

Meeting Date: Tuesday 14 February 2012
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: Following the conclusion of the adjourned Council meeting of 13 December 2011

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

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1 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE MEETING 1/12 held on 7 February 2012

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 1/12 held on 7 February 2012. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

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

The following Committee recommendations for Items 3 and 4 are submitted to Council for determination in accordance with the delegations set out in Clause 5.3.2 of the Code of Meeting Practice relating to Charters, functions and powers of Committees:

3 40 CLARKE STREET, WEST RYDE. LOT 7 DP 19560. Local Development Application for multi dwelling housing (attached) containing 1x4 bedroom two storey dwelling, 2x3 bedroom and 1x2 bedroom single storey dwellings. LDA2011/0248.

Report: The Committee inspected the property at 40 Clarke Street, West Ryde.

Note: A letter from Mr Sean Kotthoff, Director of Devmax Property Development dated 7 February 2012 was tabled in relation to this Item and a copy is ON FILE.

Note: A letter from Chris Gough, Senior Partner of Storey & Gough Lawyers dated 7 February 2012 was tabled in relation to this Item and a copy is ON FILE.

Note: Mr Haris Sutanto and Mr Sean Kotthoff (on behalf of the applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Butterworth)

- (a) That Local Development Application No. 2011/248 at 40 Clarke Street, West Ryde being LOT 7 DP 19560, be approved subject to the **ATTACHED** conditions (Attachment 1) as 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

1. 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:

ITEM 1 (continued)

Document Description	Date	Plan No/Reference
Architectural drawings prepared by Moderinn Group Pty Ltd	August 2011	A-1000(C), A-1001(C), A-1002(C), A-1003(C) and A-1004(C)
Stormwater Concept Plans prepared by AKY Civil Engineering		06083(C)
Landscaping Plans prepared by Ray Fuggle Associates	13 April 2011	2953a L-01(A)

Prescribed Conditions

2. All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. Compliance with all commitments listed in BASIX Certificate(s) numbered 366849M, dated 31 March 2011.

Protection of Adjoining and Public Land

4. 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.
5. Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
6. 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. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Works on Public Road

8. 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. 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.

ITEM 1 (continued)

Stormwater

10. **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.
11. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
12. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
13. **Council Inspections.** A Council engineer must inspect the stormwater connection to the existing Council stormwater pipeline. Council shall be notified when the collar connection has been made to the pipe and an inspection must be made **before** the property service line is connected to the collar. The property service line must not be connected directly to Council's pipeline. An inspection fee of \$140.00 shall be paid to Council prior to the issue of the Construction Certificate
14. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
15. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.
16. **Car Parking.** All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.

ITEM 1 (continued)

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.

17. A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$ 8,803.66
Open Space & Recreation Facilities	\$21,672.77
Civic & Urban Improvements	\$ 7,371.35
Roads & Traffic Management Facilities	\$ 1,005.51
Cycleways	\$ 628.06
Stormwater Management Facilities	\$ 1,996.34
Plan Administration	\$ 169.34
The total contribution is	\$41,647.04

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

ITEM 1 (continued)

18. 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.
19. 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 (dwelling houses with delivery of bricks or concrete or machine excavation).
20. The following fees must be paid to Council in accordance with Council's Management Plan:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
21. 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**.

Road Opening Permit

22. The Council must be provided with evidence that there has been compliance with all matters that are required by the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993 to be complied with prior to issue of the **Construction Certificate**.
23. The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.

Fencing

24. Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
25. The front fence shall be redesigned so as to not exceed 1.0m in height and provide for being a minimum of 70% permeable. Details are to be submitted with the Construction Certificate to verify that the fencing achieves these requirements.

ITEM 1 (continued)

Lighting of Common Areas (driveways etc)

26. Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

27. **Drainage Plans.** The plans and supporting calculations of the proposed drainage system, including the on-site detention system and details addressing any overland flow from upslope properties are to be submitted with the Construction Certificate application.

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

Any drainage pit within a road reserve, a Council easement, or that may be placed under Councils' control in the future, shall be constructed of cast in-situ concrete. Details shall be submitted with the Construction Certificate application.

28. **On site stormwater detention Tank.** All access grates to the on site stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 metres in depth must be fitted with step irons.

29. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.

30. **Construction near Pipeline in Drainage Easement.** All footings for buildings and other structures shall be taken a minimum of 100 mm below the invert of the existing pipeline. **The location and depth of the pipeline, along with the design of the footings, are to be shown on the plans submitted to and approved by the Consent Authority.**

31. **Overland Flow Channel.** An overland flow channel shall be created above the pipeline within the drainage easement. The channel should be sufficient to transfer runoff exceeding the pipe capacity during storms up to 100 year ARI. **A design of the channel along with the necessary calculations shall be submitted to and approved by the Consent Authority.**

32. **Overland Flow path.** No filling, alteration to the surface levels or other obstructions within the overland flow path across the site shall be made without prior approval of Council.

33. **Fencing within Floodways.** All fencing within the overland flow path shall have a permeable section at least 300 mm above the calculated top water surface level.

ITEM 1 (continued)

34. Minimum Floor Level. The villa habitable floor level is to be set to not less than RL 44.85 as recommended in the hydraulic report by AKY Civil Engineering

35. Soil and Water Management Plan. A *Soil and Water Management Plan (SWMP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual “*Managing Urban Stormwater, Soils and Construction*” prepared by the Department of Housing. **This is to be submitted to and approved by the Consent Authority prior to the release of the Construction Certificate.** These devices shall be maintained during the construction works and replaced where considered necessary. Suitable erosion control management procedures are to be practiced during the construction period.

The following details are to be included in drawings accompanying the *Soil and Water Management Plan*:

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill, and regrading.
- (c) Location of all impervious areas
- (d) Location and design criteria of erosion and sediment control structures including sediment collection basins
- (e) Location and description of existing vegetation
- (f) Site access point/s and means of limiting material leaving the site
- (g) Location of proposed vegetated buffer strips
- (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- (i) Location of stockpiles
- (j) Means of diversion of uncontaminated upper catchment around disturbed areas
- (k) Proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground.
- (l) Procedures for maintenance of erosion and sediment controls
- (m) Details for any staging of works
- (n) Details and procedures for dust control.

36. Truck Shaker. A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

37. Landscaping is to be in accordance with the landscape plan, prepared by Ray Fuggle of RFA, Issue A, dated 15th April, 2011, which is to be amended to show an additional two 100 litre size trees to be planted in the rear open space. Replacement trees should be native endemic trees equivalent to Turpentine (*Syncarpia glomulifera*)

ITEM 1 (continued)

38. The property owner shall enter into a Deed of Charge indemnifying Council against any claims for damage and cost incurred for removing and replacing the pergola, if deemed necessary, at any time for the purpose of accessing Council's pipeline. The costs of preparing the Deed of Charge are to be borne by the applicant.

39. To protect the overland flow paths against blockage and allow free passage of overland flows through the property the flow paths along both sides of the dwelling 4 are to be protected by the creation of a "Restriction As To Use". The overland flowpath is located in the rear yard along the side boundaries and rear yard of the property between the rear property boundary and the proposed dwelling 4.

The restriction shall be created under Section 88B of the Conveyancing Act 1919 and all associated costs shall be borne by the applicant.

40. The modification of ground levels shall be carried out in accordance with the Flood Assessment Report dated 25 August 2011 and Drawing C-03 Revision F prepared by AKY Civil Engineering.

41. Prior to the issue of the Construction Certificate, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified engineer confirming the building structure is able to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to and including a 100 year flood plus freeboard.

42. Prior to the issue of the Construction Certificate, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified engineer confirming that all new building components below the 100 year ARI flood plus 0.5m freeboard have been designed to be flood compatible.

43. Prior to the issue of the Construction Certificate, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified engineer confirming that all footings in close proximity to the drainage easement have been designed to be founded at a depth below the zone of influence for the stormwater line.

44. Fencing is to be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on adjacent properties. A certificate to this effect shall be provided to the PCA from a suitably qualified engineer prior to the issue of the Occupation Certificate.

45. Trees that are to remain on site are to be protected against damage during construction. All mature trees to remain shall be clearly marked and a fence erected around their drip line. A qualified arborist shall inspect the tree protection measures and documentary evidence of tree protection measures is to be submitted to Council prior to the issuing of the **Construction Certificate**.

ITEM 1 (continued)

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.

Prescribed Conditions

46. Site Sign

- (a) A sign must be erected in a prominent position on site:
 - (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.

47. 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.

48. 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.
- (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).

ITEM 1 (continued)

49. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.
50. **Compliance Certificate.** A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and the City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities.
51. **Council is to be notified in writing before work commences** - The applicant must notify Council of the following particulars in writing at least seven (7) working days before demolition work commences:
- the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - the date the work is due to commence and the expected completion date.
52. **Site security** - Security fencing must be provided around the perimeter of the site, and other precautions taken, to prevent unauthorised entry to the site during the construction period.
53. The schedule of tree removal/retention and the construction management of all trees to be retained is to be in accordance with the arborist's report prepared by Neville Shields of Redgum Horticultural, dated 12 April 2011, with particular reference to the installation of Tree Protection Zones as per Appendix F, which are to be installed prior to the commencement of demolition, and maintained for the duration of the construction period.

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.

Critical stage inspections

54. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*:
- (a) after excavation for, and prior to the placement of, any footings, and
 - (b) prior to pouring any in-situ reinforced concrete building element, and

ITEM 1 (continued)

- (c) prior to covering of the framework for any floor, wall, roof or other building element, and
- (d) prior to covering waterproofing in any wet areas, and
- (e) prior to covering any stormwater drainage connections, and
- (f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Noise and vibration

55. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.
56. The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.

Survey of footings and walls

57. 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.
58. No sediment, dust, soil or similar material shall leave the site during construction work.
59. 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.
60. All materials associated with construction must be retained within the site.

61. 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.

62. 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 equivalent 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.

ITEM 1 (continued)

63. 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".

Tree Protection

64. 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.

65. Trees that are shown on the approved plans as being retained must be protected against damage during construction.

66. Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.

67. 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.

68. 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.

Drop-edge Beams

69. Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

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.

ITEM 1 (continued)

Prescribed Condition

70. The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 366849M, dated 31 March 2011.
71. All landscaping works approved by condition 1 are to be completed.
72. The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent.

Sydney Water

73. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Interim/Final Occupation Certificate.

Letterboxes and street/house numbering

74. All letterboxes are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
75. An **Occupation Certificate** must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.
76. **Creation of Easements in Favour of Council.** The applicant shall create a new drainage easement 2.5 metres wide in Council's favour over the existing pipeline in which Council has an interest at no cost to Council. The alignment of such easements shall be in accordance with detailed engineering plans prepared or approved by Council. It is noted that the pipeline will in this case not be located centrally within the easement due to the proposed location of the adjacent building relative to the existing pipeline.

ITEM 1 (continued)

77. Compliance Certificates – Engineering. Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**

- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria – 1999 section 4*.
- Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
- Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
- Confirming that the on-site detention system will function hydraulically in accordance with the approved design.
- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
- Confirming that the footings adjacent to the drainage easements have been constructed to below the zone of influence in accordance City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management

78. Compliance Certificate – Surveyor. A compliance certificate must be submitted from a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

79. Footpath Paving Construction. The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.

80. Vehicle Footpath Crossings. Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

ITEM 1 (continued)

81. **Work-as-Executed Plan.** A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA. If there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.
82. **On-Site Stormwater Detention System - Marker Plate.** Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.
83. **Positive Covenant, OSD.** The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.
84. **Restriction as to User, Floodway.** A restriction as to user is to be placed on the property title to prevent the alteration of the ground surface and maintenance within the 100 year Average Recurrence Interval flow path and also not to have any structure placed inside without Council permission. The terms of the restriction shall be generally in accordance with Council's draft terms for provision for overland flow and to the satisfaction of Council.
85. **Drainage Construction.** The stormwater drainage on the site is to be constructed in accordance with the Construction Certificate version of Plan No 06083 prepared by AKY Civil Engineering

POST OCCUPATION CERTIFICATE

86. Within 2 days of issuing a final Occupation Certificate, the Principal Certifying Authority (PCA) is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP & A Regulation 2000. The PCA is to refer to the BASIX Completion Receipt tool at www.basix.nsw.gov.au/administration/login.jsp in order to generate the BASIX Completion Receipt and a printed copy of the receipt is to be placed on the PCA file.

ITEM 1 (continued)

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

Record of Voting:

For the Motion: Councillors Pickering, Butterworth and Yedelian OAM

Against the Motion: Councillor O'Donnell

Note: This matter will be dealt with at the Council Meeting to be held on **14 FEBRUARY 2012** as dissenting votes were recorded and substantive changes were made to the published recommendation.

4 64 PELLISIER ROAD, PUTNEY. LOT 102 DP 866280. Local Development Application for Alterations and additions to the existing dwelling including an additional new storey and new cabana in the rear yard. LDA2011/493.

Report: The Committee inspected the property at 64 Pellisier Road, Putney.

Note: A document from Mark and Elizabeth Grodzicky, Rocky and Belinda Pirrottina, Brendan and Tammy Tam and Marion Wakeham (objectors) was tabled in relation to this Item and a copy is ON FILE.

Note: A letter dated 7 February 2012, photographs and plans from Mr James Balestriere (applicant) was tabled in relation to this Item and a copy is ON FILE.

Note: Mr Mark Grodzicky (objector - also representing the residents at 62, 62A and 64A Pellisier Road) and Mr James Balestriere, Ms Janette Little and Ms Maria Diep (on behalf of the applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors O'Donnell and Butterworth)

- (a) That Local Development Application No. LDA2011/493 for alterations and additions to the existing dwelling and construction of a cabana at No. 64 Pellisier Road, Putney, be refused for the following reasons:
1. The proposal does not comply with clauses 17, 25 and 26 of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* for the following reasons:
 - (a) Clause 17 (Zoning Objectives). The scale and size of the development is inappropriate to the locality when viewed from the waters in the W8 zone.
 - (b) Clause 25 (Foreshore and Waterways Scenic Quality). The proposal represents and overdevelopment of the land in terms of scale and bulk and will have numerous adverse effects upon adjoining land including overlooking and loss of water views.

ITEM 1 (continued)

- (c) Clause 26 (Maintenance Protection and Enhancement of Views). The proposal will adversely affect views and vistas from the existing heritage item (60 Pellisier Road) and will have a detrimental cumulative impact upon views enjoyed by adjoining properties.
- 2. The proposal does not comply with clause 5.4 (Built Form) of *Sydney Harbour Foreshore & Waterways Development Control Plan* because: the development does not enhance the existing setting; the shape of the upper floor being 'boxy' does not harmonise with the surroundings; the cumulative visual impact and limited articulation of walls does not reduce its overall bulk; and will adversely affect adjoining views and the existing heritage item.
- 3. The development proposal generally does not fulfil the aims and objectives of R2 Low Density Residential requirements of the Ryde LEP 2010 for the following reasons:
 - (a) The additional height and number of storeys of the proposal is an inappropriate level of development for the site due to its significant adverse affect upon the amenity of the surrounding properties by overlooking and impact upon views.
 - (b) Having regard to the topography of the site, the development fails to provide for a predominantly two-storey dwelling and is predominantly a 3-storey dwelling with 4-storeys facing the water.
- 4. The development is inconsistent with the objectives of clause 4.3 and 4.4 of Ryde LEP 2010 by the following:
 - (a) Clause 4.3 (Height of buildings). The development is overbearing in its height and design and does not respond well to the topography of the site.
 - (b) Clause 4.4 (Floor space ratio). The location of the additional floor space and its significant adverse affect upon the amenity of the surrounding properties (including view loss).
- 5. The proposal will have an adverse affect upon the conservation of views to and from the existing heritage item and upon the heritage significance of the adjoining heritage item (No. 60 Pellisier Road), which is contrary to the controls and objectives of clause 5.10 (Heritage conservation) of the Ryde LEP 2010.

ITEM 1 (continued)

6. The development does not comply with Part 3.3 of the Ryde DCP 2010, in particular the objectives or controls of: 2.1 – Desired Future Character; 2.2.2 – Alterations and Additions to Dwelling Houses; 2.4 – Public Domain Amenity; 2.4.1 – Streetscape; 2.4.2 – Public Views and Vistas; 2.5 – Site Configuration; 2.5.1 – Deep Soil Areas; 2.5.2 – Topography and Excavation; 2.7 – Height; 2.7.1 – Building Height; 2.9 – Outbuildings; 2.13 – Dwelling Amenity; 2.13.2 – Visual Privacy; and 2.13.4 – View Sharing.
7. Due to non-compliance with the height and number of storeys development standards of the Ryde DCP 2010, the following adverse residential amenity impacts that the proposal would impact upon adjoining properties are considered to be unreasonable:
 - (a) Adverse visual and view impacts upon the adjoining properties being Nos. 60, 62 and 62A Pellisier Road; and
 - (b) Adverse visual impact upon the adjoining property to the south (No. 64A Pellisier Road)

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

Record of Voting:

For the Motion: Councillors O'Donnell and Butterworth

Against the Motion: Councillors Pickering and Yedelian OAM

Note: This matter will be dealt with at the Council Meeting to be held on **14 FEBRUARY 2012** as dissenting votes were recorded

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 7 February 2012

Meeting Date: Tuesday 7 February 2012
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 4.00pm

Councillors Present: Councillors Pickering (Chairperson), Butterworth, O'Donnell and Yedelian OAM.

Councillor Butterworth arrived at 5.00pm and was not present for consideration of Item 1 or inspections.

Apologies: The Mayor, Councillor Etmekdjian and Councillor Salvestro-Martin.

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

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 6 December 2011

Note: Councillor Butterworth was not present for consideration of this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That the Minutes of the Planning and Environment Committee 16/11, held on Tuesday 6 December 2011, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

Note: Item 1 was recommitted at the end of the meeting as detailed in these minutes.

ITEM 1 (continued)

ATTACHMENT 1

2 498 BLAXLAND ROAD, DENISTONE. LOT 39 DP 7997. Local Development Application for Affordable rental housing (under the Affordable Housing State Environmental Planning Policy) comprising 5x2 storey dwellings on one property. LDA2011/0257.

Report: The Committee inspected the property at 498 Blaxland Road, Denistone.

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

(a) That Local Development Application No. 2011/257 at 498 Blaxland Road, Denistone being LOT 39 DP 7997 be refused for the following reasons;

1. The proposed development is inconsistent with the amended State Environmental Planning Policy (Affordable Rental Housing) 2009 and Amendment 2011, failing to satisfy clauses 15 and 16A of the SEPP.

Particulars:

- The proposal does not satisfy parts 1,2,3 & 4 of the Seniors Living Policy: Urban Design Guidelines for Infill Development as required by clause 15 (1) of the SEPP.
- The proposal is out of character of the local area due to the building being 2 storey for the whole length of the development, resulting in a much greater scale and massing than what is existing within the immediate area.

2. The proposed development is inconsistent with the objectives of the R2 Low Density Residential Zone as contained in Ryde Local Environmental Plan 2010.

Particulars:

- Due to the 2 storey nature for the whole length of the building, the proposal is not consistent with the low density residential environment of the locality.
 - The bulk, scale and massing of the development is inconsistent with the established character of the area as well as what would be expected in a low density residential area.
 - The scale and bulk of the development will have an adverse impact in terms of amenity of the adjoining properties due to the bulk and scale, privacy and increased overshadowing.
3. The proposed development fails to comply with the parking requirements in Clause 14(2) of State Environmental Planning Policy (Affordable Rental Housing) 2011.
 4. The proposed development fails to satisfy the height requirements in Clause 4.3 of Ryde Local Environmental Plan 2010 and no variation has been sought under Clause 4.6 of Ryde Local Environmental Plan 2010.

ITEM 1 (continued)

ATTACHMENT 1

5. The proposed development is inconsistent with the requirements of Part 3.5 Multi Dwelling Housing (for Low Density Residential Zone) of Development Control Plan 2010 in regard to height, storeys, type of dwellings, front setbacks, side and rear setbacks, private open space, landscaping, insufficient car parking and driveway width.
6. The development is an overdevelopment of the site.
7. The development is not in the public interest.
8. The development will affect the amenity of the adjoining properties due to it not being consistent with the character of the area and insufficient car parking being provided to cater for the needs of the development.

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

Record of Voting:

For the Motion: Unanimous

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

3 40 CLARKE STREET, WEST RYDE. LOT 7 DP 19560. Local Development Application for multi dwelling housing (attached) containing 1x4 bedroom two storey dwelling, 2x3 bedroom and 1x2 bedroom single storey dwellings. LDA2011/0248.

Report: The Committee inspected the property at 40 Clarke Street, West Ryde.

Note: A letter from Mr Sean Kotthoff, Director of Devmax Property Development dated 7 February 2012 was tabled in relation to this Item and a copy is ON FILE.

Note: A letter from Chris Gough, Senior Partner of Storey & Gough Lawyers dated 7 February 2012 was tabled in relation to this Item and a copy is ON FILE.

Note: Mr Haris Sutanto and Mr Sean Kotthoff (on behalf of the applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Butterworth)

- (a) That Local Development Application No. 2011/248 at 40 Clarke Street, West Ryde being LOT 7 DP 19560, be approved subject to the **ATTACHED** conditions (Attachment 1) as set out below:

GENERAL

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

ITEM 1 (continued)

ATTACHMENT 1

Approved Plans

1. 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
Architectural drawings prepared by Moderinn Group Pty Ltd	August 2011	A-1000(C), A-1001(C), A-1002(C), A-1003(C) and A-1004(C)
Stormwater Concept Plans prepared by AKY Civil Engineering		06083(C)
Landscaping Plans prepared by Ray Fuggle Associates	13 April 2011	2953a L-01(A)

Prescribed Conditions

2. All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. Compliance with all commitments listed in BASIX Certificate(s) numbered 366849M, dated 31 March 2011.

Protection of Adjoining and Public Land

4. 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.
5. Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
6. 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. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

Works on Public Road

8. 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.

ITEM 1 (continued)

ATTACHMENT 1

9. 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.

Stormwater

10. **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.
11. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
12. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.
13. **Council Inspections.** A Council engineer must inspect the stormwater connection to the existing Council stormwater pipeline. Council shall be notified when the collar connection has been made to the pipe and an inspection must be made **before** the property service line is connected to the collar. The property service line must not be connected directly to Council's pipeline. An inspection fee of \$140.00 shall be paid to Council prior to the issue of the Construction Certificate
14. **Boundary Levels.** The levels of the street alignment shall be obtained from Council. These levels shall be incorporated into the design of the internal driveway, carparking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
15. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps shall be 1 in 4 and in accordance with the relevant section of AS 2890.1. The maximum change of grade permitted is 1 in 8 (12.5%) for summit grade changes and 1 in 6.7 (15%) for sag grade changes. Any transition grades shall have a minimum length of 2.0m. The driveway design is to incorporate Council's issued footpath and gutter crossing levels where they are required as a condition of consent. A driveway plan, longitudinal section from the centreline of the public road to the garage floor, and any necessary cross-sections clearly demonstrating that the driveway complies with the above details, and that vehicles may safely manoeuvre within the site without scraping shall be submitted with the Construction Certificate application.

ITEM 1 (continued)

ATTACHMENT 1

16. Car Parking. All internal driveways, vehicle turning areas, garage opening widths and parking space dimensions shall comply with AS 2890.

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.

17. A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$ 8,803.66
Open Space & Recreation Facilities	\$21,672.77
Civic & Urban Improvements	\$ 7,371.35
Roads & Traffic Management Facilities	\$ 1,005.51
Cycleways	\$ 628.06
Stormwater Management Facilities	\$ 1,996.34
Plan Administration	\$ 169.34
The total contribution is	\$41,647.04

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

ITEM 1 (continued)

ATTACHMENT 1

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

18. 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.
19. 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 (dwelling houses with delivery of bricks or concrete or machine excavation).
20. The following fees must be paid to Council in accordance with Council's Management Plan:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
21. 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**.

Road Opening Permit

22. The Council must be provided with evidence that there has been compliance with all matters that are required by the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993 to be complied with prior to issue of the **Construction Certificate**.
23. The development must be acoustically designed and constructed to meet the relevant provisions of Australian Standard AS 2107:2000 *Recommended design sound levels and reverberation times for building interiors*. Written endorsement of compliance with these requirements must be obtained from a suitably qualified person.

Fencing

24. Fencing is to be in accordance with Council's Development Control Plan and details of compliance are to be provided in the plans for the **Construction Certificate**.
25. The front fence shall be redesigned so as to not exceed 1.0m in height and provide for being a minimum of 70% permeable. Details are to be submitted with the Construction Certificate to verify that the fencing achieves these requirements.

ITEM 1 (continued)

ATTACHMENT 1

Lighting of Common Areas (driveways etc)

26. Details of lighting for internal driveways, visitor parking areas and the street frontage shall be submitted for approval prior to issue of the **Construction Certificate**. The details to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
27. **Drainage Plans.** The plans and supporting calculations of the proposed drainage system, including the on-site detention system and details addressing any overland flow from upslope properties are to be submitted with the Construction Certificate application.
- A positive covenant shall be executed and registered against the title of any lot containing an on site detention system to require maintenance of the system in accordance with Council's standard terms.
- Any drainage pit within a road reserve, a Council easement, or that may be placed under Councils' control in the future, shall be constructed of cast in-situ concrete. Details shall be submitted with the Construction Certificate application.
28. **On site stormwater detention Tank.** All access grates to the on site stormwater detention tank are to be hinged and fitted with a locking bolt. Any tank greater than 1.2 metres in depth must be fitted with step irons.
29. **Water Tank First Flush.** A first flush mechanism is to be designed and constructed with the water tank system. Details of the first flush system are to be submitted with the construction certificate application.
30. **Construction near Pipeline in Drainage Easement.** All footings for buildings and other structures shall be taken a minimum of 100 mm below the invert of the existing pipeline. **The location and depth of the pipeline, along with the design of the footings, are to be shown on the plans submitted to and approved by the Consent Authority.**
31. **Overland Flow Channel.** An overland flow channel shall be created above the pipeline within the drainage easement. The channel should be sufficient to transfer runoff exceeding the pipe capacity during storms up to 100 year ARI. **A design of the channel along with the necessary calculations shall be submitted to and approved by the Consent Authority.**
32. **Overland Flow path.** No filling, alteration to the surface levels or other obstructions within the overland flow path across the site shall be made without prior approval of Council.
33. **Fencing within Floodways.** All fencing within the overland flow path shall have a permeable section at least 300 mm above the calculated top water surface level.
34. **Minimum Floor Level.** The villa habitable floor level is to be set to not less than RL 44.85 as recommended in the hydraulic report by AKY Civil Engineering

ITEM 1 (continued)

ATTACHMENT 1

35. Soil and Water Management Plan. A *Soil and Water Management Plan (SWMP)* shall be prepared by a suitably qualified consultant in accordance with the guidelines set out in the manual "*Managing Urban Stormwater, Soils and Construction*" prepared by the Department of Housing. **This is to be submitted to and approved by the Consent Authority prior to the release of the Construction Certificate.** These devices shall be maintained during the construction works and replaced where considered necessary. Suitable erosion control management procedures are to be practiced during the construction period.

The following details are to be included in drawings accompanying the *Soil and Water Management Plan*:

- (a) Existing and final contours
- (b) The location of all earthworks, including roads, areas of cut and fill, and regrading.
- (c) Location of all impervious areas
- (d) Location and design criteria of erosion and sediment control structures including sediment collection basins
- (e) Location and description of existing vegetation
- (f) Site access point/s and means of limiting material leaving the site
- (g) Location of proposed vegetated buffer strips
- (h) Location of critical areas (drainage lines, water bodies and unstable slopes)
- (i) Location of stockpiles
- (j) Means of diversion of uncontaminated upper catchment around disturbed areas
- (k) Proposed techniques for re-grassing or otherwise permanently stabilising all disturbed ground.
- (l) Procedures for maintenance of erosion and sediment controls
- (m) Details for any staging of works
- (n) Details and procedures for dust control.

36. Truck Shaker. A truck shaker grid with a minimum length of 6 metres must be provided at the construction exit point. Fences are to be erected to ensure vehicles cannot bypass them. Sediment tracked onto the public roadway by vehicles leaving the subject site is to be swept up immediately.

37. Landscaping is to be in accordance with the landscape plan, prepared by Ray Fuggle of RFA, Issue A, dated 15th April, 2011, which is to be amended to show an additional two 100 litre size trees to be planted in the rear open space. Replacement trees should be native endemic trees equivalent to Turpentine (*Syncarpia glomulifera*)

38. The property owner shall enter into a Deed of Charge indemnifying Council against any claims for damage and cost incurred for removing and replacing the pergola, if deemed necessary, at any time for the purpose of accessing Council's pipeline. The costs of preparing the Deed of Charge are to be borne by the applicant.

ITEM 1 (continued)

ATTACHMENT 1

39. To protect the overland flow paths against blockage and allow free passage of overland flows through the property the flow paths along both sides of the dwelling 4 are to be protected by the creation of a "Restriction As To Use". The overland flowpath is located in the rear yard along the side boundaries and rear yard of the property between the rear property boundary and the proposed dwelling 4.

The restriction shall be created under Section 88B of the Conveyancing Act 1919 and all associated costs shall be borne by the applicant.

40. The modification of ground levels shall be carried out in accordance with the Flood Assessment Report dated 25 August 2011 and Drawing C-03 Revision F prepared by AKY Civil Engineering.
41. Prior to the issue of the Construction Certificate, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified engineer confirming the building structure is able to withstand the forces of floodwaters having regard to hydrostatic pressure, hydrodynamic pressure, the impact of debris and buoyancy forces up to and including a 100 year flood plus freeboard.
42. Prior to the issue of the Construction Certificate, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified engineer confirming that all new building components below the 100 year ARI flood plus 0.5m freeboard have been designed to be flood compatible.
43. Prior to the issue of the Construction Certificate, a certificate shall be provided to the Principal Certifying Authority from a suitably qualified engineer confirming that all footings in close proximity to the drainage easement have been designed to be founded at a depth below the zone of influence for the stormwater line.
44. Fencing is to be constructed in a manner that does not affect the flow of flood waters so as to detrimentally change flood behaviour or increase flood levels on adjacent properties. A certificate to this effect shall be provided to the PCA from a suitably qualified engineer prior to the issue of the Occupation Certificate.
45. Trees that are to remain on site are to be protected against damage during construction. All mature trees to remain shall be clearly marked and a fence erected around their drip line. A qualified arborist shall inspect the tree protection measures and documentary evidence of tree protection measures is to be submitted to Council prior to the issuing of 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.

ITEM 1 (continued)

ATTACHMENT 1

Prescribed Conditions

46. Site Sign

- (a) A sign must be erected in a prominent position on site:
 - (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.

47. 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.

48. 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.
- (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).

49. **Sediment and Erosion Control.** The applicant shall install appropriate sediment control devices in accordance with an approved plan **prior** to any earthworks being carried out on the site. These devices shall be maintained during the construction period and replaced where considered necessary. Suitable erosion control management procedures shall be practiced. This condition is imposed in order to protect downstream properties, Council's drainage system and natural watercourses from sediment build-up transferred by stormwater runoff from the site.

ITEM 1 (continued)

ATTACHMENT 1

50. **Compliance Certificate.** A Compliance Certificate must be obtained confirming that the constructed erosion and sediment control measures comply with the construction plan and the City of Ryde, Development Control Plan 2010: - Part 8.1; Construction Activities.
51. **Council is to be notified in writing before work commences** - The applicant must notify Council of the following particulars in writing at least seven (7) working days before demolition work commences:
- the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - the date the work is due to commence and the expected completion date.
52. **Site security** - Security fencing must be provided around the perimeter of the site, and other precautions taken, to prevent unauthorised entry to the site during the construction period.
53. The schedule of tree removal/retention and the construction management of all trees to be retained is to be in accordance with the arborist's report prepared by Neville Shields of Redgum Horticultural, dated 12 April 2011, with particular reference to the installation of Tree Protection Zones as per Appendix F, which are to be installed prior to the commencement of demolition, and maintained for the duration of the construction period.

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.

Critical stage inspections

54. The person having the benefit of this consent is required to notify the Principal Certifying Authority to ensure that the following critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*:
- (a) after excavation for, and prior to the placement of, any footings, and
 - (b) prior to pouring any in-situ reinforced concrete building element, and
 - (c) prior to covering of the framework for any floor, wall, roof or other building element, and
 - (d) prior to covering waterproofing in any wet areas, and
 - (e) prior to covering any stormwater drainage connections, and
 - (f) after the building work has been completed and prior to any occupation certificate being issued in relation to the building.

Noise and vibration

55. The construction of the development and preparation of the site, including operation of vehicles, must be conducted so as to avoid unreasonable noise or vibration and not cause interference to adjoining or nearby occupations.

ITEM 1 (continued)

ATTACHMENT 1

56. The L_{10} noise level measured for a period of not less than 15 minutes while demolition and construction work is in progress must not exceed the background noise level by more than 20 dB(A) at the nearest affected residential premises.

Survey of footings and walls

57. 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.

58. No sediment, dust, soil or similar material shall leave the site during construction work.

59. 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.

60. All materials associated with construction must be retained within the site.

61. 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.

62. 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 equivalent 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.

63. 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".

Tree Protection

64. 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.

65. Trees that are shown on the approved plans as being retained must be protected against damage during construction.

ITEM 1 (continued)

ATTACHMENT 1

66. Any works approved by this consent to trees must be carried out in accordance with all relevant Australian Standards.
67. 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.
68. 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.

Drop-edge Beams

69. Perimeters of slabs are not to be visible and are to have face brickwork from the natural ground level.

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.

Prescribed Condition

70. The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate numbered 366849M, dated 31 March 2011.
71. All landscaping works approved by condition 1 are to be completed.
72. The submission of documentary evidence to Council of compliance with all matters that are required by the Road Opening Permit issued by Council under Section 139 of the *Roads Act 1993* in relation to works approved by this consent.

Sydney Water

73. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

ITEM 1 (continued)

ATTACHMENT 1

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Interim/Final Occupation Certificate.

Letterboxes and street/house numbering

74. All letterboxes are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.
75. An **Occupation Certificate** must be obtained from the Principal Certifying Authority (PCA) and a copy furnished to Council in accordance with Clause 151 of the Environmental Planning and Assessment Regulation 2000 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building.
76. **Creation of Easements in Favour of Council.** The applicant shall create a new drainage easement 2.5 metres wide in Council’s favour over the existing pipeline in which Council has an interest at no cost to Council. The alignment of such easements shall be in accordance with detailed engineering plans prepared or approved by Council. It is noted that the pipeline will in this case not be located centrally within the easement due to the proposed location of the adjacent building relative to the existing pipeline.
77. **Compliance Certificates – Engineering.** Compliance Certificates should be obtained for the following (If Council is appointed the Principal Certifying Authority [PCA] then the appropriate inspection fee is to be paid to Council) and **submitted to the PCA:**
- Confirming that all vehicular footway and gutter (layback) crossings are constructed in accordance with the construction plan requirements and Ryde City Council’s *Environmental Standards Development Criteria – 1999 section 4.*
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Development Control Plan 2010: - Part 8.3; Driveways.
 - Confirming that the site drainage system (including the on-site detention storage system) servicing the development complies with the construction plan requirements and City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management
 - Confirming that the on-site detention system will function hydraulically in accordance with the approved design.

ITEM 1 (continued)

ATTACHMENT 1

- Confirming that after completion of all construction work and landscaping, all areas adjacent the site, the site drainage system (including the on-site detention system), and the trunk drainage system immediately downstream of the subject site (next pit), have been cleaned of all sand, silt, old formwork, and other debris.
- Confirming that the connection of the site drainage system to the trunk drainage system complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
- Confirming that the footings adjacent to the drainage easements have been constructed to below the zone of influence in accordance City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management

78. Compliance Certificate – Surveyor. A compliance certificate must be submitted from a Registered Surveyor indicating that all pipelines and associated structures lie wholly within any easements required by this consent.

79. Footpath Paving Construction. The applicant shall, at no cost to Council, construct standard concrete footpath paving across the frontage of the property. Levels of the footpath paving shall conform with levels issued by Council's Engineering Services Division.

80. Vehicle Footpath Crossings. Concrete footpath crossings shall be constructed at all locations where vehicles cross the footpath, to protect it from damage resulting from the vehicle traffic. The location, design and construction shall conform to the requirements of Council. Crossings are to be constructed in plain reinforced concrete and finished levels shall conform with property alignment levels issued by Council's Public Works Division. Kerbs shall not be returned to the alignment line. Bridge and pipe crossings will not be permitted.

81. Work-as-Executed Plan. A Work-as-Executed plan signed by a Registered Surveyor clearly showing the surveyor's name and the date, the stormwater drainage, including the on-site stormwater detention system if one has been constructed and finished ground levels **is to be submitted to the Principal Certifying Authority (PCA)** and to Ryde City Council if Council is not the nominated PCA. If there are proposed interallotment drainage easements on the subject property, **a Certificate from a Registered Surveyor is to be submitted to the PCA** certifying that the subject drainage line/s and pits servicing those lines lie wholly within the proposed easements.

82. On-Site Stormwater Detention System - Marker Plate. Each on-site detention system basin shall be indicated on the site by fixing a marker plate. This plate is to be of minimum size: 100mm x 75mm and is to be made from non-corrosive metal or 4mm thick laminated plastic. It is to be fixed in a prominent position to the nearest concrete or permanent surface or access grate. The wording on the marker plate is described in City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. An approved plate may be purchased from Council's Customer Service Centre on presentation of a completed City of Ryde OSD certification form.

ITEM 1 (continued)

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83. Positive Covenant, OSD. The creation of a Positive Covenant under Section 88 of the Conveyancing Act 1919, burdening the property with the requirement to maintain the stormwater detention system on the property. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E instrument for Maintenance of Stormwater Detention Systems and to the satisfaction of Council.

84. Restriction as to User, Floodway. A restriction as to user is to be placed on the property title to prevent the alteration of the ground surface and maintenance within the 100 year Average Recurrence Interval flow path and also not to have any structure placed inside without Council permission. The terms of the restriction shall be generally in accordance with Council's draft terms for provision for overland flow and to the satisfaction of Council.

85. Drainage Construction. The stormwater drainage on the site is to be constructed in accordance with the Construction Certificate version of Plan No 06083 prepared by AKY Civil Engineering

POST OCCUPATION CERTIFICATE

86. Within 2 days of issuing a final Occupation Certificate, the Principal Certifying Authority (PCA) is required to generate a BASIX Completion Receipt in accordance with the provisions of the EP & A Regulation 2000. The PCA is to refer to the BASIX Completion Receipt tool at www.basix.nsw.gov.au/administration/login.jsp in order to generate the BASIX Completion Receipt and a printed copy of the receipt is to be placed on the PCA file.

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

Record of Voting:

For the Motion: Councillors Pickering, Butterworth and Yedelian OAM

Against the Motion: Councillor O'Donnell

Note: This matter will be dealt with at the Council Meeting to be held on **14 FEBRUARY 2012** as dissenting votes were recorded and substantive changes were made to the published recommendation.

4 64 PELLISIER ROAD, PUTNEY. LOT 102 DP 866280. Local Development Application for Alterations and additions to the existing dwelling including an additional new storey and new cabana in the rear yard. LDA2011/493.

Report: The Committee inspected the property at 64 Pellisier Road, Putney.

Note: A document from Mark and Elizabeth Grodzicky, Rocky and Belinda Pirrottina, Brendan and Tammy Tam and Marion Wakeham (objectors) was tabled in relation to this Item and a copy is ON FILE.

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Note: A letter dated 7 February 2012, photographs and plans from Mr James Balestriere (applicant) was tabled in relation to this Item and a copy is ON FILE.

Note: Mr Mark Grodzicky (objector - also representing the residents at 62, 62A and 64A Pellisier Road) and Mr James Balestriere, Ms Janette Little and Ms Maria Diep (on behalf of the applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors O'Donnell and Butterworth)

- (a) That Local Development Application No. LDA2011/493 for alterations and additions to the existing dwelling and construction of a cabana at No. 64 Pellisier Road, Putney, be refused for the following reasons:
1. The proposal does not comply with clauses 17, 25 and 26 of *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* for the following reasons:
 - (a) Clause 17 (Zoning Objectives). The scale and size of the development is inappropriate to the locality when viewed from the waters in the W8 zone.
 - (b) Clause 25 (Foreshore and Waterways Scenic Quality). The proposal represents and overdevelopment of the land in terms of scale and bulk and will have numerous adverse effects upon adjoining land including overlooking and loss of water views.
 - (c) Clause 26 (Maintenance Protection and Enhancement of Views). The proposal will adversely affect views and vistas from the existing heritage item (60 Pellisier Road) and will have a detrimental cumulative impact upon views enjoyed by adjoining properties.
 2. The proposal does not comply with clause 5.4 (Built Form) of *Sydney Harbour Foreshore & Waterways Development Control Plan* because: the development does not enhance the existing setting; the shape of the upper floor being 'boxy' does not harmonise with the surroundings; the cumulative visual impact and limited articulation of walls does not reduce its overall bulk; and will adversely affect adjoining views and the existing heritage item.
 3. The development proposal generally does not fulfil the aims and objectives of R2 Low Density Residential requirements of the Ryde LEP 2010 for the following reasons:
 - (a) The additional height and number of storeys of the proposal is an inappropriate level of development for the site due to its significant adverse affect upon the amenity of the surrounding properties by overlooking and impact upon views.

ITEM 1 (continued)

ATTACHMENT 1

- (b) Having regard to the topography of the site, the development fails to provide for a predominantly two-storey dwelling and is predominantly a 3-storey dwelling with 4-storeys facing the water.
- 4. The development is inconsistent with the objectives of clause 4.3 and 4.4 of Ryde LEP 2010 by the following:
 - (a) Clause 4.3 (Height of buildings). The development is overbearing in its height and design and does not respond well to the topography of the site.
 - (b) Clause 4.4 (Floor space ratio). The location of the additional floor space and its significant adverse affect upon the amenity of the surrounding properties (including view loss).
- 5. The proposal will have an adverse affect upon the conservation of views to and from the existing heritage item and upon the heritage significance of the adjoining heritage item (No. 60 Pellisier Road), which is contrary to the controls and objectives of clause 5.10 (Heritage conservation) of the Ryde LEP 2010.
- 6. The development does not comply with Part 3.3 of the Ryde DCP 2010, in particular the objectives or controls of: 2.1 – Desired Future Character; 2.2.2 – Alterations and Additions to Dwelling Houses; 2.4 – Public Domain Amenity; 2.4.1 – Streetscape; 2.4.2 – Public Views and Vistas; 2.5 – Site Configuration; 2.5.1 – Deep Soil Areas; 2.5.2 – Topography and Excavation; 2.7 – Height; 2.7.1 – Building Height; 2.9 – Outbuildings; 2.13 – Dwelling Amenity; 2.13.2 – Visual Privacy; and 2.13.4 – View Sharing.
- 7. Due to non-compliance with the height and number of storeys development standards of the Ryde DCP 2010, the following adverse residential amenity impacts that the proposal would impact upon adjoining properties are considered to be unreasonable:
 - (a) Adverse visual and view impacts upon the adjoining properties being Nos. 60, 62 and 62A Pellisier Road; and
 - (b) Adverse visual impact upon the adjoining property to the south (No. 64A Pellisier Road)

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

Record of Voting:

For the Motion: Councillors O'Donnell and Butterworth

Against the Motion: Councillors Pickering and Yedelian OAM

Note: This matter will be dealt with at the Council Meeting to be held on **14 FEBRUARY 2012** as dissenting votes were recorded

ITEM 1 (continued)

ATTACHMENT 1

RECOMMITTAL OF ITEM 1 – CONFIRMATION OF MINUTES – Meeting held on 6 December 2011

1 CONFIRMATION OF MINUTES - Meeting held on 6 December 2011

RESOLUTION: (Moved by Councillors Butterworth and Pickering)

That the Minutes of the Planning and Environment Committee 16/11, held on Tuesday 6 December 2011, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 6.30pm.

CONFIRMED THIS 21st DAY OF FEBRUARY 2012.

Chairperson

2 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 1/12 held on 7 February 2012

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 1/12 held on 7 February 2012. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

Items 1, 2, 3(a), 3(b), 3(c), 3(d), 3(e), 3(f), 3(g), 3(h), 3(i), 3(j), 3(k) and 3(m) were dealt with by the Committee within its delegated powers.

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

3 TRAFFIC & PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 24 November 2011

RECOMMENDATION: (Moved by Councillors Maggio and Tagg)

- (l) That Council adopt the following recommendation in relation to the report titled "Charles Street and Morrison Road, Putney – Pedestrian safety at shops at Putney Public School" as follows:
 - (i) That regular maintenance of planting at the exit of the Council/IGA car park in Charles Street be carried out.
 - (ii) That Raised Pavement Markings (RRPM) be installed at the existing barrier lines at Charles Street, Parry Street and Morrison Road intersections.
 - (iii) That Chevron Boards (D4-series) be installed along Morrison Road on the departure side of the intersection.
 - (iv) That a DDA compliant concrete pad be installed at the existing bus stop along Morrison Road outside Putney School.
 - (v) That terminal ends at the existing guard rail along Morrison Road be upgraded to comply with new standards.
 - (vi) That all faded line markings along Morrison Road including zigzag lines, barrier lines be repainted.
 - (vii) That defective signs identified in the RSA Report for Morrison Road and Parry Street, be replaced.
 - (viii) That RMS (Road Safety) be requested to upgrade 40km/hr patches along Morrison Road and Parry Street.
 - (ix) That existing 1/2P parking within business hours along the western side of Charles Street be extended by 12 metres towards Parry Street subject to ensuring, that sight distance to the pedestrian refuge is maintained to current standards.
 - (x) That two (2) chevron signs (CAMS) be installed facing Morrison Road traffic at the bend, east of Mitchell Street.

ITEM 2 (continued)

- (xi) That Council's Asset Systems Section be requested to consider as part of a future Capital Works Program a "missing" pathway link connection from Parry Street (on the southern side) to the Morrison Road intersection.
- (xii) That subject to technical compliance, left hand turn only be implemented at the exit of Charles Street car park.
- (xiii) That all stakeholders be notified of the proposed changes.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **14 FEBRUARY 2012** as substantive changes were made to the published recommendation.

ATTACHMENTS

- 1 Minutes - Works and Community Committee - 7 February 2012

Meeting Date: Tuesday 7 February 2012

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

Time: 4.32pm

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

Apologies: Nil

Staff Present: Group Manager – Community Life, Group Manager - Public Works and Councillor Support Coordinator.

Councillor Campbell arrived at 4.40pm during consideration of Item 3.

Councillor Li arrived at 4.42pm during consideration of Item 3.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 6 December 2011

RESOLUTION: (Moved by Councillors Tagg and Petch)

That the Minutes of the Works and Community Committee 18/11, held on Tuesday 6 December 2011, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

2 CINEMA IN THE PLAZA

RESOLUTION: (Moved by Councillors Maggio and Tagg)

That the Eastwood Events and Promotions Committee determine the schedule for any future screenings as part of the annual entertainment for Eastwood Plaza, within the existing budget allocation.

Record of Voting:

For the Motion: Unanimous

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

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ATTACHMENT 1

3 TRAFFIC & PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 24 November 2011

RESOLUTION: (Moved by Councillors Maggio and Tagg)

That the traffic and parking measures resulting from the Ryde Traffic Committee at its meeting on 24 November 2011 be dealt with in seriatim.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Maggio and Tagg)

- (a) That Council adopt the following recommendations in relation to the report titled "Belmore Street, Meadowbank – Request for parking restrictions" as follows:
- (i) Maintain the existing 2P RPS Zone 8 in See Street.
 - (ii) Residents of See Street be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Maggio and Tagg)

- (b) That Council adopt the following recommendations in relation to the report titled "Waterview Street, Putney – Request for parking restrictions" as follows:
- (i) Install "Vehicle with trailer parking only – Sat to Sunday and Public Holidays" signage for ten (10) parking spaces on the eastern side of parking located at Kissing Point Park.
 - (ii) Retain the current signage for seven (7) existing spaces to restrict parking for vehicles with trailers only, seven days a week.

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 Maggio and Tagg)

- (c) That Council adopt the following recommendations in relation to the report titled "Oxford Street, Gladesville – 'Kiss and Ride' parking outside school" as follows:

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ATTACHMENT 1

- (i) Install 'No Parking' zone along Oxford Street on school frontage during (8:30am – 9:30am; 2:30pm – 4pm, School Days) for length of 45 metres and supplementary 'Kiss and Ride' signs on the top of all No Parking signs
- (ii) Install 'No Stopping' zone for 20 metres along Oxford Street at the eastern approach to the existing pedestrian crossing.
- (iii) Install 1P (8:30am – 6pm, Mon-Fri 8:30am – 12:30pm, Sat) along the school frontage on Westminster Road and remove existing 'Kiss and Ride' zone for 40 metres.

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 Maggio and Tagg)

- (d) That Council adopt the following recommendation in relation to the report titled "Yarwood Street, Marsfield – Request for No Parking restriction" as follows:
 - (i) Install 'No Parking' signage for sixty (60) metres along the northern side of Yarwood Street, west of Culloden 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 Maggio and Tagg)

- (e) That Council adopt the following recommendation in relation to the report titled "Bowden Street, Meadowbank – Request for short term restriction" as follows:
 - (i) That P30 minute parking be installed for twelve (12) metres in length along the eastern side Bowden Street outside the existing boat shed.
 - (ii) That the Taxi Zone be installed for twelve (12) metres just north of the existing bus zone outside Meadowbank Ferry Wharf which is located along the waterfront end of Bowden 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 2 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Maggio and Tagg)

- (f) That Council adopt the following recommendations in relation to the report titled “Buffalo Road, Ryde – Request for pedestrian crossing” as follows:
 - (i) That no action be undertaken to install a zebra crossing on the existing speed hump (Speed Hump No.1), along Buffalo Road near Princes Street, as according to the RTA’s Technical Supplements for a Raised Pedestrian Crossing, the Predicted Hazard Index (PHI) is less than 50.
 - (ii) That Speed Hump No.2 near Aitchander Road be modified to prevent to prevent any pedestrian access across Buffalo Road, by converting existing kerb ramps to kerb and gutter and the existing crossing gap between the landscaped islands to be filled with concrete to match existing conditions as far as practicable.

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 Maggio and Tagg)

- (g) That Council adopt the following recommendations in relation to the report titled “Vimiera Road And Waterloo Road, Marsfield – Request for pedestrian crossing” as follows:
 - (i) That no action be taken to install pedestrian crossing at the intersection of Vimiera Road and Waterloo Road as RTA warrants are not met.
 - (ii) That pedestrian warning signs W6-1 (fluorescent as per TDT 2007/01) be installed on all approaches to the roundabout at the Vimiera Road and Waterloo Road 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 Maggio and Tagg)

- (h) That Council adopt the following recommendation in relation to the report titled “Lancaster Avenue and Cobham Avenue, Melrose Park – Bypassing traffic” as follows:
 - (i) That a Road Centreline (S3) be installed along Lancaster Avenue between Wharf Road and Andrew Street, Melrose Park.
 - (ii) That NSW Police Services be requested to undertake periodic surveillance to mitigate the incidence of speeding along Lancaster Avenue between Parer Street and Andrew Street.

ITEM 2 (continued)

ATTACHMENT 1

- (iii) That a further review be undertaken in 6 months with a report to the Committee detailing the results.

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 Maggio and Tagg)

- (i) That Council adopt the following recommendations in relation to the report titled "Adelaide Street, West Ryde – Speeding of vehicles" as follows:
 - (i) That no action be undertaken to install traffic calming measures in Adelaide Street, south of Moss Street at the present time.
 - (ii) That NSW Police Services be requested to undertake periodic surveillance to curtail erratic driving behaviour (speeding) along Adelaide Street, south of Moss 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 Maggio and Tagg)

- (j) That Council adopt the following recommendation in relation to the report titled "Waterloo Road, Marsfield – Capital Works Program 2011/12 – Pedestrian Refuges" as follows:
 - (i) That Council support the design plans subject to adherence to technical specifications.

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 Maggio and Tagg)

- (k) That Council adopt the following recommendation in relation to the report titled "Cox's Road, North Ryde – Pedestrian Crossing outside Council car park" as follows:
 - (i) That Pedestrian Crossing (R3-1) signs be replaced to conform to the latest specifications TDT2007/01.
 - (ii) That "zigzag" advanced pavement markings be provided on approach to increase motorists' awareness of the crossing and also as alternative to the advanced warning signs.

ITEM 2 (continued)

ATTACHMENT 1

- (iii) That a kerb extension and associated kerb blisters be provided on the southern side of Cox's Road, in order to bring the northbound pedestrians further into drivers' line of sight.
- (iv) That consideration be given to converting the parking bay east of the pedestrian crossing (outside the bank) to a 'Motorcycle Parking Only'.
- (v) That the subject crossing be upgraded to a pedestrian crossing on a flat top road hump to increase motorists' awareness of the crossing along Cox's Road and that it conform with TDT2001/04a.

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 Maggio and Tagg)

- (I) That Council adopt the following recommendation in relation to the report titled "Charles Street and Morrison Road, Putney – Pedestrian safety at shops at Putney Public School" as follows:
 - (i) That regular maintenance of planting at the exit of the Council/IGA car park in Charles Street be carried out.
 - (ii) That Raised Pavement Markings (RRPM) be installed at the existing barrier lines at Charles Street, Parry Street and Morrison Road intersections.
 - (iii) That Chevron Boards (D4-series) be installed along Morrison Road on the departure side of the intersection.
 - (iv) That a DDA compliant concrete pad be installed at the existing bus stop along Morrison Road outside Putney School.
 - (v) That terminal ends at the existing guard rail along Morrison Road be upgraded to comply with new standards.
 - (vi) That all faded line markings along Morrison Road including zigzag lines, barrier lines be repainted.
 - (vii) That defective signs identified in the RSA Report for Morrison Road and Parry Street, be replaced.
 - (viii) That RMS (Road Safety) be requested to upgrade 40km/hr patches along Morrison Road and Parry Street.
 - (ix) That existing 1/2P parking within business hours along the western side of Charles Street be extended by 12 metres towards Parry Street subject to ensuring, that sight distance to the pedestrian refuge is maintained to current standards.
 - (x) That two (2) chevron signs (CAMS) be installed facing Morrison Road traffic at the bend, east of Mitchell Street.
 - (xi) That Council's Asset Systems Section be requested to consider as part of a future Capital Works Program a "missing" pathway link connection from Parry Street (on the southern side) to the Morrison Road intersection.
 - (xii) That subject to technical compliance, left hand turn only be implemented at the exit of Charles Street car park.
 - (xiii) That all stakeholders be notified of the proposed changes.

ITEM 2 (continued)

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Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **14 FEBRUARY 2012** as substantive changes were made to the published recommendation.

RESOLUTION: (Moved by Councillors Maggio and Tagg)

- (m) That Council adopt the following recommendation in relation to the report titled "Signage on Cox's Road and Lane Cove Road" as follows:
 - (i) That a working party comprising Council, RMS, NSW Police and State Transit representatives review the concerns raised by the NPRS School President in relation to the Lane Cove Road, Kent Road and Cox's Road intersection and that a further report be brought back to the Committee in due course.

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 5.00pm.

CONFIRMED THIS 21st DAY OF FEBRUARY 2012.

Chairperson

3 DRAFT RYDE LOCAL ENVIRONMENTAL PLAN (LEP) 2011 and DRAFT DEVELOPMENT CONTROL PLAN (DCP) 2011.

Report prepared by: Strategic Planner

Report dated: 23/01/2012

File No.: LEP2008/22/007 - BP12/40

REPORT SUMMARY

This report provides details on the required amendments to Draft Local Environmental Plan 2011 (DLEP 2011) as a consequence of a revised Section 65 Certificate (allowing the exhibition of the draft Plan) dated 20 December 2011 received from the Department of Planning and Infrastructure (DoPI). The report also provides information on the proposed exhibition of draft Development Control Plan (DDCP) 2011 – a new DCP that supports the provisions of DLEP 2011 and implements a number of recommendations of the City of Ryde Local Planning Study dated 2010.

The report recommends that Council proceeds with the exhibition of Draft Ryde Local Environmental Plan 2011 as required under *Section 66 Public exhibition of draft local environmental plan* of the Environmental Planning and Assessment Act 1979 (EP&A Act) and undertake a planning proposal to rezone Cudal Reserve. This process will involve liaising with Sydney Water with respect to the rezoning to RE1 Public Recreation.

The report recommends that a development control plan (DCP) be prepared in line with the Council report of the 27 September 2011 and the amended Section 65 Certificate for DLEP 2011.

RECOMMENDATION:

- (a) That Council authorise that Draft Ryde Local Environmental Plan 2011 be placed on exhibition in accordance with the requirements for the exhibition of draft local environmental plans as specified by the Environmental Planning and Assessment Act 1979.
- (b) That Council prepare a Planning Proposal to rezone Cudal Reserve (22 Henry Street Ryde) from SP2 Infrastructure to RE1 Public Recreation.
- (c) That Council liaise with Sydney Water with respect to the rezoning of Cudal Reserve Ryde to RE1 Public Recreation and the outcomes of such discussions be reported to Council.
- (d) That Council authorise that a Development Control Plan (DCP) to be known as DCP 2011 be prepared in line with the Council report of 27 September 2011 and the amended Section 65 Certificate for DLEP 2011 with respect to 158 – 194 Blaxland Road Ryde.
- (e) That Council authorise that Development Control Plan 2011 be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

ITEM 3 (continued)

ATTACHMENTS

- 1** Draft Ryde Local Environmental Plan 2011 - Exhibition - CIRCULATED UNDER SEPARATE COVER
- 2** City of Ryde Draft Development Control Plan 2011 - CIRCULATED UNDER SEPARATE COVER
- 3** Section 65 Certificate for DLEP 2011 dated 20 December 2011

Report Prepared By:

Susan Wotton
Strategic Planner

Report Approved By:

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

ITEM 3 (continued)

History

Draft LEP 2011

Council resolved on the 11 December 2007 to prepare a comprehensive LEP in accordance with the Standard Instrument and based on the City of Ryde Local Planning Study.

Council adopted with amendments the City of Ryde Local Planning Study 2010 on the 7 December 2010 and resolved that the consultation process with Government agencies, required by Section 62 of the EP&A Act for draft Ryde LEP 2011 be carried out.

Council on 14 December 2010, after consideration of the comments from the government agencies, resolved that the Director General of the Department of Planning and Infrastructure (DoPI) be requested under Section 65 of the Environmental Planning and Assessment Act, 1979 to certify that the draft Plan, as amended, may be publicly exhibited.

A conditioned Section 65 Certificate was issued by the Director General of DoPI on the 5 September 2011. A report was submitted to Council on 27 September 2011 that provided details on:

- the differences between the draft plan that was lodged with DoPI in December 2010 and the draft plan approved to be exhibited in September 2011,
- the conditions attached to the Section 65 Certificate that was issued by DoPI on 5 September, and
- the proposed exhibition process for draft LEP 2011.

The Council report of the 27 September 2011 (Attachment 1) is **UNDER SEPARATE COVER**.

Council resolved with respect to that report the following:-

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

The Council Workshop was held on the 8 November 2011 and covered the following areas: -

- Section 65 Conditions relating to open space,
- Rezoning of land at 158 – 194 Blaxland Road Ryde under DLEP 2011,
- Rezoning of SP2 land to the zoning of adjoining land.

ITEM 3 (continued)

The community members of the Integrated Open Space Plan Project Reference Group were invited to attend. Three of the five community members were present as was the Convenor of the Ryde Environment Group.

A report on the outcomes of the Councillor Workshop was presented to Council on 13 December 2011. Council resolved the following with respect to the matters covered in that report:

- (a) That the Director General of the Department of Planning and Infrastructure be requested to amend the Section 65 Certificate issued on 5 September 2011 for draft LEP 2011 in accordance with the following:*
 - *158 – 194 Blaxland Road Ryde - Add a new condition reverting the zoning, height and floor space controls for 158 – 194 Blaxland Rd Ryde to those that apply under LEP 2010 i.e. zoning 158 – 180 Blaxland Rd R2 Low Density Residential and 182 – 194 Blaxland Rd R4 High Density Residential.*
 - *Cudal Reserve - Delete Condition 12 (b) rezoning Cudal Reserve from SP2 to R2 Low Density Residential and add a new condition requiring the rezoning of the land to RE1 Public Recreation.*
 - *390 Pittwater Road North Ryde - Delete Condition 12(d) rezoning 390 Pittwater Road from E2 and R2 to SP2 Classified Road.*
- (b) That a submission is made to the Department of Planning and Infrastructure and State Property Authority expressing Council's concern about the possible sale of land associated with Small's Road Ryde School and requesting that the Small's Road Ryde School land be retained either as a school site or dedicated open space.*
- (c) That the rezoning of Kitty's Creek Reserve adjacent to 46 Jeanette Street Ryde from an E2 zone to a R2 zone not proceed.*

A letter requesting the above amendments and expressing Council's concerns with respect to Small's Road School was sent to the Director General of the Department of Infrastructure and Planning on the 15 December 2011.

Mayoral Minute 22 November 2011

In relation to Cudal Reserve Ryde and Smalls Road Ryde School Council is to note that a Mayoral Minute dated 22 November 2011 recommended the following:

- (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;

ITEM 3 (continued)

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

(b) That this matter be reported back to Council

Letters were sent to the respective Ministers in late November 2011.

Draft Development Control Plan 2011

Council on the 16 June 2009 adopted DCP 2010 which reflected the controls within LEP 2010. With the gazettal of LEP 2010 on 30 June 2010 Development Control Plan 2010 became effective and resulted in a single DCP applying to the City of Ryde.

The Local Planning Study which was adopted by Council on 7 December 2010 recommends local planning provisions for both a comprehensive LEP and for the City wide DCP. The City of Ryde Local Study was supported by the following studies:-

- Employment Study
- Environment and Open Space Study
- Housing Study
- Centre and Corridors Study
- Small Centres and Neighbourhood Centres Study
- Heritage Study
- Transport Study
- West Ryde Master Plan

As a result of the development of draft Ryde LEP 2011 a new DCP to support the new LEP is required. A report to Council dated 27 September 2011 outlined the changes proposed to DCP 2010 which included;

Administrative changes

- Updating technical requirements and incorporating endorsed Council changes such as Part 4.5 Macquarie Park Corridor - the inclusion of the Space Syntax proposed Pedestrian Structure Plan and related controls - Council resolution 16 March 2010.
- Deleting Parts which are no longer relevant such as Part 3.4 Residential Flat Buildings - more current and relevant controls for such developments are contained within State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development.

City of Ryde Local Planning Study Changes

- Part 3.3 Dwelling houses and Dual Occupancy and Part 3.5 Multi dwelling Housing - Housing Study – both Parts amended to delete Linear Separation controls with respect to dual occupancy and multi dwelling housing developments.
- Part 4.1 Eastwood Town Centre –Centres and Corridor - amended to include controls from Lakeside/Glen Street Eastwood Master Plan.

ITEM 3 (continued)

- Part 4.2 Meadowbank Urban Village (to be renamed Shepherds Bay Meadowbank)–Centres and Corridors Study - amended to incorporate the development provisions of draft DCP 2008 prepared for the area.
- Review of Part 4.3 West Ryde Urban Village – controls based on the West Ryde Master Plan (Council resolution of 7 December 2010 to prepare a DCP for West Ryde Town Centre).
- Part 4.4 Ryde Town Centre – Centres and Corridor – amended to include the land adjoining the Centre on Victoria Road and Blaxland Road.
- Added new Part – 5.4 Blenheim Road Shopping Centre – Small Centres - controls based on Blenheim Road Master Plan (Council resolution of 7 December 2010 to prepare a DCP for Blenheim Road Shopping Centre).

Draft LEP 2011 changes

- Part 3.3 Dwelling Houses and Dual Occupancy amended to include a reference to subdivision requirements for residential allotments.
- Part 4.4 Ryde Town Centre amended to include planning controls for Ryde Town Centre which have been deleted from LEP 2011.
- Added new Part – 8.6 Floodplain Management Plan – Council resolution 3 November 2009. The new part provides objectives and controls for development of land that is identified as flood affected and is part in response to clauses within draft LEP 2011.

The report also outlined the exhibition process to be undertaken.

The Council report of the 27 September 2011(Attachment 2) is **UNDER SEPARATE COVER.**

Council resolved on the 27 September 2011 that consideration of the preparation and exhibition of the draft DCP be deferred to a Councillor workshop in respect of the Ryde Draft Local Environmental Plan 2011. The Council Workshop and its outcomes have been previously discussed in this report.

Discussion

Draft LEP 2011

In response to Council's letter of the 15 December 2011 an amended Section 65 Certificate dated 20 December 2011 was issued by DoPI and received by Council on the 23 December 2011. The following amendments to the S65 Certificate have been made:

- A new condition (Condition 17) added reverting the zoning, height and floor space controls for 158 – 194 Blaxland Rd Ryde to those that apply under LEP 2010
- Condition 12 (b) which rezones Cudal Reserve from SP2 to R2 Low Density Residential and adding a new condition rezoning the land to RE1 Public Recreation – Deleted

ITEM 3 (continued)

- Condition 12(d) which rezones 390 Pittwater Road from E2 Environmental Conservation and R2 Low Density Residential to SP2 Classified Road - Deleted

The two amendments requested by Council that have not been addressed by DoPI in the amended S65 Certificate are:

- Rezoning of Cudal Reserve to RE1 Public Recreation. It should be noted that DoPI has however deleted the condition requiring the land to be zoned residential.
- Rezoning a small area of Kitty's Creek Reserve from R2 Low Density Residential to E2 Environmental Conservation and the subsequent deleting of the proposed reclassification of the subject land to operational.

The amended Section 65 Certificate is **ATTACHED**.

The DoPI have advised that it is not their intention to issue a further amended Section 65 Certificate.

The outcomes of these amendments for DLEP 2011 to be exhibited is summarised as follows

- Blaxland Road – retains R2 and R4 zoning (Note: land zoned SP2 Church (176 Blaxland Rd) under LEP 2010 has been rezoned R2 Low Density Residential in DLEP 2011 - this is in line with the requirements of DoPI).
- Cudal Reserve - retains SP2 Infrastructure zoning
- 390 Pittwater Road – retains zoning under DLEP 2011 i.e. R2 Low Density Residential and E2 Environmental Conservation

It is considered that to achieve the rezoning of Cudal Reserve to RE1 Public Recreation and allow Draft LEP 2011 to proceed to exhibition a separate Planning Proposal to rezone Cudal Reserve should be undertaken by Council and made as an amendment to LEP 2010. Once gazetted the zoning of the land to RE1 Public Recreation would be supported by DoPI as a change to LEP 2011. DoPI have advised they support this approach however it will be necessary for Council to liaise with Sydney Water prior to the submission of a PP to them for Gateway determination.

It is considered that the rezoning of the small area of Kitty's Creek reserve back to E2 Environmental Conservation and the deletion of the subject area from *Schedule 4 Classification and reclassification of public land* in DLEP 2011 can be an amendment made to LEP 2011 after exhibition and prior to the gazettal of the Plan. Such changes were supported by DoPI in the finalisation and gazettal of LEP 2010.

As all other amendments have been supported by DoPI and reflected in the S65 Certificate it is considered that the draft LEP should be amended in accordance with the Section 65 Certificate dated 20 December 2011 and the draft LEP should proceed to exhibition.

ITEM 3 (continued)

Draft DCP 2011

The only change to the draft DCP outlined in the Council report of the 27 September 2011 resulting from the Councillor Workshop of the 8 November 2011 relates to Part 4.4 Ryde Town Centre and the reinstatement of the zoning of land at 158 – 194 Blaxland Road to its zoning of R2 and R4 under LEP 2010.

Under DCP 2010 – Part 4.4 Ryde Town Centre the subject land is not identified as being part of the Ryde Town Centre. With the reinstatement of the zoning of the land to R2 and R4, the land no longer needs to be included as part of the Ryde Town Centre in draft DCP 2011 - Part 4.4 Ryde Town Centre.

As such it is considered that Council should proceed with the draft DCP and the exhibition of the draft DCP as outlined in the Council report of 27 September 2011. In reflecting the zoning of the land as now specified under the amended s65 Certificate for DLEP 2011, reference in Part 4.4 Ryde Town Centre to the properties 158 – 194 Blaxland Road is no longer required.

Consultation

Public Exhibition Draft LEP 2011 with S65 Certificate and draft DCP 2011- City Wide Community engagement

Under the Environmental Planning and Assessment Act Council is required to place a public notice advising of the exhibition of the draft LEP at the start of the public exhibition period which must extend for a period of 28 days. Similar provisions apply for a draft DCP.

For the formal exhibition of draft Ryde LEP 2011 and DCP 2011 the following is proposed:

- Exhibition period of six weeks.
- A public notice of the exhibition in each Ryde City View edition during the six week period.
- Use of Council Kiosks in each of Council's libraries to provide internet access to Ryde LEP 2010 and draft LEP 2011 as well as DCP 2010 and draft DCP 2011 for information and comparison purposes. Similar computer access will be available for customers within the Civic Centre.
- Hard copies of both Ryde LEP 2010, draft LEP 2011 and draft DCP 2011 on display or available for viewing depending on space availability within each library, the Civic Centre and Ryde Planning and Business Centre.
- A4 Information posters displayed within each library, the Civic Centre and Ryde Planning and Business Centre directing customers to Council Kiosk or hard copy displays.
- Brochures on the draft LEP and DCP available at all areas where the LEP is on exhibition.
- Letters to individual property owners where a change in zoning, height and floor space are to occur.

ITEM 3 (continued)

- Letters to landowners that adjoin sites where a change in zone, FSR and height is to occur, as identified in the Centres and Corridors and Small Centres Study.
- Letters to land owners whose land has been identified for acquisition. (It should be noted that only the Body Corporate of a strata group will be notified not the individual owners of strata units with respect to all letters).
- Letters to Chamber of Commerce and Progress Associations advising them of the draft LEP and draft DCP.
- Series of informal information sessions for targeted groups e.g. persons directly affected by a zoning, fsr or height change as identified in the Centres and Corridors and Small Centres Study.
- All internal Council business units will be consulted by placing the draft LEP and draft DCP on the intranet and the internet and by emailing individual business units highlighting areas of interest and requesting they provide comment.
- A number of internal information sessions.
- A range of City of Ryde Advisory Committees will be consulted during the exhibition period.
- External public consultation with government agencies and adjoining councils will include all adjoining council areas and those government agencies that responded to the Section 62 consultation process.

Consultation is in accordance with COR Engagement Matrix.

A consultation program with dates, times and venue of the sessions will be circulated to the councillors through the Councillor Information Bulletin.

It should be noted that Ku-ring-gai Council in a Section 62 submission requested that residents living in West Lindfield be notified of the exhibition and in particular the proposed rezoning of 160 – 162 Wicks Road from RE1 Public Recreation to IN2 Light Industrial . Ku-ring-gai Council has offered to provide the notification data base to carry out the notification process.

It is considered that Ku-ring-gai Council should be responsible for advising those persons they believe would have an interest in the Draft LEP. To assist the Council City of Ryde will suggest that they consult with their residents and COR will provide a draft letter.

Exhibition Material

Explanatory material, including a brochure, will support the exhibition of draft LEP and draft DCP and include reference to changes that are proposed for example in West Ryde and Meadowbank

Other exhibition material will comply with NSW legislation requirements and include Section 117 directions and a copy of the Section 65 Certificate and a plain English version of the draft Plan.

ITEM 3 (continued)

Public Hearing

DoPI Practice Note (PN) 09-003 (*Re*) *classification of public land through a LEP* states that where a draft LEP includes reclassification of 'community' land to 'operational' land, council must hold a public hearing into the proposal in accordance with Section 68 of the EP&A Act. Draft LEP 2011 identifies land in Kitty's Creek adjacent to 46 Jeanette Street as being reclassified to *Operational*.

As Council has resolved not to proceed with the rezoning of subject land to R2 Low Density Residential there is no longer any requirement that the land be reclassified to Operational.

However as the reference to the reclassification cannot be deleted from the draft Plan except through an amended Section 65 Certificate legal advice will be sought as to whether or not it will still be necessary to proceed with a Public Hearing in view of Council's previous resolution.

Internal Consultation includes:

All internal Council business units will be consulted by placing the draft LEP on the intranet and the internet and by e-mailing individual business units highlighting areas of interest and requesting that they provide comments on these areas.

A range of Ryde Advisory Committees are to be consulted through an invitation to attend an information session.

External public consultation includes:

- External public consultation with government agencies and adjoining councils will include all adjoining council areas and those government agencies that responded to the S62 consultation process. These agencies and councils will be advised of the exhibition, provided with details of the draft plan and invited to make comment.
- Information drop in centres will be held at Eastwood, West Ryde and North Ryde libraries for all residents.
- Information sessions will be held for targeted groups e.g. property owners that adjoin sites where a change in zone, FSR and height is to occur such as Meadowbank, West Ryde and Ryde Town Centre.
- Letters will be sent out to properties directly affected or that surround an area where change is proposed such as Ryde Town Centre, West Ryde, Eastwood, Blenheim Road and Eastwood.
- Letters will be sent out advising of the exhibition of Draft LEP 2011 and Draft DCP 2011 to Eastwood, Gladesville, Korean, Ryde, West Ryde, Ryde Business Forum and North Ryde Chambers of Commerce.
- Letters will be sent out advising of the exhibition of Draft LEP 2011 and Draft DCP 2011 to Meadowbank West Ryde Progress Association, North Ryde Residents Group, and Putney and District progress Association.

ITEM 3 (continued)

Context

The following deadlines are required to be met:

Under State Governments timetabling for the development of a comprehensive LEP for all Council areas within NSW the Ryde LEP 2011 - a comprehensive plan for the City of Ryde was to be completed by March 2011. No formal extension to this period has been given by DoPI. The March deadline has not being met due to:-

- the delay in the gazettal of LEP 2010 (Stage 1 of the 3 Stage process towards a comprehensive LEP for the City of Ryde) by the Minister for DoPI.
- the delay in receiving the S65 Certificate for draft LEP 2011 and
- the changes to the Standard Instrument by DoPI that occurred in February 2011.

The Department is now requesting that we finalise the LEP by the end of 2012.

The recommendation is consistent with the requirements of the Environmental Planning and Assessment Act 1979.

Financial Implications

Should Council resolve to undertake the exhibition of Draft LEP 2011 and Draft DCP 2011 it will result in a financial impact of \$6,000 and this is within the current budget Urban Planning budget for 2011/2012.

Policy Implications

The recommendation is consistent with the requirements of the Environmental Planning and Assessment Act 1979.

Other Options

If Council has concerns about any of the proposed instruction in the S65 they can seek a further amended S65 Certificate from DoPI. This process will require a formal application to the Minister and will further delay delivery of the LEP 2011. It should be noted that DoPI have advised that they do not support another amendment to the Section 65.

ITEM 3 (continued)

ATTACHMENT 3



**Planning &
Infrastructure**

**ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
SECTION 65(2) CERTIFICATE**

As delegate of the Director General of the Department of Planning and Infrastructure, I, Neil McGaffin, Executive Director, Planning Operations, under section 65(2) of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') certify that the draft LEP set out in Schedule 1 may be publically exhibited under section 66 of the EP&A Act subject to the condition that the draft LEP be amended as set out in Schedule 2.

Signed



Neil McGaffin
Executive Director
Planning Operations

Dated 20 December 2011

Schedule 1

Draft Ryde Local Environmental Plan 2011 submitted to the Director General under former section 64 of the EP&A Act on 15 December 2011.

Schedule 2 conditions

1. Update the Draft LEP in accordance with Table 1 below to accord with the Standard Instrument Order.

Table 1

Clause/Page	Change
Clause 1.3(1)	Add mandated clause 1.3(1): <i>1.3(1) This Plan applies to the land identified on the Land Application Map.</i>

ITEM 3 (continued)

ATTACHMENT 3

2. Update the Land Use Table in accordance with Table 2 to comply with the Land Use Matrix:

Table 2

Zone	Change
Zone B3, B7, IN2 and IN4	Add: 'Timber yards' under (4) Prohibited
Zone B4	Add: 'Farm buildings' under (4) Prohibited

3. Add the following text to Clause 4.1 after 4.1(4)
- "4.1(5) Despite subclause (3), if a lot is a battle-axe lot or other lot with an access handle and is on land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B6 Enterprise Corridor, Zone B7 Business Park, Zone IN1 General Industrial and Zone IN2 Light Industrial, the minimum lot size excludes the area of the access handle."*
4. Delete the following clauses:
- Clause 4.1A Minimum subdivision requirements in certain residential zones
 - Clause 4.4B Centres- floor space ratio
 - Clause 4.5B(5) Macquarie Park Corridor
 - Clause 6.4 Planning Controls for Ryde Town Centre
 - Clause 6.4.1 Precinct 1 – Civic and mixed
 - Clause 6.4.2 Precinct 2 – Town Core
5. Under Clause 4.1B, delete 'or a duplex building' under subclause (1) and delete subclause (2).
6. Update Clause 6.3(3)(h) to include the entire model subclause.
7. Update Clause 6.5 by adding subclause (2) as follows:
- (2) In this clause, **commercial activities**, in relation to the use of a building, means using the building for the purposes of business premises, community facilities, hotel or motel accommodation, landscape and garden supplies, light industries, passenger transport facilities, timber and building supplies or warehouse or distribution centres.*
8. Replace Clause 6.8 with the following draft model clause:
- 6.8 Stormwater**
- (1) The objective of this clause is to minimise the impacts of urban stormwater on the land to which the development applies, adjoining properties, native bushland and receiving waters.*
- (2) This clause applies to all land zoned Residential, Business and Industrial land uses.*
- (3) Before granting consent to development to which this clause applies the consent authority must be satisfied that the development:*
- is designed to maximise the use of water permeable surfaces on the site having regard to the soil characteristics affecting on-site infiltration of water,*
 - include, where practical, on-site stormwater retention for uses as an alternative supply to mains water, groundwater or river water; and*
 - avoids, or where an impact cannot be avoided, minimises and mitigates, the disturbance and impacts of stormwater runoff on adjoining properties, native bushland and receiving waters.*

ITEM 3 (continued)

ATTACHMENT 3

9. Deleted

10. Update Schedule 2 in accordance with Table 4 below:

Table 4

Schedule 2	Change
Footpath Activity (associated with retail premises, industrial retail outlets, kiosk, neighbourhood shop and shop)	<p>Amend with the following text:</p> <p>Development on footpath (associated with commercial premises or industrial retail outlet)</p> <p>(1) Must be associated with an adjacent or nearby commercial premises (not including food and drink premises) or industrial retail outlet for which development consent has been granted.</p> <p>(2) Must not be located on a classified road.</p> <p>(3) Must be associated with an activity or area which is the subject of an approval for street vending under the Roads Act 1993.</p> <p>(4) The footpath must be a minimum width of 3.6 metres measured from the front of the associated premises to the kerb.</p> <p>(5) Unobstructed pedestrian access of a minimum width of 2 metres must be maintained.</p> <p>(6) All structures associated with the use are to be removable and stored within the associated premises outside approved business hours;</p> <p>(7) No A-frame (sandwich board) signs are permitted.</p> <p>(8) Must be located in a manner compatible with authorised adjoining uses.</p> <p>(9) Where located at an intersection of two roads, the use must not be located within 3 metres radius of the intersection measured from the property boundary.</p> <p>(10) Must not be located at bus stops, taxi ranks, near pedestrian crossings, or other areas where there is concentrated pedestrian traffic or vehicular traffic safety concerns.</p> <p>(11) Unobstructed access must be maintained to the host premises and adjacent premises at all times.</p> <p>(12) Must not involve the preparation of food.</p> <p>(13) Must not include the use of music (amplified, live or otherwise), or spruiking at any time.</p>
Outdoor dining (associated with food and drink premises)	<p>Amend with the following text:</p> <p>Outdoor dining (associated with food and drink premises, excluding pubs)</p> <p>(1) Must be associated with an adjacent/nearby food and drink premises (excluding pubs) for which development consent has been granted.</p> <p>(2) The use of the footpath for outdoor dining is limited to the front of the premises for which development consent has been granted.</p> <p>(3) Where located on a public road, the outdoor dining area is the subject of a current valid approval under section 125 of the Roads Act 1993.</p> <p>(4) The outdoor dining area must have a minimum width of 1 metre.</p> <p>(5) Where located adjacent to a parking lane, the outdoor dining area must be setback a minimum of 600mm from the kerb.</p> <p>(6) Unobstructed pedestrian access of a minimum width of 2 metres must be maintained.</p> <p>(7) Outdoor dining associated with a premises located at an intersection of two roads must not be located within 3 metres of the intersection measured from the property boundary.</p> <p>(8) Outdoor dining must not be located at bus stops, taxi ranks, or near</p>

ITEM 3 (continued)

ATTACHMENT 3

	<p>pedestrian crossings.</p> <p>(9) All boundaries of the outdoor dining area must be delineated. Permanent structures must not be used to delineate the area, unless previously approved by Council.</p> <p>(10) Unobstructed access must be maintained to the host premises and adjacent premises at all times.</p> <p>(11) No music (amplified, live or otherwise) shall be played outside the premises at any time.</p> <p>(12) Smoking being prohibited in the outdoor dining area in accordance with Council's policy for no smoking in outdoor dining areas.</p> <p>(13) No food preparation is permitted in the outdoor dining area.</p> <p>(14) Must be operated only within the approved hours of the associated premises.</p> <p>(15) Must not involve construction work or the erection/hoisting of structures without the prior approval of Council.</p> <p>(16) Furniture, materials and equipment used in association with the outdoor dining area must be temporary in nature, and at the close of business must be removed from the public area and stored within the associated premises.</p> <p>(17) Umbrellas, furniture, heating devices used in association with the outdoor dining area are to be securely installed at all times whilst in use to ensure the protection and safety of people and property.</p> <p>(18) The outdoor dining area must not be enclosed or covered without the prior approval of Council.</p> <p>(19) No A-frame (sandwich board) signs are permitted.</p>
Outdoor lights (Fixed)	<p>Amend by adding the following line:</p> <p>(2) Must not apply to heritage items of local significance.</p>
Solid fuel heaters	<p>Amend by adding the following line:</p> <p>(5) Must not apply to heritage items of local significance.</p>

11. Update Schedule 5 in accordance with Table 5 below:

Table 5

Item	Change
I47, I133, I158, I55, I99 and I153	Replace significance from 'State' to 'Local'
I133, I56, I67, I155, I88, I150, I152	<p>Update item name for the following items:</p> <p>I113 to 'Gladesville Drill Hall'</p> <p>I56 to 'Meadowbank Railway Bridge over Parramatta River'</p> <p>I67 to 'Riverview House and outbuildings'</p> <p>I155 to Ryde Pumping Station and site</p> <p>I88 from "(House and Garden)" to "(Hermitage and garden)"</p> <p>I150 to "Former Police Station"</p> <p>I152 from "Addington (House)" to "Addington House"</p>

12. Update the following Draft LEP maps in accordance with Table 6 below:

Table 6

Map	Change
LZN_08 & LZN_09	Rezone the Porters Creek Site, being Lots 11 and 12 DP 841065 and Lots 540 and 543 DP 1005833 at Wicks Road, Macquarie Park from RE1 Public Recreation to IN2 Public Recreation.
Deleted	Deleted

ITEM 3 (continued)

ATTACHMENT 3

LZN_06	Rezone 20 Goulding Road, Ryde from SP2 WS&D to R2 Low Density Residential.
Deleted	Deleted

13. Update the Land Reservation Acquisition Maps LRA_003, 005, 006 and 009, and Land Zoning Maps LZN_003, 005, 006 and 009 by:
 - a) Deleting the following properties from the Land Reservation Acquisition Map, also shown at Attachment A:
 - 43 Rocca Street DENISTONE EAST
 - 20 Richard Johnson Crescent MEADOWBANK
 - 37 Constitution Road MEADOWBANK
 - 25 Morshead Street NORTH RYDE
 - 42 Epping Road NORTH RYDE
 - 77 Morshead Street NORTH RYDE
 - 14 Quarry Road NORTH RYDE
 - 52 Griffiths Avenue RYDE
 - b) Rezoning the 8 items listed under 12 a) to the prevalent surrounding zone, in accordance with Attachment B.
14. Update the Land Zoning Map LZN_004 to rezone 209 Waterloo Road, North Ryde from R3 Medium Density Residential and R4 High Density Residential to R4 High Density Residential Zoning in accordance with Attachment C.
15. Insert Clause 4.1D:

4.1D Minimum lot size for hatchet shaped allotments

(1) The objectives of this clause are to:

 - (a) maintain visual amenity and character of the area,*
 - (b) retain residential amenity through the provision of suitable landscaped areas and vehicular access.*

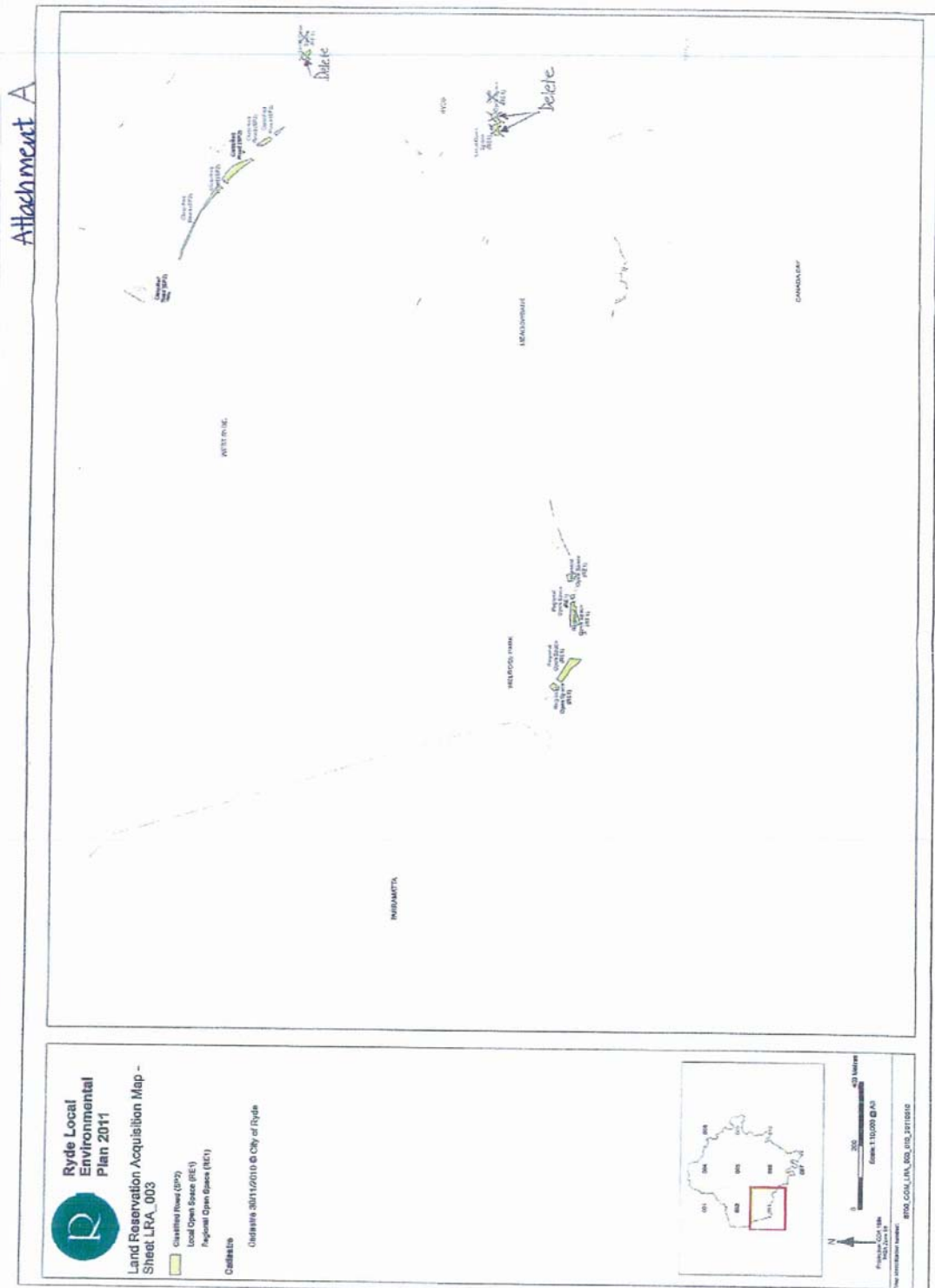
(2) This clause applies to land in the R2 Low Density Residential, R3 medium Density Residential and R4 High Density Residential zones.

(3) Despite clause 4.1, for a hatchet shaped lot on land to which this clause applies the minimum lot size is 740 square metres.

(4) For the purpose of calculating the lot size of a hatchet shaped lot, the area of the access laneway is excluded.
16. Update the draft LEP maps in accordance with Planning Proposals for the following properties:
 - a) 9-19 Second Avenue and part of 14-18 Third Avenue Eastwood; and
 - b) 283-289 Blaxland Road, Ryde
17. Update the Land Zoning Map LZN_006, Floor Space Ratio Map FSR_006 and Height of Buildings Map HOB_006 to rezone:
 - a) 158-180 Blaxland Road, Ryde to R2 Low Density Residential and
 - b) 182-194 Blaxland Road, Ryde to R4 High Density Residential.

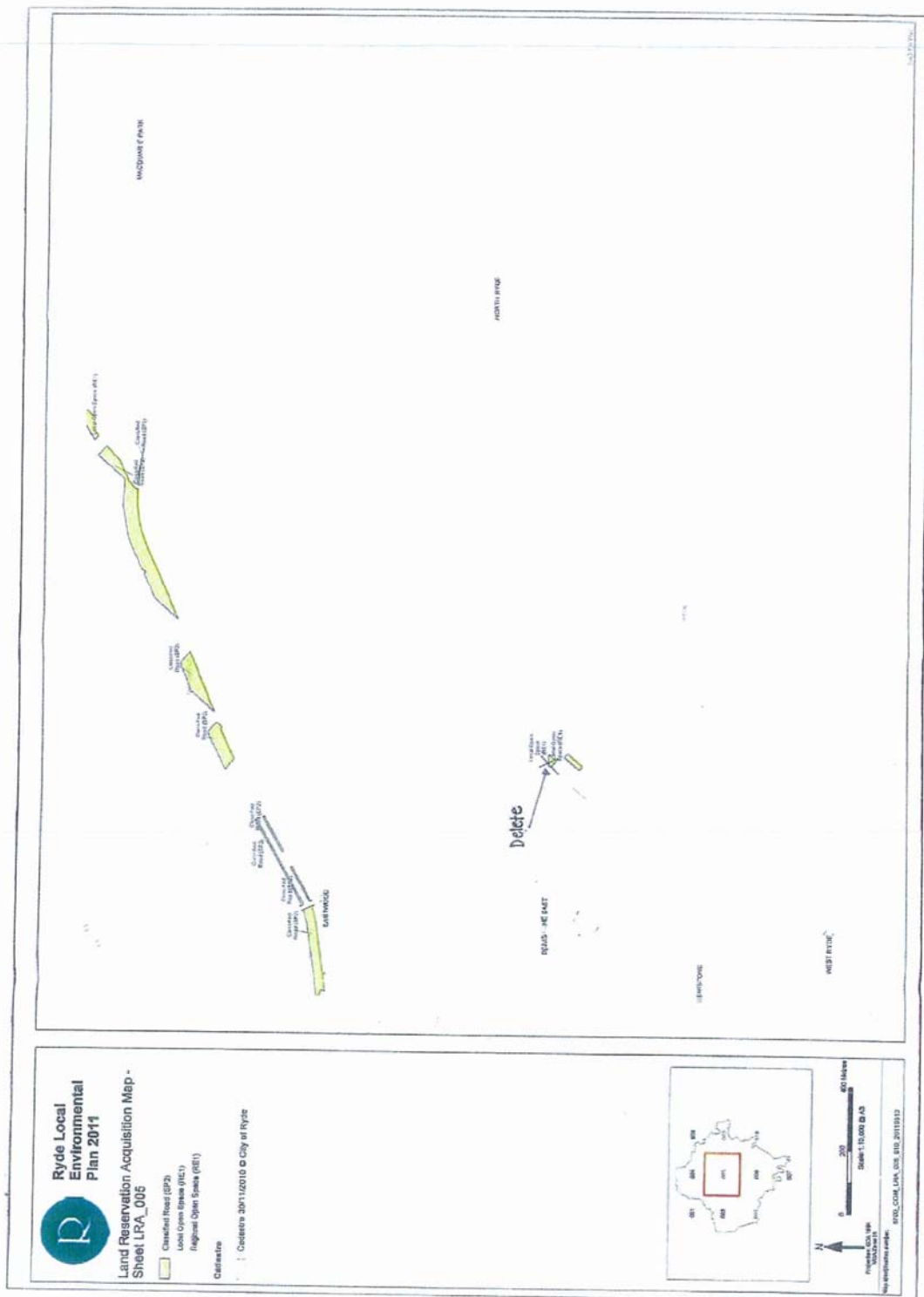
ITEM 3 (continued)

ATTACHMENT 3



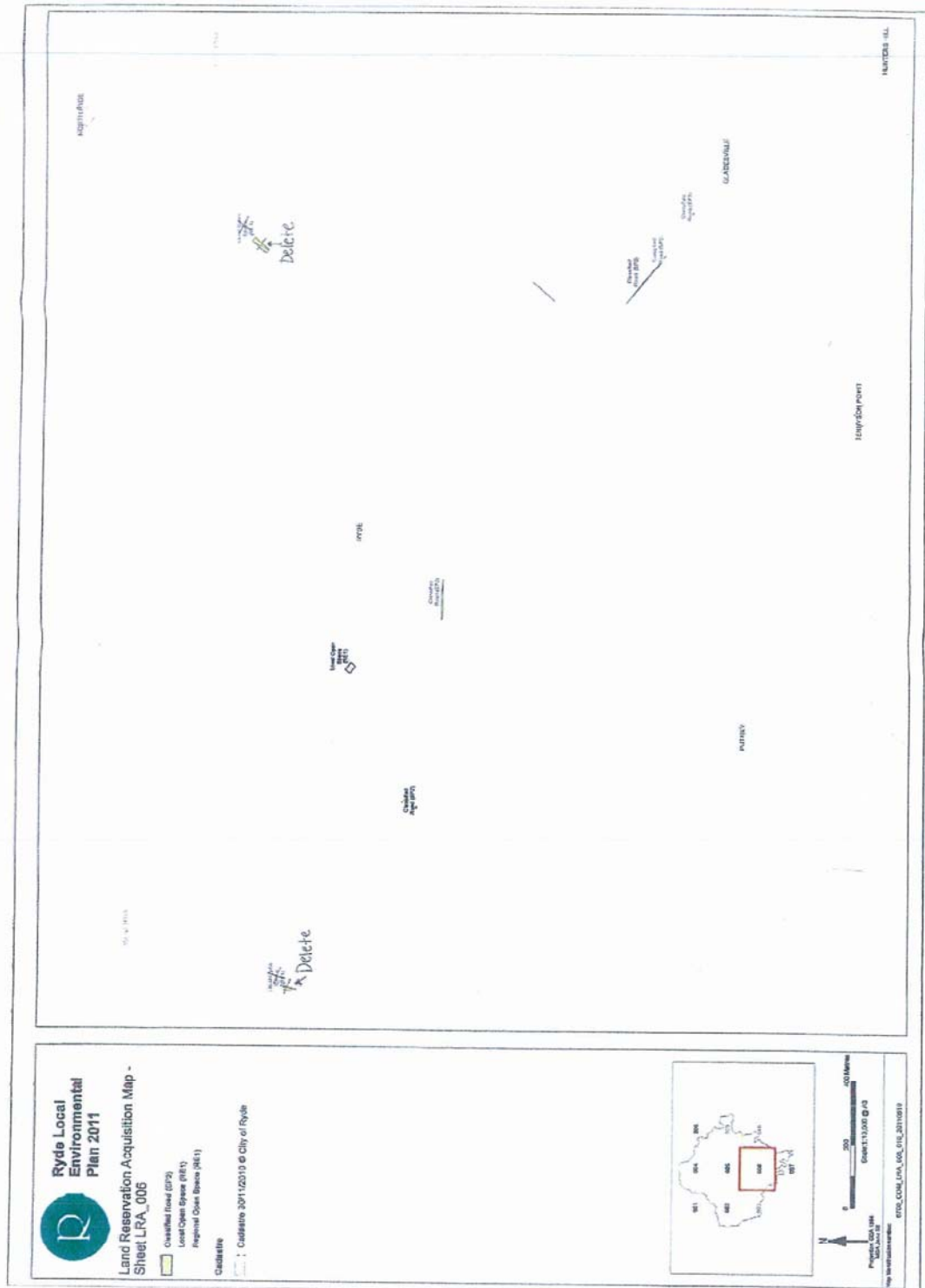
ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 3



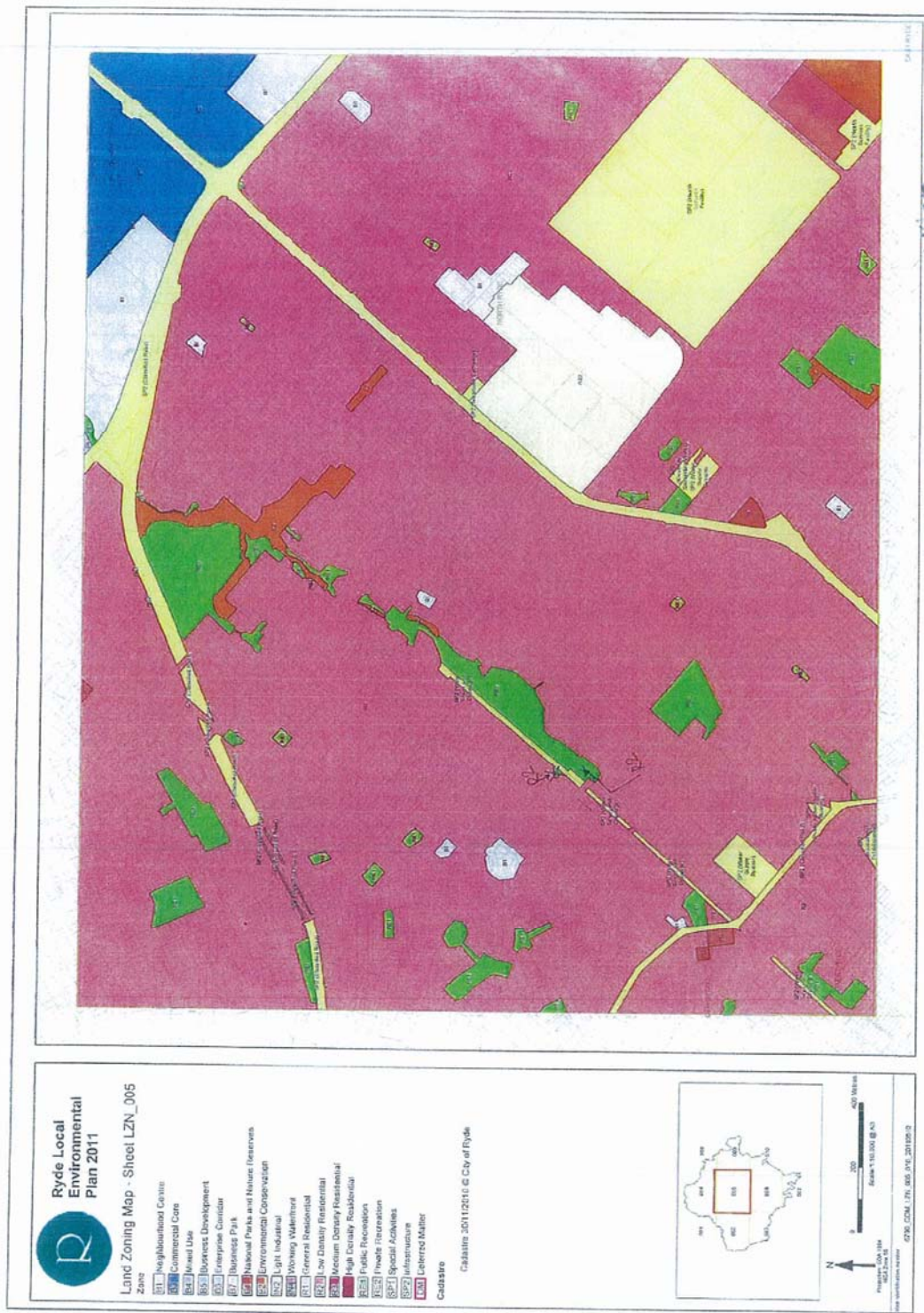
ITEM 3 (continued)

ATTACHMENT 3



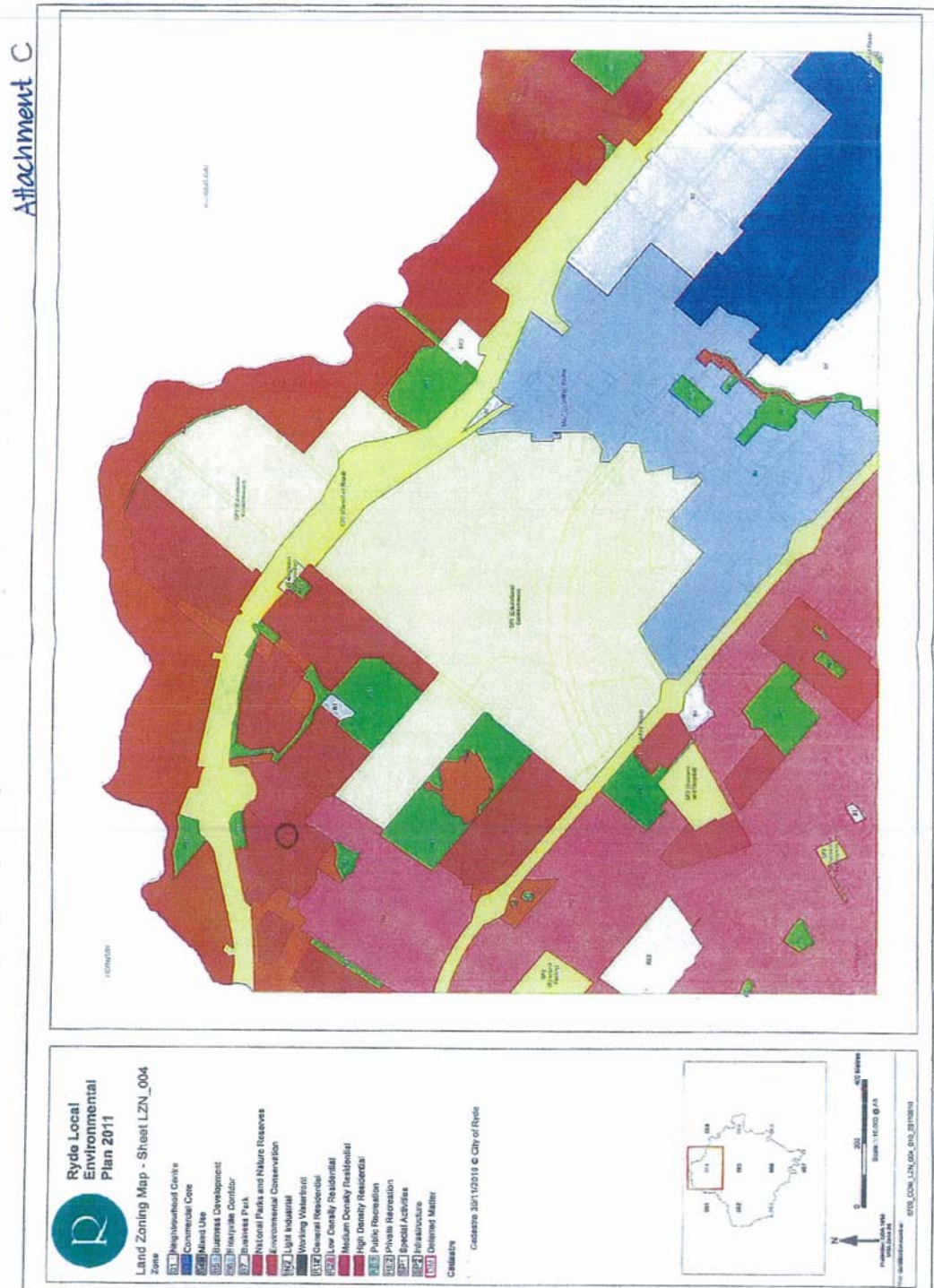
ITEM 3 (continued)

ATTACHMENT 3



ITEM 3 (continued)

ATTACHMENT 3

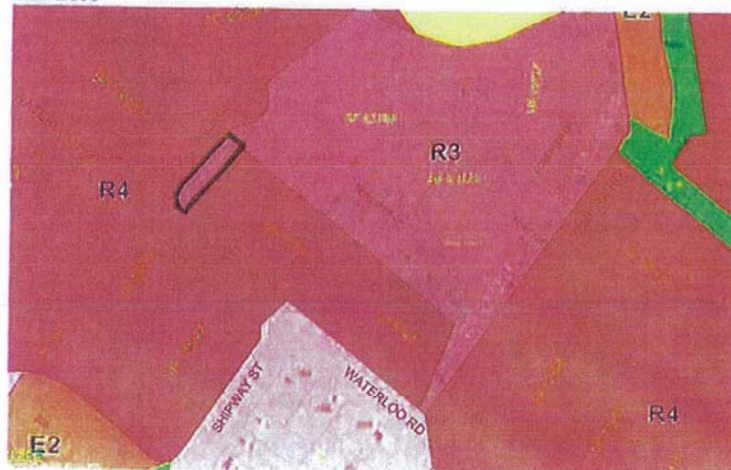


ITEM 3 (continued)

ATTACHMENT 3



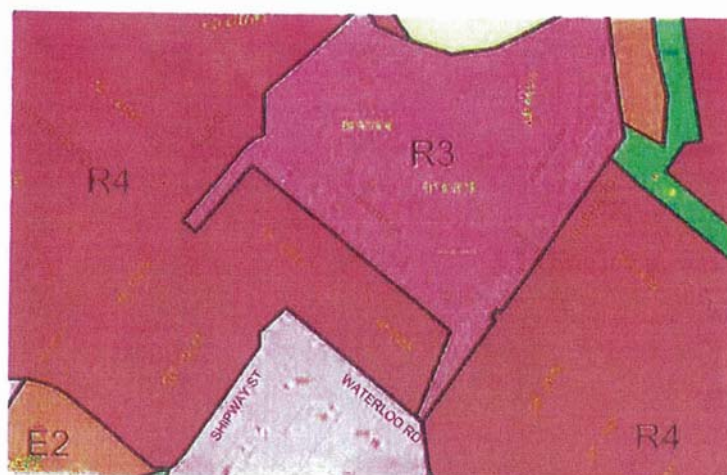
LEP 2010



ITEM 3 (continued)

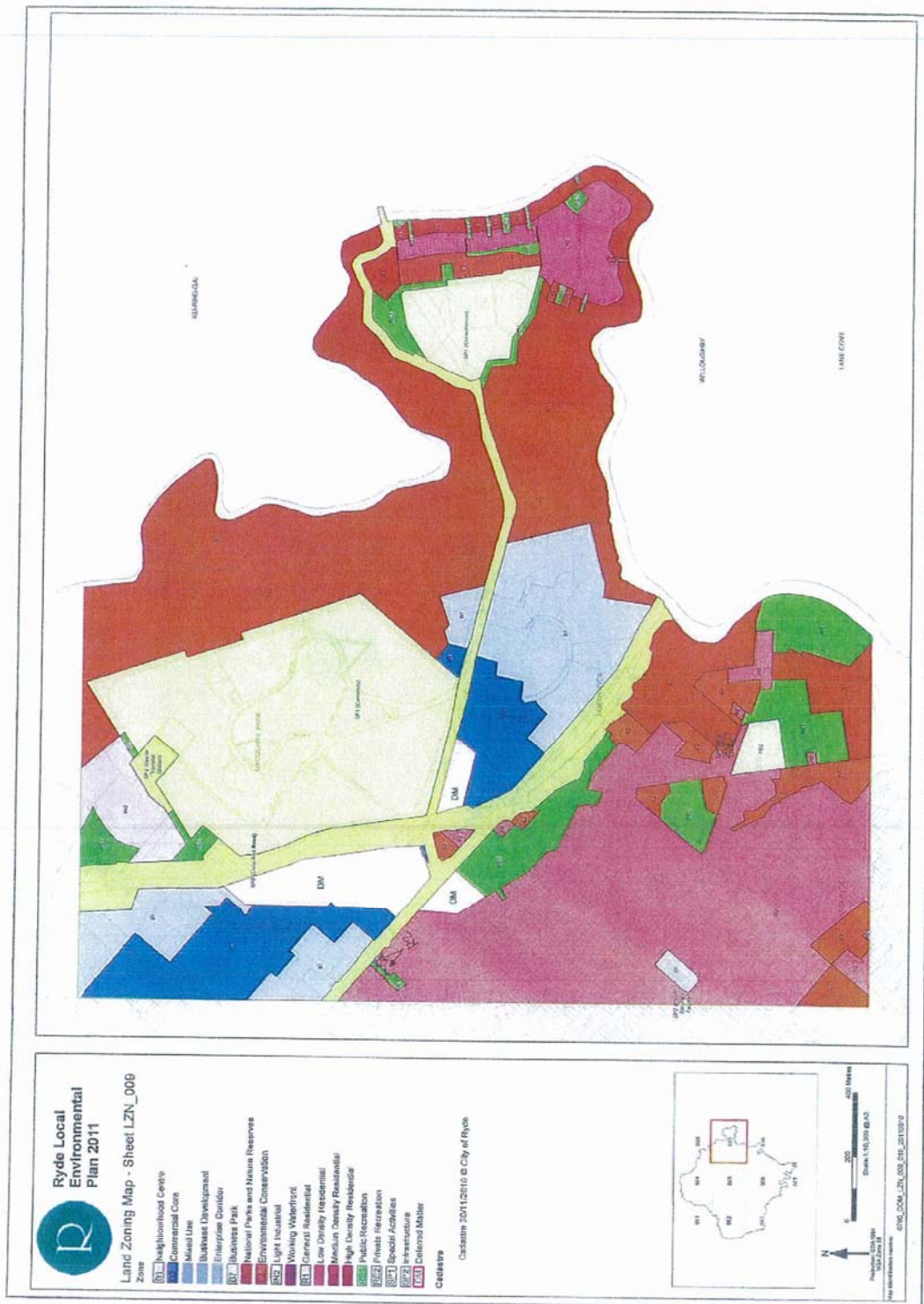
ATTACHMENT 3

LEP 2011



ITEM 3 (continued)

ATTACHMENT 3



4 WASTE MINIMISATION AND MANAGEMENT - Adoption of Draft Amending DCP

Report prepared by: Strategic Planner

Report dated: 3/01/2012

File No.: GRP/11/6/3/3 - BP12/3

REPORT SUMMARY

On 3 May 2011, Council resolved to adopt the Draft Amending Development Control Plan Waste Minimisation and Management (draft DCP) for the purposes of public exhibition. The draft DCP was exhibited for 30 days from 11 May to 10 June 2011, and resulted in no public submissions. A report on the outcomes of public exhibition and consultation was considered by Council at its meeting on 19 July 2011, when Council resolved:

That this matter be deferred to seek further clarification in relation to the disposal of residential demolition material and also a review of the garbage storage facilities and waste disposal for single dwellings and townhouse developments.

A workshop was subsequently held with Councillors on 15 November 2011 and minor amendments were proposed to the draft DCP to improve clarity. Amendments included: reformatting the low scale residential section to include additional subgroups, applying the bulky items storage control to 30 dwellings or more (not 12), including a note regarding asbestos, and deleting references to Council's services under Schedule 2. These amendments have been incorporated into the draft DCP attached to this report (Attachment 2) which is recommended for adoption.

RECOMMENDATION:

- (a) That Council adopt the "City of Ryde Draft Amending Development Control Plan – Waste Minimisation and Management" attached to this report.
- (b) That Council place a public notice in the local newspaper (Ryde City View) advising its decision with respect to "City of Ryde Draft Amending Development Control Plan – Waste Minimisation and Management" in accordance with the Environmental Planning and Assessment Regulation 2000 and to bring the plan into effect.
- (c) That Council provides the Director-General with a copy of the plan within 28 days of the making of the plan in accordance with the Environmental Planning and Assessment Regulation 2000.

ATTACHMENTS

- 1 Copy of Report to Committee of the Whole Meeting on 19 July 2011 titled "WASTE MINIMISATION AND MANAGEMENT - Adoption of Draft Amending DCP"
- 2 Draft Amending DCP Waste Minimisation and Management for adoption

ITEM 4 (continued)

Report Prepared By:

Melissa Burne
Strategic Planner

Report Approved By:

Lexie Macdonald
Team Leader - Strategic Planning

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

ITEM 4 (continued)

Discussion

This report responds to Council's resolution of 19 July 2011 following consideration of public exhibition outcomes for the *City of Ryde Draft Amending Development Control Plan for Waste Minimisation and Management*. The following background is relevant.

History

On 3 May 2011, Council resolved:

- (a) *That the City of Ryde Draft Amending Development Control Plan for Waste Minimisation and Management attached to this report be endorsed and placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000.*
- (b) *That the Office of Environment and Heritage be advised of the exhibition and invited to provide comments on the City of Ryde Draft Amending Development Control Plan for Waste Minimisation and Management.*
- (c) *That a further report on the outcomes of the public exhibition of the City of Ryde Draft Amending Development Control Plan for Waste Minimisation and Management be presented to Council as soon as practicable after the exhibition period.*

In accordance with legislative requirements the draft DCP was exhibited for 30 days from 11 May to 10 June 2011. A copy of the draft DCP, was forwarded to the Office of the Environment and Heritage (OEH), Department of Premier and Cabinet advising of the exhibition and inviting comments as per Council's resolution of 3 May, 2011. A presentation was made to the City of Ryde Climate Change and Sustainability Advisory Committee on Monday 30 May 2011.

The details and outcomes of the public exhibition are contained within the report to Council 19 July 2011, a copy of which is **ATTACHED** (Attachment 1). At its meeting on 19 July 2011, Council resolved:

That this matter be deferred to seek further clarification in relation to the disposal of residential demolition material and also a review of the garbage storage facilities and waste disposal for single dwellings and townhouse developments.

Consultation

To address the resolution of 19 July 2011 a workshop was held with Councillors on Tuesday 15 November 2011. At the Councillor Workshop, clarification of issues was provided and minor amendments proposed to the draft DCP. As a result of discussion, further minor amendments have been made to the version of the draft DCP that was considered by Council at its meeting on 19 July 2011. In summary, the further amendments are:

ITEM 4 (continued)

1. **Section 2.5 reformatted:** *2.5 Residential (including Residential Flat Buildings up to 3 storeys)* has been separated into two subsections for improved clarity with respect to requirements for differing types of low scale residential developments. This has resulted in minor changes and renumbering of section 2. The new subgroups are:
 - *2.5 Residential Developments comprising 1 or 2 Dwellings* - covering single dwellings, dual occupancies, and the like;
 - *2.6 Multi Dwelling Housing Developments (3 or more dwellings) and Residential Flat Buildings (up to 3 storeys)* - covering villas, townhouses and residential flat buildings up to 3 storeys. These developments can include individual or communal storage areas depending on circumstances such as scale and site constraints, and controls are divided under subheadings to assist clarity on storage requirements.
2. **Bulky Items Storage controls amended:** The wording of controls requiring bulky items storage has been amended to apply to larger developments only (i.e. developments of 30 or more dwellings instead of 12 or more dwellings).
3. **Schedule 2 amended:** References to the frequency of Council's Services under Schedule 2 are removed as information on levels of service is not relevant for the purposes of the schedule and may vary. Information on Council's standard numbers of waste and recycling bins only is provided.
4. **Note added to Subsection 2.4 Demolition:** A note has been added which advises that Council actively encourages the proper handling and disposal of materials containing asbestos in accordance with requirements.

These amendments are minor only, improving clarity and not changing the intent of the DCP. Accordingly, re-exhibition of the draft DCP is not warranted. The amended version of the draft DCP incorporating these amendments is **ATTACHED** (Attachment 2) for Council's consideration for adoption.

Options

In accordance with the Environmental Planning and Assessment legislation, there are three options for Council at this stage in the preparation of a draft DCP.

The three options are that Council:

Option 1: Decide not to proceed with the plan.

Comment: If Council decides not to proceed with the plan, the current DCP controls under DCP 2010 would continue to apply. The following issues are relevant:

- there are no current controls to specifically address issues increasingly being experienced with mixed use developments;
- the current controls do not adequately reflect updated best practice in waste minimisation and management identified in the State government's Model Waste Not DCP 2008.

ITEM 4 (continued)

Option 2: Approve the plan in the form in which it was publicly exhibited:

Comment: Whilst providing for a relevant and updated DCP as replacing the existing outdated DCP, this option does not provide the best possible clarity on some matters following internal review outlined above. This option is not preferred.

Option 3: Approve the plan with such alterations as the council thinks fit:

Comment: The report to Council 19 July 2011 and the Councillor Workshop 15 November 2011 identified clarifications that will improve the draft DCP.

This option is preferred and forms the basis for the recommendations. In particular this option provides the opportunity to update the current DCP controls, reflects NSW legislative requirements and the State government's Model Waste Not DCP 2008.

Context

Policy Implications

If Council adopts the draft amending DCP, it is proposed to replace the current planning controls under Part 7.2 Waste Minimisation and Management and related definitions under Part 10 Dictionary of Development Control Plan 2010. This draft DCP for Waste Minimisation and Management reflects the State government's Model Waste Not DCP 2008.

Critical Dates

The following deadlines are required to be met in accordance with the Environmental Planning and Assessment Regulation 2000:

- Council must give public notice of its decision regarding the development control plan in a local newspaper (Ryde City View) within 28 days after the decision is made;
- A development control plan comes into effect on the date that public notice of its approval is given in a local newspaper, or on a later date specified in the notice;
- Council must, within 28 days of making a development control plan, provide the Director-General with a copy of the plan.

The recommendation attached to this report reflects these requirements.

Financial Implications

There are no ongoing costs associated with adopting this DCP.

ITEM 4 (continued)

ATTACHMENT 1

6 WASTE MINIMISATION AND MANAGEMENT - Adoption of Draft Amending DCP

Report prepared by: Strategic Planner

Report dated: 8/06/2011

File No.: GRP/11/6/3/3 - BP11/435

Report Summary

On 3 May 2011, Council resolved to adopt the Draft Amending Development Control Plan (amending Parts 7.2 and 10) Waste Minimisation and Management (draft DCP) for the purposes of public exhibition. The draft DCP was exhibited for 30 days from 11 May to 10 June 2011, which resulted in no public submissions. The report also identifies a number of minor amendments proposed to be made to the draft DCP in response to submissions received.

It is recommended that the minor changes proposed in this report be endorsed and the draft DCP attached to this report be adopted.

Background

On 16 June, 2009, Council resolved to review Ryde's development controls for waste minimisation and management to reflect the "Model Waste Not DCP Chapter 2008" prepared by DECCW.

A recommendation for a review of the waste minimisation and management development controls was also identified in the environment and open space chapter of the City of Ryde Local Planning Study adopted by Council on 7 December 2010.

A draft amending DCP was subsequently prepared and on 3 May 2011, Council resolved:

- (a) *That the City of Ryde Draft Amending Development Control Plan for Waste Minimisation and Management attached to this report be endorsed and placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000.*
- (b) *That the Office of Environment and Heritage be advised of the exhibition and invited to provide comments on the City of Ryde Draft Amending Development Control Plan for Waste Minimisation and Management.*
- (c) *That a further report on the outcomes of the public exhibition of the City of Ryde Draft Amending Development Control Plan for Waste Minimisation and Management be presented to Council as soon as practicable after the exhibition period.*

ITEM 4 (continued)

ATTACHMENT 1

Report

Public Exhibition

The draft DCP was publicly exhibited for a period of 30 days (in excess of the required 28 days) from Wednesday 11 May 2011 until Friday 10 June, 2011 inclusive. The draft DCP, together with the relevant environmental planning instrument and explanatory information, was on display at Council's Customer Service Centre, at all City of Ryde libraries, and on Council's website for the exhibition period.

Correspondence, including a copy of the draft DCP, was forwarded to the Office of the Environment and Heritage (OEH), Department of Premier and Cabinet advising of the exhibition and inviting comments as per Council's resolution of 3 May, 2011.

A presentation was made to the City of Ryde Climate Change and Sustainability Advisory Committee on Monday 30 May 2011.

Submissions

In response to the public exhibition, no submissions were received from the public.

Internal submissions were received from the Council business units of Urban Planning, Environment and Health, and Business and Infrastructure (Waste section). The submissions were in support of the draft DCP and made suggestions for minor amendments - these are summarised below under Internal Consultation, and in the **ATTACHED** document titled *Draft Waste Minimisation and Management DCP - Summary of Submissions and Responses* (ATTACHMENT 1).

Consultation – Internal Business Units

Internal Council business units consulted included:-

- Environment
- Urban Planning
- Business and Infrastructure (Waste)
- Environmental Health and Building
- Assessment

Submissions - Internal Business Units

Two business units provided the following comments:

- **Environmental Health and Building:** has provided suggestions to promote clarity and consistency for specific controls in relation to environmental health issues. For example, minor amendments are suggested to clarify that only businesses and industry likely to generate food waste require waste storage areas to be graded and drained to the sewer; the phrase "with minimal need for reversing" be added to controls relating to on-site access for waste collection vehicles, and a rework of controls for section 2.5 to improve clarity about requirements for individual and communal storage areas for low-rise residential development.
- **Business and Infrastructure: Waste:** has suggested minor amendments to section 1.4 Purpose for clarity, to residential development sections regarding requirements for green waste storage to enable some flexibility in the event of changes in servicing, and to generation rates for boarding houses (Schedule 2).

ITEM 4 (continued)

ATTACHMENT 1

Comments

The amendments (arising from submissions) are outlined in more detail in the table titled *Draft Waste Minimisation and Management DCP - Summary of Submissions and Responses* **ATTACHED** to this report (ATTACHMENT 1).

Minor amendments which do not change the intent of the draft development controls have been made to the exhibited version of the draft DCP in response to the abovementioned matters. The amendments made are minor, provide clarity and would not warrant re-exhibition. The amended version of the draft DCP is **CIRCULATED UNDER SEPARATE COVER.**

Consultation - Other

Internal Workshops held:-

- Not Applicable

City of Ryde Advisory Committees consulted included:-

- Climate Change and Sustainability Committee

External public consultation included:-

- Office of Environment and Heritage (formerly known as the Department of Environment Climate Change and Water)

Comments

In response to Council's letter to the Office of the Environment and Heritage (OEH), Department of Premier and Cabinet, a note was received from Mr Rob Hogan, Manager Waste Operations which states:

"OEH does not typically formally comment on DCPs and LEPs However I do note that your draft DCP is based on the Model DCP and is in line with the Waste and sustainability Improvement Payment requirements."

Critical Dates

The following deadlines are required to be met in accordance with the Environmental Planning and Assessment Regulation 2000:

- Council must give public notice of its decision regarding the development control plan in a local newspaper (Ryde City View) within 28 days after the decision is made;
- A development control plan comes into effect on the date that public notice of its approval is given in a local newspaper, or on a later date specified in the notice;
- Council must, within 28 days of making a development control plan, provide the Director-General with a copy of the plan.

The recommendation attached to this report reflects these requirements.

Financial Impact

This project is provided for in the operational budget of the Urban Planning Unit.

ITEM 4 (continued)

ATTACHMENT 1

Policy Implications

If Council adopts the draft amending DCP, it is proposed to replace the current planning controls under Part 7.2 Waste Minimisation and Management and related definitions under Part 10 Dictionary of Development Control Plan 2010 relating to waste minimisation and management. This draft DCP for Waste Minimisation and Management reflects the State government's Model Waste Not DCP 2008.

Other Options

In accordance with the Environmental Planning and Assessment Regulation 2000 Council, after considering submissions about the draft DCP, has the opportunity at this stage to:

- approve the plan in the form in which it was publicly exhibited;
- approve the plan with such alterations as the council thinks fit, or
- decide not to proceed with the plan.

The preferred option for the reasons outlined in this report is for Council to approve the plan with the identified amendments. In particular this option provides the opportunity to update the current DCP controls, reflects NSW legislative requirements and the State government's Model Waste Not DCP 2008.

Conclusion

The draft DCP for Waste Minimisation and Management has been exhibited in accordance with the requirements for development control plans under the Environmental Planning and Assessment Act. Minor amendments for clarity have been made in response to internal consultation, as outlined in this report.

The proposed DCP responds to the State Government's requirements to promote best practice environmental sustainability and resource management, and assist developers with respect to waste minimisation and management. It is recommended that Council adopt the revised development controls, as amended and attached to this report.

RECOMMENDATION:

- (a) That the "City of Ryde Draft Amending Development Control Plan – Waste Minimisation and Management" be adopted.
- (b) That, in accordance with the Environmental Planning and Assessment Regulation 2000, a public notice be placed in a local newspaper to advise of Council's decision with respect to "City of Ryde Draft Amending Development Control Plan – Waste Minimisation and Management" to bring the plan into effect.
- (c) That, in accordance with the Environmental Planning and Assessment Regulation 2000, Council provides the Director-General with a copy of the plan within 28 days of the making of the plan.

ITEM 4 (continued)

ATTACHMENT 1

ATTACHMENTS

- 1** Table summarising submissions and responses to Draft Waste Minimisation and Management DCP
- 2** Amended Version of DCP - Waste Minimisation and Management -
CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Melissa Burne
Strategic Planner

Report Approved By:

Lexie Macdonald
Team Leader Strategic Planning

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager Environment & Planning

ITEM 4 (continued)

ATTACHMENT 2

CITY OF RYDE

**Draft Amending
DEVELOPMENT CONTROL PLAN
for
Waste Minimisation and Management**



ITEM 4 (continued)

ATTACHMENT 2

Waste Minimisation and Management

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ITEM 4 (continued)

ATTACHMENT 2

Waste Minimisation and Management

1.0 INTRODUCTION

1.1 Name of this Plan

The name of this Plan is City of Ryde Development Control Plan 2010 Amendment No. 2 – Waste Minimisation and Management.

1.2 Commencement of this Plan

This Plan was adopted by Council on 3 May 2011 for the purposes of public exhibition. The Plan comes into effect xxxxxxxxxx.

1.3 Land to which this Plan applies

This Plan applies to all land within the City of Ryde.

1.4 Purpose of this Plan

The purpose of this Plan is to:

- replace the existing controls for Waste Minimisation and Management, being Part 7.2 of the City of Ryde Development Control Plan 2010, with revised planning controls (a new Part 7.2);
- add a schedule of amendments to the City of Ryde Development Control Plan 2010;
- add to, amend and replace definitions relating to waste minimization and management in Part 10 Dictionary under the City of Ryde Development Control Plan 2010.
- Add a disclaimer with respect to any inconsistencies with references to waste in other parts of the DCP 2010 (see Note below), and that other references to waste minimisation and management in other parts of DCP 2010 will gradually be brought into line as part of a rolling review of the DCP.

Note: References to waste control are also in other parts of DCP 2010, including:

- Part 2 Development Types (Brothels, Child Care Centres, Residential Flat Buildings, Urban Housing)
- Part 4 Urban Centres (Eastwood Town Centre, Meadowbank Employment Area, Ryde Town Centre, Macquarie Park Corridor), Construction Activities (Part 8.2)

1.5 Objectives of this Plan

The objectives of Amendment No. 2 to DCP 2010 are:

- To provide updated controls for waste minimisation and management to respond to changes in legislation, best practice in sustainable waste minimisation and management, and release of the Model Waste Not DCP Chapter 2008;
- To provide clarity and consistency with other revised controls within the context of the NSW Planning Reforms;
- To reinforce and build on expectations of waste minimisation and management in relation to development in the City of Ryde;

City of Ryde Draft Amending Development Control Plan
Draft submitted for Final Adoption by Council 14 February 2012

ITEM 4 (continued)

ATTACHMENT 2

Waste Minimisation and Management

- To provide guidelines for mixed use development;
- To encourage environmental sustainability in a range of development activities in the City of Ryde.

1.6 Relationship with other environmental planning instruments

- Ryde LEP 2010 also applies to the land.

2.0 AMENDMENTS TO THE CITY OF RYDE DEVELOPMENT CONTROL PLAN 2010

The City of Ryde Development Control Plan 2010 is to be amended as follows:

1. City of Ryde Development Control Plan 2010 is to have the following inserted after the list of contents:

Schedule of Amendments

Amend. No.	Date approved	Effective date	Subject of amendment
X	XX-XX-XX	XX-XX-XX	<ol style="list-style-type: none">i. Replacement of Part 7.2 Waste Minimisation and Management.ii. Amendment of Part 10 Dictionary by addition of terms and meanings for: Collection Point, Composting, Ongoing Management, Site Waste Bins, and Stockpile, and by amending and updating terms for Garbage and Recycling Room, Waste Management Plan to reflect updated and revised controls in Part 7.2.

2. Part 7.2 Waste Minimisation and Management under the City of Ryde Development Control Plan 2010 is to be replaced by the new Part 7.2 Waste Minimisation and Management attached to this document.
3. Part 10 Dictionary under the City of Ryde Development Control Plan 2010 is to be amended as follows:
 - The following new terms and meanings are to be included in appropriate order:

Collection Area means the location on the development site where garbage, compostable material or recyclable materials are transferred

ITEM 4 (continued)

ATTACHMENT 2

Waste Minimisation and Management

from a building's storage containers to a collection vehicle for removal from the site.

Collection Point means the usual (or agreed) point on the footpath/roadway, or on-site, where applicable, where garbage and recyclables are loaded onto vehicles.

Compost means vegetative material capable of being converted to humus by a biological microbial process in the presence of oxygen.

Ongoing Management means post occupancy management of waste on-site.

Site Waste Bins means the receptacle provided for surplus and unwanted materials on-site.

Stockpile means an accumulation of materials for future reuse, recycling or disposal.

- Replace the current definition for **Waste Management Plan** with **Site Waste Minimisation and Management Plan** means a plan prepared in accordance with this Part of the DCP relating to a specific development that provides details of the volume and type of waste to be generated, how the waste is to be stored and treated onsite, how the residual is to be disposed of and how ongoing management will operate.
- Delete the current definition for **Garbage and Recycling Room** and amend the definition for **Waste and Recycling Storage Area** to include reference also to "room". The amended definition will read: **Waste Storage and Recycling Room/Area** means a designated room or area, or a combination of designated rooms/areas upon the site of a building for the housing of approved containers to store all waste material (including recyclable material) likely to be generated by the building's occupants.
- Replace the current definition for **Waste** with the following definition:
 - (a) any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
 - (b) any discarded, rejected, unwanted, surplus or abandoned substance, or
 - (c) any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or

ITEM 4 (continued)

ATTACHMENT 2

Waste Minimisation and Management

- (d) any processed, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
- (e) any substance prescribed by the regulations to be waste for the purposes for *Protection for the Environment Operations Act 1997*.
-

ITEM 4 (continued)

ATTACHMENT 2

Waste Minimisation and Management

ATTACHMENT

A new Part 7.2 Waste Minimisation and Management designed to replace Part 7.2 Waste Minimisation and Management of the City of Ryde Development Control Plan 2010 (DCP 2010).

City of Ryde Draft Amending Development Control Plan
Draft submitted for Final Adoption by Council 14 February 2012

ITEM 4 (continued)

ATTACHMENT 2

Waste Minimisation and Management

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City of Ryde Draft Amending Development Control Plan
Draft submitted for Final Adoption by Council 14 February 2012

ITEM 4 (continued)

ATTACHMENT 2

City of Ryde
Development Control Plan 2010

Part 7.2
Waste Minimisation and Management



City of Ryde

ITEM 4 (continued)

ATTACHMENT 2

7.2 | Part | Chapter | Waste Minimisation and Management

Translation			
ENGLISH			
If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 8952 8222.			
PERSIAN			
اين تفسیر عليك فيهم محتويات هذه الوثيقة، يرجى للجمهور إلى مركز بلدية رايد Ryde Civic Centre على العنوان: 1 Devlin Street, Ryde من الاثنين إلى الجمعة بين الساعة 8.30 صباحاً والساعة 4.30 بعد الظهر، أو الاتصال بمكتب خدمات الترجمة على الرقم 131 450 لكي تتكلم مع أحد المترجمين الاحتمال بمجرد مدينة رايد، اريد على الرقم 8952 8222، نيابة عنك.			
ARMENIAN			
Եթե՝ նրա զորությունը դու չես հասկանում, քննարկել էիք պէ՛տքը Ryde Կենտրոնի՝ 1 Devlin Street, Ryde) հինգշաբթիների և երեքուց կիրակիներ 8.30 - 16.30-ին, կոչվելով 131 450, կամ հեռախոսակցելով մեր հեռահայրենական ծառայությանը՝ 131 450, եւ կհարկավորվի որ քաղաքացիները հետապնդեն իրենց հարցերը հեռախոսակցելով հետապնդողին՝ 8952 8222 փոխվել:			
CHINESE			
如果你看不懂本文，請在周一至周五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心詢問 (Ryde Civic Centre, 地址：1 Devlin Street, Ryde)。你也可以打電話至電話傳譯服務中心，電話號碼是：131 450。接通後你可以要求一位傳譯員為你打下要談論 Ryde 市地盤發展，電話是：8952 8222。			
FARSI			
اگر این سندک را نمی فهمید لطفاً از 8.30 صبح تا 4.30 بعد از ظهر درتشریخ Ryde Civic Centre, 1 Devlin Street, ریڈ، پنجشنبه و یکشنبه به مرکز شهرسازی ریڈ، Ryde مراجعه کنید یا به سرویس مترجم تلفنی شماره 131 450 تماس بگیرید و از یک مترجم بخواهید که از طرف شما با شهرسازی ریڈ تماس داشته باشد.			
ITALIAN			
Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.			
KOREAN			
이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시거나 (월 – 금, 오전 8:30 – 오후 4:30), 전화 131 450 번호로 전화 통역 서비스에 연락하셔서 동역사에게 이러한 대신 Ryde 시청에 전화 9952 8222 번호로 연락을 부탁하십시오.			
Amend. No.	Date approved	Effective date	Subject of amendment

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Acknowledgements

This Part has been prepared with the assistance of the following references:

- *Model Waste Not DCP Chapter: A Site Waste Minimisation and Management Chapter for Consolidated Development Control Plans*, Department of Environment and Climate Change, July 2008
- *Better Practice Guide for Waste Management in Multi-Unit Dwellings*, Department of Environment and Climate Change, June 2008.

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1.0 INTRODUCTION

1.1 Site Waste Minimisation and Management

Waste and resource consumption is a major environmental issue and a priority for all levels of government within Australia. This is particularly the case as landfill sites become scarce and the environmental and economic costs of waste generation and disposal rise.

Sustainable resource management and waste minimisation has emerged as a priority action area and a key in the quest for Ecologically Sustainable Development (ESD). Critical actions in this regard include the following:

- avoiding unnecessary resource consumption
- recovering resources for reuse
- recovering resources for recycling or reprocessing
- disposing of residual waste.

The building and construction industry in particular is a major contributor to waste, much of which is still deposited to landfill. The implementation of effective waste minimisation strategies has the potential to significantly reduce these volumes.

Effective waste planning and management can also benefit the builder/developer. Some of the benefits of good waste planning and management include:

- reduced costs
- improved workplace safety
- enhanced public image
- compliance with legislation such as the *Protection of the Environment Operation Act 1997* that requires waste to only be transported to a place that can lawfully accept it.

1.2 Development covered by this Part

This Part applies to all development that generates waste including:

- Demolition, earthworks and engineering works;
- Construction of buildings and structures (including alterations and additions);
- Use of premises and change in use in all residential development types, commercial, industrial and mixed developments.

1.3 Purpose

This Part aims to facilitate sustainable resource management and waste minimisation within the City of Ryde Local Government Area in a manner consistent with the principles of Ecologically Sustainable Development (ESD). In this regard, this Part encourages an increase in avoidance, reuse and recycling of waste and a consequential reduction in the demand for waste disposal from construction, demolition and ongoing development activities.

The criteria for the location and design of waste minimisation and management facilities within residential, commercial, retail, mixed and industrial developments are outlined in this Part. Best practice approaches to waste minimisation and management during building demolition and construction phases are also included in this Part.

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This Part provides advice to intending applicants on:

- Matters to be considered when assessing the waste implications of development applications made under the Environmental Planning and Assessment Act;
- How to reduce and handle waste during the demolition and construction phase;
- How to provide for ongoing waste minimisation and management for particular types of development, including how to design and site waste storage areas and facilities.

1.4 Objectives of this Part

Objectives

The objectives of this part in pursuit of sustainable waste management are:

Waste minimisation:

1. To minimise resource requirements and construction waste through reuse and recycling and the efficient selection and use of resources.
2. To minimise demolition waste by promoting adaptability in building design and focussing upon end of life deconstruction.
3. To encourage building designs, construction and demolition techniques which minimise waste generation.
4. To maximise reuse and recycling of household waste and industrial/commercial waste.
5. To assist in achieving Federal and State Government waste minimisation targets in accordance with regional waste plans.
6. To minimise the overall environmental impacts of waste and foster the principles of ecologically sustainable development (ESD).

Waste management:

1. To assist applicants in planning for sustainable waste management, through the preparation of a site waste minimisation and management plan.
2. To assist applicants to develop systems for waste management that ensure waste is transported and disposed of in a lawful manner.
3. To require source separation, design and location standards which complement waste collection and management services offered by the relevant service providers.
4. To provide guidance in regards to space, storage, amenity and management of waste management facilities.
5. To ensure waste management systems are easy to use and access.
6. To minimise risks associated with waste management at all stages of development.

1.5 Relationship of this Part to other Plans

This Part has been prepared to meet the objectives of legislation including:

- Environmental Planning and Assessment Act 1979
- Waste Avoidance and Resource Recovery Act 2001
- Protection of the Environment Operations Act 1997

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This Part is to be read in conjunction with City of Ryde Local Environmental Plan 2010, and City of Ryde Development Control Plan 2010, and any other relevant Council Policy. If there is an inconsistency between the requirements of this part and other parts of the City of Ryde DCP, Codes or Policies, this Part shall prevail.

Note: Where the proposed development involves the need to place a waste storage container (e.g. a skip) in a public place then a separate application needs to be made under Section 68 of the Local Government Act 1993. (Refer also Part 8.1 Construction Activities.)

1.6 Interpretation

In this Part, terms have the same meaning as in the Environmental Planning and Assessment Act 1979 (as amended) and the Ryde LEP 2010.

A number of other terms related to waste minimisation and management techniques and storage facilities are used in this Part. The definitions for these terms are included in **Part 10 Dictionary**.

1.7 Application Requirements

All applications for development to which this Part applies must be accompanied by a Site Waste Minimisation and Management Plan (SWMMP).

Demonstration of compliance with the controls in this Part is required in the SWMMP, and the plans submitted with the development application. Application forms and information packages are available on Council's website at: www.ryde.nsw.gov.au and from Council's Customer Service Centre.

Further information to assist in the preparation of SWMMPs can be obtained via the NSW Office of Environment and Heritage (OEH), formerly known as The Department of Environment, Climate Change and Water, at www.environment.nsw.gov.au.

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Waste Minimisation and Management

Chapter

2.0 Development Controls

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2.0 DEVELOPMENT CONTROLS

2.1 Introduction

This section contains matters for consideration in planning for waste minimisation and management with respect to all developments. Also provided are specific controls for demolition and construction activity and for the establishment and ongoing use of a range of development types such as residential, mixed use, commercial, retail and industrial types.

2.2 Aims and Objectives for All Developments

Objectives

1. To ensure new developments and changes to existing developments are designed to maximise resource recovery (through waste avoidance, source separation and recycling).
2. To encourage source separation of waste, reuse, and recycling by ensuring appropriate storage and collection facilities for waste, and quality design of waste facilities.
3. To encourage techniques in demolition and construction which minimise waste generation, and which maximise the reuse and recycling of materials.
4. To ensure appropriate, well-designed waste storage and collection facilities are provided and are accessible to occupants and service providers.
5. To ensure that wastes are handled and stored appropriately in order to minimise risk to health and safety associated with handling and disposal of waste and recycled material, and ensure optimum hygiene.
6. To minimise adverse environmental and amenity impacts associated with waste management (including odour from waste and noise from collection activity).
7. To discourage illegal dumping by providing on-site storage for waste awaiting collection by removal services.
8. To ensure waste and recycling storage areas and handling systems for residential properties are designed to meet minimum requirements for Council's domestic waste collection services.

2.3 All developments

The following controls apply to all developments.

Controls

General

- a. Developments must provide space on-site for the sorting and storage of waste in containers suitable for collection.

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- b. The size of storage areas and number of storage containers required must be sufficient to handle and store the waste likely to be generated and stored on the premises between collections. The space is to be calculated using information in **Schedule 1 Indicative Bins Sizes, Schedule 2 Standard Waste and Recycling Bins for Residential Developments** and **Schedule 3 Commercial Waste/Recycling Generation Rates** attached to this Part. The type and requirements of storage spaces may differ depending on development or land use type (refer Sections 2.4, 2.5, 2.6, 2.7, 2.8 and 2.9 in this Part.)
- c. Additional space must be provided for the storage of bulky wastes where appropriate.
- d. Allowance must be made for the storage of green waste where relevant.
- e. All waste containers must be stored within the boundaries of the site unless otherwise approved by Council under Section 68 of the *Local Government Act 1993*.
- f. All applications for development, including demolition, construction and the ongoing use of a site/premises, must be accompanied by:
 - i. a Site Waste Minimisation and Management Plan (SWMMP);
 - ii. location and design details of waste storage facilities on the site.

Relevant details of waste storage, waste facility design and access thereto proposed as part of the development must be clearly illustrated on the plans of the proposed development accompanying the development application. Details of waste storage rooms/areas should include floor plan, elevations and cross section drawings of the room, and details on materials and finishes. Drawings are to be submitted to scale clearly indicating the location of and provision for the storage and collection of waste and recyclables during:

- demolition
- construction
- ongoing operation.
- g. In all development, waste and recycling storage areas and facilities should be provided and be located in positions that:
 - i. provide easy, direct and convenient access for the users of the facility;
 - ii. permit easy transfer of bins to the collection point if relocation of bins is required;
 - iii. permit easy, direct and convenient access for collection service providers;
 - iv. do not intrude on car parking, landscaping, access and turning areas required for the type and scale of development;
 - v. do not reduce amenity (minimises the potential for noise, odour and other amenity and environmental impacts on residents and other occupants);
 - vi. maximize protection of trees and significant vegetation.
- h. In cases where the waste storage areas and facilities are likely to be visible from the street, the design and location of waste storage areas/facilities should be such that they compliment the design of both the development and the surrounding streetscape. Design elements such as fencing, landscaping and roof treatments may be used.
- i. No incineration devices are permitted.
- j. A collection point for waste collection is to be identified on the plans submitted with the development application. The collection point must be conveniently located for users and services purposes and sited so that waste collection vehicles do not impede the

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access to the site or car parking facilities when servicing the bins so that waste can be safely and easily collected.

- k. The path for wheeling bins between the waste and recycling storage room/area and the vehicle collection point must be free of steps and kerbs and, in the case of residential development, of a gradient of less than 14:1, and for all other development types, of a grade to the satisfaction of Council. The waste storage area must be as close as practicable to the collection point.
- l. Access driveways and service areas for waste collection vehicles must be designed in accordance with Australian Standard AS 2890.2-2002 *Parking Facilities – Part 2: Off-street commercial vehicle facilities*.
- m. All waste facilities must comply with the *Building Code of Australia* (BCA) and all relevant *Australian Standards* (AS).
- n. Heritage conservation considerations may alter requirements of this Part in the refurbishment of existing buildings. Designs should be discussed with Council's Heritage Advisor.
- o. Any equipment, such as volume reducing equipment, will be required to be installed in accordance with the manufacturer's instructions.
- p. Where commercial food preparation is carried out on the premises, the waste storage area is to be designed with a cover to exclude rainwater and a floor to be graded and drained to the sewerage system. The area is to be readily accessible for servicing and suitably screened from public view.

2.4 Demolition and Construction

Demolition and Earthworks

The demolition stage provides great scope for waste minimisation. Proponents are actively encouraged to consider possible adaptive reuse opportunities of existing buildings/structures, reuse of materials or parts thereof, and the destination of any excavated material.

Adaptive reuse opportunities should be achieved through planned work staging, use of the process of deconstruction where materials are carefully dismantled, sorted and stored separately on-site to allow for re-use of solid waste either on-site or off-site.

Construction

The objective of waste management at the construction stage is to minimize waste through utilising techniques such as the purchasing policy (ordering correct quantities of materials), use of prefabricated components, re-use of materials, use of recycled materials, co-ordination and sequencing of various trades and minimisation of excavation works.

A 'Rule of Thumb' for renovations and home building is that construction waste constitutes:

- Timber 5-7% of material ordered
- Plasterboard 5-20% of material ordered

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- Concrete 3-5% of material ordered
- Bricks 5-10% of material ordered
- Tiles 2-5% of material ordered

Source: Waste Planning Guide for Development Application, Inner Sydney Waste Board, 1998

Where source separation is utilized, materials are to be kept uncontaminated to guarantee the highest possible re-use value.

Controls

In addition to the controls applying to all development (section 2.3) the following apply:

- Demolition activity must comply with relevant Australian Standards and WorkCover requirements.
- Demolition is to be carried out using the process of deconstruction where materials are carefully dismantled and sorted. A Demolition Work Plan is required to be submitted.
- A dedicated area is to be allocated on-site for the stockpile of materials for reuse, recycling or disposal and for site waste bins (for surplus and unwanted materials). The siting is to take into account environmental factors including slope, drainage, location of watercourses proximity to native vegetation and amenity impacts (including impacts of emissions from the waste, noise from collection activity) on occupants of neighbouring properties.
- Construction materials are to be stored away from the waste materials stored on-site for collection to enable easy access for waste collectors.

Note: The State Government's waste requirements requires on site retention of demolition and construction waste dockets to confirm which facility received the material for recycling or disposal. Inspections of these dockets may be required by authorised persons.

Note: The handling and disposal of materials containing asbestos is an issue in the City of Ryde and Council actively encourages the proper handling and disposal in accordance with relevant requirements including Australian Standards for removal of asbestos, WorkCover NSW and NSW Office of Environment and Heritage.

2.5 Residential Developments comprising 1 or 2 Dwellings

This section applies to low-rise residential developments of 1 or 2 dwellings only, including single dwellings, dual occupancy development, secondary dwellings, semi-detached dwellings. This section may also be applied to boarding houses (Class 1(b)).

The design of the waste and recyclables storage areas within the home and property affect the ease of use, amenity, the movement and handling of waste for the life of the development.

Composting areas are encouraged to be considered in the design of these types of residential developments.

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Controls

In addition to the controls applying to all development (section 2.3) the following apply:

- a. Space must be provided inside each dwelling for receptacles to store garbage and recycling material. The area is to have the capacity to store two day's worth of materials.
- b. Space must be provided outside the dwelling/s to store the minimum number of Council's garbage, recycling and green waste bins required to meet Council's standard collection services applicable to the development. The space provided should be screened from the street with easy access for the householder to wheel the bins to the kerbside for servicing. Indicative dimensions of bins and numbers of bins are provided in **Schedule 1 Indicative Bin Sizes and Dimensions** and **Schedule 2 Standard Waste and Recycling Bins for Residential Developments** attached to this Part.

2.6 Multi Dwelling Housing developments (3 or more dwellings) and Residential Flat Buildings (up to 3 storeys)

This section applies to low rise and low-medium scale residential developments including:

- Multi Dwelling Housing development (3 or more dwellings) including villas and townhouses;
- Residential Flat Buildings up to 3 storeys in height (no lift access)

This section may also be applied to residential components of mixed developments including hotels, motels, serviced units, boarding houses (Class 1(b)), and backpacker accommodation.

The types of developments covered in this section may provide for individual or communal bin storage depending on considerations relating to the development site and its context. Factors determining this choice are contained in the controls.

Multiple households within the property increase challenges with regard to waste volumes, ease of access and operation of waste sorting and removal systems. Resources such as the *Better Practice Guide for Waste Management in Multi-Unit Dwellings* should be used to inform design of these multi-unit dwellings.

Composting areas are encouraged to be considered in the design of these types of residential developments.

Controls

In addition to the controls applying to all development (section 2.3) the following apply:

All developments

- a. Space must be provided inside each dwelling for receptacles to store garbage and recycling material. The area is to have the capacity to store two day's worth of materials.

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Individual Bin Storage – smaller scale developments

- b. Multi-unit housing developments (including villas and townhouses, etc) with up to 6 dwellings, may provide individual bin storage provided that:
 - i. space is provided in each courtyard area for storing Council's garbage, recycling and green waste bins (refer **Schedule 1 Indicative Bin Sizes and Dimensions** and **Schedule 2 Standard Waste and Recycling Bins for Residential Developments** for space requirements);
 - ii. paved access is provided to the courtyard area from outside the building to enable the householder to wheel the bins to the kerbside for servicing;
 - iii. the maximum carting grade does not exceed 14:1 (i.e. not too steep for individuals to cart the bins to the street frontage);
 - iv. the maximum carting distance does not exceed 75 metres, or 50 metres for developments designed for aged or disabled people (i.e. not too far for individuals to move bins to the street frontage); and
 - v. the total number of bins awaiting collection will fit comfortably on the street frontage without encroaching adjoining street frontages, or detrimentally affecting residential amenity or road safety.

Communal Bin Storage – larger scale developments

- c. Multi Dwelling Housing developments that do not meet the requirements for individual bin storage, and Residential Flat Developments of up to 3 storeys, must have communal bin storage areas designed and constructed in accordance with **Schedule 4: S4.1. Residential Bin Storage Areas**.
- d. Communal bin storage areas are to be located so as they can be screened from the street and in a position which is convenient for users and waste collection staff.

Note: On difficult or steep sites or sites with particular natural features (such as watercourses) or with two street frontages it may be appropriate to have a number of waste storage and recycling areas to minimise distances, prevent site pollution and facilitate collection.

- e. To facilitate servicing by waste collection staff, communal bin storage areas must not be more than 15 metres from the street kerb.

Note: Council does not provide a *drive-in* on-site collection service, however Council provides a runner service to take bins from bin storage areas to the kerbside for collection by the collection vehicle where the bin storage area is no more than 15 metres from the kerbside.
- f. For developments where bulk bins are provided for waste (i.e. 660/1100 litre skip bins) the bulk bins should be contained within waste and recycling storage rooms designed and constructed in accordance with the requirements of **Schedule 4** (refer **S4.2 Waste and Recycling Storage Rooms**).
- g. For developments comprising 30 or more dwellings, a separate room or undercover caged area of a minimum 5 square metres, with instructive signage must be provided for the storage of bulky discarded items such as furniture and white goods, awaiting Council pickup, to prevent illegal dumping in the public domain. Bulky items storage areas should be located adjacent to waste storage areas.
- h. Where collection vehicles are required to drive into a property to collect waste and recycling, adequate access must be provided for the users, waste collection staff and collection vehicles, and:

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- i. the site must be designed to allow collection vehicles to enter and exit the property in a forward direction with minimal need for reversing and to be operated with adequate clearances; and
- ii. the access and manoeuvring space are to be suitable for the collection vehicle in terms of pavement strength, spatial design, access width and clearances. *Appendix C Collection Vehicles and Appendix D Vehicle access/Turning Circles under the Better Practice Guide for Waste Management in Multi-Unit Dwellings, DECC 2008 are to be used as a guide.*

2.7 Residential Flat Buildings of 4 storeys or more

This section applies to residential flat buildings. These developments have differing requirements to residential developments covered in the previous section in particular as the developments usually have a greater number of dwellings and are four or more storeys in height providing lift service. Elements of this development type are also relevant to the residential component of hotels and serviced apartments.

This section may also be applied to residential components of mixed development including hotels, motels, serviced units, boarding houses (Class 3), and backpacker accommodation.

The design of the waste storage and handling facilities affects the ease with which they are used and the amenity of the development and the adjoining premises. Considerations in high-rise development include the opportunity to transfer waste from each and every dwelling on each and every floor.

Controls

In addition to the controls applying to all development (section 2.3) the following apply:

- a. Space must be provided inside each dwelling for a receptacle to store garbage and recycling material – the area is to have the capacity to store two day's worth of garbage and recyclables.
- b. A waste and recycling storage room (or rooms) must be provided for the storage of garbage, recyclable and green wastes, with a capacity to easily store the number of bins required to meet Council's standard collection services applicable to the development. The space is to be calculated using the **Schedule 1 Indicative Bins Sizes** and **Schedule 2 Standard Waste and Recycling Bins for Residential Developments** attached to this Part.
- c. All waste and recycling storage rooms must be designed and constructed in accordance with **Schedule 4: S4.2 Waste and Recycling Storage Rooms**.
- d. Consideration must be given to the convenient transportation of waste and recycling from the various floors to the central waste and recycling storage room/area. Such transportation system may include a passenger or goods lifts, or a garbage chute system.

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- e. Where garbage chutes are proposed, service rooms/compartments for accessing the garbage chutes must be provided on each residential floor. All garbage chutes and service rooms/compartments must be designed and constructed in accordance with **Schedule 4: S4.3 Garbage Chutes and S4.4. Service Rooms (or Compartments)**.
- f. For developments comprising 30 or more dwellings, a separate room or undercover caged area of a minimum 5 square metres, with instructive signage must be provided for the storage of bulky discarded items such as furniture and white goods, awaiting Council pickup, to prevent illegal dumping in the public domain. Bulky items storage areas should be located adjacent to waste storage areas.
- g. Waste storage areas are to be designed to accommodate waste receptacles which can be managed by all types of domestic waste collection vehicles.
- h. Adequate access must be provided for the users, waste collection staff and collection vehicles. Where collection vehicles are required to drive into a property to collect waste and recycling:
 - i. the site must be designed to allow collection vehicles to enter and exit the property in a forward direction with minimal need for reversing and to be operated with adequate clearances; and
 - ii. The driveway and basement manoeuvring space are to be suitable for the collection vehicle in terms of pavement strength, spatial design, access width and clearances. *Appendix C Collection Vehicles* and *Appendix D Vehicle access/Turning Circles* under the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*, DECC 2008 are to be used as a guide.

2.8 Commercial and Retail

Commercial developments include offices, shops, health care buildings, schools, child care centres, assembly buildings, entertainment and sporting venues.

The range of non-residential uses present an array of unique waste minimisation opportunities and management requirements. Flexibility in size and layout is often required to cater for the different needs of multiple tenants as well as future changes in use.

This section applies to:

- Hotels, motels, schools, child care centres, large boarding houses, class 3 buildings.
- Office premises, retail premises, shops, food and drink premises, class 5 & 6 buildings.
- Health care (e.g. public and private hospitals, nursing homes, class 9(a) buildings).
- Assembly buildings, theatres, cinemas, class 9(b) buildings.
- Entertainment and sporting facilities/events.

The garbage and recycling systems installed in commercial developments will vary according the types and quantities of waste and recyclables generated. **Schedule 1 Commercial Waste/ Recycling Generation Rates** provides some indicative commercial waste generation rates.

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Controls

In addition to the controls applying to all development (section 2.3) the following apply:

- a. All commercial premises must have a dedicated waste and recycling storage room or area, which has adequate storage space to meet the needs of the land use activity. Indicative waste generation rates for various commercial developments are listed in **Schedule 3 Commercial Waste/Recycling Generation Rates** attached to this Part.

Note: Depending upon the size and type of the development, it may be necessary to include a separate waste/recycling storage room/area for each tenancy.

- b. All waste and recycling storage rooms and areas must be designed and constructed in accordance with the requirements of **Schedule 4** (refer **S4.2 Waste and Recycling Storage Rooms** and **S4.5. External Waste and Recycling Storage Areas**).
- c. The waste and recycling storage room or area must provide separate containers for the separation of recyclable materials from general waste. Standard and consistent signage on how to use the waste management facilities should be clearly displayed.
- d. Space must be provided in each occupancy for the temporary storage of garbage and recyclables generated in that area.
- e. Hazardous and special waste is to be stored in accordance with relevant occupational, health and safety and environmental protection legislation.
- f. In multi storey developments, consideration must be given to the convenient transportation of waste and recycling from the various floors to the central storage area. Such transportation system may include a passenger or goods lifts, or a garbage chute system.
- g. Separate space must be allocated for the storage of liquid wastes and oils etc. The liquid waste storage areas must be undercover and bunded to prevent the escape of spills or leaks.
- h. Space must be provided for the installation of grease traps or other wastewater pre-treatment equipment required by Sydney Water Corporation. Grease traps must be installed outside the building or in a dedicated grease trap room. Grease traps must not be accessed through food handling and storage areas.
- i. In premises where more than 50 litres of seafood, poultry or meat waste per day is generated, the waste must be stored in a refrigerated waste room until collected or have that waste collected daily.
- j. Space is to be provided for compactors and for any other equipment necessary to manage the waste and recycling likely to be generated on the premises. Sufficient space is also required for storage of the waste (such as cardboard boxes) prior to processing.
- k. Sufficient space in the development must be allocated to store bulky items such as used pallets and crates to prevent illegal dumping in the public domain.
- l. Adequate access must be provided for the users, waste collection staff and collection vehicles. Where collection vehicles are required to drive into a property to collect waste and recycling:
 - i. The site must be designed to allow collection vehicles to enter and exit the property in a forward direction with minimal need for reversing and to be operated with adequate clearances; and

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- ii. The driveway and any basement space needed are to be suitable for collection vehicles in terms of pavement strength, spatial design, access width, and height clearances. *Appendix C Collection Vehicles* and *Appendix D Vehicle access/Turning Circles* under the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*, DECC 2008 are to be used as a guide.

2.9 Mixed Use Developments

Where two or more (e.g. residential and commercial) land uses occur within the one building or in the same development, waste management will necessitate variable demands are balanced, including that potential impacts of commercial operations on residential amenity are considered. These controls may apply to mixed use comprising:

- Office premises, retail premises, shops, food and drink premises, class 5 & 6 buildings
- Hotels, motels, schools, child care centres, large boarding houses, class 3 buildings.

Mixed use can vary in size from small shop top housing developments (two storey) to multi-storey complexes containing a mix of commercial, retail and residential developments. Better practice waste management in mixed use developments requires the complete separation of the residential from the commercial and retail waste storage areas and handling facilities.

Controls

- a. Waste and recycling storage, handling and collection system/s for the residential area/s of the building or development are to be provided separate from the waste and recycling storage, handling and collection systems for the commercial area/s
- b. The residential and commercial/retail waste management systems are to be designed so that they can efficiently operate without conflict between these systems within the proposed development and with the surrounding land uses.
- c. The residential and commercial/retail waste management systems must be in locations which are easily accessible to their respective users and waste collection staff.
- d. The residential and commercial/retail waste management systems, including access thereto, are to be designed to comply with the relevant requirements for those developments under this Part.
- e. Measures must be taken to ensure that noise from the operation of the commercial waste storage and handling system does not impact on residents. In this regard it should be noted that commercial activities most commonly require the daily collection of waste, which can contribute to noise impacts. Consideration must be given to appropriate siting of the waste commercial compaction equipment and waste collection area/a, and appropriate measures to mitigate potential daily noise impacts.
- f. Commercial tenants in a mixed development must be actively discouraged from using the residential waste facilities (e.g. via signage and through the use of separate keys and locking systems).
- g. Details about the separate storage areas, handling areas and collection points for the commercial and residential waste streams must be clearly identified in the site waste minimization and management plan, and in the plans submitted with the development application.

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2.10 Industrial

Industrial developments typically produce a diverse range of waste products. Some of these waste products may be hazardous and require compliance with established laws and protocols that are additional to this Part. Other waste products are similar in nature to commercial and domestic waste streams. Mixing waste products limits potential reuse and recycling opportunities and may distribute toxic material through a larger volume of wastes.

Waste and recycling storage areas may be internal (rooms) or external (areas).

Controls

In addition to the controls applying to all development (section 2.3) the following apply:

- a. All industrial developments must include a designated general waste and recycling storage area (either an external area, or an internal room or a combination of both) which has adequate storage space to meet the needs of the activity in terms of expected nature of the waste (type of waste stream) and expected volumes.
- b. Waste and recycling storage rooms and areas are to be capable of providing space sufficient for the opportunity for waste to be separated into at least 4 streams: paper/cardboard, recyclables, general waste, industrial process type waste.
- c. Hazardous and special waste is to be stored in accordance with relevant occupational, health and safety and environmental protection legislation.
- d. In premises where more than 50 litres of seafood, poultry or meat waste per day is generated, the waste must be stored in a refrigerated waste room until collected or have that waste collected daily.
- e. Waste and recycling storage rooms are to be designed and constructed in accordance with **Schedule 4: S4.2 Waste and Recycling Storage Rooms**.
- f. External waste and recycling storage areas must be designed and constructed in accordance with **Schedule 4: S4.5. External Waste and Recycling Storage Areas**.
- g. For multi-use industrial premises and industrial unit complexes, a waste storage and recycling area is to be provided per unit or in a communal space, which is designed to allow a range of uses. Space must be also provided in each occupancy for the temporary storage of wastes and recyclables generated in that area.
- h. Space is to be provided for compactors and for any other equipment necessary to manage the waste and recycling likely to be generated on the premises. Sufficient space is also required for storage of the waste (such as cardboard boxes) prior to processing.
- i. Space must be provided for the installation of grease traps or other wastewater pre-treatment equipment if required by Sydney Water Corporation. Grease traps must be installed outside the building or in a dedicated grease trap room. Grease traps must not be accessed through food handling and storage areas.
- j. Sufficient space in the development must be allocated to store bulky items such as used pallets and crates to prevent illegal dumping in the public domain.

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- k. Separate space must be allocated for the storage of liquid wastes and oils etc. The liquid waste storage areas must be undercover and bunded to prevent the escape of spills or leaks.
- l. Where possible, access must be provided for waste collection vehicles to stand on the premises when collecting wastes, and leave the site in a forward direction.
- m. On industrial properties in close proximity to residential development, care must be taken in design and siting of the waste and recycling storage rooms/areas to ensure that amenity (such as odour from storage, noise impacts from collection activities) are kept to a minimum.
- n. Adequate access must be provided for the users, waste collection staff and collection vehicles. Where collection vehicles are required to drive into a property to collect waste and recycling
 - i. The site must be designed to allow collection vehicles to enter and exit the property in a forward direction with minimal need for reversing and to be operated with adequate clearances; and
 - ii. The driveway and any basement space needed are to be suitable for collection vehicles in terms of pavement strength, spatial design, access width and height clearances. *Appendix C Collection Vehicles* and *Appendix D Vehicle access/Turning Circles* under the *Better Practice Guide for Waste Management in Multi-Unit Dwellings*, DECC 2008 are to be used as a guide.

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SCHEDULES

Schedule 1 INDICATIVE BIN SIZES AND DIMENSIONS

Bin type	Height	Depth	Width
80 Litre Bin	870mm	530mm	450mm
120 Litre Bin	940mm	560mm	485mm
140 Litre Bin	930mm	615mm	535mm
240 Litre Bin	1080mm	735mm	580mm
660 Litre Bin	1180mm	770mm	1360mm
1100 Litre Bin	1460mm	1230mm	1370mm
3000 Litre Bin	1450mm	1842mm	1995mm

Figure S.02 Indicative Dimensions for bins used in the City of Ryde

Note: These dimensions are only a guide. Dimensions can vary according to manufacturer, i.e. if bins have flat or dome lids and are used with different lifting devices.

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Schedule 2

Schedule 2 STANDARD WASTE AND RECYCLING BINS FOR RESIDENTIAL DEVELOPMENTS

This schedule identifies Council's standard bin requirements for a range of residential developments. It may be used in conjunction with Schedule 1 for the calculation of areas required for on-site storage.

Development Type	City of Ryde Standard Waste and Recycling Bins
<u>Single dwellings, dual-occupancies, secondary dwellings</u> (Low rise low scale residential of 1-2 dwellings only)	1 x 140 litre bin for garbage. 1 x 240 litre bin for recyclables. 1 x 240 litre bin for green waste.
<u>Multi-dwelling housing</u> (Small scale villa/townhouse developments) with individual bin storage	1 x 140 litre bin for garbage. 1 x 240 litre bin for recyclables. 1 x 240 litre bin for green waste.
<u>Multi-dwelling housing and Residential Flat Buildings up to 3 storeys</u> (low rise residential) with communal bin storage facilities	1 x 240 litre bin for garbage per two units (dwellings). 1 x 240 litre bin for recyclables per two units (dwellings). 1 x 240 litre bin for green waste (or as required). However, for large developments Council may provide bulk bins (i.e. 660/1100 litre skip bins) for garbage, based on the volumes per unit identified above.
<u>Residential flat buildings of 4 or more storeys</u> (high-rise residential)	Depending on proposed service frequency: 1 x 660 litre skip bin for garbage per 15 units OR 1 x 1100 litre skip bin for garbage per 25 units OR 1 x 240 litre bin for garbage per two units 1 x 240 litre bin for recyclables per two units 1 x 240 litre bin for green waste (or as required)

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Schedule 3 COMMERCIAL WASTE / RECYCLING GENERATION RATES

This schedule contains information on commercial waste generation rates for various land use activity types, and indicative bin sizes and dimensions. The generation rates are to be used in association with indicative bin sizes (refer Schedule 2) for calculating the number of bins required and size of storage areas. Contact should also be made with Council's Waste Services Manager regarding waste service options to assist in this calculation.

Premises type	Waste generation	Recyclable material generation
Backpackers' Hostel	35L/occupant space/week	30L/occupant space/week
Boarding House, Guest House	40L/occupant space/week	35L/occupant space/week
Food premises:		
Butcher	80L/100m2 floor area/day	Variable
Delicatessen	80L/100m2 floor area/day	Variable
Fish Shop	80L/100m2 floor area/day	Variable
Greengrocer	240L/100m2 floor area/day	120L/100m2 floor area/day
Restaurant, Café	10L/1.5m2 floor area/day	2L/1.5m2 floor area/day
Supermarket	240L/100m2 floor area/day	240L/100m2 floor area/day
Takeaway food shop	80L/100m2 floor area/day	Variable
Hairdresser Beauty Salon	60L/100m2 floor area/week	Variable
Hotel	5L/bed space/day	1L/bed space/day
Licensed Club	50L/100m2 bar area/day	50L/100m2 bar area/day
Motel	10L/1.5m2 dining area/day	50L/100m2 dining area/day
Offices	10L/100m2 floor area/day	10L/100m2 floor area/day
Shop less than 100m2 floor area	50L/100m2 floor area/day	25L/100m2 floor area/day
Shop greater than 100m2 floor area	50L/100m2 floor area/day	50L/100m2 floor area/day
Showroom	40L/100m2 floor area/day	10L/100m2 floor area/day
Residential Developments where bin areas are shared	120L/unit/week	60L/unit/week

Figure S.01 Indicative Waste/Recycling Commercial generation rates for various land use activities

Note: Generation rates may change from time to time, contact should be made with Council current provisions and standard waste and recycling services to assist with calculation of areas required for waste storage in these types of developments.

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Schedule 4 DESIGN REQUIREMENTS

This schedule contains design requirements referred to in the controls in this Part for:

- Residential Bin Storage Areas for communal bin storage in residential developments (S4.1);
- Waste and Recycling Storage Rooms suitable for use in residential, commercial/retail and industrial applications (S4.2);
- Garbage chutes for use in high rise residential buildings (S4.3);
- Service compartments/rooms for use in association with garbage chutes (S4.4), and
- External waste and recycling storage areas (S4.5) suitable for use in commercial/retail, and industrial applications in general, and including where garbage and/or putrescible waste is to be stored.

S4.1. Residential Bin Storage Areas

Residential bin storage areas (communal bin storage) must be designed and constructed in accordance with the following requirements:

- The bin storage area must be of adequate dimensions to comfortably accommodate the required number of bins.
- A space at least 700mm wide x 750mm deep must be provided for each bin.
- The layout of the bin storage area must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.
- To permit easy access for servicing all passageways must be at least 1 metre wide.
- The floor of the bin storage area must be constructed of concrete.
- The walls of the bin storage area must be constructed of brickwork at least 1100mm high and be designed to screen the bins from the street.
- The entry to the bin storage area must not include any gates.
- Landscaping must be provided to minimise the impact of the bin storage area on the streetscape.

S4.2 Waste and Recycling Storage Rooms

Waste and recycling storage rooms must be designed and constructed in accordance with the following requirements:

- The waste and recycling storage room must be of adequate dimensions to comfortably accommodate the required number of waste and recycling bins.
- The layout of the waste and recycling storage room must allow easy unobstructed access to all bins (stacked bin arrangements are not acceptable) and allow the bins to be easily removed for servicing purposes.
- Where building occupants are required to take their waste to the waste and recycling storage room, the garbage bins should be located closest to the access door to minimise the risk of the recycling bins being contaminated.

Note: The *Better Practice Guide for Waste Management in Multi-Unit Dwellings*, DECC 2008 provides information on suitable bin layouts for communal storage areas in larger developments.

- The floor of the waste and recycling storage room must be constructed of concrete finished to a smooth even surface and coved at the intersections with the walls.

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- Where garbage or putrescible waste is to be stored, the floor must be graded to a floor waste connected to the sewerage system. The floor waste must be fitted with an in-floor dry basket arrestor approved by Sydney Water Corporation.
- Where garbage or putrescible waste is to be stored, a tap with a hose connection must be provided in or adjacent to the waste and recycling storage area to facilitate cleaning.
- The walls of the waste and recycling storage room must be constructed of brickwork, concrete block work or similar solid material with the internal wall surfaces cement rendered to a smooth even surface.
- The ceiling of the waste and recycling storage room must be constructed of a rigid smooth faced non-absorbent material. The ceiling must be of a minimum height that enables access for cleaning and enables the lids of bins to be fully opened.
- The internal walls and ceiling of the waste and recycling storage room must be painted with a light coloured washable paint.
- The waste and recycling storage room must be provided with a close fitting self-closing door that is openable from inside the room without the use of a key.
- The doors of the waste and recycling storage room must be finished with a smooth faced impervious material that is capable of being easily cleaned.
- The waste and recycling storage room must be provided with permanent natural ventilation direct to the outside air or a system of mechanical exhaust ventilation.
- The waste and recycling storage room must be provided with artificial lighting controllable by switches outside and inside the room. Sensor lights may be used in this regard.
- Clear signage must be displayed in the waste and recycling storage room describing how to use the waste facilities correctly.

S4.3. Garbage Chutes

Garbage chutes are only suitable to transfer garbage, and not suitable to transfer recyclables for a range of safety reasons, including potential fire hazard. Garbage chutes must be designed and constructed in accordance with the following requirements:

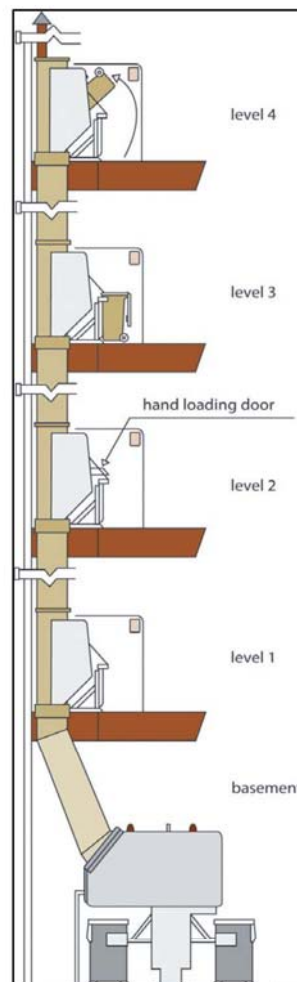
- The chute must be cylindrical in shape with a diameter of at least 500mm;
- The chute must be constructed of non-corrosive metal or other suitable smooth impervious material;
- The chute must be vertical with no bends, off-sets or restrictions and all internal joints and seams finished to a smooth even surface to allow the free flow of garbage through the chute;
- Chutes should not open onto any habitable or public space. The service openings for depositing garbage into the chute must be located in a dedicated **service room/compartment** (refer guidelines below);
- The service openings must be fitted with a charging device between one (1) metre and one and a half (1.5) metres above floor level and have a cross-sectional area not more than half that of the garbage chute;
- The charging devices must be self-closing and designed to permit free flow of garbage into the chute;
- The chute branches from the charging devices must not exceed one (1) metre in length and must be angled to allow the free flow of garbage into the chute;

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- The chute must terminate in the waste and recycling storage room and discharge the garbage directly into a waste container or garbage compactor in such a way that no spillage occurs;
- A suitable cut-off device must be provided at or near the base of the chute to effectively close off the chute while the waste containers are being serviced or the compaction equipment is being maintained;
- The chute, charging devices and service openings must be capable of being easily cleaned;
- The chute must be ventilated so that air does not flow from the chute through any service opening and the flow of air through the chute does not impede the downward movement of garbage; and
- The vent at the top of the chute must extend above the roof level and be fitted a weather-proof cowl and wire mesh screen to prevent the entry of rainwater and birds.



Note: As a guide, one garbage chute is generally suitable for servicing a minimum of 20 dwellings, and a maximum of around 28-30 dwellings.

Figure S.01 Example of a garbage chute system.

Source: *Better Practice Guide for Waste Management in Multi-Unit Dwellings*, DECC, 2008.

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S4.4. Service Rooms (or Compartments)

Service rooms or compartments are located on each floor of a building to allow access to the **garbage chute**. **Service rooms/compartments** must be designed and constructed in accordance with the following requirements:

- Each service room/compartment must be located for convenient access by users and must be well ventilated and well lit.
- Each service room/compartment must include space for bins or crates for the reception of recyclable materials.
- The floors, walls and ceilings of the service rooms/compartments must be finished with smooth impervious materials that are capable of being easily cleaned.
- The service rooms/compartments must contain clear signage that describes the types of wastes that can be deposited into the garbage chute and the types of wastes which should be deposited into the recycling bins or crates.

S4.5. External Waste and Recycling Storage Areas

All **external waste and recycling storage areas** in commercial and industrial developments must be designed and constructed in accordance with the following requirements:

- The waste and recycling storage area must be of adequate dimensions to store all garbage and recyclable wastes generated on the premises between collections and allow easy access for users and servicing purposes.
- The waste and recycling storage area must be roofed to prevent the entry of rainwater. The ceiling must be of a minimum height to enable access for cleaning and the lids of bins to be fully opened.
- The floor of the waste and recycling storage area must be constructed of concrete finished to a smooth even surface.
- All uncontaminated stormwater from the roof and uncovered paved areas of the site must be directed away from the waste and recycling storage area and be drained to Council's stormwater drainage system.
- Where garbage or putrescible waste is to be stored, the floor must be graded to a floor waste connected to the sewerage system. The floor waste must be fitted with an in-floor dry basket arrestor approved by Sydney Water Corporation.
- Where garbage or putrescible waste is to be stored, a tap with a hose connection must be provided in or adjacent to the waste and recycling storage area to facilitate cleaning.
- The waste and recycling storage area must be adequately screened from the street to prevent the creation of unsightly conditions.

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ATTACHMENT 2



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5 PLANNING PROPOSAL RESULTS OF COMMUNITY CONSULTATION - 283-289 BLAXLAND ROAD, RYDE

Report prepared by: Client Manager

Report dated: 11/01/2012

File No.: GRP/11/6/3/6 - BP12/20

REPORT SUMMARY

This report provides outcomes of community consultation on the planning proposal to rezone vacant land at 283-289 Blaxland Road, Ryde from R2 Low Density Residential to R4 High Density Residential under Ryde LEP 2010 and the associated site specific addition to Development Control Plan 2010.

Community consultation was carried out following the Gateway Determination by the Minister for Planning and Infrastructure issued on 16 August 2011 advising that the planning proposal was approved to proceed to community consultation for 14 days. The Planning Proposal was publicly exhibited from 14 September to 28 September 2011. The site specific addition to Development Control Plan 2010 was exhibited for 28 days from 14 September 2011 until 14 October 2011. Two (2) submissions were received in response, with one of these a petition with 43 signatures. An additional submission was received prior to Community Consultation.

The main issues raised in the submissions received relate to the traffic, parking, privacy, noise, overshadowing and streetscape impacts.

Included in this report is a summary of issues raised in the submissions and a planning appraisal of the issues.

The report recommends that Council proceeds with the rezoning to R4 High Density Residential and the associated changes to maximum building heights and the Floor Space Ratio. It also recommends that Council adopt the site specific addition to Ryde Development Control Plan 2010 which has been amended in response to submissions.

RECOMMENDATION:

- (a) That Council adopt the Planning Proposal for the rezoning of 283-289 Blaxland Road, Ryde from R2 Low Density Residential to R4 High Density Residential under Ryde Local Environmental Plan 2010 and the proposal be submitted to the Director-General of the Department of Planning and Infrastructure with a request to bring the amending plan into effect.
- (b) That Council adopt the site specific Development Control Plan Part 6.6 – 283-289 Blaxland Road, Ryde, amended in accordance with issues raised during the public exhibition and to come into effect upon gazettal of the Planning Proposal.
- (c) That Council gives public notice in a local newspaper of its decision to bring Ryde Development Control Plan Part 6.6 – 283-289 Blaxland Road, Ryde, into effect upon gazettal of the Planning Proposal.

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ATTACHMENTS

- 1** 283-289 Blaxland Road - Site Plan
- 2** 283-289 Blaxland Road - Current Zoning
- 3** Amended Part 6.6 DCP in response to submissions
- 4** All submissions received - 283-289 Blaxland Road
- 5** Indicative Development Outcomes
- 6** Applicant's response to public submission

Report Prepared By:

Adrian Melo
Client Manager

Report Approved By:

Lexie Macdonald
Team Leader - Strategic Planning

Meryl Bishop
Manager - Urban Planning

ITEM 5 (continued)

Discussion

Background

Planning Proposal

On 19 January 2011, Council received a planning proposal for the site known as 283-289 Blaxland Road, Ryde. The proposal sought to rezone the land from R2 Low Density Residential to R4 High Density Residential under the terms of Ryde Local Environmental Plan (LEP) 2010. Associated with the proposed zoning change, a maximum building height of 11.5m was also proposed.

On 3 May 2011, Council considered a report on the proposed rezoning (titled PLANNING PROPOSAL - 283-289 BLAXLAND ROAD RYDE, Item 3, Committee of the Whole). This report also recommended that a maximum floor space ratio of 1.0:1 be applied to the subject site. Upon considering this report, Council resolved:

That this item be deferred to allow additional information to be provided in a report to Council, on the subject property and the intent of the organisation.

A further report was considered by Council on 7 June 2011 that provided additional information on the subject property and the intent of the organisation proposing the rezoning. Following the consideration of the report, Council resolved:

- (a) *That Council note that the property owners of the subject site are Wattle Aged Living Pty Ltd and the self stated intentions for the site are as detailed within this report.*
- (b) *That the Planning Proposal be forwarded to the Department of Planning and Infrastructure for Gateway Determination, subject to a FSR of 1.0:1 being applied to the subject site and a site specific addition to the Development Control Plan 2010 being prepared prior to community consultation occurring.*
- (c) *That, in the event of a gateway determination being issued pursuant to section 56 of the Environmental Planning and Assessment Act 1979, Council will be advised of the terms of the determination and next steps.*

On 18 August 2011, the Minister for Planning and Infrastructure issued a Gateway Determination under delegation advising approval for the planning proposal to proceed to community consultation subject to conditions including:

- the planning proposal must be made publicly available for 14 days;
- copies of any Site Contamination Assessment Report is to be made available during public exhibition;
- a draft LEP zoning map is to be prepared and exhibited with the planning proposal;
- the timeframe for completing the LEP is within 6 months;

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- a public hearing is not required.

It should be noted that an extension has been granted by the Department of Planning and Infrastructure for the planning proposal to be resolved by the 23 May 2012.

The Site and Surrounds

The subject site is legally described as Lot 20 in DP 565527 and is known as 283-289 Blaxland Road, Ryde. The site is approximately 1960m² in area and is irregular in size with a frontage of approximately 61m to Blaxland Road and 50m to Kulgoa Avenue.

A map showing the location of the site and the surrounding area is **ATTACHED** (Attachment 1). Also **ATTACHED** is a map showing the zoning of the site and surrounds under RLEP 2010 (Attachment 2). It should be noted that the subject site is surrounded by R2 Low Density Residential, R4 High Density Residential and SP2 Education Establishment.

Surrounding properties consist of a variety of development, including educational establishments, residential flat buildings, housing stock owned by the Department of Housing and detached single dwellings.

The property immediately to the north of the site is housing stock owned by the Department of Housing. To the east of the site are two detached dwellings houses on separate allotments in a battleaxe configuration. It should be noted that the Department of Housing land has a secondary frontage to Kulgoa Avenue located approximately 80m from the subject site. This creates a small separate section of low density residential development addressing Kulgoa Avenue that is bounded by the subject site, the Department of Housing owned land and Kulgoa Avenue. Within this area is an 'urban housing' development. The Department of Housing owned land consists primarily of 'townhouse' style development that is generally 1-2 storeys in height.

Opposite the site addressing Blaxland Road is Ryde College which includes the Ryde TAFE and the 'Le Cordon Bleu' cooking school. Extending south along Blaxland Road and opposite the site on Kulgoa Avenue are a series of residential flat buildings that are generally 3-4 storeys in height.

The subject site is currently vacant and was previously used as a petrol station.

Planning Framework

The subject land is currently zoned R2 Low Density Residential under Ryde LEP 2010. The proposal is to rezone the land to R4 High Density Residential. Additionally, as a result of the Council resolution made 7 June 2011, amended planning controls are also proposed for the site increasing the maximum building height to 11.5m from 9.5m and the permissible floor space ratio from 0.5:1 to 1.0:1.

ITEM 5 (continued)

Land uses permitted with consent in the existing R2 Low Density Residential zone under Ryde LEP 2010 are:

Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Group homes; Health consulting rooms; Hospitals; Multi dwelling housing; Places of public worship; Recreation areas; Residential care facilities; Respite day care centres; Roads

Should the proposal proceed, land uses permitted with consent in the proposed R4 High Density Residential zone under Ryde LEP 2010 are:

Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Dual occupancies (attached); Dwelling houses; Educational establishments; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Recreation areas; Residential care facilities; Residential flat buildings; Respite day care centres; Roads; Serviced apartments; Shop top housing

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

Report

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

Gateway Plan-Making Process

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

1. **Planning proposal** - an explanation of the effect of and justification for a proposed plan to change the planning provisions of a site or area is prepared by a proponent for the relevant planning authority (RPA) in this case Council. The RPA also considers the proposal at this stage and decides whether or not to proceed.
2. **Gateway** – the planning proposal is considered by the Minister for Planning and Infrastructure (the Minister or delegate) who makes a determination if the planning proposal should proceed, and under what conditions it will proceed. This step informs the community consultation process.

ITEM 5 (continued)

3. **Community Consultation** - the proposal is publicly exhibited by the RPA in accordance with the EP&A Act, DoPI guidelines and the gateway determination (low impact proposals generally for 14 days, others for 28 days). Community consultation is completed when the RPA has considered any submissions concerning the proposed instrument and the report of any public hearing.
4. **Assessment** — the RPA considers any submissions resulting from consultation with government authorities and the community. At this stage the RPA has the opportunity to:
 - endorse the planning proposal for proceeding to the next stage;
 - vary the proposal; or
 - not proceed further with the proposal.

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

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

Community Consultation

As required by the Gateway Determination, the planning proposal was publicly exhibited for 14 days from 14 September to 28 September 2011. As required under Clause 18 of the *Environmental Planning and Assessment Regulations 2000*, the site specific addition to Development Control Plan 2010 was publicly exhibited for a period of 28 days from 14 September 2011 until 14 October 2011. All owners of properties within a 100m radius of the subject land were advised in writing of the planning proposal and associated site specific addition to Development Control Plan 2010 and were invited to make comments.

As required by the Council's resolution made 7 June 2011, a specific addition to the DCP2010 was prepared and is **ATTACHED** (Attachment 3). The site specific provisions have been amended from what was publicly exhibited as a result of the submissions received. Further details on the amendments are outlined below.

ITEM 5 (continued)

The planning proposal, maps, site audit, site specific addition to Development Control Plan 2010, relevant council reports and a copy of the Gateway Determination were made available for viewing on Council's website, West Ryde Library, Council's Customer Service Counter and the Ryde Planning and Business Centre. Supporting documentation, including Ryde LEP 2010, and the Ryde Local Planning Study were also made available for viewing at all locations via Council's website.

Outcomes of Community Consultation

In response to the public exhibition of the planning proposal and associated site specific addition to the Development Control Plan 2010, Council received two submissions with one of these being a petition with 43 signatures. It should be noted that outside of the exhibition period and prior to the issuing of the Gateway Determination, Council also received a submission raising similar concerns as those identified during the exhibition period. All submissions are considered within this report. A copy of all submissions received have been **ATTACHED** (Attachment 4).

The submissions received raised concerns over a range of key issues which are identified below:

- Parking,
- Traffic,
- Noise and Privacy,
- Streetscape, and
- Solar Access and Overshadowing.

In considering the submissions received, it must be recognised that the planning proposal is for a rezoning of the subject site and does not involve any building or development works. Any such development or building works will be subject to a development application. This is important as key concerns will be subject to consideration of detailed building design that will be articulated in any future development application. Notwithstanding the above, the proponents have submitted an Indicative Development Outcome for the site detailing an indicative scheme of development to take place on the subject site. This has been **ATTACHED** (Attachment 5).

It should be noted that there are no legal requirements for the future development to occur as detailed in the submitted indicative scheme however, the site specific Development Control Plan 2010 provides a building envelope similar to that detailed in the indicative scheme.

A consideration of the key issues raised during the exhibition period against the planning proposal and the site specific addition to Development Control Plan 2010 are detailed below:

ITEM 5 (continued)

Issue	Consideration
Parking	<p>The submissions received raised concerns regarding greater competition for existing street parking as a result of the future redevelopment of the subject site.</p> <p>In this respect, any forthcoming Development Application as a result of the amended planning controls will need to demonstrate compliance with the numerical requirements contained with Part 9.3 Parking of Ryde Development Control Plan 2010. Given that this section of the DCP has undergone recent review and was endorsed by Council, provision of car parking spaces in accordance with the requirements of Part 9.3 will ensure adequate off street car parking to service the needs of future residents within the site will be achieved.</p> <p>Accordingly, the rezoning of the site is unlikely to lead to greater competition for existing on street car parking.</p>
Traffic	<p>The submissions received raised concerns regarding increased traffic, increased danger and vehicular access from Blaxland Road or Kulgoa Avenue.</p> <p>In this respect, it should be noted that the Indicative Development Outcome submitted by the proponents show vehicular access from Kulgoa Avenue. The site specific addition to DCP 2010 requires all vehicular access for the site to be achieved from Kulgoa Avenue.</p> <p>Whilst vehicular access from Kulgoa Avenue will result in an increase of vehicular traffic in Kulgoa Avenue, any future development is unlikely to result in an excessive increase in vehicular traffic due to the size of the site and the scope of any future development to occur. The Indicative Development Outcome shows a total of 14 units.</p> <p>Furthermore, the location of the vehicular access point along Kulgoa Avenue and its impacts will be detailed and considered in any forthcoming Development Application as a result of the rezoning. The development assessment process will require consideration as to the appropriateness of the access point, possible risks associated with this and whether treatment to Kulgoa Avenue is required to minimise the potential for vehicular conflict. However, given the Indicative Development Outcome and the existing situation it is unlikely that the proposal will result in an increased risk for vehicular conflict or excessively worsen the existing situation.</p> <p>It should be noted that the submission also raises concerns regarding illegal 'U-turns' occurring within Kulgoa Avenue as a result of the redevelopment of the Top Ryde Shopping Centre. This</p>

ITEM 5 (continued)

Issue	Consideration
	situation is the result of poor driver practices that are beyond the scope of the proposed development.
Noise and Privacy	<p>The submissions received raised concerns regarding potential loss of privacy and increased noise as a result of future redevelopment of the site.</p> <p>The potential loss of privacy or increased noise generated by future residences would be subject to the location of windows and balconies. These elements would be subject to further detailing by the proponents as part of any forthcoming Development Application for the site. In this respect, this would be governed by <i>State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development</i>, the Residential Flat Building Code and the site specific addition to DCP 2010. The controls contained within the site specific addition to DCP 2010 relating to privacy are as follows:</p> <p style="color: green;">2.3 Siting and Design</p> <p><i>a. Development shall be designed and sited to maintain appropriate spatial separation, privacy and amenity to the adjoining residential properties.</i></p> <p><i>c. Direct overlooking of private open space areas and/or living rooms of adjoining residential properties shall be prevented by building layout, fixed screening devices, landscaping, greater spatial separation or a combination of these elements.</i></p> <p>It is considered that these controls, along with the assessment process, would effectively minimize any negative impacts in relation to noise and privacy resulting from any future development made permissible by the proposed rezoning.</p> <p>Notwithstanding this, the Indicative Development Outcomes document (Attachment 5) has indicated that sufficient separation from any future buildings and existing residences could be achieved that would ensure privacy.</p>
Streetscape	<p>The submissions received raised concerns regarding the construction of additional residential flat buildings along Kulgoa Avenue.</p> <p>With regards to streetscape it should be noted that the potential development outcomes to result from the proposal are considered acceptable given the range of development and built form styles of adjoining and adjacent properties. In considering streetscape, it must</p>

ITEM 5 (continued)

Issue	Consideration
	<p>be noted that in the immediate surrounds of the subject site there are a range of different building types.</p> <p>The area of Blaxland Road surrounding the subject site is characterized by a higher level of development including 3 storey residential flat buildings, multi dwelling housing and Ryde TAFE. Furthermore, the southern side of Kulgoa Avenue directly opposite the subject site between Blaxland Road and Price Street contains residential flat buildings. Accordingly, the only areas of the surrounding streetscape that do not contain higher forms of density are those along Kulgoa Avenue to east of the site.</p> <p>As such, in order to ensure that any future development to occur as a result of the proposed rezoning is in keeping with the surrounding streetscape, the site specific addition to DCP 2010 that was publicly exhibited required the consideration of the existing streetscape of Kulgoa Avenue. The version placed on public exhibition provided for the following controls in relation to streetscape:</p> <p>2.4 Streetscape</p> <p><i>a. The development of the land must be compatible with the established streetscape patterns along Kulgoa Avenue and Blaxland Road.</i></p> <p><i>b. The streetscape and residential amenity is to be enhanced through landscaping, incorporating canopy tree plantings, along both street frontages.</i></p> <p><i>c. The height and scale of the development is to be modulated to provide for an appropriate built form transition to the adjoining residential properties along Kulgoa Avenue as depicted on the attached plans (Figure 6.6.01 and 6.6.02).</i></p> <p>Following the submissions received, it is recommended that the site specific addition be amended to include to following control in addition to the above:</p> <p><i>d. The development must be suitably articulated along Kulgoa Avenue and Blaxland Road to provide visual interest. This is to be achieved through careful consideration of scale, proportions, rhythm, building materials and the location of entry points, windows and balconies.</i></p> <p>Further to the above, in order to ensure that the proposal achieves greater cohesion and integration with surrounding structures, the following addition to the DCP is proposed:</p>

ITEM 5 (continued)

Issue	Consideration
	<p>2.5 Setback from Boundaries</p> <p><i>c. The development must allow for adequate building modulation and articulation along rear and side boundaries to reduce visual bulk when viewed from adjoining properties.</i></p> <p>The wording of the above controls clearly require that any forthcoming Development Application must give due regard to the existing streetscape and surrounding structures. As detailed within the Indicative Development Outcome submitted by the proponent (Attachment 5), it is considered that this is satisfactorily achieved through a two storey component of the development fronting Kulgoa Avenue that is in keeping with structures on adjoining land.</p> <p>The finalised detail of the proposed development will be subject to a Development Application, however the above control will ensure that it relates to surrounding structures.</p> <p>Furthermore it must be noted that as the proposed rezoning is applicable only to 283-289 Blaxland Road, the rest of Kulgoa Avenue will be continue to be characterised predominantly by single and two storey detached dwellings. It should be noted that the rezoning is likely to expedite the redevelopment of the vacant block.</p>
Solar Access	<p>The submissions received raised concerns regarding possible overshadowing and misleading shadow diagrams submitted with the planning proposal.</p> <p>With respect to overshadowing, the proponents have prepared an indicative development outcome that demonstrates the potential development that could result from the amendments to the RLEP 2010. This includes a shadow diagram that clearly shows that the shadows to result from the proposed development (due to the orientation of the site) would fall primarily on Kulgoa Avenue and Blaxland Road, having negligible amenity impacts on adjoining and adjacent residences. These indicative plans, including the shadow diagrams, have been ATTACHED (Attachment 5).</p> <p>With respect to the shadow diagrams submitted with the planning proposal, they are of a schematic nature reflecting the nature of the planning controls under consideration. It is considered that the submitted shadow diagrams are sufficient to determine whether future development as a result of the amended planning controls will result in unacceptable overshadowing. This is not considered to be the case.</p>

ITEM 5 (continued)

Issue	Consideration
	<p>Given the nature of the planning proposal, the specific impacts of overshadowing will need to be assessed and determined as part of any forthcoming development application. This is because the true impact of overshadowing will need to be determined once the building shape, form and typology is determined.</p> <p>As part of the site specific addition to DCP 2010, a control has been included that seeks to limit the overall extent of overshadowing. This control reads as follows:</p> <p style="text-align: center;">2.6 Solar Access</p> <p style="text-align: center;"><i>a. The development of the land shall not reduce solar access to the living rooms and private open space areas of adjoining residential development to less than 3 hours of sunlight between 9am and 3pm in mid winter.</i></p> <p>Subject to this control being imposed, it is considered that reasonable access to sunlight will be achieved by the proposal.</p>

The applicant has responded to the issue raised in the submissions in a letter dated 19 January 2012 – a copy is **ATTACHED** (Attachment 6).

Options

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

- **endorse the planning proposal for proceeding to the next stage;**
Where Council decides to proceed with a proposal, it is forwarded to the Minister with documentation including an outline of the submissions made, the responses to submissions, the relevant maps, and the request for the plan to be made. Parliamentary Counsel then prepares a draft local environmental plan (the legal instrument) (refer stage 5. Decision).
- **vary the proposal; or**
Council may, at any time, vary proposals as a consequence of consideration of submissions made during public exhibition, or for any other reason. Council is taken to have varied a proposal when it changes the “statement of the objectives or intended outcomes of the proposed LEP” or the “explanation of the provisions that are to be included in the proposed LEP.”

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

ITEM 5 (continued)

- **not proceed further with the proposal.**

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

In relation to the current planning proposal, in response to concerns raised in submissions, the three options identified above are described and discussed as follows:

Option 1. Not proceed with the rezoning to R4 High Density Residential.

Comment: This option would mean that the land remains zoned R2 Low Density Residential. This is not supported.

Option 2. Proceed with the rezoning of the land as proposed to allow for future redevelopment of the site.

Comment: This option would mean that:

- the land is rezoned to R4 High Density Residential,
- that the maximum building height for the subject site is 11.5m,
- that the floor space ratio applicable to the subject site is 1.0:1,

This option is supported by a site specific DCP that provides detailed design guidance. This report recommends that the exhibited DCP controls are amended to provide further guidance on the streetscape and setbacks.

This is the recommended outcome for the subject site. It should be noted that the site specific addition to DCP2010 will come into effect upon the gazettal of the planning proposal.

Option 3. Vary the proposal in a manner other than suggested to address the submissions received.

Comments: Generally this is not considered necessary as the proposal and associated site specific addition to the DCP adequately addresses the constraints of the site and the intent behind the planning proposal.

As provided by Section 5(a)(ii) of the Environmental Planning and Assessment Act 1979, an object of the Act is to encourage ‘...the promotion and co-ordination of the orderly and economic use and development of land...’. A key method through which this is achieved is for land to be zoned to ensure its best and most appropriate use.

The subject site is of a substantial size and surrounded by a range of different uses including single residential dwellings, Ryde College, Department of Housing land and residential flat buildings along Blaxland Road. On this basis it is questionable whether limiting the uses of the site to R2 Low Density Housing constitutes orderly and economic use and development of land.

ITEM 5 (continued)

Under the current zoning, the most likely outcomes for the site are primarily limited to a single detached dwelling, a dual-occupancy (attached), multi-dwelling housing (attached) or subdivision of the site. Given the development densities surrounding the site, its size and the development potential of the site, it is not considered that land uses permissible under the R2 zone represent orderly and economic use and development of the land. This is detailed below.

Development Outcome	Consideration
Single Detached Dwelling or Dual Occupancy	<p>A key concern with these uses is the size of the site which is 1960m². Under a FSR of 0.5:1 this allows a building with a floor space of 980m². Given the context and surrounds, it can be seen that this would result in a dwelling of excessive size or would result in a smaller dwelling that is a substantial underdevelopment of the site.</p> <p>In addition to the above, the site could also be subdivided for dwelling houses or dual occupancies. However, this also is not considered a positive outcome for the site as the RLEP 2010 provides:</p> <ul style="list-style-type: none"> – Regular allotment: a minimum frontage of 10m, a minimum width of 15m at 7.5m from the front boundary and a minimum size of 580m² – Hatchet shaped allotments: a frontage of 3m, an access corridor of 3m and a minimum size of 740m² (not including access ways). <p>The above controls when combined with the irregular shape of the allotment and its existing topography ensure that any future subdivisions of the subject site would result in development and dwellings not in keeping with that of adjoining and adjacent properties.</p> <p>It should also be noted that it is not considered appropriate for additional vehicular access points to be provided along Blaxland Road and that a consolidated vehicular access point from Kulgoa Road is a better outcome for the site and surrounding road network. Furthermore, additional vehicular road access from Blaxland Road would result in an increased risk factor regarding traffic safety.</p>
Multi dwelling housing	<p>This is not currently permissible on the subject site due to being located within the minimum linear separation distance of 6 Kulgoa Avenue, Ryde which currently contains Urban Housing (LDA2007/0358). It should be noted that the linear separation control is proposed for deletion under <i>Draft Ryde Development Control Plan 2011</i>.</p>

ITEM 5 (continued)

Development Outcome	Consideration
	Notwithstanding the above, due to the configuration, topography and orientation of the site, it is unlikely that multi dwelling housing in accordance with the requirements of Part 3.5 Multi Dwelling Housing (attached) (for Low Density Residential Zone) of Development Control Plan 2010 would result in a good urban form outcome. Of particular concern in this respect, are the limitations on excavation and fill, maximum height and storey requirements, provision of parking and adequate vehicular and pedestrian circulation and access to the site.

Critical Dates

Time periods for preparation of amending LEPs applied upon issue of the Gateway Determination on 16 August 2011. The following deadlines are required to be met:

- time frame for completion (gazettal) of the LEP is to be by 23 May 2012.
- request for the Department to draft and finalise the LEP by 11 April 2012 (six (6) weeks prior to the projected completion date).

Financial Implications

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

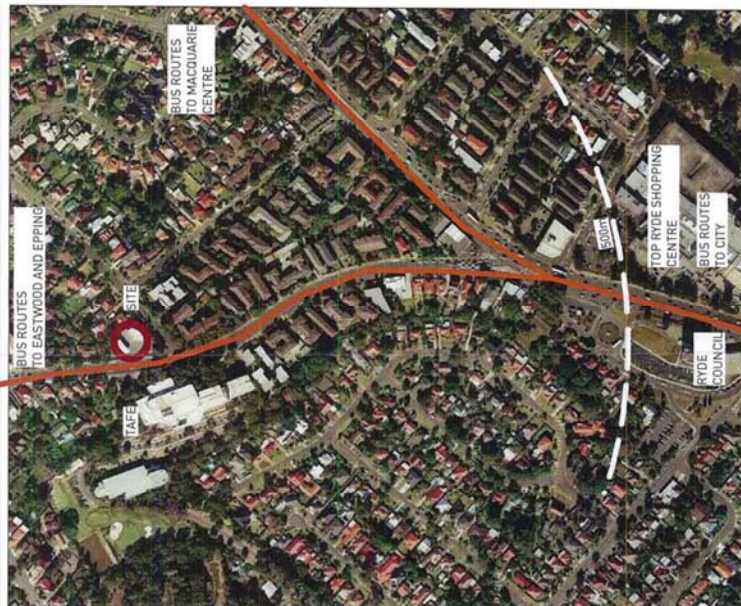
There are no policy implications through adoption of the recommendation.

Next Steps

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

ITEM 5 (continued)

ATTACHMENT 1



LOCAL CONTEXT

The site is well connected to existing infrastructure. The site is immediately adjacent to regular bus services and within 500m walking distance of: M52 Metro bus, regional shopping facilities, community facilities (eg Council and libraries).



IMMEDIATE SITE CONTEXT

The site is located at the boundary of a medium to high residential development area. Opposite the site is a commercial facility containing TAFE, hotel and conference centre. To the north of the site the area is characterised by villa and townhouse developments and single dwellings.

CONTEXT - AERIAL VIEW

BLAXLAND ROAD HOUSING

TCD BUILDERS

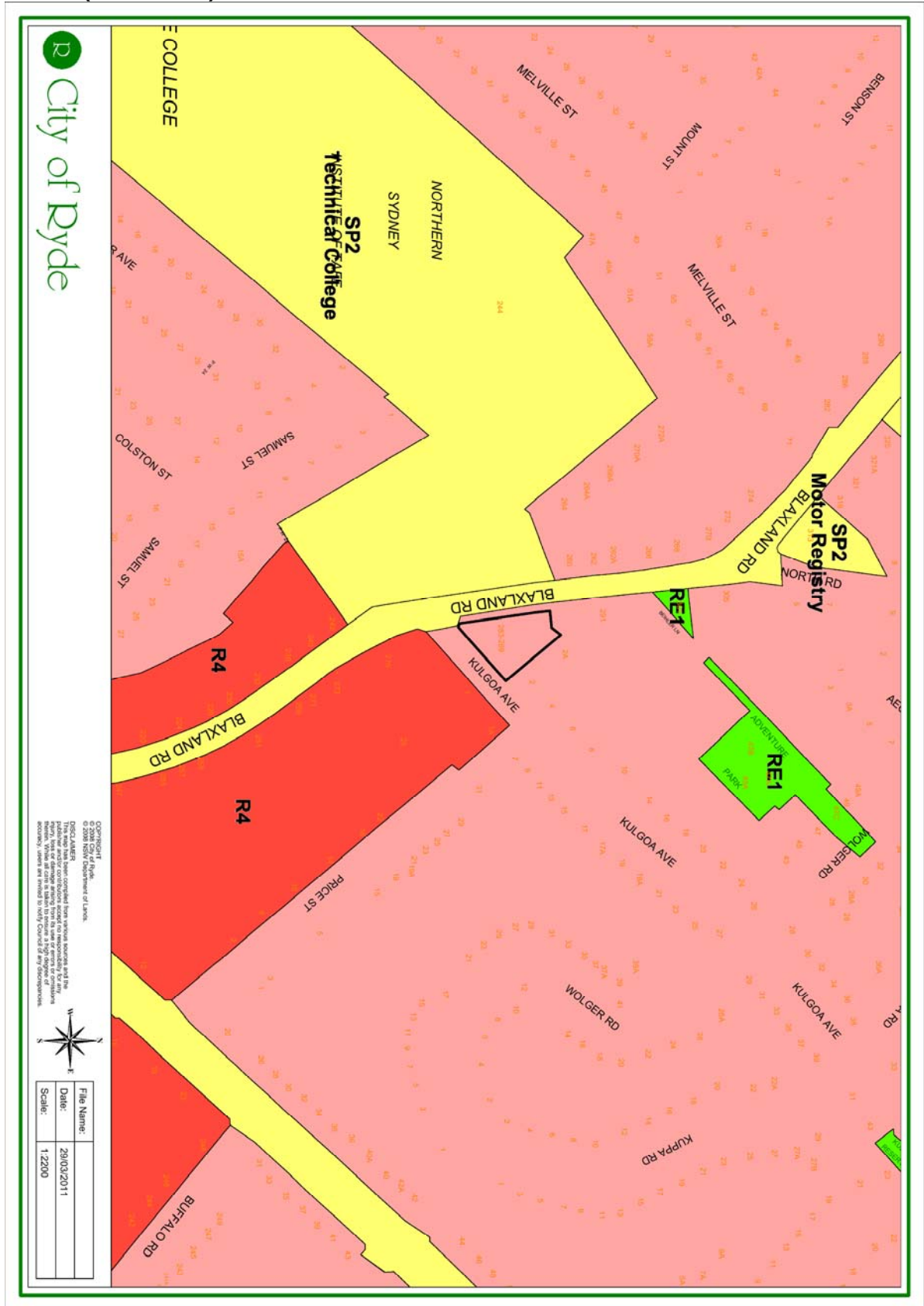


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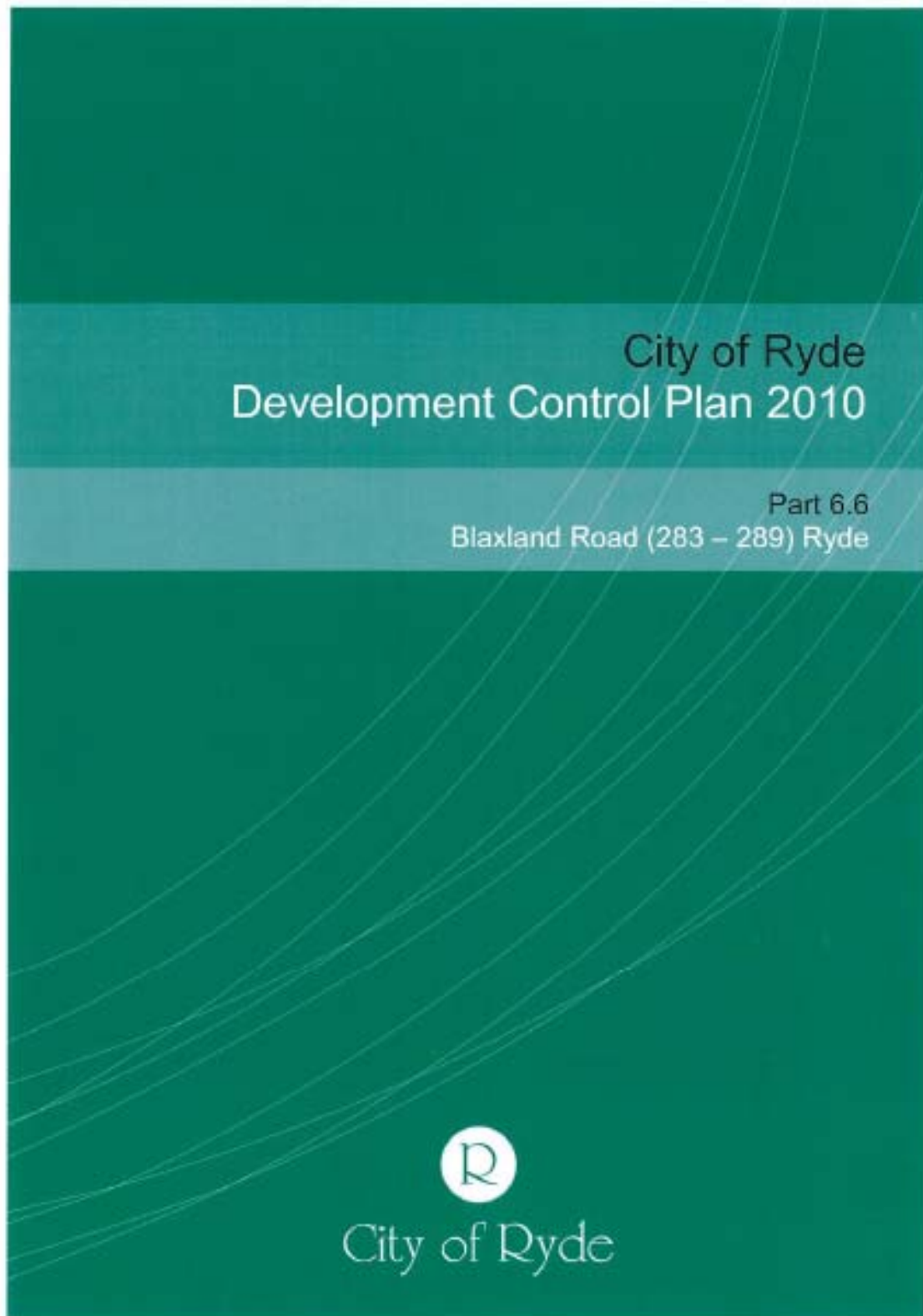
ITEM 5 (continued)

ATTACHMENT 2



ITEM 5 (continued)

ATTACHMENT 3



ITEM 5 (continued)

ATTACHMENT 3

	Part	Chapter
6.6	Blaxland Road (283-289) Ryde	

Translation	
<p>ENGLISH</p> <p>If you do not understand this document please come to Ryde Civic Centre, 1 Devlin Street, Ryde Monday to Friday 8.30am to 4.30pm or telephone the Telephone and Interpreting Service on 131 450 and ask an interpreter to contact the City of Ryde for you on 9952 8222.</p> <p>ARABIC</p> <p>إذا لم تفهم هذا المستند، يرجى القدوم إلى مركز بلدية رايد، 1 شارع ديفلين، رايد، من الاثنين إلى الجمعة، من الساعة 8:30 صباحاً إلى الساعة 4:30 مساءً، أو الاتصال بمكتب خدمات الترجمة على الرقم 131 450 لكي يطلب من أحد المترجمين الاتصال بمجلس مدينة رايد على الرقم 9952 8222، نيابة عنك.</p> <p>ARMENIAN</p> <p>Եթե այս ցանկերը չէք հասկանում, ցանկերի հետք հաճախե՛ք Դայվ Կենտրոն, 1 Տեյվլին փողոց, Դայվ, (Ryde Civic Centre, 1 Devlin Street, Ryde) երեսուցյակին ընդմիջումը՝ 8.30 – 16.30 ժամը, կամ հեռախոսակցե՛ք «Տեղական ինֆորմացիոն կենտրոնին»՝ 131 450, և խնդրե՛ք որ բացահայտվի Ձեր հարցը։ Ինքուհանձնարման համար հաճախե՛ք 9952 8222 թիվին։</p> <p>CHINESE</p> <p>如果您看不懂本文，請在星期一至星期五上午 8 時 30 分至下午 4 時 30 分前往 Ryde 市政中心詢問 (Ryde Civic Centre, 地址：1 Devlin Street, Ryde)。您也可以打電話至電話傳譯服務中心，電話號碼是：131 450。然後您可以要求一位傳譯員為您打如下電話與 Ryde 市議會聯繫，電話是：9952 8222。</p>	<p>FARSI</p> <p>اگر این مدرک را نمی فهمید لطفاً از 8.30 صبح تا 4.30 بعد از ظهر دوستانه به مرکز شهرداری رايد، Ryde Civic Centre, 1 Devlin Street, Ryde مراجعه کنید یا به سرویس مترجم تلفنی شماره 131 450 تلفن بزرید و از یک مترجم بخواهید که از طرف شما با شهرداری رايد شماره 9952 8222 تلفن بزند.</p> <p>ITALIAN</p> <p>Se non capite il presente documento, siete pregati di rivolgervi al Ryde Civic Centre al n. 1 di Devlin Street, Ryde, dalle 8.30 alle 16.30, dal lunedì al venerdì; oppure potete chiamare il Telephone Translating and Interpreting Service al 131 450 e chiedere all'interprete di contattare a vostro nome il Municipio di Ryde presso il 9952 8222.</p> <p>KOREAN</p> <p>이 문서가 무슨 의미인지 모르실 경우에는 1 Devlin Street, Ryde 에 있는 Ryde Civic Centre 로 오시기나 (월 – 금, 오전 8:30 – 오후 4:30), 전화 131 450 번으로 전화 통역 서비스에 연락하셔서 통역사에게 어떠한 대신 Ryde 시청에 전화 9952 8222 번으로 연락을 부탁하십시오.</p>

Amend. No.	Date approved	Effective date	Subject of amendment

Development Control Plan 2010
Draft
Exhibition

ITEM 5 (continued)

ATTACHMENT 3

Part	Chapter	
Blaxland Road (283-289) Ryde	Contents	6.6
Contents		
1.0 INTRODUCTION		1
1.1 Objectives of this Part		1
1.2 Land to which this Part applies		1
2.0 DEVELOPMENT CONTROLS		2
2.1 Design Quality		2
2.2 Height and Density		2
2.3 Siting and Design		2
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2.7 Vehicular Access		3
2.8 Stormwater Management		3
2.9 Car Parking		3
2.10 Tree Preservation		3
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Development Control Plan 2010	Draft	Exhibition

ITEM 5 (continued)

ATTACHMENT 3

Part	Chapter
6.6 283 Blaxland Road, Ryde	1.0 Introduction

1.0 INTRODUCTION
1.1 Objectives of this Part
Objectives
The objectives of this Part are:
1. To provide appropriate development control and design quality principles for the redevelopment of the site;
2. To ensure that the future development of the land appropriately responds to the zone boundary interface and is compatible with existing adjoining development; and
3. To maintain appropriate residential amenity to existing adjoining development.
1.2 Land to which this Part applies
This Part applies to the land in Lot 20, DP 565527, No. 283 - 289 Blaxland Road, Ryde.

Development Control Plan 2010	Draft	Exhibition
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ITEM 5 (continued)

ATTACHMENT 3

Part	Chapter	
Blaxland Road (283-289) Ryde	2.0 Development Controls	6.6
2.0 DEVELOPMENT CONTROLS		
This section provides detailed planning controls for the subject site that will ensure that future development is of high design quality. The controls will also minimise negative amenity impacts on adjoining and adjacent properties.		
Controls		
2.1 Design Quality		
a. A residential flat building to be erected on the land shall be designed in accordance with the Design Quality Principles of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development and the associated Residential Flat Design Code.		
2.2 Height and Density		
a. The development to be erected on the land shall have a maximum building height of 11.5 metres being the maximum height shown for the land on the <i>Height of Buildings Map of Ryde Local Environmental Plan 2010</i> .		
b. The building height of development on the land shall be distributed across the site generally as nominated on the attached plans (Figure 6.6.01 and 6.6.02).		
c. The maximum floor space ratio for a building on the land shall not exceed 1.0:1 being the floor space ratio shown for the land on the <i>Floor Space Ratio Map of Ryde Local Environmental Plan 2010</i> .		
Note: "building height" means the vertical distance between ground level (existing) and the highest point of the building, including plant and lift overruns, but excluding communication devices, antennae, satellite dishes, masts, flagpoles, chimneys, flues and the like.		
2.3 Siting and Design		
a. Development shall be designed and sited to maintain appropriate spatial separation, privacy and amenity to the adjoining residential properties.		
b. The siting of any development on the land shall be consistent with that depicted on the attached plan (Figure 6.6.01).		
c. Direct overlooking of private open space areas and / or living rooms of adjoining residential properties shall be prevented by building layout, fixed screening devices, landscaping, greater spatial separation or a combination of these elements.		
Development Control Plan 2010	Draft	Exhibition

ITEM 5 (continued)

ATTACHMENT 3

Part	Chapter
6.6	283 Blaxland Road, Ryde

2.4 Streetscape

- a. The development of the land must be compatible with the established streetscape patterns along Kulgoa Avenue and Blaxland Road.
- b. The streetscape and residential amenity is to be enhanced through landscaping, incorporating canopy tree plantings, along both street frontages.
- c. The height and scale of the development is to be modulated to provide for an appropriate built form transition to the adjoining residential properties along Kulgoa Avenue as depicted on the attached plans (Figure 6.6.01 and 6.6.02).
- d. The development must be suitably articulated along Kulgoa Avenue and Blaxland Road to provide visual interest. This is to be achieved through careful consideration of scale, proportions, rhythm, building materials and the location of entry points, windows and balconies.

2.5 Setback from Boundaries

- a. The development of the land shall generally maintain the front, side and rear boundary setbacks as nominated on the attached plan (Figure 6.6.01).
- b. Appropriate intervening landscape treatments shall be provided within the side and rear setback areas to soften and screen the development when viewed from adjoining residential properties.
- c. The development must allow for adequate building modulation and articulation along rear and side boundaries to reduce visual bulk when viewed from adjoining properties.

2.6 Solar Access

- a. The development of the land shall not reduce solar access to the living rooms and private open space areas of adjoining residential development to less than 3 hours of sunlight between 9am and 3pm in mid winter.

2.7 Access

- a. Vehicular access is to be provided from Kulgoa Avenue.

2.8 Stormwater Management

- a. A stormwater management system is to be provided in accordance with the requirements of Part 8.2 Stormwater Management of this DCP.

ITEM 5 (continued)

ATTACHMENT 3



ITEM 5 (continued)

ATTACHMENT 3

Part	Chapter	
Blaxland Road (283-289) Ryde		6.6

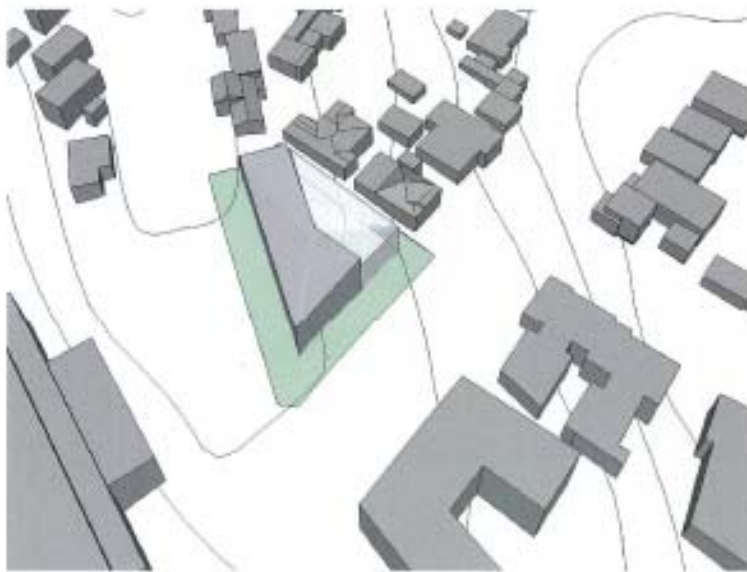
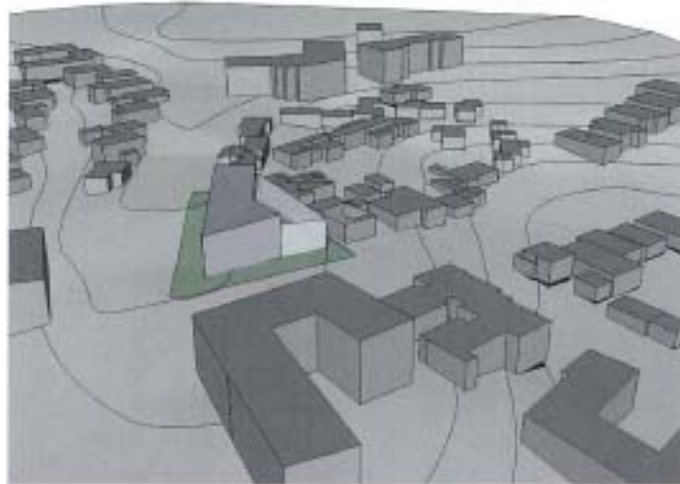


Figure 6.6.02 3D Building Envelope Diagrams

Development Control Plan 2010

Draft

Exhibition

ITEM 5 (continued)

ATTACHMENT 3

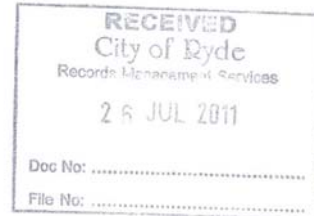


ITEM 5 (continued)

ATTACHMENT 4

24 July 2011

Residential Zoning
City of Ryde Council
1 Devlin Street
Ryde NSW 2112



To the Manager

RE: 283 – 285 Blaxland Road Ryde

It has come to our attention that the current owners of the vacant block at the above address have submitted an application to have the land rezoned to be suitable for a block of units. As the current neighbours of this property we strongly oppose this proposal based on the following reasons

- Available parking Currently the street is servicing all of the blocks of units that are currently on Blaxland road (along with the two additional blocks being built). With Blaxland road being a clearway at certain times of the day Kulgoa ave is now the car park for these residents along with the TAFE it is already impossible to get a park.
- Overshadowing our blocks Being on the high side of the block and our block has already been subdivided into a battle axe with both houses running up that fence line. We will loss all privacy and will be overshadowed from a towering unit block.
- Noise and privacy We currently have a block of units behind that is very loud and often gets visits by the police at all time of the day and night due to disturbances. The addition of a towering unit block will be even more disruptive and noisy.
- Inline with the street While Blaxland road is already overshadowed by block after block of units. Kulgoa ave has been saved this look and it would be a pity to start the continuation of more additional blocks.
- Traffic Since the opening of Top Ryde City the intersection of Blaxland and Kulgoa ave is constantly used as a u-turn place for those that have taken the wrong exit. With the units exiting onto Blaxland road will make for more congestion and danger as they also use this street to U-turn. Alternatively trying to turn either way onto Blaxland will have the same problems. Should they use the entrance on Kulgoa ave this is very close to the intersection also creating more congestion, additional traffic and danger.

Please consider our very valid reasons as to not wanting this land to be rezoned; it is not a large block that would not be able to service a block of units. When approached by the previous owner for them to purchase our properties, whilst neither of us would like to move or sell, we would prefer this to the option of the overshadowing, noise, lack of privacy and congestion.



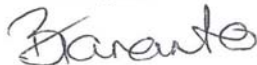
ITEM 5 (continued)

ATTACHMENT 4

Please do not hesitate to contact either of us should you have any questions or would like to discuss it further. Should it be appropriate we would like the option to discuss it with the deciding committee. We are also more than happy to get a collective response from the street should it be required as they have expressed their interest.

Thank you for your time and we look forward to hearing from you.

Kind Regards



David and Belinda Taranto
2A Kulgoa Ave
Ryde NSW 2112
Phone (02) 9808 5052 or Belinda's Mobile 0410 625 652

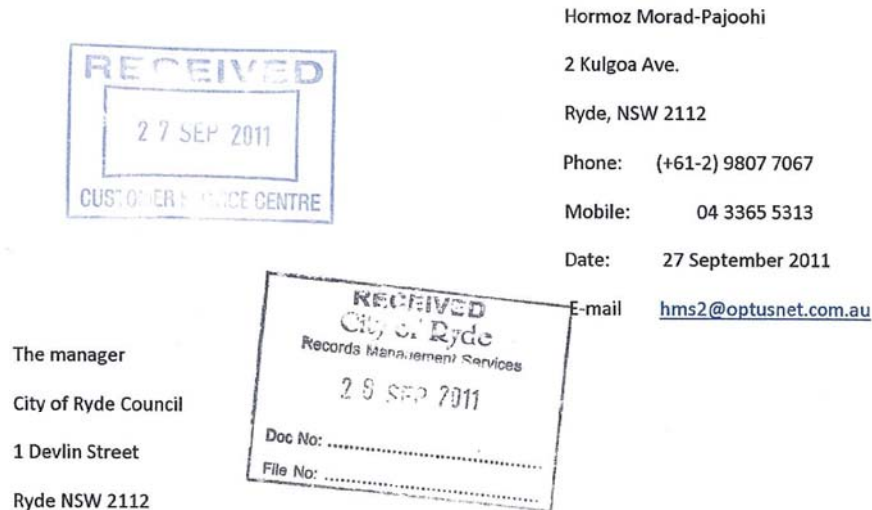


Hormoz Morad-Pajoochi and Mariam Minasghan
2 Kulgoa ave
Ryde NSW 2112
Phone (02) 9807 7067 or Hormoz's Mobile 0433 655 313



ITEM 5 (continued)

ATTACHMENT 4



RE: Planning Proposal - 283 – 285 Blaxland Road, Ryde - Residential Zoning

With reference to your letter of 09 September (your Ref: LEP2011/70) which we received on 22 09 2011 (13 days later!!) regarding the rezoning of the vacant block at the above address we submit our strong opposition to all of this proposal based on the following reasons

- Available parking Currently the street is servicing all of the blocks of units that are currently on Blaxland road (along with the additional blocks being built). With Blaxland road being a clearway at certain times of the day Kulgoa ave is now the car park for these residents along with the TAFE it is already impossible to get a park.
- Overshadowing our blocks Being on the high side of the block and our block has already been subdivided into a battle axe with both houses running up that fence line. We will loss all privacy and will be overshadowed from a towering unit block.
- Noise and privacy We currently have a block of units behind that is very loud and often gets visits by the police at all time of the day and night due to disturbances. The addition of a towering unit block will be even more disruptive and noisy.
- Inline with the street While Blaxland road is already overshadowed by block after block of units. Kulgoa ave has been saved this look and it would be a pity to start the continuation of more additional blocks.
- Traffic Since the opening of Top Ryde City the intersection of Blaxand and Kulgoa ave is constantly used as a u-turn place for those that have taken the wrong exit. With the units exiting onto Blaxland road will make for more congestion and danger as they also use this street to U-turn. Alternatively trying to turn either way onto Blaxland will have the same problems. Should they use the entrance on Kulgoa ave this is very close to the intersection also creating more congestion, additional traffic and danger.

ITEM 5 (continued)

ATTACHMENT 4

Please consider our very valid reasons as to not wanting this land to be rezoned. When approached by the previous owner for them to purchase our properties, whilst neither of us would like to move or sell, we would prefer to the option of the overshadowing, noise, lack of privacy and congestion.

PS.

As next door neighbour to this land all our bedrooms get their only sunshine from the subjected land side. Also if this proposal is approved, our boarder will be used for parking for all the units build on this land. This will cause all the car noise especially early in the morning and fumes to our home specially bedrooms. There will be four children and five adults living in this situation. I would like to emphasize this point that if any of us get a related health problem the office and the person who approves this rezoning and development is directly responsible.

Kind Regards



Hormoz Morad-Pajoohi and Mariam Minasghan
2 Kulgoa ave
Ryde NSW 2112
Phone (02) 9807 7067

ITEM 5 (continued)

ATTACHMENT 4



Hormoz Morad-Pajoohi

2 Kulgoa Ave.

Ryde, NSW 2112

Phone: (+61-2) 9807 7067

Mobile: 04 3365 5313

Date: 25 October 2011

E-mail hms2@optusnet.com.au

General Manager

City of Ryde

1 Devlin Street

Ryde NSW 2112

RE: Planning Proposal to Amend Ryde Local Environment Plan 2010 and Site Specific
Addition to Development Control Plan 2010 for 283-289 Blaxland Road, Ryde.
(YourRef:LEP2011/70)

Dear Sir,

On behalf of the residents / property owners represented on the attached petition (this includes all of the present residents of Kulgoa Ave. at the time of contact with the exception of only one of them), we herewith express our objection to the proposed construction as stated above.

We believe the proposal to re-zone the land from R2 Low Density to R4 High Density is contrary to the interests and well being of surrounding residents based on the following reasons:

Inline with the street, Look and Area impact, Overshadowing and Health, Noise and privacy

A towering unit block, as well as impacting the Look and nature of the residential area, will severely impact on the afternoon sunlight to the Eastern and South-Eastern properties. --- I would like to take this opportunity to inform the City of Ryde that the Submitted Shadow diagrams for this development are misleading. Either it does not take the slope of the block into the consideration at all, or the angle of the slope is represented much smaller than its actual value. The existing retaining wall being about three meters high and more than three meters away does already block the sunlight to my bedrooms. With this existing fact, you can imagine the effect of another two or four story building on top of it on my property. Please have in mind that this over three meters high existing retaining wall is yet below the Blaxland road street level.

The height of the proposed building is excessive. Besides being disruptive and the noise problem, it will cause many of the surrounding residence to lose their privacy.

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ITEM 5 (continued)

ATTACHMENT 4

Danger, Traffic and Parking

The proposed construction will further compound the traffic and add to the parking problems which already exist in Kulgoa Ave., Price St. and Blaxland Rd. The parking problem in the area has previously been referred to council many times; alas to no avail.

With Blaxland road being a clearway at certain times of the day, Kulgoa Ave. is the parking place for the second and visitors cars of the unit blocks on Blaxland road.

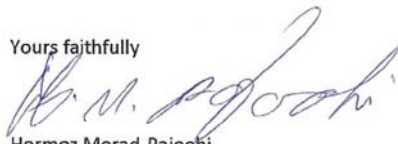
Along with the TAFE and Price Street units and their visitors, it is already impossible to get a parking spot at Kulgoa Ave. The construction of proposed development will further compound the parking problems which already exist in Kulgoa Ave., Price St. and Blaxland Rd.

Since the opening of The Top Ryde City Shopping Centre, the intersection of Blaxland and Kulgoa Ave is constantly used as a u-turn place for those that missed the entrance or have taken the wrong exit.

The increase of vehicles in the locality will further exacerbate the traffic congestion and danger.

Even worse, should the developers use the entrance on Kulgoa Ave., which is very close to the intersection, will create more congestion, additional traffic and accident danger.

Yours faithfully











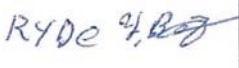





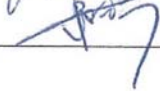
Hormoz Morad-Pajoochi

2 Kulgoa ave
Ryde NSW 2112

Page 2/5

ITEM 5 (continued)



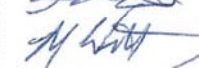




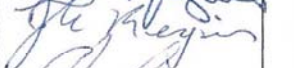

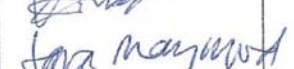
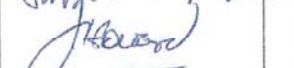







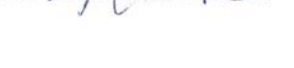




ATTACHMENT 4

Name	Address	Signature
✓ MARIAM MINDSIPAN	NO. 2 KULGOA AVE	
✓ HAMOZ M. PASODHI	2 KULGOA AVE	
✓ Laureen. Tjahjono	216 Kulgoa Ave.	
✓ KRIDOLIN	6 Kulgoa Ave	
✓ DANNY NG	316 KULGOA AVE	
✓ GEORGE GRAY	6/7 10 KULGOA	
✓ G. L. COMPTON	16 KULGOA	
✓ T. Casa	18 Kulgoa Ave Ryde	
✓ HERVANT	Bozoghlian 22 KULGOA AVE	
✓ Wenbin Ma	24 Kulgoa Ave	
✓ Annabel Garrett	28 Kulgoa Ave	
✓ Caroline Gecayan	28 Kippa Road Ryde	
✓ Lorraine Bagde	39 Kippa Rd Ryde	
✓ VERONICA KOTC	37 Kippa Rd Ryde	
✓ Myingchui Moan	35 Kippa Rd Ryde	

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ITEM 5 (continued)


ATTACHMENT 4

Name	Address	Signature
ILEN ELIAS	71 KULGOA RD	
GARCANITI	11 Kulgoa Ave Ryde	
Rooney	11 Kulgoa av Ryde	
Max Wright	13 Kulgoa Av Ryde	
DAVID TOSIASO	15 KULGOA AV RYDE	
Karmen Dekker	17 Kulgoa Ave Ryde	
CRISTINA DUNN	17A KULGOA AV RYDE	
JARREN RYDER	23 KULGOA AV RYDE	
Michael Regnis	27 Kulgoa Rd., RYDE	
JILL KENNIS	" " " "	
Owen Sartore	29 Kulgoa Ave Ryde	
Victoria Sartore	" " " "	
SARA MAYWOOD	31 KULGOA AVE	
JEFF HAROLD	" " "	
JOSEPH LOKAS	35 KULGOA AVE	
JULIE BROWN	37 Kulgoa Ave	
PAUL FRASER	37 KULGOA AVE	
JOHN WOO	31 KUPPA ROAD	
ROSAL COLAHORRANO	29 Kippa Rd	
MIGUEL DAMAS	43 KULGOA AVE	
CORINNE WILKS	2/41 KULGOA AVE	
Sonia People	40 Kulgoa Ave Ryde	
PAUL FRASER	26 KULGOA AVE	

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ITEM 5 (continued)

ATTACHMENT 4

Name	Address	Signature
- DANIEL SANDRAU	9 Kulpa Ave Ryde	
- Lucia Decaria	4 KULGOA AVE RYDE	L. Decaria
- TIM DECARIA		T. Decaria
- Belinda Taranto	2A Kulgoa ave Ryde	B. Taranto
- Dave Taranto	2A Kulgoa ave Ryde	D. Taranto

Page 5/5

ITEM 5 (continued)

ATTACHMENT 5



TOP FLOOR APARTMENTS ON BLAXLAND ROAD WOULD BE SINGLE LEVEL WITH LARGE ROOF TOP TERRACES.

THIS FORM OF DEVELOPMENT PROVIDES FOR A HOUSING MIX THAT IS DIFFERENT TO THAT NORMALLY FOUND IN THE AREA AND WILL ADD TO HOUSING DIVERSITY.

THE DEVELOPMENT PROVIDES ACTIVE STREET FRONTAGE TO BOTH STREETS AND A BUILT FORM APPROPRIATE TO THE DIFFERENT STREETSCAPES.

REDUCED SETBACK TO BLAXLAND ROAD INCREASES SETBACK BETWEEN APARTMENTS AND INTERFACE DWELLINGS AND INCREASES NORTH FACING COURTYARD.

CARPARKING WILL BE PROVIDED IN BASEMENT WITH ACCESS FROM KULGOA ROAD AT THE LOWEST POINT ON THE SITE.

THIS SITE IS A TRANSITIONAL SITE, PROVIDING A TRANSITION BETWEEN THE RESIDENTIAL FLAT AND COMMERCIAL BUILDINGS TO THE SOUTH AND WEST. THE DEVELOPMENT ALSO PROVIDES A BUFFER FOR THE ADJOINING SINGLE DWELLING RESIDENTIAL ZONED LAND TO THE EAST FROM BLAXLAND ROAD WHICH IS AN ARTERIAL ROAD.

AN ENVELOPE THAT PERMITS A RESIDENTIAL FLAT BUILDING WITH 3 STOREY BUILDINGS CONTAINING APARTMENTS ADDRESSING BLAXLAND ROAD WILL PROVIDE AN ACOUSTIC AND VISUAL BUFFER. THE GROUND FLOOR APARTMENTS WILL HAVE PRIVATE ENTRANCES TO BLAXLAND ROAD TO ACTIVATE THE STREET EDGE AND PROVIDE MORE OF A DOMESTIC SCALE.

TO THE NORTH OF THE SITE THE ENVELOPE IS FURTHER SETBACK FROM THE BOUNDARY TO REDUCE THE IMPACTS OF HEIGHT OF THE DEVELOPMENT AND PROVIDE A TRANSITION OF SCALE.

TYPICALLY SITES WITH AN R4 ZONE HAVE A HEIGHT LIMIT OF 11.5M. IT IS PROPOSED TO LIMIT THE BUILDING HEIGHTS ON THE EASTERN PORTION OF THE SITE TO A MAXIMUM OF 8.5M TO REDUCE THE IMPACTS OF THE SCALE DIFFERENCE RESULTING FROM THE DIFFERENT BUILDING TYPOLOGIES ON THE ADJOINING SITE AND THE CHANGES IN SITE LEVELS.

TWO STOREY TOWN HOUSE STYLE APARTMENTS FACING KULGOA ROAD PROVIDE FOR A DWELLING TYPE MORE CONSISTENT WITH THE CHARACTER OF SINGLE DWELLINGS.

BLAXLAND RD APARTMENTS CONSISTS OF GROUND FLOOR TWO STOREY MAISONNETTE STYLE APARTMENTS WITH COURTYARDS.



MASTERPLAN: BUILDING ENVELOPE

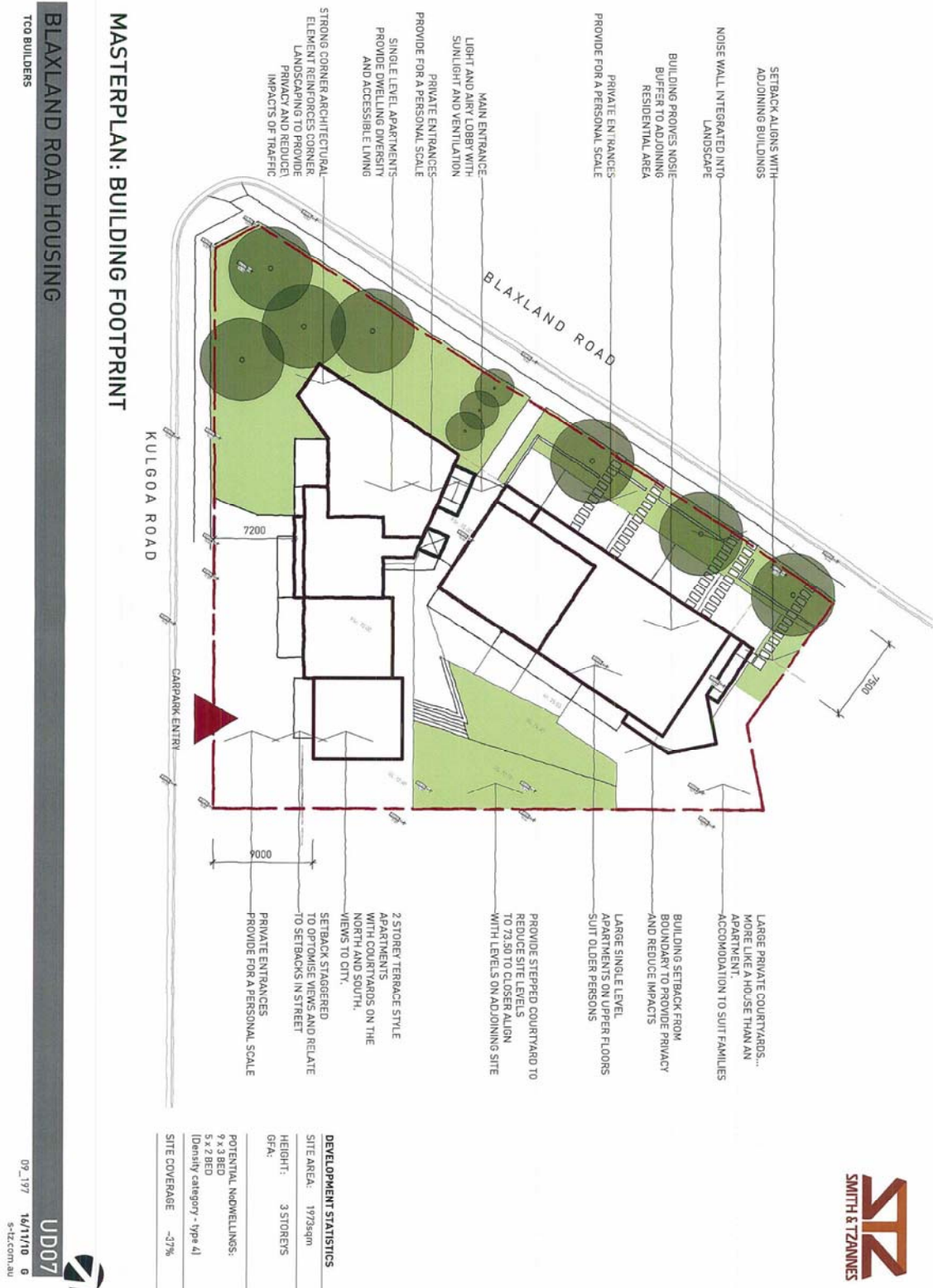
BLAXLAND ROAD HOUSING

TCD BUILDERS

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ITEM 5 (continued)

ATTACHMENT 5



ITEM 5 (continued)

ATTACHMENT 5

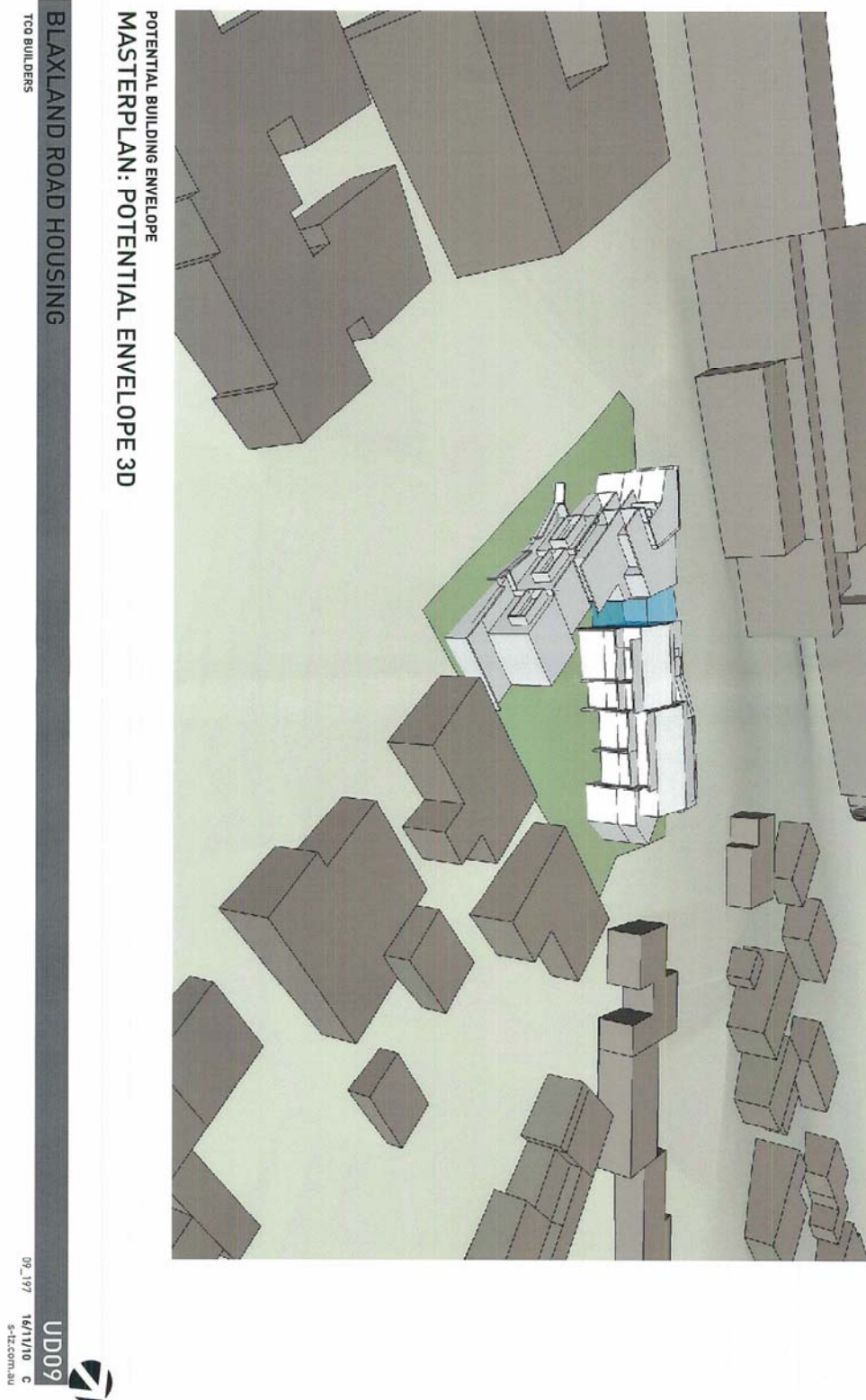
3D CONTEXT PLAN
MASTERPLAN: BUILDING ENVELOPE 3D
BLAXLAND ROAD HOUSING
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ITEM 5 (continued)

ATTACHMENT 5



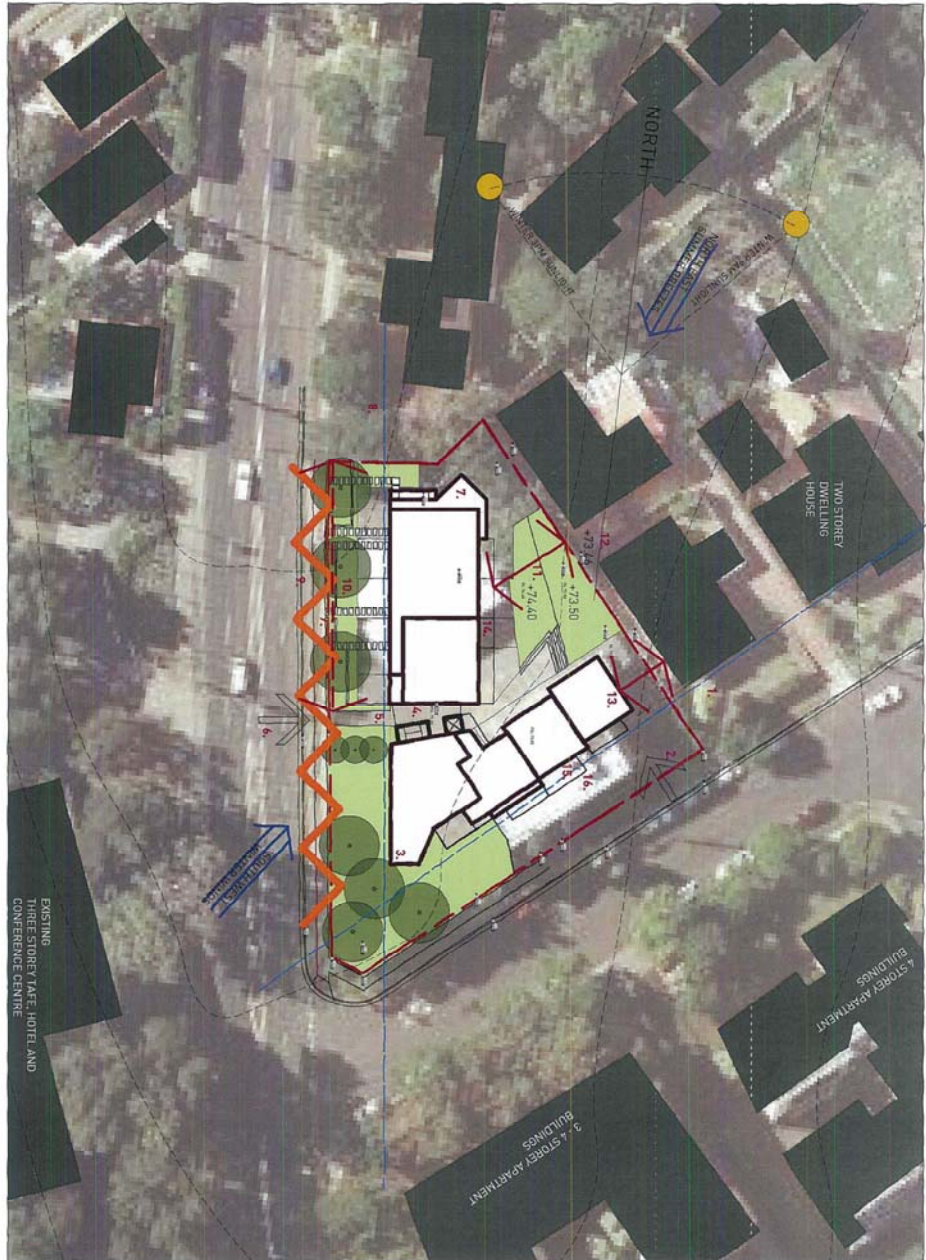
ITEM 5 (continued)

ATTACHMENT 5

BLAXLAND ROAD HOUSING

TOO BUILDERS

ANALYSIS: IMPACTS



- 1 MATCH ALIGNMENT OF ADJOINING DWELLINGS.
- 2 VEHICULAR ENTRY AT LOWEST ENTRY OF SITE FOR MINIMAL IMPACT. ENTRY AWAY FROM ARTERIAL ROAD.
- 3 STREET ALIGNMENT MATCH ADJOINING PROPERTIES ON BLAXLAND ROAD
- 4 MAIN LOBBY VIEWS THROUGH ENTRY TO COURTYARD BEYOND.
- 5 PEDESTRIAN ENTRY CLEARLY VISIBLE FROM STREET. LEVELS PROVIDE ACCESS FOR PERSONS WITH A DISABILITY.
- 6 PRINCIPAL PEDESTRIAN ENTRANCE.
- 7 REDUCE BUILDING HEIGHT TO TWO STOREY ADJACENT BOUNDARY
- 8 MATCH ALIGNMENT OF ADJOINING PROPERTIES
- 9 APARTMENT BUILDING ACTS AS NOISE BUFFER TO ADJOINING SINGLE RESIDENTIAL
- 10 NOISE FENCE SET WITHIN LANDSCAPE SETBACK TO REDUCE VISUAL IMPACTS
- 11 INCREASED SETBACK TO BOUNDARY - BUILDINGS ORIENTATED OBLIQUE BOUNDARY TO DISCOURAGE VIEWS INTO ADJOINING PROPERTIES.
- 12 COMMON AREAS TERRACED. LEVELS OF ADJOINING PROPERTY
- 13 SETBACK TO ADJOINING PROPERTY
- 14 LOWER LEVEL, PRIVATE OPEN SPACE SETBACK FROM BOUNDARY TO REDUCE PRIVACY IMPACTS
- 15 LOWER LEVEL TERRACES ORIENTATED TOWARDS STREET TO ENCOURAGE PASSIVE SURVEILLANCE AND REDUCE PRIVACY IMPACTS.
- 16 PRIVATE ENTRANCES PROVIDE A PERSONAL SCALE TO THE DEVELOPMENT.

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SMITH & TZANNES



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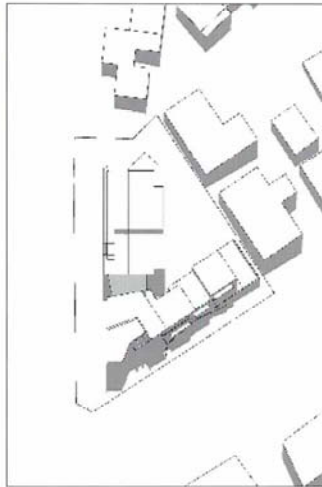
ITEM 5 (continued)

ATTACHMENT 5

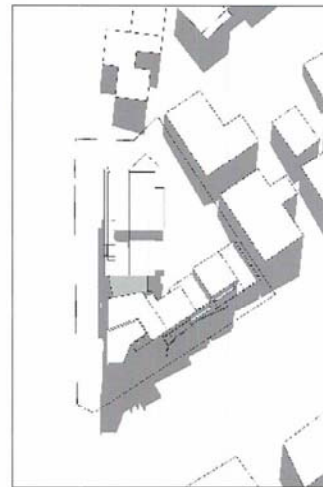
BLAXLAND ROAD HOUSING
TOD BUILDERS

ANALYSIS: SOLAR

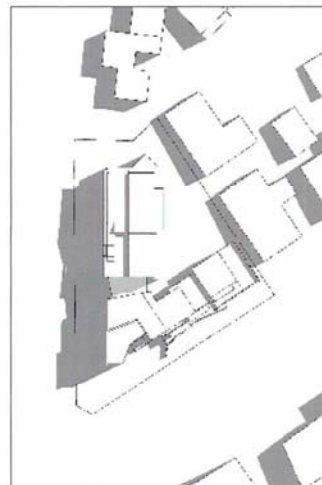
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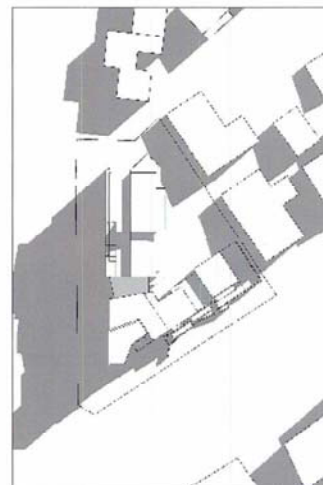
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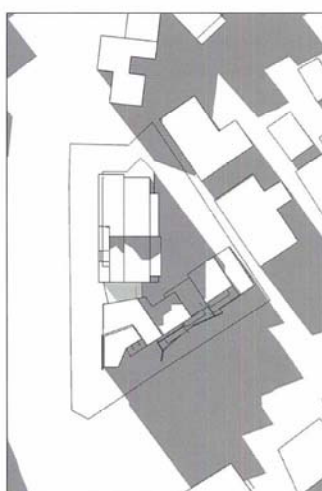
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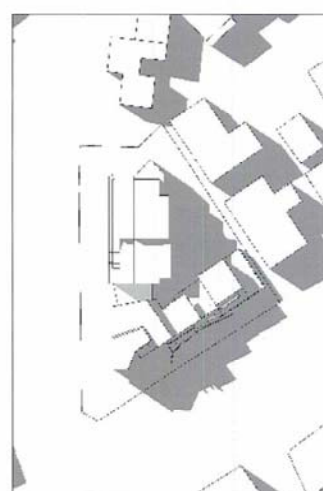
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EQUINOX (SEPT 23) 15:00



JUNE 21 15:00



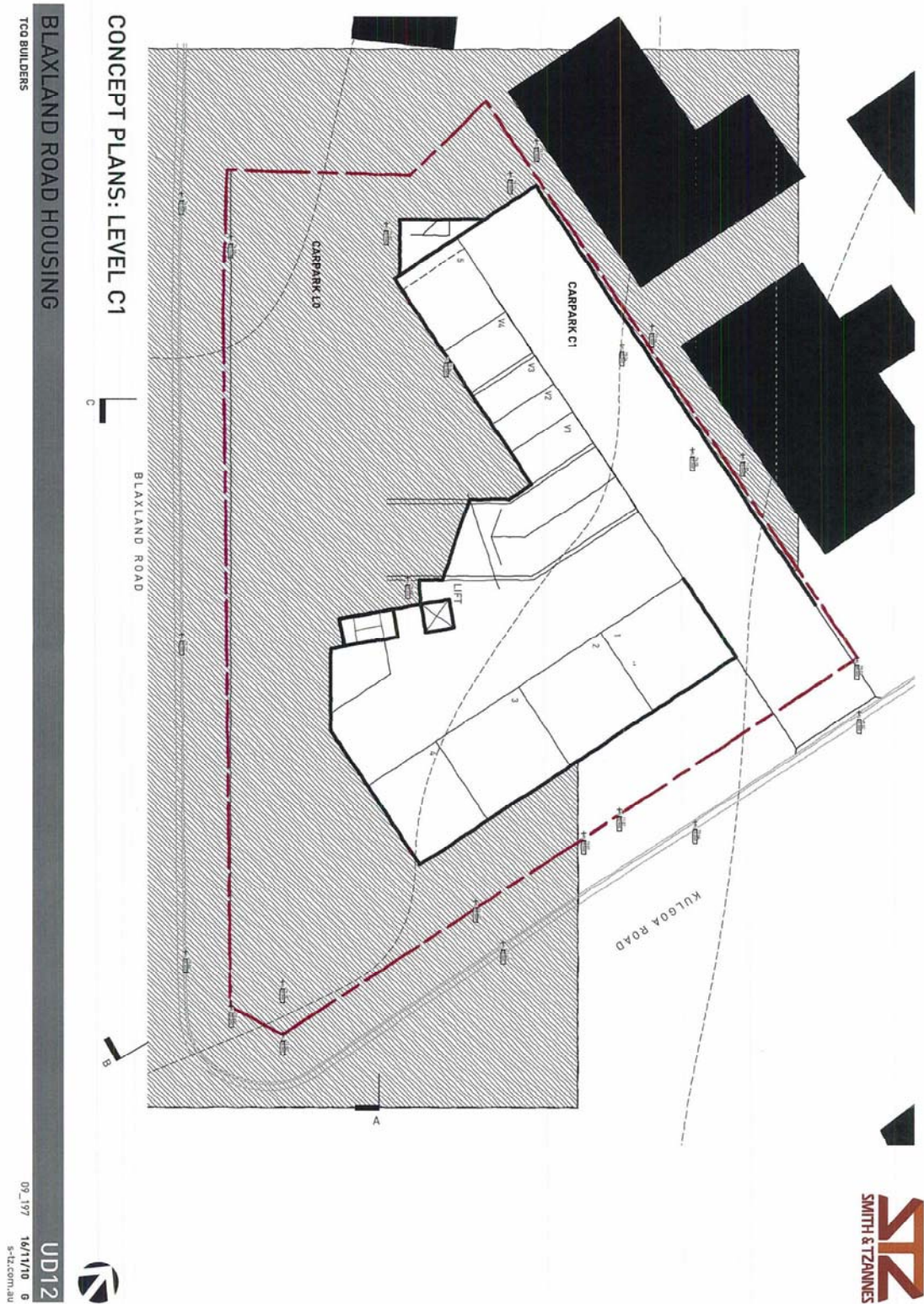
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SMITH & TZANNES

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ITEM 5 (continued)

ATTACHMENT 5



ITEM 5 (continued)

ATTACHMENT 5



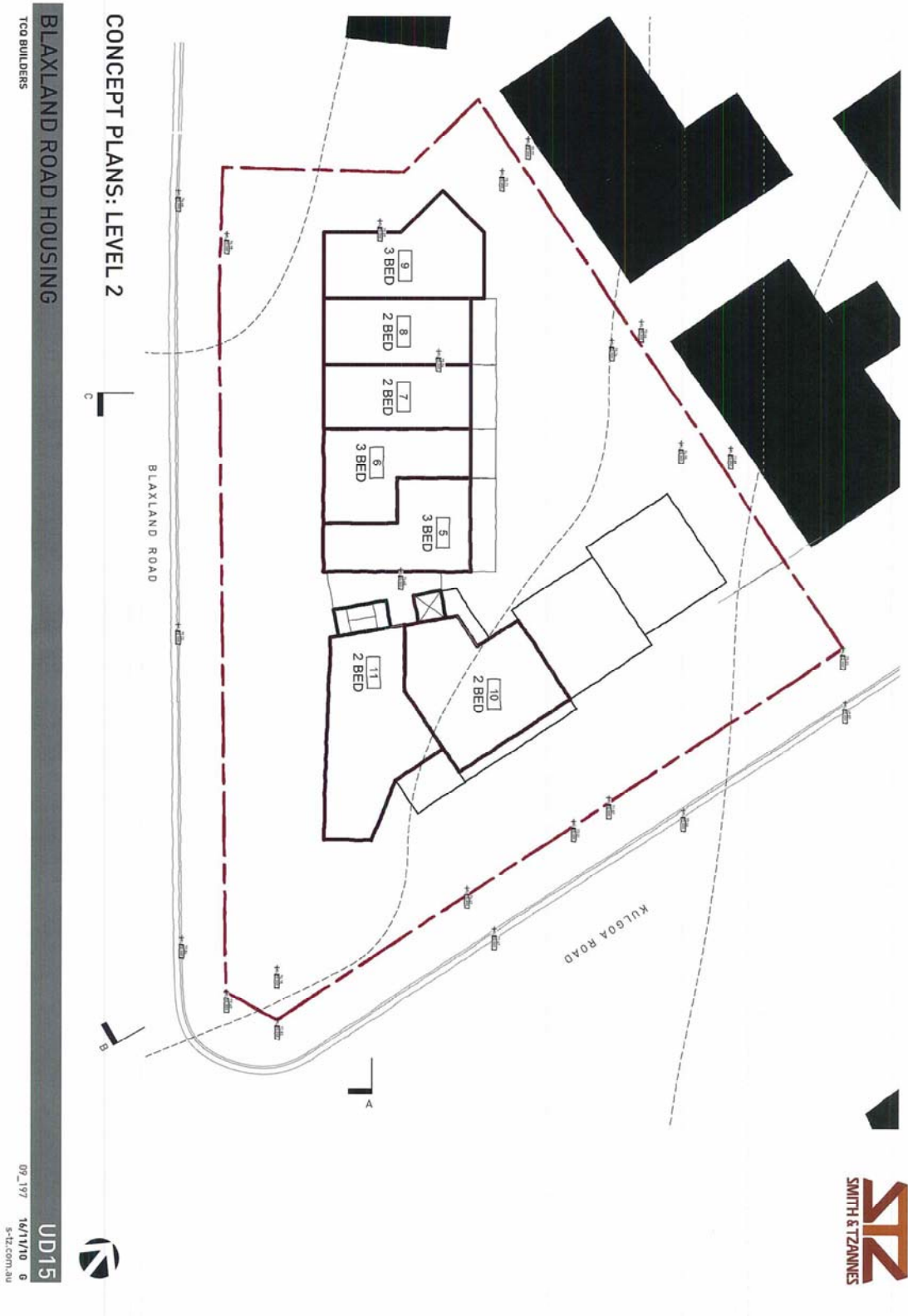
ITEM 5 (continued)

ATTACHMENT 5



ITEM 5 (continued)

ATTACHMENT 5



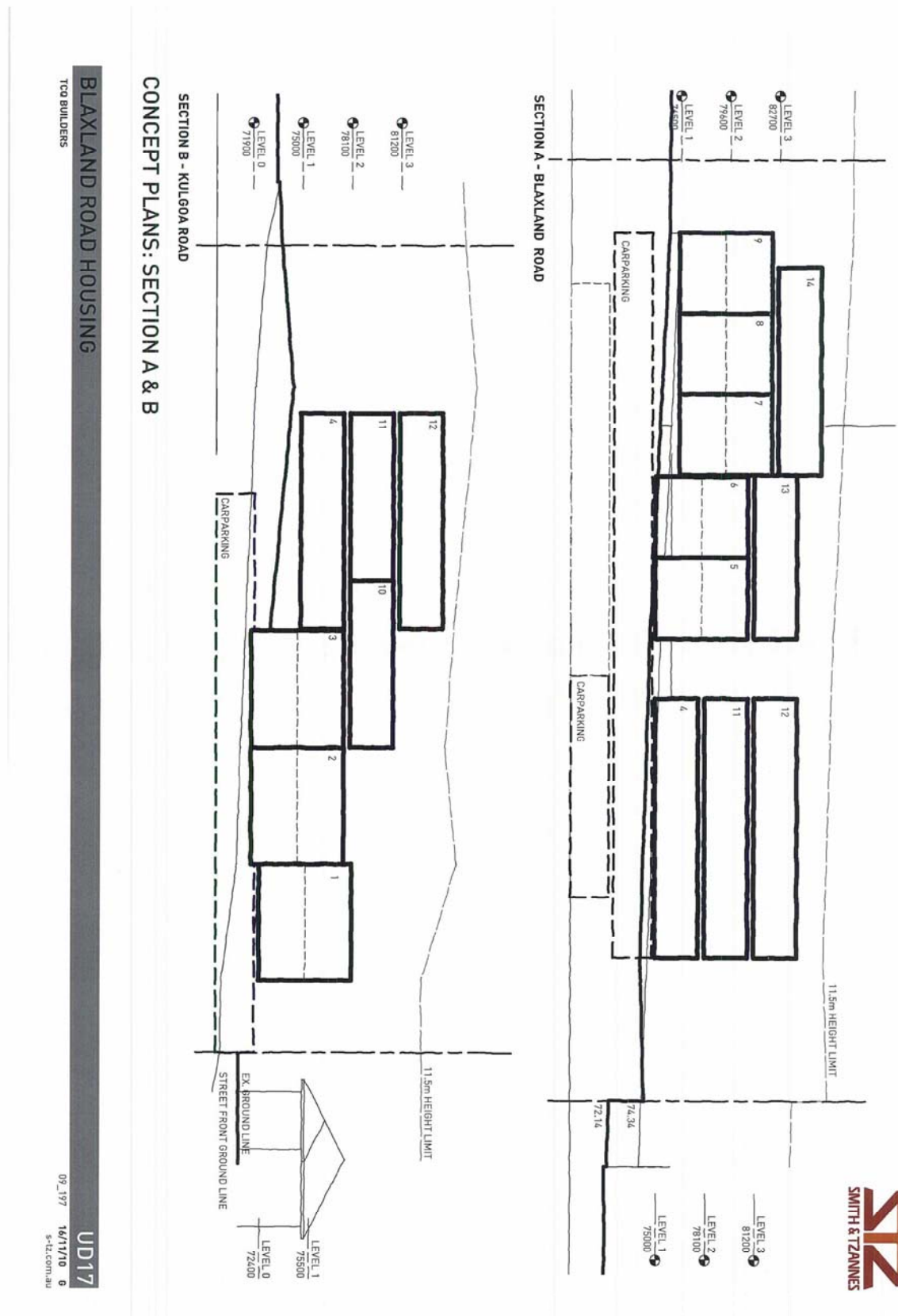
ITEM 5 (continued)

ATTACHMENT 5



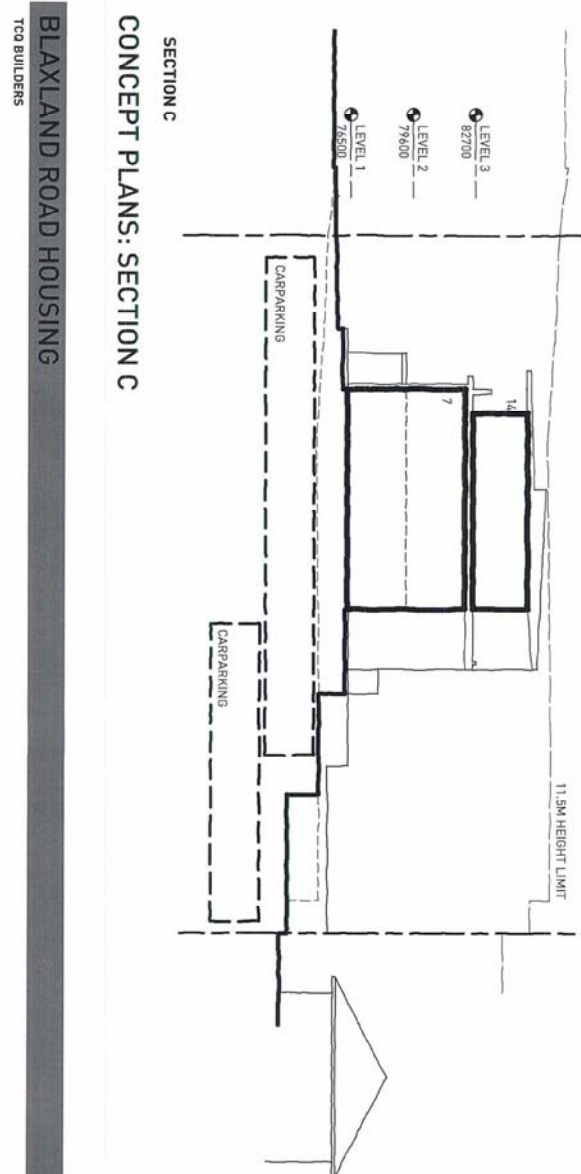
ITEM 5 (continued)

ATTACHMENT 5



ITEM 5 (continued)

ATTACHMENT 5



BLAXLAND ROAD HOUSING
TCD BUILDERS

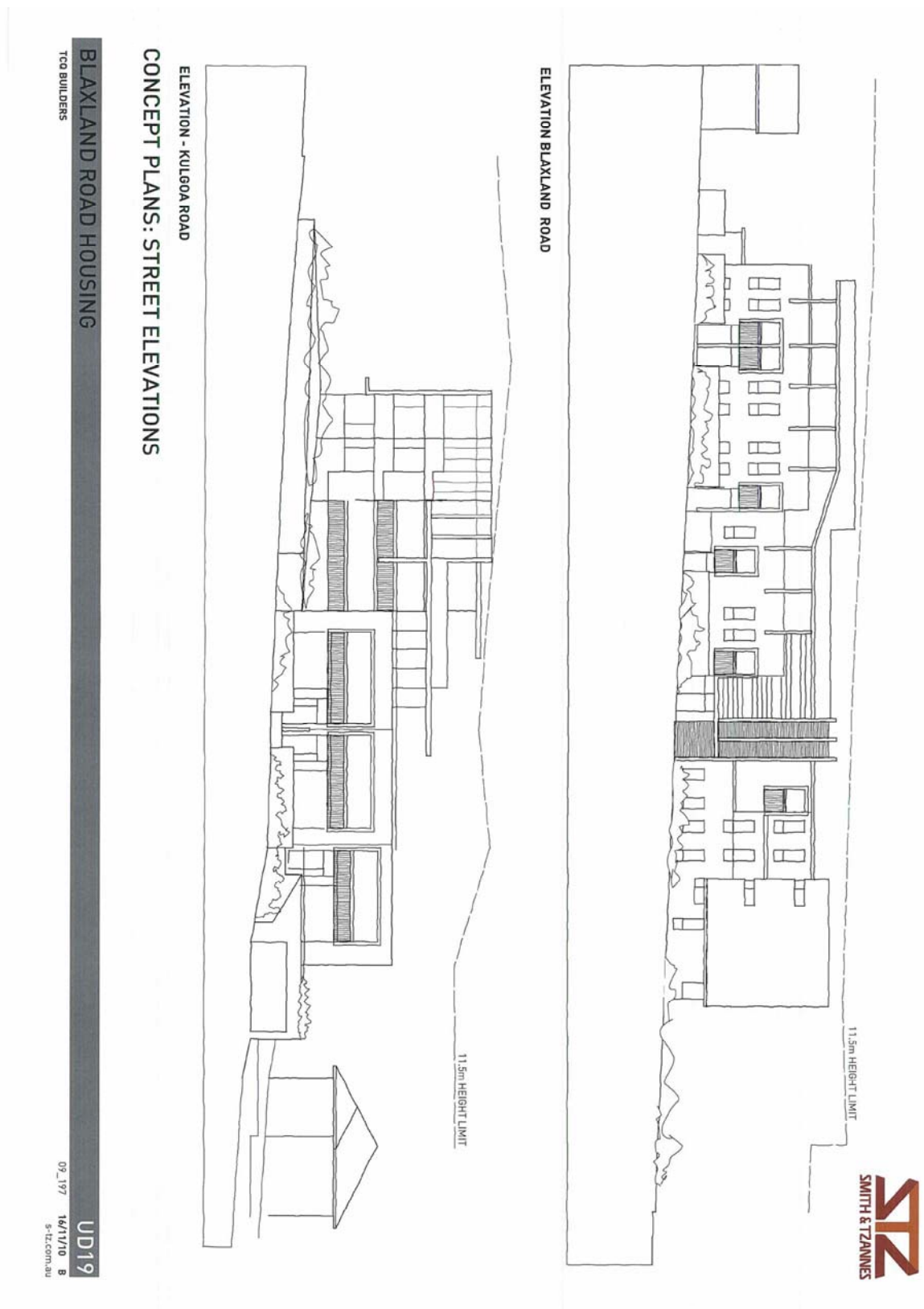
SECTION C
CONCEPT PLANS: SECTION C

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s-12.com.au

 SMITH & TZANNES

ITEM 5 (continued)

ATTACHMENT 5



ITEM 5 (continued)

ATTACHMENT 5



ITEM 5 (continued)

ATTACHMENT 6

Suite 1 No.9 Narabang Way Belrose NSW 2085 • acn 121 577 768
t (02) 9986 2535 • f (02) 99863050 • www.bbfplanners.com.au

BostonBlythFleming
Town Planners

19th January 2012

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

Attention: Ms Lexie Macdonald – Acting Manager Strategic Planning

Dear Ms Macdonald,

**APPLICANT RESPONSE TO PUBLIC SUBMISSION
FORMAL NOTIFICATION OF PLANNING PROPOSAL
AMENDMENT TO RYDE LOCAL ENVIRONMENTAL PLAN 2010 AND SITE
SPECIFIC ADDITION TO DEVELOPMENT CONTROL PLAN 2010
NO. 283 – 289 BLAXLAND ROAD, RYDE**

Reference is made to the above Planning Proposal and site specific DCP provisions which were recently exhibited in accordance with the Gateway Determination, dated 18th August 2011, issued by the NSW Minister for Planning and Infrastructure under section 56(2) of the Environmental Planning and Assessment Act 1979 and Section 18 of the Environmental Planning and Assessment Regulation 2000 respectively.

Boston Blyth Fleming Town Planners have been engaged by Wattle Aged Living Pty Ltd, the applicant in this matter, to review a petition dated 25th October 2011 initiated by the owner of No. 2 Kulgoa Avenue Ryde being one of 2 detached dual occupancy dwelling houses located immediately to the east of the subject site. To assist Council in their considerations plan SK68 has been prepared depicting the spatial relationship of the signatories to the subject site a copy of which is attached. We note the petition was received outside the specified exhibition period.

Having reviewed the concerns raised in the petition it is evident that the issues relate specifically to final built form and amenity outcomes rather than a detail analysis as to the unacceptability of the Planning Proposal in a strategic planning context. Further, the identified impacts are confined to the immediately adjoining properties and this goes to the weight which should be given to the petition.

ITEM 5 (continued)

ATTACHMENT 6

The following section of this submission will detail the applicant's highly considered response to the specific issues raised and will demonstrate that such issues have been addressed in the preparation of the Planning Proposal including the site specific DCP provisions which will ensure contextually appropriate built form, residential amenity and parking/ traffic outcomes.

Impact on the look and nature of the residential area

As Council is aware the subject site was until recently occupied by a service station being a use benefiting from existing use rights. Such use was entirely incompatible with the immediately adjoining residential uses both in terms of direct physical impacts (noise, odour, hours of operation, visual impact) and context.

The proposal serves to introduce a compatible residential use on the site which unlike the low density residential properties to the east has address and primary frontage to Blaxland Road. Accordingly consideration must be given to achieving an appropriate contextual outcome to Blaxland Road whilst maintaining an appropriate transitional relationship to the lower density residential environment to the east. The adopted zonings along Blaxland Road identify such location as appropriate for higher density residential flat development and to that extent the current low density zoning of the site is anomalous.

The urban context of the site is detailed at section 1.0 of the Planning Proposal Report, dated December 2010, prepared by Boston Blyth Fleming Pty Ltd viz:

Development within the sites visual catchment is eclectic in nature comprising educational facilities, detached housing, dual occupancy development, seniors housing, medium density housing and high density residential flat development. Such built form characteristics extend along Blaxland Road from Top Ryde past the site to the intersection of Blaxland and North Roads.

The property to the north of the site is occupied by a seniors housing complex having primary frontage to Blaxland Road and secondary frontage to Kulgoa Avenue. This development wraps around the subject site and the 4 residential properties to the east effectively divorcing these sites from the low density residential environment further to the east.

The property to the east, having frontage to Kulgoa Avenue, is occupied by a detached dual occupancy development located at a lower elevation due to landform. To the west of the site, and located on the opposite side of Blaxland Road, is a three storey development occupied by Ryde College and 'Le Cordon Bleu' culinary school.

ITEM 5 (continued)

ATTACHMENT 6

To the south of the site, and extending along Blaxland Road to Top Ryde, are three storey residential flat buildings. A bus stop is located immediately adjacent to the site with pedestrian refuge areas facilitating the safe crossing of Blaxland Road.

In our opinion the rezoning of the site to allow for higher density residential development is appropriate as it will:

- Allow for the provision of additional housing within an existing centre and in close proximity to employment centres such as Macquarie Park, consistent with the strategic planning direction of Sydney's Metropolitan Strategy and the draft Inner North Subregional Strategy.
- Ensure the future development on the site responds to its context by providing a transition from high density development to the south and the non-residential development to the north to the medium density development to the north and the low density development to the east.
- Future development will provide a visual built form and acoustic buffer between Blaxland Road and the low density residential environment to the east.
- Increase the diversity of housing types in the locality and meet an increasing demand for new town house and apartment style housing on the fringe of the Top Ryde Town Centre precinct.
- The concept proposal demonstrates that the proposed amendments will provide for a development on the site that includes apartment and townhouse style housing. This form of housing is generally more affordable than detached single dwellings which are the predominant form of housing in the inner north subregion.
- The orientation of the site provides for exceptional residential amenity in terms of views, solar access and prevailing breezes. All vehicular access can be provided from Kulgoa Avenue.
- Existing utilities will not need to be augmented to service future development.
- A bus stop is located immediately adjacent to the site with Top Ryde Town Centre located within short walking distance of the property.
- Provide for a 2 and 3 storey development, as detailed on the concept plans, the massing of which is appropriately distributed on the site to provide an appropriate built form transition to the low residential environment to the east. The performance of the concept plans when assessed against the applicable built form controls is detailed in Section 6 of this submission.

ITEM 5 (continued)

ATTACHMENT 6

- The site specific DCP provisions will ensure contextually appropriate built form, residential amenity and parking/ traffic outcomes.

Shadowing impact

Concerns have been raised in relation to the accuracy of the submitted conceptual shadow diagrams and shadowing impacts on No. 2 and 2A Kulgoa Avenue. In this regard the shadow diagrams have been reviewed and further refined having regard to available survey information. A copy of the revised shadow analysis Plan UD11 dated 13th January 2012 is attached. The shadow diagrams clearly show that the development will not give rise to any shadowing impact to any window or open space area of the adjoining properties between 9:00am and 3:00pm on 21st June.

Notwithstanding this we note that Clause 2.6 of the site specific DCP provides for the following.

2.6 Solar Access

- a. *The development of the land shall not reduce solar access to the living rooms and private open space areas of adjoining residential development to less than 3 hours of sunlight between 9am and 3pm in mid winter.*

Accordingly this site specific DCP provision coupled with the orientation of the allotment will ensure that there will be no adverse impact on the adjoining properties in relation to overshadowing/ solar access.

Finally we note that any future development is likely to result in lowering of the existing retaining wall and fence height adjacent to the eastern boundary to provide a transitional boundary interface with the adjoining development therefore significantly reducing the impacts from the existing retaining wall and fence in this location.

Privacy and Acoustic Separation

The majority of noise currently experienced by the residential properties to the east of the site is traffic noise associated with Blaxland Road. In this regard future development will provide a visual built form and acoustic buffer between Blaxland Road and the low density residential environment to the east thus providing for an improved acoustic residential amenity outcome in this location.

ITEM 5 (continued)

ATTACHMENT 6

In relation to privacy we confirm that the building massing has been concentrated towards Blaxland Road with the building stepping down in height and scale towards the eastern boundary and adjoining dual occupancy development. We note that Section 2.3 Sighting and Design of this site specific DCP contains the following provisions.

2.3 Sighting and Design

- a. *Development shall be designed and sighted to maintain appropriate spatial separation, privacy and amenity to the adjoining residential properties.*
- b. *The sighting of any development on the land shall be consistent with that depicted on the attached plan (Figures 6.6.01).*
- c. *Direct overlooking of private open space areas and/all living rooms of adjoining residential properties shall be prevented by building layout, fixed screening devices, landscaping, greater spatial separation or a combination of these elements.*

Accordingly Council can be satisfied that appropriate visual and aural privacy will be maintained between adjoining residential properties through the adoption and application of the site specific DCP provisions.

Streetscape

Section 2.4 streetscape of the site's specific DCP contains the following provisions.

2.4 Streetscape

- a. *The development of the land must be compatible with the established streetscape patterns along Kulgoa Avenue and Blaxland Road.*
- b. *The streetscape and residential amenity is to be enhanced through landscaping, incorporating canopy tree plantings, along both street frontages and,*
- c. *The height and scale of the development is to be modulated to provide for an appropriate built form transition to the adjoining residential properties along Kulgoa Avenue as depicted on the attached plans (Figure 6.6.01) and (Figure 6.6.02).*

Accordingly Council can be satisfied that appropriate streetscape outcomes will be achieved through the adoption and application of the site specific DCP provisions.

ITEM 5 (continued)

ATTACHMENT 6

Setbacks from Boundaries

Clause 2.5 of the site's specific DCP contains the following provisions.

2.5 Setbacks from boundaries

- a. *The development of the land shall generally maintain the front, side and rear boundary setbacks as nominated on the attached plan (Figure 6.6.01)*
- b. *Appropriate intervening landscape treatments shall be provided within the side and rear setback areas to soften and screen the development when viewed from adjoining residential properties.*

Accordingly Council can be satisfied that appropriate setbacks and intervening landscape opportunities will be achieved through the adoption and application of the site specific DCP provisions.

Traffic and Parking

Clause 2.9 Car Parking of the site specific DCP requires that car parking be designed and provided in accordance with the DCP provisions. The DCP requires that a compliant quantum of visitor and residential parking to be provided onsite. The development will be required to comply with these minimum standards with the current intention being to provide 2 car parking spaces to a majority of the apartments further reducing the demand for on-street parking in this location.

The existing traffic problems noted in the letter including increased "U" turning traffic associated with the operation of the Top Ryde Shopping Centre and existing traffic volumes and on-street parking demand created by the adjacent TAFE and Price Street apartment buildings are outside the scope of this Planning Proposal.

The traffic impact as a result of the Planning Proposal will be minimal as the development is small in size relative to the traffic generating development that surrounds this site. A proper traffic assessment will be provided at the time of development application should it be deemed necessary. Compliance with the site specific DCP provisions will ensure that no unacceptable on street car parking demand created by any future development on this site.

ITEM 5 (continued)

ATTACHMENT 6

In conclusion we have formed the considered opinion that the concerns raised in the petition were contemplated in the preparation of the Planning Proposal and accompanying concept plans and are appropriately addressed through the adoption and implementation of the site specific DCP provisions which ensure contextually appropriate built form, residential amenity and parking/ traffic outcomes. Accordingly the concerns raised are not of determining weight.

Please do not hesitate to contact me should you wish to discuss any aspect of this submission.

Yours sincerely

Boston Blyth Fleming Pty Ltd



Greg Boston

B Urb & Reg Plan (UNE) CPP

B Env Hlth (UWS)

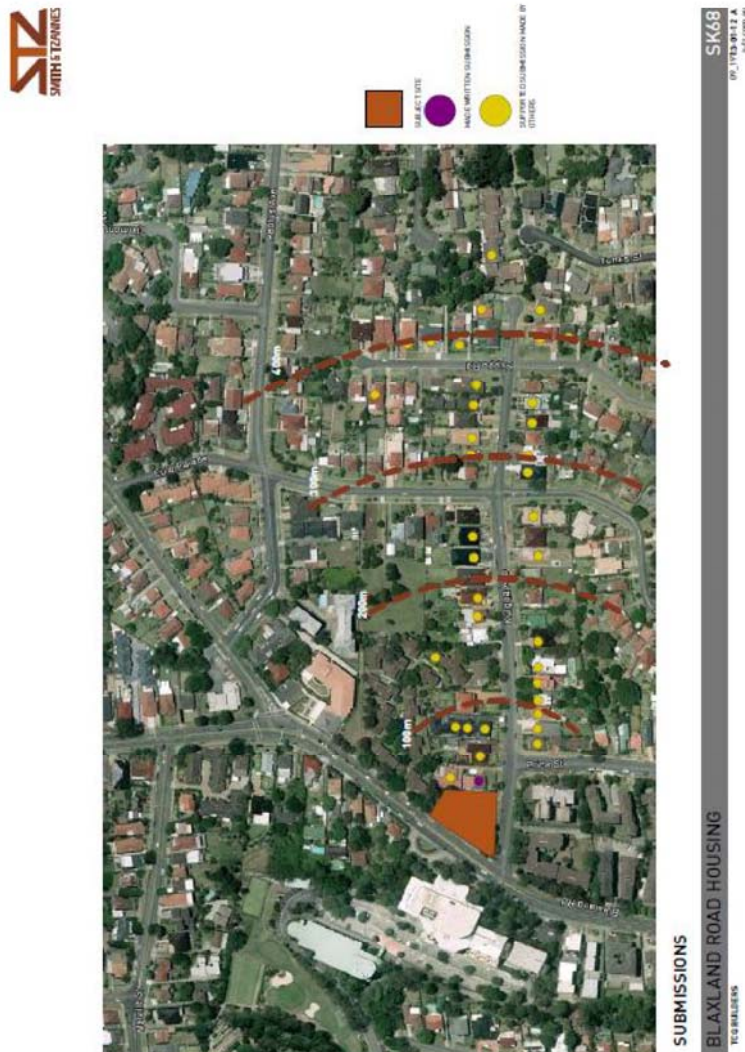
Director

Attachments

1. Plan SK68 depicting spatial relationship of petition signatories to subject site.
2. Plan UD11 Revised Solar Analysis.

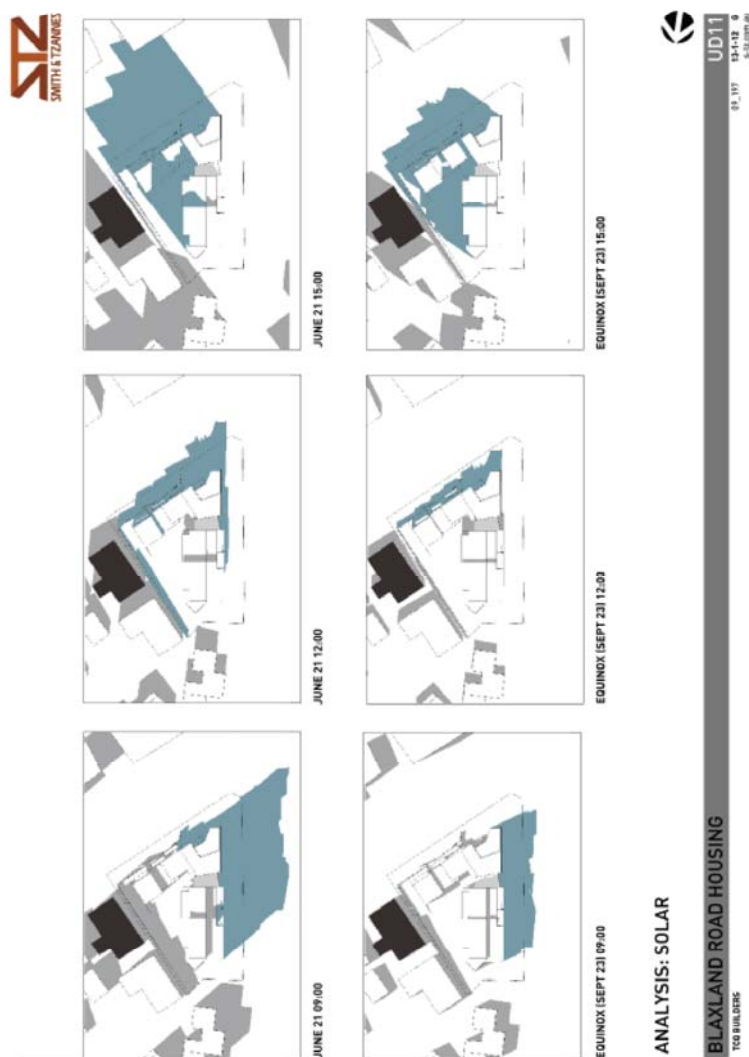
ITEM 5 (continued)

ATTACHMENT 6



ITEM 5 (continued)

ATTACHMENT 6



6 INVESTMENT REPORT - NOVEMBER AND DECEMBER 2011

Report prepared by: Chief Financial Officer

Report dated: 10/01/2012

File No.: GRP/09/3/2/7 - BP12/13

REPORT SUMMARY

This report provides details of Council's performance of its investment portfolio for the month of November and December 2011 and compares it against key benchmarks. The report also includes the estimated market valuation of Council's investment portfolio, loan liabilities, and an update on Council's legal action and a commentary on significant events in global financial markets.

Council's financial year to date return is 5.88%, 0.92% above benchmark. Income from interest on investments and proceeds from sale of investments totals \$2.2M, which is \$450K above budget projections.

RECOMMENDATION:

That Council endorse the report of the Chief Financial Officer dated 10 January 2012 on Investment Report – November and December 2011.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

John Todd
Chief Financial Officer

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 6 (continued)

Discussion

The Chief Financial Officer as Council's Responsible Accounting Officer is required to report to Council on a monthly basis on Council's Investment Portfolio and to certify that the Investments are held in accordance with Council's Investment Policy and Section 625 of the Local Government Act.

All Council's investments complied with the Minister for Local Government's Investment Order dated 12 January 2011 and Council's Investment Policy when acquired, however the following investments are now outside the Minister's Order:

Investment	Rating	Maturity
• Alpha CDO *	B-	20/03/2012
• Grange IMP - Merimbula CDO	N/R	20/06/2013
- Global Bank Note CDO	N/R	20/09/2014
• Oasis CDO *	CC	04/09/2014
• Camelotfund	AA	01/03/2012
• FOCUS Note	AA	20/12/2012

(* Council at its meeting of 25 May 2010 wrote down/ impaired the Alpha and Oasis CDO's to a nominal value and this was funded from the Financial Security Reserve.)

Under the Minister's Order, Council is required to divest itself of these investments as soon as practicable. With the exception of the investments in the Grange IMP, these investments were purchased with the intention of holding them to maturity.

The following points should be noted in respect of Council's investment portfolio for December:

- There was a default by PMI Group in December 2011, which has resulted in a full capital loss in 2 CDOs held by Council, Scarborough and Torquay, and a partial loss of approximately 35% in 2 others, being Oasis and Merimbula. These CDOs have been fully written down by Council. Scarborough, Torquay and Merimbula were part of the Grange IMP.
- Council's remaining CDO (Alpha) is still performing and paying interest as it becomes due. These amounts are transferred to the Financial Security Reserve as and when they are received.

During the month of December, Standard and Poors released the results of their reviews of the credit rating of Australian banks, and as was widely expected, the 4 major Australian banks had their long term credit rating cut by one notch to AA-. The full list of changes as applies to Australian banks is as follows.

- NAB – Down one notch from AA to AA-
- WBC – Down one notch from AA to AA-
- CBA – Down one notch from AA to AA-
- ANZ – Down one notch from AA to AA-

ITEM 6 (continued)

- Rabobank down 2 notches from AAA to AA
- Bendigo up one notch from BBB+ to A-
- Rural Bank up one notch from BBB+ to A-
- Bank of Queensland down one notch from BBB+ to BBB
- Heritage Bank down one notch from BBB to BBB-
- Wide Bay up one notch from BBB- to BBB

Investment Performance Commentary

Council's performance against the benchmark for returns of its investment portfolio for the month of December 2011 and the financial year to date are as follows:

	Nov 2011	Dec 2011	12 Mth	Fin YTD
Council Return	5.82	5.74	5.92	5.88
Benchmark	4.88	4.85	5.00	4.96
Variance	0.94	0.89	0.92	0.92

Council's year to date return has outperformed the benchmark and at 5.88% is 0.92% above benchmark.

Council's investment portfolio as at the end of December was as follows:

Cash/Term Deposits	\$55.4M	61.9%
Floating Rate Notes	\$17.9M	20.1%
Other Financial Products	\$1.0M	1.1%
Total Cash Investments	\$74.3M	
Property	\$15.1M	16.9%
Total Investment Portfolio	\$89.4M	

Council continues to utilise the Federal Government's current guarantee (\$1m) investing in Term Deposits with a range of Approved Deposit Taking Institutions (ADI's) on short to medium term investments (generally 30 days to 6 months maturity) where more competitive rates are available.

The Federal Government has announced that a new guarantee cap will come into force from 1 February 2012 of \$250k. Term deposits made before 10 Sept 2011 continue to be covered at the current level from now until 31 December 2012, or until the deposit matures, whichever occurs sooner. If such a term deposit matures before 1 February 2012 and is rolled over, then the new \$250k cap will apply from 1 February 2012. If such a term deposit matures after 1 February 2012 and is rolled over, then the new \$250k cap will apply from the rollover date.

Financial Security Reserve (FSR)

The Financial Security Reserve has a balance of \$1.053M as at December 2011 as detailed below:

ITEM 6 (continued)

Financial Security Reserve	(\$'000)
Balance 1 July 2011	1,005
Interest on Written Down CDO's ⁽¹⁾	48
Proceeds from Sales & Maturities ⁽²⁾ of Written Down CDO's	-
Balance of Financial Security Reserve	1,053

(1) Council continues to receive interest on the written down CDO investments.

(2) There have been no sales to date in 2011/2012.

Economic Commentary

Europe continues to have major economic issues with some countries debt levels up to 120% of GDP. This is having a flow on affect across the EU and the rest of Europe and will eventually, when defaults occur, impact on the Australian economy.

S&P put the "core" of the EU on negative credit watch, which threatens the AAA rating of Germany, France, and Austria, among others. It also threatens the AAA rating of the European Financial Stability Fund, which is reliant on the creditworthiness of the currency bloc's six AAA rated countries.

The US economy has high unemployment with a record 46 million Americans now relying on food stamps from the government.

Locally, the RBA cut rates by a further 25 bps at their December meeting, citing escalating EU debt crisis, with the big 4 banks passing on the full cuts 48 hours later. ANZ split away from the rest of the majors by announcing that it will be reviewing the pricing of its loans independently of the RBA every second Friday of each month.

The futures market is now pricing in a cash rate of 3% by September 2012. Locally, employment data showed that the number of full time jobs grew by 10K in December quarter, a total of 39K jobs in the last 6 months. The workforce has increase by 86K, hence the slight increase in the unemployment figures to 5.3%. Local GDP data showed growth in line with RBA expectations of 1% in the September quarter, but this was mostly led by WA, with the non-mining portion of the economy remaining slow.

Legal Issues

As previously reported to Council, the LGFS Rembrandt CDO Investment and the Grange (Lehman Brothers) IMP Investment are currently before the Courts. The following update is provided in respect of Council's legal action in these matters due to recent developments. The details are as follows:-

Lehman / Grange IMP

Legal action in respect of this matter has been on going for some time with the matter to be determined by the Federal Court in the near future. The following points in respect of these actions are highlighted:-

ITEM 6 (continued)

- Two CDOs investments as part of the IMP i.e. the Global Bank Note and the Merimbula, as previously reported to Council have been secured by the Trustee. The UK High Court has ruled that these funds should be returned to noteholders; however, this has not taken effect due to Lehman Brothers (US) taking legal actions to claim these funds. Recently, in legal action before the US courts, Council as part of the group of Councils taking this action and on the recommendation from Piper Alderman endorsed voting against the agreement of settlement proposed by Lehman Brothers. The reason for this action was that Lehman Brothers had included the two CDO investments as detailed above. It should be noted that if the agreement as proposed by Lehman Brothers is successful then Council will be classified as a “convenience claim” which will result in a minimal return.
- Justice Rares who is determining the legal matter in the Federal Court on the application from the liquidator of Lehman Australia, has determined that pending the outcome of this matter he will make a separate determination on how funds will be distributed.
- On a recent request from IMF, Council’s funder in this legal action, Council has confirmed that it supports the collective action to ensure the maximum collective return for group members in this matter.

LGFS – Rembrandt

Hearings are progressing in the Federal Court in determining this matter. Both the Group Manager Corporate Services and Council’s previous Chief Financial Officer have provided evidence in these proceedings.

As developments occur in these matters, further updates will be reported to Council.

Council’s Property Investment Portfolio

The following properties were held as part of Council’s Property Investment portfolio:

2 Dickson Avenue, West Ryde
1a Station St, West Ryde
8 Chatham Road, West Ryde
202 Rowe St, Eastwood (commercial)
226 Victoria Rd, Gladesville (commercial)
West Ryde Car Park Site
Herring Road Air Space Rights

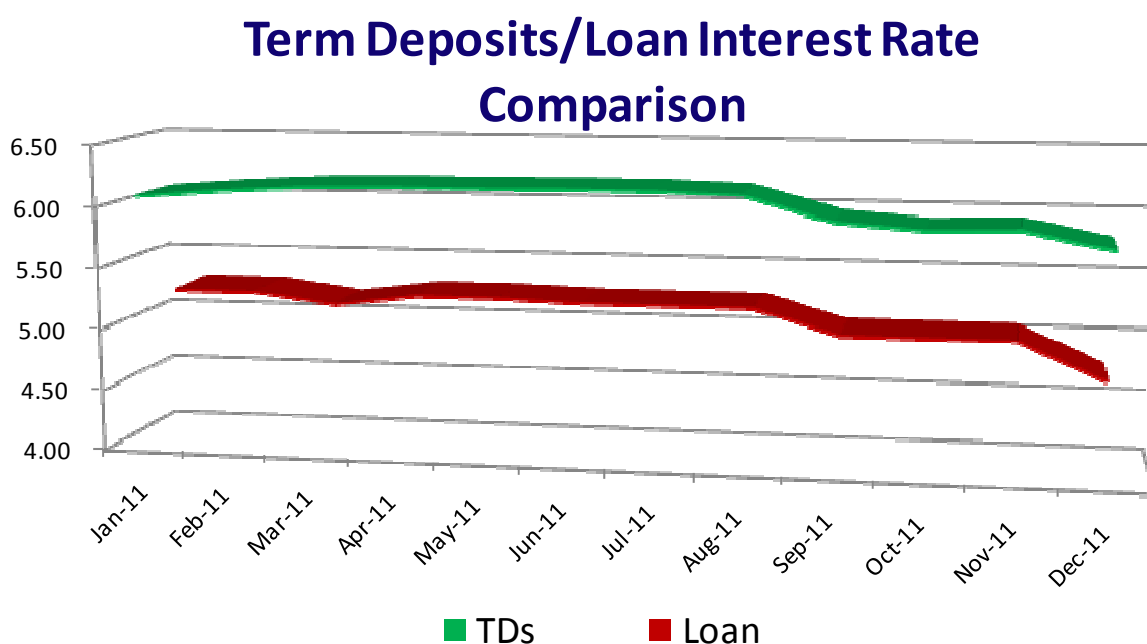
The properties within this portfolio are to be reviewed as part of the updating of the Asset Management Plans to ensure that Council clearly identifies those properties that are held as an investment, which may also include commercial properties and other operational assets that may be earmarked for future development. Once this review is complete, it will be reported to Council for their consideration.

ITEM 6 (continued)

Loan Liability

Council's loan liability as at 31 December 2011 was \$4.1 million which represents the balance of one (1) loan taken out in 2004 for the Civic Centre Redevelopment and refinancing the West Ryde Tunnel. This loan was for 15 years and was negotiated at a very attractive rate for Council at 90 Day BBSW + 20 basis points and is reset every quarter.

The following graph shows the average interest rate earned on Council term deposits compared to the interest rate applying to this loan.



ITEM 6 (continued)

Comparative Financial Data			
Council Loan Current interest rate			
Current interest rate			4.70%
Term Deposit			
Current average interest rate			5.84%
Debt Service Ratio			
Category 3 Councils	2009/10		2.77%
City of Ryde	2010/11		0.83%

Due to the favourable terms negotiated with this loan, and the current economic climate, Council is earning a higher rate of return in investing these funds than it is paying as loan interest – i.e. it produces a positive cash inflow to Council.

On this basis, there is no advantage to Council in changing these arrangements or repaying this loan earlier than planned.

It should be noted that whilst Council's debt service ratio is low, all of Council's funds are committed to operational costs and projects of a capital and non-capital nature. This means that Council does not have the capacity to take on any additional debt without a new dedicated revenue stream to fund the loan repayments or by cutting services.

Types of Investments:

At Call refers to funds held at a financial institution, and can be recalled by Council either same day or on an overnight basis.

A **Floating Rate Note (FRN)** is a debt security issued by a financial institution with a variable interest rate. This can either be issued as Certificates of Deposit (CD) or as Medium Term Notes (MTN). The interest rate can be either fixed or floating, where the adjustments to the interest rate are usually made quarterly and are tied to a certain money market index such as the Bank Bill Swap Rate.

A **Floating Rate Collateralised Debt Obligation (CDO)** is an investment backed by a diversified pool of one or more classes of debt. These investments are for longer terms and offer a higher rate of interest. Credit ratings are assigned to these investments as detailed in the portfolio.

Credit Rating Information

Credit ratings are generally a statement as to an institution's credit quality. Ratings ranging from AAA to BBB- (long term) are considered investment grade.

ITEM 6 (continued)

A general guide as to the meaning of each credit rating is as follows:

AAA:	the best quality companies, reliable and stable
AA:	quality companies, a bit higher risk than AAA
A:	economic situation can affect finance
BBB:	medium class companies, which are satisfactory at the moment
BB:	more prone to changes in the economy
B:	financial situation varies noticeably
CCC:	currently vulnerable and dependent on favourable economic conditions to meet its commitments
CC:	highly vulnerable, very speculative bonds
C:	highly vulnerable, perhaps in bankruptcy or in arrears but still continuing to pay out on obligations
D:	has defaulted on obligations and it is believed that it will generally default on most or all obligations

Note: Ratings from 'AA' to 'CCC' may be modified by the addition of a plus (+) or minus (-) sign to show relative standing within the major rating categories.

A "p" after the rating is a commonly used shorthand method of indicating that the investment principal is given a rating, but the interest is not. This is most commonly used for capital protected products, where the income stream is derived from a number of factors and/or variables which are unable to be reliably estimated, such as share prices.

ITEM 6 (continued)

Certificate of the Chief Finance Officer (November 2011)

Issuer	Investment Name	Investment Rating	Invested at 30-Nov-11 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2011	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Alpha Financial Products	1. Alpha	B-	0	0.96	0.97	0.96	0.00	0	0.00%
Helix Capital	2. OASIS	CC	0	6.70	6.85	6.79	0.00	0	0.00%
Westpac	3. Focus	AA-	500	0.00	0.00	0.00	0.69	486	97.16%
Westpac	4. Camelotfund	AA-	500	0.00	0.00	0.00	0.69	498	99.53%
Grange	5. Grange IMP	Unrated	0	0.00	11.99	10.00	0.00	0	0.00%
Westpac	6. Westpac At Call	AA	5,519	4.60	4.85	4.79	7.57	5,519	100.00%
CBA	7. CBA TCD 5 Yr (Floating)	AAA	1,000	6.08	6.22	6.20	1.37	1,021	102.13%
Bank of Queensland	8. Bank of Queensland TD	AAA	1,000	6.41	6.49	6.41	1.37	1,000	100.00%
Bankwest	9. Bankwest Term Deposit	AAA	1,000	6.13	6.08	6.12	1.37	1,000	100.00%
ANZ	10. ANZ Term Deposit	AAA	1,000	5.91	5.72	5.91	1.37	1,000	100.00%
ANZ	11. ANZ Term Deposit	AA-	1,000	5.88	5.88	5.88	1.37	1,000	100.00%
ANZ	12. ANZ Term Deposit	AA-	1,000	5.98	5.86	5.98	1.37	1,000	100.00%
NAB	13. NAB Term Deposit	AAA	1,000	6.60	6.60	6.60	1.37	1,000	100.00%
MyState CU	14. MyState CU TD	AAA	1,000	5.98	6.10	6.10	1.37	1,000	100.00%
Bankwest	15. Bankwest Term Deposit	AA-	1,000	5.94	6.03	6.02	1.37	1,000	100.00%
Bankwest	16. Bankwest TD	AA-	1,000	6.09	6.10	6.09	1.37	1,000	100.00%
Bankwest	17. Bankwest Term Deposit	AA-	1,000	6.19	6.12	6.19	1.37	1,000	100.00%
DefCredit	18. Defence Credit Union TD	AAA	500	6.09	6.13	6.24	0.69	500	100.00%
Railways CU	19. Railways CU	AAA	1,000	6.30	6.18	6.30	1.37	1,000	100.00%
Qld Police CU	20. Qld Police CU TD	AAA	500	5.86	6.28	6.25	0.69	500	100.00%
Community CPS	21. Community CPS TD	AAA	1,000	5.82	6.00	5.78	1.37	1,000	100.00%
Bendigo and Adelaide Bank CUA	22. Bendigo Bank TD	AAA	1,000	5.76	6.02	5.91	1.37	1,000	100.00%
	23. Credit Union Australia TD	AAA	1,000	6.28	6.29	6.28	1.37	1,000	100.00%
Peoples Choice CU	24. Peoples Choice CU	AAA	1,000	5.97	6.25	6.09	1.37	1,000	100.00%
Bank of Cyprus (Aust)	25. Bank of Cyprus (Aust) TD	AAA	1,000	6.17	6.88	6.55	1.37	1,000	100.00%
Australian Defence Credit Union	26. Australian Defence CU TD	AAA	1,000	6.36	6.34	6.36	1.37	1,000	100.00%
Banana Coast CU	27. Banana Coast CU TD	AAA	1,000	5.88	6.30	6.23	1.37	1,000	100.00%
Southern Cross CU	28. Southern Cross CU TD	AAA	1,000	6.24	6.35	6.24	1.37	1,000	100.00%
SGE CU	29. SGE Credit Union TD	AAA	1,000	5.70	6.00	5.90	1.37	1,000	100.00%
B&E Ltd	30. B & E Building Soc TD	AAA	1,000	5.81	6.13	5.98	1.37	1,000	100.00%
Victoria Teachers CU	31. Victoria Teachers CU	AAA	500	6.21	6.22	6.23	0.69	500	100.00%
Me Bank	32. ME Bank TD	AAA	1,000	5.98	6.21	6.15	1.37	1,000	100.00%
Bankwest	33. Bankwest Term Deposit	AA-	1,000	7.00	6.83	7.00	1.37	1,000	100.00%
IMB	34. IMB TD	AAA	1,000	6.19	6.14	6.16	1.37	1,000	100.00%
Northern Beaches CU	35. Northern Beaches CU TD	AAA	500	6.45	6.50	6.49	0.69	500	100.00%
Queenslanders CU	36. Queenslanders CU TD	AAA	1,000	5.97	6.17	6.07	1.37	1,000	100.00%
Maitland Mutual	37. Maitland Mutual Bldg Soc TD	AAA	1,000	6.08	5.74	5.89	1.37	1,000	100.00%
AMP	38. AMP eASYSaver	AAA	998	5.53	5.76	5.69	1.37	998	100.00%
South West CU	39. South West CU TD	AAA	1,000	5.82	6.09	5.99	1.37	1,000	100.00%
Big Sky CU	40. Big Sky CU TD	AAA	1,000	5.87	6.09	6.03	1.37	1,000	100.00%
Gateway CU	41. Gateway CU TD	AAA	1,000	6.35	6.40	6.35	1.37	1,000	100.00%
Suncorp-Metway	42. Suncorp-Metway TD	AAA	1,000	5.80	6.14	5.96	1.37	1,000	100.00%
Newcastle Perm Bldg Soc	43. Newcastle Perm Bldg Soc	AAA	1,000	5.83	6.10	6.05	1.37	1,000	100.00%
QT Mutual Bank	44. QT Mutual Bank	AAA	1,000	5.86	6.24	5.86	1.37	1,000	100.00%
ING	45. ING TD	AAA	1,000	6.62	6.59	6.62	1.37	1,000	100.00%
Greater Bldg Soc	46. Greater Bldg Soc TD	AAA	1,000	6.07	6.23	6.16	1.37	1,000	100.00%
The Rock Bldg Soc	47. The Rock Bldg Soc TD	AAA	1,000	5.93	6.17	5.93	1.37	1,000	100.00%
Police CU (SA)	48. Police CU - SA	AAA	1,000	5.96	6.26	6.20	1.37	1,000	100.00%
Bank of Queensland	49. BoQ TCD	BBB+	2,000	6.26	6.48	6.41	2.74	2,000	100.00%
Suncorp-Metway	50. Suncorp Metway FRN	A+	1,001	5.93	6.13	6.06	1.37	1,001	100.00%

ITEM 6 (continued)

Issuer	Investment Name	Investment Rating	Invested at 30-Nov-11 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2011	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Intech CU	51. Intech CU TD	AAA	1,000	5.72	5.93	5.78	1.37	1,000	100.00%
Laiki Bank (Aust)	52. Laiki Bank TD	AAA	1,000	6.07	6.22	6.16	1.37	1,000	100.00%
AMP	53. AMP TD	AAA	1,000	7.14	7.14	7.14	1.37	1,000	100.00%
Rabobank	54. Rabobank TD	AAA	1,000	5.99	6.33	6.20	1.37	1,000	100.00%
Bendigo and Adelaide Bank	55. Adelaide Bank	BBB+	1,000	6.41	6.50	6.50	1.37	990	99.00%
WaW CU	56. WAW CU Coop	AAA	1,000	5.98	6.15	6.09	1.37	1,000	100.00%
HBS	57. Heritage Bldg Soc	AAA	1,000	5.82	6.21	6.14	1.37	1,000	100.00%
Rabobank	58. Rabodirect At-call	AA	977	5.14	5.53	5.48	1.34	977	100.00%
Me Bank	59. ME Bank At Call Account	BBB	977	5.46	5.70	5.69	1.34	977	100.00%
NAB	60. NAB FRN	AA-	1,001	6.03	6.17	6.16	1.37	989	98.81%
NAB	61. NAB FRN	AA-	997	6.15	6.23	6.23	1.37	985	98.81%
CBA	62. CBA FRN	AA-	999	5.96	6.26	6.26	1.37	989	99.04%
Westpac	63. Westpac FRN	AA-	996	6.02	6.12	6.12	1.37	983	98.70%
CBA	64. CBA FRN	AA-	997	6.01	6.31	6.31	1.37	987	99.04%
CBA	65. CBA FRN	AA-	998	5.93	6.05	6.05	1.37	990	99.18%
NAB	66. NAB FRN	AA-	990	6.35	6.41	6.41	1.36	978	98.81%
Westpac	67. Westpac FRN	AA-	998	5.97	6.04	6.04	1.37	989	99.11%
NAB	68. NAB FRN	AA-	991	6.33	6.33	6.33	1.36	979	98.81%
CBA	69. CBA FRN	AA-	991	6.20	6.41	6.41	1.36	981	99.04%
NAB	70. NAB Flexi Deposit	AA-	1,000	6.13	6.13	6.13	1.37	1,000	100.00%
ING	71. ING TD	A+	1,000	6.15	6.15	6.15	1.37	1,000	100.00%
ANZ	72. ANZ FRN	AA-	989	6.25	6.27	6.27	1.36	978	98.89%
Northern Beaches CU	73. Northern Beaches CU TD	AAA	500	6.30	6.30	6.30	0.69	500	100.00%
Rabobank Australia	74. Rabobank FRN	AA	986	6.38	6.38	6.38	1.35	972	98.59%
			72,905	5.82	6.02	5.95	100	72,769	

*Monthly returns when annualised can appear to exaggerate performance

**Market valuations are indicative prices only, and do not necessarily reflect the price at which a transaction could be entered into.

Return including Matured/Traded Investments

Weighted Average Return	5.82	5.92	5.92
Benchmark Return: UBSA 1 Year Bank Bill Index (%)	4.88	5.02	4.99
Variance From Benchmark (%)	0.94	0.90	0.93

Investment Income

	\$000's
This Period	351
Financial Year To Date	1,820
Budget Profile	1,250
Variance from Budget - \$	570

I certify that as at the date of this report, the investments listed have been made and are held in compliance with Council's Investment Policy and applicable legislation, with the exception of the following investments:

Grange IMP	- Merimbula CDO	NR
	- Torquay CDO	CCC-
	- Global Bank Note CDO	NR
	- Scarborough	D
Oasis CDO		CC
ALPHA CDO		B-



John Todd Date: 16/12/2011

ITEM 6 (continued)

Certificate of the Chief Finance Officer (December 2011)

Issuer	Investment Name	Investment Rating	Invested at 31-Dec-11 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2011	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Alpha Financial Products	1. Alpha	B-	0	0.00	0.89	0.80	0.00	0	0.00%
Helix Capital	2. OASIS	CC	0	7.22	6.87	6.84	0.00	0	0.00%
Westpac	3. Focus	AA-	500	0.00	0.00	0.00	0.67	487	97.30%
Westpac	4. Camelotfund	AA-	500	0.00	0.00	0.00	0.67	499	99.88%
Grange	5. Grange IMP	Unrated	0	0.00	11.60	10.00	0.00	0	0.00%
Westpac	6. Westpac At Call	AA-	920	4.64	4.81	4.76	1.24	920	100.00%
CBA	7. CBA TCD 5 Yr (Floating)	AAA	1,000	5.90	6.19	6.15	1.35	1,020	101.99%
Bank of Queensland	8. Bank of Queensland TD	AAA	1,000	6.41	6.50	6.41	1.35	1,000	100.00%
Bankwest	9. Bankwest Term Deposit	AAA	1,000	6.13	6.06	6.12	1.35	1,000	100.00%
NAB	10. NAB Term Deposit	AAA	1,000	6.60	6.60	6.60	1.35	1,000	100.00%
MyState CU	11. MyState CU TD	BBB	1,000	5.98	6.09	6.08	1.35	1,000	100.00%
Police & Nurses Credit Union	12. Police & Nurses Credit Union	Unrated	1,000	5.34	6.06	5.95	1.35	1,000	100.00%
Bankwest	13. Bankwest Term Deposit	AA-	1,000	5.94	6.02	6.01	1.35	1,000	100.00%
Bankwest	14. Bankwest TD	AA-	1,000	5.58	6.03	6.01	1.35	1,000	100.00%
Bankwest	15. Bankwest TD	AA-	1,000	6.09	6.10	6.09	1.35	1,000	100.00%
Bankwest	16. Bankwest Term Deposit	AA-	1,000	5.89	6.08	6.14	1.35	1,000	100.00%
DefCredit	17. Defence Credit Union TD	AAA	500	6.09	6.17	6.22	0.67	500	100.00%
Railways CU	18. Railways CU	AAA	1,000	5.44	6.13	6.17	1.35	1,000	100.00%
Qld Police CU	19. Qld Police CU TD	AAA	500	5.86	6.27	6.17	0.67	500	100.00%
Community CPS	20. Community CPS TD	AAA	1,000	5.82	5.96	5.79	1.35	1,000	100.00%
Bendigo and Adelaide Bank	21. Bendigo Bank TD	AAA	1,000	5.76	6.00	5.89	1.35	1,000	100.00%
CUA	22. Credit Union Australia TD	AAA	1,000	6.28	6.29	6.28	1.35	1,000	100.00%
Peoples Choice CU	23. Peoples Choice CU	AAA	1,000	5.97	6.21	6.07	1.35	1,000	100.00%
Bank of Cyprus (Aust)	24. Bank of Cyprus (Aust) TD	AAA	1,000	6.17	6.80	6.49	1.35	1,000	100.00%
Australian Defence Credit Union	25. Australian Defence CU TD	AAA	1,000	5.44	6.28	6.22	1.35	1,000	100.00%
Banana Coast CU	26. Banana Coast CU TD	AAA	1,000	5.88	6.27	6.14	1.35	1,000	100.00%
Southern Cross CU	27. Southern Cross CU TD	AAA	500	6.04	6.32	6.22	0.67	500	100.00%
SGE CU	28. SGE Credit Union TD	AAA	1,000	5.70	5.99	5.87	1.35	1,000	100.00%
B&E Ltd	29. B & E Building Soc TD	AAA	1,000	5.81	6.10	5.95	1.35	1,000	100.00%
Victoria Teachers CU	30. Victoria Teachers CU	AAA	500	6.21	6.22	6.22	0.67	500	100.00%
CBA	31. CBA TD	AAA	2,000	5.76	6.00	5.76	2.69	2,000	100.00%
Me Bank	32. ME Bank TD	AAA	1,000	5.98	6.18	6.12	1.35	1,000	100.00%
MacBank	33. Macquarie Bank Term Deposit	AAA	500	5.73	5.73	5.73	0.67	500	100.00%
Bankwest	34. Bankwest Term Deposit	AA-	1,000	7.00	6.92	7.00	1.35	1,000	100.00%
IMB	35. IMB TD	AAA	1,000	6.19	6.14	6.17	1.35	1,000	100.00%
Wide Bay CU	36. Wide Bay CU TD	AAA	1,000	5.59	6.15	6.12	1.35	1,000	100.00%
Northern Beaches CU	37. Northern Beaches CU TD	AAA	500	6.45	6.49	6.48	0.67	500	100.00%
Queenslanders CU	38. Queenslanders CU TD	AAA	1,000	5.97	6.15	6.05	1.35	1,000	100.00%
Maitland Mutual	39. Maitland Mutual Bldg Soc TD	AAA	1,000	6.08	5.85	5.94	1.35	1,000	100.00%
AMP	40. AMP eASYSaver	A	1,002	5.13	5.69	5.59	1.35	1,002	100.00%
South West CU	41. South West CU TD	AAA	1,000	5.82	6.06	5.96	1.35	1,000	100.00%
Big Sky CU	42. Big Sky CU TD	AAA	1,000	5.87	6.11	6.01	1.35	1,000	100.00%
Gateway CU	43. Gateway CU TD	AAA	500	5.83	6.36	6.28	0.67	500	100.00%
Suncorp-Metway	44. Suncorp-Metway TD	AAA	1,000	5.80	6.09	5.94	1.35	1,000	100.00%
Newcastle Perm Bldg Soc	45. Newcastle Perm Bldg Soc	AAA	1,000	5.83	6.07	6.01	1.35	1,000	100.00%
QT Mutual Bank	46. QT Mutual Bank	AAA	1,000	5.86	6.17	5.86	1.35	1,000	100.00%
ING	47. ING TD	AAA	1,000	6.62	6.61	6.62	1.35	1,000	100.00%
Greater Bldg Soc	48. Greater Bldg Soc TD	AAA	1,000	6.07	6.22	6.15	1.35	1,000	100.00%
Holidaycoast CU	49. Holidaycoast CU TD	AAA	1,000	5.33	6.23	6.11	1.35	1,000	100.00%
The Rock Bldg Soc	50. The Rock Bldg Soc TD	AAA	1,000	5.93	6.18	5.93	1.35	1,000	100.00%

ITEM 6 (continued)

Issuer	Investment Name	Investment Rating	Invested at 31-Dec-11 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2011	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Police CU (SA)	51. Police CU - SA	AAA	500	5.45	6.21	6.11	0.67	500	100.00%
Bank of Queensland	52. BoQ TCD	BBB	2,000	6.22	6.44	6.38	2.69	2,000	100.00%
Suncorp-Metway	53. Suncorp Metway FRN	A+	1,001	5.80	6.06	6.02	1.35	1,001	100.00%
Intech CU	54. Intech CU TD	AAA	1,000	5.72	5.90	5.77	1.35	1,000	100.00%
Beirut Hellenic Bank (Aust)	55. Beirut Hellenic Bank TD	AAA	1,000	6.07	6.21	6.15	1.35	1,000	100.00%
AMP	56. AMP TD	AAA	1,000	7.14	7.14	7.14	1.35	1,000	100.00%
Rabobank	57. Rabobank TD	AA	1,000	5.99	6.30	6.17	1.35	1,000	100.00%
Bendigo and Adelaide Bank	58. Adelaide Bank	AAA	1,000	6.19	6.47	6.45	1.35	1,000	100.00%
WaW CU	59. WAW CU Coop	AAA	1,000	5.98	6.13	6.07	1.35	1,000	100.00%
Community First CU	60. Community First CU TD	AAA	1,000	5.43	6.11	6.04	1.35	1,000	100.00%
CBA	61. CBA TD	AA-	1,000	5.44	5.77	5.73	1.35	1,000	100.00%
Heritage Bank	62. Heritage Bank	AAA	1,000	5.82	6.17	6.09	1.35	1,000	100.00%
Rabobank	63. Rabodirect At-call	AAA	981	5.03	5.46	5.40	1.32	981	100.00%
Me Bank	64. ME Bank At Call Account	BBB	981	5.24	5.63	5.61	1.32	981	100.00%
NAB	65. NAB FRN	AA-	1,001	5.91	6.13	6.12	1.35	987	98.71%
NAB	66. NAB FRN	AA-	997	6.03	6.19	6.19	1.34	987	98.71%
CBA	67. CBA FRN	AA-	999	5.94	6.19	6.19	1.34	987	98.68%
Westpac	68. Westpac FRN	AA-	996	5.98	6.09	6.09	1.34	987	98.70%
CBA	69. CBA FRN	AA-	997	6.01	6.24	6.24	1.34	987	98.68%
CBA	70. CBA FRN	AA-	998	5.93	6.02	6.02	1.34	990	99.04%
NAB	71. NAB FRN	AA-	990	6.23	6.36	6.36	1.33	987	98.71%
Westpac	72. Westpac FRN	AA-	998	5.92	6.01	6.01	1.34	989	98.93%
NAB	73. NAB FRN	AA-	991	6.22	6.29	6.29	1.33	987	98.71%
CBA	74. CBA FRN	AA-	991	6.18	6.33	6.33	1.33	987	98.68%
NAB	75. NAB Flexi Deposit	AA-	1,000	6.10	6.12	6.12	1.35	1,000	100.00%
ING	76. ING TD	A+	1,000	6.15	6.15	6.15	1.35	1,000	100.00%
ANZ	77. ANZ FRN	AA-	989	6.20	6.24	6.24	1.33	989	98.89%
Northern Beaches CU	78. Northern Beaches CU TD	AAA	500	6.30	6.30	6.30	0.67	500	100.00%
Rabobank	79. Rabobank FRN	AA	986	6.40	6.39	6.39	1.33	980	98.02%
Police CU (SA)	80. Police CU - SA	AAA	500	5.58	5.58	5.58	0.67	500	100.00%
Southern Cross CU	81. Southern Cross CU TD	AAA	500	5.58	5.58	5.58	0.67	500	100.00%
NAB	82. NAB FRN	AA-	1,001	5.82	5.82	5.82	1.35	1,001	100.05%
			74,319	5.74	6.00	5.92	100	74,236	

*Monthly returns when annualised can appear to exaggerate performance

**Market valuations are indicative prices only, and do not necessarily reflect the price at which a transaction could be entered into.

Return including Matured/Traded Investments

Weighted Average Return	5.74	5.92	5.88
Benchmark Return: UBSA 1 Year Bank Bill Index (%)	4.85	5.00	4.96
Variance From Benchmark (%)	0.89	0.92	0.92

Investment Income

	\$000's
This Period	381
Financial Year To Date	2,200
Budget Profile	1,750
Variance from Budget - \$	450

I certify that as at the date of this report, the investments listed have been made and are held in compliance with Council's Investment Policy and applicable legislation, with the exception of the following investments:

Grange IMP	- Merimbula CDO	NR
	- Global Bank Note CDO	NR
Oasis CDO		CC
ALPHA CDO		B-



John Todd Date: 11/01/2012

ITEM 6 (continued)

Council's Investment Powers

Council's investment powers are regulated by Section 625 of the Local Government Act, which states:

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.
- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation or an entity within the meaning of that section is not an investment for the purposes of this section.

Council's investment policy requires that all investments are to be made in accordance with:

- Local Government Act 1993 - Section 625
- Local Government Act 1993 - Order (of the Minister) dated 12 January 2011
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2)
- Local Government (Financial Management) Regulation 1993
- Investment Guidelines issued by the Department of Local Government

Overview of Investments

An overview of all investments held by the City of Ryde is provided below.

1. **FRN Alpha (Originally AA now B-):** This is a CDO that pays 250 bps above 180 day BBSW. This investment was purchased on 11 April 2006. The investment is for 6 years and matures on 20 March 2012. The CDO containing 2 separate portfolios, a capital portfolio and an income portfolio. The 2 portfolios are managed to maintain ratings stability. The CDO was previously downgraded to A- on 25 September 2008 and has now been downgraded to BBB watch negative on 31 October 2008, downgraded to B+ on 5 February 2009, to CCC in August 2009, and subsequently to CCC- in March 2010, and subsequently to CCC in October 2010. This investment has now been regraded to B-. No fees are payable by Council on this investment. Council impaired this investment to a nominal value at its meeting of 25 May 2010 with such being funded from the Financial Security Reserve.

ITEM 6 (continued)

2. **OASIS (Originally AA now CC):** This is a CDO that pays 140 bps above 90 day BBSW. This investment was purchased on 4 September 2006. The investment is for 8 years and matures on 4 September 2014. This is a CDO that is actively managed by Société Générale. The CDO was downgraded to BBB- on 29 September 2008 with advice being received in early April 2009 that this investment has been further downgraded to CCC-. Defaults within the portfolio have resulted in a capital loss of approximately 35%. No fees are payable by Council on this investment. Council impaired this investment to a nominal value at its meeting of 25 May 2010 with such being funded from the Financial Security Reserve.
3. **FOCUS Note (AA-p):** This investment was purchased on 20 December 2006. This is a medium to long term investment (3-7 years) and matures on 20 December 2012. The capital of the investment is guaranteed by Westpac on maturity. This investment consists of a dynamically managed portfolio comprising investments in the BT Focus Australian Share Fund, and aims to outperform the S&P/ASX 300 Accumulation Index by 5% over a 3 to 5 year horizon. Westpac receive a principal protection fee of 0.90 p.a., an upfront structuring and distribution fee of 2.50%. BT Financial Group receives a management fee of 0.60% p.a., and a performance fee of 15%. The performance fee is only paid if the performance of the fund before fees exceeds the S&P/ASX Accumulation index plus the management fee. On 28 October 2008 advice was received that the recent volatility in the global financial markets had triggered the capital protection mechanism in this investment with 100% of the portfolio now invested in a zero coupon bond. Council will not receive any further coupon payments between now and the December 2012 maturity date but will receive the full face value of the investment at maturity.
4. **Camelotfund (AA-p):** This investment was purchased on 1 March 2007. The investment is for 5 years and matures 25 January 2012. This investment is in a fund that provides opportunity to diversify into a foreign exchange strategy with low correlation to other products and asset classes. Short term (i.e. monthly) returns on this note will be volatile. The SPV set up by Westpac receives a distribution fee of 2% of the note value, and the manager receives a management fee of 1% p.a., and a performance fee of 15% above 6M BBSW. Westpac receives a capital protection fee of 1% p.a. times NAV. This investment is capital protected by Westpac.
5. **Grange (Lehman Brothers) IMP:** This is a portfolio of FRNs, CDOs and Bank issued securities managed by Grange Securities on Council's behalf. Lehman Brothers have cancelled the management agreement, and this portfolio is currently static. The IMP comprises the following investments:

<i>Investment</i>	<i>Maturing</i>
Merimbula CDO	20/06/2013
AAA (Berry) Global Bank Note CDO	20/09/2014

ITEM 6 (continued)

- 6. Westpac at Call Account (AA-):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
- 7. CBA TCD 5 Yr (Floating) (AAA):** This is a floating rate note issued at a margin of 120 points above 90 day BBSW, maturing 17 December 2013. Council took up the optional government guarantee on this investment at a fee of 70 basis points.
- 8. Bank of Queensland Term Deposit (AAA):** This investment is a 181 day term deposit paying 6.25% (6.41% annualised) and matures on 24 February 2012.
- 9. Bankwest Term Deposit (AA-):** This investment is a 97 day term deposit, paying 6.00% (6.13% annualised), and matures on 5 Jan 2012.
- 10. NAB Term Deposit (AA-):** This investment is a 3 year term deposit, paying 6.60% p.a., and matures 4 April 2014.
- 11. MyState Credit Union Term Deposit (AAA):** This investment is an 89 day term deposit, paying 5.85% (5.98% annualised) and matures on 31 January 2012.
- 12. Police & Nurses Credit Union (AAA):** This investment is a 31 day term deposit, paying 5.21% (5.34% annualised) and matures on 9 Jan 2012.
- 13. Bankwest Term Deposit (AA-):** This investment is a 183 day term deposit paying 5.85% (5.94% annualised) and matures on 11 April 2012.
- 14. Bankwest Term Deposit (AA-):** This investment is a 46 day term deposit paying 5.45% (5.58% annualised) and matures on 24 Jan 2012.
- 15. Bankwest Term Deposit (AA-):** This investment is a 180 day term deposit paying 6.00% (6.09% annualised) and matures on 6 Mar 2012.
- 16. Bankwest Term Deposit (AA-):** This investment is a 120 day term deposit paying 5.78% (5.89% annualised) and matures on 4 Apr 2012.
- 17. Defence Force CU Term Deposit (AAA):** This investment is a 180 day term deposit paying 6.00% (6.09% annualised) and matures on 11 April 2012.
- 18. Railways CU (AAA):** This investment is a 31 day term deposit paying 5.31% (5.44% annualised) and matures on 9 Jan 2012.
- 19. Queensland Police CU (AAA):** This investment is a 61 day term deposit paying 5.72% (5.86% annualised) and matures on 9 Jan 2012.
- 20. Community CPS Term Deposit (AAA):** This investment is a 92 day term deposit paying 5.70% (5.82% annualised) and matures on 4 January 2012.

ITEM 6 (continued)

- 21. Bendigo Bank Term Deposit (AAA):** This investment is a 120 day term deposit paying 5.65% (5.76% annualised) and matures on 11 January 2012.
- 22. Credit Union Australia Term Deposit (AAA):** This investment is a 179 day term deposit paying 6.18% (6.28% annualised) and matures on 23 January 2012.
- 23. Peoples Choice Credit Union Term Deposit (AAA):** This investment is a 120 day term deposit paying 5.85% (5.97% annualised) and matures on 25 January 2012.
- 24. Bank of Cyprus (Aust) Term Deposit (AAA):** This investment is a 95 day term deposit paying 6.00% (6.17% annualised) and matures on 3 January 2012.
- 25. Australian Defence Force CU Term Deposit (AAA):** This investment is a 31 day term deposit paying 5.31% (5.44% annualised) and matures on 9 Jan 2012.
- 26. Bananacoast CU Term Deposit (AAA):** This investment is a 91 day term deposit paying 5.75% (5.88% annualised) and matures on 30 January 2012.
- 27. Southern Cross CU Term Deposit (AAA):** This investment is a 183 day term deposit paying 5.95% (6.04% annualised) and matures on 12 Jun 2012.
- 28. SGE Credit Union Term Deposit (AAA):** This investment is a 90 day term deposit paying 5.58% (5.70% annualised) and matures on 16 January 2012.
- 29. B & E Ltd Building Society Term Deposit (AAA):** This investment is a 120 day term deposit paying 5.70% (5.81% annualised) and matures on 11 January 2012.
- 30. Victoria Teachers CU Term Deposit (AAA):** This investment is a 150 day term deposit paying 6.10% (6.21% annualised) and matures on 16 February 2012.
- 31. Members Equity Bank Term Deposit (AAA):** This investment is a 91 day term deposit paying 5.85% (5.98% annualised) and matures on 30 Jan 2012.
- 32. CBA Term Deposit (AAA):** This investment is a 3 year term deposit paying 5.76% (5.76% annualised) and matures on 8 Dec 2014.
- 33. Macquarie Bank Term Deposit (AAA):** This investment is a 183 day term deposit paying 5.65% (5.73% annualised) and matures on 12 Jun 2012.
- 34. Bankwest TD (AA-):** This investment is a 4 year term deposit paying 7.00% (7.00% annualised) and matures on 13 February 2015.
- 35. IMB Building Society Term Deposit (AAA):** This investment is a 182 day term deposit paying 6.10% (6.19% annualised) and matures on 31 January 2012.

ITEM 6 (continued)

- 36. Wide Bay Building Society Term Deposit (AAA):** This investment is a 31 day term deposit paying 5.45% (5.59% annualised) and matures on 9 January 2012.
- 37. Northern Beaches Credit Union Term Deposit (AAA):** This investment is a 177 day term deposit paying 6.30% (6.45% annualised) and matures on 10 January 2012.
- 38. Queenslanders Credit Union Term Deposit (AAA):** This investment is a 152 day term deposit paying 5.85% (5.97% annualised) and matures on 25 January 2012.
- 39. Maitland Mutual Building Society (AAA):** This investment is a 92 day term deposit paying 5.95% (6.08% annualised) and matures on 4 January 2012.
- 40. AMP eASYSaver at call account (AAA):** This investment is an at-call account earning 5.60%. No fees are payable by Council on this investment.
- 41. South West Credit Union Term Deposit (AAA):** This investment is a 122 day term deposit paying 5.71% (5.82% annualised) and matures on 20 January 2012.
- 42. Big Sky Credit Union Term Deposit (AAA):** This investment is a 92 day term deposit paying 5.75% (5.87% annualised) and matures on 4 January 2012.
- 43. Gateway Credit Union Term Deposit (AAA):** This investment is a 183 day term deposit paying 5.75% (5.83% annualised) and matures on 16 June 2012.
- 44. Suncorp-Metway Term Deposit (AAA):** This investment is a 150 day term deposit paying 5.70% (5.80% annualised) and matures on 23 February 2012.
- 45. Newcastle Permanent Building Society (AAA):** This investment is a 91 day term deposit paying 5.71% (5.83% annualised) and matures on 30 January 2012.
- 46. QT Mutual Bank (AAA):** This investment is a 120 day term deposit paying 5.75% (5.86% annualised) and matures on 17 January 2012.
- 47. ING Term Deposit (AAA):** This investment is a 2 year term deposit paying 6.84% (6.62% annualised) and matures on 18 Feb 2013.
- 48. Greater Building Society (AAA):** This investment is a 120 day term deposit paying 5.95% (6.07% annualised) and matures on 10 January 2012.
- 49. Holidaycoast CU (AAA):** This investment is a 31 day term deposit paying 5.20% (5.33% annualised) and matures on 9 January 2012.
- 50. The Rock Building Society (AAA):** This investment is a 91 day term deposit paying 5.80% (5.93% annualised) and matures on 29 February 2012.

ITEM 6 (continued)

- 51. Police Credit Union – SA Term Deposit (AAA):** This investment is a 183 day term deposit paying 5.38% (5.45% annualised) and matures on 12 June 2012.
- 52. Bank of Queensland FRN (BBB):** This is a certificate of deposit issued at a margin of 140 points above 90 day BBSW, maturing 11 November 2013.
- 53. Suncorp Metway FRN (A+):** This is a floating rate note purchased at a margin of 106 points above 90 day BBSW, maturing 18 June 2013.
- 54. Intech CU Term Deposit (AAA):** This investment is a 90 day term deposit paying 5.60% (5.72% annualised) and matures on 10 January 2012.
- 55. Beirut Hellenic Bank Term Deposit (Aust) (AAA):** This investment is a 120 day term deposit paying 5.95% (6.07% annualised) and matures on 17 January 2012.
- 56. AMP Term Deposit (A):** This investment is a 4 year term deposit paying 7.14% (7.14% annualised) and matures on 16 February 2015.
- 57. Rabobank Term Deposit (AAA):** This investment is a 180 day term deposit paying 5.90% (5.99% annualised) and matures on 5 March 2012.
- 58. Adelaide Bank FRN (A-):** This is a floating rate note issued at a margin of 140 points above 90 day BBSW, maturing 17 March 2014.
- 59. WAW CU Coop Term Deposit (AAA):** This investment is a 95 day term deposit paying 5.85% (5.98% annualised), and matures on 3 January 2012.
- 60. Community First CU Term Deposit (AAA):** This investment is a 31 day term deposit paying 5.30% (5.43% annualised), and matures on 9 January 2012.
- 61. CBA Term Deposit (AA-):** This investment is a 31 day term deposit paying 5.31% (5.44% annualised) and matures on 9 January 2012.
- 62. Heritage Building Society Term Deposit (AAA):** This investment is a 91 day term deposit paying 5.70% (5.82% annualised), and matures on 9 January 2012.
- 63. Rabodirect At-Call (AA):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
- 64. Members Equity Bank At-Call Account (BBB):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
- 65. National Australia Bank Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note paying 115 above BBSW. This investment matures 21 June 2016.

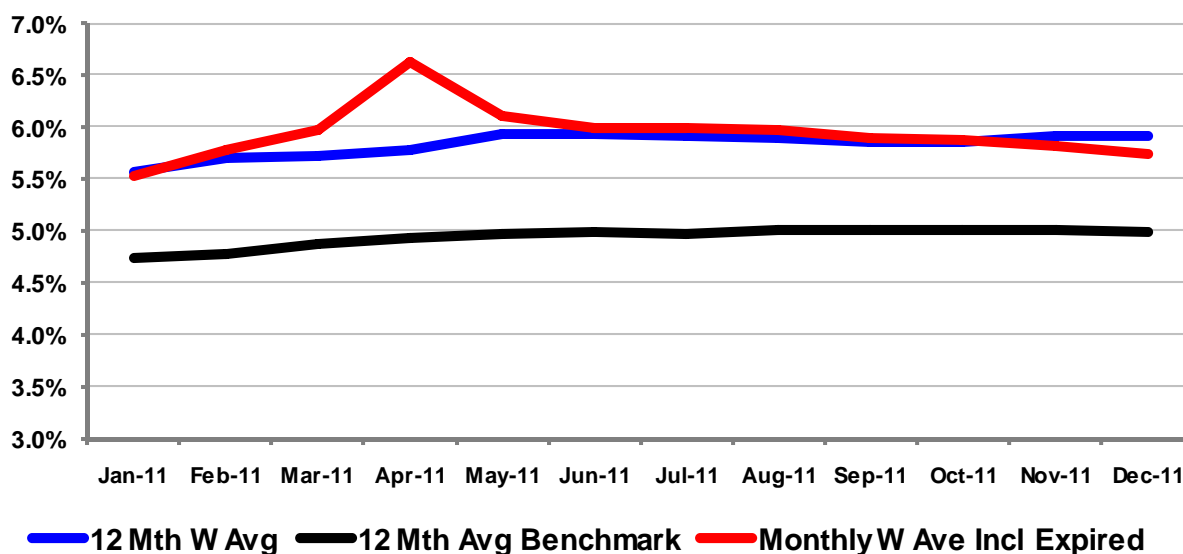
ITEM 6 (continued)

- 66. National Australia Bank Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note paying 125 above BBSW. This investment matures 21 June 2016.
- 67. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 120 above BBSW. This investment matures 2 Aug 2016.
- 68. Westpac Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 123 above BBSW. This investment matures 9 May 2016.
- 69. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 125 above BBSW. This investment matures 2 Aug 2016.
- 70. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 110 above BBSW. This investment matures 21 July 2015.
- 71. National Australia Bank FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 142 above BBSW. This investment matures 21 June 2016.
- 72. Westpac Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 117 above BBSW. This investment matures 9 November 2015.
- 73. National Australia Bank FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 21 June 2016.
- 74. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 2 Aug 2016.
- 75. NAB Flexi Deposit (AA-):** This is a 1 year Term deposit, paying 6.00% for the first quarter, then paying 125bps above BBSW every quarter after that. This investment matures 1 October 2012.
- 76. ING Term Deposit (A+):** This investment is a 122 day term deposit paying 6.03% (6.15% annualised), and matures on 30 January 2012.
- 77. ANZ FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 142 above BBSW. This investment matures 9 May 2016.
- 78. Northern Beaches Credit Union Term Deposit (AAA):** This investment is a 180 day term deposit paying 6.20% (6.30% annualised) and matures on 9 April 2012.

ITEM 6 (continued)

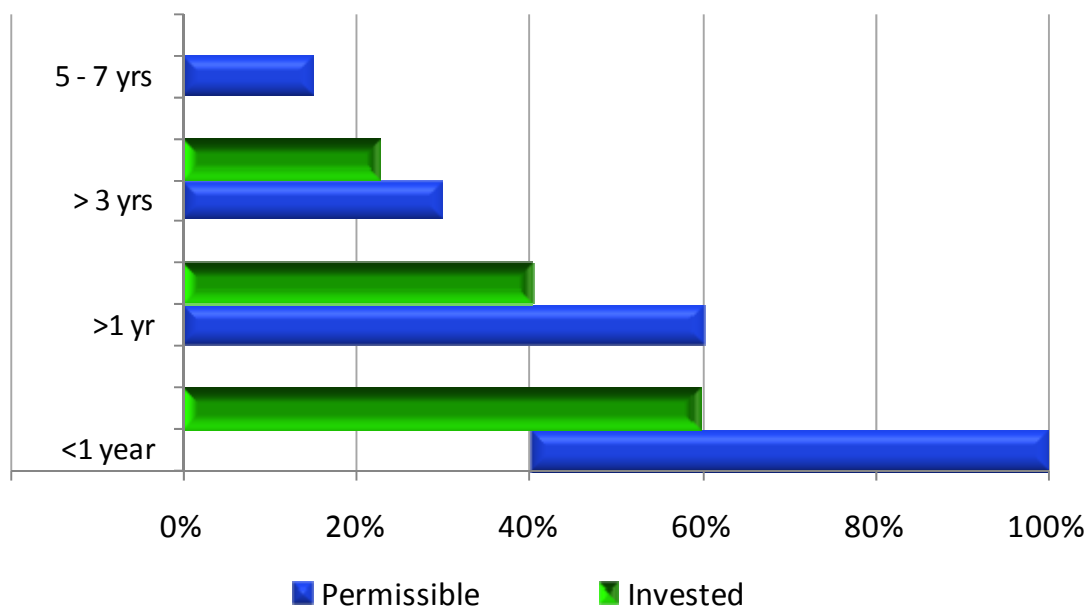
- 79. Rabobank FRN (AA):** This investment is a senior, unsecured floating rate note purchased at a yield of 151 above BBSW. This investment matures 27 July 2016.
- 80. Police Credit Union SA Term Deposit (AAA):** This investment is a 42 day term deposit paying 5.45% (5.58% annualised) and matures on 23 Jan 2012.
- 81. Southern Cross CU Term Deposit (AAA):** This investment is a 50 day term deposit paying 5.45% (5.58% annualised) and matures on 31 Jan 2012.
- 82. NAB FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 127 above BBSW. This investment matures 19 Dec 2014.

Performance - All Investments



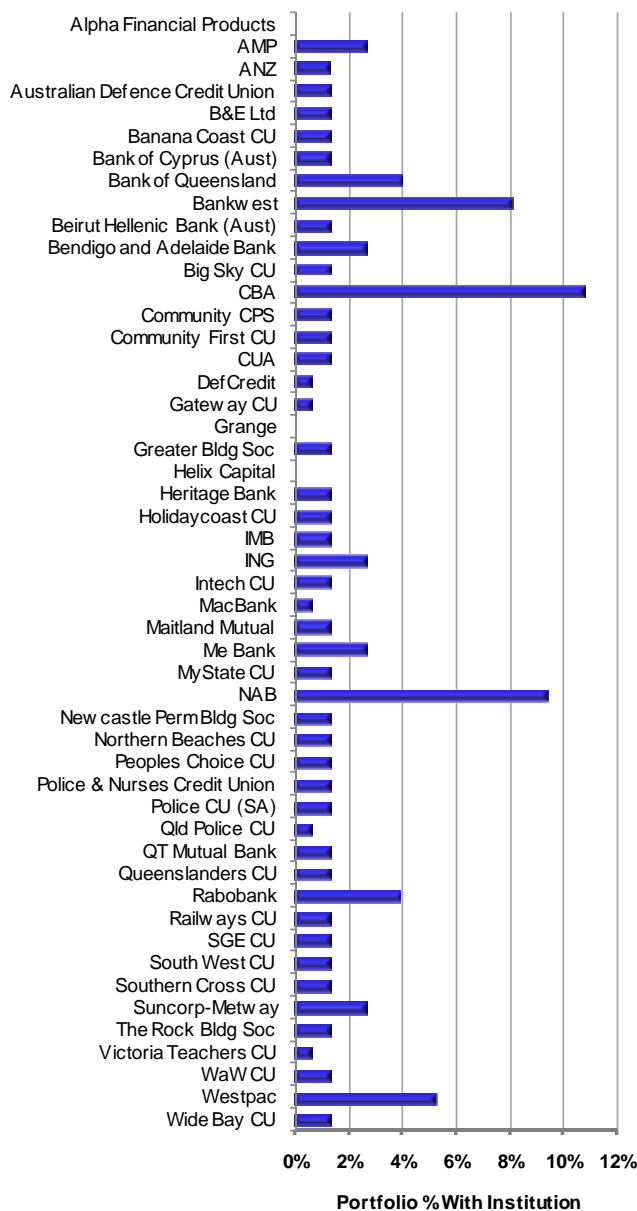
ITEM 6 (continued)

Policy Limits on Maturities

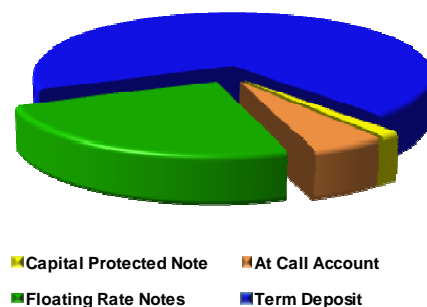


ITEM 6 (continued)

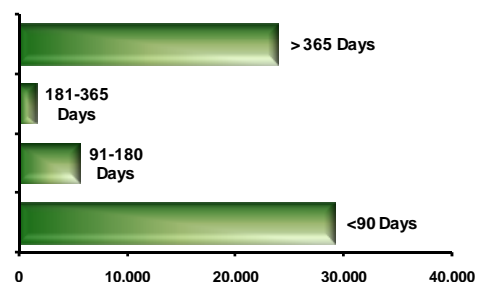
Active Investment by Institution



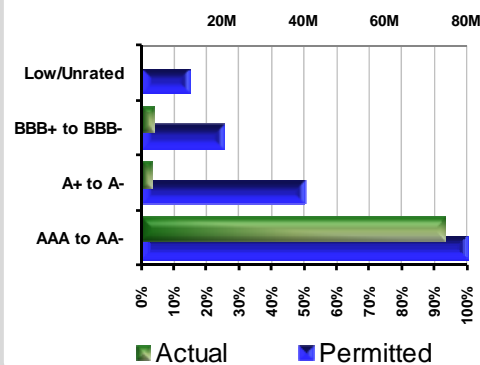
Summary by Investment Type



Summary by Duration



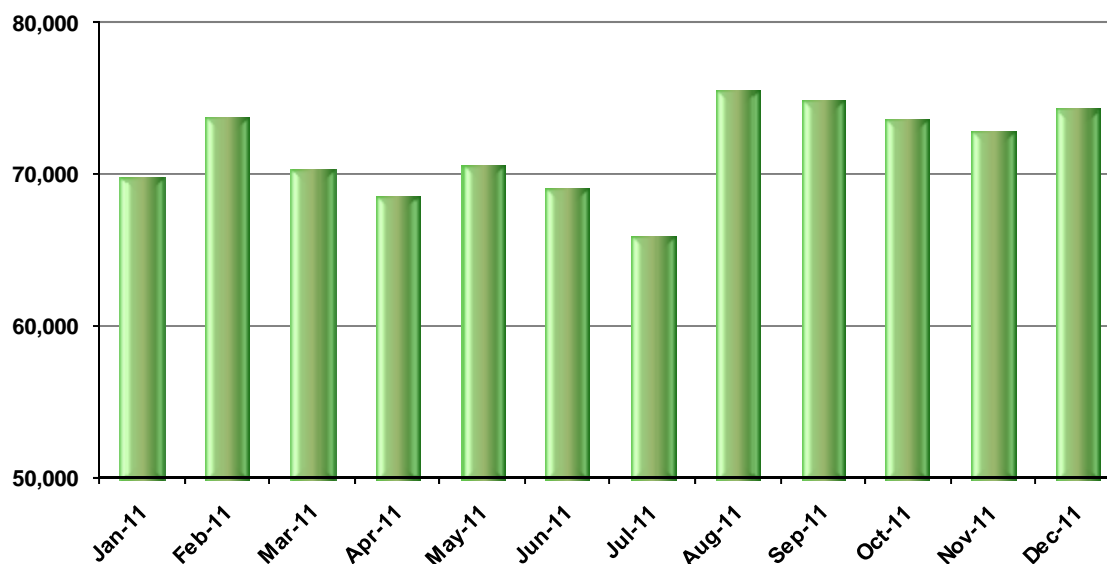
Investment Summary by Rating



	>365 days	<365 days
Cash/TDs	\$15.0M	\$40.4M
Medium Term Notes	\$17.9M	\$0.0M
Mgd Funds	\$0.0M	\$0.0M
Other	\$0.5M	\$0.5M
CDO's	\$0.0M	\$0.0M
	\$33.4M	\$40.9M

ITEM 6 (continued)

Total Funds Invested



Context

The recommendation is consistent with Section 625 of the Local Government Act, which deals with the investment of surplus funds by Council's.

Financial Implications

Income from interest on investments and proceeds from sales of investments totals \$2.2M, being \$450K above budget projections as per the Delivery and Operational Plan.

Interest received on written down CDO investments this year to date is \$48K. The Financial Security Reserve, following this transfer of additional funds has a balance of \$1.053M.

7 INVESTMENT POLICY- ANNUAL REVISION

Report prepared by: Chief Financial Officer

Report dated: 23/01/2012

File No.: GRP/09/3/2/7 - BP12/38

REPORT SUMMARY

Council Officers regularly review and revise Council's Investment Policy and Guidelines in order to ensure it adheres to legislative requirements and to ensure it continues to provide a prudent framework for the investment of Council funds.

The most recent policy and guidelines to be adopted were at Council's meeting on 28 September 2010.

The adoption of the revised Investment Policy and Guidelines will bring Council's policy in line with the Minister's Order and DLG Investment Guidelines and further strengthen Council's governance framework in respect of the management of its investment portfolio.

RECOMMENDATION:

That Council adopt the revised Investment Policy and Guidelines, effective from 15 February 2011.

ATTACHMENTS

- 1 Draft Investment Policy - January 2012
- 2 Draft Investment Policy Guidelines - January 2012

Report Prepared By:

John Todd
Chief Financial Officer

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 7 (continued)

Discussion

The Minister's Order effectively restricts Councils to investing in the following types of investments:

- Commonwealth, State and NSW Council securities - bonds
- Interest bearing Deposits offered by Banks & Approved Deposit Taking Institutions (ADIs) but excluding subordinated debt – this includes term deposits, floating rate notes
- Deposits with NSW Treasury Corporation (NSW TCorp)
- Investments in an Hourglass Investment Facility with NSW TCorp
- Mortgage of land in Commonwealth provided 1st mortgage and loan to value ratio is no greater than 60%.

Council has generally been utilising the Federal Government's guarantee and investing in Term Deposits with the major banks and a range of Credit Unions (ADIs) on a short term basis and some longer dated investments (generally up to 6 months maturity) where more competitive rates are available. The Federal Government guarantees all deposits to a maximum of \$250,000 per financial institution.

The DLG guidelines specify that Council's Investment Policy should as a minimum:

- Set the objectives of investing
- Outline the legislative requirements
- Ascertain authority for implementation and management of the policy
- Establish the capital, liquidity/duration and return expectations
- Determine the diversity of the investment portfolio
- Define the risk profile
- Establish the legal title
- Set benchmarks
- Establish monitoring and reporting requirements
- Define duties, obligations and required skills of the council and the council officers and
- Set a date for the policy to be reviewed.

The current Investment Policy and Guidelines were based on the NSW Local Government Finance Professionals' Investments Best Practice Guide and incorporated all the elements of the guidelines. It has been revised to more closely align with the model policy.

Council's Investment Policy and Guidelines include a three tiered risk management framework providing identifiable parameters for overall portfolio credit risk, individual institutional credit risk and term to maturity risk.

Council's Investment Advisor Oakvale Capital Limited advised that credit ratings remain a valuable tool in helping ensure diversification of an investment portfolio and recommends the continued use of this framework.

ITEM 7 (continued)

Whilst this is generally supported and the bulk of our investments, above the Government Guarantee of \$250k, fall into this category, an unrated institution should not be seen as more risky investment, than a rated institution, merely on credit ratings. There are a lot of other factors that should be considered, including capital adequacy ratios, loan deposit ratios, provision for bad loans etc. A risk assessment should be done at the time of making each investment for an unrated institution, and based on that a decision made to invest with them or not.

Following a review of delegations, the General Manager has delegated to both the Group Manager Corporate Services and the Chief Financial Officer authority to authorise investments up to the value of \$1 million, in accordance with Council's Investment Policy and Guidelines subject to prior consultation with the General Manager.

Any proposed investments over \$1 million are reviewed by the Chief Financial Officer and recommended to the Group Manager Corporate Services for review and referral to the General Manager for approval.

The maximum term for any investment will remain at seven (7) years duration, though the General Manager has authority to approve investments for a longer period.

Deposits with the LGFS are no longer permissible.

The policy now reflects the revised government guarantee scheme that guarantees deposits up to \$250k, which was previously \$1M with each institution. This recognises that the first \$250k held in each institution is considered to hold an investment rating equal to that of the Australian Federal government.

The revised Investment Policy fully complies with the DLG Investment Policy Checklist.

The DLG guidelines also provide an Investment Products Check List. Council has a robust process for the selection and approval of investments and this has been amended to incorporate the suggested checklist into the investment approval process.


The DLG Guidelines also contain an Investment Advisor Selection Criteria. Council used a similar Investment Advisor Selection Criteria when appointing its Investment Advisors in late 2011.

Financial Implications

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

ITEM 7 (continued)

ATTACHMENT 1

	<h1 style="margin: 0;">Investment Policy</h1>									
<p>Scope</p> <p>The Investment Policy stipulates the mandatory requirements for the investing of Council's funds in complying with all legislative requirements including the Minister for Local Governments Investment Order and requires that all Investment activities be exercised with care, diligence and skill of a prudent person and not for speculative purposes.</p>										
<p>Purpose</p> <p>The Investment Policy provides a framework for the investing of Council's funds at the most favourable rate of interest available to it at the time, whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.</p> <p>While exercising the power to invest, consideration needs to be given to preservation of capital, liquidity, and the return of investment.</p>										
<p>Guidelines / Procedures</p> <p>The attached Investment Policy Guidelines detail how the Investment Policy is to be implemented and incorporates Council's principal objectives for investing, the legislative requirements in investing, who is authorised to make investments, approved investments under the Minister's Order, Council's Investment Advisor, the use of the risk management framework to be adopted when assessing investments to measuring, benchmarking and reporting on the performance of Council's Investment Portfolio.</p>										
<p>References - Legislation</p> <p>All investments are required to comply with the following:</p> <ul style="list-style-type: none"> Local Government Act 1993 - Section 412 & 625; Local Government Act 1993 – Order (of the Minister) Circular No: 08/48 gazetted on 15 August 2008, or most current. The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2); Local Government (General) Regulation 2005 – Clause 212. 										
<p>Review Process and Endorsement</p> <p>This Policy should be reviewed annually or as required in the event of legislative change by Council. Any amendment to the Investment policy must be by way of Council resolution.</p>										
<p>Attachments</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Number</th> <th style="width: 65%;">Title</th> <th style="width: 20%;">Trim Reference</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1.</td> <td>Investment Policy Guidelines</td> <td></td> </tr> </tbody> </table>		Number	Title	Trim Reference	1.	Investment Policy Guidelines				
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<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align: center;">Name - Policy</th> </tr> </thead> <tbody> <tr> <td style="width: 33%;">Owner: Service Unit</td> <td style="width: 33%;">Accountability:</td> <td style="width: 34%;">Policy Number</td> </tr> <tr> <td>Trim Reference: D107</td> <td>Review date:</td> <td>Endorsed: Date and Council</td> </tr> </tbody> </table>		Name - Policy			Owner: Service Unit	Accountability:	Policy Number	Trim Reference: D107	Review date:	Endorsed: Date and Council
Name - Policy										
Owner: Service Unit	Accountability:	Policy Number								
Trim Reference: D107	Review date:	Endorsed: Date and Council								

ITEM 7 (continued)

ATTACHMENT 2

Investment Policy Guidelines



City of Ryde

Proposed Effective Date
29 September 2010

ITEM 7 (continued)

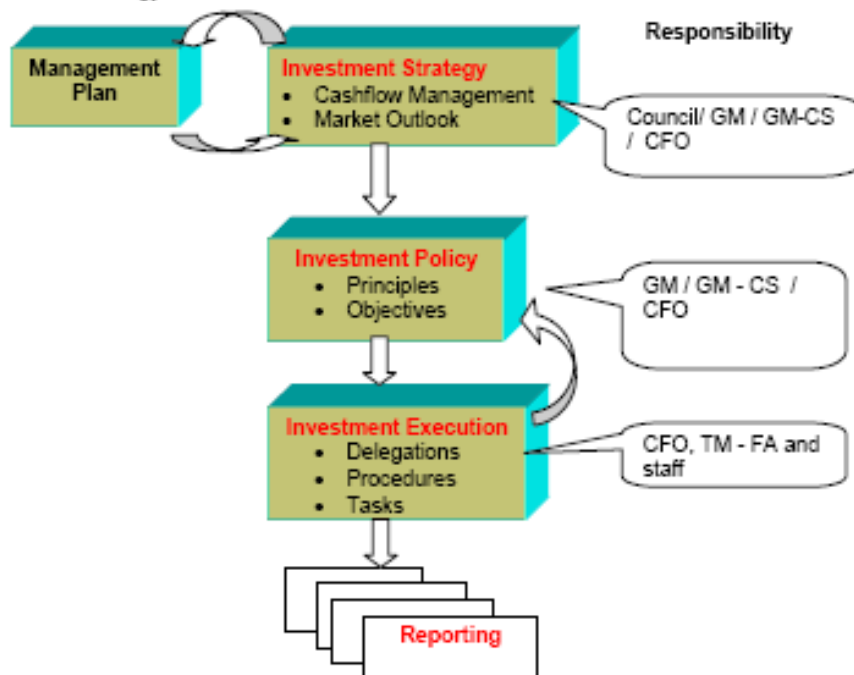
ATTACHMENT 2

City of Ryde	File:
Title: Investment Policy Guidelines	Page: 1 of 14
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Effective Date: Proposed 29/09/2010	Last Revised:

INVESTMENT POLICY GUIDELINES

1 Relation of Investment Policy within Council

The following diagram shows how the Investment Policy relates to other policies, plans and strategy within Council.



- * GM – General Manager
- * GM – CS Group Manager, Corporate Services
- * CFO – Chief Financial Officer
- * TM - FA – Team Manager Financial Accounting

ITEM 7 (continued)

ATTACHMENT 2

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2 Objectives

To provide a framework for the investing of Council's funds at the most favourable rate of interest available to it at the time, whilst having due consideration of risk and security for that investment type and ensuring that its liquidity requirements are being met.

While exercising the power to invest, consideration needs to be given to preservation of capital, liquidity, and the return of investment.

- (a) Preservation of capital is the principal objective of the investment portfolio. Investments are to be placed in a manner that seeks to ensure security and safeguarding the investment portfolio. This includes managing credit and interest rate risk within identified thresholds and parameters.
- (b) Investments should be allocated to ensure there is sufficient liquidity to meet all reasonably anticipated cash flow requirements, as and when they fall due, without incurring significant costs due to the unanticipated sale of an investment.
- (c) Investments are expected to achieve a market average rate of return in line with Council's risk tolerance.

3 Legislative Requirements

All investments are to comply with the following:

- Local Government Act 1993 - Section 412 & 625;
- Local Government Act 1993 – Order (of the Minister) Circular No: 08/48 gazetted on 15 August 2008, or most current.
- The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2);
- Local Government (General) Regulation 2005 – Clause 212.

Extracts are included in Schedule 1.

4 Delegation of Authority to Invest

Authority for implementation of the Investment Policy is delegated by Council to the General Manager in accordance with the Local Government Act 1993.

The General Manager may in turn delegate the day-to-day management of Council's investments to the Responsible Accounting Officer or senior staff, subject to regular reviews.

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Officers' delegated authority to manage Council's investments shall be recorded and required to acknowledge they have received a copy of this policy and understand their obligations in this role.

The General Manager has delegated to both the Group Manager Corporate Services and the Chief Financial Officer authority to authorise investments up to the value of \$1 million in accordance with Council's Investment Policy subject to prior consultation with the General Manager.

Any proposed investments over \$1 million are reviewed by the Chief Financial Officer and recommended to the Group Manager Corporate Services for endorsement and referral to the General Manager for approval.

5 Prudent Person Standard

The investment portfolio will be managed with the care, diligence and skill that a prudent person would exercise. As trustees of public monies, officers are to manage Council's investment portfolio to safeguard the portfolio in accordance with the spirit of this Investment Policy and not for speculative purposes.

A prudent person is entrusted to act with a duty of care, not as an average person would act but as a wise, cautious and judicious person. Such a person will:

- Have a full understanding of Council's Investment Policy
- Understand the legislative constraints regarding Council's investments
- Actively manage investments by regular market monitoring. Performance of investments is to be reviewed (individually and as a whole portfolio) on a monthly basis. Where necessary, advice and assistance should be sought from professional people with experience in investment markets. Any professional advice obtained must contain a statement by the advisor as to their financial interest in the advice given.
- Review Council's investment strategy, at least annually
- Balance the investment risk/return trade off by not taking an overtly conservative (low risk, low return) stance or overtly risky stance.
- Have a full understanding of Council's investment strategy and its specific requirements for cashflow to meet its obligations and consider this in selecting duration of investments.

6 Ethics and Conflict of Interest

Officers shall refrain from personal activities that would conflict with the proper execution and management of Council's investment portfolio. This

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policy requires officers to disclose any conflict of interest to the General Manager.

Independent advisors are also required to declare that they have no actual or perceived conflicts of interest in fulfilling their role to Council.

7 Approved Investments

Investments are limited to those allowed by the most current Ministerial Investment Order that has been issued by the NSW Minister for Local Government (refer Schedule 1)

All investments must be denominated in Australian Dollars.

Authorised Investments include

- Debentures or securities issued by, or guaranteed by, Local, State and Commonwealth governments.
- Interest bearing deposits with, or any debentures or bonds issued by an authorised deposit-taking institution (as defined by the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations.
- any bill of exchange which has a maturity date of not more than 200 days, and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority.
- Investments with the NSW Treasury Corporation or investments in an Hour-Glass investment facility of the New South Wales Treasury Corporation.
- Investments grandfathered under the previous Ministerial Order.

8 Prohibited Investments

In accordance with the Ministerial Investment Order, this investment policy prohibits but is not limited to any investment carried out for speculative purposes, including;

- Derivative based instruments;
- Principal only investments or securities that provide potentially nil or negative cash flow; and
- Stand alone securities issued that have underlying futures, options, forward contracts and swaps of any kind.

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This policy also prohibits the use of leveraging (borrowing to invest) of an investment.

9 Risk Management Guidelines

Investments are expected to achieve a market average rate of return in line with the Council's risk tolerance and are to be considered in light of the following key criteria:

- Preservation of Capital – the requirement for preventing losses in an investment portfolio's total value (considering the time value of money);
- Diversification – setting limits to the amounts invested with a particular financial institution or government authority to reduce credit risk;
- Credit risk – the risk that a borrowing institution fails to pay the interest and/or repay the principal lent (invested);
- Market risk – the risk that the fair value of future cash flows of an investment will fluctuate due to changes in market prices;
- Liquidity risk – the risk that an investor is unable to redeem the investment at fair price within a timely period;
- Maturity risk – the risk relating to the length of term to maturity of the investment. The longer the term, the greater the length of exposure and risk to market volatilities.

10 Risk Management Framework

Investments obtained are to comply with three key criteria relating to:

- (a) Portfolio Credit Framework: limit overall credit exposure of the portfolio
- (b) Counterparty/Institution Credit Framework: limit exposure to individual counterparties/institutions
- (c) Term to Maturity Framework: limits based upon maturity of securities.

(a) Overall Portfolio Limits

To control the credit quality on the entire portfolio, the following credit framework limits the percentage of the portfolio exposed to any particular credit rating category.

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %
AAA/AA	A-1+	100%
A	A-1	50%
BBB	A-2	25%
Unrated ADIs	Unrated ADIs	15%

* or Moody's / Fitch equivalents

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Amounts placed with institutions that are covered by the government guarantee of \$250K will be considered to have the sovereign credit rating of the Australian Government.

(b) Counterparty Credit Framework

Exposure to an individual counterparty/institution will be restricted by their credit rating so that single entity exposure is limited, as detailed in the table below:

S&P Long Term Rating*	S&P Short Term Rating*	Maximum %
AAA/AA	A-1+	30%
A	A-1	20%
BBB	A-2	15%
Unrated ADIs	Unrated ADIs	10%

* or Moody's / Fitch equivalents

If any of the Council's investments are downgraded such that they no longer fall within the investment policy, they should be divested as soon as practicable.

(c) Term to Maturity Framework

The investment portfolio is to be invested within the following maturity constraints:

Overall Portfolio Return to Maturity		
Portfolio % <1 year	Min 40%	Max 100%
Portfolio % >1 year	Min 0%	Max 60%
Portfolio % >3 year	Min 0%	Max 30%
Portfolio % >5 <7year	Min 0%	Max 15%

The maximum allowable term to maturity for any investment is 7 years.

11 Divestment

If the characteristics of any of Council's investments change with market conditions such that they no-longer fall within these investment policy guidelines, they should be divested as soon as is practical.

12 Investment Advisor

Council's investment advisor must be licensed by the Australian Securities and Investment Commission. The advisor must be an independent person who has no actual or potential conflict of interest in relation to investment products being recommended and is free to recommend the most appropriate product within the terms and conditions of the investment policy.

The independent advisor is required to provide written confirmation that they do not have any or potential conflicts in relation to the investments

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they are recommending or reviewing, including that they are not receiving any commissions or benefits in relation to the investments being recommended or reviewed.

13 Measurement

The investment return for the portfolio is to be regularly reviewed by the investment advisor by assessing the market value of the portfolio. The market value is to be assessed at least monthly to coincide with monthly reporting.

The investment advisor should meet with the responsible staff and review Council's investment portfolio no less than every six months.

14 Benchmarking

The performance of the investment portfolio shall be measured against the UBS Warburg 90 Day Bank Bill Index.

15 Reporting and Review

Documentary evidence must be held for each investment and details thereof maintained in an Investment Register.

The documentary evidence must provide Council legal title to the investment.

Certificates must be obtained from the financial institutions confirming the amounts of investments held on the Council's behalf as at 30 June each year and reconciled to the Investment Register.

All investments are to be appropriately recorded in Council's financial records and reconciled at least on a monthly basis.

A monthly report will be provided to Council in support of the monthly statement of activity. The report will detail the investment portfolio in terms of performance, percentage exposure of total portfolio, maturity date, changes in market value where applicable and investment income versus budget year to date.

If a breach of this Investment Policy occurs, Council will be notified at its next ordinary meeting.

16 Review and Variation to Policy

The Investment Policy will be reviewed at least once a year or as required in the event of legislative changes. The Investment Policy may also be changed as a result of other amendments that are to the advantage of the

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Council and in the spirit of this policy. Any amendment to the Investment policy must be way of Council resolution.

**SCHEDULE 1:
Extracts of Legislative Requirements**

LOCAL GOVERNMENT ACT 1993 - SECT 412 & 625

Section 412 Accounting Records

- (1) A council must keep such accounting records as are necessary to correctly record and explain its financial transactions and its financial position.
- (2) In particular, a council must keep its accounting records in a manner and form that facilitate:
 - (a) the preparation of financial reports that present fairly its financial position and the results of its operations, and
 - (b) the convenient and proper auditing of those reports.

Section 625 How May Councils Invest?

- (1) A council may invest money that is not, for the time being, required by the council for any other purpose.
- (2) Money may be invested only in a form of investment notified by order of the Minister published in the Gazette.
- (3) An order of the Minister notifying a form of investment for the purposes of this section must not be made without the approval of the Treasurer.
- (4) The acquisition, in accordance with section 358, of a controlling interest in a corporation is not an investment for the purposes of this section.

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Circular No. 11-01
Date 17 February 2011
Doc ID: A202903

Contact Finance Policy Section
02 4428 4108
dlg@dlg.nsw.gov.au

REVISED MINISTERIAL INVESTMENT ORDER

A revised Investment Order pursuant to section 625 of the Local Government Act 1993 has been issued. The Minister for Local Government signed the revised Order on 12 January 2011 and it was published in the NSW Government Gazette on 11 February 2011. It replaces the Order dated 31 July 2008. The revised Order is attached to this circular.

Changes to the Investment Order include:

- the removal of the ability to invest in the mortgage of land (part (c) of the Investment Order dated 31 July 2008)
- the removal of the ability to make a deposit with the Local Government Financial Services Pty Ltd (part (f) of the order dated 31 July 2008)
- the addition of "Key Considerations" in the revised Investment Order, which includes a comment that a council's General Manager, or any other staff, with delegated authority by a council to invest in funds on behalf of the council must do so in accordance with the council's adopted investment policy.

Councils are reminded that on 25 May 2010 the Division of Local Government issued Investment Policy Guidelines (Circular to Councils 10-11 refers). It is expected that all councils will by now have adopted an Investment Policy in accordance with the Guidelines.



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

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When considering selling current investments that fall below the requirements of the revised Ministerial Investment Order (see Circular 06-70), councils should exercise due care and diligence. Councils should not solely rely on advice from the issuer of the investment and should seek independent financial advice. An investment adviser or dealer acting on behalf of a council should be licensed by the Australian Securities and Investment Commission (ASIC) (www.asic.gov.au).



Garry Payne AM
Director General

ITEM 7 (continued)

ATTACHMENT 2

City of Ryde	File:
Title: Investment Policy Guidelines	Page: 11 of 14
Group/Service Unit: Corporate Services / Financial Services	Version:
Effective Date: Proposed 29/09/2010	Last Revised:

LOCAL GOVERNMENT ACT 1993 – INVESTMENT ORDER

(Relating to investments by councils)

I, the Hon. Barbara Perry MP, Minister for Local Government, in pursuance of section 625(2) of the Local Government Act 1993 and with the approval of the Treasurer, do, by this my Order, notify for the purposes of section 625 of that Act that a council or county council may only invest money (on the basis that all investments must be denominated in Australian Dollars) in the following forms of investment:

- (a) any public funds or securities issued by or guaranteed by, the Commonwealth, any State of the Commonwealth or a Territory;
- (b) any debentures or securities issued by a council (within the meaning of the Local Government Act 1993 (NSW));
- (c) interest bearing deposits with, or any debentures or bonds issued by, an authorised deposit-taking institution (as defined in the Banking Act 1959 (Cwth)), but excluding subordinated debt obligations;
- (d) any bill of exchange which has a maturity date of not more than 200 days; and if purchased for value confers on the holder in due course a right of recourse against a bank which has been designated as an authorised deposit-taking institution by the Australian Prudential Regulation Authority;
- (e) a deposit with the New South Wales Treasury Corporation or investments in an Host-Glass investment facility of the New South Wales Treasury Corporation;

All investment instruments (excluding short term discount instruments) referred to above include both principal and investment income.

Transitional Arrangements

- (i) Subject to paragraph (ii) nothing in this Order affects any investment made before the date of this Order which was made in compliance with the previous Ministerial Orders, and such investments are taken to be in compliance with this Order.
- (ii) Paragraph (i) only applies to those investments made before the date of this Order and does not apply to any restructuring or switching of investments or any re-investment of proceeds received on disposal or maturity of such investments, which for the avoidance of doubt must comply with this Order.

Key Considerations

An investment is not in a form of investment notified by this order unless it also complies with an investment policy of council adopted by a resolution of council.


All councils should by resolution adopt an investment policy that is consistent with this Order and any guidelines issued by the Chief Executive (Local Government), Department of Premier and Cabinet, from time to time.

The General Manager, or any other staff member, with delegated authority by a council to invest funds on behalf of a council must do so in accordance with the council's adopted investment policy.

Councils have a fiduciary responsibility when investing. Councils should exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

When exercising the power of investment councils should consider, but not be limited by, the risk of capital or income loss or depreciation, the likely income return and the timing of income return, the length of the term of the proposed investment, the liquidity and marketability of the proposed investment, the likelihood of inflation affecting the value of the proposed investment and the costs (including commissions, fees, charges and duties payable) of making the proposed investment.

Dated this 12th day of January 2011


Hon BARBARA PERRY MP
Minister for Local Government

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ATTACHMENT 2

City of Ryde	File:
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THE TRUSTEE AMENDMENT (DISCRETIONARY INVESTMENTS) ACT 1997 - SECTIONS 14A(2), 14C (1) & (2)

14A (2) Duties of trustee in respect of power of investment

A trustee must, in exercising a power of investment:

- (a) if the trustee's profession, business or employment is or includes acting as a trustee or investing money on behalf of other persons, exercise the care, diligence and skill that a prudent person engaged in that profession, business or employment would exercise in managing the affairs of other persons, or
- (b) if the trustee is not engaged in such a profession, business or employment, exercise the care, diligence and skill that a prudent person would exercise in managing the affairs of other persons.

14C Matters to which trustee is to have regard when exercising power of investment

(1) Without limiting the matters that a trustee may take into account when exercising a power of investment, a trustee must, so far as they are appropriate to the circumstances of the trust, if any, have regard to the following matters:

- (a) the purposes of the trust and the needs and circumstances of the beneficiaries,
- (b) the desirability of diversifying trust investments,
- (c) the nature of, and the risk associated with, existing trust investments and other trust property,
- (d) the need to maintain the real value of the capital or income of the trust,
- (e) the risk of capital or income loss or depreciation,
- (f) the potential for capital appreciation,
- (g) the likely income return and the timing of income return,
- (h) the length of the term of the proposed investment,
- (i) the probable duration of the trust,
- (j) the liquidity and marketability of the proposed investment during, and on the determination of, the term of the proposed investment,

ITEM 7 (continued)

ATTACHMENT 2

City of Ryde	File:
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(k) the aggregate value of the trust estate,

(l) the effect of the proposed investment in relation to the tax liability of the trust,

(m) the likelihood of inflation affecting the value of the proposed investment or other trust property,

(n) the costs (including commissions, fees, charges and duties payable) of making the proposed investment,

(o) the results of a review of existing trust investments in accordance with section 14A (4).

(2) A trustee may, having regard to the size and nature of the trust, do either or both of the following:

(a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice,

(b) pay out of trust funds the reasonable costs of obtaining the advice.

ITEM 7 (continued)

ATTACHMENT 2

City of Ryde	File:
Title: Investment Policy Guidelines	Page: 14 of 14
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LOCAL GOVERNMENT (GENERAL) REGULATION 2005 - CLAUSE 212

212 Reports on council investments

(1) The responsible accounting officer of a council:

(a) must provide the council with a written report (setting out details of all money that the council has invested under section 625 of the Act) to be presented:

i) if only one ordinary meeting of the council is held in a month, at that meeting, or

(ii) if more than one such meeting is held in a month, at whichever of those meetings the council by resolution determines, and

(b) must include in the report a certificate as to whether or not the investment has been made in accordance with the Act, the regulations and the council's investment policies.

(2) The report must be made up to the last day of the month immediately preceding the meeting.

Note. Section 625 of the Act says how a council may invest its surplus funds.

8 NSW PLANNING SYSTEM REVIEW: SUBMISSION ON THE ISSUES PAPER OF A NEW PLANNING SYSTEM FOR NSW

Report prepared by: Client Manager

Report dated: 10/01/2012

File No.: GRP/11/6/3 - BP12/10

REPORT SUMMARY

The NSW Government has established a two member independent panel (panel) to review the main planning legislation, *The Environmental Planning and Assessment Act 1979 (EP&A Act)*. The review process is being undertaken in three stages. The first stage of community consultation and meeting with key stakeholders was completed on 4 November 2011. An Issues Paper has been developed by the panel which outlines the key questions received from submissions that are required to be considered in the review of the EP&A Act and the broader planning system. The Issues Paper was released on 6 December 2011 and open for making submissions/comments until 17 February 2012 by the key stakeholders, community and Council. A submission to the Review has been developed by staff to respond to the issues identified in the Issues Paper with the intention of lodging it with the review prior to 17 February 2012.

RECOMMENDATION:

That Council endorse this submission to be made on behalf of the City of Ryde to the panel conducting the NSW Planning Review.

ATTACHMENTS

1 Issues Paper - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Zia Ahmed
Client Manager

Report Approved By:

Vince Galletto
Team Leader - Building and Development Advisory Service

Dominic Johnson
Group Manager - Environment & Planning

ITEM 8 (continued)

Discussion

The main planning legislation for New South Wales, *The Environmental Planning and Assessment Act* (EP&A Act) was introduced in 1979. Given its age and in order to meet today's needs and priorities, the Minister for Planning on 12 July 2011, announced a review of the EP&A Act and the broader planning system.

The Government has established an independent panel to conduct the review comprising 2 members, Mr Tim Moore (a Senior Commissioner of the Land and Environment Court and former State Liberal Environment Minister) and Mr Ron Dyer (former State Labor Minister for Public Works).

The review process has commenced and is being undertaken in three stages:

- **Listening and scoping** – to identify the key outcomes and principles for a new planning system (4 months);
- **Green Paper** – outlining options for the future planning system and the basis of a legislative scheme (6 months – delivered end of April);
- **White Paper** – setting out the Government's new framework for the Planning System, including draft legislation (8 months).

Between August and November 2011, the panel conducted 90 community forums and 70 key stakeholders meetings throughout New South Wales. The submissions for this initial stage closed on 4 November 2011. Participants in the consultation process were asked to give consideration to 4 main areas for comments relating to:

- The objectives and philosophy of a new legislative structure
- Plan making
- Assessment of applications for development, and
- Conciliation, mediation, neutral evaluation, review or appeal.

During the consultation period the panel has received many written submissions. From the submissions the panel harvested questions that are to be considered as part of the review, and developed an Issues Paper. The Issues Paper was released on 6 December 2011 for comments.

The Issues Paper outlines the broad range of questions that need to be considered regarding the planning issues in NSW. It has been stated by the panel that this Issues Paper simply 'reflects the matters raised during the consultations and it does not seek to set the vision or details for the law, simplified planning system'. The panel now seeks further detailed public input to contribute to the review process. The closing date for comments on this Issues Paper is 17 February 2012. The Issues Paper is **CIRCULATED UNDER SEPARATE COVER**.

The next step is to consider responses to this Issues Paper and then to prepare a proposal for a new planning system to 'serve the economic, environmental and social needs of the state. The panel has indicated that the green paper will be presented to

ITEM 8 (continued)

the Minister for Planning by the end of April 2012 in order to permit the preparation of draft legislation for the spring session of the parliament.

In order to take the opportunity to provide Council's views and making a comprehensive submission to the NSW Planning System Review by 17 February 2012, the following service units of Council have been consulted:

- Urban Planning
- Assessment, and
- Environmental Health & Building.

A submission will be structured around the following key areas in line with the chapters contained in the Issues paper:

- A. Introduction
- B. Key elements, structure and objectives
- C. Making Plans
- D. Development Proposals and Assessment
- E. Appeals and Reviews, Enforcement and Compliance
- F. Implementation

These are briefly outlined below:

A. Introduction

Council notes that a wide spectrum of views have been received by the panel through the initial consultation process. The important issue that has been raised is the confusing and complicated nature of the current planning system resulted by legislative amendments compounded by numerous development types, state planning policies, circulars, planning agreements and approval systems. The legal complexities created by the overlaps of various legislations in the operation of the Environmental Planning and Assessment Act needs to be removed to improve clarity, efficiency and to reduce administrative red tape.

Council generally supports a comprehensive reform of current planning system to improve clarity and efficiency and reduce complications.

B. Key elements, structure and objectives

The objectives of any revised planning system should be more clearly articulated in terms of achievability, time frames and provide a clear balanced approach with equal weight to social, economic and environmental considerations. The new Act should aim to provide methods of defining the role of the state and federal government in its operation and provide clear procedures for determining a state significant project. The new Act should aim to provide clear guidelines for effective consultation process between the state government and Councils and provide mechanisms for integration across government agencies in plan making, development assessment and implementation process. The objectives should address the operation of the new Act and other related legislations.

ITEM 8 (continued)

C. Making Plans

The current system of preparing Environmental Planning Instruments (EPI) is unnecessarily cluttered. A clear and tailored system for plan making is required. The new Act should provide directions in the making and approvals of the EPIs at appropriate levels. The plan making and approval process should be simplified and the responsibility identified in the new Act in a clear hierarchical structure of planning at State, Regional and Local levels.

The community needs to be comprehensively involved in the plan making process for better understanding of strategic plans. This is more likely to reduce conflict at the development application assessment stage.

Some specific points Council would like to raise include:

- Community participation: Legislation should mandate that community participation be carried out in the preparation of plans and studies. However the process should not be mandated. The process of community participation and consultation should be provided in a best practice model/guidelines prepared by the Department of Planning and Infrastructure.
- Economic Feasibility Studies: One issue of continued concern to Council is the lack of commercial acumen often displayed in changes to planning instruments. Council recommends that prior to any major rezoning exercise, an Economic Feasibility Study be completed to ensure that the value uplift, public and private benefit, and potential commercial yield are well understood.
- Strategic plans: Legislation should only mandate that strategic plans be prepared. Giving strategic plans legal status under the Act is not considered necessary. A set of guidelines should be prepared regarding the key issues to be addressed in strategic plans. The guidelines should include methodology on the following:
 - Dwelling targets;
 - Understanding future housing needs of a community;
 - Employment requirements and job targets;
 - Projections on floor space for differing types of business sectors, industry, commercial and retail land uses.
 - Standardised methodology for calculating and projecting dwellings targets and jobs targets from floor space.
- State Environmental Planning Policies (SEPPs): The continued use of SEPPs is supported, however there is a need for engagement with communities and councils in the preparation and review of SEPPs. Council suggests the same engagement process applying to LEPs also apply to SEPPs.

ITEM 8 (continued)

- Local Environmental Plans (LEPs): The preparation of the local planning instruments should remain at council level. The approval of LEPs by the Department of Planning and Infrastructure should continue, however delegations could be issued to councils for approval of minor LEPs. Criteria for delegations should include consideration of adopted local planning studies reflecting metropolitan and subregional planning.
- Right of Appeal: A right of appeal for decisions on local environmental plans/planning proposals is not supported. It is considered the current system works best for sound planning practice as the proposal and decision would be linked to a strategic plan for which consultation has already been undertaken (refer “Strategic plans” above);
- Development Controls Plans (DCPs): DCPs should be given greater legal status and it is suggested they be given the same status as environmental planning instruments. A standard mandated template DCP is not supported however Council suggests a best practice model DCP/guidelines is prepared by the Department of Planning and Infrastructure to assist all councils in a consistent approach to preparing DCPs to support their standard LEP instruments.

D. Development Proposals and Assessment

Council agrees that there are too many different types of development categories, which often creates confusion. Exempt and Complying Development categories should be reviewed to make them simple to understand. Currently complying development is seen to be unpopular as it is complicated and difficult for the community to understand and in many cases more restrictive than Council policies.

The private certification process for complying development should not include any scope for merit assessment and should be free from Council being involved in an enforcement role for the non-compliances created by private certifiers. Issues Paper indicates that there have been support for private certifiers to have their role expanded. Council does not support this view.

The pre-development application process is currently informal. Pre-DA meetings and Urban Design Review of major development proposals have been proven to be beneficial to both the proponent and the development assessment officers in the assessment of development applications. This process should be formalised, making it mandatory for major applications.

It is noted that Council Development Application fees have not been reviewed at regular intervals. The current fees structure is considered to be inadequate and often does not cover the cost of assessment. Council recommends a review of Development Application fees with a view to removing set fees from state control and enabling councils to set their own fees in consultation with the

ITEM 8 (continued)

community. Council also agrees with the suggestion for a portion of assessment fees for State Significant Development should be allocated to councils to fund their submission on the proposal. Further, a Quantity Surveyor's estimate should accompany any development application valued over \$2 million and any development containing more than 5 residential units.

The statutory time frame for deemed refusal of a Development Application should be reviewed. It is suggested that the time frame should be varied according to the types of applications. The scope of section 96 modification should also be clearly defined in the new Act particularly in dealing with retrospective approval for the works that have already been carried out.

E. Appeals and Reviews, Enforcement and Compliance

It is noted that issues raised in the Issues Paper for a review of the third party appeal provisions particularly appeal rights of the objectors. Council recommends that the review of any determination should be broadened in order to resolve issues at the Council level, and have less reliance on the expensive appeals process in the court.

The issues of appeals against reasonableness for development contributions should be evaluated with the aim to make the provisions of infrastructure, through section 94 contributions and other planning initiatives more flexible and respond to local issues.

The penalties for carrying out development without consent and illegal uses should be increased to act as more of a deterrent. Council's Compliance Officers should have the power to enter and inspect a property or any development and should have the power to access external database. Non-compliance with Council Officer's entry request should carry a non-appealable penalty such as a fine.

F. Implementation

Implementation of the new planning system requires adequate resourcing, coordination and enhanced communication networks both with external parties, the Department of Planning, Council and various government agencies. Community engagement is best favoured at the planning study stage and when dealing with planning proposals. The system must set a mechanism for effective community consultation undertaken at this stage to allow the community grasp the issues early. This would require less community consultation at the development application stage and implementation of the planning policies.

Financial Implications

There are no financial implications for Council in adopting the recommendations of this report.

**9 REGISTERS - State Environmental Planning Policy No. 1 & Variations
Under Clause 4.6 (LEP 2010)**

Report prepared by: Manager Assessment

Report dated: 2/02/2012

File No.: GRP/12/5/5/5 - BP12/72

REPORT SUMMARY

This report details Development Applications (DAs) approved in the period 1 July 2011 to 31 December 2011 with a variation using State Environmental Planning Policy No. 1 (SEPP 1) & Variation under Clause 4.6 (LEP 2010).

The quarterly reports required by the Department of Planning are up to date at 27 January 2012, and a further report will be required in mid April 2012.

RECOMMENDATION:

That the report of the Manager Assessment dated 2 February 2012 on REGISTERS - State Environmental Planning Policy No. 1 & Variations under Clause 4.6 (LEP 2010) be received and noted.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Liz Coad
Manager Assessment

Report Approved By:

Dominic Johnson
Group Manager - Environment & Planning

ITEM 9 (continued)

Report

Date of Determination & Delegation	Property Address & DA No.	Description of development	Description of variation	Amount of variation & what was the variation for
7/7/2011 Delegated authority	76 Winbourne Road, West Ryde LDA 2010/0622	Multi dwelling housing (attached) containing 3 units and strata subdivision.	Variation to Clause 4.5A which states that the required site area for multi dwelling housing is 300m ² per 1-3 bedroom dwelling and 365m ² per 4+ bedroom dwelling. The development requires a site area of 965m ² , while the site is 938m ² . There will be an additional bedroom within the building envelope. Deletion would not change the height or bulk of the building. In these circumstances, the variation was supported.	Variation of 2.8% to density.
5/8/2011 Delegated authority	65 Avon Road, North Ryde LDA 2011/0354	Alterations and additions to an existing dwelling.	Variation to Clause 4.4 which specifies that the floor space ratio for land within this zone should not exceed 0.5:1. The proposed floor space ratio is 0.519:1. The additional floor space does not add to the bulk and scale of the development when viewed from the street and does not extend the existing building envelope. The design is compatible with the existing dwelling and would have minimal impact on both streetscape and adjoining properties. In these circumstances, the variation was supported.	Variation of 3.8% to floor space ratio.

ITEM 9 (continued)

Date of Determination & Delegation	Property Address & DA No.	Description of development	Description of variation	Amount of variation & what was the variation for
9/8/2011 Delegated authority	1 Richardson Place, North Ryde LDA 2011/0306	Subdivision of land into two lots.	<p>Clause 4.4 specifies that the floor space ratio for land within this zone should not exceed 1:1.</p> <p>The existing buildings on the site have a total floor space ratio of 1.02:1. The proposed subdivision will result in a floor space ratio of 1.38:1 for proposed lot 1. There will be no obvious changes to the site.</p> <p>Clause 4.5E (1) specifies the off-street car parking requirements for this site is maximum 1 space per 46m².</p> <p>The existing buildings and car parking are already approved. The subdivision will result in 233 car parking spaces for lot 1 (1 space per 32m²). As the improvements on the site are existing or under construction, the off-street car parking impacts and traffic flows have been considered under the previous approvals on the site.</p> <p>The variations are supported.</p>	Variation of 38% to floor space ratio and to carparking, which was previously approved, as this application related to land subdivision only.
17/8/2011 Joint Regional Planning Panel	63-71 Waterloo Road, Macquarie Park LDA 2011/0079	Partial demolition of existing buildings and construction of a mixed use development containing commercial floor space and a serviced apartments building.	<p>Variation to Clause 4.3 which specifies that the height of a building on any land is not to exceed 30 metres.</p> <p>The proposed commercial building exceeds the maximum permissible height by 1 to 2 metres. Variation relates to the plant room only. The bulk and scale of the development is satisfactory and there are no adverse impacts to the locality. In these circumstances, the variation was supported.</p>	Variation of 3.33-6.66% to height.

ITEM 9 (continued)

Date of Determination & Delegation	Property Address & DA No.	Description of development	Description of variation	Amount of variation & what was the variation for
6/9/2011 Planning & Environment Committee	7 Wayella Street, West Ryde LDA 2010/0383	Subdivision into two lots, new dwelling on proposed lot B, alterations & additions to existing dwelling.	Variation to Clause 4.1A (2) which relates to minimum subdivision requirements and states that the minimum frontage for a hatchet shaped block is 3m and the minimum width of the access corridor is 3m. Proposed lot B is a hatchet shaped lot and has a street frontage of 1.5m and an access corridor of 1.5m. The proposed involves a combined right-of-way arrangement that permits a 3m wide access arrangement. This arrangement will permit reasonable vehicular and pedestrian access. In these circumstances, the variation was supported.	Variation of 50% to frontage & access corridor width for a hatchet-shaped lot. (Right of way proposal accepted.)
13/9/2011 Delegated authority	87 Melba Drive, East Ryde LDA 2011/0197	Alterations and additions to dwelling including first floor, rear deck and garage & driveway access.	Variation to Clause 4.3 (2) which specifies that the height of a building within this zone is not to exceed 9.5m. The proposal exceeds the maximum height by 970mm within the middle of the dwelling, due to the slope of the land. Bulk and scale, overshadowing and solar access for the neighbour of the development is satisfactory and there are no adverse impacts to locality. In these circumstances, the variation was supported.	Variation of 10.2% to height.
14/9/2011 Delegated authority	600 Victoria Road, Ryde LDA 2011/0427	Temporary advertising signage - 2x pylon signs and 8 flagpoles.	Variation to Clause 2.8 (2) which states that consent may be granted for development on land in any zone for a temporary use for a maximum period of 182 days in any period of 12 months. The applicant wishes to use temporary signage for 18 months. The proposed development is not considered to compromise future development of the land, rather promote the marketing of stage one of the approved development on the site. In these circumstances, the variation was supported.	Variation to permit signage for 18 months temporary use due to the timeframes for constructions and sales.

ITEM 9 (continued)

Date of Determination & Delegation	Property Address & DA No.	Description of development	Description of variation	Amount of variation & what was the variation for
3/11/2011 Delegated authority	64-66 Agincourt Road, Marsfield LDA 2011/0229	Multi dwelling housing (attached) containing 3 units and strata subdivision	Variation to Clause 4.5a which specifies that the required site area for multi dwelling housing is 300m ² per 1-3 bedroom dwelling and 365m ² per 4+ bedroom dwelling. The development requires a site area of 2400sqm, while the subject site is 2378sqm. In these circumstances, the variation was supported.	Variation of 0.9% to site area.
15/11/2011 Planning & Environment Committee	4-6 Linton Avenue, West Ryde LDA 2011/0176	2 lot boundary adjustment (re-subdivision).	Variation to Clause 4.1(3) and 4.1A relating to minimum lot sizes (580m ² required). The present curtilage of no 4 Linton Avenue has been compromised by its 1943 subdivision. Important relicts of the house's landscape have been excised from the house. No. 6 Linton's proposed lot size is 500m ² to address this. In these circumstances, the variation is supported.	Variation of 13.8% to lot size.
7/12/2011 Delegated authority	208-214 Blaxland Road, Ryde MOD 2011/0103	Modification to the approved residential flat building. The changes are proposed to the third floor of the building where 2 units are to be deleted and 4 additional units proposed.	Variation to Clause 4.5B which specifies that the required site area for residential flat buildings is 70m ² per 1 bedroom unit and 120m ² per 2 bedroom unit. The development requires 2510m ² and the site area is 2416m ² . Strict compliance could be achieved through the internal reconfiguration of 4 x 2 bedroom units to 4 x 1 bedroom units. The building in its current form does not result in unreasonable amenity impacts and the overall building footprint remains the same as the approved building footprint. In these circumstances the variation was supported.	Variation of 3.9% to site area.
8/12/2011 Delegated authority	51 Moira Avenue, Denistone West LDA 2011/0386	Change existing 2 lot strata subdivision to Torrens Title subdivision for existing detached dual occupancy	Variation to Clause 4.1 which specifies that the minimum lot size should be 580m ² . The development conforms with lot sizes already approved under the existing subdivision (Lot 1: 357m ² and Lot 2: 384m ²). In these circumstances, the variation was supported.	Variation of Lot 1 = 38.4% and Lot 2 = 33.8% to lot size. The application related to a change in subdivision type only.

10 FLOODPLAIN RISK MANAGEMENT

Report prepared by: Manager - Infrastructure Integration

Report dated: 23/01/2012

File No.: GRP/11/3/6/8 - BP12/37

REPORT SUMMARY

The purpose of this report is to advise:

- That Council has been successful in receiving funding under the Natural Disaster Resilience Grants Scheme, and

To seek Council approval of:

- The formation of an additional Floodplain Project Steering Group for Buffalo and Kittys Creek, and

That Council accept the tender for the Buffalo & Kittys Creek Floodplain Risk Management Study and Plan from GHD Pty Ltd for \$179,550.

RECOMMENDATION:

- (a) That Council approve the tender price submitted by GHD Pty Ltd for an amount of \$179,550 (exclusive of GST) to undertake the Buffalo & Kittys Creek Floodplain Risk Management Study & Plan, with an option to terminate the project should current applications for grant funding under the various State and Federal Government programs not be forthcoming.
- (b) That Council approve the formation of the Buffalo & Kittys Creek Floodplain Project Steering Group to oversee and guide the preparation of the *Buffalo & Kittys Creek Floodplain Risk Management Study & Plan*, comprising the following members:
 - i) Up to four (4) members of the local community, following call for expressions of interest.
 - ii) Up to four (4) elected members of the City of Ryde, to be nominated by Council.
 - iii) A representative from the Department of Natural Resources.
 - iv) Representatives from the State Emergency Service.
 - v) A representative from the National Parks & Wildlife Service.
 - vi) A representative from the Department of Planning.
 - vii) Members of Council's Public Works Group, being the Group Manager – Public Works (Chairperson), the Manager – Infrastructure Integration (Deputy Chairperson) and the Stormwater Co-Ordinator.
 - viii) Specialist consultants, as engaged.

ATTACHMENTS

- 1 Tender Assessment Matrix RFT 19-11 - Evaluation Criteria Score Card - Summary of Scoring - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

ITEM 10 (continued)

Report Prepared By:

Austin Morris
Manager - Infrastructure Integration

Report Approved By:

Terry Dodds
Group Manager - Public Works

ITEM 10 (continued)

Discussion

Following the notification from the Minister for the Environment, advertisements calling for tenders were placed for the Buffalo & Kittys Creek Floodplain Risk Management Study & Plan.

Tender and contract documentation was prepared in such a way as to ensure that Council is not required to proceed with the project should financial assistance from the Federal and State Governments for future years not be forthcoming, or Council not allocate funds for this project in future Management Plans.

At the closing date, six (6) submissions were received from the following consultants:

- Arup
- GHD
- Henry & Hymas
- Lyall & Associates
- Mott McDonald
- WMA Water

A technical selection panel consisting of two (2) members of the Catchment Management Team and one (1) independent staff member was established to evaluate the tenders. The six (6) tender submissions were thoroughly assessed against the following selection criteria:

• Availability of Skilled Personnel	15%
• Previous experience	15%
• Methodology	20%
• Price	50%

A tender assessment matrix was distributed amongst members of the selection panel and panellists were requested to score the various tenders against the above listed weightings.

The results of the panel's assessment has been **CIRCULATED UNDER SEPARATE COVER (CONFIDENTIAL)**.

As a result of the above described assessment process, GHD Pty Ltd was selected as the preferred tenderer.

Should Council approve GHD Pty Ltd as the preferred tenderer, a Floodplain Project Steering Group must be established in accordance with the NSW State Government *Floodplain Development Manual*. At its meeting held on 22 February 2011, Council resolved to endorse the formation of a *Floodplain Risk Management Committee* (Floodplain Project Steering Group) for the Parramatta River – Ryde Subcatchments. This report seeks Council's endorsement to form a second Group, this time for Buffalo & Kittys Creek, comprising the following members:

ITEM 10 (continued)

- Up to four (4) members of the local community, following call for expressions of interest.
- Up to four (4) elected members of the City of Ryde, to be nominated by Council.
- A representative from the Department of Natural Resources.
- Representatives from the State Emergency Service.
- A representative from the National Parks & Wildlife Service.
- A representative from the Department of Planning.
- Members of Council's Public Works, being the Group Manager – Public Works (Chairperson), the Service Unit Manager – Infrastructure Integration (Deputy Chairperson), and the Stormwater Co-Ordinator.
- Specialist consultants, as engaged.

Financial Implications

Council's contribution is provided for in the current 2011-2012 budget.

History

In 2010/2011 Council successfully applied for \$50,000 grant funding under the Natural Resilience Disaster Scheme for the preparation of the Parramatta River – Ryde Subcatchments Floodplain Risk Management Study & Plan.

In February 2011, Council applied for funding for the 2011/2012 financial year. The Minister for the Environment (Ms Robyn Parker, MP) has advised that Council has been successful in three (3) grant applications totalling \$230,000, under the State Floodplain Management Program.

The three (3) funded projects are funded on a 2:1 basis (State / Council) and are listed below:

- Parramatta River – Ryde Subcatchments Floodplain Risk Management Study & Plan.
- Buffalo & Kittys Creek Floodplain Risk Management Study & Plan.
- Detention Basin Feasibility Study – Jim Walsh Park.

Context

The following deadlines are required to be met:

- The grants received from the Office of Environment & Heritage are required to be spent in the current financial year.

Consultation with relevant external bodies

Internal Council business units consulted included:

- Risk and Audit.

City of Ryde Advisory Committees consulted included:

- Not Applicable.

ITEM 10 (continued)

External public consultation included:

- Not Applicable.

Options

Council may reject all tender proposals detailed in this report. Should this option be followed, the current grant would lapse and the establishment of a Floodplain Project Steering Group would need to be deferred until an appropriate consultant could be engaged.

11 REPORT ON GENERAL MANAGER'S PROJECT MILESTONES

Report prepared by: General Manager

Report dated: 6/02/2012

File No.: COR2011/446 - BP12/80

REPORT SUMMARY

This report identifies the project milestones for each of the General Managers 13 Performance Objectives established by Council on 8 November 2011.

The project milestones will form the basis of a quarterly progress report to Council as well as the basis for evaluating progress against objectives at the General Manager's annual performance review.

This report fulfils the General Manager's obligations under clause 7.4 of his contract of employment.

RECOMMENDATION:

- (a) That Council adopts the attached project milestones as the performance agreement action plan required under clause 7.4 of the General Manager's contract.
- (b) That the adopted project milestones form the basis of quarterly reporting to enable the monitoring of progress and modification as required.
- (c) That the achievement of the adopted project milestone (and any subsequently adopted modifications) forms the basis of the annual assessment of the performance of the General Manager.

ATTACHMENTS

- 1** General Manager Project Milestones

Report Prepared By:

John Neish
General Manager

ITEM 11 (continued)

Discussion

History

The General Managers performance objectives for 2011/12 were developed following Councillor workshops held on 27 September 2011 and 4 October 2011 on completion of the General Manager's performance review for 2010/11.

The General Manager's performance objectives for 2011/12 were reported to Council on 28 October 2011 and adopted with amendment on 8 November 2011.

Part (b) of the recommendation stated:-

That the General Manager develop a performance agreement action plan which specifically identifies milestones to be achieved for the agreed objectives within 2 months of this report being adopted and in accordance with Clause 7.4 of the General Managers contract.

The action plan is **ATTACHED** to this report.

Context

As outlined in the General Manager's report dated 28 October 2011, the General Manager's performance objectives were selected as those which have a significant impact on the City of Ryde Council and improvements to its service delivery.

In keeping with Council's overall approach to project management, each objective has been scoped with summary project milestones as a basis for quarterly reporting and annual performance assessment. The projects listed are funded and resourced in Council's Annual Operating Plan under relevant programs.

Furthermore, Clause 7.4 of the General Managers contract states:-

'Within 2 months after signing or varying the performance agreement, the employee will prepare and submit to Council an action plan which sets out how the performance criteria will be met'.

To complete the General Manager's performance assessment in August 2012, Council has resolved the degree of difficulty for each of the 13 objectives. The attached performance milestones will form the basis of assessment of the completion of those objectives and associated projects.

Financial Implications

This report does not create any financial impacts for Council since each objective is supported by projects funded in the 2011/12 Annual Operating Plan.

ITEM 11 (continued)

ATTACHMENT 1

Objective 1 : Community of Interest Network (COIN)

	Milestone	Due Date	Status	Other comments
1.1	When a COIN 'proof of concept' is completed through research, and discussions with potential partners and government	Nov 2011		
1.2	When the COIN project is fully scoped	Dec 2011		
1.3	When we recruit a developer to build the COIN platform	Mar 2012		
1.4	When we develop the survey methodology and framework	May 2012		
1.5	When a partnership is developed with a volunteering organisation .	June 2012		
1.6	When we launch Version 1 of the COIN platform	Sept 2012		
1.7	When a statistically valid user sample size is reached	Unknown		

ITEM 11 (continued)

ATTACHMENT 1

Objective 2: Improving Performance Appraisal Process for Managers

	Milestone	Due Date	Status	Other comments
2.1	When the Business Plans for Group and Service Unit Managers are finalized as a basis of performance appraisal	Sept 2011		
2.2	When a project plan for a new performance appraisal process is fully scoped and developed	Oct 2011		
2.3	When a software developer is engaged	Feb 2012		
2.4	When a revised appraisal process is developed	May 2012		
2.5	When a test system is available	Aug 2012		
2.6	When the system is rolled out to managers	Sept 2012		
2.7	When the managers are fully trained in the performance appraisal methodology and system	Oct 2012		

ITEM 11 (continued)

ATTACHMENT 1

Objective 3 – Corporate Capability Plan

Corporate Capability Plan - Project 1: Technology One Applications Upgrade

	Milestone	Due Date	Status	Other comments
3.1.1	When upgrade requirements of core technology systems are known and finalized for each application	Jul 2011		
3.1.2	When the Technology One project is fully scoped and launched	Oct 2011		
3.1.3	When business processes for each area requiring upgrade are reviewed updated and documented	June 2012		
3.1.4	When each application is updated and deployed	June 2012		
3.1.5	When 'go live' is complete for every upgraded application	June 2012		
3.1.6	When a 'post implementation review' is completed for each application upgraded	Aug 2012		

Corporate Capability Plan - Project 2: Development of Automated Corporate Performance Reporting (CPR)

	Milestone	Due Date	Status	Other comments
3.2.1	When the 'proof of concept' for CPR is tested and finalised	Aug 2011		
3.2.2	When the project is fully scoped	Sept 2011		
3.2.3	When council approved a joint Partnership Arrangement to develop CPR concept	Oct 2011		
3.2.4	When the contract for development of the software and a joint venture partnership is finalised	Feb 2012		
3.2.5	When the Minister grants approval for CoR to enter into a joint partnership arrangement	Mar 2012		
3.2.6	When the contract is signed with the software development company	Mar 2012		
3.2.7	When the software developer creates an online template for quarterly reporting	April 2012		
3.2.8	When CoR successfully compiles a quarterly report through application of an automated process utilizing CPR	April 2012		
3.2.9	When the software developer creates an online template for all business plans	June 2012		
3.2.10	When the software developer integrates project management reports into CPR	Sep 2012		

ITEM 11 (continued)

ATTACHMENT 1

Corporate Capability Plan - Project 3: Development of SMARTFORMS and Council Pro Forma Letters

	Milestone	Due Date	Status	Other comments
3.3.1	When the smart forms project is scoped and forms and letters identified and prioritised	Nov 2011		
3.3.2	When smart forms tender is advertised	Dec 2011		
3.3.3	When smart forms tender is evaluated and accepted	Feb 2012		
3.3.4	When the prioritized year one smart forms are redesigned and created for 100 number of forms	May 2012		
3.3.5	When the smart forms are available on Council's website	June 2012		

Corporate Capability Plan - Project 4: Chameleon Budgeting Tool

	Milestone	Due Date	Status	Other comments
3.4.1	When the need for an organisational wide budgeting tool is fully scoped	July 2011		
3.4.2	When procurement of the right budgeting tool is complete	Sept 2011		
3.4.3	When Budgets & Finance modules are implemented	Oct 2011		
3.4.4	When Labour Budget module is implemented	Dec 2011		
3.4.5	When Business Case Budget Bid Process – data entry is implemented	Dec 2011		
3.4.6	When Business Case Budget Bid Process – Reporting is implemented	Feb 2012		
3.4.7	When Chris 21 (Human Resources module) is implemented	Mar 2012		
3.4.8	When Finance assesses PowerPlanner to determine if its required for Council	June 2012		
3.4.9	When Chameleon is used by all managers as a budgeting tool to assist them better manage their budgets	June 2012		

ITEM 11 (continued)

ATTACHMENT 1

Corporate Capability Plan - Project 5: Completion of Scope and Stage One of Geospacial Program Integration Management System (GPIMS)

	Milestone	Due Date	Status	Other comments
3.5.1	When Open Space audit is completed to validate 'proof of concept' to enable a real-time Management Accounting system to be built that integrates cross functionalities (GPIMS)	Jul 2012		
3.5.2	When GPIMS can be used by staff to manage and integrate hard assets. In particular Section 94 and VPA applications.	Jul 2012		
3.5.3	When the 4 Year Delivery Plan and a geospatially driven CRM system has been linked to Council's financial (Tech1; upgraded version) and Asset Management systems using an adaptation of Google Maps.	Jul 2013		
3.5.4	When a computer application that works off the android platform has been developed	Jul 2013		
3.5.5	When an on-line customer response mechanism has been built into GPIMS.	Jul 2013		

ITEM 11 (continued)

ATTACHMENT 1

Objective Four – Developing Strategic Partnerships

Developing Strategic Partnerships - Project 1: Macquarie University Memorandum of Understanding

	Milestone	Due Date	Status	Other comments
4.1.1	When the proof of concept to strengthen research capability between the university and CoR is developed	Aug 2011		
4.1.2	When research opportunities across Councils existing annual operating plan projects are identified	Oct 2011		
4.1.3	When a Memorandum of Understanding is negotiated and Council endorsement granted	Nov 2011		
4.1.4	When the Memorandum of Understanding with Macquarie University is signed	Dec 2011		
4.1.5	When an appropriate governance framework to monitor and oversight the projects is established	Mar 2012		

Developing Strategic Partnerships - Project 2: Macquarie Park Working Group with State Government

	Milestone	Due Date	Status	Other comments
4.2.1	When the partnership concept is developed to strengthen intergovernmental planning for the future development of Macquarie Park including the Department of Planning, Department of Transport and a research body	Sept 2011		
4.2.2	When agreement from relevant Ministers and Director General's is sought	Nov 2011		
4.2.3	When an interdepartmental working party to negotiate Terms of Reference is established	Feb 2012		
4.2.4	When Council endorses the Terms of Reference	Mar 2012		
4.2.5	When the Macquarie Park Working Group is launched	Apr 2012		

ITEM 11 (continued)

ATTACHMENT 1

Developing Strategic Partnerships - Project 3: 'Do Something' Volunteering Partnership

	Milestone	Due Date	Status	Other comments
4.3.1	When the proof of concept to integrate 'Do Something Near You' (DSNY) volunteering tool into Council's COIN project is finalised	Nov 2011		
4.3.2	When parameters for partnership are established	Mar 2012		
4.3.3	When a Memorandum of Understanding is developed	Apr 2012		
4.3.4	When council endorses the Memorandum of Understanding	May 2012		
4.3.5	When the DSNY tool is modified to integrate with the COIN and tested	July 2010		
4.3.6	When the DSNY tool is launched as part of the COIN	Sept 2012		

**Developing Strategic Partnerships - Project 4: Corporate Performance Reporting (CPR)
Commercial Business Partnership (see objective 3 project 2)**

	Milestone	Due Date	Status	Other comments
4.4.1	When Council identified the possibility for intellectual property in the development of a CPR tool to automate reporting for :- <ul style="list-style-type: none"> the quarterly review process performance reporting process 	July 2011		
4.4.2	When Council approved a joint partnership arrangement to develop the CPR concept	Oct 2011		
4.4.3	When the contract for development of the software and a joint venture partnership is finalised	Feb 2012		
4.4.4	When the Minister grants approval for CoR to enter into a joint partnership arrangement	Mar 2012		
4.4.5	When the contract is signed with the software development company	Mar 2012		

ITEM 11 (continued)

ATTACHMENT 1

Developing Strategic Partnerships - Project 5 :Yamble All Abilities Playground

	Milestone	Due Date	Status	Other comments
4.5.1	When a concept for an all abilities playground is agreed for Yamble Reserve	Jan 2011		
4.5.2	When an agreement is reached with Touched by Olivia	Feb 2011		
4.5.3	When 'Community for Communities' is established in Ryde to raise funds for Yamble Reserve	Aug 2011		
4.5.4	When Council agrees to finance the project	June 2011		
4.5.5	When Commonwealth and state government bodies agree to contribute finance to the project	Aug 2011		
4.5.6	When Lend Lease agrees to an 'in-kind' contribution to the project	Nov 2011		

ITEM 11 (continued)

ATTACHMENT 1

Objective 5 – Improving Project Management and Delivery

	Milestone	Due Date	Status	Other comments
5.1	When a provider is engaged to develop a training module covering Project Management and focussed specifically on the principles of Project Management at Ryde and our PMCoR methodology	Sept 2011		
5.2	When 'Milestone Tracker' is scoped and implemented to enable the independent tracking and reporting of all project milestones	Oct 2011		
5.3	When all business managers and project managers across the organization have been trained in updating Milestone Tracker	Nov 2011		
5.4	When the first milestone tracker reports are generated	Dec 2012		
5.5	When overall project management training is delivered to staff responsible for delivering projects	Feb 2012		
5.6	When dashboard milestone reports are finalized for the Executive Team	Mar 2012		
5.7	When milestone tracker is merged into CPR	Sept 2012		

ITEM 11 (continued)

ATTACHMENT 1

Objective 6 – Improving Development Assessment

Improving Development Assessment: Project 1 - Plain English Smart Forms for Lodgment of Development Applications

	Milestone	Due Date	Status	Other comments
6.1.1	When the smart forms project is scoped and relevant forms and letters are identified and prioritised	Nov 2011		
6.1.2	When the smart forms tender is advertised	Dec 2011		
6.1.3	When the smart forms tender is evaluated	Feb 2012		
6.1.4	When MasterPlan software is demonstrated	Mar 2012		
6.1.5	When the new form content is updated (checklist, valuation estimate, compliance with EP&A act)	Mar 2012		
6.1.6	When the content is checked for Legal Compliance	Apr 2012		
6.1.7	When Plain English Review and Design is completed	Jun 2012		
6.1.8	When development and testing of the smart form (or equivalent) electronic DA lodgement system begins	Aug 2012		
6.1.9	When DA's are lodged on a smart form (or equivalent) e-lodgement system	Nov 2012		

Improving Development Assessment: Project 2 - Integrating the Planning Advisory Team with the Assessment Team

	Milestone	Due Date	Status	Other Comments
6.2.1	When staff are fully consulted	Oct 2011		
6.2.2	When Consultative Committee is informed	Nov 2011		
6.2.3	When Building Works are completed to accommodate staff on Level 3	Dec 2011		
6.2.4	When HR reporting adjustments are made (Chris 21)	Jun 2012		
6.2.5	When Financial Reporting adjustments are made	July 2012		
6.2.6	When Corporate Reporting adjustments are made	July 2012		

ITEM 11 (continued)

ATTACHMENT 1

**Improving Development Assessment: Project 3 - Streamlining Assessment Process
(including an Express Development Application Service)**

	Milestone	Due Date	Status	Other comments
6.3.1	When workflow allocation/notification processes are mapped	Mar 2011		
6.3.2	When the trial period begins	Aug 2011		
6.3.3	When Records and Customer Service actions are process mapped	Mar 2012		
6.3.4	When Lodgement Forms and checklists are completed	Mar 2012		
6.3.5	When the new workflow is tested and implemented	April 2012		
6.3.6	When customer information/education program is developed	May 2012		
6.3.7	When full Implementation begins	June 2012		

Improving Development Assessment: Project 4 - Improving Certification Workflows

	Milestone	Due Date	Status	Other comments
6.4.1	When Processes are Mapped	Sept 2011		
6.4.2	When Customer Service staff are notified	Sept 2011		
6.4.3	When Certification Forms are Updated	Oct 2011		
6.4.4	When implementation begins	Nov 2011		

**Improving Development Assessment: Project 5 – Improved Technology One Systems
Capability to enable future 'on line' lodgment and monitoring**

	Milestone	Due Date	Status	Other comments
6.5.1	When the upgrade requirements of core technology systems which support Development Application lodgment are scoped	Oct 2011		
6.5.2	When business processes for development applications are reviewed updated and documented	Jun 2012		
6.5.3	When development application modules are updated and deployed	July 2012		
6.5.4	When 'go live' is complete for every application to be upgraded	July 2012		
6.5.5	When a 'post implementation review' is completed for each application upgraded	Aug 2012		

ITEM 11 (continued)

ATTACHMENT 1

Improving Development Assessment: Project 6 – Improving Engineering Assessment Inputs

	Milestone	Due Date	Status	Other comments
6.6.1	When the engineering advisory service roster is implemented	Dec 2011		
6.6.2	When manual reporting and tracking process are reviewed, streamlined and implemented	Dec 2011		
6.6.3	When the Group Manager and Manager Assessment determine whether additional staff resources are required for engineering assessment inputs	Apr 2012		
6.6.4	When the new engineering services position (if required) is recruited	July 2012		

Improving Development Assessment: Project 7 – A simplified DCP for dwelling houses and dual occupancy (dependent on Council approval)

	Milestone	Due Date	Status	Other comments
6.7.1	When necessary changes to the Dwelling Houses and Dual Occupancy DCP are identified	Oct 2011		
6.7.2	When drafting of the proposed DCP begins	Jan 2012		
6.7.3	When the Assessment Unit staff briefing is complete	Feb 2012		
6.7.4	When a Councillor Workshop is conducted on proposed changes	Mar 2012		
6.7.5	When Council adopts a simplified DCP	April 2012		

Improving Development Assessment: Project 8 – A Simplified Policy for Heritage Considerations

	Milestone	Due Date	Status	Other comments
6.8.1	When Benchmarking with other Councils is completed	Aug 2011		
6.8.2	When Consultation with the Assessment Unit occurs	Aug 2011		
6.8.3	When Consultation with the Heritage Advisory Committee occurs	Sept 2011		
6.8.4	When Council adopts the new policy	Oct 2011		

ITEM 11 (continued)

ATTACHMENT 1

Improving Development Assessment: Project 9 – Customer Management Training

	Milestone	Due Date	Status	Other comments
6.9.1	When scoping of customer management training is complete	Dec 2011		
6.9.2	When a training provider is engaged	Dec 2011		
6.9.3	When we customise customer service training to the needs of assessment staff	Feb 2012		
6.9.4	When training on customer management is completed by all assessment staff	Apr 2012		

Improving Development Assessment: Project 10 – Enhanced Use of Consultants

	Milestone	Due Date	Status	Other comments
6.10.1	When the tender for planning consultants is called	Sept 2011		
6.10.2	When Council approves the tender list	Nov 2011		
6.10.3	When 12/13 Base Budget Adjustments are approved for both additional expenditure and income	July 2012		

Improving Development Assessment: Project 11 – Performance Agreements for Assessment Process Inputs from Community Life and Public Works

	Milestone	Due Date	Status	Other comments
6.11.1	When Arborist referral process are mapped	Dec 2011		
6.11.2	When Public Works referral process are mapped	Feb 2011		
6.11.3	When the draft agreement and referral template are sent to Arborists for comment	Feb 2012		
6.11.4	When the draft agreement and referral template are sent to Public Works for comment	Feb 2012		
6.11.5	When TRIM workflow for Arborist Referrals is built	Mar 2012		
6.11.6	When TRIM workflow for Public Works Referrals is built	Mar 2012		
6.11.7	When Community Life performance agreement is signed and implemented	Apr 2012		
6.11.8	When Public Works Performance agreement is signed and implemented	Apr 2012		

ITEM 11 (continued)

ATTACHMENT 1

Improving Development Assessment: Project 12 – Standard Conditions of Consent

	Milestone	Due Date	Status	Other comments
6.12.1	When conditions of consent are reviewed, simplified and consolidated	Dec 2011		
6.12.2	When conditions of consent are approved by General Counsel	Dec 2011		
6.12.3	When new conditions of consent are implemented	Jan 2012		

Improving Development Assessment: Project 13 – Devolved Delegation to Assessment Team Leaders

	Milestone	Due Date	Status	Other comments
6.13.1	When appropriate proposed delegations are drafted	Dec 2011		
6.13.2	When Group Manager approves draft delegations	Dec 2011		
6.13.3	When draft delegations are standardised	Apr 2012		
6.13.4	When delegations are referred to the General Manager for approval	Apr 2012		
6.13.5	When the delegations are included in the delegations register	May 2012		

Note: the initiatives of the best value review for year one do not complete the raft of reforms planned. In particular until Tech One upgrades are completed this year the full roll out of InfoMaster systems which enable on line lodgement and improved tracking capability in stage 2 cannot be implemented until next year.

ITEM 11 (continued)

ATTACHMENT 1

Objective 7 - Best Value Review for Sports Fields Booking, Usage Policies and Maintenance

	Milestone	Due Date	Status	Other comments
7.1	When the draft best value review is completed	Feb 2012		
7.2	When a Councilor workshop is completed	Feb 2012		
7.3	When Council Adopts the Best Value Review and its Implementation Plan	Apr 2012		
7.4	When Sports Grounds Fees and Charges are adopted	July 2012		
7.5	When Council adopts the new policy for sports fields allocations and hire	July 2012		
7.6	When the Recreation Service Unit is restructured to enable the implementation of the review	Aug 2012		

ITEM 11 (continued)

ATTACHMENT 1

Objective 8 - Best Value Review of Councils Public Relations (including Community Engagement, Web presence, Marketing and Publications).

	Milestone	Due Date	Status	Other comments
8.1	When consultation with staff to advise of changes is complete	Dec 2011		
8.2	When an Media Consultant is sourced through Macquarie University to facilitate the review	Feb 2012		
8.3	When review of current operations for effectiveness and costs is complete	Apr 2012		
8.4	When Macquarie University identify best practice in managing public affairs	Apr 2012		
8.5	When the best structure for the unit - reporting to the General Manager is determined	May 2012		
8.6	When a review of council's printing and public services is complete	May 2012		
8.7	When the new office area is modified	July 2012		
8.8	When the printing area is relocated	July 2012		
8.9	When change to the organisation's structure for Council's public relations unit is finalised	July 2012		

ITEM 11 (continued)

ATTACHMENT 1

Objective 9 - Improving Workplace Culture

Improving Workplace Culture : Project 1 - Leadership coaching

	Milestone	Due Date	Status	Other comments
9.1.1	When a provider is engaged to conduct a 360 Leadership Survey for Section manager and above	Oct 2011		
9.1.2	When the leadership survey is completed	Nov 2011		
9.1.3	When the results of the leadership survey are provided to managers	Dec 2011		
9.1.4	When suitable providers are engaged to provide leadership coaching to managers	Dec 2011		
9.1.5	When the overall results of the survey are presented to managers	Mar 2012		
9.1.6	When managers complete leadership coaching sessions	May 2012		

Improving Workplace Culture : Project 2 - Mentoring Program for Women

	Milestone	Due Date	Status	Other comments
9.2.1	When the mentoring program for aspiring women is scoped	Aug 2011		
9.2.2	When the mentoring program is endorsed by the Executive Team	Sept 2011		
9.2.3	When a provider is engaged to implement the program	Jan 2012		
9.2.4	When the mentee applications are assessed and the successful mentee's are notified	Mar 2012		
9.2.5	When the program commences	Mar 2012		
9.2.6	When the program is completed	Jul 2012		
9.2.7	When the program evaluation takes place and recommendations are made	Oct 2012		

Improving Workplace Culture : Project 3- LGMA Challenge

	Milestone	Due Date	Status	Other comments
9.3.1	When the CoR team are registered for the LGMA challenge	Feb 2012		
9.3.2	When the CoR team members are selected	Feb 2012		
9.3.3	When the Cor Team are coached and prepared for the challenge	Feb 2012		
9.3.4	When the CoR team complete the LGMA challenge	Mar 2012		

ITEM 11 (continued)

ATTACHMENT 1

Improving Workplace Culture : Project 4: 'Have your Say Day' (Staff Climate Survey)

	Milestone	Due Date	Status	Other comments
9.4.1	When progress on issues raised in the 2010 'Have Your Say Day' results is presented to all staff	Aug 2011		
9.4.2	When all individual staff suggestions have been considered by the Executive Team and responded to monthly	July 2012		
9.4.3	When the 2012 'Have Your Say Day Survey' is completed	Aug 2012		
9.4.4	When the overall 'progress' and 'passion' scores are compared between the climate survey results	Sept 2012		

ITEM 11 (continued)

ATTACHMENT 1

Objective 10 - Financial Management

	Milestone	Due Date	Status	Other comments
10.1	When specific cost indices have been developed for the Base Budget to establish base budget parameters for controllable costs	Nov 2012		
10.2	When the Budget establishment process is mapped	Nov 2011		
10.3	When indicative outcome budgets are established in accordance with the adopted 4 Year Delivery Plan	Dec 2011		
10.4	When budget bids are completed for all capital and non capital project proposals and approved by ET for Council's consideration	Feb 2012		
10.5	When the Base Budget is finalised	Feb 2012		
10.6	When the base budget is reviewed; controllable costs kept to CPI limited, Council EFT is maintained within Council parameters & revenues are pre-projected for 2011/12	Feb 2012		
10.7	When fees and charges are presented to a Councillor workshop	Feb 2012		
10.8	When the base budget is presented at a Councillor workshop	Feb 2012		
10.9	When the capital and non-capital budget is presented by program area at a Councillor Workshop	Mar 2012		
10.10	When Council adopts the Annual Operating Plan and Four Year Delivery Plan for public exhibition	April 2012		
10.11	When public exhibition is complete	June 2012		
10.12	When the 2013/17 Four Year Delivery Plan is adopted by Council	June 2012		

ITEM 11 (continued)

ATTACHMENT 1

Objective 11 - Civic Precinct Project

	Milestone	Due Date	Status	Other comments
11.1	When council determines the delivery timeline for the Civic Precinct project	Oct 2011		
11.2	When public consultation on the Planning Proposal is completed	Nov 2011		
11.3	When Council completes the EOI process for potential bidders	Dec 2011		
11.4	When Council submits the Planning Proposal to the Department of Planning	Dec 2012		
11.5	When an independent assessment panel shortlists the EOI respondents to tender stage	Feb 2012		
11.6	When public consultation on the Civic Precinct Development Control Plan is completed	Feb 2012		
11.7	When Council considers the DCP for the Civic Precinct	Mar 2012		
11.8	When the Department of Planning advises Council on the Planning Proposal	Apr 2012		
11.9	When the evaluation panel makes recommendations to Council on the preferred contractor/s	June 2012		
11.10	When contract negotiations are finalised	Aug 2012		

ITEM 11 (continued)

ATTACHMENT 1

Objective 12 – Improving interface between Councillors, the General Manager and the Executive Team

	Milestone	Due Date	Status	Other comments
12.1	When a policy for the constructive interface between the Mayor and General Manager is agreed by both parties	Mar 2012		
12.2	When agreement is reached to conduct a follow up workshop (from that held on 22 May 2010) to review progress against the commitments made and identify opportunities for a constructive relationship of respect, professional governance and leadership to provide a positive and supportive working climate between elected representatives and the Executive Team.	Mar 2012		
12.3	When a Councillor workshop is held every four months (commencing Feb 2012) to discuss and clarify any issues relating to each group or items in the quarterly review	Sept 2012		
12.4	When one to one meetings are held every four months (continuing January 2012) between Councillors and the General Manager to discuss issues of concern or interest to both parties	Sept 2012		

ITEM 11 (continued)

ATTACHMENT 1

Objective 13 - Public Transparency

	Milestone	Due Date	Status	Other comments
13.1	When the review of the CIB format is complete to ascertain (by survey) how transparent Councillors wish the Councillor Information Bulletin (CIB) information to be	Feb 2012		
13.2	When the views of the majority of Councillors surveyed on the best way to make the CIB information more transparent is implemented	Mar 2012		
13.3	When a proposal to pod cast Council meetings to ensure optimum transparency of Council matters is scoped and costed for Council consideration and determination	May 2012		
13.4	When a review of the number of Councillor reports held in confidential session between 2007 – 2011 is undertaken and compared to the 2011/12 year	Aug 2012		

PRECIS OF CORRESPONDENCE

1 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT - CONTRIBUTION OF FUNDS

Report prepared by: Manager - Governance

Report dated: 24/01/2012

File No.: CLR/07/8/56 - BP12/47

CORRESPONDENCE:

Submitting correspondence from the Local Government Association of NSW and the Shires Association of NSW, dated 9 January 2012, regarding the Constitutional Recognition of Local Government – contribution of funds.

Enquiries have been made with the Association and they have confirmed that the contribution is mandatory and not optional. They have advised that if there is a surplus or unspent funds from this initiative, then the funds will be refunded back to each respective Council.

RECOMMENDATION:

That the correspondence be received, noting the contribution will be incorporated into Council's draft budgets for 2012/2015.

ATTACHMENTS

- 1 Constitutional Recognition of Local Government - contribution of funds

Report Prepared By:

Shane Sullivan
Manager - Governance

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

Precis of Correspondence 1 (continued)

ATTACHMENT 1

ET

Local Government
Association of NSW



Shires Association
of NSW

9 January 2012

Cr Artin Etmekdjian
Mayor
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

Dear Cr Etmekdjian,

Constitutional Recognition of Local Government – contribution of funds

We write to update you on the process and progress for achieving Constitutional Recognition of Local Government, and to provide an indication as to what we believe your council's financial contribution to a national advertising campaign will be.

As you are aware, in 2010 in response to some strong ground work by the Australian Local Government Association (ALGA) and the LGSA, the Prime Minister of Australia, the Hon. Julia Gillard MP, committed to holding a referendum in conjunction with the next Federal election to include recognition of Local Government in the Australian Constitution.

In mid 2011 the Prime Minister set up an Expert Panel on Constitutional Recognition of Local Government. The Expert Panel released its findings on 22 December 2011. A copy of the Expert Panel's findings and all submissions can be found at <http://www.localgovrecognition.gov.au/content/final-report>

ALGA is leading the campaign on behalf of Local Government across the country, and to date more than 85 percent of councils in Australia have moved motions in support of Constitutional Recognition of Local Government.

In addition to all councils continuing to actively lobby for this important issue at a local level, ALGA will be asking all State and Territory Associations and their member councils to contribute financially to a large scale national advertising campaign to gain public support for a 'yes vote' when the time for a referendum comes. In order for the referendum to be successful it requires a 'double majority', which is a majority of 'yes votes' from a majority of voters, and a majority of states. As ours is the most populated state, success in NSW is critical to the success of a national campaign.

ALGA's planning for this national campaign is in the early stages, as they were waiting to review the response from the Expert Panel, however we do know that substantial funds will be required to execute this campaign. From previous ALGA research it is estimated that a national advertising campaign will cost in excess of \$10 million, and that NSW councils, based on size and population, will be expected to contribute approximately \$2.7million of this amount. This will be contributed to ALGA through the LGSA to coordinate a national advertising campaign.

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Precis of Correspondence 1 (continued)

ATTACHMENT 1

Whilst ALGA and the State and Territory Associations are yet to determine the scope and content of a national advertising campaign, we do know that funds will be required from each council in NSW, and we hope by alerting you early in your current budget cycle it will allow you to factor this contribution into your budgets for the 2012/2013 and subsequent financial years.

In addition to the national advertising campaign, ALGA has recommended that each State and Territory Association commence their own local 'profile raising' activities, to promote locally the good work Local Government does in their state. The LGSA committed \$100,000 to this profile raising project in 2010/2011 and \$200,000 in the current financial year. This project, including toolkits, will be rolled out in 2012 in NSW.

At our December 2011 Board Meetings, it was agreed that the LGSA budget a further \$1,000,000 over the next two financial years on NSW specific 'profile raising' and promotional activities, in addition to the national advertising campaign. These funds will be drawn from the LGSA's current investments.

It was also resolved that the \$2.7 million required by ALGA for the national advertising campaign be sought from members by way of a special levy. Each councils' share of the levy will be payable in three equal instalments over a three year period, commencing 1 July 2012.

Councils should note that should the referendum or the national advertising campaign not go ahead for any reason, instalments paid to the LGSA will be refunded.

The levy has been calculated using the standard formula used when calculating other similar levies, such as legal assistance calls.

Your council's special levy will be \$28,458.22 plus GST. The Executives of both Associations resolved that this levy will be payable in three equal instalments over three financial years, in order to reduce the financial burden on councils.

We will be in contact with you with an update on the next steps required, following an assessment of Government's response to the report from the Expert Panel on Constitutional Recognition of Local Government. In the meantime, ALGA has developed background information for your council to use, and you are encouraged to view these at their website on <http://www.councilreferendum.com.au> for more information.

In addition to your council's valued financial contribution, there will be supplementary work for all councils to do for this campaign at a local level, and further information will be provided to you in early 2012. In the interim, for more details please call the LGSA's Director, Communications and Campaigns, Megan Graham on 02 9242 4015.

Yours sincerely



Cr Keith Rhoades AFSM
President
Local Government Association of NSW



Cr Ray Donald
President
Shires Association of NSW

**2 ACHIEVE AUSTRALIA SITE CONCEPT PLAN - 74-76 BELMORE STREET
RYDE**

Report prepared by: Executive Assistant to Group Manager

Report dated: 24/01/2012

File No.: MIN2011/3 - BP12/48

CORRESPONDENCE:

Further to Councils resolution dated 14 December 2011 regarding the Achieve Australia Site Concept Plan – 74-76 Belmore Street, Ryde the following correspondence was sent and received.

(a) That, in response to community concerns, the General Manager write to the CEO of Achieve Australia regarding the proposed Concept Plan for the Crowle Homes site at 76 Belmore Street, Meadowbank currently being assessed by the State Government as a Part 3A Development to identify the future plans for the current residents living in the facilities on the site.

RECOMMENDATION:

That the correspondence be received.

ATTACHMENTS

- 1** Letter to Achieve Australia in relation to Council resolution 14 December 2011 for 74-76 Belmore Street
- 2** Letter from Achieve Australia requesting a meeting to discuss the social impact assessment.

Report Prepared By:

Sandra Warbrick
Executive Assistant to Group Manager

Report Approved By:

Dominic Johnson
Group Manager - Environment & Planning

Precis of Correspondence 2 (continued)

ATTACHMENT 1

Anne Bryce
Chief Executive Officer
Achieve Australia
Level 4, 2 Rowe Street
EASTWOOD NSW 2122

City of Ryde

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Civic Centre
1 Devlin Street Ryde
Locked Bag 2069
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cityofryde@ryde.nsw.gov.au
www.ryde.nsw.gov.au
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Facsimile (02) 9952 8070
Telephone (02) 9952 8222

20 December 2011

Dear Anne Bryce,

74-76 Belmore Street, Ryde - MP10_0110 - Achieve Australia Concept Plan, Ryde

I refer to the above application that is currently under consideration by the Department of Planning and Infrastructure. At its meeting on 14 December 2011, Council heard concerns raised by the Friends of Crowle Homes Inc regarding the relocation of existing residents as a result of the future redevelopment of the site.

Following the concerns raised by Friends of Crowle Homes Inc, Council resolved to:

- (a) *That, in response to community concerns, the General Manager write to the CEO of Achieve Australia regarding the proposed Concept Plan for the Crowle Homes site at 76 Belmore Street, Meadowbank currently being assessed by the State Government as a Part 3A Development to identify the future plans for the current residents living in the facilities on the site.*
- (b) *That the General Manager contact the Minister of Planning and pass the concern of the residents.*
- (c) *That the General Manager prepare a social impact statement based on the comprehensive social impact assessment prepared by Dr Judith Stubbs on behalf of the Friends of Crowle Homes to submit to the Department of Planning and that the outcome be reported back to Council.*
- (d) *That any correspondence (in relation to Crowle Homes only) from Achieve Australia to Council be reported to Council.*

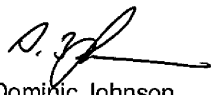
Precis of Correspondence 2 (continued)

ATTACHMENT 1



I would greatly appreciate any details you can provide regarding future plans for current residents of Crowle Home at 74-76 Belmore Street , Ryde. If you wish to discuss the matter further, please do not hesitate to contact me on (02) 9952 8181.

Yours sincerely

A handwritten signature in black ink, appearing to read 'D. Johnson'.

Dominic Johnson
Group Manager, Environment and Planning

Precis of Correspondence 2 (continued)

ATTACHMENT 2

10 January 2011

Mr John Neish
General Manager
Ryde City Council
Locked Bag 2069
North Ryde NSW 1670

E-MAILED
11-1-12

achieve
australia

building extraordinary lives

City of Ryde Removal of Council 12 JAN 2012
Doc No:
File No:

Dear Mr Neish,

Re: Residential Development at 74-76 Belmore Street, Ryde (MP10-0110) ('Development') & Motion of City of Ryde Council 14 December 2011

I refer to Dominic Johnson's letter of 20 December 2011, which was received at our offices on 28 December 2011, enclosing a copy of a resolution passed at the most recent meeting of the City of Ryde Council on 13 & 14 December 2011.

It is very encouraging to see the concern that Councillors clearly have for the welfare of our remaining clients on site. Nevertheless we are disappointed that we have obviously failed to communicate the background to the Development to them so they have a clearer understanding of this important project for the welfare of people living with disabilities in the Ryde area.

It is even more disappointing to us that according to reports of the Council Meeting in the local paper the following week, a number of outrageously inaccurate allegations were made during the course of the Council meeting about Achieve Australia. While Council is of course not responsible for the comments that were made, they were made in the context of a Council meeting and we had no opportunity to correct or respond to these comments before the resolution was passed on 14 December 2011.

Our concern is not only for the families of our many clients, both those remaining in Crowle Home and the much larger number in the community, but as you may appreciate, the extraordinary allegations and misinformation has also been very hurtful to our 550+ staff and volunteers who are so committed to providing the very best of care for our clients.

As you know, the Concept Plan for the Development is being considered by the NSW Government as a Part 3A Development. The NSW Department of Ageing & Disability is fully supportive of Achieve Australia's efforts to improve the overall conditions of the last remaining residents of the Crowle Home site and also the great potential to improve the overall housing conditions of a wider group of people with disability supported by Achieve Australia. I enclose a copy of a letter from the Regional Director by way of the Department's submission to the Department of Planning in relation to the Development, and draw your attention to the comments made particularly on social impact.

We do not believe it is appropriate for Council to commence its own Social Assessment based on a privately commissioned Social Impact Assessment. The Judith Stubbs Social Impact Assessment was submitted to Department of Planning and Infrastructure on behalf of a small group calling itself Friends of Crowle Inc. as part of the public exhibition phase of the planning cycle. Friends of Crowle Inc. has no affiliation of any kind with Achieve Australia and does not speak on our behalf.

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1

Precis of Correspondence 2 (continued)

ATTACHMENT 2

Further, the Judith Stubbs Social Impact Assessment was carried out without any involvement of Achieve Australia and while of course Friends of Crowle Inc are entitled to participate in the planning process, we will be strongly defending a number of the inaccurate claims that the assessment makes as part of our response to DOPI. As the proponent of the Development, we will in the normal course be considering the Judith Stubbs Assessment and responding to it as is required by the Department of Planning. Our understanding is that this information will then be made public via the DOPI website.

Nevertheless given the interest in the development and the social policy issues surrounding it amongst Councillors, I suggest a convenient time be arranged so that I can make a presentation to Council in order for Council members to hear all sides of a complex and important initiative and to fully appreciate the policy of devolution and the principles of social inclusion that underlie it and what we as an organisation are proposing to do to care for all the people with a disability that we are serving.

I would appreciate it if we could have a meeting with you at your earliest opportunity to discuss these issues.

Yours sincerely,



Anne Bryce
Chief Executive Officer

NOTICES OF MOTION**1 ABORIGINAL EDUCATION PROGRAM - Councillor Roy Maggio****File Number: CLM/11/1/5/6 - BP11/984**

MOTION:

That the following allocations be made from:

- The Mayor and City of Ryde Councillors a DISCRETIONARY FUND through its remuneration payment an amount of \$66.66 be allocated to Marsden High School to assist with the Aboriginal Education Program.
- A media release highlighting the names of those Councillors that are prepared to donate to the school.

2 INNOVATIVE E-WASTE SOLUTIONS - Councillor Jeff Salvestro-Martin**File Number: CLM/12/1/4/6 - BP12/78**

MOTION:

That the General Manager review E-Waste protocols at City of Ryde and report to Council opportunities for improved and innovative local e-waste solutions. The KPI's for consideration in the report should include as a minimum, opportunities for local employment and improved financial outcomes for Council.

**3 EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH A DISABILITY -
Councillor Gabrielle O'Donnell****File Number: CLM/12/1/4/6 - BP12/93**

MOTION:

That the General Manager report to Council on ways to improve the employment opportunities for people with a disability within the organisation.

NOTICES OF MOTION**4 IMPROVEMENT OF THE TAXI RANK ON POPE STREET - Councillor Gabrielle O'Donnell****File Number:** CLM/12/1/4/6 - BP12/94

MOTION:

That Council improve the taxi rank on Pope Street which services the Ryde City Shopping Centre. Council to work with the Access Committee, representatives from Ryde Rehabilitation Centre and other groups including Ryde City Shopping Centre to achieve a more accessible, sheltered and safer area for taxis.

5 ROUTES AND TIMETABLES FOR TOP RYDER BUS - Councillor Gabrielle O'Donnell**File Number:** CLM/12/1/4/6 - BP12/95

MOTION:

That new routes and timetables for the Top Ryder bus be included in Ryde City News.