

8 NOVEMBER 2012

NOTICE OF MEETING

You are advised of the following meeting:

TUESDAY 13 NOVEMBER 2012.

Meeting of Council Meeting No. 21/12

Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde - 7.30pm

Meeting Date: Tuesday 13 November 2012
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

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

NOTICE OF BUSINESS

Item	Page
MAYORAL MINUTES	
14/12 MACQUARIE-RYDE FUTURES PARTNERSHIP.....	1
COUNCIL REPORTS	
1 CONFIRMATION OF MINUTES - Council Meeting held on 23 October 2012	2
2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 12/12 held on 6 November 2012.....	46
3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 13/12 held on 6 November 2012.....	52
4 STAFF CULTURE SURVEY - RESULTS.....	69
5 2011/2012 FINANCIAL STATEMENTS.....	76
6 LOCAL INFRASTRUCTURE RENEWAL SCHEME - ROUND TWO	97
7 SUBMISSION ON DRAFT LONG TERM TRANSPORT MASTER PLAN.....	129
8 ADOPTION OF THE SHRIMPTONS CREEK PARKLANDS PLAN OF MANAGEMENT	183
9 PROPOSED VOLUNTARY PLANNING AGREEMENT FOR A RESIDENTIAL DEVELOPMENT AT LOT 2 DP1163230 - 126-128 HERRING ROAD, MACQUARIE PARK. LDA2012/314	188
10 PLANNING PROPOSAL - 461 - 495 VICTORIA ROAD, GLADESVILLE.....	214
11 CIVIC PRECINCT COST ANALYSIS REPORT	236
12 REPORTS DUE TO COUNCIL	297
PRECIS OF CORRESPONDENCE	
1 DIVISION OF LOCAL GOVERNMENT ON-SITE INFRASTRUCTURE AUDIT.....	326
2 DIVISION OF LOCAL GOVERNMENT RESPONSE TO COUNCIL'S REQUEST UNDER SECTION 416 OF THE LOCAL GOVERNMENT ACT 1993 FOR AN EXTENSION OF TIME FOR SUBMISSION OF THE 2011/12 FINANCIAL STATEMENTS	329

Meeting Date: Tuesday 13 November 2012
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

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

NOTICE OF BUSINESS (continued)

Item		Page
NOTICES OF MOTION		
1	FEEDBACK FROM COUNCILLORS FOR IMPROVEMENTS TO THE LOCAL GOVERNMENT ELECTION PROCESS - Councillor Roy Maggio	331
2	STATE ELECTORAL COMMISSION - Councillor Roy Maggio	331
3	FEES AND CHARGES AT WESTMINSTER OVAL, GLADESVILLE - Councillor Roy Maggio	331
4	CITY OF RYDE PROCUREMENT PROCESSES - Councillor Jeff Salvestro-Martin	331
5	DEVLIN STREET PEDESTRIAN BRIDGES - Councillor Denise Pendleton	332
6	PEDESTRIAN SAFETY THROUGHOUT THE CITY OF RYDE - Councillor Jeff Salvestro-Martin	333
NOTICES OF RESCISSION		
1	NOTICE OF RESCISSION: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND OTHER COUNCILLORS - Councillor Jeff Salvestro-Martin, Councillor Sarkis Yedelian OAM, Councillor Craig Chung	334
2	NOTICE OF RESCISSION: MATTER OF URGENCY - REMOVAL OF FIVE SHRUBS ON THE NATURE STRIP AT 163 MORRISON ROAD, PUTNEY - Councillor George Simon, Councillor Denise Pendleton, Councillor Terry Perram	334
CONFIDENTIAL ITEMS		
13	ALLENGROVE MAJOR PROJECT - LEGAL ADVICE RECEIVED ON OPTIONS TO APPEAL THE APPROVAL GRANTED	336

MAYORAL MINUTES

**MM14/12 MACQUARIE-RYDE FUTURES PARTNERSHIP – The Mayor,
Councillor Ivan Petch**

File Number: GRP/09/7/2/2 – BP12/163

At a Councillor workshop on Tuesday, 23 October 2012, Professor Richie Howitt provided information to Councillors regarding the strategic and beneficial partnership between Council and Macquarie University.

Since its inception the partnership has proved that collaboration between “town and gown” can provide great benefit to both parties.

As a result of the workshop, I seek Council’s endorsement to continue the partnership and to host a reception on 11 December 2012 to celebrate its first year.

The Vice Chancellor, Professor Bruce Downton and others will be invited to attend.

RECOMMENDATION:

- (i) That Council endorse the continuation of the Macquarie Ryde Futures Partnership; and
- (ii) That Council host a reception on 11 December 2012 prior to the commencement of the Council meeting and that Professor Downton and other members of the steering committee be invited to attend.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

**Councillor Ivan Petch
The Mayor**

1 CONFIRMATION OF MINUTES - Council Meeting held on 23 October 2012

Report prepared by: Meeting Support Coordinator

File No.: GRP/12/5/5/5 - BP12/1182

REPORT SUMMARY

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

RECOMMENDATION:

That the Minutes of the Council Meeting 20/12, held on 23 October 2012 be confirmed.

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 23 October 2012

ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 20/12**

Meeting Date: Tuesday 23 October 2012

Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde

Time: 7.30pm

Councillors Present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Councillor Pickering left the meeting at 11.35pm and was not present for consideration of Item 19.

Apologies: Nil.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, Manager – Communications and Media, Service Unit Manager – Governance, Service Unit Manager – Urban Planning, Service Unit Manager – Human Resources, Service Unit Manager – Rangers and Parking Services and Acting Section Manager – Governance.

PRAYER

Pastor Josh Ling of the Macquarie Chapel Presbyterian Church was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Chung disclosed a less than significant non-pecuniary interest in Item 5 Part 5 – 59 Wharf Road, Gladesville for the reason that he is familiar with the objector.

Councillor Chung disclosed a less than significant non-pecuniary interest in Item 14 – Planning Proposal – 108 Herring Road, Marsfield for the reason that he has an industry association with the applicant business.

Councillor Maggio disclosed a less than significant non-pecuniary interest in Item 5 Part 5 – 59 Wharf Road, Gladesville for the reason that he is familiar with the resident objecting to the development.

ITEM 1 (continued)

ATTACHMENT 1

Councillor Pickering disclosed a significant non-pecuniary interest in Item 19 – 41-45 Belmore Street Ryde Unauthorised Demolition for the reason that a contractor employed by his firm has also provided services to the party concerned.

Councillor Simon disclosed a less than significant non-pecuniary interest in Item 18 – Macquarie University – Draft Development Agreement for the reason that he has been involved in employment negotiations with Cochlear Limited in his capacity as a union representative.

TABLING OF PETITIONS

No Petitions were tabled.

PRESENTATION OF THE 2012 ANIMAL MANAGEMENT PLAN OF THE YEAR AWARD

Council's Service Unit Manager – Rangers and Parking Services, Mr Leon Marskell presented the Mayor, Councillor Petch with the 2012 Animal Management Plan of the Year Award. The Award was received from the Australian Institute of Australian Management (AIAM) and recognises the dedication of Council's staff.

PRESENTATION OF PRIDE OF WORKMANSHIP AWARD FROM GLADESVILLE ROTARY

The Mayor, Councillor Petch presented Council with a Pride of Workmanship Award from Gladesville Rotary. The Award was won by Council's Revenue Officer, Ms Tien Cheng.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Julie Worsley [representing Allengrove Against Inappropriate Development (A.A.I.D.)]	Precis of Correspondence 1 – Allengrove Major Project Concept Plan approved by Land and Environment Court
Noel Plumb (representing Ryde Community Alliance)	Precis of Correspondence 1 – Allengrove Major Project Concept Plan approved by Land and Environment Court
Jennie Minifie (representing Ryde Environment Group)	Precis of Correspondence 1 – Allengrove Major Project Concept Plan approved by Land and Environment Court
Lisa Bella Esposito (representing ALH Group Pty Ltd)	Item 14 – Planning Proposal – 108 Herring Road, Marsfield

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Etmekdjian and Salvestro-Martin)

That the late request to address Council on Items Listed on the Agenda be allowed to address the meeting, at this time.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
Andrew O'Neill (representing Friends of North Ryde	Item 14 – Planning Proposal – 108 Herring Road, Marsfield and Precis of Correspondence 1 – Allengrove Major Project Concept Plan approved by Land and Environment Court

RESOLUTION: (Moved by Councillors Salvestro-Martin and Etmekdjian)

That members of the public who had requested to address Council on Items Not Listed on the Agenda be allowed to address the meeting, at this time.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
Darryl Fung	Removal of shrubs on the nature strip at 163 Morrison Road, Putney

MATTERS OF URGENCY:-

ALLENGROVE CRESCENT DEVELOPMENT CHALLENGE – Councillor Laxale

MEADOWBANK FINE ARTS COLLEGE AT MEADOWBANK TAFE – Councillor
Simon

FORMATION OF FREE MOBILE PLAYGROUP SERVICES IN THE RYDE AREA –
Councillor Simon

ITEM 1 (continued)

ATTACHMENT 1

REMOVAL OF FIVE SHRUBS ON THE NATURE STRIP AT 163 MORRISON ROAD, PUTNEY – Councillor Maggio

The Mayor, Councillor Petch raised four Matters of Urgency received from Councillors Laxale, Simon and Maggio and deemed them as urgent.

RESOLUTION: (Moved by Councillors Maggio and Salvestro-Martin)

That Council consider all four Matters of Urgency, the time being 8.03pm.

Record of voting:

For the Motion: Unanimous

MATTER OF URGENCY – ALLENGROVE CRESCENT DEVELOPMENT CHALLENGE

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

- (a) That Council lodge a Section 123 objection to the Allengrove Crescent Development Approval before the deadline.
- (b) That Council provide detailed legal advice to Councillors on a Section 123 challenge, or any other possible challenges and that the advice be included in the business papers for the Council meeting of 13 November 2012.
- (c) That Council seek an urgent meeting with the Minister for Planning and the local Member for Ryde in maintaining the residential zoning on the southern side of Epping Highway.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – MEADOWBANK FINE ARTS COLLEGE AT MEADOWBANK TAFE

MOTION: (Moved by Councillors Simon and Yedelian OAM)

- (a) That Ryde Council notes the decision by the Department of Education to withdraw funding from the Meadowbank Fine Arts College at Meadowbank TAFE as part of the State Government \$1.8billion reduction in the education budget. Ryde Council has a proud history of working with students at the College to enrich the culture and the arts in the Ryde area, most notably through the Hungry for Art Festival. The possible closure of the facility now poses a risk to the ongoing viability of the artistic events that Ryde Council holds.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That Council write to the Member for Ryde, the Honourable Victor Dominello MP and the NSW Minister for Education, the Honourable Adrian Piccoli MP requesting that they intervene to save the College in order to maintain Council's proud artistic history and to support local students.

AMENDMENT: (Moved by Councillors Pickering and Etmekdjian)

- (a) That Ryde Council notes the decision by the Department of Education to withdraw funding from the Meadowbank Fine Arts College at Meadowbank TAFE as part of the State Government \$1.8billion reduction in the education budget. Ryde Council has a proud history of working with students at the College to enrich the culture and the arts in the Ryde area, most notably through the Hungry for Art Festival. The possible closure of the facility now poses a risk to the ongoing viability of the artistic events that Ryde Council holds.
- (b) That Council write to the Member for Ryde, the Honourable Victor Dominello MP and the NSW Minister for Education, the Honourable Adrian Piccoli MP requesting that they intervene to save the College in order to maintain Council's proud artistic history and to support local students.
- (c) That Ryde Council write to the Federal Treasurer, Mr Wayne Swan to request that an appropriate level of federal funding be provided to NSW to prevent the necessity for cuts to education services and facilities such as the Meadowbank Fine Arts College.

On being put to the Meeting, the voting on the Amendment was four (4) votes For and eight (8) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Etmekdjian, Maggio, Pickering and Yedelian OAM

Against the Amendment: The Mayor, Councillor Petch and Councillors Chung, Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

- (a) That Ryde Council notes the decision by the Department of Education to withdraw funding from the Meadowbank Fine Arts College at Meadowbank TAFE as part of the State Government \$1.8billion reduction in the education budget. Ryde Council has a proud history of working with students at the College to enrich the culture and the arts in the Ryde area, most notably through the Hungry for Art Festival. The possible closure of the facility now poses a risk to the ongoing viability of the artistic events that Ryde Council holds.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That Council write to the Member for Ryde, the Honourable Victor Dominello MP and the NSW Minister for Education, the Honourable Adrian Piccoli MP requesting that they intervene to save the College in order to maintain Council's proud artistic history and to support local students.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Perram

RECOMMITTAL OF MATTER OF URGENCY – MEADOWBANK FINE ARTS COLLEGE AT MEADOWBANK TAFE

RESOLUTION: (Moved by Councillors Salvestro-Martin and Yedelian OAM)

That the Matter of Urgency – Meadowbank Fine Arts College at Meadowbank TAFE be recommitted.

Record of Voting:

For the Motion: Unanimous

Matter of Urgency – Meadowbank Fine Arts College at Meadowbank TAFE was then recommitted.

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

- (a) That Ryde Council notes the decision by the Department of Education to withdraw funding from the Meadowbank Fine Arts College at Meadowbank TAFE as part of the State Government \$1.8billion reduction in the education budget. Ryde Council has a proud history of working with students at the College to enrich the culture and the arts in the Ryde area, most notably through the Hungry for Art Festival. The possible closure of the facility now poses a risk to the ongoing viability of the artistic events that Ryde Council holds.
- (b) That Council write to the Member for Ryde, the Honourable Victor Dominello MP and the NSW Minister for Education, the Honourable Adrian Piccoli MP requesting that they intervene to save the College in order to maintain Council's proud artistic history and to support local students.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

MATTER OF URGENCY – FORMATION OF FREE MOBILE PLAYGROUP SERVICES IN THE RYDE AREA

RESOLUTION: (Moved by Councillors Simon and Salvestro-Martin)

That Ryde Council undertake an investigation into opportunities for the formation of free mobile playgroup services in the Ryde area. The investigation will result in a report to Council and will include the following:

1. Sources of funding or partner for the provision of the service.
2. Options for how the service is to be provided including the parts of Ryde where the service will best be utilised.
3. Any regulatory or legislative obligations that need to be met for the provision of the service.

The report to be presented to Council by no later than December 2012 with a target start date for the provision of the service of July 2013.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – REMOVAL OF FIVE SHRUBS ON THE NATURE STRIP AT 163 MORRISON ROAD, PUTNEY

Note: Darryl Fung addressed the meeting in relation to this Item.

Note: Correspondence and photographs were tabled in relation to this Item and copies are ON FILE.

MOTION: (Moved by Councillors Maggio and Salvestro-Martin)

That staff remove the five shrubs on the nature strip at 163 Morrison Road, Putney and replace them with low bearing shrubs, in consultation with the local residents.

AMENDMENT: (Moved by Councillors Perram and Etmekdjian)

That this matter be referred to the Works and Community Committee for inspection and consultation with the adjoining neighbours.

On being put to the Meeting, the voting on the Amendment was five (5) votes For and seven (7) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Pendleton, Perram and Simon

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Maggio, Pickering, Salvestro-Martin and Yedelian OAM

RESOLUTION: (Moved by Councillors Maggio and Salvestro-Martin)

That staff remove the five shrubs on the nature strip at 163 Morrison Road, Putney and replace them with low bearing shrubs, in consultation with the local residents.

Record of Voting:

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

Against the Motion: Councillors Pendleton, Perram and Simon

TABLING OF STATEMENTS

Identical statements dated 23 October 2012 from The Mayor, Councillor Petch, Councillor Li, Councillor Perram and Councillor Salvestro-Martin were tabled by the Mayor, Councillor Petch and copies are ON FILE.

The Mayor, Councillor Petch read the statement out to the gallery.

RESOLUTION: (Moved by Councillors Perram and Salvestro-Martin)

That a copy of one of the statements received from The Mayor, Councillor Petch, Councillor Li, Councillor Perram and Councillor Salvestro-Martin be included in the Minutes of this meeting, noting that all four Councillors had lodged this statement.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 14 August 2012

Note: Councillor Laxale left the meeting at 9.00pm and was not present for consideration and voting on this Item.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That the Minutes of the Council Meeting 14/12, held on 14 August 2012 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 CONFIRMATION OF MINUTES - Council Meeting held on 28 August 2012

Note: Councillor Laxale was not present for consideration and voting on this Item.

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That the Minutes of the Council Meeting 16/12, held on 28 August 2012 be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Laxale returned to the meeting at 9.02pm.

3 CONFIRMATION OF MINUTES - Council Meeting held on 9 October 2012

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That the Minutes of the Council Meeting 18/12, held on 9 October 2012 be confirmed.

Record of Voting:

For the Motion: Unanimous

4 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 16 October 2012

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

That the Minutes of the Extraordinary Council Meeting 19/12, held on 16 October 2012 be confirmed.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

**5 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING
11/12 held on 16 October 2012**

RESOLUTION: (Moved by Councillors Simon and Salvestro-Martin)

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

Record of Voting:

For the Motion: Unanimous

**3 958 VICTORIA ROAD, WEST RYDE. LOT 8 DP 819902. Local
Development Application for alterations and additions to existing
dwelling. LDA2012/0047**

RESOLUTION: (Moved by Councillors Simon and Salvestro-Martin)

That Local Development Application No. 2012/47 at 958 Victoria Road, West Ryde being LOT 8 DP 819902 be deferred to enable a mediation to occur between the applicant and the Group Manager – Environment and Planning with an outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Maggio

**4 62 DARVALL ROAD, EASTWOOD. LOT 11 DP 6247. Local
Development Application for demolition of existing dwelling and
erection of a attached dual occupancy. LDA2011/380**

RESOLUTION: (Moved by Councillors Simon and Chung)

That Local Development Application No. 2011/380 at 62 Darvall Road, Eastwood being LOT 11 DP 6247 be deferred for a mediation to be undertaken between the applicant, objectors and the Group Manager – Environment and Planning with an outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

5 59 WHARF ROAD, GLADESVILLE. LOT D DP 342402. Local Development Application to erect a new two storey dwelling, in-ground swimming pool and front fence. LDA2012/0071

Note: Councillor Chung disclosed a less than significant non-pecuniary interest in this Item for the reason that he is familiar with the objector.

Note: Councillor Maggio disclosed a less than significant non-pecuniary interest in this Item for the reason that he is familiar with the resident objecting to the development.

MOTION: (Moved by Councillors Simon and Chung)

That Local Development Application No. 2012/71 at 59 Wharf Road, Gladesville being LOT D DP 342402 be deferred for a mediation to be undertaken between the applicant, objectors and the Group Manager – Environment and Planning with an outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.

AMENDMENT: (Moved by Councillors Salvestro-Martin and Laxale)

That Local Development Application No. 2012/71 at 59 Wharf Road, Gladesville being LOT D DP 342402 be approved subject to the conditions of consent as recommended by Council staff, and set out below:-

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

- Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Lower Ground Floor Plan	Received 10/04/12	20122a
Ground Floor Plan	Received 17/09/12	20122b
First Floor Plan	Received 29/06/12	20122c
Elevation from Wharf Road, West Elevation	Received 29/06/12	20122d
North Elevation,	Received 29/06/12	20122e

ITEM 1 (continued)

ATTACHMENT 1

South Elevation		
Sections	Received 17/09/12	20122f
Landscaping Plan and Site Plan	Received 10/04/12	20122h
Waste Management Plan, Swimming Pool Plan & Sections	Received 10/04/12	20122i
Demolition Plan	Received 10/04/12	20122j
Front Fence Elevation from Wharf Road	Received 10/04/12	20122k
Arborist Report and Tree Protection Plan prepared by Bluegum Tree Care and Consultancy	April 2012	“Arboricultural Impact Assessment of Residential Development 59 Wharf Road, Gladesville”

Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- (a) The proposed planter box (shown on Dwg No. 20122h) located in the south-eastern corner of the site is to be deleted and replaced with soft landscaping at existing ground level. In accordance with the recommendations of the submitted Arborist Report, excavation, fill and other construction activity shall be limited or avoided in this location within the Tree Protection Zone of the existing Sydney Blue Gum tree on the adjoining site.
- (b) The retaining wall within the back garden of the site, and the rear private open space areas comprising of both lawn and tiles to the northern side of the wall (accessed from the dining room), are to have a maximum height of RL 20.45 so as to minimise privacy impacts to adjoining properties.
- (c) There is to be no fill (above existing ground levels) or new retaining walls within 1.25 metres of the rear (western) boundary of the site.
- (d) Tree Protection Fencing as recommended by Bluegum Tree Care and Consultancy (Arborist Report and Tree Protection Plan, dated April 2012) is to be shown on the architectural plans.
- (e) The two *Magnolia grandiflora* ‘Alta’ proposed to be planted in the front garden are to be replaced with a locally indigenous tree reaching a mature height of 10 metres and located within the front garden. The tree is to be setback a minimum of three metres from adjoining sites and is not to be located within the Structural Root Zone (SRZ) of the existing Sydney Blue Gum at No. 61 Wharf Road.
- (f) The Lilly Pilly selected cultivar for the proposed screen planting along the rear boundary of the site is to have a maximum mature height of 2.7 metres.

ITEM 1 (continued)

ATTACHMENT 1

The Development must be carried out in accordance with the amended plans approved under this condition.

2. **Maximum height of planting.** All planting along the northern side boundary within the rear setback of the site is to be maintained at a maximum height of 1.5 metres measured from ground level.
3. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
4. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 417183S, dated 27 February 2012.
5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
6. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
7. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
8. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
9. **Road Opening Permit.** To ensure all restoration works within the public road reserve will be completed and restored to Council satisfaction, the applicant shall apply for a Road Opening permit where excavation works are proposed within the road reserve. No works shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
11. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.

ITEM 1 (continued)

ATTACHMENT 1

12. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
13. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.
14. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.
15. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
16. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council’s publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration to facilitate the development shall be altered at the applicant’s expense. Written approval and signed off at completion from the relevant Public Authority shall be submitted to Council.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council’s Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

18. **Sediment Control Fence.** The proposed sediment control fence along the southern boundary of the site is to be installed only where it does not require trenching within the Structural Root Zone of the existing Sydney Blue Gum on the adjoining site.

ITEM 1 (continued)

ATTACHMENT 1

19. **Site Stormwater Drainage System.** To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from the site shall be collected and piped by gravity flow to the public road in accordance with the requirements of DCP 2010: Part 8.2- Stormwater Management. Accordingly, detailed engineering plans with certification indicating compliance with this condition are to be submitted with the Construction Certificate application.
20. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
21. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
22. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (dwelling houses with delivery of bricks or concrete or machine excavation)
23. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
24. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
25. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
26. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

ITEM 1 (continued)

ATTACHMENT 1

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

27. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
28. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

29. **Site Sign**
- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
30. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
31. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

ITEM 1 (continued)

ATTACHMENT 1

- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.

- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

32. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

33. **Incursion of stormwater drainage into the Structural Root Zone.** Stormwater drainage pipes shown on the Ground Floor Plan (Drawing No. 20122b) will result in an incursion into the Structural Root Zone (SRZ) of the existing Sydney Blue Gum tree on the adjoining site. The stormwater drainage pipes should be relocated outside the SRZ of the tree and installed under the supervision (and in accordance with the recommendations) of the Project Arborist.
34. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
35. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.

ITEM 1 (continued)

ATTACHMENT 1

36. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
37. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
- (a) Fill is allowed under this consent;
 - (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.
38. **Construction materials.** All materials associated with construction must be retained within the site.
39. **Site Facilities**
The following facilities must be provided on the site:
- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
40. **Site maintenance**
The applicant must ensure that:
- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.
41. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".
42. **Construction of front fence – Arborist supervision.** A Consultant Arborist must be appointed to oversee all construction works for the proposed front masonry fence, and to ensure that construction is undertaken with minimal excavation within the Structural Root Zone (SRZ) of the Sydney Blue Gum on the adjoining site. If necessary to achieve minimal excavation within the SRZ, an alternative style of fencing in accordance with the Ryde DCP 2010 is to be erected.
43. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.

ITEM 1 (continued)

ATTACHMENT 1

44. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.
45. **Tree works – Compliance with submitted Arborist Report and Tree Protection Plan.** All construction on the site is to take place in accordance with the recommendations of the Arborist Report & Tree Protection Plan prepared by Bluegum Tree Care and Consultancy (April 2012).
46. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
47. **Tree works – arborist supervision.** A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.
48. **Tree works – provision of arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

49. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 417183S, dated 27 February 2012.
50. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.

ITEM 1 (continued)

ATTACHMENT 1

51. **Engineering Certification.** To ensure stormwater drainage works are completed in accordance with approved plans, Certification shall also be obtained from a chartered civil engineer with NPER registration with Engineers Australia, indicating the constructed works complied with DCP 2010. Part 8.2.

On being put to the Meeting, the voting on the Amendment was nine (9) votes For and three (3) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

For the Amendment: The Mayor, Councillor Petch and Councillors Etmekdjian, Laxale, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Amendment: Councillors Chung, Li and Maggio

RESOLUTION: (Moved by Councillors Salvestro-Martin and Laxale)

That Local Development Application No. 2012/71 at 59 Wharf Road, Gladesville being LOT D DP 342402 be approved subject to the conditions of consent as recommended by Council staff, and set out below:-

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Lower Ground Floor Plan	Received 10/04/12	20122a
Ground Floor Plan	Received 17/09/12	20122b
First Floor Plan	Received 29/06/12	20122c
Elevation from Wharf Road, West Elevation	Received 29/06/12	20122d
North Elevation, South Elevation	Received 29/06/12	20122e
Sections	Received 17/09/12	20122f
Landscaping Plan and Site Plan	Received 10/04/12	20122h
Waste Management Plan,	Received 10/04/12	20122i

ITEM 1 (continued)

ATTACHMENT 1

Swimming Pool Plan & Sections		
Demolition Plan	Received 10/04/12	20122j
Front Fence Elevation from Wharf Road	Received 10/04/12	20122k
Arborist Report and Tree Protection Plan prepared by Bluegum Tree Care and Consultancy	April 2012	“Arboricultural Impact Assessment of Residential Development 59 Wharf Road, Gladesville”

Prior to the issue of a **Construction Certificate**, the following amendments shall be made (as marked in red on the approved plans):

- (a) The proposed planter box (shown on Dwg No. 20122h) located in the south-eastern corner of the site is to be deleted and replaced with soft landscaping at existing ground level. In accordance with the recommendations of the submitted Arborist Report, excavation, fill and other construction activity shall be limited or avoided in this location within the Tree Protection Zone of the existing Sydney Blue Gum tree on the adjoining site.
- (b) The retaining wall within the back garden of the site, and the rear private open space areas comprising of both lawn and tiles to the northern side of the wall (accessed from the dining room), are to have a maximum height of RL 20.45 so as to minimise privacy impacts to adjoining properties.
- (c) There is to be no fill (above existing ground levels) or new retaining walls within 1.25 metres of the rear (western) boundary of the site.
- (d) Tree Protection Fencing as recommended by Bluegum Tree Care and Consultancy (Arborist Report and Tree Protection Plan, dated April 2012) is to be shown on the architectural plans.
- (e) The two *Magnolia grandiflora* ‘Alta’ proposed to be planted in the front garden are to be replaced with a locally indigenous tree reaching a mature height of 10 metres and located within the front garden. The tree is to be setback a minimum of three metres from adjoining sites and is not to be located within the Structural Root Zone (SRZ) of the existing Sydney Blue Gum at No. 61 Wharf Road.
- (f) The Lilly Pilly selected cultivar for the proposed screen planting along the rear boundary of the site is to have a maximum mature height of 2.7 metres.

The Development must be carried out in accordance with the amended plans approved under this condition.

2. **Maximum height of planting.** All planting along the northern side boundary within the rear setback of the site is to be maintained at a maximum height of 1.5 metres measured from ground level.

ITEM 1 (continued)

ATTACHMENT 1

3. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
4. **BASIX.** Compliance with all commitments listed in BASIX Certificate(s) numbered 417183S, dated 27 February 2012.
5. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
6. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
7. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
8. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
9. **Road Opening Permit.** To ensure all restoration works within the public road reserve will be completed and restored to Council satisfaction, the applicant shall apply for a Road Opening permit where excavation works are proposed within the road reserve. No works shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
10. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
11. **Pool filter – noise.** The pool/spa pump/filter must be enclosed in a suitable ventilated acoustic enclosure to ensure the noise emitted therefrom does not exceed 5dB(A) above the background noise level when measured at any affected residence.
12. **Depth markers.** Water depth markers are to be displayed at a prominent position within and at each end of the swimming pool.
13. **Wastewater discharge.** The spa/pool shall be connected to the Sydney Water sewer for discharge of wastewater.

ITEM 1 (continued)

ATTACHMENT 1

14. **Resuscitation Chart.** A resuscitation chart containing warning “YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS POOL” must be provided in the immediate vicinity of the pool area so as to be visible from all areas of the pool.
15. **Imported fill – type.** All imported fill must be Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*.
16. **Design and Construction Standards.** All engineering plans and work shall be carried out in accordance with the requirements as outlined within Council’s publication *Environmental Standards Development Criteria 1999 and City of Ryde Development Control Plan 2010 Section 8* except as amended by other conditions.
17. **Service Alterations.** All mains, services, poles, etc., which require alteration to facilitate the development shall be altered at the applicant’s expense. Written approval and signed off at completion from the relevant Public Authority shall be submitted to Council.

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council’s Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

18. **Sediment Control Fence.** The proposed sediment control fence along the southern boundary of the site is to be installed only where it does not require trenching within the Structural Root Zone of the existing Sydney Blue Gum on the adjoining site.
19. **Site Stormwater Drainage System.** To ensure satisfactory stormwater disposal and minimise downstream stormwater impacts, stormwater runoff from the site shall be collected and piped by gravity flow to the public road in accordance with the requirements of DCP 2010: Part 8.2- Stormwater Management. Accordingly, detailed engineering plans with certification indicating compliance with this condition are to be submitted with the Construction Certificate application.

ITEM 1 (continued)

ATTACHMENT 1

20. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
21. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
22. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (dwelling houses with delivery of bricks or concrete or machine excavation)
23. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
24. **Alignment Levels.** The applicant is to apply to Council, pay the required fee, and have issued site specific alignment levels by Council prior to the issue of the **Construction Certificate**.
25. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
26. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

Or telephone 13 20 92.

ITEM 1 (continued)

ATTACHMENT 1

27. **Reflectivity of materials.** Roofing and other external materials must be of low glare and reflectivity. Details of finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority prior to the release of the **Construction Certificate**.
28. **Pool fencing.** The pool fence is to be erected in accordance with the approved plans and conform with the provisions of the *Swimming Pools Act 1992* and *Swimming Pools Regulation 2008*. Details of compliance are to be reflected on the plans submitted with the **Construction Certificate**.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

29. **Site Sign**
- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
- (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
30. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
31. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:
- (a) in the case of work for which a principal contractor is required to be appointed:
- (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.

ITEM 1 (continued)

ATTACHMENT 1

- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

- 32. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

- 33. **Incursion of stormwater drainage into the Structural Root Zone.** Stormwater drainage pipes shown on the Ground Floor Plan (Drawing No. 20122b) will result in an incursion into the Structural Root Zone (SRZ) of the existing Sydney Blue Gum tree on the adjoining site. The stormwater drainage pipes should be relocated outside the SRZ of the tree and installed under the supervision (and in accordance with the recommendations) of the Project Arborist.
- 34. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
- 35. **Survey of footings/walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
- 36. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
- 37. **Use of fill/excavated material.** Excavated material must not be reused on the property except as follows:
 - (a) Fill is allowed under this consent;

ITEM 1 (continued)

ATTACHMENT 1

- (b) The material constitutes Virgin Excavated Natural Material as defined in the *Protection of the Environment Operations Act 1997*;
 - (c) the material is reused only to the extent that fill is allowed by the consent.

- 38. **Construction materials.** All materials associated with construction must be retained within the site.

- 39. **Site Facilities**
The following facilities must be provided on the site:
 - (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

- 40. **Site maintenance**
The applicant must ensure that:
 - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.

- 41. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

- 42. **Construction of front fence – Arborist supervision.** A Consultant Arborist must be appointed to oversee all construction works for the proposed front masonry fence, and to ensure that construction is undertaken with minimal excavation within the Structural Root Zone (SRZ) of the Sydney Blue Gum on the adjoining site. If necessary to achieve minimal excavation within the SRZ, an alternative style of fencing in accordance with the Ryde DCP 2010 is to be erected.

- 43. **Tree protection – no unauthorised removal.** This consent does not authorise the removal of trees unless specifically permitted by a condition of this consent or otherwise necessary as a result of construction works approved by this consent.

- 44. **Tree protection – during construction.** Trees that are shown on the approved plans as being retained must be protected against damage during construction.

- 45. **Tree works – Compliance with submitted Arborist Report and Tree Protection Plan.** All construction on the site is to take place in accordance with the recommendations of the Arborist Report & Tree Protection Plan prepared by Bluegum Tree Care and Consultancy (April 2012).

ITEM 1 (continued)

ATTACHMENT 1

46. **Tree works – Australian Standards.** Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
47. **Tree works – arborist supervision.** A Consultant Arborist must be appointed to oversee all works, including demolition and construction, in relation to the trees identified for retention on the site.
48. **Tree works – provision of arborist details.** Council is to be notified, in writing, of the name, contact details and qualifications of the Consultant Arborist appointed to the site. Should these details change during the course of works, or the appointed Consultant Arborist alter, Council is to be notified, in writing, within seven working days.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

49. **BASIX.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate(s) numbered 417183S, dated 27 February 2012.
50. **Landscaping.** All landscaping works approved by condition 1 are to be completed prior to the issue of the final **Occupation Certificate**.
51. **Engineering Certification.** To ensure stormwater drainage works are completed in accordance with approved plans, Certification shall also be obtained from a chartered civil engineer with NPER registration with Engineers Australia, indicating the constructed works complied with DCP 2010. Part 8.2.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Etmekdjian, Laxale, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillors Chung, Li and Maggio

ITEM 1 (continued)

ATTACHMENT 1

6 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 12/12 held on 16 October 2012

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

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

Record of Voting:

For the Motion: Unanimous

3 BUS PRIORITY LANE AND IMPROVEMENT WORKS BY RMS - Balaclava Road, Epping Road and Agincourt Road - UPDATE

Note: Councillor Pickering left the meeting at 9.32pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Perram and Salvestro-Martin)

- (a) That Council accept the funding provided by the Roads and Maritime Services (RMS) of \$690,441 which is subject to change upon mutual agreement between Council and RMS and that the expenditure of this amount be approved.
- (b) That the budget adjustment be included in the next Quarterly Review for information.
- (c) That Council approves the removal of up to five (5) trees to facilitate intersection widening and that these trees be replaced in accordance with the DCP.

Record of Voting:

For the Motion: Unanimous

4 LIVVI'S PLACE AT YAMBLE RESERVE – PROGRESS REPORT

Note: Councillor Pickering was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That an adjustment of \$232,066 be included in the next quarterly review for the purpose of paying for the asbestos removal and site remediation.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

Note: Councillor Pickering returned to the meeting at 9.39pm.

7 CODE OF MEETING PRACTICE

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That the report be noted and deferred for a workshop and specific inputs from Councillors.

Record of Voting:

For the Motion: Unanimous

8 COUNCIL WORKSHOPS AND INDUCTION SESSIONS

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

(a) That Council endorse the Workshop, Induction and site visit schedule as set out in this report, subject to the half day site visits and the weekend of 1 and 2 December 2012 being deferred to 2013, in addition to the following amendments:-

- The inclusion of a workshop regarding Local Government Reforms to be held at 9.30pm on 6 November 2012;
- The inclusion of a workshop regarding the Code of Meeting Practice to be held at 7.30pm on 20 November 2012; and
- The workshop regarding Macquarie Park Amendment 1 being moved to 8.30pm on 20 November 2012.

(b) That Council confirm that should more than three Councillors indicate their inability to attend a Workshop, Induction Session or site visit that it will not be held or rescheduled.

(c) That a full program of workshops for 2013 be provided to Council for endorsement.

Record of Voting:

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

Against the Motion: Councillor Laxale

ITEM 1 (continued)

ATTACHMENT 1

9 CODE OF CONDUCT ANNUAL REPORT

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

That Council note the General Manager's report on Code of Conduct complaints received for the period October 2011 to September 2012.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering, Salvestro-Martin and Simon

Against the Motion: Councillors Maggio and Yedelian OAM

10 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND OTHER COUNCILLORS

MOTION: (Moved by Councillors Perram and Pendleton)

- (a) That Council endorse the public exhibition of the revised Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy for a period of at least 28 days.
- (b) That after the exhibition period of the draft policy, a further report be provided to Council seeking the adoption of the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and detailing any submissions received.
- (c) That Council approve the appropriate disposal of the Mayoral vehicle.
- (d) That Clause 28 be amended to include access for meeting rooms at the library, as available, for the purposes of Councillors meeting with the public during operating hours and free of charge.

AMENDMENT: (Moved by Councillors Yedelian OAM and Maggio)

- (a) That Council endorse the public exhibition of the revised Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy for a period of at least 28 days.
- (b) That after the exhibition period of the draft policy, a further report be provided to Council seeking the adoption of the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and detailing any submissions received.
- (c) That Council approve the appropriate disposal of the Mayoral vehicle.

ITEM 1 (continued)

ATTACHMENT 1

- (d) That Clause 28 be amended to include access for meeting rooms at the library, as available, for the purposes of Councillors meeting with the public during operating hours and free of charge.
- (e) That Clause 24 be amended to offer Councillors the option of an amount up to \$2,000 in lieu of receiving a Council personal computer.

On being put to the Meeting, the voting on the Amendment was five (5) votes For and seven (7) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Salvestro-Martin, Simon and Yedelian OAM

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Maggio, Pendleton, Perram and Pickering

RESOLUTION: (Moved by Councillors Perram and Pendleton)

- (a) That Council endorse the public exhibition of the revised Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy for a period of at least 28 days.
- (b) That after the exhibition period of the draft policy, a further report be provided to Council seeking the adoption of the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and detailing any submissions received.
- (c) That Council approve the appropriate disposal of the Mayoral vehicle.
- (d) That Clause 28 be amended to include access for meeting rooms at the library, as available, for the purposes of Councillors meeting with the public during operating hours and free of charge.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Laxale, Li, Pendleton, Perram and Simon

Against the Motion: Councillors Etmekdjian, Maggio, Pickering, Salvestro-Martin and Yedelian OAM

Note: A Notice of Rescission signed by Councillors Salvestro-Martin, Yedelian OAM and Chung was received in relation to this Item at 11.45am on 24 October 2012 and will be considered by Council at its meeting to be held on 13 November 2012.

ITEM 1 (continued)

ATTACHMENT 1

11 DISCLOSURE OF INTEREST RETURNS - 2011-12

RESOLUTION: (Moved by Councillors Perram and Pickering)

- (a) That the Register of Disclosure of Pecuniary Interest Returns, as required under *Section 450A* of the Local Government Act, is tabled.
- (b) That the Division of Local Government, within the NSW Department of Premier and Cabinet, is provided with a copy of this report.
- (c) That Councillor Maggio's Disclosure of Pecuniary Interest Return be tabled at this time.

Record of Voting:

For the Motion: Unanimous

12 DELEGATION - GENERAL MANAGER

Note: Councillor Chung left the meeting 10.57pm and was not present for consideration or voting on this Item.

Note: Councillor Salvestro-Martin left the meeting 10.57pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

That in accordance with Section 380 of the Local Government Act 1993, Council reviews and confirms that the existing delegations and the standard instrument for delegation as **ATTACHED** be granted to the General Manager for the next term of office for the Council.

Record of Voting:

For the Motion: Unanimous

13 INVESTMENT REPORT - August and September 2012

Note: Councillor Chung was not present for consideration or voting on this Item.

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That Council endorse the report of the Chief Financial Officer dated 10 October 2012 on Investment Report – August and September 2012.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

Note: Councillors Chung returned to the meeting at 11.00pm.

Note: Councillors Salvestro-Martin returned to the meeting at 11.00pm.

14 PLANNING PROPOSAL - 108 HERRING ROAD MARSFIELD

Note: Lisa Bella Esposito (representing ALH Group Pty Ltd) and Andrew O'Neill (representing Friends of North Ryde) addressed the meeting in relation to this Item.

Note: Councillor Chung disclosed a less than significant non-pecuniary interest in this Item for the reason that he has an industry association with the applicant business.

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

- a) That Council note the planning proposal to rezone the land at 108 Herring Road Marsfield from R2 Low Density Residential to B1 Neighbourhood Business under Ryde LEP 2010 and the proposal be forwarded to the Minister for Planning to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979.
- b) That Council include in the submission to the Department of Planning and Infrastructure that the planning proposal include hotel or motel accommodation at 108 Herring Road Marsfield in Schedule 1 – Additional Permitted Uses Ryde LEP 2010.
- c) That in the event of a gateway determination being issued pursuant to section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition and a further report be presented to Council as soon as practicable after the close of the community consultation period advising of the outcomes.
- d) That the applicant, should it lodge a development application with Council which would have any effect on traffic flows into the site, make favourable consideration for ingress and egress of traffic through Epping Road.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

COMPLETION OF BUSINESS – EXTENSION OF TIME

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

That the meeting time be extended to allow Council to complete all Items of business on the Agenda, the time being 11.20pm.

Record of Voting:

For the Motion: Unanimous

15 ESTABLISHMENT OF A PANEL OF PREFERRED PROVIDERS TO PROVIDE LEARNING AND DEVELOPMENT SERVICES TO THE CITY OF RYDE

RESOLUTION: (Moved by Councillors Pickering and Perram)

That the panel of preferred providers for the provision of Learning and Development services be endorsed for up to three (3) years, that being two (2) years plus the option of a further one (1) year at Council's discretion.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Maggio, Laxale, Li, Pendleton, Perram, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Salvestro-Martin

16 TENDER - SUPPLY, INSTALLATION AND COMMISSIONING OF A CO-GENERATION PLANT AND EQUIPMENT FOR RALC

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

- (a) That Council accept the tender from Total Energy Solutions Pty Ltd for the sum of \$540,632 (ex GST) as recommended in the Tender Evaluation report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with Total Energy Solutions Pty Ltd for the sum of \$540,632 (ex GST) on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advise all the respondents of Council's decision.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Pickering, Simon and Yedelian OAM

Against the Motion: Councillors Maggio and Salvestro-Martin

17 ANNUAL TENDERS - Request for Tender - Provision of Minor Works & Services and Pre-Qualification for Large Civil Works 2012-2013 and 2013-2014

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

- (a) That Council accept tenders for Provision of Minor Works & Services and Pre-qualification for Large Civil Works up until 30 November 2014, from the tenderers outlined in Appendices 1 and 2 of this report on an “as required” basis for the items outlined.
- (b) That the preferred contractors be advised that work will be allocated to them on an “as required” basis, following consideration at the time of the type of work, price, availability, previous workmanship, relevant expertise, previous service provided to the residents and previous compliance to safety requirements.
- (c) That the preferred contractors provide details of the required insurance (i.e. Public Liability and Workers’ Compensation), and other conforming documents for approval within 14 days from the date of acceptance of the Tender.
- (d) That Council advise all the respondents of Council’s decision.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Maggio, Laxale, Li, Pendleton, Perram, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Salvestro-Martin

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 ALLENGROVE MAJOR PROJECT CONCEPT PLAN APPROVED BY LAND & ENVIRONMENT COURT

Note: Julie Worsley [representing Allengrove Against Inappropriate Development (A.A.I.D)], Noel Plumb (representing Ryde Community Alliance), Jennie Minifie (representing Ryde Environment Group) and Andrew O’Neill

ITEM 1 (continued)

ATTACHMENT 1

(representing Friends of North Ryde) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

There were no Notices of Motion.

NOTICES OF RESCISSION

There were no Notices of Rescission.

QUESTIONS BY COUNCILLORS AS PER POLICY

There were no Questions by Councillors as per Policy.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Darryl Fung addressed the meeting in relation to Items not Listed on the Agenda earlier in the Meeting as detailed in these Minutes.

CLOSED SESSION

ITEM 18 - MACQUARIE UNIVERSITY - DRAFT DEVELOPMENT AGREEMENT

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

ITEM 19 - 41 - 45 BELMORE STREET RYDE UNAUTHORISED DEMOLITION

Confidential

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

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

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

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 11.27pm. The public and media left the chamber.

18 MACQUARIE UNIVERSITY - DRAFT DEVELOPMENT AGREEMENT

Note: Councillor Simon disclosed a less than significant non-pecuniary interest in this Item for the reason that he has been involved in employment negotiations with Cochlear Limited in his capacity as a union representative.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Salvestro-Martin)

- (a) That Council support the draft development agreement and agree to place the draft Agreement on public exhibition for a minimum of 28 days.
- (b) That Council delegate to the General Manager the authority to make minor amendments to the draft Agreement and to execute the final Agreement.

Record of Voting:

For the Motion: Unanimous

19 41 - 45 BELMORE STREET RYDE UNAUTHORISED DEMOLITION

Note: Councillor Pickering disclosed a significant non-pecuniary interest in this Item for the reason that a contractor employed by his firm has also provided services to the party concerned. Councillor Pickering left the meeting at 11.35pm and did not return. Councillor Pickering was not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Perram and Laxale)

That Council resolve to issue Bayone Projects P/L with a \$3000 Penalty Infringement Notice for the unauthorised demolition of a portion of the building contrary to development consent LDA 1244/2002.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillor Simon

OPEN SESSION

Note: Councillor Pickering was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Perram)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.50pm.

Note: Councillor Pickering was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Perram)

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

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 11.53pm.

CONFIRMED THIS 13TH DAY OF NOVEMBER 2012

Chairperson

ITEM 1 (continued)

ATTACHMENT 1

ATTACHMENT

Statements from Councillor Ivan Petch, Mayor, Councillor Justin Li, Councillor Terry Perram and Councillor Jeff Salvestro-Martin pursuant to Clause 2.18 of the Code of Conduct were tabled at this meeting. As all statements were identical, the statement from Councillor Ivan Petch, Mayor has been attached in accordance with Council's resolution.

ITEM 1 (continued)

ATTACHMENT 1

Statement of Councillor Ivan Petch pursuant to clause 2.18 of the *Code of Conduct*

1. On 25 September 2012 I disclosed a less than significant non-pecuniary interest in Mayoral Minute 09/12 – Discontinuance of Supreme Court Proceedings No 2012/249917 (the "**25 September mayoral minute**").
2. Consistent with my determination that any non-pecuniary interest of mine in the 25 September mayoral minute was less than significant, I was present for consideration and discussion of, and voted in respect of, that mayoral minute, and a motion to rescind the Council's resolution to adopt the mayoral minute (the "**25 September resolution**").
3. Pursuant to clause 2.18 of the *Code of Conduct* I provide the following explanation of why, having considered the question, I determined that any conflict between my public duty and any private interest of mine in 25 September resolution, was less than significant, and did not require further action in the circumstances.
4. It was, and is, my understanding:
 - a. that the 25 September resolution was not a resolution to consent to any course of action that would determine, either directly or indirectly, my liability, or the liability of any other person, for the costs of Supreme Court Proceedings No 2012/249917 (the "**relevant proceedings**"), or that would, either directly or indirectly, bind the Council to pay any part of the costs of the relevant proceedings;
 - b. that, consequently, I had no 'pecuniary interest' in the 25 September resolution within the meaning of s 442 of the *Local Government Act 1993*;
 - c. that the interim orders in the relevant proceedings, to the discharging of which the Council, by the 25 September resolution, resolved to consent, were orders that operated to restrain those three of the six defendants to the relevant proceedings to whom they applied, only from performing, in the manner that those three defendants, acting *bona fide*, thought proper in the public interest, public functions conferred on them pursuant to s 232 of the *Local Government Act 1998*, in a manner that would not advance any private interest of any of them;
 - d. that, consequently, if any conflict could properly be said to exist between my non-pecuniary private interest in the 25 September resolution (as one of the six defendants to the relevant proceedings) and my public duty to act in the public interest as a councillor of Ryde City Council in relation to the 25 September

ITEM 1 (continued)

ATTACHMENT 1

- resolution, that conflict was purely formal and theoretical, and consequently less than significant;
- e. that the 25 September resolution was in the public interest;
 - f. that, in the absence of any pecuniary interest, or significant non-pecuniary interest, in the 25 September resolution, I had a positive responsibility to exercise, as a newly-elected councillor, the statutory functions that the voters of Ryde had elected me to perform, and to do so in the public interest by voting in support of the 25 September resolution; and
 - g. having, for the sake of abundant caution, disclosed, in accordance with the Supplementary Provisions in clause 3.2.3 of the Council's *Code of Meeting Practice* and clause 2.13 of the Council's *Code of Conduct* a less than significant non-pecuniary interest in the 25 September resolution, there existed no impediment to my voting in respect of it.
5. On 9 October 2012 I disclosed a less than significant non-pecuniary interest in mayoral minute 11/12 – Seeking Direction of Minister re Discontinuance of Supreme Court Proceedings No 2012/249917 (the “**9 October mayoral minute**”)
 6. Consistent with my determination that any non-pecuniary interest of mine in the 9 October mayoral minute was less than significant, I was present for consideration and discussion of, and voted in respect of, that mayoral minute (the “**9 October resolution**”).
 7. Pursuant to clause 2.18 of the *Code of Conduct* I provide the following explanation of why, having considered the question, I determined that any conflict between my public duty and any private interest of mine in the 9 October resolution, was less than significant, and did not require further action in the circumstances.
 8. It was, and is, my understanding:
 - a. that the 9 October resolution was not itselfa resolution to consent to any course of action that would determine, either directly or indirectly, my liability, or the liability of any other person, for the costs of the relevant proceedings, or that woulditself, either directly or indirectly, bind the Council to pay any part of the costs of the relevant proceedings;
 - b. that, consequently, I had no ‘pecuniary interest’ in the 25 September resolution within the meaning of s 442 of the *Local Government Act 1993*;
 - c. that, since the effect of the 9 October resolution was to submit to the independent judgment of the Minister the question whether I should be allowed to vote in respect of a resolution in which I may have a pecuniary interest, any conflict could properly be said to exist between my non-pecuniary private interest in the 9 October resolution (as one of the six defendants to the relevant

ITEM 1 (continued)

ATTACHMENT 1

proceedings) and my public duty to act in the public interest as a councillor of Ryde City Council in relation to the 9 October resolution, was purely formal and theoretical, and consequently less than significant;

- d. that, in the absence of any pecuniary interest, or significant non-pecuniary interest, in the 9 October resolution, I had a positive responsibility to exercise the statutory functions that the voters of Ryde had elected me to perform, and to do so in the public interest by voting in support of the 9 October resolution; and
- e. having, for the sake of abundant caution, disclosed, in accordance with the Supplementary Provisions in clause 3.2.3 of the Council's *Code of Meeting Practice* and clause 2.13 of the Council's *Code of Conduct* a less than significant non-pecuniary interest in the 9 October resolution, there existed no impediment to my voting in respect of it.



Clr. Ivan Petch
23 October 2012

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 12/12 held on 6 November 2012

Report prepared by: Meeting Support Coordinator

File No.: GRP/12/5/5/5 - BP12/1293

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 12/12 held on 6 November 2012. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

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

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

3 16 PUNT ROAD, GLADESVILLE. LOT 502 DP 732745. Local Development Application for alterations and additions to seniors housing (residential care facility): additional facilities including new office, meeting room, change room, and laundry. LDA2012/0015

Report: The Committee inspected the property at 16 Punt Road, Gladesville.

Note: A document from Geraldine Killalea, dated 6 November 2012 was tabled in relation to this item and a copy is ON FILE.

Note: A document from Brian Hurley, dated 6 November 2012 was tabled in relation to this item and a copy is ON FILE.

Note: Brian Hurley, Warren Bell and Geraldine Killalea (objectors), Margaret Merlin (on behalf of the owner) and Rob Puflett (applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Salvestro-Martin)

That Local Development Application No. 2012/0015 for 16 Punt Road be deferred for mediation with the Group Manager – Environment & Planning, applicant and objectors in regard to reducing the overshadowing impacts on the adjoining residents to achieve closer compliance with Council's Development Control Plan 2010. That a further report be provided to the Planning & Environment committee within three months.

Record of Voting:

For the Motion: Unanimous

ITEM 2 (continued)

Note: This matter will be dealt with at the Council Meeting to be held on **13 NOVEMBER 2012** as substantive changes were made to the published recommendation.

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 6 November 2012

ITEM 2 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 12/12**

Meeting Date: Tuesday 6 November 2012

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

Time: 4.05pm

Councillors Present: Councillors Simon (Chairperson), Pendleton, Salvestro-Martin and Yedelian OAM.

Councillor Salvestro-Martin arrived at 5.27pm and was not present for consideration of Item 1.

Apologies: Councillor Chung.

Absent: Councillor Maggio.

Staff Present: Group Manager – Environment & Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health & Building, Service Unit Manager – Governance, Team Leader – Drainage Engineers, Senior Town Planner, Team Leader – Fast Track Team, Consultant Town Planners – Architectus Group, Business Support Coordinator – Environment & Planning and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 16 October 2012

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

That the Minutes of the Planning and Environment Committee 11/12, held on Tuesday 16 October 2012, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

ITEM 2 (continued)

ATTACHMENT 1

2 29 DEVLIN STREET, RYDE. LOTS 5 & 6 DP 83504. Application under Section 82A of the EP&A Act 1979, to review Council's determination of LDA2011/0521 for construction of a Residential Flat Building (APL2012/0001)

Report: The Committee inspected the property at 29 Devlin Street, Ryde.

Note: A Memorandum from Council's Team Leader – Major Developments, dated 2 November 2012 was tabled in relation to this item and a copy is ON FILE.

Note: Robert Del Pizzo (on behalf of the applicant) addressed the Committee in relation to this Item.

RESOLUTION: (Moved by Councillors Salvestro-Martin and Simon)

- (a) That Section 82A Review No. APL 2012/0001 at 29 Devlin Street, Ryde being Lots 5 & 6 Section E in DP 83504 be approved subject to '**deferred commencement**' in accordance with Section 80(3) of the EP&A Act and subject to the **ATTACHED** conditions (Attachment 3) and the memorandum from Council's Team Leader – Major Developments, dated 2 November 2012.

'Deferred commencement' means the consent will not become operative until the Applicant has satisfied the requirements listed in Schedule 'A' of the consent. All issues shall be satisfactorily resolved within a period of six (6) months from the 'Determination Date', that is shown on the consent. Upon compliance with the issues under Schedule 'A', and written confirmation from Council to that effect, then the consent shall become operative from a "Date of Endorsement" (to be included on the written notification) subject to the conditions listed in Schedule 'B' and any additional conditions arising from the requirement of Schedule 'A'.

- (b) The following deferred commencement conditions will be imposed on the DA:

Part 1

1. The Applicant is to seek new BASIX and ABSA Certificates. The BASIX and ABSA Certificates must satisfy the requirements of these Certificates and Council.
2. A Demolition Plan must be provided for the demolition of the existing building and structures on site to the satisfaction of Council in accordance with:
 - a. Australian Standard AS 2601 – 1991 – The Demolition of Structures; and
 - b. "Demolition Report for an existing Two and Three-Storey building located at 29 Devlin Street, Ryde" (prepared by Architex dated 15th August 2011) submitted as part of Development Application APL 2012/0001.

Part 2

3. A detailed site investigation report is prepared and submitted for Council's consideration. The detailed site investigation report must comply with the Guidelines for Consultants reporting on Contaminated Sites (EPA, 1997)

ITEM 2 (continued)

ATTACHMENT 1

and demonstrate that the site is suitable for the proposed use, or that the site can be remediated to the extent necessary for the proposed use. If remediation is required, the report should also set out the remediation options available for the site and whether the work is considered to be category 1 or category 2 remediation works.

Council may require a site audit of the detailed investigation report. If requested by Council, the proponent must submit a site audit summary report from an accredited site auditor under the Contaminated Land Management Act 1997 verifying the information contained in the detailed site investigation.

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

Record of Voting:

For the Motion: Unanimous

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

3 16 PUNT ROAD, GLADESVILLE. LOT 502 DP 732745. Local Development Application for alterations and additions to seniors housing (residential care facility): additional facilities including new office, meeting room, change room, and laundry. LDA2012/0015

Report: The Committee inspected the property at 16 Punt Road, Gladesville.

Note: A document from Geraldine Killalea, dated 6 November 2012 was tabled in relation to this item and a copy is ON FILE.

Note: A document from Brian Hurley, dated 6 November 2012 was tabled in relation to this item and a copy is ON FILE.

Note: Brian Hurley, Warren Bell and Geraldine Killalea (objectors), Margaret Merlin (on behalf of the owner) and Rob Pufflett (applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Salvestro-Martin)

That Local Development Application No. 2012/0015 for 16 Punt Road be deferred for mediation with the Group Manager – Environment & Planning, applicant and objectors in regard to reducing the overshadowing impacts on the adjoining residents to achieve closer compliance with Council's Development Control Plan 2010. That a further report be provided to the Planning & Environment committee within three months.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **13 NOVEMBER 2012** as substantive changes were made to the published recommendation.

ITEM 2 (continued)

ATTACHMENT 1

4 2 OXFORD STREET GLADESVILLE. LOT B DP 359817. Local Development Application for construction of a carport / storeroom at the rear of the property. LDA2012/0200

Report: The Committee inspected the property at 2 Oxford Street, Gladesville.

Note: John Russell (owner and applicant) addressed the Committee in relation to this Item.

RESOLUTION: (Moved by Councillors Salvestro-Martin and Yedelian OAM)

That Local Development Application No. LDA2012/0200 at 2 Oxford Street, Gladesville be approved as a Deferred Commencement Consent subject to the **ATTACHED** conditions (Attachment 2).

Record of Voting:

For the Motion: Unanimous

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

5 33 DICKSON AVENUE WEST RYDE. LOT 215 DP 13292. Local Development Application for construction of a double garage at the rear of the site. LDA2012/0235

Report: The Committee inspected the property at 33 Dickson Avenue, West Ryde.

Note: Peter Hall (on behalf of the applicant) addressed the Committee in relation to this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Salvestro-Martin)

That Local Development Application No. LDA2012/0235 at 33 Dickson Avenue West Ryde be approved as a Deferred Commencement Consent subject to the **ATTACHED** conditions (Attachment 2).

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 6.44 pm.

CONFIRMED THIS 20TH DAY OF NOVEMBER 2012.

Chairperson

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 13/12 held on 6 November 2012

Report prepared by: Meeting Support Coordinator

File No.: GRP/12/5/5/5 - BP12/1294

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 13/12 held on 6 November 2012. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Items 1, 2, 3, 4, 6, 7, 8, 9(a), 9(b), 9(c), 9(d), 9(e), 9(f), 9(g), 9(h), 9(i), 9(j), 9(k), 9(l), 9(m), 9(o), 9(q), 9(r), 9(s), 9(t), 9(u), 9(v) and 9(w) were dealt with by the Committee within its delegated powers.

The following Committee recommendations for Items 5, 9(n) and 9(p) are submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

5 AUSTRALIAN BADMINTON ASSOCIATION REQUEST FOR SUPPORT

Note: Councillor Li disclosed a less than significant non-pecuniary interest in this Item for the reason that he knows the founder of the Australian Badminton Academy, Anna Lao, a Ryde resident.

RECOMMENDATION: (Moved by Councillors Pickering and Laxale)

- (a) That Council waive the \$508 hire fee for the Australian Badminton Academy for the 10 year anniversary celebration at the Ryde Aquatic Leisure Centre.
- (b) That the following resolution of Council from 23 August 2011 be extended to include any fees and charges levied at all facilities (RALC, ELS Hall etc):

That Council does not provide fee reductions or fee waivers for sporting groups or community organisations except in keeping with the adopted Schedule of Fees and Charges in the Delivery Plan

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **13 NOVEMBER 2012** as substantive changes were made to the published recommendation

ITEM 3 (continued)

9 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 27 September 2012

RECOMMENDATION: (Moved by Councillors Pickering and Laxale)

- (n) That Council adopt the following recommendations in relation to the report titled "OSGATHORPE ROAD AND EVAN STREET, GLADESVILLE" - Request for Local Area Traffic Management as follows:
- i. That Council take no action to introduce traffic calming measures in Osgathorpe Road, Evan Street and Brereton Street.
 - ii. That '3T' load limit be installed along Osgathorpe Road, Evan Street and Brereton Street subject to RMS concurrence of a suitable Traffic Management Plan (TMP).
 - iii. That Council investigate the behaviour of vehicles traversing the bend along Osgathorpe Road as cars have been known to straddle the road.
 - iv. That suitable measures be provided to restrict this type of driving behaviour.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **13 NOVEMBER 2012** as substantive changes were made to the published recommendation

RECOMMENDATION: (Moved by Councillors Pickering and Laxale)

- (p) That Council adopt the following recommendations in relation to the report titled "CULLODEN ROAD AND WATERLOO ROAD, MARSFIELD" - Request for review of marked pedestrian crossing as follows:
- (i) That Council not approve the request for marked pedestrian crossings along Waterloo Road and Culloden Road respectively.
 - (ii) That Council redefine the problem and staff speak to Councillors Perram and Laxale before bringing a further report back to the Traffic Committee

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **13 NOVEMBER 2012** as substantive changes were made to the published recommendation

ATTACHMENTS

- 1** Minutes - Works and Community Committee - 6 November 2012

ITEM 3 (continued)

ATTACHMENT 1

**Works and Community Committee
MINUTES OF MEETING NO. 13/12**

Meeting Date: Tuesday 6 November 2012

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

Time: 4.30pm

Councillors Present: Councillors Perram (Chairperson), Laxale, Li, Etmekdjian and Pickering.

Councillor Laxale arrived at 4.50pm and was not present for consideration of Item 1.

Councillor Pickering arrived at 5.00pm and was not present for consideration of Item 1.

Apologies: Nil.

Staff Present: Group Manager – Community Life, Group Manager - Public Works, Service Unit Manager – Open Space, Service Unit Manager – Ryde Aquatic Leisure Centre, Section Manager – Natural Areas and Urban Forest and Executive Assistant to the Mayor and Councillors.

DISCLOSURES OF INTEREST

Councillor Li disclosed a less than significant non-pecuniary interest in Item 5 – Australian Badminton Association Request for Support, for the reason that he knows the founder of the Australian Badminton Academy, Anna Lao, a Ryde resident.

1 CONFIRMATION OF MINUTES - Meeting held on 16 October 2012

Note: Councillors Laxale and Pickering were not present for consideration of this Item.

RESOLUTION: (Moved by Councillors Li and Etmekdjian)

That the Minutes of the Works and Community Committee 12/12, held on Tuesday 16 October 2012, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

ORDER OF BUSINESS

Note: Councillors Laxale and Pickering were not present for consideration of this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Perram)

That as numerous speakers had expressed an interest in addressing the Committee on Items 2 and 6, that the Committee now consider those Items.

Record of Voting:

For the Motion: Unanimous

2 FLOODING AT FIRST AVENUE, EASTWOOD

Note: Jackie Slaviero addressed the Committee in relation to this Item.

Note: Photographs, correspondence and a map were tabled by Ms Slaviero in relation to this Item and copies are ON FILE.

Note: Councillors Laxale arrived at 4.50pm during discussion of this Item.

Note: Councillor Pickering arrived at 5.00pm during discussion of this Item.

RESOLUTION: (Moved by Councillors Perram and Li)

- (a) That Council staff, consult with the residents of No 11 First Avenue of the result of the investigation.
- (b) That a further report be brought to Council on the results of the consultation with the residents of 11 First Avenue to take into account their preferences.

Record of Voting:

For the Motion: Unanimous

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

6 UPDATE ON WOLFE ROAD RESERVE

Note: Noel Plumb, Julie Lee and Leonie Dean addressed the Committee in relation to this Item.

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

- (a) That Council note the findings of the property boundary survey.

ITEM 3 (continued)

ATTACHMENT 1

- (b) That Council commence an education and awareness process in relation to the encroachment issues relating to the Wolfe Road Reserve.
- (c) Should this approach fail within 6 months, that Council seek legal advice on the issue of encroachment and report the matter back to the Works and Community Committee.
- (d) That Council endorse option 1 of the Environmental report and this be undertaken as follows:
- that Council request the resident immediately cease mowing of the lower part of the Reserve. That Council engage with the affected resident
 - signage be placed on the upper part of the Reserve advising of the management strategy for active and natural bushland area of the Reserve
 - continue removal of environmental weeds by Council with exception of the Jacaranda
 - placement of logs by Council to clearly define the boundary between open bushland and open space, approximately 30 metres from the road gutter (option 1)
 - a row of mat rush be planted adjacent to and downslope of the logs
 - on the lower part of the Reserve, Council remove the exotic garden plantings and place large logs and rocks to define the property boundary and bushland area
 - Council continue with ongoing bush regeneration works
- (e) Following the completion of the above actions, Council recommence efforts to engage the community in the formation of a Bushcare group.

Record of Voting:

For the Motion: Unanimous

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

3 REPORT ON EXTENSION OF ELIGIBLE PENSIONER SUBSIDY AT THE RYDE AQUATIC LEISURE CENTRE

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

- (a) That Council note that an un-time-limited extension would cost Council \$120,000 and on that basis Council extend the Eligible Resident Pensioner subsidy for free swim entry at the RALC to include OFF PEAK time access to the spa, sauna and steam room facilities effective immediately.
- (b) That Council make an adjustment to the Governance budget to reflect the estimated additional \$9,000 per year impact at the next quarterly review at a pro rata amount of \$6,750.

ITEM 3 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

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

4 CHILDREN'S PLAY IMPLEMENTATION PLAN FOR THE CITY OF RYDE

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (a) That Council place on public exhibition the draft Children's Play Implementation Plan for a period of four weeks. During notification period residents likely to be impacted during first two years be notified.
- (b) Following the public exhibition process, a further report be submitted to Council on the feedback received during the process and any proposed changes to the draft Children's Play Implementation Plan.

Record of Voting:

For the Motion: Unanimous

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

5 AUSTRALIAN BADMINTON ASSOCIATION REQUEST FOR SUPPORT

Note: Councillor Li disclosed a less than significant non-pecuniary interest in this Item for the reason that he knows the founder of the Australian Badminton Academy, Anna Lao, a Ryde resident.

RECOMMENDATION: (Moved by Councillors Pickering and Laxale)

- (a) That Council waive the \$508 hire fee for the Australian Badminton Academy for the 10 year anniversary celebration at the Ryde Aquatic Leisure Centre.
- (b) That the following resolution of Council from 23 August 2011 be extended to include any fees and charges levied at all facilities (RALC, ELS Hall etc):

That Council does not provide fee reductions or fee waivers for sporting groups or community organisations except in keeping with the adopted Schedule of Fees and Charges in the Delivery Plan

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **13 NOVEMBER 2012** as substantive changes were made to the published recommendation

ITEM 3 (continued)

ATTACHMENT 1

6 UPDATE ON WOLFE ROAD RESERVE

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

7 CONCORD & RYDE SAILING CLUB REQUEST

RESOLUTION: (Moved by Councillors Laxale and Li)

That Council write to the Concord and Ryde Sailing Club advising that whilst Council is not able to provide funds at this time for their grant application, it is appreciative of their efforts and that Council will further consider the matter prior to the 2013/14 round of the Sharing Sydney Harbour program.

Record of Voting:

For the Motion: Unanimous

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

8 MEMORANDUM OF UNDERSTANDING - NORTH SYDNEY RABBIT MANAGEMENT PLAN & ACTION PLAN FOR CITY OF RYDE

RESOLUTION: (Moved by Councillors Li and Laxale)

- (a) That the Council adopt the North Sydney Rabbit Management Plan and City of Ryde's Action Plan.
- (b) That all relevant documents be signed in line with the Council resolution.

Record of Voting:

For the Motion: Unanimous

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

9 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 27 September 2012

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That the traffic and parking measures resulting from the Ryde Traffic Committee at its meeting on 27 September 2012 be dealt with in seriatim.

Record of Voting:

For the Motion: Unanimous

ITEM 3 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (a) That Council adopt the following recommendation in relation to the report titled “PLASSEY ROAD, NORTH RYDE” - Request for “No Parking” restrictions as follows:

That Council approve the installation of “No Parking” restrictions on the western side of Plassey Road between Cemetery Gate and the bend approximately 150 metres to provide safe environment for pedestrians and cars with caravans and trailers.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (b) That Council adopt the following recommendations in relation to the report titled “DAVID AVENUE, NORTH RYDE” - Request for “No Parking” on one side as follows:

- i. That Council take no action to introduce additional parking controls along David Avenue between McGregor Street and bend at the present time.
- ii That Council consider small section of rumble bars at the bend along David Avenue outside, No. 66.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (c) That Council adopt the following recommendation in relation to the report titled “PORTER STREET, RYDE” - Request for No Parking as follows:

That Council approve the installation of “No Parking” restriction on the north western side of Porter Street, in front of No. 2 to No. 4 Porter Street for 40 metres covering the property frontage.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (d) That Council adopt the following recommendations in relation to the report titled "SPOONER PLACE, NORTH RYDE" - Request for amendments to Parking Restrictions as follows:
- i. That Council take no action on parking changes fronting the residential properties along Spooner Place and change of existing 2P parking on south eastern end of Spooner Place to unrestricted parking.
 - ii. That Council install "DO NOT QUEUE ACROSS INTERSECTION" signpost on Wicks Road at the Spooner Place intersection.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (e) That Council adopt the following recommendation in relation to the report titled "RESERVE STREET, WEST RYDE" - Request for short term parking restrictions as follows:

That Council approve the conversion of one (1) 1P parking space to "P10 MINUTE" (8am-6pm, Mon - Sun) parking space closer to Anthony Road to enable a "pick up / drop off" point for equipment and supplies for community events in front of West Ryde Community Centre along Reserve Street.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (f) That Council adopt the following recommendation in relation to the report titled "CHARLES STREET, PUTNEY" - Request for disabled parking space as follows:

That Council approve the conversion of one (1) 1/2P parking space to a "DISABLED" parking space closer to Council car park access along Charles Street.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (g) That Council adopt the following recommendations in relation to the report titled "GERARD LANE (NORTH OF GERARD STREET), GLADESVILLE – Difficulty in garbage collection as follows:

That Council install "No Parking" (5am -11am), restrictions on Tuesday on the western side (50 metre in length) of Gerard Lane which is north of Gerard Street.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (h) That Council adopt the following recommendations in relation to the report titled "KEATS AVENUE, RYDE" - Difficulty in garbage collection as follows:

That Council install 'No Parking' (5am-11am), restrictions on Thursdays within the kerbside of cul-de-sac (inclusive of a 6 metre "lead-in") at Keats Avenue, Ryde.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (i) That Council adopt the following recommendations in relation to the report titled "REGENT STREET, PUTNEY" - Request for Traffic Calming devices as follows:

- i That council install a broken centre line in Regent Street between Morrison Road and Wade Street.
- ii That NSW Police be requested to undertake surveillance in the area to encourage compliance with the posted speed limit for local roads.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (j) That Council adopt the following recommendations in relation to the report titled "WATERVIEW STREET,PUTNEY" - Request for Traffic Calming devices as follows:

That Council install a broken centre line in Waterview Street between Charles and Osborne Streets.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (k) That Council adopt the following recommendation in relation to the report titled "HARVARD STREET, GLADESVILLE - Request for review of traffic flows as follows:

That Council take no action to introduce traffic calming measures (speed humps) in Harvard Street as the traffic survey data does not support its implementation at the present time.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (l) That Council adopt the following recommendation in relation to the report titled "JULIUS AVENUE, NORTH RYDE' - Request for pedestrian refuge as follows:

That due to sight constraints, no action be taken with regard to the request for a pedestrian refuge.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (m) That Council adopt the following recommendation in relation to the report titled "WINBOURNE STREET' WEST RYDE" - Request for raised Wombat crossing as follows:

That Council list for future budget consideration the conversion of the two (2) existing marked pedestrian crossings into a raised pedestrian crossing on Winbourne Street (including zig-zag linemarking).

Record of Voting:

For the Motion: Unanimous

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

RECOMMENDATION: (Moved by Councillors Pickering and Laxale)

- (n) That Council adopt the following recommendations in relation to the report titled "OSGATHORPE ROAD AND EVAN STREET, GLADESVILLE" - Request for Local Area Traffic Management as follows:
- i. That Council take no action to introduce traffic calming measures in Osgathorpe Road, Evan Street and Brereton Street.
 - ii That '3T' load limit be installed along Osgathorpe Road, Evan Street and Brereton Street subject to RMS concurrence of a suitable Traffic Management Plan (TMP).
 - iii That Council investigate the behaviour of vehicles traversing the bend along Osgathorpe Road as cars have been known to straddle the road.
 - iv That suitable measures be provided to restrict this type of driving behaviour.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **13 NOVEMBER 2012** as substantive changes were made to the published recommendation

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (o) That Council adopt the following recommendations in relation to the report titled "MILROY STREET, NORTH RYDE' - Request for review of traffic flow as follows:

ITEM 3 (continued)

ATTACHMENT 1

- i. That Council not approve traffic calming measures along Milroy Street at the present.
- ii. That Council monitor the traffic conditions along Milroy Street and further report be tabled at the, Traffic Committee in six (6) months time.

Record of Voting:

For the Motion: Unanimous

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

RECOMMENDATION: (Moved by Councillors Pickering and Laxale)

- (p) That Council adopt the following recommendations in relation to the report titled "CULLODEN ROAD AND WATERLOO ROAD, MARSFIELD" - Request for review of marked pedestrian crossing as follows:
- (i) That Council not approve the request for marked pedestrian crossings along Waterloo Road and Culloden Road respectively.
 - (ii) That Council redefine the problem and staff speak to Councillors Perram and Laxale before bringing a further report back to the Traffic Committee

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **13 NOVEMBER 2012** as substantive changes were made to the published recommendation

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (q) That Council adopt the following recommendations in relation to the report titled "KENT ROAD, NORTH RYDE" - Request for review of pedestrian safety as follows:
- i. That Council approve the installation of a 30 metres bus zone and 30 metre "No Stopping" zone along the northern side of Kent Road between Herring Road and pedestrian crossing.
 - ii. That existing "No Stopping" signs be extended on both sides of Kent Road east of crossing up to the existing barrier lines
 - iii. That Council approve the installation of Zig-Zag lines along Kent Road prior to the crossing.

ITEM 3 (continued)

ATTACHMENT 1

- iv. That Council write to Kent Road Public School and suggest that the school make application to the RMS with regard to:
 - 1. The provision of a school crossing supervisor to oversee the Kent Road crossing.
 - 2. That the school be encouraged to apply for flashing school zone signage along Kent Road and Herring Road.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (r) That Council adopt the following recommendations in relation to the report titled "GANNET STREET, GLADESVILLE" - Request traffic flow and parking as follows:
 - i. As an interim measure subject to TMP approval that a 'No Right Hand Turn sign' be erected on Pittwater Road into Gannet Street.
 - ii. That this matter be further investigated. A set of questions will be framed for review by residents to ensure a holistic approach is undertaken prior to referral to the (technical) investigator/entity.
 - iii. A further report to be submitted to this committee with the results of the investigation.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (s) That Council adopt the following recommendations in relation to the report titled "COX'S ROAD, NORTH RYDE" - Request for speed hump or similar as follows:

That this matter be referred back to the Traffic Committee with a report on traffic calming devices (kerb blisters) which could be implemented at the intersections at Hartford and Jopling Streets with Coxs Road.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (t) That Council adopt the following recommendations in relation to the report titled "GIFFNOCK AVENUE, MACQUARIE PARK" - Request for Work Zone as follows:
- i. That approval for the Work Zone along the frontage of No.22 Giffnock Avenue property for 36.5 metres in length be granted for the period 1 September 2012 to 31 March 2013, subject to the following:
 1. Payment of Work Zone Permit Fee in full accordance with Council's approved Fees and Charges 2012/13.
 2. Payment of Parking Meter Fees in full accordance with Council's approved Fees and Charges 2012/13 due to the resumption of metered parking spaces for the duration of the Work Zone period
 - ii. That the Work Zone operates between the hours of 7am to 5pm, Monday to Friday, and 8am to 1pm on Saturday.
 - iii. That 12P parking restrictions be re-instated upon expiry of the Work Zone period (31 March 2013) or prior to Council's satisfaction by the builder.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (u) That Council adopt the following recommendations in relation to the report titled "GRANNY SMITH FESTIVAL" - Request for temporary road closures as follows:
- i. That the following road closures and traffic management protocols be recommended to the RMS for approval as part of operation of the 2012 Granny Smith Festival.
 - ii. That subject to approval of the temporary closure from the RMS, the following conditions apply:
 1. That approval be given for the procession route and necessary temporary road are closed at the Granny Smith Festival half an hour prior to the Parade starting on Saturday 20 October 2012. The Procession route and temporary road closures are along Lakeside Road, Glen Street, Shaftsbury Road, Rowe Street, The Avenue returning to Eastwood Oval via Lakeside Road.
 2. That approval be given for the temporary closure of Rowe Street (Shaftsbury Road to Eastwood Plaza) and The Avenue (Rowe Street to Hillview Lane) and Progress Avenue (The Avenue to Hillview Road)

ITEM 3 (continued)

ATTACHMENT 1

- and Trelawney Street (Rowe Street and Rutledge Street) from 6.00pm on Friday 19 October 2012 to 9.00pm (or until stalls have been collected) on Saturday 20 October 2012.
3. That approval be given for the temporary closure of Hillview Lane (between Shaftsbury Road and The Avenue) from 6.00am to 9.00pm on Saturday 20 October 2012 and Hillview Road between Lakeside Road and West Parade from 8.30am to 5.00pm on Saturday 20 October 2012.
 4. That temporary “No Stopping” signs be erected on the eastern side of Shaftsbury Road between Rowe Street and Rutledge Street between 6.00am and 9.00pm Saturday 20 October 2012.
 5. That temporary “No Stopping” signs be erected on Lakeside Road, between Hillview Road and Glen Street, between 6.00am and 9.00pm Saturday 20 October 2012.
 6. That the stall hire company be permitted to commence set up from 12.00 noon on Friday 19 October 2012 on the Plaza and from 6.00pm on Rowe Street, The Avenue and Progress Avenue.
 7. That large sized warning signs be erected notifying the public of the activities related to the Festival set up, the temporary road closures and alterations to bus routes.
 8. That temporary bus stops be located in Wingate Avenue from 6.00am on Saturday 20 October 2012 to 6.00am Sunday 21 October 2012 and at the eastern side of the Plaza at West Parade, from 5.00pm on Friday 19 October 2012 to 6.00am Sunday 21 October 2012 and the affected bus stops be signposted to redirect patrons to the temporary location.
 9. That temporary “No stopping” signs be erected in Rutledge Street on both sides between Trelawney Street and Shaftsbury Road.
 10. That the Eastwood Chamber of Commerce be advised of the proposals.
 11. That the Traffic Officer stationed in Eastwood Police Station be notified in writing.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (v) That Council adopt the following recommendations in relation to the report titled “TWIN ROAD, NORTH RYDE” – Forthcoming Special Events as follows:
 - i. That temporary “No Parking” signs be installed on both sides of Twin Road between Badajoz Road and Wicks Road and “No Stopping” signs be installed 10 metres from the corners of side streets on Sunday, 16 December 2012 and on Saturday, 26 January 2013, for the respective special events Carols by Candlelight (December 2012) and Australia Day (January 2013).

ITEM 3 (continued)

ATTACHMENT 1

- ii. That disabled parking be allowed in a designated area on the Common near the western end of Twin Road, with the area controlled on the day by SES personnel.
- iii. That necessary signposting be installed in advance of the event and affected residents in Twin Road and intersecting streets be advised of arrangements.
- iv. That step be taken to ensure that only existing vehicle entry/exit points are used by vehicles and, other than disabled parking, no additional entry/exit points are used.
- v. That the cost for installation and removal of the necessary traffic signs is to be borne by the organiser.
- vi. That the approval is subject to a submission to Council and verification from the insurers that the event is covered by an appropriate Public Liability Insurance in an amount not less than \$20 million.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (w) That Council adopt the following recommendations in relation to the report titled "GOULDING ROAD, RYDE" – Restricted No Right turn from Goulding Road into Bruce Street as follows:

That this item be referred back to the Traffic Committee after further consideration of upstream access conditions along Goulding Road.

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 6.10pm.

CONFIRMED THIS 20TH DAY OF NOVEMBER 2012.

Chairperson

4 STAFF CULTURE SURVEY - RESULTS

Report prepared by: Manager - Strategy and Organisational Development
File No.: GRP/09/7/2/2 - BP12/1152

REPORT SUMMARY

Following a Councillor workshop on 13 November, this report provides Council with the results of the Staff Culture Survey that was conducted in August 2012 by the Voice Project of Macquarie University. It was the second time that the survey has been conducted at the City of Ryde, the first being in August 2010. The 2010 survey created a baseline against which progress can be measured. Improvements in the staff culture survey were an expectation of the General Managers Performance Assessment for 2010/11.

The report provides a view of the health of our workforce culture and workplace as well as our organisational strengths and areas for further development. The methodology compares our data with other Councils and the private sector.

The comparison between results, identifies where change management improvements can bring the greatest increase in productivity/performance and commitment to the workplace, which will ultimately enhance customer service as we move forward.

The largest improvement identified by staff was their opinions of leadership which showed a significant improvement of 32% over two years. Whilst many improvements have already been made as a result of our management of change program, further improvements are required in some areas to take us to the forefront of benchmarks in the local government and the private sector.

RECOMMENDATION:

That Council notes the significant improvements in the past two years in the Staff Culture Survey as independently assessed by the Voice Project and receives the report.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Beki Boulet
Manager - Strategy and Organisational Development

Report Approved By:

John Neish
General Manager

ITEM 4 (continued)

Discussion

Leading organisations are able to maximise customer service productivity, performance and commitment, when they address the culture of their organisations. Outstanding Customer service levels are a result of a range of complex issues of which a constructive staff culture is one. Areas that impact on our organisational culture are defined as Cultural Management Practices as described in our City of Ryde Business Model. At the City of Ryde we have 570 full time, part time and casual staff who work across a wide range of service areas and in doing so, create a workplace culture that can be defined, measured and compared to others.

In 2010 we undertook an independently conducted culture survey using a methodology developed by the Voice Project to help us understand how our staff feel about their workplace and their level of commitment to working here. The Voice Project, is a division of Macquarie University. They were selected to conduct the survey due to their extensive experience and available research in both private enterprise and across a growing number of metropolitan councils. This meant that in addition to their expertise, knowledge and research they were positioned to provide us with appropriate benchmarking and also provided us with an analysis of the areas on which we should focus our improvement efforts.

All staff were surveyed in August 2010 using hand held technology and this resulted in high participation rates across all sectors of our workforce. The results of the survey were widely circulated and acted upon during the course of the next two years. The results formed a basis of discussion at team meetings, communication from the executive team and a plethora of localised and corporate wide initiatives focussed on improving workplace issues both big and small.

In August 2012, the same survey was conducted and comparisons between the results have been made. The General Managers Performance Objective 9 for 2011/12 sought to further enhance the leadership style of the organisation and improve the overall Council wide results of the Voice Project survey against the 2010 baseline. As can be seen this was achieved.

ITEM 4 (continued)

High Level Results

The predominant overarching indicators produced by Voice Project are the Passion and Progress categories:

		Changes over the past two years	Councils	Private Sector
Progress	<ul style="list-style-type: none"> • Customer satisfaction • Change and Innovation • Organisation objectives 	66% ↑ 4%	52%	68%
Passion	<ul style="list-style-type: none"> • Job Satisfaction • Intention to stay • Organisational Commitment 	67% ↑ 4%	70%	64%
Overall Happiness	Happy to be working at City of Ryde	75% ↑ 5%		

Under the Progress and Passion categories there are 29 categories, all of which contribute to an organisation's culture. As can be seen the City of Ryde's Progress indicators which measures delivery are 14% ahead of other local government benchmarks but are 2% behind the private sector. The Passion indicator which measures commitment to the organisation is 3% higher than the private sector comparators and 3% lower than local government benchmarks.

Overall the results showed an increase in 26 of the 29 categories measured by the survey with the greatest improvement being in Leadership showing a 32% increase on the 2010 results.

Both the highest and lowest scoring results are summarised below.

Highest Scoring Results

The highest scoring categories were:

	2012 Results	Changes over the past two years	Other Councils	Private Sector
Role Clarity	86%	(↑ 1%)	85%	79%
Team work	85%	(↑ 1%)	83%	81%
Mission and Values	82%	(↑ 5%)	74%	73%
Organisation Direction	79%	(↑ 21%)	54%	63%
Customer Satisfaction	77%	(↑ 1%)	61%	74%
Work/Life balance	77%	(↑ 3%)	81%	76%
Results Focus	77%	(↑ 8%)	67%	76%
Ethics	77%	(↑ 10%)	70%	70%

ITEM 4 (continued)

As can be seen the City of Ryde is highest in these categories against other Councils and the private sector comparators. The development of the new Community

Strategic Plan, Four year delivery plan and one year operational plan, greater clarity of accountability and significant efforts to improve leadership styles and internal communications contributed to the increase of 21% in the Organisation Direction result.

Lowest Scoring Results

At the other end of the scale the lowest scoring categories are:

	2012 Results	Changes over the past two years	Other Councils	Private sector
Facilities	26%	(↓ 1%)	42%	61%
Cross Unit Cooperation	35%	(↑ 10%)	30%	50%
Career Opportunities	35%	(↑ 7%)	34%	44%
Technology	38%	(↓ 7%)	51%	60%
Involvement	43%	(↑ 13%)	46%	49%

Satisfaction with facilities is the overall lowest scoring category and is 16% lower than other Council benchmarks and 35% lower than private sector comparators. It refers specifically to staff satisfaction with their workplace conditions and was the lowest scoring category in 2010. It continues to be a low scoring category sliding down a further 1%. Council has recently conducted a workshop to discuss the best way to address the staff facilities at the Civic Precinct site. Overcrowding also exists in the Constitution Road workplace and this will also need to be addressed over time. The recent relocation of Community Life staff from the condemned Argyle building to new premises above the library in Top Ryde should also help to address this issue over time.

Although cross unit cooperation is the second lowest scoring category it has improved by 10% from 2010 and is now higher than local government benchmarks but lower than the private sector comparators. This improvement is as a result of the effort put into internal communications, defining asset management roles between Business Managers and Delivery Managers and a focus on our value of teamwork. The introduction of cross unit project disciplines including staff training, the development of team based process manuals etc has further improved cross unit cooperation. Overtime it is hoped to see this area improve further to be better than private sector benchmarks.

Career Opportunities has improved by 10% from 2010 reflecting the improvements in internal promotions. Gender equity in managerial positions has also contributed to the improvement of this indicator. Further work is required to provide staff with career opportunities if we are to attract and keep good talent and maintain low attrition which is now under 10%.

ITEM 4 (continued)

Availability and relevance of technology continues to be a problem. This indicator refers to currency of software and its efficiency. It was scored low in 2010 and it has dropped a further 7%, more than any other indicator. Our score is 23% lower than comparative Council's and 32% lower than private sector comparators indicating an underinvestment and focus on this area over time.

To address the technology backlog at the City of Ryde will take several years. To begin we have upgraded the Technology One platform on which many of our core modules are built. This will now enable upgraded modules to be implemented. We have also recently completed a forward development plan for our technological needs for both hardware and software and this will be subject of future bids in our budget process. This also includes the transition to off site hosting and an improved telecommunications contract which will deliver better mobile technologies.

Getting our technology to a point where we can match private sector provision will be critical in driving service improvement and efficiency in our business. The workforce of today demand the latest in communication technology, hand held devices and web enabled software. These areas are all covered in our technology development plan.

Involvement includes the empowerment of our workforce in decision making. Whilst one of our lowest scoring areas, our results have improved by 13%, we are still 3% lower than other Council benchmarks and 6% behind private sector benchmarks.

Whilst work has been carried out to create a workplace culture where people feel more involvement further work in this area is required.

Least Improved results

It is important to note that of the 29 categories only three categories actually scored lower than in the 2010 results, these are Facilities, Technology and Resources.

	2012 Results	Changes over the past two years	Other Councils	Private sector
Technology	38%	(↓ 7%)	51%	60%
Facilities	26%	(↓ 1%)	42%	61%
Resources	44%	(↓ 0.9%)	61%	67%

Technology and Facilities are mentioned in the paragraph above.

Resources refers to equipment and access to resources. It is the third indicator that declined 1% although the overall score was 43% but is still well below local government and private sector benchmarks.

ITEM 4 (continued)

Most Improved Results

Of the 28 categories the three most improved results which showed significant movement were as follows:-

	2012 Results	Changes over the past two years	Other Councils	Private sector
Leadership	63%	(↑ 32%)	44%	61%
Organisation Direction	79%	(↑ 21%)	54%	63%
Supervision	72%	(↑ 20%)	69%	74%

Leadership has the most effective impact on the organisation and the change of 32% in the past two years places the City of Ryde at the forefront of both the local government and private sectors (19% and 2% respectively). This improvement follows a deliberate campaign to address one of the lowest ranked results in the 2010 survey. The Leadership category is specifically referring to Senior Management: - the General Manager and Group Managers. The Business Model for the City of Ryde Council identifies an approach to leadership which has formed the basis of executive coaching, mentoring and the use of 360% feedback. It is pleasing to see that these efforts have demonstrated significant improvements.

Organisational direction has also significantly improved exceeding Council and private sector comparators by significant levels (24% and 16% respectively). This was as a direct result of the development of our strategic plan, four year delivery plan and their alignment to business plans and personal performance plans. It also relates to a large effort to reinforce our values of Safety, Teamwork, Ethics and Professionalism.

Supervision was also most improved and refers to the way that all other management levels are perceived. With an improvement of 20% the City of Ryde is 3% higher than local government comparators and 5% lower than private sector comparators. These improvements are also as a result of targeted training, mentoring and coaching.

In conclusion, it is pleasing to see that as a result of our management of change process, the workforce culture is improving across a range of fronts. Utilising the Voice Project survey methodology we are able to better understand our workplace culture strengths and weaknesses.

Research demonstrates that organisations which develop constructive workplace cultures maximise customer service productivity, performance and commitment. The results of this survey provide us with the knowledge to help us further improve all areas of Councils operations. We can analyse the results at a Group, Service Unit or Section level to focus on areas of weakness. Like the General Managers performance indicators, all Group, Service and Section Managers are appraised using the results of their particular teams results every two years.

ITEM 4 (continued)

To be productive, staff have many needs not the least of which are clarity of direction, strong leadership, the right equipment, appropriate resources and a healthy well designed work environment. This report provides us with the ability to identify the areas that will *most* positively impact on our workplace culture and therefore improve our business.

The focus on improved work place culture, coupled with other areas of strategy development, process and systems improvements will further create an organisation focussed on continuous improvement in customer service, innovation and efficiency.

Financial Implications

Adoption of the recommendation will have no financial impact.

5 2011/2012 FINANCIAL STATEMENTS

Report prepared by: Chief Financial Officer
File No.: FIM/07/6/4/2/3 - BP12/1266

REPORT SUMMARY

To present Council's 2011/2012 Annual Financial Statements (including General and Special Purpose Financial Statements) to the public following the public exhibition period and to allow Council's Chief Financial Officer, Council's External Auditor, Hill Rogers Spencer Steer and members of the Audit Committee to make a presentation to Council and answer questions in respect of the 2011/2012 Financial Statements.

RECOMMENDATION:

- (a) That in accordance with Section 419 of the Local Government Act, Council receive and note the Auditors Reports on the 2011/2012 Annual Financial Statements for the year ended 30 June 2012.
- (b) That any public submissions on the 2011/2012 Financial Reports be referred to Council's Auditors, Hill Rogers Spencer Steer, Chartered Accountants.
- (c) That Council suspend standing orders to allow a presentation by Council's staff and any comments by or questions of the external auditor, Hill Rogers Spencer Steer or members of the Audit Committee, in respect of the 2011/2012 Financial Statements including the Auditor's Reports.

ATTACHMENTS

- 1** Income Statement
- 2** Statement of Comprehensive Income
- 3** Balance Sheet
- 4** Statement of Changes in Equity
- 5** Statement of Cash Flows
- 6** Auditors Reports on Statements
- 7** 2011-2012 Audited Financial Statements - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

John Todd
Chief Financial Officer

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 5 (continued)

Discussion

Council at its meeting of 9 October 2012 resolved to refer the draft Annual Financial Reports for the year ended 30 June 2012 to Audit.

The Council's Audit Committee had previously met, via teleconference on 27 August 2012 to review the 2011/2012 Annual Financial Statements and had recommended to Council that the reports be referred for Audit.

The Council's Auditors, Hill Rogers Spencer Steer, Chartered Accountants, have completed the audit and copies of the Auditor's Reports are included in the Annual Financial Statements, which were received on 15 October 2012.

The Annual Financial Statements were sent to the Division of Local Government (DLG) on the 16 October 2012, ahead of the statutory 7 November 2012 timeframe. It should be noted that an application was made to the DLG seeking an extension of time, as the original time for referral had been deferred, and staff were not sure we would be able to make the deadline if further delays occurred.

The DLG's Chief Executive advised Council on 22 October 2012, that Council's application was declined, for the reason that *"I do not believe that the inability of Council to achieve a quorum at that meeting represents an extraordinary circumstance."*

The Annual Financial Statements together with the Auditor's Reports were placed on public exhibition from 17 October 2012 to 20 November 2012, inviting public submissions with the Annual Financial Statements to be presented to Council at its meeting of 13 November 2012. Submissions in accordance with Section 420 of the Local Government Act 1993, from members of the public regarding any aspect of the Financial Reports or Auditor's Reports will be received up to 20 November 2012, being seven days after the date of this meeting.

All submissions will be considered by Council and referred to its Auditor in accordance with the Local Government Act 1993.

Report

Council's Financial Statements, which includes the Auditor's Reports for 2011/2012 have been completed and are **CIRCULATED UNDER SEPARATE COVER** (Attachment 7). The statements are now formally presented to the public as required by Section 419 of the Local Government Act 1993.

ITEM 5 (continued)

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

i.	Income Statement	(ATTACHED)
ii.	Statement of Comprehensive Income	(ATTACHED)
iii.	Balance Sheet	(ATTACHED)
iv.	Statement of Changes in Equity	(ATTACHED)
v.	Statement of Cash Flows	(ATTACHED)
vi.	Notes to the Financial Statements 1 to 26	
vii.	Auditors Reports on the Statements	(ATTACHED)

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

- Ryde Aquatic Leisure Centre
- Commercial Waste Removal

No public submissions have been received at the time of writing this report.

The Chief Financial Officer will make a presentation to the Council meeting on 13 November 2012 on Council's financial performance for the year. Council's External Auditors and members of the Audit Committee will also be present at the Council meeting to provide additional comments and to answer any questions on the Financial Reports and the Auditors Reports.

The Auditor has issued an unqualified opinion in the Audit Report, noting Council's investment portfolio has been sufficiently addressed in previous years and the remaining CDO investments will be monitored until maturity.

The following summary of the City of Ryde's financial results and key financial performance measures for 2011/2012, demonstrates Council's sound financial position:

Financial Results	2009 000's	2010 ⁽¹⁾ 000's	2011 000's	2012 000's
Operating Result	\$58,843	\$8,073	\$15,987	\$23,246
Operating Result Before Capital	(\$5,497)	(\$4,215)	\$448	\$460
Total Cash & Investments	\$66,366	\$63,051	\$69,064	\$63,051
Internal Reserves	\$48,582	\$49,684	\$51,676	\$50,889
Working Capital	\$4,331	\$4,549	\$4,205	\$5,360
Assets under Management	\$2.51B	\$2.54B	\$2.53B	\$2.56B

(1) Adjusted for Contributed Assets that were derecognised, as a prior year error.

ITEM 5 (continued)

Performance Indicators

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

Note 13 Performance Indicators	2009	2010 ⁽¹⁾	2011	2011
Unrestricted Current Ratio	3.45	4.67	4.79	3.72
Debt Service Ratio	1.40%	0.85%	0.83%	0.75%
Rate Coverage Ratio	36.50%	61.16%	56.29%	51.48%
Rates & Annual Charges Outstanding	3.90%	4.10%	3.99%	4.19%
Building & Infrastructure Renewal Ratio	122.50%	49.24%	47.87%	80.19%

(1) Adjusted for Contributed Assets that were derecognised, as a prior year error.

The result for 2011/2012 is a sound result for the City of Ryde that reflects the efforts of Council, all stakeholders and staff in maintaining Council's financial position.

Working Capital

Council's 2011/2015 Four Year Delivery Plan including One Year Operational Plan was adopted on a projected Working Capital position of \$3.09 million as at 30 June 2012. The 2011/2012 actual result is a Working Capital position of \$5.36 million, an improvement of \$2.27 million on that forecast. Council's Working Capital was \$4.21 million as at 30 June 2011.

The budget for 2012/2013 projected a Working Capital position as at 30 June 2013 of \$2.40 million in utilising \$1.64 million from Working Capital. The actual Working Capital result of \$5.36 million will therefore be reduced to \$3.72 million as at 30 June 2013.

The minimum level of Working Capital that Council should operate on is \$3.00 million, with the current level of Internal Restrictions.

Investments

Council had \$63.05 million in cash and investments at 30 June 2012, of which \$7.25 million was unrestricted and is part of the calculation of Working Capital. The remainder is either Internally Restricted, \$50.89 million, which has been earmarked specifically by Council for a particular purpose or Externally Restricted by legislation, \$20.94 million, which can only be used for the purpose for which it has been provided.

Council has the ability to change the Internal Restrictions that it has placed over its Cash Reserves, but would need to take into account the reasons that the Reserve was created in the first place, to ensure that it does not reduce its ability to meet the need for which it was established.

ITEM 5 (continued)

Assets under Management

In 2011/2012 Council delivered a \$24.07 million Capital Works Program, excluding contributed assets, (\$22.89 million in 2010/2011) with major projects including:

- Civic Centre Redevelopment \$ 2.63 million
- Strategy & Org Dev \$ 0.10 million
- Technology Systems \$ 0.71 million
- Urban Planning \$ 0.37 million
- Asset Renewals/Expansion \$ 9.28 million
- Stormwater \$ 2.07 million
- Parks \$ 2.49 million
- Buildings & Property \$ 1.73 million
- Waste & Fleet \$ 2.98 million
- Libraries \$ 0.71 million
- Ryde Aquatic Leisure Centre \$ 0.93 million
- Other minor capital \$ 0.07 million

Council brought \$12.50 million in “contributed assets” to account this year (\$8.34 million in 2010/2011) which increased Council’s Assets under Management to \$2.56 billion. The only contributed asset that was brought to account during 2011/2012 was the West Ryde Community Centre.

Council has revalued all its infrastructure assets to fair value and has depreciated them using the decay model based on the Asset Management Guidelines prepared and endorsed by the seven member Councils of NSROC. This is also now under a further review to ensure that the new Asset Management Plans reflect the true value of works required to be done for asset renewal.

This is the fourth year since Council adopted Fair Value, with the full impact of depreciation being brought to account in Council’s Financial Statements resulting in Council’s depreciation expense decreasing by \$0.68 million in 2011/2012 to \$18.46 million.

Asset Management - Condition of Public Infrastructure

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

As stated earlier in the report, the City of Ryde owns and maintains over \$2.56 billion worth of infrastructure including roads, parks, buildings, stormwater drainage, bridges, footpaths, lighting, seawalls and wharves with a current written down value, after depreciation, of over \$0.93 billion, plus \$1.24 billion in land.

ITEM 5 (continued)

Special Schedule 7 which reports on the condition of infrastructure assets included in the Financial Statements shows that Council would need to spend approximately \$85.94 million (\$78.94 million in 2010/2011) to bring its infrastructure assets to a satisfactory standard. It also shows that we need to spend \$15.60 million per annum to maintain the current standard of the asset; which is approximately the level of maintenance undertaken during the year.

The figures in Special Schedule 7 do not fully reflect the values for Community Buildings or the Civic Centre; as these are both still subject to confirmation of the appropriate amounts to bring them back to an appropriate level. It is estimated that when these are fully revised and included that the level of spend will be in the vicinity of \$120 million.

While the 2011/2012 results demonstrate Council is in a sound financial position in the short term, there are funding shortfalls to maintain its existing assets in a satisfactory condition as projected in Council's Long Term Financial Plan (LTFP). The plan provides critical information that fully informs Council of its forecasted financial position and commitments for the City of Ryde.

Council revised its LTFP in 2011/2012 to obtain a financial projection that quantifies the operation of Council services for the next 10 years. The plan forecasts a cash shortfall, and that Council will only be able to expend \$15 million on asset renewal each year, which is short of what is required to bring its infrastructure up to a satisfactory standard.

As part of the Community Strategic Plan, a revised Asset Management Plan for the period of that plan has been developed. Information from this revised plan has been utilised in updating Council's LTFP.

Investment Portfolio

Council was pro-active in establishing an \$8.00 million Financial Security Reserve in October 2008 to protect Council against any future fallout from the global financial crisis.

The impact of the global financial crisis on Council's investment portfolio has been fully reported to Council in both the monthly Investment Reports and additional reports to Council. As resolved by Council, proceeds and interest on written down investments received since the reserve was established have been transferred to the reserve, resulting in a balance in the Financial Security Reserve as at the 30 June 2012 of \$2.06 million.

ITEM 5 (continued)

Consultation

Internal Council business units consulted included:-

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

Internal Workshops held:-

- Not Applicable

City of Ryde Advisory Committees consulted included:-

- Audit Committee

External public consultation included:-

- Council's Auditors, Hill Rogers Spencer Steer, Chartered Accountants
- Division of Local Government

Critical Dates

Council's audited Financial Statements (including General and Special Purpose Financial Statements) are required to be submitted to the Division of Local Government by 7 November 2012. Council has met this requirement.

Council is required to hold a Council meeting to present the Audited Financial Statements and the Auditors Reports by no later than 6 December 2011 after the end of the financial year. With the presentation of the Annual Financial Statements to the public at its meeting of 13 November 2012, Council will meet this requirement.

Financial Impact

The Council's financial results as attested to by its auditors, Hill Rogers Spencer Steer, reflect that Council is in a sound financial position.

The Working Capital result of \$5.36 million as at the 30 June 2012 is one of Council's key financial indicators. This result is an improvement on the forecast of \$3.09 million as detailed in the original Council's 2011/2015 Four Year Delivery Plan including One Year Operational Plan.

Council's Delivery Plan 2012/2016 and Operational Plan 2012/2013 have been adopted utilising \$1.64 million of Working Capital and forecasted to have a balance of \$2.40 million as at 30 June 2013.

Based on the actual result of \$5.36 million as at 30 June 2012, the forecast Working Capital is \$3.72 million as at 30 June 2013.

ITEM 5 (continued)

ATTACHMENT 1

General Purpose Financial Statements - Year Ended 30 June 2012

INCOME STATEMENT
for the year ended 30 June 2012

Original Budget* 2012 (\$'000)		Notes	Actual 2012 (\$'000)	Actual 2011 (\$'000)
INCOME FROM CONTINUING OPERATIONS				
58,134	Rates and Annual Charges	3(a)	58,514	56,338
11,433	User Charges and Fees	3(b)	12,105	10,942
3,082	Interest and Investment Revenue	3(c)	4,482	4,429
5,793	Other Revenues	3(d)	6,023	5,406
6,450	Grants & Contributions provided for operating purposes	3(e&f)	8,990	6,903
23,360	Grants & Contributions provided for capital purposes	3(e&f)	22,786	15,539
	Other income:			
-	Net gain from the disposal of assets	5	771	531
-	Net share of interests in joint ventures and associates using the equity method	19	-	-
108,252	TOTAL INCOME FROM CONTINUING OPERATIONS		113,671	100,088
EXPENSES FROM CONTINUING OPERATIONS				
36,262	Employee Benefits and On-costs	4(a)	36,471	33,644
598	Borrowing Costs	4(b)	202	242
24,966	Materials and Contracts	4(c)	24,413	21,185
19,137	Depreciation, Amortisation and Impairment	4(d)	18,387	18,598
9,141	Other Expenses	4(e)	10,952	10,432
-	Interest and Investment Losses	3(c)	-	-
-	Net Loss from the disposal of assets	5	-	-
-	Share of interests in joint ventures and associates using the equity method	19	-	-
90,102	TOTAL EXPENSES FROM CONTINUING OPERATIONS		90,425	84,101
18,150	OPERATING RESULT FROM CONTINUING OPERATIONS		23,246	15,987
-	Operating result from discontinued operations	24	-	-
18,150	NET OPERATING RESULT FOR THE YEAR	2(a)	23,246	15,987
(5,210)	NET OPERATING RESULT FOR THE YEAR BEFORE GRANTS & CONTRIBUTIONS PROVIDED FOR CAPITAL PURPOSES		460	448

* Original budget as approved by Council - Refer Note 16

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

ITEM 5 (continued)

ATTACHMENT 2

General Purpose Financial Statements - Year Ended 30 June 2012

**STATEMENT OF COMPREHENSIVE INCOME
for the year ended 30 June 2012**

	Notes	Actual 2012 (\$'000)	Actual 2011 (\$'000)
Net operating result for the year - from Income Statement		23,246	15,987
Other comprehensive income			
Gain (loss) on revaluation of infrastructure, property, plant and equipment	20(b)	-	-
Gain (loss) on revaluation of available-for-sale investments	20(b)	-	-
Realised available-for-sale investment gains recognised in revenue	20(b)	-	-
Adjustment to correct prior period errors	20(d)	-	-
Total other comprehensive income for the year		<u>23,246</u>	<u>15,987</u>
Total comprehensive income for the year			
Attributable to:			
- Council		<u>23,246</u>	<u>15,987</u>
- Minority Interests			

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

ITEM 5 (continued)

ATTACHMENT 3

General Purpose Financial Statements - Year Ended 30 June 2012

BALANCE SHEET					
As at 30 June 2012					
	Notes	2012		2011	
		(\$'000)	(\$'000)	(\$'000)	(\$'000)
ASSETS					
Current Assets					
Cash and Cash Equivalents	6(a)	13,973		8,532	
Investments	6(b)	38,000		50,030	
Receivables	7	6,379		5,792	
Inventories	8	330		420	
Other	8	231		969	
Non-Current assets classified as held for Sale	22				
Total Current Assets			58,913		65,743
Non-Current Assets					
Investments	6(b)	27,109		10,502	
Receivables	7	1,023		938	
Infrastructure, Property, Plant and Equipment	9	2,171,833		2,156,578	
Investments accounted for using equity method	19	-		-	
Investment Property	14	2,275		2,200	
Intangible assets	25	-		-	
Other	8				
Total Non-Current Assets			2,202,240		2,170,218
TOTAL ASSETS			<u>2,261,153</u>		<u>2,235,961</u>
LIABILITIES					
Current Liabilities					
Payables	10(a)	16,387		15,393	
Borrowings	10(a)	492		775	
Provisions	10(a)	9,130		7,455	
Total Current Liabilities			26,009		23,623
Non-Current Liabilities					
Payables	10(a)	-		-	
Borrowings	10(a)	3,412		3,899	
Provisions	10(a)	221		174	
Total Non-Current Liabilities			3,633		4,073
TOTAL LIABILITIES			<u>29,642</u>		<u>27,696</u>
NET ASSETS			<u>2,231,511</u>		<u>2,208,265</u>
EQUITY					
Retained Earnings	20	1,713,135		1,689,889	
Revaluation reserves	20	518,376		518,376	
Council equity interest			2,231,511		2,208,265
Minority equity interest					
TOTAL EQUITY			<u>2,231,511</u>		<u>2,208,265</u>

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

ITEM 5 (continued)

ATTACHMENT 4

General Purpose Financial Statements - Year Ended 30 June 2012

STATEMENT OF CHANGES IN EQUITY
for the year ended 30 June 2012

	Notes	2012 (\$'000)						2011 (\$'000)					
		Asset Revaluation Reserve		Other Reserves		Council Equity Interest		Asset Revaluation Reserve		Other Reserves		Council Equity Interest	
		Retained Earnings						Accum Surplus					Total Equity
Opening Balance	20	1,689,889	518,376		2,208,265			1,712,118	518,376		2,230,494		2,230,494
Correction of errors							(36,216)				(36,216)		(36,216)
Changes in Accounting Policies													
Restated Opening Balance	20	1,689,889	518,376		2,208,265			1,673,902	518,376		2,192,278		2,192,278
Net Operating Result for the Year	20	23,246			23,246			15,987			15,987		15,987
Other Comprehensive Income	20												
Total Comprehensive Income	20	23,246			23,246			15,987			15,987		15,987
Closing Balance	20	1,713,135	518,376		2,231,511			1,689,889	518,376		2,208,265		2,208,265

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

ITEM 5 (continued)

ATTACHMENT 5

General Purpose Financial Statements - Year Ended 30 June 2012

STATEMENT OF CASH FLOWS
for the year ended 30 June 2012

Original Budget* 2012 (\$'000)	Notes	2012		2011	
		(\$'000)	(\$'000)	(\$'000)	(\$'000)
CASH FLOWS FROM OPERATING ACTIVITIES					
Receipts					
58,135		58,290		56,353	
12,379		12,885		12,017	
3,081		4,413		4,388	
6,730		19,781		15,092	
-		1,752		1,984	
6,050		7,604		7,317	
Payments					
(36,394)		(34,864)		(34,043)	
(22,846)		(25,719)		(22,279)	
(596)		(203)		(241)	
-		(1,510)		(2,395)	
(13,760)		(11,307)		(12,019)	
12,778	11(b)	31,102		26,174	
CASH FLOWS FROM INVESTING ACTIVITIES					
Receipts					
28,250		28,545		23,364	
-		-		1,008	
1,958		1,200		1,309	
-		-		-	
-		-		-	
Payments					
(50,030)		(32,093)		(48,032)	
(47,473)		(22,543)		(22,988)	
-		-		-	
-		-		-	
(67,295)		(24,891)		(45,349)	
CASH FLOWS FROM FINANCING ACTIVITIES					
Receipts					
-		-		-	
-		-		-	
Payments					
(381)		(442)		(427)	
-		-		-	
(381)		(442)		(427)	
(54,897)		5,769		(18,602)	
6,204	11(a)	8,204		27,806	
(46,693)	11(a)	13,973		8,204	

* Original budget as approved by Council - Refer Note 16

The above Statement of Cash Flows should be read in conjunction with the accompanying notes.

ITEM 5 (continued)

ATTACHMENT 6

Notes to the financial statements 30 June 2012

Hill Rogers
Spencer Steer

CITY OF RYDE
GENERAL PURPOSE FINANCIAL STATEMENTS
INDEPENDENT AUDITORS' REPORT

REPORT ON THE FINANCIAL STATEMENTS

We have audited the accompanying *general purpose financial statements* of the City of Ryde, which comprises the Balance Sheet as at 30 June 2012, Income Statement, Statement of Comprehensive Income, Statement of Changes in Equity and Statement of Cash Flows for the year ended on that date, a summary of significant accounting policies and other explanatory notes and the Statement by Councillors and Management. The financial statements include the consolidated financial statements of the economic entity and the entities it controlled at year end or from time to time during the year.

Responsibility of Council for the Financial Statements

The Council is responsible for the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Local Government Act 1993. This responsibility includes the maintenance of adequate accounting records and internal controls designed to prevent and detect fraud and error; designing, implementing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; and making accounting estimates that are reasonable in the circumstances.

Auditors' Responsibility

Our responsibility is to express an opinion on the financial statements based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial statements are free from material misstatement. Our audit responsibility does not extend to the original budget information disclosed in the Income Statement, Statement of Cash Flows, and Note 2(a) or the budget variation explanations disclosed in Note 16. Nor does our responsibility extend to the projected future developer contributions and costs disclosed in Note 17. Accordingly, no opinion is expressed on these matters.

Assurance Partners

CMAA 2 8223 511 | Level 5, 1 Chifley Square | Suite 500, 2000 Sydney | NSW 2000 | Australia | Tel: +61 2 9223 5111 | Fax: +61 2 9223 5110

Member of the CMAA Group of companies. CMAA is a member of the CMAA Group of companies. CMAA is a member of the CMAA Group of companies.

ITEM 5 (continued)

ATTACHMENT 6

Notes to the financial statements 30 June 2012

Hill Rogers
Spencer Steer

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Council's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by the Council, as well as evaluating the overall presentation of the financial statements.

Our audit did not involve an analysis of the prudence of business decisions made by Council or management.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Independence

In conducting our audit, we followed applicable independence requirements of Australian professional ethical pronouncements.

Auditor's Opinion

In our opinion,

- (a) the Council's accounting records have been kept in accordance with the requirements of the Local Government Act 1993, Chapter 13 part 3 Division 2; and
- (b) the financial statements:
 - (i) have been presented in accordance with the requirements of this Division;
 - (ii) are consistent with the Council's accounting records;
 - (iii) present fairly the Council's financial position, the results of its operations and its cash flows; and
 - (iv) are in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia;
- (c) all information relevant to the conduct of the audit has been obtained; and
- (d) there are no material deficiencies in the accounting records or financial statements that we have become aware of during the course of the audit.

HILL ROGERS SPENCER STEER



BRETT HANGER
Partner

Dated at Sydney this 15th day of October 2012

City of Ryde
General Purpose Financial Statements
Independent Auditor's Report

Page 3

ITEM 5 (continued)

ATTACHMENT 6

Notes to the financial statements 30 June 2012

*Hill Rogers
Spencer Steer*

15 October 2012

The Mayor
City of Ryde
1 Devlin Street
RYDE NSW 2112

Mayor,

Audit Report - Year Ended 30 June 2012

We are pleased to advise completion of the audit of Council's books and records for the year ended 30 June 2012 and that all information required by us was readily available. We have signed our reports as required under Section 417(1) of the Local Government Act, 1993 and the Local Government Code of Accounting Practice and Financial Reporting to the General and Special Purpose Financial Statements.

Our audit has been conducted in accordance with Australian Auditing Standards so as to express an opinion on both the General and Special Purpose Financial Statements of the Council. We have ensured that the accounts have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS) and the Local Government Code of Accounting Practice and Financial Reporting.

This report on the conduct of the audit is also issued under Section 417(1) and we now offer the following comments on the financial statements and the audit:

1. RESULTS FOR THE YEAR

1.1 Operating Result

The operating result for the year was a surplus of \$23.246 million as compared with \$15.987 million in the previous year.

Assurance Partners

			
Hill Rogers Spencer Steer 1 Devlin Street Ryde NSW 2112 Australia	GPO Box 7048 Sydney NSW 1585	Hill Rogers Spencer Steer 1 Devlin Street Ryde NSW 2112 Australia	GPO Box 4201 Sydney NSW 1585

Member of Hill Rogersons, a subsidiary of global membership accounting firm
Lodged and audited by a Licensed Accountant under Professional Accounting Organisation

ITEM 5 (continued)

ATTACHMENT 6

Notes to the financial statements 30 June 2012

*Hill Rogers
Spencer Steer*

The following table sets out the results for the year and the extent (%) that each category of revenue and expenses contributed to the total.

	2012	% of	2011	% of	Increase
	\$000	Total	\$000	Total	(Decrease)
					\$000
Revenues before capital items					
Rates & annual charges	58,314	64%	56,338	67%	2,176
User charges, fees & other revenues	18,899	21%	16,879	20%	2,020
Grants & contributions provided for operating purposes	8,990	10%	6,903	8%	2,087
Interest & investment revenue	4,482	5%	4,429	5%	53
	90,685	100%	84,549	100%	6,336
Expenses					
Employee benefits & costs	36,471	40%	33,644	40%	2,827
Materials, contracts & other expenses	35,365	39%	31,617	38%	3,748
Depreciation, amortisation & impairment	16,387	20%	18,598	22%	(2,111)
Borrowing costs	202	0%	243	0%	(40)
	98,425	100%	84,101	100%	6,324
Surplus/(Deficit) before capital items	460		448		12
Grants & contributions provided for capital purposes	22,786		15,539		7,247
Net Surplus/(Deficit) for the year	23,246		15,987		7,259

The table above shows an overall increase over the previous year of \$7,259 million and is attributable to the increase in capital grants and contributions received.

1.2 Funding Result

The operating result does not take into account all revenues and all expenditures and in reviewing the overall financial performance of Council it is useful to take into account the total source of revenues and where they were spent during the year which is illustrated in the table below.

ITEM 5 (continued)

ATTACHMENT 6

Notes to the financial statements 30 June 2012

*Hill Rogers
Spencer Steer*

	2012	2011
<i>Funds were provided by:-</i>	5000	5000
Operating Results (as above)	33,246	15,987
<i>Add back non funding items:-</i>		
- Depreciation, amortisation & impairment	16,387	18,598
- Book value of non-current assets sold	1,444	1,432
- Non-cash Contributions of assets acquired	(12,500)	(8,540)
- (Gain)/Loss of fair value in investment properties	(75)	0
	30,502	27,678
Transfers from internal reserves (net)	10,115	159
Net Changes in current/non-current assets & liabilities	2,264	186
	<u>42,881</u>	<u>28,023</u>
<i>Funds were applied to:-</i>		
Purchase and construction of assets	(32,895)	(32,597)
Increase/Purchase in Non-current investments	(18,407)	(3,507)
Principal repaid on loans	(492)	(427)
Transfers to externally restricted assets (net)	(1,782)	(1,836)
	<u>(43,776)</u>	<u>(38,367)</u>
Increase/(Decrease) in Available Working Capital	1,155	(144)

2. FINANCIAL POSITION

2.1 Unrestricted Current Ratio

The Unrestricted Current Ratio is a financial indicator specific to local government and represents Council's ability to meet its debts and obligations as they fall due.

After eliminating externally restricted assets and current liabilities not expected to be paid within the next 12 months net current assets amounted to \$38.281 million representing a factor of 3.72 to 1.



2.2 Available Working Capital – (Working Funds)

A more meaningful financial indicator specific to local government is the level of **Available Working Capital**. Net Current Assets are adjusted by eliminating both external and internal restrictions held for future purposes.

ITEM 5 (continued)

ATTACHMENT 6

Notes to the financial statements 30 June 2012

*Hill Rogers
Spencer Steer*

At the close of the year the Available Working Capital of Council stood at \$5,360 million as detailed below:

	2012	2011	Change
	\$000	\$000	\$000
Net Current Assets (Working Capital) as per Accounts	32,904	42,120	(9,216)
<i>Add:</i> Payables, provisions & inventories not expected to be realised in the next 12 months included above	11,684	10,302	1,382
Adjusted Net Current Assets	44,588	52,422	(7,834)
<i>Add:</i> Budgeted & expected to pay in the next 12 months			
- Borrowings	492	447	45
- Employees leave entitlements	3,423	2,867	556
- Deposits & retention moneys	1,774	1,719	55
<i>Less:</i> Externally restricted assets	(6,307)	(4,525)	(1,782)
<i>Less:</i> Internally restricted assets	(38,610)	(48,725)	10,115
Available Working Capital as at 30 June	5,360	4,205	1,155

The balance of Available Working Capital should be at a level to manage Council's day to day operations including the financing of hard core debtors, stores and to provide a buffer against unforeseen and unbudgeted expenditures. Taking into consideration the nature and level of the internally restricted assets (Reserves) set aside we are of the opinion that Available Working Capital as at 30 June 2012 was sound.

2.3 Debt

Operating revenue (excluding special purpose grants and contributions) required to service these repayments was 0.75%.

Total debt at 30 June 2012 amounted to \$3,904 millions.



2.4 Summary

Council's overall financial position, when taking into account the above financial indicators is, in our opinion, sound.

ITEM 5 (continued)

ATTACHMENT 6

Notes to the financial statements 30 June 2012

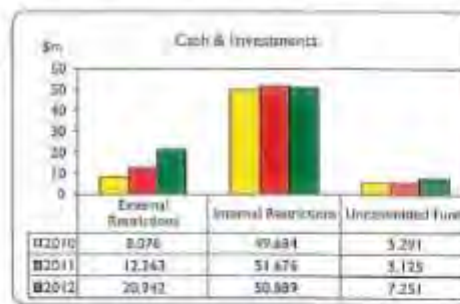
Hill Rogers
Spencer Steer

3. CASH ASSETS

3.1 Cash & Investments

Cash and investments held at the close of the year amounted to \$79.082 million as compared with \$69.064 million and \$63.051 million at the close of financial years 2011 and 2010 respectively.

The chart alongside summarises the purposes for which cash and investments were held.



Externally restricted cash and investments are restricted in their use by externally imposed requirements and consisted of unexpended development contributions under Section 94 of \$11,775 million, domestic waste management charges of \$4,220 million and specific purpose grants, contributions and levies of \$4,812 million.

Internally restricted cash and investments have been restricted in their use by resolution or policy of Council to reflect forward plans, identified programs of works, and are, in fact, Council's "Reserves". These Reserves totalled \$50,889 million and their purposes are more fully disclosed in Note 6 of the financial statements.

Unrestricted cash and investments amounted to \$7,251 million, which are available to provide liquidity for day to day operations.

3.2 Cash Flows

The Statement of Cash Flows illustrates the flow of cash (highly liquid cash and investments) moving in and out of Council during the year and reveals that cash increased by \$5,769 million to \$13,973 million at the close of the year.

In addition to operating activities which contributed net cash of \$31,102 million were the proceeds from the sale of investments (\$28,545 million) and other assets (\$1.2 million). Cash outflows other than operating activities were used to purchase investments (\$32,093 million), repay loans (\$442,000) and to purchase and construct assets (\$22,543 million).

ITEM 5 (continued)

ATTACHMENT 6

Notes to the financial statements 30 June 2012

Hill Rogers
Spencer Steer

4. RECEIVABLES

4.1 Rates & Annual Charges (excluding interest & extra charges)

Net rates and annual charges levied during the year totalled \$58.514 million and represented 51% of Council's total revenues.

Including arrears, the total rates and annual charges collectable was \$60.578 million of which \$58.290 million (96%) was collected.

4.2 Rates, Annual & Extra Charges

Arrears of rates, annual & extra charges stood at \$2.558 million at the end of the year and represented 4.19% of those receivables.



4.3 Other Receivables

Receivables (other than rates, annual & extra charges) totalled \$5.062 million and mainly consisted of user charges and fees (\$876,000), accrued interest on investments (\$882,000) and amounts due from government departments (\$2.491 million).

Those considered to be uncertain of collection have been provided for as doubtful debts and this provision amounted to \$218,000.

5. PAYABLES

5.1 Employees Leave Entitlements

Council's provision for its liability toward employees leave entitlements and associated on costs amounted to \$9.351 million.

A cash reserve of \$2.9 million was held at year end representing 31% of this liability and was, in our opinion, sufficient to meet unbudgeted and unanticipated retirements.

5.2 Deposits, Retentions & Bonds

Deposits, retentions and bonds held at year end amounted to \$7.883 million which were fully funded by internally restricted cash and investments.

ITEM 5 (continued)

ATTACHMENT 6

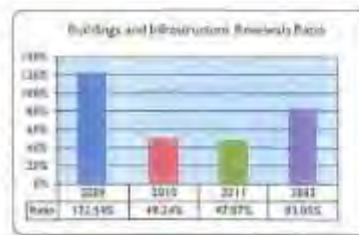
Notes to the financial statements 30 June 2012

Hill Rogers
Spencer Steer

6. BUILDINGS AND INFRASTRUCTURE RENEWALS

The Buildings and Infrastructure Renewals ratio measures the rate at which these assets are renewed against the rate at which they are depreciating.

The ratio indicates that asset renewals for 2012 represented 83% of the depreciation charges for these assets. An industry benchmark is considered to be 100%, measured annually over the long term.




7. MANAGEMENT LETTER

An audit management letter addressing the findings from our interim audit was issued on 14 June 2012. This included our recommendations on possible ways to strengthen and/or improve procedures management's comments and proposed actions.

8. CONCLUSION

We wish to record our appreciation to your General Manager and his staff for their ready co-operation and the courtesies extended to us during the conduct of the audit.

Yours faithfully,
HILL ROGERS SPENCER STEER



BRETT HANGER
Partner

6 LOCAL INFRASTRUCTURE RENEWAL SCHEME - ROUND TWO

Report prepared by: Chief Financial Officer
File No.: COR2012/26 - BP12/1289

REPORT SUMMARY

The NSW Government has released its guidelines in relation to the NSW Local Infrastructure Renewal Scheme (LIRS) for Round Two (2013/2014 year projects) and this report recommends to Council that it makes an application under the LIRS and seek a subsidy for a new \$1.5 million loan for the purposes of addressing the renewal of Council's Play areas and equipment, in accordance with Council's Children's Play Implementation Plan. Council needs to determine this matter, in order for an application to be made under the scheme, prior to the deadline for applications, being 31 December 2012.

RECOMMENDATION:

- (a) That Council make an application under the NSW Local Infrastructure Renewal Scheme – Round Two for Children's Play areas and equipment, in accordance with the Children's Play Implementation Plan, at an estimated cost of \$1.5 million.
- (b) That Council endorse a new loan of \$1.5 million to support Council's application as detailed in part (a) and delegate to the General Manager, the authority to commence the procurement of this loan.
- (c) That the General Manager be requested to provide options to Councillors for the upcoming Budget workshops in 2013, in how Council will meet the debt servicing costs of this new loan.

ATTACHMENTS

- 1** Circular to Councils 12/37 - Local Infrastructure Renewal Scheme - Round Two
- 2** NSW Local Infrastructure Renewal Scheme Guidelines - Round Two

Report Prepared By:

John Todd
Chief Financial Officer

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 6 (continued)

Discussion

The Division of Local Government (DLG) has issued a circular and guidelines in relation to the Local Infrastructure Renewal Scheme (LIRS) – Round Two, for works in the 2012/2013 financial year. Copies of the documents are **ATTACHED** (Attachments 1 and 2).

The second round of the scheme will provide a 3% interest subsidy on loans taken out to undertake “eligible” projects. These include projects that make up Council’s backlog of infrastructure projects as well as projects providing enabling infrastructure for new housing development. All nominated projects need to be supported by Asset Management plans and asset condition assessments.

Apart from these broad categories, more specific criteria are spelt out in the attached guidelines, but the main points of interest are:

- Applications are to be for upgrades or renewal of infrastructure of the Council that meets a core purpose of local government and intended for community use.
- Projects nominated cannot be already included in Council’s current 4 Year Delivery Plan.
- Minimum cost of at least \$1 million (group of projects).
- Acceptance of the LIRS conditions within the agreement:
 - Financial assessment and benchmarking by TCorp
 - Loan to be obtained from a third party
 - No NSW Government guarantee
 - DLG legislative requirements
 - One LIRS contribution only
 - Allowable purpose and allowable expenses
 - Deadline for council and lender to agree on loan terms (i.e. commencement date)
 - Loan duration to be no longer than 10 years
 - LIRS subsidy to be fixed at commencement of agreement
 - Council accepts all risk apart from LIRS subsidy in LIRS agreement
 - LIRS subsidy will be paid on a reimbursement basis
 - Submission of final approved Loan Agreement and Bank Term Sheet (by 1 March 2013)
- The timeframe for an application is prior to applications closing on 31 December 2012.

ITEM 6 (continued)

The Executive Team have assessed the most appropriate project under this Scheme to be the renewal of Children Playgrounds in accordance with the recent Children's Play Implementation Plan. It should be noted that this project is not currently included in Council's Four Year Delivery Plan, which is one of the key criteria for this scheme. This application, for a new loan of \$1.5 million, will be able to address one year of the High Priority Actions that are detailed in the Plan which is being considered at Council's Works and Community Committee's meeting on 6 November 2012.

The estimated debt servicing costs (excluding the subsidy) for this loan is \$52,000 per quarter, \$210,000 per annum. The net debt servicing costs, allowing for the subsidy are \$45,700 per quarter or \$183,000 per annum. This cost will need to be deducted from one or all of the Outcomes for the duration of the loan, as Council does not currently have any capacity within the budget to fund the repayments without making budget reductions.

It is suggested that Council request the General Manager to provide options for Councillors' consideration in the upcoming Budget workshops, on how the debt servicing costs can be met. Council will also need to delegate to the General Manager the authority to commence the procurement of the new loan.

Therefore, if Council proceeds with an application, the following matters would need to be noted and taken into consideration:

- Council's capacity to repay the loan. Council will require to provide the Division of Local Government a separate scenario in Council's Long Term Financial Plan (LTFP) that includes a provision for this project and the new loan.
- The timing of the procurement for the new loan in gaining agreement from the bank. Council should note that if it supports this application this project will be included in the draft budget. The General Manager will require approval from Council to commence the loan procurement process. Council should note that the intention is to have the loan ready to be accepted, once a determination on Council's application has been made.
- The need for Council to reduce the current capital works program or base budget to fund the loan for a period of ten years, at a estimated maximum additional cost extra cost of \$210,000 per annum. It is proposed to provide Councillors with options on how this cost can be met at the budget workshops with Councillors in 2013.
- The cost/benefit and economies of scale by bringing forward capital works. By receiving the interest subsidy from the loan, it is believed advantageous to Council to make this application.
- Council should note applications close on 31 December 2012.

ITEM 6 (continued)

- Projects under the scheme are required to be completed in 12 months from the signed agreement.

Financial Implications

If Council approves this application and if successful, this would then be required to be reflected in the draft 2013/2017 Delivery Plan and an additional scenario within Council's LTFFP. It is believed that this application would be advantageous to Council, noting that Council will have to adjust its capital/base budgets to accommodate the costs of repaying the proposed loan.

The estimated debt servicing costs for a \$1.5 million loan is estimated to be \$52,000 per quarter, \$210,000 per annum or \$183,000 per annum, if Council is successful with its application under the LIRS. It is proposed that Council will hold the formal acceptance of the loan, pending the outcome of its application.

ITEM 6 (continued)

ATTACHMENT 1



Premier & Cabinet
Division of Local Government

Circular to Councils

Circular No. 12-37
Date 8 October 2012
Doc ID: A293861

Contact Coordinator – Infrastructure
(02) 4428 4100

LOCAL INFRASTRUCTURE RENEWAL SCHEME – ROUND TWO

Purpose

To invite councils and county councils to apply for funding under the second round of the Local Infrastructure Renewal Scheme (LIRS).

Issue

- The NSW Government in its 2011-2012 budget provided a total of \$70 million over five years for the implementation of the local infrastructure backlog policy. The Local Infrastructure Renewal Scheme (LIRS), which provides an interest subsidy to fund council infrastructure backlog borrowing, is a key component of this policy.
- Round one of the Scheme saw a variety of projects approved, ranging from buildings and road renewals, over bridge replacements and swimming pool rejuvenation to major airport reconstruction works. Overall, the scheme recommended 84 projects put forward by 64 Councils and adding up to a total cost of \$439 million to go ahead subject to TCorp approval. Without the LIRS funding these vital projects may have otherwise remained unfunded for many years to come.
- The NSW Government committed an additional \$30million to the scheme in its 2012-2013 Budget to support a second round. As a result, \$63.5 million is now available to support both backlog infrastructure projects as well as projects providing enabling infrastructure for new housing development. The second round of the scheme will provide a 3% interest subsidy on loans taken out to undertake these projects.
- Guidelines to help with the preparation of applications can be downloaded by going to the DLG website at www.dlg.nsw.gov.au and clicking on the LIRS link. Section 7 of the Guidelines provides a summary of information required to fill in the online application form, which will be available between 1 November 2012 and 31 December 2012. It is intended that decisions on applications will be made by mid May 2013.
- Further information in relation to the LIRS is available by contacting Mrs Daniela Heubusch, Coordinator – Infrastructure, with the Division of Local Government on 02 4428 4133 or by email daniela.heubusch@dlg.nsw.gov.au

Actions

Councils are encouraged to:

- consider the LIRS Round Two Guidelines to identify appropriate projects; and
- apply for LIRS funding online between 1 November 2012 and 31 December 2012.



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

Division of Local Government
5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541
T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195

ITEM 6 (continued)

ATTACHMENT 2



**NSW LOCAL INFRASTRUCTURE RENEWAL
SCHEME**

GUIDELINES – Round Two



October 2012

1

ITEM 6 (continued)

ATTACHMENT 2

ACCESS TO SERVICES

The Division of Local Government, Department of Premier and Cabinet is located at:

Levels 1 and 2
5 O'Keefe Avenue
NOWRA NSW 2541

Locked Bag 3015
NOWRA NSW 2541

Phone 02 4428 4100
Fax 02 4428 4199
TTY 02 4428 4209

Email dlg@dlg.nsw.gov.au
Website www.dlg.nsw.gov.au

OFFICE HOURS

Monday to Friday
8.30am to 5.00pm
(Special arrangements may be made if these hours are unsuitable)
All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS

Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact our Executive Branch on 02 4428 4100.

DISCLAIMER

While every effort has been made to ensure the accuracy of the information in this publication, the Division of Local Government expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© NSW Division of Local Government, Department of Premier and Cabinet
2012
ISBN 978-1-922001-05-4

Produced by the Division of Local Government, Department of Premier and Cabinet

ITEM 6 (continued)

ATTACHMENT 2



Premier & Cabinet
 Division of Local Government

TABLE OF CONTENTS

1.	INTRODUCTION	5
2.	WHAT IS THE LOCAL INFRASTRUCTURE RENEWAL SCHEME?	5
3.	ELIGIBILITY REQUIREMENTS	6
3.1.	Who can apply	6
3.2.	Eligible projects/programs	6
3.2.1.	Backlog Projects	6
3.2.2.	Projects for new housing	7
3.3.	Minimum cost of projects/programs	8
3.4.	Acceptance of LIRS funding conditions	8
4.	ESSENTIAL CRITERIA	9
4.1.	Project/program is for legitimate infrastructure backlog works OR enables the provision of new housing	9
4.1.1.	Legitimate infrastructure backlog	9
4.1.2.	Projects that enable new housing	9
4.2.	Accelerated infrastructure investment	10
4.3.	Project/program delivery timeframe	10
4.4.	Project Program Preparedness	10
4.4.1.	Project/program commencement	10
4.4.2.	Project/program completion	11
4.4.3.	Project/program finance	11
4.5.	Commitment to delivering affordable and sustainable infrastructure projects/programs	12
5.	DESIRABLE CRITERIA	12
5.1.	Consistency with State and Regional planning	12
5.2.	Duration of loan	12
5.3.	Consideration of previous LIRS assistance	12
6.	CONDITIONS OF LIRS ASSISTANCE	13
6.1.	Financial assessment and benchmarking by TCorp	13
6.1.1.	Generic TCorp Assessment	13
6.1.2.	Additional TCorp Advice on applications beyond the first round	13
6.2.	Loan to be subsidised must be obtained from a third party lender	13

ITEM 6 (continued)

ATTACHMENT 2

6.3.	No NSW Government guarantee	14
6.4.	DLG legislative requirements	14
6.5.	One LIRS contribution only	15
6.6.	Allowable purpose and allowable expenses	15
6.7.	Deadline for council and lender to agree on loan terms	15
6.8.	Loan duration to be no longer than 10 years	15
6.9.	LIRS subsidy to be fixed at commencement of LIRS agreement	15
6.10.	Councils accept all risk apart from LIRS subsidy in LIRS agreement.....	16
6.11.	LIRS subsidy will be paid on a reimbursement basis.....	16
6.12.	Submission of final approved Loan Agreement and Bank Term Sheet	16
7.	SUBMISSION OF APPLICATIONS	17
8.	LODGING APPLICATIONS	17
9.	ASSESSMENT OF APPLICATIONS	19
9.1.	Stages of the assessment process	19
9.2.	Requests for clarification or additional documentation	19
9.3.	Assessment criteria.....	20
9.4.	Outcomes of the Assessment Process	20
9.5.	Notification to applicants	21
10.	LIRS FUNDING AGREEMENT	21
11.	TIMEFRAME FOR SIGNING LIRS FUNDING AGREEMENT	22
12.	IMPLEMENTATION AND MONITORING	22
12.1.	Project/program commencement	22
12.2.	Variations in project/program design, timetable or deliverables	22
12.3.	Periodic reporting.....	23
12.4.	Project/program completion	23
13.	FUTURE ROUNDS.....	23
ATTACHMENT 1 - SAMPLE OUTLINE – NSW TREASURY CORPORATION - FINANCIAL ASSESSMENT AND BENCHMARKING REPORT		24
ATTACHMENT 2 - INDICATIVE PROJECT/PROGRAM AND LIRS FUNDING TIMELINE		25
ATTACHMENT 3: BANK DOCUMENTATION REQUIRED IN SUPPORT OF LIRS APPLICATION.....		26

ITEM 6 (continued)

ATTACHMENT 2

1. INTRODUCTION

On 26 March 2007, the Local Government and Planning Ministers' Council endorsed the National Frameworks for Local Government Financial Sustainability. The National Frameworks address three key areas:

- asset planning and management;
- financial planning and reporting; and
- criteria for assessing financial sustainability.

The National Frameworks promote prudent, transparent and accountable financial management by local governments. They also seek to encourage a strategic approach by local government to meet current and emerging challenges.

The National Frameworks have informed the development of the asset management and long-term financial planning components of the Integrated Planning and Reporting (IP&R) framework, which was introduced in October 2009. The IP&R framework has been developed to improve local councils' long term community planning and asset management, as well as to streamline reporting to the community. It aims to improve the sustainability of local communities by encouraging councils, residents, NSW Government agencies and other community organisations to work together on long-term plans to achieve community outcomes.

The NSW Government has recognised that investment in infrastructure is needed across NSW, and as part of its *NSW 2021 State Plan*, the Government has committed to increase expenditure on critical infrastructure.

To achieve this, the NSW Government has committed to implementing a Local Infrastructure Backlog Policy which comprises the following elements:

- An audit of each council's local infrastructure backlog to provide better information on investment needs, which is being undertaken by the Division of Local Government (DLG);
- A Local Infrastructure Renewal Scheme (LIRS) to provide the opportunity for councils to access interest subsidies for the purpose of funding legitimate infrastructure backlogs; and
- Setting up a system for financial assessment and benchmarking of councils' finances including gearing levels and investment strategies.

2. WHAT IS THE LOCAL INFRASTRUCTURE RENEWAL SCHEME?

The LIRS provides an interest subsidy to assist those councils with legitimate infrastructure backlogs to cover the cost of borrowing. The subsidy aims to provide an incentive to councils to make greater use of debt funding to accelerate investment in infrastructure backlogs and augment funding options already available to councils.

The LIRS is being administered by the DLG.

Round one of the scheme resulted in 86 projects by 64 councils being approved. Round two of the scheme is now open.

All loans subsidised by the LIRS will be subject to specific conditions of LIRS support (see section 6).

This document provides guidance for LIRS applicants on:

- eligibility requirements and assessment criteria for evaluating applications;

ITEM 6 (continued)

ATTACHMENT 2

- the process for submission of applications and the information required;
- conditions under which LIRS support will be provided to successful applicants; and
- contact details and other miscellaneous information which may be useful to applicants.

The Government announced in the 2012/13 Budget the following scheme design changes in the LIRS, which will apply for round two:

1. The interest subsidy rate for all new projects is reduced from 4% to 3%.
2. An additional \$30 million, with priority given to an additional eligibility criterion of infrastructure to enable new housing. The new criterion is discussed in more detail in section 3.2.2 and section 4.1.2 of this Guideline.

3. ELIGIBILITY REQUIREMENTS

3.1. Who can apply

Any local council in NSW which meets the eligibility requirements in this section and agrees to the conditions of LIRS assistance in section 6 of this Guideline is eligible to apply.

Two or more councils who wish to apply for LIRS assistance to implement a single or group of projects/programs located across council boundaries may do so, provided that each council submits its own separate application and the required documentation in support of that application. Each council must meet the eligibility requirements, assessment criteria and accept the conditions of LIRS assistance (including each participating council contracting a separate loan to cover its share of project/program cost).

A council may submit an application (and may be eligible to receive a LIRS subsidy) for a maximum of two separate projects/programs. In this case, each project/program will be assessed as a separate application, but the Assessment Panel will take into consideration the council's capacity to service debt on the two projects/programs.

For this reason, if a council is submitting applications for two projects/programs the council should clearly identify in each application the name and estimated cost of the two projects/programs for which council is submitting an application and council's long term financial plan must clearly identify the impact of both projects/programs on its repayment capacity and financial situation.

3.2. Eligible projects/programs

The projects/programs for which a council proposes to incur borrowings to be subsidised under the LIRS should be identified as part of council's infrastructure backlog or should enable the provision of new housing.

3.2.1. Backlog Projects

The borrowing to be subsidised under the LIRS should be incurred for the purpose of funding specific new works, upgrades, or renewal of infrastructure of the council that meets a core purpose of local government and is intended for community use – e.g. roads, community halls, libraries, parks, sports grounds (subject to the exclusions listed below).

ITEM 6 (continued)

ATTACHMENT 2

Some types of infrastructure projects/programs will not be eligible for LIRS assistance. For example:

- Disparate projects that comprise an entire program for infrastructure that serves different functional purposes – e.g., projects that are listed as part of an annual works program for general asset maintenance or asset rehabilitation.
- Projects/programs which do not provide assets to meet an infrastructure backlog in a core service delivery area of local government responsibility to the community (e.g. council premises).
- Projects/programs which largely result in commercial profits to private parties (e.g. construction of a retail shopping centre).
- Information and Communications Technology (ICT) (e.g. purchase of computers for council offices). However, ICT that is to be purchased as an integral part of an infrastructure system to address an infrastructure backlog may qualify (e.g. computer monitoring systems for a dam or a local road network).
- Infrastructure works already in progress as at the date of publication of these Guidelines, including those funded by existing debt.

Projects/programs which are for private benefit and which will cover costs through a revenue stream (e.g. an auditorium or entertainment centre to be funded through fully costed user charges) may be considered, provided that all of the following conditions are met:

- (a) community benefit rather than exclusive private commercial profit is the overriding objective of the project/program;
- (b) the project/program is a component of a larger construction program of other facilities that comply with the eligibility requirements in this section, and the wider program is to be funded by the proposed borrowing;
- (c) the project/program has previously been subject to community consultation as part of the development approvals process and/or the implementation process for the IP&R framework; and
- (d) project/program documentation and preparation is sufficiently advanced to enable the merits of it to be assessed and ranked against other proposals in accordance with the assessment criteria.

3.2.2. Projects for new housing

A project that is not identified as part of a council's infrastructure backlog, but which is clearly demonstrated to facilitate the provision of new housing in a specified site, will be considered eligible in round two of the scheme. For purposes of determining eligibility under this Guideline, 'new housing' is defined as new private dwellings which may comprise self-standing houses, flats or apartments that are used primarily for residential purposes.

Projects that are defined as 'enabling infrastructure' will be eligible for assistance, but projects that are defined as 'follow on infrastructure' will not be eligible.

In relation to this additional criterion, enabling and follow on infrastructure are defined as follows:

- **Enabling infrastructure** is defined as infrastructure which is the applicant council's responsibility to provide, and which is essential for new housing development to occur. For LIRS purposes 'enabling infrastructure' means roads; stormwater; and (for some councils) water supply and sewerage.

ITEM 6 (continued)

ATTACHMENT 2

- **Follow on infrastructure** is defined as infrastructure that is required to service development, but is not essential up front and can be provided once development is complete. This includes infrastructure such as emergency services, education, recreation and health facilities.

3.3. Minimum cost of projects/programs

Preference will be given to projects/programs or groups of projects/programs with a total cost of at least \$1 million.

This amount may comprise, for example:

- a single project/program (e.g. a park, a library, a single road segment);
- a group of different but related projects (e.g. redevelopment of community facilities clustered in a single location);
- a group of projects of a similar nature that can be packaged as a single program (e.g. small road projects in different sites within the local government area which require major periodic renewal).

For the purposes of these Guidelines, "minimum cost" means the total gross cost of a specified project or program as defined in section 3.2. An amount that is calculated as a lump sum "gap" – for instance, the difference between a total gross cost of a general annual works program and other available funding sources – will not be considered to meet the minimum cost requirement.

For small councils, projects/programs with a total cost of less than \$1 million may still be considered on a case-by-case basis, provided they comply with other eligibility requirements and the essential and desirable assessment criteria.

The \$1 million minimum on a project/program may be equal to or greater than the proposed loan amount, depending on whether council proposes to use other funding sources (e.g. internally generated funds, grants from the Commonwealth or other parties).

3.4. Acceptance of LIRS funding conditions

Successful applicants will be required to enter a LIRS agreement with the NSW Government and in doing so will have to accept the conditions set out in section 6.

ITEM 6 (continued)

ATTACHMENT 2

4. ESSENTIAL CRITERIA

4.1. Project/program is for legitimate infrastructure backlog works OR enables the provision of new housing

As mentioned in the eligible projects/programs section of these Guidelines, projects must either address a legitimate infrastructure backlog or enable the provision of new housing. The first essential criterion is therefore split into two sections and the applicant council is to choose, which category the project falls into.

4.1.1. Legitimate infrastructure backlog

It is important that the council explains where the project/program ranks in relation to its other infrastructure backlog priorities and provides evidence demonstrating that the proposed backlog infrastructure project/program will directly meet service needs in the local government area, unless the project relates to the enabling of new housing (in which case section 4.1.2 of this Guideline applies). For instance, reference should be made to strategic planning or development approval documents, documents prepared for the IP&R framework, profiles and projections of economic activities in the area and how the project/program will deliver services consistent with the council's plans.

This should include council's condition assessment of the assets included in the proposed infrastructure backlog project/program. Asset management planning and asset condition assessments should be completed consistent with the requirements set out in section 3.4 of the *Planning and Reporting Manual for local government in NSW 2010*.

To assist in determining whether projects/programs meet this criterion, the Assessment Panel may consult with other agencies (e.g., Department of Planning and Infrastructure; Department of Trade, Industry and Regional Infrastructure Services, Department of Finance and Services) or other parties as required.

4.1.2. Projects that enable new housing

Projects that are not for legitimate infrastructure backlog works as required in section 4.1.1 will be considered eligible for LIRS assistance only if they enable new housing, subject to compliance with other eligibility requirements and the other four Essential Criteria for assessment.

Where an applicant council proposes a project to enable new housing, all of the following must be demonstrated in the application documentation:

1. the project will provide infrastructure services in a clearly identified site. The project may be for new residential development, or it may benefit both new developments and the existing population; and
2. the project is for the provision of 'enabling infrastructure' as defined in section 3.2.2 of these Guidelines; and
3. the enabling infrastructure is the responsibility of the council applying for LIRS assistance. In local government areas where the enabling infrastructure is the responsibility of other entities, the project will not be eligible for LIRS assistance (eg. trunk stormwater management infrastructure in parts of the Rouse Hill Development Area is provided by Sydney Water); and

ITEM 6 (continued)

ATTACHMENT 2

4. the new housing development is in a sufficiently advanced stage of preparation. At the minimum, the land should be already zoned for residential development and council should be able to demonstrate that there is intent to develop the site.

LIRS applications for new housing projects will be subject to all other Essential Assessment Criteria in section 4 and Desirable Criteria in section 5 of these Guidelines.

4.2. Accelerated infrastructure investment

The council must demonstrate how the LIRS subsidy will accelerate the provision of infrastructure in its area and support the council's Resourcing Strategy under the IP&R framework. Applications must show evidence that insufficient 'internal' council funds are available for the infrastructure project/program.

4.3. Project/program delivery timeframe

It is not necessary for an applicant to have competitively tendered the project/program, or completed all detailed project/program development work, or obtained final loan financing at the closing date for applications.

However, an applicant will be expected to adequately demonstrate and document its intentions in its submissions at the application closing date, provide a realistic indication of its project/program delivery timetable, and provide evidence of indicative terms of the loan proposed to be subsidised. An applicant council should be able to demonstrate that it has the necessary resources, project/program management expertise and administrative capacity to deliver the project/program and maintain the asset once it is complete.

4.4. Project Program Preparedness

Support will only be provided to subsidise borrowings for projects/programs that are in a reasonably advanced stage of preparation. For example, applicants may wish to provide evidence:

- that appropriate project/program preparation (e.g. project/program cost-benefit analysis, project/program scoping, options studies, design and other relevant work) has been or is being undertaken;
- that the LIRS subsidy will help to accelerate the delivery of the infrastructure project/program;
- of the council's procurement strategy for the project/program;
- from the detailed business case documentation prepared for the project/program; and
- that the council has considered other relevant factors affecting project/program preparedness, and is doing the necessary work to address these.

4.4.1. Project/program commencement

Applicants must provide evidence that project/program construction will commence within 12 months after the date of signing of the LIRS Agreement. It may be possible to extend this deadline by another six months, but only upon a council demonstrating due cause and meeting certain other conditions (see section 12.1).

The project/program timetable must nominate the approximate target month and year of project/program commencement. 'Project/program commencement' will be defined with specific reference to commitments in the construction contract between the council

ITEM 6 (continued)

ATTACHMENT 2

and the contractor, or the typical definition of this term in most construction contracts. Courses of action in the event of failure to meet the 12-month deadline will be specified in the LIRS Agreement (see section 10).

4.4.2. Project/program completion

Applicants must provide evidence that the project/program construction is expected to be completed in accordance with the construction timetable submitted with the application, subject to allowance in the timetable for reasonable grace or cure periods.

The project/program timetable must nominate the approximate target month and year of project/program completion. 'Project/program completion' will be defined with specific reference to the construction contract between the council and the contractor, or the typical definition of this term in most construction contracts.

It is expected that projects/programs supported by the LIRS will not require multiple staging. However, where the applicant intends to fund a multi-stage program, the stage that is funded by the LIRS must:

- (a) have a clear completion date for an identifiable infrastructure asset that can start being used by the community once construction is completed;
- (b) have a nominated completion date that is within the period of loan repayment; and
- (c) meet the conditions for LIRS support in section 6.

4.4.3. Project/program finance

Information regarding the availability of internal council funds (e.g. from future general rates income or special rate variations) for the project/program will be taken into account during the assessment of applications. All other sources of funding such as grants or other government subsidies must be declared.

Applicants should demonstrate their capacity to service the proposed LIRS loan. TCorp will also undertake a financial assessment (refer to section 6.1).

For example, applicants may wish to provide:

- initial (pre-tender) project/program cost estimates;
- copies of relevant council decisions to implement the project/program and fund it with borrowings;
- the quality of available cost estimates (e.g. the assumptions and basis for the estimate, whether it is reliable and reasonable, extent of quantity surveying and engineering cost estimation work completed);
- if available, the results of preliminary cost-benefit analysis and financial appraisal work undertaken – e.g. projected cash flows, financing assumptions such as indicative loan size and loan repayments;
- the relevant excerpts from Council's TCorp Assessment Report and other evidence to demonstrate that the applicant will be able to afford the LIRS loan; and
- other relevant information, including from any business case prepared for the project/program.

Applicants must include information on any significant developments after the TCorp assessment was completed which will affect debt servicing capacity (eg. any new borrowings).

ITEM 6 (continued)

ATTACHMENT 2

4.5. Commitment to delivering affordable and sustainable infrastructure projects/programs

Council must submit its relevant Asset Management Plan and its Long-Term Financial Plan with the proposed project/program resourcing commitments clearly identified as evidence of the affordability of the loan.

The Division's Integrated Planning and Reporting Manual and Long-Term Financial Planning Guidelines set out the requirements for the development of a Long-Term Financial Plan that will provide evidence that the proposed infrastructure investment is affordable and sustainable.

Councils should use the guidance provided on performance measures, modelling and the use of sensitivity analysis to make clear in their application that the proposed projects/programs will not impact negatively on the council's long-term sustainability.

Note: If necessary, the full TCorp Financial Assessment and Benchmarking Report for each council will be submitted to the Assessment Panel to inform its assessment of the application.

5. DESIRABLE CRITERIA

5.1. Consistency with State and Regional planning

The council should identify whether a project/program is consistent with State Government and regional planning and/or integrated with State Government infrastructure projects. Where successful service delivery depends on integration of the asset with State infrastructure, proof should be provided that the necessary State infrastructure is already available. For example, priority may be given to local road works that feed into a regional network if there is sufficient capacity in the regional network.

5.2. Duration of loan

Generally, greater financial risks tend to be associated with longer loan terms. Depending on outcomes, take-up and loan terms of projects/programs in the first round of applications, the Assessment Panel may give higher priority to projects/programs having shorter loan terms.

5.3. Consideration of previous LIRS assistance

In the event that LIRS funding requirements for applications (that meet all of the eligibility requirements in section 3 and essential criteria in section 4 of these guidelines) exceed available budget funding, applicants who did not receive LIRS assistance in round one may be given higher priority over councils who successfully obtained LIRS assistance in previous rounds.

ITEM 6 (continued)

ATTACHMENT 2

6. CONDITIONS OF LIRS ASSISTANCE

6.1. Financial assessment and benchmarking by TCorp

6.1.1. Generic TCorp Assessment

By the closing date for applications in Round two of the LIRS, all councils are expected to have undergone a financial assessment and benchmarking by NSW Treasury Corporation (TCorp) (Attachment 1 provides a sample of the contents of the TCorp Financial Assessment and Benchmarking Report).

The purpose of the assessment is to assist councils' asset acquisition and investment management strategies, including providing advice on their capacity to utilise debt when appropriate.

The external financial assessment is intended to be a general review of the applicant's overall finances and financial prospects, but not a review of the acceptability or viability of the specific project/program that is the subject of the LIRS application – this is a matter for the council to determine.

However, the financial assessment can advise whether the council has the capacity to borrow in order to meet its infrastructure backlog, and should be used to confirm the impact of any proposed borrowings on the council's finances.

The financial assessment report will be available to the council for its own general financial planning purposes. However, the independent financial assessment is not a credit rating report.

The due diligence or investigations required to assess an applicant's capacity to repay the specific loan will remain the responsibility of the lender.

6.1.2. Additional TCorp Advice on applications beyond the first round

The Assessment Panel will obtain TCorp advice on the applicant's capacity to repay the loan for which an applicant seeks LIRS assistance in the round. The TCorp advice will include an assessment of the impact of the proposed loan on the applicant's financial ratios and long term fiscal position based on latest available financial data, and other relevant information on significant developments after the original TCorp assessment was completed which will affect debt servicing capacity. Council may be required to meet the cost of this additional assessment. Where a proposed project/program is to be jointly implemented by two or more councils, TCorp will consider the fiscal position for each participating council separately.

6.2. Loan to be subsidised must be obtained from a third party lender

Council's loan that is to be subsidised by the LIRS must be negotiated and obtained directly from a third party lender. As evidence of this, the application must include, at the minimum, an indicative Bank Term Sheet from the lender as at the application closing date.

During the evaluation period (i.e. between the application closing date and 1st March 2013), a council will be expected to provide:

ITEM 6 (continued)

ATTACHMENT 2

1. an updated Bank Term Sheet which is as close to final as possible, and
2. a Loan Repayment Schedule.

The Bank Term Sheet should not be confused with the Loan Repayment Schedule. These are two inter-related but separate documents. One document does not substitute for the other, and both must be submitted with your LIRS application. Failure to do so will result in a non-compliant application.

Please note that a close to final bank term sheet must have been submitted by no later than 1st March 2013. All applications without a bank term sheet after that date will be disregarded by the assessment panel.

To assist Council, further explanation of the required Bank Term Sheet and Loan Repayment Schedule are provided in Appendix 3.

The required information will include:

- (a) the amount and term of the loan;
- (b) a repayment schedule showing loan drawdown dates and amounts of principal and interest payments over the life of the loan; and closing balances at the end of each repayment period; and
- (c) other relevant loan arrangements (e.g. capitalisation of interest at intervals over the life of the loan; any fees to be included in the principal etc).

This updated Bank Term Sheet will be appended to, and will form part of, the LIRS Agreement between the council and the NSW Government.

6.3. No NSW Government guarantee

The NSW Government will not guarantee any part of borrowings or other financial obligations of councils who access support under the LIRS. The NSW Government will not:

- (a) be party to any council discussions or negotiations with prospective providers of finance;
- (b) endorse any finance agreement that a council may enter into with its lender/s; or
- (c) be a party to the loan agreement.

Financial assessment and benchmarking by TCorp, or any formal or informal consultations by the NSW Government regarding debt facilities or any other financial arrangements of lenders with councils, do not constitute an implicit or explicit NSW Government guarantee on councils' financial or non-financial obligations incurred under the LIRS, or on the projects/programs proposed by councils to be subsidised by the LIRS.

6.4. DLG legislative requirements

Councils are required to comply with any legislative requirements that may apply to a project/program. For example if a proposed project/program meets the criteria for a Capital Expenditure Review, then council must meet the requirements which are set out in DLG Circular to Councils 10/34

ITEM 6 (continued)

ATTACHMENT 2

6.5. One LIRS contribution only

Applicants will be eligible for one LIRS subsidy contribution per project/program. However, a council may submit an application (and may be eligible to receive a LIRS subsidy) for a maximum of two separate projects/programs, in each application round. Each project/program should be lodged as a separate application which will be separately assessed. For purposes of determining the maximum number of projects/program for which any council is eligible for a subsidy, a project/program to be implemented by two or more councils will count as a single project/program for each participating council.

6.6. Allowable purpose and allowable expenses

The LIRS interest subsidy will be made available only for the specific purpose of offsetting the interest cost for loans from third party lenders for the allowable purposes.

Refinancing of existing loans (as at the date of public release of this Guideline) will not be eligible for LIRS support.

Proceeds of the loan are not to be applied towards costs of administration, travel, licensing, salaries or other activities or recurrent costs that are the responsibility of the applicant. However, a maximum of 10% of the total loan amount supported by the LIRS can be spent on specialist advice or design and permit costs (for example, engineering or planning).

Councils will be responsible for all ongoing costs and the management of assets procured with LIRS support.

6.7. Deadline for council and lender to agree on loan terms

The deadline for council and the third party lender to achieve in principle agreement on loan terms will be set so as to be consistent with the timetable for contract close, financial close and project/program delivery, and in no case will extend beyond the project/program commencement date.

6.8. Loan duration to be no longer than 10 years

All loans subsidised by the LIRS must have a loan term no longer than ten years from the date of signing of the LIRS Agreement. In any case, all LIRS funding will terminate on or before 30 June 2025.

Loans to councils for new asset acquisition purposes would typically be expected to have a range of five to ten years, although shorter loan durations are also possible.

6.9. LIRS subsidy to be fixed at commencement of LIRS agreement

The NSW Government will provide an interest subsidy on the loans contracted by successful applicants with their lender. The dollar amount of the subsidy for a given project/program will be fixed in the LIRS Agreement and will be calculated based on:

- (a) the rate of LIRS subsidy; and
- (b) the loan amount and term of each application as contained in the updated Bank Term Sheet that is made available by council to the DLG 14 days before the date that successful applicants are to be announced.

There will be no adjustment to this subsidy amount over the life of the LIRS Agreement, except as provided in the terms of that Agreement (e.g. in relation to events of default).

ITEM 6 (continued)

ATTACHMENT 2

and other triggers in the Loan Agreement between the council and the lender, unusual circumstances or variations permitted by the Agreement).

The NSW Government's liability will be limited solely to the amount of the interest subsidy that is specified in the LIRS Agreement with the council.

6.10. Councils accept all risk apart from LIRS subsidy in LIRS agreement

Councils are to take full risk on:

- interest rate or other financial risk on any liabilities in excess of the agreed amount of the State subsidy as specified in the LIRS Agreement; on the other hand, council will retain the benefits of any upside interest rate risk between the signing of the LIRS Agreement and the final approved Loan Agreement;
- interest rate or other financial risk on any liabilities for any period exceeding the term of the loan for which the subsidy is provided under the LIRS Agreement;
- in the event that a council wishes to refinance the loan (beyond the period of the original loan term for which LIRS support was provided), all costs and financial risks associated with such refinancing, including the full interest cost of the refinancing; and
- any non-financial (e.g. construction or project management or contractual) risks that result in the project/program being delayed and/or which may consequently generate unplanned financing costs or other financial risks for the project/program.

6.11. LIRS subsidy will be paid on a reimbursement basis

Once the lending institution has disbursed the proceeds of the loan to a council, the council will be expected to make interest payments directly to the lending institution that is based on the full interest rate in accordance with the final Loan Agreement between those two parties, which will incorporate the final approved loan terms.

The DLG is responsible for administering the reimbursement of the council for the amount of the subsidy and at the frequencies included in the LIRS Agreement, provided no events of default or other unusual circumstances arise (for which separate provision will be made in the LIRS Agreement) and until the total amount of the subsidy is fully paid to the council.

6.12. Submission of final approved Loan Agreement and Bank Term Sheet

After selection as a successful applicant and signing of the LIRS Agreement, a council will be expected to negotiate and sign the final Loan Agreement with its lender ("financial close"). Once financial close is achieved, successful applicants will be required to submit a certified copy of the final Loan Agreement and final approved Bank Term Sheet.

Financial close may be expected to occur after the signing of the LIRS Agreement. Therefore, the final loan documentation will not be used for eligibility or application assessment purposes, but for post-implementation review of the LIRS.

Failure to submit a copy of the final approved Loan Agreement and Bank Term Sheet after financial close will be grounds for withholding payment of the LIRS subsidy until it is submitted to the DLG.

ITEM 6 (continued)

ATTACHMENT 2

7. SUBMISSION OF APPLICATIONS

The DLG will develop a LIRS website to allow online applications for the scheme. Applicants will need to provide the following information as part of the application:

- (a) name and address of local council and that council's Australian Business Number (ABN);
- (b) contact details for the General Manager as well as an authorised person from the local council, who will act as the nominated contact for the LIRS application and from whom more information or clarification about the application can be sought, if required;
- (c) the State electorate that the project will be located within;
- (d) the relevant excerpts from the Asset Management Plan and Long-Term Financial Plan (please do not send the entire documents) with the proposed project/program resourcing commitments clearly identified as evidence of the affordability of the loan;
- (e) profile of the proposed project/program – including details of the nature, location, type, scale of infrastructure project/program; the target beneficiaries; whether the project/program is being done jointly with other councils;
- (f) estimates of capital cost, and comments about the content and quality of these estimates; this may include quotes from suitably qualified contractor/s or design consultants to support the project/program cost cited in the application;
- (g) estimates of project/program cost financing (including from sources other than the proposed loan, if applicable);
- (h) a project/program budget detailing costs relating to the LIRS project/program – including sources and uses of funds for the project/program and estimates of (unsubsidised) interest cost and LIRS subsidy, at least on an annual basis;
- (i) a short project summary and community benefit statement for use in communication and promotion, should the project be successful;
- (j) an indicative Bank Term Sheet including the amount proposed to be borrowed (if this is different from the capital cost estimates provided); interest rate; loan term; particulars of assets or other security provided by the council to cover the loan; excel spreadsheets showing the calculation of periodic interest payments (to enable calculation of LIRS subsidy payments); and any other relevant details about the proposed loan;
- (k) copies of council Minutes showing prior council approval to proceed with the project/program or capital expenditure, and (if decided separately) to incur a loan to fund the project/program; and
- (l) all other documentation demonstrating the applicant's compliance with the eligibility requirements and essential and desirable criteria.

Note: For single projects/programs to be undertaken by multiple councils, each participating council must lodge a separate application.

8. LODGING APPLICATIONS

Applications must be received by close of business (5,00pm) on Monday, 31 December 2012. The applications must be completed online on the LIRS section of the DLG website at www.dlg.nsw.gov.au.

ITEM 6 (continued)

ATTACHMENT 2

Applicants who need help with their application can contact the DLG Coordinator Infrastructure on phone 4428 4133 or email lirs@dlg.nsw.gov.au or via post:

Coordinator Infrastructure
Local Infrastructure Renewal Scheme
Division of Local Government
Department of Premier & Cabinet
Locked Bag 3015
Nowra NSW 2541

Applications that are not received by the closing date for any reason or due to oversight by any party involved in the application process will not be assessed. Only the following materials will be accepted by DLG after the closing date:

1. Additional information on bank documentation as specified in section 7(j) of this Guideline, or project information required in order to complete the application;
2. Specific information requested by the Technical Panel or the Assessment Panel in aid of the assessment, or any information submitted by an applicant in response to a Request for Clarification.

SUMMARY OF KEY DATES

Item	Date
Online applications open	1 November 2012
Application closing date	31 December 2012
Latest date to submit close to final bank term sheet	1 March 2013
Announcement of successful applicants	At the earliest, mid May 2013 – but may be extended if many requests for clarification (RFC) are required. Specific date to be announced by the Minister.
Signing of LIRS Agreement	Maximum 30 days after council receipt of LIRS Funding Agreement.

ITEM 6 (continued)

ATTACHMENT 2

9. ASSESSMENT OF APPLICATIONS

9.1. Stages of the assessment process

After the closing date, applications will be assessed in three stages:

Stage 1. Assessment by Technical Panel against the eligibility requirements and essential criteria in section 3 and 4 of this Guide.

The Technical Panel will assess and rank applications against the eligibility requirements in section 3, the essential criteria in section 4 and (if necessary) the desirable criteria in section 5 of this Guideline.

Applications found to be ineligible, or whose documentation is incomplete at the closing date and are deemed unlikely to be completed within the assessment period, may not be assessed.

In order to facilitate the assessment, the Technical Panel may issue Requests for Clarification to any applicant in accordance with section 9.2 of this Guideline. Failure to respond to a Request for Clarification (RFC) will be interpreted to mean that the applicant has no further information to provide, and the application will be assessed on that basis.

Stage 2. Assessment Panel review

The Technical Panel will submit its assessment of applications for consideration by the Assessment Panel. The Assessment Panel will determine those applications that satisfy the eligibility requirements and essential criteria. These applications should then progress to the TCorp financial assessment and benchmarking process if that has not already been undertaken.

At this stage, the Assessment Panel may also instruct the Technical Panel to issue further RFC's to assist in the Assessment Panel's deliberations.

Stage 3. Assessment Panel final decision

The Assessment Panel has the option of instructing the Technical Panel to undertake another round of evaluation and ranking of applications - including as a result of applicants' responses to RFCs, or against the desirable criteria in section 5 of this Guideline. The Assessment Panel may also undertake further deliberations as required in order to make its final decisions on eligible Round two applications.

Note: Where a project/program is jointly undertaken by two or more councils, each participating council will be individually evaluated against the eligibility requirements and assessment criteria just like any other single applicant.

9.2. Requests for clarification or additional documentation

To help ensure that assessment outcomes are based on information that is as accurate and up-to-date as possible, the assessment process will include Requests for Clarification (RFCs). At any stage, the Technical Panel and/or the Assessment Panel may seek clarification about any aspect of a council's application, and will issue an RFC in writing to the applicant. This could include requests for additional documentation if there are gaps in the initial submissions.

ITEM 6 (continued)

ATTACHMENT 2

The applicant will be expected to provide a response in writing, or a copy of any additional documentation requested by the Technical Panel or the Assessment Panel, within a specified number of days. The responses will be considered in the final evaluation and ranking of applications by the Assessment Panel.

Applicants' responses to RFCs must be addressed to the DLG LIRS e-mail address lirs@dlg.nsw.gov.au. Depending on the subject of the RFC, applicants may be requested to simultaneously copy their RFC response to a specific member of the Technical Panel. As required, separate contact details for the relevant Technical Panel member(s) will be provided to applicants when the RFC is issued.

9.3. Assessment criteria

In the first instance, the Assessment Panel will evaluate applications with reference to the essential criteria in section 4 of this Guideline. The Assessment Panel will have the option of giving more favourable consideration to applications if, in addition to meeting the essential criteria, they also meet the desirable criteria in section 5.

Budget funding allocations for the LIRS have been set for a limited period of time commencing in 2011/12. In the event that the aggregate of LIRS subsidies sought for all applications meeting the essential criteria would, if granted, result in:

- (a) all of the allocated budget funding being used up in the rounds to date, or
- (b) total LIRS subsidy funding requirements exceeding the total budget allocation to date,

then the Assessment Panel will do a second review of applications that initially met the essential criteria based on systematic application of the desirable criteria, to further refine the ranking of these applications.

In any application round, after applying the essential and desirable criteria, the Assessment Panel may repeat its review of applications as many times as necessary, based on other prioritisation criteria or processes (e.g. awarding only partial subsidies, or setting pre-conditions before some applicants can access the subsidy). The Assessment Panel will ensure that these additional criteria and processes are appropriately documented and communicated to applicants.

9.4. Outcomes of the Assessment Process

The target date for announcement of successful applicants by the Assessment Panel will be determined after the Technical Panel assessment has commenced and the Assessment Panel is able to form a clearer view on the quantity and quality of applications received.

At the earliest, it may be possible for successful applicants to be announced in May 2013, but this may be extended should a significant number of RFCs be necessary. Projects/programs selected for assistance may not receive the full requested subsidy, and LIRS assistance may be made subject to specific conditions to be determined by the Assessment Panel.

Under no circumstances will any LIRS subsidy be approved or endorsed for:

1. Loan amounts that are not supported by an indicative Bank Term Sheet or other relevant bank documentation submitted with a council's application. In case a loan amount stated in a council's application form exceeds the loan amount stated in the indicative Bank Term Sheet, the LIRS subsidy will be calculated based on the latter.

ITEM 6 (continued)

ATTACHMENT 2

2. Loans that are non-compliant with these LIRS Guidelines in the first instance (eg, loans for projects that do not meet eligibility requirements in section 3 of these Guidelines, or loans which do not comply with the funding conditions in section 6).

All recommendations to the Chief Executive of the DLG by the Assessment Panel will be final, and the Panel will not enter into negotiations or disputes with unsuccessful applicants.

9.5. Notification to applicants

After the application closing date, applicants will receive notification via email to confirm that their application has been received. Applicants may be contacted during the assessment process for further information or clarification about their application.

Applicants will be advised of the outcomes of the assessment process through letters to all applicants, which will provide the following information:

- (a) whether or not the application for assistance has been approved, and other possible outcomes of the assessment process including any conditions placed on the approval of the application (if applicable); and
- (b) where the Assessment Panel has applied other additional criteria or processes (apart from the essential and desirable criteria listed in this Guideline) in order to ration available LIRS budget funding, a description of those additional criteria or processes.

Given the possible large number of applications, feedback on applications may not be given to individual councils apart from the final notification to successful and unsuccessful applicants. A list of successful applicants and project/program summaries will be published on a LIRS webpage on the DLG website.

10. LIRS FUNDING AGREEMENT

Successful applicants will be required to sign a LIRS Funding Agreement with the NSW Government, stipulating obligations of the applicant and the conditions under which LIRS assistance is given.

These terms are summarised in section 6 of this Guideline. Where a proposed project/program is to be implemented by two or more councils, each participating council will sign a LIRS Agreement for its own loan. In these cases the LIRS Agreement may contain clauses uniquely tailored to the particular joint project/program arrangements.

The LIRS Agreement will also contain provisions regarding other matters, including (but not limited to) events of default, monitoring and reporting requirements, and miscellaneous provisions. Other clauses in the Agreement will include:

- Confidentiality - The DLG use the information supplied to assess an application for LIRS assistance. Information on funded projects/programs may be used for promotional purposes. Subject to the provisions of the Government Information (Public Access) Act 2009, the DLG will endeavour to treat confidentially any sensitive personal and confidential information that is provided in an application.
- Insurances and Indemnity - The applicant will be required to hold broad form public liability insurance (a minimum limit of \$20 million is expected) and, where applicable, professional indemnity insurance and workers' compensation insurance. The applicant will be required to indemnify the DLG for all losses and/or damage arising from the project/program.
- Tax liabilities - Goods and Services Tax (GST) applies to payments made under the LIRS, if the recipient is registered for GST. It is recommended that applicants seek

ITEM 6 (continued)

ATTACHMENT 2

11. TIMEFRAME FOR SIGNING LIRS FUNDING AGREEMENT

A successful applicant is expected to sign a LIRS Funding Agreement within 30 days from the date that the DLG sends the Agreement to the applicant.

The 30 days allow for final clarifications between council and the Assessment Panel on the content of the Agreement. If, notwithstanding these consultations, a successful applicant fails to sign the LIRS Agreement within the deadline, the offer of LIRS assistance will automatically lapse and the budget allocation will be able to be reallocated to other projects/programs.

12. IMPLEMENTATION AND MONITORING

Successful applicants will be required to comply with the following commitments:

12.1. Project/program commencement

Failure of a successful applicant to commence project/program construction within 12 months after the date of signing of the LIRS Agreement may result in the LIRS subsidy to that applicant being withdrawn, and the budget allocation for this subsidy being reallocated to other projects/programs. (See section 4.4.1 for a definition of 'project/program commencement'.) If construction does not commence within this deadline, the applicant will be placed on notice and requested to explain the reasons for the delay.

An extension over the 12-month limit of no more than six (6) months will be possible, but only upon council:

- (a) demonstrating due cause;
- (b) providing evidence that council is taking specific measures to remedy the delay; and
- (c) submitting an amended project/program delivery schedule to the satisfaction of the Assessment Panel.

The maximum 18-month limit on project/program commencement is to avoid the 'banking' of successful applications for indefinite periods, and to help ensure timely and efficient take-up of LIRS funding as provided for in the NSW Budget.

12.2. Variations in project/program design, timetable or deliverables

Should successful councils wish to vary the proposed design, scope, timetable or deliverables of the project/program after the LIRS Agreement has been signed, those councils will be required to provide details of these changes in writing to the Assessment Panel – if possible even before the project/program changes have been approved and/or implemented.

This requirement will apply, whether or not these project/program variations substantially alter the LIRS subsidy payment schedule.

Should the project/program changes result in significant changes to any of the major loan parameters, with consequent changes to scheduled interest payments by council

ITEM 6 (continued)

ATTACHMENT 2

and LIRS interest subsidy payments by the NSW Government, the council will be required to submit the following to the Assessment Panel:

- (a) details of the specific project/program changes and any detailed revisions in project/program delivery timetable;
- (b) amended project/program cash flows and amended financial modelling spreadsheets; and
- (c) evidence that the council still has the capacity to manage the revised project/program, particularly if the revisions entail expansion in project/program scope or complexity.

12.3. Periodic reporting

Financial and non-financial reporting requirements will be detailed in the LIRS Agreement. During the construction stage of the project/program, councils will be required to provide quarterly reports on project/program status and financial flows (expenditure and funding sources, e.g. drawdowns on the LIRS-subsidised loan).

Statements of Expenditure on the project/program will be part of the project's/program's monitoring and reporting requirements and may be subject to audit.

Reports on loan drawdowns and interest and principal repayments will continue to be required over the life of the loan in line with the LIRS Agreement.

12.4. Project/program completion

On completion of the project/program, a council will be required to submit to the DLG a Final Report which should include:

- (a) evidence of project/program completion (as defined in section 4.3.3);
- (b) a Statement of Expenditure which includes amounts actually spent on the project/program; the final amount of borrowing incurred, the total interest expense actually paid by the council, and the total amount of LIRS subsidy received by the council; and
- (c) an Acquittal Certificate which must be signed by the General Manager and the responsible accounting officer.

13. FUTURE ROUNDS

The Government will review the cost and LIRS program outcomes of the first round of applications, and may make adjustments in future rounds. The Government's decisions regarding the operation and funding of subsequent rounds will be made in the context of decisions for the annual State Budget for each of the following years.

The Assessment Panel and the DLG will ensure that the assessment process is conducted so as to ensure that:

- (a) successful determinations in the first round are limited, if that is necessary to ensure that some of the funding provided for the scheme is available for subsequent rounds;
- (b) no one council receives an excessive share of the scheme's total funding; and
- (c) LIRS subsidy expenditure remains within budget funding limits over the forward estimates period.

In the event of any amendments to scheme design authorised by the Government between application rounds, the changes are to be publicly announced to councils in the form of addenda to this Guideline for Applicants. Any amendments will apply to future application rounds, and will not apply to LIRS Agreements previously signed.

ITEM 6 (continued)

ATTACHMENT 2

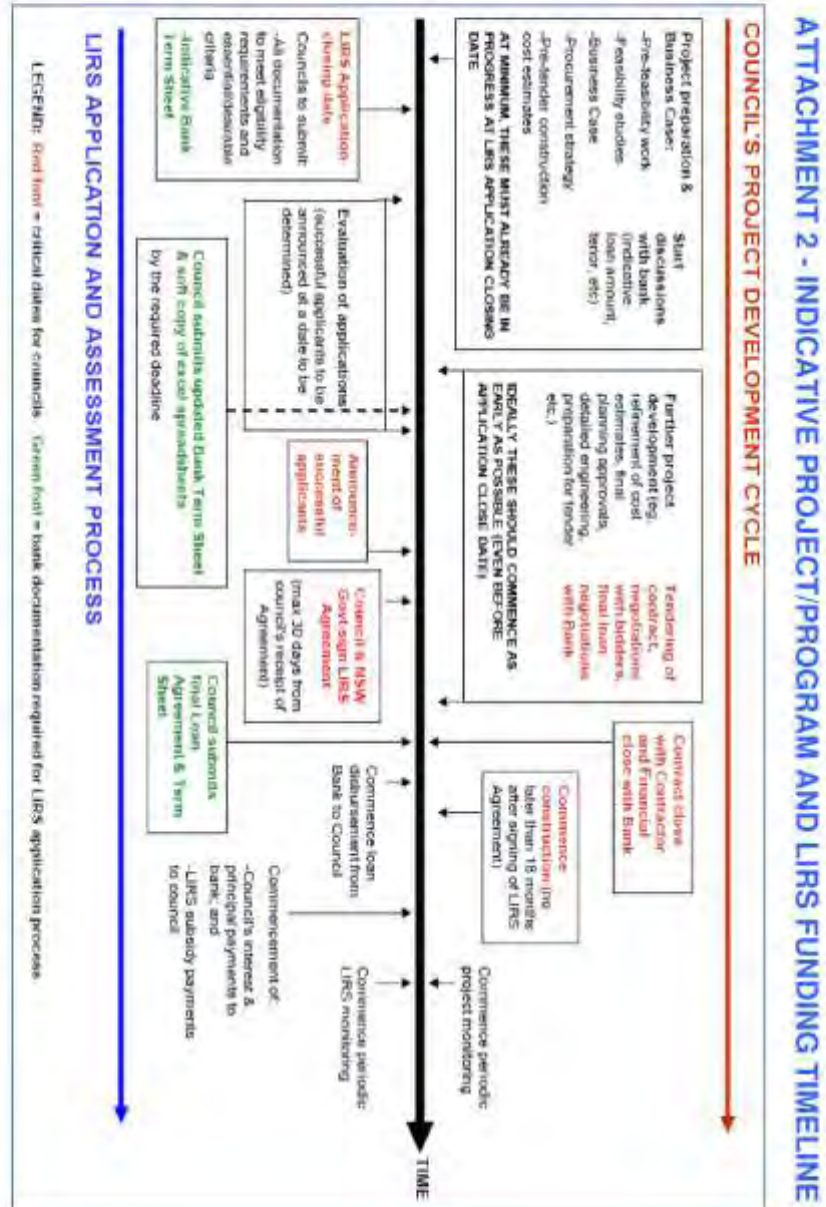
ATTACHMENT 1 - SAMPLE OUTLINE – NSW TREASURY CORPORATION - FINANCIAL ASSESSMENT AND BENCHMARKING REPORT

Name of Council

- Section 1 Executive Summary
- Section 2 Introduction
 - 2.1: Purpose of Report
 - 2.2: Scope and Methodology
 - 2.3: Overview of the Local Government Area
 - 2.4: LIRS Application
- Section 3 Review of Financial Performance and Position
 - 3.1: Revenue
 - 3.2: Expenses
 - 3.3: Operating Results
 - 3.4: Financial Management Indicators
 - 3.5: Statement of Cashflows
 - 3.6: Capital Expenditure
 - 3.7: Specific Risks to Council
- Section 4 Review of Financial Forecasts
 - 4.1: Operating Results
 - 4.2: Financial Management Indicators
 - 4.3: Capital Expenditure
 - 4.4: Financial Model Assumption Review
 - 4.5: Borrowing Capacity
- Section 5 Benchmarking and Comparisons with Other Councils
- Section 6 Conclusion and Recommendations
- Appendix A - Historical Financial Information Tables
- Appendix B - Glossary

ITEM 6 (continued)

ATTACHMENT 2



ITEM 6 (continued)

ATTACHMENT 2

ATTACHMENT 3: BANK DOCUMENTATION REQUIRED IN SUPPORT OF LIRS APPLICATION

This appendix provides more details about the expected contents of two documents that council must submit as part of its LIRS application:

1. Bank Term Sheet, and
2. Loan Repayment Schedule

Both of these documents must be submitted under cover of formal correspondence from the bank, which clearly shows the bank letterhead and signature of an authorised bank officer.

1. BANK TERM SHEET AND INDICATIVE LOAN FUNDING LETTER SIGNED BY THE BANK

Please submit a copy of an indicative Bank Term Sheet containing the proposed terms of the loan.

It is understood that at the time that council submits its LIRS application, this Bank Term Sheet is only indicative and is provided on a 'no commitment' basis, and is submitted only for purposes of assessing council's financial preparedness to incur the loan for which a LIRS subsidy is sought. Submission of an indicative Bank Term Sheet does not represent a contractual commitment to proceed with this particular loan, by either the council or the bank whose name and logo appear on the correspondence. It is understood that final loan terms will be confirmed closer to the date of project commencement.

If at the closing date the council is unable to provide a Bank Term Sheet with the information detailed below and council has only obtained a preliminary interest rate quote from the bank (eg, by letter or e-mail), please submit this document (clearly identifying the bank) as evidence that council has actually commenced consultation with a bank. If council submits only a preliminary bank quote at the closing date for submissions, council must obtain and submit **by 1 March 2013** the two indicative documents listed in this Appendix.

For purposes of compliance with this submission requirement, a Bank Term Sheet would be expected to typically include the following provisions (some details may vary depending on the bank):

1.1 TERMS OF THE LOAN:

- (a) The amount of finance offered by the bank
- (b) Type of facility – eg, Fixed rate? Variable rate? Mixed?
- (c) Term of facility - number of years
- (d) Approximate estimated date for funding to commence - month, year
- (e) Interest rate
- (f) Repayments - principal, interest
- (g) Frequency of repayment – monthly? Quarterly? Semi-annually?
- (h) Variations in reference rates – if the loan is a variable rate loan
- (i) If relevant, any capitalisation of interest and the frequency with which the interest is capitalised (say, every 4th quarter)
- (j) Government fees and taxes

ITEM 6 (continued)

ATTACHMENT 2

- (k) Early repayment, prepayment and break costs payable by the borrower

It is possible that the bank may provide to council, two or more loan options (eg, different interest rates or different loan tenor). If so, please provide a copy of the bank's correspondence identifying those options. Council must indicate to us the preferred option, otherwise the Assessment Panel will be unable to estimate the cost of the LIRS subsidy for the project. **If council does not state its preferred or likely option, it is possible that consideration of the application may be deferred.**

1.2 OTHER GENERAL TERMS AND CONDITIONS OF THE LOAN:

- (a) Security for the loan to be provided by the borrower
- (b) Assignment of the bank's rights
- (c) Conditions precedent required by the bank – eg, conditions that the borrower must comply with before the loan can be activated or the loan funds paid to the borrower.
- (d) Undertakings by the borrower
- (e) Representations and warranties
- (f) Events of default – what they are, and the consequences for the bank and the borrower if these events occur
- (g) Provision for any variations in terms and conditions over the duration of the loan
- (h) Confidentiality of information
- (i) Other?

2. DETAILED LOAN REPAYMENT SCHEDULE PREPARED OR REVIEWED BY YOUR BANK

Consistent with the loan terms in section 1.1 above, please submit a detailed Loan Repayment Schedule showing the repayment dates; and the principal payment, interest payment, total P&I repayment amount, outstanding balance and cumulative interest on each repayment date. Please note that this schedule must be prepared or reviewed and signed off by the bank, and that bank's letterhead must be visible on the document or spreadsheet. **It is not sufficient for this schedule to be calculated only by the applicant.**

It is unnecessary for council to calculate the LIRS subsidy payment for purposes of the submission. However, if council wishes to calculate the subsidy for its own records, please ensure that it calculates first each interest payment based on the gross interest rate (say, 7.5%) in each repayment period. The dollar value of the LIRS subsidy in that period is then calculated by multiplying the \$ interest payment (BEFORE deducting the subsidy) by the percentage of the LIRS subsidy rate to the gross interest rate of the loan (in this example, 4%/7.5%, or 53.33%). If council calculates the LIRS subsidy by applying only the net interest rate of 3.5% to derive the loan repayment schedule, it could underestimate the interest payments that it will need to make to the bank in any period because the LIRS subsidy payments are to be repaid to successful applicants on a reimbursement basis (see section 6 of LIRS Guidelines).

7 SUBMISSION ON DRAFT LONG TERM TRANSPORT MASTER PLAN

Report prepared by: Senior Sustainability Coordinator, Transport and Environment
File No.: GRP/12/5/5/5 - BP12/1228

REPORT SUMMARY

An executive summary of the Draft NSW Long Term Transport Masterplan accompanies this report (**ATTACHMENT 1**) and the full 368 page bound document is available on www.transportmasterplan.nsw.gov.au

A draft submission outlining issues for Ryde has been prepared and is provided. (**ATTACHMENT 3**).

Key issues for Ryde relate to how the Macquarie Park Specialised Employment Centre and its role as the northern anchor of the global economic arc is reflected in the Masterplan and how transport corridors through Ryde are being planned.

Other travel demand management aspects and planning to encourage integrated transport and land use planning to reduce traffic congestion, improve accessibility and mobility are also of importance to Ryde and covered in the draft submission.

This report seeks Council's endorsement of the draft submission to be made to Transport for NSW.

RECOMMENDATION:

That Council endorses the submission on the Draft Long Term Transport Master Plan and that this be sent to Transport for NSW.

ATTACHMENTS

- 1 Draft NSW Long Term Transport Masterplan Executive Summary
- 2 NSROC Transport Masterplan response dated 26 October 2012
- 3 Draft City of Ryde Submission regarding the Transport Masterplan

Report Prepared By:

Jenai Davies
Senior Sustainability Coordinator, Transport and Environment

Report Approved By:

Sam Cappelli
Manager The Environment

Dominic Johnson
Group Manager - Environment & Planning

ITEM 7 (continued)

Context

The Draft NSW Long Term Transport Masterplan will guide transport planning and projects within NSW and Sydney over the next 20 years and will assist with the delivery of transport goals outlined in NSW 2021 and links with other NSW Government Long Term Delivery Plans such as the Metropolitan Strategy and State Infrastructure Strategy.

The Draft NSW Long Term Transport Masterplan includes efforts to integrate transport and land use planning and has been developed with consideration of the land use implications of the Metropolitan Strategy.

Several of the corridors and projects proposed within the Masterplan are relevant to the City of Ryde area, as referred to in the discussion below.

Comments for the Draft NSW Long Term Transport Masterplan were due on 28 October 2012 however it is planned to make a late submission as soon as practically possible after Council considers this report.

Discussion

The Draft NSW Long Term Transport Masterplan impacts upon the City of Ryde as a number of actions, projects and proposed transport corridors would be relevant to the City of Ryde area.

From a regional perspective, the comments included in NSROC's submission provided (**ATTACHMENT 2**) to the Draft NSW Long Term Transport Masterplan made separately are supported, in particular comments relating to:

- Contestability and sustainability of community transport. This is a particular issue for Ryde as we operate and maintain the Top Ryder community bus, which provides an invaluable service to our aged/vulnerable/transport disadvantaged populations.
- NSROC's support for a Metropolitan Parking policy which addresses the distortions in the current parking policy.
- The transport masterplan failing to mention local government's land planning and local traffic expertise and how this should inform land planning and interchange management.

From a local perspective, Council officers have reviewed the Draft NSW Long Term Transport Masterplan and identified a range of issues which are relevant to Ryde.

ITEM 7 (continued)

A draft local submission has been prepared (**ATTACHMENT 3**) and addresses these issues under the following headings.

1. Macquarie Park Specialised Centre

A greater emphasis needs to be made in the Transport Masterplan on the importance of the Macquarie Park as a Specialised Employment Centre, given its role as the northern anchor of the global economic arc. Macquarie Park has significant potential development growth within the next 20 years positioning it to become the 4th largest business centre in NSW. Macquarie Park currently has a floorspace of 800,000 sq m, 40,000 employees and 30,000 students.

This is anticipated to grow to a floorspace of >2 million sqm, 80,000 employees and 50,000 students over next 20 years.

Given the importance of the role which Macquarie Park Specialised Centre plays, it is suggested that a separate section be created for Specialised Precincts/Centres within the Sustaining Growth in Greater Sydney chapter of the Transport Masterplan (similar to the approach used for other employment centres such as Parramatta).

This separate section should include:

- a) Acknowledgement of the importance of Macquarie Park and its role in the metropolitan economy (being responsible for 4% of state GDP).
- b) Acknowledge the newly established Macquarie Park Transport Management Association as a governance mechanism which enables partnerships between local and state government and local businesses in order to develop appropriate transport solutions for the area via Community Travel Plans and the implementation of travel demand measures.
- c) Acknowledge the unique transport challenges facing Macquarie Park as it evolves from a business park to an urban centre and the implications of meeting a 40% public transport mode split target by 2031 (as agreed by a steering committee comprised of various transport agencies).
- d) Acknowledgement of the critical importance of the Herring Road Interchange to support the required significant increase in public transport modal shift as well as increased vehicular access from the upgrade to the M2 Motorway. To support this interchange and the continued functioning of Macquarie Park, Ryde Council should seek a grade separated intersection at Herring Rd and Epping Rd (Herring Rd South) and other improvements to Herring Rd and Talavera Rd intersection (Herring Rd North).
- e) Acknowledgement of the importance of developing alternative methods of transport that are not fully dependent on the use of the motor car for single occupancy vehicle trips (SOV's), including:
 - o Travel demand management measures (such as carpooling, telecommuting and active transport such as cycling and walking).
 - o The development of parallel transport technologies that fill the 800 metre to 5000 metres transport void needs to be considered and developed within an appropriate governance framework in collaboration with Infrastructure Australia, AustRoads, Roads Authorities in South Australia, Queensland, Victoria and Transport for

ITEM 7 (continued)

NSW to form National Transport Policy to deliver best practice through innovation. The Council in partnership with Macquarie University is currently undertaking Stage 1 analysis "trial of the application of Personal Mobility Devices (PMDs) within a prescribed testing framework" (Refer to ATTACHMENT 3 for Letter of support from Transport for NSW).

It should be expected that the future acceptance of the above technologies and initiatives will assist with the development of incentive based Work Place Travel Plans (WPTP's) that will become the future fabric for "effective" transport planning for local businesses and other trip generators.

2. Transport Corridors

Victoria Rd Corridor- the identification of the Victoria Rd corridor as one of Sydney's "Big 6" most constrained transport corridors (pg 148 Fig 4.5.2) is supported.

Council should seek to collaborate with the State Government via the inclusion of the Victoria Rd corridor (at least the area within the Ryde local government area) as a "long term corridor for investigation to support transport and urban renewal outcomes" (pg 299). Ryde's Local Planning Study 2009 is supportive of growth in the Corridor.

As part of Ryde's Local Planning Study, a future project is identified to "investigate sites fronting Victoria Road between Ryde and West Ryde to explore options for more intensive economic and commercial development that will promote development of an economic corridor".

It is recommended that the Transport Masterplan should recognise the importance of Ryde Major Centre as a future sub-regional intermodal interchange along this corridor.

The proposal to improve bus priority and efficiency in the short term (pg 151) and to deploy higher capacity light rail in the longer term (pg 151) should be generally supported by the Council. In the longer term, Council should also support a metro-style rail line beneath Victoria Road from West Ryde to Ryde, Gladesville and the Sydney CBD (as per our submission to the Draft Inner North Sub Regional Strategy) and therefore ask that this option be included in the Transport Masterplan.

Whilst acknowledging Council's preference for longer term options of either a metro-style rail line or light rail, Council should also acknowledge that bus rapid transit is another longer term option being considered in the Transport Masterplan for the Victoria Rd Corridor (pg 151). This being the case, Council should make clear that the potential for any road based transit solution along the Victoria Rd corridor is limited by the need to address significant capacity constraints, particularly from Drummoyne towards the City.

ITEM 7 (continued)

In developing any transport proposals for the Victoria Rd corridor, adequate consideration would need to be given to the implications for local businesses and residents. Adequate opportunities would also need to be provided for Council and the community to provide input into the future design of any route and stop options.

Fig 4.5.2 (pg 148) should be updated to include the potential long term options of light rail or a metro-style rail line along this corridor.

Macquarie Park-Olympic Park or Burwood–Hurstville corridor – the identification of the “Macquarie Park-Olympic Park or Burwood –Hurstville” corridor as a “Long term corridor for investigation– transport and urban renewal” (pg 299) is generally supported, although an outline of the process to be followed for further investigation is needed.

Given that this corridor is identified as a “Long term corridor for investigation” and the current levels of traffic congestion experienced along Lane Cove Rd, it is recommended that the “Macquarie Park-Olympic Park or Burwood-Hurstville” corridor be identified on the constrained strategic corridor map (pg 84).

In addition, further details are sought regarding the process for further investigation of “Protected Corridor 5 Macquarie Park to Sydney Olympic Park: Potential Corridor for Investigation” (pg 197) and confirmation of the preferred modal options being considered.

Along this corridor, the Council should seek the identification of Top Ryde City as a potential major centre, West Ryde as a town centre and Meadowbank as a small centre (as per Ryde’s submission to the Draft Inner North Sub-Regional Strategy). Ryde’s Local Planning Study 2009 also includes a future project to investigate an “Enterprise Corridor land use zone for sites adjoining Church Street Meadowbank between Victoria Road and the Parramatta River”.

Potential linkages between the M2 and M4 - further details are sought regarding the statement on page 151, “Beyond the timeframe of the draft Long Term Transport Master Plan, we will investigate opportunities to further expand the motorway network including potential linkages between the M2 and M4 via Gladesville.”

Whilst the need for long term further investigation of a connection between the M2 and M4 is generally supported, further detail is sought regarding proposed modal and route options.

If potential expansion of the motorway network between the M2 to M4 is being considered then this should also be identified as a potential “Corridor for Investigation” in the Motorway Strategy Map on pg 140. Further detail should also be provided of the design options being considered to enable proper consideration of various options in more detail.

ITEM 7 (continued)

Any new motorway proposals should not be considered until after the construction of the north-west rail link and that cycleway and bus lanes should be provided as part of any new motorway developments.

It is also suggested that this option may be more appropriately discussed in relation to another corridor, rather than in the current Parramatta to the CBD via Ryde corridor section (pg 151). For example, this option may be more appropriately placed in a new section discussing options for the Macquarie Park-Olympic Park or Burwood-Hurstville long term transport corridor or Protected Corridor 7 (Macquarie Park to Sydney Olympic Park). However, Council should note that Macquarie Park is already a major traffic thoroughfare with high levels of traffic congestion. Council would not want to see this burden added to by a new motorway through Macquarie Park.

Protected Corridor 17: Potential Corridor for further investigation- Inner West Bypass and Enhanced North South Links - further details are to be sought regarding the process, timing and options being considered for further investigation of “Protected Corridor 17: Potential Corridor for further investigation- Inner West Bypass and Enhanced North South Links.” This protected corridor appears to approximate a route from Macquarie Park to Sydney Airport. This protected corridor also appears to correspond to a new motorway “corridor for investigation” being considered for “Enhanced North South Links” as per the Motorway Strategy Map on pg 140.

Strategic transport corridor with medium constraint (approximately Macquarie Park-East Ryde-Hunters Hill) – further detail is sought regarding the process for further investigation of the “Strategic transport corridor with medium constraint” which appears to link Macquarie Park- East Ryde-Hunters Hill (pg 84). Given that Transport for NSW has identified this is a strategic transport corridor with medium constraint, it should be strongly recommended to the accelerate provision of improved public transport for East Ryde as per our previous letter to the Ministry of Transport (dated 23 April 2012) and Transport for NSW’s response (reference SE12/06781) which indicated that bus services were due to be reviewed in 2012 (Refer to **ATTACHMENT 3**). It is also suggested that any future investigations along this corridor include consideration of how to effectively link centres.

Epping Rd – More clarity should be sought regarding any transport initiatives being planned for Epping Rd.

3. Centres Hierachy

The Council should request the State to support City of Ryde’s proposed centres hierarchy as previously provided as part of the Draft Inner North Sub-Regional Strategy. Specifically, in this regard, it is important that the Transport Masterplan recognises Top Ryde City as a major centre, West Ryde as a town centre, and Meadowbank as a small centre.

ITEM 7 (continued)

4. Transport funding

Council should express its view that the Government needs to fully commit fully to the final NSW Long Term Transport Masterplan, by entrenching specific projects and required funding into legislation.

5. Rail proposals

Parramatta to Epping rail link – The Council should express its disappointment that the Parramatta to Epping link is not included in the Plan. A similar route is identified for “Protected Corridor 7: Protected Corridor- Parramatta to Macquarie Park” (pg 197) and the “2031 Sydney Strategic Transit Network” (pg 93) supports identification of transit network potential extension from Parramatta to Epping.

Further detail regarding the process and timing for further investigation of “Protected Corridor 7” should be sought and what intermediate transit options are being considered for the “Parramatta-Epping potential extension” identified in the 2031 Sydney Strategic Transit Network”.

North West Rail Link – The Council should strongly support the completion of the North West Rail Link as identified in the medium term within the Transport Masterplan. The State Government should fully commit to this project by entrenching required funding for project into legislation. This project is particularly important for Ryde Local Government Area as 40% of the passengers on the North West Rail Link are anticipated to exit within Macquarie Park.

6. Park and Ride

The Council should strongly support the need identified in the Transport Masterplan for increased park and ride facilities, including as part of the North West Rail Link (p.59) and at railway stations (pg 64). In particular, the Council should request that Transport for NSW explore the potential for additional park and ride facilities within the Macquarie Park area at North Ryde Station.

7. Electric Vehicles

The Council should support the development of an Electric Vehicles Roadmap identified as part of the Transport Masterplan (pg 303). The City of Ryde Council is currently undertaking an Electric Vehicles Study which will inform its future planning and parking controls.

8. Travel Demand Management Measures

The Council should strongly recommend that the State Government further support carpooling initiatives to assist with reducing travel demand. Whilst it is noted that Transport for NSW has supported the development of the wscarpool initiative, Council should suggest that Transport for NSW could do more to financially support and promote a carpooling program across the entire Sydney metropolitan area. For example, free or discounted subscriptions could be offered for organisations joining within the Sydney metropolitan area. Wscarpool and other carpooling initiatives could be addressed in the “Transport ICT and Innovation Strategy” (pg 309) and

ITEM 7 (continued)

“Managing demand and making better travel choices” (pg 306) sections of the Transport Masterplan.

State Government support for Travel Access Guides. Greater clarity on workplace travel plans - The Council should commend Transport for NSW for supporting the development of Travel Access Guides for large trip generators (pg 143). It is suggested that this action be expanded to include State Government support for the development of Workplace Travel Plans (WTPs), with funding for either project officers to be employed at either the state or local government level to assist businesses with the development of WTPs (similar to the TravelSmart program in other states). It is noted that the Macquarie Park TMA will assist businesses within the Macquarie Park to develop WTPs, however more clarity is sought on what level of support for the development of WTPs may be available for trip generators outside Macquarie Park.

9. Bicycle and Pedestrian Infrastructure

Greater clarity regarding cycle infrastructure for urban centres - The Council should seek greater clarity regarding short term proposals for “connected cycling networks on streets that feed into Sydney’s urban centres” (pg 144) and whether this would be applicable to Ryde’s centres such as the Macquarie Park Specialised Centre. In addition, the Council should also seek more detail on what cycle parking initiatives outside railway stations in urban centres are proposed. The point should be made that in any Masterplan process, cycleways should be constructed as a standard part of any new motorway developments or transit corridors.

Greater clarity regarding pedestrian infrastructure for urban centres - The Council should seek greater clarity regarding the walking investment program and short-long term proposals for improving pedestrian improvements for access and amenity at locations apart from the CBD (pg 143). More clarity and specific detail should be sought regarding improved pedestrian connections in major urban centres (pg 316) and whether this would apply to Ryde’s centres such as the Macquarie Park Specialised Centre.

10. Ferry Transport

The Council should be supportive of the role which ferries play in a viable transport system and should express its support for an expanded and enhanced ferry system that is integrated into the overall transport solution. In this regard, the Council should highlight the importance that the ferry system plays for Ryde residents and commuters from Meadowbank and Kissing Point Ferry wharves and that these wharves are well utilised. Council should ask that any changes to ferry timetables and routes at these wharves maintains or improves service levels and does not remove or reduce ferry services.

The Council should seek more detail on the “Sydney Harbour wharf upgrade program” (pg 314) regarding specific proposals to replace and upgrade ferry wharves and create attractive ferry terminal precincts. In addition, more detail should be sought regarding the actions “Improving and growing the ferry network through new wharves, new timetables and new and extended routes” and “Changing ferry

ITEM 7 (continued)

operations to focus services around customer needs and demand” (pg 314) as they relate to the Ryde Local Government Area.

11. Freight

The Council should express its view that, whilst it generally supports the principle of the Northern Freight Line (pg 245), it has concerns regarding the amenity (eg noise) impacts of this project. Such concerns need to be properly addressed.

Financial Implications

Adoption of the recommendation will have no financial impact.

Consultation with relevant external bodies

Internal consultation has been undertaken with Planning Team and Traffic and Governance section.

Ryde has also consulted with NSROC to ensure consistency with the NSROC submission.

ITEM 7 (continued)

ATTACHMENT 1

TRANSFORMING NSW'S TRANSPORT MASTER PLAN
SEPTEMBER 2012




EXECUTIVE SUMMARY

The NSW Long Term Transport Master Plan will provide a framework for addressing our transport challenges for the next 20 years. The planning process to develop the Long Term Transport Master Plan is the most comprehensive transport planning process ever undertaken for NSW.

The release of the draft Master Plan marks the latest milestone in this process.

Transport for NSW launched a 12 month consultation program in November 2011 to connect with the widest possible cross section of the NSW community. In February 2012, we released a Discussion Paper and received over 1,200 submissions and 65,000 hits on the website. The consultation process has also incorporated regional forums attended by over 1,000 people, advisory groups, stakeholder meetings, an online survey, and a dedicated website, email and 1800 phone number.



Consulting our customers has been central to the draft Master Plan's development. The draft Master Plan has been drawn up after carefully considering the feedback we've received so far.

We are now seeking your comments to strengthen the final Master Plan.

You can view and comment on the draft Master Plan at www.transportmasterplan.nsw.gov.au. A summary of the draft Master Plan and a summary document are also available on this site. Comments on the draft Master Plan are due by 26 October 2012. All comments received will be considered in the development of the final Master Plan to be released in late 2012.

Why We Need a NSW Long Term Transport Master Plan

NSW is Australia's largest, most diverse economy, with almost half of Australia's top 500 companies located here. Our capital, Sydney, is Australia's global city, and the Sydney region accounts for nearly a quarter of national economic output.

To keep our economy and our communities strong, we need a modern, accessible and seamless transport system that provides the infrastructure and services we require, and that responds to our diverse and changing needs as customers.

The Master Plan will be the guiding transport planning and policy document to support the goals in *NSW 2021*. This Master Plan will guide the prioritisation of available funds for Transport to deliver maximum benefits to NSW. The draft Master Plan integrates transport with wider economic, infrastructure, social, housing and land use planning including the *Metropolitan Strategy for Sydney*, and the *State Infrastructure Strategy* to ensure NSW has a coherent overall approach. The Master Plan will also inform future detailed plans, such as modal plans and specific Regional Transport Plans.

Our approach

The draft Master Plan establishes a clear direction for Transport in NSW over the next 20 years, building on current commitments underpinned by a \$13.2 billion investment in transport announced in the 2012-13 budget.

The draft Master Plan is based on the following themes:

- Putting the customer first** – extensive market research and the program of statewide consultation have created a detailed body of evidence about transport customers' needs. These needs are at the centre of the solutions outlined in the draft Plan.

ITEM 7 (continued)

ATTACHMENT 1

DRAFT NSW STATE TRANSPORT MASTER PLAN
SEPTEMBER 2012



2. Taking actions that **integrate, modernise, grow and manage** the transport system:

- **Integrating** the system to provide transport customers with simple, direct and convenient end-to-end journeys
- **Modernising** the system to improve its efficiency, reliability and the performance of the transport network
- **Growing** the network to meet changing customer and business needs driven by land use changes and population growth
- **Managing** the system to reduce its impact on the environment, keep customers safe, make communities strong and maintain our transport assets.

3. Taking an **integrated approach** to transport planning across transport modes and the network in four steps:

- Step 1: Integrating transport with land use planning
- Step 2: Identifying corridors of demand
- Step 3: Defining the performance required from the transport network
- Step 4: Moving towards a networked and integrated system, rather than a radial transport system.

This draft Master Plan takes an integrated view of the transport network and recognises the individual strengths and role of each mode in supporting wider network outcomes. It recognises the important interplaying role that both public transport and roads play in the transport network

The transport challenges facing NSW

The draft Master Plan sets out the **transport challenges we face over the next 20 years:**

- **Integrating modes to meet customer needs** by matching the world on integrated ticketing systems and supporting seamless interchange.
- **Getting Sydney moving again** by improving the capacity and reliability of legacy transport networks, accommodating growth, tackling congestion on major corridors and reshaping Sydney's CBD.
- **Sustaining growth in Greater Sydney** by making best use of existing networks and developing new infrastructure as communities grow, to attract jobs and support liveability.
- **Providing essential access for regional NSW** by providing better cross regional links, improved service levels and choice, and more reliable and safe travel.
- As our economy grows, **supporting efficient and productive freight** to ensure our industries remain competitive and provide the goods and services we need each day.
- **Addressing statewide challenges** across the transport network, such as transport disadvantage, safety, and the use of innovative technology to improve transport services.



ITEM 7 (continued)

ATTACHMENT 1



SYDNEY'S ROAD NETWORK STRATEGY 2011-2031
SEPTEMBER 2012

Taking action

The draft Master Plan identifies solutions and actions that integrate, grow, modernise and manage the transport system in the short term (0-5 years), medium term (5-10 years) and longer term (10-20 years). Our actions aim to get the balance right between efforts that expand the capacity of the transport network, and those that improve the way it operates through policy, regulatory and pricing reforms.

Simple steps to make **journeys on the network seamless and integrated** are an important first step. Network-wide improvements such as electronic ticketing, aligned timetables, real-time information, efficiently operated interchanges, and a modern transport fleet will enhance service delivery and better meet customer needs.



To get Sydney moving again, an important step-change must occur to improve transport network capacity and efficiency and address congestion. **Sydney's Rail Future** is a major initiative to invest in rail over the next 20 years. A five stage process will modernise Sydney's rail system, which is the backbone of Sydney's transport network. A **new long term bus strategy** will improve cross regional connections, expand the public transport network, improve bus infrastructure in the CBD and improve service frequency and coverage in Greater Sydney. We will modernise our **ferries network**, with a new Barangaroo Ferry Plan, and will consider building light rail in the CBD subject to ongoing feasibility work through the **Light Rail**

Strategic Plan. A concerted approach to integrate walking into transport planning and enhance pedestrian connections will be a strong focus of transport planning in the CBD. Connected cycling infrastructure around major centres and the CBD will be important to ensuring a sustainable, multi-modal transport system as will linking cycling with other modes so that it becomes a seamless part of an overall journey.



The road network is central to Sydney's transport network, and has a critical role to play in the productive and economic future of NSW. We will need a balance of new capacity, new technology and new pricing approaches to maintain improvements to the operation of the road network. We will progress a long term strategy to **complete the missing links on Sydney's motorway network**, and will investigate the potential for **distance-based charging** on the Sydney motorway network to enhance consistency of road charges across Sydney and to improve cost recovery for new investment in transport infrastructure. We will **upgrade roads in growth areas** in Greater Sydney and will ensure that public transport is considered as part of any future investment in roads. We will also manage congestion through **Managed Motorway technologies** and **targeted pinch point works** including around the critical Port Botany precinct.

ITEM 7 (continued)

ATTACHMENT 1

FRONT VIEW (LONG TERM) TRANSPORT MASTER PLAN
SEPTEMBER 2012



We will ensure essential access in our regions, with upgrades to major highways, including the **Pacific Highway**, and will introduce a **bypass investment program for regional towns**. We will implement a **Bridges for the Bush** program, and support our growing regional centres such as Newcastle and Wollongong with the **Growth Centres Roads program**. We will develop road safety infrastructure in the far west of NSW and will strengthen the **community transport program** with new driver standard requirements.

Freight volumes are forecast to grow rapidly across the State. To efficiently manage this transport task and reduce congestion, we will develop a project pipeline to support network capacity and **pilot high productivity vehicle access** on the Hume Highway, with an access charge arrangement to fund safety and other upgrades on the Highway.

We will also invest in **rail freight infrastructure** enhancements to increase the share of freight carried on the rail network, including fostering **the development of a metropolitan intermodal terminal network**. To promote efficient supply chains we will introduce **port growth plans** and improve performance management, coordination and reporting. And we will implement an **action plan for Port Botany** that includes a new Container Management Coordinator, targeted works to address traffic pinch points and measures to improve public transport to reduce road congestion.



Across the State, we will improve the way we maintain our assets, promote safety, reduce transport disadvantage and minimise the environmental impacts of our transport system. And we will take advantage of innovative new technology to better manage the transport network.

ITEM 7 (continued)

ATTACHMENT 1



ITEM 7 (continued)

ATTACHMENT 2

26 October 2012



The Hon Gladys Berejiklian, MP
Transport Minister
GPO Box 5341
SYDNEY NSW 2001

Dear Minister Berejiklian

NSROC Submission on Draft NSW Long Term Transport Master Plan

I write to provide feedback on the Draft NSW Long Term Transport Master Plan on behalf of NSROC representing the seven northern Sydney councils of Hornsby, Hunter's Hill, Ku-ring-gai, Lane Cove, North Sydney, Ryde and Willoughby.

NSROC is encouraged by the activity of Transport for NSW in developing the Draft Master Plan. The document is comprehensive. Attached is our response to the draft proposals which was endorsed by the new NSROC Board on 18 October 2012.

As you are aware the State Infrastructure Plan has also been recently released. Given the substantial transport proposals made in the Infrastructure Plan, our NSROC response has also made some comments on these proposals also.

Our principle issue is the need to balance investment and focus between the needs of both public transport and road infrastructure for the benefit of individual councils, the region and for Sydney as a whole. This reflects our positions on matters such as the F3-M2 Missing Link, the upgrades to Chatswood and St Leonards Interchanges, and the need for reform in community transport, to highlight but a few items in our response.

Our submission provides a regional perspective of common issues across our councils and reflects the continued strategic regional focus encompassed by NSROC.

We would welcome a meeting with you to discuss our issues and suggestions in detail both in your capacity as Minister for Transport and as Member for Willoughby. Please contact me on the details below.

Your sincerely

Cardlyne James
NSROC Executive Director
PO Box 20 Lane Cove NSW 1595
cjames@nsroc.com.au
www.nsroc.com.au
Ph 9911 3595 M 0403 150 499

ITEM 7 (continued)

ATTACHMENT 2



**NSROC
Submission
to the
DRAFT NSW LONG TERM
TRANSPORT MASTERPLAN**

OCTOBER 2012

Prepared by NSROC - Northern Sydney Regional Organisation of Councils

Representing:

- Hornsby Shire Council
- Hunter's Hill Council
- Ku-ring-gal Council
- Lane Cove Council
- North Sydney Council
- City of Ryde
- Willoughby City Council

Contact :

Carolynne James
NSROC Executive Director

cjames@nsroc.com.au

Ph 9911 3595

M 0403 150 499

ITEM 7 (continued)

ATTACHMENT 2

CONTENTS

FOREWORD	4
NSROC TRANSPORT PRIORITIES	5
BACKGROUND	6
NSROC RESPONSE TO DRAFT MASTER PLAN	7
Objectives and Customer Focus (Chapters 1- 2)	7
Integrating modes to meet customer needs (Chapter 3)	9
Getting Sydney moving again (Chapter 4).....	10
Sustaining Growth in Greater Sydney (Chapter 5)	14
Providing essential access for regional NSW (Chapter 6)	16
Supporting efficient and productive freight (Chapter 7)	17
Statewide challenges (Chapter 8)	18
Mode proposals (Chapter 9)	19
Funding (Chapter 10).....	22
Delivering the NSW Long Term Transport Master Plan (Chapter 11).....	24
NSROC COMMENTS ON INFRASTRUCTURE NSW PLAN	25

ITEM 7 (continued)

ATTACHMENT 2

FOREWORD

The Northern Sydney Regional Organisation of Councils (NSROC) is comprised of seven councils (**Hornsby, Hunter's Hill, Ku-ring-gai, Lane Cove, North Sydney, Ryde and Willoughby**) in the northern part of Sydney which have voluntarily come together to address regional issues, work co-operatively for the benefit of the region, and advocate on agreed regional positions and priorities. The NSROC Board consists of two delegates from each member Council, inclusive of the Mayor of each Council.

This NSROC Submission has been made in response to the Draft NSW Long Term Transport Master Plan, released by Transport for NSW in September 2012.

It should be noted that as a consequence of the date of the 2012 NSW Local Government elections coinciding with the submission deadline for this consultation paper, it has not been possible for new councils, elected on 8 September 2012, to extensively consider the Draft Master Plan.

As a result, the information provided in this NSROC submission primarily reflects the positions held by the NSROC Board as constituted from September 2008 to September 2012. The new NSROC Board, formed in October 2012, may provide additional information in response to further information and papers released by Transport for NSW.

Attached to this submission are various reference documents prepared by NSROC which articulate the historic shared views of our member Councils.

The document that relates most directly is the **NSROC submission to the NSW Long Term Transport Master Plan Discussion Paper (April 2012)**.

A detailed breakdown of issues facing the NSROC Region over the next 25 years is provided in the **NSROC Regional Priorities (May 2012)**.

OTHER SUPPORTING DOCUMENTS

- June 2012 - NSROC Submission to Metropolitan Discussion Paper – Sydney next 20 years
- April 2012 – NSROC Submission to NSW Long Term Master Plan Discussion Paper

All documents can be downloaded from the NSROC website:

www.nsroc.com.au

ITEM 7 (continued)

ATTACHMENT 2

NSROC TRANSPORT PRIORITIES

In May 2012 NSROC released its the *NSROC Regional Priorities* document which identified seven key areas of action for the NSROC region. The top two priorities relate to transport. These remain the primary NSROC recommendations for inclusion in the NSW Long Term Transport Master Plan (referred to hereafter as the Draft Master Plan).

<p>NSROC Regional Transport Priorities</p> <p>Priority 1: Make transport infrastructure work for businesses and communities, by:</p> <p>Prioritising new major transport infrastructure in the region, including the:</p> <ul style="list-style-type: none">• completion of the North-West Rail link, Parramatta-Chatswood rail link;• second Harbour rail crossing and fast North Shore line;• bus or light rail link from Chatswood to the Northern Beaches;• transport strategies for Military-Spl Road Corridor, Victoria Rd, Pennant Hills Rd and the Pacific Hwy;• bus/train interchanges for Macquarie Park (Herring Road) and St Leonards;• completion of the F3-M2 link into the Sydney Orbital; and,• improved regional rail services to the Central Coast and Newcastle <p>Requiring transport agencies to genuinely engage with local government and incorporate its expertise into the planning and delivery of transport infrastructure from the earliest stages to develop strong partnerships and streamline that engagement.</p> <p>Reconcile, integrate and combine the Metropolitan Strategy and Transport Plan to clearly link land use strategies, densities, centres policy, staging and funding of infrastructure.</p> <p>Adopting a consistent sustainable carparking policy for commercial centres, business parks and higher density residential development across Sydney where there is access to public transport.</p> <p>Priority 2: Provide a complete transport service for communities, by:</p> <p>Reforming transport regulations to decouple State bus contestability requirements for community transport.</p> <p>Including active transport and community transport as part of the Metropolitan Transport Plan.</p> <p>Establishing regional level planning for walking and cycling networks in proximity to employment centres as part of a complete Metropolitan Transport Plan including credible funding.</p> <p>Providing new cycling, personal mobility devices and pedestrian infrastructure in all new transport projects and ensuring that this new infrastructure properly links to existing networks.</p>
--

ITEM 7 (continued)

ATTACHMENT 2

BACKGROUND

NSROC is comprised of seven councils (Hornsby, Hunter's Hill, Ku-ring-gai, Lane Cove, North Sydney, Ryde and Willoughby) in the northern part of Sydney. Some key information about the region includes:

Development¹

- Development across region is \$1.8 billion (excluding State and Federal government projects) or approximately 9% of the value of development approved across the State.
- NSROC processes around 6% of the DAs in NSW
- DA processing times (gross and net) are shorter than the state average

Community

- Population is 572,000 (2011 Estimate) (estimated to be 680,000 by 2036)
- Aged population increasing and higher than all Sydney in all age groups over 55
- Over 40% of the community is overseas born, more than 5% in China.
- Unpaid and voluntary work higher in NSROC than Sydney average

Economy

- 2011 Gross Regional Product **\$43 billion** or 11.6% of NSW Gross State Product.
- About 350,000 people work in the region
- Over 70,000 businesses operate in the region
- Unemployment rate is 3.9% compared to 5.0% NSW average (June 2012)
- The largest employer industry sectors are **Professional, Scientific and Technical Services and Finance and Insurance.**

Transport

- The region is a key corridor for transport for people and products throughout Sydney and the region is a key through route for intra and interstate freight transport.
- Over 350,000 people work in the region. Around 30% of the region's workers travel by public transport while around 70% travel by car. Half of those employed in the region travel daily from adjacent areas including the North West, the Central Coast and Parramatta.
- Car ownership is rising twice as fast as the population growth rate. Over 80% of the region's households own a car and almost a third of households have two.
- The region has some of the most congested roads in Sydney including: the Pacific Highway, Pennant Hills Road, Military Road and Victoria Road.

¹ Local Development Performance Monitoring 2010-2011, NSW Department of Planning

ITEM 7 (continued)

ATTACHMENT 2

NSROC RESPONSE TO DRAFT MASTER PLAN

The NSROC response to the Draft Master Plan is set out under the headings provided in the plan and includes a copy of the plan's Summary of Actions.

Objectives and Customer Focus (Chapters 1-2)

Draft Master Plan proposes:

1. Putting the customer first: extensive market research and the program of statewide consultation have created a detailed body of evidence about transport customers' needs.

2. Integrate, modernise, grow and manage:

Taking actions that integrate, modernise, grow and manage the transport system:

- Integrating the system to provide transport customers with simple, direct and convenient end-to-end journeys
- Modernising the system to improve its efficiency, reliability and the performance of the transport network
- Growing the network to meet changing customer and business needs driven by land use changes and population growth
- Managing the system to reduce its impact on the environment, keep customers safe, make communities strong and maintain our transport assets.

3. Taking an integrated approach to transport planning across transport modes and the network in four steps:

Step 1: Integrating transport with land use planning

Step 2: Identifying corridors of demand

Step 3: Defining the performance required from the transport network

Step 4: Moving towards a networked and integrated system, rather than a radial transport system.

NSROC Comments

"Business and Families are transport customers too"

NSROC supports the concept of "putting the customer first" in the transport system. NSROC argues that customer transport should be about "trip management and total travel time" rather than specific "mode management". Hence the value of integrated ticketing and smooth transitions between modes for public transport passengers.

However while this is an effective proposition for public transport passengers, there is a different set of needs and transfer costs for other transport customers. Families and disabled travellers, small business operators and freight transport providers are less flexible in mode changes and have high transfer costs. Streamlined systems for these customers must also be developed.

For example one of the principles behind the NSROC campaign for the "Missing Link" F3 to M2 motorway connector is the business cost imposed by traffic congestion on the current Pennant Hills Road. Various studies identify the general costs to business caused by traffic congestion including lost business, fuel and labour costs, and supply chain delays. In 2008 Ausroads estimated the value for travel time (wages and fuel) for a semitrailer was \$55 per hour. If half the average heavy good vehicles travelling on Pennant Hills Road are delayed

ITEM 7 (continued)

ATTACHMENT 2

by 30 minutes each day (approx 4,400 vehicles) then this amounts to a cost of \$125,000 per day or \$45million per year. These costs do not include the value of business forgone by those delays in terms of goods and services not reaching their destination in time or the environmental impacts of exhaust pollution from standing traffic.

With an aging population in our region, there is a growth in demand for personal service providers such as assisted living support and tradespeople. Private vehicle use is the most efficient mechanism used by these providers to enable maximum coverage of clients.

In addition to recognising the needs of large freight and small business, "putting the customer" first must also recognise the needs of other groups that will continue to use private vehicle transport. Families with small children are restricted in the use of bus and train transport where supervision is difficult. Similarly, as pointed out in the Draft Master Plan (p.38), more than half of people with disabilities do not use public transport even though 75 per cent have public transport in their area.

For all of these types of users: tradespeople, service providers, the disabled and people with large families, an efficient road system which allows a single mode "end to end" travel for their needs is still necessary.

Ideally a "customer first" transport system provides the most effective solutions for different customers. NSROC councils fully support the maximum uptake public transport use for commuters and other travellers, but recognises that an effective road transport system is critical for business and private vehicle users.

ITEM 7 (continued)

ATTACHMENT 2

Integrating modes to meet customer needs (Chapter 3)

Draft Master Plan proposes:

- A new integrated electronic ticketing system – known as Opal – for Sydney, the Hunter, the Illawarra and the Blue Mountains
- Actions to target future investment in interchanges through the Transport Access Program, including an Interchange Strategy to set the overall direction for improving the management of interchanges, the definition of interchange design principles and guidelines, and planning interchange upgrades
- Increased park and ride facilities, including as part of the North West Rail Link
- Aligning, improving and simplifying public transport timetables across modes
- Accurate and modern real-time and wayfinding information to support customers to seamlessly use the public transport systems within Sydney and NSW
- Investment in a modern public transport fleet, including new trains and ferries, and new buses in growth areas and for strategic corridors.
- These practical initiatives are complemented by the integrated planning approach, including alignment of planning across all modes.

NSROC Comments

“Councils must be involved in interchange strategies and management”

NSROC welcomes the recognition of land planning and transport interchange management in the Draft Master Plan.

As noted in the April 2012 NSROC submission to the Transport for NSW Discussion Paper, interchange planning must capture both local needs and wider integrated network requirements. To successfully integrate modes, integration between decision makers must also be achieved. Local government is a critical decision maker in the transport area.

Councils and communities are experts in their dynamics of their local areas. Land planning and decisions must be based on evidence and local councils can provide usage and specific local analysis of land use trends and transport needs.

It is disappointing that the discussions in the Draft Master Plan about integrating land and transport planning (p45) fails to mention local government’s land planning and local traffic expertise and how this should inform land planning and interchange management.

The NSW Government’s new governance model for transport does not link to or have relationships with local government and their communities. NSROC councils have found that transport agencies have traditionally failed to work cooperatively with local government on major infrastructure.

This is highlighted by the poor design and operational failings of the Chatswood Bus Interchange. The Interchange has been found to be unable to cater for future bus and anticipated additional North West rail demand. It is indicative of the inability of government infrastructure providers to understand local and regional issues and co-operatively plan for transport services to function within a diverse urban environment. It is also illustrative of the reluctance of some State government agencies to seek out and incorporate local expertise. For further information on this issue see the 2011 Willoughby Council submission to the

ITEM 7 (continued)

ATTACHMENT 2

NSW Parliamentary Inquiry into the Utilisation Rail Corridors by the Legislative Assembly Committee into Transport and Infrastructure.

Fortunately Willoughby Council has advised the Minister that Council is keen to work with the relevant authorities to develop strategies to improve the Chatswood Transport Interchange and access to public transport services. As planning for the North West Rail Link is further progressed Council must be involved from an early stage in the planning and upgrade of interchanges to cater for passenger growth.

NSROC is not confident from the Draft Master Plan that these relationships with local government are understood and valued. The Draft Master Plan notes (p69) that in the proposed "Integrated Service Operating Model for Interchanges" that local government may have a role in precinct management for smaller and medium interchanges, however the operating model does not articulate a process for local council involvement in the planning of interchange upgrades or ongoing management structures of major interchanges.

NSROC is also concerned that interchange management will continue to apply standardised approaches in planning such as defining arbitrary distances from centres or transport nodes and mandate density within the proscribed areas. Such one-size-fits-all approaches have led to poor interchange outcomes under the previous Government and they do not recognise the variety of built form, existing infrastructure and topography in Sydney.

NSROC also supports that the design principles and guidelines for interchange upgrades cater for all modes of transport including bicycles and the provision of end of trip facilities for cyclists as well as increase bicycle parking facilities.

Getting Sydney moving again (Chapter 4)

Draft Master Plan proposes:

- Sydney's Rail Future – a once in a generation modernisation of our metropolitan rail network, including investment in network capacity, new links to the city's South West and North West, more frequent services and faster journey times, and a second tunnel under Sydney Harbour as part of a new CBD rail link
- A redesign of the city's bus network to a highly integrated network that gives customers more choice of services and more frequent services, including a new Bus Head Start program to provide more services to the North West and South West Growth Centres, more services along Strategic Bus Corridors, and a shift towards high capacity bus rapid transit or light rail for busier corridors
- Integrating roads, public transport and freight to better meet customer needs across transport modes
- A detailed feasibility study for new bus interchanges in the Sydney City to redirect buses from the city centre
- A long term plan to complete critical links in Sydney's Motorway network, with Infrastructure NSW to advise on the next major project. Projects identified include M5 East freeway expansion, the M4 extension, the Inner West Bypass, the F6 corridor, and the F3 to M2/Sydney Orbital connection
- A program of work to expand capacity on Sydney's most congested corridors, including road, rail and bus improvements
- Improved pedestrian infrastructure, including better wayfinding at interchanges and priority at signalised intersections

ITEM 7 (continued)

ATTACHMENT 2

- Build light rail in the CBD, subject to ongoing feasibility work, construct the Inner West Light Rail Extension, and continue investigations along other corridors through the Light Rail Strategic Plan
- Major upgrades to our busiest CBD interchanges
- A Barangaroo Ferry Plan that will improve ferry services to the CBD
- A new integrated electronic ticketing system and other measures to integrate and align Sydney's transport networks
- Investing in the cycling network around Sydney's urban centres and the CBD, and a cycling investment program

NSROC comments

NSROC supports various elements of the proposals to "Get Sydney moving again".

Land use, transport and urban renewal

The Draft Master Plan highlights the issues of urban renewal and transport links, noting that brownfill or urban renewal will be key to generating "compact" communities and upgrades in transport infrastructure.

The Plan notes the need to improve "liveability" in areas and the role that transport infrastructure plays to enhance or diminish it. Ryde and Epping are two areas in the NSROC region identified by the Plan as having been severed by arterial roads and compromising accessibility and amenity.

While these key concerns are correctly identified, a solution is not recognised. Brownfill development and growth does not have the same capacity to charge developer contributions compared with greenfield developments. This leaves councils with less resources to create complementary infrastructure that would ameliorate problems of increased population density and improve transport infrastructure amenity.

If the urban renewal vision proposed by the Draft Master Plan is to be achieved, then more flexibility is required to allow councils to use development contributions from brownfield sites.

Strategic corridors and congestion

The Draft Master Plan (p83) identifies 46 strategic corridors and several major "constrained" corridors across and adjacent to the NSROC region which are agreed areas of concern.

These include:

- Parramatta to Sydney via Top Ryde
- Rouse Hill to Macquarie Park
- Mona Vale to Sydney via Dee Why

Data has only been provided on the "top six" corridors in the report. NSROC requests the analysis/ study on all of the 46 corridors referred in the report. In particular NSROC is interested in information on the Pacific Highway, Pennant Hills Road, Lane Cove Road and Military Road corridors which other studies and surveys have suggested are also extremely congested routes.

The F3 to M2 link is a priority piece of infrastructure which will provide a strategic corridor for the future. Over the past decade, NSROC have made numerous submissions in relation to the F3 to M2 link on this basis. Furthermore, the Outer Sydney Orbital and/or a 2nd

ITEM 7 (continued)

ATTACHMENT 2

Hawkesbury River crossing (similar to the one recommended in the independent review undertaken for the F3-M2 feasibility study in 2007) should be a longer term priority, to maintain long term connectivity between Sydney and the Central Coast/North Coast Regions.

Global Sydney and North Sydney

With the second highest employment density after the CBD, North Sydney is a principle employment zone in Sydney. It is also the key corridor for other employment hubs that link to the CBD such as Chatswood and Macquarie. The pressures on North Sydney transport must be recognised for the functionality of these surrounding employment locations. NSROC supports the new capacity in rail suggested by the Draft Master Plan for North Sydney.

At the same time, North Sydney is also a destination centre with high density residential and business activity. Transport options such as Rapid Bus Transit through the Military Road corridor appear to provide a solution for one set of needs but may exacerbate other issues such as business activity. NSROC suggests the Draft Master Plan examine other mechanisms for transport for this area that do not have detrimental impacts on the economic and residential vibrancy which the community and local council have worked hard to enhance.

Rail

As noted in the Draft Master Plan (p96), the NSROC region has 4 of the highest morning peak patronage rail transits:

- North Sydney- 17900 passengers at peak morning
- St Leonards – 7650 passengers at peak morning
- Chatswood – 7000 passengers at peak morning
- Macquarie Uni - 2690 passengers at peak morning

These volumes of passengers are expected to grow substantially with the completion of the North West Rail link which is to interchange at Chatswood and flow through to other North Shore line stations towards the city.

NSROC seeks a firm commitment from the State Government that the conversion of the Epping to Chatswood line to high frequency trains will be supported by enhancements to interchanges. NSROC also supports the Draft Master Plan's proposal for a second harbour crossing to manage this additional volume of rail commuters in the long term.

The addition of the second Harbour rail crossing is also considered a priority, as it is understood this is required in order to maintain adequate levels of services on the North Shore Rail Line in the future.

Buses

Bus volumes from the north shore to the CBD are substantial and constrained by the single gateway of the Harbour Bridge.

NSROC is aware of the 2013 trial for buses to run from the North Shore via the Cahill Express and set down in the Macquarie street east of the city. The Plan's medium term proposal for buses terminating on the north, east, west and south perimeters of the city is worthy of further consideration. It is suggested that some North Sydney buses could even be

ITEM 7 (continued)

ATTACHMENT 2

directed via the Harbour Tunnel and drop offs towards the City south and Central Station. This might require some road infrastructure re-configuration around the Domain and Central Station areas.

NSROC also supports the simplification reforms to the bus network including timetabling, direct routes and numbering simplification to assist customers.

Whilst there is a clear need to focus on corridors to provide connectivity to employment centres, great care must be taken to ensure that local amenity is maintained. In particular, the extensions of clearways, bus lanes and other mechanisms to maximise traffic volumes must not be permitted to sterilise local centres and shopping streets.

This is a problem across Sydney, but highlighted in Northern Sydney in areas such as along Military Road and the Pacific Highway. Government must bring a holistic approach: traffic engineering solutions are not solutions at all if they give rise to significant economic, social and urban design problems at the local and regional scale. On this basis NSROC does not support certain types of Rapid Bus Transit models which may be detrimental to local business and amenity.

Consideration should be given to alternative forms of public transport such as light rail, metro rail or heavy rail. Forms of rail should not be discounted to serve the Warringah Road corridor.

Motorway policy

NSROC views the arterial and major road network in Sydney as a principal tool for business, freight and public transport (bus and light rail). The value of improved public transport is the diversion of commuters from private cars therefore leaving major roads for business and freight users.

In Sydney there is a discriminatory road tolling system which serves to encourage some road users through free access to motorway grade roads, and punish others using similar motorways with tolls. The current tolling arrangements in Sydney have evolved perversely, so that users in regions with fewer alternative public transport choices have the highest tolls (M2 to the North West) compared to those with multiple transport options (M4 with parallel rail routes from Parramatta to Penrith). This arrangement has effects on trip decisions and route choices and is likely to discourage people away from public transport even where it is available.

NSROC agrees with the Draft Master Plan's proposal that tolling arrangements in Sydney need to be reviewed. The principle for tolling should be that the tolled option provides a faster service than the alternative non tolled routes. The secondary benefit is the diversion of through traffic from local roads. In Sydney, motorways should provide this service on an equitable basis and equalization of tolling should be considered to provide the right signals and incentives to road users.

Pedestrian issues

NSROC supports the goal of increasing pedestrian activity. More pedestrian movements generates public benefits through relief on congestion and public transport use, and has obvious social and personal health benefits.

Security and safety are key issues for pedestrians which require council investment in items such as pavement infrastructure and lighting. NSROC has a significant ageing population

ITEM 7 (continued)

ATTACHMENT 2

that demands accessible pedestrian infrastructure such as ramps, bus shelters and high visibility road crossings which are maintained and managed by councils. Further investment funds will be required for Councils to plan and provide for disabled access and elderly access in order to increase pedestrian activity.

Sustaining Growth in Greater Sydney (Chapter 5)

Draft Master Plan Proposals:

- Modernising Greater Sydney's rail network, by boosting capacity across Greater Sydney through *Sydney's Rail Future*, with mass transit services, and improved frequency and capacity on suburban lines
- Pinch point and congestion management to address growing pressure on Greater Sydney's road network with targeted measures
- Motorway infrastructure, including the M5 West widening and Managed Motorway systems on the M4 to improve real-time traffic flows
- North West Rail Link and South West Rail Link, building new rail infrastructure and services for fast growing outer suburbs, doubling services to the south west, and providing rapid transit services to the north west
- Western Sydney Road and Bus Packages, optimising North West Rail Link access with bus priority on surrounding road networks, and improving road access to the South West and around Werrington in Western Sydney
- Bus Head Start Program: Bus priority infrastructure on major road corridors on the Strategic Bus Network to improve public transport travel times to urban centres or interchanges
-
- Focussing on Greater Sydney's employment centres, by working with local councils and communities to support jobs and tailor transport and congestion solutions in the regional cities Parramatta, Penrith and Liverpool
- A Precinct Action Plan for Port Botany and Sydney Airport, to reduce congestion by targeting traffic pinch points, increasing rail services, investigating additional bus service options to and from Sydney Airport and improving the infrastructure that supports freight flows to and from Port Botany
- Growth Centres roads, developing the road network in new growth centres to link the Greater Sydney workforce to employment opportunities and to national and international gateways
- Interchanges, improving our busiest interchanges, with upgrades or commuter car parks at Canley Vale, Fairfield, Granville, Guildford, Quakers Hill, Parramatta, Penrith, Rooty Hill, Strathfield and with more to follow
- Corridor protection, identifying critical corridors and protecting them for future needs.

NSROC Comments

See comments in Chapter 4 relating to land use, corridors, rail and bus network issues, motorways policy and pedestrian issues. For discussion of interchange issues see Chapter 3 response.

ITEM 7 (continued)

ATTACHMENT 2

Growth centres and specialised centres: employment and business activity

NSROC has repeatedly argued that the State Government should recognise that northern Sydney is a regional area. As such Chatswood CBD should be redesignated from a Major Centre to a Regional City.

Consistent with the west, south and central delineations of Penrith, Liverpool and Parramatta CBDs, Chatswood CBD serves as the regional centre for northern Sydney. It is the focus for a range of community civic and cultural activities and its population, employment, economic activity and public transport hub make it the primary loci for the region. This reclassification is particularly pertinent given utilisation of Chatswood as the primary transfer point for commuters on the North West Rail Link.

NSROC supports the continuing classification of the North Sydney Centre as part of "Global Sydney" in conjunction with the Sydney CBD. To assist this arrangement, continued improvements to the connections between north Sydney and the Sydney CBD are needed, in particular better pedestrian and cycling access in the approaches to the Sydney Harbour Bridge.

Specialist Centres

Northern Sydney has two identified specialised centres. Macquarie Park is a nationally significant research and business centre, specialising in the communications, medical research, pharmaceutical and IT&T sectors, and is often described as 'Australia's Silicon Valley'. St Leonards is a health, allied health and corporate precinct.

While public transport connections have improved for Macquarie Park with the Macquarie rail line, there remains substantial road congestion on the perimeter of this area. Improvements to the Herring Park road exit are essential but further traffic management measures are also required.

St Leonards is a key area which requires business and economic rejuvenation and the focus of this action for NSROC member councils is the renovation of the St Leonards Rail Station. Three councils adjacent to the station, led by Lane Cove Council, are currently pursuing a renewal project for the station. Capitalising on two developments that are currently underway alongside the southern approach to the Station, Lane Cove Council is proposing a public plaza be built over the rail lines to activate the space, uplift the value and amenity for surrounding businesses, and improve pedestrian and bus accessibility to the station.

The key challenges are to successfully negotiate with State Rail to build above the rail lines. NSROC has already approached Transport for NSW to co-manage this project under its revised structure and welcomes the opportunity for this project to be a pilot for testing of the new integrated Transport for NSW interchange management process.

ITEM 7 (continued)

ATTACHMENT 2

Providing essential access for regional NSW (Chapter 6)

Draft Master Plan proposes:

- Rural highway upgrades, including a significant investment in the Pacific Highway and pinch points on the New England, Newell, Princes, Great Western and Golden Highways
- Establishment of NSW Trains and the development of a Country Passenger Rail Services Strategy to improve regional NSW rail connections
- Better bus services for regional towns and growing regional cities, focused on more frequent services, wider network coverage and better integration with other travel modes
- A renewed focus on improving and strengthening the community transport sector
- Initiatives to move regional freight more efficiently, including a Bridges for the Bush program to replace and upgrade bridges to address constraints on High Mass Limit routes
- The Growth Centres Roads Program to upgrade major roads in growing regional centres to improve travel times and reliability
- A program of town bypasses for regional centres to reduce heavy truck traffic through town centres based on priorities developed in consultation with the regions and based on defined criteria
- Working in partnership with local councils to identify important rural roads for freight
- Regional Transport Plans developed with local communities and integrated with land use plans so that transport services and infrastructure are provided when and where they are needed.
- In addition, a new 10 year Road Safety Strategy will have a major emphasis on reducing fatalities and injuries on country roads.

NSROC Comments

Inter-regional transport – Central Coast linkages

In previous Department of Planning and Department of Transport's plans and reports there have been assumptions of fixed population growth for Sydney. NSROC argues however that both metropolitan and transport planning for Sydney cannot be made in isolation and in the absence of transport and economic strategies that could encourage population growth and shift to outside the Sydney region. Connections with regions, particularly the current population movements and employment flows between the Sydney Basin and adjacent regions such as Central Coast, Wollongong and Newcastle must be examined as these could ameliorate current pressures on transport.

NSROC recommends that the Draft Master Plan link with strategies for population diversion, through transport and economic policies, to adjacent regions. As such, support for decentralisation to Growth Centres outside the Sydney Basin - such as existing regional towns - needs to be reconfirmed.

The population growth in the Central Coast and Newcastle drives demand for improvements of the existing regional rail line to Sydney. In the short term, improvements to signalling and sequencing must be undertaken to the existing rail infrastructure. In the long term, NSROC urges genuine consideration of high speed trains to these major areas.

ITEM 7 (continued)

ATTACHMENT 2

Supporting efficient and productive freight (Chapter 7)

Draft Master Plan proposes:

- Release the first ever NSW Port and Freight Strategy
- Identify future demand for network capacity so that revenue streams can be identified to fund expansion of the network or new infrastructure
- Develop Port Growth Plans for NSW Ports, with a focus on driving efficiencies, transparency and investment, and implementing a market-driven approach to port operations for identified ports
- Prepare an action plan for the Port Botany Precinct including investigating an expansion of the Port Botany Landside Improvement Strategy to include a Container Movement Coordinator, in addition to addressing traffic pinch points and improving rail freight competitiveness
- Develop a project pipeline to support network capacity, with a consistent approach to evaluating freight projects on road and rail networks together with ports and terminals
- Undertake a pilot of Higher Productivity Vehicle access on the Hume Highway aimed at safely managing growing freight volumes on NSW's most heavily utilised road corridor, and measures to improve last mile access for critical freight journeys
- Implement rail freight infrastructure enhancements to increase the share of freight carried on the rail network, with new investment in rail pinch points, measures to improve rail competitiveness and the development of a metropolitan intermodal terminal network
- Protect strategic freight corridors to support growing population centres and production regions in NSW, increase separation between passenger and freight movements, and integrate land use and transport development
- Implement a new measurement and reporting framework to promote transparency and allow assessment of network performance by providers and users
- Develop a package of measures to grow off-peak freight movements to better use the transport network and reduce congestion and conflicts with passenger movements.

NSROC Comments

F3-M2 key freight corridor

Freight movements in Sydney and NSW will continue to rise due to population and consumption growth. There are a variety of investments required to improve freight efficiency across NSW which the Draft Master Plan has identified including shifting freight from road to rail. However while rail freight can be enhanced, the reality is that "end point" freight distribution is by road within cities and suburbs.

NSROC argues that the key freight infrastructure missing in Sydney is the F3-M2 Link, which when built will complete the National Road Network. This issue is of such concern to our region that NSROC commissioned research to articulate the benefits of this project in the NSROC report *"Missing Link and Missing Out - Prioritising Sydney's F3-M2 Motorway Connector"*, attached separately and released in May 2012.

In short, the F3-M2 Connector is the only section of the National Road Network through Sydney that is not of motorway standard. All levels of Government have recognised the need

ITEM 7 (continued)

ATTACHMENT 2

to provide this infrastructure from national, state and local perspectives to ensure basic freight, business and individual transport functionality.

Today, without the link, all vehicles travelling north-south along this major freight and general traffic route are interrupted by over 20 sets of traffic lights to the M2 interchange or are forced to travel north-south along the congested Pacific Highway to the Warringah Freeway.

The supplementary Pricewaterhouse Coopers research report provides background on historic studies and outlines the mounting costs and multiple negative impacts of continued deferral of this project. The report underpins the call for this vital project to be re-analysed, costed and prioritised in the short term.

Statewide challenges (Chapter 8)

Draft Master Plan proposes:

- New mechanisms to improve integrated land use and transport planning to develop more accessible and liveable communities, and improve access to public transport
- The delivery of more transit oriented urban renewal projects and the introduction of minimum land use and transport requirements for new residential developments
- An updated NSW Disability Access Plan that will be integrated into the Long Term Transport Master Plan to work towards a widely accessible transport system
- A 10 year Road Safety Strategy to reduce the road toll and improve safety for all road users
- Initiatives to manage and minimise the environmental impacts of our transport system, including a coordinated approach to addressing environmental issues at all levels of transport planning, sustainable design guidelines for transport projects and better ways to assess the environmental and social benefits of projects
- An Electric Vehicles Road Map to encourage the uptake of electric vehicles in NSW
- A prioritised approach to maintenance of our vital transport assets
- Actions to manage travel demand, including facilitating Travel Management Plans, Travel Access Guides and Community Travel Plans
- A comprehensive new Metropolitan Parking Policy to promote mode shift to public transport, improve local amenity and encourage more active travel options
- Making better use of technology across the transport system, including progressive rollouts of real-time information systems
- A technology-enhanced Managed Motorways program to improve travel efficiency and reliability
- A Transport ICT and Innovation Strategy to develop Transport for NSW's capability to test, support and deploy ICT solutions to address transport challenges in a new way including real-time transport information and road network management
- Collaboration with other governments to assess options for high speed rail for the east coast that will support NSW's economic and population growth.

ITEM 7 (continued)

ATTACHMENT 2

NSROC Comments

NSROC supports a Metropolitan Parking policy which addresses the distortions in the current parking policy. Parking levies place an extremely inequitable burden on commercial operations in the specific areas where they apply, that is, the CBD, Chatswood, St Leonards, North Sydney and Parramatta. If parking levies are to be applied then they should be equitably applied across metropolitan Sydney to all major business centres. Parking levies generated should also be applied to transport (not roadworks) infrastructure within the LGA's from which they were collected. This will ensure that the funds are directed appropriately to provide alternatives to private car travel.

Mode proposals (Chapter 9)

Ferries (9.5)

- Franchising Sydney ferry operations, to improve service quality, advise on fleet modernisation and provide reliable service delivery for our ferries.
- Progressively provide new ferries for Sydney through a fleet procurement strategy to be developed under the service contract with the new private operator.
- Improving and growing the ferry network through new wharves, new timetables and new and extended routes, including consideration of cross-harbour trips, loops and services to Barangaroo.
- A Sydney Harbour wharf upgrade program to replace ageing wharves, make wharves accessible to people with a disability and create attractive ferry terminal precincts.
- A Barangaroo Ferry Plan to support the Barangaroo development and relieve pressure on Circular Quay, including new routes and services to the central city from Lower North Shore, Manly, Parramatta River and Inner Harbour areas, and a new city terminal.
- Upgrade of the Circular Quay interchange.
- Better integration of ferries with other modes, including improved alignment of timetables with other modes and provision of real-time information to ferry customers.
- Changing ferry operations to focus services around customer needs and demand, rather than around historic operational and infrastructure constraints.
- Continuing provision of deregulated high-speed ferry services on Sydney Harbour, which have increased patronage growth and innovative services on our waterways.

NSROC Comments

The NSROC region has ferry services predominantly from North Sydney, Lane Cove, Hunter's Hill and Ryde. The transport potential of our harbour and rivers is an underdeveloped part of Sydney's public transport system.

NSROC agrees that ferry services require review and, where possible, expansion. An initial improvement should be more streamlined interchanges between ferry terminals and buses. Councils have significant constraints on the capacity to offer "park and ride" facilities at certain ferry points but the potential to ease congestion and improve travel times from direct ferry travel can be realised if better modal links were introduced.

ITEM 7 (continued)

ATTACHMENT 2

Cycling (9.7)

- Improved access to customer-friendly, bike trip information.
- A long term NSW Cycling Investment Program to improve the planning, management and delivery of cycleway capital programs, supported by design solutions and standards to reflect customer needs.
- A program to increase and improve bike parking at public transport interchanges.
- A Connected Cycling Network that targets investment in clearly defined cycleways within a 5 kilometre radius of major urban centres in the short term and 10 km radius of centres in the longer term.
- Improved partnerships to deliver local cycling infrastructure, particularly in Greater Sydney, including in Macquarie Park, Parramatta, Liverpool and Penrith.
- Enhanced cycling routes in regional centres to increase the number of people who cycle.

NSROC Comments

NSROC is supportive of increased cycling opportunities in the region. However several barriers have to be reckoned with to increase the uptake of cycling in our region. Work by the City of Sydney suggests that a primary reason for lack of cycling take up is a lack of safety on Sydney roads, and a lack of a properly connected regional cycle system. The lack of a comprehensive safe regional cycling network that connects local streets to employment centres, and targets commuter routes. This means that more northern Sydney residents and workers that could cycle are instead driving their cars and using public transport that is already stretched to capacity at peak times.

Transport planners do not expect car drivers to stop, get out and push their vehicles across boundaries or major obstacles before restarting their journeys. Historically, however, this is exactly what they expect pedestrians and cyclists to do. Delivery needs to be coordinated regionally, because there is no benefit from a cycleway that arbitrarily stops at a local government area boundary or the next major obstacle. There are, however, financial, ownership and topographic constraints in key areas across Northern Sydney that limit the ability of local governments acting alone to provide appropriate facilities.

Ideally cycling and pedestrian paths should be separated. And there needs to be connectivity across the entire network before significant uptake will occur. The genuine commitment of the NSW and the Australian Governments to active transport is urgently required. Further initiatives for integrating pedestrian and cycling as part of an overall transport plan include:

- cycling friendly facilities on public transport;
- secure bicycle storage at intermodal transfers;
- incentives for end of trip cycling facilities in new developments;
- encouragement of green star work travel plans; and
- better use of freeway and rail corridors to incorporate regional cycle routes.

ITEM 7 (continued)

ATTACHMENT 2

Walking (9.8)

- Prioritised pedestrian access and amenity around public transport interchanges including improved safety and lighting and prioritisation of pedestrian desire lines.
- A CBD Pedestrian Improvement Program, including improved pedestrian links along George Street and pedestrian infrastructure to support Barangaroo, including the Wynyard Walk.
- Identification of opportunities to improve pedestrian priority at signalled intersections on major urban centre desire lines.
- Better wayfinding through standardised signage and pedestrian infrastructure at public transport interchanges, and the development of enhanced online customer information tools for pedestrians.
- Improved pedestrian connections in major urban centres including Liverpool, Parramatta and Penrith, offering safe and convenient travel within and around centres.
- Expansion of the Walking Investment Program, including the construction of pedestrian bridges to connect walking paths safely across busy roads, with a focus on pedestrian access to centres with arterial through traffic.

(See NSROC comments on Pedestrian issues in Chapter 4)

Community transport (9.9)

- A renewed approach to resourcing the community transport sector to ensure it can meet increasing demand for service
- Improve driver standards for community transport by strengthening requirements relating to driving history and police and medical checks for community transport operators contracted to Transport for NSW
- Operator accreditation for community transport operators contracted to Transport for NSW to provide a professional framework for service delivery and to deliver consistent services across the sector.

NSROC Comments

Contestability and sustainability in community transport

NSROC supports the proposal for a renewed approach to resourcing community transport and has identified it as a NSROC regional priority (Priority 2).

Councils directly contribute to public transport through the provision of community transport. Transport for the aged, people with a disability and others who cannot access mainstream public transport services is a small but significant part of an overall transport plan for Sydney. There are 25 community transport services across Northern Sydney, with most primarily designed for non-health related transport.

The reform of the Sydney bus network over the past seven years has focussed on services on cross- regional routes and on providing fast reliable services for commuters. These reforms were greatly needed. Unfortunately they have been at the expense of local networks. The recommendation of these reforms under the Unsworth Review of Bus Services 2003 also included actions to support local networks. These have not taken place

ITEM 7 (continued)

ATTACHMENT 2

Councils in the Northern Sydney region currently provide over a million dollars for community transport including: free bus services and direct demand taxis, and shuttles for people with access issues. While some of these services are specifically provided at a local government level in concert with NSW Government programs, other services have been developed because of the failure of state public transport to adequately meet local community needs. This is despite the evidence and advocacy from local councils to State transport authorities.

Under the current regulatory framework in NSW, Council-provided community bus services are unable to charge passengers to recover costs because of the NSW Government's competition restrictions under their statutory responsibility for public transport. This is despite the reality that many community transport users cannot access State buses due to old age, disability or other health issues. It also ignores the fact that many of the community bus routes are outside the bus routes offered by State buses and therefore not providing a directly competing service.

The inability of Council's to charge a fare for these services impacts upon the long term financial sustainability of the services and reduces the level of service able to be provided. With an ageing population, the opportunity to offer these local services in a manner that complements existing bus service contracts could provide significant benefit in transport services for NSW. A review of the Act to include exemptions for local transport services in the absence of state government funded services or to support State Government Services would be a significant benefit.

With appropriate funding and regulatory support, together with reform of current contestability restrictions, community transport could help to achieve a comprehensive transport system which meets the needs of all in the community.

Funding (Chapter 10)

Draft Master Plan proposes:

- Efficient public sector operating models to promote growth through better performance and increased productivity, including a long term program to reform transport operations and improve the efficiency and quality of service provision which will incorporate the reform of RailCorp into Sydney Trains and NSW Trains
- Smarter project procurement to achieve greater value for money from our investment in transport assets
- Consideration of the benefits of more efficient road user charges for High Productivity Vehicles and users of the Sydney motorway network, with pricing and revenue reforms that better reflect the costs of providing well maintained roads, the level of road use and the safety and environmental performance of vehicles
- Capturing value from major investments to help fund transport infrastructure and to encourage private investment and urban renewal around public facilities such as rail interchanges
- A new Community Road Safety Fund, with all revenue raised from speed camera-related fines directly allocated to the Fund and used to invest in new road safety projects
- Identifying future funding opportunities by working with NSW Treasury to explore how additional revenue from transport can be used to fund specific projects and initiatives.

ITEM 7 (continued)

ATTACHMENT 2

NSROC Comments

As stated in the April 2012 submission to the Transport for NSW Discussion Paper, NSROC councils recognize that some level of tolling is required to fund motorway systems and to provide an incentive for users to shift into other forms of transport. However charges must also reflect the provision of a genuine service, such as a shorter travel time.

Generally people will accept the need to pay for transport investment where the benefit is tangible and consistently available.

Public transport user pricing should not be so prohibitive that it skews people away from preferred public transport and disadvantages those with low incomes or special requirements.

NSROC also recognizes that a user pay system cannot fully fund the core infrastructure and major new infrastructure that a growing city requires. As there are national, state and local economic benefits from a functioning transport system, a funding mechanism is required that draws from the whole population.

The State Government must commence discussions about future funding sources for long term provision and maintenance of public transport.

New funding approaches for the substantial upgrades are required on the Sydney transport network and NSROC believes that innovative mechanisms should be examined.

For example:

- federal funding conditional on achievement of economic, social or environmental outcomes similar to efficiency dividends or competition policy payments which tie State Government funding to the delivery of reforms or meeting of targets;
- accessing national superannuation contributions eg Future Funds;
- an equitable distribution of tolls across Sydney, and charges, taxes or transport levies that reflect the real costs (including emissions costs) of private modes of transport; and
- direct linking charges and payments to public transport funding - similar to the original petrol excise "3 by 3" model.

More direct incentives and penalties should also be explored to encourage individual and business behavioural change in favour of sustainable transport. This includes:

- congestion charging in terms of peak times, multiple passengers and freight vehicle movements;
- vehicle ownership requirements which provide incentives for low pollution, low impact vehicles -eg lower registration costs and parking permits, minimum travel distances (currently the Fringe Benefits Tax incentives are skewed to encourage greater driving distances) and support for share transport initiatives such as car share and community bus transport.

ITEM 7 (continued)

ATTACHMENT 2

Delivering the NSW Long Term Transport Master Plan (Chapter 11)

Draft Master Plan proposes:

- Provide an annual update with a full review of the Master Plan every five years
- More detailed regional, precinct, modal and interchange delivery plans
- A commitment to ensure decisions are founded on a solid evidence base, including the formal incorporation of customer priorities into decision making processes
- Continued collaboration with Regional Organisations of Councils, industry and other stakeholders to develop detailed area plans such as regional transport strategies, city access plans and precinct plans, and with the Australian Government on transport issues of national significance
- A commitment to extensive community engagement and customer consultation.

NSROC Comments

NSROC supports the proposals and timeframes for delivering the Draft Master Plan. However NSROC is keen to see the integration of the draft Transport Master Plan with the Department of Planning's soon to be released Sydney Metropolitan Plan. This should clearly demonstrate the real connections between land planning, transport and growth.

Furthermore the status of Transport for NSW Master Plan (and sub plans) must be clarified in light of the proposed reforms to the NSW planning system. The current NSW Green Paper on the Planning System proposes Regional Growth Plans and Sub-Regional Delivery Plans. These plans are to be developed by Regional Planning Boards which include peak representation and decision makers from agencies including Transport for NSW. More information is required about the hierarchy of these different agency processes and decision authorities and the consequent status, relationships and enforceability of each plan.

With support and resourcing, NSROC is able to contribute to facilitation of the development of regional transport strategies and other regional scale planning.

ITEM 7 (continued)

ATTACHMENT 2

NSROC COMMENTS ON INFRASTRUCTURE NSW PLAN

The Infrastructure NSW "First Things First" plan was released on 3 October. The Plan has many initiatives in common with the draft Transport Master Plan.

The key differences between the Plans that are relevant to the NSROC region are:

Prioritising of the F3-M2 Missing Link

Transport for NSW (p275) has identified the F3- M2 Missing Link motorway as a medium term project (5-10 years) while Infrastructure NSW has identified the link as highly desirable and an immediate priority (1-5years), with some level of private financing (p14).

NSROC has specifically campaigned for the F3- M2 Missing Link to be elevated to an immediate priority for Sydney. In May 2012 NSROC commissioned and released an analysis by PricewaterhouseCoopers (PwC) of the need for and benefits of this project for Sydney, the state and the nation. It is understood that an unsolicited proposal is currently being considered for this motorway. NSROC supports the Infrastructure NSW position on this project.

Rapid Bus Transit – Northern Beaches to CBD

Transport for NSW has agreed to explore options for a Rapid Bus Transit for the Northern Beaches to the CBD (p153). Currently this includes options to run north-south from Mona Vale along Mosman and Military Road to the CBD or east - west from Dee Why to Chatswood via Frenchs Forest. NSROC has identified concerns about the proposed north-south route and impacts on business and residents along the high density Military Road area. The lower priority which has been given to the East-West Route to Chatswood is also of concern given the current lack of facilities along that route to improve travel times by bus and the need to provide improved links to the North West Rail Link.

Infrastructure NSW (p86) has suggested that the Northern Beaches Link should be a lower priority for government given "the lower traffic volumes, the lack of through traffic, limited population growth on the Peninsula and the limited role of Military Road in the freight distribution network". Also Infrastructure NSW points to the preliminary analysis by Transport for NSW which shows that costs of major options such as a second Spit Bridge and tunnel under Military Road would be difficult to justify given the "relatively small time savings (negligible for all stops services forecast in weekday peak hours), when parking clearways are already in force."(p102).

NSROC's view is the core issue to improvements to Military Road and the Northern Beaches access is improvements to CBD set down. The peak hour congestion on these northern routes is primarily a result of lack of capacity for set down at Wynyard Station. NSROC recommends priority be given to improving bus capacity at Wynyard alongside a more extensive investigation of bus capacity options. It is also considered that there is greater scope for improvements along the East-West Route. This would support the need for improved public transport to the proposed Frenchs Forest Hospital and the North-West Rail Link as well as providing a more realistic public transport alternative for Northern Beaches residents to the North-South Route to the Sydney CBD.

ITEM 7 (continued)

ATTACHMENT 2

Wynyard and CBD interchanges

As noted in the section above, the NSROC view is that Wynyard and CBD interchanges require priority improvements to enable capacity for all northern origin public transport passengers. Various enhancements are recommended by both plans for the CBD for improvements to interchanges which are supported.

A key difference is the views on CBD bus and light rail: Transport for NSW recommendations include light rail through the city (p154) while Infrastructure NSW proposals prefer a Rapid Bus Transit underground through the city (p94).

NSROC does not have the expertise to provide a specific view on the merits of either proposal. However a key concern for both options is the management of works and disruption to services during construction. Pending further information on both proposals, NSROC would provide a more detailed position.

North Sydney Council has long lobbied for improved public transport along this route with a solution that will actually have the capacity to cope with the volume of people which use this route. North Sydney Council has suggested that this be in the form of light or heavy rail.

Second Harbour Bridge Crossing

The existing train network in the northern region exceeds its capacity. Commuters to, from and through North Sydney experience poor cramped travelling conditions, and on occasion cannot actually make it onto the train. Duplication of the train line between St Leonards and the City will provide additional capacity on the North Shore line and alleviate some of these problems.

A further difference in the two plans is the proposals for a Second Harbour Crossing. Infrastructure NSW has argued that a crossing is not a financially viable while Transport for NSW has included it as a long term priority. NSROC supports a second harbour crossing as a medium to long term proposal however this is qualified depending on the crossing points which are yet to be determined.

For example some proposals for a crossing are for an under harbour crossing which would direct link from Chatswood to a new "Barangaroo" station while other proposals look at connections lower on the North Shore to Wynyard station. All proposals would have substantial local council impacts which need to be further investigated.

Second airport for Sydney

The Draft Master Plan has not discussed the issue of a second airport for Sydney nor examined the impact this would have on transport flows and the prioritisation of projects.

Infrastructure NSW (p127) has proposed that consideration be given to a Western Sydney airport for anticipated growth in regional, low cost, charter and air freight functions. Economic gains and direct and secondary employment are considered key benefits for the Western Sydney location. The long term preference is for Badgerys Creek based on logistic and road infrastructure positioning (M7) and Infrastructure NSW argues that the site be preserved and that the airport commence development by the 2020's.

ITEM 7 (continued)

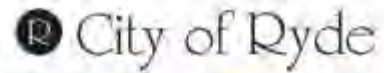
ATTACHMENT 2

A further recommendation is for an assessment of the expansion of the RAAF Richmond base capacity to accommodate passenger flights from the late 2020s.

NSROC has no specific view on a second airport in the Sydney basin. However for optimum transport planning certainty on this decision is required to avoid major retrofitting of transport infrastructure at a later date. As such the State and Federal government's position on this matter should be finalised.

ITEM 7 (continued)

ATTACHMENT 3



Lifestyle and opportunity @ your doorstep

Carolyn McNally
Deputy Director General – Planning and Programs
Transport for NSW
Level 3, 18, Lee Street
CHIPPENDALE NSW 2008

14 November 2012

Our ref: ENV/08/3/8/13

Dear Carolyn,

City of Ryde Council comments on the Draft NSW Long Term Transport Masterplan.

Thank you for the opportunity to respond to the Draft NSW Long Term Transport Masterplan.

Please find enclosed a draft submission from the City of Ryde Council regarding the Draft NSW Long Term Transport Masterplan.

The Council will appreciate your feedback on the Council's submission and how the issues raised have been or will be addressed.

For further enquiries please contact me on telephone 9952 8190 during normal business hours.

Yours sincerely

Dominic Johnson
Group Manager, Environment and Planning
City of Ryde

ITEM 7 (continued)

ATTACHMENT 3

City of Ryde
Page 2 of 8

City of Ryde Council (the Council) Submission to Draft NSW Long Term Transport Masterplan

The Council would like to congratulate the Government on its efforts within Draft NSW Long Term Transport Masterplan to integrate transport and land use planning.

The Council also strongly supports integrating transport and land use planning, and has a history of considering this approach in its local planning, including:

- o Ryde's Urban Villages program (from over a decade ago) which supported growth at centres.
- o Ryde's Integrated Transport and Land Use Strategy was adopted in 2007 and parallels with long term strategies of State government in this area.
- o Ryde has built upon earlier work with the preparation of a Local Planning Study which integrates land use and transport principles whilst responding to Metropolitan Strategy and draft Inner North Subregional Strategy.

However, there are several areas of the draft Transport Masterplan that require much more commitment or clarification in order to achieve the desired integration between transport and planning.

From a regional perspective, the Council fully supports the comments included in NSROC's submission to the Draft NSW Long Term Transport Masterplan made separately, in particular comments relating to:

- Contestability and sustainability of community transport. This is a particular issue for Ryde as we operate and maintain the Top Ryder community bus, which provides an invaluable service to our aged/vulnerable/transport disadvantaged populations.
- NSROC's supports for a Metropolitan Parking policy which addresses the distortions in the current parking policy.
- The transport masterplan failing to mention local government's land planning and local traffic expertise and how this should inform land planning and interchange management.

From a local perspective, the Council wishes to make the following submissions for each of key areas listed below in bold:

1. Macquarie Park Specialised Centre

A greater emphasis needs to be made in the Transport Masterplan on the importance of the Macquarie Park as a Specialised Employment Centre, given its role as the northern anchor of the global economic arc. Macquarie Park has significant potential development growth within the next 20 years positioning it to become the 4th largest business centre in NSW. Macquarie Park currently has a floorspace of 800,000 sq m, 40,000 employees and 30,000 students. This is anticipated to grow to a floorspace of >2 million sqm, 80,000 employees and 50,000 students over next 20 years.

Given the importance of the role which Macquarie Park Specialised Centre plays, it is suggested that a separate section be created for Specialised Precincts/Centres within the

ITEM 7 (continued)

ATTACHMENT 3

City of Ryde
Page 3 of 8

Sustaining Growth in Greater Sydney chapter of the Transport Masterplan (similar to the approach used for other employment centres such as Parramatta).

This separate section should include:

- a) Acknowledgement of the importance of Macquarie Park and its role in the metropolitan economy (being responsible for 4% of state GDP).
- b) Acknowledge the newly established Macquarie Park Transport Management Association as a governance mechanism which enables partnerships between local and state government and local businesses in order to develop appropriate transport solutions for the area via Community Travel Plans and the implementation of travel demand measures.
- c) Acknowledge the unique transport challenges facing Macquarie Park as it evolves from a business park to an urban centre and the implications of meeting a 40% public transport mode split target by 2031 (as agreed by a steering committee comprised of various transport agencies).
- d) Acknowledgement of the critical importance of the Herring Road Interchange to support the required significant increase in public transport modal shift as well as increased vehicular access from the upgrade to the M2 Motorway. To support this interchange and the continued functioning of Macquarie Park, Ryde Council seeks a grade separated intersection at Herring Rd and Epping Rd (Herring Rd South) and other improvements to Herring Rd and Talavera Rd intersection (Herring Rd North).
- e) Acknowledgement of the importance of developing alternative methods of transport that are not fully dependent on the use of the motor car for single occupancy vehicle trips (SOV's), including:
 - o Travel demand management measures (such as carpooling, telecommuting and active transport such as cycling and walking).
 - o The development of parallel transport technologies that fill the 800 metre to 5000 metres transport void needs to be considered and developed within an appropriate governance framework in collaboration with Infrastructure Australia, AustRoads, Roads Authorities in South Australia, Queensland, Victoria and Transport for NSW to form National Transport Policy to deliver best practice through innovation. The Council in partnership with Macquarie University is currently undertaking Stage 1 analysis "trial of the application of Personal Mobility Devices (PMDs) within a prescribed testing framework" (Refer to attached letter of support from Transport for NSW).

It should be expected that the future acceptance of the above technologies and initiatives will assist with the development of incentive based Work Place Travel Plans (WPTP's) that will become the future fabric for "effective" transport planning for local businesses and other trip generators.

2. Transport Corridors

Victoria Rd Corridor- the identification of the Victoria Rd corridor as one of Sydney's "Big 6" most constrained transport corridors (pg 148 Fig 4.5.2) is supported by Council.

Council seeks to collaborate with the State Government via the inclusion of the Victoria Rd corridor (at least the area within the Ryde local government area) as a "long term corridor

ITEM 7 (continued)

ATTACHMENT 3

City of Ryde
Page 4 of 8

for investigation to support transport and urban renewal outcomes" (pg 299). Ryde's Local Planning Study 2009 is supportive of growth in this Corridor.

As part of Ryde's Local Planning Study, a future project is identified to "investigate sites fronting Victoria Road between Ryde and West Ryde to explore options for more intensive economic and commercial development that will promote development of an economic corridor".

It is recommended that the Transport Masterplan should recognise the importance of Ryde Major Centre as a future sub-regional intermodal interchange along this corridor.

The proposal to improve bus priority and efficiency in the short term (pg 151) and to deploy higher capacity light rail in the longer term (pg 151) is generally supported by the Council. In the longer term, Council also supports a metro-style rail line beneath Victoria Road from West Ryde to Ryde, Gladesville and the Sydney CBD (as per our submission to the Draft Inner North Sub Regional Strategy), therefore we ask that this option be included in the Transport Masterplan.

Whilst acknowledging Council's preference for longer term options of either a metro-style rail line or light rail, it is understood that bus rapid transit is another longer term option being considered in the Transport Masterplan for the Victoria Rd Corridor (pg 151). Council wishes to make clear its view that the potential for any road based transit solution along the Victoria Rd corridor is limited by the need to address significant capacity constraints particularly from Drummoyne towards the City.

In developing any transport proposals for the Victoria Rd corridor, adequate consideration would need to be given to the implications for local businesses and residents. Adequate opportunities would also need to be provided for Council and the community to provide input into the future design of any route and stop options.

Fig 4.5.2 (pg 148) should be updated to include the potential long term options of light rail or a metro-style rail line along this corridor.

Macquarie Park-Olympic Park or Burwood-Hurstville corridor – the identification of the "Macquarie Park-Olympic Park or Burwood –Hurstville" corridor as a "Long term corridor for investigation– transport and urban renewal" (pg 299) is generally supported by Council, although an outline of the process to be followed for further investigation is needed.

Given that this corridor is identified as a "Long term corridor for investigation" and the current levels of traffic congestion experienced along Lane Cove Rd, Council recommends that the "Macquarie Park-Olympic Park or Burwood-Hurstville" corridor be identified on the constrained strategic corridor map (pg 84).

In addition, further details are sought regarding the process for further investigation of "Protected Corridor 5 Macquarie Park to Sydney Olympic Park: Potential Corridor for Investigation" (pg 197) and confirmation of the preferred modal options being considered.

Along this corridor, the Council seeks the identification of Top Ryde City as a potential major centre, West Ryde as a town centre and Meadowbank as a small centre (as per

ITEM 7 (continued)

ATTACHMENT 3

City of Ryde
Page 5 of 8

Ryde's submission to the Draft Inner North Sub-Regional Strategy). Ryde's Local Planning Study 2009 also includes a future project to investigate an "Enterprise Corridor land use zone for sites adjoining Church Street Meadowbank between Victoria Road and the Parramatta River".

Potential linkages between the M2 and M4 - further details are sought regarding the statement on page 151, "Beyond the timeframe of the draft Long Term Transport Master Plan, we will investigate opportunities to further expand the motorway network including potential linkages between the M2 and M4 via Gladesville."

Whilst the need for long term further investigation of a connection between the M2 and M4 is generally supported, further detail is sought regarding proposed modal and route options.

If potential expansion of the motorway network between the M2 to M4 is being considered then this should also be identified as a potential "Corridor for Investigation" in the Motorway Strategy Map on pg 140. Further detail should also be provided of the design options being considered to enable proper consideration of various options in more detail.

Any new motorway proposals should not be considered until after the construction of the north-west rail link and Council suggests that cycleway and bus lanes should be provided as part of any new motorway developments.

It is also suggested that this option may be more appropriately discussed in relation to another corridor, rather than in the current Parramatta to the CBD via Ryde corridor section (pg 151). For example, this option may be more appropriately placed in a new section discussing options for the Macquarie Park-Olympic Park or Burwood-Hurstville long term transport corridor or Protected Corridor 7 (Macquarie Park to Sydney Olympic Park). However, Council notes that Macquarie Park is already a major traffic thoroughfare with high levels of traffic congestion. Council would not want to see this burden added to by a new motorway through Macquarie Park.

Protected Corridor 17: Potential Corridor for further investigation- Inner West Bypass and Enhanced North South Links - further details are sought regarding the process, timing and options being considered for further investigation of "Protected Corridor 17: Potential Corridor for further investigation- Inner West Bypass and Enhanced North South Links." This protected corridor appears to approximate a route from Macquarie Park to Sydney Airport. This protected corridor also appears to correspond to a new motorway "corridor for investigation" being considered for "Enhanced North South Links" as per the Motorway Strategy Map on pg 140.

Strategic transport corridor with medium constraint (approximately Macquarie Park-East Ryde-Hunters Hill) – further detail is sought regarding the process for further investigation of the "Strategic transport corridor with medium constraint" which appears to link Macquarie Park- East Ryde-Hunters Hill (pg 84). Given that Transport for NSW has identified this is a strategic transport corridor with medium constraint, Council recommends the accelerated provision of improved public transport for East Ryde as per our previous letter to the Ministry of Transport (dated 23 April 2012) and Transport for NSW's response (reference SE12/06781) which indicated that bus services were due to be reviewed in 2012

Submission to Draft NSW Long Term Transport Masterplan <ENV/08/3/8/13>

ITEM 7 (continued)

ATTACHMENT 3

City of Ryde
Page 6 of 8

(ATTACHED). It is also suggested that any future investigations along this corridor include consideration of how to effectively link centres.

Epping Rd – More clarity is sought regarding any transport initiatives being planned for Epping Rd.

3. Centres Hierarchy

The Council asks the State to support City of Ryde's proposed centres hierarchy as previously provided as part of the Draft Inner North Sub-Regional Strategy. Specifically, in this regard, it is important that the Transport Masterplan recognises Top Ryde City as a major centre, West Ryde as a town centre, and Meadowbank as a small centre.

4. Transport funding

Council suggests that the Government needs to fully commit fully to the final NSW Long Term Transport Masterplan, by entrenching specific projects and required funding into legislation.

5. Rail proposals

Parramatta to Epping rail link – The Council expresses its disappointment that the Parramatta to Epping link is not included in the Plan. Council notes that a similar route is identified for "Protected Corridor 7: Protected Corridor- Parramatta to Macquarie Park" (pg 197) and the "2031 Sydney Strategic Transit Network" (pg 93) supports identification of transit network potential extension from Parramatta to Epping.

Further detail is sought regarding the process and timing for further investigation of "Protected Corridor 7" and what intermediate transit options are being considered for the "Parramatta-Epping potential extension" identified in the 2031 Sydney Strategic Transit Network".

North West Rail Link – The Council strongly supports the completion of the North West Rail Link as identified in the medium term within the Transport Masterplan. The State Government should fully commit to this project by entrenching required funding for project into legislation. This project is particularly important for Ryde Local Government Area as 40% of the passengers on the North West Rail Link are anticipated to exit within Macquarie Park.

6. Park and Ride

The Council strongly supports the need identified in the Transport Masterplan for increased park and ride facilities, including as part of the North West Rail Link (p.59) and at railway stations (pg 64). In particular, Council requests that Transport for NSW explore the potential for additional park and ride facilities within the Macquarie Park area at North Ryde Station.

7. Electric Vehicles

The Council supports the development of an Electric Vehicles Roadmap identified as part of the Transport Masterplan (pg 303). The City of Ryde Council is currently undertaking an Electric Vehicles Study which will inform its future planning and parking controls.

8. Travel Demand Management Measures

Submission to Draft NSW Long Term Transport Masterplan <ENV/08/3/8/13>

ITEM 7 (continued)

ATTACHMENT 3

City of Ryde
Page 7 of 8

The Council strongly recommends that the State Government further support carpooling initiatives to assist with reducing travel demand. Whilst it is noted that Transport for NSW has supported the development of the wscarpool initiative, Council suggests that Transport for NSW could do more to financially support and promote a carpooling program across the entire Sydney metropolitan area. For example, free or discounted subscriptions could be offered for organisations joining within the Sydney metropolitan area. Wscarpool and other carpooling initiatives could be addressed in the "Transport ICT and Innovation Strategy" (pg 309) and "Managing demand and making better travel choices" (pg 306) sections of the Transport Masterplan.

State Government support for Travel Access Guides. Greater clarity on workplace travel plans - The Council commends Transport for NSW for supporting the development of Travel Access Guides for large trip generators (pg 143). It is suggested that this action be expanded to include State Government support for the development of Workplace Travel Plans (WTPs), with funding for either project officers to be employed at either the state or local government level to assist businesses with the development of WTPs (similar to the TravelSmart program in other states). It is noted that the Macquarie Park TMA will assist businesses within the Macquarie Park to develop WTPs, however more clarity is sought on what level of support for the development of WTPs may be available for trip generators outside Macquarie Park.

9. Bicycle and Pedestrian Infrastructure

Greater clarity regarding cycle infrastructure for urban centres - The Council seeks greater clarity regarding short term proposals for "connected cycling networks on streets that feed into Sydney's urban centres" (pg 144) and whether this would be applicable to Ryde's centres such as the Macquarie Park Specialised Centre. In addition, Council seeks more detail on what cycle parking initiatives outside railway stations in urban centres are proposed. Council suggests that as part of the Masterplan process, cycleways should be constructed as a standard part of any new motorway developments or transit corridors.

Greater clarity regarding pedestrian infrastructure for urban centres - The Council seeks greater clarity regarding the walking investment program and short-long term proposals for improving pedestrian improvements for access and amenity at locations apart from the CBD (pg 143). More clarity and specific detail is sought regarding improved pedestrian connections in major urban centres (pg 316) and whether this would apply to Ryde's centres such as the Macquarie Park Specialised Centre.

10. Ferry Transport

The Council supports the role which ferries play in a viable transport system and supports an expanded and enhanced ferry system that is integrated into the overall transport solution. The ferry system plays an important role for Ryde residents and commuters accessing the well utilised Meadowbank and Kissing Point Ferry wharves. Council asks that any changes to ferry timetables and routes at these wharves maintains or improves service levels and does not remove or reduce ferry services.

The Council seeks more detail on the "Sydney Harbour wharf upgrade program" (pg 314) regarding specific proposals to replace and upgrade ferry wharves and create attractive ferry terminal precincts. In addition, more detail is sought regarding the actions "Improving and growing the ferry network through new wharves, new timetables and new and

ITEM 7 (continued)

ATTACHMENT 3

City of Ryde
Page 8 of 8

extended routes" and "Changing ferry operations to focus services around customer needs and demand" (pg 314) as they relate to the Ryde Local Government Area.

11. Freight

Whilst the Council generally supports the principle of the Northern Freight Line (pg 245), it has concerns regarding the amenity (eg noise) impacts of this project. Such concerns need to be properly addressed.

End

DRAFT

ITEM 7 (continued)

ATTACHMENT 3



Ref no: PR12/15889

Mr Robert Hogan
General Manager
Vehicle Standards
Department of Transport & Regional Services
GPO Box 594
Canberra ACT 2601

Dear Mr Hogan

Personal Mobility Devices

I am writing to indicate support from Transport for NSW (TfNSW) for the trial of personal mobility devices (PMDs) proposed by Ryde City Council.

TfNSW recognises that the trial is an important research project that will inform future decisions relating to future alternative vehicles for short local journeys. The trial will be managed by Ryde City Council and Macquarie University with input from TfNSW. The Austroads Registration and Licensing Taskforce will also be involved in overseeing the conduct of the trial and its evaluation.

Stage 1 of the trial will be conducted wholly within Macquarie University grounds using a limited number of PMDs. There will be strict controls in place to help ensure safety including:

- Selection of trial PMDs (focussing on lightweight PMDs and user protocols);
- Speed limits and designated area for use;
- Guidelines and monitoring for interactions with other road users.

This research project will provide insight into the use of selected PMDs, human factor elements, interaction of the devices with other road users and information on technical aspects of the devices themselves.

Further stages of the trial will be recommended pending evaluation of its first stage.

TfNSW supports Stage 1 of the research based trial of PMDs at Macquarie University and is seeking Commonwealth support to facilitate approval, to import selected devices for trial purposes.

Should you wish to discuss this matter please contact Marg Prendergast, Acting General Manager, Centre for Road Safety on 02 8365 7510.

Yours sincerely



Tim Reardon
Deputy Director General
Policy & Regulation

14 SEP 2012

18 See Street Chippendale NSW 2008
PO Box 9659 Haymarket NSW 1240
T 8202 2200 F 8202 2208
www.transport.nsw.gov.au
ABN 15 804 239 802

ITEM 7 (continued)

ATTACHMENT 3

Our Reference: SE12/06781
Your Reference: ENV/08/3/8/13



21 MAY 2012

Mr Sam Cappelli
Manager, Environment
Locked Bag 2069
NORTH RYDE NSW 1670

Re: request for improved public transport services for East Ryde

Dear Mr Cappelli,

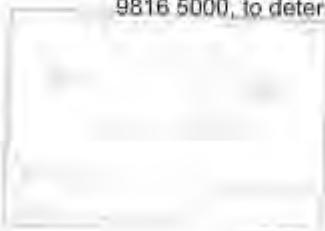
During 2008 and 2009 services in the Ryde area were reviewed to ensure that they were meeting the travel needs of the local community.

Patronage checks on route 537 showed that even before Top Ryde Shops were closed for renovation, the route was not meeting the needs of the local community and it was discontinued on 11 October 2009 as a part of the major review of bus services in the area.

There have been no changes to the route of the 506 (Macquarie Park to Circular Quay via East Ryde and Hunters Hill) since it was extended to Macquarie Park in 2001. In the October 2009 Service Review there were no changes to the timetable apart from introducing more accurate running times, or minor changes to trip times to improve connections.

For travel to Top Ryde Shops, residents may consider using the route 506 and transferring to a route 533 or 534 bus at the corner of Wicks Road and Coxs Road or walking to the corner of Quarry Road and Gardner Avenue where route 507 provides a direct link to Ryde Shops. The Route 506 provides a connection to Macquarie Centre, Drummoyne and a supermarket and local shops at Boronia Park.

It is recognised that walking distances and topography may inhibit certain members of the community from accessing bus services. In some instances Local and Community Transport Providers may be able to provide assistance. Your residents may wish to contact Ryde Hunters Hill Community transport on 9816 5000, to determine if they are able to access their services.



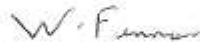
18 Luce Street Chippendale NSW 2008
PO Box 9659 Haymarket NSW 1240
T 9202 2800 F 9202 2209 www.transport.nsw.gov.au
ABN 11 570 995 516

ITEM 7 (continued)

ATTACHMENT 3

Services in the area are due to be reviewed in 2012 and council's request to review service levels in East Ryde, and access to Top Ryde Shops and Gladesville will be considered as a part of this review.

Yours sincerely,



Warren Finnan
Principal Manager
Service Planning (Bus and Ferry)

ITEM 7 (continued)

ATTACHMENT 3

Our Reference: SE12/06781
Your Reference: ENV/08/3/8/13



21 MAY 2012

Mr Sam Cappelli
Manager, Environment
Locked Bag 2069
NORTH RYDE NSW 1670

Re: request for improved public transport services for East Ryde

Dear Mr Cappelli,

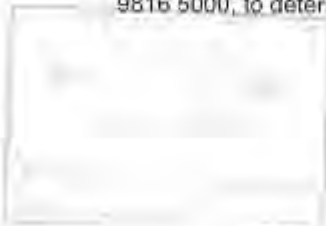
During 2008 and 2009 services in the Ryde area were reviewed to ensure that they were meeting the travel needs of the local community.

Patronage checks on route 537 showed that even before Top Ryde Shops were closed for renovation, the route was not meeting the needs of the local community and it was discontinued on 11 October 2009 as a part of the major review of bus services in the area.

There have been no changes to the route of the 506 (Macquarie Park to Circular Quay via East Ryde and Hunters Hill) since it was extended to Macquarie Park in 2001. In the October 2009 Service Review there were no changes to the timetable apart from introducing more accurate running times, or minor changes to trip times to improve connections.

For travel to Top Ryde Shops, residents may consider using the route 506 and transferring to a route 533 or 534 bus at the corner of Wicks Road and Coxs Road or walking to the corner of Quarry Road and Gardner Avenue where route 507 provides a direct link to Ryde Shops. The Route 506 provides a connection to Macquarie Centre, Drummoyne and a supermarket and local shops at Boronia Park.

It is recognised that walking distances and topography may inhibit certain members of the community from accessing bus services. In some instances Local and Community Transport Providers may be able to provide assistance. Your residents may wish to contact Ryde Hunters Hill Community transport on 9816 5000, to determine if they are able to access their services.



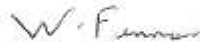
18 Luce Street Chippendale NSW 2008
PO Box 8659 Haymarket NSW 1240
T 9202 2800 F 9202 2209 www.transport.nsw.gov.au
ABN 11 570 995 516

ITEM 7 (continued)

ATTACHMENT 3

Services in the area are due to be reviewed in 2012 and council's request to review service levels in East Ryde, and access to Top Ryde Shops and Gladesville will be considered as a part of this review.

Yours sincerely,



Warren Finnan
Principal Manager
Service Planning (Bus and Ferry)

8 ADOPTION OF THE SHRIMPTONS CREEK PARKLANDS PLAN OF MANAGEMENT

Report prepared by: Section Manager, Open Space Planning and Assets
File No.: GRP/09/4/6 - BP12/1268

REPORT SUMMARY

The draft Shrimptons Creek Parklands Plan of Management was recently on public exhibition (5 September – 19 October 2012) with the local community and users of the Park invited to review the Plan and provide comments and suggestions on the future management and use of the Park. The Shrimptons Creek Parklands Plan of Management provides a strategic planning and sustainable management framework to enhance the recreation opportunities for the community and to promote public recreation and leisure. Management actions are recommended to meet current and future demands of Parklands users and the local community.

Council received five submissions during the exhibition period **ATTACHED – CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL** (Attachment 1) and the revised Plan of Management has been modified to include, where appropriate, the suggestions contained in these submissions.

It is recommended that the Shrimptons Creek Parklands Plan of Management **ATTACHED – CIRCULATED UNDER SEPARATE COVER** (Attachment 2) be adopted.

RECOMMENDATION:

- (a) That the Shrimptons Creek Parklands Plan of Management (dated October 2012) be adopted.
- (b) That all community members who made a submission be thanked and advised of the outcome.

ATTACHMENTS

- 1 Combined Submissions on the draft Shrimptons Creek Parklands Plan of Management - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 2 Draft 2012 Shrimptons Creek Parklands Plan of Management - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:
Fiona Morrison
Section Manager, Open Space Planning and Assets

Report Approved By:
Tatjana Domazet
Service Unit Manager - Open Space

Danielle Dickson
Group Manager - Community Life

ITEM 8 (continued)

Discussion

Shrimptons Creek Parklands is a corridor of open space that is comprised of seven parks that lie adjacent to Shrimptons Creek in the suburbs of Ryde, North Ryde and Marsfield. The parks along Shrimptons Creek are Council owned and managed under the *Local Government Act 1993* and other NSW government agencies.

The seven parks that are located along Shrimptons Creek include:

- Santa Rosa Park,
- Flinders Park,
- Tindarra Reserve,
- Greenwood Park,
- ELS Hall Park,
- Booth Reserve and
- Wilga Park.

A Plan of Management has been prepared to guide the future development and management of the Parklands in response to the needs and values of the local community and the users of the Parks within the corridor. When adopted by Council, this Plan of Management will replace the current Shrimptons Creek Parklands Plan of Management.

Public Exhibition

The draft Shrimptons Creek Parklands Plan of Management was placed on public exhibition from 5 September 2012 to 19 October 2012.

During the public exhibition of the draft Plan of Management, Council received 5 submissions from the community. All submissions received are **ATTACHED – CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL** (Attachment 1). The summary of each submission is provided over the page with an analysis indicating whether changes were required to be made to the draft Plan of Management.

ITEM 8 (continued)

SUBMISSION DETAIL	DISCUSSION	CHANGES TO PLAN OF MANAGEMENT
Submission 1 – TRIM D12/81743		
<p>There are also no public toilets (the closest being Midway Shopping Centre and Yamble Reserve), and nowhere to fill a water bottle.</p>	<p>The Masterplan for Santa Rosa Park includes a public toilet. Council is currently in the design phase for the construction of toilet facilities in the Park as approved in the 12/13 Capital Budget. Note – A report will be presented to Council on trialling water bottle refill stations in Council open spaces.</p>	<p>Change of priority for construction of toilet facilities in Santa Rosa Park from Medium to Short (page 108).</p>
<p>Recommendations for Santa Rosa Park</p> <ul style="list-style-type: none"> • Public Toilets • Water bottle filling • Weeding and watering • Graffiti removal • Encouragement of people to use the park • Car Parking at the bridge road end 	<p>The Masterplan for Santa Rosa Park includes:</p> <ul style="list-style-type: none"> • Public Toilets • Encouragement of people to use the park • Car Parking at the bridge road end <p>This Masterplan will be implemented as a component of the plan of management implementation. The following will be flagged as maintenance priorities with Council's Operational Teams:</p> <ul style="list-style-type: none"> • Weeding and watering • Graffiti removal 	<p>No change to the Plan of Management</p>
<p>Provision of water bottle fountains and drinking fountains throughout the corridor.</p>	<p>Additional commentary in the Plan provided to support the installation of additional watering stations.</p>	<p>Discussion included on installation of watering stations in Section 2.5 and 5.2.2</p>
Submission 2 – TRIM D12/77723		
<p>Support of the Plan of Management.</p>	<p>Comments noted.</p>	<p>No change to the Plan of Management</p>
Submission 3 – TRIM D12/78517		
<p>Throughout the document I can find no mention of providing drinking bubblers.</p>	<p>Additional commentary in the Plan provided to support the installation of additional watering stations through the Parklands.</p>	<p>Discussion included on installation of watering stations in Section 2.5 and 5.2.2</p>
<p>The plan also has a worryingly mixed commitment to providing toilets in Santa Rosa Park.</p>	<p>The Masterplan for Santa Rosa Park includes a public toilet. Council is currently in the design phase for the construction of toilet facilities in the Park as approved in the 12/13 Capital Budget.</p>	<p>Clarification of priority for construction of toilet facilities in Santa Rosa Park from Medium to Short (page 108) provided.</p>

ITEM 8 (continued)

SUBMISSION DETAIL	DISCUSSION	CHANGES TO PLAN OF MANAGEMENT
Submission 4 and 5 – TRIM D12/82543 and D12/82343		
Whilst we generally support the POM, we are very concerned at the lack of additional parking proposed for the southern end of Santa Rosa Park at the Quarry Road entry.	There is limited space at the Quarry Road and of Santa Rosa Park to provide additional off street car parking. The Santa Rosa Park illustrates additional formal car parking to constructed at the Bridge Street end of the Park. Photos provided with the submission of illegal car parking have been referred to the Council's Regulatory team for action and with a request to increase patrols on weekends to enforce local parking regulations.	Change of priority for construction of the additional car parking at the Bridge Street end of Santa Rosa Park from medium to short term priority for (page 113).

The following noteworthy changes have been made to the Plan of Management. (Please note, all changes to the Plan have been highlighted in blue text in the Plan distributed under separate cover).

- Page 108 – Change of priority rating for the construction of public toilets in Santa Rosa Park from medium to short term
- Additional discussion on the installation of water stations along the length of the Parklands (Section 2.5 and 5.2.2)
- Page 113 – Change of priority rating for the construction of additional car parking in Santa Rosa Park from medium to short term

Consultation

Under Council's 'Your City, Your Voice' Engagement Policy and Framework, the Shrimptons Creek Parklands Plan of Management is a Level 2 (High – Local) project and in accordance with the requirements of the *Local Government Act 1993* the consultation process has been thorough and has encompassed both internal and external stakeholders and the local community.

The public exhibition of the draft Plan of Management and the preparation of the draft Shrimptons Creek Parklands Plan of Management included the following consultation:

- All residents living within 200m of the Park were issued with an Information Fact Sheet,
- "Have your Say" notification was placed in the Ryde City View on 5 September and 3 October 2012,
- Copies of the draft Plan of Management were placed at the Customer Service Centre and all libraries, and

ITEM 8 (continued)

- Draft Plan of Management was placed on Council's webpage inviting the community to comment.

Financial Impact

The Plan of Management will inform the allocation, prioritisation and forward planning of capital renewal projects for these Parklands.

Adoption of the Shrimptons Creek Parklands Plan of Management provides guidance for Council in the management of the Park for the next 10 years. The adoption of the Plan of Management does not have a financial impact, however there are many actions within the Plan of Management that will have financial impact over the next 10 years. Funding for these actions will be subject to Council's annual budget process.

9 PROPOSED VOLUNTARY PLANNING AGREEMENT FOR A RESIDENTIAL DEVELOPMENT AT LOT 2 DP1163230 - 126-128 HERRING ROAD, MACQUARIE PARK. LDA2012/314

Report prepared by: Client Manager
File No.: MIN2010/3 - BP12/1309

REPORT SUMMARY

Council is currently assessing a Local Development Application LDA2012/314 at 126-128 Herring Road, Macquarie Park for construction of a part 12 and part 13 storey residential building with two levels of basement car parking. The proposed building (known as 'Building E') is one of five buildings in the "Macquarie Central" development approved as a Concept Plan under the State Government's former Major Projects legislation (also known as Part 3A of the Environmental planning and Assessment Act). The Concept Plan (MP09_0195) was approved by the Department of Planning on January 20 2011. The development is currently under construction by Toga Macquarie Developments P/L (Toga) with Buildings A, B, C and D already approved during 2011 and 2012.

RECOMMENDATION:

- (a) That Council enter into the Voluntary Planning Agreement (VPA) made by Toga Macquarie Developments P/L as part of Development Application LDA2012/314.
- (b) That Council's agreement to enter into the VPA be communicated to the Sydney East Joint Regional Planning Panel when LDA2012/314 is presented to it for determination.

ATTACHMENTS

- 1 Confidential Report - Proposed Voluntary Planning Agreement for a Residential Development at LOT 2 DP1163230 - 126-128 Herring Road, Macquarie Park - LDA2012/314 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 2 Proponent's Submission and Quantity Surveyor's Report - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 3 Draft Voluntary Planning Agreement

Report Prepared By:

Glenn Ford
Client Manager

Report Approved By:

Dominic Johnson
Group Manager - Environment & Planning

ITEM 9 (continued)

ATTACHMENT 3

Draft No 2
September 2012

Toga Macquarie Developments Pty Limited

Ryde City Council

Planning Agreement

Section 93F of the Environmental Planning
and Assessment Act, 1979 (NSW)

PG70545/76678545/1

ITEM 9 (continued)

ATTACHMENT 3

Contents

1	Planning agreement under the Act	1
2	Application of this Agreement	1
3	Operation of this Agreement	2
4	Definitions and interpretation	2
	4.1 Definitions	2
	4.2 Interpretation	3
5	Development Contributions to be made under this Planning Agreement	4
6	Delivery of Development Contributions	5
7	Application of s94 and s94A of the Act to the development	5
8	Registration of this Planning Agreement	5
9	Review of this Planning Agreement	5
10	Dispute Resolution	6
	10.1 Notice of Dispute	6
	10.2 Response to Notice	6
	10.3 Negotiation	6
	10.4 Further Notice if Not Settled	6
	10.5 Mediation	6
	10.6 Litigation	7
	10.7 Continue to perform obligations	7
11	Security and Enforcement	7
	11.1 Security	7
	11.2 Release of Security to the Developer	7
	11.3 Call on Security	7
	11.4 Enforcement	8
12	Release and Discharge	9
13	Notices	9
	13.1 Delivery of notices and other documents	9
	13.2 Change of Details	9
	13.3 Giving of Notice	10
	13.4 Delivery outside of business hours	10
14	Approvals and consent	10
15	Assignment and Dealings	10
	15.1 Assignment	10
	15.2 Transfer Dealings	10

867954578879545/1

ITEM 9 (continued)

ATTACHMENT 3

16	Costs	11
17	Entire Agreement	11
18	Further acts	11
19	Governing law and jurisdiction	11
20	Joint and individual liability and benefits	11
21	No fetter	12
22	Representations and warranties	12
23	Severability	12
24	Waiver	12
25	Effect of Schedules	12
26	Relationship of parties	12
27	Counterparts	13
28	Rights cumulative	13
29	GST	13
29.1	Interpretation	13
29.2	Consideration GST exclusive	13
29.3	Intention of the Parties	13
29.4	Payment of GST	13
29.5	Adjustment event	14
29.6	Reimbursements	14
29.7	Consideration calculated by reference to other amounts	14
29.8	Exchange of non-monetary consideration	14
Schedule 1 - Development Contributions		16
Schedule 2 - Section 93F Requirements		17
Schedule 3 - Explanatory Note:		Error! Bookmark not defined.

ITEM 9 (continued)

ATTACHMENT 3

PARTIES

City of Ryde Council, ABN 81 621 292 610, 1 Devlin Street, Ryde NSW (**Council**)
And

Toga Macquarie Developments Pty Limited, ABN 65149 533 353, Level 5, 45 Jones
Street, Ultimo NSW (**Developer**)

BACKGROUND

- A. The Land is owned by the Baptist Union of NSW.
 - B. The Developer has the right to develop the Land and proposes to seek development consent for the Development on the Land.
 - C. On, 20 January 2011 the Concept Plan Approval was granted by the Minister for Planning.
 - D. Development Consent under Part 3A of the Act was granted for Building A on the 20 January 2011 and Development Consent under Part 4 of the Act was granted on 15 March 2012 for Building B and Development Consent for Buildings C and D were granted on 9 August 2012 by the Joint Regional Planning Panel.
 - E. The Developer has made a Development Application under Part 4 of the Act to the Council for Development Consent to carry out the final stages of the development on the Land, being Building E, in accordance with the Concept Plan.
 - F. The Developer has entered into this Planning Agreement to make the Development Contribution towards the Public Facilities if Development Consent for the Development is granted.
-

OPERATIVE PROVISIONS

- 1 **Planning agreement under the Act**
The Parties agree that this Planning Agreement is a planning agreement governed by Subdivision 2 of Division 5 of Part 4 of the Act.
- 2 **Application of this Agreement**
This Planning Agreement applies to the:
 - (a) Land; and

05/0646/08676645/1

ITEM 9 (continued)

ATTACHMENT 3

- (b) the Development.

3 Operation of this Agreement

This Agreement operates only if:

- (a) the Development Consent is granted for the Development, and
(b) the Agreement is entered into as required by Clause 25C(1) of the Regulation.

4 Definitions and interpretation

4.1 Definitions

In this Agreement the following definitions apply:

Act means the *Environmental Planning and Assessment Act 1979* (NSW).

Bank Guarantee means an undertaking by an Australian bank to pay the face value of that undertaking on demand.

Business Day means a day which is not a Saturday, Sunday or bank or public holiday in Sydney.

Building E means Building E referred to in the Concept Plan Approval, being the fast building to be approved and constructed under that Concept Plan Approval.

Concept Plan Approval means the Concept Plan Approval MP09_0195 granted by the Deputy Director General on 20 January 2011 for mixed use residential/retail development with basement car parking and private/public infrastructure provision, as amended from time to time.

Construction Certificate has the same meaning as in section 109C of the Act.

CPI means the All Groups Consumer Price Index (Sydney) as published by the Australian Bureau of Statistics.

Development means the development of Building E on the Land for residential uses and associated works and which is subject of the Development Application.

Development Application means Development Application LDA 2012/0314 lodged by the Developer for the Development.

Development Consent has the same meaning as in the Act.

Development Contribution means a monetary contribution to be made in accordance with **schedule 1**.

ITEM 9 (continued)

ATTACHMENT 3

Land means that part of the land located at 120-128 Herring Road, Macquarie Park, New South Wales upon which Building E is to be constructed and which is currently contained in Lot 2 DP1163230 (and proposed to be contained in Lot 22 in the stage 2 subdivision plan) As at the date of this Agreement, the Land is owned by the Baptist Union of NSW, ABN 24 941 624 663.

Party means a party to this Planning Agreement, including their successors and assigns.

Planning Agreement means this agreement comprising any schedules and annexures.

Public Facilities means a public amenity, a public service, a public facility, public land, public infrastructure, a public road, a public work, or any other act matter or thing that meets a Public Purpose.

Public Purpose means any purpose that benefits the public or a section of the public, specified in section 93F(2) of the Act.

Regulation means the *Environmental Planning and Assessment Regulation 2000*.

Residential or Strata Lots means those lots created on registration of a plan of subdivision or strata subdivision of the Land for residential use.

Security means any of:

- (a) a Bank Guarantee;
- (b) an insurance bond, or
- (c) such other security as is agreed in writing between the Parties, in favour of the Council.

Security Amount means for the Development Contribution, an amount equal to the monetary contribution of \$310,310 (plus GST).

Transfer Dealings means selling or transferring the Land.

4.2 Interpretation

In the interpretation of this Planning Agreement, the following provisions apply unless the context otherwise requires:

- (a) Headings are inserted for convenience only and do not affect the interpretation of this Planning Agreement.
- (b) If the day on which any act, matter or thing is to be done under this Agreement is not a Business Day, the act, matter or thing must be done on the next Business Day.

ITEM 9 (continued)

ATTACHMENT 3

- (c) A reference in this Planning Agreement to dollars or \$ means Australian dollars and all amounts payable under this Planning Agreement are payable in Australian dollars.
- (d) A reference in this Planning Agreement to any law, legislation or legislative provision includes any statutory modification, amendment or re-enactment, and any subordinate legislation or regulations issued under that legislation or legislative provision.
- (e) A reference in this Planning Agreement to any agreement, deed or document is to that agreement, deed or document as amended, novated, supplemented or replaced.
- (f) A reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Planning Agreement.
- (g) An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
- (h) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- (i) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- (j) References to the word 'include' or 'including' are to be construed without limitation.
- (k) A reference to this Planning Agreement includes the agreement recorded in this Planning Agreement.
- (l) A reference to a party to this Planning Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- (m) Any schedules and attachments form part of this Planning Agreement.

5 Development Contribution to be made under this Planning Agreement

- (a) The Developer is to make the Development Contribution in respect of the Development in accordance with **schedule 1**.
- (b) The Development Contribution is to be indexed quarterly in accordance with CPI:
 - (i) from the date of the grant of Development Consent for the Development; and
 - (ii) until such time as the Development Contribution is paid to the Planning Authority in accordance with this Planning Agreement.

ITEM 9 (continued)

ATTACHMENT 3

- (c) Subject to **clause 7**, the Development Contributions made in accordance with this Planning Agreement are made in full and final satisfaction of the requirement for the Developer to make contributions to the Council for the Development and as required in respect of condition 3 of schedule 3 of the Concept Plan Approval for the provision of a new childcare centre.

6 Delivery of Development Contribution

- (a) The Developer must provide the Council with at least 60 days' written notice of the date upon which it anticipates that the Construction Certificate for the Development will be issued.
- (b) The Council must issue the Developer with a tax invoice (if the supply by the Council is a taxable supply within the meaning of the GST Law) or otherwise an invoice within 10 days from the date of receipt of the written notice under **clause 6(a)** and specify the details of the bank account into which the Development Contribution is to be deposited.
- (c) The Developer must pay the amount required within 30 Business Days of the date the tax invoice or invoice, as applicable, as issued under **clause 6(b)**.
- (d) The Development Contribution is made for the purposes of this Planning Agreement when cleared funds are deposited by means of electronic funds transferred by the Developer into a bank account nominated by the Council under this clause.

7 Application of s94 and s94A of the Act to the development

- (a) This Planning Agreement does not exclude the application of sections 94 and 94A of the Act to the Development on the Land; and
- (b) This Planning Agreement does not exclude the application of section 94EF of the Act to the Development on the Land.

8 Registration of this Planning Agreement

This Planning Agreement is not required to be registered on the titles of the Land.

9 Review of this Planning Agreement

- (a) This Planning Agreement may be reviewed or modified and any review or modification of this Planning Agreement will be conducted in the circumstances and in the manner determined by the Parties.
- (b) No modification or review of this Planning Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Planning Agreement.

ITEM 9 (continued)

ATTACHMENT 3

10 Dispute Resolution

10.1 Notice of Dispute

If a Party claims that a dispute has arisen under this Planning Agreement (**Claimant**), it must give written notice to the other Party (**Respondent**) stating the matters in dispute and designating as its representative a person to negotiate the dispute (**Claim Notice**). No Party may start court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this **clause 10**.

10.2 Response to Notice

Within 10 Business Days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute.

10.3 Negotiation

The nominated representative must:

- (a) meet to discuss the matter in good faith within 5 Business Days after service by the Respondent of notice of its representative; and
- (b) use reasonable endeavours to settle or resolve the dispute within 15 Business Days after they have met.

10.4 Further Notice if Not Settled

If the dispute is not resolved within 15 Business Days after the nominated representatives have met, either Party may give to the other a written notice calling for determination of the dispute (**Dispute Notice**) by mediation under **clause 10.5**.

10.5 Mediation

If a Party gives a dispute Notice calling for the dispute to be mediated:

- (a) the Parties must agree to the terms of reference of the mediation within 5 Business Days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (b) the Mediator will be agreed between the Parties, or failing agreement within 5 Business Days of receipt of the Dispute Notice, either Party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (c) the Mediator appointed pursuant to this **clause 10.5** must:
 - (i) have reasonable qualifications and practical experience in the area of the dispute; and
 - (ii) have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment.

ITEM 9 (continued)

ATTACHMENT 3

- (d) the Mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (e) the Parties must within 5 Business Days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation;
- (f) the Parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement;
- (g) in relation to costs and expenses:
 - (i) each Party will bear their own professional and expert costs incurred in connection with the mediation; and
 - (ii) the costs of the Mediator will be shared equally by the Parties unless the Mediator determines a party has engaged in vexatious or unconscionable behaviour in which case the Mediator may require the full costs of the mediation to be borne by that Party.

10.6 Litigation

If the dispute is not finally resolved in accordance with this **clause 10**, if either Party is at liberty to litigate the dispute.

10.7 Continue to perform obligations

Each Party must continue to perform its obligations under this Planning Agreement, notwithstanding the existence of a dispute.

11 Security and Enforcement

11.1 Security

The Developer is to provide to the Council Security for the Security Amount on the execution of this Planning Agreement.

11.2 Release of Security to the Developer

In respect of the Security provided to the Council under **clause 11.1** the Council must release the Security to the Developer upon:

- (a) the payment by the Developer of the Development Contribution for the Development; or
- (b) on the happening of an event under **clause 12**.

11.3 Call on Security

- (a) The Security is given to secure compliance by the Developer with its obligations to pay the Development Contribution in accordance with this Planning Agreement.
- (b) The Council must only exercise its rights under the Security in accordance with this **clause 11.3**.

ITEM 9 (continued)

ATTACHMENT 3

- (c) The Council must not request a payment (**Security Payment**) under the Security from the provider of it, unless:
 - (i) the Council has first given 20 Business Days written notice (**Claim Notice**) to the Developer of its intention to do so;
 - (ii) the Claim Notice specifies the Development Contribution to which that Security Payment relates and the amount of the Security Payment; and
 - (iii) the reason for the request is that:
 - (A) the Developer has, in breach of this Planning Agreement, failed to pay a Development Contribution to which the Council is entitled, within 20 Business Days of the Council demanding payment of it; and
 - (B) there is no dispute between the Developer and the Council:
 - (1) as to whether the Developer is obliged to pay the Development Contribution or is otherwise in breach of its obligations to do so; or
 - (2) about the amount of the Development Contribution, for which the Security Payment is requested.
- (d) The Council must not request a Security Payment unconscionably or in bad faith.
- (e) The Council must upon demand account to the Developer for any Security Payment to the extent that it exceeds or is otherwise not required to pay the Development Contribution for which the Security Payment is requested.

11.4 Enforcement

- (a) Without limiting any other remedies available to the Parties, this Planning Agreement may be enforced by any Party in any court of competent jurisdiction.
- (b) Nothing in this Planning Agreement prevents:
 - (i) A Party from bringing proceedings in the Land and Environment Court to enforce any aspect of this Planning Agreement or any matter to which this Planning Agreement relates; and
 - (ii) The Council from exercising any function under the Act or any other Act or law relating to the enforcement of any aspect of this Planning Agreement or any matter to which this Planning Agreement relates.

ITEM 9 (continued)

ATTACHMENT 3

12 Release and Discharge

The Developer will be released from its obligations under this Agreement if:

- (a) the Development Application for the Development is determined by way of refusal;
- (b) the Development Consent for the Development is declared invalid;
- (c) the Development Consent for the Development lapses;
- (d) the Agreement is terminated;
- (e) the Parties agree that the performance of the Agreement has been frustrated by an event outside the control of the Parties; or
- (f) the Parties otherwise agree to modify or discharge the Agreement in accordance with **clause 9**.

13 Notices

13.1 Delivery of notices and other documents

- (a) Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
 - (i) Delivered or posted to that Party at its address set out below.
 - (ii) Faxed to that Party at its fax number set out below.
 - (iii) Emailed to that Party at its email address set out below.

Council

Attention: General Manager
Address: 1 Devlin Street, Ryde
Fax Number: 9952 8070
Email: **[to be inserted]**

Developer

Attention: Rob Thomas
Address: Level 5, 45 Jones Street, Ultimo, NSW
Fax Number: 02 9356 1073
Email: rthomas@toga.com.au

13.2 Change of Details

If a Party gives the other Party three Business Days notice of a change of its address or email address:

- (a) any notice, consent or invoice is only given or made by that other Party if it is served or posted by way of registered post to the latest address; or
- (b) any information, application or request is only given or made by that other Party if it is emailed to the latest email address.

ITEM 9 (continued)

ATTACHMENT 3

13.3 Giving of Notice

Subject to **clause 13.4**, any notice, consent, invoice, information, application or request is to be treated as given or made at the following time:

- (a) if it is delivered by process server, when it is served at the relevant address;
- (b) if it is sent by registered post, two Business Days after it is posted; and
- (c) if it is sent by email, when a delivery confirmation report is received by the sender, unless subsequently the sender receives a delivery failure notification, indicating that the electronic mail has not been delivered.

13.4 Delivery outside of business hours

If any notice, consent, information, application or request is delivered on a day that is not a Business Day, or if on a Business Day, after 5.00 pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next Business Day.

14 Approvals and consent

Except as otherwise set out in this Planning Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Planning Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

15 Assignment and Dealings

15.1 Assignment

- (a) Subject to **clause 15.2**, a Party must not assign or deal with any right under this Planning Agreement without the prior written consent of the other Party.
- (b) Consent to any dealing or assignment referred to in **subclause (a)** must not be unreasonably withheld.
- (c) Any purported dealing in breach of this clause is of no effect.

15.2 Transfer Dealings

- (a) Subject to **subclauses 15.2 (b),(c) and (d)**, the Developer must not have any Transfer Dealings with the Land unless the proposed assignee, purchaser or other Party (the "**Incoming Party**") accepts the obligations of this Agreement.
- (b) For the purpose of giving effect to paragraph (a) the Council, the Developer and the Incoming Party must enter into a deed of novation whereby the Incoming Party agrees to carry out the obligations of the Developer under the Planning Agreement and the Developer is released,

ITEM 9 (continued)

ATTACHMENT 3

from the date of the deed of novation, from the obligations contained in this Agreement to the extent that they:

- (i) are novated to the Incoming Party, and
 - (ii) remain to be performed.
- (c) The deed of novation may be amended as agreed from time to time by the Parties acting reasonably.
- (d) **Subclauses 15.2(a) – (c)** do not apply to:
- (i) any Transfer Dealings with the Residential or Strata Lots; or
 - (ii) the transfer of the Land or any part of the Land to the Developer.

16 Costs

The Parties agree to bear their own costs of preparing, negotiating, executing and stamping this Planning Agreement and any document related to this Planning Agreement.

17 Entire Agreement

- (a) This Planning Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Planning Agreement was executed, except as permitted by law.
- (b) Pursuant to clause 25E(7) of the Regulation, the Parties agree that the Explanatory Note is not to be used to assist in construing this Agreement.

18 Further acts

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Planning Agreement and all transactions incidental to it.

19 Governing law and jurisdiction

This Planning Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

20 Joint and individual liability and benefits

Except as otherwise set out in this Planning Agreement, any agreement, covenant, representation or warranty under this Planning Agreement by 2 or

ITEM 9 (continued)

ATTACHMENT 3

more persons binds them jointly and each of them individually, and any benefit in favour of 2 or more persons is for the benefit of them jointly and each of them individually.

21 No fetter

Nothing in this Planning Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

22 Representations and warranties

The Parties represent and warrant that they have power to enter into this Planning Agreement and comply with their obligations under the Planning Agreement and that entry into this Planning Agreement will not result in the breach of any law.

23 Severability

If a clause or part of a clause of this Planning Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Planning Agreement, but the rest of this Planning Agreement is not affected.

24 Waiver

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Planning Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

25 Effect of Schedules

The Parties agree to comply with any terms contained in schedules to this Planning Agreement as if those terms were included in the operative part of the Planning Agreement.

26 Relationship of parties

This Planning Agreement is not intended to create a partnership, joint venture or agency relationship between the parties.

ITEM 9 (continued)

ATTACHMENT 3

27 Counterparts

This document may consist of a number of counterparts and, if so, the counterparts taken together constitute one document.

28 Rights cumulative

Except as expressly stated otherwise in this Planning Agreement, the rights of a Party under this Planning Agreement are cumulative and are in addition to any other rights of that Party.

29 GST

29.1 Interpretation

- (a) Words or expressions used in this **clause 29** which are defined in the *New Tax System (Goods and Services Tax) Act 1999* have the same meaning in this clause.
- (b) Any part of a supply that is treated as a separate supply for GST purposes (including attributing GST payable to tax periods) will be treated as a separate supply for the purposes of this clause 29.

29.2 Consideration GST exclusive

Unless expressly stated otherwise in this Planning Agreement, all amounts payable or consideration to be provided under this Planning Agreement are exclusive of GST.

29.3 Intention of the Parties

Without limiting the operation of this **clause 29**, as at the date of this Planning Agreement, the Parties intend that:

- (a) Divisions 81 and 82 of the GST Act apply to the supplies made under and in connection with this Planning Agreement;
- (b) no tax invoices will be exchanged between the Parties; and
- (c) no additional amount will be payable to a Supplier (as defined in **clause 29.4** below) on account of GST.

29.4 Payment of GST

- (a) Subject to **clause 29.8**, if any party (**Supplier**) makes a supply to another party (**Recipient**) under or in connection with this Planning Agreement on which GST is payable, and the consideration for the supply does not expressly include GST:
 - (i) the consideration payable or to be provided for that supply but for this clause (**GST exclusive consideration**) is increased by, and the Recipient must also pay to the Supplier, an amount equal to the GST payable on the supply (**GST Amount**);
 - (ii) the Recipient must pay the GST Amount to the Supplier at the same time as the GST exclusive consideration is to be provided

ITEM 9 (continued)

ATTACHMENT 3

under this Agreement. However, the Recipient need not pay the GST Amount until the Supplier has issued a valid tax invoice or an adjustment note to the Recipient for the relevant supply.

29.5 Adjustment event

- (a) If any adjustment event occurs in relation to a supply made under or in connection with this Planning Agreement then the GST Amount shall also be adjusted as follows:
 - (i) if the adjustment event gives rise to an increase in the GST Amount, a payment equal to that increase will be made by the Recipient to the Supplier; and
 - (ii) if the adjustment event gives rise to a decrease in the GST Amount, a payment equal to that decrease will be made by the Supplier to the Recipient.
- (b) Any payment that is required under **clause 29.5(a)** will be made within 5 Business Days of the issuing of an adjustment note or an amended valid tax invoice, as the case may be, by the Supplier.

29.6 Reimbursements

If a payment to a party under this Planning Agreement is a reimbursement or indemnification, calculated by reference to a loss, cost or expense incurred by that party, then the payment will be reduced by the amount of any input tax credit to which that party or its representative member is entitled or will become entitled in respect of the acquisition to which that loss, cost or expense relates.

29.7 Consideration calculated by reference to other amounts

If a payment to be made under or in connection with this Planning Agreement is calculated by reference to or as a specified percentage of another amount or revenue stream, that payment shall be calculated by reference to or as a specified percentage of the amount or revenue stream exclusive of any GST component.

29.8 Exchange of non-monetary consideration

- (a) To the extent that the consideration provided for the Supplier's taxable supply to which **clause 29.4** applies is itself a taxable supply made by the Recipient attributed to the same tax period (Recipient Supply), the GST Amount that would otherwise be payable by the Recipient to the Supplier in accordance with **clause 29.4** shall be reduced by the amount of GST payable by the Recipient on the Recipient Supply.
- (b) The Recipient must issue to the Supplier a tax invoice for any Recipient Supply on or before the time at which the Recipient must pay the GST Amount in accordance with **clause 29.4(a)(ii)** or the time at which such GST Amount would have been payable in accordance with **clause 29.4** but for the operation of **clause 29.8(a)**.

ITEM 9 (continued)

ATTACHMENT 3

Execution

Dated:

Executed as an Deed/Agreement:

Executed by Toga Macquarie
Developments Pty Limited (ABN
65149 533 353))

.....
Company Secretary/Director

.....
Director

.....
Name of Company Secretary/Director
(print)

.....
Name of Director (print)

Executed by Ryde City Council (ABN
81 621 292 610) by its duly appointed
officer in the presence of:)

.....
Witness

.....
Officer

.....
Name of Witness (print)

.....
Name of Officer (print)

ITEM 9 (continued)

ATTACHMENT 3

Schedule 1

Development Contributions

No	Development Contribution	Public Purpose	Timing of Payment
1	Monetary contribution of \$310,310 (plus GST) and subject to indexation in accordance with clause 5(b).	Community Facilities	Prior to the issue of the Construction Certificate for the Development.

draft

ITEM 9 (continued)

ATTACHMENT 3

Schedule 2

Section 93F Requirements

Provision of the Act	This Planning Agreement
Under section 93F(1), the Developer has:	
(c) sought a change to an environmental planning instrument.	(a) No
(d) made, or proposes to make, a concept plan approval or project approval under Part 3A of the Act or a development application under Part 4 of the Act.	(b) Yes
(e) entered into an agreement with, or is otherwise associated with, a person, to whom paragraph (a) or (b) applies.	(c) No
Description of the land to which this Planning Agreement applies - (Section 93F(3)(e))	That part of the land located at 120-128 Herring Road, Macquarie Park, New South Wales upon which Building E is to be constructed and which is currently contained in Lot 2 DP1163230 (and proposed to be contained in Lot 22 in the stage 2 subdivision plan)
Description of the development to which this Planning Agreement applies - (Section 93F(3)(b)(ii))	The Development, being the development of Building E for residential use and associated works.
The scope, timing and manner of delivery of Development Contributions required by this Planning Agreement - (Section 93F(3)(c))	See clauses 5 and 6.
Applicability of Section 94 of the Act - (Section 93F(3)(d))	The application of section 94 of the Act is not excluded in respect of the Development on the Land.

ITEM 9 (continued)

ATTACHMENT 3

Provision of the Act	This Planning Agreement
Applicability of Section 94A of the Act - (Section 93F(3)(d))	The application of section 94A of the Act is not excluded in respect of the Development on the Land.
Applicability of Section 94EF of the Act - (Section 93F(3)(d))	The application of section 94EF of the Act is not excluded in respect of the Development on the Land.
Applicability of Section 93F(3)(e) of the Act	Not applicable. See clause 7 .
Mechanism for Dispute resolution - (Section 93F(3)(f))	See clause 10 to this Planning Agreement.
Enforcement of this Planning Agreement - (Section 93F(3)(g))	See clause 11 to this Planning Agreement.
Registration of this Planning Agreement (Section 93H)	No. See clause 8 .
No obligation to grant consent or exercise functions - (Section 93F(9))	See clause 21 of this Planning Agreement.

ITEM 9 (continued)

ATTACHMENT 3

Schedule 3

Explanatory Note

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

**Explanatory Note
Draft Planning Agreement**

Under s83F of the Environmental Planning and Assessment Act 1979

Introduction

The purpose of this Explanatory Note is to provide a plain English summary to support the notification of the proposed Planning Agreement (**Planning Agreement**) prepared under subdivision 2 of Division 6 of Part 4 (section 93F) of the *Environmental Planning and Assessment Act 1979 (Act)*.

This Explanatory Note has been prepared by the Parties as required by clause 25E of the *Environmental Planning and Assessment Regulation 2000 (Regulation)*.

Parties to the Planning Agreement

The parties to the Planning Agreement are Toga Macquarie Developments Pty Limited (**Developer**) and Ryde City Council (**Council**).

Description of Subject Land

That part of the land located at 120-128 Herring Road, Macquarie Park, New South Wales upon which Building E is to be constructed and which is currently contained in Lot 2 DP1163230 (and proposed to be contained in Lot 22 in the Stage 2 subdivision plan) (**Land**). As at the date of this Planning Agreement, the Land is owned by the Baptist Union of NSW, ABN 24 941 624 663.

Description of the Development Application

On 20 January 2011, Concept Plan Approval MP09_0195 was granted by the Deputy Director-General of the Department of Planning for a mixed use residential/retail development with basement car parking and private/public infrastructure provision

ITEM 9 (continued)

ATTACHMENT 3

(Concept Plan Approval): The development consists of 5 main buildings, being buildings A, B, C, D and E (**Development**).

In accordance with the Concept Plan Approval, Development consent under Part 3A of the Act was granted for Building A on 20 January 2011 (at the same time the Concept Plan was approved) and Development Consent under Part 4 of the Act was granted on 15 March 2012 for Building B by the Joint Regional Planning Panel (**JRPP**). Development Consent was granted for Buildings C and D on 9 August 2012 by the JRPP.

A Development Application for Building E is currently under assessment by Council.

The development contributions made under the Planning Agreement are made to satisfy condition 3 of schedule 3 of the Concept Plan Approval which requires the provision of a new child care centre with a minimum gross floor area of 300 sqm at the ground floor level of Building E or at another appropriate location easily accessible to the public.

Summary of Objectives, Nature and Effect of the Draft Planning Agreement

The objective of the Planning Agreement is to facilitate the improvement of Community Facilities in the Ryde local government area (**Ryde LGA**) for the benefit of the public through the payment of a monetary contribution to Council by the Developer towards those Community Facilities.

The Planning Agreement contains a schedule (schedule 1) identifying the development contributions to be made to the Council as well as the timing and manner of the delivery of those development contributions.

The Developer will be providing development contributions with a value of \$310,310 (plus GST) and subject to indexation in accordance with CPI (up to the date of payment) (**Development Contributions**).

The Development Contributions provided under the Planning Agreement will benefit the Ryde LGA.

Timing of Delivery of the Public Community Benefit (having regard to whether certain requirements must be complied with before a construction certificate, occupation certificate or subdivision certificate is issued).

The payment of the Development Contributions to Council is required to be made by the Developer prior to the issue of the Construction Certificate for the Development, being Building E.

The provision of the Development Contributions are secured through the requirement for appropriate security (bank guarantee, insurance bond or as agreed by the parties) to be provided at the execution of this Planning Agreement.

The Relationship between the Negotiated Planning Agreement Outcomes and the Development Contributions under Section 94.

ITEM 9 (continued)

ATTACHMENT 3

The Planning Agreement makes provision for community benefits by the payment of monetary contributions for Community Facilities.

Identify whether the Planning Agreement conforms with the Council's capital works program

The proposed contribution is identified as capital works item in Council's Capital Works Program 2009-2013.

[Note: Council to confirm that this is the case]

Subject to Council endorsement of the Draft Voluntary Planning Agreement and to amendment to adopted Four Year Delivery Plan.

Assessment of the Merits of the Draft Planning Agreement

Arising from the Planning Agreement, the public will gain the benefits of the Development Contributions towards Community Facilities for the benefit of the Ryde LGA.

The Planning Purposes served by the Draft Planning Agreement

In accordance with section 93F(2) of the Act, the Planning Agreement has the following public purpose:

- (a) the provision of (or the recoupment of the cost of providing) public amenities or public services,

The Planning Agreement provides for a reasonable means of achieving the public purpose through the provision of monetary contributions, assessed and valued to be appropriate by the Planning Authority, for the purposes of providing adequate Community Facilities to the public.

How the Draft Planning Agreement Promotes the Objects of the Environmental Planning and Assessment Act 1979

The Planning Agreement assists in promoting the objects under the *Environmental Planning and Assessment Act 1979 (EPA Act)*, in particular, by:

- (a) co-ordinating, managing and securing the orderly and economic development of the Land; and
- (b) the provision and co-ordination of community services and facilities.

The Planning Agreement promotes these objects of the EPA Act by securing funds for the provision of future community facilities.

How the Planning Agreement promotes the objects (if any) of the Act under which it is constituted

Section 7 of the *Local Government Act 1993 (LG Act)* includes the purposes of the LG Act. Subsection 7(d) provides as follows:

"to give councils:"

ITEM 9 (continued)

ATTACHMENT 3

- *the ability to provide goods, services and facilities, and to carry out activities, appropriate to the current and future needs of local communities and of the wider public*
- *the responsibility for administering some regulatory systems under this Act*
- *a role in the management, improvement and development of the resources of their areas,*

The Planning Agreement is consistent with the first and the third dot point as the Planning Agreement provides contributions to provide for Community Facilities for the wider community and to improve and develop the resources of the Ryde LGA.

In respect of the Council's charter under section 8 of the LG Act, the Planning Agreement promotes the following objects of that charter:

- (a) to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively;
- (b) to promote and to provide and plan for the needs of children; and
- (c) to engage in long-term strategic planning on behalf of the local community.

How the Planning Agreement Promotes the Public Interest

The Development Contributions provided under the Planning Agreement will benefit the Ryde LGA through the funding of Community Facilities for the area.

The Impact of the Planning Agreement on the Public or any Section of the Public

The Planning Agreement is expected to have a positive impact for the public through the provision of additional Community Facilities in the area which will benefit the Ryde LGA.

Interpretation of the Planning Agreement

This Explanatory Note is not to be used to assist in construing the Planning Agreement

10 PLANNING PROPOSAL - 461 - 495 VICTORIA ROAD, GLADESVILLE

Report prepared by: Heritage / Strategic Planner

File No.: GRP/12/5/5/5 - BP12/1264

REPORT SUMMARY

A planning proposal to rezone 461 – 495 Victoria Road, Gladesville was submitted by Bunnings Group Limited to Council, March 2012. The proposal is to include additional land uses in Schedule 1 Ryde Local Environmental Plan 2010 and to amend the Height of Building Map Ryde Local Environmental Plan 210. The planning proposal is considered appropriate to proceed for a gateway determination to the Minister for Planning, to determine whether the planning proposal should proceed to the community consultation. The proposed amendments and achievable development is considered appropriate for the site given its size, context and location. A site specific addition to the Ryde Development Control Plan 2010 will be prepared prior to undertaking community consultation and exhibited together with the LEP amendment.

This report outlines the planning proposal and provides a preliminary assessment in relation to the requirements under the gateway plan-making process. The proposal is congruous with the objectives of the IN2 Light Industrial Zone and there is justification on planning grounds to proceed. This report recommends that Council refer the proposed rezoning to the Minister for Planning to request a Gateway Determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION:

- (a) That Council note the Planning Proposal for 461-495 Victoria Road, Gladesville to amend Clause 4 'Use of certain land at 461-495 Victoria Road, Gladesville' of Schedule 1 under Ryde Local Environmental Plan 2010 to include the following land uses, *bulky goods premises, hardware and building supplies and garden centre*, and to amend the Height of Building Map (06) under Ryde Local Environmental Plan.
- (b) That Council forward the planning proposal to 461-495 Victoria Road, Gladesville to receive a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.
- (c) That, in the event of a gateway determination being issued pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*, the proposed be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.

ITEM 10 (continued)

- (d) That Council support a site specific addition to the Ryde Development Control Plan 2010 be prepared for 461-495 Victoria Road, Gladesville and public exhibited together with the planning proposal.

ATTACHMENTS

- 1 461-495 Victoria Road, Gladesville - Planning Proposal - Submitted Report Documentation - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Renee Walmsley
Heritage / Strategic Planner

Report Approved By:

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

ITEM 10 (continued)

Background

This section of the report provides a brief description of the “gateway plan-making process”, including an explanation of the legislative requirements relating to a planning proposal. This section also includes a summary of the steps leading to the submission of the subject planning proposal.

Gateway Plan-Making Process

In July 2009 the NSW Government enacted changes to the *Environmental Planning and Assessment Act 1979* with respect to the making of environmental planning instruments, in particular Local Environmental Plans, under a new process known as the “gateway plan-making process”.

The gateway process has a number of steps. The preparation and submission of a Planning Proposal is the first of five main steps, summarised as follows:

1. **Planning proposal** - this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed at this stage.
2. **Gateway** –determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.
3. **Community Consultation** - the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).
4. **Assessment** — the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan — the legal instrument.
5. **Decision** — the making of the plan by the Minister (or delegate).

According to section 55 of the *Environmental Planning and Assessment Act 1979*, a Planning Proposal must include:

- A **statement** of objectives and intended outcomes of the proposal
- An **explanation** of the provisions of the proposal;
- A **justification** of the objectives, outcomes and provisions including the process for implementation;

ITEM 10 (continued)

- **Maps where relevant**, containing the appropriate detail are to be submitted, including land use zones; and
- Details of the **community consultation** that will be undertaken.

Council is the relevant planning authority for this proposal which has been prepared by a consultant planner on behalf of the proponent. The proposal has been preliminarily assessed by Council staff in respect of the information required to be included in a Planning Proposal.

Submission of Planning Proposal – 461- 495 Victoria Road, Gladesville

A '*bulky good premises*' is not a permitted land use on the site in the IN Light Industrial Land use zone. During 2010 the City of Ryde prepared the Local Planning Study in response to the State Government's Metropolitan Regional Plan and the draft Inner North Subregional Strategy. The study comprised a comprehensive review of the Ryde Local Government Area ('LGA'), including all centres and corridors in the LGA. The site was included and reviewed in the centres and corridors study.

A key finding of the centres and corridors study is that *bulky goods premises* should be adopted as a permitted use on the site as the site is located in a section of Victoria Road identified as a potential enterprise corridor and suitable for *bulky goods premises* land use. This was subsequently included as a recommendation of the study and set out in the Local Planning Study report to Council on 2 November 2010 to be considered by the Committee of the Whole. The resolution of Council was to adopt all recommendations in the Local Planning Study, inclusive of the recommendation that *bulky goods premises* should be adopted as a permitted land use with consent on 461-495 Victoria Road, Gladesville. The recommendations of the Local Planning Study were incorporated into Council's draft RLEP 2011 and Clause 4 Schedule 1 was subsequently amended to include *bulky goods* as a permitted use with development consent (Clause 4 is referred to as Clause 6 in draft RLEP 2011).

On 1 November 2011, a workshop presentation was held by Bunnings Group Limited, to brief Councillors and senior Council Staff of proposed future development plans to the subject site, 461-495 Victoria Road, Gladesville and amendments to the planning controls pursuant to Ryde Local Environmental Plan 2010 ('RLEP 2010') and consideration of the draft Ryde Local Environmental Plan 2011 ('draft RLEP 2011').

ITEM 10 (continued)

On 14 February 2012 a further meeting was held between Council Staff and the proponents regarding a planning proposal at 461-495 Victoria Road, Gladesville. The meeting was principally held to discuss the proposal to amend Schedule 1 of RLEP 2010 to include the additional land uses for the site under the current zone IN2 Light Industrial, including the proposal for *bulky goods premises* land use on the site, and to discuss amendments to the Height of Building Map under RLEP 2010.

A planning proposal was lodged with Council on 20 March 2012. That planning proposal submission is the subject of this report.

Report

This section of the report contains the main report on the planning proposal which includes the description of the site, description of the proposed LEP amendment and an appraisal of the subject planning proposal forms the basis of a recommendation to forward the proposal to the Minister for Planning for a gateway determination.

Planning Proposal – 461- 495 Victoria Road, Gladesville

Council received a Planning Proposal for 461-495 Victoria Road, Gladesville (‘the subject site’) on 20 March 2012. The LEP amendment will permit the development of a separate Bunnings retail outlet centre and bulky goods warehouse on the subject site. A site specific addition or part to the Ryde Development Control Plan 2010 will be prepared to ensure that the future development of the subject site provides a reasonable built form outcome

The proponent is requesting rezoning of the land to amend Clause 4 Schedule 1 of RLEP 2010 to include the additional uses *bulky goods premises, garden centre and hardware and building supplies*. The current IN2 Light Industrial land use zoning under RLEP 2010 will be retained as part of the planning proposal. The planning proposal also seeks to retain the land uses already permitted by Clause 4 in Schedule 1 RLEP 2010, which allows the existing building premises and office development at 495 Victoria Road, Gladesville known as ‘Building H’ currently occupied by Fernwood Gymnasium.

There is no maximum building height on industrially zoned land under RLEP 2010. The planning proposal also seeks to amend the Height of Building Map under RLEP 2010 to indicate maximum RLs over the subject site because under draft RLEP 2011 a 10 metre maximum building height will apply to industrially zoned land.

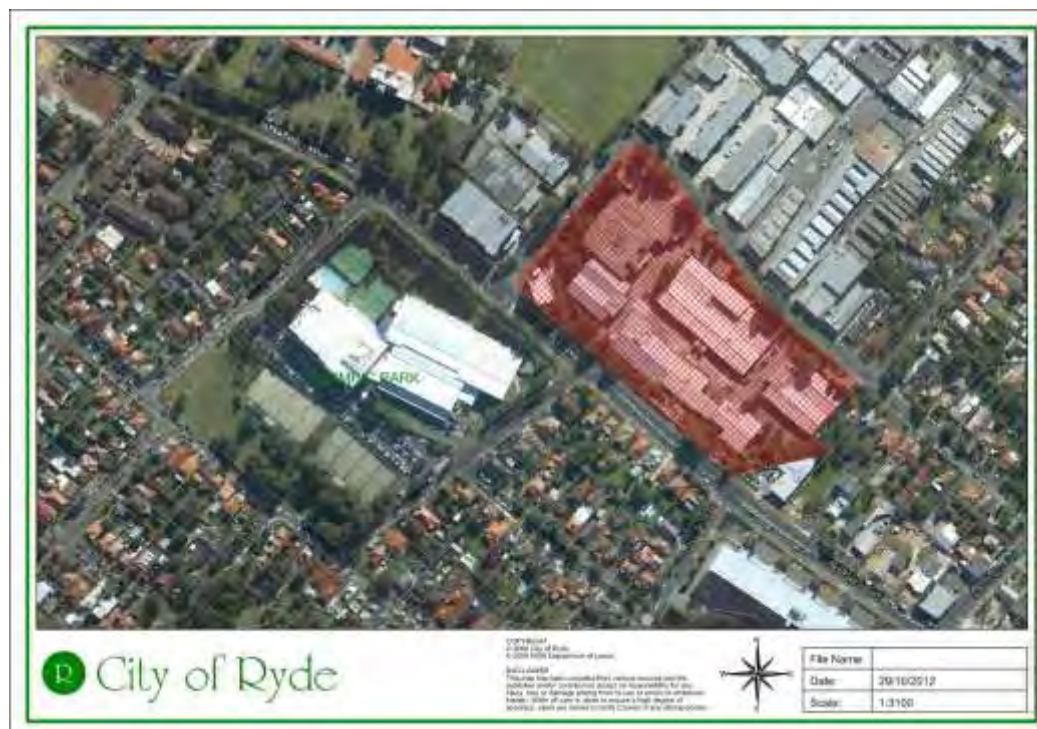
ITEM 10 (continued)

A site specific amendment for the Ryde Development Control Plan 2010 ('RDCP 2010') will be prepared prior to public consultation of the LEP amendment. The preparation of a site specific addition to RDCP 2010 would occur once the planning proposal has been supported by Council for exhibition and achieves a gateway determination from the Department of Planning. The site specific RDCP 2010 amendment will be publicly exhibited with the LEP amendment so that the public may understand the built form and function of the development.

The site

The subject site ('the site'), 461-495 Victoria Road, Gladesville, is legally known as Lot 1 DP 739556 and is currently zoned IN2 - Light Industrial.

The site is a former quarry now known as Enterprise Park, forming part of the Gladesville Industrial Area. The site is bounded by College Street to the north, low density residential and commercial development to the east, Victoria Road to the south and Frank Street to the west. However due to the topography of the site, the principal site frontage is defined by College Street. Vehicular access is principally gained from College Street and the corner of Frank and College Street. A map showing the location of the site and the surrounding area following.



ITEM 10 (continued)

Given the site was a quarry development the natural topography has been extensively altered and much of the site is below ground level. The site falls steeply from its highest point at Victoria Road (RL49) to the lowest point at in the centre of the site (RL35) (a 14 metre change across the site). The series of photos below depict the fall of the site and it's location below the level of College Street.



View over the site - 461-495 Victoria Road, Gladesville - Upper car park deck viewed from Frank Street



On site looking to the north boundary, with College Street located behind the plane trees and beyond the two storey light industrial warehouse buildings. Note retaining wall and step back up to ground level at College Street

ITEM 10 (continued)



On site looking to the east boundary defined by a vertical wall with the car wash located behind. Note car wash roof is just visible behind the tree line in the centre of the photograph.



On site looking to the south boundary defined by a vertical embankment with Victoria Road behind at ground level.

ITEM 10 (continued)

The site is occupied by a number of warehouse buildings generally used for a variety of light industrial purposes (as shown in the images above) and a three storey building at the corner of Frank Street and Victoria Road (shown below), known as 495 Victoria Road, which is occupied by Fernwood Gymnasium.



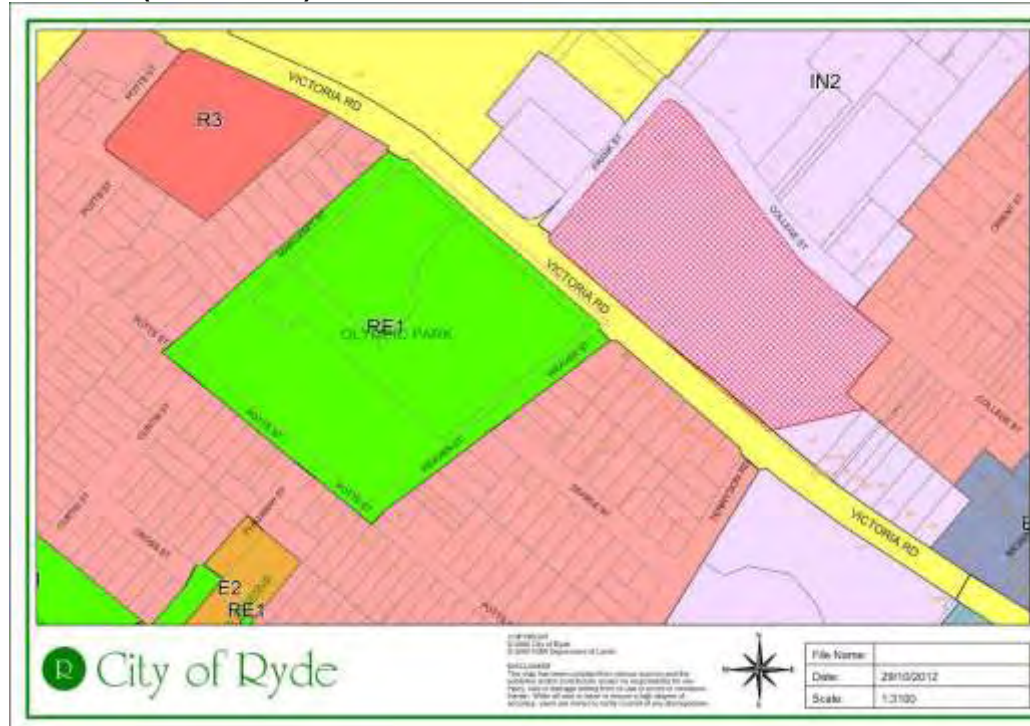
View of 495 Victoria Road – Building H

The existing warehouse buildings and 495 Victoria Road has an estimated gross floor area of 22,000 square metres. The warehouse buildings are serviced by an internal road on the site which is accessed from College and Frank Streets. The building at 495 Victoria Road is accessed from Frank Street. Car parking is provided on site, with parking spaces provided around the warehouse buildings at ground level and on a large roof top car parking area accessed from the corner of College and Frank Streets. The building at 495 Victoria Road has a small number of on-site parking spaces accessed from Frank Street. There are two discussed driveway crossing from Victoria Road.

Site Context

The surrounding development consists of a variety of light industrial uses, detached single dwellings, recreational and educational uses. The map following shows the zoning under Ryde Local Environmental Plan 2010 of the site and the surrounding sites.

ITEM 10 (continued)



North of the subject site – College Street

The site is bounded to the north by light industrial land uses comprising the Gladesville Industrial area. Industrial buildings are generally two storeys in scale comprising self storage and small industrial units. Access to the Industrial area is provided off College Street and some through sites are also accessed from Buffalo Road.

East of the subject site – Residential and Commercial land uses

The site is adjoined to the east by residential and light industrial land uses. The adjoining residential development fronts College Street with a shared western boundary to the site. The development comprises single and two storey detached dwellings and a villa development. Access to these dwellings is provided from College Street. The adjoining light industrial development fronting Victoria Road and comprises a car wash and care business. There is a substantial level change along the western boundary between the site and Victoria Road.

South of the subject site – Victoria Road

The site is bounded to the south by Victoria Road and a mix of uses; the Ryde Aquatic Leisure Centre, residential and commercial development. To the south-west of the subject site is the Ryde Aquatic Centre. The Aquatic Centre is accessed from Margaret Street and Weaver Street. East of the Aquatic Centre, is residential land uses bounded by Weaver Street to the west and Tennyson Road to the east.

ITEM 10 (continued)

Residential development comprises single and two storey dwellings, with some three and four storey residential flat building. To the east of the residential land uses is the Gladesville Business Centre. Industrial zoned land comprising a range of light industrial and warehouse uses are located along Tennyson Road.

West of the subject site – Frank Street

The site is bounded to the west by light industrial land uses, such as Kennards storage facility and further west the education establishment, Holy Cross College. Access to Kennards Self Storage is provided off Frank Street. Access to Holy Cross College is provided off Victoria Road, with a secondary entry point off Cressy Road.

Proposed Amendment to Ryde Local Environmental Plan 2010

The object of this planning proposal is to include additional permitted uses on the site by amending Schedule 1 'Additional Uses' pursuant to RLEP 2010 and to amend the Building Height Map pursuant to RLEP 2010 to permit a maximum building height across the site. The current IN2 Light Industrial land use zoning will be retained as part of the planning proposal.

Clause 4 in Schedule 1 'Additional Uses' pursuant to RLEP 2010 permits development for the purpose of existing building premises or office at 495 Victoria Road, known as 'Building H'. This use will be retained on the site.

The planning proposal seeks to amend Clause 4 Schedule 1 Ryde Local Environmental Plan to include additional land uses permitted with consent. The additional land uses include, *bulky goods premises, garden centre and hardware and building supplies*. The planning proposal also seeks to amend the following Height of Building Map RLEP 2010 (Sheet HOB-106) to apply maximum building heights to the site. The proposed heights are outlined as followed (note: the range in meters is due to the significant variation in topography): RL 63 (12 to 15 metres); RL52 (6 to 14 metres across the site); and RL42 (0 to 4 metres).

Justification and Net Community Benefit

The planning proposal provides information about the need for a major hardware store in the Ryde Local Government Area ('RLGA') and to vary the maximum building height limits to facilitate a suitable urban design outcome on a topographically constrained site. The proponent submits that the planning proposal would promote the orderly and economic use and development of the subject site, and that the planning proposal is expected to result in a net community benefit, which included:

- *Increase employment generating capacity including opportunities for part time, casual and younger employees and key workers;*

ITEM 10 (continued)

- *The ability to satisfy latent demand for a large hardware store and bulky goods premises in the Ryde LGA;*
- *A considered approach to building heights across the site having regard for the various streetscape outcomes and residential interfaces; and*
- *Reducing permissible height to the sensitive College Street frontage and also minimising potential building height to the adjoining residential property at 18 College Street.*

Documentation covering the justification and the need for the proposal is provided at **ATTACHMENT 1** titled '461-495 Victoria Road, Gladesville - Planning Proposal- Submitted Report Documentation'. The relevant sections are found at 'Part 3 – Justification' on page 24 of the planning report prepared by Don Fox Planning and the 'Economic Assessment' report prepared by Leyshon Consulting Pty Ltd.

City of Ryde Appraisal of the Planning Proposal

Pursuant to RLEP 2010, the subject site is zoned IN2 – Light Industrial, the purpose being to enable land to be used for light industrial and associated purposes. The principal development standards applying to the IN2 Light Industrial zone under RLEP 2010, including the provision of Clause 4 Schedule 1 are provided in the table below.

Provision	Ryde Local Environmental Plan 2010
Zoning	IN2 – Light Industrial SP2 – Infrastructure (classified road)
Height	No height limit
Floor Space Ratio	1:1
Clause 4 Schedule 1 – Additional Land Uses	(1) This clause applies to land at 461-495 Victoria Road, Gladesville, being part Lot 1, DP 739556 (Building H) (2) Development for the purposes of business premises and office premises Building H (known as 495 Victoria Road) that include 48 car parking spaces is permitted with consent

Additional Land Uses

The planning proposal seeks to amend Clause 4 Schedule 1 RLEP 2010 to include additional uses with consent. A comparison of the provisions included under Ryde Local Environment Plan 2010, Ryde Local Environmental Plan 2011 and the planning proposed is provided below.

ITEM 10 (continued)

Provision	RLEP 2010	Draft RLEP 2011	Proposed Provisions under the Planning Proposal
Schedule 1 – Additional Land uses	<p>Clause 4 – Use of Certain Land at 461 - 495 Victoria Road, Gladesville</p> <p>(1) This clause applies to land at 461-495 Victoria Road, Gladesville, being part Lot 1, DP 739556 (Building H)</p> <p>(2) Development for the purposes of business premises and office premises Building H (known as 495 Victoria Road) that include 48 car parking spaces is permitted with consent</p>	<p>Clause 6 – Use of certain land at 461 Victoria Road, Gladesville</p> <p>(1) This clause applies to land at 461 Victoria Road, Gladesville being Lot 1 DP739556</p> <p>(2) Development for the purpose of bulky goods is permitted with consent</p> <p>(3) Development for the purpose of business premises and office premises (Building H only) is permitted with consent</p>	<p>Clause 4 – Uses of certain land at 461-495 Victoria Road, Gladesville</p> <p>(1) This clause applies to land at 495 Victoria Road, Gladesville being Lot 1 DP739556</p> <p>(2) Development for the purposes of bulky goods, garden centre and hardware and building supplies permitted with consent</p> <p>(3) Development for the purposes of business premises and office premises (Building H)</p>

Council have adopted additional land uses into the zoning land use table as part of Schedule 1 'Additional Uses' pursuant to draft RLEP 2011. The permitted uses with consent in the IN Light Industrial zone under RLEP 2010 do not include *hardware and building supplies, garden centre or bulky goods*. The draft RLEP 2011 was adopted 2 November 2011. The draft RLEP 2011 includes the additional permitted uses with consent *Hardware and building supplies*. The adoption of *hardware and building supplies* in Clause 4 Schedule 1 RLEP 2010 is consistent with the "permitted land uses with consent" and the overall intention of the draft RLEP 2011.

The Local Planning Study informs the City of Ryde draft RLEP 2011. During 2010 the City of Ryde prepared the Local Planning Study in response to the State Government's Metropolitan Regional Plan and the draft Inner North Subregional Strategy. The study comprised a comprehensive review of the Ryde Local Government Area ('LGA'), including all centres and corridors in the LGA.

ITEM 10 (continued)

During the Local Planning Study preparation, submissions were received from the public. On 20 September 2010, Council received a submission on behalf of the land owners of the subject site requesting Council consider the inclusion of 'Bulky Goods Premises' as a permitted land use with consent. The request was reviewed by Council staff and a recommendation was made in the Local Planning Study that *bulky goods premises* should be adopted as a permitted land use with consent on the subject site. The Study recognised the subject site as being located in the section of Victoria Road identified as a potential enterprise corridor and suitable for *bulky goods premises* use.

On 2 November 2010 Council reviewed the recommendations set out in the Local Planning Study report to Council. The resolution of Council was to adopt all recommendations in the Local Planning Study. This resolution was inclusive of the recommendation that *bulky goods premises* should be adopted as a permitted land use with consent on 461-495 Victoria Road, Gladesville. The recommendations of the Local Planning Study were incorporated into Council's draft RLEP 2011 and Clause 4 Schedule 1 was subsequently amended to include *bulky goods* as a permitted use with development consent for the site (Clause 4 is referred to as Clause 6 in draft RLEP 2011).

Council sought advice from the Department of Planning on the inclusion of *bulky goods premises* under Clause 6 Schedule 1 of the draft RLEP 2011 as a permitted use with development consent on the subject site. The Department advised Council the following on 20 June 2012:

"An expansion of land uses in the industrial zones such as bulky goods is acceptable provided the area of land zoned for industrial does not change. The introduction of bulky goods into the land use table for the IN2 zone (therefore all areas of Ryde where the zone exists) would be acceptable subject to a rationale addressing the appropriateness of such a use in the zone being provided to DoPI. Our preference is to exclude bulky goods retail from industrial zones as an additional use across the zone but the inclusion of 'bulky goods' is not considered fundamentally to be a retail use that is likely to reduce the amount of industrial land...

The preference now is to either: 1). cluster permissibility of these uses in a suitable area (close to commercial is ideal but may not be achievable) and to give them a B5 zoning or 2) allow the use by a Schedule 1 amendment for the particular site based on suitability criteria"

ITEM 10 (continued)

Based on the above the inclusion of *bulky goods premises* by a Schedule 1 amendment in the draft RLEP 2011 is acceptable to the Department, with proper justification from the proponent.

Conclusion

It is recommended that the Amendment to Schedule 1 'Additional Uses' RLEP 2010 to include addition land uses of *bulky goods premises*, *hardware a building supplies* and *garden centre* is supported because Council resolve to adopt the recommendations of the Ryde Local Planning Study, which was inclusive of adopting 'bulky goods premises' as a land use on the site, the inclusion of *hardware and building supplies* in the IN2 Light Industrial land use table pursuant to draft RLEP 2011 and the inclusion of *bulky goods premises* on the site in Clause 6 in Schedule 1 draft RLEP 2011.

Maximum Building Height

The planning proposal seeks to amend Height of Buildings Map to indicate three Maximum Building Heights across the subject site on Sheet HOB – 1 06. A comparison of the provisions included under RLEP 2010, draft RLEP 2011 and the planning proposed is provided below, including a draft maximum building height plan for the site.

Provision	RLEP 2010	Draft RLEP 2011	Proposed Provisions under the Planning Proposal
Height of Building	No Maximum Height of Building limit	10m Maximum Height of Building limit	RL63 (12 to 15 metres building height), RL52 (6 to 14 metres building height) and RL42 (0 to 4 metres).

ITEM 10 (continued)



As a result of the topography the maximum buildings height of 10 metres in the draft RLEP 2011 will result in a deficient urban design outcome, especially from Victoria Road. The maximum building heights capable of being achieved under the proposed RLs will vary across the subject site and at the interface of each boundary. The concept plans submitted with the planning proposal outline that the principal built form is contained within the RL63 (coloured pink on the above draft plan) and that those structures that will occur in RL52 (coloured blue on the above draft plan) are generally ancillary built form structures, such as car parking, awnings, ramps or driveways. The proposed RL42 (coloured green on the above draft plan) to a depth of 10 metres is located at the interface with adjoining residential developments and will act as a buffer between proposed development on the site and the residential land uses.

A detailed outline of the maximum building height that could be achieved for each proposed RL point is provided following:

North site boundary – College Street

At College Street the ground level at the site boundary falls from RL 40 to RL38, the lowest point occurring toward the centre of the site. At the centre of the site the ground level falls to RL35, which sets the centre of the site below ground level at the site boundary fronting College Street. Any built form on the subject site will be visible from ground level at the site boundary to College Street (RL38 to RL40).

ITEM 10 (continued)

East site boundary – Residential and Commercial land uses

At the eastern boundary of the site the ground level fall adjoining the residential development fronting College Street falls from RL40 to RL35. Adjoining the car wash at the south-eastern portion of the site boundary the ground level steeply falls from approximately RL49 to RL35, which represents a change of 14 metres. Due to the steep fall of the land majority of the built form visible from this site boundary will occur below ground level.

South site boundary – Victoria Road

At the southern site boundary the ground level is generally consistent at RL49 to RL48. The site boundary will be characterised a maximum building height to RL63. Along Victoria Road, RL63 represents a maximum building height above street level of approximately 14 – 15 metres setback between 6 - 9 metres from the site boundary. This maximum height of the built form is congruous built form with the adjoining site to the west, Kennard's storage and south-east, Glade View Business Park.

West site boundary – Frank Street

At the western site boundary the ground level varies between RL49 to RL45. Due to the nominal change in topography along this boundary, the resultant potential built form will be visible to and from Frank Street. RL52 represents a maximum building height of approximately 3 to 7 metres from street level (RL42 to RL45) at a zero setback to the site boundary. RL63 represents a maximum building height of approximately 18 – 21 metres from ground level (RL42 to RL45) setback 33 metres from the site boundary.

Conclusion

It is recommended that the proposed heights for the site be supported because the amendment to the heights will permit a potential development above ground at Victoria Road, providing street activation and a building presentation to an otherwise blank site and the maximum height is appropriately setback from College Street and the residential interface through the adopted of three RL's across the site.

Access

The site is accessed from:

- Two access points along College Street;
- Two access points along Frank Street. One access point provides access to a roof top car park and the second provides access to the building at 495 Victoria Road, Gladesville; and

ITEM 10 (continued)

- Two disused access points off Victoria Road.

The concept plans submitted with the planning proposal demonstrate that access to the site will be re-orientated around three access points following:

- An access point at the corner of College and Frank Street;
- An access point from Frank Street; and
- A new access point from Victoria Road at the intersection of Victoria and Tennyson Roads.

The new access point from Victoria Road will be created in the south-eastern corner of the site and adjoining the car wash. The access point will provide entry and exit from the site via a traffic light controlled intersection at Victoria and Tennyson Roads and will include, slip lane access heading east along Victoria Road, right turn access at the intersection heading west along Victoria Road, and straight through the intersection from Tennyson Road. A development application for the formation of this intersection to provide access to Building E on the site was lodged with Council on 2 November 2012 (LDA2012/412).

Policy and Strategic Context

Many of the key matters applicable on a Policy and Strategic basis have been considered by the proponent within their Planning Proposal. In this respect, only the major issues have been detailed below.

Metropolitan Strategy and Employment Lands for Sydney Action Plan

In March 2007, the NSW State Government adopted the Metropolitan Strategy and Employment Lands for Sydney Action Plan covering the City of Ryde. The strategy and plan identify the need to retain employment lands (including traditional industrial areas such as Gladesville). The planning proposal has no adverse impacts on the aims and strategies of the Metropolitan Strategy.

Draft Inner North Subregional Strategy

The Inner North Subregion: Draft Subregional Strategy (Draft Subregional Strategy) covering the City of Ryde LGA. The Draft Subregional Strategy sets a number of objectives and directions for employment and centres and corridors for the subregion to be reached by 2031. The targets set out by the Strategy include, a jobs target for the city of Ryde LGA of 21,000 new jobs; the retention of the Gladesville industrial area for industrial purposes servicing the local population; and identification of parts of Victoria Road, Gladesville as an enterprise corridor. The planning proposal has no

ITEM 10 (continued)

adverse impacts on the aims and strategies of the Draft Subregional Strategy and will contribute to diverse employment opportunities within RLGA.

Ministerial Directions (s.117 directions)

Direction 1.1 – Business and Employment Zones

The objective of the direction is to protect employment land in business and industrial zones and encourage employment growth in suitable locations. On the basis of advice received from the Department of Planning and Infrastructure dated 20 June 2012 and as detailed throughout the report, Council is of the opinion that the proposed inclusion of additional land uses in the IN2 Light Industrial zone under RLEP 2010 does not conflict with the objectives adopted under Direction 1.1.

Direction 6.3 – Site Specific Provisions

The objective of the direction is to discourage unnecessarily restrictive site specific planning controls. The proposed planning proposal does not conflict with the objectives adopted under Direction 1.1.

Ryde LEP 2010

The planning proposal retains the IN2 Light Industrial Land Use zone. The planning proposal request to include the additional land uses *bulky goods premises, hardware and building supplies* and *garden centre* for the subject site only as an amendment to clause 4 Schedule 1 RLEP2010 is considered suitable due to the location of the site and its context in RLGA and the delays in progressing DLEP 2011 to gazettal.

Development Control Plan 2010

Council's current *Development Control Plan 2010* does not have controls that adequately address the uniqueness of the topography of the site, the size of the site the proposed development type and interface with existing surrounding development. In order to ensure that the future development of the subject site provides a reasonable built form outcome and a level of amenity for future and existing site occupiers and adjoining residents, a site specific addition to the *Development Control Plan 2010* must be prepared.

The draft DCP would include elements such as:

- *Street setbacks;*
- *Setbacks to the adjoining residential property at 18 College Street and treatment of the setback area;*
- *Stepped building form to the College Street frontage;*
- *Façade treatment;*
- *Retention of street trees along College street;*

ITEM 10 (continued)

- *Landscaping of setback areas;*
- *Pedestrian entry and activation to Victoria Road;*
- *Vehicle access;*
- *Acoustic buffer to residential properties on College Street; and*
- *Stormwater management.*

The preparation of a site specific addition to the *Development Control Plan 2010* would occur once the Planning Proposal has been firstly adopted by Council and subsequently considered by the Department of Planning. Should the Department of Planning support the Planning Proposal, the site specific addition to the DCP 2010 would be prepared prior to any community consultation taking place. This has been included in the recommendations of this report.

Local Planning Study

The City of Ryde Local Planning Study (adopted 7 December 2010) has been prepared as Council's local planning response to the Draft Inner North Subregional Strategy. The proposed planning proposal does not conflict with the strategies adopted under the Local Planning Study. The relevance of the recommendation of the Local Planning Study and this site is discussed earlier in this report.

Draft Ryde 2011

Under draft LEP 2011 the land is zoned IN Light Industrial. The land use table permits the land use *hardware and building supplies* with development consent. Clause 6 of Schedule 1 'Additional Uses' pursuant to draft RLEP 2011 permits under sub-clause (2) *bulky good premises* land use and retains sub-clause (3) development for the purposes of business premises and office premises (Building H). Should Council support the planning proposal Clause 6 of Schedule 1 would be amended to include *garden centres* into sub-clause (2) as a permitted land use.

Consultation

Under the gateway plan-making process, a gateway determination is required before community consultation (formerly known as public exhibition) on the planning proposal takes place. The consultation process will be determined by the Minister and stipulated as part of the gateway determination.

The Department of Planning's guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan. The low impact proposals are generally those which are consistent with the current

ITEM 10 (continued)

predominant zoning, and do not cover a significant area. Consultation will be managed by Council and will include exhibition of the draft RLEP 2010 and RDCP 2010 amendment, notification, and a review of submissions.

Critical Dates

Time periods for preparation of amending LEPs apply upon issue of the Gateway Determinations by the Minister. There is usually a 6 to 12 month time period allowed.

Financial Impact

Adoption of the option(s) outlined in this report will have no financial impact. Council should note that the lodgement of the planning proposal has been subject to Council's Fees and Charges Schedule to amend Local Environmental Plans.

Policy Implications

The proposal is consistent with Council's Local Planning Study which guides amendments to Councils planning instrument and development control plan.

Next Steps

Should Council resolve to support this planning proposal for the purposes of community consultation and a gateway determination, the next step is to forward the planning proposal to the Department of Planning. Gateway determinations are issued by the Minister for Planning or delegate and are required before community consultation (public exhibition) on the planning proposal takes place.

Other Options

At this stage of the process, Council has the option to decide to proceed with the planning proposal to the next stage (gateway determination and community consultation) or to decide not to proceed.

Should the Minister for Planning determine that the planning proposal can proceed to community consultation, Council has another opportunity to decide whether to proceed, vary or reject the proposal, following community consultation.

ITEM 10 (continued)

Conclusion

The planning proposal to rezone 461 – 495 Victoria Road, Gladesville to include additional uses in Schedule 1 RLEP 2010 and to amend the Height of Building Map (Sheet HOB-106) to apply maximum building heights across the subject site. The planning proposal is considered appropriate to proceed to the Minister for Planning for a gateway determination as to whether it should proceed to the consultation stage. The proposed amendments and the development achievable under it, is considered appropriate for the site given its size, context and location. This is subject to the inclusion of a site specific addition to the Development Control Plan 2010 prior to undertaking community consultation.

It is therefore recommended that Council forward the subject planning proposal to the Department of Planning for Gateway Determination.

11 CIVIC PRECINCT COST ANALYSIS REPORT

Report prepared by: Project Manager - Development

File No.: PM2010/37/009/3/11 - BP12/1291

REPORT SUMMARY

This Report provides an itemised breakdown of costs for the Civic Precinct Project in accordance with the approved funding and stages of work in compliance with the Council Resolution of 9 October 2012 and in reference to the Draft 2011/2012 Financial Statements.

It highlights through an independent report from Council's Quantity Surveyor that Council's expenditure on the development agreement of \$4,540,960 was well within or below industry norms for the 3 stages of the project with a better than budgeted overall result of \$78,040. These costs would have been recovered should the project have progressed.

The project was also delivered within the Council adopted project plans for each stage with a delay of 4 weeks at project end.

RECOMMENDATION:

That the Civic Precinct Cost Report be received and noted.

ATTACHMENTS

- 1 Project Program - CIRCULATED UNDER SEPARATE COVER
- 2 Civic Precinct Planning and Tender Program - CIRCULATED UNDER SEPARATE COVER
- 3 Civic Precinct Consultation Chronology
- 4 BEM GST Margin Scheme Valuation Report
- 5 Ryde Civic Precinct Redevelopment - WTP Technical Advisors Report - October 2012 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared By:

Malcolm Harrild
Project Manager - Development

Report Approved By:

John Neish
General Manager

ITEM 11 (continued)

Background

The establishment of a project team, providing skills not available from within Council, to progress the redevelopment of the Civic Precinct and fulfil Council's planning, financial and communication obligations was an integral component of the appointment of the Development Director, as resolved by Council (Council Meeting 13/10, BP10/451 with reference to COR-RFT-05/10). This was further detailed in the Report to Council concerning the appointment of the initial Consultants, dated 14/12/2010, BP10/728, which reiterated the high level initial stages of the project and provided an outline of the project budget. The appointment of other project team Consultants was brought to Council's attention in Reports resolved in Council meetings of 18 October 2011 and 12 June 2012 in which the General Manager's delegated authority for the procurement of the consultants was extended in accordance with Section 55 (3) of the Local Government Act 1993.

The high level programme for the project consisted of 4 Phases, each was adopted by Council.

1. Establishment (July 2010 – Dec 2010)
Undertake appropriate planning to inform decision making, establish the project team and develop the detailed project plan.
 - Council approval for tender process for Civic Precinct
 - Selection and commissioning of the consulting team, establishment of the initial internal team members and governance structure
 - Review all existing documentation and identify gaps and risk assessment
 - Development of key documentation, including project plan, phase 2 budget and internal communication plan
 - Prepare draft project brief

2. Planning and Assessment of Options (Jan 2011 – Dec 2011)
Identify the most appropriate model for the Civic Precinct redevelopment from a commercial and community perspective.
 - Prepare indicative scope of Councils current and future facility requirement
 - Develop draft Master Plans, PPR and high level concept designs
 - Undertake commercial analysis and feasibility testing
 - Seek community/ Council approval to the Master Plan and high level concept designs
 - Revisit planning controls and undertake associated public exhibition period
 - Recommend Council adopt the Model for developing the site that suits the brief

ITEM 11 (continued)

3. Tendering and Selection (Jan 2012 – Dec 2012)
Select a suitable tenderer through a formal Competitive Design process.
 - Obtain Planning height approval
 - Formalise Council's requirements (staff amalgamation etc)
 - Finalise scopes for Council's future facilities and assets (if preferred model)
 - Finalise Project briefs and project plan (depending on preferred model)
 - Finalise additional consultants to execute the approved project model
 - Documentation of tender documents, including selection criteria
 - Competitive Tender process: call Expressions of Interest
 - Competitive Tender process: call for Tenders
 - Competitive Tender process: selection of Tenderer
 - Finalise contractual negotiations

4. Project Delivery (Jan 2013 – TBC)
Develop final design and undergo Development Application process ready to commence construction.
Construction commences -
 - Appoint developer to prepare procurement strategy and program
 - Appoint Developer and commence detailed designs
 - Developer to prepare development application and lodge
 - Design Consultants to be retained for Peer review
 - Public exhibition
 - Development consent issued
 - Construction certificate obtained
 - Commence construction

The purpose of the Civic Precinct Redevelopment project was to provide Council with a new office building, in which to consolidate its staff and a new Civic building to replace the Civic Hall and Argyle Centre community facilities. The aim was to acquire these new assets without placing a financial burden upon ratepayers.

The subsequent team of Consultants formed under the leadership of the Development Director provided Council with all the skills necessary to determine what would be feasible on the site, to seek appropriate modifications to planning controls, acquire adjacent Crown land to regularise the site, analyse and document infrastructure changes, investigate and specify requirements, assess the market responses to Council's enquiries, analyse commercial risk and assist in negotiating an agreement with a preferred developer.

The disciplines provided by the team included option modelling; land survey and valuation, traffic planning and management, legal advice covering the subdivision of land and development and contract specialties, building regulatory compliance; cost planning, project management, urban planning, urban design, architecture and workplace design, geotechnical survey, civic and construction engineering, community communications and engagement, financial and risk analysis, heritage review, and environmentally sustainable design.

ITEM 11 (continued)

Additionally a Probiy Adviser was appointed to ensure that the project was managed appropriately by all parties and Council's own Manager, Risk and Audit, maintained a watching brief over all procurement matters.

The timescale of the high level program became subject to subsequent Council Resolutions, which in summary, were;

- At the Council Meeting of 18 October, 2011 it was resolved to undertake an Expression of Interest and tendering process to produce a further report to Council recommending a development partner preferably by August 2012.
- The City of Ryde Precinct Redevelopment Tender Report of 6 June, 2012, considered at the Council meeting of 12 June, 2012 identified the two received tenders and with regard to clause 178 (3) of the Local Government (General) Regulation 2005 and pursuant to section 377(1) of the Local Government Act 1993, recommended that a Project Development Agreement be negotiated and entered into with Lend Lease on terms the General Manager approves and is reasonably satisfied are substantially consistent with or more favourable to Council than the Commercial and Risk Principles established as part of the Tender clarification process with Lend Lease Development Pty Ltd.

The effect of these Resolutions was to follow stage 2 with a two staged Phase 3 approach breaking down the tasks involved in preferred tenderer selection, negotiation and contract execution. Phase 3a occurring from December 2011 to May 2012, ending with the identification of the preferred tenderer, and Phase 3b to August 2012 by which time it was expected that negotiations would be finalised with the preferred contractor in the form of a Project Delivery Agreement (PDA).

Considering the complexities of the PDA, the General Manager did not enter into a Contract with Lend Lease before the new Council had the opportunity, to consider that the negotiations had resulted in an outcome substantially consistent with or more favourable to Council than those expressed in the Commercial and Risk Principles document. To demonstrate that the General Manager could comply with all previous resolutions of Council that delegated him the authority to enter "Project Documents " with Lend Lease, all Councillors were invited to a workshop that took place on 19 September 2012.

In this workshop the General Manager, the Development Director, Commercial advisor (MCA Consulting) and Legal representative (Clayton Utz) gave a two hour presentation that outlined the following-

1. History of the Project
2. Councils cash flow position considering full redevelopment or refurbishment options
3. Councils and Lend Lease's commercial position at Tender Stage
4. Councils and Lend Lease's commercial position at the completion of Contract Negotiation

ITEM 11 (continued)

5. Councils and Lend Lease's Legal and risk position at Tender Stage
6. Councils and Lend Lease's Legal and risk position at the completion of Contract Negotiation

Also to fully inform the General Manager of all aspects of the negotiation, the General Manager commissioned legal and commercial comparison reports that sought to compare Councils commercial, legal and risk position at tender to final negotiation stage. A full analysis was also undertaken by Councils Chief Financial Officer whereby the cash flow impact of the tendered position compared to the final negotiated position was considered. A Probity Advisors report was also provided with a Memorandum from the Development Director highlighting key elements of the negotiation. Equipped with this information, the General Manager drafted a Memorandum to the Mayor outlining key criteria which led him to the conclusion that signing the Project Documents would be in accordance with all previous resolutions and be in the best interests of Council.

After Council had been presented with all necessary information at the aforementioned workshop (which was attended by 4 of 12 Councillors) at the first meeting of the newly elected council (25 September 2012) Council resolved:

"That Council declares that it does not intend to proceed with the Civic Precinct Redevelopment project and requests the General Manager to take no further action that would progress the project and that the Mayor immediately make the above declaration and request on behalf of Council"

Discussion

Project Team Activities and Program

Stages 1 and 2

Stages one and two of the project involved establishing the framework and context of the final project delivery.

To undertake this exercise it was important to establish a "Project Brief". This document guided the project plan (program) and all inputs required to establish and ultimately execute this complex project.

Initially it was vital to gain an insight into supply and demand factors that influence market land pricing and determine the preferred use for the land based on commercial return. This information was supplied by Macro Plan Australia.

The next stage of the project involved establishing the project budget and engaging the relevant expertise to input to each element of the project.

The Consulting team included some of the highest regarded companies and individuals in the development sector.

ITEM 11 (continued)

At this point it was discovered that Council did not own (in title) all of the land that makes up the Civic Precinct. This was reported to Council. Following meetings with Crown Land and considering the area's in question had been operated and maintained by Council for over 100 years, Crown consented to Council Compulsory Acquiring the land at no cost.

This complex process took over a year to complete and concluded with approval by the Minister for Local Government in February 2012.

Once the team had been engaged in line with the project program and equipped with market analysis, the feasibility for the project was formed. The feasibility was based around testing 20-30 scenario's with varying usages to determine the most beneficial solution to meet the project brief.

At this point community consultation took place to determine user groups preferences for the proposed facilities and input community opinion in the master planning phase.

To form the complex feasibility model, Council engaged an expert modeller and expert peer review consultant to verify all inputs.

Each scenario involved general master planning of the site considering factors such as good urban design, infrastructure restrictions and Councils requirement for buildings to house its Administration and Civic functions. Whilst master planning formed the overall acceptable envelope for the site it also provided drawings to allow the cost planning team to input overall development cost into the various feasibility models. Revenue inputs were supplied through the market research undertaken and checked by the commercial peer review consultant.

It was very important to establish the cost of the Council facilities at an early stage as this would ultimately guide the required value for the development rights. The specification for the facilities was formed by the Urban Designer and added to the overall master plan to form a complete mixed use design.

In accordance with the program, four options were presented to Council in July 2011. One option met the brief by delivering development rights value to pay for Councils facilities and offer a better urban design than the planning instruments offered at that time. This master plan was principally driven by a residential based scheme that included the Civic Facilities on site and the Administration facilities located off site. This scheme represented the best option for Council but did require an input of \$5m input from Council (as reported).

Upon completion of the feasibility, a planning proposal was undertaken to reduce the overall allowable floor space from 100,000m² to 60,000m². This created a far better urban design outcome. Additionally to provide an appropriate Urban form the height was increased to 24 storey's or RL130.

ITEM 11 (continued)

Extensive community consultation was undertaken and as highlighted in **ATTACHMENT 3 – Civic Precinct Consultation Chronology**. The planning proposal was exhibited twice, firstly for six weeks then again for four. Following the initial exhibition period, an independent planning assessment recommended the restriction of the maximum height for the site and also recommended other varying height controls. The second exhibition period demonstrated the amendments to the masterplan considering the independent planners recommendations and community concerns. This did however restrict the overall envelope available and limit the design potential of the site.

The above tasks were all performed in accordance with the project program that was approved by Council and remained on time with expenditure below budget.

Stage 3

Council determined on 18 October 2011 to seek an appropriate development partner in accordance with an Expression of Interest (EOI) and Request for Tender process (RFT). The process was exercised in accordance with Section 55 of the Local Government Act and Councils own procurement policies and overseen by an independent Probity Advisor and Councils Manager for Risk and Audit. The procurement process is further detailed below under the heading “Development Partner Procurement”.

To form the Tender documents, the team were required to draft comprehensive legal documents that detailed Councils intentions and requirements. In doing so, appropriate specifications for the Council assets were formed utilising a host of expert consultants, most of which had prior knowledge of the project. This comprehensive documentation lead to Council mitigating its risks and supplying enough detail to the tenderers so they could price the project accurately and provide the best Commercial and Design outcome for Council

To ensure Councils risks were being managed, the panel of experts that were established to undertake the Procurement Assessment (evaluation panel) were some of the most highly regarded individuals in their field. The process was again complete on time and within budget.

The findings of the procurement process were reported to Council in a Civic Precinct workshop on the 6 June 2012 and again at the Council meeting on 12 June 2012.

Council elected, on 26 June 2012 to proceed with the project and enter into negotiations with Lend Lease. Negotiations were conducted by the Development Director and Negotiation team including Councils lawyers (Clayton Utz) and Project Manager (Malcolm Harrild). The negotiations utilised a negotiation protocol endorsed by the probity advisor who monitored all activities throughout the negotiation period.

ITEM 11 (continued)

The negotiations involved the drafting of number of “project documents” that formed the overall contractual position between Council and Lend Lease. Throughout the negotiation period, the skills of an expert financial analyst were utilised (HILL PDA).

The Analyst conducted the evaluation of the initial tenders and built a feasibility model from scratch to compare all the tenders against Councils Commercial requirements. As the negotiations progressed and the commercial inputs varied, the feasibility model was kept up to date. In the last two weeks of the negotiation period the feasibility model was reviewed by the commercial peer review consultant. A final report was produced that analysed Councils commercial position at tender compared to the final negotiated and documented position. This report accompanied by a report by Councils CFO, Legal Advisors, Probity Advisors and a Memorandum from the Development Director assisted the General Manger in his determination whether to enter a Contract with Lend Lease or not.

As highlighted above, the work carried out to bring the project to maturity where the Project Delivery Agreement could be signed by both Council and Lend Lease Development was both broad in scope and detailed in its depth of investigation and analysis.

The work carried out by the team was accomplished in Stage 2 in accordance with **ATTACHMENT 1 – Project Program A3 x 4 version (CIRCULATED UNDER SEPARATE COVER)** and in Stage 3a and 3b **ATTACHMENT 2 – Civic Precinct Planning and Tender Program Stages 3-4 detailed (CIRCULATED UNDER SEPARATE COVER)**.

Whilst these two programs denote the milestones of Project Team activities, it should not be forgotten that prior to and in parallel with them consultation and information was maintained within Council and with the local community as listed in **ATTACHMENT 3 – Civic Precinct Consultation Chronology**.

The programs for both Stage 2 and Stage 3 were complied with, the only minor variation being the closing activity of Stage 3b, “negotiate with selected tenderer”, which was programmed to be completed in August 2012. Legal drafting and financial analysis took slightly longer than expected, which, combined with the delay caused by a rescission motion being considered by Council from 12 June 2012 to 26 June 2012 added a month to the finalisation of the Project Delivery Agreement documentation.

Development Partner Procurement

As has been reported to the previous Council, the procurement of the preferred developer was achieved through a two phase approach.

ITEM 11 (continued)

An Expression of Interest (EOI) was published to the open market on 22 November 2011 and closed on 23 December 2011. The EOI was reviewed by 92 organisations but only 9 lodged submissions after securing the returnable schedules for a fee of \$500.

These were -

- All Park Products
- Billbergia Pty Ltd
- Crown Group Pty Ltd
- Frasers Property Australia Pty Ltd
- Ryde Civic Consortium (J. Hutchinson Pty Ltd, Galileo Funds Management and Scott Carver & Associates)
- Leighton Properties Pty Limited
- Lend Lease Developments
- Mirvac Projects Pty Limited, and
- Payce Consolidated Limited

With the exception of All Park Products (a non complying submission) it was gratifying to see that substantial and competent organisations were keen to work with the City of Ryde on this project

Following a full evaluation of these submissions a shortlist of potential tenderers was compiled and upon receiving confirmation from each that they were prepared to tender, the Request for Tenders was issued, on 10 February 2012 -

- Billbergia Pty Ltd
- Leighton Properties Pty Limited
- Lend Lease Development Pty Ltd, and
- Mirvac Projects Pty Limited

On the termination date for submissions, 10 April 2012, Leighton and Mirvac issued letters stating they were not submitting and Billbergia and Lend Lease submitted fully detailed tenders.

An intensive analysis and clarification process was undertaken by the Evaluation Panel under the scrutiny of Council's Probity Advisor and a report issued to the General Manager on 25 May 2012.

The outcome was placed before the Civic Precinct Committee on 6 June 2012 in a Report by the General Manager. Upon receipt of Council's resolution at the following Council meeting held on 12 June 2012 negotiations consequently proceeded in good faith with the preferred tenderer, Lend Lease Development, who immediately allocated significant resources to the tasks.

ITEM 11 (continued)

Funding

Ryde Town Centre includes two precincts, Precinct 1 represented by the land which accommodates the existing Civic Hall, Civic Centre, public car park, grassed area Council staff car parks; and Precinct 2, the “Town Core” which has now been redeveloped as Top Ryde City shopping centre.

The redevelopment of Ryde Town Centre has incurred expenditure from Council from financial year 2007/2008. However from 2007 until 2010 that expenditure was related solely to the works associated with the activities of Bevillesta Pty Ltd in redeveloping the Town Core.

For example, during 2008/2009 and 2009/2010, Council incurred costs related to;

- the Public Private Partnership with Bevillesta and the RTA for road, bridge, ramp and tunnel works;
- verification of civil engineering works;
- completion of the developers’ public domain works and provision of Council’s new library and office space (VPA contribution \$10M);
- modification works to the Civic Centre to provide tunnel access ramps; and
- community liaison throughout the construction of Top Ryde City.

That expenditure, which was notified to Council by the Chief Financial Officer in a memorandum dated 9 October 2012, as \$518,724 over those two financial years was classified “Ryde Civic Precinct Design” but did not relate to any work proposed for the redevelopment of the Civic Precinct.

The \$518,724.00 assigned to the Civic Precinct project budget had been incurred prior to the Civic Precinct Redevelopment being resolved to proceed on 16 March 2010. Therefore this report and associated financial analysis does not include these previous costs as they do not relate to the Civic Precinct Project.

In the Council meeting of 16 March 2010, when the process to procure a Development Director was approved, the Civic Precinct Reserve was reported at \$2,577,150.

Subsequently, at the Council meeting of 11 May 2010, the 2010-2014 Capital Works Program included a budget of \$1,080,000 for the Civic Centre Precinct Redevelopment in FY 2010/2011. This permitted establishment of Council’s team to manage the project and commence Stages 1 and 2 of the project program.

A Presentation to Council on 12 April 2011 of the 2011-2015 Four Year Plan, included an additional budget of \$940,300 for Stage 2 of the Civic Precinct Redevelopment. This enabled work to continue to the commencement of Stage 3.

ITEM 11 (continued)

In the Extraordinary Council Meeting of 18 October 2011 Council was presented with a Report detailing the results of the Planning Proposal carried out during Stage 2 of the project and an Update of the Civic Precinct program, procurement and financial position including a request to approve a further budget of \$2,599,500, these funds were approved.

The overall funding for the project had therefore, in three resolutions, been allocated as,

Stages 1 and 2, \$1,080,000 and \$940,000	\$2,020,000
Stage 3 (i.e. Stages 3a and 3b), \$2,600,000	<u>\$2,600,000</u>
Total	<u>\$4,620,000</u>

The projected cost of Council's project team for the Civic Precinct project until the end of Stage 4 (when the whole project would have been completed) was forecast at \$9.49M including the \$4.62M up to and including the end of Stage 3. These costs were to be reimbursed by the project, the first contribution of \$1.5M from Lend Lease was due to be paid upon approval of the Early Works DA that was expected to occur in March 2013.

The decision not to proceed removes any opportunity for Council to retrieve its costs of \$4.62M. This impact upon Council's finances was explained by Council's Chief Financial Officer in his memorandum to Council dated 9 October, 2012

Project Delivery Agreement – Asset Outcomes

One aspect of the financial analysis of the redevelopment of the Civic Precinct site concerned the potential application of a GST Margin Scheme as defined by the Australian Taxation Office.

In order to investigate this potential it was necessary, as part of the project, to obtain a valuation of the Civic Precinct site as at July 2000 when GST was introduced. This was carried out by BEM property, specialists in this area, and provided on 20 January 2012, see **ATTACHMENT4 - BEM GST Margin Scheme Valuation Report**.

With due consideration of the zoning as explained in the section of the Report "Valuation Rationale", BEM reported that the value of Council's land was \$15,000,000. Additionally BEM valued the adjacent roads with an area of 5,625m², owned by Crown Land at the time prior to compulsory acquisition, at \$1.

Therefore the value of the Civic Precinct redevelopment site, with its existing buildings and adjacent Crown Land, in accordance with the GST Margin Scheme valuation was \$15,000,001.

ITEM 11 (continued)

In 2006, Council resolved to rezone the Civic Precinct “Mixed Use” and this way gazetted by the Department of Planning as LEP 143 in 2006, confirming the site could accept a 100,000m² development but restricting the height to RL90 (matching the existing building).

In order to provide a viable and acceptable design outcome for the site (retention of RL90 and 100,000 square metres being incompatible and impracticable parameters) the redevelopment proposed to change the planning controls for the site. Council resolved in 2011 through a Planning Proposal to seek a height increase to RL130 (as originally sought at the time of LEP 143 but rejected by State Government) and decrease the developable area to 60,000 square metres. The Planning Proposal results of extensive community consultation were reported to Council on 18 October 2011 whereby Council resolved to exhibit the proposal for a further 28 days reflecting the amendment to the location of height controls on the site as recommended by an independent planner commissioned by Councils department of planning. Following re-exhibition and subsequent gazettal of the amended Planning Proposal by the NSW Department of Planning and Infrastructure, the project proceeded with planning control parameters of RL130 (in a restrictive area) and 60,000 square meters of development potential.

As anticipated in the report from BEM Property, the project team began negotiations with Crown land resulting in a resolution by Council to compulsorily acquire adjacent road areas, with Crown Land’s consent, at nil cost to Council. This enabled the redevelopment site to be regularised and traffic routes to be aligned as originally anticipated in 2006 when development of both Precinct 2 and 1 were viewed as the combined revitalisation of Ryde Town Centre.

Following an open Expression of Interest process and a consequent “invitation-only” Request for Tenders process, the project team was able to report to Council in June 2012 that the potential outcome for Council, delivered by the preferred tenderer, Lend Lease Development, would be a fully redeveloped site including a new Council Office Building and a new Civic Centre for the community and public domain, in return for development rights for part of the site.

The Lend Lease submission was fully compliant with Council’s requirements for a sustainable 5 Green Star Civic Development (the Council’s Office and Civic buildings) and 4 Green Star Commercial Developments (the residential components). The Lend Lease design proposal was particularly interesting in its provision of public open space, landscaped areas and provision of all requirements within a 48,000 square metre area instead of the 60,000 square metres permitted by the planning controls.

The Lend Lease proposal was reported as producing a cost to Council at the end of ten years of \$11.9M (Base Case) or \$5.8M (Alternative Case) were Council to chose the option to make a fully reimbursable loan to the developer at a rate far lower than the developer could secure. The value flowing to Council from this project was forecast at \$79M.

ITEM 11 (continued)

At the conclusion of detailed negotiations with Lend Lease in September 2012, the Base Case cost to Council had been modified to \$6.5M, an improvement of \$5.4M and the Alternative Case, (due to Lend Lease's review of its funding model) , reduced to a cost to Council of \$5.3M. A further consequence of the negotiations was a reduction of the proposed end value to Council to \$73.9M, which must be considered in the light of the cost to Council of the base case proposal improving Councils cost position by \$5.4M.

The proposed outcome of the Civic Precinct redevelopment project was therefore to improve value from \$15,000,001 to \$73,900,000 at a cost to Council over ten years of \$6,500,000, resulting in new buildings for community and council staff, new public domain and infrastructure and completion of the revitalisation of Ryde Town Centre. This would have represented a return of \$58.9M for an expenditure of \$6.5M, (906% gain)

Project Cost Report

A review of the administration cost of this project to Council indicates some features that would not normally be encountered in a development of this type.

Planning Controls

The controls relating to this site (RL90 height and 100,000 square metres) area were incompatible with one another. For example, about 72,000 square metres only could be achieved on the land in the site footprint with the RL 90 (10 storey height limitation) building to all boundaries and ignoring any development control plans. Consequently the design outcome, were it remotely viable, would have been unacceptable. The project therefore had to include testing of feasibility principles with the local community, a planning proposal to change the Local Environment Plan, extensive community consultation and the provision of literature and a model to explain the planning proposal as fully as possible. Achieving these changes involved considerable input from Council's consultants assisting with Urban Design and Architecture and Urban Planning, Communications and Engagement before the new planning controls were gazetted by the Department of Planning and Infrastructure.

Land and Titles

Investigation of land holdings revealed two very unusual aspects for the redevelopment proposal. In contradiction of assumed ownership it was discovered that land immediately adjacent to the site, for example Parkes Street and Blaxland Road were not owned by the Council but by The Crown. The development required realignments of these areas to regularise the site and permit the traffic changes required by the Integrated Traffic Solution, (ITS), Stage 2 which had been contemplated by Council and the RTA when approving ITS Stage 1 that put in place traffic management methods to enable the Top Ryde shopping centre redevelopment to function.

ITEM 11 (continued)

The investigation also revealed that this ownership issue extended to land considered by Council as its own (part of Devlin Street) this land that had been leased by Council to Bevillesta Pty Ltd allowing the redevelopment of Top Ryde City.

In order to resolve these anomalies it became essential to acquire the adjacent land compulsorily from Crown Land. The Government agency was an enthusiastic partner to this action, recognising that Council, not Crown, had been maintaining the lands since 1875. The acquisition was completed amicably in a comparatively brief timescale but did involve Council incurring legal and survey fees.

The additional costs categories outlined above must be considered when analysing the expenditure of the project to date and undertaking market comparison exercises.

Cost Analysis

The overall cost of the redevelopment of the Civic Precinct was expected to be in the region of \$350M had the Project Delivery Agreement proceeded. Council's development and project management costs, including all external expertise from Stage 1 and 2 was forecast as \$4.62M. WTP, Councils cost auditor has concluded that this expenditure is well below the typical expenditure on a similar sized project, this is due to efficient program management and effective cash flow. In addition projects of this size and nature regularly experience periods of down time, this was not the case for the Civic Precinct Project as the initial program was followed rigorously; see **ATTACHMENT 5 – Ryde Civic Precinct Redevelopment - WTP Technical Advisor's Report, October 2012 - CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL.**

The funding made available for Stages 1, 2 and 3 (i.e 3a and 3b) by Council amounts to \$4.62M, but which includes work on a planning proposal and compulsory acquisition which would not normally form part of development expenditure, (a cost of \$430,000). This has been considered by WTP in their analysis leading WTP to conclude that Councils expenditure during stages 1 and 2 is 0.4% of total project costs whereby a similar project would expect to expend 1% of total project costs, representing a 60% reduction in expenditure.

Stages 1 and 2

These Stages covered the period from July 2010 until December 2011 but no significant expenditure occurred until January 2011. Stage 2 was shortened and effectively finished in October 2011 (invoices accrued to November 2011) rather than December 2011.

Budget \$2,020,000. Established through two Council Resolution of \$1,080,000 and \$940,000 respectively.

ITEM 11 (continued)

Actual Budget Stage 1/ 2 Expenditure = \$1,864,302

Under budget = \$155,698

7.7% under budget

Stage 3

For administration purposed this was divided into Stages 3a and 3b to reflect procurement and negotiation elements of the project.

Budget \$2,600,000. Established through Council Resolution on 18 October, 2011

Actual Budget Stage 3 Expenditure = 2,676,658

Budget Overrun = \$76,658.00

2.9% Over Budget

The reason the budget for this Stage was exceeded was due to the complex final phase of negotiating the Project Delivery Agreement with Lend Lease Development, a subsequent revision of the financial and risk analysis and the services of both Clayton Utz and Michael Collins & Associates for a Council Workshop on 19 September.

Conclusion

Stage 1 & 2 and Stage 3 Expenditure and Budget Reconciliation

The WTP reconciliation of the actual expenditure against the CoR approved budgets resulted in the total expenditure of **\$4,540,960**. This represents a **\$79,040** under expenditure against approved budget which equates to approximately 1.7% to the total CoR approved budget of **\$4,620,000** for Stages 1 & 2 and 3.

When comparing this project to other similar projects WTP have found that stages 1 and 2 are well under the normal expenditure and Stage 3 is within the standard expenditure range expected for projects of this size and nature.

The project tracked on program throughout stages 1-3 and incurred a very minor delay at the end of Stage 3. The efficient management of the program, effective development and project management and achieving milestones on time led to highly effective expenditure which is lower than other projects of this size and nature

Refer to **ATTACHMENT 5 – Ryde Civic Precinct Redevelopment - WTP Technical Advisor's Report, October 2012 – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL** for a full record of costs by consultant, financial year and Stage.

ITEM 11 (continued)

ATTACHMENT 3

**Ryde Civic Precinct Redevelopment
 Summary of Public Consultation and Council Meetings (public information)**

Date	Vehicle	Subject
7/12/04	Committee of the Whole	Commence negotiations with the Beville Group re MOU for CoR space in Top Ryde City
1/3/05	Committee of the Whole	Report of Top Ryde traffic and pedestrian Study by RTA
June 2005	Councillor Workshop	Consider future of all land in Ryde Town Centre as part of preparation for LEP 143
5/7/05	Committee of the Whole	Proposed sale of CoR land, subdivision and proceeds to Civic Precinct Reserve Account
4/10/05	Committee of the Whole	Put & Call option on CoR land sale and Agreement to Lease
November 2005	Councillor Workshop	Consider future of Civic Precinct and desire to redevelop in accordance with shopping centre
October – November 2005	Public Exhibition	Draft LEP 143 and supporting documents
17/11/05	Traffic Committee	Ryde Town Centre LEP Traffic Study
December 2005	Submission	DLEP 143 to Department of Planning (DoP) for gazettal
13/12/05	Council	Signing of Put & Call, Agreement to Lease, and associated transaction documents
14/2/06	Council	Council members appointed to PPP Project Control Group (PPP members = CoR, RTA and the Beville Group).
21/3/06	Committee of the Whole	Civic Precinct Committee Terms of Reference
May 2006	Submission Response	LEP 143 Gazetted RL130 reduced to RL91 and 100,000m ² preserved.
31/5/06	Civic Precinct Committee	Status Report
October 2006	Councillor Workshop	To confirm Civic Precinct Committee with new Councillors
1/5/07	Committee of the Whole	PPP Status Report
5/6/07	Committee of the Whole	Report on LEP 143 with 86% public support for RL130 and 100,000m ² on Civic Precinct Site
19/6/07	Committee of the Whole	Report for road widening to accommodate Integrated Traffic Solution for Top Ryde redevelopment
9/12/08	Civic Precinct Committee	Report of proposed Civic Precinct design process and Draft LEP to amend height limit from RL91 to RL130
23/12/08	Request	Letter to DoP advising Council's decision to seek amendment to change LEP height from RL91 to RL130
11/5/09	Response	DoP letter supporting proposed height amendment for LEP 143

ITEM 11 (continued)

ATTACHMENT 3

Date	Vehicle	Subject
17/11/09	Committee of the Whole	Reports DoP support for LEP amendment and that material be offered to Civic Precinct Committee early 2010 for approval
16/3/10	Civic Precinct Committee	Report of Civic Precinct proposed project methodology, recruit external consultants starting with Development Director, provided funding \$2.6M
2/11/10	Committee of the Whole	Sale and subdivision of CoR land to top Ryde City to facilitate top Ryde redevelopment and compliance with Integrated Traffic Solution
14/12/10	Council	Report to appoint consultants to Civic Precinct project team and proceed to next project gateway.
11/5/11	Civic Precinct Committee	Report of Communications and Engagement Plan for public consultation
June 2011	Development Feasibility Consultation	270 neighbouring residents invited by letter-drop to Feasibility Principles workshop for site redevelopment. 87 groups representing community, business and Hall users invited to separate workshops
August-Sept 2011 (6 week exhibition)	Planning Proposal Consultation	39,000 brochures distributed 270 adjacent households approached directly Drop-in and community day sessions held with development concept model available 550 neighbouring residents and 77 groups invited to sessions. 35 members of local Chambers of Commerce received a separate presentation. 1800 number set up for enquiries Special email address published for enquiries Special web pages enabled on Council's site Advertisements placed in local newspapers on 10 and 17 August and 7 and 14 September.
26/9/11	Council	Report on outcomes of community consultation on Planning Proposal
4/10/11	Council	Report on the condition of the Argyle Centre and Civic Centre
18/10/11	Extraordinary Council Meeting	Planning Proposal – Results of Community Consultation and Civic Precinct Program, Procurement, Budget and Financial Position Update
November 2011 (4 week exhibition)	Amended Planning Proposal Exhibition	Amended Planning Proposal.
13/12/11	Council	Report of outcomes from re-exhibition of amended Planning Proposal reflecting independent planner's recommendations
25/1/12	Open Letter from Mayor in local paper	Copy on website

ITEM 11 (continued)

ATTACHMENT 3

Date	Vehicle	Subject
14/2/12	Open Letter from Mayor in local paper	Copy on website
15/2/12	Civic Precinct Factsheet	Copy of website
21/2/12	Civic Precinct Committee	Redevelopment Stage 3 Status Update including planning/tender programs, Evaluation Panel members' CVs, EOI Probity and Risk & Audit reports
28/2/12	Council	Report of Civic Precinct Committee Minutes of 21 Feb 2012
7/3/12	Open Letter from Mayor in local paper	Copy on website
27/3/12	Council	Probity controls for access to Civic Precinct Redevelopment tender documents
4/4/12	Open Letter from Mayor in local paper	Copy on website
26/4/12	Q&A Session	Q&A Session held in office of John Alexander MP Member for Bennelong
1/5/12	Councillors Workshop	Presentations on Civic Precinct legal matters and Argyle Centre "highest and best use" options
1/5/12	Civic Precinct Committee	Stage 3 Update on EOI and RFT process and contract structure
8/5/12	Council	Report of the Civic Precinct Meeting held on 1 May 2012
6/6/12	Civic Precinct Committee	Presentation of Precinct Legal, Design and Financial outcomes from Tender process
6/6/12	Civic Precinct Committee	Report on Civic Precinct Redevelopment Tender
8/6/12	Civic Precinct Factsheet	Copy of website
12/6/12	Council	Report on Civic Precinct Redevelopment Tender from Civic Precinct Committee meeting of 6 June 2012. Rescission Notice lodged
16/6/12	Open Letter from Mayor in local paper	Copy on website
26/6/12	Council	Rescission Notice – Civic Precinct Redevelopment Tender from 12 June, 2012
27/6/12	Website – latest Civic Precinct update	Contains, Status Update Project timetable FAQs Links to

ITEM 11 (continued)

ATTACHMENT 3

Date	Vehicle	Subject
		Civic Precinct Committee Planning Proposal Facts Ryde Town Centre Key Documents Council & Committee Reports Original Planning Proposal Amended Planning Proposal Tender Evaluation Panel recommendation Open letters from Mayor Factsheets Mayor's video

ITEM 11 (continued)

ATTACHMENT 4

VALUATION REPORT

**GST Margin Scheme Valuations
Ryde Civic Centre & Carpark Sites
Devlin Street, Parkes Street &
Blaxland Road, Ryde**

**VALUATION DATE:
1st July, 2000**

VALUATION NO: 11-2763

ITEM 11 (continued)

ATTACHMENT 4



VALUATION REPORT

GST Margin Schemes Valuations

of

**Land at Devlin Street,
Parkes Street and Blaxland Road,
Ryde**

Date of Valuation: 1 July 2000

Date of Report: 15 December 2011

**Under instructions
from:**

**Mr Malcolm Harrild
Project Manager – Development
City of Ryde
1 Constitution Road
Ryde NSW 2112**

Valuation Number:

11-2763

Prepared by:

**BEM Property Consultants Pty Ltd
Level 4, 12 Mount Street
NORTH SYDNEY NSW 2059
Ph: (02) 8920 3044
Fax: (02) 8920 3055
Web: www.bemproperty.com.au**

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

Various Views of Subject Land



ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

Various Views of Subject Land



Land on the Corner of Blaxland Road and Parkes Street (Carpark Site)



ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

Cnr Blaxland Road and Devlin Street



Devlin Street Frontage



ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY	6
2. BACKGROUND & INSTRUCTIONS	9
3. LOCATION	10
4. ZONING	12
5. TITLE.....	14
6. LAND AREAS	14
7. IMPROVEMENTS	15
8. MARKET COMMENTARY.....	15
9. SALES EVIDENCE	16
10. VALUATION RATIONALE	20
11. PECUNIARY INTEREST.....	22
12. COMPANY QUALIFICATIONS.....	22
13. VALUATION.....	23

ANNEXURES TO THIS REPORT

COPIES OF:-

- TITLES
- DEPOSITED PLANS
- SURVEY SITE PLAN (Norton Survey Partners dated 14/06/2011)

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

1. EXECUTIVE SUMMARY

Property Address: Land on the corner of Devlin Street and Blaxland Road, the Corner of Blaxland Road and Parkes Street and a Section of Blaxland Road, at Ryde.

Purpose of Report: We have been instructed by Mr Malcolm Harrild of the City of Ryde Council to undertake a valuation of the subject property as at 1st July 2000 for Goods and Services Tax (GST) Margin Scheme purposes.

Brief Description: The subject property comprises the Ryde Civic Centre Site, The Council carpark on the corner of Blaxland Road and Parkes Street and part of Blaxland Road.

The majority of the land is relatively level, however the carpark site has a natural fall from the front to rear boundary and a cross fall in a northerly to southerly direction.

Erected upon the Civic Centre site is a 1960's multi-level office building, used as the Council offices and the adjoining Town Hall building.

Titles & Site Areas: The subject land comprises the following titles and site areas:

A. Ryde Council Owned Land

Lot 10, DP1110978	Folio Identifier 10/1110978	6,317m ²
Lot 12, DP1110978	Folio Identifier 12/1110978	1,347m ²
Lot Q, DP443304	Folio Identifier Q/443304	509.2m ²
Lot R, DP443304	Folio Identifier R/443304	497.3m ²
Lot S, DP443304	Folio Identifier S/443304	505.8m ²
Lot T, DP443304	Folio Identifier T/443304	490.4m ²
		9,666.7m²

B. Crown Land

Part of Blaxland Road (as shown hatched red on the annexed site plan). This land has no issued title but has been measured by Council to comprise a site area of approximately 5,625m².

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations - City of Ryde land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

Zoning:	<p>At the relevant date all Council owned land was zoned Special Uses 5(a) – Public Buildings under the provisions of the Ryde Planning Scheme.</p> <p>The subject section of Blaxland Road was unzoned roadway in 2000.</p> <p>In 2006 the Council land was rezoned Business (Town Centre) under LEP143 and on 30 June 2010 the land was rezoned B4 Business Mixed Use.</p>
Purpose of Valuation:	To establish the current market value of the subject land as at 1 July 2000 for GST margin scheme purposes.
Basis of Valuation:	The unencumbered market value of the subject property (on a vacant possession basis) as at 1 July 2000.
Definition of Market Value:	<p>The Australian Property Institute has adopted the following International Assets Valuation Standards Committee definition of Market Value:</p> <p><i>“Market value is the estimated amount for which a property should exchange on the date of Valuation between a willing buyer and a willing seller in an arms length transaction, after proper marketing, wherein the parties had each acted knowledgeably, prudently, and without compulsion”;</i></p>
Date of Inspection:	13 December 2011
Date of Valuation:	1 July 2000
Interest Valued:	Unencumbered Freehold title subject to vacant possession.
Statement of Conflict of Interest:	The writer wishes to advise that BEM Property Consultants Pty Ltd has provided an unbiased opinion of value and does not have any pecuniary interest in the subject property for the purpose of this Valuation or otherwise.

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

VALUATION: We are of the opinion that market value of the subject land, subject to vacant possession as at 1 July 2000, for GST Margin Scheme purposes is:

A. Ryde Council Land	
(i) Civic Centre Site (Lots 10 & 12 DP 1110978).....	\$13,200,000
(ii) Carpark Site (Lots Q-T DP 443304).....	\$1,800,000
B. Crown Land	
Part of Blaxland Road (Untitled).....	\$1.00
Total \$15,000,001	

Note: The above amount is exclusive of Goods and Services Tax.

This Valuation Summary provides a brief overview of the contents of this Valuation Report and does not constitute a Valuation in its own right. We recommend that the full Valuation Report, which contains specific information relative to forming our Valuation conclusion, be fully read in addition to the Valuation Summary.

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

2. BACKGROUND & INSTRUCTIONS

City of Ryde Council owns various land holdings bounded by Devlin Street, Blaxland Road and Parkes Street, at Top Ryde and which is known collectively as the Ryde Civic Centre Site.

There is also a section of Blaxland Road, part of which is to be included within the overall site, however this land is presently owned by the Crown but is to be transferred to Council for consideration in accordance with the Just Terms Act, with the remaining portion then being dedicated by Council as public road following final subdivision of the total site.

Council therefore require two (2) separate current market valuations for GST Margin Scheme purposes as at 1st July, 2000, in compliance with the Australian Taxation Office (ATO) guidelines, of:

- (a) land owned by Ryde Council (hatched red on the attached site survey plan). This land comprises approximately 9,666.7m² and is contained within the following titles:

Lot 10, DP 1110978	Folio Identifier 10/1110978	6,317m ²
Lot 12, DP 1110978	Folio Identifier 12/1110978	1,347m ²
Lot Q, DP 443304	Folio Identifier Q/443304	509.2m ²
Lot R, DP 443304	Folio Identifier R/443304	497.3m ²
Lot S, DP 443304	Folio Identifier S/443304	505.8m ²
Lot T, DP 443304	Folio Identifier T/443304	490.4m ²
		9,666.7m²

(NB: Lot 12 is Statum Land – please refer to the annexed Title and Deposited Plan 1110978)

and

- (b) Blaxland Road, being land owned by the Crown (shown with red hashing on the attached plan). This land has no issued title but has been surveyed to comprise an estimated area of approximately 5,625m².

We note that the valuations will be relied upon by Council in the calculation of their GST liability and our formal margin scheme valuations will also be made available to the ultimate purchaser of the land, for their own calculation of GST using the margin scheme.

We note the directions given by the Australian Taxation Office in their publication Valuations for the Margin Scheme, and confirm our full understanding of what is required in such a valuation and confirm our compliance with the qualification prerequisites required of the professional valuer.

Council requires two separate valuations to be carried out. Both valuations are to be carried out as at 1 July 2000.

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

Valuation 1 – Ryde Council Land: This valuation is to be carried out in respect of that part of the Ryde Civic Centre Site described in Section 3(a) above. When carrying out this valuation the valuer is instructed that:

- (a) the interest to be valued is the market value of the freehold-in-possession of the land;
- (b) the land is to be valued having regard to its zoning as at the date of valuation;
- (c) the land is to be valued assuming that no improvements had been erected upon the land, or appertain to the land, as at the date of valuation.

Valuation 2 – Blaxland Road Land: This valuation is to be carried out in respect of that part of the Ryde Civic Centre Site described in Section 3(b) above. When carrying out this valuation the valuer is instructed that:

- (a) the interest to be valued is the market value of the freehold-in-possession of the land;
- (b) the land is to be valued having regard to its zoning (as a road) as at the date of valuation;
- (c) the land is to be valued assuming that no improvements had been erected upon the land, or appertain to the land, as at the date of valuation.

3. LOCATION

Ryde is located approximately 13 kilometres west of the Sydney CBD and is administered by the City of Ryde Council.

The subject property comprises three (3) parcels of land being:

- (i) The Council Civic Centre site which has its primary frontage to Devlin Street and backs onto Blaxland Road;
- (ii) The Council carpark site, which is situated on the corner of Blaxland Road and Parkes Street, and
- (iii) Part of Blaxland Road, situated between the above two (2) parcels of land.

The surrounding locality is generally serviced by general commercial and retail outlets, with the greater surrounding area comprising residential developments of mixed ages, styles and building materials. The relatively new Top Ryde Shopping Centre is located directly opposite the Civic Centre property.

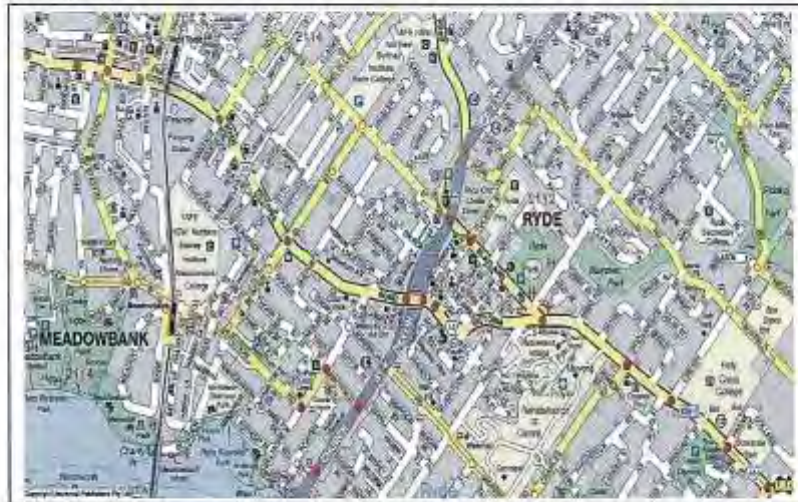
Please refer to the following locality map and aerial photograph:

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

Locality Map



Aerial Photograph



ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Bialand Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

4. ZONING

4.1 Council Land

The Ryde Civic Centre Site, known as 1 Devlin Street, Ryde and the Carpark Site were zoned "Special Uses 5(a) – Public Buildings" under the Ryde Planning Scheme as at 1 July 2000.

The permitted uses on such zoned land, only with the consent of the responsible authority, are as follows:

"Any purpose ordinarily incidental or subsidiary to a purpose to a public building, drainage; open space; roads; telecommunication facilities; utility installations other than gas holders or generating works)."

We are advised by Council that there was no floor space ratio (FSR) or height controls which applied to the land.

The City of Ryde Local Environmental Plan 143, was gazetted on 29 May 2006, and this LEP applied to the subject Council land and the Top Ryde Shopping Centre site. Both sites were rezoned to **Business (Town Centre)**.

The aims of this plan are as follows:-

- (a) Re-zone land known as Top Ryde to 'Business (Town Centre)',
- (b) Amend the Ryde Planning Scheme Ordinance as set out, including but not limited to the definitions of "storey" and "net usable area",
- (c) Promote the objectives of the URBAN VILLAGES STUDY (1995) and TOP RYDE RETAIL PRECINCT – RECOMMENDED MASTER PLAN (1998),
- (d) To encourage the revitalization of Ryde Town Centre as a Centre that services the community,
- (e) To enhance the civic role and character of Ryde Town Centre,
- (f) To encourage a mix of land uses that will contribute to the sustainability of the area,
- (g) To enhance accessibility and public transport, and
- (h) To enhance the public domain and achieve high quality urban design outcomes.

Under the LEP 143, the existing Civic Centre Site was identified as development precinct Site No.1 - Civic, whilst the Top Ryde Shopping Centre was identified as Site No.2 - Retail Centre.

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

Schedule 19 sets out the Planning Controls of the Ryde Town Centre, in respect to the eight (8) precincts differentiated by land use, building height, urban form and character. Briefly, there are a number of conditions in respect to both Precinct 1 – Civic and Precinct 2 – Town Core, with the most relevant being as follows:-

Precinct 1 – Civic

- Public buildings; places of assembly; shops; refreshment rooms; recreation facilities; commercial premises; child care centres; and residential flat buildings may be approved.
- No part of any building or structure (excluding antennae) may exceed RL B9.3AHD.
- Buildings must respond to the prominent ridge line, location, and demonstrate land mark qualities and design excellence.
- Landscape set-backs to street frontages of 7 metres required around all buildings.
- Pedestrian thoroughfare not less than 4 metres wide and running approximately east-west across the site.
- Shops restricted to ground floor level or below.

The subject land was further rezoned by the City of Ryde Local Environmental Plan 2010, as gazetted on 30 June 2010, to B4 Business Mixed Use. We are advised by Council that this current zoning allows apartments, offices and ground floor shops. Whilst we understand that the maximum potential gross floor area (GFA) of development was initially envisaged of being up to 100,000m², following a review by Council planning and design consultants the maximum GFA is to be reduced to 60,000m².

We are advised that Council had first considered the possibility of a major redevelopment of their Civic Centre site as far back as 1995.

4.2 Crown Land

Under the Ryde Planning Scheme the subject land was designated as unzoned public roadway as at 1st July, 2000.

4.3 Heritage

We have been advised by an Officer of Council's Town Planning Department, that the subject building is not heritage listed.

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

5. TITLE

5.1 Council Sites

This site currently comprises two (2) contiguous allotments comprising the Civic Centre site (Devlin Street) and four (4) contiguous allotments comprising the carpark site (cnr Blaxland Road and Parkes Street), as follows:-

Civic Centre Site

- * Lot 10 in Deposited Plan 1110978 Folio Identifier 10/1110978
- * Lot 12 in Deposited Plan 1110978 Folio Identifier 12/1110978

Carpark Site

- * Lot Q in Deposited Plan 443304 Folio Identifier Q/443304
- * Lot R in Deposited Plan 443304 Folio Identifier R/443304
- * Lot S in Deposited Plan 443304 Folio Identifier S/443304
- * Lot T in Deposited Plan 443304 Folio Identifier T/443304

NB: All lots are subject to various easements and encumbrances as noted on the annexed copies of each title document.

5.2 Registered Proprietor

The Council of the Municipality of Ryde is the registered proprietor on all of the above titles.

5.3 Blaxland Road

At the relevant date of valuation the subject section of Blaxland Road was owned by the Crown.

6. LAND AREAS

6.1 Ryde Civic Centre

Lot 10, DP1110978	6,317m ²
Lot 12, DP1110978(Stratum)	1,347m ²
Lot Q, DP443304	509.2m ²
Lot R, DP443304	497.3m ²
Lot S, DP443304	505.8m ²
Lot T, DP443304	490.4m ²
Total	9,666.7m²

6.2 Crown Land

No title – 5,625m² per annexed Survey Site Plan.

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

7. IMPROVEMENTS

7.1 Lot 10

Erected upon Lot 10 is the Ryde Civic Centre. The Ryde Civic Centre was constructed during the 1960's, and comprises an older style commercial building constructed of red texture brick with a curved façade. The building has secured car basement parking for thirty-three (33) motor vehicles, a ground floor reception, customer service and general administration office area, and five (5) upper levels of office and administration building.

Our instructions are to assume the land is vacant so we have not undertaken a detailed inspection of the building.

7.2 Lot 12

Vacant Land

7.3 Lots Q, R, S and T

Paved carparking with marked spaces with driveway ingress and egress from Blaxland Road.
Vacant land to the north of the Civic Centre.

8. MARKET COMMENTARY

8.1 Economic Overview

Australia economic growth is closely linked to the world prices for commodities such as agricultural products, minerals, metals and fossil fuels.

Commodities account for 57% of the value of total Australian exports, so fluctuations in commodity prices has a significant impact upon our economy.

Whilst Australia suffered from low economic growth and high unemployment in the early 1990s the economy showed solid annual growth of 4% per annum for the five (5) years leading up to the year 2000.

The Federal Government of the day, led by John Howard introduced a Goods and Services Tax (GST) from 1 July 2000.

Whilst nearly all Asian economies had suffered economic turmoil in the late 1990s the expectation was that Australia was a relatively stable economy with future growth dependent

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

upon international commodity prices, the extent of recovery in nearly all Asian economies, and the strength of US and European markets.

8.2 Real Estate Market

In July 2000, in concert with the introduction of GST into the Australian economy, the Government of the day also introduced a First Home Owners Scheme (FHOS) designed to compensate for price increases associated with the introduction of GST. It was not until March 2001 when the additional FHOS was introduced as a short term stimulus that the first home buyer market showed an immediate positive effective.

Whilst the stimulus helped the real estate market another key driver was the low prevailing interest rate environment at that time. The standard variable home loan rate at July, 2000 was 6.55% and this remained steady for the following 12 month period.

The medium house price in Sydney in July 2000 was \$320,000 which rose steadily to a peak of \$550,000 in July 2004. Unit prices for the corresponding period were \$250,000 and \$375,000 respectively. The commercial, industrial and retail markets in 2000 were relatively steady.

9. SALES EVIDENCE

In undertaking our valuation assessments we have undertaken analysis of sales evidence of predominantly vacant land sites capable of being developed for commercial evidence, residential and mixed uses.

9.1 Commercial Land Sales

- Address:** 924 Pacific Highway, Gordon (Corner of Ryde Road)
Sale Price: \$6,375,000
Sale Date: 13 December 2000
Site Area: 7,407m²
Description: A commercial redevelopment site sold with a D.A. for a 7,500m² NLA office building. Purchased by Abigroup.
Analysis: \$861/m² of site area
\$773/m² of Gross Floor Area (GFA). (NLA @ 1.1 = GFA).
- Address:** Lot 101 Delhi Road, North Ryde
Sale Price: \$4,596,000
Sale Date: 3/5/02
Site Area: 13,133 m² (approx.)
Description: This property comprised vacant development land (Lot 101 in DP871858) which was reserved for road use and transferred from the Roads & Traffic Authority to the State Rail Authority of N.S.W. for the proposed Chatswood to Parramatta rail link.

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

	<i>Analysis:</i>	Sale shows \$350/m ² of site area.
3.	<i>Address:</i>	Epping Road, North Ryde
	<i>Sale Price:</i>	\$9,760,000
	<i>Sale Date:</i>	3/5/02
	<i>Site Area:</i>	27,950 m ² (approx.) (Lot B DP 345815 & Lot 100 DP 871858)
	<i>Description:</i>	This property comprised an industrial development site which was zoned "Part Industrial, Part Road Reservation". The vendor was The Dept. of Education, with the purchaser being the State Rail Authority of N.S.W. for the proposed Chatswood to Parramatta rail link.
	<i>Analysis:</i>	Sale shows \$349/m ² of site area and GFA.
4.	<i>Address:</i>	8 Giffnock Avenue, North Ryde
	<i>Sale Price:</i>	\$2,900,000
	<i>Sale Date:</i>	22/10/02
	<i>Site Area:</i>	4,935 m ² (approx.)
	<i>Description:</i>	This property was zoned for industrial use and comprised an industrial site which, at the date of sale, had development approval for the construction of a commercial office building of 8,932 m ² . The high land rate reflects the current development approval. The vendor was the Colonial First State Property Trust Group, with the purchaser being the Commonwealth Property Office Fund.
	<i>Analysis:</i>	Sale shows \$588/m ² of site area \$295/m ² of GFA.
5.	<i>Address:</i>	301-303 Lane Cove Road, North Ryde
	<i>Sale Price:</i>	\$12,000,000
	<i>Sale Date:</i>	20/12/01
	<i>Site Area:</i>	24,600 m ² (approx.)
	<i>Description:</i>	This comprised a commercial development site zoned "3F – Business Centre". The vendor was the Minister Administering the Environmental Plan & Assessment Act, with the purchaser being Thunder Birds Are Go Pty Limited. Property developed at the Eden Gardens Plan Nursery.
	<i>Analysis:</i>	Sale shows \$488/m ² of site area and floor space area.
6.	<i>Address:</i>	8 Waterloo Road, North Ryde
	<i>Sale Price:</i>	\$17,645,000
	<i>Sale Date:</i>	3/5/02
	<i>Site Area:</i>	5.1379 hectares
	<i>Description:</i>	This site comprised an industrial development site with a road reservation. The vendor was the Dept. of Urban Affairs & Planning, with the purchaser being the State Rail Authority of N.S.W.
	<i>Analysis:</i>	Sale shows \$343/m ² of site area.

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

9.4 Residential and Mixed Use Development Site Sales

1. **Address:** 1-3 Oxford Street, Epping
Sale Price: \$1,875,000
Sale Date: 30 June 2000
Site Area: 982m²
Description: A mixed use development site located opposite Epping railway station. The property was sold with a DA for 18 units and 284m² of retail space. Estimate gross floor area (GFA) of 2,100m²
Analysis: \$1,909/m² of site area
\$893/m² of estimated GFA.

2. **Address:** 293 Kissing Point Road, Dundas
Sale Price: \$1,062,000
Sale Date: 5 April 2000
Site Area: 2,856m²
Description: A long, narrow site that falls away from the road and adjoins a busy roadway. Now developed with 9x3 bedroom villas.
Analysis: \$372/m² of site area
\$843/m² of estimated GFA.

3. **Address:** 12-16 Station Street, Homebush
Sale Price: \$8,100,000
Sale Date: 30 May 2000
Site Area: 7,664m²
Description: A large vacant site sold with a DA for 189 apartments. This site is located very close to Homebush Railway station.
Analysis: \$1,057/m² of site area
\$429/m² of GFA.

4. **Address:** 947 Victoria Road, West Ryde, cnr Anzac Lane
Sale Price: \$2,100,000
Sale Date: 14th August, 2000
Site Area: 1,290 square metres
Description: The subject property comprised, at the date of sale, a redevelopment site with direct frontage to Victoria Road, West Ryde. Subsequent development approval had been gained for the construction of 24 residential units and 4 commercial strata office areas at ground floor level.
Analysis: Shows \$1,628/m² of site area.
Shows \$691/m² of GFA.

5. **Address:** 13 Hassall Street, Parramatta
Sale Price: \$7,500,000
Sale Date: 1st December, 2000

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

	Site Area:	3,187 square metres
	Description:	This property comprises a development site with DA for 172 residential units and 231 car spaces. Purchased by Meriton
	Analysis:	Shows \$2,353/m ² of site area. Shows \$436/m ² of GFA.
6.	Address:	Ashfield Boys High School Oval – Hume Highway, Ashfield
	Sale Price:	\$8,750,000
	Sale Date:	1 st August, 2000
	Site Area:	8,872 square metres
	Description:	A large site purchased by Meriton who announced at the time of purchase that they intended to seek approval to construct some 169 apartments and 9 shops.
	Analysis:	Shows \$986/m ² of site area. Shows \$492/m ² of GFA.
7.	Address:	16 Dorahy Street, Dundas
	Sale Price:	\$7,400,000
	Sale Date:	21 st November, 2001
	Site Area:	19,100 square metres
	Description:	The subject property comprised a vacant site which was zoned "Residential" and was purchased by Australand Holdings Limited for medium density development. This site comprises open fields with minor improvements and adjoins Marist Brothers School on Marsden Road. The site is ideal for either single residential or medium density development subject to approval.
	Analysis:	Shows \$387/m ² of site area.
8.	Address:	100 Belmore Street, Meadowbank (Cnr Well Street)
	Sale Price:	\$7,100,000
	Sale Date:	14 th June, 2001
	Site Area:	7,232 m ²
	Description:	A redevelopment site with residential and commercial permissible uses. We understand the site was totally approved for residential development only, with commercial development to be undertaken upon another site. Approval for 115 units. This site is situated close to the Parramatta river.
	Analysis:	Shows \$982/m ² of site area. Shows \$617/m ² of GFA.
9.	Address:	84 Belmore Street, Meadowbank
	Sale Price:	\$5,000,000
	Sale Date:	12 th July, 2000
	Site Area:	14,200 m ²
	Description:	An old industrial site with various buildings that was sold by

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

Analysis: tender and purchased by Nassif Bros, residential developers. The site was zoned Industrial but was later rezoned Mixed Use under the Meadowbank Employment Area Masterplan with a 50/50% commercial/residential use. In 2007 the split was amended to 30% commercial and 70% residential. Shows \$352/m² of site area. Shows \$617/m² of GFA.

9.5 Local Single Residential Sales

1. *Address:* 4 Samuel Street, Ryde
Sale Price: \$382,000
Sale Date: 13th December, 2000
Site Area: 753.7 square metres
Description: A modest 3 bedroom single bathroom cottage
Analysis: Shows \$347/m² of site area deduced land value allowing \$120,000 for the added value of the improvements.

2. *Address:* 6 Colston Street, Ryde
Sale Price: \$395,000
Sale Date: 29th September, 2000
Site Area: 575.4 square metres
Description: A 4 bedroom cottage in close proximity to the subject land.
Analysis: Shows \$382/m² of site area deduced land value allowing \$175,000 for the added value of the improvements.

10. VALUATION RATIONALE

Our approach to the valuation of the subject lands owned by Council at July, 2000 is to consider each parcel as future mixed use redevelopment sites at that date, having regard to the analysed sales evidence of such land, and to then adjust the applicable value rates to reflect the fact that the lands did not have the appropriate zoning at that time.

We consider this to be a logical approach given the history of the zoning of these lands which were subsequently rezoned to allow mixed use development and which had been considered by Council as potential redevelopment lands as far back as the mid 1990's.

With respect to the subject portion of Blaxland Road, we consider it appropriate to adopt a nominal value on the same as the land has always been used as public roadway and it is intended to be dedicated by Council and maintained for the same public use in the future.

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

A summary table of the site sales evidence used and our valuation calculations are set out to follow:

Table of Site Sales Evidence									
	Address	Suburb	Sale Date	Sale Price	Site Area m ²	Est GFA	Rate/m ² Site	Rate/m ² GFA	Comp. to Subject
Commeceial	1 904 Pacific Hwy	Gordon	13/12/2000	\$6,375,000	7,407	8,250	\$861	\$773	<
	2 Lot 101 Deilli Rd	Nth Ryde	3/05/2002	\$4,596,000	11,133	13,133	\$350	\$350	=
	3 Epping Rd	Nth Ryde	3/05/2002	\$9,750,300	27,950	27,950	\$349	\$349	=
	4 8 Giffnock Ave	Nth Ryde	22/10/2002	\$2,900,000	7,905	9,825	\$365	\$295	=
	5 301-303 Lane Cove Rd	Nth Ryde	20/12/2001	\$12,000,000	24,600	24,600	\$488	\$488	=
	6 8 Waterloo Rd	Nth Ryde	3/05/2002	\$17,645,000	51,379	51,379	\$343	\$343	=
Residential	7 1-3 Oxford St	Epping	30/06/2000	\$1,875,000	982	2,100	\$1,909	\$893	<
	8 293 Kissing Pt Rd	Dundas	5/04/2000	\$1,062,000	2,856	1,260	\$372	\$843	<
	9 12-18 Station St	Hornsby	10/05/2000	\$8,200,000	7,664	18,900	\$1,057	\$419	>
	10 947 Victoria Rd	West Ryde	14/08/2000	\$2,100,000	1,290	3,040	\$1,628	\$691	<
	11 13 Hassall Street	Parramatta	1/12/2000	\$7,500,000	3,187	17,200	\$2,353	\$438	=
	12 Home Hwy	Ashfield	1/08/2000	\$8,750,000	8,872	17,400	\$985	\$492	>
	13 1b Darahy Street	Dundas	22/11/2001	\$7,400,000	19,100	19,100	\$167	\$367	>
	14 100 Belmore St	Meadowbank	14/06/2001	\$7,100,000	7,232	11,300	\$982	\$617	=
	15 84 Belmore St	Meadowbank	12/07/2000	\$5,000,000	14,200	14,200	\$352	\$252	>

Valuation Calculations:

1. Civic Centre Site

Site Area 7,664 m²
Adopted FSR @ 5:1 38,320 m² GFA

Value per square metre of GFA per sales evidence \$550 /m²
i. Defer rate (PV) for 6 yrs at 8% = \$347 /m²
ii. Full rate discounted at 35% to 40% = \$344 /m²
Adopt \$345 /m² \$13,226,978 Adopt \$13,200,000

2. Carpark Land

Site Area 2,002 m²
Adopted FSR @ 2:1 4,004 m² GFA

Value per square metre of GFA per sales evidence \$700 /m²
i. Defer rate (PV) for 5 yrs at 8% = \$441 /m²
ii. Full rate discounted at 35% to 40% = \$438 /m²
Adopt \$439 /m² \$1,758,995 Adopt \$1,800,000

3. Blaxland Road

Site Area 5,625 m²

Adopt nominal value due to use as public roadway Adopt \$1

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations - City of Ryde Land at Devlin Street, Parkies Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

11. PECUNIARY INTEREST

We hereby certify that Ian Richard Blackall and BEM Property Consultants Pty Ltd does not have any direct, indirect or financial interest in the property or the Clients described herein, which would provide a biased opinion of value.

12. COMPANY QUALIFICATIONS

This valuation has been prepared on specific instructions from **City Of Ryde Council** and may only be relied upon for **GST Margin Scheme**

This valuation is current as at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period (including as a result of general market movements or factors specific to the particular property). We do not accept liability for losses arising from such subsequent changes in value. Without limiting the generality of the above comment, we do not assume any responsibility or accept any liability where this valuation is relied upon after the expiration of 3 months from the date of valuation, or such earlier date if you become aware of any factors that have any effect on the valuation.

The report is not to be relied upon by any other person or for any other purpose. We accept no liability to third parties nor do we contemplate that this report will be relied upon by third parties. We invite other parties who may come into possession of this report to seek our written consent to them relying on this report. We reserve the right to withhold consent or to review the contents of this report in the event that our consent is sought.

DATE OF INSPECTION

13th December 2011

DATE OF VALUATION

1 July 2000

ITEM 11 (continued)

ATTACHMENT 4

Property: GST Valuations – City of Ryde Land at Devlin Street, Parkes Street and Blaxland Road, Ryde
Valuation Date: 1 July 2000
Report Number: 11-2763

13. VALUATION

WE ESTIMATE THE CURRENT MARKET VALUE OF THE FOLLOWING SUBJECT PROPERTIES, AS AT 1st JULY 2000, WITH VACANT POSSESSION AND SUBJECT TO ALL THE DETAILS REFERRED TO HEREIN, AT:

A. RYDE COUNCIL LAND

i. CIVIC CENTRE SITE (Lots 10 & 12 in Deposited Plan 1110978)

THIRTEEN MILLION TWO HUNDRED THOUSAND DOLLARS\$13,200,000

ii. CARPARK SITE (Lots Q, R, S & T in Deposited Plan 443304)

ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS \$1,800,000

B. BLAXLAND ROAD LAND (Untitled)

ONE DOLLAR\$1.00

Note 1: These valuation amounts are exclusive of GST

Per:



Ian Blackall FAPI CPV CPP
Registered Valuer No. VAL528
Director
BEM Property Consultants Pty Ltd



Richard Montague AAPI CPV CPP
Director
BEM Property Consultants

Note:

The person who appears as the second signatory on this report has not inspected the subject property, nor physically inspected the sales and/or rental evidence within this report. However, the report has been checked as part of our internal quality assurance requirements for risk management.

ITEM 11 (continued)

ATTACHMENT 4

**FOLIO IDENTIFIERS
TITLE DOCUMENTS**

ITEM 11 (continued)

ATTACHMENT 4



Order number: 8154849
Your Reference: ian - ryde
20/01/12 11:29

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 10/1110978

SEARCH DATE	TIME	EDITION NO	DATE
20/1/2012	11:29 AM	1	31/7/2007

LAND

LOT 10 IN DEPOSITED PLAN 1110978
AT RYDE
LOCAL GOVERNMENT AREA RYDE
PARISH OF HUNTERS HILL COUNTY OF CUMBERLAND
TITLE DIAGRAM DP1110978

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF RYDE

SECOND SCHEDULE (12 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS (S.536AA LOCAL GOVERNMENT ACT, 1919) WITHIN THE PART(S) SHOWN SO INDICATED IN THE TITLE DIAGRAM
- 2 RESERVATIONS AND CONDITIONS WITHIN THE PART(S) SHOWN SO INDICATED IN THE TITLE DIAGRAM - SEE CROWN GRANT(S)
- 3 2973123 LEASE TO SYDNEY ELECTRICITY OF SUBSTATION PREMISES NO. 1355 AS SHOWN IN THE TITLE DIAGRAM & M6622 TOGETHER WITH RIGHT OF WAY AND EASEMENT FOR ELECTRICITY PURPOSES. EXPIRES: 31/12/2039.
- 4 9918511 LEASE TO STATE TRANSIT AUTHORITY OF NEW SOUTH WALES OF PART OF "RYDE CIVIC CENTRE" BEING AN AREA OF 43 SQUARE METRES SHOWN IN PLAN (PAGE 22) WITH 9918511. EXPIRES: 31/12/2005. OPTION OF RENEWAL: 5 YEARS WITH 1 FURTHER PERIOD OF 5 YEARS.
- 5 DP1110978 EASEMENT FOR WATER SUPPLY PURPOSES 6 METRE(S) WIDE AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 6 DP1110978 EASEMENT FOR SUPPORT 0.15 METRE(S) WIDE REFERRED TO AND NUMBERED (4) IN THE S.88B INSTRUMENT AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 7 DP1110978 EASEMENT FOR SUPPORT 0.15 METRE(S) WIDE REFERRED TO AND NUMBERED (5) IN THE S.88B INSTRUMENT APPURTENANT TO THE LAND ABOVE DESCRIBED
- 8 DP1110978 EASEMENT FOR EXISTING STRUCTURE VARIABLE WIDTH APPURTENANT TO THE LAND ABOVE DESCRIBED
- 9 DP1110978 EASEMENT FOR PARKING AND STORAGE VARIABLE WIDTH LIMITED IN HEIGHT AND DEPTH REFERRED TO AND NUMBERED (10) IN THE S.88B INSTRUMENT APPURTENANT TO THE LAND ABOVE DESCRIBED
- 10 DP1110978 EASEMENT FOR ACCESS VARIABLE WIDTH LIMITED IN HEIGHT

END OF PAGE 1 - CONTINUED OVER

PRINTED ON 20/1/2012

ITEM 11 (continued)

ATTACHMENT 4

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 10/1110978

PAGE 2

SECOND SCHEDULE (12 NOTIFICATIONS) (CONTINUED)

AND DEPTH REFERRED TO AND NUMBERED (11) IN THE S.88B
INSTRUMENT APPURTENANT TO THE LAND ABOVE DESCRIBED
11 DP1110978 BASEMENT TO DRAIN WATER OVER EXISTING LINE OF PIPES
APPURTENANT TO THE LAND ABOVE DESCRIBED
12 DP1110978 RIGHT OF WAY 4 METRE(S) WIDE AFFECTING THE PART(S)
SHOWN SO BURDENED IN THE TITLE DIAGRAM

NOTATIONS

UNREGISTERED DEALINGS: DP1157410.

*** END OF SEARCH ***

PRINTED ON 20/1/2012

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

© State of New South Wales through Land and Property Information (2012)

SAI Global Property Division an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.

ITEM 11 (continued)

ATTACHMENT 4



Order number: 8154848
Your Reference: lan - ryde
20/01/12 11:29

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 12/1110978

SEARCH DATE	TIME	EDITION NO	DATE
20/1/2012	11:29 AM	1	31/7/2007

LAND

LOT 12 IN DEPOSITED PLAN 1110978
AT RYDE
LOCAL GOVERNMENT AREA RYDE
PARISH OF HUNTERS HILL COUNTY OF CUMBERLAND
TITLE DIAGRAM DP1110978

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF RYDE

SECOND SCHEDULE (8 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS WITHIN THE PART(S) SHOWN SO INDICATED IN THE TITLE DIAGRAM - SEE CROWN GRANT(S)
- 2 DP1110978 EASEMENT FOR CONSTRUCTION ACCESS LIMITED IN HEIGHT AND DEPTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 3 DP1110978 EASEMENT FOR OPERATIONS AND REPAIRS VARIABLE WIDTH LIMITED IN HEIGHT AND DEPTH AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 4 DP1110978 EASEMENT FOR SUPPORT 0.15 METRE(S) WIDE REFERRED TO AND NUMBERED (4) IN THE S.88B INSTRUMENT APPURTENANT TO THE LAND ABOVE DESCRIBED
- 5 DP1110978 EASEMENT FOR SUPPORT 0.15 METRE(S) WIDE REFERRED TO AND NUMBERED (5) IN THE S.88B INSTRUMENT AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 6 DP1110978 EASEMENT FOR ACCESS VARIABLE WIDTH LIMITED IN HEIGHT AND DEPTH REFERRED TO AND NUMBERED (7) IN THE S.88B INSTRUMENT AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE DIAGRAM
- 7 DP1110978 EASEMENT FOR PARKING AND STORAGE VARIABLE WIDTH LIMITED IN DEPTH REFERRED TO AND NUMBERED (8) IN THE S.88B INSTRUMENT APPURTENANT TO THE LAND ABOVE DESCRIBED
- 8 DP1110978 EASEMENT FOR PARKING AND STORAGE VARIABLE WIDTH LIMITED IN DEPTH REFERRED TO AND NUMBERED (9) IN THE S.88B INSTRUMENT APPURTENANT TO THE LAND ABOVE DESCRIBED

NOTATIONS

UNREGISTERED DEALINGS: DP1157410.

*** END OF SEARCH ***

PRINTED ON 20/1/2012

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

© State of New South Wales through Land and Property Information (2012)
SAI Global Property Division an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 95B(2) of the Real Property Act 1900.

ITEM 11 (continued)

ATTACHMENT 4



Order number: 8154848
Your Reference: iah - ryde
20/01/12 11:29

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: Q/443304

SEARCH DATE	TIME	EDITION NO	DATE
20/1/2012	11:29 AM	-	-

VOL 12312 FOL 42 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT Q IN DEPOSITED PLAN 443304
LOCAL GOVERNMENT AREA RYDE
PARISH OF HUNTERS HILL COUNTY OF CUMBERLAND
TITLE DIAGRAM DP443304

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF RYDE

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 G960751 COVENANT
- 3 G960751 CROSS EASEMENTS (S181 B CONVEYANCING ACT, 1919)
AFFECTING THE PARTY WALL(S) SHOWN ON THE COMMON
BOUNDARY OF LOTS Q AND R IN DP443304

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 20/1/2012

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

© State of New South Wales through Land and Property Information (2012)
SAI Global Property Division an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.

ITEM 11 (continued)

ATTACHMENT 4



Order number: 8154849
Your Reference: lan - ryde
20/01/12 11:29

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: R/443304

SEARCH DATE	TIME	EDITION NO	DATE
20/1/2012	11:29 AM	-	-

VOL 12513 FOL 16 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT R IN DEPOSITED PLAN 443304
LOCAL GOVERNMENT AREA RYDE
PARISH OF HUNTERS HILL COUNTY OF CUMBERLAND
TITLE DIAGRAM DP443304

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF RYDE

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 G960751 CROSS EASEMENTS (S181 B CONVEYANCING ACT, 1919)
AFFECTING THE PARTY WALL(S) SHOWN ON THE COMMON
BOUNDARY OF LOTS Q AND R IN DP443304

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 20/1/2012

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

© State of New South Wales through Land and Property Information (2012)
SAI Global Property Division an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.

ITEM 11 (continued)

ATTACHMENT 4



Order number: 8154849
Your Reference: lan - ryde
20/1/12 11:29

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: S/443304

SEARCH DATE	TIME	EDITION NO	DATE
20/1/2012	11:29 AM	1	8/6/1990

LAND

LOT 8 IN DEPOSITED PLAN 443304
LOCAL GOVERNMENT AREA RYDE
PARISH OF HUNTERS HILL COUNTY OF CUMBERLAND
TITLE DIAGRAM DP443304

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF RYDE (T Z53794)

SECOND SCHEDULE (3 NOTIFICATIONS)

- RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- N892152 CROSS EASEMENTS (S181 B CONVEYANCING ACT, 1919)
AFFECTING THE PARTY WALL(S) SHOWN ON THE COMMON
BOUNDARY OF LOTS S AND T IN DP443304
- P311737 EASEMENT FOR DRAINAGE AFFECTING THAT PART OF THE
LAND DESCRIBED SHOWN 2.5 METRES WIDE AND 1.2 METRES
WIDE ON WITH ANNEXED TO TRANSFER NO P311737

NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 20/1/2012

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

© State of New South Wales through Land and Property Information (2012)
SAI Global Property Division an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.

ITEM 11 (continued)

ATTACHMENT 4



Order number: 8154849
Your Reference: lan - ryde
20/01/12 11:29

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: T/443304

SEARCH DATE	TIME	EDITION NO	DATE
20/1/2012	11:29 AM	-	-

VOL 12513 FOL 17 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT T IN DEPOSITED PLAN 443304
LOCAL GOVERNMENT AREA RYDE
PARISH OF HUNTERS HILL COUNTY OF CUMBERLAND
TITLE DIAGRAM DP443304

FIRST SCHEDULE

THE COUNCIL OF THE MUNICIPALITY OF RYDE

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 N892152 CROSS EASEMENTS (S181 B CONVEYANCING ACT, 1919)
AFFECTING THE PARTY WALL(S) SHOWN ON THE COMMON
BOUNDARY OF LOTS S AND T IN DP443304

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 20/1/2012

* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

© State of New South Wales through Land and Property Information (2012)
SAI Global Property Division an approved NSW Information Broker hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with section 96B(2) of the Real Property Act 1900.

ITEM 11 (continued)


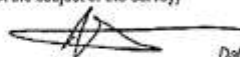

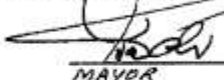
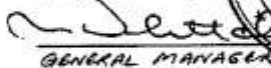
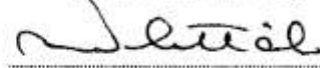




ATTACHMENT 4

DEPOSITED PLANS

ITEM 11 (continued)

ATTACHMENT 4

Req:R319452 /Doc:DP 1110978 P /Rev:01-Aug-2007 /Sts:SC.OK /Prt:20-Jan-201
Ref:2687pg5:ALL /Seq:5 of 6


CERTIFICATES, SIGNATURES AND SEALS Sheet 1 of 2 sheet(s)	
<p>PLAN OF SUBDIVISION OF LOT 1 D.P121099, LOT 1 D.P124534, LOT 1 D.P187329 & LOT 1 D.P234520</p>	<p style="text-align: center; font-size: 24pt;">DP1110978</p> <p>Registered:  30.7.2007</p>
<p style="text-align: center;">Surveying Regulation, 2001</p> <p>I, CHRISTOPHER THOMAS NORTON</p> <p>of NORTON SURVEY PARTNERS P/L P.O. BOX 289 ROZELLE 2039</p> <p>a surveyor registered under the Surveying Act, 2002, certify that the survey represented in this plan is accurate, has been made in accordance with the Surveying Regulation, 2001 and was completed on: MAY 2006</p> <p>The survey relates to LOTS 10-12</p> <p>(specify the land actually surveyed or specify any land shown in the plan that is not the subject of the survey)</p> <p>Signature:  Dated: 22.05.07 Surveyor registered under the Surveying Act, 2002</p> <p>Datum Line: A-B Type: Urban/Rural</p>	<p>SIGNATURES, SEALS and STATEMENTS of intention to dedicate public roads or to create public reserves and drainage reserves.</p> <p><i>THE COMMON SEAL OF THE COUNCIL OF THE CITY OF RYDE WAS HERETO AFFIXED THIS 25th DAY OF MAY 2007 IN PURSUANCE OF A RESOLUTION PASSED BY COUNCIL ON THE 15th DAY OF MAY 2007</i></p> <p style="text-align: center;"></p> <p style="text-align: center;"> MAYOR</p> <p style="text-align: center;"> GENERAL MANAGER</p>
<p style="text-align: center;">Crown Lands NSW/Western Lands Office Approval</p> <p>I, In approving this plan certify (Authorised Officer) that all necessary approvals in regard to the allocation of the land shown herein have been given</p> <p>Signature: Date: File Number: Office:</p>	<p>Signed for SYDNEY WATER CORPORATION by its Attorneys JEFFREY FRANCIS COLENZO</p> <p>ROSS ROLAND WYNN</p> <p>who hereby state at the time of executing this instrument have no notice of the revocation of the Power of Attorney Registered No. 323 Book 446 under Authority of which this instrument has been executed.</p>
<p style="text-align: center;">Subdivision Certificate</p> <p>I certify that the provisions of s.108J of the Environmental Planning and Assessment Act 1979 have been satisfied in relation to:</p> <p>the proposed SUBDIVISION set out herein (insert 'subdivision' or 'new road')</p> <p style="text-align: center;"></p> <p>* Authorised Person/General Manager/Accredited Certifier</p> <p>Consent Authority: City of Ryde Date of Endorsement: 29.5.07 Accreditation no: Subdivision Certificate no: 5846 File no: LDH85/599</p> <p>* Delete whichever is inapplicable.</p>	<p>SIGNED SEALED AND DELIVERED for and on behalf of EnergyAustralia by GRANT KENNETH GREENE SMITH its duly constituted Attorney pursuant to Power of Attorney registered Book 4476 No. 983</p> <p style="text-align: center;"> Attorney</p> <p style="text-align: center;"> Witness</p> <p style="text-align: center;"> BEVILLE'S P.A. 17</p> <p style="text-align: center;"> Beville</p> <p style="text-align: center;">Use PLAN FORM 6A for additional certificates, signatures and seals</p>
<p>SURVEYOR'S REFERENCE: 33651-DP1</p>	

* OFFICE USE ONLY

ITEM 11 (continued)

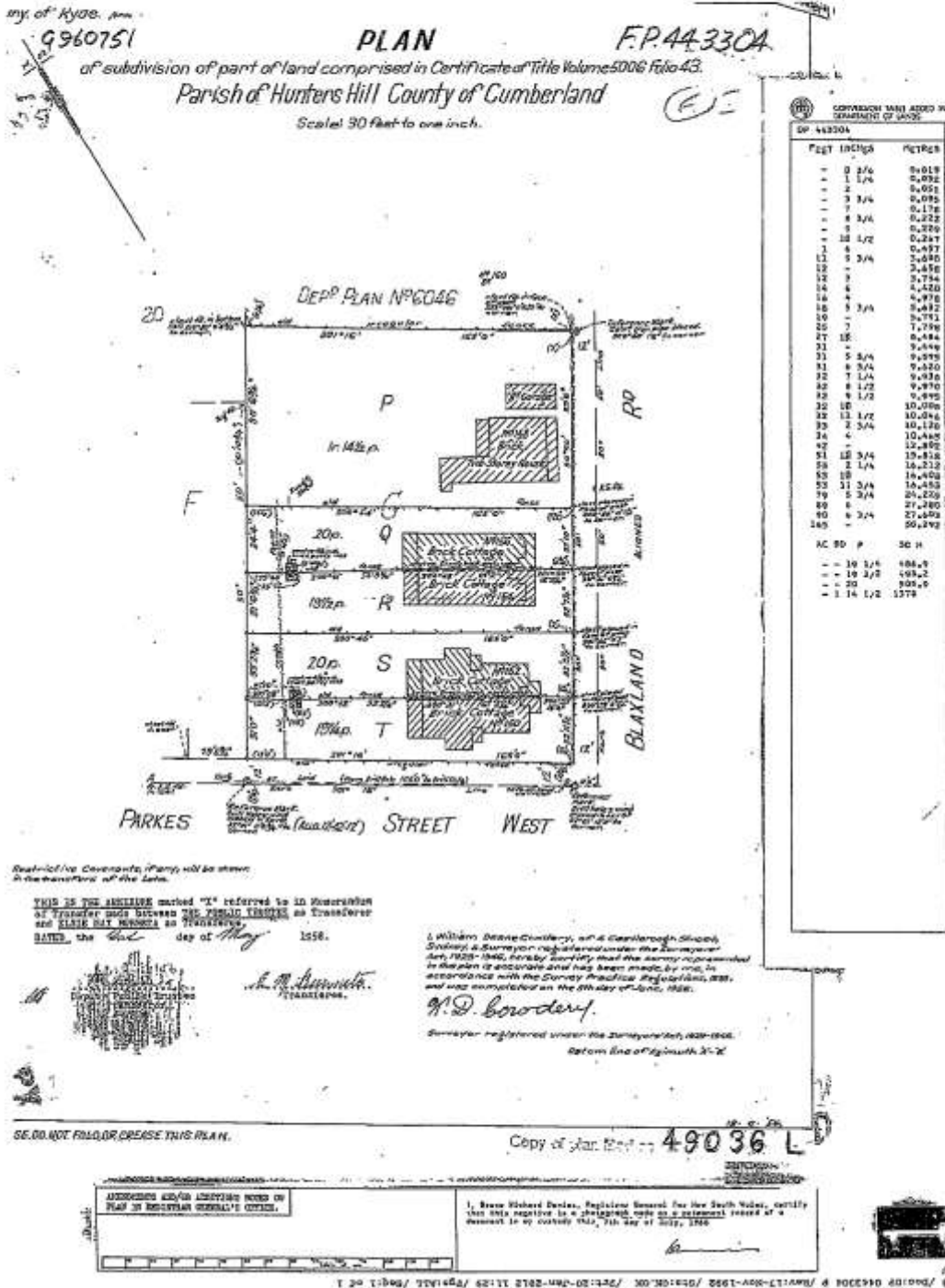
ATTACHMENT 4

Req:R319452 /Doc:DP 1110978 P /Rev:01-Aug-2007 /Sts:SC.OK /Prt:20-Jan-201
Ref:2857964:ALL /Seq:6 of 6

CERTIFICATES, SIGNATURES AND SEALS		Sheet 2 of 2 Sheet(s)
<p>PLAN OF</p> <p>SUBDIVISION OF LOT 1 D.P121099, LOT 1 D.P124534, LOT 1 D.P187329 & LOT 1 D.P234520</p>	<p>DP1110978</p>	<p>* OFFICE USE ONLY</p>
	<p>Registered:  30-7-2007</p>	
<p>Subdivision Certificate No: 5646</p>		<p>Date of Endorsement: 29-5-07</p>
<p>SURVEYOR'S REFERENCE: 33651-DP1</p>		

ITEM 11 (continued)

ATTACHMENT 4



ITEM 11 (continued)

ATTACHMENT 4

SURVEY SITE PLAN

ITEM 11 (continued)

ATTACHMENT 4



12 REPORTS DUE TO COUNCIL

Report prepared by: Meeting Support Coordinator

File No.: GRP/12/5/5/5 - BP12/1187

REPORT

This Report is submitted to Council to review the status of outstanding reports and confirm the date reports are due to be provided to Council as at 6 November 2012.

Below is a status table showing the number of reports listed, the number completed since the last update, the number added since the last update and the percentage of those reports that were completed within the stated timeframe.

Report date	Volume			Current reports		Completed reports			Performance	
	Number of reports listed	Number of reports added (since last report)	Number of reports COMPLETED (to be removed following this report)	Number of reports overdue	Number of reports due and on track/in time	Number of reports COMPLETED and in time	Number of reports COMPLETED overdue	% of reports COMPLETED	% of reports overdue (completed and pending)	% of reports in time (completed and pending)
14/02/11	33		7	2	24	6	1	21%	9%	91%
15/03/11	31	5	8	3	20	7	2	29%	16%	87%
2/05/11	32	9	9	5	16	9	1	31%	19%	78%
6/06/11	31	8	5	5	21	4	1	16%	19%	81%
19/07/11	33	7	10	6	17	2	8	30%	42%	58%
16/08/11	35	12	8	6	21	4	4	23%	29%	71%
20/09/11	36	9	7	7	21	3	5	22%	33%	67%
15/11/11	40	11	20	6	14	9	11	50%	43%	58%
28/02/12	37	17	11	0	26	7	4	30%	11%	89%
27/03/12	29	3	9	1	19	9	0	31%	3%	97%
24/04/12	28	8	3	3	22	2	1	11%	14%	86%
22/05/12	32	7	3	5	24	2	1	9%	19%	81%
24/07/12	37	8	17	5	15	11	6	46%	30%	70%
28/08/12	25	5	8	4	13	5	3	32%	28%	72%

ITEM 12 (continued)

13/11/12	27	10	4	7	16	3	1	15%	30%	70%
----------	----	----	---	---	----	---	---	-----	-----	-----

ATTACHED is a graph showing the volume of outstanding reports and the number of completed reports over the period 14 February 2011 to present.

There are currently 27 reports listed. Following consideration of this report there will be seven overdue reports due to Council.

RECOMMENDATION:

That the report on Outstanding Council Reports be endorsed.

ATTACHMENTS

- 1 Performance Data - Report to Council - 13 November 2012
- 2 Outstanding Council Reports as at 6 November 2012

Report Prepared By:

Amanda Janvrin
Meeting Support Coordinator

Report Approved By:

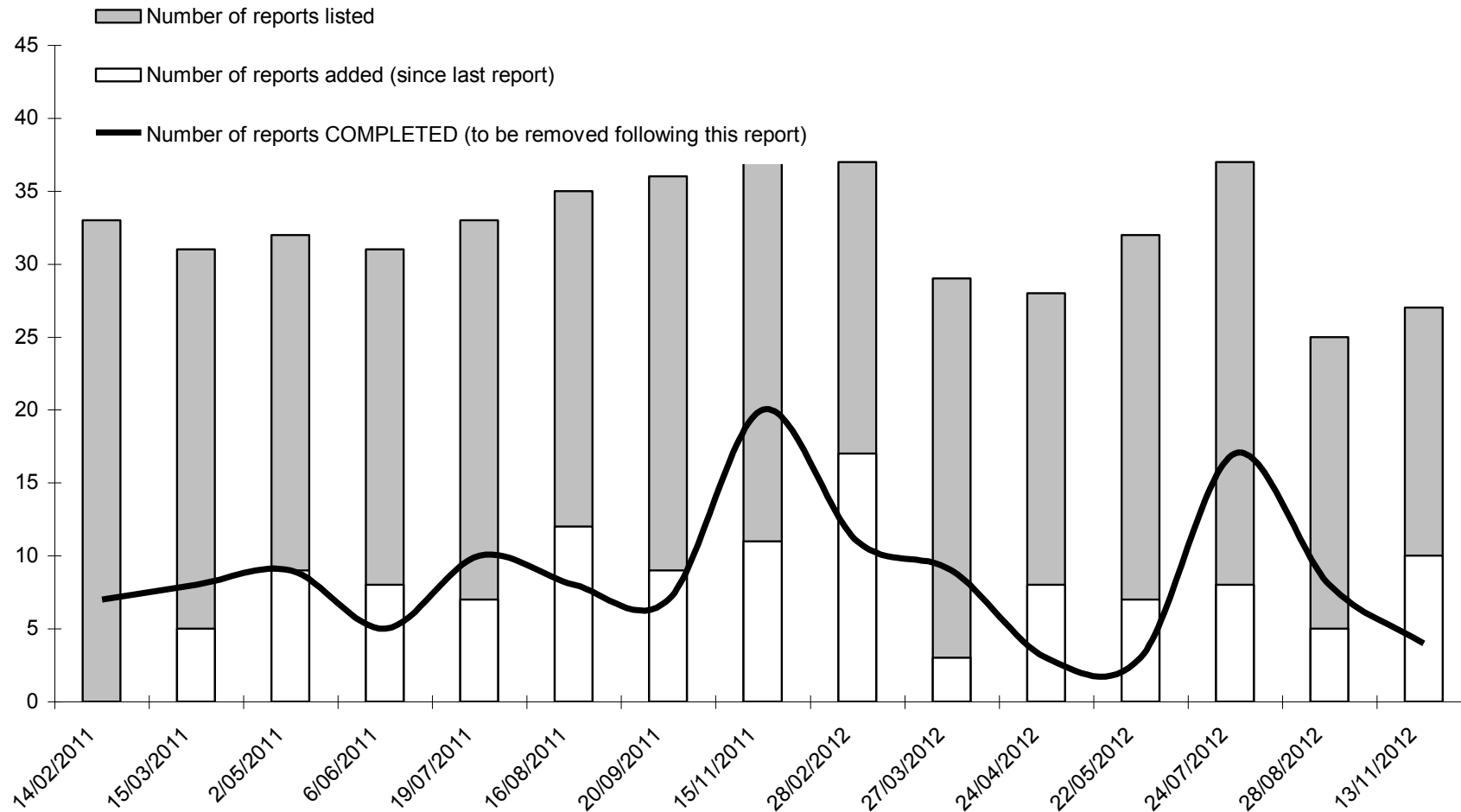
Shane Sullivan
Manager - Governance

Roy Newsome
Group Manager - Corporate Services

ITEM 12 (continued)

ATTACHMENT 1

Outstanding Reports to Council
Volume of outstanding reports



ITEM 12 (continued)

ATTACHMENT 2

Outstanding Reports

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council Meeting Date 23/08/2011	ESTABLISHMENT OF A LOCAL PLANNING PANEL - COMPLETED (b) That a report be provided to Council regarding the composition of the Joint Regional Planning Panel.	25/09/2012 Anticipated date 25/09/2012	Note: As the current membership of Ryde's delegates to the Panel has expired, a report will be brought to the new Council seeking two delegates for the Joint Regional Planning Panel.
Group Environment and Planning		Officer Liz Coard	Reported to Council as part of External Committee Membership Report. COMPLETED (To be removed following Council Meeting 13 November 2012)

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Meeting Date 22/11/2011	MAYORAL MINUTE 15/11 - CUDAL RESERVE PUTNEY AND SMALLS ROAD RYDE (a) That the Mayor and General Manager pursue meetings with the relevant State Government Ministers with the purpose of: (1) ensuring that both sites remain in public ownership; (2) ensuring that the zoning of both sites reflects public ownership; (3) obtaining the dedication of Cudal Reserve as a park under the care, control and management of the City of Ryde in perpetuity at no cost to Council; (4) obtaining the dedication of the ovals within the former school site at Small's Road as a park under the care, control and management of the City of Ryde in perpetuity at no cost to Council.	Anticipated date 23/10/2012	<i>Consultation with Department of Planning and Infrastructure and Relevant State Ministers undertaken.</i> <i>Still awaiting response from the relevant State Ministers.</i>
Group Community Life		Officer Tatjana Domazet	
(b) That this matter be reported back to Council.			

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council Meeting Date 22/11/2011	POTENTIAL DEVELOPMENT PARTNERSHIP ARRANGEMENT FOR COULTER STREET CAR PARK (b)On completion of the highest and best use study a full report be brought to Council for its consideration.	26/06/2012 Anticipated date 27/11/2012	Negotiations with the Gladestville RSL have been extended due to their need to remodel a proposal which complies with our DCP and LEP. Draft proposal is ready to present to Council. A meeting has been scheduled to discuss the way forward on 14 November 2012.
Group General Manager		Officer John Neish	

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	SKATEBOARD CLINICS FOR ALL AGES AND ABILITIES IN THE CITY OF RYDE	28/02/2013	Skateboard Clinics are scheduled for 11th July 2012.
Meeting Date 13/12/2011	(e) That a further report be presented to Council in February 2013 at the conclusion of the series of skate clinics.	Anticipated date 28/02/2013	Clinics conducted in July. Report will be provided after September School Holidays.
Group Community Life	Officer Fiona Morrison	Report to be provided in 2013.	Further skate clinics provided in October school holiday with 65 young people in attendance.

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	DEERLE STREET - Submissions on Public Notification of Proposed Lease	1/05/2012	Council staff are negotiating with the property owner. The report will not be finalised until if or when satisfactory agreement is reached. If Council is unable to reach a satisfactory agreement the report maybe delayed.
Meeting Date	That this matter be deferred for one month to allow staff to liaise with the legal representative of the property owners and for a further report for the Committee's consideration.	Anticipated date 23/10/2012	Remains on-going - no updated information yet available.
Group		Officer	
Public Works		Russell Nash	Updated 25/6/12: Anticipated date of report amended now to 23 October 2012.
			Updated 8/10/12: Deferred until 27 November 2012 - awaiting communication from resident's Solicitor.

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	BEST VALUE REVIEW - SPORTSGROUND ALLOCATION AND MANAGEMENT	23/10/2012	<i>To be reported on 23 October 2012 following review and consultation.</i>
Meeting Date 27/03/2012	That Council fund and support the recommendations for the implementation of the Best Value Review, subject to a comprehensive review of the season charges being undertaken in consultation with the sport clubs and associations with costed options for consideration and that all results of the review be brought back to Council. The options to include:- <ul style="list-style-type: none"> (i) No increase; (ii) 7% increase for 3 years; (iii) Any other options. 	Anticipated date 23/10/2012 Officer Tajana Domazet	<i>Matter to be reported to the Works and Community Committee following consultation with the Sport and Recreation Advisory Committee (February 2013).</i>
Group Community Life			

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community Meeting Date 10/04/2012 Group Community Life	FEASIBILITY STUDY ON MULTIPURPOSE SYNTHETIC (ARTIFICIAL) FIELDS 1. That the General Manager prepare a feasibility study on multipurpose synthetic (artificial) fields to be installed in the City of Ryde. This study should outline a comprehensive consultation process, projected financial impacts, construction cost estimates and a funding and grants program with all sports facility users and stakeholders in the LGA. 2. A report detailing possible sports funding grants through the State and Federal Governments in the next financial year to assist in this project should also be undertaken. 3. A feasibility study cost be funded through the 2012/13 First Quarter Budget review.	Anticipated date 20/11/2012 Officer Tajana Domazet	The Workshop on Synthetic Fields has been scheduled for 8 August 2012. To be reported to the Works and Community Committee on 20 November 2012. The Workshop was attended by 50 people including the NSW State Minister for Sport and Recreation. Participating in the NSROC project on regional approach for provision of synthetic fields. Project brief completed and quotes sought from consultants. Funds requested as part of Quarterly Review Process, as per Council Resolution. Once funds are allocated, the project will commence.

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	FLOODING AT FIRST AVENUE, EASTWOOD	24/07/2012	Report anticipated on 24 July 2012.
Meeting Date 24/04/2012	That the General Manager investigate the issue of flooding on the southern side of First Avenue, Eastwood and provide a report to Council within three months outlining options for consideration.	Anticipated date 21/10/2012	Update: 9 July 2012. Report is currently being prepared for the Works & Community Committee at its meeting to be held on 7 August 2012.
Group Public Works		Officer Anthony Ogle	Update: 30 July 2012. It has been necessary to postpone this Report until 16 October 2012 for further research and investigation.
			Update: 8 October 2012. Research and investigation continues - anticipated that Report will be presented to Works & Community Committee at its meeting on 6 November 2012.

06-Nov-12

Page 8 of 26

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Meeting Date 24/04/2012	Group Environment and Planning	Anticipated date Meryl Bishop	Officer Meryl Bishop
	COX'S ROAD MASTERPLAN (b) That a further report be provided to Council following the public exhibition period.		The exhibition period has been completed and the submission to the Cox's Rd Master Plan are currently being considered. A report will be put to Council when the verification and assessment of submissions is complete. Delayed pending ICAC investigation.

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	THE CITY OF RYDE PRECINCT REDEVELOPMENT STAGE 3 – STATUS REPORT - COMPLETED	30/11/2012	<i>COMPLETED - Council decided not to proceed with this.</i>
Meeting Date 8/05/2012	(b) That a detailed report which recommends the most appropriate course of action for the redevelopment of the Argyle Centre site be prepared for Council by November 2012, which examines how Council can utilise a shared equity scheme; the National Rental Affordability Scheme and a partnership with a social housing company. The report to specifically include :- (1) A detailed financial and cash flow model (including an option for Council to borrow funds) for developing each of options 2 and 3 for the redevelopment of the Argyle Centre as outlined in this report. The model be designed to deliver 10 to 15 affordable / key worker housing units and provides Council with the best sustainable revenue stream possible considering Council's appetite for risk.	Anticipated date 27/1/2012	<i>COMPLETED (To be removed following Council Meeting 13 November 2012)</i>
Group		Officer	
General Manager		Mich Com	
(a) The most appropriate governance, procurement and management model required to manage redevelopment risk, oversee the redevelopment of the Argyle Centre site and			

06-Nov-12

Page 10 of 26

ITEM 12 (continued)

ATTACHMENT 2

		<p>manage any housing stock which Council may retain in its ownership for each of options 2 and 3 as outlined in this report.</p> <p>(iii) An open space concept plan relating to the future development of the Ryde City Bowling Club and the Argyle Centre site.</p>		
	<p>Meeting Type Council</p>	<p>Resolution WATER BOTTLE REFILL STATIONS IN OPEN SPACE</p>	<p>Due Date of Report 16/10/2012</p>	<p>Comments/Update Will be reported to Works and Community Committee Meeting on the 20th of November 2012.</p>
	<p>Meeting Date 12/06/2012</p>	<p>That this matter be deferred pending a further report on alternate systems including those that are not chilled.</p>	<p>Anticipated date 16/10/2012</p>	
	<p>Group Community Life</p>		<p>Officer Tajana Domazet</p>	

06-Nov-12

Page 11 of 26

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	<p>Meeting Date</p> <p>19/06/2012</p> <p>Group Public Works</p> <p>Resolution TRAFFIC & PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 24 May 2012 - (g) NELSON ROAD, GLADESVILLE - Request for 2P Restrictions</p> <p>iii. A further report be brought back to this committee in three (3) months time to advise on the "effectiveness" of the parking changes.</p>	<p>Anticipated date 20/11/2012</p> <p>Officer Ramesh Desai</p>	<p>Report to Council anticipated 20 November 2012.</p>

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type Council	Resolution GLADESVILLE VACATION CARE SERVICE- Transfer to Gladsville Public School P&C	Due Date of Report 30/06/2013	Comments/Update <i>This report will be provided after 12 months as per the resolution</i>
Meeting Date 26/06/2012	(c)That Council staff review and report to Council on the above arrangements (to ensure service continues to meet the needs of families) after 12 months.	Anticipated date 30/06/2013	
Group Community Life		Officer Baharak Sabebehkhan	
Meeting Type Council	Resolution DEFERRED REPORT: WEBCASTING OF COUNCIL MEETINGS	Due Date of Report 26/02/2013	Comments/Update <i>Software and hardware currently being sourced.</i>
Meeting Date 17/07/2012	(c)That a report be provided to Council following the conduct of the 2012 Local Government Election outlining the outcomes of the trial and recommending appropriate changes to Council's Code of Meeting Practice.	Anticipated date 26/02/2013	<i>The provisions for webcasting have already be included in the draft Code of Meeting practice. This matter has been deferred by Council for consideration at a Workshop</i>
Group Corporate Services		Officer Shane Sullivan	

06-Nov-12

Page 13 of 26

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	WOLFE ROAD NEIGHBOURHOOD FORUM UPDATE	18/09/2012	<i>Will be reported to the Works and Community Committee on the 6th of November 2012.</i>
Meeting Date 24/07/2012	(d) That Council request a further report be submitted to Council's Works and Community Committee on the outcome of the 7-part test for the changes to the Reserve, the proposed location of the delineation fence and Council's management plan for the Wolfe Road Reserve.	Anticipated date 18/09/2012	
Group Community Life		Officer Tajana Domazet	

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	HERITAGE ADVISORY COMMITTEE – RYDE WHARF		A report will be put to the Works and Community Committee when a response has been received. The date of this report will be determined by the date a response is received.
Meeting Date	(b) That Council write to the appropriate Minister and the Roads and Maritime Services seeking them to undertake the works to upgrade Ryde Wharf at Shepherds Bay and that the response be reported back to the Works and Community Committee Meeting.	Anticipated date	The response from RMS was followed up in August with an invitation to present to the Works and Community Committee. RMS is yet to respond.
Group	Environment and Planning	Officer	Meryl Bishop

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	DRAFT RYDE LEP 2011 - SUBMISSIONS	11/12/2012	A workshop will be held following the 2012 Local Government Election and a subsequent report will be put to Council.
Meeting Date 24/07/2012	That Council defer the Draft LEP 2011 until all verbal submissions made at the Council meeting of 24 July 2012 have been addressed with a further report to the next Council, elected at the 2012 Local Government Election.	Anticipated date 27/11/2012	Workshop scheduled for 6 November 2012 and Council Report scheduled for 27 November 2012 pending outcome of the workshop.
Group Environment and Planning		Officer Meryl Bishop	

06-Nov-12

Page 16 of 26

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council Meeting Date 21/08/2012	DEFERRED NOTICE OF MOTION: MORRISON BAY PARK That Council consider the possibility of lighting the section of the pathway along Morrison Bay Park as part of the 2012/13 budget. That a report be prepared to Council with an implementation plan, including consideration of all lighting options including LED and solar with a full cost comparison and in accordance with all objectives underlined in the Morrison Bay Park Plan of Management.	Anticipated date Officer Anthony Ogle	

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	DEFERRED NOTICE OF MOTION: EASTWOOD FEASIBILITY STUDIES- SCOPE OF WORK	11/12/2012	<i>A workshop has been scheduled for the 6th of November to brief the Councillors on the planned feasibility studies for Eastwood.</i>
Meeting Date 21/08/2012	That before any expenditure is made on the following approved projects in the 2012-2016 Management Plan:	Anticipated date	
Group Community Life	<ul style="list-style-type: none"> - Feasibility study for a community hub in Eastwood - Feasibility study for expanding the library service in Eastwood 	Officer Baharak Sahebkhani	
	Council staff first report back to Council to obtain Councillors' feedback on the intended scope of the studies and how the studies will be carried out.		

06-Nov-12

Page 18 of 26

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council Meeting Date 25/09/2012	ADVISORY AND EXTERNAL COMMITTEES - Appointment of Delegates - COMPLETED That Council postpone the nomination of Councilors to Advisory Committees and conduct a workshop, noting that a review is currently being undertaken of the Advisory Committee Structure, in accordance with Council's previous resolution, with a further report to be provided back to Council for its consideration by November 2012.	27/11/2012 Anticipated date 27/11/2012 Officer Shaune Sullivan	Council subsequently resolved that this be considered at an Extraordinary Council meeting on 16 October 2012. COMPLETED (To be removed following Council Meeting to be held 13 November 2012)

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	ADVISORY COMMITTEE STRUCTURE	27/11/2012	<i>Expressions of Interest collected. Report to be provided to Council on 27 November 2012.</i>
Meeting Date 16/10/2012	(a) That the following Advisory Committees be convened for a term of 12 months, subject to a report back to Council: <ul style="list-style-type: none"> • Access. • Audit. • Bicycle. • Community Harmony Reference Group. • County Council Partnership. • Eastwood Events and Promotions. • Economic Development (including Macquarie Park). • Heritage. • Ryde Hunters Hill Joint Library Services. • Ryde Youth Council. • Sport and Recreation (including Wheeled Sports). • Status of Women. 	Anticipated date 27/11/2012	
Group Corporate Services		Officer Shane Sullivan	

(d) That following the closure of the Expression of Interest period a report be provided to Council at its meeting on 27 November 2012, to determine the representatives on all Advisory Committees.

ITEM 12 (continued)

ATTACHMENT 2

including Councillor nominations for each Committee:			
Meeting Type	Resolution	Due Date of Report	Comments/Update
Council Meeting Date 23/10/2012 Group Environment and Planning	PLANNING PROPOSAL - 108 HERRING ROAD MARSFIELD (c)That in the event of a gateway determination being issued pursuant to section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition and a further report be presented to Council as soon as practicable after the close of the community consultation period advising of the outcomes.	Anticipated date Officer Liz Cord	

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	MATTER OF URGENCY - ALLENGROVE CRESCENT DEVELOPMENT CHALLENGE - COMPLETED	13/11/2012	COMPLETED (To be removed following Council Meeting to be held 13 November 2012)
Meeting Date 23/10/2012	(b) That Council provide detailed legal advice to Connellors on a Section 123 challenge, or any other possible challenges and that the advice be included in the business papers for the Council meeting of 13 November 2012.	Anticipated date 13/11/2012	
Group Environment and Planning		Officer Liz Coud	

06-Nov-12

Page 22 of 26

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	MATTER OF URGENCY – FORMATION OF FREE MOBILE PLAYGROUP SERVICES IN THE RYDE AREA	11/12/2012	<i>A report is being prepared for the 11th of December 2012 with options for Council's consideration.</i>
23/10/2012	That Ryde Council undertake an investigation into opportunities for the formation of free mobile playgroup services in the Ryde area. The investigation will result in a report to Council and will include the following: <ol style="list-style-type: none"> 1. Sources of funding or partner for the provision of the service. 2. Options for how the service is to be provided including the parts of Ryde where the service will best be utilised. 3. Any regulatory or legislative obligations that need to be met for the provision of the service. The report to be presented to Council by no later than December 2012 with a target start date for the provision of the service of July 2013.	Anticipated date Officer Baharak Sabeekhatiani	
Group Community Life			

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	958 VICTORIA ROAD, WEST RYDE, LOT 8 DP 819902, Local Development Application for alterations and additions to existing dwelling, LDA2012/0047	5/02/2013	
23/10/2012	That Local Development Application No. 2012/47 at 958 Victoria Road, West Ryde being LOT 8 DP 819902 be deferred to enable a mediation to occur between the applicant and the Group Manager – Environment and Planning with an outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.	5/02/2013	
Group Environment and Planning		Officer Liz Cowd	

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	<p>62 DARVALL ROAD, EASTWOOD, LOT 11 DP 6247, Local Development Application for demolition of existing dwelling and erection of a attached dual occupancy. L DA 2011/380</p>	5/02/2013	
23/10/2012	<p>That Local Development Application No. 2011/380 at 62 Darvall Road, Eastwood being LOT 11 DP 6247 be deferred for a mediation to be undertaken between the applicant, objectors and the Group Manager – Environment and Planning with an outcome in a timeframe that does not unduly delay the development application for the applicant and that the matter be returned to the Planning and Environment Committee for further determination within three months.</p>	5/02/2013	
<p>Group Environment and Planning</p>		<p>Officer Liz Coad</p>	

ITEM 12 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	COUNCIL WORKSHOPS AND INDUCTION SESSIONS	11/12/2012	<i>Report to be provided to Council in December 2012</i>
Meeting Date 23/10/2012	(c) That a full program of workshops for 2013 be provided to Council for endorsement.	Anticipated date 11/12/2012	
Group Corporate Services		Officer Shaun Sullivan	

PRECIS OF CORRESPONDENCE

1 DIVISION OF LOCAL GOVERNMENT ON-SITE INFRASTRUCTURE AUDIT

Report prepared by: Meeting Support Coordinator
File No.: GRP/12/5/5/5 - BP12/1303

CORRESPONDENCE:

Submitting correspondence from Mr Ross Woodward, Chief Executive, Division of Local Government dated 31 October 2012 regarding an on-site Infrastructure Audit and correspondence from Mr John Neish, General Manager to the Division of Local Government dated 2 November 2012.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Letter from the Division of Local Government regarding On-site Infrastructure Audit dated 31 October 2012
- 2 Letter to the Division of Local Government regarding On-site Infrastructure Audit dated 2 November 2012

Precis of Correspondence 1 (continued)

ATTACHMENT 1



 **Premier & Cabinet**
Division of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A303940
Your Reference:
Contact: Sonja Hammond
Phone: 02 4428 4143

Mr John Neish
General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

John
Dear Mr Neish

As you are aware, the Division of Local Government (the Division) is undertaking an Infrastructure Audit to provide the NSW Government with more accurate information relating to the state of council infrastructure assets and where the greatest investment needs exist.

A desktop audit of every NSW council is underway involving a review of the council's integrated planning and reporting documents, especially the asset management and long term financial planning documents and financial results for past years.

Another aspect of the Infrastructure Audit is an on-site audit of a number of councils. Ryde City Council has been selected for an on-site infrastructure audit.

The on-site audit aims to capture a holistic representation of council asset management within the State. Therefore, the selection of councils for on-site audits was determined to ensure a cross-section of circumstances was captured. Consideration was given to locality, asset types, significant projected increases to infrastructure requirements, strength of asset management plans and strategies and financial situations.

The on-site audit will assist in identifying best practice infrastructure backlog management principles already being implemented by councils and awareness of infrastructure management issues and the impact of sound asset management.

The Division has selected Morrison Low Consultants Pty Ltd to conduct the on-site audits. Morrison Low will contact Council directly to arrange dates and details of their visit. Physical inspections of assets will be a part of the audit.

A key outcome of this project is to identify precisely where the infrastructure needs are, which will assist the State Government in determining infrastructure priorities.

I would like to thank you for your Council's participation in this very important project.

Yours sincerely
Ross Woodward 31/10/12
Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet

T 02 4428 4100 F 02 4428 4199 TTY 02 4428 4209
E dlj@dlj.nsw.gov.au W www.dlg.nsw.gov.au ABN 59 567 863 195



Precis of Correspondence 1 (continued)

ATTACHMENT 2



Mr Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet
Locked Bag 3015
NOWRA NSW 2541

2 November 2012

Our Ref: D12/86023



Dear Mr Woodward

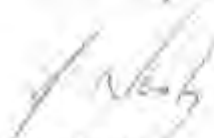
On-site Infrastructure Audit – City of Ryde Council

Thank you for letter dated 31 October 2012, advising us that the City of Ryde Council has been selected for an On-site Infrastructure Audit.

We welcome the opportunity to showcase our approach to asset management which we have been developing over the last 2 years.

Would you please advise Morrison Low Consultants to contact Mr Terry Dodd (Group Manager – Public Works) on Phone: (02) 9952 8101 to make the necessary arrangements for the audit.

Yours sincerely



John Neish
General Manager
City of Ryde

**2 DIVISION OF LOCAL GOVERNMENT RESPONSE TO COUNCIL'S
REQUEST UNDER SECTION 416 OF THE LOCAL GOVERNMENT ACT
1993 FOR AN EXTENSION OF TIME FOR SUBMISSION OF THE 2011/12
FINANCIAL STATEMENTS**

Report prepared by: Meeting Support Coordinator
File No.: CLM/12/1/4/11 - BP12/1307

CORRESPONDENCE:

Submitting correspondence from Mr Ross Woodward, Chief Executive, Division of Local Government dated 16 October 2012 in response to Council's request under Section 416 of the Local Government Act 1993 for an extension of time for submission of the 2011/12 Financial Statements.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Letter from the Division of Local Government dated 16 October 2012 in relation to Council's request under Section 416 of Local Government Act 1993 for an extension of time for submission of 2011/12 Financial Statements

Precis of Correspondence 2 (continued)

ATTACHMENT 1



Premier & Cabinet
Division of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3016 NOWRA NSW 2541

Our Reference:
Your Reference:
Contact
Phone:

A298525
Patty Rogers
4428 4216

Mr John Neish
General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670



Dear Mr Neish

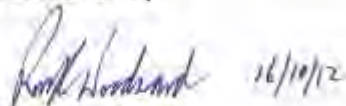
Thank you for your letter of 19 September 2012 regarding Council's request under section 416 of the *Local Government Act 1993* for an extension of time for the submission of Council's 2011/12 Financial Statements.

I note that Council has sought the extension due to the fact that the Council meeting for which the financial reports were prepared for referral to audit was inquorate and the referral was not considered by Council until 9 October 2012.

Please note that the Division's Code of Accounting Practice and Financial Reporting Guidelines state "...requests for extensions to submit financial reports will not be authorised unless there are extraordinary circumstances". I do not believe that the inability of Council to achieve a quorum at that meeting represents an extraordinary circumstance.

Accordingly, I have declined Council's request for an extension of time for the submission of its 2011/12 Financial Statements.

Yours sincerely



Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet



NOTICES OF MOTION

1 FEEDBACK FROM COUNCILLORS FOR IMPROVEMENTS TO THE LOCAL GOVERNMENT ELECTION PROCESS - Councillor Roy Maggio

File Number: CLM/12/1/4/6 - BP12/1215

MOTION:

That the General Manager seeks feedback from the Councillors for improvements to the Local Government Election process. That this feedback then be collated, presented to Council for consideration of those elements which are to be included in a formal submission to the State Electorate Commission.

2 STATE ELECTORAL COMMISSION - Councillor Roy Maggio

File Number: CLM/12/1/4/6 - BP12/1216

MOTION:

That the General Manager write to the State Electoral Commission on behalf of Council requesting that no fines be issued to the City of Ryde residents who failed to vote.

3 FEES AND CHARGES AT WESTMINSTER OVAL, GLADESVILLE - Councillor Roy Maggio

File Number: CLM/12/1/4/6 - BP12/1232

MOTION:

That the Council immediately confirm that all associated Fees and Charges at Westminster Oval, Gladesville be waived for 2012/13 financial year until the oval is in a suitable condition and that all users of the oval be informed of the decision of Council.

4 CITY OF RYDE PROCUREMENT PROCESSES - Councillor Jeff Salvestro-Martin

File Number: CLM/12/1/4/6 - BP12/1238

MOTION:

That the General Manager conduct a review of City of Ryde procurement processes, specifically the engagement of subcontractors with specific emphasis on improvements to resident safety as related to that engagement.

5 DEVLIN STREET PEDESTRIAN BRIDGES - Councillor Denise Pendleton

File Number: CLM/12/1/4/6 - BP12/1287

MOTION:

Council must take immediate action to ensure pedestrians at Top Ryde have a safe, fully accessible and reliable means of crossing Devlin Street.

1. Council to take **immediate** action to require the west lift (next to the old library building) to be properly ventilated to ensure pedestrian safety, particularly during instances of lift failure in summer.
2. That Council staff provide a report by February 2013 covering:
 - a. Clarification of roles, responsibilities, accountabilities and ownership of the pedestrian bridges:
 - i. By organisation: Council, RMS and shopping centre management
 - ii. Council management.
 - b. The established performance and reliability standards for the pedestrian bridges lifts.
 - c. Response time for repair crews to attend the lifts if they fail – including the minimum and maximum period of delay.
 - d. Standard for emergency response time when a lift fails with someone trapped inside – including the minimum and maximum period.
 - e. Report on the two pedestrian bridges' lift performance:
 - Instances of lifts stoppage (date) and duration
 - Instances of pedestrians trapped inside lifts – number of pedestrians trapped and the duration they were trapped (not average time)
 - Number of complaints received by Council on lift performance and pedestrian safety concerns.
 - Number of complaints investigated and closed by Council staff and actions taken.
 - Average response times and maximum delay in response to call out to service lift for reactivation.
 - f. What legal options does Council have if the performance of the infrastructure is considered unacceptable e.g. penalties, licence termination etc?

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND OTHER COUNCILLORS - Councillor Jeff Salvestro-Martin, Councillor Sarkis Yedelian OAM, Councillor Craig Chung

File Number: CLM/12/1/4/7 - BP12/1239

That Council rescind the previous resolution in relation to Item 10 – PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND OTHER COUNCILLORS, passed at the Council Meeting held on 23 October 2012, namely:-

- (a) *That Council endorse the public exhibition of the revised Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy for a period of at least 28 days.*
- (b) *That after the exhibition period of the draft policy, a further report be provided to Council seeking the adoption of the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and detailing any submissions received.*
- (c) *That Council approve the appropriate disposal of the Mayoral vehicle.*
- (d) *That Clause 28 be amended to include access for meeting rooms at the library, as available for the purposes of Councillors meeting with the public during operating hours and free of charge.*

2 NOTICE OF RESCISSION: MATTER OF URGENCY - REMOVAL OF FIVE SHRUBS ON THE NATURE STRIP AT 163 MORRISON ROAD, PUTNEY - Councillor George Simon, Councillor Denise Pendleton, Councillor Terry Perram

File Number: CLM/12/1/4/7 - BP12/1256

That Council rescind the previous resolution in relation to Matter of Urgency – REMOVAL OF FIVE SHRUBS ON THE NATURE STRIP AT 163 MORRISON ROAD PUTNEY, passed at the Council Meeting held on 23 October 2012, namely:-

- That staff remove the five shrubs on the nature strip at 163 Morrison Road, Putney and replace them with low bearing shrubs, in consultation with the local residents.*

CONFIDENTIAL ITEMS

13 ALLENGROVE MAJOR PROJECT - LEGAL ADVICE RECEIVED ON OPTIONS TO APPEAL THE APPROVAL GRANTED

Confidential

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

Report prepared by: Client Manager

File No.: MIN2010/10 - BP12/1265

Page: 336