

Meeting Date: Tuesday 28 August 2012
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: Meeting to commence following the conclusion of the
adjourned Council Meeting of 14 August 2012

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

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1 CONFIRMATION OF MINUTES - Council Meeting held on 24 July 2012

Report prepared by: Meeting Support Coordinator**File No.:** GRP/12/5/5/5 - BP12/769

REPORT SUMMARY

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

RECOMMENDATION:

That the Minutes of the Council Meeting 13/12, held on 24 July 2012 be confirmed.

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 24 July 2012

ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 13/12**

Meeting Date: Tuesday 24 July 2012
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

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

Councillor Salvestro-Martin arrived at the meeting at 7.34pm during Disclosures of Interest.

Apologies: Councillor Yedelian OAM.

Staff Present: Acting General Manager, Group Manager – Community Life, Acting Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Communications and Media Manager, Manager – Community Relations & Events, Service Unit Manager – Urban Planning, Service Unit Manager – Assessment, Manager – Operations, Team Leader – Major Development, Section Manager – Open Space Planning & Assets and Meeting Support Coordinator.

PRAYER

Reverend Michael Smith of Eastwood Anglican Church was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Note: Councillor Salvestro-Martin arrived at the meeting at 7.34pm during this Item.

Councillor Tagg disclosed a non-pecuniary interest in Item 6 – Draft Ryde LEP 2011 - Submissions for the reason that he is member and Director of the Ryde X Club.

Councillor Pickering disclosed a non-pecuniary interest in Item 6 – Draft Ryde LEP 2011 - Submissions for the reason that one of the speakers represents HyCorp which is a firm he once represented.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

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

That Mr Andy Ludvik be allowed to speak for three minutes for each company/organisation that he is representing, being a total of 21 minutes.

ITEM 1 (continued)

ATTACHMENT 1

AMENDMENT: (Moved by Councillors Pickering and Maggio)

That Mr Andy Ludvik be allowed to speak for a total of fourteen minutes.

On being put to the Meeting, the voting on the Amendment was six (6) votes For and five (5) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

For the Amendment: The Mayor, Councillor Etmekdjian and Councillors Li, Maggio, Pickering, Salvestro-Martin and Tagg

Against the Amendment: Councillors Butterworth, Campbell, O'Donnell, Perram and Petch

FURTHER AMENDMENT: (Moved by Councillors Campbell and Perram)

That each speaker registered be given three minutes in total as provided in Council's Code of Meeting Practice.

On being put to the Meeting, the voting on the Further Amendment was four (4) votes For and seven (7) votes Against. The Further Amendment was LOST.

Record of Voting:

For the Amendment: Councillors Campbell, O'Donnell, Perram and Pickering

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Li, Maggio, Petch, Salvestro-Martin and Tagg

RESOLUTION: (Moved by Councillors Pickering and Maggio)

That Mr Andy Ludvik be allowed to speak for a total of fourteen minutes.

Record of Voting:

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

Against the Motion: Councillors Butterworth, Campbell, O'Donnell and Perram

The following persons then addressed the Council:-

Name	Topic
Andy Ludvik (representing Ryde-Eastwood Leagues Club Ltd, Investron Pty Ltd, Alramon Pty Ltd, Enrico Bietola Pty Ltd, Gladesville Industrial Area	Item 6 – Draft Ryde LEP 2011 - Submissions

ITEM 1 (continued)

ATTACHMENT 1

Land Owners, Rutledge Property Group and Ms V Quek)	
Ray Dresdner (representing J Goubran, BA & SR Wilson, PJ Smith, HL & M Dresdner, A & R Zweig, E Kreiger and R Markland)	Item 6 – Draft Ryde LEP 2011 - Submissions
Graeme Cordiner	Item 6 – Draft Ryde LEP 2011 - Submissions
Peter Lubrano (representing Strata Plan 5991)	Item 6 – Draft Ryde LEP 2011 – Submissions
Estelle Shields (representing Friends of Crowle Home Inc)	Item 6 – Draft Ryde LEP 2011 - Submissions
Diane Erickson (representing Dorothy Kennedy)	Item 6 – Draft Ryde LEP 2011 - Submissions
Denise Pendleton (representing Residents for Ryde)	Item 6 – Draft Ryde LEP 2011 - Submissions
Rebecca Ho (representing Touched by Olivia Foundation)	Item 15 – Livvi’s Place Playground, Yamble Reserve – Tender Evaluation and Construction Planning
Ellen Robertshaw (representing Morling College)	Item 6 – Draft Ryde LEP 2011 - Submissions
Jennifer Rollo (representing Friends of Crowle Home Inc)	Item 6 – Draft Ryde LEP 2011 - Submissions
Gordana Vasic	Item 6 – Draft Ryde LEP 2011 - Submissions
Patricia Bloomfield	Item 6 – Draft Ryde LEP 2011 - Submissions
Kevin Bevitt (representing Charles Dawborn)	Item 6 – Draft Ryde LEP 2011 - Submissions
Angela Penklis (representing June Madden and Friends of Crowle Home Inc)	Item 6 – Draft Ryde LEP 2011 - Submissions
Tim Flett (representing Pirasta Pty Ltd)	Item 6 – Draft Ryde LEP 2011 - Submissions
Shaun Gilchrist (representing Greens Candidate for East Ward)	Item 7 – Draft Development Control Plan 2011 Part 3.3 - Dwelling Houses and Dual Occupancies
Stephen Abolakian (representing HyCorp)	Item 6 – Draft Ryde LEP 2011 - Submissions
Lee Cummings	Item 6 – Draft Ryde LEP 2011 - Submissions
Sherie Barton	Item 6 – Draft Ryde LEP 2011 - Submissions
Aaron Lynch	Item 6 – Draft Ryde LEP 2011 - Submissions
Philip Peake	Item 8 – Integrated Open Space Plan – for Adoption
Tod Anderson (representing himself and Taleen Tashjian)	Item 6 – Draft Ryde LEP 2011 - Submissions
Kevin Page	Item 6 – Draft Ryde LEP 2011 – Submissions
Jennie Minifie (representing Ryde Community Alliance and Ryde Environment Group)	Item 6 – Draft Ryde LEP 2011 - Submissions

ITEM 1 (continued)

ATTACHMENT 1

Diane Erickson	Item 6 – Draft Ryde LEP 2011 - Submissions
Justin Kucic	Item 6 – Draft Ryde LEP 2011 – Submissions and Item 7 – Draft Development Control Plan 2011 Part 3.3 - Dwelling Houses and Dual Occupancies

Note: The Mayor called on registered speakers Margaret Saunders, Elizabeth Harrison, Justin Loe, Laurie Kennedy and Emilio Vinci to address the Meeting. Ms Saunders, Ms Harrison, Mr Loe, Mr Kennedy and Mr Vinci were not present and did not speak.

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

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

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
Marian Higgins	Item 6 – Draft Ryde LEP 2011 - Submissions

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
Rose Marie Lavery	Building of new Civic Centre and having not received a response to my written letter

ORDER OF BUSINESS

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

That Council now consider the following Items in order:-

- Item 1 – Confirmation of Minutes – Council Meeting held on 26 June 2012,
- Item 2 – Confirmation of Minutes – Extraordinary Council Meeting held on 17 July 2012,
- Item 6 – Draft Ryde LEP 2011 – Submissions,
- Item 7 – Draft Development Control Plan 2011 Part 3.3 – Dwelling Houses and Dual Occupancies
- Item 8 – Integrated Open Space Plan – for adoption

ITEM 1 (continued)

ATTACHMENT 1

- Item 13 – Request for Tender – RFT 08/12 – for the provision of catering services to the City of Ryde
- Item 14 – Request for Tender – COR-RFT-01/12 – Cleaning Services to City of Ryde Council Buildings
- Item 15 – Livvi’s Place Playground, Yamble Reserve – Tender Evaluation and Construction Planning

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 26 June 2012

RESOLUTION: (Moved by Councillors Pickering and Maggio)

That the Minutes of the Council Meeting 10/12, held on 26 June 2012 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 17 July 2012

RESOLUTION: (Moved by Councillors Campbell and O’Donnell)

That the Minutes of the Extraordinary Council Meeting 11/12, held on 17 July 2012 be confirmed.

Record of Voting:

For the Motion: Unanimous

SUSPENSION OF STANDING ORDERS – MATTER OF URGENCY

MOTION: (Moved by Councillors Petch and Perram)

That Standing Orders be suspended for Council to consider a Matter of Urgency to consider the Rescission Motion submitted from the Extraordinary Council Meeting held on 23 July 2012, the time being 9.30pm.

The Acting General Manager advised the meeting that a Motion for Suspension of Standing Orders required a reason to allow Councillors to consider the Motion, prior to voting on the matter.

ITEM 1 (continued)

ATTACHMENT 1

As the matter related to consideration of the Rescission Motion that was lodged during the Extraordinary Meeting held on Monday, 23 July 2012, the Acting General Manager advised that if this was proposed as a Matter of Urgency, the Mayor as Chairperson had to firstly determine that this matter was of a great urgency. If the Mayor agreed the Motion would be put to the meeting. If the Mayor determined it was not a matter of great urgency, the matter could not be considered at this meeting. The Acting General Manager further advised that a determination by the Mayor as to a matter being of great urgency, could not be the subject of a Motion of Dissent as it was not a Point of Order.

The General Counsel also advised the meeting on the above matters and confirmed the above advice to the meeting.

Note: The Mayor, Councillor Etmekdjian then ruled that this matter was not a Matter of Urgency and therefore would not be considered at this meeting.

MOTION OF DISSENT

Councillor Petch attempted to move a Motion of Dissent against the Mayor's ruling in respect of not allowing the Suspension of Standing Orders – Matter of Urgency.

Note: The Mayor, Councillor Etmekdjian ruled that in accordance with previous advice from the Acting General Manager and General Counsel, the Motion of Dissent was out of order.

SUSPENSION OF STANDING ORDERS – MATTER OF URGENCY

MOTION: (Moved by Councillors Petch and Perram)

That Council allow Councillor Petch to table a Memorandum of Advice from AJL Legal and allow the legal representatives present in the gallery to address Council.

Note: In accordance with the earlier discussion and determination relating to a Suspension of Standing Orders – Matter of Urgency, the Mayor, Councillor Etmekdjian ruled that this matter was not a Matter of Urgency and therefore would not be considered at this meeting.

6 DRAFT RYDE LEP 2011 - SUBMISSIONS

Note: Councillor Tagg disclosed a non-pecuniary interest in this Item for the reason that he is member and Director of the Ryde X Club.

Note: Councillor Pickering disclosed a non-pecuniary interest in this Item for the reason that one of the speakers represents HyCorp which is a firm he once represented.

Note: A Memorandum from the Group Manager – Environment and Planning dated 24 July 2012 was tabled in relation to this Item and a copy is ON FILE.

Note: Andy Ludvik (representing Ryde-Eastwood Leagues Club Ltd, Investron Pty Ltd, Alramon Pty Ltd, Enrico Bietola Pty Ltd, Gladesville Industrial Area

ITEM 1 (continued)

ATTACHMENT 1

Land Owners, Rutledge Property Group and Ms V Quek), Ray Dresdner (representing J Goubran, BA & SR Wilson, PJ Smith, HL & M Dresdner, A & R Zweig, E Kreiger and R Markland, Graeme Cordiner, Peter Lubrano (representing Strata Plan 5991), Estelle Shields (representing Friends of Crowle Home Inc), Diane Erickson (representing herself and Dorothy Kennedy), Denise Pendleton (representing Residents for Ryde), Ellen Robertshaw (representing Morling College), Jennifer Rollo (representing Friends of Crowle Home Inc), Gordana Vasic, Patricia Bloomfield, Kevin Bevitt (representing Charles Dawborn), Angela Penklis (representing June Madden and Friend of Crowle Home Inc), Tim Flett (representing Pirasta Pty Ltd), Stephen Abolakian (representing HyCorp), Lee Cummings, Sherie Barton, Aaron Lynch, Tod Anderson (representing himself and Taleen Tashjian), Kevin Page, Jennie Minifie (representing Ryde Community Alliance and Ryde Environment Group), Justin Kucic and Marian Higgins addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Campbell and O'Donnell)

- (a) That Council amend Draft Ryde LEP 2011 in accordance with the changes identified in *Table 3 – Amendments to LEP 2011* attached to this report titled Draft LEP 2011 – Submissions.
- (b) That Council forward to the Department of Planning and Infrastructure draft LEP 2011 as amended with a Section 68 report requesting that the Minister make the Plan.
- (c) That the General Manager write to the Minister for Planning seeking flexibility for the City of Ryde to develop boarding house controls that reflect local character and affordable housing.
- (d) That the General Manager amend the draft LEP to address the roads that have been zoned RE1 or E2 as a consequence of abutting RE1 lands and E2 lands in part, and that they be amended to the dominant adjacent zone in their entirety.

AMENDMENT: (Moved by Councillors Pickering and Maggio)

That Council defer the Draft LEP 2011 until all verbal submissions made at the Council meeting of 24 July 2012 have been addressed with a further report to the next Council, elected at the 2012 Local Government Election.

On being put to the Meeting, the voting on the Amendment was nine (9) votes For and two (2) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

For the Amendment: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Li, Maggio Perram, Petch, Pickering, Salvestro-Martin and Tagg

Against the Amendment: Councillors Campbell and O'Donnell

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pickering and Maggio)

That Council defer the Draft LEP 2011 until all verbal submissions made at the Council meeting of 24 July 2012 have been addressed with a further report to the next Council, elected at the 2012 Local Government Election.

Record of Voting:

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

Against the Motion: Councillors Campbell and O'Donnell

SUSPENSION OF STANDING ORDERS – TABLING OF ADVICE

RESOLUTION: (Moved by Councillors Petch and Perram)

That Standing Orders be Suspended to allow Councillor Petch to table a Memorandum of Advice from AJL Legal, with such advice to be attached to the Minutes, the time being 10.50pm.

Record of Voting:

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

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

Note: The legal advice was tabled and a copy of the Memorandum of Advice from AJL Legal is ATTACHED to these Minutes.

7 DRAFT DEVELOPMENT CONTROL PLAN 2011 PART 3.3 - DWELLING HOUSES AND DUAL OCCUPANCIES

Note: Shaun Gilchrist (representing Greens Candidate for East Ward) and Justin Kucic addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Campbell and O'Donnell)

- (a) That Council adopt the draft Development Control Plan (DCP) 2011 Part 3.3 – Dwelling houses and Dual Occupancies (attached) to be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
- (b) That a report be prepared for Council's consideration following the exhibition period of draft DCP 2011 Part 3.3 – Dwelling houses and Dual Occupancies (attached).

ITEM 1 (continued)

ATTACHMENT 1

AMENDMENT: (Moved by Councillors Tagg and Petch)

That Council defer the Draft Development Control Plan 2011 Part 3.3 – Dwelling Houses and Dual Occupancies for further consideration by the next Council, elected at the 2012 Local Government Election.

On being put to the Meeting, the voting on the Amendment was six (6) votes For and five (5) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

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

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

RESOLUTION: (Moved by Councillors Tagg and Petch)

That Council defer the Draft Development Control Plan 2011 Part 3.3 – Dwelling Houses and Dual Occupancies for further consideration by the next Council, elected at the 2012 Local Government Election.

Record of Voting:

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

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

COMPLETION OF BUSINESS

MOTION: (Moved by Councillors Pickering and Maggio)

That the meeting time be extended to deal with the remaining Items on which speakers had addressed the meeting.

AMENDMENT: (Moved by Councillors Petch and Butterworth)

That the meeting time be extended until 11.30pm, the time being 11.00pm.

On being put to the Meeting, the voting on the Amendment was six (6) votes For and five (5) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

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

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That the meeting time be extended until 11.30pm, the time being 11.00pm

Record of Voting:

For the Motion: Unanimous

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Maggio and Petch)

That Council now consider the following Items in order:-

- Item 15 – Livvi's Place Playground, Yamble Reserve – Tender Evaluation and Construction Planning
- Item 8 – Integrated Open Space Plan – for adoption
- Item 13 – Request for Tender – RFT 08/12 – for the provision of catering services to the City of Ryde
- Item 14 – Request for Tender – COR-RFT-01/12 – Cleaning Services to City of Ryde Council Buildings

Record of Voting:

For the Motion: Unanimous

15 LIVVI'S PLACE PLAYGROUND, YAMBLE RESERVE - TENDER EVALUATION AND CONSTRUCTION PLANNING

Note: Rebecca Ho (representing Touched by Olivia Foundation) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Li and Maggio)

- (a) That Council accept the tender from Hargraves Landscaping for the construction of an inclusive playground at Yamble Reserve, Ryde for the amount of \$688,889.85 (excluding GST) as recommended in the Tender Evaluation Report.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That Council delegate to the General Manager the authority to enter into a contract with Hargraves Landscaping on the terms contained within the tender.
- (c) That Council advise all the respondents of Council's decision.
- (d) That Council approve the removal of 18 trees within Yamble Reserve as identified in drawing *Tree Removal Plan*, 5 April 2012
- (e) That Council plant 40 advanced tree species within Yamble Reserve in accordance with the Livvi's Place Playground concept Plan.
- (f) That Council acknowledge the contribution of Rebecca Ho and the Touched by Olivia Foundation.

Record of Voting:

For the Motion: Unanimous

8 INTEGRATED OPEN SPACE PLAN - FOR ADOPTION

Note: Philip Peake addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Tagg and Petch)

- (a) That Council adopt the draft Integrated Open Space Plan (July 2012), as amended.
- (b) That the Integrated Open Space Plan form the basis for the consideration of open space issues in the future review of Section 94 plan.

Record of Voting:

For the Motion: Unanimous

13 RFT 08/12 - FOR THE PROVISION OF CATERING SERVICES TO THE CITY OF RYDE

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

- (a) That Council accept the tenders from:
 - Amadeus Catering Pty Ltd
 - U@MQ-ltd (Crunch Events and Catering)
 - Toast Food North Rydeand that they be placed on a preferred provider panel for the provision of catering services as recommended in the Tender Evaluation Report.
- (b) That Council advise all the respondents of Council's decision.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillors Butterworth and Salvestro-Martin

14 REQUEST FOR TENDER - COR-RFT- 01/12 - Cleaning Services to City of Ryde Council Buildings

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

- (a) That Council accepts the tender from Broadlex Services Pty Limited for the Cleaning of Council Buildings to the amount of \$500,000 per annum, for a two (2) year period with an option to extend for a further one (1) year as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with Broadlex Services Pty Limited on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advise all the respondents of Council's decision.

Record of Voting:

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

Against the Motion: Councillors Butterworth and Salvestro-Martin

ADJOURNMENT

RESOLUTION: (Moved by Councillors Perram and Butterworth)

That the meeting be adjourned as follows, the time being 11.15pm.

The meeting was adjourned to:

Tuesday, 14 August 2012 at 7.30pm in the Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, Perram and Salvestro-Martin

Against the Motion: Councillors O'Donnell, Petch, Pickering and Tagg

ITEM 1 (continued)

ATTACHMENT 1

The following Councillors were present:

The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin and Tagg.

An apology had been received from Councillor Yedelian OAM.

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 14 August 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Petch, Perram, Pickering, Tagg and Yedelian OAM.

Apologies had been received from Councillors Butterworth, Li and Salvestro-Martin.

Staff Present: General Manager, Group Manager – Community Life, Acting Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager - Communications and Media, Manager – Community Relations & Events, Service Unit Manager – Assessment, Manager – Strategy and Organisational Development , Team Leader – Major Development, Team Leader – Building & Development Advisory Service, Service Unit Manager - Governance and Acting Section Manager - Governance.

3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 9/12 held on 17 July 2012

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

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

Record of Voting:

For the Motion: Unanimous

2 3-5 TRELAWNEY STREET, EASTWOOD. LOTS A & B IN DP 401296. Construction and strata subdivision of a mixed use development, consisting of a building with 6 retail / commercial tenancies; 61 units and basement parking for 108 cars. LDA2011/0611.

Note: A Memorandum from the Group Manager – Environment and Planning dated 2 August 2012 was tabled in relation to this Item and a copy is ON FILE.

ITEM 1 (continued)

ATTACHMENT 1

MOTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Local Development Application No. 2011/0611 at 3-5 Trelawney Street, Eastwood, being Lots A and B in DP 401296 be approved subject to the following conditions:

DEFERRED COMMENCEMENT CONSENT CONDITIONS

Part 1 – Deferred Commencement Conditions

The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

This consent shall not become operative until the proposal demonstrates satisfactory compliance with the following items to the satisfaction of Council's Group Manager Environment & Planning and that the applicant is advised in writing:

- (a) That the applicant shall submit a revised Voluntary Planning Agreement to Council to address the concerns raised by Council staff in relation to Clause 23.2 of the VPA. The wordings of the VPA and the Explanatory Notes must be revised to comply with the *Environmental Planning and Assessment Act 1979*.

This information is to be submitted to Council within six months from the date of determination or the Consent will have lapsed, in accordance with the *Environmental Planning & Assessment Act, 1979*.

GENERAL

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

1. **Approved Plans.** 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:

Plan Numbers:	Document Description	Date	Issue
DA-01	Colour Scheme – Photomontage	-	A
DA-04	Demolition Plan	6/10/2011	A
DA-07	Site Plan	21/10/2011	A
DA-08	Basement	12/04/2012	A
DA-09	Lower Ground Floor (as amended by levels shown on DA-47 Issue B)	10/05/2012	C

ITEM 1 (continued)

ATTACHMENT 1

DA-10	Ground Floor (as amended by levels shown on DA-47 Issue B)	10/05/2012	C
DA-11	Level 1	7/11/2011	A
DA-12	Levels 2 to 4 (floor layout)	7/11/2011	A
DA-13	Level 5	7/11/2011	A
DA-14	Roof Plan	7/11/2011	A
DA-15	Elevations North & South	12/04/2012	A
DA-16	Elevations – East & West	12/04/2012	A
DA-17	Section A	21/10/2011	A
DA-18	Section B	21/10/2011	A
DA-26	Open Space & Deep Soil	7/11/2011	A
DA-28	Materials Finishes Board	21/10/2011	A
DA-38	Storage Areas & as amended by condition below	12/04/2012	N/A
DA-47	Flood & Floor Levels and Access	17/05/2012	B
11_023 L00	Landscape Plan (by Habitation)	11/07/2011	B
11_023 L01	Landscape Plan - Ground level	02/11/2011	C
11_023 L02	Landscape Plan – Level One	02/11/2011	C
11_023 L03	Landscape Plan – Level Five	06/09/2011	C
385935M	BASIX Certificate	12 October 2011	-
	Waste Management Plan		
Access Report	Prepared by Mark Relf	20 October 2011	-
Doc No.11183 Job No. 2172/4	Acoustic Report by West & Associates Pty Ltd	21 September 2011	A

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

- (a) **Adaptable Units:** Unit numbers G01, 111, 112, 211, 212, 311 and 312 are to be designed as adaptable units. Each of these units is to be allocated an *accessible* parking bay.
- (b) **Awning:** The height of the street awning shall not be less than 3 metres or greater than 4.5 metres measured from the finished pavement level of the footpath. Such awning must:
 - i) Be set back from the face of the kerb by 0.6m;
 - ii) Have cut-outs of 1m wide by 1m deep to accommodate street trees, where the frontage is proposed to accommodate street

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- trees in relation to proposed public domain improvement works;
- iii) Be weather sealed to the face of the building to which they are attached and to the adjoining awnings;
 - iv) Have a height clearance as stated above or consistent with adjacent awnings; and
 - v) Maintain sufficient clearances from any overhead electricity or telecommunications installations.
 - vi) The street awning should continue the full length of the street and must not be glazed.

- (c) **Accessible Ramps:** *Accessible* ramps must be provided at the entrance to all retail tenancies from the Trelawney Street frontage. The ramp must be wholly within the site and not encroach on Council's footpath.

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

- 2. **Voluntary Planning Agreement:** The Voluntary Planning Agreement between City of Ryde and N & G Projects Pty Ltd that is subject of this Development Consent must be registered on the title of Lots A & B in DP401296 prior to the issue of any **Construction Certificate**.
- 3. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
- 4. **Excavation Works.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
- 5. **Advertising Signs:** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".
- 6. **Security Grill:** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.
- 7. **Public Domain Works:** The applicant or the owner shall at their own expense carry out the following public domain improvement works on the road reserve fronting the subject site prior to the issue of any Occupation Certificate:

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- (a) **Footpath Paving:** Public Footpaths in Trelawney Street and Rutledge Street are to be paved with clay pavers in accordance with the Public Domain Technical Manual Section 3 – Eastwood. The clay paving must comply with the Eastwood section of Council's Public Domain Technical Manual. Details must be submitted for Council's approval prior to issue of any Construction Certificate.
- (b) **Under grounding of overhead powerlines:** Overhead mains in Trelawney Street shall be placed underground, and Multifunction Poles with new street lighting provided along the Trelawney Street frontage. An Electrical Design for dismantling the existing network and installing the new network shall be prepared and submitted to Council and Ausgrid for approval prior to commencement of work. Such utility modifications will be carried out to the satisfaction of the responsible authority (e.g.AUSGRID/ Energy Australia) and cost borne by the applicant.
- (c) **Multifunction Light Poles:** The multifunction light poles along Trelawney Street frontage shall be erected within the road reserve adjacent to the premises at locations approved by Council. All costs are to be borne by the applicant.
- (d) **Street Trees Rutledge Street:** The street trees in Rutledge Street are to be *Angophora floribunda* (Rough Barked Apple) planted at approximately 7m intervals.
- (e) **Street Trees on Trelawney Street:** The street trees in Trelawney Street road reserve are to be *Acer negundo* planted at approximately 7m intervals.

Full engineering details, including plans, sections, finished levels and schedule of materials and finishes complying with the Public Domain Technical Manual must be submitted to Council and approval obtained prior to the issue of any **Construction Certificate**.

- 8. **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.
- 9. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
- 10. **Public place kept lit:** 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.

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11. **Construction within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structures shall encroach onto the adjoining properties including any other public, private or land owned by the Roads and Maritime Services. Gates must be installed so they do not open onto any footpath.
12. **No obstruction to the public way.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
13. **Works on public road.** 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.
14. **Works in public road.** 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.
15. **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* and relevant Development Control Plans except as amended by other conditions.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
17. **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.
18. **Road Opening Permit.** The applicant shall apply for a road-opening permit where works are proposed to be constructed within the public road reserve, e.g. where connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No work shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
19. **Waste Disposal** To facilitate waste disposal from the site, the site Building Manager shall co-ordinates with the Council and the Waste Collection Contractor to ensure that the loading dock area is accessible at the relevant times.

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20. **Parking Management Plan:** An external (on-street) parking management plan to be prepared by the proponent (to Council's satisfaction which requires approval via the Ryde Local Traffic Committee prior to the issue of any Occupation Certificate. An internal signposting and line marking plan shall be provided for Council's approval.
21. **Vehicle Entry:** All vehicles must enter and leave the property in a forward direction from the basement car park.
22. **Construction Traffic Management:** The Applicant must submit a Construction Traffic Management Plan to Council prior to the issue of Construction Certificate.
23. **Queuing Space:** A minimum of 3 queuing spaces should be provided for more than 100 cars at a car park with control point at entrances as per AS2890.1 – 2004 Clause 3.4. Details are to be submitted on the Construction Certificate plans which ensure compliance.
24. **No Stopping Signs:** Full time "No Stopping" restrictions are to be maintained on Rutledge Street and Trelawney Street frontages of the development site.
25. **Design and Geotech Reports:** The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment. The developer is to meet the full cost of the assessment by the RMS. The Report would need to address the following key issues:
 - (a) The impact of excavation/ rock anchors on the stability of Rutledge Street and detailing how the carriageway would be monitored for settlement.
 - (b) The impact of the excavation on the structural stability of Rutledge Street.

The report and any enquiries should be forwarded to:
Project Engineer, External Works
Sydney Asset Management
Roads and maritime Services
P O Box 973 Parramatta CBD 2124

Telephone: 8848 2114
Fax: 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

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26. **Existing Driveways:** The redundant driveways along Rutledge Street shall be removed and replaced with kerb and gutter to match existing.

The design and construction of the gutter crossing on Rutledge Street shall be in accordance with RMS's requirement. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Parramatta (Telephone 8849 2496).

Detailed design plans of the proposed gutter crossing are to be submitted to RMS for approval prior to the commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant/ developer prior to the release of the approved road design plans by the RMS.

27. **Hydraulic Calculations:** Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset management
Roads and maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before RMS's approval is issued. With regards to the Civil Works requirement please contact the RMS's Project Engineer on phone 8849 2114 or fax 8849 2766.

28. **Additional Sightlines:** Vegetation and proposed landscaping/ fencing must not hinder sight lines to and from the proposed access driveways to pedestrians and cyclists.
29. **Layout of parking and circulation:** The layout of the proposed car parking areas associated with the subject development (including driveways, grades, sight distance requirements, and parking bay dimensions) should be in accordance with AS2890.1 – 2004, AS2890-2002 for heavy vehicles and to Council satisfaction.
30. **Turning areas to be kept clear:** The proposed turning areas within the subject site are to be kept clear of any obstacles, including parked cars, at all times.
31. **Work Zone:** All construction vehicles and activities are to be contained wholly within the site. As no work zone permits will be permitted by RMS on Rutledge Street.

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DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

32. **Demolition work.** All demolition work must be carried out in accordance with Australian Standard AS 2601-1991 *The Demolition of Structures*.
33. **Notification of works to Council.** The applicant must notify Council of the following particulars in writing at least seven (7) days before demolition work commences:
 - (a) the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (b) the date the work is due to commence and the expected completion date.
34. **Notification of works to adjoining property owners.** At least seven (7) days before demolition work commences the applicant must notify the occupiers of all neighbouring premises of the date the work is due to commence by placing a written notice in the letter box of each premises.
35. **Asbestos materials.** All work involving asbestos products and materials, including asbestos-cement sheeting (ie. fibro), must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
36. **Hours of work.** All demolition and construction work must be restricted to between the hours of 7.00am and 7.00pm Mondays to Fridays and 8.00am and 4.00pm on Saturdays. No work is to be carried out on Sundays or public holidays.
37. **Noise.** Noise must be minimised by the selection of appropriate methods and equipment and the use of screening or barriers where practical.
38. **Noise monitoring.** Noise monitoring must be carried out by a qualified acoustics consultant if complaints are received, or if directed by Council, and any control measures recommended by the acoustical consultant must be implemented during the work.
39. **Removal of wastes.** All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at such intervals as may be necessary to ensure that no nuisance or danger to health, safety or the environment is created.

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40. **Recycling wastes.** All wastes nominated for recycling or re-use must be segregated from other wastes and be transported to a place or facility where they will be recycled or re-used.
41. **Contaminated soil.** All potentially contaminated soil excavated from the site must be stockpiled in a secure area and be assessed and classified in accordance with the *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes* (EPA, 1999) before being transported from the site.
42. **Transportation of wastes.** All demolition and construction wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
43. **Asbestos wastes.** All asbestos wastes, including used asbestos-cement sheeting (ie. fibro), must be disposed of at a landfill facility licensed by the New South Wales Environment Protection Authority to receive asbestos waste.

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.

44. **Section 94 Contribution.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$157,758.19
Open Space & Recreation Facilities	\$364,433.93
Civic & Urban Improvements	\$139,415.56
Roads & Traffic Management Facilities	\$21,264.70

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Cycleways	\$11,879.58
Stormwater Management Facilities	\$39,590.95
Plan Administration	\$3,200.19
The total contribution is	\$737,543.11

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>.

45. **Damage security.** 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 (category: other buildings with delivery of bricks or concrete or machine excavation).
46. **Payment of fees.** The following fees must be paid to Council in accordance with Council's Management Plan:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
47. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
48. **Compliance with Australian Standards:** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
49. **Disabled Access & Adaptable Units:** Disabled access is to be provided within the development in accordance with the recommendations contained in the Access Review Report prepared by Mark Relf (Accessibility Solutions (NSW) Pty Ltd) dated 20th October 2011. Details indicating compliance with the AS1428 & AS4299, Building Code of Australia and the recommendations contained in the above Report are to be submitted to the Principal Certifying Authority (PCA) prior to the

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Construction Certificate being issued.

50. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*).
51. **Reflectivity.** Roofing and other external materials must be of low glare and reflectivity. Details of the approved finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority.
52. **Bicycle & Motorbike parking.** Sufficient area shall be designated for bicycle parking on the site within the lower ground level (the entrance level) in accordance with the following:
 - (a) Secure bicycle parking racks and manoeuvring area must be provided for at least eleven bicycles.
 - (b) The bicycle parking area must be highly visible, adequately lit and easily accessible by residents and customers.
 - (c) Bicycle parking and access must be designed so as to ensure potential conflicts with vehicles are minimised.
 - (d) Provision for motorbike parking on the site must also be provided.

Bicycle parking must be designed in accordance with AS2890.3 Parking Facilities- Bicycle Parking Facilities and the NSW bicycle guidelines. Details are to be submitted on the **Construction Certificate**.

53. **Lighting.** 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 are to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.
54. **BASIX Commitments.** The development must comply with all commitments listed in BASIX Certificate numbered 385935M, dated 12 October 2011. The fittings, fixtures and materials installed in association with the retail tenancy (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the **Construction Certificate**.
55. **Car parking.** Disabled parking must be provided for both residential and retail activities on the site. At least 108 car parking spaces are to be provided on the site including 73 residential parking spaces, 22 retail parking spaces, 13 visitor parking spaces and six *accessible* spaces, evenly distributed over all designated parking levels. Details are to be submitted on the Construction Certificate plans.
56. **Access to resident parking.** Access to residential parking should be restricted to residents and their visitors only. Details demonstrating compliance are to be submitted on the Construction Certificate plans.

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57. **Services & Substation:** All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to issue of the Construction Certificate.
58. **Garbage Room Exhaust:** The garbage room exhaust must be designed so that it is suitably screened from view. Satisfactory screening device must be used and integrated with the architectural feature of the building. Details of all service infrastructure/utilities are to be approved prior to issue of the Construction Certificate.
59. **Tree Removal:** Adjoining owners consent must be obtained prior to the removal of the tree located on the adjoining site.
60. **Underground Gas Pipeline:** All excavation (including pot-holing by hand) should be performed in accordance with 'Work Near Underground Assets Guidelines' published in 2007 by the Work Cover Authority.
61. **Soil Depths:** Minimum soil depth of 800mm must be provided in all planter beds provided throughout the development
62. **Operable Windows:** Windows to the units must be operable where necessary to allow adequate cross ventilation and improved amenity.
63. **Delete tree adjacent to fire door:** The tree planting in front of the fire door is to be deleted so that the area is kept clear.
64. **Seating:** Adequate seating, shading structures and BBQ facility must be provided within the communal open space area. Details to be provided in the plans submitted for Construction Certificate.
65. **Storage Facility:** All residential units must be provided with sufficient secure storage facility (other than the kitchen cupboard areas at a rate of storage facilities at the following rates:
 - studio apartments 6m³
 - one-bedroom apartments 6m³
 - two-bedroom apartments 8m³
 - three bedroom apartments 10m³Storage facility must be lockable and allocated to individual units. The allocated storage facility must be shown on the strata plans.
66. **Remediation of land:** The land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

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No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

67. **Remediation Work:** All remediation work must be carried out in accordance with:
- (a) *State Environmental Planning Policy No. 55 - Remediation of Land*;
 - (b) any relevant guidelines published under the *Contaminated Land Management Act 1997*; and
 - (c) any council policy or development control plan relating to the remediation of land.
68. **Site Audit:** If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.
69. **Grease Trap:** A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.
70. **Grease Trap Room:** The grease trap room must be constructed in accordance with the following requirements:
- (a) The floor, walls and ceiling must be constructed of solid materials finished to a smooth even impervious surface free of any cracks, holes or other openings that may allow the escape of odours.
 - (b) The room must be fitted with an air-tight (eg. coolroom type) door.
 - (c) The room must be provided with an approved system of mechanical exhaust ventilation.
 - (d) The room must be provided with intrinsically safe artificial lighting.
 - (e) A hose tap with a backflow prevention device must be provided in or adjacent to the room to facilitate cleaning.
71. **Grease Trap Pump:** A fixed pump out line must be provided in accordance with the requirements of Sydney Water Corporation to facilitate servicing of the grease trap.
72. **Garbage and Recycling Room:** A garbage and recycling room must be provided in an approved location in the basement carpark of the residential flat building. The garbage and recycling rooms must be constructed in accordance with the following requirements:

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- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
- (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
- (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
- (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
- (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
- (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
- (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
- (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
- (i) The room must be provided with adequate artificial lighting; and
- (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

Details to be submitted on the Construction Certificate plans which ensure compliance with this requirement.

- 73. **Storage of Discarded Items:** A separate room or caged area with minimum 5m² floor area must be provided in the basement carpark of the residential flat building for the storage of bulky discarded items such as furniture and white goods. Details are to be submitted on the plan submitted for Construction Certificate.
- 74. **Kitchen Exhaust:** Adequate provision must be made for the installation of kitchen exhaust systems to the proposed retail premises.
- 75. **Mechanical Ventilation:** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**. Such details must include:
 - (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems;

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- (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and
 - (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications
76. **Air Handling:** All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.
77. **Water Cooling System:** All water-cooling and warm-water systems regulated under the *Public Health Act 1991* must be registered with Council within one (1) month of installation.
78. **Road Noise:** The residential flat building(s) must be designed and constructed so that road traffic noise levels inside the building(s) comply with the satisfactory design sound levels recommended in Australian/New Zealand Standard AS/NZS 2107: 2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed.
79. **Noise Attenuation Measures:** The recommendations contained under Section 6 of the Acoustic Report prepared by West & Associates Pty Ltd (Document No. 11183 Issue A dated 21 September 2011 must be incorporated in the Construction Certificate drawing prior to its approval.
80. **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, car parking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
81. **Road Anchors:** Where road anchors are proposed to support the proposed development excavation, detailed structural plans indicating the number of anchors are proposed are to be submitted to Council and road anchor fees are to be paid to Council in accordance with Council's Management Plan.
82. **Hoarding Fees.** Where hoarding are proposed, fees in accordance with Council's Management Plan are to be paid to Council prior to the issue of the Construction Certificate for the erection of a protective hoarding along the street frontage of the property. The fee is based on Council, schedule of fees and charges and is for a period of 6 months. If the time of use of Council's footpath varies from this an adjustment of the fee will be made

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on completion of the works.

83. **Dilapidation Report.** To determine the extent of restoration works that may be required, the applicant shall submit to Council a pre and post construction dilapidation report on the status of existing public infrastructures in the vicinity of the proposed development. The report is to include photographic records, description and location of any existing observable defects of the following infrastructure and others where applicable:

- (a) Road Pavment
- (b) Kerb and gutter.
- (c) Constructed footpath.
- (d) Drainage pits.
- (e) Traffic signs.
- (f) Any other relevant infrastructure.

These reports shall be submitted to Council development engineer, prior to the issue of the Construction and Occupation Certificate. The report shall be used by Council as Roads Authority under the Roads Act to assess whether restoration works are required prior to the issue of the Occupation Certificate. All restoration works deemed necessary by Council's development engineer are to be completed to Council satisfaction prior to the issue of Occupation Certificate

84. **Excavation.** To ensure the proposed site excavation will not impact on the adjoining property structures foundations and services.

The applicant shall submit to the Principal Certifying Authority for approval a geotechnical report prepared and certified by a chartered practicing geotechnical/structural engineer addressing, but not be limited to the following items:-

- a) *The likely impacts of the proposed excavations will have on structures and services of adjoining properties & Roadway*
- b) *Detail what measures are to be taken to protect the structures and services of adjoining properties from structural damage and undermining during construction*
- c) *A copy of the report including geotechnical/structural engineer certification should be submitted to Council.*

The above matters shall be completed prior to the issue of the construction certificate.

All recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

85. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps etc shall comply with relevant section of AS 2890.1 & AS2890.2 where applicable. Detailed engineering plans including

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engineering certification indicating compliance with this condition are to be submitted with the Construction Certificate application.

86. **Car Parking.** All internal driveways, vehicle turning areas, grades, parking space dimensions, headroom clearance etc shall be designed to comply with relevant sections of Australian Standards AS 2890 where applicable and shall incorporate but not be limited to the following additional requirement.
- a. Internal signposting and line marking plan shall be provided to in accordance with relevant Australian Standard for the PCA approval.
 - b. All loading and unloading must take place within the confines of the loading dock for at least a medium rigid vehicle MRV.

Detailed engineering plans including engineering certification confirming compliance with this condition is to be submitted with the Construction Certificate application.

87. **Traffic Management.** Traffic management plans must be prepared and procedures must be in place and practised during the construction period to ensure safety and minimise construction traffic conflict on adjoining pedestrian and vehicular traffic movement. These procedures and systems must be in accordance with AS 1742.3 1985 and the RTA's Manual – "Traffic Control at Work Sites" where applicable.

Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance are to be submitted with the Construction Certificate application.

88. **Stormwater Runoff.** Stormwater runoff from site shall be collected and piped to Council's underground drainage system via an On-site detention (OSD) system designed in accordance with the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management. The design shall incorporate but not be limited to *the following*:
- a. All gutters, down pipes and pipeline conveying runoff to the OSD tank(s) are required to be designed for a 1 in 100 year storm.
 - b. The design shall ensure back water flow will not occur or influence the functioning of the outlet pipe from the OSD tank for all storm events and durations, including preventing the ingress of overland flows into the OSD tank.
 - c. Discharge from the site shall be limited to a single point discharge at maximum of 30l/s to the street kerb and gutter. Should this is exceeded, the discharge shall be to the nearest Council's underground drainage system, in which case extension of Council's existing drainage system may be required to facilitate this solution. Where extension of Council's existing stormwater line is required detailed engineering plans shall be submitted to and approved by Council with payment of all applicable fees in accordance with Council's management plan, prior to written approval being given by Council.

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Accordingly, detailed amended engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application.

89. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* 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. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- a) Existing and final contours
- b) The location of all earthworks, including roads, areas of cut and fill
- c) Location of all impervious areas
- d) **Location and design criteria of erosion and sediment control structures,**
- 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) Procedures for maintenance of erosion and sediment controls
- l) Details for any staging of works
- m) Details and procedures for dust control.

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.

90. 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.

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91. **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.
92. **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 2006: - Part 8.1; Construction Activities.
93. **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. 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.

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.

94. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
95. **Noise and Vibration.** 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.
96. **Noise and Vibration.** The L₁₀ 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.
97. **Survey of footings and walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the

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allotment.

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98. **Sediment, soil and dust.** No sediment, dust, soil or similar material shall leave the site during construction work.
99. **CCTV Surveillance** cameras must be installed in and around the property to maximise surveillance opportunities. CCTV should be used throughout the retail complex and communal areas such as lobbies, lifts etc, and paying particular attention to the internal area of the shopping centre especially entry and exit points. CCIV should also be used around the loading dock area and car park entry and exit points. CCIV should be placed on the external area of the building capturing the area outside the retail stores along Trelawney Street and also capturing the area along Rutledge Street. Digital technology should be used to record images from the cameras. Installed surveillance equipment needs to be able to zoom in on a person without loss of focus. Management must ensure that the requirements of the Surveillance and Privacy Act are adhered to.
100. **Landscape maintenance plan must be prepared for the site.** Landscaping close to the building should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building and trimmed to ensure concealment opportunities are eliminated.
101. **Lighting** shall be provided to all common areas including the car parking levels as well as the stairs and access to and including the public outdoor courtyard, communal gardens and the bin storage rooms. Such lighting to be automatically controlled by time clocks, and where appropriate, sensors to provide an energy efficient and controlled environment for residents.
102. **Signage.** Signage must be provided at entry/exit points and throughout the development to assist users and warn intruders that they will be prosecuted.
Warning: these premises are under constant surveillance.
Warning: trespassers will be prosecuted.
103. **Security Signs:** Signs should be erected in the car parks and near entry and exit points which details security measures and reminds people to lock their vehicles and remove valuables from their vehicles.
104. **Graffiti:** All surfaces on the street frontages that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
105. **Intercom Facility:** The entry to the car park should have a ticket/boom gate system. Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
106. **Access control to residential lifts:** Access should be restricted to residents only to the lifts and stairs leading to the apartments.

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107. Installation of Locksets:

- (a) The main entry/exit points for this development should be fitted with single cylinder locksets (Australia and New Zealand Standards - Locksets), which comply with the Building Code of Australia.
- (b) An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.
- (c) Fire exit doors to the development should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the development.
- (d) The main entry/exit doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
- (e) The balcony doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
- (f) The windows to individual units should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.

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.

- 108. **Basix commitments.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate referred to in this Development Consent.
- 109. **Public domain.** All landscaping & public domain improvement works required to be carried out under condition 7 are to be completed.
- 110. **Consolidation.** All land titles within the site must be consolidated into one allotment. Documentary evidence of such consolidation shall be submitted prior to the issue of any Occupation Certificate under the Environmental Planning and Assessment Act 1979.

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111. **Disabled access.** Access for disabled people shall be provided in the building or portion of the building in accordance with the applicable standards and the requirements set out in AS 1428.1. Documentary evidence is to be and certification obtained from a suitable qualified person confirming that the development meets these requirements is to be provided prior to the issue of any Occupation Certificate.
112. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

113. **Sewer Connection:** All sanitary fixtures must be connected to the sewerage system by gravity flow and documentary evidence of compliance must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
114. **Sydney Water.** 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.

115. **Design Verification:** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with design verification from a qualified designer. The statement must include

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verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.

116. **Post construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties.
117. **Disused Gutter Crossing.** All disused gutter and footpath crossings where occur shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
118. **Parking Management Plan:** An external (on-street) parking management plan to be prepared by and submitted to Council's for the Local Traffic Committee approval prior to the issue of OC.
119. **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*.
 - Confirming that the driveway is constructed in accordance with the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
 - Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
 - Confirming that the site drainage system servicing the development complies with the construction plan requirements and the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.
 - Confirming that the connection of the site drainage system to the trunk drainage system where applicable complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
 - 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.

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- From Council confirming that all external works have been completed to Council's satisfaction.
120. **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 the City of Ryde, Development Control Plan 2006: - 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.
121. **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.
122. **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.

PRIOR TO SUBDIVISION CERTIFICATE

The following conditions in this Part of the consent apply to the Subdivision component of the development.

All conditions in this Part of the consent must be complied with prior to the issue of a Subdivision Certificate.

123. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
124. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
125. **Section 88B Instrument.** The submission of an Instrument under Section 88B of the Conveyancing Act 1919 plus 3 copies, creating Easements, Positive Covenants and Restrictions on Use. This Instrument shall

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nominate the City of Ryde as the authority empowered to release, vary or modify the terms of the Instrument.

126. **Occupation Certificate.** A final occupation certificate in relation to this development must be in force. A copy of the Occupation Certificate is to be submitted with the application for final subdivision certificate.
127. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted with the application for final subdivision certificate.
128. **Utility provider – compliance documents.** The submission of documentary evidence of compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc).

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

129. **Garbage Collection:** Where necessary, staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying point for servicing and to return the containers to the garbage room after servicing.
130. **Gym to be used by residents only:** The use of the Gym within the building shall only be used by the residents living within the site.
131. **Indemnity:** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must indemnify Council and its contractor in writing against claims for damage to the driveways and manoeuvring areas.
132. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
133. **Noise from Plant & Machinery:** The operation of any plant or machinery installed on the premises must not cause:
 - (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at the most affected noise sensitive location in the vicinity. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.

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- (c) The transmission of vibration to any place of different occupancy.
134. **Hours of operation.** The use of the retail part of the development is restricted to the following hours of operation: 7.00am and 9pm Monday to Saturday and 8.00am to 8pm on Sunday.
- (b) That the Voluntary Planning Agreement also be approved and that the Group Manager Environment and Planning be delegated to finalise the Voluntary Planning Agreement with N & G Projects Pty Ltd in accordance with the submitted Voluntary Planning Agreement and the applicable legal requirements under the *Environmental Planning and Assessment Act 1979* for a one-off monetary contribution of \$150,000.
- (c) That the persons who made submissions be advised of Council's decision.

AMENDMENT: (Moved by Councillors Campbell and O'Donnell)

- (a) That Local Development Application No. 2011/0611 at 3-5 Trelawney Street, Eastwood, being Lots A and B in DP 401296 be refused for the following reasons:
- a. The proposed development is inconsistent with State Environmental Planning Policy No. 65 with respect to Context, Scale, Built Form, Density and Amenity and therefore does not represent a good design outcome, particularly in the following areas:
 - i. The development does not respect the desired future character of the area as the development extends well beyond the applicable building height and building envelope controls.
 - ii. The development does not respect the desired massing, topography and human scale initiatives.
 - iii. The development will not be stepped to appropriately relate to the surrounding context.
 - iv. The development does not provide adequate separation to the surrounding context.
 - b. The proposed development proposes significant non-compliances with the maximum 15.5m height standard for the site prescribed under Clause 4.3 – Height of Buildings of the Ryde LEP 2010 which has not been justified.
 - c. The proposed development application has not been adequately demonstrated by the applicant that the proposed height variance will be satisfactory with respect to Sub-clause 4(a) (ii) in that the development will be in the public interest because it will be consistent with the objectives of the height standard and the objectives of the land.
 - d. The design is such that it will not meet the objectives (a), (c), (d) and (e) for building height listed under Clause 4.3 – Height of Buildings of RLEP 2010 and objectives of the zone listed under the Land Use Table of RLEP 2010 with regard to 'creating an

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attractive environment for pedestrians and *'recognising topography and unique location in design'*. The proposed development will not meet Objective (b) of Clause 4.6 – Exceptions to development standards. It will not achieve a better outcome for and from development.

- e. The proposed development does not meet the objectives (a) of Clause 6.5 – Eastwood Urban Village and West Ryde Urban Village with respect to *'creating an attractive environment for pedestrians'* given the proposed height, scale and lack of regard to the human scale initiatives for height.
- f. The proposed development will not meet the following aims of the DLEP 2011 listed under Clause 1.2 - Objective: (2) (b) (ii) and (iii) and (2) (g) given the massing, height and scale relationship with adjoining development and existing character.
- g. The proposed development does not comply with the maximum permissible height of 15.5m prescribed under Clause 4.3 – Height of Buildings of the DLEP 2011.
- h. The proposed development does not achieve objectives (a), (b), (c) and (d) for building height listed under Clause 4.3 – Height of Buildings of the DLEP 2011.
- i. The proposed development application has not adequately justified that the proposed height variance will be satisfactory with respect to Sub-clause 4(a) (ii) in that the development will be in the public interest because it will be consistent with the objectives of the height standard.
- j. The proposed development will not meet Objective (b) of Clause 4.6 – Exceptions to development standards as it will not achieve a better outcome for and from development.
- k. The proposed development seeks significant variation to the applicable Ryde DCP 2010 controls, particularly in relation to the envisaged urban form. The degree of variation has resulted in an excessive design that is inconsistent with the object of the envelope and corner treatment controls. The development does not achieve a design outcome that is sought by Council's controls nor reflect the future character for the Eastwood Shopping Village.
- l. Insufficient information has been submitted to verify compliance with the RFDC requirement that private open spaces for at least 70 % of apartments in a development should receive a minimum of 2 hours direct sunlight between 9 am and 3 pm in mid winter.
- m. The proposed development is not considered to be in the public interest, particularly as it will set an inappropriate precedent for dispensing with Council's development standards without

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appropriate justification and given the significant departures to the Ryde LEP 2010 maximum height standards and the Ryde DCP 2010.

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

On being put to the Meeting, the voting on the Amendment was three (3) votes For and six (6) votes Against. The Amendment was LOST.

Record of Voting:

For the Amendment: Councillors Campbell, Perram and O'Donnell

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Maggio, Petch, Pickering, Tagg and Yedelian OAM

FURTHER AMENDMENT: (Moved by Councillors Pickering and Perram)

That this matter be deferred to allow the Group Manager – Environment and Planning to negotiate this development application with particular regard to addressing the following:

- (a) an increase in the voluntary planning agreement;
- (b) the non-compliances as outlined in the officer's report; and
- (c) meeting the needs of both the developer and community with regards to amenity

On being put to the Meeting, the voting on the Amendment was three (3) votes For and six (6) votes Against. The Further Amendment was LOST.

Record of Voting:

For the Amendment: The Mayor, Councillor Etmekdjian and Councillors Perram and Pickering

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

RECOMMITTAL OF ITEM 3(2) – 3-5 Trelawney Street, Eastwood

RESOLUTION: (Moved by Councillors Perram and Campbell)

That Item 3(2) – 3-5 Trelawney Street, Eastwood (LDA2011/0611) be recommitted.

Record of Voting:

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

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Against the Motion: Councillors Maggio, Petch, Tagg and Yedelian OAM

MOTION: (Moved by Councillors Pickering and Perram)

That this matter be deferred to allow the Group Manager – Environment and Planning to negotiate this development application with particular regard to addressing the following:

- (a) an increase in the voluntary planning agreement;
- (b) the non-compliances as outlined in the officer's report; and
- (c) meeting the needs of both the developer and community with regards to amenity.

AMENDMENT: (Moved by Councillors Yedelian OAM and Tagg)

- (a) That Local Development Application No. 2011/0611 at 3-5 Trelawney Street, Eastwood, being Lots A and B in DP 401296 be approved subject to the following conditions:

DEFERRED COMMENCEMENT CONSENT CONDITIONS

Part 1 – Deferred Commencement Conditions

The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

This consent shall not become operative until the proposal demonstrates satisfactory compliance with the following items to the satisfaction of Council's Group Manager Environment & Planning and that the applicant is advised in writing:

- (a) That the applicant shall submit a revised Voluntary Planning Agreement to Council to address the concerns raised by Council staff in relation to Clause 23.2 of the VPA. The wordings of the VPA and the Explanatory Notes must be revised to comply with the *Environmental Planning and Assessment Act 1979*.
- (b) That the monetary offer in the voluntary planning agreement be increased and the voluntary planning agreement be negotiated to the satisfaction of Council.

This information is to be submitted to Council within six months from the date of determination or the Consent will have lapsed, in accordance with the *Environmental Planning & Assessment Act, 1979*.

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GENERAL

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

1. **Approved Plans.** 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:

Plan Numbers:	Document Description	Date	Issue
DA-01	Colour Scheme – Photomontage	-	A
DA-04	Demolition Plan	6/10/2011	A
DA-07	Site Plan	21/10/2011	A
DA-08	Basement	12/04/2012	A
DA-09	Lower Ground Floor (as amended by levels shown on DA-47 Issue B)	10/05/2012	C
DA-10	Ground Floor (as amended by levels shown on DA-47 Issue B)	10/05/2012	C
DA-11	Level 1	7/11/2011	A
DA-12	Levels 2 to 4 (floor layout)	7/11/2011	A
DA-13	Level 5	7/11/2011	A
DA-14	Roof Plan	7/11/2011	A
DA-15	Elevations North & South	12/04/2012	A
DA-16	Elevations – East & West	12/04/2012	A
DA-17	Section A	21/10/2011	A
DA-18	Section B	21/10/2011	A
DA-26	Open Space & Deep Soil	7/11/2011	A
DA-28	Materials Finishes Board	21/10/2011	A
DA-38	Storage Areas & as amended by condition below	12/04/2012	N/A
DA-47	Flood & Floor Levels and Access	17/05/2012	B
11_023 L00	Landscape Plan (by Habitation)	11/07/2011	B
11_023 L01	Landscape Plan - Ground level	02/11/2011	C
11_023 L02	Landscape Plan – Level One	02/11/2011	C
11_023 L03	Landscape Plan – Level Five	06/09/2011	C
385935M	BASIX Certificate	12 October 2011	-
	Waste Management Plan		

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Access Report	Prepared by Mark Relf	20 October 2011	-
Doc No.11183 Job No. 2172/4	Acoustic Report by West & Associates Pty Ltd	21 September 2011	A

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

- (a) **Adaptable Units:** Unit numbers G01, 111, 112, 211, 212, 311 and 312 are to be designed as adaptable units. Each of these units is to be allocated an *accessible* parking bay.
- (b) **Awning:** The height of the street awning shall not be less than 3 metres or greater than 4.5 metres measured from the finished pavement level of the footpath. Such awning must:
 - i) Be set back from the face of the kerb by 0.6m;
 - ii) Have cut-outs of 1m wide by 1m deep to accommodate street trees, where the frontage is proposed to accommodate street trees in relation to proposed public domain improvement works;
 - iii) Be weather sealed to the face of the building to which they are attached and to the adjoining awnings;
 - iv) Have a height clearance as stated above or consistent with adjacent awnings; and
 - v) Maintain sufficient clearances from any overhead electricity or telecommunications installations.
 - vi) The street awning should continue the full length of the street and must not be glazed.
- (c) **Accessible Ramps:** *Accessible* ramps must be provided at the entrance to all retail tenancies from the Trelawney Street frontage. The ramp must be wholly within the site and not encroach on Council's footpath.

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

- 2. **Voluntary Planning Agreement:** The Voluntary Planning Agreement between City of Ryde and N & G Projects Pty Ltd that is subject of this Development Consent must be registered on the title of Lots A & B in DP401296 prior to the issue of any **Construction Certificate**.
- 3. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
- 4. **Excavation Works.** If the development involves excavation that extends below the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own

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expense:

- (a) Protect and support the adjoining premises from possible damage from the excavation, and
 - (b) Where necessary, underpin the adjoining premises to prevent any such damage, in accordance with relevant Australian Standards.
5. **Advertising Signs:** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development”.
6. **Security Grill:** This consent does not authorise the erection of any security grilles or barriers on the shopfront. Separate approval must be obtained for any such works.
7. **Public Domain Works:** The applicant or the owner shall at their own expense carry out the following public domain improvement works on the road reserve fronting the subject site prior to the issue of any Occupation Certificate:
- (a) **Footpath Paving:** Public Footpaths in Trelawney Street and Rutledge Street are to be paved with clay pavers in accordance with the Public Domain Technical Manual Section 3 – Eastwood. The clay paving must comply with the Eastwood section of Council's Public Domain Technical Manual. Details must be submitted for Council's approval prior to issue of any Construction Certificate.
 - (b) **Under grounding of overhead powerlines:** Overhead mains in Trelawney Street shall be placed underground, and Multifunction Poles with new street lighting provided along the Trelawney Street frontage. An Electrical Design for dismantling the existing network and installing the new network shall be prepared and submitted to Council and Ausgrid for approval prior to commencement of work. Such utility modifications will be carried out to the satisfaction of the responsible authority (e.g.AUSGRID/ Energy Australia) and cost borne by the applicant.
 - (c) **Multifunction Light Poles:** The multifunction light poles along Trelawney Street frontage shall be erected within the road reserve adjacent to the premises at locations approved by Council. All costs are to be borne by the applicant.
 - (d) **Street Trees Rutledge Street:** The street trees in Rutledge Street are to be *Angophora floribunda* (Rough Barked Apple) planted at approximately 7m intervals.
 - (e) **Street Trees on Trelawney Street:** The street trees in Trelawney Street road reserve are to be *Acer negundo* planted at approximately 7m intervals.

Full engineering details, including plans, sections, finished levels and schedule of materials and finishes complying with the Public Domain Technical Manual must be submitted to Council and approval obtained

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prior to the issue of any **Construction Certificate**.

8. **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.
9. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
 - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
10. **Public place kept lit:** 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.
11. **Construction within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structures shall encroach onto the adjoining properties including any other public, private or land owned by the Roads and Maritime Services. Gates must be installed so they do not open onto any footpath.
12. **No obstruction to the public way.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
13. **Works on public road.** 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.
14. **Works in public road.** 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.
15. **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* and relevant Development Control Plans except as amended by other conditions.
16. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.

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17. **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.
18. **Road Opening Permit.** The applicant shall apply for a road-opening permit where works are proposed to be constructed within the public road reserve, e.g. where connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No work shall be carried out on the road reserve without this permit being paid and a copy kept on the site.
19. **Waste Disposal** To facilitate waste disposal from the site, the site Building Manager shall co-ordinates with the Council and the Waste Collection Contractor to ensure that the loading dock area is accessible at the relevant times.
20. **Parking Management Plan:** An external (on-street) parking management plan to be prepared by the proponent (to Council's satisfaction which requires approval via the Ryde Local Traffic Committee prior to the issue of any Occupation Certificate. An internal signposting and line marking plan shall be provided for Council's approval.
21. **Vehicle Entry:** All vehicles must enter and leave the property in a forward direction from the basement car park.
22. **Construction Traffic Management:** The Applicant must submit a Construction Traffic Management Plan to Council prior to the issue of Construction Certificate.
23. **Queuing Space:** A minimum of 3 queuing spaces should be provided for more than 100 cars at a car park with control point at entrances as per AS2890.1 – 2004 Clause 3.4. Details are to be submitted on the Construction Certificate plans which ensure compliance.
24. **No Stopping Signs:** Full time "No Stopping" restrictions are to be maintained on Rutledge Street and Trelawney Street frontages of the development site.
25. **Design and Geotech Reports:** The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to RMS for assessment. The developer is to meet the full cost of the assessment by the RMS. The Report would need to address the following key issues:
 - (a) The impact of excavation/ rock anchors on the stability of Rutledge Street and detailing how the carriageway would be monitored for settlement.

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- (b)** The impact of the excavation on the structural stability of Rutledge Street.

The report and any enquiries should be forwarded to:
Project Engineer, External Works
Sydney Asset Management
Roads and maritime Services
P O Box 973 Parramatta CBD 2124

Telephone: 8848 2114
Fax: 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

26. **Existing Driveways:** The redundant driveways along Rutledge Street shall be removed and replaced with kerb and gutter to match existing.

The design and construction of the gutter crossing on Rutledge Street shall be in accordance with RMS's requirement. Details of these requirements should be obtained from RMS's Project Services Manager, Traffic Projects Section, Parramatta (Telephone 8849 2496).

Detailed design plans of the proposed gutter crossing are to be submitted to RMS for approval prior to the commencement of any road works.

A plan checking fee (amount to be advised) and lodgement of a performance bond may be required from the applicant/ developer prior to the release of the approved road design plans by the RMS.

27. **Hydraulic Calculations:** Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to RMS for approval, prior to the commencement of any works.

Details should be forwarded to:
The Sydney Asset management
Roads and maritime Services
PO Box 973 Parramatta CBD 2124

A plan checking fee will be payable and a performance bond may be required before RMS's approval is issued. With regards to the Civil Works requirement please contact the RMS's Project Engineer on phone 8849 2114 or fax 8849 2766.

28. **Additional Sightlines:** Vegetation and proposed landscaping/ fencing must not hinder sight lines to and from the proposed access driveways to pedestrians and cyclists.

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29. **Layout of parking and circulation:** The layout of the proposed car parking areas associated with the subject development (including driveways, grades, sight distance requirements, and parking bay dimensions) should be in accordance with AS2890.1 – 2004, AS2890-2002 for heavy vehicles and to Council satisfaction.
30. **Turning areas to be kept clear:** The proposed turning areas within the subject site are to be kept clear of any obstacles, including parked cars, at all times.
31. **Work Zone:** All construction vehicles and activities are to be contained wholly within the site. As no work zone permits will be permitted by RMS on Rutledge Street.

DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

32. **Demolition work.** All demolition work must be carried out in accordance with Australian Standard AS 2601-1991 *The Demolition of Structures*.
33. **Notification of works to Council.** The applicant must notify Council of the following particulars in writing at least seven (7) days before demolition work commences:
 - (a) the name, address, telephone contact details and licence number of the person responsible for carrying out the work; and
 - (b) the date the work is due to commence and the expected completion date.
34. **Notification of works to adjoining property owners.** At least seven (7) days before demolition work commences the applicant must notify the occupiers of all neighbouring premises of the date the work is due to commence by placing a written notice in the letter box of each premises.
35. **Asbestos materials.** All work involving asbestos products and materials, including asbestos-cement sheeting (ie. fibro), must be carried out in accordance with the guidelines for asbestos work published by WorkCover New South Wales.
36. **Hours of work.** All demolition and construction work must be restricted to between the hours of 7.00am and 7.00pm Mondays to Fridays and 8.00am and 4.00pm on Saturdays. No work is to be carried out on Sundays or public holidays.
37. **Noise.** Noise must be minimised by the selection of appropriate methods and equipment and the use of screening or barriers where practical.

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38. **Noise monitoring.** Noise monitoring must be carried out by a qualified acoustics consultant if complaints are received, or if directed by Council, and any control measures recommended by the acoustical consultant must be implemented during the work.
39. **Removal of wastes.** All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at such intervals as may be necessary to ensure that no nuisance or danger to health, safety or the environment is created.
40. **Recycling wastes.** All wastes nominated for recycling or re-use must be segregated from other wastes and be transported to a place or facility where they will be recycled or re-used.
41. **Contaminated soil.** All potentially contaminated soil excavated from the site must be stockpiled in a secure area and be assessed and classified in accordance with the *Environmental Guidelines: Assessment, Classification & Management of Liquid & Non-Liquid Wastes* (EPA, 1999) before being transported from the site.
42. **Transportation of wastes.** All demolition and construction wastes must be transported in an environmentally safe manner to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.
43. **Asbestos wastes.** All asbestos wastes, including used asbestos-cement sheeting (ie. fibro), must be disposed of at a landfill facility licensed by the New South Wales Environment Protection Authority to receive asbestos waste.

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.

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44. **Section 94 Contribution.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$157,758.19
Open Space & Recreation Facilities	\$364,433.93
Civic & Urban Improvements	\$139,415.56
Roads & Traffic Management Facilities	\$21,264.70
Cycleways	\$11,879.58
Stormwater Management Facilities	\$39,590.95
Plan Administration	\$3,200.19
The total contribution is	\$737,543.11

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>.

45. **Damage security.** 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 (category: other buildings with delivery of bricks or concrete or machine excavation).
46. **Payment of fees.** The following fees must be paid to Council in accordance with Council's Management Plan:
- (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
47. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.

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48. **Compliance with Australian Standards:** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the Construction Certificate.
49. **Disabled Access & Adaptable Units:** Disabled access is to be provided within the development in accordance with the recommendations contained in the Access Review Report prepared by Mark Relf (Accessibility Solutions (NSW) Pty Ltd) dated 20th October 2011. Details indicating compliance with the AS1428 & AS4299, Building Code of Australia and the recommendations contained in the above Report are to be submitted to the Principal Certifying Authority (PCA) prior to the Construction Certificate being issued.
50. **Dilapidation Survey.** A dilapidation survey is to be undertaken that addresses all properties (including any public place) that may be affected by the construction work. A copy of the survey is to be submitted to the PCA (*and Council, if Council is not the PCA*).
51. **Reflectivity.** Roofing and other external materials must be of low glare and reflectivity. Details of the approved finished external surface materials, including colours and texture must be provided to the Principal Certifying Authority.
52. **Bicycle & Motorbike parking.** Sufficient area shall be designated for bicycle parking on the site within the lower ground level (the entrance level) in accordance with the following:
- (a) Secure bicycle parking racks and manoeuvring area must be provided for at least eleven bicycles.
 - (b) The bicycle parking area must be highly visible, adequately lit and easily accessible by residents and customers.
 - (c) Bicycle parking and access must be designed so as to ensure potential conflicts with vehicles are minimised.
 - (d) Provision for motorbike parking on the site must also be provided.

Bicycle parking must be designed in accordance with AS2890.3 Parking Facilities- Bicycle Parking Facilities and the NSW bicycle guidelines. Details are to be submitted on the **Construction Certificate**.

53. **Lighting.** 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 are to include certification from an appropriately qualified person that there will be no offensive glare onto adjoining residents.

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54. **BASIX Commitments.** The development must comply with all commitments listed in BASIX Certificate numbered 385935M, dated 12 October 2011. The fittings, fixtures and materials installed in association with the retail tenancy (including but not limited to hot water systems, ceiling/roof insulation, shower heads, toilet cisterns and the like) shall comply with the requirements of Council's DCP. Details are to be noted on the plans submitted with the **Construction Certificate**.
55. **Car parking.** Disabled parking must be provided for both residential and retail activities on the site. At least 108 car parking spaces are to be provided on the site including 73 residential parking spaces, 22 retail parking spaces, 13 visitor parking spaces and six *accessible* spaces, evenly distributed over all designated parking levels. Details are to be submitted on the Construction Certificate plans.
56. **Access to resident parking.** Access to residential parking should be restricted to residents and their visitors only. Details demonstrating compliance are to be submitted on the Construction Certificate plans.
57. **Services & Substation:** All service infrastructure/utilities including electrical substations, fire hydrants, gas meters and the like shall be located within the building envelope. Where this is not possible and subject to Council approval such infrastructure shall be located on the subject site and appropriately screened from view. Details of all service infrastructure/utilities are to be approved prior to issue of the Construction Certificate.
58. **Garbage Room Exhaust:** The garbage room exhaust must be designed so that it is suitably screened from view. Satisfactory screening device must be used and integrated with the architectural feature of the building. Details of all service infrastructure/utilities are to be approved prior to issue of the Construction Certificate.
59. **Tree Removal:** Adjoining owners consent must be obtained prior to the removal of the tree located on the adjoining site.
60. **Underground Gas Pipeline:** All excavation (including pot-holing by hand) should be performed in accordance with 'Work Near Underground Assets Guidelines' published in 2007 by the Work Cover Authority.
61. **Soil Depths:** Minimum soil depth of 800mm must be provided in all planter beds provided throughout the development
62. **Operable Windows:** Windows to the units must be operable where necessary to allow adequate cross ventilation and improved amenity.
63. **Delete tree adjacent to fire door:** The tree planting in front of the fire door is to be deleted so that the area is kept clear.

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64. **Seating:** Adequate seating, shading structures and BBQ facility must be provided within the communal open space area. Details to be provided in the plans submitted for Construction Certificate.
65. **Storage Facility:** All residential units must be provided with sufficient secure storage facility (other than the kitchen cupboard areas at a rate of storage facilities at the following rates:
- studio apartments 6m³
 - one-bedroom apartments 6m³
 - two-bedroom apartments 8m³
 - three bedroom apartments 10m³
- Storage facility must be lockable and allocated to individual units.
The allocated storage facility must be shown on the strata plans.
66. **Remediation of land:** The land must be remediated to the extent necessary for the proposed use and a copy of the site validation report must be submitted to Council for consideration. The site validation report must comply with the *Guidelines for Consultants Reporting on Contaminated Sites* (EPA, 1997) and demonstrate that the site is suitable for the proposed use.

No Construction Certificate is to be issued for any building work on the land until Council has confirmed in writing that it is satisfied that the land is suitable for the proposed use, without the need for further remediation.

67. **Remediation Work:** All remediation work must be carried out in accordance with:
- (a) *State Environmental Planning Policy No. 55 - Remediation of Land;*
 - (b) any relevant guidelines published under the *Contaminated Land Management Act 1997;* and
 - (c) any council policy or development control plan relating to the remediation of land.
68. **Site Audit:** If requested by Council, a site audit statement and a site audit summary report from an accredited site auditor under the *Contaminated Land Management Act 1997* must be submitted to Council verifying the information contained in the site validation report.
69. **Grease Trap:** A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.
70. **Grease Trap Room:** The grease trap room must be constructed in accordance with the following requirements:

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- (a) The floor, walls and ceiling must be constructed of solid materials finished to a smooth even impervious surface free of any cracks, holes or other openings that may allow the escape of odours.
 - (b) The room must be fitted with an air-tight (eg. coolroom type) door.
 - (c) The room must be provided with an approved system of mechanical exhaust ventilation.
 - (d) The room must be provided with intrinsically safe artificial lighting.
 - (e) A hose tap with a backflow prevention device must be provided in or adjacent to the room to facilitate cleaning.
71. **Grease Trap Pump:** A fixed pump out line must be provided in accordance with the requirements of Sydney Water Corporation to facilitate servicing of the grease trap.
72. **Garbage and Recycling Room:** A garbage and recycling room must be provided in an approved location in the basement carpark of the residential flat building. The garbage and recycling rooms must be constructed in accordance with the following requirements:
- (a) The room must be of adequate dimensions to accommodate all waste containers, and any compaction equipment installed, and allow easy access to the containers and equipment for users and servicing purposes;
 - (b) The floor must be constructed of concrete finished to a smooth even surface, coved to a 25mm radius at the intersections with the walls and any exposed plinths, and graded to a floor waste connected to the sewerage system;
 - (c) The floor waste must be provided with a fixed screen in accordance with the requirements of Sydney Water Corporation;
 - (d) The walls must be constructed of brick, concrete blocks or similar solid material cement rendered to a smooth even surface and painted with a light coloured washable paint;
 - (e) The ceiling must be constructed of a rigid, smooth-faced, non-absorbent material and painted with a light coloured washable paint;
 - (f) The doors must be of adequate dimensions to allow easy access for servicing purposes and must be finished on the internal face with a smooth-faced impervious material;
 - (g) Any fixed equipment must be located clear of the walls and supported on a concrete plinth at least 75mm high or non-corrosive metal legs at least 150mm high;
 - (h) The room must be provided with adequate natural ventilation direct to the outside air or an approved system of mechanical ventilation;
 - (i) The room must be provided with adequate artificial lighting; and
 - (j) a hose with a trigger nozzle must be provided in or adjacent to the room to facilitate cleaning.

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Details to be submitted on the Construction Certificate plans which ensure compliance with this requirement.

73. **Storage of Discarded Items:** A separate room or caged area with minimum 5m² floor area must be provided in the basement carpark of the residential flat building for the storage of bulky discarded items such as furniture and white goods. Details are to be submitted on the plan submitted for Construction Certificate.
74. **Kitchen Exhaust:** Adequate provision must be made for the installation of kitchen exhaust systems to the proposed retail premises.
75. **Mechanical Ventilation:** Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**. Such details must include:
 - (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems;
 - (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and
 - (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications
76. **Air Handling:** All air-handling and water systems regulated under the *Public Health Act 1991* must be installed, operated and maintained in accordance with the requirements of the *Public Health (Microbial Control) Regulation 2000*.
77. **Water Cooling System:** All water-cooling and warm-water systems regulated under the *Public Health Act 1991* must be registered with Council within one (1) month of installation.
78. **Road Noise:** The residential flat building(s) must be designed and constructed so that road traffic noise levels inside the building(s) comply with the satisfactory design sound levels recommended in Australian/New Zealand Standard AS/NZS 2107: 2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*, when the windows and doors are closed.
79. **Noise Attenuation Measures:** The recommendations contained under Section 6 of the Acoustic Report prepared by West & Associates Pty Ltd (Document No. 11183 Issue A dated 21 September 2011 must be incorporated in the Construction Certificate drawing prior to its approval.

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80. **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, car parking areas, landscaping and stormwater drainage plans and must be obtained prior to the issue of the construction certificate.
81. **Road Anchors:** Where road anchors are proposed to support the proposed development excavation, detailed structural plans indicating the number of anchors are proposed are to be submitted to Council and road anchor fees are to be paid to Council in accordance with Council's Management Plan.
82. **Hoarding Fees.** Where hoarding are proposed, fees in accordance with Council's Management Plan are to be paid to Council prior to the issue of the Construction Certificate for the erection of a protective hoarding along the street frontage of the property. The fee is based on Council, schedule of fees and charges and is for a period of 6 months. If the time of use of Council's footpath varies from this an adjustment of the fee will be made on completion of the works.
83. **Dilapidation Report.** To determine the extent of restoration works that may be required, the applicant shall submit to Council a pre and post construction dilapidation report on the status of existing public infrastructures in the vicinity of the proposed development. The report is to include photographic records, description and location of any existing observable defects of the following infrastructure and others where applicable:
- (a) Road Pavment
 - (b) Kerb and gutter.
 - (c) Constructed footpath.
 - (d) Drainage pits.
 - (e) Traffic signs.
 - (f) Any other relevant infrastructure.

These reports shall be submitted to Council development engineer, prior to the issue of the Construction and Occupation Certificate. The report shall be used by Council as Roads Authority under the Roads Act to assess whether restoration works are required prior to the issue of the Occupation Certificate. All restoration works deemed necessary by Council's development engineer are to be completed to Council satisfaction prior to the issue of Occupation Certificate

84. **Excavation.** To ensure the proposed site excavation will not impact on the adjoining property structures foundations and services.

The applicant shall submit to the Principal Certifying Authority for approval a geotechnical report prepared and certified by a chartered practicing geotechnical/structural engineer addressing, but not be limited to the following items:-

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- a) *The likely impacts of the proposed excavations will have on structures and services of adjoining properties & Roadway*
- b) *Detail what measures are to be taken to protect the structures and services of adjoining properties from structural damage and undermining during construction*
- c) *A copy of the report including geotechnical/structural engineer certification should be submitted to Council.*

The above matters shall be completed prior to the issue of the construction certificate.

All recommendations of the Geotechnical Engineer are to be carried out during the course of the excavation. The applicant must give at least seven (7) days notice to the owner and occupiers of the adjoining allotments before excavation works commence.

85. **Driveway Grades.** The maximum grade of all internal driveways and vehicular ramps etc shall comply with relevant section of AS 2890.1 & AS2890.2 where applicable. Detailed engineering plans including engineering certification indicating compliance with this condition are to be submitted with the Construction Certificate application.
86. **Car Parking.** All internal driveways, vehicle turning areas, grades, parking space dimensions, headroom clearance etc shall be designed to comply with relevant sections of Australian Standards AS 2890 where applicable and shall incorporate but not be limited to the following additional requirement.
 - a. Internal signposting and line marking plan shall be provided to in accordance with relevant Australian Standard for the PCA approval.
 - b. All loading and unloading must take place within the confines of the loading dock for at least a medium rigid vehicle MRV.

Detailed engineering plans including engineering certification confirming compliance with this condition is to be submitted with the Construction Certificate application.

87. **Traffic Management.** Traffic management plans must be prepared and procedures must be in place and practised during the construction period to ensure safety and minimise construction traffic conflict on adjoining pedestrian and vehicular traffic movement. These procedures and systems must be in accordance with AS 1742.3 1985 and the RTA's Manual – "Traffic Control at Work Sites" where applicable.

Accordingly, a detailed plan of traffic management prepared by a traffic engineer including certification indicating compliance are to be submitted with the Construction Certificate application.

88. **Stormwater Runoff.** Stormwater runoff from site shall be collected and piped to Council's underground drainage system via an On-site detention (OSD) system designed in accordance with the City of Ryde, Development

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Control Plan 2010: - Part 8.2; Stormwater Management. The design shall incorporate but not be limited to *the following*:

- a. All gutters, down pipes and pipeline conveying runoff to the OSD tank(s) are required to be designed for a 1 in 100 year storm.
- b. The design shall ensure back water flow will not occur or influence the functioning of the outlet pipe from the OSD tank for all storm events and durations, including preventing the ingress of overland flows into the OSD tank.
- c. Discharge from the site shall be limited to a single point discharge at maximum of 30l/s to the street kerb and gutter. Should this is exceeded, the discharge shall be to the nearest Council's underground drainage system, in which case extension of Council's existing drainage system may be required to facilitate this solution. Where extension of Council's existing stormwater line is required detailed engineering plans shall be submitted to and approved by Council with payment of all applicable fees in accordance with Council's management plan, prior to written approval being given by Council.

Accordingly, detailed amended engineering plans including certification from a chartered civil engineer with NPER registration with Engineers Australia indicating compliance with this condition are to be submitted for approval with the Construction Certificate application.

89. **Erosion and Sediment Control Plan.** An *Erosion and Sediment Control Plan (ESCP)* 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. These devices shall be maintained during the construction works and replaced where considered necessary.

The following details are to be included in drawings accompanying the *Erosion and Sediment Control Plan*

- a) Existing and final contours
- b) The location of all earthworks, including roads, areas of cut and fill
- c) Location of all impervious areas
- d) **Location and design criteria of erosion and sediment control structures,**
- 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) Procedures for maintenance of erosion and sediment controls
- l) Details for any staging of works
- m) Details and procedures for dust control.

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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.

90. 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.

91. 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.

92. 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 2006: - Part 8.1; Construction Activities.

93. 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. 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.

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.

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94. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
95. **Noise and Vibration.** 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.
96. **Noise and Vibration.** The L₁₀ 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.
97. **Survey of footings and walls.** All footings and walls within 1 metre of a boundary must be set out by a registered surveyor. On commencement of brickwork or wall construction a survey and report must be prepared indicating the position of external walls in relation to the boundaries of the allotment.
98. **Sediment, soil and dust.** No sediment, dust, soil or similar material shall leave the site during construction work.
99. **CCTV Surveillance** cameras must be installed in and around the property to maximise surveillance opportunities. CCTV should be used throughout the retail complex and communal areas such as lobbies, lifts etc, and paying particular attention to the internal area of the shopping centre especially entry and exit points. CCIV should also be used around the loading dock area and car park entry and exit points. CCIV should be placed on the external area of the building capturing the area outside the retail stores along Trelawney Street and also capturing the area along Rutledge Street. Digital technology should be used to record images from the cameras. Installed surveillance equipment needs to be able to zoom in on a person without loss of focus. Management must ensure that the requirements of the Surveillance and Privacy Act are adhered to.
100. **Landscape maintenance plan must be prepared for the site.** Landscaping close to the building should be regularly maintained to ensure branches cannot act as a natural ladder to gain access to higher parts of the building and trimmed to ensure concealment opportunities are eliminated.
101. **Lighting** shall be provided to all common areas including the car parking levels as well as the stairs and access to and including the public outdoor courtyard, communal gardens and the bin storage rooms. Such lighting to be automatically controlled by time clocks, and where appropriate, sensors to provide an energy efficient and controlled environment for residents.

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102. **Signage.** Signage must be provided at entry/exit points and throughout the development to assist users and warn intruders that they will be prosecuted.
Warning: these premises are under constant surveillance.
Warning: trespassers will be prosecuted.
103. **Security Signs:** Signs should be erected in the car parks and near entry and exit points which details security measures and reminds people to lock their vehicles and remove valuables from their vehicles.
104. **Graffiti:** All surfaces on the street frontages that are not glass should use graffiti resistant paints and/or other surfaces that discourage graffiti.
105. **Intercom Facility:** The entry to the car park should have a ticket/boom gate system. Intercom facilities should be incorporated into these entry/exit points to enable residents to communicate and identify with people prior to admitting them to the development.
106. **Access control to residential lifts:** Access should be restricted to residents only to the lifts and stairs leading to the apartments.
107. **Installation of Locksets:**
- (a) The main entry/exit points for this development should be fitted with single cylinder locksets (Australia and New Zealand Standards - Locksets), which comply with the Building Code of Australia.
 - (b) An auxiliary lock set should also be incorporated into the design of each of the entry/exit points to enable emergency services to access the development particularly in emergency situations.
 - (c) Fire exit doors to the development should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the development.
 - (d) The main entry/exit doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
 - (e) The balcony doors to individual units should also be fitted with single cylinder locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.
 - (f) The windows to individual units should also be fitted with key operated locksets (Australia and New Zealand Standard - Lock Sets) to restrict unauthorized access to the unit.

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

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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.

108. **Basix commitments.** The submission of documentary evidence of compliance with all commitments listed in BASIX Certificate referred to in this Development Consent.
109. **Public domain.** All landscaping & public domain improvement works required to be carried out under condition 7 are to be completed.
110. **Consolidation.** All land titles within the site must be consolidated into one allotment. Documentary evidence of such consolidation shall be submitted prior to the issue of any Occupation Certificate under the Environmental Planning and Assessment Act 1979.
111. **Disabled access.** Access for disabled people shall be provided in the building or portion of the building in accordance with the applicable standards and the requirements set out in AS 1428.1. Documentary evidence is to be and certification obtained from a suitable qualified person confirming that the development meets these requirements is to be provided prior to the issue of any Occupation Certificate.
112. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

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

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.
113. **Sewer Connection:** All sanitary fixtures must be connected to the sewerage system by gravity flow and documentary evidence of compliance must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
114. **Sydney Water.** 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-

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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.

115. **Design Verification:** Prior to an Occupation Certificate being issued to authorise a person to commence occupation or use of a residential flat building, the Principal Certifying Authority (PCA) is to be provided with design verification from a qualified designer. The statement must include verification from the qualified designer that the residential flat development achieves the design quality of the development as shown on plans and specifications in respect of any Construction Certificate issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development. This condition is imposed in accordance with Clause 154A of the Environmental Planning and Assessment Regulation 2000.
116. **Post construction dilapidation report.** The submission of a post-construction dilapidation report which clearly details the final condition of all property, infrastructure, natural and man-made features that were recorded in the pre-commencement dilapidation report. A copy of the report must be provided to Council, any other owners of public infrastructure and the owners of the affected adjoining and private properties.
117. **Disused Gutter Crossing.** All disused gutter and footpath crossings where occur shall be removed and the kerb and footpath reinstated to the satisfaction of Council.
118. **Parking Management Plan:** An external (on-street) parking management plan to be prepared by and submitted to Council’s for the Local Traffic Committee approval prior to the issue of OC.
119. **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*.
 - Confirming that the driveway is constructed in accordance with the

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construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.

- Confirming that the constructed internal car park and associated drainage complies with AS 2890, the construction plan requirements and Ryde City Council's *Environmental Standards Development Criteria - 1999*.
- Confirming that the site drainage system servicing the development complies with the construction plan requirements and the City of Ryde, Development Control Plan 2010: - Part 8.2; Stormwater Management.
- Confirming that the connection of the site drainage system to the trunk drainage system where applicable complies with Section 4.7 of AS 3500.3 - 1990 (National Plumbing and Drainage Code).
- 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.
- From Council confirming that all external works have been completed to Council's satisfaction.

120. **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 the City of Ryde, Development Control Plan 2006: - 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.

121. **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.

122. **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.

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PRIOR TO SUBDIVISION CERTIFICATE

The following conditions in this Part of the consent apply to the Subdivision component of the development.

All conditions in this Part of the consent must be complied with prior to the issue of a Subdivision Certificate.

123. **Final plan of subdivision.** The submission of a final plan of subdivision plus 3 copies suitable for endorsement by the Authorised Officer of Council.
124. **Final plan of subdivision – title details.** The final plan of subdivision shall contain detail all existing and/or proposed easements, positive covenants and restrictions of the use of land.
125. **Section 88B Instrument.** The submission of an Instrument under Section 88B of the Conveyancing Act 1919 plus 3 copies, creating Easements, Positive Covenants and Restrictions on Use. This Instrument shall nominate the City of Ryde as the authority empowered to release, vary or modify the terms of the Instrument.
126. **Occupation Certificate.** A final occupation certificate in relation to this development must be in force. A copy of the Occupation Certificate is to be submitted with the application for final subdivision certificate.
127. **Section 73 Certificate.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be submitted with the application for final subdivision certificate.
128. **Utility provider – compliance documents.** The submission of documentary evidence of compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc).

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

129. **Garbage Collection:** Where necessary, staff or contractors must be employed to take the waste containers from garbage and recycling room to the container emptying point for servicing and to return the containers to the garbage room after servicing.
130. **Gym to be used by residents only:** The use of the Gym within the building shall only be used by the residents living within the site.
131. **Indemnity:** Where it is necessary for waste collection vehicles to enter the property to service the waste containers, the property owner must

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indemnify Council and its contractor in writing against claims for damage to the driveways and manoeuvring areas.

132. **Offensive noise** - The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
133. **Noise from Plant & Machinery:** The operation of any plant or machinery installed on the premises must not cause:
- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at the most affected noise sensitive location in the vicinity. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
 - (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
 - (c) The transmission of vibration to any place of different occupancy.
134. **Hours of operation.** The use of the retail part of the development is restricted to the following hours of operation: 7.00am and 9pm Monday to Saturday and 8.00am to 8pm on Sunday.
- (b) That the Voluntary Planning Agreement also be approved and that the Group Manager Environment and Planning be delegated to finalise the Voluntary Planning Agreement with N & G Projects Pty Ltd in accordance with the submitted Voluntary Planning Agreement and the applicable legal requirements under the *Environmental Planning and Assessment Act 1979* for a one-off monetary contribution of \$150,000.
 - (c) That the persons who made submissions be advised of Council's decision.

On being put to the Meeting, the voting on the Amendment was four (4) votes For and five (5) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Maggio, Petch, Tagg and Yedelian OAM

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Campbell, O'Donnell, Perram and Pickering

RESOLUTION: (Moved by Councillors Pickering and Perram)

That this matter be deferred to allow the Group Manager – Environment and Planning to negotiate this development application with particular regard to

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addressing the following:

- (a) an increase in the voluntary planning agreement;
- (b) the non-compliances as outlined in the officer's report; and
- (c) meeting the needs of both the developer and community with regards to amenity.

Record of Voting:

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

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

3 7-9 RUTLEDGE STREET, EASTWOOD. LOT 23 DP 4231, LOT 24 DP 653568. Construction and strata subdivision of a mixed use building with 6 retail / commercial tenancies, 79 units and associated basement parking for 155 cars. LDA2011/0612

Note: A Memorandum from the Group Manager – Environment and Planning dated 2 August 2012 was tabled in relation to this Item and a copy is ON FILE.

MOTION: (Moved by Councillors Pickering and Petch)

That this matter be deferred to allow the Group Manager – Environment and Planning to negotiate this development application with particular regard to addressing the following:

- (a) an increase in the voluntary planning agreement;
- (b) the non-compliances as outlined in the officer's report; and
- (c) meeting the needs of both the developer and community with regards to amenity.

AMENDMENT: (Moved by Councillors Campbell and O'Donnell)

- (a) That Local Development Application No. 2011/0612 at 7-9 Rutledge Street, Eastwood, being Lot 23 DP 4231 and Lot 24 DP 653568 be refused for the following reasons:
 - a. The proposed development is inconsistent with State Environmental Planning Policy No. 65 with respect to Context, Scale, Built Form, Density and Solar Access and therefore does not represent a good design outcome particularly in the following key areas:
 - i. The development does not respect the desired future character of the area as the development clearly extends well beyond the applicable building height and building envelope controls.
 - ii. The development does not respect the desired massing and human scale initiatives. It will not be stepped to appropriately address the sites corner location.
 - iii. The proposed layout and building depth will limit solar acces

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- b. The proposed development proposes significant non-compliances with the maximum height standards for the site prescribed under Clause 4.3 – Height of Buildings of RLEP 2010, which has not been justified.
- c. The design is such that it will not meet the objectives (a), (c), (d) and (e) for building height listed under Clause 4.3 – Height of Buildings of RLEP 2010 and objectives of the zone listed under the Land Use Table of RLEP 2010 with regard to '*creating an attractive environment for pedestrians*' and '*recognising unique location in design*'.
- d. The applicant has not adequately demonstrated in the proposed development application, that the proposed height variance will be satisfactory with respect to Sub-clause 4(a)(ii), that the development will be in the public interest because it will be consistent with the objectives of the height standard and the objectives of the zone of the land.
- e. The proposed development will not meet Objective (b) of Clause 4.6 – Exceptions to development standards of RLEP 2010. It will not achieve a better outcome.
- f. The proposed development does not meet the objectives (a) of Clause 6.5 – Eastwood Urban Village and West Ryde Urban Village of RLEP 2010 with respect to *creating an attractive environment for pedestrians* given the proposed height, scale and lack of regard to the human scale initiatives for height.
- g. The proposed development does not comply with the maximum permissible height of 18.5m and 33.5m prescribed under Clause 4.3 – Height of Buildings of the DLEP 2011.
- h. The proposed development does not achieve objectives (a), (b), (c) and (d) for building height listed under Clause 4.3 – Height of Buildings of the DRLEP 2011.
- i. The proposed development will not meet Objective (b) of Clause 4.6 – Exceptions to development standards of DLEP 2011 as it will not achieve a better outcome.
- j. The proposed development seeks significant variation to the applicable RDCP 2010 controls, particularly in relation to the envisaged urban form. The degree of variation has resulted in an excessive design that is inconsistent with the object of the envelope and corner treatment controls. The proposed development does not achieve a design outcome that is sought by Council's controls nor reflect the future character for the Eastwood Shopping Village.

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- k. Insufficient information has been submitted to verify compliance with the RFDC requirement in that the private open spaces for at least 70% of apartments in a development should receive a minimum of 2 hours direct sunlight between 9am and 3pm in mid winter.
 - l. Insufficient information has been submitted to verify that the insufficient building separation to the east will maintain compliance with the approved Eastwood Shopping Centre Development with the following solar access requirement of the RFDC:
'living rooms and private open spaces of at least 70% of the units in the development will achieve a minimum of 2 hours solar access between 9am and 3pm in mid winter '.
 - m. The proposed development is not considered to be in the public interest as it will set an inappropriate precedent for overdevelopment with significant departures from the Ryde LEP 2010 maximum height standards and the Ryde DCP 2010.
- (b) That the persons who made submissions be advised of Council's decision.

On being put to the Meeting, the voting on the Amendment was three (3) votes For and six (6) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Campbell, O'Donnell and Perram

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Maggio, Petch, Pickering, Tagg and Yedelian OAM

RESOLUTION: (Moved by Councillors Pickering and Petch)

That this matter be deferred to allow the Group Manager – Environment and Planning to negotiate this development application with particular regard to addressing the following:

- (a) an increase in the voluntary planning agreement;
- (b) the non-compliances as outlined in the officer's report; and
- (c) meeting the needs of both the developer and community with regards to amenity.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Maggio, Perram, Petch, Pickering, Tagg and Yedelian OAM

Against the Motion: Councillors Campbell and O'Donnell

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ATTACHMENT 1

4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 9/12 held on 17 July 2012

RESOLUTION: (Moved by Councillors Perram and Petch)

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

Record of Voting:

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

Against the Motion: Councillor Tagg

2 CHURCH STREET UPGRADE – Revised Concept Plan

RESOLUTION: (Moved by Councillors Perram and Petch)

- (a) That Council endorse the Revised Concept Plan for Church Street, Top Ryde (**ATTACHMENT 2**) to the Report.
- (b) That Council endorse the public art concepts for Church Street, Top Ryde (**ATTACHMENT 3**) to the Report.

Record of Voting:

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

Against the Motion: Councillor Tagg

3 HERITAGE ADVISORY COMMITTEE – RYDE WHARF

RESOLUTION: (Moved by Councillors Perram and Petch)

- (a) That, at this time, Council does not expend any Council resources to upgrade the Ryde Wharf at Shepherds Bay.
- (b) That Council write to the appropriate Minister and the Roads and Maritime Services seeking them to undertake the works to upgrade Ryde Wharf at Shepherds Bay and that the response be reported back to the Works and Community Committee Meeting.
- (c) That the Maritime section of the RMS be invited to give a presentation on the upgrading of the Ryde Wharf to the Works and Community Committee.

Record of Voting:

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

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Against the Motion: Councillor Yedelian OAM

5 WOLFE ROAD NEIGHBOURHOOD FORUM UPDATE

RESOLUTION: (Moved by Councillors Perram and Petch)

- (a) That Council note the information provided in the records from the Wolfe Road Reserve Neighbourhood Forum.
- (b) That Council proceed with the implementation of the actions as identified by the Neighbourhood Forum in the agreed action plan, with the addition of Council requesting an independent surveyor to demarcate and peg at two metre intervals all property boundaries of the Wolfe Road Reserve.
- (c) That Council thank the residents who attended the Forum for their participation and keep them informed as the implementation proceeds.
- (d) That Council request a further report be submitted to Councils Works and Community Committee on the outcome of the 7-part test for the changes to the Reserve, the proposed location of the delineation fence and Council's management plan for the Wolfe Road Reserve.

Record of Voting:

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

Against the Motion: Councillors Maggio and Pickering

5 INVESTMENT REPORT - June 2012

RESOLUTION: (Moved by Councillors Petch and Perram)

That Council endorse the report of the Chief Financial Officer dated 9 July 2012 on Investment Report – June 2012.

Record of Voting:

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

Against the Motion: Councillor Tagg

6 DRAFT RYDE LEP 2011 - SUBMISSIONS

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

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7 DRAFT DEVELOPMENT CONTROL PLAN 2011 PART 3.3 – DWELLING HOUSES AND DUAL OCCUPANCIES

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

8 INTEGRATED OPEN SPACE PLAN – FOR ADOPTION

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

9 FLOOD MODELLING FEES & CHARGES

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

- (a) That the fees for the purchase of Council's DRAINS model, in the amount of \$2,200 and that the fee for the purchase of Council's TUFlow model in the amount of \$4,950 be adopted.
- (b) That Council include the above fees in the Fees & Charges for 2012/2013.

Record of Voting:

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

Against the Motion: Councillor Tagg

10 SHRIMPTONS CREEK PLAN OF MANAGEMENT AND AUTHORISATION OF PROPOSED LEASE ARRANGEMENTS FOR THE RYDE COMMUNITY AND SPORTS CENTRE

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

- (a) That Council place the draft Shrimptons Creek Plan of Management on Public Exhibition in accordance with the Local Government Act 1993 for a period of 6 weeks.
- (b) That Council undertake public notice of the lease of the Ryde Community and Sports Centre in accordance with Section 47a of the Local Government Act 1993.
- (c) That a report be brought back to Council with the results of the public exhibition recommending further action.

Record of Voting:

For the Motion: Unanimous

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ATTACHMENT 1

11 UPDATE ON MANAGEMENT AND OPERATION OF RYDE COMMUNITY AND SPORTS CENTRE

RESOLUTION: (Moved by Councillors Petch and Maggio)

- a) That Council amend the Shrimpton's Creek Plan of Management to expressly authorise the lease to the YMCA of Sydney for the Ryde Indoor Community and Sports Centre for a period of 3 years with a 2-year option at Council's discretion.

- (b) That, should there be no objection received by Council on the lease proposal, the General Manager be given delegated authority to sign the lease and other relevant documents.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Campbell and Maggio)

That this report be deferred for consideration following the 2012 Local Government Election.

Record of Voting:

For the Motion: Unanimous

13 RFT 08/12 – FOR THE PROVISION OF CATERING SERVICES TO THE CITY OF RYDE

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

14 REQUEST FOR TENDER – COR-RFT-01/12 – Cleaning Services to City of Ryde Council Buildings

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

15 LIVVI'S PLACE PLAYGROUND, YAMBLE RESERVE – TENDER EVALUATION AND CONSTRUCTION PLANNING

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

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ATTACHMENT 1

16 REPORTS DUE TO COUNCIL

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: Unanimous

17 MACQUARIE UNIVERSITY - DRAFT DEVELOPMENT AGREEMENT

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

That this report be deferred for consideration following the 2012 Local Government Election.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 NOTICE OF MOTION - Public Domain Areas - West Ryde

RESOLUTION: (Moved by Councillors Petch and Perram)

(a) That the correspondence be received and noted.

(b) That the following be included with the Notice of Motion as part (d):

(d) That the level of all public domain works at completion and the time of opening the facility be provided in writing.

Record of Voting:

For the Motion: Unanimous

2 MACQUARIE PARK TASKFORCE

RESOLUTION: (Moved by Councillors Petch and Maggio)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

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ATTACHMENT 1

3 SEPTEMBER 2012 LOCAL GOVERNMENT ELECTIONS - CARETAKER PROVISIONS

RESOLUTION: (Moved by Councillors Campbell and Petch)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

4 SEPTEMBER 2012 LOCAL GOVERNMENT ELECTIONS - USE OF COUNCIL RESOURCES AND ELECTORAL MATERIAL

RESOLUTION: (Moved by Councillors Maggio and Petch)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: DEFERRED REPORT: DRAFT PART 3.4 MULTI DWELLING HOUSING DCP AND BANKSTOWN CITY COUNCIL BOARDING HOUSE CASES - Councillor Nicole Campbell, Councillor Gabrielle O'Donnell, ~~Councillor Ivan Petch~~

Note: Councillor Petch gave notice that he wished to remove his name from the Notice of Rescission.

MOTION: (Moved by Councillors Campbell and O'Donnell)

That Council rescind the previous resolution in relation to ITEM 13 (c) and (d) – DEFERRED REPORT: DRAFT PART 3.4 MULTI DWELLING HOUSING DCP AND BANKSTOWN CITY COUNCIL BOARDING HOUSE CASES, passed at the Extraordinary Council Meeting held on 17 July 2012, namely:-

(c) *That Council's DCP 2011 - Part 3.4 Multi Dwelling Housing not include reference to the permissible use of boarding houses in R2/Low Density suburbs until changes are made to the LEP that reflects the zoning definition similar to that in place at Bankstown City Council.*

(d) *That Council amend its LEP to reflect the zoning that articulates boarding houses as a 'prohibited land use' in the residential R2(a) land use zone.*

On being put to the Meeting, the voting on the Motion was two (2) votes For and seven (7) votes Against. The Motion was LOST.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Councillors Campbell and O'Donnell

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

2 NOTICE OF RESCISSION: COMPLETION OF BUSINESS - COUNCIL RESOLUTION TO CONDUCT AN EXTRAORDINARY COUNCIL MEETING AT 7.00PM ON 24 JULY 2012 - Councillor Bill Pickering, Councillor Roy Maggio, Councillor Gabrielle O'Donnell

RESOLUTION: (Moved by Councillors Campbell and Maggio)

That Council rescind the previous resolution in relation to the Completion of Business – Council Resolution to conduct an Extraordinary Council Meeting at 7.00pm on 24 July 2012, passed at the Extraordinary Council Meeting held on 17 July 2012, namely:

That all remaining Items of Business be considered at an Extraordinary Meeting of Council to be held on 24 July 2012, commencing at 7.00pm.

On being put to the Meeting, the voting on the Motion was eight (8) votes For and one (1) vote Against. The matter was then AT LARGE.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

RESOLUTION: (Moved by councillors Campbell and Maggio)

That all remaining Items of Business from the Extraordinary Council Meeting on 17 July 2012 be considered at an Extraordinary Meeting of Council to be held on 21 August 2012, commencing at 7.30pm.

Record of Voting:

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

Against the Motion: Councillors Petch and Tagg

ITEM 1 (continued)

ATTACHMENT 1

18 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Maggio and Petch)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Rose Marie Lavery addressed the meeting in relation to Items not Listed on the Agenda earlier in the Meeting as detailed in these Minutes.

NATIONAL ANTHEM

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

The meeting closed at 10.02pm on Tuesday, 14 August 2012.

CONFIRMED THIS 28TH DAY OF AUGUST 2012

Chairperson

ITEM 1 (continued)

ATTACHMENT 1

JOHN GARNSEY QC
KYLE OLIVER

**IN THE MATTER OF
RYDE CITY COUNCILLORS PETCH, PERRAM, TAGG, LI,
BUTTERWORTH AND SAVESTRO-MARTIN**

AND

RYDE CITY COUNCIL MEETING PROCEDURES

MEMORANDUM OF ADVICE

AJL LEGAL
SOLICITORS
LEVEL 1, 43 BELGRAVE STREET
MANLY NSW 2095

ITEM 1 (continued)

ATTACHMENT 1

JOHN GARNSEY QC
KYLE OLIVER

**IN THE MATTER OF
RYDE CITY COUNCILLORS PETCH, PERRAM, TAGG, LI,
BUTTERWORTH AND SAVESTRO-MARTIN**

AND

RYDE CITY COUNCIL MEETING PROCEDURES

MEMORANDUM OF ADVICE

1. Our instructing solicitor acts for Ryde City Councillors Petch, Perram, Tagg, Li, Butterworth and Savestro-Martin (the "**Councillors**").
2. We are instructed that:
 - 2.1. The Councillors anticipate that, at the meeting of the Council on 24 July 2012, a motion will be moved, without notice, to transact at the meeting business of which due notice has not been given.
 - 2.2. The motion that the Councillors anticipate will be so moved (the "**anticipated procedural motion**") is a motion that the Council immediately consider and vote upon a rescission motion of which notice was given at the extraordinary meeting of the Council held on 23 July 2012 (the "**proposed business**"), and that so much of the standing orders as would otherwise prevent that course, be suspended.
 - 2.3. The Councillors are apprehensive that the mayor, in the exercise, or purported exercise, of powers conferred by clause 241(3)(b) of the *Local Government (General) Regulation 2005* (the "**Regulation**"), may:
 - 2.3.1. refuse to permit the anticipated procedural motion to be debated and put; and/or

ITEM 1 (continued)

ATTACHMENT 1

JOHN GARNSEY QC
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Petsch & Ors and Ryde City Council Meeting Procedures

2.3.2. if the anticipated procedural motion is passed, refuse to permit the proposed business to be transacted,

on the grounds that, in the mayor's opinion, the proposed business is not of great urgency

(the "anticipated rulings").

3. The **questions** on which we are briefed to advise are:

3.1. **Is a majority of the Councillors present at the meeting competent to pass a motion dissenting from either or both of the anticipated rulings?**

3.2. **If so, what are the procedural consequences in the event that a motion dissenting from either or both of the anticipated rulings is so carried?**

4. In our opinion:

4.1. **The first question should be answered: Yes, in respect of either and both of the anticipated rulings.**

4.2. The second question should be answered as follows:

4.2.1. **In the event that a majority of the councillors present pass a motion of dissent from the mayor's refusal to permit the anticipated procedural motion to be debated, clause 248(2) of the *Regulation* obliges the mayor to restore the anticipated procedural motion to the agenda of the meeting, to permit the mover of the motion to speak to it in accordance with clause 241(4) of the *Regulation*, and to put it to the vote.**

4.2.2. **In the event that a majority of the councillors present pass a motion of dissent from the mayor's refusal to permit the proposed business to be transacted in**

ITEM 1 (continued)

ATTACHMENT 1

JOHN GARNSEY QC
KYLE OLIVER

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Petsch & Ors and Ryde City Council Meeting Procedures

accordance with a resolution of a majority of the Council carrying the anticipated procedural motion, clause 248(2) of the *Regulation* obliges the mayor to restore the proposed business to the agenda of the meeting (as amended pursuant to the anticipated procedural resolution) and to permit it to be transacted in accordance with the anticipated procedural resolution.

5. The reasons for our opinion may be stated as follows.
6. The conduct of meetings of the Council is governed by provisions of the *Regulation*: see s 360 of the *Local Government Act 1993* (the "**Act**"). The Council is empowered to adopt, and has adopted, a Code of Meeting Practice (the "**Code**") that supplements the applicable provisions of the *Regulation*, but the provisions of the *Code* are valid and binding only to the extent that they are not inconsistent with the *Regulation*: see s 360(2) of the *Act*.
7. It is a function of the mayor "to preside at meetings of the council": see *Local Government Act 1993* (the "**Act**") ss 226, 369(1). The mayor presides, however, as chairperson: see clause 236(1) of the *Regulation*. His right to preside is pre-emptive, but in the absence of the mayor and deputy mayor (if any), it is both competent and obligatory for the councillors present at a meeting of the Council to elect their chairperson from among their number: see s 369(2) of the *Act* and clause 236(1) of the *Regulation*.
8. The *Act* and *Regulation* confer on the mayor only two pre-emptive rights. They are:
 - 8.1. the right to preside; and
 - 8.2. the right, if presiding, to require that any lawful business that he proposes to put to the meeting, is included in the agenda at the time when the agenda is prepared by the general manager: see clause 240(1)(b) of the *Regulation*.

ITEM 1 (continued)

ATTACHMENT 1

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Petsch & Ors and Ryde City Council Meeting Procedures

9. When presiding at a meeting of the Council, the mayor has also, in his capacity as chairperson, certain procedural prerogatives. These are:
 - 9.1. the right to be heard in precedence to all other councillors: see *Regulation* clause 237; and
 - 9.2. the power, with or without the intervention of any other councillor, to call any councillor to order when, in his opinion, it is necessary to do so: see *Regulation* clause 255(1), (2).
10. The mayor's procedural prerogatives are not an incident of his office as mayor. They are equally conferred upon any councillor who presides as chairperson of a meeting of the Council, and are conferred only in the capacity as chairperson.
11. The chairperson of a meeting of the Council is first among equals. Neither the *Act*, nor the *Regulation*, confers upon the chairperson any greater right than any other councillor to move motions without due notice.
12. Nor does the *Act*, or the *Regulation*, confer upon the chairperson any power to withdraw from consideration any motion lawfully moved by another councillor, or to withdraw, in the face of a motion of dissent from such a course on the part of a majority of the councillors present, any lawful business that the Council has resolved to transact. To the contrary:
 - 12.1. "it is the duty of the chairperson ... to receive and put to the meeting any lawful motion that is brought before the meeting": *Regulation* clause 238(1); and
 - 12.2. the chairperson, before ruling on a question of order, "may invite the opinion of the council" and his or her ruling must be obeyed only "unless a motion dissenting from the ruling is passed": *Regulation* clause 255(3), (4).
13. Any councillor may, without notice, move a motion of dissent from the ruling of the chairperson on a point of order: see *Regulation* clause 248(1). Only the

ITEM 1 (continued)

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mover of the motion and the chairperson may speak to the motion before it is put: see *Regulation* clause 248(3). But, if dissent is moved, the chairperson **must** suspend the business before the meeting until the Council has determined the motion of dissent: see *Regulation* clause 248(2).

14. Clause 248(2) makes very clear that, if a motion of dissent from the chairperson's ruling on a point of order is passed, the will of the majority of Councillors present prevails over that of the chairperson in determining how the Council will proceed. The meeting must proceed as though the ruling dissented from had not been given. And furthermore:

"If, as a result of the ruling, any motion or business has been discharged as out of order, the chairperson must restore the motion or business to the agenda and proceed with it in due course".

15. Clause 239(1) of the *Regulation* permits a motion to alter the general order of business as fixed by the *Code*. The practice of the Council prescribed in section 1.4 of the *Code* is for any resolution to vary the general order of business to be made on a motion to suspend standing orders for that purpose after confirmation of the minutes of previous meetings.
16. Clause 241(3) of the *Regulation* expressly provides that a motion to have business transacted at a meeting, even though due notice of that business has not been given, is a motion that "can be moved without notice".
17. Therefore, a councillor who, after confirmation of the minutes of previous meetings, moves, without notice, a motion to bring forward business of which due notice has not been given, only does what is expressly permitted by the *Regulation*. Such a councillor therefore does not commit any "act of disorder" by moving such a motion at such a time: *cf* clause 256(1)(a) of the *Regulation*.
18. For this reason, any ruling by the mayor that the anticipated procedural motion were disorderly would be plainly erroneous. Any councillor would be entitled immediately to move dissent from that ruling pursuant to clause

ITEM 1 (continued)

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Petsch & Ors and Ryde City Council Meeting Procedures

248(1) of the *Regulation*. It would then be the duty of the mayor, under clauses 248(2) and (3) of the *Regulation*:

- 18.1. immediately to allow the councillor moving the dissent motion to speak to the dissent motion;
 - 18.2. to speak in reply to the dissent motion, if he wished to do so; and
 - 18.3. to put the dissent motion.
19. If the dissent motion were carried, it would then be the duty of the mayor, pursuant to clauses 248(2) and 241(3) of the *Regulation*:
- 19.1. immediately to allow the mover of the anticipated procedural motion to move, and speak to, the anticipated procedural motion pursuant to clause 241(4) of the *Regulation*;
 - 19.2. to put the anticipated procedural motion; and
 - 19.3. if the anticipated procedural motion were carried, **then (and not before)** to rule, pursuant to clause 241(3)(b) of the *Regulation*, on the question whether the business proposed by the council to be transacted is of great urgency.
20. We note that the practice prescribed in paragraph (9) of section 2.2.1 of the *Code* purports to require a councillor who proposes to move a motion without notice to submit the proposed motion, *before moving it*, to the mayor's *prior* ruling as whether the *proposed motion* is urgent.
21. In our opinion, the practice prescribed in paragraph (9) of section 2.2.1 of the *Code* is inconsistent with:
- 21.1. the express right of any councillor to move pursuant to clause 241(3) of the *Regulation*, without any requirement for prior notice to, or approval of, the mayor or anyone else;
 - 21.2. the fact that clause 241(3)(b) of the *Regulation*, confers upon the chairperson a function of ruling on the urgency of business that the

ITEM 1 (continued)

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JOHN GARNSEY QC
KYLE OLIVER

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Petsch & Ors and Ryde City Council Meeting Procedures

Council has resolved to be bring forward, and *not* a function of ruling on the urgency of a councillor's motion that the Council should so resolve; and

- 21.3. the requirement in clause 241(4) of the *Regulation* that only the mover of a motion pursuant to clause 241(3) of the *Regulation* may speak to that motion before it is put.

To the extent of their inconsistency with the above provisions of the *Regulation*, the provisions of the *Code* are contrary to law, invalid, and of no binding effect: see s 360(2) of the *Act*. They must consequently be disregarded, and the Council's lawful procedure determined by reference to the requirements of the *Regulation*.

22. Applying clause 241(3) and (4) of the *Regulation*, unless the mayor is the mover of a motion under s 241(3) to bring forward business of which due notice has not been given, the mayor is not entitled to speak to that motion before putting it to the vote of the Council.
23. If, however, a motion to bring forward business of which due notice has not been given is passed, the mayor must, in his capacity as chairperson of the meeting, then immediately rule on the question whether the business that the Council has resolved to bring forward is "of great urgency".
24. The chairperson's ruling on the question of urgency determines whether any motion or address to the Council in respect of the business that the Council has resolved to bring forward is, or is not, orderly: see clause 256(1)(c) of the *Regulation* (see section 8.2 of the *Code*). It is therefore a ruling on a question of order in respect of which the chairperson is entitled to invite the opinion of the council pursuant to clause 255(3) of the *Regulation*, before making a ruling (see section 8.1 of the *Code*).
25. For the same reason, the chairperson's ruling on the question of urgency is a "ruling of the chairperson on a point of order" within the meaning of clause 248(1) of the *Regulation*, and may be the subject of a dissent motion in accordance with clause 248(2) of the *Regulation*.

ITEM 1 (continued)

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26. We are instructed that the practice of the Council in relation to motions to bring forward business of which due notice has not been given has to date been premised on the assumptions:

26.1. that it is within the absolute discretion of the chairperson – at least if the chairperson is the mayor – to rule whether business proposed to be brought forward pursuant to such a motion is "of great urgency" within the meaning of clause 241(3)(b) of the *Regulation*; and

26.2. that it is consequently not competent for any councillor to move dissent in the mayor's ruling as to urgency or otherwise, or for a majority of the councillors present to pass a motion of dissent in respect of that ruling.

(the "**current assumptions**")

27. Clause (9) of the practice prescribed in section 2.2.1 of the *Code* is obviously consistent with the current assumptions and has presumably been drafted on the basis of the current assumptions.

28. In our opinion, however, for the reasons that we have set out in this advice, the current assumptions are not supported by the provisions of the *Act* or the *Regulation*. Indeed, they are inconsistent with those provisions.

29. Consequently, if a motion to have business, of which due notice has not been given, transacted at the meeting, is passed, and then the chairperson's ruling as to its urgency under clause 241(3)(b) of the *Regulation* is dissented from by a further motion, under clause 248(2) of the *Regulation*, the chairperson must restore the business of the first motion to the meeting and must proceed with it.

30. We are fortified in this opinion by the consideration that the current assumptions are inconsistent with the principles of the general law. Under the general law, a ruling by the chairperson of a meeting on a point of order is final and conclusive only if the meeting is one that is empowered at any time to remove the chairperson and appoint another person in his or her place:

ITEM 1 (continued)

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see generally A D Lang, *Horsley's Meetings: Procedure, Law and Practice* (6th edition 2010) at page 112. Precisely because the mayor's right to preside at meetings of the Council is pre-emptive, a majority of councillors cannot, in response to objectionable procedural rulings, resolve to remove the mayor from the chair and appoint another councillor to preside in the mayor's place. That being so, a construction of the provisions of the *Regulation* that empowers a majority of the councillors present at a meeting to overrule any procedural ruling of the chairperson, is consistent with the general principles and policy of meeting procedure.

Dated 24 July 2012


John Garnsey QC


Kyle Oliver

Blackstone Chambers
Level 62 MLC Centre
Sydney NSW Australia 2000
ABN 44 369 116 69.
Liability limited by a scheme approved
under the Professional Standards Legislation

2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 21 August 2012

Report prepared by: Meeting Support Coordinator**File No.:** GRP/12/5/5/5 - BP12/996

REPORT SUMMARY

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

RECOMMENDATION:

That the Minutes of the Extraordinary Council Meeting 15/12, held on 21 August 2012 be confirmed.

ATTACHMENTS

- 1 Minutes - Extraordinary Council Meeting - 21 August 2012 - CIRCULATED UNDER SEPARATE COVER

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING
11/12 held on 21 August 2012**

Report prepared by: Meeting Support Coordinator**File No.:** GRP/12/5/5/5 - BP12/786

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 11/12 held on 21 August 2012. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

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

The following Committee recommendations for Items 3, 4 and 5(e) are submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

**3 REVIEW - TREE MANAGEMENT APPLICATION - 32 PARRY STREET,
PUTNEY**

Report: The Committee inspected the property at 32 Parry Street, Putney.

RECOMMENDATION: (Moved by Councillors Petch and Li)

That Council conditionally approve the removal of the *Eucalyptus saligna* (Sydney Blue Gum) and require the applicant to replace this tree with a suitable Australian Native Tree that will attain a minimum height of no less than 16 metres at maturity.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 AUGUST 2012** as substantive changes were made to the published recommendation

**4 REVIEW - TREE MANAGEMENT APPLICATION - 4 ROWELL STREET,
NORTH RYDE**

Report: The Committee inspected the property at 4 Rowell Street, North Ryde.

RECOMMENDATION: (Moved by Councillors Petch and Li)

That Council conditionally approve the removal of the *Araucaria heterophylla* (Norfolk Island Pine) at 4 Rowell Street, North Ryde and require the applicant to replace this tree with a suitable species that will attain a minimum height of no less than 16 metres at maturity.

ITEM 3 (continued)**Record of Voting:**

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 AUGUST 2012** as substantive changes were made to the published recommendation

5 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 26 July 2012

RECOMMENDATION: (Moved by Councillors Li and Perram)

- (e) That Council adopt the following recommendations in relation to the report titled "NORMA AVENUE AND WISHART AVENUE, EASTWOOD - Review of traffic flow" as follows:
- i. That NSW Police be requested to undertake surveillance along Graham Avenue, Kingsford Avenue, Orange Street, Wishart Avenue and Norma Avenue during morning and afternoon peak periods to encourage motorist's compliance with the posted speed limit for a local road.
 - ii. That staff give further consideration to potential traffic calming measures in Norma Avenue and Wishart Street and a further report to be provided to Works and Community Committee.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 AUGUST 2012** as substantive changes were made to the published recommendation

ATTACHMENTS

- 1 Minutes - Works and Community Committee - 21 August 2012

ITEM 3 (continued)

ATTACHMENT 1

**Works and Community Committee
MINUTES OF MEETING NO. 11/12**

Meeting Date: Tuesday 21 August 2012

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

Time: 4.30pm

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

Councillor Campbell arrived at the meeting at 5.30pm and apologised for her late arrival. Councillor Campbell was not present for consideration of Item 1 or the inspections.

Apologies: Councillor Tagg.

Absent: Councillor Maggio.

Staff Present: Group Manager – Community Life, Group Manager - Public Works, Service Unit Manager – Open Space, Section Manager – Natural Areas and Urban Forest, Tree Management Officer, Acting Section Manager - Governance and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 7 August 2012

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

RESOLUTION: (Moved by Councillors Petch and Li)

That the Minutes of the Works and Community Committee 10/12, held on Tuesday 7 August 2012, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

2 REVIEW - TREE MANAGEMENT APPLICATION - 15 BOWDEN STREET, RYDE

Report: The Committee inspected the property at 15 Bowden Street, Ryde.

RESOLUTION: (Moved by Councillors Petch and Perram)

- (a) That Council retain its current position and refuse the application to remove the *Jacaranda mimosifolia* (Jacaranda) and approve pruning as has been specified previously by staff.
- (b) That Council investigate the potential breach of the *State Environmental Planning Policy (Exempt and Complying Developments Codes) 2008* and follow any due process that is a result of this investigation.

Record of Voting:

For the Motion: Unanimous

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

3 REVIEW - TREE MANAGEMENT APPLICATION - 32 PARRY STREET, PUTNEY

Report: The Committee inspected the property at 32 Parry Street, Putney.

RECOMMENDATION: (Moved by Councillors Petch and Li)

That Council conditionally approve the removal of the *Eucalyptus saligna* (Sydney Blue Gum) and require the applicant to replace this tree with a suitable Australian Native Tree that will attain a minimum height of no less than 16 metres at maturity.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 AUGUST 2012** as substantive changes were made to the published recommendation

4 REVIEW - TREE MANAGEMENT APPLICATION - 4 ROWELL STREET, NORTH RYDE

Report: The Committee inspected the property at 4 Rowell Street, North Ryde.

RECOMMENDATION: (Moved by Councillors Petch and Li)

That Council conditionally approve the removal of the *Araucaria heterophylla* (Norfolk Island Pine) at 4 Rowell Street, North Ryde and require the applicant to replace this tree with a suitable species that will attain a minimum height of no less than 16 metres at maturity.

ITEM 3 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 AUGUST 2012** as substantive changes were made to the published recommendation

5 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 26 July 2012

RESOLUTION: (Moved by Councillors Campbell and Petch)

That the traffic and parking matters resulting from the Ryde Traffic Committee meeting on 26 July 2012 be dealt with in seriatim.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Campbell and Petch)

- (a) That Council adopt the following recommendations in relation to the report titled "HIGGINBOTHAM ROAD, GLADESVILLE - Request for disabled parking space" as follows:
- i. That a 6m long Disabled Parking Zone along the frontage of No.88 Higginbotham Road, Gladesville with associated regulatory sign posting. The location of the signs to be determined on-site with the applicant.
 - ii. That the warrant for the disabled parking space along Higginbotham Road outside property No.88 be reviewed annually.

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 Campbell and Petch)

- (b) That Council adopt the following recommendations in relation to the report titled "BLAXLAND ROAD AND PARKES STREET, RYDE - RYDE EISTEDDFOD - 2012" as follows:
- i. That a temporary "Bus Zone" for a length of 60 metres on the western side of Blaxland Road, north of Council's car park entry, on the 30, 31 July 2012 and 6, 7 August 2012.
 - ii. That a length of 60 metres on the northern side of Parkes Street, adjacent to the Council car park be designated as a temporary "Bus Zone" on the 30, 31 July 2012 and 6, 7 August 2012.
 - iii. That an area on the southern side of Parkes Street, from Belmore Street

ITEM 3 (continued)

ATTACHMENT 1

to Lee Avenue be designated as “No Parking” (Drop-off and Pick-up) on 30, 31 July 2011 and 6, 7 August 2012.

- iv. That the adjoining property owners and businesses be notified of the temporary bus zones in Blaxland Road and Parkes Street, on these days.

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 Campbell and Petch)

- (c) That Council adopt the following recommendation in relation to the report titled “ROWE STREET, EASTWOOD Loading Zone (Time Restrictions)” as follows:

That the operating times of the existing loading zone along Rowe Street outside the Masonic Centre to 6am to 6pm, Mon – Sun.

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 Campbell and Petch)

- (d) That Council adopt the following recommendations in relation to the report titled “HIGH STREET AND WESTMINSTER ROAD, GLADESVILLE Review of traffic flows” as follows:

That no consideration be given to installing any traffic calming measures in High Street and Westminster Road, at the present time, as traffic volumes are within environmental limits set by Roads and Maritime Services (RMS).

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 Li and Perram)

- (e) That Council adopt the following recommendations in relation to the report titled “NORMA AVENUE AND WISHART AVENUE, EASTWOOD - Review of traffic flow” as follows:

- i. That NSW Police be requested to undertake surveillance along Graham Avenue, Kingsford Avenue, Orange Street, Wishart Avenue and Norma

ITEM 3 (continued)

ATTACHMENT 1

Avenue during morning and afternoon peak periods to encourage motorist's compliance with the posted speed limit for a local road.

- ii. That staff give further consideration to potential traffic calming measures in Norma Avenue and Wishart Street and a further report to be provided to Works and Community Committee.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **28 AUGUST 2012** as substantive changes were made to the published recommendation

RESOLUTION: (Moved by Councillors Campbell and Petch)

- (f) That Council adopt the following recommendations in relation to the report titled "MORRISON ROAD AND CHARLES STREET - Proposed Roundabouts – Ryde Rehabilitation Centre Development" as follows:
 - i. That the construction of the roundabouts at the intersections of Charles Street and the site access road, and Morrison Road and Douglas Street be supported, subject to confirmation from the mesoscopic model being undertaken by Council.
 - ii. That the proposed roundabout at Payten Street be reviewed in conjunction with a larger 'network' based equilibrium traffic model (mesoscopic model) for the area. The provision of this roundabout (or not) will be determined from the outcome of the mesoscopic modelling.

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 Campbell and Petch)

- (g) That Council adopt the following recommendation in relation to the report titled "LANSDOWNE STREET, EASTWOOD - Review of traffic flows" as follows:
 - i. That centre line marking be installed along Lansdowne Street between Blaxland Road and Gordon Street.
 - ii. That NSW Police be requested to undertake surveillance in the area to encourage motorist's compliance with the posted speed limit for local roads.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Campbell and Petch)

- (h) That Council adopt the following recommendation in relation to the report titled “BRIDGE ROAD, NORTH RYDE Review of traffic flows” as follows:
- i. That edge line markings be installed where practicable to manage traffic conditions along bridge road between Smalls road and Brendon street.
 - ii. That NSW Police be requested to undertake surveillance along Bridge Road between Smalls Road and Brendon Street to encourage motorist compliance with the posted speed limit for local roads.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Campbell and Petch)

- (i) That Council approve concept design plan for the pedestrian refuge along Twin Road west of Badajoz Road with details designed plans to be issued to Roads and Maritime Services (RMS) for concurrence once completed.

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 Campbell and Petch)

- (j) That Council approve the installation of kerb blisters and a pram ramp in Brendon Street and Flinders Road to narrow the carriageway width to 6 metres and improve the site distance at this intersection for pedestrians, as per concept drawing, to be included in a future capital works program.

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 Campbell and Petch)

- (k) That Council adopt the following recommendation in relation to the report titled “FOURTH AVENUE, DENISTONE - Request for work zone” as follows:
- i. That the Work Zone in front of No.37 Fourth Avenue property along frontage for 32 metres in length for the period from 28 May 2012 to 28 April 2013, subject to the associated work zone permit fee being paid in accordance with Council's approved Fees and Charges 2011/12.

ITEM 3 (continued)

ATTACHMENT 1

- ii. That the Work Zone operates between the hours of 7am to 5pm, Monday to Friday, and 8am to 1pm on Saturday.
- iii. That 3P parking restrictions be re-instated upon expiry of the Work Zone period (28 April 2013) or prior to Council's satisfaction by the builder.

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Campbell and Petch)

- (l) That Council adopt the following recommendation in relation to the report titled "WATERVIEW STREET, PUTNEY - Temporary road closure" as follows:
 - i. That the temporary road closure of Waterview Street between Charles Street and Princes Street be granted on Sunday, 9 September 2012 between 8am to 4pm subject to a traffic management plan be submitted to the Transport Management Centre (TMC) and RMS for notification.
 - ii. That Gladesville Police be informed of the temporary closure of Waterview Street and the Gladesville Police be in charge of rolling closures of residential streets while the Bridge to Bridge run is in progress.
 - iii. That the event organiser obtain public liability insurance for 20 million and a copy be submitted to Council prior to the event.

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 Campbell and Petch)

- (m) That Council adopt the following recommendation in relation to the report titled "SPRING CYCLE EVENT – 2012 - Request for Council support " as follows:
 - i. That the proposed route of 2012 Spring Cycle Event to be held on Sunday, 21 October 2012 be supported.
 - ii. That Bicycle New South Wales be requested to prepare a Traffic Management Plan which is to be forwarded to the RMS Transport Management Centre for approval and a copy provided to Council for reference purposes.
 - iii. That the event organiser contact Ryde Bus Depot (STA).

ITEM 3 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Campbell and Petch)

General Business

Request from Terry Dodds for one (1) disabled parking space along Charles Street next to car park entrance was approved and a report will be tabled at the Ryde Traffic Committee on 27 September 2012.

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 6.00pm.

CONFIRMED THIS 2ND DAY OF OCTOBER 2012.

Chairperson

4 INVESTMENT REPORT - July 2012

Report prepared by: Acting Group Manager Corporate Services

File No.: GRP/09/3/8 - BP12/948

REPORT SUMMARY

This report details Council's performance of its investment portfolio for the month of July 2012 and compares it against key benchmarks. The report includes the estimated market valuation of Council's investment portfolio, loan liabilities, 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 5.37%, 1.87% above benchmark. Income from interest on investments and proceeds from sale of investments totals \$338K, which is \$50K above budget projections, which will improve Council's Working Capital result at 30 June 2013.

RECOMMENDATION:

That Council endorse the report of the Chief Financial Officer dated 6 August 2012 on Investment Report – July 2012.

ATTACHMENTS

There are no attachments for this report.

Report Prepared and Approved By:

John Todd
Acting Group Manager Corporate Services

ITEM 4 (continued)

Discussion

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

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	Face Value	Book Value
• Grange IMP - Merimbula CDO	N/R	20/06/2013	\$0.20m	\$0.00m
- Global Bank Note CDO	N/R	20/09/2014	\$0.50m	\$0.00m
• Oasis CDO *	CC	04/09/2014	\$1.00m	\$0.00m
• FOCUS Note	AA	20/12/2012	\$0.50m	\$0.50m

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

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

Investment Performance Commentary

Council's performance against the benchmark for returns of its investment portfolio for the month of July 2012 and the past 12 months are as follows:

	July 2012	12 Mth
Council Return	5.37	5.67
Benchmark	3.50	4.57
Variance	1.87	1.10

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

Cash/Term Deposits	\$55.0M	60.2%
Floating Rate Notes	\$18.9M	20.6%
Fixed Rate Bonds	\$2.0M	2.2%
Other Financial Products	\$0.5M	0.5%
Total Cash Investments	\$76.4M	
Property	\$15.1M	16.5%
Total Investment Portfolio	\$91.5M	

Council continues to utilise the Federal Government's current guarantee (\$250K) investing in Term Deposits with a range of Authorised Deposit Taking Institutions (ADI's) on short to medium term investments (generally 30 days to six months maturity) where more competitive rates are available.

ITEM 4 (continued)

This guarantee is in a transitory period, where term deposits made before 10 September 2011 continue to be covered at the current \$1 million level from now until 31 December 2012, or until the deposit matures, whichever occurs sooner. Any term deposits made after 10 September 2011 are guaranteed by the Federal Government up to \$250K.

Financial Security Reserve (FSR)

The Financial Security Reserve has a balance of \$2.065M as at July 2012 as detailed below:

Financial Security Reserve	(\$'000)
Balance 1 July 2012	2,065
Interest on Written Down CDO's ⁽¹⁾	0
Proceeds from Sales & Maturities ⁽²⁾ of Written Down CDO's	0
Balance of Financial Security Reserve	2,065

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

(2) There have been no sales to date in 2012/2013.

Economic Commentary

The RBA left rates on hold in August, with recent reductions in borrowing costs expected to help the Australian economy weather a subdued outlook. Barring external shocks, namely Europe, rates are expected to remain on hold for some months to come.

China Daily reports that iron ore stockpiles in China have reached record levels.

“Iron ore inventories in China reached a record high of about 100 million metric tons due to shrinking downstream demand, but major global suppliers are still increasing output.”

The Australian budget surplus is dependant on coal and iron ore prices, which are now dropping under the weight of a slowing Chinese economy.

In Europe, yields on 10 yr Spanish debt rose to 7.5% on news that the province of Valencia required government aid, and a further six of its regions may require some form of government assistance. There was also renewed talk about a possible Greek exit from the Euro.

Legal Issues

As previously reported to Council, the LGFS Rembrandt CDO Investment and the Grange (Lehman Brothers) IMP Investment are currently before the Courts. Council at its meeting on 17 July 2012 endorsed being a third party to an action against the CBA for the Oasis CDO investment.

ITEM 4 (continued)

The following update is provided in respect of Council's legal action in these matters due to recent developments.

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 next few months. No further information has been received on this matter since last reported to Council.

LGFS – Rembrandt

Legal proceedings concluded after 13 weeks. Since the conclusion, the Applicants filed further submissions on 28 May 2012. In response to this, ABN and S&P are now seeking leave of the Court to file further submissions. Given the length and complexity of these proceedings, judgement is not likely to be handed down until later in 2012.

CBA – Oasis

Council has endorsed Council being a third party to an action against CBA in relation to the Oasis CDO investment for \$1.0 million that Council has written down to zero. It is still early in this legal action being taken and no further updates have been received since last 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 under review 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 consideration.

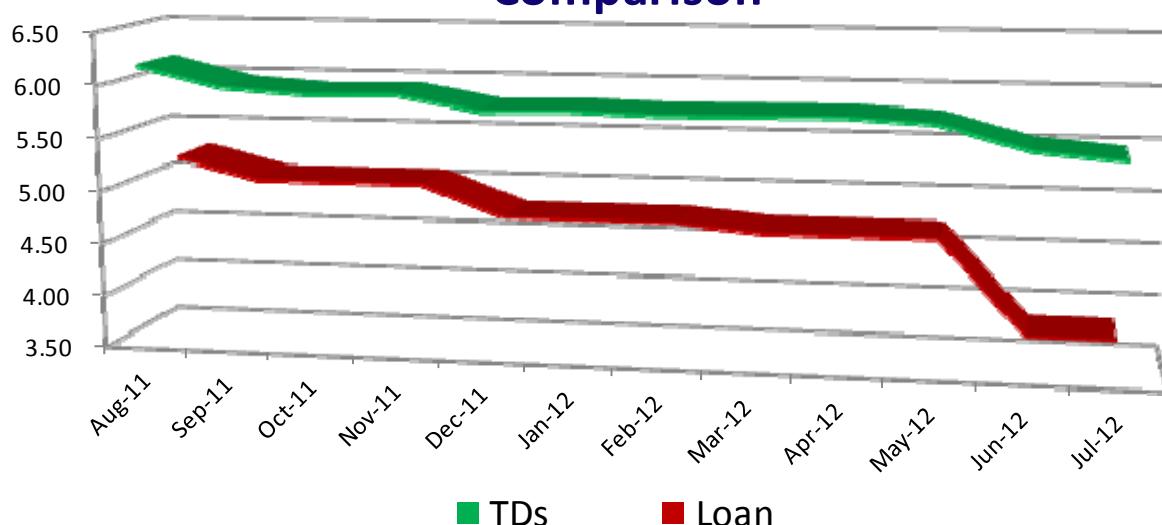
Loan Liability

Council's loan liability as at 31 July 2012 was \$3.9 million which represents the balance of one 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.

ITEM 4 (continued)

There is no advantage to Council in changing these arrangements or repaying this loan earlier than planned. Council is receiving a better rate of return on its investments than it is paying on the loan. The following graph shows the gap between the average interest rate earned on Council’s term deposits (top line) compared to the interest rate applying to this loan (bottom line).

Term Deposits/Loan Interest Rate Comparison



Debt Service Ratio

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.

Debt Service Ratio		
Category 3 Councils	2009/10	2.77%
City of Ryde	2011/12	0.75%
**unaudited figure		

Types of Investments

The following are the types of investments held by Council:

- **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 company 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.

ITEM 4 (continued)

- A **Fixed Rate Bond** is a debt security issued by a company with a fixed interest rate over the term of the bond.
- 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.

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 4 (continued)
INVESTMENT SUMMARY AS AT 31 JULY 2012

Issuer	Investment Name	Investment Rating	Invested at 31-Jul-12 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Helix Capital	1. OASIS	CC	0	5.25	6.46	0.00	0	0.00%
Westpac	2. Focus	AA-	500	0.00	0.00	0.65	497	99.32%
Grange	3. Grange IMP	Unrated	0	0.00	10.09	0.00	0	0.00%
Westpac	4. Westpac At Call	AA-	4,292	3.54	4.36	5.62	4,292	100.00%
Bank of Queensland	5. Bank of Queensland TD	BBB+	750	6.00	6.26	0.98	750	100.00%
Bankwest	6. Bankwest Term Deposit	AA-	1,000	5.62	6.01	1.31	1,000	100.00%
St George	7. St George Term Deposit	A+	1,000	5.63	5.63	1.31	1,000	100.00%
NAB	8. NAB Term Deposit	AA-	1,000	5.49	5.78	1.31	1,000	100.00%
Westpac	9. Westpac Term Deposit	AA-	1,000	5.15	5.15	1.31	1,000	100.00%
NAB	10. NAB Term Deposit	AA-	1,000	6.60	6.60	1.31	1,000	100.00%
AMP	11. AMP TD	A	1,000	6.08	6.08	1.31	1,000	100.00%
MyState CU	12. MyState CU TD	BBB	500	5.76	5.95	0.65	500	100.00%
NAB	13. NAB Term Deposit	AA-	1,000	5.32	5.65	1.31	1,000	100.00%
Police & Nurses Credit Union	14. Police & Nurses Credit Union	Unrated	500	4.78	5.76	0.65	500	100.00%
Bankwest	15. Bankwest Term Deposit	AA-	1,000	5.63	5.88	1.31	1,000	100.00%
Bankwest	16. Bankwest TD	AA-	1,000	5.24	5.84	1.31	1,000	100.00%
Bankwest	17. Bankwest TD	AA-	1,000	5.19	5.90	1.31	1,000	100.00%
Bankwest	18. Bankwest Term Deposit	AA-	1,000	5.67	5.95	1.31	1,000	100.00%
NAB	19. NAB Term Deposit	AA-	1,000	5.73	5.80	1.31	1,000	100.00%
Defence Bank	20. Defence Bank TD	Unrated	500	5.89	6.07	0.65	500	100.00%
Railways CU	21. Railways CU	Unrated	500	5.94	6.02	0.65	500	100.00%
Qld Police CU	22. Qld Police CU TD	Unrated	500	5.04	5.74	0.65	500	100.00%
Qld Country CU	23. Qld Country Credit Union	Unrated	500	5.42	5.72	0.65	500	100.00%
Bendigo and Adelaide Bank	24. Bendigo Bank TD	A-	1,000	4.95	5.73	1.31	1,000	100.00%
Hunter United Credit Union	25. Hunter United Credit Union TD	Unrated	500	5.51	5.51	0.65	500	100.00%
CUA	26. Credit Union Australia TD	BBB+	1,000	5.82	6.01	1.31	1,000	100.00%
Coastline CU	27. Coastline Credit Union TD	Unrated	500	5.34	5.56	0.65	500	100.00%
Peoples Choice CU	28. Peoples Choice CU	BBB+	500	4.73	5.83	0.65	500	100.00%
Australian Defence Credit Union	29. Australian Defence CU TD	Unrated	500	5.41	5.94	0.65	500	100.00%
Rural Bank	30. Rural Bank	A-	1,000	6.48	6.48	1.31	1,000	100.00%
Banana Coast CU	31. Banana Coast CU TD	Unrated	500	5.21	5.85	0.65	500	100.00%
Southern Cross CU	32. Southern Cross CU TD	Unrated	500	5.22	6.04	0.65	500	100.00%
B&E Ltd	33. B & E Building Soc TD	Unrated	500	5.56	5.76	0.65	500	100.00%
Victoria Teachers CU	34. Victoria Teachers CU	Unrated	500	5.06	5.96	0.65	500	100.00%
CBA	35. CBA TD	AA-	2,000	5.76	5.76	2.62	2,000	100.00%

ITEM 4 (continued)

Issuer	Investment Name	Investment Rating	Invested at 31-Jul-12 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Me Bank	36. ME Bank TD	BBB	1,000	5.60	5.92	1.31	1,000	100.00%
Bankwest	37. Bankwest Term Deposit	AA-	1,000	7.00	7.00	1.31	1,000	100.00%
IMB	38. IMB TD	BBB	1,000	5.15	5.90	1.31	1,000	100.00%
Northern Beaches CU	39. Northern Beaches CU TD	Unrated	500	5.09	6.45	0.65	500	100.00%
Queenslanders CU	40. Queenslanders CU TD	Unrated	500	5.16	5.80	0.65	500	100.00%
Warwick CU	41. Warwick CU TD	Unrated	500	5.19	5.79	0.65	500	100.00%
Maitland Mutual	42. Maitland Mutual Bldg Soc TD	Unrated	500	5.63	5.83	0.65	500	100.00%
AMP	43. AMP eASYSaver	A	929	4.18	5.24	1.22	929	100.00%
CBA	44. CBA Term Deposit	AA-	1,000	5.58	5.54	1.31	1,000	100.00%
Gateway CU	45. Gateway CU TD	Unrated	500	4.97	5.98	0.65	500	100.00%
Rabobank	46. Rabobank TD	AA	500	6.04	6.04	0.65	500	100.00%
Suncorp-Metway	47. Suncorp-Metway TD	A+	1,000	5.21	5.70	1.31	1,000	100.00%
Newcastle Perm Bldg Soc	48. Newcastle Perm Bldg Soc	BBB+	1,000	5.09	5.84	1.31	1,000	100.00%
QT Mutual Bank	49. QT Mutual Bank	Unrated	500	5.83	5.86	0.65	500	100.00%
ING	50. ING TD	A	1,000	6.62	6.62	1.31	1,000	100.00%
Holidaycoast CU	51. Holidaycoast CU TD	Unrated	500	5.32	5.73	0.65	500	100.00%
Bank of Queensland	52. BoQ TCD	BBB+	2,000	5.34	6.00	2.62	2,000	100.00%
Suncorp-Metway	53. Suncorp Metway FRN	A+	1,000	4.62	5.64	1.31	1,002	100.17%
Beirut Hellenic Bank (Aust)	54. Beirut Hellenic Bank TD	Unrated	250	5.12	6.04	0.33	250	100.00%
AMP	55. AMP TD	A	1,000	7.14	7.14	1.31	1,000	100.00%
Rabobank	56. Rabobank TD	AA	500	5.88	6.01	0.65	500	100.00%
Bendigo and Adelaide Bank	57. Bendigo and Adelaide Bank FRN	A-	1,000	5.11	6.08	1.31	998	99.80%
Heritage Bank	58. Heritage Bank	BBB-	1,000	5.56	5.81	1.31	1,000	100.00%
Rabobank	59. Rabodirect At-call	AA	100	4.33	5.08	0.13	100	100.00%
Me Bank	60. ME Bank At Call Account	BBB	958	4.33	5.16	1.25	958	100.00%
NAB	61. NAB FRN	AA-	1,001	4.77	5.76	1.31	999	99.89%
NAB	62. NAB FRN	AA-	997	4.88	5.86	1.31	999	99.89%
CBA	63. CBA FRN	AA-	999	5.18	5.76	1.31	998	99.82%
Westpac	64. Westpac FRN	AA-	997	5.04	5.76	1.31	997	99.66%
CBA	65. CBA FRN	AA-	997	5.23	5.81	1.31	998	99.82%
CBA	66. CBA FRN	AA-	999	5.18	5.69	1.31	1,001	100.13%
NAB	67. NAB FRN	AA-	992	5.07	6.03	1.30	999	99.89%
Westpac	68. Westpac FRN	AA-	998	4.98	5.66	1.31	999	99.94%
NAB	69. NAB FRN	AA-	992	5.05	5.96	1.30	999	99.89%
CBA	70. CBA FRN	AA-	992	5.42	5.90	1.30	998	99.82%
NAB	71. NAB Flexi Deposit	AA-	1,000	4.82	5.78	1.31	1,000	100.00%
ANZ	72. ANZ FRN	AA-	990	5.26	5.90	1.30	997	99.66%
Rabobank	73. Rabobank FRN	AA	988	5.75	6.03	1.29	981	98.10%
Police CU (SA)	74. Police CU - SA	Unrated	500	5.70	5.67	0.65	500	100.00%
NAB	75. NAB FRN	AA-	1,001	4.83	5.63	1.31	1,006	100.64%
Investec	76. Investec TD	BBB-	250	5.24	6.03	0.33	250	100.00%
Territory Insurance Office	77. TIO Term Deposit	AA+	1,000	5.12	5.41	1.31	1,000	100.00%
NAB	78. NAB Fixed MTN	AA-	993	6.30	6.30	1.30	1,046	104.63%
Suncorp-Metway	79. Suncorp - Metway TD	A+	1,000	6.04	6.04	1.31	1,000	100.00%
Bankstown City CU	80. Bankstown City CU TD	Unrated	250	5.83	5.83	0.33	250	100.00%
Westpac	81. Westpac Fixed MTN	AA-	996	6.20	6.20	1.30	1,055	105.51%
ING	82. ING Direct	A	1,000	6.22	6.22	1.31	1,000	100.00%

ITEM 4 (continued)

Issuer	Investment Name	Investment Rating	Invested at 31-Jul-12 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Macquarie Bank	83. Macquarie Bank TD	A	500	6.50	6.50	0.65	500	100.00%
CBA	84. CBA Retail Bond	AA-	953	5.64	5.71	1.25	954	98.30%
B&E Ltd	85. B & E Building Society TD	Unrated	500	5.88	5.88	0.65	500	100.00%
Bank of Cyprus (Aust)	86. Bank of Cyprus TD	Unrated	250	6.05	6.05	0.33	250	100.00%
Rural Bank	87. Rural Bank TD	A-	1,000	5.24	5.24	1.31	1,000	100.00%
Me Bank	88. ME Bank TD	BBB	1,000	5.31	5.31	1.31	1,000	100.00%
CBA	89. CBA Retail Bonds	AA-	488	5.86	5.99	0.64	492	98.30%
CBA	90. CBA Retail Bonds	AA-	488	5.88	5.98	0.64	492	98.30%
Bank of Queensland	91. Bank of Queensland TD	BBB+	1,000	5.28	5.28	1.31	1,000	100.00%
Bank of Queensland	92. Bank of Queensland TD	BBB+	1,000	5.26	5.26	1.31	1,000	100.00%
			76,390	5.37	5.77	100	76,535	

*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

5.37 5.67

Benchmark Return: UBSA 1 Year Bank Bill Index (%)

3.50 4.57

Variance From Benchmark (%)

1.87 1.10

Investment Income

	\$000's
This Period	338
Financial Year To Date	338
Budget Profile	288
Variance from Budget - \$	<u>50</u>

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
FOCUS Note		AA-



John Todd Date: 06/08/2012

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.

ITEM 4 (continued)

- (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. **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 eight 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.
2. **FOCUS Note (AA-p):** This investment was purchased on 20 December 2006. This is a medium to long term investment (three-seven 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 three to five 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.
3. **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:

ITEM 4 (continued)

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

4. **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.
5. **Bank of Queensland TD (BBB):** This investment is a 153 day term deposit, paying 6.00% (6.13% annualised), and matures on 2 August 2012.
6. **Bankwest Term Deposit (AA-):** This investment is a 105 day term deposit, paying 5.51% (5.62% annualised), and matures on 29 August 2012.
7. **St George Term Deposit (AA-):** This investment is a 181 day term deposit, paying 5.55% p.a. (5.63% annualised), and matures 5 November 2012.
8. **NAB Term Deposit (AA-):** This investment is a 180 day term deposit, paying 5.42% p.a. (5.49% annualised), and matures 7 November 2012.
9. **Westpac Term Deposit (AA-):** This investment is a one year term deposit, paying 5.15% % (5.15% annualised, and matures 30 May 2013.
10. **NAB Term Deposit (AA-):** This investment is a three year term deposit, paying 6.60% p.a., and matures 4 April 2014.
11. **AMP TD (A):** This investment is a 209 day term deposit, paying 6.00% (6.08% annualised, and matures 6 September 2012.
12. **MyState CU (BBB):** This investment is a 182 day term deposit paying 5.68% (5.76% annualised) and matures 20 August 2012.
13. **NAB Term Deposit (AA-):** This investment is a 179 day term deposit, paying 5.25% p.a. (5.32% annualised), and matures 16 November 2012.
14. **Police & Nurses Credit Union (Unrated):** This investment is a 31 day term deposit, paying 4.68% (4.78% annualised) and matures on 27 August 2012.
15. **Bankwest Term Deposit (AA-):** This investment is a 105 day term deposit paying 5.52% (5.63% annualised) and matures on 28 August 2012.
16. **Bankwest Term Deposit (AA-):** This investment is a 120 day term deposit, paying 5.15% p.a. (5.24% annualised), and matures 27 September 2012.
17. **Bankwest Term Deposit (AA-):** This investment is a 105 day term deposit, paying 5.10% p.a. (5.19% annualised), and matures 27 September 2012.
18. **Bankwest Term Deposit (AA-):** This investment is a 90 day term deposit, paying 5.55% p.a. (5.67% annualised), and matures 9 August 2012.

ITEM 4 (continued)

- 19. NAB Term Deposit (AA-):** This investment is a 180 day term deposit, paying 5.65% p.a. (5.73% annualised), and matures 26 November 2012.
- 20. Defence Bank Term Deposit (Unrated):** This investment is a 180 day term deposit paying 5.80% (5.89% annualised) and matures on 8 October 2012.
- 21. Railways CU Term Deposit (Unrated):** This investment is a 30 day term deposit paying 5.85% (5.94% annualised) and matures on 7 August 2012.
- 22. Queensland Police CU (Unrated):** This investment is a 92 day term deposit paying 4.95% (5.04% annualised) and matures on 9 October 2012.
- 23. Queensland Country Credit Union Term Deposit (Unrated):** This investment is a 182 day term deposit, paying 5.35% (5.42% annualised), and matures 19 November 2012.
- 24. Bendigo Bank Term Deposit (A-):** This investment is a 60 day term deposit paying 4.85% (4.95% annualised) and matures on 7 September 2012.
- 25. Hunter United Credit Union (Unrated):** This investment is a 90 day term deposit paying 5.40% (5.51% annualised) and matures on 15 August 2012.
- 26. Credit Union Australia Term Deposit (BBB+):** This investment is a 333 day term deposit paying 5.81% (5.82% annualised) and matures on 21 December 2012.
- 27. Coastline CU Term Deposit (Unrated):** This investment is a 122 day term deposit, paying 5.25% (5.34% annualised), and matures on 11 October 2012.
- 28. Peoples Choice Credit Union Term Deposit (Unrated):** This investment is a 30 day term deposit paying 4.63% (4.73% annualised) and matures on 24 August 2012.
- 29. Australian Defence Credit Union Term Deposit (Unrated):** This investment is a 90 day term deposit paying 5.30% (5.41% annualised) and matures on 5 September 2012.
- 30. Rural Bank Term Deposit (A-):** This investment is a five year term deposit, paying 6.48% p.a., and matures on 21 March 2017.
- 31. Bananacoast CU Term Deposit (Unrated):** This investment is a 188 day term deposit paying 5.15% (5.21% annualised) and matures on 2 January 2013.
- 32. Southern Cross CU Term Deposit (Unrated):** This investment is a 183 day term deposit paying 5.15% (5.22% annualised) and matures on 12 December 2012.

ITEM 4 (continued)

- 33. B & E Ltd Building Society Term Deposit (Unrated):** This investment is a 90 day term deposit paying 5.45% (5.56% annualised) and matures on 8 August 2012.
- 34. Victoria Teachers CU Term Deposit (Unrated):** This investment is a 180 day term deposit paying 5.00% (5.06% annualised) and matures on 12 December 2012.
- 35. CBA Term Deposit (AA-):** This investment is a three year term deposit paying 5.76% p.a. and matures on 8 December 2014.
- 36. ME Bank Term Deposit (BBB):** This investment is a 120 day term deposit paying 5.50% (5.60% annualised) and matures on 5 September 2012.
- 37. Bankwest TD (AA-):** This investment is a four year term deposit paying 7.00% (7.00% annualised) and matures on 13 February 2015.
- 38. IMB Term Deposit (BBB):** This investment is a 92 day term deposit paying 5.05% (5.15% annualised) and matures on 30 October 2012.
- 39. Northern Beaches CU Term Deposit (Unrated):** This investment is a 90 day term deposit paying 5.00% (5.09% annualised) and matures on 25 October 2012.
- 40. Queenslanders Credit Union Term Deposit (Unrated):** This investment is a 184 day term deposit paying 5.10% (5.16% annualised) and matures on 25 January 2013.
- 41. Warwick CU Term Deposit (Unrated):** This investment is a 182 day term deposit paying 5.12% (5.19% annualised), and matures 7 January 2013.
- 42. Maitland Mutual Building Society (Unrated):** This investment is a 180 day term deposit paying 5.55% (5.63% annualised) and matures on 30 October 2012.
- 43. AMP eASYSaver at call account (A):** This investment is an at-call account earning 5.60%. No fees are payable by Council on this investment.
- 44. CBA Term Deposit (AA-):** This investment is a 180 day term deposit paying 5.50% (5.58% annualised) and matures on 30 October 2012.
- 45. Gateway Credit Union Term Deposit (Unrated):** This investment is a 184 day term deposit paying 4.91% (4.97% annualised) and matures on 17 December 2012.
- 46. Rabodirect Term Deposit (AA):** This investment is a 181 day term deposit, paying 5.95% (6.04% annualised), and matures on 10 September 2012.
- 47. Suncorp Term Deposit (A+):** This investment is a 120 day term deposit, paying 5.12% (5.21% annualised), and matures on 4 October 2012.

ITEM 4 (continued)

- 48. Newcastle Permanent Building Society (BBB+):** This investment is a 90 day term deposit, paying 5.00% (5.09% annualised), and matures on 4 October 2012.
- 49. QT Mutual Bank (Unrated):** This investment is a 181 day term deposit paying 5.75% (5.83% annualised) and matures on 15 October 2012.
- 50. ING Term Deposit (A):** This investment is a two year term deposit paying 6.84% (6.62% annualised) and matures on 18 February 2013.
- 51. Holidaycoast CU Term Deposit (Unrated):** This investment is a 183 day term deposit, paying 5.25% (5.32% annualised), and matures on 30 November 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. Beirut Hellenic Bank Term Deposit (Unrated):** This investment is a 92 day term deposit paying 5.02% (5.12% annualised) and matures 2 October 2012.
- 55. AMP Term Deposit (A):** This investment is a four year term deposit paying 7.14% which matures on 16 February 2015.
- 56. Rabobank Term Deposit (AA):** This investment is a 182 day term deposit paying 5.80% (5.88% annualised) and matures on 3 September 2012.
- 57. Bendigo & 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.
- 58. Heritage Bank Term Deposit (BBB-):** This investment is a 90 day term deposit paying 5.45% (5.56% annualised), and matures on 6 August 2012.
- 59. 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.
- 60. 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.
- 61. 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.
- 62. 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.

ITEM 4 (continued)

- 63. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 120 above BBSW. This investment matures 2 August 2016.
- 64. 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.
- 65. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 125 above BBSW. This investment matures 2 August 2016.
- 66. 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.
- 67. 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.
- 68. 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.
- 69. 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.
- 70. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 2 August 2016.
- 71. NAB Flexi Deposit (AA-):** This is a one 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.
- 72. 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.
- 73. 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.
- 74. Police CU (SA) Term Deposit (Unrated):** This investment is a two year TD paying 5.70% (5.70% annualised) and matures 18 April 2014.
- 75. NAB FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 127 above BBSW. This investment matures 19 December 2014.

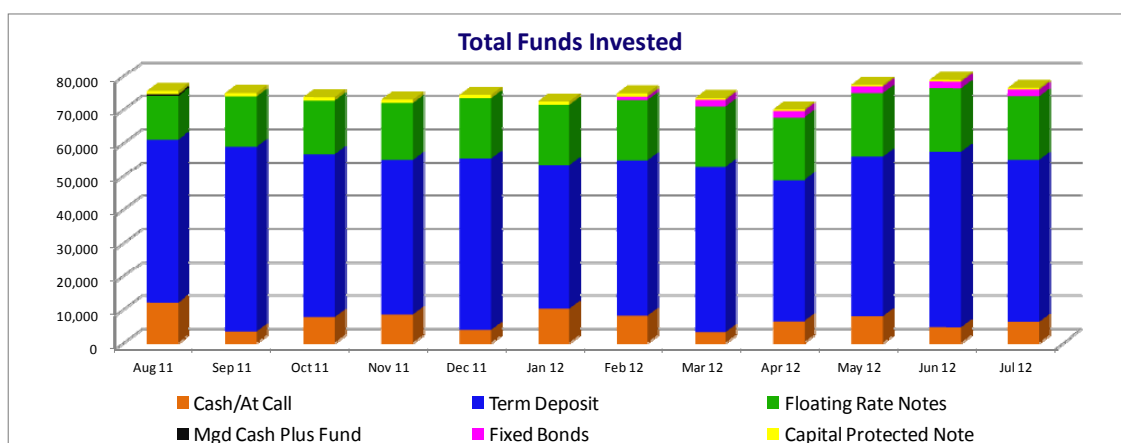
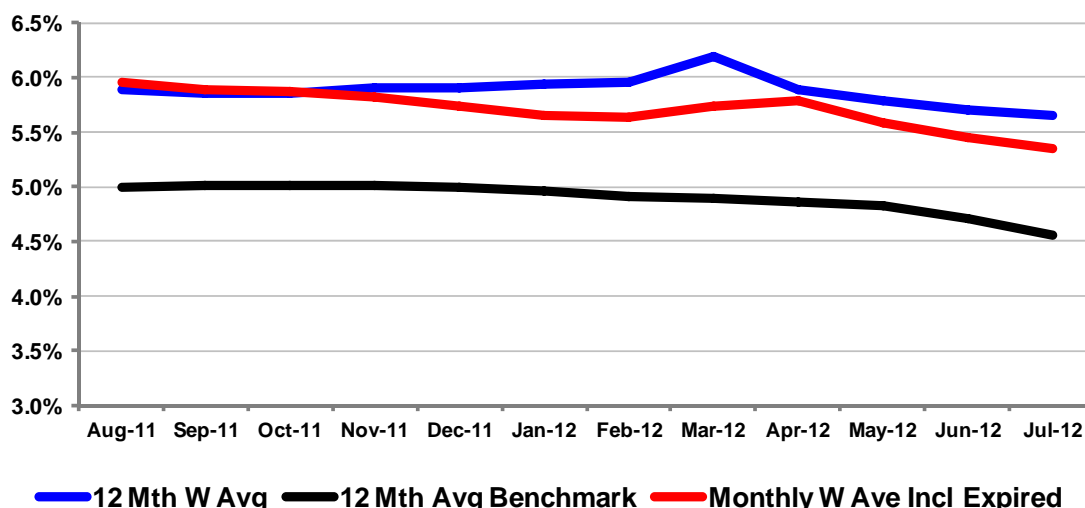
ITEM 4 (continued)

- 76. Investec Term Deposit (BBB-):** This investment is a one year TD paying 5.24% (5.24% annualised) and matures 10 July 2013.
- 77. TiO Term Deposit (AA+):** This investment is a 62 day TD paying 5.01% (5.12% annualised) and matures 27 August 2012. These funds are not covered by the Federal Government Guarantee, but are guaranteed by the NT State Government.
- 78. NAB Fixed MTN (AA-):** This is a fixed rate bond paying 6.18% (6.30% annualised) and matures 15 February 2017.
- 79. Suncorp Metway Term Deposit (A+):** This investment is a 180 day term deposit paying 5.95% (6.04% annualised) and matures 15 August 2012.
- 80. Bankstown City CU Term Deposit (Unrated):** This investment is a 182 day term deposit paying 5.75% (5.83% annualised) and matures 20 August 2012.
- 81. Westpac Fixed MTN (AA-):** This is a fixed rate bond paying 6.00% (6.14% annualised) and matures 20 February 2017.
- 82. ING Direct Term Deposit (A):** This is a 210 day term deposit paying 6.14% (6.22% annualised) and matures 22 October 2012.
- 83. Macquarie Bank Term Deposit (A):** This is a five year term deposit paying 6.50% (6.50% annualised) and matures 3 April 2017.
- 84. CBA Retail Bond (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 160 above BBSW. This investment matures 24 December 2015.
- 85. B & E Ltd Building Society Term Deposit (Unrated):** This investment is a 182 day term deposit paying 5.80% (5.88% annualised) and matures on 22 October 2012.
- 86. Bank of Cyprus Term Deposit (Unrated):** This investment is a five year term deposit paying 6.05% p.a. and matures on 15 May 2017.
- 87. Rural Bank Term Deposit (A-):** This investment is a 120 day term deposit paying 5.15% p.a (5.24% annualised). and matures on 2 October 2012.
- 88. ME Bank Term Deposit (BBB):** This investment is a five year term deposit paying 5.21% p.a. (5.31% annualised) and matures on 4 September 2012.
- 89. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 182 above BBSW. This investment matures 24 December 2015.

ITEM 4 (continued)

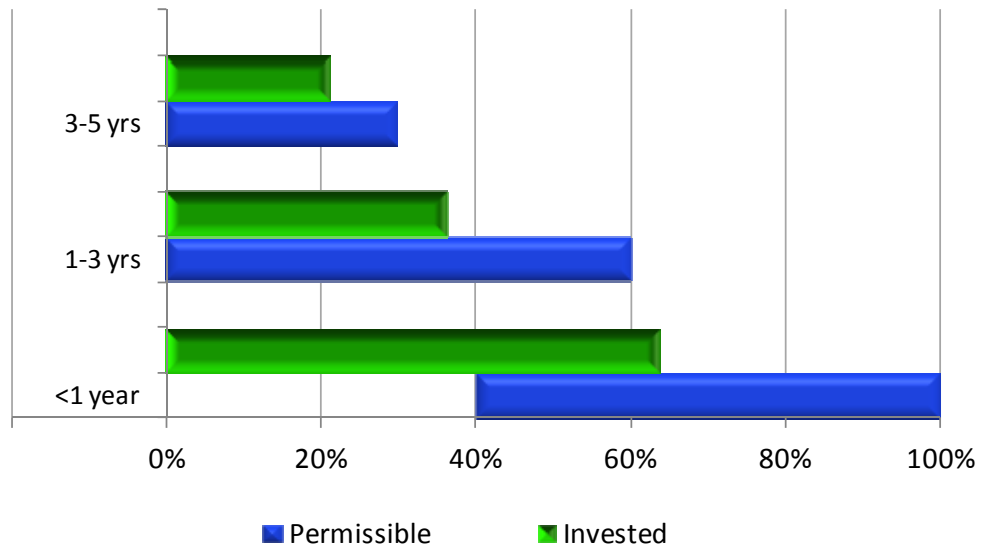
- 90. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 184 above BBSW. This investment matures 24 December 2015.
- 91. Bank of Queensland Term Deposit (BBB+):** This investment is a 151 day term deposit paying 5.20% (5.28% annualised) and matures 19 November 2012.
- 92. Bank of Queensland Term Deposit (BBB+):** This investment is a 92 day term deposit paying 5.16% (5.26% annualised) and matures 30 October 2012.

Performance - All Investments

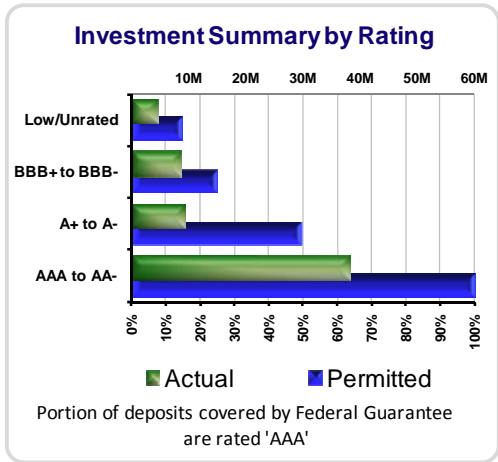
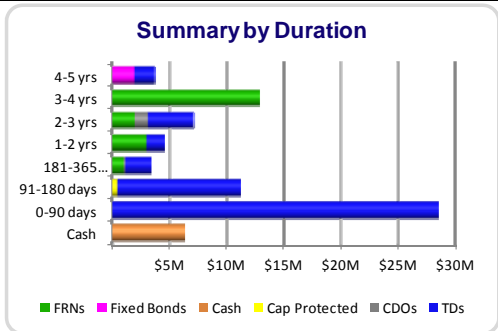
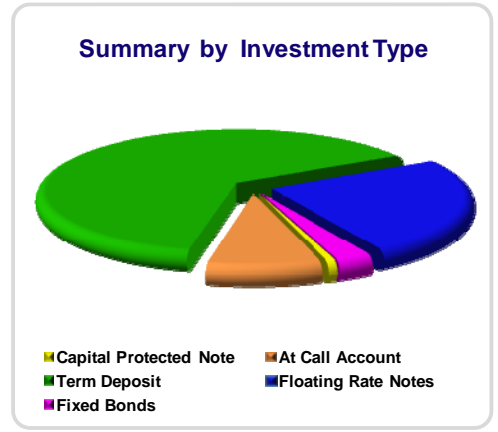
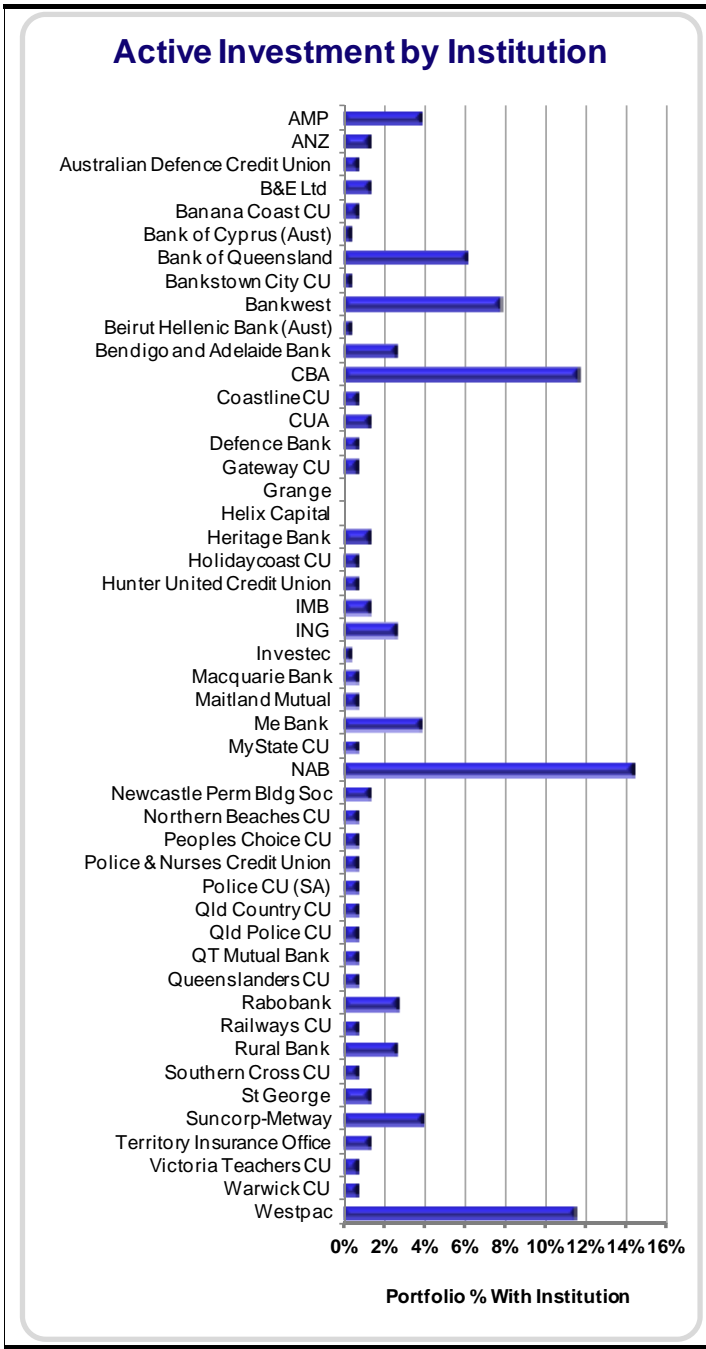


ITEM 4 (continued)

Policy Limits on Maturities



ITEM 4 (continued)



	>365 days	<365 days
Cash/TDs	\$7.3M	\$47.8M
FRNs	\$17.9M	\$1.0M
Fixed Bonds	\$2.0M	\$0.0M
Mgd Funds	\$0.0M	\$0.0M
Other	\$0.0M	\$0.5M
CDO's	\$0.0M	\$0.0M
	\$27.1M	\$49.3M

ITEM 4 (continued)

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 \$338K, being \$50K above budget projections as per the Delivery and Operational Plan, which will improve Council's Working Capital result as at 30 June 2013.

Adjustments will be made as part of the Quarterly Review to reflect the improvement or deterioration in investment income for the year.

The Financial Security Reserve has a balance of \$2.065M.

5 JUNE 2012 QUARTERLY REVIEW REPORT - 2011/2015 DELIVERY PLAN AND 2011/2012 OPERATIONAL PLAN

Report prepared by: Acting Group Manager Corporate Services

File No.: FIM/07/6/2/1 - BP12/991

REPORT SUMMARY

Council's Four Year Delivery Plan 2011-2015 and One Year Operational Plan 2011/2012 sets out the strategic and financial objectives for the year. These documents set out the goals and various performance measures for Council's seven key outcome areas and details the services and projects that Council plans to deliver in 2011/2012.

The Quarterly Report includes details for each of the seven Outcome areas and the 21 Program areas detailing the targets adopted by Council and the performance to date in achieving these targets to 30 June 2012. Also shown is a financial performance summary for each key outcome area and a status report on all Capital and Non-Capital Projects by Program Area that are to be undertaken in 2011/2012 with information on how each Project is progressing.

As a result of the June review, council is set to maintain its available working capital to approx \$4.05 million. The final unaudited result for June is approx \$5.39 million. This variance is due to not adjusting the budget to accommodate the changes, as they are redundant.

This review brings to account additional investment income, additional Section 94 contributions received, additional grant funding from state government and additional income from Ausgrid for restoration work. It also includes adjustments to the carryover estimates that were previously approved by Council in June 2012.

The majority of corporate indicators are on track or have exceeded target, with an improvement being shown in relation to completion of project milestones.

During 2012 Council dealt with over 30,000 customer requests and over 60,000 calls to the call centre. In doing so Council only received 92 formal complaints and 174 customer compliments.

RECOMMENDATION:

- (a) That the report of the Acting Group Manager Corporate Services, dated 15 August 2012 on JUNE 2012 QUARTERLY REVIEW REPORT – 2011-2015 DELIVERY PLAN AND 2011/2012 OPERATIONAL PLAN be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in no change to Council's Working Capital be endorsed and included in the 2011/2012 Budget and the carryovers included in the 2012/2013 Budget.

ITEM 5 (continued)

- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net decrease in Transfers to Reserves of 12.08 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 15 August 2012 be endorsed.

ATTACHMENTS

- 1 Responsible Officer's Certificate 30 June 2012
- 2 Quarterly Report on Four Year Delivery Plan 2011-2015 and One Year Operational Plan 2011-2012 - CIRCULATED UNDER SEPARATE COVER

Report Prepared and Approved By:

John Todd
Acting Group Manager Corporate Services

ITEM 5 (continued)

Discussion

Background

As required under section 407 of the Local Government Act, 1993 the quarterly review of the One Year Operational Plan 2011/2012 as at 30 June 2012 is presented to Council.

This Quarterly Review reports on the performance of Council in undertaking its Principal Activities in terms of its stated objectives and financial position. The following sections are included in the document, *Quarterly Review Report Four Year Delivery Plan 2011/2015 and One Year Operational Plan 2011/2012, Quarter Four* that has been **CIRCULATED UNDER SEPARATE COVER – ATTACHMENT 2**;

- General Manager's Overview, Financial Management and Corporate Performance Overview - provides a 'snapshot' of Council's performance in the quarter relative to several high profile activities.
- Outcome Area Reports – including overview, operational indicators, financial outcome and graphical representation of performance measures.
- Capital and Non Capital Projects Quarterly Status Report – provides comments regarding the status of all of Council's Capital and Non Capital Expenditure projects.
- Base Budget Quarterly Status Report.
- Reserves Listing Report – outlines the opening balance, approved budgeted transfers to/from reserves and proposed additional transfers to/from reserves, with a projected balance as at 30 June 2012. **Appendix A**
- Quarterly Changes Report – provides comments and details of those budget items that are proposed to be increased or decreased in the 2011/2012 budget. **Appendix B**
- Consolidated Income and Expenditure Estimates 2011/2012 – summary of the budget in two pages, showing original budget and quarterly changes. **Appendix C**

Report

The June 2012 Quarterly Review has been completed and is submitted to Council for endorsement. This review has concentrated on those items that need to be carried over into the 2012/2013 financial year, and no adjustments have been made for savings that have occurred within the budget.

The key points to note that are included in this Review, whilst no budget adjustment may have been made are:

- \$1.38 million in savings in materials and contracts within the Base Budget (no budget adjustment has been made for this)
- \$0.25 million in savings in salaries and wages

ITEM 5 (continued)

- \$0.14 million in additional rating income
- \$0.39 million in additional investment interest
- \$1.76 million in savings in completed capital works (no budget adjustment has been made for this)

Working Capital Summary

Following completion of the Financial Statements for 2010/2011, the final Working Capital figure was determined at \$4.21 million, an increase of \$0.80 million over the original forecast result included in the Operational Plan, which allowed utilising \$0.31 million from Working Capital. At the March Quarterly Review, this was projected to increase to \$4.05 million

In the June Quarterly Review, the proposed budget adjustments will result in no change to Council's Working Capital as at 30 June 2012 of \$4.05 million.

Opening Working Capital	4,205
Delivery Plan	(308)
September Adjustments	125
December Adjustments	0
March Adjustments	31
Carryover Adjustments	0
June Adjustments	0
Closing Working Capital	4,053

Whilst budget adjustments have not been put forward for savings that have occurred within the budget, the draft Financial Statements, which are subject to audit, are projecting a Working Capital of \$5.39 million, due to some of the reasons shown above.

Overview of June Review

Council's projected available Working Capital of \$4.05 million is a result of the June Quarterly Review. The following are the major changes to be made, with a complete listing provided in the circulated document, and more detailed explanations in each Outcome area of that document.

Operating Budget

The budget is projected to increase its operating income by \$9.60 million (8.36%), with the main areas being as follows:

- \$1.53 million in prepayment of the Financial Assistance Grant in June of the 2012/2013 funding, which is to be transferred to reserves
- \$7.12 million in Sec 94 contributions received, which are to be transferred to reserves
- \$0.40 million in Voluntary Planning Agreement contribution received, which are to be transferred to reserves

ITEM 5 (continued)

- \$0.21 million RMS Grant for North Ryde to MQ University Bicycle & Pedestrian Shared Path project
- \$0.10 million RMS Grant for Epping Rd SUP (Lyon Park Rd to Ped Overbridge) project
- \$0.06 million RMS Grant for Parramatta River – Ryde Catchment Study
- \$0.03 million Brush Farm Park Archaeological Plan Grant
- \$0.04 million received for Crime Prevention Grant

The budget is projected to increase its operating expenses over budget by \$0.07 million (0.07%), with the main areas being as follows:

- \$0.07 million increase in carryover adjustments for Non-Capital Project where the original estimate was too high and the amount carried over was too much.

In total, a projected increase in Operating Surplus of \$9.49 million, most of which is being utilised for Capital or transferred to reserves.

Capital Budget

The capital budget is projected to decrease its capital expenses over budget \$2.59 million (5.02%), with the main areas being as follows:

- \$0.13 million for Highest and Best Use Property Study. This was originally approved by Council in May 2011, but was not adjusted earlier in the financial year. The project will be funded by Property Investment Reserve.
- \$0.10 million for Land Register & CT System Review. The project will be funded by Property Investment Reserve.
- \$0.96 million saving for Civic Precinct Redevelopment project. Funding will be carried forward to 2012/2013.
- \$0.31 million saving for Pittwater Road (High Street - No. 214 Stage 2). Funding will be carried forward to 2012/2013.
- \$1.19 million saving for Surf Attraction Equipment. Funding will be carried forward to 2012/2013.
- \$0.12 million saving Addington House – Upgrade. Funding will be carried forward to 2012/2013.
- \$0.37 million saving in relation to the various carryovers. These adjustments are to bring the previously approved carryovers into line with the final actual spend for the year. Funding will be carried forward to 2012/2013.

Reserve Movements

It is projected to increase its transfers from reserves over budget by \$2.60 million (6.60%), the main areas being as follows:

- \$1.19 million transfer back to RALC, due to Surf Attraction Equipment project being delayed, and carried over into 2012/2013.

ITEM 5 (continued)

- \$0.96 million transfer back to the Civic Precinct Reserve for Civic Precinct Redevelopment project and carried over into 2012/2013.
- \$0.45 million decrease in funds carried over to 2012/2013 for various projects. These adjustments are to bring the previously approved carryovers into line with the final actual spend for the year.

It is projected to increase its transfers to reserves over budget by \$9.49 million (32.92%), the main areas being as follows:

- \$7.12 million for Sec 94 contributions received.
- \$0.40 million in Voluntary Planning Agreement contribution received.
- \$1.53 million in prepayment of the Financial Assistance Grant in June of the 2012/2013 funding.
- \$0.04 million received for Crime Prevention Grant received.
- \$0.04 million received for OHS & Injury rebate received.
- \$0.36 million in works carried over, these adjustments are to bring the previously approved carryovers into line with the final actual spend for the year.

The complete details are contained within the document circulated separately.

Progress against indicators

This quarter we have met or exceeded our corporate performance indicators (which provide a snap shot of the organisations health) as well as our performance indicators across our 21 programs. The exceptions are detailed below.

Corporate indicators

The majority of corporate indicators are on track or have exceeded target. In the fourth quarter there has been an improvement in completion of project milestones on time from 83% in quarter three to 92% to bring it on track and over our target of 90%.

We hope to see further improvements in this performance indicator with the recent launch of our new milestone tracker tool. This tool allows all Managers to better plan and track project milestones for project management and reporting purposes. Another area of improvement was in our Gender Equity Initiatives lifting women in managerial positions from 32% to 35% over the year.

Those corporate indicators which have not met target are:

- 80% of inward correspondence was completed within 10 working days against our target of 90%.
- 85% of scheduled projects completed within the year against our target of 95%.

ITEM 5 (continued)

- 93% of internal audit recommendations were implemented on time against our target of 100%.

Program indicators

Of all indicators across our 21 program areas, only 12 performance indicators in our programs were not achieved in quarter four.

Of particular note the following areas of performance improved against previous trends or targets:

- Visitations to all libraries in the fourth quarter slightly decreased by 5,648 compared to the same quarter last year. However, total visits throughout the year have significantly increased by 43,595 compared to last year's total.
- The RALC recorded 146,385 visitors which is a 5.7% increase from the same quarter last year. The total number of visits was 105,016 below the target of 780,000 but overall numbers have increased by 4,180 compared to last year's total.
- We continue to see targeted improvements in our mean gross DA determination times against the group 3 average. Thanks to the Best Value Review and the hard work of our Assessment team this quarter sees both Residential alterations and additions and Commercial, retail, office determination times come in below the group 3 average.

During 2012 we dealt with 30,000 customer requests last year and 60,000 calls to our call centre. In doing so we received 92 formal customer complaints and 174 customer compliments.

We should also note that we have now collected a substantial amount of baseline data this year in our move to our new framework. It is hoped that armed with this new information we can continue to monitor, maintain and improve all of the wonderful services council provide to the community

Staff turnover

Staff turnover has fallen in Council to 9.36% for 2011/2012 compared to 11.10% for 2010/2011.

This is a positive sign that Council is becoming an employer of choice in retaining and attracting staff.

Worker's compensation

Claims for worker's compensation have fallen to 35 per premium for 2011/2012 from 48 per premium for 2010/2011 which also fell against the previous year of 57 per premium for 2009/2010.

This indicates a continued effort by staff to work in a safe manner and reflects the importance that management have placed on safety as a priority area.

ITEM 5 (continued)**Consultation**

Internal Council business units consulted included:

- All Service Units in relation to budget changes.
- Executive Team.

Critical Dates

The following deadlines are required to be met:

- In accordance with Section 407 of the Local Government Act 1993, the General Manager must report to the Council within 2 months after the end of each quarter as to the extent to which the performance targets set by the Council's current Management Plan have been achieved during that quarter.

The Chief Financial Officer as Council's Responsible Accounting Officer, in accordance with the Part 2 Clause 7 of the Local Government (Financial Management) Regulation 1999 is required to certify whether the Council's financial position is satisfactory having regard to the original estimates of income and expenditure.

Financial Implications

Council's available Working Capital is projected to remain steady at \$4.05 million as at 30 June 2012. However the final draft Financial Statements is showing a calculation of \$5.39 million in Working Capital, which is subject to audit, and due to additional income and savings, for which budget adjustments are not being done.

Council's Operating Result before depreciation is projected to increase by \$9.49 million to \$49.92 million.

Council's Capital Works Program is projected to decrease by \$2.59 million as a result of additional works being carried over into the 2012/2013 budget.

ITEM 5 (continued)

ATTACHMENT 1

Certificate

In accordance with the Local Government (Financial Management) Regulation 1999, Part 2, Clause 7, I report that the financial position of the Council was satisfactory as at 30 June 2012, having regard to the original estimates of income and expenditure. Variations in total income, operating and capital expenditure as at 30 June 2012 are of a quantum and nature that overall end of year financial targets will be achieved.



John Todd
Chief Financial Officer
Responsible Accounting Officer

15 August 2012

6 DRAFT 2011/2012 FINANCIAL STATEMENTS

Report prepared by: Acting Group Manager Corporate Services**File No.:** FIM/07/6/4/2/3 - BP12/995

REPORT SUMMARY

This report is submitted to Council for its endorsement and referral of the Draft 2011/2012 Financial Statements to Council's Auditors, Hill Rogers Spencer Steer, Chartered Accountants.

The report details the process for Council to adopt its 2011/2012 Financial Statements that includes publicly advertising the availability of the Statements for public comment, once Council receives the Auditor's Report.

It is proposed that following the public advertising period, Council at its meeting on 9 October 2012 will receive a presentation of its audited Financial Statements for 2011/2012, prior to consideration of the adoption of its 2011/2012 Financial Statements.

Should Council not be in a position to refer the statements to audit at this meeting, this will then impose a significant time constraint on the public exhibition period to possibly only one week. This constraint would need to be imposed so that Council will still be able to meet the statutory deadline for the submission of the financial statements to the Division of Local Government.

RECOMMENDATION:

- (a) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that it has prepared General Purpose Financial Statements for the 2011/2012 financial year ending 30 June 2012 and has formed an opinion, based on the advice of Council officers, that these reports:
- i. Have been prepared in accordance with:
 - The Local Government Act 1993 (as amended) and the Regulations made thereunder
 - The Australian Accounting Standards and professional pronouncements
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - ii. Present fairly the operating result and financial position of the City of Ryde for the year ended 30 June 2012
 - iii. Accords with Council's accounting and other records and policies

ITEM 6 (continued)

- (b) That the Special Purpose Financial Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting.
- (c) That the General and Special Purpose Financial Statements be certified by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer (Chief Financial Officer) in accordance with section 413 (2)(c) of the Local Government Act 1993.
- (d) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that the Financial Statements (including General Purpose and Special Purpose Reports) for the year ending 30 June 2012 be referred for audit.
- (e) That Tuesday, 9 October 2012 be fixed for the date for the public meeting to present the audited financial statements and auditor's report for the year ended 30 June 2012 as required by section 419 of the Local Government Act 1993 and that the Council's external auditors be present.
- (f) That the following additional amounts be transferred to their respective reserves:
 - Employee Leave Entitlement Reserve - \$1,335,242
 - Asset Replacement Reserve - \$1,200,000

ATTACHMENTS

- 1 Draft Income Statement 2011/2012
- 2 Draft Statement of Comprehensive Income 2011/2012
- 3 Draft Balance Sheet 2011/2012
- 4 Draft Statement of Changes in Equity 2011/2012
- 5 Draft Statement of Cash Flows 2011/2012
- 6 Complete draft Financial Statements 2011/2012 (not for public presentation, still subject to audit) - CIRCULATED UNDER SEPARATE COVER CONFIDENTIAL

Report Prepared and Approved By:

John Todd
Acting Group Manager Corporate Services

ITEM 6 (continued)**Discussion**Background

As prescribed under Section 413 of the Local Government Act, 1993 Council is required to consider and resolve to refer the 2011/2012 Draft Financial Statements for audit as soon as practicable after the end of the year.

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

It is proposed that the Chief Financial Officer, will make a presentation at the Council meeting of 9 October 2012 on Council's financial performance for the year. Council's Auditors and members of the Internal Audit Committee will also be present at the Council meeting to answer any questions on the Financial Statements and Auditor's Report.

Report

Council's Draft Financial Statements for 2011/2012 have been prepared and **CIRCULATED UNDER SEPARATE COVER (CONFIDENTIAL)**. The reports have been prepared in accordance with the format required by the Local Government Act 1993, the Code of Accounting Practice issued by the Department of Local Government and the Australian Equivalents to the International Financial Reporting Standards (AIFRS).

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

The Auditors have advised that the majority of their audit has been conducted and that the Financial Statements, as presented reflects a fair and reasonable assessment of Council's financial position as at 30 June 2012.

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

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

ITEM 6 (continued)

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

- Ryde Aquatic Leisure Centre
- Commercial Waste Removal

Annual Financial Statements Process

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

28 August 2012	2011/2012 Draft Financial Statements presented to the Council meeting to refer the Draft Financial Statements to Audit.
12 September 2012	Auditors report anticipated to be received by Council and Financial Statements submitted to the Department of Local Government.
19 September 2012	Public advertising notifying that the Financial Statements are available for inspection at the Civic Centre, Libraries and Council's Web Site until 16 October 2012. The advertisement also advises that the Financial Statements will be formally presented to Council on 9 October 2012 and submissions will be received until 16 October 2012.
9 October 2012	Ordinary Council meeting – Presentation of Council's Audited Financial Statements and Auditor's Report to Council
16 October 2012	Closing date for public submissions on the Financial Statements. All submissions received will be referred to Council's Auditor for consideration (Section 420(3)). Council may take such action as it considers appropriate with respect to any submissions received.

A full report on Council's financial position will be provided to Council at its meeting on 9 October 2012 and it is proposed that the Chief Financial Officer will make a presentation at that meeting on Council's financial performance for the year. Council's Auditors will also be present at the Council meeting to answer any questions on the Financial Statements and Auditors Report.

Financial Performance

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

ITEM 6 (continued)

Financial Results	2010 000's	2011 000's	2012 000's
Operating Result	\$8,073	\$15,987	\$23,627
Operating Result Before Capital	(\$4,215)	\$448	\$841
Total Cash & Investments	\$63,051	\$69,064	\$79,082
Internal Reserves	\$49,684	\$51,676	\$51,344
Working Capital	\$4,549	\$4,205	\$5,396
Assets under Management	\$2.50B	\$2.53B	\$2.56B

Performance Indicators

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

Note 13 Performance Indicators	2010	2011	2011
Unrestricted Current Ratio	4.67	4.79	3.80
Debt Service Ratio	0.85%	0.83%	0.75%
Rate Coverage Ratio	61.6%	56.29%	51.52%
Rates & Annual Charges Outstanding	4.10%	3.99%	4.16%
Building & Infrastructure Renewal Ratio	49.24%	47.87%	24.81%

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

Working Capital

Working Capital is one of Council's key financial indicators and in 2011/2012 it increased to \$5.39 million from \$4.03 million in 2010/2011.

Whilst this may appear high, the 2012/2013 budget is framed on utilising \$1.66 million in working capital. With the positive final result for 2011/2012, this will see Working Capital remain above \$3.0 million at the end of 2012/2013.

Council's Four Year Delivery Plan 2011-2015 including One Year Operational Plan 2011/2012 was adopted on a projected Working Capital position of \$3.09 million as at 30 June 2012. Quarterly adjustments projected that this would rise to \$4.05 million. The 2011/2012 actual result is a further improvement on that forecast.

The final result for Council, which is yet to be confirmed by the auditors, additional income over budget of approx \$0.78m, savings in operating expenditure over budget of approx \$2.41m and capital expenditure over budget of approx \$1.76m, a total potential increase of \$4.95m over the projected working capital.

ITEM 6 (continued)

Due to this result, the level of working capital is projected to be \$5.39 million including a recommendation that an additional \$1.34 million be transferred to the Employee Leave Entitlement (ELE) reserve, which represents the liability for those employees over 55 or 38% of the total liability.

It also includes a recommendation that an additional \$2.20 million be transferred to the Asset Replacement Reserve. The Long Term Financial Plan has looked at ways of addressing the Infrastructure Renewal backlog and having the additional funds in the Asset Replacement Reserve would give Council a better platform from which to plan to address the backlog. Under the LGA, this has to be reviewed by the new Council following the elections and prior to 30 June 2013.

Assets under Management

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

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

Council brought \$12.50 million in “contributed assets” to account this year (\$8.34 million in 2010/2011) which increased Council’s Assets under Management to \$2.56 billion.

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

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

ITEM 6 (continued)Condition of Public Works

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

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

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

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

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

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

Investment Portfolio

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

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

ITEM 6 (continued)Consultation

Internal Council business units consulted included:-

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

Internal Workshops held:-

- Not Applicable

City of Ryde Advisory Committees consulted included:-

- Audit Committee

External public consultation included:-

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

Critical Dates

Council's audited Financial Statements (including General and Special Purpose Financial Statements) are required to be prepared and audited within four (4) months after the end of that year, i.e. 31 October 2012.

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

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

Financial Implications

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

The Working Capital result, which is one of Council's key financial indicators, is projected to be \$5.39 million as at the 30 June 2012. This result is an improvement on the forecast of \$3.09 million as detailed in Council's Four Year Delivery Plan 2011-2015 including One Year Operational Plan 2011/2012.

The City of Ryde's final end of year result will be detailed in the report to Council on Tuesday, 9 October 2012 that will be submitted for Council's consideration in the adoption of the 2011/2012 Financial Statements.

ITEM 6 (continued)

ATTACHMENT 1

DRAFT - General Purpose Financial Statements - Year Ended 30 June 2012

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

Original Budget* 2012 (\$'000)		Notes	Actual 2012 (\$'000)	Actual 2011 (\$'000)
INCOME FROM CONTINUING OPERATIONS				
58,134	Rates and Annual Charges	3(a)	58,509	56,338
11,433	User Charges and Fees	3(b)	12,055	10,942
3,082	Interest and Investment Revenue	3(c)	4,482	4,429
5,793	Other Revenues	3(d)	5,998	5,406
6,450	Grants & Contributions provided for operating purposes	3(e&f)	8,972	6,903
23,360	Grants & Contributions provided for capital purposes	3(e&f)	22,786	15,539
	Other Income:			
-	Net gain from the disposal of assets	5	771	531
-	Net share of interests in joint ventures and associates using the equity method	19	-	-
108,252	TOTAL INCOME FROM CONTINUING OPERATIONS		113,573	100,088
EXPENSES FROM CONTINUING OPERATIONS				
36,262	Employee Benefits and On-costs	4(a)	36,072	33,644
596	Borrowing Costs	4(b)	202	242
24,966	Materials and Contracts	4(c)	24,263	21,185
19,137	Depreciation, Amortisation and Impairment	4(d)	18,457	18,598
9,141	Other Expenses	4(e)	10,952	10,432
-	Interest and Investment Losses	3(c)	-	-
-	Net Loss from the disposal of assets	5	-	-
-	Share of interests in joint ventures and associates using the equity method	19	-	-
90,102	TOTAL EXPENSES FROM CONTINUING OPERATIONS		89,946	84,101
18,150	OPERATING RESULT FROM CONTINUING OPERATIONS		23,627	15,987
-	Operating result from discontinued operations	24	-	-
18,150	NET OPERATING RESULT FOR THE YEAR	2(a)	23,627	15,987
(5,210)	NET OPERATING RESULT FOR THE YEAR BEFORE GRANTS & CONTRIBUTIONS PROVIDED FOR CAPITAL PURPOSES		841	448

* Original budget as approved by Council - Refer Note 16
The above Income Statement should be read in conjunction with the accompanying notes.

ITEM 6 (continued)

ATTACHMENT 2

DRAFT - General Purpose Financial Statements - Year Ended 30 June 2012

STATEMENT OF COMPREHENSIVE INCOME
for the year ended 30 June 2012

	Notes	Actual 2012 (\$'000)	Actual 2011 (\$'000)
Net operating result for the year - from Income Statement		23,627	15,987
Other comprehensive income			
Gain (loss) on revaluation of infrastructure, property, plant and equipment	20(b)	-	-
Gain (loss) on revaluation of available-for-sale investments	20(b)	-	-
Realised available-for-sale investment gains recognised in revenue	20(b)		
Adjustment to correct prior period errors	20(d)	-	-
Total other comprehensive income for the year		23,627	15,987
Total comprehensive income for the year			
Attributable to:			
- Council		23,627	15,987
- Minority Interests			

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

ITEM 6 (continued)

ATTACHMENT 3

DRAFT - General Purpose Financial Statements - Year Ended 30 June 2012

BALANCE SHEET
As at 30 June 2012

	Notes	2012		2011	
		(\$'000)	(\$'000)	(\$'000)	(\$'000)
ASSETS					
Current Assets					
Cash and Cash Equivalents	6(a)	13,973		8,532	
Investments	6(b)	38,000		50,030	
Receivables	7	6,380		5,792	
Inventories	8	330		420	
Other	8	319		969	
Non-Current assets classified as held for Sale	22	-		-	
Total Current Assets			59,002		65,743
Non-Current Assets					
Investments	6(b)	27,109		10,502	
Receivables	7	1,016		938	
Infrastructure, Property, Plant and Equipment	9	2,171,833		2,156,578	
Investments accounted for using equity method	19	-		-	
Investment Property	14	2,200		2,200	
Intangible assets	25	-		-	
Other	8	-		-	
Total Non-Current Assets			2,202,158		2,170,218
TOTAL ASSETS			<u>2,261,160</u>		<u>2,235,961</u>
LIABILITIES					
Current Liabilities					
Payables	10(a)	16,006		15,393	
Borrowings	10(a)	492		775	
Provisions	10(a)	9,130		7,455	
Total Current Liabilities			25,628		23,623
Non-Current Liabilities					
Payables	10(a)	-		-	
Borrowings	10(a)	3,412		3,899	
Provisions	10(a)	221		174	
Total Non-Current Liabilities			3,633		4,073
TOTAL LIABILITIES			<u>29,261</u>		<u>27,696</u>
NET ASSETS			<u>2,231,899</u>		<u>2,208,265</u>
EQUITY					
Retained Earnings	20	1,713,516		1,689,889	
Revaluation reserves	20	518,376		518,376	
Council equity interest			2,231,892		2,208,265
Minority equity interest			-		-
TOTAL EQUITY			<u>2,231,892</u>		<u>2,208,265</u>

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

ITEM 6 (continued)

ATTACHMENT 4

DRAFT - General Purpose Financial Statements - Year Ended 30 June 2012

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

	Notes	2012 (\$'000)						2011 (\$'000)					
		Retained Earnings		Asset Revaluation Reserve		Council Equity		Other Reserves		Asset Revaluation Reserve		Council Equity	
		20	20	20	20	20	20	20	20	20	20	20	20
Opening Balance	20	1,659,889	518,376	2,208,265	-	2,208,265	1,742,118	518,376	2,230,494	-	2,230,494	(38,216)	
Correction of errors													
Changes in Accounting Policies													
Restated Opening Balance	20	1,659,889	518,376	2,208,265	-	2,208,265	1,673,902	518,376	2,192,278	-	2,192,278		
Net Operating Result for the Year	20	23,627	-	23,627		23,627	15,987	-	15,987		15,987		
Other Comprehensive Income	20												
Total Comprehensive Income	20	23,627	-	23,627		23,627	15,987	-	15,987		15,987		
Closing Balance	20	1,713,516	518,376	2,231,892	-	2,231,892	1,689,889	518,376	2,208,265	-	2,208,265		

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

ITEM 6 (continued)

ATTACHMENT 5

DRAFT - General Purpose Financial Statements - Year Ended 30 June 2012

STATEMENT OF CASH FLOWS
for the year ended 30 June 2012

Original Budget* 2012 (\$'000)	Notes	2012 (\$'000)	2011 (\$'000)
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts			
58,135		58,303	56,353
12,379		12,835	12,017
3,081		4,413	4,388
6,730		19,743	15,092
-			
6,050		7,793	6,906
Payments			
(36,394)		(34,463)	(34,043)
(22,846)		(24,593)	(22,279)
(596)		(203)	(241)
-			
(13,760)		(11,531)	(12,019)
12,778	11(b)	32,297	26,174
CASH FLOWS FROM INVESTING ACTIVITIES			
Receipts			
28,250		28,545	23,364
-			1,008
1,958		1,200	1,309
-			
-			
-			
Payments			
(50,030)		(32,093)	(48,032)
(47,473)		(23,746)	(22,998)
-			
-			
-			
(67,295)		(26,094)	(45,349)
CASH FLOWS FROM FINANCING ACTIVITIES			
Receipts			
-			
-			
Payments			
(381)		(442)	(427)
-			
-			
(381)		(442)	(427)
(54,897)		5,761	(19,602)
8,204	11(a)	8,204	27,806
(46,693)	11(a)	13,965	8,204

* Original budget as approved by Council - Refer Note 16

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

7 RYDE 2021 COMMUNITY STRATEGIC PLAN - RESOURCING PLAN INCLUDING ASSETS MANAGEMENT PLAN, WORKFORCE PLAN AND LONG TERM FINANCIAL PLAN.

Report prepared by: Manager - Strategy and Organisational Development

File No.: GRP/09/7/2/2 - BP12/1002

REPORT SUMMARY

This report is to inform Council about the Resourcing Plan which includes three documents;

- Asset Management Plan
- Workforce Plan
- Long Term Financial Plan

The Resourcing Plan, is required by the Integrated Planning and Reporting Framework under the Local Government Act 1993, informs the Community Strategic Planning process and will assist, inform and guide Council to make decisions around asset management maintenance and renewal, customer service delivery levels and budgeting both short and long term.

This report seeks Council's acknowledgement of the Resourcing Plan and recommends a series of workshops be held with the incoming Council.

RECOMMENDATION:

- (a) That Council receive and note the Resourcing Plan including the Asset Management Plan, Workforce Plan and Long Term Financial Plan which has been sent to the Division of Local Government.
- (b) That a series of workshops be held with the incoming Council to identify Council priorities relating to these plans for the next term of Council.

ATTACHMENTS

- 1 City of Ryde 2012 Resourcing Plan (includes Asset Management Plan, Workforce Plan, Long Term Financial Plan) – CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Beki Boulet
Manager - Strategy and Organisational Development

Report Approved By:

John Neish
General Manager

ITEM 7 (continued)

Background

The Resourcing Plan is required as part of the Integrated Planning and Reporting Framework under the Local Government Act 1993. This year, Council, was required to prepare all three of the plans for the first time as a statutory obligation and as a Group 3 Council. These plans are:

- The Asset Management Plan
- The Workforce Plan
- The Long Term Financial Plan

These initial plans have been sent to the Department of Local Government to meet the statutory requirements. Each plan expresses their respective current state, desired end state, and the challenges facing City of Ryde to achieve the desired end state expressed within. The plans also include actions to overcome the identified challenges but need to be subject to detailed inputs from the incoming Council.

It is the intention at City of Ryde, to develop and integrate these plans even further in order to position Council to set the strategic direction of the City and to address the major issues that Council is confronted with such as the asset-infrastructure backlog.

The plans are supported with detailed modelling to enable the financial implications of a range of future scenarios to be developed.

These resourcing plans and in particular the Asset Management Plan will guide Council when considering the future of our 40 asset categories. In particular, Council will be required to review their condition, maintenance levels and renewal.

The Workforce Plan will assist in determining the levels of customer service that we want to deliver and the cost of delivering those services at the chosen level. It will assist us in determining what sort of workplace culture and workforce Council wants us to become.

The Long Term Financial Plan will inform Council in regard to the long term financial impacts and ramifications of the decisions made and the other financial considerations that need to be taken into account when making decisions.

When the resourcing Plan is fully developed our Council will be positioned to consider a variety of scenarios and will be better informed to determine priorities for the City of Ryde, and the future strategic directions over the next 10 years, such as;

- Whether to increase or reduce service delivery levels
- How to prioritise asset categories and their maintenance levels
- Options for revenue raising

ITEM 7 (continued)

A series of relevant workshops around the Resourcing Plan will be scheduled for the new council early in the new term of Council which may also lead to further Community consultation on the options decided.

Financial Implications

Adoption of the recommendation will have no financial impact on this years annual Operating Plan.

8 REPORTS DUE TO COUNCIL

Report prepared by: Meeting Support Coordinator

File No.: GRP/12/5/5/5 - BP12/791

REPORT

This Report is submitted to Council to review the status of outstanding reports and confirm the date reports are due to be provided to Council as at 21 August 2012.

Below is a status table showing the number of reports listed, the number completed since the last update, the number added since the last update and the percentage of those reports that were completed within the stated timeframe.

Report date	Volume			Current reports		Completed reports			Performance	
	Number of reports listed	Number of reports added (since last report)	Number of reports COMPLETED (to be removed following this report)	Number of reports overdue	Number of reports due and on track/in time	Number of reports COMPLETED and in time	Number of reports COMPLETED overdue	% of reports COMPLETED	% of reports overdue (completed and pending)	% of reports in time (completed and pending)
14/02/11	33		7	2	24	6	1	21%	9%	91%
15/03/11	31	5	8	3	20	7	2	29%	16%	87%
2/05/11	32	9	9	5	16	9	1	31%	19%	78%
6/06/11	31	8	5	5	21	4	1	16%	19%	81%
19/07/11	33	7	10	6	17	2	8	30%	42%	58%
16/08/11	35	12	8	6	21	4	4	23%	29%	71%
20/09/11	36	9	7	7	21	3	5	22%	33%	67%
15/11/11	40	11	20	6	14	9	11	50%	43%	58%
28/02/12	37	17	11	0	26	7	4	30%	11%	89%
27/03/12	29	3	9	1	19	9	0	31%	3%	97%
24/04/12	28	8	3	3	22	2	1	11%	14%	86%
22/05/12	32	7	3	5	24	2	1	9%	19%	81%
24/07/12	37	8	17	5	15	11	6	46%	30%	70%
28/08/12	25	5	8	4	13	5	3	32%	28%	72%

ITEM 8 (continued)

ATTACHED is a graph showing the volume of outstanding reports and the number of completed reports over the period 14 February 2011 to present.

There are currently 25 reports listed. Following consideration of this report there will be four overdue reports due to Council.

RECOMMENDATION:

That the report on Outstanding Council Reports be endorsed.

ATTACHMENTS

- 1 Performance Data - Report to Council - 28 August 2012
- 2 Outstanding Council Reports as at 21 August 2012

Report Prepared By:

Amanda Janvrin
Meeting Support Coordinator

Report Approved By:

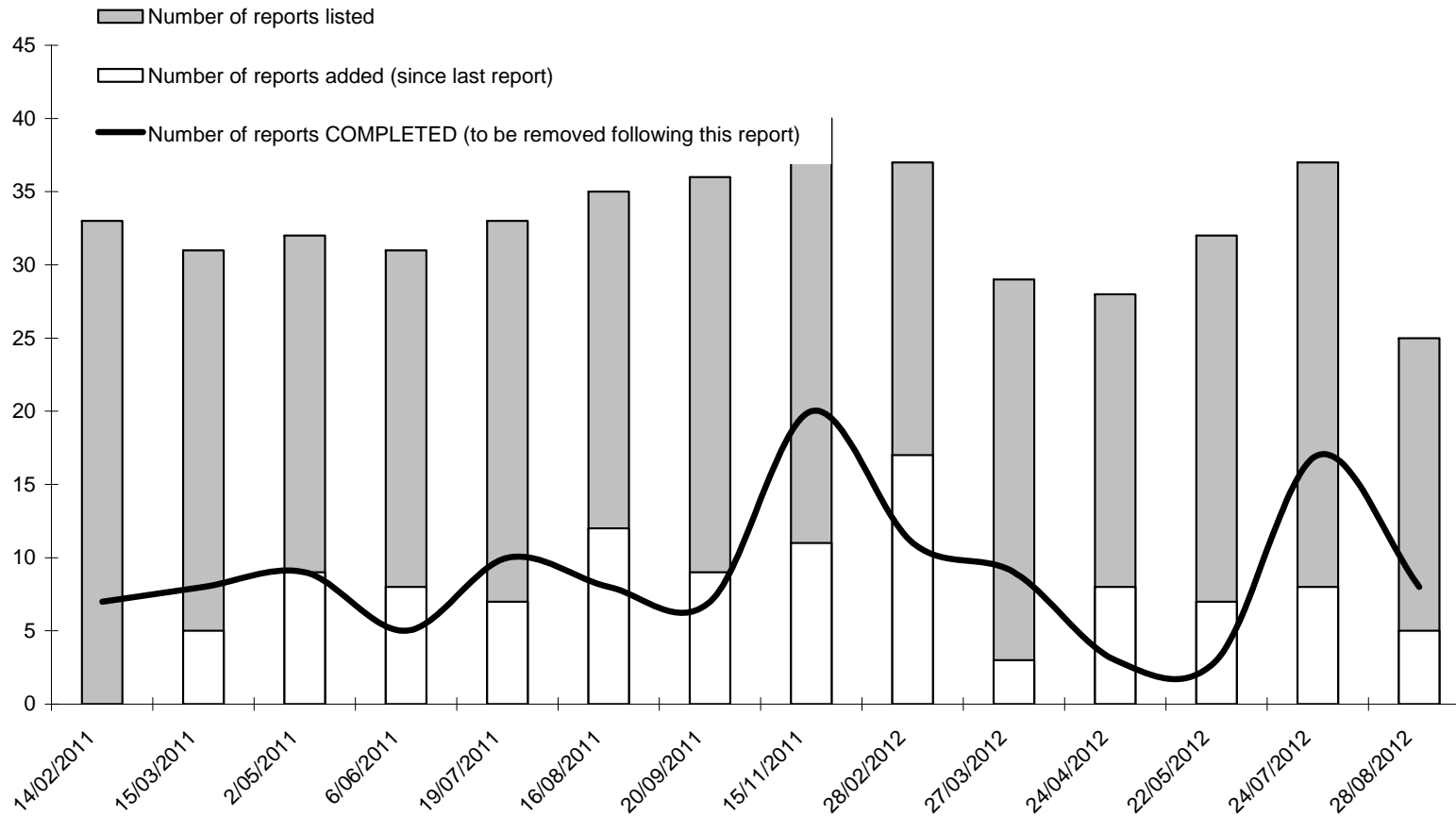
Shane Sullivan
Manager - Governance

John Todd
Acting Group Manager - Corporate Services

ITEM 8 (continued)

ATTACHMENT 1

**Outstanding Reports to Council
Volume of outstanding reports**



ITEM 8 (continued)

ATTACHMENT 2

Outstanding Reports

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	PUBLIC DOMAIN UPGRADES - COMPLETED	30/06/2012	<i>Reported to Works and Community Committee on 6 March 2012.</i>
Meeting Date 2/08/2011	(d) That a detailed costing be provided to Council on the replacement of the two poles with two smart poles in front of the proposed second hotel in Eastwood, at the same time that the development is undertaken.	Anticipated date 19/06/2012	<i>COMPLETED (To be removed following Council meeting on 28 August 2012).</i>
Group Environment and Planning		Officer Meryl Bishop	

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	ESTABLISHMENT OF A LOCAL PLANNING PANEL		Report to Council date TBA
Meeting Date 23/08/2011	(b) That a report be provided to Council regarding the composition of the Joint Regional Planning Panel.	Anticipated date	<i>Note: As the current membership of Ryde's delegates to the Panel has expired, a report will be brought to the new Council seeking two delegates for the Joint Regional Planning Panel.</i>
Group Environment and Planning		Officer Liz Coad	

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	MAYORAL MINUTE 15/11 - CUDAL RESERVE PUTNEY AND SMALLS ROAD RYDE	23/10/2012	<i>Consultation with Department of Planning and Infrastructure and Relevant State Ministers undertaken.</i>
Meeting Date 22/11/2011	(a) That the Mayor and General Manager pursue meetings with the relevant State Government Ministers with the purpose of:	Anticipated date 23/10/2012	
Group Community Life	(1) ensuring that both sites remain in public ownership; (2) ensuring that the zoning of both sites reflects public ownership; (3) obtaining the dedication of Cudal Reserve as a park under the care, control and management of the City of Ryde in perpetuity at no cost to Council; (4) obtaining the dedication of the ovals within the former school site at Smalls Road as a park under the care, control and management of the City of Ryde in perpetuity at no cost to Council.	Officer Tajjana Domazet	
<hr/>			
(b) That this matter be reported back to Council.			

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	252 QUARRY ROAD, RYDE. LOT 2 DP 701738. Local Development Application for demolition and erection of an attached dual occupancy. LDA 2010/439 - COMPLETED	14/08/2012	Report to Council following mediation meeting - meeting is scheduled for 24 January 2012 - Submitter cancelled.
22/11/2011	That this matter be deferred to allow the Group Manager, Environment and Planning to undertake mediation to address the issues of overshadowing, privacy and unacceptable non compliances and that a further report be provided to Council following the conduct of this mediation.	Anticipated date 7/08/2012	Re-scheduled for 22 February 2012 - Submitter cancelled.
Group Environment and Planning		Officer Liz Coad	Re-scheduled for 5 March 2012 - Applicant failed to attend.
			Re-scheduled for Wednesday 21 March 2012.
			Mediation held 21 March 2012.
			Amended Plans and renotification required. If amendments are received in May, a report could be forwarded to Council in July.
			Reported to the Planning and Environment Committee meeting on 7 August 2012.
			Completed (To be removed following Council Meeting to be

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ITEM 8 (continued)

ATTACHMENT 2

held 28 August 2012).

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	POTENTIAL DEVELOPMENT PARTNERSHIP ARRANGEMENT FOR COULTER STREET CAR PARK	26/06/2012	<i>Negotiations with the Gladesville RSL have been extended due to their need to remodel a proposal which complies with our DCP and LEP.</i>
Meeting Date	(b)On completion of the highest and best use study a full report be brought to Council for its consideration.	Anticipated date	
22/11/2011		27/11/2012	
Group		Officer	
General Manager		John Neish	

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council Meeting Date 22/11/2011	NOTICE OF MOTION - SHORTFALL OF OPEN SPACE IN PARTS OF NORTH RYDE - COMPLETED (a) That in accordance with the draft IOSP which identifies a shortfall of open space in parts of North Ryde, Council facilitate a meeting with the Transport Coordination Authority development team to request that as part of the developers contribution through either Section 94 or a VPA, to provide in the identified areas for open space to include sportsgrounds and/or multi use sports facility (including the possibility of synthetic surfaces) to benefit the community of Ryde. (b) That the meeting include all key stakeholders, such as Ryde City Hockey Club with the outcomes being reported to Council.	1/06/2012 Anticipated date 1/06/2012	The ownership of the Ryde City Hockey Club site was transferred from the Department of Education to the State Property Authority. The Club's lease on the site has been extended for a further 10 years (until 2024). COMPLETED (To be removed following Council meeting on 28 August 2012).
Group Environment and Planning		Officer Adrian Melo	

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	SKATEBOARD CLINICS FOR ALL AGES AND ABILITIES IN THE CITY OF RYDE	28/02/2013	<i>Skateboard Clinics are scheduled for 1th July 2012.</i>
Meeting Date 13/12/2011	(e) That a further report be presented to Council in February 2013 at the conclusion of the series of skate clinics.	Anticipated date 28/02/2013	<i>Report to be provided in 2013.</i>
Group Community Life		Officer Fiona Morrison	

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	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 - COMPLETED	15/05/2012	Mediation meeting scheduled for 15 March 2012. Further report outlining possible solutions to this matter will be provided to the Planning and Environment Committee at its meeting of 15 May 2012.
14/02/2012	That the Group Manager Environment and Planning undertake a mediation session with the applicant and objectors to determine a possible solution to this matter and then be reported back to the Planning and Environment Committee for consideration within two months.	7/08/2012	Amended Plans submitted 16 April 2012. These will be assessed and notified and a report will then be put to the Planning and Environment Committee.
Group Environment and Planning		Officer Liz Coad	Reported to the Planning and Environment Committee meeting on 7 August 2012. COMPLETED (To be removed following Council meeting on 28 August 2012).

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	DEBBIE STREET - Submissions on Public Notification of Proposed Lease	1/05/2012	<i>Council staff are negotiating with the property owner. The report will not be finalised until if or when satisfactory agreement is reached. If Council is unable to reach a satisfactory agreement the report may be delayed.</i>
Meeting Date 27/03/2012	That this matter be deferred for one month to allow staff to liaise with the legal representative of the property owners and for a further report for the Committee's consideration.	Anticipated date 23/10/2012	<i>Remains on-going - no updated information yet available.</i>
Group Public Works		Officer Russell Nash	<i>Updated 25/6/12: Anticipated date of report amended now to 23 October 2012.</i>

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	BEST VALUE REVIEW - SPORTSGROUND ALLOCATION AND MANAGEMENT	23/10/2012	<i>To be reported on 23 October 2012 following review and consultation.</i>
Meeting Date 27/03/2012	That Council fund and support the recommendations for the implementation of the Best Value Review, subject to a comprehensive review of the season charges being undertaken in consultation with the sport clubs and associations with costed options for consideration and that all results of the review be brought back to Council. The options to include:- (i) No increase; (ii) 7% increase for 3 years; (iii) Any other options.	Anticipated date 23/10/2012	
Group Community Life		Officer Tajjana Domazet	

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	TRAINING FACILITIES FOR WOMEN'S NETBALL IN THE CITY OF RYDE - COMPLETED	7/08/2012	<i>Reported to the Works and Community Committee on 7 August 2012.</i>
Meeting Date 10/04/2012	That the General Manager investigate the feasibility of providing additional training facilities for women's netball in the City of Ryde. This investigation is to include discussions with local clubs (eg: Ravens Netball) and local schools. The resultant report should also include possible funding implications associated with improved and additional facilities.	Anticipated date 7/08/2012	<i>COMPLETED (to be removed following Council meeting on 28 August 2012).</i>
Group Community Life		Officer Tajjana Domazet	

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community	FEASIBILITY STUDY ON MULTIPURPOSE SYNTHETIC (ARTIFICIAL) FIELDS	20/11/2012	<i>The Workshop on Synthetic Fields has been scheduled for 8 August 2012.</i>
Meeting Date 10/04/2012	1. That the General Manager prepare a feasibility study on multipurpose synthetic (artificial) fields to be installed in the City of Ryde. This study should outline a comprehensive consultation process, projected financial impacts, construction cost estimates and a funding and grants program with all sports facility users and stakeholders in the LGA.	Anticipated date 20/11/2012	<i>To be reported to the Works and Community Committee on 20 November 2012.</i>
Group Community Life	2. A report detailing possible sports funding grants through the State and Federal Governments in the next financial year to assist in this project should also be undertaken. 3. A feasibility study cost be funded through the 2012/13 First Quarter Budget review.	Officer Tajjana Domazet	

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	COX'S ROAD MASTERPLAN	24/07/2012	<i>The exhibition period has been completed and the submission to the Cox's Rd Master Plan are currently being considered. A report will be put to Council when the verification and assessment of submissions is complete.</i>
Meeting Date 24/04/2012	(b) That a further report be provided to Council following the public exhibition period.	Anticipated date 13/11/2012	
Group Environment and Planning		Officer Meryl Bishop	

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	FLOODING AT FIRST AVENUE, EASTWOOD	24/07/2012	Report anticipated on 24 July 2012.
Meeting Date 24/04/2012	That the General Manager investigate the issue of flooding on the southern side of First Avenue, Eastwood and provide a report to Council within three months outlining options for consideration.	Anticipated date 2/10/2012	Update: 9 July 2012. Report is currently being prepared for the Works & Community Committee at its meeting to be held on 7 August 2012.
Group Public Works		Officer Anthony Ogle	Update: 30 July 2012. It has been necessary to postpone this Report until 2 October 2012 for further research and investigation.

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	THE CITY OF RYDE PRECINCT REDEVELOPMENT STAGE 3- STATUS REPORT	30/11/2012	
Meeting Date 8/05/2012	(b) That a detailed report which recommends the most appropriate course of action for the redevelopment of the Argyll Centre site be prepared for Council by November 2012, which examines how Council can utilise a shared equity scheme, the National Rental Affordability Scheme and a partnership with a social housing company. The report to specifically include :-	Anticipated date 27/11/2012	
Group General Manager	(i) A detailed financial and cash flow model (including an option for Council to borrow funds) for developing each of options 2 and 3 for the redevelopment of the Argyll Centre as outlined in this report. The model be designed to deliver 10 to 15 affordable / key worker housing units and provides Council with the best sustainable revenue stream possible considering Council's appetite for risk. (ii) The most appropriate governance, procurement and management model required to manage redevelopment risk, oversee the redevelopment of the Argyll Centre site and	Officer Mitch Corn	

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ITEM 8 (continued)

ATTACHMENT 2

manage any housing stock which Council may retain in its ownership for each of options 2 and 3 as outlined in this report.

(iii) An open space concept plan relating to the future development of the Ryde City Bowling Club and the Argyle Centre site.

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	NOTICE OF MOTION - EASTWOOD FLOODING - HILLVIEW LANE STORMWATER CANAL - COMPLETED	7/08/2012	<i>Reported to the Works and Community Committee meeting on 7 August 2012.</i>
22/05/2012	That Council investigates and reports on the factors that increased the intensity of the Eastwood flash flood on 18 April 2012 and any measure that could alleviate the intensity of flooding including the feasibility and effectiveness of increasing the height of the Eastwood Hillview Lane stormwater canal walls so as to reduce the impact of potential future flash floods on nearby businesses and parked cars.	Anticipated date 7/08/2012	Officer Anthony Ogle
Group Public Works			

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	WATER BOTTLE REFILL STATIONS IN OPEN SPACE	16/10/2012	<i>Will be reported to Works and Community Committee Meeting on 16 October 2012.</i>
Meeting Date 12/06/2012	That this matter be deferred pending a further report on alternate systems including those that are not chilled.	Anticipated date 16/10/2012	
Group Community Life		Officer Tajjana Domazet	

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community			
Meeting Date			
19/06/2012	TRAFFIC & PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 24 May 2012 - (g) NELSON ROAD, GLADESVILLE - Request for 2P Restrictions	20/11/2012	Report to Council anticipated 20 November 2012.
Group		Anticipated date	
Public Works		20/11/2012	
		Officer	
		Ramesh Desai	

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Works and Community			
Meeting Date			
19/06/2012	TRAFFIC & PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 24 May 2012 - (a) BRENDON STREET, NORTH RYDE - Give Way Restriction - COMPLETED	21/08/2012	Reported to Works and Community Committee meeting on 21 August 2012. COMPLETED (To be removed following Council meeting on 28 August 2012).
Group		Anticipated date	
Public Works		21/08/2012	
		Officer	
		Ramesh Desai	

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type Council	Resolution GLADESVILLE VACATION CARE SERVICE- Transfer to Gladesville Public School P&C	Due Date of Report 30/06/2013	Comments/Update <i>This report will be provided after 12 months as per the resolution</i>
Meeting Date 26/06/2012	(c)That Council staff review and report to Council on the above arrangements (to ensure service continues to meet the needs of families) after 12 months.	Anticipated date 30/06/2013	
Group Community Life		Officer Baharak Sahebkhitari	
Meeting Type Council	Resolution DEFERRED REPORT: WEBCASTING OF COUNCIL MEETINGS	Due Date of Report 12/02/2013	Comments/Update <i>Software and hardware currently being sourced.</i>
Meeting Date 17/07/2012	(c)That a report be provided to Council following the conduct of the 2012 Local Government Election outlining the outcomes of the trial and recommending appropriate changes to Council's Code of Meeting Practice.	Anticipated date	
Group Corporate Services		Officer Shane Sullivan	

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Meeting Date 24/07/2012 Group Environment and Planning	HERITAGE ADVISORY COMMITTEE – RYDE WHARF (b) That Council write to the appropriate Minister and the Roads and Maritime Services seeking them to undertake the works to upgrade Ryde Wharf at Shepherds Bay and that the response be reported back to the Works and Community Committee Meeting.	Anticipated date Officer Meryl Bishop	<i>A report will be put to the Works and Community Committee when a response has been received. The date of this report will be determined by the date a response is received.</i>
Meeting Type Council Meeting Date 24/07/2012 Group Environment and Planning	DRAFT RYDE LEP 2011 - SUBMISSIONS That Council defer the Draft LEP 2011 until all verbal submissions made at the Council meeting of 24 July 2012 have been addressed with a further report to the next Council, elected at the 2012 Local Government Election.	Due Date of Report 11/12/2012 Anticipated date 13/11/2012 Officer Meryl Bishop	Comments/Update <i>A workshop will be held following the 2012 Local Government Election and a subsequent report will be put to Council.</i>

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	SHRIMPTONS CREEK PLAN OF MANAGEMENT AND AUTHORISATION OF PROPOSED LEASE ARRANGEMENTS FOR THE RYDE COMMUNITY AND SPORTS CENTRE - COMPLETED	26/06/2012	Reported to Council on 24 July 2012.
24/07/2012	c) That a report be brought back to Council with the results of the public exhibition recommending further action.	Anticipated date 24/07/2012	COMPLETED (To be removed following Council meeting on 28 August 2012).
Group Community Life		Officer Tajana Domazet	

ITEM 8 (continued)

ATTACHMENT 2

Meeting Type	Resolution	Due Date of Report	Comments/Update
Council	WOLFE ROAD NEIGHBOURHOOD FORUM UPDATE	18/09/2012	
Meeting Date 24/07/2012	(d) That Council request a further report be submitted to Councils Works and Community Committee on the outcome of the 7-part test for the changes to the Reserve, the proposed location of the delineation fence and Council's management plan for the Wolfe Road Reserve.	Anticipated date 18/09/2012	
Group Community Life		Officer Tajjana Domazet	

PRECIS OF CORRESPONDENCE

1 NSW COUNCILS VOTE 'YES' TO FORM ONE ASSOCIATION

Report prepared by: Executive Assistant to Group Manager

File No.: COR2008/353 - BP12/973

CORRESPONDENCE:

Submitting correspondence from Local Government and Shires Association NSW, dated 8 August 2012, regarding Councils vote 'YES' to form One Association.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

1 Media Release - LGSA vote YES to One Association 8 August 2012

Report Prepared By:

Lorraine Abboud-Safi
Executive Assistant to Group Manager

Report Approved By:

John Todd
Acting Group Manager - Corporate Services

Precis of Correspondence 1 (continued)

ATTACHMENT 1

Local Government
Association of NSW



Shires Association
of NSW

MEDIA RELEASE

Wednesday 8 August 2012

NSW Councils vote 'YES' to form One Association

In an historic decision by NSW councils, members of the Local Government and Shires Associations of NSW (LGSA) have overwhelmingly voted 'YES' to form a single, united Association to represent the views and policies of Local Government in NSW.

The Shires Association of NSW has voted 59 – 13 in favour, with the Local Government Association of NSW voting 161 – 53 in favour of forming a single Association.

President of the Shires Association of NSW, Cr Ray Donald, is delighted with the result.

"After almost nine years of discussion and debate, the result was decisive, with a significant majority of delegates voting YES to form a single Association," said Cr Donald.

"Today's result signals that the time has come for NSW councils to be represented by one united Association with one strong cohesive voice for councils across the state."

"It's long been acknowledged that we need one voice representing Local Government in NSW, to effectively lobby the state and federal government on Local Government issues."

"It has taken a long time and involved much consultation, and I am delighted we have received a strong 'YES' vote."

President of the Local Government Association of NSW, Cr Keith Rhoades AFSM, is also extremely pleased, saying merging the Local Government and Shires Associations of NSW to create a single peak body will further increase the credibility of Local Government in NSW.

"This momentous decision has been a long time coming, and will strengthen Local Government in NSW, particularly when it comes to influencing other spheres of government on legislation and important policy issues," said Cr Rhoades.

"The structure of the new NSW Association will be broken up into regions – a metropolitan/urban region and a rural/regional region. This will ensure the new Association fairly represents the interests of all councils across NSW irrespective of their geographical location."

"When voting at conferences, each region will have an equal number of votes, distributed proportionally among member councils within each region according to population, and all member councils will receive a minimum of one vote."

The LGSA will now work with Fair Work Australia and the NSW Industrial Registry to complete all administrative steps and set a date for amalgamation, which will most likely occur in early 2013.

Following the amalgamation date, an Interim Board will take over from the current Shires Association and LGA Executive Boards until all members gather together for their first conference as One Association. It is at this first Conference that members will vote on who should be appointed to the new Association Executive Board and as the first President.

The ballot to decide whether the Local Government and Shires Associations of NSW should merge was run independently by the Australian Electoral Commission from 12 July to 7 August 2012.

Media Enquiries

Cr Ray Donald

Cr Keith Rhoades, AFSM

Alexandra Power

President, Shires Association: 0438 699 910

President, Local Government Association: 0408 256 405

LGSA Senior Media Officer: 0408 603 093

2 SPECIAL DISCLOSURE OF PECUNIARY INTEREST FORM

Report prepared by: Corporate Services Assistant

File No.: CLM/12/1/4/11 - BP12/979

CORRESPONDENCE:

Submitting Circular No. 12-28 dated 10 August 2012 regarding Special Disclosure of Pecuniary Interest Form.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

1 Circular to Councils No. 12-28 - Special Disclosure of Pecuniary Interest Form

Report Prepared By:

Dean Arkinstall
Corporate Services Assistant

Report Approved By:

Shane Sullivan
Manager - Governance

Precis of Correspondence 2 (continued)

ATTACHMENT 1



Circular to Councils

Circular No. 12-28
Date 10 August 2012
Doc ID. A285530

Contact Investigations Team
02 4428 4100
dlg@dlg.nsw.gov.au

SPECIAL DISCLOSURE OF PECUNIARY INTERESTS FORM

Purpose

The purpose of this Circular is to advise general managers and councillors of the commencement of the exemption from compliance with requirements of the pecuniary interest provisions at meetings in relation to the adoption of principal local environmental plans.

Issue

- An amendment has been made to section 451 of the *Local Government Act 1993*. This amendment provides for a councillor who has a pecuniary interest in a principal environmental planning instrument (applying to the whole or a significant part of the council's area), to participate in the discussion of and vote on the instrument, provided that they make a special disclosure.
- A special disclosure in relation to the interest must be made before the commencement of the council meeting or the council committee meeting, and must be recorded in the minutes of the meeting.
- From 10 August 2012, the special disclosure must be in the form prescribed, and contain the information required, by the Regulation.
- A word version of the prescribed form is provided on the Division's website at: *Directory of Policy Advice for Councils: Pecuniary Interest: Other Resources: [Special Disclosures Form](#)*.

Action

General Managers should bring this Circular to the attention of councillors. It is suggested that General Managers, through their planning staff, should provide assistance to councillors to complete the information in the form that relates to the zoning of the properties in which the councillors have an interest.



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

Division of Local Government
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E dlg@dlg.nsw.gov.au W www.dlg.nsw.gov.au ABN 99 567 863 195

**3 CONSIDERATION OF CODE OF CONDUCT MATTERS PRIOR TO THE
SEPTEMBER 2012 ELECTIONS**

Report prepared by: Corporate Services Assistant

File No.: CLM/12/1/4/11 - BP12/1003

CORRESPONDENCE:

Submitting Circular No. 12-29 dated 16 August 2012 from the Division of Local Government regarding the consideration of Code of Conduct matters prior to the September 2012 Elections.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Circular to Councils No. 12-29 - Consideration of Code of Conduct matters prior to the September 2012 Elections

Report Prepared By:

Dean Arkinstall
Corporate Services Assistant

Report Approved By:

Shane Sullivan
Manager - Governance

Precis of Correspondence 3 (continued)

ATTACHMENT 1



Circular to Councils

Circular No. 12-29
Date 16 August 2012
Doc ID. A293525

Contact Council Governance Team
02 4428 4100

**THE CONSIDERATION OF CODE OF CONDUCT MATTERS PRIOR TO THE
SEPTEMBER 2012 ELECTIONS**

Purpose

To advise councils to defer the consideration of code of conduct matters until after the September 2012 local government elections.

Issue

- Code of conduct matters require careful and proper consideration. The often politically charged climate that prevails prior to local government elections does not always lend itself to such consideration.
- The Division intends to address this under the new procedures for the Model Code of Conduct. These will preclude conduct reviewers' reports being submitted to council for consideration in the 4 weeks preceding an election.

Action

Councils should defer the consideration of code of conduct matters until after the September 2012 Local Government elections.



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**4 SEPTEMBER 2012 LOCAL GOVERNMENT ELECTIONS - Answers To
Commonly Asked Questions About Pre-Election Requirements**

Report prepared by: Councillor Support Coordinator

File No.: CLM/12/1/4/11 - BP12/1010

CORRESPONDENCE:

Submitting correspondence from the Division of Local Government, dated 20 August 2012, regarding further guidance on issues Councils need to be aware of in the lead-up to the September 2012 elections by answering commonly asked questions about Pre-Election Requirements.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Circular to Councils 12-30 - September 2012 Local Government Elections -
Answers To Commonly Asked Questions About Pre-Election Requirements

Report Prepared By:

**Carol Mikaelian
Councillor Support Coordinator**

Report Approved By:

**Shane Sullivan
Manager - Governance**

Precis of Correspondence 4 (continued)

ATTACHMENT 1



Circular to Councils

Circular No. 12-30
Date 20 August 2012
Doc ID. A293584

Contact Council Governance Team
(02) 4428 4100

SEPTEMBER 2012 LOCAL GOVERNMENT ELECTIONS - ANSWERS TO COMMONLY ASKED QUESTIONS ABOUT PRE-ELECTION REQUIREMENTS

Purpose

The purpose of this Circular is to provide further guidance on issues councils need to be aware of in the lead-up to the September 2012 elections.

Issue

The Division of Local Government has received many enquiries seeking clarification about Circular to Councils 12-20 regarding the use of council resources and electoral material. This circular specifically addresses the various questions that have been raised with the Division about:

- requirements relating to council-issued publications in the 40-day "regulated period" preceding the election, and
- councillors' obligations under the Model Code of Conduct in relation to the use of council resources for re-election purposes.

Action

General Managers are asked to bring this circular to the attention of all councillors and senior staff.



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Precis of Correspondence 4 (continued)

ATTACHMENT 1

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Q. What is “electoral matter”?

“Electoral matter” for the purposes of the *Local Government (General) Regulation 2005* (the Regulation) broadly includes any matter that is intended or likely to affect voting in an election. The name, photograph and likeness of a candidate also fall within the definition of electoral matter.

The regulatory requirements that relate to “electoral matter” and “electoral material” under Regulation apply in the 40 days preceding the election.

Q. Can council publications be “electoral matter”?

A council publication that makes no reference to councillors and does not carry their images or statements would not constitute electoral matter if it is not intended or likely to affect voting at the election.

However, council publications that promote the achievements of the council may potentially have this effect and therefore may constitute “electoral matter” even if they do not carry the images or statements of councillors. This potentially includes end-of-term reports. More information on this is provided below.

Ultimately whether a council publication constitutes “electoral matter” is an assessment that needs to be made by each council on a case-by-case basis. If a council is in doubt, then it should defer issuing the publication until after the election.

Q. Does the Mayoral column constitute “electoral matter”?

Yes. Because the Mayoral column carries the Mayor’s image and name, it will constitute electoral matter. Councils should instead consider publishing the Mayoral column in the 40 days preceding the election as a generic council column.

Q. Does the end-of term report constitute “electoral matter”?

Because the end of term report identifies the achievements of the council over its preceding term it may potentially constitute “electoral matter” because of its potential to impact on voting at the election.

Q. Can the end of term report be reported to council during caretaker period?

Yes. The end-of-term report *must* be presented to the final meeting of an outgoing council. The provisions in the Regulation relating to “electoral material” do not prevent the end-of-term report being presented to the council or from being made available on a council’s website as part of the business papers of the meeting.

However, because the final meeting of the outgoing council will normally fall within the 40 day “regulated period” preceding the election, councils should

Precis of Correspondence 4 (continued)

ATTACHMENT 1

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refrain from publishing the end-of-term report as a separate publication until after 8 September elections. The end-of-term report should be appended to that year's annual report.

Q. Can councillors attend council-arranged or community events?

Nothing in circular 12-20 should be interpreted as preventing councillors from attending or presiding over council-arranged or community events in the lead up to the election.

Q. Can councillors make "political statements" at council-arranged events?

The Model Code of Conduct deems a councillor's interest in their re-election to be a private interest. Bearing this in mind, where the event is arranged by the council, is held in council facilities or supported by council staff, councillors should refrain from using the event to assist their campaign for re-election.

However, the Model Code also deems the political views of a councillor not to be a private interest. Accordingly, nothing under the Model Code, would serve to preclude a councillor from expressing their political views or making political statements at such events.

Q. Can councillors make comments in the media?

Circular 12-20 does not seek to prevent councillors from offering media comment, provided that comment is not made in an advertisement, newspaper column, or a radio or television broadcast paid for by the council or produced by the council or with council resources.

Q. What else should councils, councillors and council staff be aware of in the lead up to the election?

Beyond the formal requirements described above, councils and council officials should be mindful of the need to maintain community confidence in the integrity of the performance of the council's functions and activities in the lead-up to elections.

Councils should therefore be mindful of how the community may perceive any of their activities or actions in the lead up to the election.