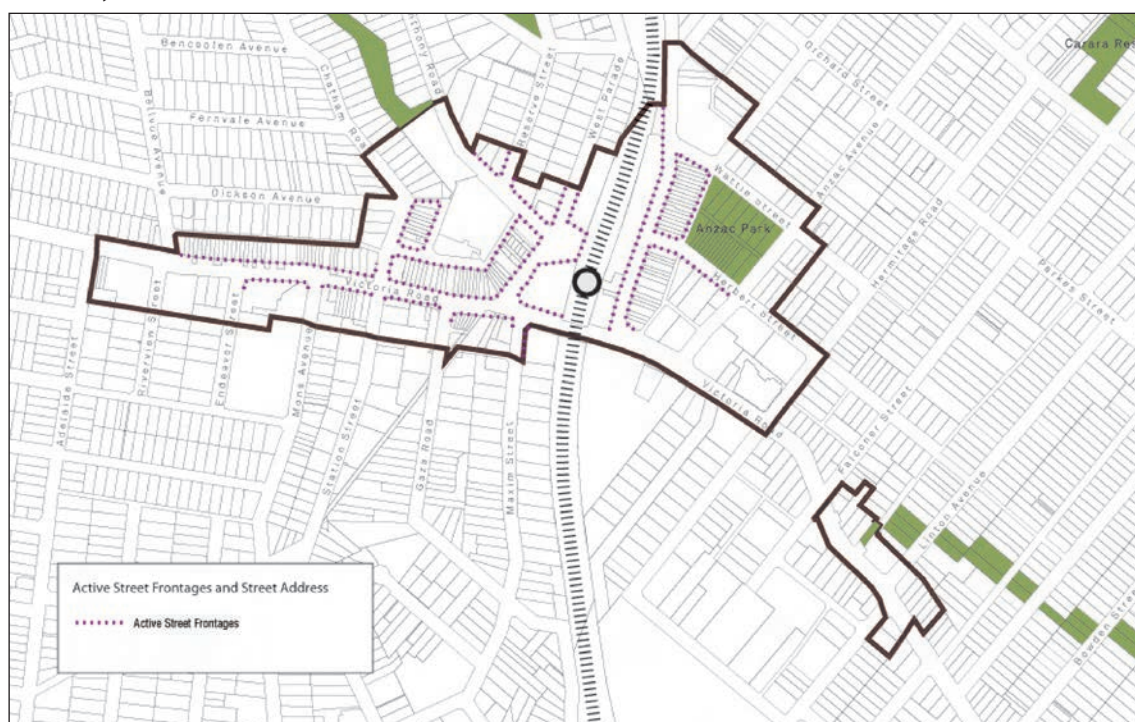


Figure 4.3.06 Active Street Frontages

3.1.7 Awnings

Awnings encourage pedestrian activity along streets as they provide shelter and shade, enhance amenity, protection, comfort and usability of footpaths. In addition, awnings provide streetscape continuity and reduce the perceived bulk of development.

Objectives

5. To provide awnings that shelter pedestrians along all public streets and retail areas.
6. To provide continuous awnings that define the street frontage and encourage pedestrian activity.
7. To enhance the quality of the streetscape through a consistent approach to awning design.

Controls

- a. Awnings should be provided along street frontages as shown in Figure 4.3.06 to contribute to active street frontages.
- b. New awnings are to be designed to:
 - i. be continuous for the entire length of the site frontage;
 - ii. be set back from the face of the kerb by 0.6m;
 - iii. be weather sealed to the face of the building to which they are attached and to the adjoining awning
 - iv. have a height clearance above the footpath level of at least 3m or a height consistent with adjacent awnings; and
 - v. maintain sufficient clearances from any overhead electricity or telecommunications installations.
- c. Awnings are to step in response to changes in street level, and may highlight building entrances. Otherwise awnings should be relatively level and should continue the alignment of other adjacent awnings.
- d. All awnings to provide under awning lighting to enhance public safety and to facilitate night use of the Town Centre.

3.1.8 Balconies

Balconies provide elementary architectural features that contribute to the form, character and style of buildings and streets. They provide articulation, visual interest as well as an important source of private open space.

Objectives

1. To provide private open spaces that also contribute to outlook and enliven the streetscape.
2. To ensure balconies are integrated into the design of buildings, function and respond to the local context and environment.
3. To provide opportunities for overlooking to streets and public open space.

Controls

- a. In mixed use and residential flat buildings involving more than 20 dwellings, at least one balcony or courtyard per apartment is to be provided off the living area.
- b. In larger development, balconies should provide different styles and designs to provide visual interest to the facade.

3.1.9 Visual Privacy and Acoustic Amenity

Visual design measures are designed to protect the privacy and amenity of occupants of residential apartments or serviced apartments. Acoustic privacy is a measure of sound insulation between residential apartments and between external and internal spaces. It is important in a mixed use environment to ensure that the noise levels between neighbouring properties is respected.

Note: Future development is to take into account the provisions outlined in SEPP 65 - Design Quality of Residential Flat and Development Near Rail Corridors and Busy Roads - Interim Guideline.

Objectives

1. To ensure adequate visual and acoustic privacy of residential development in the Town Centre and to associated private open space.
2. To ensure that the siting and design of residential buildings minimises noise transmission from abutting railway lines, major roads or other major noise-generating land uses.
3. To minimise the risk of noise and vibration impacts on noise sensitive developments located near the rail corridor and major arterial roads.
4. To encourage building design to provide for public safety and security, while maintaining the quality of the streetscape.
5. To reduce opportunities for crime through crime prevention and environmental design principles.
6. To reduce the impact of road and rail related noise on surrounding retail and residential developments.
7. To meet RailCorp and State Environmental Planning Policy (Infrastructure) 2007 requirements to maintain safety and operation of the rail network.

Controls

Visual Amenity

- h. Orientate the main living spaces within apartments to the street and/or communal open space (in designing the layouts this will need to be balanced against other criteria such as solar access).
- i. Proposed development should address the design principles outlined in the NSW Police Service's 'Crime Prevention through Environmental Design' (CPTED).
- j. Development design should incorporate the following techniques to increase public safety and security:
 - i. Provide active uses wherever possible at ground level;
 - ii. Avoid blank walls onto streets, or large building setbacks with no visual supervision;
 - iii. Maintain strong view corridors along streets, laneways and pedestrian linkages;
 - iv. Provide high levels of lighting in carparks;
 - v. Provide passive surveillance by locating entrances and living areas where surveillance is limited;
 - vi. Locate entrances and living areas to provide surveillance of the public domain;
 - vii. Provide well lit entrances and main walkways, with appropriate landscaping;
 - viii. Use physical barriers or other methods to deter people from entering unsafe spaces; and

ix. Design lighting to ensure it does not produce glare or dark shadows. This can be achieved by the following:

- Use diffused lights and/or movement sensitive lights.
- Direct these lights towards access/egress routes to illuminate potential offenders, rather than towards buildings or resident observation points.
- Lighting should have a wide beam of illumination, which reaches to the beam of the next light, or the perimeter of the site or area being traversed.
- As a guide areas should be lit to enable users to identify a face 15 metres away.
- Illuminate possible places for intruders to hide.

Acoustic Amenity

- k. Where residential development is proposed in proximity to a major road, railway lines or major noise generating activity, appropriate materials with acoustic properties should be incorporated in the design of the dwellings.
- l. Council may require a noise and vibration assessment to be undertaken for development applications for noise generating developments or for residential developments on sites adjacent to noise generating sources such as rail corridors.
- m. Development must comply with noise and sound insulation requirements under BCA & AS3671-1987: Acoustics - Recommended Design Sound Levels and Reverberation Times for Building Interiors. Design features may be used to achieve primary acoustic privacy.

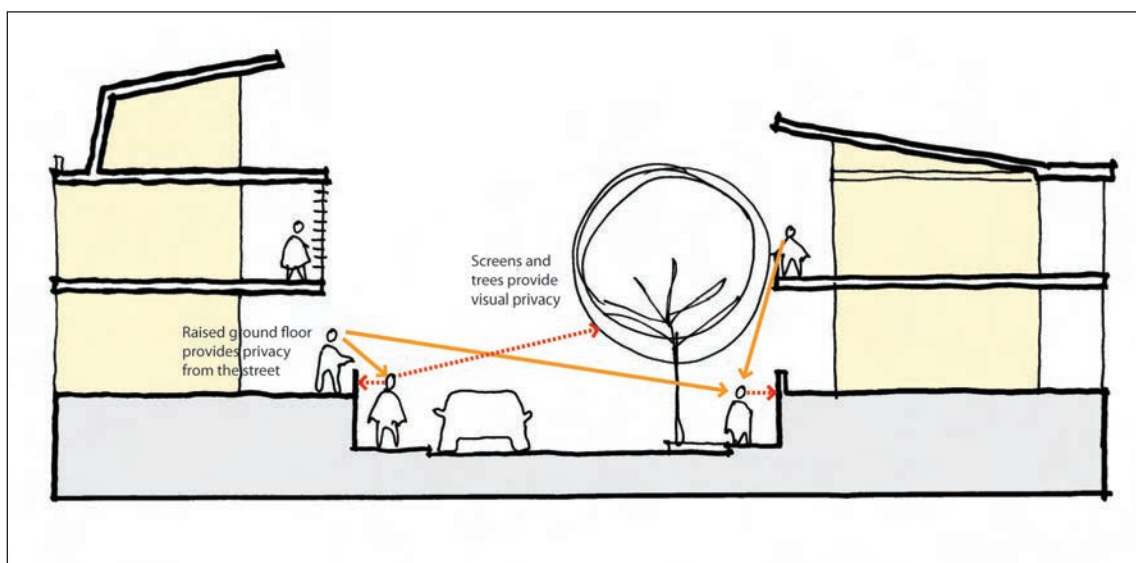


Figure 4.3.07 Casual Surveillance and Privacy Design Principles

3.1.10 Housing Choice and Mix

A choice of apartment types and mix of sizes in the town centre caters for a variety of household types. A range of dwelling sizes and types create a housing mix that will cater for a diverse population, as well as provide for changing use over time.

Objectives

1. To ensure that residential development provides a mix of dwelling types and sizes to cater for a range of household types, including families
2. To ensure that dwelling layout meets the needs of the occupants and is sufficiently flexible to allow for changing needs and activities over time.

3. To ensure the provision of housing that will, in its adaptable features, meet the access and mobility needs of any occupant.
4. To encourage a range of new housing with good access to the city centre..
5. To ensure Residential Flat Buildings respond to the Residential Flat Design Code and SEPP 65.

Controls

- a. Developments comprising residential uses must provide a variety of residential units mix, sizes and layouts within each residential development.
- b. The total number of studio units and one-bedroom apartments/dwellings within any development must not exceed 25% of the total number of apartments/ dwellings.

The Residential Flat Design Code provides examples of appropriate unit sizes which will be used to assess the appropriateness of unit size proposed in any development.

3.2 Traffic, Access and Pedestrian Amenity

This section outlines controls for access and pedestrian amenity for new development.

3.2.1 Vehicular Access

The location, type and design of vehicle access points to a development can have significant impacts on streetscape, site layout, building facade design and pedestrian activity.

The design and location of vehicle access to development should minimise conflicts between pedestrians and vehicles on footpaths, and reduce visual intrusion and disruption of streetscape continuity.

Objectives

1. To ensure safe and efficient access to properties and limited impact on existing traffic movement.
2. To minimise the impact of vehicle access points and driveway crossovers on streetscape amenity, pedestrian safety and the quality of the public domain.
3. To reduce impact on traffic flow and movement along the major transport corridor of Victoria Road.
4. To minimise conflict between vehicles and pedestrians within the town centre.

Controls

- a. Vehicle access is to be designed to:
 - i. Minimise the impact on the street, site layout and the building facade; and
 - ii. Be integrated into the building design, if located off a primary street frontage.
- b. Vehicle access to properties should be provided from lower order roads or rear lanes where possible.
- c. New property access to Victoria Road will be permitted only where it is determined that access from a lower order road or laneway is not possible or would result in a detrimental impact to the surrounding traffic network. Access point must be RTA compliant.

- d. Vehicle access points are to be minimised as much as possible, particularly within mixed use developments and residential flat buildings. Where practicable, buildings should share, amalgamate, or provide a rear lane for vehicle access points.
- e. For large scale development, all vehicles must be able to enter and leave the site in a forward direction without the need for complicated turns.
- f. Vehicle access points should inflict the least amount of impact on pedestrian movement, especially movement corridors surrounding the railway station.

3.2.2 Pedestrian Access

Pedestrian links throughout the town centre will enhance the public domain and legibility of the centre. Direct through-site links will improve access between transport nodes, retail areas and civic uses. The improvements in the public domain network and ease of access to key features will improve the town centre's desirability.

Within the West Ryde Town Centre Core and Ryedale Road Precinct, the following hierarchy of pedestrian circulation should be established:

- i. Pedestrian Town Centre
- ii. Pedestrian Priority Area
- iii. Key Intersection
- iv. Major Vehicular Intersection

Objectives

- 7. To improve pedestrian comfort in the town centre.
- 8. To create a safe environment for pedestrians in the town centre,
- 9. To create attractive, convenient and safe pedestrian linkages that allow easy movement throughout the West Ryde Town Centre.

Controls

- a. Pedestrian links are to be provided in accordance with the Pedestrian Circulation Framework (refer Figure 4.3.08) and the City of Ryde Public Domain Technical Manual.
- b. Where circulation is provided through a site or within a building serving to connect two points, the thoroughfare should function as a shortcut, be continuous and level with public pedestrian areas and incorporate an active edge of retail or commercial uses.
- c. Through-site links can be provided by plazas, arcades, colonnades or tree lined passages or a combination of these.

Note: Consideration will be given to the provision of pedestrian links additional to those outlined in the Pedestrian Circulation Framework, where development has frontages to two streets or provide an opportunity to extend the existing network.

- d. All pedestrian access areas and footpaths adjacent to new development will be required to be reconstructed using paving treatment in accordance with Council's requirements. The design, finish and element of any new through site links and access ways to be in accordance with Council's Public Domain Technical Manual.
- e. Council encourages the provision of through-site pedestrian links throughout the Town Centre Core.

- f. Buildings should be designed to limit overshadowing of major pedestrian spaces such as the proposed village square/civic space and the southern portion of Graf Avenue, Ryedale Road and areas fronting Anzac Park.
- g. Internal pedestrian links should, where practical and feasible, make provision for natural light.
- h. Distinctive paving treatment, bollards and other street furniture should be created in the retail core where pedestrians and vehicles mix. The following streets should be considered for such treatment:
 - Graf Avenue
 - Market Street
 - Anthony Lane
 - Ryedale Road
 - Anzac Lane

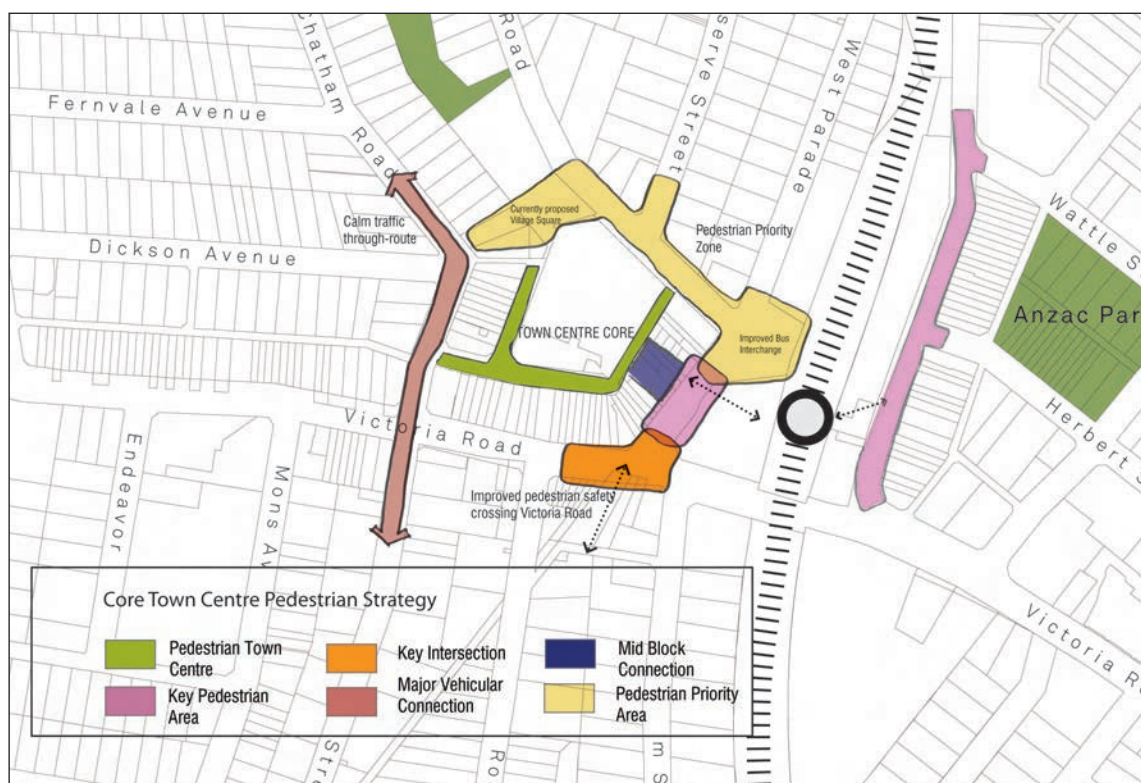


Figure 4.3.08 Core Town Centre Pedestrian Circulation Framework

3.2.3 Bicycle Facilities

In recognition of a more sustainable place and the creation of extended pedestrian and bicycle networks, the following objectives and controls seek to better accommodate bicycle facilities.

Objectives

1. To encourage the use of bicycles for trips that might otherwise involve the private motor vehicle.
2. To ensure the facilities required to support bicycle users are provided.
3. To ensure that appropriate facilities are available to permit safe and convenient storage of bicycles.

Controls

- a. Bicycle storage racks are to be provided to accommodate a minimum of:
 - 1 bicycle space for every 200 square metres of office floor space
 - 1 bicycle space per 300 square metres of retail
 - 1 bicycle space for every 3 residential units.
- b. Bicycle racks must be easily accessible from the public domain, and within areas that are well lit with adequate levels of natural surveillance.
- c. The bicycle parking area must be capable of being made secure to protect the security of cyclists and their belongings. Communal showers, changing facilities and lockers for storing cycle attire and equipment may be required.
- d. Notwithstanding (b) and (c) above, bicycle storage facilities for residential uses can be provided within private garage area, where it is demonstrated that:
 - there is sufficient storage within the garage for a bicycle and the required number of vehicles; and
 - there is a safe path for cyclists to leave the garage area.
- e. Bicycle facilities are to be in keeping with the City of Ryde Public Domain Technical Manual.

3.3 Environmental Controls

This section outlines the environmental controls that are to be met by all new developments.

3.3.1 Solar Access

Solar access is a major contributor to environmental comfort and amenity in homes, retail and commercial office space and the public domain. Good passive solar design solutions offer a resource and financial benefit by reducing the need for artificial lighting, heating and cooling.

Objectives

1. To encourage the use of renewable energy sources in the centre.
2. To maximise the amount of natural light in pedestrian areas, public open spaces and residential dwellings during the winter months.
3. To maximise the use of natural light to reduce energy consumption.
4. To minimise the need for artificial lighting during daylight hours.

Controls

- a. All developments must provide shadow diagrams that accurately describe the overshadowing impact to adjacent buildings and public domain areas.
- b. Demonstrate access to sunlight is to be substantially maintained so that existing private and public open spaces, footpaths and existing windows to habitable rooms in adjoining buildings receive at least 3 hours of sunlight between 9am and 3pm on 21 June (winter solstice).
- c. Major public open spaces are to be designed to receive a minimum of 50% sunlight on the ground plane for at least 2 hours between 10am and 2pm on 21 June.

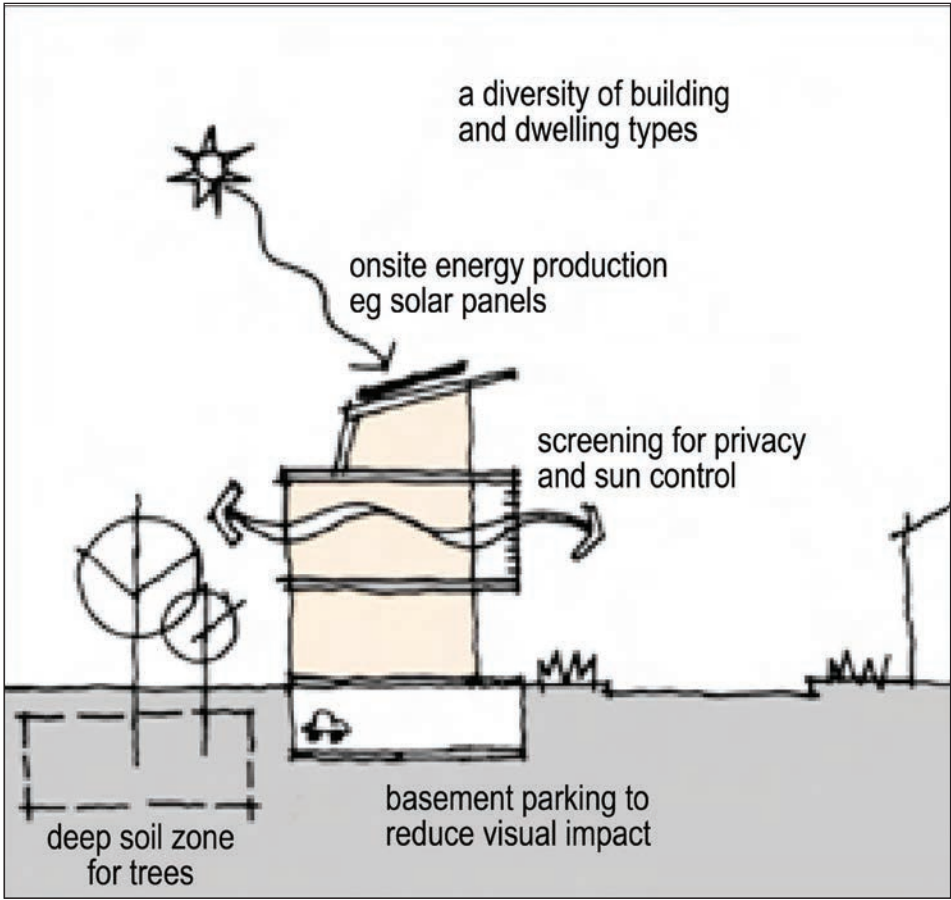


Figure 4.3.09 Site Design Principles for New Development

3.3.2 Natural Ventilation

Natural Ventilation contributes to environmental amenity and comfort, as well as reducing the need for artificial heating and cooling. Incorporating opportunities for natural ventilation in new development is important in ensuring adequate thermal comfort and reducing demand for mechanical heating and cooling.

Objectives

- 1. To reduce the use of mechanical means of heating and cooling to minimise energy consumption.
- 2. To Ensure natural ventilation is available to all habitable rooms of a dwelling.
- 3. To allow the opportunity for mixed modes of ventilation in commercial buildings.

Controls

- a. In locations where wide footpaths already exist, or are proposed, ensure ground floor shops can satisfy natural ventilation requirements for operating a restaurant.
- b. Design of commercial developments must incorporate mixed modes of ventilation.

3.3.3 Stormwater Management

Objectives

1. To appropriately manage stormwater and runoff from sites.
2. To minimise the likelihood for flooding and the potential effects of flood events.
3. To ensure any future development does not exacerbate flooding on other properties or increase stormwater run-off.
4. To ensure public open space operates efficiently and without disruption during high levels of rainfall and the potential impacts of flood events.
5. To encourage development with high sensitivity to flood damages or danger to life to be sited and designed so that it is subject to minimal flood hazard, and the unnecessary impediment of stormwater.
6. To ensure that the design and siting controls, and built form outcomes required to address the flood hazard do not result in unreasonable impacts on the:
 - amenity and character of an area;
 - streetscape and the relationship of the building to the street;
 - social and economic outcomes; and the
 - environment and ecology
7. To minimise the amount of run-off generated by new development and inconvenience to other properties.
8. To retain stormwater on site, where possible, and minimise downstream runoff from industrial sites.
9. To ensure future built form is water efficient, reducing water usage and incorporating water recycling in day to day operations.
10. To encourage Water Sensitive Urban Design (WSUD) principles to be incorporated into the design of stormwater drainage and in the orientation of development.

Controls

- a. All stormwater drainage is to be designed in accordance with Part 8.2 Stormwater Management of the City of Ryde DCP 2011.
- b. A Stormwater Management Plan is required to be submitted with all development applications.
- c. Access to underground parking is to be designed with consideration to flood levels and impact on the street frontage.
- d. All new development should meet best practice targets for stormwater management set out in Managing Urban Stormwater (The Blue Book) by Landcom.
- e. Runoff which enters a property from upstream properties must not be obstructed or impeded from flowing onto the site and must not be redirected so as to increase the quantity or concentration of surface runoff entering adjoining properties.
- f. Where appropriate enable the installation of grey water collection treatment on site, so that waste water can be re-used for non-potable purposes, such as toilet flushing and irrigation of gardens and landscape.

3.4 Public Domain

The public domain is the public space in West Ryde Town Centre, the public face and setting for buildings and structures. It is the parts of the town centre not privately owned. The goal of public domain design is to create an integrated space that is legible, comfortable, safe and engaging; which encourages pedestrian use and increases the amount and quality of public leisure spaces.

3.4.1 Street Furniture, Paving & Street Lighting

Street furniture includes lighting, seats, bus shelters, benches, litter bins, telephone booths, drinking fountains, street signs, etc. and are to be used to establish an identity for West Ryde and define roads, paths and gateways.

Street lighting is essential in promoting a safe public domain, in order to clearly define entry points to buildings and public spaces, and to promote activity at night.

Objectives

1. To create visual unity in the design and appearance of public spaces in the centre.
2. To provide comfort and convenience for pedestrians in the centre.
3. To ensure clear separation between roadway and parking areas for legibility and safety on streets with a continuous flow of traffic, particularly for vision impaired people.
4. To provide consistent paving in order to unify the town centre.
5. To promote a well-lit, safe and vibrant public domain at all times.

Controls

- a. Developments which entail the provision of new public spaces (i.e. streets, footpaths, walk ways and the like) will need to incorporate new street furniture and paving in some cases underground power lines and new light poles in the public space.
- b. Street furniture, paving, underground power lines, and lighting should be designed and installed in accordance with the City of Ryde Public Domain Technical Manual.
- c. Provide a pavement surface which is consistently graded both along and across the pedestrian route.
- d. Use tactile indicators in paving with discretion, considering the needs for all pedestrians.
- e. Council encourage lighting, located approximately 2 to 2.5 metres apart, above ground level located on building walls, awnings or other appropriate structures to minimise shadow from built form and structures.
- f. The multifunction pole lighting system is to be used in the West Ryde Town Centre in accordance with council requirements. The multifunction pole will incorporate lighting, street signage and banners into one element.

3.4.2 Street Tree Planting and Landscaping

Street trees can improve legibility in the urban environment by reinforcing the hierarchy of streets and enhancing sense of place. Placement of trees affects light and shadow, colour and views, which contributes to the quality of pedestrian experience. Trees also contribute to environmental quality in many ways.

Objectives

1. To create attractive public spaces and walkways.
2. To soften the appearance of buildings and improve the visual quality of the retail core.

Controls

- a. All development proposals are to be accompanied by a landscape plan prepared by a qualified and suitably experienced landscape architect.
- b. Where appropriate, developments should incorporate landscaping in the form of planter boxes on the upper levels of buildings to soften the building form (i.e. roof gardens, planting on structures).
- c. Ground level entry areas to upper level dwellings shall be well lit and not obstructed by planting in a way that reduces the actual or perceived personal safety and security of building occupants or pedestrians.
- d. Street trees shall be provided in accordance with the City of Ryde Public Domain Technical Manual and shall be provided at the developers' cost in conjunction with any new building work involving additional floor space.
- e. Street tree species must be selected for their hardiness under adverse and polluted conditions, to provide screening to pedestrians and residents from traffic, and to improve the visual quality of the area.
- f. Street trees at the time of planting shall have a minimum container size of 200 litres, and a minimum height of 3.5m, subject to species availability.

3.4.3 Public Art

Public art in the urban environment can provide an essential reference point to a place's civic image and positioning. It can make urban spaces attractive and welcoming, promote local identity, link private and public domains, increase pedestrian activity and connectivity, evoke business confidence and attract investment. Good public art can be a destination in itself.

The strong heritage associated with West Ryde provides a spectrum of ideas that can be explored and expressed through public art. Artworks can be used to create emblems or symbols that depict and promote the identity of West Ryde, to distinguish particular developments, enable new businesses to develop signatures, identify entry points and generally stimulate the interaction of ideas that are central to the vision of the area.

Public art, while permanent in its appearance and structure, is also an installation which may change overtime.

Strategy

The following principles should support the development of public art in West Ryde:

- Public art reflects local character and cultural identity, creating distinctive urban environments and a sense of place;
- Public art can strengthen and connect neighbourhoods by engaging communities in creative processes;
- Public art is original, creative and innovative in its design and use of form, technique and materials, and at the forefront of new ideas and sustainable practice;
- Public art is inclusive, non-partisan and secular in its subject matter;
- Public art shall be funded, commissioned and attended in a way that encourages artistic excellence and upholds the design intent of the artworks;
- Public art shall comply with all measures and standards in regard to health and safety, maintenance, longevity and durability.

Objectives

1. To include site-specific integrated public artworks in new developments in West Ryde
2. To develop iconic points of reference or focal points that promote identity and add to the enjoyment and experience of West Ryde.
3. To contribute positively to site and surrounds, and respond to the natural and built environment.

Controls

- a. Public art is to be in keeping with the City of Ryde Public Domain Technical Manual and the City of Ryde Public Art Policy.
- b. Public art must be included in all new mixed use development with an estimated construction value of more than \$20 Million.
- c. A site specific Arts Plan is to be submitted together with a development application.
- d. Requirements for the provision of public art and the format of an Arts Plan are to be confirmed with Council prior to lodging a Development Application.

4.0 PRECINCT DEVELOPMENT CONTROLS

The area of the West Ryde Town Centre and adjoining areas have been divided into a number of precincts which reflect the differing urban character of West Ryde. These urban precincts include:

1. Victoria Road West
2. Retail Core
3. Ryedale Road
4. Anzac Park
5. Victoria Road Mixed Use
6. Victoria Road Enterprise Corridor

Each of these precincts reflect different urban character and functions, varied natural and physical settings and serve different purposes. As such, it necessary to provide specific details for each precinct to supplement the general controls specified in Section 3.0



Figure 4.3.10 DCP Precinct Boundaries

4.1 Victoria Road West

4.1.1 Character Statement

The Victoria Road West Precinct will be a vibrant, lively area, providing the primary traffic and transit corridor to West Ryde, and serving as a prominent feature of the Town Centre. The precinct will continue to provide a diverse range of retail and business uses for the community. New development will draw on the existing pedestrian environment. Built form is to follow and reinforce the established street alignment of the Victoria Road West Precinct. Opportunities for larger format retail and commercial premises are located on the southern side of Victoria Road due to the availability of larger sites. The existing small retail shops on the northern side of Victoria Road provide opportunities for small start up businesses.

Active street frontages along Victoria Road West must be retained with any new development, promoting a safe and active environment. Retention of the existing character for the retail sector of Victoria Road West should be prioritised by allowing for small to medium retail units with narrow frontages presenting to the street at ground level. Revitalisation of the precinct is encouraged through the enhancement of the public domain.

Future development will assist in establishing Victoria Road West as a 'landscaped route', defined by new activity and built form.



Figure 4.3.11 Victoria Road West Precinct Boundary

Objectives

1. To enhance the role of Victoria Road West as a commercial/retail corridor of West Ryde Town Centre.
2. To create opportunities for new mixed use developments on the northern side of Victoria Road.
3. To support the activities of the primary West Ryde commercial/retail core adjoining.
4. To encourage maximum development potential through the consolidation of allotments.
5. To ensure future development reflects the surrounding residential development.
6. To ensure the built form of Victoria Road West caters for small and medium scale business opportunities, providing opportunities for small and start up businesses.

Controls

- a. All future development should recognise and address the residential/commercial interface, with a clear transition between high density and lower scale residential density development.

4.2 Retail Core

4.2.1 Character Statement

The Retail Core is the primary retail centre for West Ryde. This precinct provides an important retail and commercial centre for the surrounding West Ryde locality and adjoining residential areas.

The Retail core is encouraged as a main shopping centre as up to approximately 14,000m² gross leasable floor area focuses on the provision of food items, basic goods and community services in a central location.

Future development in the retail core is encouraged to include a mix of ground level commercial and retail, combined with residential units above. This typology provides an enhanced pedestrian environment and helps to enliven and activate the street environment.

The Retail Core Precinct will provide the focus for high intensity and large footprint mixed use development with a diversity of retail, commercial, residential and civic services with a focus for large scale employment uses.

The edge of the Retail Core Precinct performs a transitional role, with new development to be suitably designed to maintain the amenity of adjoining residential land uses.

New development is to be designed and oriented to maximise and improve visual and physical connections across the Precinct and to ensure community focal points in the private domain interact with the surrounding network of civic spaces and linkages.

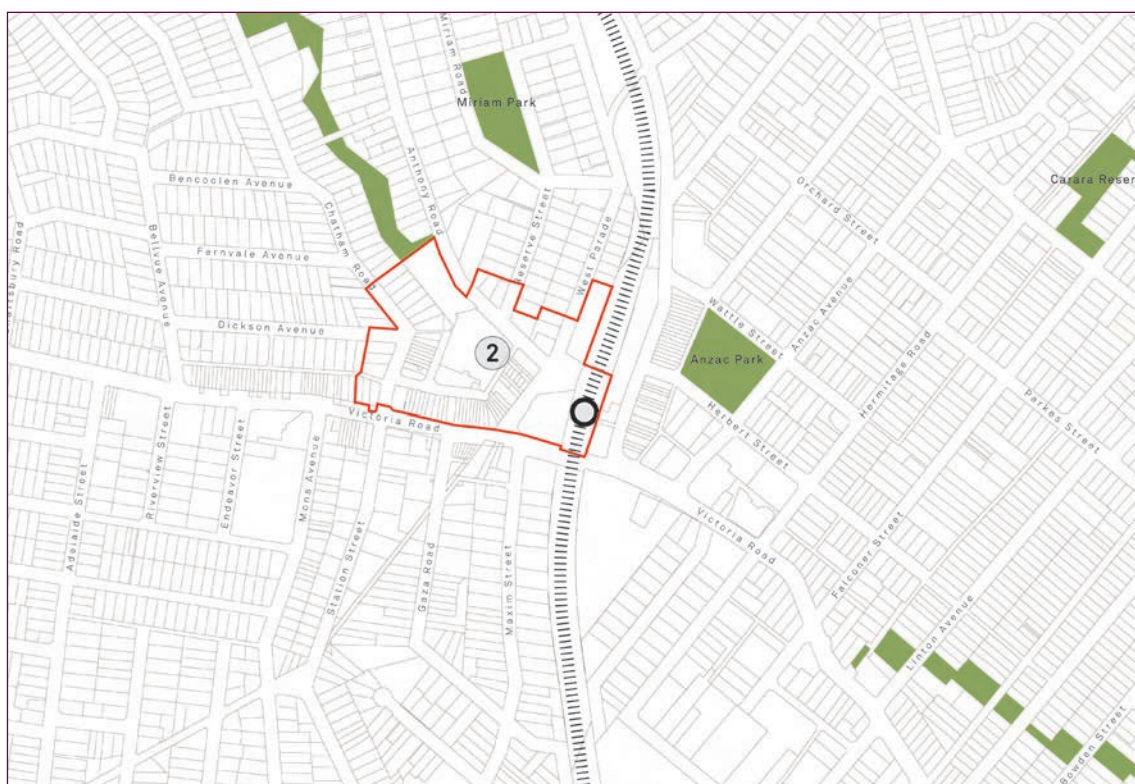


Figure 4.3.12 Retail Core Precinct Boundary

4.2.2 Urban Design

Objectives

1. To encourage mixed use development within the Town Centre where appropriate.
2. To encourage a safe and secure pedestrian-oriented environment.
3. To provide opportunities for a range of commercial/retail uses at ground level.
4. To establish a retail core which services, and is compatible with the surrounding residential areas.
5. To provide the primary commercial and retail centre of West Ryde.
6. To increase diversity in housing opportunities within the West Ryde Town Centre through new mixed use developments.
7. To maintain a diversity of access opportunities and formalise the functions and use of thoroughfares.
8. To maintain and enhance the linkages between the retail core and railway station.

Controls

- a. All development should provide flexible building layouts which facilitate variable tenancies or uses on the first floor of a building above the ground floor.
- b. New development should include retail activities at ground level to maximise activity at street level.
- c. Built form of new development must follow and reinforce the established street alignment to provide a continuous building line for the town centre.

- d. Laneways and arcades must be enhanced and maintained in order to provide clear and accessible pedestrian environment.
- e. Development within the retail core is to ensure a transition to surrounding low density residential areas is maintained.

4.2.3 Public Domain

Objectives

- 1. To build on the character of the retail core and the amenity of the public domain.
- 2. To promote pedestrian activity and safety in the public domain.
- 3. To provide visual interest and richness in architectural detail.
- 4. To encourage an address to the street outside of areas where active or street frontages are required.

Controls

- a. Public areas should have direct access, without unnecessary barriers, through the enhancement of accessibility corridors, including laneways and arcades.
- b. Provide active ground floor uses through mixed use development and by designing articulate ground floor entrances to buildings.
- c. Building facades are to be of high architectural value and of visual interest to contribute to the character of the street and public domain.
- d. Buildings are to be articulated and are not to present long unrelieved structures that dominate the landscape. All street frontages are to be activated by light, activity, glazing, building articulation or materials to create visual interest.

4.2.4 Public Car Parking

Objectives

- 1. To provide a reasonable amount of convenient car parking for general public use in the retail core.

Controls

- a. New car parking within the Retail Core Precinct Centre should be provided in a basement. Where this cannot be achieved, parking areas should be provided at ground level and be adequately enclosed and screened from street frontages.
- b. Car Parking associated with residential and retail and commercial land uses should be separated.



Images 1 (a), (b) & (c) Precedent Images

4.3 Ryedale Road

4.3.1 Character Statement

The Ryedale Road precinct is envisaged to be a future mixed use precinct benefiting from a variety of residential, commercial and retail development, and its close proximity to the rail corridor, the retail core of West Ryde, and Anzac Park.

Development on the east side of the railway will consist of a mix of ground level commercial and retail combined with residential units above. Increased heights are permitted in this precinct to capitalise on the proximity to rail. The open space of Anzac Park will balance the scale of the development, and makes the location an appropriate precinct for this type of built form.

The West Ryde Railway Station will activate surrounding businesses and create opportunities for new linkages, connecting Ryedale Road Precinct with the Retail Core. Active uses are to be promoted at the ground and lower levels of development to promote vibrancy and passive and active surveillance of the public domain.

New development adjacent to Anzac Park should enhance the interface with this open space location, ensuring opportunity for views to Anzac Park from the surrounding area, whilst minimising any adverse impacts on the open space. The precinct will also need to recognise the interface between the higher density residential development and the adjacent retail development.

Much of the Ryedale Road Precinct is a Heritage Conservation Area. Future development will also ensure an enhanced recognition and interpretation of the Heritage Conservation Area, as any future development should recognise the significance of the area and incorporate it into the design.

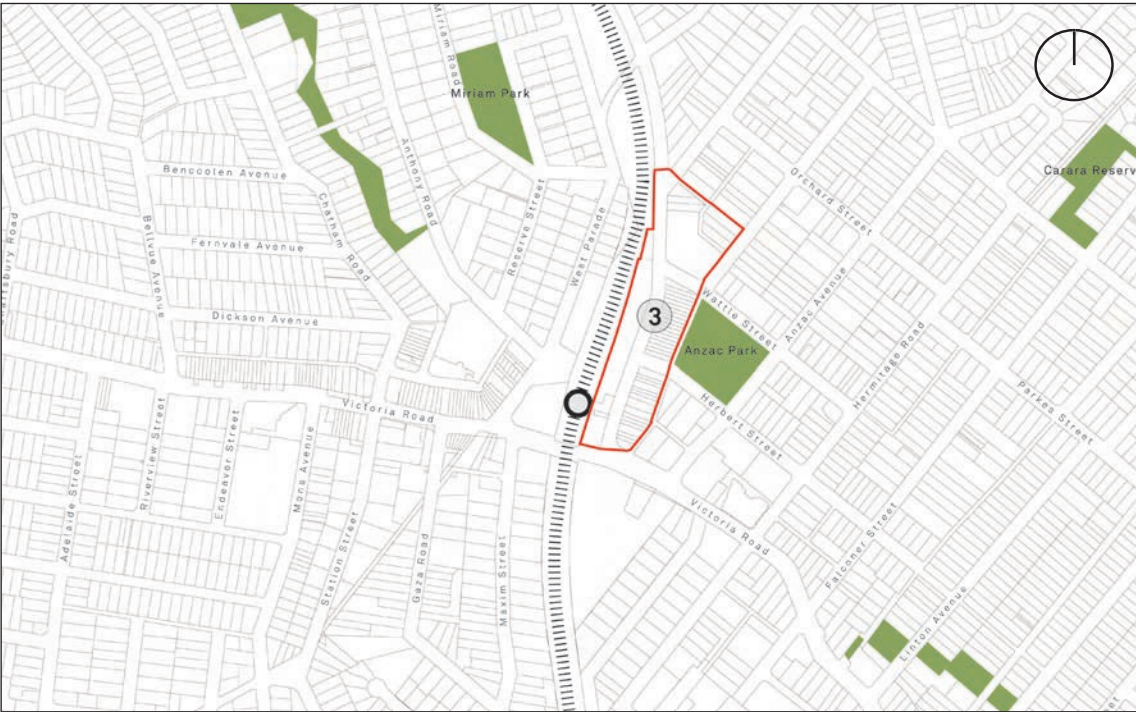


Figure 4.3.13 Ryedale Road Precinct Boundary

Objectives

1. To maintain and preserve the Ryedale Road heritage conservation area.
2. To ensure future development is sympathetic to the existing character of the precinct.
3. To enhance redevelopment opportunities for sites within the Ryedale Road precinct to achieve the maximum building envelope;
4. To recognise the historic fine grain pattern at street level.
5. To establish a neighbourhood level mixed use commercial and retail precinct which capitalises on accessibility to the retail core and West Ryde railway station.
6. To incorporate active uses at ground level, including cafes and restaurants, with residential dwellings positioned above.
7. To improve the accessibility and interface of the West Ryde Railway Station.
8. To help foster a distinctive community identity that reflects the history and enhances the heritage qualities of the local area.
9. To respond to the physical, cultural and urban heritage of the site.
10. To facilitate the provision of a diversity of residential, retail, and commercial uses and to ensure there are equitable.

Controls

- a. A Heritage Impact Statement is to be prepared as part of the redevelopment for a heritage item or site in the Ryedale Precinct heritage conservation area.
- b. Development along the residential interface boundary is to be sympathetic in scale and activity to the surrounding residential land uses, protecting the residential amenity.
- c. Future development adjoining the train station should incorporate improved pedestrian accessibility, in order to provide a connection between Ryedale Road and the retail core.
- d. Development is to maintain the character and heritage significance of the heritage conservation area and ensure the infill development is designed to respond positively to the heritage character of the area.
- e. Where lot consolidation is proposed, applicants are to provide building envelopes that demonstrate the new development would not significantly impact upon the amenity, streetscape and desired future character precinct, including:
 - adjoining sites are not isolated and retain access;
 - the objectives and principles of this section can be achieved;
 - adequate on site parking can be achieved to meet the parking demands of the development;
 - the design and function of the development above podium level will achieve a high level of amenity to both its future occupants and to adjoining properties.



Images 2 (a), (b) & (c) Precedent Images

4.4 Anzac Park

4.4.1 Character Statement

The Anzac Park Precinct comprises a residential precinct surrounding the large open space area known as Anzac Park. Anzac Park is an important open space within the West Ryde Town Centre.

The precinct is encouraged for residential development with potential opportunities for ground floor mixed use and live/work adaptability, where the land is zoned for mixed use.

Future development should integrate with the important open space setting created by Anzac Park. New development should provide an attractive streetscape surrounding the park and provide opportunities to overlook the park.

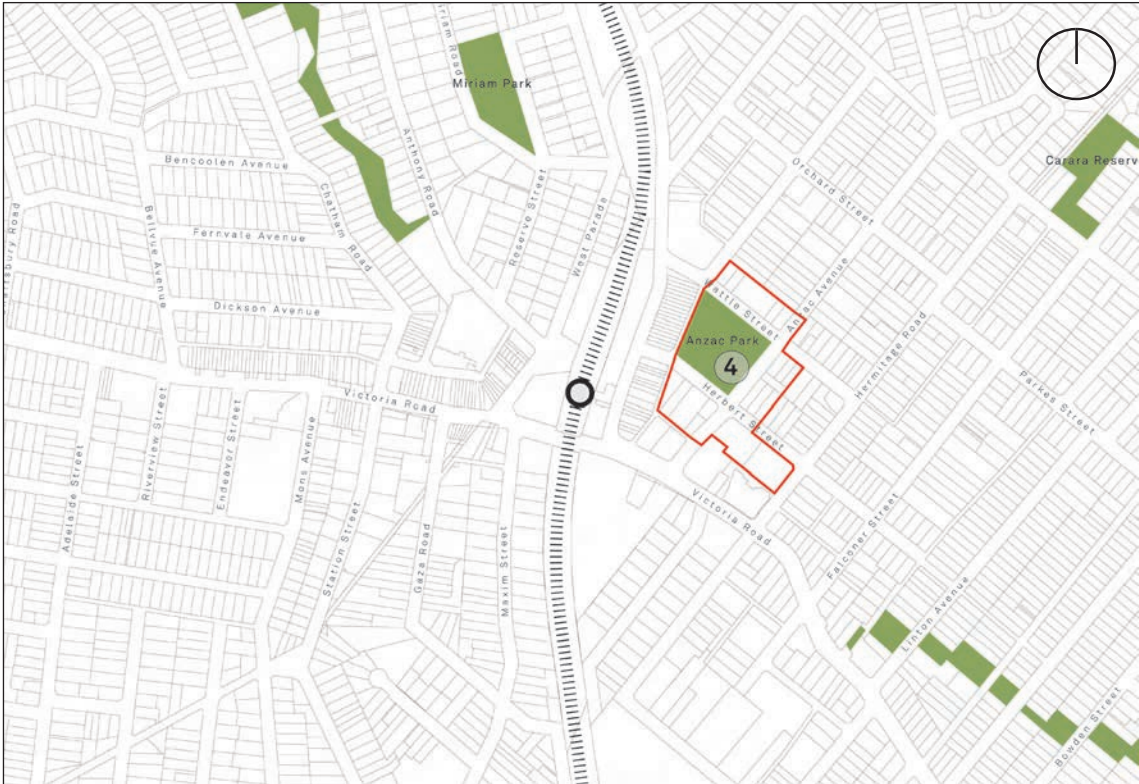


Figure 4.3.14 - Anzac Park Precinct Boundary

Objectives

1. To encourage increased residential density around Anzac Park.
2. To reinforce the role and setting of Anzac Park as an important open space and passive recreation space within West Ryde.
3. To recognise the heritage values of the adjacent Ryedale Road Precinct.
4. To provide opportunities to increase pedestrian linkages with the retail core and Ryedale Road Precinct.
5. To provide a consistent built form edge that addresses Anzac Park.

Controls

- a. New buildings are to be designed to activate facades which interface with Anzac Park to promote casual surveillance and interaction (eg. design to include upper level balconies and low front walls).
- b. The bulk and scale of new development is to complement the surrounding residential location.
- c. New buildings within the Anzac Park Precinct which adjoin established residential areas are to provide a transition to these existing areas to maintain the amenity of adjoining residential land uses.



Images 3 (a), (b) & (c) Precedent Images

4.5 Victoria Road Mixed Use

4.5.1 Character Statement

Land to east of the Town Centre comprises a variety of uses along the Victoria Road corridor. The Victoria Road Mixed Use precinct includes several larger allotments on the northern side of Victoria Road providing commercial, retail and residential uses.

Sites within the precinct have been redeveloped recently, adopting a character of mixed use development, comprising of a variety of retail, commercial and residential land uses. This precinct provides a transition to higher density mixed use development to the west and low density residential land to the east, providing an important interface with Victoria Road.

Active ground level uses such as retail activities are encouraged along Victoria Road.

The precinct is slightly elevated above Victoria Road and presents as a prominent location when viewed from the eastern approach to the town centre. New development will assist in establishing a distinctive gateway to the West Ryde Town Centre.



Figure 4.3.15 - Victoria Road Mixed Use Precinct Boundary

Objectives

1. To provide a transition from the high density commercial mixed use precinct of the town centre.
2. To assist in establishing a prominent visual gateway to the West Ryde town centre.
3. To provide opportunities for a variety of commercial, retail and residential activities within mixed use developments.
4. To recognise and respond to the elevated location of the precinct along Victoria Road through creation of a visually attractive setting.
5. To respond to the existing built form of adjacent heritage properties.

Controls

- a. New development should provide a primary interface to Victoria Road.
- b. The intention is to develop a mix of uses. This will be achieved by the following measures:
 - i. the precinct will encourage retail uses at ground level fronting onto Victoria Road and existing and proposed land uses.
 - ii. generally commercial uses will be provided on the second levels.
 - iii. residential uses should be positioned on and above the third level.
- c. Balconies and other facade elements should be provided to the upper levels of buildings which front Victoria Road to increase visual interest to the street.

4.6 Victoria Road Enterprise Corridor

4.6.1 Character Statement

Land along Victoria Road, west of the rail line, provides an important gateway to the West Ryde Town Centre and supports predominantly commercial and residential activities. The precinct is opposite the West Ryde Industrial Area, an important employment and economic precinct for the West Ryde Area.

The land zoned as B6 Enterprise Zone along Victoria Road serves as an important commercial precinct which supports the industrial zone and protects the primacy of core commercial activities within the Town Centre. New development in this precinct will assist in strengthening the visual quality of the Victoria Road Enterprise Corridor.

Development in this precinct will comprise larger footprint commercial activities which are not appropriate for core Town Centre locations and which supplement the activities of the industrial zone. New development should exhibit high quality design which responds to the Victoria Road frontage, provides an important interface with low density residential and improves the visual quality of the corridor.

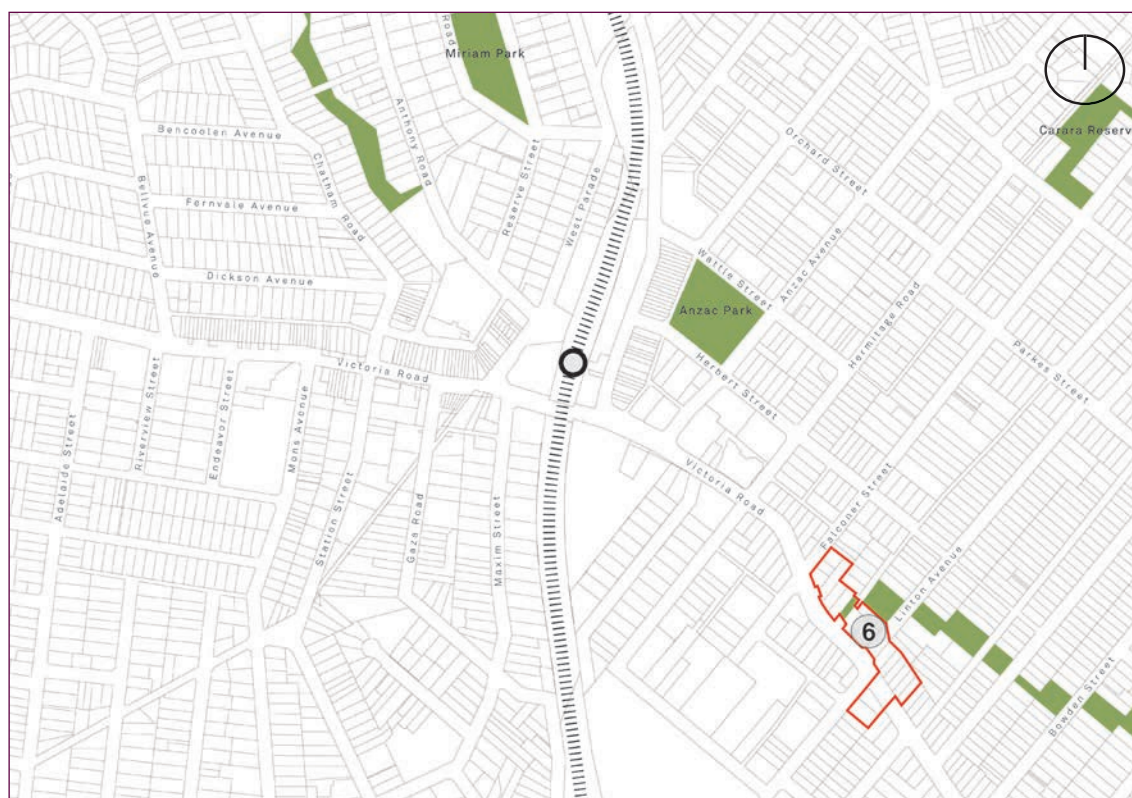


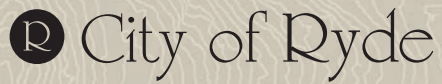
Figure 4.3.16 Victoria Road Enterprise Corridor Precinct Boundary

Objectives

1. To establish a transport corridor related business corridor along Victoria Road adjacent to industrial land uses.
2. To protect the primacy of core commercial and retail activities within the West Ryde Town Centre
3. To encourage establishment of activities which will support the industrial activities to the south west.
4. To encourage a built form and design which is of a high quality and defines the Victoria Road corridor.
5. To assist in defining the eastern gateway to West Ryde.
6. To support and supplement the light industrial activities of West Ryde
7. To ensure that any future extension of the existing use of the land is compatible with adjacent development.

Controls

- a. New development should address Victoria Road and provide use of glazing and contrasting material to provide visual interest to the street. Development should not provide blank walls to the street.
- b. All future development should recognise the presence of the industrial precinct.
- c. Buildings and public domain will delineate entry to the Town Centre though innovative design.
- d. New buildings within the Victoria Road Enterprise Corridor Precinct are to provide a transition to adjoining low density residential areas to maintain the amenity of those adjoining residential land uses.



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Part: 5.4 Blenheim Road Small Centre

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1.0 PRELIMINARY

1.1 Introduction

This Part will facilitate the revitalisation of the Small Centre at Blenheim Road, North Ryde.

This Part should be read in conjunction with other City of Ryde Planning Policies and Development Standards as covered in Section 1.5.

1.2 Purpose of this Part

This Part provides principles for the public domain and development controls for sites within the Small Centre.

1.3 Objectives of this Part

Objectives of this part are :

- 1. To reinforce Blenheim Road as a retail, employment and residential location**
 - a. Develop a mixed-use small centre with a range of housing and employment opportunities.
 - b. Create sustainable employment opportunities that are compatible with shopping and living environments.
 - c. Create residential development that contributes to street life with increased activity at the weekends and in the evenings.
- 2. To enhance the qualities of the Blenheim Road**
 - a. Develop quality, sustainable buildings and public domain spaces and improve the existing public domain.
 - b. Enhance and increase the physical and visual prominence of the Mixed Use centre.
- 3. To create an attractive, safe, convenient and well-used pedestrian environment and public domain**
 - a. Create a high quality public domain that is safe and accessible for all within the small centre, during and outside business hours.
 - b. Improve pedestrian connections within the small centre and surrounding areas.
 - c. Ensure positive interfaces between public space and private development.
- 4. To develop a quality centre**
 - a. Reinforce the legibility of Blenheim Road.
 - b. Protect sun access to significant public domain spaces.
 - c. Ensure that the relationship between buildings is positive and that all development addresses the public domain and street frontages.
 - d. Protect streetscapes and the pedestrian environment from adverse impacts of site servicing, garage doors, driveways and loading docks.
- 5. To develop high quality built form**
 - a. Give detailed guidance to development standards.
 - b. Ensure well-designed buildings constructed of durable and attractive materials.
 - c. Ensure development is flexible and durable and able to accommodate a range of uses over time.

6. To develop a sustainable small centre that balances social, economic and environmental objectives

- a. Encourage efficient and appropriate land-use.
- b. Revitalise the small centres with economically sustainable commercial, retail and residential development.
- c. Intensify land-use to better utilise public transport and other public infrastructure.
- d. Support facilities for public transport use, walking and cycling.
- e. Maintain access and minimise the impacts of traffic congestion in the small centres.
- f. Ensure personal safety and security in the public domain and shared space in private ownership.
- g. Develop sustainable buildings that are robust and adaptable to a variety of uses over time
- h. Develop environmentally sustainable shopping, living and working environments that conserve resources and:
 - Minimise long term energy and water consumption.
 - Protect and improve water and air quality.
 - Minimise waste production and encourage materials recycling and reuse.
 - Integrate environmental management.

1.4 Land affected by this Part

This Part applies to land identified in Fig. 5.4.01.

1.5 Relationship of this Part to other Plans and Policies

This Part supplements and gives guidance to the controls and objectives of Ryde LEP 2011. It is also part of a series of plans promoting the revitalisation of Ryde's business centres and should be read in conjunction with other relevant Council plans and policies, including but not limited to:

- *Ryde Public Domain Technical Manual*
- *Section 94 Development Contributions Plan 2007*
- *DCP 2011 - Other Relevant Sections*

This Part should also be considered in conjunction with the State Environmental Planning Policies (SEPP) including *SEPP 65, Design Quality for Residential Flat Buildings*.

1.6 Interpretation

In this Part, terms have the same meaning as in the Environmental Planning and Assessment Act 1979 (as amended) and the Ryde Local Environmental Plan 2011. If there is an inconsistency between this part and other parts of the City of Ryde DCP 2011 and other codes or policies this Part shall prevail.

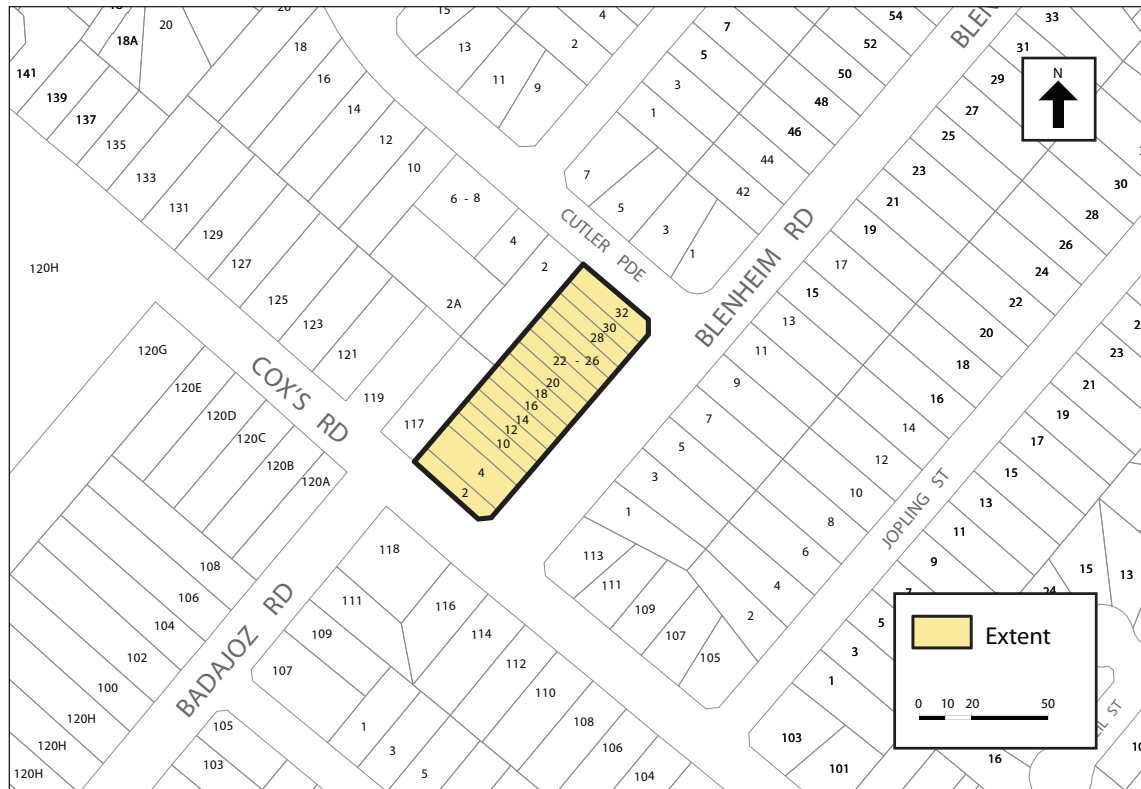


Figure 5.4.01 Map showing Blenheim Road Small Centre Extent.

1.7 Structure of this Part

This Part identifies objectives and controls that will shape the future development of Blenheim Road to create attractive, accessible and unique urban environments in which to live, work, shop, and visit.

Development controls are provided for strategic sites identified as Ryde Small Centres within the City of Ryde LGA. The identified centre is Blenheim Road, North Ryde. This site has been tested with regards to built form, public domain, design and traffic. The detailed development controls for these sites are provided in Section 3.0 of this Part.

Specific built form development controls for both sites include building heights, building setbacks, active street frontages, awnings and built form sections.

2.0 VISION

2.1 Blenheim Road, North Ryde - Vision Statement

This part is a planning initiative undertaken by the city of Ryde to revitalise the small centre of Blenheim Road, North Ryde. The vision is to create an attractive place to live, work, shop and visit, arising from Blenheim Road's natural and built features, history and community expectations.

Blenheim Road is a vibrant local centre located in a low density residential area at the intersection of two busy through roads. It has a relatively large number of shops and services and community facilities for the local community. The centre has good connections with the wider road network and good access to public transport. It is located near a major employment area and is well serviced by parkland and recreation opportunities.

In the future the Blenheim Road, North Ryde Small Centre will retain its local retail role, whilst gaining residential development above. The existing rear lane, currently in poor condition, is to be transformed into an accessible rear laneway for pedestrians and private & service vehicles.

The overall built form is to ensure an appropriate scale within the predominately residential context. High quality built form will define and edge public spaces.

3.0 OBJECTIVES AND CONTROLS

3.1 Site Amalgamation

Objectives

1. To ensure as few driveways as possible in order to promote pedestrian amenity and road safety.
2. To encourage access from the local roads network and the provision of new laneways.
3. To encourage development quality & amenity and meet other parts of the controls setout.

Controls

- a. Minimum lot sizes shall comply with Ryde LEP 2011 clauses 4.3 (2A) & 4.4 (2A).

Note: 1. To achieve the optimum development outcome within a small centre a minimum lot size is required for particular development to occur. Clauses 4.3(2A) Height of buildings and 4.4 (2A) Floor space ratio make provision for additional height and floor space to be available when lots over a particular size are being developed. A preferred amalgamation is shown in Fig. 5.4.03 and Fig. 5.4.04.

2. To achieve the required lot size may require the amalgamation of lots. If amalgamation is required an application for consolidation should be included as part of the development application.

3. Building envelopes (Figure 5.4.03, Figure 5.4.04, Figure 5.4.05, Figure 5.4.06, Figure 5.4.07, and Figure 5.4.09) are based on the preferred amalgamation pattern. They are indicative only.



Figure 5.4.02 Map showing Blenheim Road Small Centre Preferred Amalgamation Site Pattern

3.2 Built Form

3.2.1 Urban and Environmental Design

The quality of streets and public spaces may be enhanced by the way buildings address these spaces. Good environmental design includes the control of solar access and overshadowing.

Objectives

1. To ensure new buildings contribute positively to the urban built form and environment.
2. To ensure appropriate scale and good environmental amenity, such as sun access.
3. To ensure a built form of a high quality that successfully integrates environmental sustainability with architectural design.

Controls

- a. Development on corners must address all street frontages. Entries, windows and other architectural elements should be placed to reinforce the corner.
- b. Provide building articulation elements including awnings, verandahs, decks, loggias, pergolas, bay windows and recessed doors.
- c. Windows and entries shall be placed to overlook public spaces and streets to provide surveillance opportunities.
- d. Balconies may not be continuous along the whole length of building facades.
- e. Provide solar protection, including awnings, recessed windows, roof overhangs, external shutters and screens to the western and northern elevations of buildings.
- f. Where sites are amalgamated, express the existing or prevalent lot structure in the design of new buildings. For example the width of shop-fronts should reflect the predominant lot structure prior to the amalgamation taking place.

3.2.2 Residential Private Open Space

Private open space such as front gardens, private gardens, above ground open space and the like where located adjacent to the public domain contributes to the character of the public domain and provides amenity to residents.

Objectives

1. To contribute to the character and environmental quality of the landscape of the Small Centres.
2. To enhance the micro-climate created by development, in development and the Small Centres.
3. To ensure that every dwelling in the Ryde Small Centres has access to usable private open space.

Controls

Private open space

Refer to the *SEPP 65 Residential Flat Design Code (Planning NSW) - Open Space*.

- a. Single aspect apartments set below the natural ground level are not permitted.
- b. Comply with *SEPP 65 Rule of Thumb*.

3.2.3 Solar Access and Sun Shading

Sunlight is a major determinant of environmental comfort. Good passive solar design offers financial benefits, by reducing the need for artificial heating and cooling.

Objectives

1. To provide solar access to habitable rooms and external areas of dwellings in mid winter.
2. To achieve the development of living and working environments not reliant on artificial heating, cooling, and lighting with passive heating/cooling, solar orientation, appropriate shading treatments.

Controls

Refer to the *SEPP 65 Residential Flat Design Code (Planning NSW) - Daylight Access*.

- a. Comply with *SEPP 65* rule of thumb.
- b. The *SEPP 65* controls for lightwells apply to apartments below ground level for the purpose of satisfying *SEPP 65* requirements.

Note: Single aspect apartments set below the natural ground level are not permitted.

3.2.4 Visual Privacy

Objectives

1. To maximise the visual privacy of on-site and neighbouring residents.
2. To maximise outlook and views from habitable rooms and private open space without compromising visual privacy

Controls

Refer to the *SEPP 65 Residential Flat Design Code (Planning NSW) - Visual Privacy*.

- a. Comply with *SEPP 65* rule of thumb.

3.2.5 Acoustic Privacy

Potential unwanted noise sources increase in more densely developed areas. In mixed-use areas developments need to consider the amenity of a range of occupants. The impact of commercial and retail noise on residential development and pedestrian amenity needs to be considered. Residential, commercial and retail developments can be designed and managed to minimise noise generation and intrusion.

Objectives

1. To achieve an appropriate acoustic environment, by giving design consideration to the following:
 - i. Siting of buildings.
 - ii. Building planning.
 - iii. Internal room layout.
 - iv. Location of private open space.
 - v. Location and treatment of windows.
 - vi. Building materials.
 - vii. Location and design of waste storage and collection for commercial component.

Controls

Refer to the *SEPP 65 Residential Flat Design Code (Planning NSW)- Acoustic Privacy*.

- a. Acoustic separation between commercial and residential uses shall be attained.

3.2.6 Built Form Heights

Development within the small centre is of a scale and character that promotes an attractive and sustainable urban environment.

Objectives

1. To attract investment, new employment opportunities and enhance economic sustainability.
2. To promote an urban scale to the retail and commercial development.
3. To enhance the existing streetscape and ensure appropriate development scale in predominantly residential and heritage precincts.
4. To ensure adequate sunlight is available for all buildings, streets and public domain.

Controls

- a. Buildings must comply with the maximum heights described in Ryde LEP 2010 Height of Buildings Map.
- b. Building height must comply with the Building Height Control Figure 5.4.03 and Figure 5.4.04.
- c. The height limits in the LEP and the DCP must be read in conjunction and they correlate to each other. The LEP provides building heights in metres and the DCP provides building heights in storeys. The DCP does not restrict the height limit allowed under the LEP.
- d. Floor to ceiling height must be a minimum of 2.7m for residential uses.
- e. To ensure that ground floor levels are adaptable over time for a wide range of uses, the floor to ceiling height must be a minimum of 3.5m clear for the ground floor.



Figure 5.4.03 Blenheim Road Small Centre Building Height Control

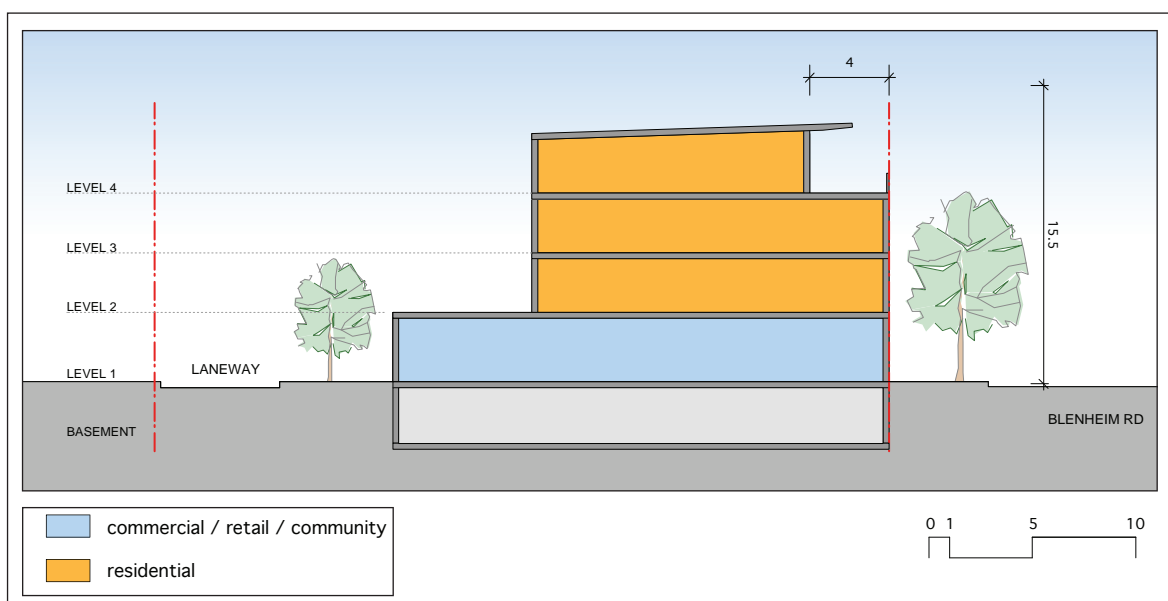


Figure 5.4.04 Blenheim Road Small Centre Building Height Control - Cross Section

3.2.7 Setbacks

Front setbacks give streets and public domain physical definition and control the relationships of buildings to each other. The front setbacks defined in this Part will reflect and reinforce the character of the Blenheim Road Small Centre. Business and retail areas are to be built to the street frontage to reinforce and promote a positive urban character and personal safety and security. Rear and side setbacks control the relationships of buildings to each other and provide visual and acoustic privacy. Upper level setbacks reduce the visual bulk and scale of buildings; promote an interesting skyline and access to sunlight and fresh air.

Objectives

1. To establish an individual identity for the small centre and influence street character.
2. To integrate Safer-by-Design principles into the design of the public domain and built form.
3. To effect positive relationships between buildings.
4. To create an interesting skyline.
5. To promote sunlight access to the public domain and buildings.

Controls

- a. Building setbacks at the ground level and upper levels must comply with the Setbacks Control Drawing.
- b. Building setbacks must comply with the Building Setback Controls Figure 5.4.05 and Figure 5.4.06.
- c. The build to boundary line applies to the ground, first and second floors.
- d. The top floor must be setback 4m from the boundary.

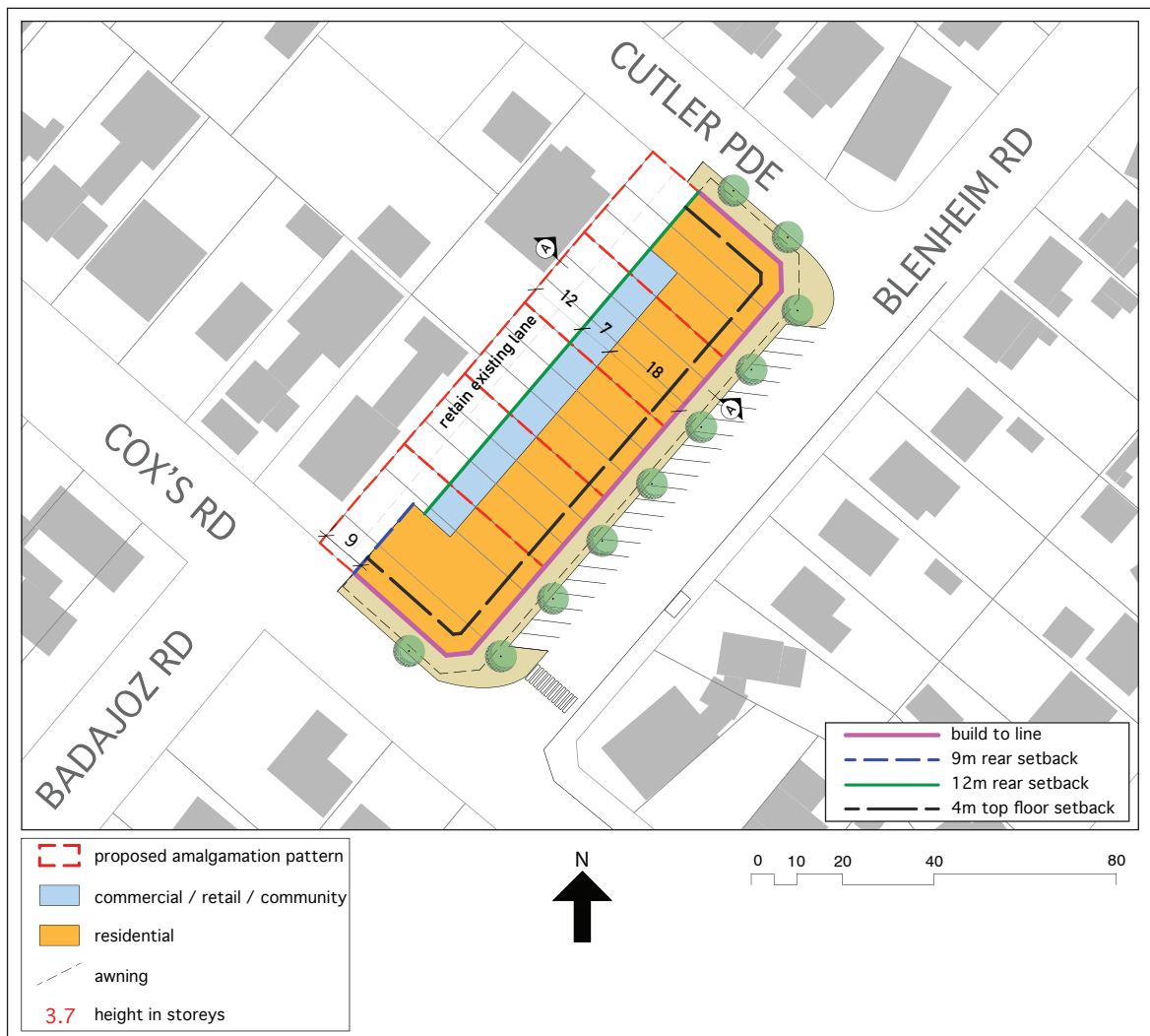


Figure 5.4.05 Blenheim Road Small Centre Setback Controls Drawing

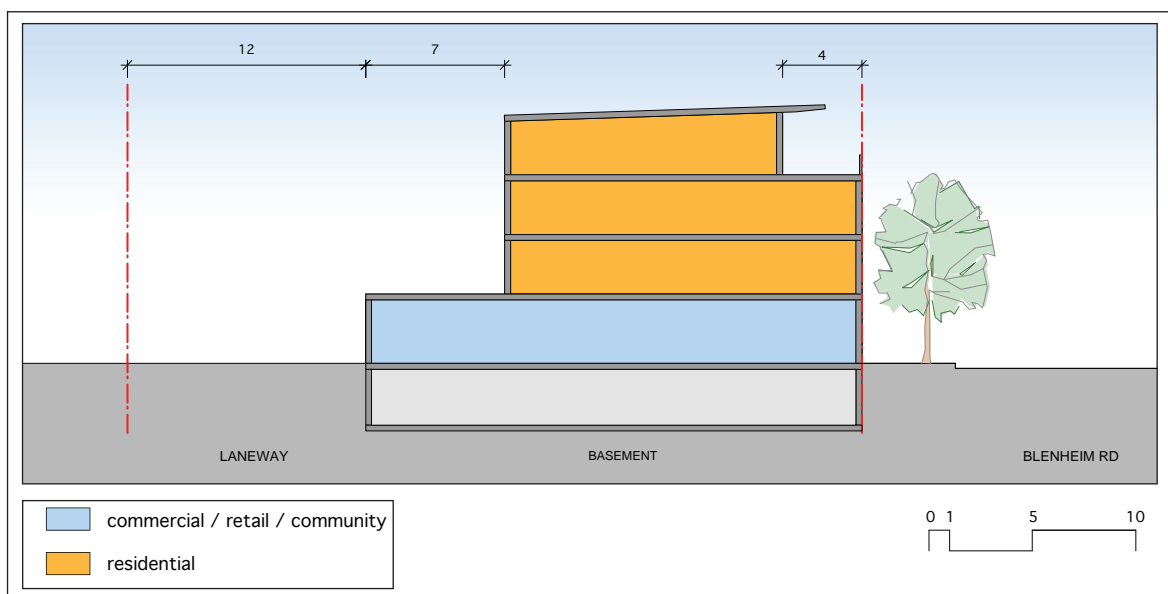


Figure 5.4.06 Blenheim Road Small Centre Setback Controls - Cross Section

3.2.8 Building Depth

Objectives

1. To promote sustainable built form.
2. To improve the amenity of buildings for users.

Controls

- a. Building depth must comply with the Building Depth Control Drawing Figure 5.4.07.
- b. Achieve natural ventilation in residential buildings by having window openings in opposite directions and walls where possible. Comply with *SEPP 65* rule of thumb.
- c. The maximum overall depth of residential buildings is 18m unless design excellence can be demonstrated and natural ventilation is achieved.



Figure 5.4.07 Blenheim Road Small Centre Building Depth Control / Active Street / Extent of Awning Control

3.2.9 Active Street Frontages

Objectives

1. To enhance personal safety and security within the small centres.

Controls

- a. Provide ground level active uses where indicated on the Active Street Frontages Control Drawing Figure 5.4.07.
- b. Active uses contribute to personal safety in the public domain and comprise:
 - i. Community and civic facilities;
 - ii. Recreation and leisure facilities;
 - iii. Shops;
 - iv. Commercial premises;
 - v. Residential uses, particularly entries and foyers, however, these must not occupy more than 20% of the total length of each street frontage.
- c. Where required, active uses must comprise the street frontages for a depth of at least 10m from the front setback.
- d. Ground floor shop fronts may incorporate security grills provided these ensure light falls onto the footpath and that the interior of the shop is visible. Blank roller-shutter doors are not permitted.
- e. Serviced apartments, hotels, motels and boarding houses shall not have apartments at the ground level. Locate retail, restaurants and / or other active uses at the ground level.

3.2.10 Awnings + Entry Canopies

Objectives

1. To create a consistent streetscape.
2. To contribute to pedestrian amenity (all-weather protection), safety and security (lighting).

Controls

- a. Provide continuous awnings as indicated in Awnings Control Drawing Figure 5.4.07 and Figure 5.4.08.
- b. Awning height shall be a minimum of 3m from the pavement and setback 600mm from the kerb edge. The heights of adjoining awnings must be considered.
- c. Design awnings to protect pedestrians from sun and rain. Glazed awnings will not be permitted where awnings are required unless it can be demonstrated that:
 - i. A cleaning and maintenance regime will be established; and
 - ii. Solar protection (shade) can be achieved; and
 - iii. Lighting will be installed to the underside of the awning that will light the footpath.
- d. Provide lighting, preferably recessed, to the underside of awnings, sufficient to ensure a high level of safety and security for pedestrians at night.
- e. Where the street or ground level is sloped, awnings shall step down the hill.

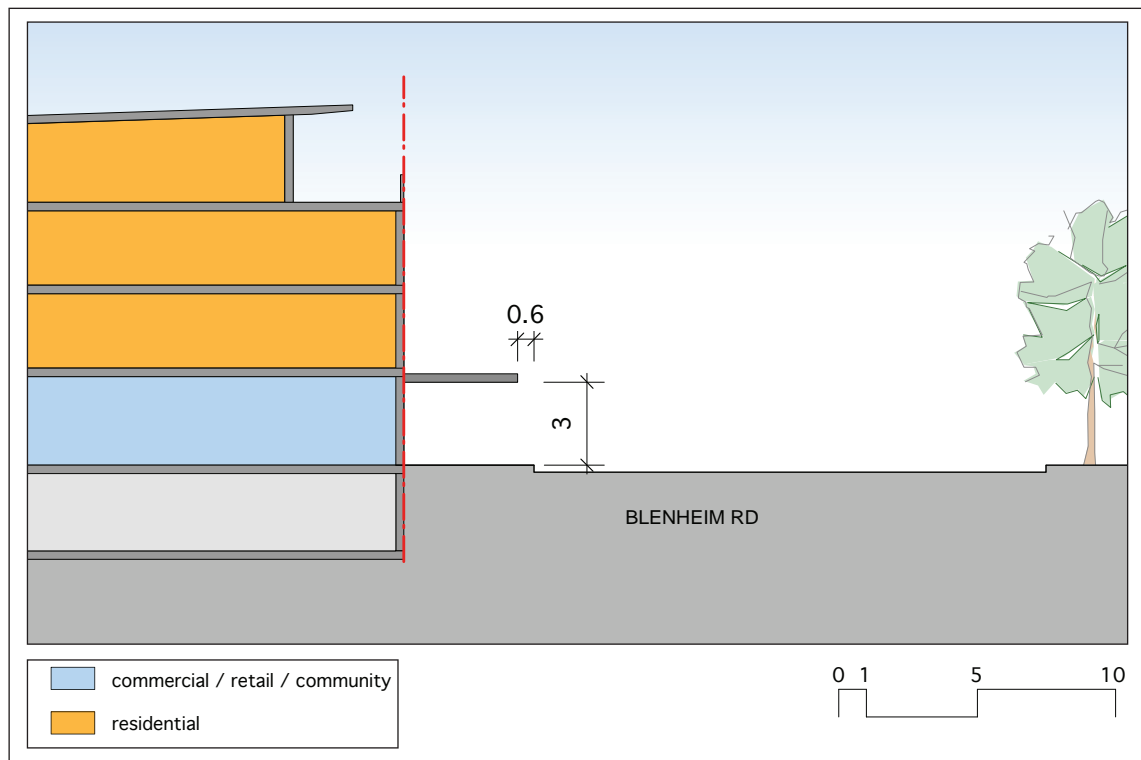


Figure 5.4.08 Blenheim Road Small Centre Awning Control Cross Section

3.2.11 Services Access and Parking

Objectives

1. To provide adequate and accessible parking and on-site service areas.
2. To provide size and number of service areas in proportion to the scale and intensity of the proposed use.
3. To ensure that service facilities do not detract from the amenity of nearby public spaces and residential areas.

Controls

Service Access

- a. Buildings are to provide a shared rear lane for vehicle access points. Refer to Figure 5.4.09 Laneway Section.
- b. All service and vehicle access must be from rear lane.
- c. On-site car and service vehicle access must be provided and designed in accordance with the following:
 - i. a driveway and footpath must be established that is of adequate strength, width and design for the intended car, pedestrian and service vehicle characteristics. (Refer to Figure 5.4.09 for minimal width.)
 - ii. the driveway is to be designed such that service vehicle movement is in a forward direction, both when entering and exiting the site;
 - iii. on-site manoeuvrability must be unimpeded for all site users.
- d. Generally service vehicle access is to be combined with parking access.

- e. Waste and recycling space are to be provided in accordance with DCP Part 7.2 Waste Minimisation and Management Facilities for Waste. The Facilities for Waste must be located within the building envelope. access an collection should be via the rear laneway.

Parking

- f. Parking to be provided in accordance with the CoR DCP 2011 Part 9.3 Car Parking.
- g. Parking shall be located under ground.

Services

- h. All services infrastructure including fire hydrant, gas meters and the like shall be located within the building envelope and are not to be visible from the public domain.

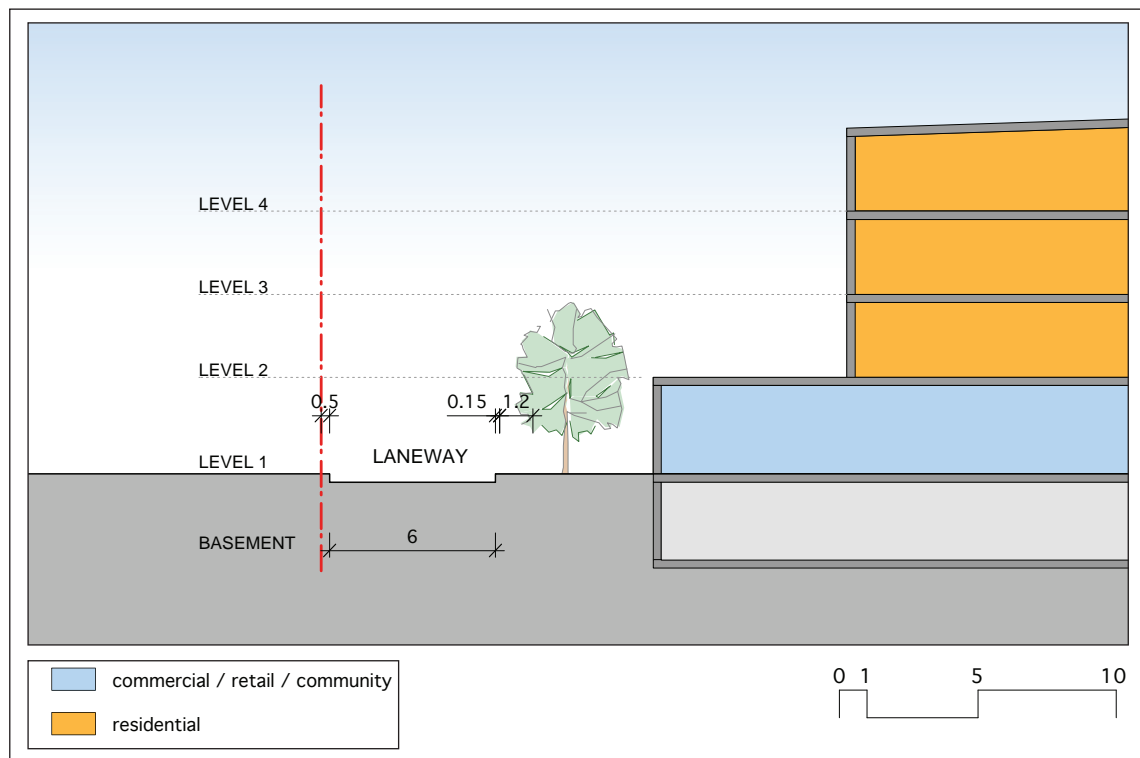


Figure 5.4.09 Blenheim Road Small Centre Laneway Section.

3.3 Public Domain

The public domain is made up of streets, pedestrian connections, small civic parks and squares.

Streets form the framework of the public domain connecting people to shopping, services, recreation and residential. Public spaces are the outdoor rooms of the small centres, providing focal points for community life.

Refer to the *City of Ryde Public Domain Technical Manual* in relation to the following sections.

3.3.1 Access and the Public Domain

Public domain spaces within the Ryde Small Centres need to be designed and sited so that the areas are safe at all times for all pedestrians and cyclists and that they are accessible to all.

Objectives

1. To reduce vehicular conflicts through good design of building entrances and reducing footpath cross-overs.
2. To clearly differentiate uses and separate conflicting uses.
3. To use appropriate lighting levels.
4. To encourage 'safe' pedestrian access and mobility.

Controls

- a. To be in accordance with the *City of Ryde Public Domain Technical Manual* and are to be implemented by the developer.
- b. Adequate parking and safe convenient access to buildings for people with disabilities must be provided.
- c. To provide active frontage and quality building design, where applicable vehicular access ramps must enter and exit from the rear lane.
- d. Vehicular traffic must be separated from pedestrians and vehicular access points clearly identified with paving, signage and the like.
- e. Loading docks must be located to the rear of the retail / commercial premises so that vehicles do not stand on any public road, footway and vehicles entering and leaving the site move in a forward direction.

3.3.2 Landscape Character

Objectives

1. To create a memorable landscape image for the small centre, which builds on the positive characteristics of topography, landscape character and views.
2. To protect, through planning controls, those spaces in private lands that contribute to the character and quality of the small centre.
3. To create tree planting, to reinforce spatial quality & build on the palette of existing species in the street, provide shade for pedestrians, and improve the image of the small centre.

Controls

- a. Select street trees based on the scale of buildings, width of the street, aspect, and on environmental parameters such as soil type shall be provided in accordance with the City of Ryde Public Domain Technical Manual.

3.3.3 Urban Elements and Finishes**Objectives**

1. To coordinate paving and urban elements within the small centres.
2. To improve the image, quality and amenity of streets and public spaces through quality paving, lighting and street furniture.
3. To ensure that the selection of urban elements and level of provision is based on the hierarchy of streets and intensity of use.

Controls

- a. Provide paving, seats, benches and bins as selected by Council in accordance with the City of Ryde Public Domain Technical Manual.
- b. Provide seating and shelter (awnings or bus shelter) at all bus stops, and provide seating at community facilities and drop off points. Seating shall be in accordance with City of Ryde Public Domain Technical Manual.
- c. Provide new street lighting to council satisfaction.

3.3.4 Signage

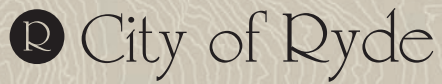
The aim is to provide consistent, attractive signage that enhances the built form within the Centre.

Objectives

1. To reduce visual clutter through the control and coordination of signage.
2. To reinforce the streetscape and enhance the character of the area.

Controls

- a. Signage shall comply with DCP Part 9.1 Signage.



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Part: 8.6 Floodplain Management

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1.0 INTRODUCTION

1.1 Where this Part Applies

This part applies to:-

- all land within the City of Ryde that is identified as part of a floodplain.
- any development for which consent is required that is located on a floodplain.

The part also includes provisions and controls for specific floodplains within the City.

1.2 Purpose of this Part

The purpose of this Part is to guide development to ensure danger to life and property damage associated with flooding and overland flow are minimised in a manner consistent with the Policies of Council formulated under the NSW Flood Policy and Floodplain Development Manual (FDM).

Background

In 1984, the State Government introduced its Flood Prone Land Policy applicable to New South Wales. The first Floodplain Development Manual was published in 1986, providing guidelines for the implementation of the government's Flood Prone Land Policy and the merit approach that underpins its application.

In 2005, the State Government released revised guidelines under the Floodplain Development Manual (FDM April 2005) to support the Flood Prone Land Policy, the primary objective of which is:

“to reduce the impact of flooding and flood liability on individual owners and occupiers of flood prone property, and to reduce private and public losses resulting from floods, utilising ecologically positive methods wherever possible.”

The State Government's Flood Prone Land Policy provides for a flexible merit based approach to be followed by local government when preparing controls for planning, development and building matters on flood prone land. For Council to fully carry out its responsibilities for management of flood prone land, it is necessary to prepare a local “Floodplain Risk Management Plan”

The Floodplain Development Manual (FDM) requires that Councils prepare Floodplain Risk Management Studies (FRMS) as a prelude to the formulation of a Floodplain Risk Management Plan (FRMP) that, among other things, would control development and other activity within the floodplain. The process for preparing a FRMS and FRMP is depicted by Figure 8.6.1.

The following controls are consistent with the State Government's Flood Prone Land Policy and the Floodplain Development Manual. The controls in this chapter, represent an application of the State Policy that reflects local circumstances as identified for some floodplains, through the preparation of FRMSs and FRMPs.

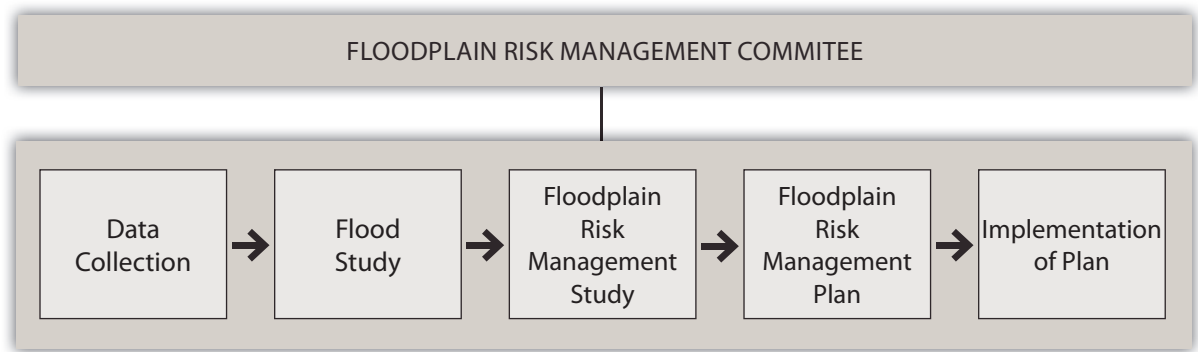


Figure 8.6.1 - Floodplain Risk Management Process (FDM, 2005)

1.3 Objectives of this Part

The objectives of this Part are:

- To increase public awareness of the hazard and extent of land affected by all potential floods, including floods greater than the 100 year average recurrence interval (ARI) flood
- To ensure essential services and land uses are planned in recognition of all potential floods.
- To manage the danger to human life and damage to property caused by flooding and inundation through controlling development on land affected by potential floods and overland flow.
- To apply a merit based approach to development that is proposed on flood or overland flow affected land – taking into account flooding, social, economic, ecological and design considerations
- To provide detailed controls for the assessment of applications lodged on land affected by potential floods and overland flow.
- To reduce the risk associated with flooding and overland flow to existing development within the City

1.4 Relationship with other Instruments and Documents

The following documents should be considered in relation to the provisions of this Part:

- Local Environmental Plan 2011 (In particular Clause 6.6 Flooding)
- Part 8.2 Stormwater Management of this DCP
- Part 10 - Dictionary
- Draft City of Ryde Floodplain Management Technical Manual

1.5 How to Use this Part

The following is a summary of the major steps to be followed in applying this part of the DCP:

- a. Determine the relevant floodplain (eg. Eastwood and Terrys Creek Floodplain).
- b. The floodplain is divided into four precincts, i.e. High Flood Risk Precinct, Medium Flood Risk Precinct, Low Flood Risk Precinct and the Overland Flow Precinct. Determine the Flood Risk and/or Overland Flow Precinct within which your site is situated.

Note: Enquire with Council regarding existing flood mapping or whether a site-specific assessment may be warranted in your case. Where a property is located in more than one Precinct, the assessment must consider the controls relative to each Precinct.

- c. A range of development types have been grouped into 6 land use categories.(Schedule 1) Determine the land use category relevant to your proposal.

Note: Some minor forms of development may be classified as either exempt or complying development subject to satisfying certain criteria. In such cases, this DCP may not need to be applied

- d. Check if the proposal will satisfy controls for the relevant land use category in the applicable Precinct, in accordance with this Part.
- e. The assistance of Council staff or an experienced floodplain management consultant may be required at various steps in the process to ensure that the requirements of this Plan are fully and satisfactorily addressed.

1.6 Lodging an Application

Refer to Council's information sheets regarding Council's development assessment process and pre – lodgement services.

The Draft City of Ryde Floodplain Management Technical Manual outlines the information requirements to be submitted with a development proposal on flood liable land.

2.0 REQUIREMENTS AND CONTROLS

2.1 Assessment Criteria

In formulating development proposals on land that is affected by flooding and overland flow it is important to recognise that different controls will apply to different land uses, depending on the flood hazard applying to the land. The controls in this part of the DCP comprise:

- **The objectives** which represent the outcomes that the Council wishes to achieve from each control.
- **The performance criteria** which represent a means of assessing whether the desired outcomes will be achieved.
- **The prescriptive controls** which are preferred ways of achieving the outcome. While adherence to the prescriptive controls may be important, it is paramount that the objectives and the performance criteria are clearly satisfied.

The steps to determine whether the proposal complies with the controls are:

- Identify the applicable land use category of the development (see 2.1.1 and Schedule 1)
- Determine the floodplain and precinct in which the property is located
- Assess whether the proposal complies with the performance criteria
- Assess whether the proposal complies with the prescriptive controls
- If the proposal does not comply with any prescriptive controls, any variations must be justified by demonstrating compliance with the performance criteria having regard to the overall objectives.

2.1.1 Land Use Categories

The range of potential development types listed within the Draft LEP 2011 have been grouped into 6 major land use categories based on the sensitivity to flood risks. The 6 land use categories are:

- Critical uses and facilities
- Sensitive uses and facilities
- Residential
- Commercial or industrial
- Recreation and non urban
- Concessional development

The land use categories are outlined Schedule 1.

2.1.2 Flood Risk and Overland Flow Precincts

Each of the floodplains within the City of Ryde can be divided into precincts based on different levels of potential risk. The precincts provide a basis to assign controls on a development. The relevant Precincts are outlined below.

High Flood Risk Precinct

The high flood risk precinct is where high flood damages, potential risk to life and/or evacuation problems would be anticipated or where development would significantly or adversely alter flood behaviour. Most development should be restricted in this precinct. In this precinct, there would be a significant likelihood of flood damages or danger to life without compliance with flood related building and planning controls.

Medium Flood Risk Precinct

In this precinct there would still be a significant likelihood of flood damage or danger to life, but these damages or dangers to life can be minimised by the application of appropriate development controls.

Low Flood Risk Precinct

This has been defined as all other land within the floodplain (ie. within the extent of the probable maximum flood) but not identified within either the High Flood Risk, Medium Flood Risk Precinct or the Overland Flow Precinct, where the likelihood of damages is low for most land uses.

Overland Flow Precinct

The Overland Flow Precinct comprises areas distant from watercourses where shallow inundation occurs following heavy rain. Typically the depth of inundation will be less than 0.3m to 0.5m but more than 0.1 m to 0.2m in a 100 year ARI event. Velocities in these areas are mild and the combination of depth and velocity is unlikely to present a safety danger to able-bodied adults or to cause significant erosion problems. These areas would normally be classified as 'low' provisional hazard under the Floodplain Development Manual.

Note, very shallow inundation may still occur in areas above the Overland Flow Precinct where depths would typically be less than 0.1 m to 0.2m. These areas are not classified as in either an Overland Flow Precinct or any Flood Risk Precinct and would include areas referred to as 'Local Drainage' under the Floodplain Development Manual.

2.2 General Development Controls

This section outlines the objectives, criteria and development controls that apply to land within a flood risk or overland flow precinct. The development controls are graded relative to the severity and frequency of potential floods, based on the findings of a floodplain study and management plan.

The development controls applicable to each floodplain are outlined within the planning matrix contained in following schedules:

- Schedule 2 - Eastwood and Terrys Creek

It is intended that development controls and a planning matrix for other floodplains within the City be included in the Schedules of this Part following the completion of floodplain studies and plans.

Objectives

1. To require development with high sensitivity to flood damages or danger to life to be sited and designed so that it is subject to minimal flood hazard.
2. To allow development with low sensitivity to flood damages or danger to life to be located within a floodplain - subject to design and siting controls and provided the chance of personal harm and damage to property is minimised.
3. To ensure that the design and siting controls and built form outcomes required to address the flood hazard do not result in unreasonable impacts on the:
 - streetscape and the relationship of the building to the street; - social and economic outcomes; and the
 - environment and ecology.

4. To ensure the flood risk associated with development, comprising danger to life and damage to property, is minimised and not increased beyond the level acceptable to the community.
5. To ensure that the proposed development does not exacerbate flooding on other properties.

Criteria

- a. The risk associated with the flooding of development comprising danger to life and damage to property is minimised and not increased beyond the level acceptable to the community.
- b. The additional economic and social cost which may arise from damage to property from flooding is not greater than that which can reasonably be managed by the property owner and general community. The cost of damages that may be incurred over the expected life of a development should be no greater than that which could be reasonably expected to be met by the occupants and/or the developer without Government assistance.
- c. Effective warning time and reliable access is available for evacuation from an area potentially affected by flooding to an area free of risk from flooding and overland flow.
- d. Appropriate procedures (such as warning systems, signage or evacuation drills) for land use categories of "critical uses and facilities" and "sensitive uses and facilities" is in place, if necessary, so that people are aware of the need to evacuate personnel and relocate goods and motor vehicles during a flood, and are capable of identifying an appropriate evacuation route.
- e. Development does not detrimentally increase the potential flood effects on other development or properties either individually or in combination with the cumulative impact of development that is likely to occur in the same floodplain. Development should not change the height or behaviour of flood waters elsewhere in the floodplain in a manner which is likely to affect other property. The assessment of these effects must include the potential for similar impacts that would arise as a consequence of other development in the floodplain that has the potential to occur in the future under current zoning and planning controls.
- f. Motor vehicles associated with the development are able to be relocated, undamaged, to an area with substantially less likelihood from flooding, within the effective warning time.
- g. Development does not result in significant impacts upon the amenity of an area (eg. by way of unacceptable overshadowing of adjoining properties) or privacy impacts (eg. by unsympathetic house-raising).
- h. Development is compatible with the existing and planned streetscape and character of the locality.
- i. The design of car parking (enclosed or uncovered) and associated driveways does not result in unacceptable environmental or amenity impacts such as visual intrusion from elevated driveways and parking structures and overshadowing of adjoining residential properties.
- j. The proposal does not have an unacceptable adverse impact upon the ecological value of the waterway corridors, and where possible, should provide for their enhancement.

Controls

- a. Compliance with the requirements of the **Planning Matrix** for the relevant floodplain within the City as contained in Schedule 2.

Note: Development within the centres of the City must ensure that design solutions address flood risk management objectives as well as providing appropriate urban design outcomes, particularly in regard to:

- i. ground floor levels that are consistent with existing adjoining commercial development or form part of an integrated design which incorporate the frontage of a whole street block. (Note: design solutions could include, flood proofed shop front windows at street level

and confined active spaces (such as eating areas) at the street level which are substantially constructed of flood compatible materials and building components or able to be closed of with flood proof doors. Ground floor areas away from the street interface may vary subject to being adequately integrated.)

- ii. acceptable access for persons with disabilities; and
- iii. an overall building height that is compatible with the existing and planned streetscape.

Proposals involving collecting and piping overland flow through the subject property or upgrading a section of Council's existing pipe-infrastructure, will generally not be acceptable for the following reasons:

- i. there is a substantial potential for system blockage due to the limited number of inlets available
- ii. the natural detention storage available within the catchment is reduced and flow velocities are increased; and
- iii. due to greater rates of flow, it may cause localised increases in hazard at the system outlet and greater scour of natural creeks and/or disturbance of the downstream river bed.
- iv. Proposed land subdivisions of lots affected by overland flow will not be approved unless the applicant can demonstrate to Council that it is possible to provide a development on the newly created lot that realises the full floor space ratio (FSR) potential of the lot and provides suitable private open space while meeting the overland flow management criteria outlined in this document.

2.3 Fencing

Fencing can have a significant influence on the distribution of flood waters, particularly in a built up urban area such as the City of Ryde. The implications of fencing are greater where flood waters are deeper and faster moving such as is expected in a high flood risk precinct.

Objectives

1. To ensure that in any development fencing is constructed in a manner that does not affect the flow of flood waters so as to result in additional flood impacts on surrounding land; and
2. To ensure that in any development fencing is constructed so as to withstand the forces of flood waters, or collapse in a controlled manner to prevent the undesirable impediment of flood waters.

Criteria

- a. Fencing is to be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on surrounding land.

Controls

- a. Fencing within a High Flood Risk Precinct must be security/ permeable/ open type/safety fences. Council may require such fencing to be able to be opened at the bottom with the force of floodwaters. (This requirement may be secured by a Section 88B instrument burdening the title of the land).
- b. An applicant will need to demonstrate that any fence would create no impediment to the flow of flood waters by being adequately constructed so as to withstand the forces of flood waters, or collapse in a controlled manner

Note: Brick and masonry type fences are generally not suitable

3.0 INFORMATION REQUIREMENTS

Applications must include the following matters, as applicable.

1. Applications for Concessional Development (which includes alterations and additions to existing developments or minor development – see Schedule 1) to an existing dwelling on Flood Liable Land shall be accompanied by documentation from a registered surveyor confirming existing floor levels.
2. A survey plan showing:
 - a. The position of the existing building/s or proposed building/s;
 - b. The existing ground levels to Australian Height Datum around the perimeter of the building and contours of the site; and
 - c. The existing or proposed floor levels to Australian Height Datum.
3. Applications for earthworks, filling of land and subdivision shall be accompanied by a survey plan (with a contour interval of 0.5m) showing relative levels to Australian Height Datum.
4. For large scale developments, or developments in critical situations, particularly where an existing catchment based flood study is not available, a flood study using a fully dynamic one or two dimensional computer model may be required. For smaller developments the existing flood study may be used if available and suitable (eg it contains sufficient local detail), or otherwise a flood study prepared in a manner consistent with the "Australian Rainfall and Runoff" publication, any relevant Council Drainage Design Code and the Floodplain Development Manual, will be required. From this study, the following information shall be submitted in plan form:
 - a. water surface contours (including the 100 year flood and PMF extents);
 - b. velocity vectors;
 - c. velocity and depth product contours;
 - d. delineation of flood risk and overland flow precincts relevant to individual flood plains; and
 - e. show both existing and proposed flood profiles for the full range of events for total development including all structures and works (such as revegetation/ enhancements)..
5. Proposals for house raising must provide appropriate documentation including:
 - a. a report from a suitably qualified engineer to demonstrate that the raised structure will not fail from the forces of floodwaters in a 100 year ARI flood; and
 - b. the provision of details such as landscaping and architectural enhancements which ensure that the resultant structure will not result in significant adverse impacts upon the amenity and character of an area.

Note: This information is required for the pre-developed and post-developed scenarios

6. Where the controls for a particular development proposal require an assessment of structural soundness during potential floods, the following impacts must be addressed:
 - a. hydrostatic pressure;
 - b. hydrodynamic pressure;
 - c. impact of debris; and
 - d. buoyancy forces. Foundations need to be included in the structural analysis.
7. Where computer modelling is used for either hydrological or hydraulic analysis, an electronic copy of the input and output files shall be submitted to Council in a form compatible with Council's computer software along with the plans and a hard copy of the input and output data.

Schedule 1 - Land Use Categories

Note: Land uses listed are not all permitted in all land use zones within Ryde LEP 2011.

CRITICAL USES AND FACILITIES	SENSITIVE USES AND FACILITIES	RESIDENTIAL
Emergency services facilities; administration building or public administration building that may provide an important contribution to the notification or evacuation of the community during flood events (e.g. SES Headquarters and Police Stations); Hospitals.	Community facility; telecommunications facility; Institutions; Educational establishments; Liquid fuel depot; Public utility undertaking (including electricity generating works and utility installations) which are essential to evacuation during periods of flood or if affected would unreasonably affect the ability of the community to return to normal activities after flood events, residential care facility, school and seniors housing.	Attached dwelling, backpackers' accommodation; bed and breakfast accommodation; boarding house; caravan park (with permanent occupants); child care centre; dual occupancy; dwelling; dwelling house; exhibition home; group home; home-based child care centre; home business; home industry; home occupancy; home occupation (sex services); hostel; hotel or motel accommodation; moveable dwelling; multi dwelling housing; neighbourhood shop; permanent group home; residential accommodation; residential flat building; secondary dwelling; semi detached dwelling; serviced apartments; tourist and visitor accommodation and transitional group home.
COMMERCIAL OR INDUSTRIAL	RECREATION AND NON – URBAN	CONCESSIONAL DEVELOPMENT
Air transport facility; airport; amusement centre; brothel; bulky goods premises; business premises; caravan park; community facility (other than critical and sensitive uses and facilities); correctional centre; crematorium; depot; entertainment facility; exhibition village; food and drink premises; freight transport facility; function centre; funeral chapel; funeral home; hazardous industry; hazardous storage establishment; health care professional; health consulting rooms; health services facility; heavy industry; heliport; highway service centre; industrial retail outlet;	Animal boarding or training establishment; biosolid waste application; biosolids treatment facility; boat launching ramp; boat repair facility; boat shed; caravan park (with non-permanent occupants); charter and tourism boating facility; environmental facility; environmental protection works; extensive agriculture; extractive industry; information and education facility; horticulture; kiosk; landscape and garden supplies; marina; mine; mining; moveable dwelling; port facilities; public utility undertaking (other than critical uses or facilities); recreation area; recreation	<p>a. In the case of residential development:</p> <ul style="list-style-type: none"> i. an addition or alteration to an existing dwelling of not more than 10% or 30m² (whichever is the lesser) of the habitable floor area which existed at the date of commencement of this Plan; ii. the construction of an outbuilding with a maximum floor area of 30m²; or iii. rebuilt dwellings which substantially reduce the extent of flood risks compared with the existing situation.

COMMERCIAL OR INDUSTRIAL	RECREATION AND NON – URBAN	CONCESSIONAL DEVELOPMENT
<p>industry; liquid fuel depot; light industry; market; medical centre; mixed use development; mortuary; night club; offensive industry; offensive storage establishment; office premises; passenger transport facility; place of public entertainment; place of public entertainment; place of public worship; pub; public administration building (other than critical uses and facilities); recreation facility (major); registered club; restaurant; restricted premises; retail premises; self-storage units; service station; sex services premises; shop top housing; storage premises; take away food or drink premises; timber and building supplies; transport depot; truck depot; vehicle body repair workshop; vehicle repair station; vehicle sales or hire premises; veterinary hospital; warehouse or distribution centre; waste disposal facility; waste management facility; waste or resource management facility; waste or resource transfer stations; and wholesale supplies. repair station; vehicle sales or hire premises; veterinary hospital; warehouse or distribution centre; waste disposal facility; waste management facility; waste or resource management facility; waste or resource transfer stations; and wholesale supplies. repair station; vehicle sales or hire premises; veterinary hospital; waste management facility; waste or resource management facility; waste or resource transfer stations; and wholesale supplies.</p>	<p>facility (indoor); recreational facility (outdoor); research station; resource recovery facility; restriction facilities; utility installations (other than critical uses and facilities); water recreation structure; water recycling facility; and water storage facility.</p>	<p>b. In the case of other development:</p> <ul style="list-style-type: none"> i. an addition to existing buildings of not more than additional 100m² or 10% of the floor area which existed at the date of commencement of this DCP (whichever is the lesser); ii. rebuilding of a development which substantially reduces the extent of flood risks to the existing development; iii. a change of use which does not increase flood risk having regard to property damage and personal safety; or iv. subdivision that does not involve the creation of new allotments with potential for further development.

Schedule 2 - Eastwood & Terrys Creek

Planning & Development Controls

Planning Consideration	Flood Risk and Overland Flow Precincts																							
	Low Flood Risk						Medium Flood Risk						High Flood Risk						Overland Flow					
	Critical Uses & Facilities	Sensitive Uses & Facilities	Residential	Commercial & Industrial	Recreation & Non-Urban	Concessional Development	Critical Uses & Facilities	Sensitive Uses & Facilities	Residential	Commercial & Industrial	Recreation & Non-Urban	Concessional Development	Critical Uses & Facilities	Sensitive Uses & Facilities	Residential	Commercial & Industrial	Recreation & Non-Urban	Concessional Development	Critical Uses & Facilities	Sensitive Uses & Facilities	Residential	Commercial & Industrial	Recreation & Non-Urban	Concessional Development
Floor Level		3	2,6,7	5,6,7	1,6	4,7			2,6,7	5,6,7	1	4,7					1	4,7	3	3	2or8, 6or9, 7	5or8, 6or9, 7	1or8, 6or9	4,7
Building Components		2	1	1	1	1			1	1	1	1					1	1	2	2	1 or 3	1 or 3	1 or 3	1 or 3
Structural Soundness		3	2	2	2	2			2	2	2	2					1	1						
Flood Effects		2	2	2	2	2			2	2	2	2					1	1	2	2	2	2	2	2
Car Parking & Driveway Access		1,3,5,6,7	1,3,5,6,7	1,3,5,6,7	2,3,4,6,7	6,7,8			1,3,5,6,7	1,3,5,6,7	2,3,4,6,7	6,7,8					2,3,4,6,7	6,7,8	1or9, 3, 6	1or9, 3, 6	1or9, 3, 6	1or9, 3, 6	2,3,6	6,8
Evacuation		2	2	1 or 2	3	2			2	1 or 2	3	2					3	2	2	2				
Management & Design		1,4,5	1	1,2,3,5	1,2,3,5	1,2,3,5			1	1,2,3,5	1,2,3,5	1,2,3,5					1,2,3,5	1,2,3,5	1,4,5	1,4,5	1	1,2, 3or6, 5	1,2, 3or6, 5	1,2, 3or6, 5
							Unsuitable Land Use (refer to General Note b)														No Controls			

Unsuitable Land Use (refer to General Note b)

No Controls

General Notes

- a *Freeboard* equals an additional height of 500mm. In *Overland Flow* precincts, the *freeboard* is 300mm.
- b The relevant environmental planning instruments (generally the Local Environmental Plan) identify development permissible with consent in various zones in the LGA. Notwithstanding, constraints specific to individual sites may preclude Council granting consent for certain forms of development on all or part of a site.
- c Filling of the site, where acceptable to Council, may change the FRP considered to determine the controls applied in the circumstances of individual applications.
- d Refer to Section 2.3 of the DCP for planning considerations for proposals involving only the erection of a fence. Any fencing that forms part of a proposed development is subject to the relevant flood effects and structural soundness planning considerations of the applicable landuse category.
- e Refer to Section 3.0 of the DCP for information requirements relating to house raising proposals development of properties identified for voluntary acquisition.
- f Terms in *italics* are defined in the glossary of this plan and Schedule 2 specifies development types included in each land use category. These development types are generally as defined within Environmental Planning Instruments applying to the LGA.

Floor Level

- 1 All floor levels to be no lower than the 20 year flood level plus freeboard unless justified by site specific assessment.
- 2 *Habitable floor* levels to be no lower than the 100 year flood level plus *freeboard*.
- 3 *Habitable floor* levels to be no lower than the *PMF* level. *Non-habitable floor* levels to be no lower than the *PMF* level unless justified by a site specific assessment.
- 4 Floor levels to be no lower than the *design floor level*. Where this is not *practical* due to compatibility with the height of adjacent buildings, or compatibility with the floor level of existing buildings, or the need for access for persons with disabilities, a lower floor level may be considered. In these circumstances, the floor level is to be as high as *practical*, and, when undertaking alterations or additions, no lower than the existing floor level.
- 5 The level of *habitable floor areas* to be equal to or greater than the 100 year *flood level plus freeboard*. If this level is not *practical* for a development in a Business zone, the floor level should be as high as possible.
- 6 *Non-habitable floor* levels to be equal to or greater than the 100 year flood level plus *freeboard* where possible, or otherwise no lower than the 20 year flood level plus *freeboard* unless justified by site specific assessment.
- 7 A restriction is to be placed on the title of the land, pursuant to S.88B of the Conveyancing Act, where the lowest *habitable floor area* is elevated above finished ground level, confirming that the undercroft area is not to be enclosed, where Council considers this may potentially occur.
- 8 *Habitable floor* levels to be minimum 500mm above adjacent ground levels.
- 9 *Non-habitable floor* levels to be minimum 300mm above adjacent ground levels.

Building Components & Method

- 1 All structures to have *flood compatible building components* below the 100 year flood level plus *freeboard*.
- 2 All structures to have *flood compatible building components* below the *PMF* level.
- 3 All structures to have *flood compatible building components* up to 500mm above adjacent ground levels.

Structural Soundness

- 1 Engineer's report to certify that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100 year flood plus *freeboard*, or a *PMF* if required to satisfy evacuation criteria (see below). In the case of alterations or additions to an existing development, the structure to be certified is that which is proposed to be newly constructed or otherwise required to be of a specified standard to satisfy other controls.
- 2 Applicant to demonstrate that the structure can withstand the forces of floodwater, debris and buoyancy up to and including a 100 year flood plus *freeboard*, or a *PMF* if required to satisfy evacuation criteria (see below). An engineer's report may be required.
- 3 Applicant to demonstrate that any structure can withstand the forces of floodwater, debris and buoyancy up to and including a *PMF*. An engineer's report may be required.

Flood Effects

- 1 Engineer's report required to certify that the development will not increase effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to the conveyance of flood or overland flow waters; and (iii) the cumulative impact of multiple potential developments in the floodplain.
- 2 The flood impact of the development to be considered to ensure that the development will not increase flood effects elsewhere, having regard to: (i) loss of flood storage; (ii) changes in flood levels and velocities caused by alterations to the flood *conveyance*; and (iii) the cumulative impact of multiple potential developments in the floodplain. An engineer's report may be required.

Car Parking and Driveway Access

- 1 The minimum surface level of open car parking spaces or carports shall be as high as *practical*, and not below: (i) the 20 year flood level plus freeboard; or (ii) the level of the crest of the road at the location where the site has access; (which ever is the lower). In the case of garages, the minimum surface level shall be as high as *practical*, but no lower than the 20 year flood level plus freeboard.

- 2 The minimum surface level of open car parking spaces, carports or garages, shall be as high as *practical*.
- 3 Garages capable of accommodating more than 3 motor vehicles on land zoned for urban purposes, or *enclosed car parking*, must be protected from inundation by floods equal to or greater than the 100 year flood.
- 4 The driveway providing access between the road and parking space shall be as high as *practical* and generally rising in the egress direction.
- 5 Where the level of the driveway providing access between the road and parking space is lower than 0.3m below the 100 year flood, the following condition must be satisfied - the depth of inundation on the driveway during a 100 year flood shall not exceed: (i) the depth at the road; or (ii) the depth at the car parking space. (Refer to Schedule 3). A lesser standard may be accepted for single detached dwelling houses where it can be demonstrated that risk to human life would not be compromised.
- 6 *Enclosed car parking* and car parking areas accommodating more than 3 vehicles with a floor level below the 20 year flood level plus *freeboard* or more than 0.8m below the 100 year flood level, shall have *adequate warning systems, signage and exits*.
- 7 Restraints or vehicle barriers to be provided to prevent floating vehicles leaving a site during a 100 year flood.
- 8 Driveway and parking space levels to be no lower than the *design ground/floor levels*. Where this is not *practical*, a lower level may be considered. In these circumstances, the level is to be as high as *practical*, and, when undertaking alterations or additions, no lower than the existing level.
- 9 The minimum surface level of open car parking spaces or carports shall be as high as *practical*, and not below: (i) the 20 year flood level plus freeboard; or (ii) the level of the crest of the road at the location where the site has access; or (iii) 300mm above adjacent ground level; (which ever is the lower). In the case of garages, the minimum surface level shall be as high as *practical*, but no lower than the 20 year flood level plus freeboard or 300mm above adjacent ground level.

Note: a. A flood depth of 0.3m is sufficient to cause a small vehicle to float.

b. *Enclosed car parking* is defined in the glossary and typically refers to car parks in basements.

Evacuation

- 1 Reliable access for pedestrians or vehicles required during a 100 year flood.
- 2 Reliable access for pedestrians or vehicles is required from the building, commencing at a minimum level equal to the lowest *habitable floor* level to an area of refuge above the *PMF level*, or a minimum of 20% of the gross floor area of the dwelling to be above the *PMF level*. In the case of alterations or additions to an existing development, this may require retro-fitting the existing structure if required to support a refuge above the *PMF*.
- 3 The evacuation requirements of the development are to be considered. An engineers report will be required if in the opinion of Council the evacuation of persons might not be achieved within the *effective warning time*.

Management and Design

- 1 If this application involves subdivision, the applicant is to demonstrate that potential development as a consequence of the subdivision, can be undertaken in accordance with this DCP.
- 2 *Site Emergency Response Flood Plan* required where floor levels are below the *design floor level*, (except for single dwelling-houses).
- 3 Applicant to demonstrate that an area is available to store goods above the 100 year flood level plus *freeboard*.
- 4 Applicant to demonstrate that an area is available to store goods above the *PMF level*.
- 5 No storage of materials below the *design floor level* which may cause pollution or be potentially hazardous during any flood.
- 6 Applicant to demonstrate that an area is available to store goods at least 500mm above adjacent ground level.

Note: a. A list of Flood Compatible Materials & Building Components is provided in Schedule 3

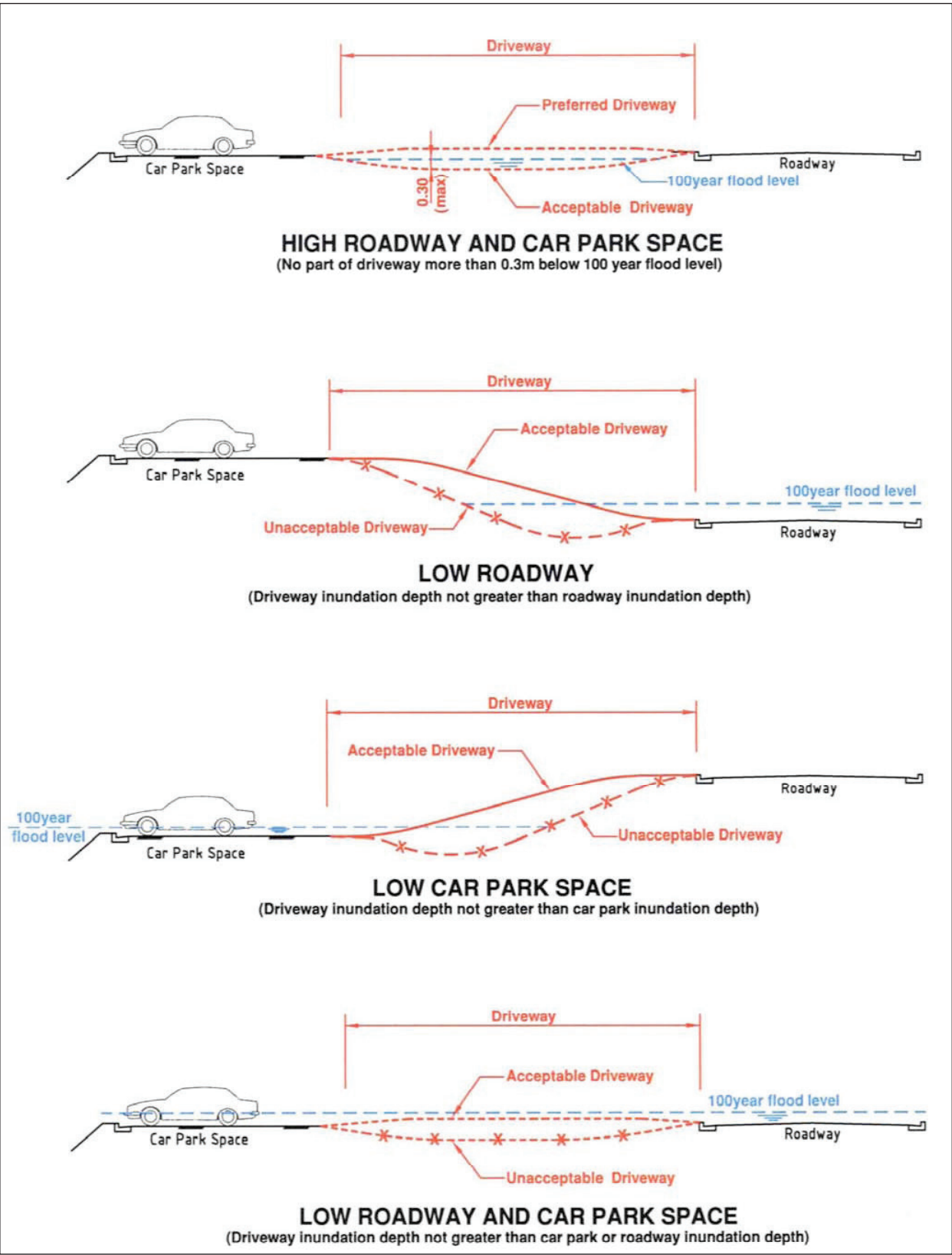
b. Car Parking and Driveway Access Examples are provide in Schedule 4

Schedule 3 - Flood Compatible Materials & Building Components

BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL	BUILDING COMPONENT	FLOOD COMPATIBLE MATERIAL
Flooring and Sub-floor Structure	<ul style="list-style-type: none"> concrete slab-on ground monolith construction suspension reinforced concrete slab 	Doors	<ul style="list-style-type: none"> solid panel with water proof adhesives flush door with marine ply filled with closed cell foam painted metal construction aluminium or galvanised steel frame
Floor Covering	<ul style="list-style-type: none"> clay tiles concrete, precast or in situ concrete tiles epoxy, formed-in-place mastic flooring, formed-in-place rubber sheets or tiles with chemical-set adhesives silicone floors formed in-place vinyl sheets or tiles with chemical-set adhesive ceramic tiles, fixed with mortar or chemical-set adhesive asphalt tiles, fixed with water resistant adhesive 	Wall and Ceiling Linings	<ul style="list-style-type: none"> fibro-cement board brick, face or glazed clay tile glazed in waterproof mortar concrete concrete block steel with waterproof applications stone, natural solid or veneer, waterproof grout glass blocks glass plastic sheeting or wall with waterproof adhesive
Wall Structure	<ul style="list-style-type: none"> solid brickwork, blockwork, reinforced, concrete or mass concrete 	Insulation Windows	<ul style="list-style-type: none"> foam (closed cell types) aluminium frame with stainless steel rollers or similar corrosion and water resistant material.
Roofing Structure (for Situations where the Relevant Flood Level is Above the Ceiling)	<ul style="list-style-type: none"> reinforced concrete construction galvanised metal; construction 	Nails, Bolts, Hinges and Fittings	<ul style="list-style-type: none"> brass, nylon or stainless steel removable pin hinges hot dipped galvanised steel wire, nails or similar.

Electrical and Mechanical Equipment <p>For dwellings constructed on land to which this Plan applies, the electrical and mechanical materials, equipment and installation should conform to the following requirements.</p>	Heating and Air Conditioning Systems <p>Heating and air conditioning systems should, to the maximum extent possible, be installed in areas and spaces of the house above the relevant flood level. When this is not feasible every precaution should be taken to minimise the damage caused by submersion according to the following guidelines.</p>
<p>Main power supply Subject to the approval of the relevant authority the incoming main commercial power service equipment, including all metering equipment, shall be located above the relevant flood level. Means shall be available to easily disconnect the dwelling from the main power supply.</p>	<p>Fuel Heating systems using gas or oil as a fuel should have a manually operated valve located in the fuel supply line to enable fuel cut-off.</p>
<p>Wiring All wiring, power outlets, switches, etc., should, to the maximum extent possible, be located above the relevant flood level. All electrical wiring installed below the relevant flood level should be suitable for continuous submergence in water and should contain no fibrous components. Earth core linkage systems (or safety switches) are to be installed. Only submersible-type splices should be used below the relevant flood level. All conduits located below the relevant designated flood level should be so installed that they will be self draining if subjected to flooding.</p>	<p>Installation The heating equipment and fuel storage tanks should be mounted on and securely anchored to a foundation pad of sufficient mass to overcome buoyancy and prevent movement that could damage the fuel supply line. All storage tanks should be vented to an elevation of 600 millimetres above the relevant flood level.</p>
<p>Equipment All equipment installed below or partially below the relevant flood level should be capable of disconnection by a single plug and socket assembly.</p>	<p>Ducting All ductwork located below the relevant flood level should be provided with openings for drainage and cleaning. Self draining may be achieved by constructing the ductwork on a suitable grade. Where ductwork must pass through a water-tight wall or floor below the relevant flood level, the ductwork should be protected by a closure assembly operated from above relevant flood level.</p>
<p>Reconnection Should any electrical device and/or part of the wiring be flooded it should be thoroughly cleaned or replaced and checked by an approved electrical contractor before reconnection.</p>	<p>Ancillary Structures (steps, pergolas, etc) Suitable water tolerant materials should be used such as masonry sealed hardwood and corrosive resistant metals. Copper Chrome Arsenate (CCA) treated timber is not a suitable material.</p>

Schedule 4 - Car Parking and Driveway Access Examples



Outstanding Resolutions - Report

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	RYDE TRAFFIC COMMITTEE - COMPLETED	1/05/2011	PRINCES STREET, RYDE - Pedestrian Refuge The Traffic Committee agreed to kerb extensions and a median to improve the intersection for pedestrians to cross. The RTC did not agree to a marked crossing. The Works Committee resolved that the matter be reviewed with the intent of re-presenting an argument to the RTC for the crossing based on the actual circumstances once the works are done. The works are still pending and due to be done in April. Once complete a pedestrian audit and count can be done on the 'settled' in use patterns. It is anticipated this will then go to the July RTC (NB: This meeting was postponed until 11 August 2011), followed by a report to Council in late-September / early October 2011.
Meeting Date	Anticipated date	Officer	
24/08/2010	6/09/2011	Harry Muker	
Group			
Public Works			

Report provided to Works and Community Committee Meeting on 6 September 2011.

COMPLETED (To be removed following Council Meeting t be held 27 September 2011)

Meeting Type	Resolution	Due Date of Report	Comments/Update
Committee of the Whole	SAFETY EVALUATION OF TREES WITHIN THE CITY OF RYDE	9/08/2011	Reviewing other Council's Development Control Plan and tree policies. A Councillor Workshop was held on 9 August 2011.
Meeting Date 7/12/2010	(b)That a review of the City Of Ryde's Development Control Plan 2010 Part: 9.6 Tree Preservation be undertaken and reported to Council in six months.	Anticipated date 15/11/2011	Report anticipated for November 2011.
Group Community Life		Officer Simon Harrison	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Committee of the Whole	RYDE PLANNING AND BUSINESS CENTRE	13/12/2011	Review to be conducted after six months with report due to Council in December 2011.
Meeting Date		Anticipated date	
1/02/2011	(b) That Council review the operations of both Centres after six (6) months by conducting surveys and that a further report be prepared for Council's consideration.	13/12/2011	
Group		Officer	
Corporate Services		Manager, Customer Service	

Meeting Type Council	Resolution ESTABLISHMENT OF MARKET IN CHURCH STREET TOP RYDE	Due Date of Report 19/04/2011	Comments/Update <i>Further discussions underway with Ryde Chamber of Commerce. Ryde Chamber of Commerce is presenting a progress report to the Economic Development Advisory Committee meeting to be held on 29 September 2011.</i>
Meeting Date 8/03/2011	(a) That Council include the establishment of a market/fair in Church Street Top Ryde, on a trial basis, for consideration in the 2011/12 Management Plan and that Council staff to begin assisting the Chamber of Commerce in developing a project plan for the logistics to commence conducting the market/fair.	Anticipated date 11/10/2011	<i>Report scheduled for October 2011.</i>
Group Community Life	(b) That the Project Plan be reported back to Council. (c) That the Project Plan be reported to the Economic Development and Advisory Committee for comment prior to the report being provided back to Council.	Officer Derek McCarthy	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	PUBLIC PRIVATE PARTNERSHIP - Bevillesta & City of Ryde - Signage Rights, Southern Pedestrian Bridge, North Face - Status Report.	19/07/2011	Report being prepared for Council on 22 November 2011.
Meeting Date	That a further report be submitted to Council once the Expression of Interest process has been completed.	Anticipated date 22/11/2011	
Group		Officer	
Public Works		George Dedes	

Meeting Type Council	Resolution CREATION OF A CITY OF RYDE PROPERTY TRUST	Due Date of Report 11/10/2011	Comments/Update Steps currently being initiated by Group Manager Public Works regarding EOI for selection of qualified consultant to undertake an assessment as set out in Resolution from meeting 10 May 2011.
Meeting Date 10/05/2011	(a) That Council authorises the General Manager to seek other local government partners to complete investigations into the most appropriate legal model and share costs for the creation of a Property Trust which would be suitable for the City of Ryde's Property Trust.	Anticipated date 11/10/2011	<i>The Mayor and the General Manager to attend a meeting with The Honourable Don Page, Minister for Local Government on Wednesday, 24 August 2011.</i>
Group Public Works	(b) That Council authorise the General Manager to develop a model for a Property Trust (with costs shared by other participating Councils) with Council's component to be funded by the investment property reserve. (c) That the General Manager be delegated authority to call on expressions of interest and select a suitably qualified consultant to undertake an assessment of our current suitable operational assets, with the view to estimating the highest and best use and rate of return to Council, utilising funds from the investment property reserve. (d) That once recommendations (2) and (3) are implemented, a full report with a costed feasibility	Officer Terry Dodds	<i>Report anticipated for October 2011.</i>

study for operating a City of Ryde Property Trust, be submitted to Council prior to proceeding to Phase (D) Operations: Running the Model.

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	REVIEW OF PART 3.3 DWELLINGS HOUSES AND DUAL OCCUPANCY OF DEVELOPMENT CONTROL PLAN 2010	28/02/2012	<i>Report to Council Meeting in February 2012.</i>
Meeting Date			
14/06/2011	a) That a review of Part 3.3 Dwelling Houses and Dual Occupancy of City of Ryde's Development Control Plan 2010 and associated process be undertaken to address the issues raised in this report.	Anticipated date 28/02/2012	
Group	(b) That a further report be provided to Council once the review process is completed.	Officer Meryl Bishop	
Environment and Planning			

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	FOUR YEAR DELIVERY PLAN 2011-2015 INCLUDING ONE YEAR OPERATIONAL PLAN 2011/2012	11/10/2011	Report coming back to Council at first quarterly review.
Meeting Date	(i) That Council provides free access to the Ryde Aquatic Leisure Centre to all pensioners and health card holders upon the production of an appropriate concession card and proof of residency in the City of Ryde and that a report be provided to Council in twelve (12) months time as part of the 2012/2013 Operational Plan, detailing the usage and financial impact of this concession.	Anticipated date 11/10/2011	
Group		Officer	
Community Life		Paul Hartman	

Meeting Type Works and Community	Resolution DRAFT PUTNEY PARK PLAN OF MANAGEMENT - Permission to place on Public Exhibition	Due Date of Report 6/09/2011	Comments/Update <i>Placed on public exhibition from 22 June until 3 August 2011.</i>
Meeting Date 14/06/2011	(c) That a report be brought back to Council with the results of the public exhibition, recommending further action.	Anticipated date 4/10/2011	<i>Report being prepared for 4 October 2011.</i>
Group Community Life		Officer Simon Harrison	
Meeting Type Works and Community	Resolution YAMBLE RESERVE ALL ABILITIES PLAYGROUND - COMPLETED	Due Date of Report 6/09/2011	Comments/Update <i>Placed on public exhibition from 22 June until 20 July 2011.</i>
Meeting Date 14/06/2011	(b) That a subsequent report be provided to Council on the outcomes of the public exhibition process together with the final concept plan for endorsement.	Anticipated date 27/09/2011	<i>Report provided for Works and Community Committee Meeting of 20 September 2011.</i>
Group Community Life		Officer Simon Harrison	<i>COMPLETED (To be removed following Council Meeting to be held 27 September 2011)</i>

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	Notice of Motion: TIDY SUBURBS IN RYDE CAMPAIGN - COMPLETED	16/08/2011	Combined report prepared by Public Works and Community Relations and Events for the Works and Community Meeting on 20 September 2011.
Meeting Date	The General Manager prepares a report to Council recommending initiatives to encourage and reinforce acceptable standards on maintenance of front yards, nature strips, and public areas in order to promote the health, safety and well being of all residents in Ryde. The report is to include information on resources required by staff to effectively implement this campaign.	Anticipated date 6/09/2011	COMPLETED (To be removed following Council Meeting to be held 27 September 2011)
Group		Officer Baharak Sahebkhhtari	
Community Life			

Meeting Type Committee of the Whole	Resolution TOP RYDER COMMUNITY BUS SERVICE	Due Date of Report 8/11/2011	Comments/Update Report to Council Meeting on 8 November 2011.
Meeting Date 21/06/2011	(d) That a further report be provided to Council at the end of the trial period to assess the success of the new business partnership arrangement and determine whether or not the service should be extended to 30 June 2012 and beyond.	Anticipated date 8/11/2011	
Group Environment and Planning		Officer Sam Cappelli	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	TRAFFIC & PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 26 May 2011 - (1) LEE AVENUE & NICHOLL AVENUE RYDE, RICHARD JOHNSON CRESCENT RYDE, MERITON STREET GLADESVILLE, WATT AVENUE RYDE - Request for Parking Restrictions	1/04/2012	Report anticipated April 2012.
21/06/2011	(a) Statutory "No Stopping" restrictions for a length of 10 metres at the bend on Lee Avenue and Nicoll Avenue on both sides be installed. (b) With regard to the narrow road section on Richard Johnson Crescent: I. "No Parking" restrictions on the western side (inside radius) of the narrow road section on Richard Johnson Crescent between property No's. 1 and 11 be installed on a trial basis of 6 months. II. Council consult with the residents of Richard Johnson Crescent on the parking restrictions during the trial period, or at the end of the period, to seek feedback on the success of the trial. III. A further report be provided to the Traffic	Anticipated date 1/04/2012	
Group Public Works		Officer Harry Muker	

Committee.

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	TRAFFIC & PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 26 May 2011 - (5) ANDREW STREET, MELROSE PARK – Preferred Option (Final Report)	21/06/2011	<i>Report expected 29 September 2011 to the Ryde Traffic Committee.</i>
21/06/2011	That a further report be brought back to a future Works and Community Committee meeting following an onsite meeting with the residents of Andrew Street on the 16 June 2011.	Anticipated date 1/11/2011	<i>Report to Works and Community Committee anticipated November 2011.</i>
Group		Officer	
Public Works		Harry Muker	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - REQUEST FOR NSROC TO FUND ABORIGINAL EDUCATION	8/11/2011	Staff will research and report on findings.
Meeting Date	That the City of Ryde obtain a report on Lane Cove Council's support for an educational program for aboriginal students in the NSROC area and investigate how Ryde Council may be involved.	Anticipated date 8/11/2011	Report anticipated November 2011.
Group		Officer	
Community Life		Baharak Sahebkhari	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	DEEBLE STREET – Progress Report on Leasing Landscaped Area	18/10/2011	Subject to Statutory notifications, report anticipated to the Works and Community Committee on 18 October 2011.
Meeting Date	That this matter be deferred to enable Council staff to progress further negotiations with the owners of 70a Champion Road and for this matter to be reported back to Council as soon as possible.	Anticipated date 18/10/2011	
Group		Officer	
Public Works		Terry Dodds	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	SHAFTSBURY ROAD and GLEN STREET, EASTWOOD – Proposed Roundabout (Black Spot Remediation Site – UPDATE)	8/11/2011	Advice from RTA in relation to this project is expected prior to end August 2011. Further actions in relation to funding and its potential reallocation to be discussed further with the RTA. Report anticipated November 2011.
Meeting Date		Anticipated date	
28/06/2011	That consideration of this matter be deferred for a detailed report back to Council outlining the history of this intersection, why this intersection came before Traffic Committee as a Black Spot Remediation Site, what other solutions are possible and what other locations would be suitable to utilise this funding in the City of Ryde for a roundabout.	8/11/2011	Road Safety Audit completed - two (2) alternate designs at present (09/11). Technical consideration being made by the RTA. If the RTA condones the design, the proposal will then be included on the Agenda for the next available Ryde Traffic Committee.
Group		Officer	
Public Works		Harry Muker	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	PARKING DEVELOPMENT CONTROL PLAN REVIEW	27/03/2012	<i>Six Week Exhibition period subject to Section 65 for draft LEP, expected to be undertaken in late 2011.</i>
Meeting Date	(c)That a further report regarding community comments be provided to Council as soon as practicable after completion of the public exhibition.	Anticipated date	<i>Report to Council anticipated for March 2012.</i>
26/07/2011		27/03/2012	
Group		Officer	
Environment and Planning		Meryl Bishop	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	328-332 VICTORIA ROAD, GLADESVILLE. LDA2011/0146 - COMPLETED	23/08/2011	<i>LDA2011/0146 was approved as a result of a rescission motion at Council on 23 August 2011.</i>
Meeting Date	That this matter be deferred to allow consultation with the Heritage Advisory Committee, the Ryde Traffic Committee, the community and to enable staff to negotiate with the applicant to address these issues including the protection of the building's façade.	Anticipated date	<i>COMPLETED (To be removed following Council Meeting to be held 27 September 2011)</i>
26/07/2011		23/08/2011	
Group		Officer	
Environment and Planning		Liz Coad	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	ADVISORY COMMITTEE - Crime Prevention Advisory Committee Meeting held on 16 June 2011 - COMPLETED	13/09/2011	Report being prepared for September 2011. Considered by Council on 13 September 2011. A further report was requested which will be provided to Council in December once consultation has been completed.
Meeting Date		Anticipated date	
26/07/2011	(c)That Council review the structure of the Advisory Committees and that this matter be reported to Council in September when endorsing Council's Advisory Committees.	13/09/2011	
Group		Officer	
Corporate Services		Shane Sullivan	COMPLETED (To be removed following Council Meeting to be held 27 September 2011)

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	PUBLIC DOMAIN UPGRADES	30/06/2012	<i>Part (d) will be reported when the development is undertaken.</i>
Meeting Date 2/08/2011	(d) That a detailed costing be provided to Council on the replacement of the two poles with two smart poles in front of the proposed second hotel in Eastwood, at the same time that the development is undertaken.	Anticipated date 30/06/2012	<i>Part (e) will be reported in June 2012.</i>
Group Environment and Planning	(e) That a further report be provided to Council on this matter after consultation with shop owners in Church Street.	Officer Meryl Bishop	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION: ISSUES ASSOCIATED WITH TRAFFIC BYPASSING THE SOUTHERN END OF WHARF ROAD, MELROSE PARK	1/11/2011	<i>This matter will be subject of a Report to the Ryde Traffic Committee at its meeting to be held on 29 September 2011, following which a report will be prepared to the Works and Community Committee at its meeting to be held on 1 November 2011.</i>
Meeting Date		Anticipated date	
2/08/2011	(a) That Council investigate issues associated with through traffic that currently bypasses the southern end of Wharf Road Melrose Park, particularly at times when a 40 kph speed limit applies outside Melrose Park Public School by using either Taylor Avenue and Cobham Avenue or Lancaster Avenue and report on measures to encourage through traffic to remain on the collector road system in this area.	1/11/2011	
Group		Officer	
Public Works	(b) That before any action is taken in this matter, consultation be undertaken with residents in the affected area.	Harry Muker	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	CONSIDERATION OF HERITAGE ISSUES - Public Works	1/11/2011	Report to Works and Community Committee anticipated November 2011.
Meeting Date	That this matter, including a copy of the previous report be referred to the Works and Community Committee for further consideration.	Anticipated date 1/11/2011	
Group		Officer	
Public Works		Russell Nash	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	MAYORAL MINUTE - MM 08/11 - INVESTIGATION TO IDENTIFY THE SOURCE OF MALICIOUS COMPLAINTS	6/09/2011	<i>All parties have been advised of the Mayors determination as endorsed by Council. The forensic investigation has been commenced.</i>
Meeting Date	(c)That the result of the investigation be reported back to Council.	Anticipated date 11/10/2011	<i>Results of the investigation will be reported back to Council on 11 October 2011.</i>
Group		Officer	
Corporate Services		Bruce McCann	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	SURF ATTRACTION PROPOSAL FOR THE RYDE AQUATIC LEISURE CENTRE	6/09/2011	<i>Options are being investigated prior to tenders.</i>
Meeting Date	(b) That the General Manager reports on the options available to sourcing the required funds from either an external bank loan or internally from reserves.	Anticipated date 13/12/2011	<i>Report being prepared for December 2011 meeting.</i>
Group		Officer	
Community Life		Paul Hartman	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - INTERNATIONAL DAY OF PEOPLE WITH DISABILITY	1/11/2011	Next Access Committee meeting is on 5 October 2011.
Meeting Date		Anticipated date	Report anticipated November 2011.
9/08/2011	(a) That the General Manager report to Council on the possibility of Council and other similar organisations in the City of Ryde, partnering with Side by Side Advocacy in its plan to host a function to celebrate International Day of People with Disability at Brush Farm House on 2 December 2011.	1/11/2011	
Group		Officer	
Community Life	(b) That in preparing the report, the Access Committee be consulted on this matter.	Baharak Sahebkhari	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	UPGRADE OF PITTWATER ROAD (HIGH STREET TO EPPING ROAD) - Review of Environmental Factors and Community Consultation	15/11/2011	Workshop proposed for 27 September 2011, following which the Review of Environmental Factors will be exhibited for public comment for a period of 21 days.
Meeting Date		Anticipated date	
9/08/2011	(a) That this matter be deferred to allow for a Councillor workshop and for the consultants to be in attendance (to discuss the four stages of this project).	15/11/2011	A report will then be prepared for Council in November 2011.
Group		Officer	
Public Works	(b) That the community groups consulted in the community engagement process be invited to address Council when the matter is reported back to Council.	Sri Sriandarajah	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - CONNECTING COMMUNITIES TO EASTWOOD AFTER THE FIRE	15/11/2011	<i>Report to Council Meeting on 15 November 2011</i>
Meeting Date	(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.	Anticipated date 15/11/2011	
Group		Officer	
Environment and Planning		Meryl Bishop	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - CONNECTING COMMUNITIES TO EASTWOOD AFTER THE FIRE - COMPLETED	6/09/2011	Report went to Works and Community on 6 September 2011.
Meeting Date	(b)That as a matter of urgency, a further report be provided to the Works and Community Committee Meeting on 6 September 2011 to accelerate the cinemas in the plaza program.	Anticipated date 6/09/2011	COMPLETED (To be removed following Council meeting on 27 September 2011)
Group		Officer	
Community Life		Derek McCarthy	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	ESTABLISHMENT OF A LOCAL PLANNING PANEL	22/11/2011	Report to Council Meeting on 22 November 2011
Meeting Date	(b)That a report be provided to Council regarding the composition of the Joint Regional Planning Panel.	Anticipated date 22/11/2011	
Group		Officer	
Environment and Planning		Liz Coad	

Meeting Type Council	Resolution COUNCIL'S MEETING STRUCTURE - COMPLETED	Due Date of Report 27/09/2011	Comments/Update Code of Meeting Practice Report provided to Council at its meeting held 27 September 2011.
Meeting Date 23/08/2011	(d) That a further report be provided to Council in September presenting a draft Code of Meeting Practice for public exhibition and which reflects Council's preferred option.	Anticipated date 27/09/2011	A report reviewing the Advisory Committeess was provided 13 September 2011 and as a result a further report was requested which will be provided to Council in December once consultation has been completed.
Group Corporate Services	(e) That a further report reviewing the Advisory Committees, including meeting dates, be provided to Council in September 2011.	Officer Shane Sullivan	COMPLETED (To be removed following Council Meeting to be held 27 September 2011)

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	78 HERMITAGE ROAD, WEST RYDE. LDA2011/0022.		a) Additional Information request sent to applicant on 29 August 2011.
Meeting Date		Anticipated date	b) Report to Planning and Environment Committee at date TBA (within three months of receipt of additional information from the applicant).
Group		Officer	
Environment and Planning	(a) That this application be deferred for the applicant to submit further information to Council in support of their application addressing the reasons for refusal presented in the report to the Planning and Environment Committee on 16 August 2011, including the reduction of signage on the site and the storage of chemicals in compliance with WorkCover requirements. (b) That upon receipt of this information, a further report be presented to the Planning and Environment Committee within a three month period.	Liz Coad	

Meeting Type Council	Resolution TOILET BLOCKS RENEWAL (CENTRES ONLY)	Due Date of Report 14/02/2012	Comments/Update Report to Council Meeting in February 2012.
Meeting Date 23/08/2011	(c) That a report be provided for consideration of a public toilet block in the vicinity of Five Ways Town Centre.	Anticipated date 14/02/2012	
Group Environment and Planning	(e) That a review of signage be undertaken for the existing public toilet blocks in commercial centres and that a further report be provided.	Officer Meryl Bishop	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	TRAFFIC & PARKING MATTERS PRESENTED TO RYDE TRAFFIC COMMITTEE ON 11 AUGUST 2011 - BRIGHT STREET, RYDE – Request for Resident Parking Scheme	24/11/2011	<i>A report is to be prepared for the Ryde Traffic Committee to be tabled at its meeting to be held on 24 November 2011.</i>
6/09/2011	(a) That Council install a 2P (8.00am – 6pm, Mon-Fri) zone 9 Resident Parking Scheme along Bright Street; between Buffalo Road and Providence Road on one side (north/west), between property numbers 102 Buffalo Road and 25 Providence Road and that this be trialled for 6 months.	Anticipated date 13/12/2011	
Group		Officer	
Public Works	(b) That Council contact the State Transit Authority to discuss alternate parking for its staff and that a further report be provided to the Committee for its consideration.	Ramesh Desai	

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	TRAFFIC & PARKING MATTERS PRESENTED TO RYDE TRAFFIC COMMITTEE ON 11 AUGUST 2011 - LUCKNOW ROAD MACQUARIE PARK, AEOLUS AVENUE RYDE, MORRISON ROAD PUTNEY, KENT ROAD, NORTH RYDE - Request for parking restrictions and line marking	24/11/2011	<i>A report is to be prepared for the Ryde Traffic Committee to be tabled at its meeting to be held on 24 November 2011.</i>
6/09/2011	(a) That in relation to parking at Lucknow Road, this matter be deferred to allow Council to undertake the following:	Anticipated date 13/12/2011	
Group Public Works	(i) An investigation of alternate designs of the site. (ii) Identifying possible sources of financial contribution. And that a further report be provided to the Committee for its consideration.	Officer Ramesh Desai	

Meeting Type Council	Resolution ADVISORY COMMITTEES - Review of Committees and Terms of Reference	Due Date of Report 13/12/2011	Comments/Update <i>Consultation to commence. Report to Council Meeting in December 2011.</i>
Meeting Date 13/09/2011	a) That this matter be deferred for consultation to be undertaken with all Advisory Committees and a further report to Council.	Anticipated date 13/12/2011	
Group Corporate Services		Officer Shane Sullivan	