

Council Meeting AGENDA NO. 16/13

Meeting Date:	Tuesday 13 August 2013
Location:	Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time:	7.30pm

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

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1 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 16 July 2013

Report prepared by: Section Manager - Governance File No.: CLM/13/1/4/2 - BP13/1014

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 14/13, held on 16 July 2013 be confirmed.

ATTACHMENTS

1 Minutes - Extraordinary Council Meeting - 16 July 2013

ATTACHMENT 1

Extraordinary Council Meeting MINUTES OF MEETING NO. 14/13

Meeting Date:Tuesday 16 July 2013Location:Council Chambers, Level 6, Civic Centre, 1 Devlin Street, RydeTime:7.30pm

Councillors Present: Councillors Chung, Laxale, Li, Pendleton, Perram and Simon.

Apologies: Apologies were received and accepted from Councillors Maggio, Salvestro-Martin and Yedelian OAM.

Leave of Absence: The Mayor, Councillor Petch and Councillors Etmekdjian and Pickering.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Manager – Communications and Media and Manager – Customer Service and Governance.

CHAIRPERSON

As the Mayor, Councillor Petch was on a leave of absence, the Deputy Mayor, Councillor Li assumed the Chair.

<u>PRAYER</u>

The Acting General Manager offered prayer prior to the commencement of the meeting.

ADJOURMENT OF MEETING

In accordance with Clause 4.2.4 of the Code of Meeting Practice, the meeting was adjourned due to a lack of a quorum to:

- Tuesday, 23 July 2013
- Following the conclusion of the Ordinary Meeting to be held on that night
- Level 6, Civic Centre, 1 Devlin Street, Ryde

The following Councillors were present: Councillors Li, Chung, Laxale, Pendleton, Perram and Simon.

Apologies: Apologies had been received from Councillors Maggio, Salvestro-Martin and Yedelian OAM.

Leave of Absence: The Mayor, Councillor Petch and Councillors Etmekdjian and Pickering.

Agenda of the Council Meeting No. 16/13, dated Tuesday 13 August 2013.

ATTACHMENT 1

MEETING RECONVENED

The Meeting reconvened at 10.18pm on Tuesday, 23 July 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present: Councillors Chung, Li, Pendleton, Perram, Pickering, Simon and Yedelian OAM

Apologies: Nil.

Leave of Absence: The Mayor, Councillor Petch and Councillors Etmekdjian and Laxale.

Absent: Councillor Maggio and Councillor Salvestro-Martin.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Manager – Communications and Media, Manager – Customer Service and Governance and Section Manager – Governance.

CHAIRPERSON

As the Mayor, Councillor Petch was on a leave of absence, the Deputy Mayor, Councillor Li assumed the Chair.

DISCLOSURES OF INTEREST

Councillor Li disclosed a Less than Significant Non-Pecuniary Interest in Item 1 – Independent Commission Against Corruption – Public Inquiry commencing 15 July 2013 – Request from K&L Gates for the reason that he has been a witness in this Inquiry.

Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in Item 1 – Independent Commission Against Corruption – Public Inquiry commencing 15 July 2013 – Request from K&L Gates for the reason that he attended the ICAC Meeting.

Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Item 1 – Independent Commission Against Corruption – Public Inquiry commencing 15 July 2013 – Request from K&L Gates for the reason that she has given evidence at the ICAC Inquiry.

Councillor Perram disclosed a Less than Significant Non-Pecuniary Interest in Item 1 – Independent Commission Against Corruption – Public Inquiry commencing 15 July 2013 – Request from K&L Gates for the reason that he has given evidence at the ICAC Inquiry.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council.

Agenda of the Council Meeting No. 16/13, dated Tuesday 13 August 2013.

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

1 INDEPENDENT COMMISSION AGAINST CORRUPTION - PUBLIC INQUIRY COMMENCING 15 JULY 2013 - REQUEST FROM K&L GATES

<u>Note</u>: Councillor Li disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he has been a witness in this Inquiry.

<u>Note</u>: Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he attended the ICAC Meeting.

<u>Note</u>: Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that she has given evidence at the ICAC Inquiry.

<u>Note</u>: Councillor Perram disclosed a Less than Significant Non-Pecuniary Interest in this Item 1 for the reason that he has given evidence at the ICAC Inquiry.

RESOLUTION: (Moved by Councillors Yedelian OAM and Simon)

- (a) That Council waive its legal professional privilege arising from the Solicitor / Client relationship Council has with Mr Bryan Belling, K&L Gates, to enable Mr Belling to give unfettered evidence before the Public Inquiry convened by the ICAC, commencing on 15 July 2013.
- (b) That the Acting General Manager advise the ICAC, Mr Bryan Belling and Council's appointed Legal Representative at the public inquiry, Mr Adam Seton of Council's resolution.

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 10.23pm.

CONFIRMED THIS 13TH DAY OF AUGUST 2013

Chairperson



2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 12/13 held on 6 August 2013

Report prepared by: Section Manager - Governance File No.: CLM/13/1/4/2 - BP13/1048

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 12/13 held on 6 August 2013. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

Item 1 was dealt with by the Committee within its delegated powers.

The following Committee recommendation for Item 2 is submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

- 2 260-274 VICTORIA RD, GLADESVILLE. LOT 62 to LOT 67 DP 10598. Local Development Application for demolition and construction of a mixed use building containing 26 residential apartments and 3 retail tenancies. LDA2012/0360.
- <u>Note</u>: Councillor Maggio disclosed a Less than Significant Non-Pecuniary interest in this Item for the reason that he is familiar with the objectors.
- <u>Note</u>: Mr John Marino (objector), Mr Emilio Vinci (objector), Mr David Benson and Mr Gerard Turrisi (applicant and planner) addressed the Committee in relation to this Item.
- Note: Correspondence from Mr John Marino dated 8 August 2013 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Chung and Yedelian OAM)

(a) That Local Development Application No. 2012/0360 at 260 – 274 Victoria Road be approved subject to the ATTACHED conditions (Attachment 1), with an amendment to Condition 73(i) as follows:

Condition 73(i) to increase the period for street tree maintenance to a minimum of five (5) years.

- (b) That the persons who made submissions be advised of Council's decision.
- (c) That a copy of the Consent be forwarded to the Roads and Maritime Services for their records.



Record of Voting:

For the Motion: Councillors Chung, Pendleton and Yedelian OAM

Against the Motion: Councillor Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **13 AUGUST 2013** as dissenting votes were recorded.

ATTACHMENTS

1 Minutes - Planning and Environment Committee - 6 August 2013

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ITEM 2 (continued)

ATTACHMENT 1

Planning and Environment Committee MINUTES OF MEETING NO. 12/13

Meeting Date:Tuesday 6 August 2013Location:Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, RydeTime:5.05pm

Councillors Present: Councillors Pendleton (Chairperson), Chung, Maggio and Yedelian OAM.

Apologies: Councillors Salvestro-Martin and Simon.

In the absence of Councillor Simon, the Deputy Chairperson – Councillor Pendleton chaired the meeting.

Staff Present: Acting General Manager, Group Manager – Environment and Planning, Service Unit Manager – Assessment, Service Unit Manager – Environmental Health and Building, Senior Town Planner, Section Manager – Governance, Business Support Coordinator – Environment and Planning and Meeting Support Coordinator.

DISCLOSURES OF INTEREST

Councillor Maggio disclosed a Less than Significant Non-Pecuniary interest in Item 2 - 260-274 Victoria Road, Gladesville, for the reason that he is familiar with the objectors.

1 CONFIRMATION OF MINUTES - Meeting held on 16 July 2013

RESOLUTION: (Moved by Councillors Chung and Maggio)

That the Minutes of the Planning and Environment Committee 11/13, held on Tuesday 16 July 2013, 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.

ATTACHMENT 1

- 2 260-274 VICTORIA RD, GLADESVILLE. LOT 62 to LOT 67 DP 10598. Local Development Application for demolition and construction of a mixed use building containing 26 residential apartments and 3 retail tenancies. LDA2012/0360.
- <u>Note</u>: Councillor Maggio disclosed a Less than Significant Non-Pecuniary interest in this Item for the reason that he is familiar with the objectors.
- <u>Note</u>: Mr John Marino (objector), Mr Emilio Vinci (objector), Mr David Benson and Mr Gerard Turrisi (applicant and planner) addressed the Committee in relation to this Item.
- <u>Note</u>: Correspondence from Mr John Marino dated 8 August 2013 was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Chung and Yedelian OAM)

(a) That Local Development Application No. 2012/0360 at 260 – 274 Victoria Road be approved subject to the ATTACHED conditions (Attachment 1), with an amendment to Condition 73(i) as follows:

Condition 73(i) to increase the period for street tree maintenance to a minimum of five (5) years.

- (b) That the persons who made submissions be advised of Council's decision.
- (c) That a copy of the Consent be forwarded to the Roads and Maritime Services for their records.

Record of Voting:

For the Motion: Councillors Chung, Pendleton and Yedelian OAM

Against the Motion: Councillor Maggio

Note: This matter will be dealt with at the Council Meeting to be held on **13 AUGUST 2013** as dissenting votes were recorded.

The meeting closed at 6.10 pm.

CONFIRMED THIS 3RD DAY OF SEPTEMBER 2013.

Chairperson



3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 11/13 held on 6 August 2013

Report prepared by: Section Manager - Governance File No.: CLM/13/1/4/2 - BP13/76

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 11/13 held on 6 August 2013. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

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

The following Committee recommendation for Item 4 is submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

4 WATERLOO ROAD UPGRADE - BYFIELD STREET TO COTTONWOOD CRESCENT

RECOMMENDATION: (Moved by Councillors Laxale and Perram)

- (a) That Council approve the transfer of \$174,000 from the Macquarie Park special levy to allow the completion of the public domain upgrade works PM12/40597 Waterloo Road (Byfield Street to Cottonwood Crescent).
- (b) That if Council approves the amendments to the budget, the changes be included immediately.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **13 AUGUST 2013** as substantive changes were made to the published recommendation and it is outside the Committee's delegations.

ATTACHMENTS

1 Minutes - Works and Community Committee - 6 August 2013

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ITEM 3 (continued)

ATTACHMENT 1

Works and Community Committee **MINUTES OF MEETING NO. 11/13**

Meeting Date:Tuesday 6 August 2013Location:Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, RydeTime:5.00pm

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

<u>Note</u>: Councillor Pickering arrived at the meeting at 5.10pm and was present for consideration for Items 2, 3 and 4.

Apologies: Nil.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Acting Group Manager - Public Works, Service Unit Manager – Open Space, Service Unit Manager – Urban Planning, Team Leader – Design and Development, Place Manager, Section Manager – Natural areas and Urban Forest, Service Unit Manager – Project Development and Executive Assistant to Mayor and Councillors.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 16 July 2013

<u>Note</u>: Councillor Pickering was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Li and Laxale)

That the Minutes of the Works and Community Committee 10/13, held on Tuesday 16 July 2013, 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.

ATTACHMENT 1

2 ROWE STREET PUBLIC DOMAIN PLAN

<u>Note</u>: Councillor Pickering arrived at the meeting at 5.10pm during discussion of this Item.

RESOLUTION: (Moved by Councillors Li and Laxale)

That Council adopt the Rowe Street Public Domain Plan.

Record of Voting:

For the Motion: Unanimous

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

3 WOLFE ROAD RESERVE PROGRESS REPORT

RESOLUTION: (Moved by Councillors Laxale and Pickering)

- (a) That the management approach to Wolfe Road Reserve be noted and the Environmental Management Plan be implemented.
- (b) That the logs and rocks at the lower part of the reserve be placed at a maximum 2 metre set back from the surveyed property boundary line at 46 Jeanette Street, East Ryde in line with the recommendation of the bushfire risk management assessment.
- (c) That all other recommendations from the bushfire risk management assessment be implemented by Council.
- (d) That an invitation be sent to all interested residents to join Portius Creek Bushcare group.

Record of Voting:

For the Motion: Unanimous

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

4 WATERLOO ROAD UPGRADE - BYFIELD STREET TO COTTONWOOD CRESCENT

RECOMMENDATION: (Moved by Councillors Laxale and Perram)

- (a) That Council approve the transfer of \$174,000 from the Macquarie Park special levy to allow the completion of the public domain upgrade works PM12/40597 Waterloo Road (Byfield Street to Cottonwood Crescent).
- (b) That if Council approves the amendments to the budget, the changes be included immediately.

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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 **13 AUGUST 2013** as substantive changes were made to the published recommendation and it is outside the Committee's delegations.

The meeting closed at 5.30pm.

CONFIRMED THIS 20TH DAY OF AUGUST 2013.

Chairperson



4 INTERIM ACTION PLAN- How Council Can Address Risks Raised in the ICAC Hearing

Report prepared by: Manager - Customer Service and Governance; Manager - Risk and Audit; Acting General Manager File No.: COR2013/388/1/1 - BP13/1125

REPORT SUMMARY

The purpose of this report is to update Council on the actions currently in progress by the Executive Team to further improve Council's Governance framework.

Council is compliant with all regulatory requirements. However the current public hearing into Operation Cavill, held by the Independent Commission Against Corruption, has identified areas where Council should amend its practices to further enhance corruption prevention.

This report seeks Council's endorsement to: the enclosed program of short term initiatives; the designated timeframes for the nominated improvements to Councils Governance framework; and the allocation of short term resourcing to these functions.

RECOMMENDATION:

- (a) That Council endorse the program of short term initiatives that will further improve Council's Governance framework, including the amended timeframe for Phase 2 of the Community Strategic Plan Review;
- (b) That Council endorse the intent of the nominated changes to Policy and Procedure contained in this report, noting that any policy documents will be formally reported to Council for adoption in the coming months;
- (c) That Council endorse the intention to establish an Independent Hearing and Assessment Panel (IHAP) to deal with all Development Applications and Rezoning Applications not determined under staff delegation;
- (d) That Council request the Acting General Manager to schedule a briefing to workshop with Council the various models of IHAP, and their policy and procedural frameworks, with the preferred option to be reported back to Council;
- (e) That Council endorse the allocation of short term resourcing to these functions, as detailed in this report under financial implications, and request that expenditure on these initiatives are separately reported in the next Quarterly Review.

ATTACHMENTS

- **1** Notice of Public Inquiry
- 2 Extract from Minutes of Council Meeting No. 13/13 25 June 2013 re: Item 23 ICAC Public Inquiry



Report Prepared By:

Shane Sullivan Manager - Customer Service and Governance

John Schanz Manager - Risk and Audit

Danielle Dickson Acting General Manager

Report Approved By:

Danielle Dickson Acting General Manager



Background

In mid-June Council received notification from the Independent Commission Against Corruption that a public inquiry would be held, for the purposes of investigating a number of allegations or complaints, commencing 15 July 2013. The Notice of Public Inquiry is **ATTACHMENT 1** to this report.

Following this announcement a report was tabled with Council on 25 June 2013 that considered the following matters:

- the likely process and procedure to be followed at the Public Inquiry set down for hearing on 15 July 2013 and the related issues of;
 - legal representation for witnesses
 - legal representation of affected persons summoned to appear before the Public Inquiry
 - separate legal representation for Council at the Inquiry
- confirmation of Council's continued support for existing Council resolutions on the following matters:
 - The pending recruitment of the Council's new General Manager, and subsequently the Group Manager Public Works
 - Progress of Council's Newspaper Advertising tender to the open market
 - Progress of LDA 2012/0288, for the property at 826 Victoria Rd Ryde,

Council's resolution on the above matters is **ATTACHMENT 2** to this report.

The Commission's hearing opened on Monday 15 July 2013 and heard evidence from witnesses until Friday 26 July 2013, when the commission adjourned until the final day of hearing due to be held in the week commencing **12 August 2013**.

It is recognised that Council will need, in the future, to consider and respond to any findings that may arise from the Commission's deliberations on Operation Cavill. However, this report recognises that evidence provided during the hearing indicates areas where Council should amend its practices to further enhance current corruption prevention measures.

Discussions with senior staff from the Division of Local Government support this approach and the Division has requested a copy of this report and Council's resolution on this matter.

Given this current context, Council's reputation with the public and business community is at risk in the areas of its management of confidential information related to Development Applications and tenders, as well as in its ability to deal effectively and confidently with complaints. This report aims to address that risk and provide steps to improve protection to Council and Councillors in the execution of their civic duties.



Included below are the short term actions being undertaken, by staff, to lessen the impact on Council's reputation.

The Communications and Media Unit has recommended to the Acting General Manager that the review of the Community Strategic Plan, which was to include large scale community engagement be deferred until 2014.

The reasons for the recommendations are based on concerns surrounding reputational management of Council's image as a consequence of the ICAC inquiry and as such it is important that this is acknowledged and addressed prior to a review of the Community Strategic Plan being undertaken.

Given that the Assistant Commissioner will not be handing down a finding for a number of months it leaves Council in a vulnerable position of being unable to answer any questions relating to the outcomes and the future of the Council during this time.

This combined with the reputational management issues could potentially translate to a lack of trust in Council and would suggest that there is the potential for large scale community consultations to be derailed as a consequence of being unable to adequately address community questions or concerns.

It is the view of the Communications and Media Unit that it is important for Council to develop a communication approach that focuses on caring about the community, proactive involvement with the community and rebuilding a sense of trust with our community.

It is therefore recommended that Council should remain visible and actively connected and communicating with different segments of our community at this critical time.

The recommended community engagement approach is based on reconnecting with community at a 'grass roots' level. To remind and promote to the community the essence of Council, which is to serve the community through the development of infrastructure and community programs that support the community.

In line with these community based activities, the Communications and Media Unit will be completing a component of research to provide Councillor's with a greater understanding of community satisfaction and priorities.

We anticipate the community program and research will run for the next 5 months with the Communications and Media Unit presenting to Council a fully developed strategy for communications, media and community engagement in **December 2013**. This new strategy, if supported by Council, will provide Council with an ongoing engagement strategy post December 2013.



Discussion

Council was the subject of a Better Practice Review by the Division of Local Government which was completed in 2010. This report concluded, in part:

Overall, Ryde City Council is a well-managed and efficient local government authority...

Council has a well-defined corporate governance framework.

The governance framework is underpinned by its Integrated Planning Framework.

Since that time Council has implemented many of the initiatives recommended by the Better Practice Review to further enhance performance, and Council has received positive feedback from the Division in relation to the quality of our policies and procedures.

However, in the current context, it is clear that further improvements to Council's practices can be made in the following areas:

Management of Confidential Information

• Changes to the distribution or provision of confidential information

With the introduction of BoardVantage, there are opportunities to better manage the provision and distribution of information. It is proposed to use this system more widely to manage the circulation of information, and in particular, confidential information.

This will be incorporated in the Code of Practice Meeting when a revision of the Code is presented to Council. This is anticipated for **26 November 2013**.

• Changes to Councillors Helpdesk

An investigation will be undertaken to identify opportunities to use BoardVantage for the provision of responses from the Councillor HelpDesk.

In the short term, it is proposed that weekly responses be provided to all Councillors through the HelpDesk setting out details of all requests and responses received relating to tender or Development Applications. This is to ensure all Councillors have visibility regarding requests received and there is transparency regarding responses provided.

If this is successful, in the medium term it is proposed that all HelpDesk responses are provided this way.

It is anticipated that this change will commence from **1 September 2013**.



• Training in GIPA obligations

Training is scheduled for all Councillors on **17 September 2013** at 7.30pm regarding the Government Information (Public Access) Act. This training will be provided by the NSW Ombudsman's Office and will assist Councillors in understanding their obligations and responsibilities under this Act.

Management of Complaints made to Councillors in relation to Staff

• Amend current Code of Conduct Complaints procedure to require reporting of the fact of the receipt of a complaint made against Senior Staff to all Councillors along with the means by which the complaint is to be handled.

A review of the Code of Conduct will be undertaken and it is anticipated that this will be reported to Council on **8 October 2013**. The review will include specific provisions to require reporting of the fact if and when a complaint has been received against Senior Staff and will outline the proposed method for assessing and managing the complaint. This will also address the management of confidentiality with this new reporting requirement.

This proposed provision will aim to ensure there is equity in the provision of information to Councillors and transparency regarding the proposed method of complaint management.

• Delegation of the Mayor

A report is planned for Council at its meeting of **27 August 2013** to set out the role of Mayor. This report will specify the actions to be taken by the Mayor upon receipt of a complaint under the Code of Conduct or Public Interest Disclosures Act. It will also reinforce elements of the Policy for the interface and day to day oversight of the General Manager by the Mayor.

Further, the report will outline the responsibilities of the Deputy Mayor during a Mayor's Leave of Absence.

Management of Public Interest Disclosures

Review of Policy

Council's Public Interest Disclosure Policy Reporting System will be reviewed and reported to Council at its meeting of **10 December 2013**. This review will incorporate recent minor changes to the model Policy provided by the NSW Ombudsman's Office and feedback from the Division of Local Government.



• Training of Officers

As is current practice, following the review of the Public Interest Disclosures Policy Reporting System, the NSW Ombudsman's Office will be engaged to provide training the Public Interest Disclosure Officers.

Prior to this training, steps will be taken to increase the number of Public Interest Disclosure Officers at Council to ensure there continues to be a wide representation across Council's facilities and operations.

As the Mayor is identified as a Public Interest Disclosure Officer the incumbent at the time will also be included in the training program.

• Promotion of process and procedures to staff & Councillors

Following the identification and training of Public Interest Disclosure Officers, there will be an internal campaign to raise staff awareness of the provisions of the Policy and avenues through which complaints can be appropriately made.

Code of Conduct -Conflicts of Interest

• Review of Policy

A further review of Council's Code of Conduct will be undertaken, however it is noted that the Code currently appropriately reflects the Model Code of Conduct. It is anticipated that this report will be provided to Council on **8 October 2013**.

The Policy review will incorporate feedback from recent training conducted with Councillors and staff, as well as opportunities to further clarify specific issues or provide references to existing policies and procedures.

• Staff and Councillor brochure and fact sheets

Following the review a brochure/fact sheet will be developed for staff, and one for Councillors, highlighting particular areas of note and providing examples for consideration. These facts sheets are expected to be practically focussed on the management of real examples for Councillors such as: 'my community group uses a council building', 'there is a DA before Council near my house', etc

• Development of interactive online training

To further support Council's robust training program for the Code of Conduct, it is proposed that an online training module be developed for Councillors and for staff to allow the ongoing review of understanding of the Code of Conduct.

Review of Business Ethics statement

Council's Statement of Business Ethics is due for review and it is anticipated that a revised Statement will be presented to Council on **11 February 2014**.



Procurement Process & Commercial in confidence

• Overall review of procurement.

Council at its meeting of 13 November 2012 resolved as follows:

That the General Manager be delegated to conduct an independent review of City of Ryde procurement processes, in general covering all areas.

Input into the scope of the review has been sourced from interested Councillor's and the Independent members of Council's Audit and Risk Committee. The scope calls for an initial health check of Council's existing procurement framework and in doing so to undertake a gap analysis/diagnostic review and provide options to Council to undertake a more detailed review to ensure Council's procurement objectives are achieved in practice.

This will be followed by a second stage that will incorporate a more detailed review of all aspects of Council's procurement systems including the following:

- An overview of all procurement activities conducted by the City of Ryde (scale, volume and distribution of activities for each of the categories);
- Commentary on the adequacy or otherwise of Council's procurement structure, policy framework, processes and systems. This is to comment on the placement of procurement functions within the organisation
- Compliance with applicable ICAC Corruption Prevention Recommendations
- Review of adequacy of current risk control measures in place and verification of their actuality
- Identification of any business efficiency gains or losses in the current procurement structure
- Review of and comment upon the governance arrangements in place for all levels of general procurement at the City of Ryde
- Comment on compliance of the City of Ryde's procurement processes with the Local Government Act or regulations pertaining to procurement
- Comment on the level of reporting to Council
- Engagement of Consultant for Procurement review (Council resolution)
- A Council report is currently being prepared that will outline a recommendation for the engagement of an appropriately qualified consultant to conduct a detailed review into Council's overall procurement systems. This matter will be reported to Council at its meeting of **27 August 2013**.



• Changes to the distribution or provision of procurement information

Council's Risk and Audit section will have a greater role in the review of all Tenders and Expressions of Interest.

This will include a compliance review against Internal and Legislative provisions prior to the submission of these reports to Council for their endorsement. This will impact on the ability to progress Council's Internal Audit program with existing resources and it may necessitate additional temporary Internal Audit resourcing (refer point below).

• BDO Review status

Council at its meeting of 13 November 2012 resolved as follows;

That the General Manager provide a detailed report to Councillors on the allegations made in the Sydney Morning Herald in relation to Ryde Council's association with Direct Health Solutions and any other company operated by the Obeid family.

This report should detail the circumstances and approval processes that operated and provide an explanation (if necessary) on why the normal tendering process allegedly did not take place.

Council has engaged the services of BDO East Coast Partnership (following a formal procurement process) to conduct this review. They have advised that a draft interim report will be finalised by **9 August 2013** for the initial review of the Acting General Manager and General Counsel.

Additional temporary Internal Audit resource

An additional temporary Internal Audit resource has been engaged for a period of four weeks to assist in procurement related Audit issues. It may be necessary to extend this engagement depending on the impact of the additional Internal Audit as outlined above or that may arise as a result of the additional governance initiatives identified.

Delegations

• Prepare Delegation description for the position of Mayor

As stated above it is proposed that a delegation document outlining the roles and responsibilities of the Mayor, and by extension the Deputy Mayor will be presented to Council on **27 August 2013**.



• Review Delegations & Systemise

There is currently an existing Governance project regarding the systemisation of staff delegations to link them better with existing systems.

Following the implementation of this system, it is proposed that a review be undertaken of delegations. This will be a longer term project conducted over 2013/14.

Interactions between Councillors, Staff and the Community

• Gifts and Benefits

It is proposed that a review be undertaken of Council's Gifts and Benefits Policy as this forms an important aspect of Council's Code of Conduct. Council's current Policy reflects the guidelines provided by the NSW Ombudsman, however there remains room for development. It is anticipated that this report will be provided to Council on **22 October 2013**.

• 'Thanks is Enough' campaign

Further to the review of the Gifts and Benefits Policy, there is currently a planned project to undertake a 'Thanks is Enough' campaign similar to that undertaken at Rockdale Council.

This campaign communicates to the public Council's Policy of not accepting gifts for the services provided by Council and reinforcing the fact that a 'thank you' is enough.

The aim of this campaign is to promote Council's ethical behaviour in the community.

Policy Framework

• Review Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor and development of a policy on Interactions between Councillors and staff.

It is proposed to review the existing policy For the Interface and Day to Day Oversight of the General Manager by the Mayor and to incorporate this into a comprehensive policy on Interactions between Councillors and staff. It is anticipated that these draft policies will be reported to Council on **12 November 2013**.

The aim of these policies is to provide Councillors and staff with clarity regarding appropriate interactions and to identify the service standards Councillors can expect when dealing with staff. This provides security for both Councillors and staff and clear guidelines regarding interactions.



• Expand and expedite Governance Unit policy review program to complete by **February 2014**.

It is noted that the above framework of policy review and development involves a significant number of Governance Policies which are subject to regular review. However, the timeframes set out above are significantly contracted to expedite the embedding of best practice and to raise the profile of governance matters and processes within Council.

In addition to the above policy reviews, Council will be presented with important reports that support our governance framework, including:

- Code of Conduct Annual Report: **12 November 2013**
- Tabling of Pecuniary Interest Returns: **22 October 2013**
- Review of Policy on Provision of Expenses and Facilities for the Mayor and Other Councillors: 22 October 2013

The proposed review program is a significant undertaking and will require the redirection, and possible addition, of resources in order to meet the timeframe set out and the standard expected.

Development Applications

- Development Application procedure amended to require external assessment of all Development Applications where a Councillor or Senior Staff member is the property owner.
- Independent Hearing Assessment Panel (IHAP)

An IHAP is a panel of planning professionals, independent from Council and Council staff, that can provide expert advice to Council on planning and development matters. IHAPs are the industry standard for rigorous and transparent assessment of these matters. They allow Councillors to advocate for constituents while minimising the risk of integrity of the decision making process and increasing levels of transparency and openness.

The preferred model, to ensure the highest levels of transparency, probity and efficacy, is for the following:

- Three member panel all industry experts as per Section 231 of the Environmental Planning and Assessment Act 1979
- Members selected from a shortlist of experts appointed by Council, subject to Tender
- Public Hearings allowing stakeholders to address the panel and with determinations made in a transparent and open manner



 Delegated authority to determine selected applications including, Development Applications called up by Councillors or where a Councillor or Council staff member is the applicant, Development Applications generating more than 5 submissions, and applications to amend the Local Environment Plan including planning proposals and rezoning's

This report recommends that Council endorse their intention to move to an IHAP and foreshadows that a workshop will be held with Councillors in **September 2013** to explore the different options available to Council, following the workshop a report will be provided to Council to establish the preferred model of IHAP.

Implementation of the above list of initiatives is considered good business practice, and will allow Council to further improve its governance and risk management in areas for which it has responsibility and control.

This report does not attempt to address any foreshadowed outcomes of Operation Cavill, through which the Commission is still investigating a number of allegations or complaints. Council's response to any findings will be the subject of a future report to Council.

Consultation with relevant external bodies

Council attended a meeting with senior staff from the Division of Local Government on Friday, 2 August 2013 who expressed support for Council taking a proactive and practical response. A number of the initiatives noted in this report were discussed; the Division has requested a copy of this report and Councils resolution on this matter.

Options

Whilst the initiatives detailed in this report are the preferred option, the Executive Team did consider the option to await the full findings of the Commission before taking any action. This was considered not to be the preferred approach for the following reasons:

- The timing of the Commissioners deliberations are unknown, and may extend beyond October 2013.
- Following the identification of any operational or governance risk it is good business practice to implement changes to mitigate the risk as soon as operationally possible.
- The suggested improvements will assist in restoring business and community confidence in the operations of the Council.



Financial Implications

Should Council resolve to support this program it is expected it will result in a financial impact of \$40,000 through the engagement of short term temporary resources in Internal Audit and Governance. This expenditure is expected to be contained within the current salaries budget of the organisation through projected salary savings; however it is recommended that the amount of expenditure is separately reported to Council in the next quarterly review.

In addition, there will be some expenses associated with receiving appropriate legal advice as required by Council in relation to policy and position changes. It is estimated that this will cost \$6,000.



ATTACHMENT 1

Current investigations - Independent Commission Against C... Page 1 of 2

CAC INDEPENDENT COMMISSION AGAINST CORRUPTION NEW SOUTH WALES

<u>Home</u> > <u>Investigations</u> > <u>Current investigations</u> > <u>Ryde City Council –</u> <u>allegations concerning the City of Ryde Mayor, Councillor Ivan Petch</u> (<u>Operation Cavill</u>) > Public Notices: Public notice

Public notice

Independent Commission Against Corruption (ICAC) is investigating a number of allegations involving the current mayor of the City of Ryde, Councillor Ivan Petch, and others. The matters being investigated include the alleged release of confidential council information by Councillor Petch on many occasions for various reasons, including in an attempt to undermine council employees, such as the former General Manager, Mr John Neish.

The Commission is also investigating an allegation that Councillor Petch played a role in an offer conveyed to Mr Neish that his employment would be secure if he could delay consideration of the proposed redevelopment of the Ryde Civic Precinct. A further attempt by Councillor Petch to influence a decision required to be made by the acting general manager of the council is also being investigated.

The Commission is also investigating allegations that Councillor Petch has failed to disclose financial relationships and potential conflicts of interest while serving as a councillor on the City of Ryde Council.

The Commission is also investigating an allegation that a corrupt offer was made to City of Ryde Councillor Bill Pickering by an employee of a local newspaper, *The Weekly Times*, to persuade Councillor Pickering to support a development application.

As part of its investigation, the ICAC will hold a public inquiry starting at 10:00 am on Monday 15 July 2013 at Level 7, 133 Castlereagh Street, Sydney.

Persons claiming to be substantially and directly interested in this matter may seek leave to be represented at the inquiry, and are invited to contact Mr Karl Prince on (02) 8281-5999 to advise of their interest.

Members of the public with information relevant to the investigation are encouraged to provide it in writing at GPO Box 500, Sydney, NSW 2001, or by facsimile (02) 9264-5364. The ICAC will treat all information confidentially and has legislative powers to protect people who provide information to the Commission.

http://www.icac.nsw.gov.au/investigations/current-investigati... 19/06/2013

ATTACHMENT 1

Current investigations - Independent Commission Against C... Page 2 of 2

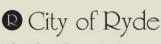
Roy Waldon Solicitor to the Commission

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http://www.icac.nsw.gov.au/investigations/current-investigati... 19/06/2013

ATTACHMENT 2

ITEM 4 (continued)



Lifestyle and opportunity @ your doorstep

Instructions for Action Sheets - D13/14757

EXTRACT FROM MINUTES OF COUNCIL MEETING NO. 13/13 AT ITS MEETING HELD ON 25 JUNE 2013

23 ICAC PUBLIC INQUIRY

MOTION: (Moved by Councillors Perram and Laxale)

- That Council note the advice contained in Attachment 2 in relation to legal representation for witnesses and persons summoned to appear before the Commission, and the advice from Zurich that entitles these parties to claim for legal and representation expense, but noting that this cover does not apply if that person was subject to an adverse finding by the Commission.
- 2. That Council receive and note this report and endorse the engagement of Adam Seton from Marsdens Law Group to, as necessary, represent the Council in the matter of the ICAC investigation.
- 3. That Council note that the costs in part 2 above, may be borne by Council, pending final determination by Zurich of Councils coverage in this matter and request the Acting General Manager to inform Council of costs on a monthly basis.
- 4. That Council defer the recruitment process for the position of General Manager until the Independent Commission Against Corruption has issued its findings, when the matter will be reported back to Council for confirmation to proceed with the preferred recruitment agency.
- 5. That the recruitment of the Group Manager Public Works proceed on the basis of being managed internally under the direction of the Acting General Manager.
- That Council endorse staff undertaking no further work on the Development Application before Council in relation to 826 Victoria Rd, Ryde until the Commission has handed down its findings in this matter.
- 7. That Council continue the current Advertising Tender with News Local Pty Ltd on a month by month basis, if required post October 2013, until the Commission has handed down its findings in this matter. Given Council's resolution to cease the production of the Ryde City View, post October the services will be for advertising only.

AMENDMENT: (Moved by Councillors Chung and Etmekdjian)

- That Council note the advice contained in Attachment 2 in relation to legal representation for witnesses and persons summoned to appear before the Commission, and the advice from Zurich that entitles these parties to claim for legal and representation expense, but noting that this cover does not apply if that person was subject to an adverse finding by the Commission.
- 2. That Council receive and note this report and endorse the engagement of Adam Seton from Marsdens Law Group to, as necessary, represent the Council in the matter of the ICAC investigation.
- 3. That Council note that the costs in part 2 above, may be borne by Council, pending final determination by Zurich of Councils coverage in this matter and request the Acting General Manager to inform Council of costs on a monthly basis.

Page 1 of 2 For information on how to Action this document refer to D13/14757

ATTACHMENT 2

- 4. That Council abandon the recruitment process for the position of General Manager until the Independent Commission Against Corruption has issued its findings, following which the process be recommenced from the beginning.
- 5. That the recruitment of the Group Manager Public Works proceed on the basis of being managed internally under the direction of the Acting General Manager.
- That Council endorse staff undertaking no further work on the Development Application before Council in relation to 826 Victoria Rd, Ryde until the Commission has handed down its findings in this matter.
- 7. That Council continue the current Advertising Tender with News Local Pty Ltd on a month by month basis, if required post October 2013, until the Commission has handed down its findings in this matter. Given Council's resolution to cease the production of the Ryde City View, post October the services will be for advertising only.

On being put to the Meeting, the voting on the Amendment was eight (8) votes For and one (1) vote Against. The Amendment was **CARRIED**. The Amendment then became the Motion.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Simon and Yedelian OAM

Against the Amendment: Councillor Perram

RECOMMENDATION: (Moved by Councillors Chung and Etmekdjian)

- That Council note the advice contained in Attachment 2 in relation to legal representation for witnesses and persons summoned to appear before the Commission, and the advice from Zurich that entitles these parties to claim for legal and representation expense, but noting that this cover does not apply if that person was subject to an adverse finding by the Commission.
- 2. That Council receive and note this report and endorse the engagement of Adam Seton from Marsdens Law Group to, as necessary, represent the Council in the matter of the ICAC investigation.
- 3. That Council note that the costs in part 2 above, may be borne by Council, pending final determination by Zurich of Councils coverage in this matter and request the Acting General Manager to inform Council of costs on a monthly basis.
- 4. That Council abandon the recruitment process for the position of General Manager until the Independent Commission Against Corruption has issued its findings, following which the process be recommenced from the beginning.
- 5. That the recruitment of the Group Manager Public Works proceed on the basis of being managed internally under the direction of the Acting General Manager.
- 6. That Council endorse staff undertaking no further work on the Development Application before Council in relation to 826 Victoria Rd, Ryde until the Commission has handed down its findings in this matter.
- 7. That Council continue the current Advertising Tender with News Local Pty Ltd on a month by month basis, if required post October 2013, until the Commission has handed down its findings in this matter. Given Council's resolution to cease the production of the Ryde City View, post October the services will be for advertising only.

Record of Voting:

For the Motion: Unanimous

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5 AMENDMENT TO VOLUNTARY PLANNING AGREEMENT (VPA) POLICY

Report prepared by: Development Contributions Coordinator **File No.:** GRP/09/7/6 - BP13/1018

REPORT SUMMARY

Council at its 14 May 2013 meeting, in response to Notice of Motion 1, resolved in item (a) that in accordance with the draft Integrated Open Space Plan (IOSP) which identifies a shortfall of open space in parts of the City of Ryde, Council amend its VPA Policy to seek additional open space in keeping with the IOSP.

This report details the changes to the VPA Policy to accommodate Council's Resolution and seeks Council's endorsement of the amended VPA Policy as illustrated in **ATTACHMENT 2.**

RECOMMENDATION:

That Council approves the amended Voluntary Planning Agreements Policy, issue 19/7/2013, and that the policy be published on Council's website.

ATTACHMENTS

- 1 Current VPA Policy
- 2 Changed VPA Policy IOSP Update

Report Prepared By:

Malcolm Harrild Development Contributions Coordinator

Report Approved By:

Meryl Bishop Manager - Urban Planning

Dominic Johnson Group Manager - Environment & Planning



Discussion

The Voluntary Planning Agreements Policy was last updated on 24 May 2011.

The Integrated Open Space Plan (IOSP) was adopted by Council Resolution on 24 July 2012. The IOSP, founded upon the "Vision for the City of Ryde" analysed the City's existing public open space and made clear recommendations on how that open space could be conserved, enhanced and extended to meet the community's recreation and leisure needs into the future. The IOSP is soon to be complemented by an Open Space Future Provision Plan currently under development; it is expected that this will be put to Council in late October 2013. This Plan will provide detailed strategies and recommendations on consolidation, acquisition, rationalisation and embellishment of open space in accordance with the ISOP. It will include a detailed assessment of areas of oversupply and deficiency, and will also provide recommendations for Council to action.

The purpose of a Voluntary Planning Agreement (VPA) is to enable a development proponent, should it wish, to offer public benefits in excess of Council's regulated development contributions under Section 94 of the Environmental Planning and Assessment Act of 1979 and as controlled by Part 4 of the Environmental Planning Assessment Regulation 2000.

The current Voluntary Planning Agreements Policy, **ATTACHMENT 1**, is divided into six elements;

- Procedure for Proponents
- An Explanatory Note Template
- Potential Planning Obligation Benefits City of Ryde
- Potential Planning Obligation Benefits Macquarie Park
- Draft Implementation Plan, and a
- Dictionary.

This package of documentation is designed not to leave any development proponent in doubt as to Council's stance on a VPA offer, the legislative requirements, required content and the type of public benefits that would be sought by Council.

In amending the VPA documentation the opportunity has been taken to update some references to other key Council documents whose titles have changed since the VPA Policy was updated in 2011.

References to the Integrated Open Space Plan do not in any way alter the policy, principles, templates or implementation of a VPA. Therefore the number of updates to the elements that make up the Policy are comparatively few, and they are highlighted for easy reference in **ATTACHMENT 2**, which has been modified with the full cooperation of Community Life Group, the author of the Integrated Open Space Plan.



Council is currently reviewing its Section 94 Contributions Plan with a new Plan expected to be put to Council at its meeting of 24 September 2013. This report will further identify Council's capacity to deliver community infrastructure as a result of development contributions.

Financial Implications

The proposed amendments to the VPA Policy have no financial implications for Council.

It should be noted that the Department of Planning and Infrastructure's White Paper "A New Planning System for NSW" suggests that the resulting legislation may include changes to VPAs as a mechanism for securing infrastructure; a further review of the Council's VPA Policy would be required if these changes eventuate.



ATTACHMENT 1

Voluntary Planning Agreements Policy

Scope

This Policy is known as the City of Ryde Council Policy on Planning Agreements ("Policy"). It sets out City of Ryde Council's policy and procedures relating to planning agreements under the Environmental Planning and Assessment Act 1979.

This planning agreements policy applies to the land and development within the local government area of City of Ryde Council.

Objectives

The objectives of this policy are:

- a) to establish a fair, transparent and accountable framework governing the use of planning agreements by the Council;
- b) to enhance the range and extent of development contributions made by development towards public facilities in the Council's area;
- to set out the Council's specific policies and procedures relating to the use of planning agreements within the Council's area;
- to give all stakeholders in development greater involvement in determining the type, standard and location of public facilities and other public benefits; and
- e) to facilitate public participation and to allow the community to gain an understanding of the benefits of appropriate planning agreements for the provision of public benefits.

This Policy and the outcomes negotiated through the Voluntary Planning Agreement process will be undertaken in the context of delivering the 7 key outcome areas of the City:

- A City of well being;
- A City of liveable neighbourhoods;
- A City of prosperity;
- A City of progressive leadership;
- A City of environmental sensitivity;
- A City of connections;
- A City of harmony and culture

Guidelines / Procedures

There are four stages involved in the VPA process:

- I. Prelodgement/Negotiations.
- 1. Preliminary plans and offer of VPA.
- 2. Discussions by VPA Panel review of the proposal.
- 3. Presented to ET endorsement of proposal.
- 4. Response to the proponent on the preliminary VPA.
- 5. Prelodgement plans and draft VPA lodged by the proponent.
- 6. Prelodgement Panel reviews proposed plans.
- 7. VPA Panel undertakes a comprehensive review of the detailed proposal.

	Voluntary Planning Agreements Policy	
Owner: Urban Planning	Accountability: Manager Urban Planning	Policy Number: EPU001
Trim Reference: D10/91716	Review date: January 2014	Endorsed COW, 24/5/2011



ATTACHMENT 1



- Council responds to the proponent with the outcomes of the Prelodgement and VPA Panels.
- 9. Signing of the Explanatory Note.
- 10. Lodgement of LDA, draft VPA and Explanatory Note.
- 11. Circulation to Councillors.

II. Notification, assessment and consideration/determination.

- 1. The proposal and drafts are publicly exhibited.
- 2. Assessment is undertaken and reported to Council.
- 3. Tracking of developer contributions or public works begins on approval.

III. Implementation of planning obligations - post approval.

- 1. Public Works and Community Life are notified once the VPA has been signed.
- 2. Handover of public domain works to the City of Ryde.
- 3. Administrative tasks associated with implementation and tracking of VPA.

IV. Administration – tracking payment and completion of works.

The VPA Register will be updated and maintained by the Client Advisor and monetary contributions and/or public domain works will be tracked by the relevant Groups and officers.

References - Legislation

The current legal and procedural framework for planning obligations is set by the Environmental Planning and Assessment Act 1979 No 203, Part 4 Division 6 Subdivision 2, providing for a statutory system of planning agreements. Council is also bound by the provisions of Division 1A of Part 4 of the *Environmental Planning and Assessment Regulation 2000.*

Review Process and Endorsement

This Policy should be reviewed annually and endorsed by ET.

Attachments

Number	Title	Trim Reference
1.	Procedure - Internal	D11/43051
2.	Explanatory Note Template	D11/43094
3.	Voluntary Planning Agreement Template	D11/43204
4.	Potential Planning Obligation Benefits - City of Ryde	D11/43208
5.	Potential Planning Obligation Benefits – Macquarie Park	D11/43210
6.	Draft Implementation Plan	D10/91712
7.	Procedure - External	D11/43215
8.	Dictionary	D10/91717

	Voluntary Planning Agreements Policy	
Owner: Urban Planning	Accountability: Manager Urban Planning	Policy Number: EPU001
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ATTACHMENT 1

Policy – Procedure for proponents

Related Policy

This procedure relate to the Voluntary Planning Agreements Policy to assist/guide proponents through the VPA process with Council.

Procedure

This procedure sets out the City of Ryde Council approach to the use of planning agreements through negotiation when considering rezoning or planning applications for development in the City of Ryde area. It complements the policy approach set out in the Department of Planning's Practice Note titled Planning Agreements (19 July 2005).

In particular, this procedure sets out

- the circumstances in which the City of Ryde Council would ordinarily consider entering into a planning agreement,
- the matters ordinarily covered by a planning agreement,
- the form of development contributions ordinarily sought under a planning agreement,
- the kinds of public benefits ordinarily sought and, in relation to each kind of benefit, whether it involves a planning benefit,
- the method for determining the value of public benefits and whether that method involves standard charging,
- whether money paid under different planning agreements is to be pooled and progressively applied towards the provision of public benefits to which the different agreements relate,
- when, how and where public benefits will be provided,
- the procedures for negotiating and entering into planning agreements the Council's policies on other matters relating to planning agreements, such as their review and modification, the discharging of the developer's obligations under agreements, the circumstances, if any, in which refunds may be given, dispute resolution and enforcement mechanisms, and the payment of costs relating to the preparation, negotiation, execution, monitoring and other administration of agreements.

Legal Policy Context

The current legal and procedural framework for planning obligations is set by the Environmental Planning and Assessment Act 1979 No 203, Part 4 Division 6 Subdivision 2, providing for a statutory system of planning agreements. Council is also bound by the provisions of Division 1A of Part 4 of the *Environmental Planning and Assessment Regulation 2000.*

The Practice Note issued by the Department of Planning sets out several tests for assessing whether planning obligations are appropriate. These include an acceptability test to ensure that planning agreements:

 are directed towards proper or legitimate planning purposes, ordinarily ascertainable from the statutory planning controls and other adopted planning policies applying to development,

Name of Procedure		
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ATTACHMENT 1

Voluntary Planning Agreements Policy – Procedure for proponents

- provide for public benefits that bear a relationship to development that are not wholly unrelated to the development,
- produce outcomes that meet the general values and expectations of the public and protect the overall public interest,
- provide for a reasonable means of achieving the relevant purposes and outcomes and securing the benefits, and
- protect the community against planning harm. '

What are the mandatory requirements of a planning agreement?

Section 93F(3) of the Act requires planning agreements to include provisions specifying:

- (a) a description of the land to which the agreement applies,
- (b) a description of:
 - i. the change to the environmental planning instrument to which the agreement applies: or
 - ii. the development to which the agreement applies,
- (c) the nature and extent of the provision to be made by the developer under the agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made,
- (d) in the case of development, whether the agreement excludes (wholly or in part) or does not exclude the application of section 94 or 94A to the development,
- (e) if the agreement does not exclude the application of section 94 to the development, whether benefits under the agreement are or are not to be taken into consideration in determining a development contribution under section 94,
- (f) a mechanism for the resolution of disputes under the agreement,
- (g) the enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer

The Act does not preclude a planning agreement containing other provisions that may be necessary or desirable in particular cases, except as provided by law. However, Council has prepared a template agreement that will form the basis for a planning agreement and this will be used as the basis for any agreement. This is attached as *Voluntary Planning Agreement Template*.

Clause 25E(1) of the Regulation requires that an explanatory note must accompany a planning agreement that:

- summarises the objectives, nature and effect of the proposed agreement, amendment or revocation, and
- contains an assessment of the merits of the proposed agreement, an amendment or revocation including the impact (positive or negative) on the public or any relevant section of the public.

Council has prepared a template explanatory note which is attached as *Explanatory Note Template*.

Name of Procedure		
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ATTACHMENT 1



Purposes of planning agreements

Section 93F(1) of the Act provides that a planning agreement is a voluntary agreement or other arrangement between one or more planning authorities and a developer under which the developer agrees to make development contributions towards a public purpose.

The Council's approach to the negotiation of planning agreements is based on the planning purpose of furthering the Council's planning vision for the City as set out in the City of Ryde Management Plan (as amended from time to time) and The City of Ryde Development Control Plan, Master plan, plans of management and other key Council documents.

The Management Plan's values and corporate philosophy has several elements: the enhancement of the quality of life of the community and the environment; a strong economy, a sustainable future and opportunities for all. A diverse range of benefits may be sought through negotiation planning obligations in order to make a contribution to the achievement of one or more elements of the Council's vision. When negotiation planning obligations the Council will adopt a flexible approach, taking into account the vision and strategic aims of the Management Plan, the Management Plan's general priorities set out in the programs to that Plan, the site circumstances and also the obligation preferences of the developer.

The Council may negotiate a planning agreement with a developer in connection with any proposed application by the developer for an instrument change (eg. rezoning application) or for development consent relating to any land in the Council's area. The Council may also negotiate a planning agreement in association with another Council or another authority where relevant. The negotiation of a planning agreement is at the absolute discretion of the Council.

Principles underlying the use of planning agreements

The Council's use of planning agreements will be governed by the following principles:

- (a) Planning decisions will not be bought or sold through planning agreements.
- (b) The council will not allow planning agreements to improperly fetter the exercise of its functions under the act, regulation or any other act or law.
- (c) The council will not use planning agreements for any purpose other than a proper planning purpose.
- (d) Development that is unacceptable on planning grounds will not be permitted because of planning benefits offered by developers that do not make the development acceptable in planning terms.
- (e) The council will not seek benefits under a planning agreement that is wholly unrelated to particular development.
- (f) The council will not take into consideration planning agreements that are wholly unrelated to an application, nor will the council give undue weight to a planning agreement.
- (g) The council will not allow the interests of individuals or interest groups to outweigh the public interest when considering a proposed planning agreement.
- (h) The Council will not improperly rely on its position in order to extract unreasonable public benefits from developers under planning agreements.

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ATTACHMENT 1

Voluntary Planning Agreements Policy – Procedure for proponents

What matters will the Council consider?

The matters that the Council may consider in any such negotiation may include, but not be limited to, the following:

- (a) Whether the planning agreement(s) meets the demands created by the development for new public infrastructure, amenities and services.
- (b) If inclusions in the development meet specific planning objectives of the Council.
- (c) If compensation is required for the loss of, or damage to, a public amenity, service, resource or asset caused by the development through its replacement, substitution, repair or regeneration.
- (d) Rectification of an existing deficiency in the existing provision of public facilities in the Council's area is made,
- (e) Whether recurrent funding of public facilities is required or provided.
- (f) The extent to which the Council needs to monitor the planning impacts of development.
- (g) Whether planning benefits for the wider community accrue from the planning agreement.

Development that is unacceptable on planning grounds will not be given consent because of unrelated benefits offered by a developer. The most important factor in deciding what planning obligations might be required is likely to be the size of the development, but other factors such as the location or type of development may be relevant. These will establish core information such as likely increase in population and demand for particular public services.

This information will help the Council to determine the application and to prepare the planning agreement.

What will Council require to be provided under planning agreements?

Existing growth levels place strain on existing infrastructure which cannot be met by S94 contributions and Council has identified a range of infrastructure which either requires substantial upgrade or provision. The programs identified in Section 3 of the City of Ryde Management Plan, the City of Ryde Development Control Plan, Master plan, plans of management and other key Council documents details the key strategies to address these infrastructure requirements.

The Department of Planning *Practice Note* on Planning Agreements sets out the acceptability tests for assessing whether planning obligations are appropriate in planning terms (refer clause 1.3 above). These matters have been taken into account when compiling the range of planning obligations which might be sought which is set out in the table below.

While the Council will endeavour to standardize development contributions sought under planning agreements, this will not always be possible. However, the Council considers that it is helpful for developers to know the Council's general priorities for planning obligation negotiations. Therefore the table indicates the main types of benefits that the Council will be seeking and their relative importance. Council prefers the collection of funding through a planning agreement as it provides additional funding and allows greater flexibility for the allocation of the spending of the funds.

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Policy – Procedure for proponents

An outline of the potential planning obligation benefits for the City of Ryde (Potential Planning Obligation Benefits – City of Ryde – Attachment 3) and for Macquarie Park (Potential Planning Obligation Benefits – Macquarie Park – Attachment 4) are attached and Council will maintain a list of suitable projects which could benefit. It is also recognised that the planning Obligation Benefits actually sought may differ from the facilities in the Planning Obligation Benefits attached because negotiations for each proposed development will reflect the circumstances of each case and the needs created by the scale of proposed change.

Therefore, other benefits which are not identified specifically above may also be relevant. Consequently, the lists do not prevent public benefits being negotiated on a case by case basis, particularly where planning benefits are also involved.

Recurrent changes

The Council may request developers, through a planning agreement, to make development contributions towards the recurrent costs of public facilities. Where the public facility primarily serves the development to which the planning agreement relates or neighbouring development, the arrangement for recurrent funding may be in perpetuity.

Where the public facility or public benefit is intended to serve the wider community, the planning agreement may only require the developer to make contributions towards the recurrent costs of the facility for a set period which will be negotiated according to the impact of the development.

Pooling of development contributions

Where a proposed planning agreement provides for a monetary contribution by the developer, the Council may disclose to developers that money paid under the agreement may be pooled with money paid under other planning agreements and applied progressively for the different purposes under those agreements.

Pooling may be appropriate to allow public benefits, particularly essential infrastructure, to be provided in a fair and equitable way.

Do other development contributions apply?

The Council has no general policy on whether a planning agreement should exclude the application of s94 or s94A of the Act to development to which the agreement relates. This is a matter for negotiation between the Council and a developer having regard to the particular circumstances of the case.

However, where the application of s94 of the Act to development is not excluded by a planning agreement, the Council will generally not agree to a provision allowing benefits under the agreement to be taken into consideration in determining a development contribution under section 94.

Where a planning agreement excludes benefits from being taken into consideration under a s94 plan, the provisions of section 94(6) of the EP&A Act does not apply to the benefit. Refer to section 93F(6) of the EP&A Act.

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Negotiation, Procedure and Probity

The Council's negotiation system for planning agreements aims to be efficient, predictable, transparent and accountable. Council will seek to ensure that the final negotiation of planning agreements runs in parallel with applications for instrument changes or development applications so as not to unduly delay the approval.

The Council is required to ensure that a planning agreement is publicly notified in the same manner and at the same time as the application for the instrument change or the development application to which it relates.

Council's preference is therefore to have the planning agreement negotiated and documented before it is publicly notified as required by the Act and Regulation. It is also preferable that a planning agreement is negotiated before lodgement of the relevant application and that it accompanies the application on lodgement.

Steps in the negotiation process

The negotiation of a planning agreement will generally involve the following key steps:

- 1. Prior to the lodgement of the relevant application by the developer, an offer of a VPA will be made to Council.
- Senior Council staff meet to discuss possible public domain works or contributions.
- 3. VPA Negotiation Team discusses proposed VPA with proponent.
- 4. Proponent lodges prelodgement plans and draft VPA.
- 5. Prelodgement meeting with B+DAS and proponent to discuss the design.
- VPA Review Panel discusses the draft VPA in conjunction with the prelodgement outcomes.
- Council responds in writing to the proponent as to the whether Council will support the lodgement of the proposal and draft VPA. If supported the proponent is provided with actions to allow for a formal assessment of the proposal.
- Development application/planning proposal, draft VPA (Attachment 2), Explanatory Note (Attachment 1) and other documentation lodged by the proponent with Council.
- 9. Assessment process and determination.

The Council may approve the application and set out the conditions for the agreement or, if an agreement has been executed, set out in the consent the terms of the agreement.

The parties may be required to undertake further negotiations and, hence, a number of the above steps may need to be repeated as a result of the public notification process or its formal consideration by the Council in connection with the relevant application.

 The Council will publicly exhibit the planning agreement and application in accordance with the Act and Ryde Development Control Plan 2010 – 2.1 – Notification of Development Applications.

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If the proposal is not supported steps 10 and 11 provide for the proponent to either amend the VPA and have it reconsidered or decide to proceed with a VPA and elect to pay s94 contributions.

Probity

Public probity is important to City of Ryde Council and it will ensure that the negotiation of any planning agreements is fair, transparent and is directed at achieving public benefits in an appropriate manner free of corruption.

In this regard, Council will:

- Inform any applicant about Council values and business ethics specifically, about ethical behaviour appropriate to business dealings.
- Ensure that its communities understand the system and the Council's role specifically, how the planning agreements system operates and how Council will deal with developments objectively.
- Notify planning agreements to ensure they are open and transparent specifically, achieving maximum public awareness of the matters contained in a planning agreement(s) and the potential benefits of an agreement.
- Ensure appropriate delegations and separation of responsibilities in considering development applications that involve planning agreements – specifically, the need to ensure processes adequately address the level of risk of corruption of a process while at the same time being appropriate to the likely level of risk.
- Ensure that modifications to approved development should be subject to the same scrutiny as the original development application.
- Ensure that Councillors and Council staff understand their varied roles, some of which have potential to conflict.
- Take every step to ensure that conflicts of interest are ameliorated to the greater extent possible – specifically, independent assessment by third parties where Council has an interest and not entering into any contractual arrangement which purport to guarantee outcomes that are subject to separate regulatory processes.

The procedures that will be implemented to address these matters may include, but not be limited by, the following procedures:

- (a) The Councillors will not be involved in the face to face negotiation of the agreement but will ultimately approve the planning agreement as part of their duties as Councillors.
- (b) A Council officer with appropriate delegated authority will negotiate a planning agreement on behalf of the Council in accordance with this Policy.
- (c) The Council will, in all cases, ensure that Council staff with key responsibility for providing advice on approvals, approving applications or ensuring compliance, do not have a role in the assessment of the commercial aspects of the agreement nor on the conditions of the planning agreement except where advice is required on matters relating to the conditions of consent for a particular proposal.

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- (d) The Council may involve an independent person(s) to facilitate or otherwise participate in the negotiations or aspects of it, particularly where this will lead to a better planning outcome.
- (e) The Council will ensure that all negotiations with a developer and their consultants are sufficiently separated and documented.
- (f) Where the Council has a commercial stake in development the subject of an agreement, it will take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its commercial interest in the development.

Public notification of planning agreements

In accordance with the Act, a planning agreement must be publicly notified and available for public inspection for a minimum period of 28 days. The Council may decide to notify a planning agreement for a longer period or shorter period as permitted by the Act.

The Council will also notify the application to which a planning agreement relates in accordance with and Ryde Development Control Plan 2010 - 2.1 - Notification of Development Applications.

Renotification

The Council will publicly re-notify and make available for public inspection a proposed planning agreement and the application to which it relates if, in the Council's opinion, a material change is made to the terms of the agreement or the application after it has been previously publicly notified and inspected. Such a change may arise as a consequence of public submissions made in respect of the previous public notification and inspection of the agreement or the application, or their formal consideration by the Council, or for any other reason.

Public comment on planning agreements

The Council encourages the public to make submissions on planning agreements. This will allow the Council to better understand local needs and permit fine tuning of the planning obligations set out in any planning agreement.

Public submissions to planning agreements notifications will be assessed by the Council in accordance with its Notification Policy.

Preparation of the planning agreement

The developer/relevant party will prepare a planning agreement relating to a particular application for an instrument change or development application. The developer/relevant party uses a standard form of planning agreement on which every planning agreement is based which reflects the policies and procedures set out in this document (refer *Voluntary Planning Agreement Template – Attachment 2*)). This planning agreement will include an explanatory note prepared in plain English (refer *Explanatory Note Template – Attachment 1*).

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The Council will require a planning agreement to make provision for payment by the developer of the Councils costs of and incidental to negotiating, preparing and entering into the agreement as well as administering and enforcing the agreement. Cost may include the payment of a Quantity Surveyor to establish the cost of the key items of the negotiated agreement.

When is a planning agreement required to be entered into?

A planning agreement is entered into when it is signed by all of the parties. The Council will usually require a planning agreement to be entered into as a condition of granting development consent to the development to which the agreement relates. However, a planning agreement can be entered into at any time after the agreement is publicly notified in accordance with the Act and Regulation.

When will planning obligations arise?

The Council will generally require a planning agreement to provide that the developer's obligations under the agreement take effect when the first development consent operates in respect of development that is the subject of the agreement and on gazettal of an Environmental Planning Instrument.

Implementation agreements

The Council may require an implementation plan (*Draft Implementation Plan – Attachment 5*) that provides for matters such as:

- (a) The timetable for provision of planning obligations under the planning agreement.
- (b) The design, technical specification and standard of any work required by the planning agreement to be undertaken by the developer.
- (c) The manner in which a work is to be handed over to the council.
- (d) The manner in which a material public benefit is to be made available for its public purpose in accordance with the planning agreement.
- (e) A warranty period for materials and buildings that form part of any public benefit. These warranties would be for at least 12 months for materials and services such as electrical works and 15 years for buildings.

Monitoring and review of a planning agreement

The Council will continuously monitor the performance of the developer's obligations under a planning agreement and report them in accordance with the Act.

Council will require the planning agreement to contain a provision establishing a mechanism under which the planning agreement is periodically reviewed with the involvement of all parties. This will include a review of the developer's performance under the agreement.

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Modification or discharge of obligations

The Council may agree to a provision in a planning agreement permitting the developer's obligations under the agreement to be modified or discharged in the following circumstances:

- (a) The developer's obligations have been fully carried out in accordance with the agreement, or
- (b) The development consent to which the agreement relates has lapsed, or
- (c) The development consent to which the agreement relates has been modified to such an extent that the planning obligations may not be appropriate, or
- (d) The performance of the planning agreement has been frustrated by an event or events beyond the reasonable control of the parties, or
- (e) The developer has fully and completely assigned the developer's interest under the agreement in accordance with its terms, or
- (f) Other material changes affecting the operation of the planning agreement have occurred, or
- (g) The council and the developer otherwise agree to the modification or discharge of the agreement.

Such a provision will require the modification or revocation of the planning agreement in accordance with the Act and Regulation.

Assignment and dealings by the developer

The Council will not permit the assignment of any or all of the developer's rights or obligations under the agreement, nor will the Council permit any dealing in relation to any part or the whole of the land the subject of the agreement unless:

- (a) The developer has, at no cost to the Council, first procured the execution by the person with whom it is dealing of all necessary documents in favour of the Council by which that person agrees to be bound by the agreement as if they were a party to the original agreement, and
- (b) If the proposed dealing involves a mortgage, charge or other encumbrance in relation to the party's right, title and interest in the land, such documents provide for an agreement by the person to the effect that they, and any receiver appointed by them, will not enjoy rights greater than those of that party, and
- (c) The party in not in breach of this Agreement.

This does not affect the operation of any of other requirements of the agreement.

Provision of security under a planning agreement

The Council will require a planning agreement to make provision for security to cover the Developer's obligation under the agreement. The form of security will generally be an unconditional bank guarantee from an Australian Bank in favour of the Council to the full value of the developer's obligation under the Agreement and on terms otherwise acceptable to the Council.

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Notations on Certificates under S149(5) of the Act

The Council will generally require a planning agreement to contain an acknowledgement by the developer that the Council will make a notation under S149(5) of the Act about a planning agreement on any certificate issued under s149(2) of the Act relating to the land the subject of the agreement or any other land.

Registration of planning agreements

The Council may require a planning agreement to contain a provision requiring the developer to agree to registration of the agreement pursuant to s93H of the Act if the requirements of that section are satisfied.

Dispute resolution

The Council will require a planning agreement to provide for mediation of disputes between the parties to the agreement before the parties may exercise any other legal rights in relation to the dispute.

Will Council allow the application of SEPP 1/Clause 4.6 of City of Ryde LEP 2010?

Variation to applicable development standards under State Environmental Planning Policy No.1 – Development Standards (SEPP 1) and City of Ryde LEP 2010 as part of a planning agreement or application will not be permitted unless the Council is of the opinion that the tests within SEPP1 are satisfied and the proposed planning agreement addresses the matters specifically required to be addressed under SEPP1 in relation to the dispensation sought.

How will the Council value public benefits under a planning agreement?

If the benefit under a planning agreement is the provision of land for a public purpose, the Council will generally seek to value the benefit on the basis of the market value of the land. This market value is to be provided by the proponent and independently valued.

If the benefit under a planning agreement is the carrying out of works for a public purpose, the Council will generally seek to value the benefit on the basis of the estimated value of the completed works on the basis of a cost estimate prepared by a registered quantity surveyor.

In either instance, the costs of the valuation of the benefits are to be at no cost to the Council.

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Attachments

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1.	Explanatory Note Template	D11/432094
2.	Voluntary Planning Agreement Template	D11/43204
3.	Potential Planning Obligation Benefits - City of Ryde	D11/43208
4.	Potential Planning Obligation Benefits – Macquarie Park	D11/43210
5.	Draft Implementation Plan	D11/43214
6.	Dictionary	D11/43217

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Related Policy

This Explanatory Note relates to the Voluntary Planning Agreement Policy

Environmental Planning and Assessment Regulation 2000

(Clause 25E)

Explanatory Note

Draft Planning Agreement

Under s93F of the Environmental Planning and Assessment Act 1979

1 Parties

(Planning Authority)

(Developer)

2 Description of Subject Land

- 3 Description of Proposed Change to Environmental Planning Instrument/Development Application
- 4 Summary of Objectives, Nature and Effect of the Draft Planning Agreement

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5 Timing of Delivery of the Public Community Benefit.

Note: Information is to be provided on the timing of delivery of the proposed benefits in relation to the issuing of construction, occupation or subdivision certificates.

6 The Relationship of the Negotiated Planning Agreement Outcomes and the Development Contributions under Section 94.

7 Assessment of the Merits of the Draft Planning Agreement

The Planning Purposes Served by the Draft Planning Agreement.

Issues to be considered include:

- How the draft planning agreement promotes the objects of the environmental planning and assessment act 1979
- How the draft planning agreement promotes the public interest
- development corporations how the draft planning agreement promotes its statutory responsibilities
- How the draft planning agreement promotes the objects (if any) of the Act under which it is constituted
- How the draft planning agreement promotes the elements of the Council's mission statement
- Whether the draft planning agreement conforms with the Council's capital works program
- 8 How the Draft Planning Agreement Promotes the Objects of the Environmental Planning and Assessment Act 1979
- 9 How the Draft Planning Agreement Promotes the Public Interest

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10	The Impact of the Draft Planning Agreement on the Public or Any Section of the Public	
11	Other Matters	
Sia	ned and Dated by All Parties	
oigi	neu anu Dateu by Air rantes	
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Voluntary Planning Agreements Policy - Voluntary Planning Agreement Template

Related Policy

This Voluntary Planning Agreement Template is related to the Voluntary Planning Agreements Policy.

PLANNING AGREEMENT

City of Ryde Council, 1 Devlin Street, Ryde (Council)

And

PARTIES

of ##, (Developer)

BACKGROUND

(For Development applications)

- A. On, *##*, the Developer made a Development Application to the Council for Development Consent to carry out the Development on the Land.
- B. That Development Application was accompanied by an offer by the Developer to enter into this Agreement to make Development Contributions towards the Public Facilities if that Development consent was granted.

(for changes to Environmental Planning Instruments)

- A. On, ##, The Developer made an application to the Council for the Instrument Change for the purpose of making a Development Application to the Council for Development Consent to carry out the Development on the Land.
- B. The Instrument Change application was accompanied by an offer by the Developer to enter into this Agreement to make Development Contributions towards the Public Facilities that Development Consent was granted.
- C. The Instrument Change was published in NSW Government Gazette No. ## on ## and took effect on ##.
- D. On, *##*, the Developer made a Development Application to the Council for Development Consent to carry out the Development on the Land.

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Voluntary Planning Agreements Policy - Voluntary Planning Agreement Template **OPERATIVE PROVISIONS** 1. Planning agreement under the Act The Parties agree that this Agreement is a planning agreement governed by Subdivision 2 of division 6 of Part 4 of the Act. 2. Application of this Agreement (Specify the land to which the Agreement applies and the development to which it applies) 3. Operation of this Agreement (Specify when the Agreement takes effect and when the Parties must execute the Agreement) Definitions and interpretation 4. 4.1 In this Agreement the following definitions apply: Act means the Environmental Planning and Assessment Act 1979 (NSW). Dealing, in relation to the Land, means, without limitation, selling, transferring, assigning, mortgaging, charging, encumbering or otherwise dealing with the Land. Development means ##.

Development Application has the same meaning as in the Act.

Development Consent has the same meaning as in the Act.

Development Contribution means a monetary contribution, the dedication of land free of cost or the provision of a material public benefit.

GST has the same meaning as in the GST Law.

GST Law has the meaning given to that term in *A New Tax System* (*Goods and Services Tax*) *Act* 1999 (Cth) and any other Act or regulation relating to the imposition or administration of the GST.

Instrument Change means ## Local Environmental Plan ##.

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4.2	Par and Pub Reg Reg	d means Lot ## DP ##, known as ##. ty means a party to this agreement, including their successors assigns. Ilic Facilities means ##. gulation means the Environmental Planning and Assessment fulation 2000.
4.2	and Pub Reg Reg In t	assigns. I lic Facilities means ##. Julation means the <i>Environmental Planning and Assessment</i>
4.2	Reg Reg In t	julation means the Environmental Planning and Assessment
4.2	Reg In t	
4.2		
		he interpretation of this Agreement, the following provisions ly unless the context otherwise requires:
	(a)	Headings are inserted for convenience only and do not affect the interpretation of this Agreement.
	(b)	A reference in this Agreement to a business day means a day other than a Saturday or Sunday on which banks are open for business generally in Sydney.
	(c)	If the day on which any act, matter or thing is to be done under this Agreement is not a business day, the act, matter or thing must be done on the next business day.
	(d)	A reference in this Agreement to dollars or \$ means Australiar dollars and all amounts payable under this Agreement are payable in Australian dollars.
	(e)	A reference in this Agreement to any law, legislation of legislative provision includes any statutory modification amendment or re-enactment, and any subordinate legislatior or regulations issued under that legislation or legislative provision.
	(f)	A reference in this Agreement to any agreement, deed or document is to that agreement, deed or document is to that agreement, deed or document as amended, novated supplemented or replaced.
	(g)	a reference to a clause, part, schedule or attachment is a reference to a clause, part, schedule or attachment of or to this Agreement.
	(h)	An expression importing a natural person includes any company, trust, partnership, joint venture, association, body corporate or governmental agency.
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Voluntary Planning Agreements Policy - Voluntary Planning Agreement Template

- (i) Where a word or phrase is given a defined meaning, another part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.
- (j) A word which denotes the singular denotes the plural, a word which denotes the plural denotes the singular, and a reference to any gender denotes the other genders.
- (k) References to the word 'include' or 'including' are to be construed without limitation.
- (I) A reference to this Agreement includes the agreement recorded in this Agreement.
- (m) A reference to a party to this Agreement includes a reference to the servants, agents and contractors of the party, and the party's successors and assigns.
- (n) Any schedules and attachments form part of this Agreement.

5. Development Contributions to be made under this Agreement

SCHEDULE 1 - REFERENCE SCHEDULE

Specify the development contributions to be made under the agreement; when they are to be made; and the manner in which they are to be made.

ltem	Name	Description
1	Advanced Payments	
2	Contributions	
3	Dedicated land	
4	Public Benefits	

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6. Application of the Development Contributions

SCHEDULE 2 - DEVELOPER'S WORK

Specify the times at which, the manner in which and the public purposes for which development contributions are to be applied.

Item of work	Development Stage	Final Stage	Inspection	Relevant Numbers	Drawing

7. Application of s94 and s94A of the Act to the evelopment

SCHEDULE 3 - PUBLIC BENEFITS

Public Benefits Offer versus section 94 Contributions

 Table 1 identifies the Section 94 Contributions payable in respect of the proposal calculated in accordance with City of Ryde Section 94 Contribution Plan.

,	Residential Development			
	Commercia office R&D per m ² GFA	Retail per m ² GFA	Industrial per m ² GFA	
Community facilities				
Open space				
Civic & urban improvements				9 R (
Roads & traffic management		2		
Transport				
Cycleways				
Stormwater management			a:	
Administration				
Total				

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 Table 2 identifies the Public Benefits offered under the Voluntary Planning

 Agreement between ## (Developer) and City of Ryde Council in lieu of

 monetary contributions otherwise payable under City of Ryde's Section 94

 Contribution Plan as outlined above.

Voluntary Planning Agreement Offer – Public Benefits			Offer Value		
SUBTOTAL COSTS)	VPA	OFFER	(EXCLUDING	DEVELOPMENT	

VPA OFFER IN EXCESS OF DEVELOPER OBLIGATIONS (Specify whether and to what extent s94 and s94A apply to development

the subject of this Agreement)

8. Registration of this Agreement

(Specify whether the Agreement is to be registered as provided for in s93H of the Act)

9. Review of this Agreement

(Specify whether the Agreement is to be registered as provided for in s93H of the Act)

10. Dispute Resolution

10.1 Notice of Dispute

If a party claims that a dispute has arisen under this Agreement (Claimant), it must give written notice to the other party (**Respondent**) stating the matters in dispute and designating as its representative a person to negotiate the dispute (Claim Notice). No party may start court proceedings (except for proceedings seeking interlocutory relief) in respect of a dispute unless it has first complied with this clause 10.

10.2 Response to Notice

Within 10 business days of receiving the Claim Notice, the Respondent must notify the Claimant of its representative to negotiate the dispute

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10.3 Negotiation

The nominated representative must:

- meet to discuss the matter in good faith within 5 business days after service by the Respondent of notice of its representative;
- (2) use reasonable endeavours to settle or resolve the dispute within 15 business days after they have met.

10.4 Further Notice if Not Settled

If the dispute is not resolved within 15 business days after the nominated representatives have met, either party may give to the other a written notice calling for determination of the dispute (**Dispute Notice**) by mediation under clause 10.5 or by expert determination under clause 10.6.*

10.5 Mediation

If a party gives a dispute Notice calling for the dispute to be mediated:

- the parties must agree to the terms of reference of the mediation within 5 business days of the receipt of the Dispute Notice (the terms shall include a requirement that the mediation rules of the Institute of Arbitrators and Mediators Australia (NSW Chapter) apply);
- (2) the Mediator will be agreed between the parties, or failing agreement within 5 business days of receipt of the Dispute Notice, either party may request the President of the Institute of Arbitrators and Mediators Australia (NSW Chapter) to appoint a mediator;
- (3) the Mediator appointed pursuant to this clause 10.5 must:
 - (a) have reasonable qualifications and practical experience in the area of the dispute; and
 - (b) have no interest or duty which conflicts or may conflict with his function as mediator, he being required to fully disclose any such interest or duty before his appointment;

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- the Mediator shall be required to undertake to keep confidential all matters coming to his knowledge by reason of his appointment and performance of his duties;
- (5) the parties must within 5 business days of receipt of the Dispute Notice notify each other of their representatives who will be involved in the mediation;
- (6) the parties agree to be bound by a mediation settlement and may only initiate judicial proceedings in respect of a dispute which is the subject of a mediation settlement for the purpose of enforcing that mediation settlement;
- (7) in relation to costs and expenses:
 - (a) each party will bear their own professional and expert costs incurred in connection with the mediation; and
 - (b) the costs of the Mediator will be shared equally by the parties unless the Mediator determines a party has engaged in vexatious or unconscionable behaviour in which case the Mediator may require the full costs of the mediation to be borne by that party.
- 10.6 Expert Determination

If the dispute is not resolved under clause 10.3 or 10.5, the dispute may, by agreement between the parties, both acting reasonably having regard to the nature of the dispute, be resolved by expert determination, in which event:

- the dispute must be determined by an independent expert in the relevant field:
 - (a) agreed upon and appointed jointly by the Council and the Developer; or
 - (b) in the event that no agreement is reached or appointment made within 30 business days, appointed on application of a party by the then current President of the Law Society of New South Wales;
- (2) the expert must be appointed I writing and the terms of appointment must not be inconsistent with this clause;

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Voluntary Planning Agreements Policy - Voluntary Planning Agreement Template

- (3) the determination of the dispute by such expert will be made as an expert and not as an arbitrator and will be in writing and contain the reasons for the determination;
- (4) the expert will determine the rules for the conduct of the process but must conduct the process in accordance with the rules of natural justice;
- (5) each party will bear its own costs in connection with the process and the determination by the expert together with an equal proportion of the expert's fees and costs; and
- (6) any determination made by an expert pursuant to the is clause is final and binding upon the parties except where the determination is in respect of, or relates to, termination or purported termination of this agreement by any party, in which event the expert is deemed to be giving a non-binding appraisal and any party may commence litigation in relation to the dispute if it has not been resolved within 20 business days of the expert giving his or her decision.

10.7 Litigation

If the dispute is not finally resolved in accordance with this clause 10 of either party is at liberty to litigate the dispute.

10.8 Continue to perform obligations

Each party must continue to perform its obligations under this Agreement, notwithstanding the existence of a dispute.

11. Enforcement

(Specify the means of enforcing the Agreement)

12. Notices

- 12.1 Any notice, consent, information, application or request that must or may be given or made to a Party under this Agreement is only given or made if it is in writing and sent in one of the following ways:
 - (a) Delivered or posted to that Party at its address set out below.
 - (b) Faxed to that Party at its fax number set out below.

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(c) Emailed to that Party at its email address set out below.

Council	
Atttention:	General Manager
Address:	1 Devlin Street, Ryde
Fax Number:	9952 8070
Email:	
Developer	
Atttention:	
Address:	
Fax Number:	
Email:	

- 12.2 If a Party gives the other Party 3 business days notice of a change of its address or fax number, any notice, consent, information, application or request is only given or made by that other Party if it is delivered, posted or faxed to the latest address or fax number.
- 12.3 Any notice, consent, information, application or request is to be treated as given or made at the following time:
 - (a) If it is delivered, when it is left at the relevant address.
 - (b) If it is sent by post, 2 business days after it is posted.
 - (c) If it is sent by fax, as soon as the sender receives from the sender's fax machine a report of an error free transmission to the correct fax number
- 12.4 If any notice, consent, information, application or request is delivered, or an error free transmission report in relation to it is received, on a day that is not a business day, or if on a business day, after 5pm on that day in the place of the Party to whom it is sent, it is to be treated as having been given or made at the beginning of the next business day.

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13 Approvals and consent

Except as otherwise set out in this Agreement, and subject to any statutory obligations, a Party may give or withhold an approval or consent to be given under this Agreement in that Party's absolute discretion and subject to any conditions determined by the Party. A Party is not obliged to give its reasons for giving or withholding consent or for giving consent subject to conditions.

14 Assignment and Dealings

(Specify any restrictions on the Developer's dealings in the land to which the Agreement applies and the period during which those restrictions apply)

15 Costs

(Specify how the costs of negotiating, preparing, executing, stamping and registering the Agreement are to be borne by the Parties)

16 Entire Agreement

This Agreement contains everything to which the Parties have agreed in relation to the matters it deals with. No Party can rely on an earlier document, or anything said or done by another Party, or by a director, officer, agent or employee of that Party, before this Agreement was executed, except as permitted by law.

17 Further acts

Each Party must promptly execute all documents and do all things that another Party from time to time reasonably requests to affect, perfect or complete this Agreement and all transactions incidental to it.

18 Governing law and jurisdiction

This Agreement is governed by the law of New South Wales. The Parties submit to the non-exclusive jurisdiction of its courts and courts of appeal from them. The Parties will not object to the exercise of jurisdiction by those courts on any basis.

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19 Joint and individual liability and benefits

Except as otherwise set out in this Agreement, any agreement, covenant, representation or warranty under this Agreement by 2 or more persons binds them jointly and each of them individually, and any benefit in favour or 2 or more persons is for the benefit of them jointly and each of them individually.

20 No fetter

Nothing in this Agreement shall be construed as requiring Council to do anything that would cause it to be in breach of any of its obligations at law, and without limitation, nothing shall be construed as limiting or fettering in any way the exercise of any statutory discretion or duty.

21 Representations and warranties

The Parties represent and warrant that they have power to enter into this Agreement and comply with their obligations under the Agreement and that entry into this Agreement will not result in the breach of any law.

22 Severability

If a clause or part of a clause of this Agreement can be read in a way that makes it illegal, unenforceable or invalid, but can also be read in a way that makes it legal, enforceable and valid, it must be read in the latter way. If any clause or part of a clause is illegal, unenforceable or invalid, that clause or part is to be treated as removed from this Agreement, but the rest of this Agreement is not affected.

23 Modification

No modification of this Agreement will be of any force or effect unless it is in writing and signed by the Parties to this Agreement.

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24 Waiver

The fact that a Party fails to do, or delays in doing, something the Party is entitled to do under this Agreement, does not amount to a waiver of any obligation of, or breach of obligation by, another Party. A waiver by a Party is only effective if it is in writing. A written waiver by a Party is only effective in relation to the particular obligation or breach in respect of which it is given. It is not to be taken as an implied waiver of any other obligation or breach or as an implied waiver of that obligation or breach in relation to any other occasion.

25 GST

If any Party reasonably decides that it is liable to pay GST on a supply made to the other Party under this Agreement and the supply was not priced to include GST, then recipient of the supply must pay an additional amount equal to the GST on that supply.

Execution

Dated:

Executed as an Agreement:

Note: this explanatory note providing details on this Agreement may not be used to assist in construing this Agreement.

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Related Policy

These potential planning obligation benefits are related to the Voluntary Planning Agreement Policy.

POTENTIAL PLANNING OBLIGATION BENEFITS

Possible requirements:

The following is a list of possible requirements that Council may have for planning agreements. They are not exhaustive and developers are encouraged to discuss these or other requirements that may be included in a planning agreement. Planning agreements may involve monetary contributions, partial or full construction of new facilities, expansion, upgrades, augmentations, embellishments, fit-outs and resourcing of existing facilities or any other public benefit as agreed to by the Council:

Infrastructure	Accessibility improvements – accessible parking, kerb ramps, modifications to public buildings or areas
	Roads – design and construction
	Open space – parks, public places, embellishment
	Drainage and storm water controls
	Traffic measures
	Transport outcomes
	Pedestrian and cylceways linkages and footpaths Telecommunication networks
	Power, water, gas
	Communications and information technology such as WIFI
	public space
	Bridges (vehicular and pedestrian)
Facilities	Community services - eg meeting rooms, halls, libraries
	Child care and family health care centres
	Public toilets
P.	Youth spaces
	Public leisure facilities
	Performance spaces
	Civic spaces
	Public car parking areas and commuter parking
	Bus shelters
	Family care facilities
	Sport, recreation and activity centres
	Business, research and creative industries incubator space
	and ancillary uses
	Affordable Housing

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Voluntary Planning Agreements Policy - Potential Planning Obligation Benefits – City of Ryde

Public domain	Paving paths, streets and open space areas
improvements	Plantings – streets and open space areas
	Furniture – seats, bins
	Banners
	Public art in streets, open space and other public domain space
	Kerbs and gutters
	Treatment and/or features in public places
	Facilities such as kiosk in parks and open spaces Turf
	Public leisure, sport and recreation facilities
	Environmental management improvements such as water and
	energy minimising devices
	Water quality devices
	Water bubblers, lockers and other amenities
	Signage including suburb identification, way finding, parking interpretation and information signs for pedestrians, cyclists and vehicular users
Other	Cash contributions
	Land such as dedications for parks, facilities, pedestrian connectivity and new roads
	Contributions for the development of community facilities plans and cultural facilities plans
	Aboriginal site protection
	Other benefits in line with Council plans and strategies including plans of management, flood plan managemen
	plans, traffic and transport plans, masterplans, developmen
	controls plans, local environmental plans and the management plan

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Related Policy

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These potential planning obligation benefits relate to the Voluntary Planning Agreements Policy.

POTENTIAL PLANNING OBLIGATION BENEFITS MACQUARIE PARK

Possible requirements:

The following is a list of possible requirements that Council may have for planning agreements. They are not exhaustive and developers are encouraged to discuss these or other requirements that may be included in a planning agreement. Planning agreements may involve monetary contributions, partial or full construction of new facilities, expansion, upgrades, augmentations, embellishments, fit-outs and resourcing of existing facilities or any other public benefit as agreed to by the Council:

Infrastructure	Roads – design and construction
	Open space - parks, public places, embellishment
	Drainage and storm water controls
	Traffic measures
	Transport outcomes
	Pedestrian linkages and footpaths - identifed in the
	Pedestrian Movement Study 2010.
	Telecommunication networks
	Power, water, gas
	Communications and information technology such as
	WIFI public space
	Bridges (vehicular and pedestrian)
	Pedestrian and cycle bridges over the M2
Facilities	Community services - eg meeting rooms, halls
	libraries
	Child care and family health care centres
	Public toilets
	Youth spaces
	Public leisure facilities
	Performance spaces
	Civic spaces
	Public car parking areas and commuter parking
	Bus shelters
	Family care facilities
	Sport, recreation and activity centres
	Business, research and creative industries incubator
	space and ancillary uses
	Affordable Housing
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Voluntary Planning Agreements Policy - Potential Planning Obligation Benefits – Macquarie Park

Public domain	Paving – paths, streets and open space areas
improvements	Plantings – streets and open space areas Furniture – seats, bins Banners
	Public art in streets, open space and other public domain space Kerbs and gutters
	Treatment and/or features in public places Facilities such as klosk in parks and open spaces
	Turf Public leisure, sport and recreation facilities
	Environmental management improvements such as water and energy minimising devices
	Water quality devices Water bubblers, lockers and other amenities Signage including suburb identification, way finding,
1	parking, interpretation and information signs for pedestrians, cyclists and vehicular users
Other	Cash contributions Land such as dedications for parks, pedestrian connectivity and new roads
	Contributions for the development of community facilities plans and cultural facilities plans Aboriginal site protection
	Other benefits in line with Council plans and strategies -including plans of management, floor
	plan management plans, traffic and transport plans masterplans, development controls plans, loca environmental plans and the management plan

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Related Policy

This Implementation Plan is related to the Voluntary Planning Agreements Policy.

DRAFT IMPLEMENTATION PLAN

Specify the times at which, the manner in which and the public purposes for which development contributions are to be applied.

Item of work	Development Stage	Final Stage	Inspection	Relevant Numbers	Drawing

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P Voluntary Planning Agreements -Dictionary

Related Policy

This Dictionary applies to the Voluntary Planning Agreements Policy.

Terms and definitions used in this Policy

In this Policy, the following terminology is used:

Act means the Environmental Planning and Assessment Act 1979,

B+DAS means Building and Development Advisory Service.

Council means the Council of the City of Ryde,

developer is a person who has sought a change to an environmental planning instrument (which includes the making, amendment or repeal of an instrument (s93F(11)), or who has made or proposes to make a development application, or who has entered into an agreement with or is otherwise associated with such a person,

development application has the same meaning as in the Act,

development contribution means the kind of provision made by a developer under a planning agreement, being a monetary contribution, the dedication of all free of cost or the provision of a material public benefit.

explanatory note means a written statement that provides details of the objectives, nature, effect and merits of a planning agreement, or an amendment to or revocation of a planning agreement,

instrument change means a change to an environmental planning instrument to facilitate a development the subject of a planning agreement,

planning benefit means a development contribution that confers a net public benefit, that is , a benefit that exceeds the benefit derived from measures that would address the impacts of particular development on surrounding land or the wider community,

public facilities means public infrastructure, facilities, amenities and services,

planning obligation means an obligation imposed by a planning agreement on a developer requiring the developer to make a development contribution,

Practice Note means the Practice Note on Planning Agreements published by the Department of Infrastructure Planning and Natural Resources (July 2005)

public includes a section of the public,

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public benefit is the benefit enjoyed by the public as a consequence of a development contribution,

Regulation means the Environmental Planning and Assessment Regulation 2000.

Surplus value means the value of the developer's provision under a planning agreement less the sum of the value of public works required to be carried out by the developer under a condition imposed under s80A(1) of the Act and the value of development contributions that are or could have been required to be made under s94 or s94A of the Act in respect of the development the subject of the agreement.

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Related Policy

This procedure relate to the Voluntary Planning Agreements Policy to assist/guide proponents through the VPA process with Council.

Procedure

This procedure sets out the City of Ryde Council approach to the use of planning agreements through negotiation when considering rezoning or planning applications for development in the City of Ryde area. It complements the policy approach set out in the Department of Planning's Practice Note titled Planning Agreements (19 July 2005).

In particular, this procedure sets out

- the circumstances in which the City of Ryde Council would ordinarily consider entering into a planning agreement,
- the matters ordinarily covered by a planning agreement,
- the form of development contributions ordinarily sought under a planning agreement,
- the kinds of public benefits ordinarily sought and, in relation to each kind of benefit, whether it involves a planning benefit,
- the method for determining the value of public benefits and whether that method involves standard charging,
- whether money paid under different planning agreements is to be pooled and progressively applied towards the provision of public benefits to which the different agreements relate,
- when, how and where public benefits will be provided,
- the procedures for negotiating and entering into planning agreements the Council's policies on other matters relating to planning agreements, such as their review and modification, the discharging of the developer's obligations under agreements, the circumstances, if any, in which refunds may be given, dispute resolution and enforcement mechanisms, and the payment of costs relating to the preparation, negotiation, execution, monitoring and other administration of agreements.

Legal Policy Context

The current legal and procedural framework for planning obligations is set by the Environmental Planning and Assessment Act 1979 No 203, Part 4 Division 6 Subdivision 2, providing for a statutory system of planning agreements. Council is also bound by the provisions of Division 1A of Part 4 of the *Environmental Planning and Assessment Regulation 2000.*

The Practice Note issued by the Department of Planning sets out several tests for assessing whether planning obligations are appropriate. These include an acceptability test to ensure that planning agreements:

 are directed towards proper or legitimate planning purposes, ordinarily ascertainable from the statutory planning controls and other adopted planning policies applying to development,

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Planning Voluntary Agreements Policy – Procedure for proponents provide for public benefits that bear a relationship to development that are not wholly unrelated to the development, produce outcomes that meet the general values and expectations of the public and protect the overall public interest, provide for a reasonable means of achieving the relevant purposes and outcomes and securing the benefits, and protect the community against planning harm. ' What are the mandatory requirements of a planning agreement? Section 93F(3) of the Act requires planning agreements to include provisions specifying: (a) a description of the land to which the agreement applies, (b) a description of: the change to the environmental planning instrument to which the i. agreement applies: or ii. the development to which the agreement applies, the nature and extent of the provision to be made by the developer under the (c) agreement, the time or times by which the provision is to be made and the manner by which the provision is to be made, (d) in the case of development, whether the agreement excludes (wholly or in part) or does not exclude the application of section 94 or 94A to the development, (e) if the agreement does not exclude the application of section 94 to the development, whether benefits under the agreement are or are not to be taken into consideration in determining a development contribution under section 94, a mechanism for the resolution of disputes under the agreement, (f) (g) the enforcement of the agreement by a suitable means, such as the provision of a bond or guarantee, in the event of a breach of the agreement by the developer The Act does not preclude a planning agreement containing other provisions that may be necessary or desirable in particular cases, except as provided by law. However, Council has prepared a template agreement that will form the basis for a planning agreement and this will be used as the basis for any agreement. This is attached as Voluntary Planning Agreement Template. Clause 25E(1) of the Regulation requires that an explanatory note must accompany a planning agreement that: summarises the objectives, nature and effect of the proposed agreement, amendment or revocation, and contains an assessment of the merits of the proposed agreement, an amendment or revocation including the impact (positive or negative) on the public or any relevant section of the public. Council has prepared a template explanatory note which is attached as Explanatory Note Template. Name of Procedure Owner: Urban Planning Accountability: Manager Urban Planning Issue: 24/5/2011 Trim Reference: D11/43215 Policy: Relevant Policy Page 2 of 12



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Purposes of planning agreements

Section 93F(1) of the Act provides that a planning agreement is a voluntary agreement or other arrangement between one or more planning authorities and a developer under which the developer agrees to make development contributions towards a public purpose.

The Council's approach to the negotiation of planning agreements is based on the planning purpose of furthering the Council's planning vision for the City as set out in the City of Ryde Delivery Plan and Community Strategic Plan (as amended from time to time) and The City of Ryde Development Control Plan, master plans, plans of management, the Integrated Open Space Plan and other key Council documents.

The Management Plan's values and corporate philosophy has several elements: the enhancement of the quality of life of the community and the environment; a strong economy, a sustainable future and opportunities for all. A diverse range of benefits may be sought through negotiating planning obligations in order to make a contribution to the achievement of one or more elements of the Council's vision. When negotiating planning obligations the Council will adopt a flexible approach, taking into account the vision and strategic aims of the Delivery and Community Strategic Plans, the general priorities set out in the programs of those Plans, the Integrated Open Space Plan, other key plans, the site circumstances and also the obligation preferences of the developer.

The Council may negotiate a planning agreement with a developer in connection with any proposed application by the developer for an instrument change (e.g. rezoning application) or for development consent relating to any land in the Council's area. The Council may also negotiate a planning agreement in association with another Council or another authority where relevant. The negotiation of a planning agreement is at the absolute discretion of the Council.

Principles underlying the use of planning agreements

The Council's use of planning agreements will be governed by the following principles:

- (a) Planning decisions will not be bought or sold through planning agreements.
- (b) The council will not allow planning agreements to improperly fetter the
- exercise of its functions under the act, regulation or any other act or law.(c) The council will not use planning agreements for any purpose other than a proper planning purpose.
- (d) Development that is unacceptable on planning grounds will not be permitted because of planning benefits offered by developers that do not make the development acceptable in planning terms.
- (e) The council will not seek benefits under a planning agreement that is wholly unrelated to particular development.
- (f) The council will not take into consideration planning agreements that are wholly unrelated to an application, nor will the council give undue weight to a planning agreement.
- (g) The council will not allow the interests of individuals or interest groups to outweigh the public interest when considering a proposed planning agreement.

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(h) The Council will not improperly rely on its position in order to extract unreasonable public benefits from developers under planning agreements.

What matters will the Council consider?

The matters that the Council may consider in any such negotiation may include, but not be limited to, the following:

- (a) Whether the planning agreement meets the demands created by the development for new public infrastructure, amenities and services.
- (b) If inclusions in the development meet specific planning objectives of the Council.
- (c) If compensation is required for the loss of, or damage to, a public amenity, service, resource or asset caused by the development through its replacement, substitution, repair or regeneration.
- (d) Rectification of an existing deficiency in the existing provision of public facilities in the Council's area is made,
- (e) Whether recurrent funding of public facilities is required or provided.
- (f) The extent to which the Council needs to monitor the planning impacts of development.
- (g) Whether planning benefits for the wider community accrue from the planning agreement.

Development that is unacceptable on planning grounds will not be given consent because of unrelated benefits offered by a developer. The most important factor in deciding what planning obligations might be required is likely to be the size of the development, but other factors such as the location or type of development may be relevant. These will establish core information such as likely increase in population and demand for particular public services.

This information will help the Council to determine the application and to prepare the planning agreement.

What will Council require to be provided under planning agreements?

Existing growth levels place strain on existing infrastructure which cannot be met by S94 contributions alone and Council has identified a range of programs and projects which require funding and these are identified in Council's Delivery Plan These programs and projects underpin the goals identified throughout the Community Strategic Plan. A planning agreement is required to reflect the requirements of these two Plans, respect the City of Ryde Development Control Plan and the Integrated Open Space Plan and other key Council documents to address these infrastructure requirements.

The Department of Planning *Practice Note* on Planning Agreements sets out the acceptability tests for assessing whether planning obligations are appropriate in planning terms. These matters have been taken into account when compiling the range of planning obligations which might be sought which is set out in the following tables of Potential Planning Obligation Benefits for the City of Ryde and Macquarie Park.

While the Council will endeavour to standardize development contributions sought under planning agreements, this will not always be possible. However, the Council considers that it is helpful for developers to know the Council's general

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Voluntary Planning Agreements Policy – Procedure for proponents

priorities for planning obligation negotiations. Therefore the Potential Planning Obligation Benefits tables indicate the main types of benefits that the Council will be seeking. Council prefers the collection of funding through a planning agreement as it provides additional funding and allows greater flexibility for the allocation of the spending of the funds.

An outline of the potential planning obligation benefits for the City of Ryde (Potential Planning Obligation Benefits – City of Ryde – Attachment 3) and for Macquarie Park (Potential Planning Obligation Benefits – Macquarie Park – Attachment 4) are attached and Council will maintain a list of suitable projects which could benefit. It is also recognised that the planning Obligation Benefits actually sought may differ from the facilities in the Planning Obligation Benefits attached because negotiations for each proposed development will reflect the circumstances of each case and the needs created by the scale of proposed change.

Therefore, other benefits which are not identified specifically listed may also be relevant. Consequently, the Potential Planning Obligation Benefits tables do not prevent public benefits being negotiated on a case by case basis, particularly where planning benefits are involved.

Recurrent changes

The Council may request developers, through a planning agreement, to make development contributions towards the recurrent costs of public facilities. Where the public facility primarily serves the development to which the planning agreement relates or neighbouring development, the arrangement for recurrent funding may be in perpetuity.

Where the public facility or public benefit is intended to serve the wider community, the planning agreement may only require the developer to make contributions towards the recurrent costs of the facility for a set period which will be negotiated according to the impact of the development.

Pooling of development contributions

Where a proposed planning agreement provides for a monetary contribution by the developer, the Council may disclose to developers that money paid under the agreement may be pooled with money paid under other planning agreements and applied progressively for the different purposes under those agreements.

Pooling may be appropriate to allow public benefits, particularly essential infrastructure, to be provided in a fair and equitable way.

Do other development contributions apply?

The Council has no general policy on whether a planning agreement should exclude the application of s94 or s94A of the Act to development to which the agreement relates. This is a matter for negotiation between the Council and a developer having regard to the particular circumstances of the case.

However, where the application of s94 of the Act to development is not excluded by a planning agreement, the Council will generally not agree to a provision

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R Voluntary Planning Agreements Policy – Procedure for proponents

allowing benefits under the agreement to be taken into consideration in determining a development contribution under section 94.

Where a planning agreement excludes benefits from being taken into consideration under a s94 plan, the provisions of section 94(6) of the EP&A Act does not apply to the benefit. Refer to section 93F(6) of the EP&A Act.

Negotiation, Procedure and Probity

The Council's negotiation system for planning agreements aims to be efficient, predictable, transparent and accountable. Council will seek to ensure that the final negotiation of planning agreements runs in parallel with applications for instrument changes or development applications so as not to unduly delay the approval.

The Council is required to ensure that a planning agreement is publicly notified in the same manner and at the same time as the application for the instrument change or the development application to which it relates.

Council's preference is therefore to have the planning agreement negotiated and documented before it is publicly notified as required by the Act and Regulation. It is also preferable that a planning agreement is negotiated before lodgement of the relevant application and that it accompanies the application on lodgement.

Steps in the negotiation process

The negotiation of a planning agreement will generally involve the following key steps:

- 1. Prior to the lodgement of the relevant application by the developer, an offer of a VPA will be made to Council.
- Senior Council staff meet to discuss possible public domain works or contributions.
- 3. VPA Negotiation Team discusses proposed VPA with proponent.
- 4. Proponent lodges prelodgement plans and draft VPA.
- 5. Prelodgement meeting with B+DAS and proponent to discuss the design.
- VPA Review Panel discusses the draft VPA in conjunction with the prelodgement outcomes.
- 7. Council responds in writing to the proponent as to the whether Council will support the lodgement of the proposal and draft VPA. If supported the proponent is provided with actions to allow for a formal assessment of the proposal.
- 8. Development application/planning proposal, draft VPA (*Attachment 2*), Explanatory Note (*Attachment 1*) and other documentation lodged by the proponent with Council.
- 9. Assessment process and determination.

The Council may approve the application and set out the conditions for the agreement or, if an agreement has been executed, set out in the consent the terms of the agreement.

The parties may be required to undertake further negotiations and, hence, a

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number of the above steps may need to be repeated as a result of the public notification process or its formal consideration by the Council in connection with the relevant application.

 The Council will publicly exhibit the planning agreement and application in accordance with the Act and Ryde Development Control Plan 2010 – 2.1 – Notification of Development Applications.

If the proposal is not supported steps 10 and 11 provide for the proponent to either amend the VPA and have it reconsidered or decide to proceed with a VPA and elect to pay s94 contributions.

Probity

Public probity is important to City of Ryde Council and it will ensure that the negotiation of any planning agreements is fair, transparent and is directed at achieving public benefits in an appropriate manner free of corruption.

In this regard, Council will:

- Inform any applicant about Council values and business ethics specifically, about ethical behaviour appropriate to business dealings.
- Ensure that its communities understand the system and the Council's role specifically, how the planning agreements system operates and how Council will deal with developments objectively.
- Notify planning agreements to ensure they are open and transparent specifically, achieving maximum public awareness of the matters contained in a planning agreement(s) and the potential benefits of an agreement.
- Ensure appropriate delegations and separation of responsibilities in considering development applications that involve planning agreements – specifically, the need to ensure processes adequately address the level of risk of corruption of a process while at the same time being appropriate to the likely level of risk.
- Ensure that modifications to approved development should be subject to the same scrutiny as the original development application.
- Ensure that Councillors and Council staff understand their varied roles, some of which have potential to conflict.
- Take every step to ensure that conflicts of interest are ameliorated to the greater extent possible – specifically, independent assessment by third parties where Council has an interest and not entering into any contractual arrangement which purport to guarantee outcomes that are subject to separate regulatory processes.

The procedures that will be implemented to address these matters may include, but not be limited by, the following procedures:

- (a) The Councillors will not be involved in the face to face negotiation of the agreement but will ultimately approve the planning agreement as part of their duties as Councillors.
- (b) A Council officer with appropriate delegated authority will negotiate a planning agreement on behalf of the Council in accordance with this Policy.

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Policy – Procedure for proponents

- (c) The Council will, in all cases, ensure that Council staff with key responsibility for providing advice on approvals, approving applications or ensuring compliance, do not have a role in the assessment of the commercial aspects of the agreement nor on the conditions of the planning agreement except where advice is required on matters relating to the conditions of consent for a particular proposal.
- (d) The Council may involve an independent person(s) to facilitate or otherwise participate in the negotiations or aspects of it, particularly where this will lead to a better planning outcome.
- (e) The Council will ensure that all negotiations with a developer and their consultants are sufficiently separated and documented.
- (f) Where the Council has a commercial stake in development the subject of an agreement, it will take appropriate steps to ensure that it avoids a conflict of interest between its role as a planning authority and its commercial interest in the development.

Public notification of planning agreements

In accordance with the Act, a planning agreement must be publicly notified and available for public inspection for a minimum period of 28 days. The Council may decide to notify a planning agreement for a longer period or shorter period as permitted by the Act.

The Council will also notify the application to which a planning agreement relates in accordance with and Ryde Development Control Plan 2010 - 2.1 - Notification of Development Applications.

Re-notification

The Council will publicly re-notify and make available for public inspection a proposed planning agreement and the application to which it relates if, in the Council's opinion, a material change is made to the terms of the agreement or the application after it has been previously publicly notified and inspected. Such a change may arise as a consequence of public submissions made in respect of the previous public notification and inspection of the agreement or the application, or their formal consideration by the Council, or for any other reason.

Public comment on planning agreements

The Council encourages the public to make submissions on planning agreements. This will allow the Council to better understand local needs and permit fine tuning of the planning obligations set out in any planning agreement.

Public submissions to planning agreements notifications will be assessed by the Council in accordance with its Notification Policy.

Preparation of the planning agreement

The developer/relevant party will prepare a planning agreement relating to a particular application for an instrument change or development application. The developer/relevant party uses a standard form of planning agreement on which every planning agreement is based which reflects the policies and procedures set

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ATTACHMENT 2

Voluntary Planning Agreements Policy – Procedure for proponents

out in this document (refer *Voluntary Planning Agreement Template – Attachment 2*)). This planning agreement will include an explanatory note prepared in plain English (refer *Explanatory Note Template – Attachment 1*).

The Council will require a planning agreement to make provision for payment by the developer of the Councils costs of and incidental to negotiating, preparing and entering into the agreement as well as administering and enforcing the agreement. Cost may include the payment of a Quantity Surveyor to establish the cost of the key items of the negotiated agreement.

When is a planning agreement required to be entered into?

A planning agreement is entered into when it is signed by all of the parties. The Council will usually require a planning agreement to be entered into as a condition of granting development consent to the development to which the agreement relates. However, a planning agreement can be entered into at any time after the agreement is publicly notified in accordance with the Act and Regulation.

When will planning obligations arise?

The Council will generally require a planning agreement to provide that the developer's obligations under the agreement take effect when the first development consent operates in respect of development that is the subject of the agreement and on gazettal of an Environmental Planning Instrument.

Implementation agreements

The Council may require an implementation plan (*Draft Implementation Plan – Attachment 5*) that provides for matters such as:

- (a) The timetable for provision of planning obligations under the planning agreement.
- (b) The design, technical specification and standard of any work required by the planning agreement to be undertaken by the developer.
- (c) The manner in which a work is to be handed over to the council.
- (d) The manner in which a material public benefit is to be made available for its public purpose in accordance with the planning agreement.
- (e) A warranty period for materials and buildings that form part of any public benefit. These warranties would be for at least 12 months for materials and services such as electrical works and 15 years for buildings.

Monitoring and review of a planning agreement

The Council will continuously monitor the performance of the developer's obligations under a planning agreement and report them in accordance with the Act.

Council will require the planning agreement to contain a provision establishing a mechanism under which the planning agreement is periodically reviewed with the involvement of all parties. This will include a review of the developer's performance under the agreement.

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Modification or discharge of obligations

The Council may agree to a provision in a planning agreement permitting the developer's obligations under the agreement to be modified or discharged in the following circumstances:

- (a) The developer's obligations have been fully carried out in accordance with the agreement, or
- (b) The development consent to which the agreement relates has lapsed, or
- (c) The development consent to which the agreement relates has been modified to such an extent that the planning obligations may not be appropriate, or
- (d) The performance of the planning agreement has been frustrated by an event or events beyond the reasonable control of the parties, or
- (e) The developer has fully and completely assigned the developer's interest under the agreement in accordance with its terms, or
- (f) Other material changes affecting the operation of the planning agreement have occurred, or
- (g) The council and the developer otherwise agree to the modification or discharge of the agreement.

Such a provision will require the modification or revocation of the planning agreement in accordance with the Act and Regulation.

Assignment and dealings by the developer

The Council will not permit the assignment of any or all of the developer's rights or obligations under the agreement, nor will the Council permit any dealing in relation to any part or the whole of the land the subject of the agreement unless:

- (a) The developer has, at no cost to the Council, first procured the execution by the person with whom it is dealing of all necessary documents in favour of the Council by which that person agrees to be bound by the agreement as if they were a party to the original agreement, and
- (b) If the proposed dealing involves a mortgage, charge or other encumbrance in relation to the party's right, title and interest in the land, such documents provide for an agreement by the person to the effect that they, and any receiver appointed by them, will not enjoy rights greater than those of that party, and
- (c) The party in not in breach of this Agreement.

This does not affect the operation of any of other requirements of the agreement.

Provision of security under a planning agreement

The Council will require a planning agreement to make provision for security to cover the Developer's obligation under the agreement. The form of security will generally be an unconditional bank guarantee from an Australian Bank in favour of the Council to the full value of the developer's obligation under the Agreement and on terms otherwise acceptable to the Council.

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Policy – Procedure for proponents

Notations on Certificates under S149(5) of the Act

The Council will generally require a planning agreement to contain an acknowledgement by the developer that the Council will make a notation under S149(5) of the Act about a planning agreement on any certificate issued under s149(2) of the Act relating to the land the subject of the agreement or any other land.

Registration of planning agreements

The Council may require a planning agreement to contain a provision requiring the developer to agree to registration of the agreement pursuant to s93H of the Act if the requirements of that section are satisfied.

Dispute resolution

The Council will require a planning agreement to provide for mediation of disputes between the parties to the agreement before the parties may exercise any other legal rights in relation to the dispute.

Will Council allow the application of SEPP 1/Clause 4.6 of City of Ryde LEP 2010?

Variation to applicable development standards under State Environmental Planning Policy No.1 – Development Standards (SEPP 1) and City of Ryde LEP 2010 as part of a planning agreement or application will not be permitted unless the Council is of the opinion that the tests within SEPP1 are satisfied and the proposed planning agreement addresses the matters specifically required to be addressed under SEPP1 in relation to the dispensation sought.

How will the Council value public benefits under a planning agreement?

If the benefit under a planning agreement is the provision of land for a public purpose, the Council will generally seek to value the benefit on the basis of the market value of the land. This market value is to be provided by the proponent and independently valued.

If the benefit under a planning agreement is the carrying out of works for a public purpose, the Council will generally seek to value the benefit on the basis of the estimated value of the completed works on the basis of a cost estimate prepared by a registered quantity surveyor.

In either instance, the costs of the valuation of the benefits are to be at no cost to the Council.

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R Voluntary Planning Agreements Policy – Procedure for proponents

Attachments

Number	Title	Trim Reference
1.	Explanatory Note Template	D11/43094
2.	Voluntary Planning Agreement Template	D11/43204
3.	Potential Planning Obligation Benefits – City of Ryde	D11/43208
4.	Potential Planning Obligation Benefits – Macquarie Park	D11/43210
5.	Draft Implementation Plan	D11/43214
6.	Dictionary	D11/43217

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ATTACHMENT 2

Voluntary Planning Agreements Policy - Potential Planning Obligation Benefits – City of Ryde

Related Policy

These potential planning obligation benefits are related to the Voluntary Planning Agreement Policy.

POTENTIAL PLANNING OBLIGATION BENEFITS

Possible requirements:

The following is a list of possible requirements that Council may have for planning agreements. They are not exhaustive and developers are encouraged to discuss these or other requirements that may be included in a planning agreement. Planning agreements may involve monetary contributions, partial or full construction of new facilities, expansion, upgrades, augmentations, embellishments, fit-outs and resourcing of existing facilities or any other public benefit as agreed to by the Council:

Infrastructure	Accessibility improvements - accessible parking, kerb ramps,		
	modifications to public buildings or areas		
	Roads – design and construction		
	Integrated Open Space Plan - open space and other public		
	spaces, embellishment.		
	Drainage and storm water controls		
	Traffic measures		
	Transport outcomes		
	Recreation linkages both for pedestrians and cyclists.		
	Telecommunication networks		
	Power, water, gas		
	Communications and information technology such as WIFI		
	public space		
Coolifica -	Bridges (vehicular and pedestrian)		
Facilities	Community services – meeting rooms, halls, libraries		
	Child care and family health care centres		
	Public toilets		
	Youth spaces Leisure and recreation facilities		
	Performance spaces		
	Civic spaces		
	Public car parking areas and commuter parking Bus shelters		
	Family care facilities		
	Sport, recreation and activity centres		
	Business, research and creative industries incubator space		
	and ancillary uses		
	Affordable Housing		

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ATTACHMENT 2

Voluntary Planning Agreements Policy - Potential Planning Obligation Benefits – City of Ryde

Public domain	Paving – paths, streets and open space areas
improvements	Street tree plantings - streets and open space areas
	Furniture – seats, bins
	Banners
	Public art in streets, open space and other public domain space Kerbs and gutters
	Treatment and/or features in public places
	Facilities such as kiosk in parks and open spaces
	Public leisure, sport and recreation facilities
	Environmental management improvements such as water and energy minimising devices Water quality devices
	Water bubblers, lockers and other amenities
	Signage including suburb identification, way finding, parking, interpretation and information signs for pedestrians, cyclists and vehicular users
Other	Cash contributions
	Land such as dedications for parks, facilities, recreation
	connectivity and new roads
	Contributions for the development of community facilities
	plans and cultural facilities plans
	Aboriginal site protection
	Other benefits in line with Council plans and strategies -
	including plans of management, flood plan management
	plans, traffic and transport plans, master plans, development
	controls plans, the Integrated Open Space Plan, Street Tree
	Masterplan, Children's Play Implementation Plan, Urban
	Forest Plan local environmental plans and the Community
	Strategic Plan and Delivery Plan.

New of Press law	Name of Procedure		
News of Press due	Name of Procedure		
Name of Dessedues	Name of Procedure		
	Name of Procedure	Name of Broodure	
Owner: Urban Planning Accountability: Manager Urban Planning Issue Date: 24/5/2011			



ATTACHMENT 2

Voluntary Planning Agreements Policy - Potential Planning Obligation Benefits – Macquarie Park

Related Policy

These potential planning obligation benefits relate to the Voluntary Planning Agreements Policy.

POTENTIAL PLANNING OBLIGATION BENEFITS MACQUARIE PARK

Possible requirements:

The following is a list of possible requirements that Council may have for planning agreements. They are not exhaustive and developers are encouraged to discuss these or other requirements that may be included in a planning agreement. Planning agreements may involve monetary contributions, partial or full construction of new facilities, expansion, upgrades, augmentations, embellishments, fit-outs and resourcing of existing facilities or any other public benefit as agreed to by the Council:

	Infrastructure	Streets, pedestrian and cyclist linkages and footpaths
		as identified in Ryde DCP 2010: Part 4.5 Macquarie
	× .	Park Corridor.
		Integrated Open Space Plan - open space and other
		spaces, embellishments.
		Drainage and storm water controls
		Traffic measures
		Transport outcomes
		Telecommunication networks
		Power, water, gas
		Communications and information technology such as
		WIFI public space
	i e	Bridges (vehicular and pedestrian)
		Pedestrian and cycle bridges over the M2
	Facilities	Community services – meeting rooms, halls, libraries
		Child care and family health care centres
		Public toilets
		Youth spaces
		Leisure and recreation facilities.
		Performance spaces
		Civic spaces
		Public car parking areas and commuter parking
		Bus shelters
		Family care facilities
		Sport, recreation and activity centres
		Business, research and creative industries incubator
		space and ancillary uses
		Affordable Housing
		Name of Procedure
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ATTACHMENT 2

Voluntary Planning Agreements Policy - Potential Planning Obligation Benefits – Macquarie Park

Public doma	in Paving – paths, streets and open space areas
improvements	Street tree plantings - streets and open space areas
	Furniture – seats, bins
	Banners
	Public art in streets, open space and other public
	domain space
	Kerbs and gutters
	Treatment and/or features in public places
	Facilities such as kiosk in parks and open spaces
	Turf
	Public leisure, sport and recreation facilities
	Environmental management improvements such as
	water and energy minimising devices
	Water quality devices
1 C C C C C C C C C C C C C C C C C C C	Water bubblers, lockers and other amenities
	Signage including suburb identification, way finding,
	parking, interpretation and information signs for
	pedestrians, cyclists and vehicular users
Other	Cash contributions
	Land such as dedications for parks, pedestrian and
	recreation connectivity and new roads
	Contributions for the development of community
	facilities plans and cultural facilities plans
	Aboriginal site protection
	Other benefits in line with Council plans and strategies
	for Macquarie Park Corridor including plans of
	management, flood plan management plans, traffic
	and transport plans, master plans, development
	controls plans, integrated open space, local
-	

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6 RYDE HERITAGE ADVISORY COMMITTEE REQUEST COUNCIL CONSIDER OPTIONS FOR HERITAGE LISTING RYDE CIVIC CENTRE SITE

Report prepared by: Team Leader - Strategic Planning File No.: GRP/12/5/5/5 - BP13/1062

REPORT SUMMARY

On 17 April 2013 Ryde Heritage Advisory Committee (HAC) recommended that a report be presented to Council on options to heritage list the Civic Centre Site. Council has undertaken four heritage studies since 1988 and the Ryde Civic Centre has not been identified for heritage listing in any one of the studies. A Community Heritage Study prepared in 2010 aimed to list buildings that might have been missed by the previous studies. Due to considerable community concern, Council resolved, on 17 August 2010, not to pursue heritage listing any property unless the land owner of the property applied for a heritage listing of the property.

Heritage listing must be based on whether or not a place has Cultural Significance. The definition of Cultural Significance is established by the *Burra Charter* which guides Australian conservation practice. According to the *Burra Charter* "cultural significance means aesthetic, historic, social or spiritual value for past, present or future generations".

The HAC minutes of 17 April 2013 record that a member of HAC was concerned that Ryde Civic Centre is to be demolished and replaced by a 20 storey building. However, Council has undertaken a number of actions to ensure that the Civic Centre be retained and upgraded to a standard suitable for its present administrative use including:

- Preparation of a planning proposal to rezone the Civic Precinct to SP2 Special Uses / RL 91 (i.e. height of existing building), and
- A 5 year maintenance program at a cost of up to \$4.85M.

This report considers 2 options.

- 1. Prepare a heritage study to assess the cultural significance of the Ryde Civic Centre. If found to have cultural significance it will be recommended that Council pursue heritage listing the Civic Centre.
- 2. Do not prepare a heritage study. Do not pursue heritage listing.

Option 2 is preferred because:

- The Ryde Civic Centre is not under threat of demolition and council is expending up to \$4.85M on its maintenance.
- The Civic Centre was not identified for listing in either of the two comprehensive city wide heritage studies undertaken by the City of Ryde. The city wide heritage studies considered all sites in the city.
- To pursue heritage listing a site specific heritage study will first need to be prepared by an independent and experienced heritage professional at an estimated cost of \$50,000-60,000.



• There is a risk that after preparing a study an experienced heritage professional may not find that Civic Centre has cultural significance.

Accordingly this report will recommend that Council does not pursue listing the Ryde Civic Centre.

RECOMMENDATION:

- (a) That Council receive and note the recommendations of the Ryde Heritage Advisory Committee.
- (b) That the Acting General Manager write to the Ryde Community Alliance advising that the Ryde Civic Centre is not being demolished and that Council has allocated a substantial budget for its upgrade and maintenance.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Lexie Macdonald Team Leader - Strategic Planning

Report Approved By:

Meryl Bishop Manager - Urban Planning

Dominic Johnson Group Manager - Environment & Planning



Background

The Ryde Heritage Advisory Committee meeting of 17 April 2013 considered a letter from the NSW Office of Environment and Heritage. An excerpt of the minutes follows:

At the request of Ms Minnifie the Mayor tabled a letter from the NSW Office of the Environment and Heritage (OE &H) dated 11May 2012.

- The OE &H letter responds to a request from the Ryde Community Alliance to State Heritage List the Ryde Civic Centre. The letter advises that:
 - Ryde Civic Centre does not meet the criteria for State Heritage Listing.
 - The building may/may not have potential for local heritage listing.
- The Mayor also tabled the Council resolution (Committee of the Whole No. 12/10 17 August 2010) which states that:
 - The Heritage Study be discontinued and removed from the 2011-2012 [Ryde Council Management] Plan (Note: the purpose of this heritage study was to identify and list places that might have been missed by the 2 previous heritage studies undertaken by Council); and
 - Council will not pursue heritage listing unless the land owner of the property applies for the listing.
- Ms Minifie advised in regards to the Civic Centre, she feels there is a significant risk of the building being lost and replaced with a 20 storey building.
- The Mayor advised that Council has resolved to keep Ryde Civic Centre and it is not under threat.
- Cr Perram advised that as the building is to be retained council is developing a detailed maintenance program which will address deferred maintenance including issues with the windows and porous brickwork. As a result the exterior of the building and its architectural qualities may change considerably. There is a question as to whether or not this would impact on the likely heritage significance and also on council's ability to undertake the necessary works to upgrade the building.

The Heritage Advisory committee recommended that:

Heritage Officer presents a report to Council on options for Council to pursue heritage listing of the Civic Centre Site.

Discussion

This discussion will expand on the matters raised by the Heritage Advisory Committee (HAC) in their minutes of 17 April 2013.



<u>Council has undertaken four heritage studies</u> and the Ryde Civic Centre was not identified for heritage listing in any one of the studies undertaken to date. The first two citywide studies (conducted 1988 and 2001 respectively) were undertaken by experienced heritage professionals who considered all sites within the city and did not identify the Civic Centre for heritage listing. The first two city wide studies resulted in the majority of the 174 Heritage Listings that appear in the Ryde Local Environmental Plan (LEP) Schedule 5. The third study (also by heritage professionals) was undertaken for the Gladesville Master Plan and resulted in some additional listings being included in the LEP. The fourth study – a Community Heritage Study - aimed to list buildings that might have been missed by the previous studies. It resulted in the heritage listing of 24 new items (including 13 stone markers).

Due to considerable community concern expressed in submissions to the proposed heritage listings Council resolved, on 17 August 2010, not to pursue heritage listing of any property unless the land owner of the property applies for a heritage listing of the property. The resolution is copied in part below.

- (f) That the properties that have been rejected from this process not be considered by Council in any future heritage studies.
- (g) That the proposed Heritage Study in the [Ryde Council] Management Plan for 2011-2012 be discontinued and be removed from the 2011-2012 Plan.
- (h) That Council not pursue compulsory heritage listing of any property unless the land owner of the property applies for a heritage listing of the property.

As no report since 1988 has proposed that an application be made to heritage list the Ryde Civic Centre, the site has not been listed.

Criteria for Heritage Listing Places

The following discussion does not address the listing of Aboriginal Places which is governed by the provisions of the National Parks and Wildlife Act.

An item is heritage listed if it is included in the:

- NSW State Heritage Register
- s170 Registers of NSW Government Agencies (required to be established by the NSW Heritage Act) and / or in the
- Ryde LEP Schedule 5. (Note: In addition to local listings, Ryde's LEP also reflects the above listings).

In order to be heritage listed a structure or place must be culturally significant. The definition of Cultural Significance is established by the *Australia International Council on Monuments and Sites* (ICOMOS) *Charter for Places of Cultural Significance* (*Burra Charter*) which guides conservation practice in Australia. ICOMOS is an international organisation of professionals which advises UNESCO and governments on Heritage Conservation and World Heritage in particular.



According to the *Burra Charter* "cultural significance means aesthetic, historic, social or spiritual value for past, present or future generations". The Burra Charter argues that:

Places of cultural significance enrich people's lives, often providing a deep and inspirational sense of connection to community and landscape, to the past and to lived experiences. They are historical records that are important as tangible expressions of Australian identity and experience. Places of cultural significance reflect the diversity of our communities, telling us about who we are and the past that has formed us and the Australian landscape. They are irreplaceable and precious.

These places of cultural significance must be conserved for present and future generations. The Burra Charter advocates a cautious approach to change: do as much as necessary to care for the place and to make it useable, but otherwise change it as little as possible so that its cultural significance is retained.

Heritage listing is not based on whether or not a building is to be demolished. It must be based on whether or not a building or place has cultural significance. If any other approach is taken then Ryde's current heritage listings are devalued. The *Burra Charter* advocates that research be undertaken to understand and assess cultural significance and this is the usual process of Council. This report will therefore consider the option of undertaking a study to assess the cultural significance of the Ryde Civic Centre.

The process for Heritage Listing Items

The process for Heritage Listing is as for any LEP amendment and outlined in the Gateway Process as follows:

- 1. The Relevant Planning Authority (in this case Council) prepares and resolves to proceed with an amendment to the LEP (known as a Planning Proposal).
- 2. Information regarding the Planning Proposal is submitted to the NSW Minister for planning who issues a Gateway Determination if it is considered that the Planning Proposal should proceed.
- 3. Community Consultation.
- 4. The council considers submissions and either endorses the Planning Proposal (sometimes with amendment) or decides not to proceed.
- 5. Assuming the council supports a Planning Proposal it is submitted to the NSW Minister for Planning for making.
- 6. If supported, the LEP amendment is notified on the NSW government legislative website and brought into effect.

To add the Ryde Civic Centre to Ryde LEP Schedule 5 will require the preparation of a Planning Proposal. The process would take between 6-12 months.



Ryde Civic Centre is not under threat of demolition

The HAC minutes of 17 April 2013 record that a member of HAC expressed concern that Ryde Civic Centre is to be demolished and replaced by a 20 storey building.

Council has undertaken a number of actions that will ensure that the Civic Centre is retained and upgraded to a standard suitable for its present administrative use including:

- Resolution of 13 November 2012 to prepare a planning proposal to rezone the Civic Precinct to SP2 Special Uses / RL 91 (i.e. height of existing building)
- Resolution of 12 February 2013 to submit the Planning Proposal to rezone the Civic Precinct to NSW Minister for Planning for a Gateway Determination.
- Resolution of 14 May 2013 to undertake a 5 year maintenance program on the Civic Centre at a cost of up to \$4.85M and to include the project in the Four Year Delivery Plan (budget).

The abovementioned council resolutions are copied in full below.

Council on 13 November 2012 resolved that:

- (a) Council staff immediately develop a project plan to expedite the rezoning of the Civic Centre site back to RL91 with a density of 60,000sq metres and to be zoned SP2 community use through a planning proposal.
- (b) Council staff prepare a list of priority maintenance required at the Civic Centre – using the existing building condition reports. This priority list is to be based on Workplace Health and Safety issues. This list is to be considered in the context of the 4 Year Delivery Plan.

Council on 12 February 2013 resolved:

- (a) That Council forward the planning proposal for the Ryde Civic Precinct to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessmen: Act 1979 and that the Ministers delegation enabling Council to determine the LEP be requested.
- (b) That, in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition and a further report be presented to Council following the completion of the exhibition period.
- (c) That an amendment to Ryde Development Control Plan (DCP) 2010 Part 4.4 Ryde Town Centre be prepared that brings controls in line with the proposed height and zoning changes to the Ryde Civic Precinct and that a further report be presented to Council prior to exhibition of that amendment.
- (d) That Council allocate \$35,000 for the employment of a planning consultant to undertake an independent assessment of the Planning Proposal for the Ryde Civic Precinct following the public exhibition of the proposal.



On 14 May 2013 Council resolved:

- (a) That Council approve and delegates to the Acting General Manager authority to implement the five year costed Civic Centre maintenance schedule up to a cost of \$4.85 million, as detailed in this report and to incorporate into Council's 4 Year Delivery Plan, 2013-2017, and the 1 Year Operational Plan for 2013-2014.
- (b) That Council endorses the funding of these works as detailed in the report, from the unexpended funds for the urgent works at the Civic Centre, with the balance of up to \$4.5 million to be allocated from Council's Investment Property Reserve.

Options

- 1. Prepare a heritage study to assess the cultural significance of the Ryde Civic Centre and present findings of the study to HAC and Council. If the Civic Centre is found to have cultural significance it will be recommended that Council pursue heritage listing.
- 2. Do not prepare a heritage study. Do not pursue heritage listing.

Option 2 is preferred because:

- The Ryde Civic Centre is not under threat and council is expending considerable funds (up to \$4.85M) on its maintenance.
- To pursue heritage listing a heritage study will first need to be prepared by an independent and experienced heritage professional at an estimated cost of between \$50,000 and \$60,000. Council has prepared 4 heritage studies 3 by professionals and a community based study. The 2010 community based study resulted in considerable community concern and as a result council resolved not to heritage list any building unless the land owner requested it.
- There is a risk that after preparing a study an experienced heritage professional may not find that Civic Centre has cultural significance.

Accordingly this report will recommend that Council does not pursue listing the Ryde Civic Centre.

Financial Implications

Should Council seek to pursue Heritage listing the Ryde Civic Centre, a minimum of \$50,000 would be required to complete a site specific heritage report.



7 ADVISORY COMMITTEE - AUDIT AND RISK COMMITTEE MINUTES OF MEETING OF 6 MAY 2013

Report prepared by: Internal Auditor File No.: COR2012/269/4/1 - BP13/1052

REPORT SUMMARY

Council's Advisory Audit and Risk Committee met on 6 May 2013. As resolved by Council the Audit and Risk Committee has reviewed the May 2010 Terms of Reference and has proposed a few minor changes for Council's endorsement

The adopted Terms of Reference are attached (ATTACHMENT 1).

The Committee made a recommendation submitted in the attached Minutes (ATTACHMENT 2 – CONFIDENTIAL – Under Separate Cover) for Council's consideration and endorsement.

RECOMMENDATION:

That Council endorse the attached Terms of Reference for its Audit and Risk Committee (ATTACHMENT 1).

ATTACHMENTS

- 1 Terms of Reference May 2013
- 2 Minutes of the Audit and Risk Committee meeting 6 May 2013 CONFIDENTIAL

Report Prepared By:

Behram Zandbaf Internal Auditor

Report Approved By:

John Schanz Manager - Risk and Audit

Danielle Dickson Acting General Manager



Discussion

The Audit and Risk Committee met on 6 May 2013. A review of the Terms of Reference was conducted in accordance with Council's resolution of 27 November 2012

"Council resolved *inter alia* on 27 November 2012 that *each Advisory Committee be requested to review their Terms of Reference at their first meeting and report back to Council for confirmation on this matter*".

The Committee endorsed the following minor changes. A Copy of the minutes is included in **ATTACHMENT 2 – CONFIDENTIAL – Under Separate Cover**.

- Number of meetings changed to 4 per year (as opposed to 3).
- Legislative Compliance (Cl 4.1.4(a) of Charter)
- The Committee advised to alter wording from "Department" of Local Government to "Division" of Local Government.
- Internal Audit (CI 4.1.5(f) of Charter)
- The Committee advised to alter Review of the Internal Audit Charter from "periodically" to "once every 2 years"
- The Committee also recommended that the footer of the Terms of Reference document be changed to include a version number and date.
- It was also recommended that this be reviewed for application to all Council Advisory Committees



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ATTACHMENT 1

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Terms of Reference AUDIT AND RISK COMMITTEE

Agenda of the Council Meeting No. 16/13, dated Tuesday 13 August 2013.



ATTACHMENT 1

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Document Version Control

Document Name:	Terms of Reference - Audit and Risk Committee
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Date:	March 2013
Author:	City of Ryde
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Change History

Version	Issue Date	Author	Reason for Change
1.1	18 May 2010	John Schanz	To bring in line with the Resolution of Council 20 April 2010 - Provision for casual vacancies: page 6 - 7
1.2	14 March 2013	John Schanz	To bring in line with the Resolution of Council March 2013

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ITEM 7 (continued)

ATTACHMENT 1

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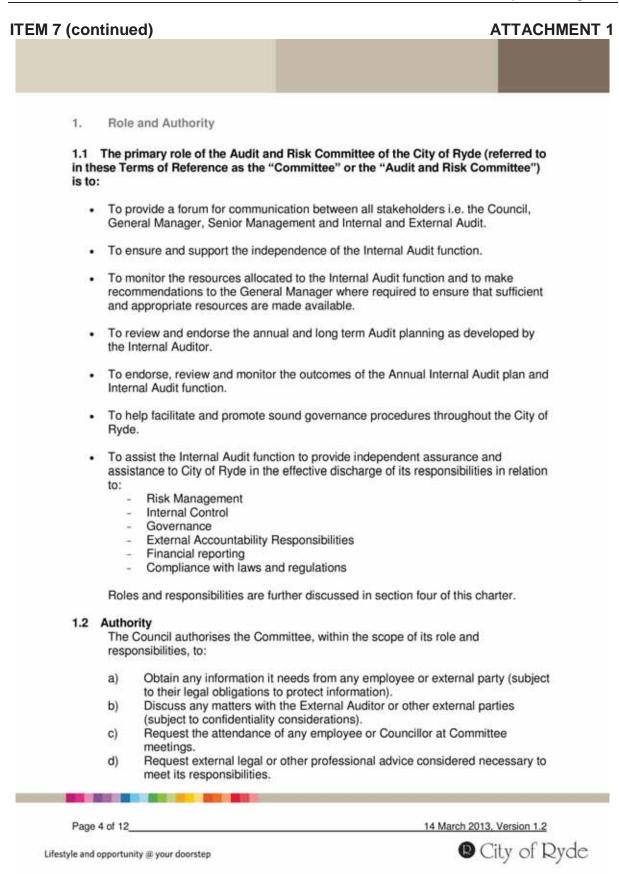
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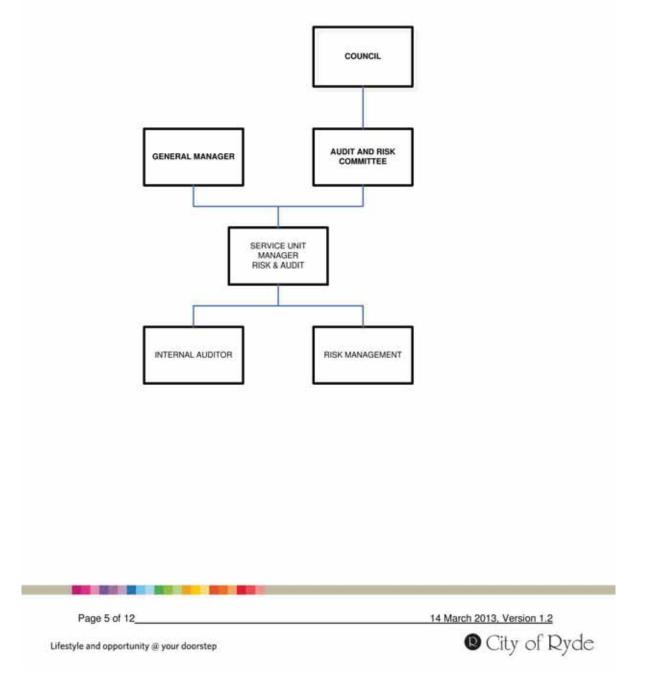


ATTACHMENT 1

1.3 Reporting relationships

The Audit and Risk Committee's relationships with Council, other Council Committees and internal reporting relationships are represented diagrammatically below;

INTERNAL AUDIT REPORTING STRUCTURE





ATTACHMENT 1

2. Membership, Chairperson and Voting

2.1 Membership of the Audit and Risk Committee will comprise:

2.1.1 Voting Members

- a) Independent external members two
- b) Councillors two

2.1.2 Non-voting advisors (these persons will ordinarily attend all or relevant parts of the meetings)

- a) General Manager
- b) Service Unit Manager Risk and Audit
- c) Internal Auditor

2.1.3 Other persons

The Audit and Risk Committee may request the following persons to attend all or part of the meetings to present relevant information as required:

- a) Other Council officers.
- b) Representative of the External Auditor.
- c) Other external parties.
- d) Other Councillors.

Membership of the Committee can be withdrawn by resolution of Council only. Council staff will be appointed and removed by the General Manager.

2.1.4 Alternates

The two Councillor members of the Audit and Risk Committee shall each have a nominated alternate. These alternates shall be nominated by resolution of Council and can only attend meetings in place of the member where that member is unable to attend the meeting and has registered an apology.

2.1.5 Casual Vacancy

A casual vacancy caused by the resignation or death of a Member will be filled by undertaking the following process:

(i) Where a casual vacancy occurs, the Committee Facilitator will report this matter to the next Committee meeting and record it appropriately in the Minutes, and highlight it in the report to the next available Council or Committee of the Whole Meeting.

- The Committee Facilitator will provide a report to next available Council or Committee of the Whole Meeting regarding the proposed replacement that will give consideration to the following options;
 - (a) If the Member was nominated as the representative of an organisation it will be recommended that the organisation be invited to nominate a replacement representative (if no alternate member has previously been nominated).

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Agenda of the Council Meeting No. 16/13, dated Tuesday 13 August 2013.

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- (b) If the Member was nominated as an individual, the Committee Facilitator will review the original expressions of interest received and will confirm if any of those individuals who previously nominated, are still prepared to be considered as a member of the respective committee for the Committee.
- (c) Where, due to either no other previous nominations, or those nominations not being current, an expression of interest will be called for in replacing member/s, for appointment by Council.
- (d) Where a vacancy occurs within 9 months of the end of the Term of the current Council, the vacancy will not be filled

(iii) Once endorsed by Council, a Member filling a casual vacancy will hold office for the remainder of the term of the Member he/she has replaced

2.2 Chairperson

The Audit and Risk Committee will be chaired by one of the Independent External members. The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set by the agenda. All remarks by members of the Committee and others present shall be made through the Chairperson. In the absence of the Chairperson, the other independent member of the Committee or a Councillor member shall chair the meeting.

Council's Code of Meeting Practice shall be used as the reference guide for any matters pertaining to the Committee meetings which are not otherwise outlined in these Terms of Reference.

2.3 Tenure

The Independent External Members will be appointed for a term of two years, after which they may be eligible for extension or re-appointment.

2.4 Assessment of Committee performance

The Chairperson of the Committee will initiate a review of the performance of the Committee every twelve months. This review will consider the performance of individual members of the Committee as well as overall performance. The review will be conducted on the following basis:

- Self-assessment by the Committee
- An assessment by stakeholders with input sought from the Council, the General Manager, the Service Unit Manager Risk and Audit, the Internal Auditor and the External Auditor.

The assessment will be conducted utilising a standard evaluation format. The assessment of the performance of the Audit and Risk Committee will be presented to Council for its review. Any action proposed that arises from this review can only be taken as a result of a decision of Council.

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ITEM 7 (continued)

ATTACHMENT 1

2.5 Competencies

At least one member of the Committee shall have accounting or related financial management experience with understanding of accounting and auditing standards in a public sector environment.

2.6 Induction and Training

New members will receive relevant information and briefings on their appointment to assist them to meet their Committee responsibilities.

2.7 Administrative Support

The Audit and Risk Committee will be provided with administrative support by the Office of the General Manager.

2.8 Responsibilities of Members

Members of the Committee are expected to:

- Understand the relevant legislative and regulatory requirements appropriate to City of Ryde.
- b) Contribute the time needed to study and understand the papers provided.
- c) Apply good analytical skills, objectivity and good judgment.
- Express opinions frankly, ask questions that go to the fundamental core of issues, and pursue independent lines of enquiry.
- e) Abide by the City of Ryde's Code of Conduct.

2.9 Committee Facilitator

A Committee Facilitator shall be appointed by the General Manager. The Facilitator shall be a staff member of Council and is responsible for cocoordinating the preparation of agendas, invitations and minutes of the Committee. The Facilitator shall also be responsible for co-ordinating any presentations from guest speakers.

2.10 Voting

No formal voting rules apply. As the Committee has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be a decision of Council unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.

2.11 Proxy

No voting by proxy is permitted. Only members in attendance at the meeting shall be entitled to participate in the decision making process of the Committee.

If a member is unable to attend the meeting but wishes to be in attendance for discussion of a particular matter, he/she can notify the Chairperson prior to the meeting to request deferral of the item to a subsequent meeting or to request that the Chairperson formally indicate the member's view to the Committee during the discussion on the matter.

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ATTACHMENT 1

The Committee shall decide if a matter is to be deferred to a subsequent meeting based on the representations made to the Chairperson by the absent member.

2.12 Attendance at meetings

The attendance by members at meetings of the Audit and Risk Committee shall be recorded. Where a member does not attend and does not provide an apology for 2 consecutive meetings, this will be reported to Council and a determination will be made by Council as to their ongoing tenure on the Committee. The attendance at meetings by all members will be presented in Council's Annual report.

3. Meetings

3.1 Scheduling of meetings

The Audit and Risk Committee will meet four (4) times per year with one of these meetings to include review of the annual audited financial reports and external audit opinion. Another of these meetings will specifically consider the Annual and Long Term Internal Audit plans.

3.2 Additional meetings

The Chairperson of the Audit and Risk Committee may convene additional meetings if required. Other Committee members may submit requests to the Chairperson for additional meetings.

3.3 Forward meeting plan

A forward meeting plan, including meeting dates and agenda items, will be agreed by the Committee each year. The forward meeting plan will cover all Committee responsibilities as detailed in this Audit and Risk Committee Charter.

3.4 Distribution of agenda and working papers

The agenda & meeting papers shall be circulated to members at least 5 working days prior to meeting. Each meeting shall be properly recorded by the taking of minutes.

3.5 Conflicts of Interest

Committee members must declare any conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members or invitees at Committee meetings are deemed to have a real or perceived conflict of interest, it may be appropriate they be excused from Committee deliberations on the issue where the conflict of interest may exist. The final arbiter of such a decision is the Chairperson of the Committee.

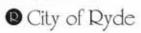
3.6 Quorum

A minimum of three (3) members of the Audit and Risk Committee will need to be in attendance to constitute a quorum, including at least one independent member. Meetings can be held in person or by telephone or video-conference.

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3.7 Public Participation

Due to the often confidential nature of the items presented at the meetings, all meetings of the Committee will be closed to the public.

3.8 Record keeping

The agendas and minutes of the Committee shall be stored as a permanent record of Council, as determined by the General Manager. Any questions by members regarding the minutes are to be referred immediately to the Committee Facilitator and if any error in the minutes is confirmed, the Committee Facilitator shall arrange to make the appropriate changes. Minutes will be completed within 2 weeks of the Committee meeting and then reported to the next available meeting of the Council.

4. Responsibilities of the Audit and Risk Committee

The Committee has no executive powers, except those expressly provided by the Council. In carrying out its responsibilities, the Committee must at all times recognise that primary responsibility for management of Council rests with the Council and the General Manager as defined by the Local Government Act.

In addition to the role outlined under section 1.1 above, the Committee's responsibilities include an oversight function in the following specific areas:

4.1.1 Risk Management - review whether or not

- a) Management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of business and financial risks, including fraud. Ensure that these risks are taken into account when formulating Internal Audit planning.
- A sound and effective approach has been followed in establishing business continuity planning arrangements, including whether plans have been tested periodically.

4.1.2 Control Framework – review whether or not

- Management has adequate and sound internal controls in place.
- b) Management has in place relevant policies and procedures, and these are periodically reviewed and updated.
- Appropriate processes are in place to assess whether policies and procedures are complied with.
- Appropriate policies and procedures are in place for the management and exercise of delegations.
- Management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

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ATTACHMENT 1

4.1.3 External Accountability

- Review the financial statements and External Audit opinion, including whether appropriate action has been taken in response to audit recommendations and adjustments.
- b) Consider contentious financial reporting matters in conjunction with Council's management and External Auditors.
- c) Periodically review External Audit plans and reports in respect of planned or completed External Audits, and monitor the implementation of audit recommendations by management.
- Consider significant issues raised in relevant External Audit reports and better practice guides, and ensure appropriate action is taken.

4.1.4 Legislative Compliance

- Determine whether management has used best endeavours in appropriately considering legal and compliance risks as part of risk assessment and management arrangements as guided by the Division of Local Government.
- B) Review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

4.1.5 Internal Audit

- Act as a forum for communication between the Council, General Manager, senior management, Internal Audit and External Audit.
- Beview the Internal Audit coverage and Internal Audit Plan, ensure the plan has considered the Risk Management Framework, and endorse the plan for approval by Council.
- Consider the adequacy of Internal Audit resources to carry out its responsibilities, including completion of the approved Internal Audit Plan.
- Review audit reports and consider significant issues identified in audit reports and action taken on issues raised, including identification and dissemination of better practices.
- Monitor the implementation of Internal Audit recommendations by management.
- Review the Internal Audit Charter once every 2 years ensuring appropriate organisational structures, authority, access and reporting arrangements are in place.
- g) Periodically review the performance of Internal Audit.
- 5. Communications & Reporting

5.1 Reporting

The Committee shall report back to Council following each meeting. The report shall provide Council with the following as applicable:

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ATTACHMENT 1 Minutes of each meeting Any significant issues The Committee through the Chairperson shall also submit and present a formal report outlining its major achievements, issues identified and other relevant matters to a closed session of a Council meeting on an annual basis. 5.2 Other reports The Committee can also elect to report to Council at other times. Examples where this may be required include proposed significant changes to the scheduled Audit tasks as per the endorsed Internal Audit plan. Information requirements of the Audit and Risk Committee 5.3 The Audit and Risk Committee will be presented with the following standing information for each meeting. Progress against the adopted Annual Internal Audit Plan Suggested amendment to the Annual Internal Audit Plan Status of completed Internal Audit reports - A report outlining any relevant correspondence received from regulatory authorities such as the Independent Commission Against Corruption (ICAC), the NSW Ombudsman's Office, Department of Local Government or the NSW Auditor General. The Annual Internal Audit Plan shall be presented to the Audit and Risk Committee for endorsement at the meeting held prior to the commencement of the ensuing financial year. Code of Conduct and other Council Policies 6. 6.1 Code of Conduct Each Committee member who is not otherwise a Councillor or staff member shall be provided with a copy of Council's Code of Conduct and other related policies that may be applicable to the operation of the Committee. The conduct of each Committee member is expected to be consistent with the principles outlined in these Council publications. Members of the Committee are not permitted to speak to the media as representatives of the Committee unless approved by Council. Page 12 of 12 14 March 2013, Version 1.2 Ocity of Ryde Lifestyle and opportunity @ your doorstep



8 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE - TERMS OF REFERENCE

Report prepared by: Economic Development Manager File No.: URB/08/1/7/5 - BP13/1060

REPORT SUMMARY

This report provides Council with a summary of details of the Economic Development Advisory Committee. As resolved by Council, at its first meeting this Committee reviewed the 2010 Terms of Reference, and are proposing minor changes and updates.

This report recommends that Council confirms these Draft Terms of Reference as amended by the Committee on 17 April 2013.

RECOMMENDATION:

That Council confirms the **ATTACHED** Draft Terms of Reference for the Economic Development Advisory Committee, noting the following minor changes:

- There are now four Chambers of Commerce following the amalgamation of Ryde and Macquarie Park Chambers.
- A reference to the inclusion of representatives of the Armenian Chamber of Commerce as a member of the Committee.

ATTACHMENTS

1 Economic Development Advisory Committee Draft Terms of Reference (Version 1.4)

Report Prepared By:

Nathan Pratt Economic Development Manager

Report Approved By:

Meryl Bishop Manager - Urban Planning

Dominic Johnson Group Manager - Environment & Planning



Background

At its meeting of 27 November 2012, Council resolved that Councillor Jeff Salvestro-Martin would be the Chair of the Economic Development Advisory Committee until September 2013. Councillors who wished to become a Councillor delegate for this Committee were requested to advise the Councillor HelpDesk. Councillor Artin Etmekdjian and Councillor Craig Chung have nominated to become members of this Committee.

Council also resolved that at its first meeting, each Advisory Committee was to review the Terms of Reference from the previous period and to report back to Council for confirmation.

The first meeting of Economic Development Advisory Committee occurred on 17 April 2013, and the 2010 Terms of Reference were reviewed. The proposed draft Terms of Reference (ATTACHMENT 1) includes two minor changes and updates:

- Updating of the formatting and content to reflect the standard Terms of Reference, which was endorsed by Council on 23 October 2012
- Noting the amalgamation of Ryde-Macquarie Park Chamber of Commerce and the inclusion of "Armenian Chamber of Commerce": page 5

Recommendation

It is recommended that Council confirms the amendments to the Terms of Reference.

Financial Implications

The recommendations in this report will be met from the current budget allocation for Advisory Committees.



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ATTACHMENT 1



Terms of Reference

Economic Development Advisory Committee

Adopted: 12 June, 2013

ATTACHMENT 1

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DOCUMENT VERSION CONTROL

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Author:	City of Ryde	
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Version	Issue Date	Author	Reason for Change
1.2	25/05/10	Kate Higgins	Resolution of Council 7 October 2008:
			 that Mayor not automatically be represented or certain Committees that where the Mayor is appointed to be a delegate on an Advisory Committee, it not be necessary that the Mayor be Chairperson of this Committee that a Councillor or an appropriate staff member be Chairperson on an Advisory Committee Page 7 Resolution of Council 20 April 2010: Provisions for casual vacancies
1.3	14 September 2010	Jennifer Anderson	Resolution of Council 14 September 2010 to report all Minutes to CIB unless resolution of Council required: page 8
1.4	12 June 2013	Nathan Pratt	 Resolution of Council 14 September 2010: "All Minutes are to be placed on Council's website within 5 days of the Committee Meeting" on page 8 Resolution of Council 16 October 2012: "If a member of a Committee misses three consecutive meetings without apology, the position becomes vacant.": page 5 EDAC Meeting 17th April 2013 Noting the amalgamation of Ryde-Macquarie Park Chamber of Commerce and the inclusion of "Armenian Chamber of Commerce": page 5 Reformatted to align with City of Ryde branding.

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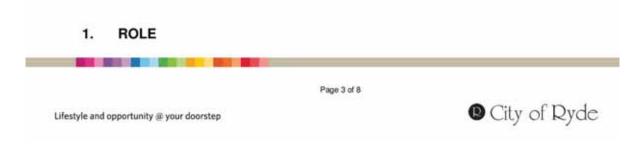
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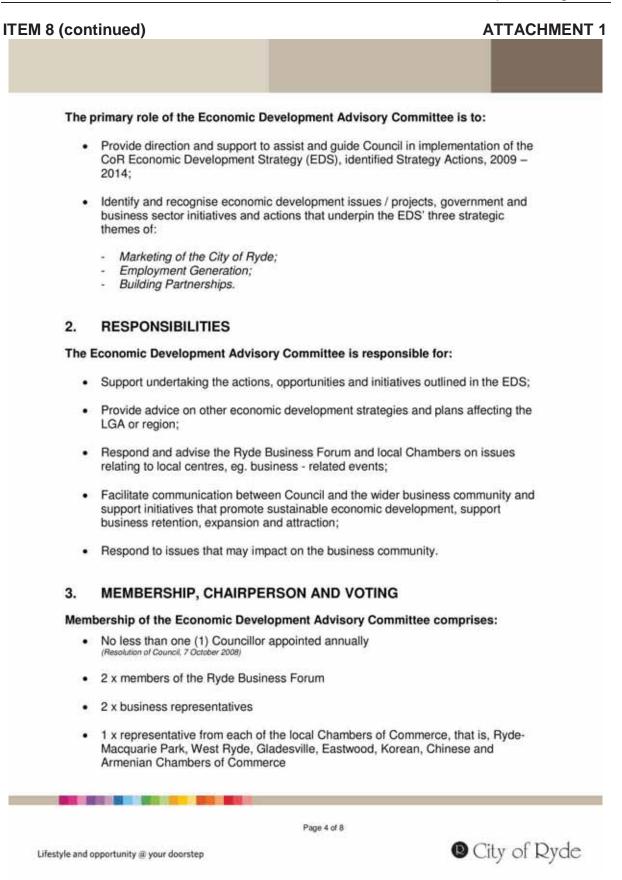
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ATTACHMENT 1

- NSROC Executive Director
- 2 x community representatives (includes Macquarie University)
- 1 x representative of a Ryde educational establishment. (University / NSWTAFE / Macquarie Community College).

Note: the Mayor is not automatically represented on certain Committees. (Resolution of Council, 7 October 2008)

Local residents shall be appointed by resolution of Council following advertisement for nominations in at least one local newspaper, on Council's website and in the Mayoral Column. Nominations are to be in writing and are to be circulated in full to the Councillors for evaluation. The Committee will not be involved in the evaluation or selection process of any local resident representatives.

The following City of Ryde staff ordinarily attend the Committee meetings but are not members of the Committee:

- Group Manager Environment and Planning (or representative)
- Economic Development Manager

Council officers will provide professional advice and administrative support. It should be noted that employees of the Council are not subject to the direction of the Advisory Committee or any members thereof.

Term of Membership to Committee

Members appointed to the Committee shall be appointed for the 4-year (or remainder thereof) term of the current Council although membership can be altered at any time by resolution of Council. Each September, the current membership of the Committee will be submitted to Council for confirmation.

Membership of the Committee can be withdrawn by resolution of Council only. Council staff will be appointed and removed by the General Manager.

If a member of a Committee misses three consecutive meetings without apology, their membership will be withdrawn and the position will be deemed vacant. (Resolution of Council, 16 October, 2012)

Casual Vacancies (Resolution of Council. 7 October 2008) A casual vacancy caused by the resignation or death of a Member will be filled by undertaking the following process:

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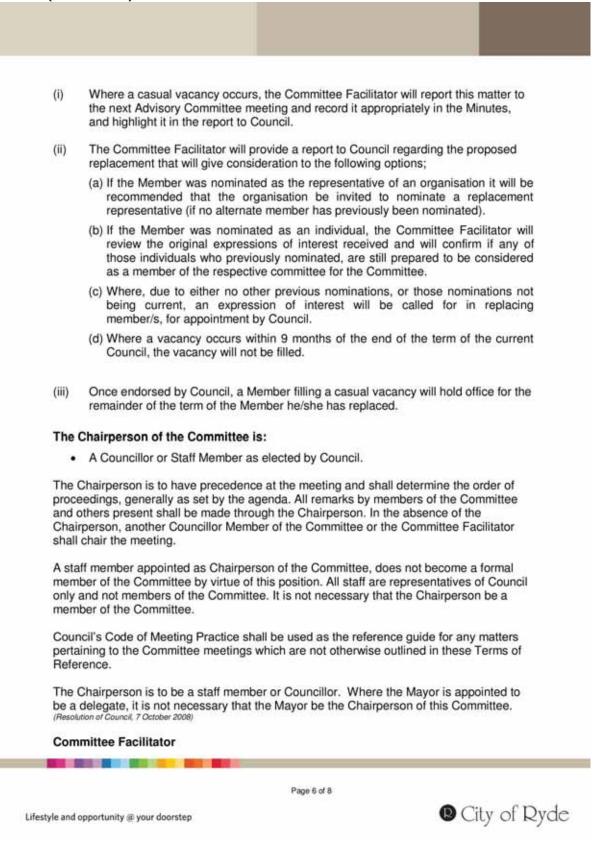
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ATTACHMENT 1

ITEM 8 (continued)





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ATTACHMENT 1

A Committee Facilitator shall be appointed by the General Manager. The Facilitator shall be a staff member of Council and is responsible for co-ordinating the preparation of agendas, invitations and minutes of the Committee. The Facilitator shall also be responsible for co-ordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee. The Facilitator has the right to refuse a request from a member of the public to address a formal Council or Committee if it deemed more appropriate for that person to address a formal Council or Committee meeting.

Voting

No formal voting rules apply. As the Committee has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be a decision of Council unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.

Proxy

No voting by proxy is permitted. Only members in attendance at the meeting shall be entitled to participate in the decision making process of the Committee. If a member is unable to attend the meeting but wishes to be in attendance for discussion of a particular matter, he/she can notify the Chairperson prior to the meeting to request deferral of the item to a subsequent meeting or to request that the Chairperson formally indicate the member's view to the Committee during the discussion on the matter. The Committee shall decide if a matter is to be deferred to a subsequent meeting based on the representations made to the Chairperson by the absent member.

Quorum

As the Committee is advisory only no quorum is required, however, the Chairperson shall use his/her discretion to determine if any item on the agenda should be deferred to a future meeting if it is considered there are insufficient people at the meeting to consider the item.

4. MEETINGS

Meeting Schedule and Procedures

Meetings are to be held four times per year. The Chairperson has the authority to call meetings.

The Agenda & meeting papers shall be circulated to members at least 3 days prior to meeting.

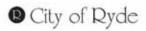
Each meeting shall be properly recorded by the taking of minutes.

Public Participation

All meetings of the Committee are public meetings. Members of the public and media can attend meetings as observers. However, they cannot speak at a meeting unless prior arrangements are made through the Committee Facilitator. Presentations shall be limited to a maximum of 5 minutes.

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ATTACHMENT 1

5. COMMUNICATIONS & REPORTING

The agendas and minutes of the Committee shall be stored as a permanent record of Council, as determined by the General Manager.

The minutes of each meeting shall be circulated to all members as soon as practicable. Any questions by members regarding the minutes are to be referred immediately to the Committee Facilitator and if any error in the minutes is confirmed, the Committee Facilitator shall arrange to make the appropriate changes.

The Minutes of all Advisory Committees will be reported in the Councillor Information Bulletin within two (2) weeks of the Committee Meeting. However, if a resolution of Council is required, e.g. allocation of funds, resources or an amendment to any Council policy, then the Minutes shall be reported to the next available Council meeting. (Resolution of Council, 14 September 2010)

All agendas shall be published on Council's website within 5 days of completion.

All Advisory Committee minutes shall be published on Council's website within 5 days of completion or adoption by Council. (Resolution of Council, 14 September 2010)

A report may be prepared for Council's consideration where the Committee suggests an action (or actions) which staff cannot carry out within existing delegations.

Members of the Committee are not permitted to speak to the media as representatives of the Committee unless approved by Council.

6. CODE OF CONDUCT AND OTHER COUNCIL POLICIES

Each Committee member who is not otherwise a Councillor or staff member shall be provided with a copy of Council's Code of Conduct and other related policies that may be applicable to the operation of the Committee.

The conduct of each Committee member is expected to be consistent with the principles outlined in these Council publications.

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9 EASTWOOD EVENTS AND PROMOTIONS COMMITTEE TERMS OF REFERENCE

Report prepared by: Manager - Community Capacity and Events File No.: GRP/09/4/1/7 - BP13/1114

REPORT SUMMARY

This report provides Council with a summary of details of the Eastwood Events and Promotions Advisory Committee.

At its meeting of 27 November 2012, Council resolved that at its first meeting, each Advisory Committee was to review the Terms of Reference from the previous period and to report back to Council for confirmation.

The first meeting of Eastwood Events and Promotions Advisory Committee occurred on 4 March 2013, and the 2013 Terms of Reference were reviewed.

This report recommends that Council endorses these draft Terms of Reference.

RECOMMENDATION:

That Council endorse the **ATTACHED** Draft Terms of Reference for Eastwood Events and Promotions Advisory Committee, noting there were no changes.

ATTACHMENTS

1 Draft Terms of Reference

Report Prepared By:

Derek McCarthy Manager - Community Capacity and Events

Report Approved By:

Baharak Sahebekhtiari Acting Group Manager - Community Life



Discussion

At its meeting of 26 July 2011, Council resolved to review the structure of the City of Ryde Advisory Committees, and this was followed by the endorsement of an Advisory Committee consultation plan to be implemented during 2012. This plan included:

- Councillor workshops
- surveys of Advisory Committee members
- staff attendance at Advisory Committees
- a workshop with Advisory Committee Convenors, and
- benchmarking with other Councils to identify best practice.

The results of this review were addressed in a Councillor workshop on 16 October 2012, which was followed by an Extraordinary Meeting of Council to determine the matter.

At this meeting, Council resolved that the Eastwood Events and Promotions Advisory Committee be convened for a term of 12 months, subject to a report back to Council.

Community Representatives

At the Council meeting of 16 October 2012, Council resolved that expressions of interest were to be called for community members to nominate to participate in the Eastwood Events and Promotions Advisory Committee. Following the expression of interest period, these nominations were to be provided to Council to determine the community representatives.

At its meeting of 27 November 2012, Council resolved to accept the following nominations for the Eastwood Events and Promotions Advisory Committee.

Mr	Tony	Tang	Rotary Club of Eastwood
Mr	Wilson	Fu	Secretary - Eastwood Chinese Senior Citizens Club
Mr	Che Fai (Jeffery)	Tse	Eastwood Chinese Senior Citizens Club
Ms	Vivien	Lor	Community Representative
Mrs	Roseanna	Gallo JP	Community Representative
Mr	Hugh	Lee	Eastwood Chamber of Commerce,
			President - AAAB and President ECSCC
Mr	Peter	Sullivan	Community Representative

Councillor Representatives

At its meeting of 27 November 2012, Council resolved that Councillor Li would be the Councillor Chair of Eastwood Events and Promotions Advisory Committee until September 2013. Councillors who wished to become a Councillor delegate for this Committee were requested to advise the Councillor HelpDesk. Councillors Laxale and Perram nominated to become members of this Committee.

Terms of Reference

At its meeting of 27 November 2012, Council resolved that at its first meeting, each Advisory Committee was to review the Terms of Reference from the previous period and to report back to Council for confirmation.

The first meeting of Eastwood Events and Promotions Advisory Committee occurred on 4 March 2013, and the 2013 Terms of Reference were reviewed. The proposed draft Terms of Reference were approved by the committee with the updating of the formatting and content to reflect the standard Terms of Reference, which was endorsed by Council on 23 October 2012.

Financial Implications

The adoption of the recommendation of this report will not have a financial impact.

This committee advises and makes decisions on projects that require funding through the allocated vote for the Eastwood Events and Promotions Committee, in Council's 2013-14 operational plan.

Critical Dates

The Eastwood Events and Promotions Advisory Committee provide a mechanism for consultation, advice and feedback. It is important that the Committee members and other stakeholders are aware of the Committee's objectives and processes, and these cannot be entirely clear until the Committee's Terms of Reference are confirmed.



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ATTACHMENT 1



Terms of Reference

Eastwood Events and Promotions Advisory Committee

Adopted: TBC



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Document Version Control

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Change History

Version	Issue Date	Author	Reason for Change
1.2	08/07/08	Scott Allen	Council Resolution 8 July 2008 to refer all minutes to Council/Committee meeting
1.3	07/10/08	Scott Allen	Council Resolution 7 October 2008 to ensure at least 1 Councillor delegate on each Committee, Mayor not automatically represented, Mayor not needed to be Chairperson and Chairperson to be either Councillor of Staff Member.
1.4	16/4/09	Derek McCarthy	Council Resolution 8 July 2009 to review terms of reference to reflect Granny Smith Festival Committee, amendments made to starting times of meetings and chair
1.5	09/6/10	Derek McCarthy	Updated Casual Vacancies
1.6	14/9/10 Jennifer Anderson		Resolution of Council 14 September 2010 to report all minutes to CIB unless resolution to Council required; page 7
1.7	1/11/12 Lorie Parkinson		Resolution of Council 16 October 2012. If a member of a Committee misses three consecutive meetings without apology, the position becomes vacant: page 5.
1.8	03/6/13	Courtney Long	Reformat to align with City of Ryde branding. Insert paragraph linking role to Community Strategic plan

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City of Ryde

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ITEM 9 (continued)

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1. Roles

The City of Ryde has adopted a Community Strategic Plan and Delivery Plan that will shape all activities and projects over the next four years. Council's Advisory Committees are an important mechanism for consultation, advice and feedback to Council staff on implementation and review of the Community Strategic Plan.

The primary role of the Eastwood Events and Promotions Advisory Committee is to:

- promote and sponsor entertainment in the Eastwood Town Centre;
- Promote and sponsor new activities/initiatives which enhance the profile of the Eastwood Town Centre.

2. Responsibilities

The Eastwood Events and Promotions Advisory Committee is responsible for:

- · organising entertainment and events in the Eastwood Town Centre;
- fund or co-funding any capital and maintenance improvements, within agreed budgets and delegations of staff in the Eastwood Town Centre which may be seen to be over and above the levels of service expected of Council;
- managing and monitoring the presentation of merchandise on display within Eastwood Plaza;
- Considering and making recommendations on any matter which Council may refer to it.

3. Membership, Chairperson and Voting

Membership of the Eastwood Events and Promotions Advisory Committee comprises of:

- · No less than one (1) Councillor appointed annually
- (Resolution of Council, 7 October 2008)
- Four (4) members of Eastwood Chamber of Commerce
- Two (2) members of Korean Chamber of Commerce
- Two (2) members of Eastwood Community Association
- Two (2) community representatives

Note: the Mayor is not automatically represented on certain Committees (Resolution of Council, 7 October 2008)

Local residents shall be appointed by resolution of Council following advertisement for nominations in at least one local newspaper, on Council's website and in the Mayoral Column. Nominations are to be in writing and are to be circulated in full to the Councillors for evaluation. The Committee will not be involved in the evaluation or selection process of any local resident representatives.

The following City of Ryde staff ordinarily attend the Committee meetings but are not members of the Committee:

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Manager – Community Capacity and Events Team Manger - Event Development Council officers will provide professional advice and administrative support. It should be noted that employees of the Council are not subject to the direction of the Advisory Committee or any members thereof. Term of Membership to Committee Members appointed to the Committee shall be appointed for the 4-year (or remainder thereof) term of the current Council, although membership can be altered at any time by resolution of Council. Each September, the current membership of the Committee will be submitted to Council for confirmation. Membership of the Committee can be withdrawn by resolution of Council only. Council staff will be appointed and removed by the General Manager. If a member of a Committee misses three consecutive meetings without apology, their membership will be withdrawn and the position will be deemed vacant. (Resolution of Council, 16 October 2012). **Casual Vacancy** (Resolution of Council, 7 October 2008) A casual vacancy caused by the resignation or death of a Member, or the withdrawal of membership, will be filled by undertaking the following process: Where a casual vacancy occurs, the Committee Facilitator will report this matter to the (i) next Advisory Committee meeting and record it appropriately in the Minutes, and highlight it in the report to the next available Council Meeting. The Committee Facilitator will provide a report to the next available Council Meeting (ii) regarding the proposed replacement that will give consideration to the following options; If the Member was nominated as the representative of an organisation it will be (a) recommended that the organisation be invited to nominate a replacement representative (if no alternate member has previously been nominated). If the Member was nominated as an individual, the Committee Facilitator will (b) review the original expressions of interest received and will confirm if any of those individuals who were previously nominated, are still prepared to be considered as a member of the respective committee for the Committee. Where, due to either no other previous nominations, or those nominations not (c) being current, an expression of interest will be called for in replacing member/s, for appointment by Council. Where a vacancy occurs within 9 months of the end of the term of the current (d) Council, the vacancy will not be filled. Once endorsed by Council, a Member filling a casual vacancy will hold office for the (iiii) remainder of the term of the Member he/she has replaced. Page 5 of 8 City of Ryde Lifestyle and opportunity @ your doorstep



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The Chairperson of the Committee is:

· A Councillor or Staff Member as elected by Council.

The Chairperson is to have precedence at the meeting and shall determine the order of proceedings, generally as set by the agenda.

All remarks by members of the Committee and others present shall be made through the Chairperson. In the absence of the Chairperson, another Councillor Member of the Committee or the Committee Facilitator shall chair the meeting.

A staff member appointed as Chairperson of the Committee, does not become a formal member of the Committee by virtue of this position. All staff are representatives of Council only and not members of the Committee. It is not necessary that the Chairperson be a member of the Committee.

Council's Code of Meeting Practice shall be used as the reference guide for any matters pertaining to the Committee meetings that are not otherwise outlined in these Terms of Reference.

The Chairperson is to be a staff member or Councillor. Where the Mayor is appointed to be a delegate, it is not necessary that the Mayor be the Chairperson of this Committee. (Resolution of Council, 7 October 2008)

Committee Facilitator

A Committee Facilitator shall be appointed by the General Manager. The Facilitator shall be a staff member of Council and is responsible for coordinating the preparation of agendas, invitations and minutes of the Committee. The Facilitator shall also be responsible for coordinating any presentations from guest speakers and for considering requests from members of the public to address the Committee. The Facilitator has the right to refuse a request from a member of the public to address a formal Council or Committee if it is deemed more appropriate for that person to address a formal Council or Committee meeting.

Voting

No formal voting rules apply. As the Committee has an advisory role, its recommendations are made by consensus and no recommendation is deemed to be a decision of Council unless the matter is referred to Council for determination. If consensus is not achieved, and if required, the matter shall be referred to Council for determination.

Proxy

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D City of Ryde



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ATTACHMENT 1

No voting by proxy is permitted. Only members in attendance at the meeting shall be entitled to participate in the decision making process of the Committee. If a member is unable to attend the meeting but wishes to be in attendance for discussion of a particular matter, he/she can notify the Chairperson prior to the meeting to request deferral of the item to a subsequent meeting or to request that the Chairperson formally indicate the member's view to the Committee during the discussion on the matter. The Committee shall decide if a matter is to be deferred to a subsequent meeting based on the representations made to the Chairperson by the absent member.

Quorum

As the Committee is advisory only no quorum is required, however, the Chairperson shall use his/her discretion to determine if any item on the agenda should be deferred to a future meeting if it is considered there are insufficient people at the meeting to consider the item.

4. Meetings

Meeting Schedule and Procedures

Meetings are to be held on the 4th Monday of February, May, August and November from 6.00 to 7.15pm at the Eastwood Women's Rest Centre, Hillview Road, Eastwood (rear of Eastwood Library). The Chairperson has the authority to call meetings.

The Agenda & meeting papers shall be circulated to members at least 3 days prior to meeting.

Each meeting shall be properly recorded by the taking of minutes.

Public Participation

All meetings of the Committee are public meetings. Members of the public and media can attend meetings as observers; however, they cannot speak at a meeting unless prior arrangements are made through the Committee Facilitator. Presentations shall be limited to a maximum of 5 minutes.

5. Communications and Reporting

The agendas and minutes of the Committee shall be stored as a permanent record of Council, as determined by the General Manager.

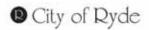
The minutes of each meeting shall be circulated to all members as soon as practicable. Any questions by members regarding the minutes are to be referred immediately to the Committee Facilitator and if any error in the minutes is confirmed, the Committee Facilitator shall arrange to make the appropriate changes.

The Minutes of all Advisory Committees will be reported in the Councillor Information Bulletin within two (2) weeks of the Committee meeting. However, if a resolution of Council is required, e.g. allocation of funds, resources or an amendment to any Council Policy, then the Minutes shall be reported to the next available Council meeting. (Resolution of Council, 14 September 2010)

All agendas shall be published on Council's website within 5 days of completion.

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All Advisory Committee minutes shall be published on Council's website within 5 days of completion or adoption by Council. (Resolution of Council, 14 September 2010)

A report may be prepared for Council's consideration where the Committee suggests an action (or actions) which staff cannot carry out within existing delegations.

Members of the Committee are not permitted to speak to the media as representatives of the Committee unless approved by Council.

6. Code of Conduct and Other Council Policies

Each Committee member who is not otherwise a Councillor or staff member shall be provided with a copy of Council's Code of Conduct and other related policies that may be applicable to the operation of the Committee.

The conduct of each Committee member is expected to be consistent with the principles outlined in these Council publications.

7. Sub Committees

Sub-Committees may be established for the planning and conduct of events within the Eastwood Town Centre area, these events may be an annual event or one off activities. Sub-Committees will be established at the discretion of the Chairperson.

- Granny Smith Festival
- Ryde Lunar New Year Festival

Committee members of the Granny Smith Festival and the Ryde Lunar New Year Festival shall comprise of a minimum of:

- One (1) Councillor
- Two (2) members of Eastwood Events and Promotions Advisory Committee
- One (1) member of Eastwood Chamber of Commerce
- One (1) member of Korean Chamber of Commerce
- Two (2) community representatives
- One (1) City of Ryde staff

The Chairperson of the Sub Committee is the nomination Councillor/Community Representative.

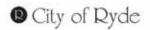
Minutes of the meetings of Sub Committees are to be reported back to the Eastwood Events and Promotions Advisory Committee at the meeting following Sub Committee Meetings.

All members of Sub Committees are to abide by the Terms of Reference of the Eastwood Events and Promotions Advisory Committee.

The frequency, location and time of meetings are to be determined by the Chairperson of the Sub Committees.

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PRECIS OF CORRESPONDENCE

1 DETERMINATION OF THE NORTH RYDE STATION PRECINCT- URBAN ACTIVATION PRECINCT (UAP)

Report prepared by: Executive Assistant to Group Manager File No.: MIN2011/2 - BP13/1016

CORRESPONDENCE:

Submitting correspondence from City of Ryde to the Department of Planning and Infrastructure, dated 10 July 2013 regarding the determination of the North Ryde Station Precinct UAP.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 North Ryde Station Precinct UAP Determination Michael File Department of Planning and Infrastructure
- 2 Council 10/13 14 May 2013 Item 6 Submission on North Ryde Station Precinct

Report Prepared By:

Sandra Warbrick Executive Assistant to Group Manager

Report Approved By:

Dominic Johnson Group Manager - Environment & Planning

ATTACHMENT 1



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Mr Michael File Director, Strategic Assessments Department of Planning and Infrastructure GPO Box 39 Sydney NSW 2001

10 July 2013

Our ref: MIN2011/2

Dear Mr File

Determination of the North Ryde Station Precinct UAP

As indicated in its response of 20 May 2013, City of Ryde Council has significant concerns regarding the North Ryde Station Precinct (NRSP) Proposal.

At the Council meeting of 14 May 2013, it was resolved to engage an independent consultant to consider the proposal and provide further advice to Council.

This process is now underway and to allow time for these investigations to be completed, Council requests that the decision regarding the NRSP be put on hold pending the findings of this independent review. It is anticipated that the review will be completed by the end of August and a further submission will be made on the findings shortly afterwards.

Thank you for considering City of Ryde's request. Should you wish to discuss this matter, please contact on (02) 99528190.

Yours sincerely

Sam Cappelli Acting Group Manager – Environment and Planning

Civic Centre 1 Devlin Street, Ryde NSW Ryde Planning and Business Centre 1 Pope Street, Ryde (Below Ryde Library) Post Locked Bag 2069, North Ryde NSW 1670 Email cityofryde@ryde.nsw.gov.au www.ryde.nsw.gov.au Customer Service (02) 9952 8222 TTY (02) 9952 8470 Fax (02) 9952 8070 Translating and Interpreting Service 131 450

ATTACHMENT 2



Instructions for Action Sheets - D13/14757

EXTRACT FROM MINUTES OF COUNCIL MEETING

NO. 10/13 AT ITS MEETING HELD ON 14 MAY 2013.

6 SUBMISSION ON NORTH RYDE STATION PRECINCT

<u>Note</u>: Jason Masters, Andrew O'Neill, Joe Zanelli, Jennie Minifie (representing Ryde Community Alliance) and Jasmina Molter addressed the meeting in relation to this Item.

Note: An email dated 12 May 2013 and letter dated 11 May 2013 from Ryde-Hunter's Hill Flora and Fauna Preservation Society was tabled in relation to this Item and copies are ON FILE.

MOTION: (Moved by Councillors Laxale and Pendleton)

- (a) That Council endorse the submission as attached with the inclusion of the following comments and inclusions;
 - (i) The best body to plan for the local residents in Ryde is the City of Ryde Council.
 - (ii) That Council request that the area defined as the North Ryde Station Precinct be returned to Council so that it can be subject to our planning controls.
 - (iii) That the following additional comments be inserted in the submission immediately before the title "Traffic Access and Capacity Issues – M2 Site":-

Regardless of the ultimate zoning and land use to be determined acceptable for these lands, Council sees the divestment of these lands as a <u>rare opportunity</u> for the state government to be taking meaningful steps to restore Lane Cove Road to the status it commands as part of the major arterial spine running the entire length of the Warringah-Sutherland North/South Corridor.

Council identifies that the current peak-hour phasing permitting only 50-55% green signal time to Lane Cove Road at Waterloo Road intersection is wholly unacceptable, with its resultant reduction to 5 km/h between Cox's Road and Talavera Road requiring 20 minutes to travel just 1.6 km.

Instead of simply viewing the proposed development in terms of "not adding significantly to" the existing unacceptable traffic congestion, Council identifies the <u>responsible</u> course of action here is to have funds applied toward creative engineering to unclog the Lane Cove Road intersection at Waterloo Road so that Lane Cove Road can regain the majority green signal phasing it deserves as the major arterial. Council's clear preference is to see this intersection fixed <u>before</u> the contemplation of any further burden to be placed upon it. Similar concerns exist for the other local "Category F" intersections identified by the traffic modelling and Council holds the view that to ignore the prospect of fixing these is to pay only lip service to the notion of intergenerational equity.

(iv) That the following additional comments be inserted in the submission at the end of "Education Facilities":-

Page 1 of 5 For information on how to Action this document refer to D13/14757



ATTACHMENT 2

Clearly, there is insufficient capacity at the local public schools nominated in the Planning proposal for North Ryde Station Precinct. Lane Cove West Public School sits on a site of 1.5 hectares with 570 children in 24 classes. It is the fastest growing school in the northern districts and is growing at a rate of over 20% per annum. It is projected that the school will have 613 enrolments in 2014 and over 650 in 2015. There is insufficient ground to build more buildings without further compromising outdoor space for children.

Council recommends that the Department of Education and Communities commence planning capital works including the construction of a new public school to cater for the growth of an estimated 500 school children if this development proceeds.

- (b) That a copy of the submission be forwarded to the Department of Planning and Infrastructure.
- (c) That Council place full page advertisements in the local newspapers outlining Council's submission and position in relation to the Planning Proposal for the North Ryde Station Precinct.
- (d) That Council invite the Minister for Planning, the Premier and the local member for Ryde to attend a public meeting in Ryde to provide feedback to the residents on their submissions and planning decisions that have been made since exhibition, based on that feedback.
- (e) That Council adopt the Friends of North Ryde recommendation to employ an independent consultant to add weight to Council's continued objection to the proposed Urban Activation Precincts and an allocation of \$50,000 be made in the March Quarterly Review.
- (f) That the Acting General Manager prepare a proposed advocacy campaign for Council's consideration to continue to pressure the Government to make amendments to the North Ryde Station Precinct in accordance with Council's submission.

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That this matter be dealt with in seriatim.

Record of Voting:

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

Against the Motion: Councillors Maggio and Salvestro-Martin

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

- (a) That Council endorse the submission as attached with the inclusion of the following comments and inclusions;
 - (i) The best body to plan for the local residents in Ryde is the City of Ryde Council.
 - (ii) That Council request that the area defined as the North Ryde Station Precinct be returned to Council so that it can be subject to our planning controls.
 - (iii) That the following additional comments be inserted in the submission immediately before the title "Traffic Access and Capacity Issues – M2 Site":-

Regardless of the ultimate zoning and land use to be determined acceptable for these lands, Council sees the divestment of these lands as a <u>rare opportunity</u> for

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ATTACHMENT 2

the state government to be taking meaningful steps to restore Lane Cove Road to the status it commands as part of the major arterial spine running the entire length of the Warringah-Sutherland North/South Corridor.

Council identifies that the current peak-hour phasing permitting only 50-55% green signal time to Lane Cove Road at Waterloo Road intersection is wholly unacceptable, with its resultant reduction to 5 km/h between Cox's Road and Talavera Road requiring 20 minutes to travel just 1.6 km.

Instead of simply viewing the proposed development in terms of "not adding significantly to" the existing unacceptable traffic congestion, Council identifies the <u>responsible</u> course of action here is to have funds applied toward creative engineering to unclog the Lane Cove Road intersection at Waterloo Road so that Lane Cove Road can regain the majority green signal phasing it deserves as the major arterial. Council's clear preference is to see this intersection fixed <u>before</u> the contemplation of any further burden to be placed upon it. Similar concerns exist for the other local "Category F" intersections identified by the traffic modelling and Council holds the view that to ignore the prospect of fixing these is to pay only lip service to the notion of intergenerational equity.

(iv) That the following additional comments be inserted in the submission at the end of "Education Facilities":-

Clearly, there is insufficient capacity at the local public schools nominated in the Planning proposal for North Ryde Station Precinct. Lane Cove West Public School sits on a site of 1.5 hectares with 570 children in 24 classes. It is the fastest growing school in the northern districts and is growing at a rate of over 20% per annum. It is projected that the school will have 613 enrolments in 2014 and over 650 in 2015. There is insufficient ground to build more buildings without further compromising outdoor space for children.

Council recommends that the Department of Education and Communities commence planning capital works including the construction of a new public school to cater for the growth of an estimated 500 school children if this development proceeds.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

(b) That a copy of the submission be forwarded to the Department of Planning and Infrastructure.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

(c) That Council place full page advertisements in the local newspapers outlining Council's submission and position in relation to the Planning Proposal for the North Ryde Station Precinct.

Record of Voting:

For the Motion: Unanimous **RESOLUTION:** (Moved by Councillors Laxale and Pendleton)

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ATTACHMENT 2

(d) That Council invite the Minister for Planning, the Premier and the local member for Ryde to attend a public meeting in Ryde to provide feedback to the residents on their submissions and planning decisions that have been made since exhibition, based on that feedback.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

(e) That Council adopt the Friends of North Ryde recommendation to employ an independent consultant to add weight to Council's continued objection to the proposed Urban Activation Precincts and an allocation of \$50,000 be made in the March Quarterly Review.

On being put to the Meeting, the voting on the Motion was five (5) all. The Mayor used his casting vote For the Motion. The Motion was CARRIED.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Laxale, Pendleton, Salvestro-Martin and Simon

Against the Motion: Councillors Chung, Etmekdjian, Maggio, Perram and Pickering

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

(f) That the Acting General Manager prepare a proposed advocacy campaign for Council's consideration to continue to pressure the Government to make amendments to the North Ryde Station Precinct in accordance with Council's submission.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

- (a) That Council endorse the submission as attached with the inclusion of the following comments and inclusions;
 - (i) The best body to plan for the local residents in Ryde is the City of Ryde Council.
 - (ii) That Council request that the area defined as the North Ryde Station Precinct be returned to Council so that it can be subject to our planning controls.
 - (iii) That the following additional comments be inserted in the submission immediately before the title "Traffic Access and Capacity Issues – M2 Site":-

Regardless of the ultimate zoning and land use to be determined acceptable for these lands, Council sees the divestment of these lands as a <u>rare opportunity</u> for the state government to be taking meaningful steps to restore Lane Cove Road to the status it commands as part of the major arterial spine running the entire length of the Warringah-Sutherland North/South Corridor.

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ATTACHMENT 2

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- (c) That Council place full page advertisements in the local newspapers outlining Council's submission and position in relation to the Planning Proposal for the North Ryde Station Precinct.
- (d) That Council invite the Minister for Planning, the Premier and the local member for Ryde to attend a public meeting in Ryde to provide feedback to the residents on their submissions and planning decisions that have been made since exhibition, based on that feedback.
- (e) That Council adopt the Friends of North Ryde recommendation to employ an independent consultant to add weight to Council's continued objection to the proposed Urban Activation Precincts and an allocation of \$50,000 be made in the March Quarterly Review.
- (f) That the Acting General Manager prepare a proposed advocacy campaign for Council's consideration to continue to pressure the Government to make amendments to the North Ryde Station Precinct in accordance with Council's submission.

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2 NORTH RYDE STATION PRECINCT - SUBMISSION

Report prepared by: Executive Assistant to Group Manager File No.: MIN2011/2 - BP13/1021

CORRESPONDENCE:

Submitting correspondence from the Office of the Premier of New South Wales, dated 28 June 2013, reply to the invitation to attend the public meeting on the North Ryde Station Precinct.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Advised Premier NSW decline the request for meeting due to busy schedule, Susan Bruce
- 2 North Ryde Station Precinct Barry O'Farrell MP

Report Prepared By:

Sandra Warbrick Executive Assistant to Group Manager

Report Approved By:

Dominic Johnson Group Manager - Environment & Planning

ATTACHMENT 1



ATTACHMENT 2



Lifestyle and opportunity @ your doorstep

The Hon. Barry O'Farrell, MP **GPO Box 5341** SYDNEY NSW 2001

23 May 2013

Dear Mr O'Farrell

North Ryde Station Precinct

I refer to the North Ryde Station Precinct that completed public exhibition on the 19 May 2013 and is identified as an Urban Activation Precinct. This proposal has caused significant concerns with Council and the wider community

Council has held two separate community information sessions on the Urban Activation Precincts, both of which have been well attend by members of the community and Councillors. At these meetings, community members expressed concerns that their comments and feedback regarding the proposals were not being considered.

Accordingly, Council would like to invite your attendance at a public meeting in Ryde prior to the determination of the proposal to provide feedback to the residents on their submissions and identify how their concerns and issues have been addressed.

I note that the exhibition period closed only recently and that the Department of Planning and Infrastructure will not have finalised its position however, it would be appreciated if you could advise Council of your willingness to attend such a meeting.

Once Council is advised by the Department of Planning and Infrastructure that due consideration of the proposal has occurred, Council will coordinate an appropriate meeting time and venue. It should be noted that the Council has extended an invitation to attend this meeting to:

- Barry O'Farrell, Premier for NSW, .
- Brad Hazzard, Minister for Planning and Infrastructure, and
- Victor Dominello Member for Ryde. .

The above is requested by Council as a result of a unanimous resolution made at the Council meeting held 14 May 2013. A copy of this resolution is provided for your information.

Civic Centre 1 Devlin Street, Ryde NSW Ryde Planning and Business Centre 1 Pope Street, Ryde (Below Ryde Library) www.ryde.nsw.gov.au

Post Locked Bag 2069, North Ryde NSW 1670 Customer Service (02) 9952 8222 Email cityofryde@ryde.nsw.gov.au

TTY (02) 9952 8470 Fax (02) 9952 8070 Translating and Interpreting Service 131 450

ATTACHMENT 2

Yours sincerely

D.S

Dominic Johnson Group Manager, Environment and Planning City of Ryde

Cc: The Hon. Brad Hazzard, MP Level 31 Governor Macquarie Tower 1 Farrer Place SYDNEY NSW 2000

> The Hon. Victor Dominello, MP Suite 202 Ground Floor 5-9 Devlin Street RYDE NSW 2112

ATTACHMENT 2

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OFFICIAL RECORDS COPY Instructions for Action Sheets – D13/14757

EXTRACT FROM MINUTES OF COUNCIL MEETING

NO. 10/13 AT ITS MEETING HELD ON 14 MAY 2013.

6 SUBMISSION ON NORTH RYDE STATION PRECINCT

<u>Note</u>: Jason Masters, Andrew O'Neill, Joe Zanelli, Jennie Minifie (representing Ryde Community Alliance) and Jasmina Molter addressed the meeting in relation to this Item.

<u>Note</u>: An email dated 12 May 2013 and letter dated 11 May 2013 from Ryde-Hunter's Hill Flora and Fauna Preservation Society was tabled in relation to this Item and copies are ON FILE.

MOTION: (Moved by Councillors Laxale and Pendleton)

- That Council endorse the submission as attached with the inclusion of the following comments and inclusions;
 - (i) The best body to plan for the local residents in Ryde is the City of Ryde Council.
 - (ii) That Council request that the area defined as the North Ryde Station Precinct be returned to Council so that it can be subject to our planning controls.
 - (iii) That the following additional comments be inserted in the submission immediately before the title "Traffic Access and Capacity Issues – M2 Site":-

Regardless of the ultimate zoning and land use to be determined acceptable for these lands, Council sees the divestment of these lands as a <u>rare opportunity</u> for the state government to be taking meaningful steps to restore Lane Cove Road to the status it commands as part of the major arterial spine running the entire length of the Warringah-Sutherland North/South Corridor.

Council identifies that the current peak-hour phasing permitting only 50-55% green signal time to Lane Cove Road at Waterloo Road intersection is wholly unacceptable, with its resultant reduction to 5 km/h between Cox's Road and Talavera Road requiring 20 minutes to travel just 1.6 km.

Instead of simply viewing the proposed development in terms of "not adding significantly to" the existing unacceptable traffic congestion, Council identifies the <u>responsible</u> course of action here is to have funds applied toward creative engineering to unclog the Lane Cove Road intersection at Waterloo Road so that Lane Cove Road can regain the majority green signal phasing it deserves as the major arterial. Council's clear preference is to see this intersection fixed <u>before</u> the contemplation of any further burden to be placed upon it. Similar concerns exist for the other local "Category F" intersections identified by the traffic modelling and Council holds the view that to ignore the prospect of fixing these is to pay only lip service to the notion of intergenerational equity.

Page 1 of 5

For information on how to Action this document refer to D13/14757



ATTACHMENT 2

(iv) That the following additional comments be inserted in the submission at the end of "Education Facilities":-

Clearly, there is insufficient capacity at the local public schools nominated in the Planning proposal for North Ryde Station Precinct. Lane Cove West Public School sits on a site of 1.5 hectares with 570 children in 24 classes. It is the fastest growing school in the northern districts and is growing at a rate of over 20% per annum. It is projected that the school will have 613 enrolments in 2014 and over 650 in 2015. There is insufficient ground to build more buildings without further compromising outdoor space for children.

Council recommends that the Department of Education and Communities commence planning capital works including the construction of a new public school to cater for the growth of an estimated 500 school children if this development proceeds.

- (b) That a copy of the submission be forwarded to the Department of Planning and Infrastructure.
- (c) That Council place full page advertisements in the local newspapers outlining Council's submission and position in relation to the Planning Proposal for the North Ryde Station Precinct.
- (d) That Council invite the Minister for Planning, the Premier and the local member for Ryde to attend a public meeting in Ryde to provide feedback to the residents on their submissions and planning decisions that have been made since exhibition, based on that feedback.
- (e) That Council adopt the Friends of North Ryde recommendation to employ an independent consultant to add weight to Council's continued objection to the proposed Urban Activation Precincts and an allocation of \$50,000 be made in the March Quarterly Review.
- (f) That the Acting General Manager prepare a proposed advocacy campaign for Council's consideration to continue to pressure the Government to make amendments to the North Ryde Station Precinct in accordance with Council's submission.

RESOLUTION: (Moved by Counciliors Perram and Etmekdjian)

That this matter be dealt with in seriatim.

Record of Voting:

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

Against the Motion: Councillors Maggio and Salvestro-Martin

RESOLUTION: (Moved by Counciliors Laxale and Pendleton)

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ATTACHMENT 2

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Council recommends that the Department of Education and Communities commence planning capital works including the construction of a new public school to cater for the growth of an estimated 500 school children if this development proceeds.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

(b) That a copy of the submission be forwarded to the Department of Planning and Infrastructure.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

(c) That Council place full page advertisements in the local newspapers outlining Council's submission and position in relation to the Planning Proposal for the North Ryde Station Precinct.

Record of Voting:

For the Motion: Unanimous

Page 3 of 5



ATTACHMENT 2

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

(d) That Council invite the Minister for Planning, the Premier and the local member for Ryde to attend a public meeting in Ryde to provide feedback to the residents on their submissions and planning decisions that have been made since exhibition, based on that feedback.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

(e) That Council adopt the Friends of North Ryde recommendation to employ an independent consultant to add weight to Council's continued objection to the proposed Urban Activation Precincts and an allocation of \$50,000 be made in the March Quarterly Review.

On being put to the Meeting, the voting on the Motion was five (5) all. The Mayor used his casting vote For the Motion. The Motion was CARRIED.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Laxale, Pendleton, Salvestro-Martin and Simon

Against the Motion: Councillors Chung, Etmekdjian, Maggio, Perram and Pickering

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

(f) That the Acting General Manager prepare a proposed advocacy campaign for Council's consideration to continue to pressure the Government to make amendments to the North Ryde Station Precinct in accordance with Council's submission.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

- (a) That Council endorse the submission as attached with the inclusion of the following comments and inclusions;
 - (i) The best body to plan for the local residents in Ryde is the City of Ryde Council.
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ATTACHMENT 2

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- (e) That Council adopt the Friends of North Ryde recommendation to employ an independent consultant to add weight to Council's continued objection to the proposed Urban Activation Precincts and an allocation of \$50,000 be made in the March Quarterly Review.
- (f) That the Acting General Manager prepare a proposed advocacy campaign for Council's consideration to continue to pressure the Government to make amendments to the North Ryde Station Precinct in accordance with Council's submission.

Page 5 of 5



3 MACQUARIE PARK TASKFORCE - URBAN ACTIVATION PRECINCT PROCESS

Report prepared by: Executive Assistant to Group Manager File No.: MIN2011/2 - BP13/1023

CORRESPONDENCE:

Submitting correspondence from The Honourable Brad Hazzard MP – Minister for Planning and Infrastructure, dated 4 July 2013, regarding the reinstatement of the Macquarie Park Taskforce and the Urban Activation Precinct process.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Hon Brad Hazzard MP, Unable to attend the meeting regarding Macquarie Park Taskforce
- 2 Council 10/13 14 May 2013 Item 6 Submission on North Ryde Station Precinct

Report Prepared By:

Sandra Warbrick Executive Assistant to Group Manager

Report Approved By:

Dominic Johnson Group Manager - Environment & Planning



ATTACHMENT 1



The Hon Brad Hazzard MP Minister for Planning and Infrastructure Minister Assisting the Premier on Infrastructure NSW

Mr Dominic Johnson Group Manager – Environment and Planning City of Ryde Council Locked Bag 2069 North Ryde NSW 1670 13/06839

Dear Mr Johnson

I refer to your letter regarding the reinstatement of the Macquarie Park Taskforce formerly established by the Minister for Finance and Services. I also note your request for a meeting.

The reconvening of the Macquarie Park Taskforce is not necessary at this stage as consultation and planning for the Ivanhoe Estate is being undertaken through the Urban Activation Precinct process.

Given my existing Parliamentary and meeting commitments I regret I am unable to meet with you at this time. I recommend Council continue to raise any concerns or issues with the current project with staff from the Department of Planning and Infrastructure at the next Herring Road Precinct Steering Committee meeting.

I am advised the residents of the Ivanhoe Estate are being actively engaged through community workshops programmed under this process and that community input will continue to be facilitated until the Urban Activation Precinct is finalised.

Yours sincerely

HON BRAD HAZZARD MP Minister

0 4 JUL 2013

RECEIVED City of Ryde Records Management Services

10 JUL 2013

Doc No:

Level 31 Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000 Phone: (61 2) 9228 5258 Fax: (61 2) 9228 5721 Email: <u>office@hazzard.minister.nsw.gov.au</u>

ATTACHMENT 2



Instructions for Action Sheets - D13/14757

EXTRACT FROM MINUTES OF COUNCIL MEETING NO. 10/13 AT ITS MEETING HELD ON 14 MAY 2013.

6 SUBMISSION ON NORTH RYDE STATION PRECINCT

<u>Note</u>: Jason Masters, Andrew O'Neill, Joe Zanelli, Jennie Minifie (representing Ryde Community Alliance) and Jasmina Molter addressed the meeting in relation to this Item.

Note: An email dated 12 May 2013 and letter dated 11 May 2013 from Ryde-Hunter's Hill Flora and Fauna Preservation Society was tabled in relation to this Item and copies are ON FILE.

MOTION: (Moved by Councillors Laxale and Pendleton)

- (a) That Council endorse the submission as attached with the inclusion of the following comments and inclusions;
 - (i) The best body to plan for the local residents in Ryde is the City of Ryde Council.
 - (ii) That Council request that the area defined as the North Ryde Station Precinct be returned to Council so that it can be subject to our planning controls.
 - (iii) That the following additional comments be inserted in the submission immediately before the title "Traffic Access and Capacity Issues M2 Site":-

Regardless of the ultimate zoning and land use to be determined acceptable for these lands, Council sees the divestment of these lands as a <u>rare opportunity</u> for the state government to be taking meaningful steps to restore Lane Cove Road to the status it commands as part of the major arterial spine running the entire length of the Warringah-Sutherland North/South Corridor.

Council identifies that the current peak-hour phasing permitting only 50-55% green signal time to Lane Cove Road at Waterloo Road intersection is wholly unacceptable, with its resultant reduction to 5 km/h between Cox's Road and Talavera Road requiring 20 minutes to travel just 1.6 km.

Instead of simply viewing the proposed development in terms of "not adding significantly to" the existing unacceptable traffic congestion, Council identifies the <u>responsible</u> course of action here is to have funds applied toward creative engineering to unclog the Lane Cove Road intersection at Waterloo Road so that Lane Cove Road can regain the majority green signal phasing it deserves as the major arterial. Council's clear preference is to see this intersection fixed <u>before</u> the contemplation of any further burden to be placed upon it. Similar concerns exist for the other local "Category F" intersections identified by the traffic modelling and Council holds the view that to ignore the prospect of fixing these is to pay only lip service to the notion of intergenerational equity.

Page 1 of 5 For information on how to Action this document refer to D13/14757



ATTACHMENT 2

(iv) That the following additional comments be inserted in the submission at the end of "Education Facilities":-

Clearly, there is insufficient capacity at the local public schools nominated in the Planning proposal for North Ryde Station Precinct. Lane Cove West Public School sits on a site of 1.5 hectares with 570 children in 24 classes. It is the fastest growing school in the northern districts and is growing at a rate of over 20% per annum. It is projected that the school will have 613 enrolments in 2014 and over 650 in 2015. There is insufficient ground to build more buildings without further compromising outdoor space for children.

Council recommends that the Department of Education and Communities commence planning capital works including the construction of a new public school to cater for the growth of an estimated 500 school children if this development proceeds.

- (b) That a copy of the submission be forwarded to the Department of Planning and Infrastructure.
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RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That this matter be dealt with in seriatim.

Record of Voting:

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

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ATTACHMENT 2

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Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

(b) That a copy of the submission be forwarded to the Department of Planning and Infrastructure.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

(c) That Council place full page advertisements in the local newspapers outlining Council's submission and position in relation to the Planning Proposal for the North Ryde Station Precinct.

Record of Voting:

For the Motion: Unanimous

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ATTACHMENT 2

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

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For the Motion: The Mayor, Councillor Petch and Councillors Laxale, Pendleton, Salvestro-Martin and Simon

Against the Motion: Councillors Chung, Etmekdjian, Maggio, Perram and Pickering

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

(f) That the Acting General Manager prepare a proposed advocacy campaign for Council's consideration to continue to pressure the Government to make amendments to the North Ryde Station Precinct in accordance with Council's submission.

Record of Voting:

For the Motion: Unanimous

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ATTACHMENT 2

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Page 5 of 5

4 THE HON ANTHONY ROBERTS MP, NSW TAXI TRANSPORT SUBSIDY SCHEME

Report prepared by: Executive Assistant to Group Manager **File No.:** GRP/09/4/1/7 - BP13/1049

CORRESPONDENCE:

Submitting correspondence from The Hon Anthony Roberts MP, Member for Lane Cove dated 11 July 2013, enclosing a letter received from the Minister for Transport in response to representation made on behalf of Council regarding the NSW Taxi Transport Subsidy Scheme. This letter notes the issue raised by Council.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

1 Letter received from the Minister of Transport regarding the NSW Taxi Transport Subsidy Scheme – Anthony Roberts MP

Report Prepared By:

Valerie Albert Executive Assistant to Group Manager

Report Approved By:

Baharak Sahebekhtiari Acting Group Manager - Community Life

ATTACHMENT 1

The Hon. Anthony Roberts MP Member for Lane Cove

11 July 2013

Ms Tatjana Domazet Community Life Ryde City Council LOCKED BAG 2069 NORTH RYDE NSW 1670

Dear Ms Domazet,

I am enclosing a letter received from the Minister for Transport, replying to my representation on your behalf.

I trust the information is of assistance.

Please do not hesitate to contact me, should you require assistance in the future.

Best wishes

THE HON. ANTHONY ROBERTS MP MEMBER FOR LANE COVE MINISTER FOR FAIR TRADING AR:AW Visit www.anthonyrobertsmp.com.au

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Phone: (02) 9817 4757 Fax: (02) 9817 5885 Mail: PO Box 524, Gladesville NSW 1675 Electorate Office: Level 3, Suite 302, 230 Victoria Road, Gladesville NSW 2111 Email: lanecove@parliament.nsw.gov.au



ATTACHMENT 1



The Hon Gladys Berejiklian MP Minister for Transport

1 1 JUL 2013

ML13/05625

The Hon Anthony Roberts MP Minister for Fair Trading Member for Lane Cove PO Box 524 GLADESVILLE NSW 1675

Antrony Dear Minister,

Thank you for your letter of 24 May 2013 on behalf of City of Ryde Council regarding the NSW Taxi Transport Subsidy Scheme.

I have noted the issue raised by council.

The NSW Government recognises the importance of accessible transport for people with disabilities, particularly people using wheelchairs. Transport for NSW is evaluating the incentives and subsidies which support the provision of wheelchair accessible taxis to identify how service to customers can be improved. This will involve consultation with Wheelchair Accessible Taxi (WAT) users and the taxi industry, and will assess the effectiveness of measures in place to promote the availability, affordability and quality of WATs.

The Taxi Transport Subsidy Scheme, including the level of subsidy, will be considered as part of this work.

Thank you for bringing this matter to my attention.

Yours faithfully,

- 9 JUL 2013

Gladys Berejiklian MP Minister for Transport

> Level 35, Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000 Phone: (61 2) 9228 5266 Fax: (61 2) 9228 3744 Email: office@berejiklian.minister.nsw.gov.au

5 A TEN POINT PLAN FOR RESOURCING COMMUNITY PRIORITIES

Report prepared by: Executive Assistant to the Mayor **File No.:** MYR/07/10/7 - BP13/1056

CORRESPONDENCE:

Submitting correspondence from The Australian Local Government Association, dated 3 July 2013, regarding an election document titled "A 10 point plan for resourcing community priorities", which outlines the Association's policy proposals for the Local Government sector in the lead up to the 2013 Federal Election.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

1 A 10 point plan for resourcing community priorities

Report Prepared By:

Linda Smith Executive Assistant to the Mayor

Report Approved By:

Shane Sullivan Manager - Customer Service and Governance

Roy Newsome Group Manager - Corporate Services





PRECIS OF CORRESPONDENCE 5 (continued) ATTACHMENT 1 AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION A 10-POINT PLAN For Resourcing Community Priorities

ATTACHMENT 1

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Fo	preword2
AL	GA's 10-Point Plan
1	Constitutional power to support direct payments to local government
2	More sustainable funding to meet local community priorities
3	Better and safer roads
4	Funding should accompany new responsibilities
5	Commonwealth support for community infrastructure
6	Help for communities to adapt to climate change
7	A Coordinated approach to national biodiversity
8	Better funding arrangements for national disaster mitigation
9	Intergovernmental approach to improving online business capacity
10	Adequate funding to deliver municipal services to Indigenous communities

© Australian Local Government Association 2013 A 10-Point Plan: for resourcing community priorities Published by: Australian Local Government Association 8 Geils Court DEAKIN ACT 2600 Phone [02] 6122 9400 Fax [02] 6122 9401 Email alga@alga.asn.au

ATTACHMENT 1

A 10-POINT PLAN For Resourcing Community Priorities



→ A FOCUS ON LOCAL COMMUNITIES

The Australian Local Government Association (ALGA) is fully aware of the critical need for investment in local communities across Australia to ensure that all Australians, wherever they live, enjoy an appropriate level of services and infrastructure and an equality of opportunity. That is why ALGA has devised this 10-Point Plan for resourcing community priorities.

On behalf of local communities across the nation, ALGA urges all political parties to commit to resourcing community priorities as a major plank of their 2013 election campaign and seeks a strong commitment to:

- Constitutional change to support continued direct Commonwealth payments to local government;
- 2 More sustainable funding to meet local community priorities, including through Financial Assistance Grants;
- 3 Better and safer road through a permanent Roads to Recovery program;
- 4 Agreement that funding should accompany new responsibilities and an end to cost shifting;
- 5 Support for community infrastructure;
- 6 Help to adapt to climate change;
- 7 A coordinated approach to national biodiversity;
- 8 Better arrangements for natural disaster mitigation;
- 9 Investment to improve online business capacity; and
- 10 Adequate funding to deliver municipal services to Indigenous communities.

By supporting this plan, decision-makers can play a direct role in helping to ensure Australian communities are appropriately resourced.

ATTACHMENT 1

A 10-POINT PLAN For Resourcing Community Priorilies

→ FOREWORD

ALGA is the national voice of more than 560 local government authorities and is a federation of state and territory local government associations.

As the closest level of government to the people, the vast majority of local government work is focused on direct provision of local services, planning and the provision of local and regional infrastructure. Local government services and infrastructure are used every day by every Australian. Whether it's using a footpath, driving to work on a local road, a visit to the local library, or having your rubbish collected, our lives are touched by local government in many different ways.

Local government's national significance is underlined by the fact that it employs more than 185,000 Australians – just over 10 per cent of the total public sector. Local government owns and manages non-financial assets worth more than \$300 billion, including more than 80 per cent of Australia's road network, and has annual revenues of more than \$32 billion.

Commonwealth investments through local governments strengthen local communities and help to deliver on national objectives such as regional equity. In periods of economic challenge such investments can deliver fiscal stimulus at the local level resulting in greater employment, diverse economic activity and increased productivity. Local government is proud of its record in supporting the Australian Government throughout the Global Financial Crisis (GFC) by delivering thousands of large and small 'shovel ready' community infrastructure projects to local and regional communities on time and within budget, under the Nation Building – Economic Stimulus Plan.

Local government has a lot more to offer Australian communities but it needs the appropriate support and resources to do so. This 10-Point Plan puts forward local government's agenda and presents a way for local government to achieve its potential in partnership with the Federal Government.

Local government welcomes the opportunity to work with federal counterparts to ensure better services and a better quality of life for all Australians.

Felicity-ann Lewis

ATTACHMENT 1

A 10-POINT PLAN For Resourcing Community Priorities

→ ALGA'S 10-POINT PLAN



Program initiatives:

- · Commit to a referendum on financial recognition of local government;
- Fund a public information campaign on the Australian Constitution and the proposed change;
- Work with ALGA and fund a 'yes' campaign for financial recognition of local government.

Rationale:

Two recent High Court decisions known as the Pape Case and the Williams Case delivered in the space of three years, have handed down judgements that challenge the Commonwealth's ability to fund a wide range of activities. These decisions have important ramifications for local government and local communities, as both cases have rejected the Commonwealth's position that it has the capacity to spend money on whatever it wishes, for example school chaplains, and continued funding for programs like Roads to Recovery.

Legal advice from leading authorities confirms that these High Court decisions have created great uncertainty about the validity of Commonwealth programs that provide funds directly to local government. Such programs, including the \$3.5 billion Roads to Recovery program, may be unconstitutional and vulnerable to challenge in the High Court. Loss of these funds would threaten the financial sustainability of councils and the wellbeing of communities across Australia and could mean reducing or discontinuing vital services to local communities.

These recent High Court decisions have provided weight and urgency to the need for a change to the Constitution to allow direct federal funding of local government – what is known as financial recognition. The purpose of amending the Constitution would be to resolve the continuing uncertainty surrounding the Commonwealth's ability to continue to provide direct funding. The only way to ensure the certainty and therefore continuation of general direct funding to local governments is through change to the Constitution by way of a referendum.

In 2010 an Expert Panel established by the Government on the issue supported financial recognition and in 2013 a Joint Select Committee reaffirmed the Expert Panel's views and supported a Referendum to be held in 2013.

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A 10-POINT PLAN For Resourcing Community Priorities



Program initiatives:

- Undertake an inquiry into local government funding, including appropriate tax sharing arrangements.
- Reform the current FAGs arrangements by:
 - Lifting the base of FAGs to at least 1 per cent of Commonwealth taxation revenue
 - Adopting an escalation methodology that better reflects local government costs.

Rationale:

Local governments throughout Australia face an enormous challenge in meeting the local infrastructure and service needs of their communities. The funding pressures faced by councils have been exacerbated by the changing role of local government since the 1970s as a result of increasing expectations from the community and cost shifting from other levels of government. Councils have also faced rate capping at different times and in different jurisdictions, a crowding out of the property tax base by state governments and a declining level of grant support through FAGs.

ALGA believes there is a need to thoroughly review the adequacy of local government funding and we call on all political parties to support a broad review of local government revenue, including appropriate tax sharing arrangements. As with the states, local government should have access to an untied revenue stream that reflects actual costs of service and infrastructure provision, keeps pace with demand and promotes equality throughout the nation.

FAGs are essential for local governments across the country. ALGA acknowledges that the Commonwealth Government is currently undertaking a review of the FAGs system and welcomes this as a step forward but ALGA is disappointed by the narrow terms of reference and the vague structure of the review. ALGA seeks an assurance that issues related to financial sustainability and equity will be addressed in any review.

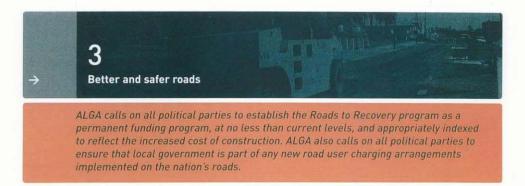
ALGA believes the FAGs pool should be increased, in line with the growth in the economy, demand for local services and rising costs. This would appropriately reflect the increasing demands on local government, often due to cost shifting onto councils by other levels of government, and restore the relative level of funding to the position in the mid-1990s. In 1995-96, FAGs constituted 1 per cent of Commonwealth taxation revenue. By 2012-13, this figure had dropped to less than 0.7 per cent.

This continuing and deepening decline of the FAGs as a proportion of total Commonwealth taxation revenue inflicts an unfair burden on local and regional communities which is evidenced in underperforming council infrastructure, less well-maintained roads, neglected sports facilities and deteriorating community infrastructure, and cuts to important community services.

In addition, FAGs are one of the few Commonwealth payments to another level of government not included in the 2009 COAG reform of the federal financial relations framework. Such reforms generally saw both an increase in the base funding of payments (by around 30 per cent) as well as incentive and reward payments to ensure the sustainability of services and reforms.

ATTACHMENT 1





Program initiatives:

- Commit to a permanent R2R program with appropriate indexation and consult ALGA over variations in the guidelines for the R2R program;
- Include local government in the development of any new road user charging systems that may be introduced in the future.

Rationale:

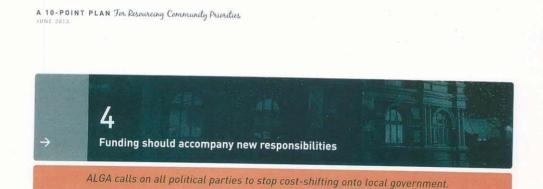
Local government roads comprise over 80 per cent of Australia's roads by length, and for many councils, especially in regional and rural Australia, expenditure on roads is their largest single outlay. Even the maintenance of the existing condition of local roads is beyond the financial capacity of many local councils. The Australian Government has accepted this and provides direct funding through the Roads to Recovery program to all councils to assist with the upkeep of roads.

Roads to Recovery is very successful and highly valued by local and regional communities. With the funding, local government has been able to make our roads safer and more efficient, for all road users, and the evidence is clear that local government has delivered value-for-money outcomes.

Local government has been focused on the future of this vital program and has strenuously advocated that its lifespan be extended, ideally to the point of it being a permanent part of local government funding. Therefore, local government applauded the 2012-13 Budget announcement to extend the Roads to Recovery program to 2019, at \$350 million per annum. This announcement came after a period of great uncertainty and until the program is made permanent, councils will not have sufficient funding security for long term planning and delivery of essential local roads infrastructure to appropriately support their local communities.

The general future of road funding throughout Australia has been the subject of debate in recent years with the current arrangements for charging heavy vehicles for road use being a particular issue of concern. Under those arrangements, revenue from heavy vehicles is raised through a combination of registration and fuel charges although almost none of that revenue is returned to local roads, despite the use of those roads by heavy vehicles. Reform to these arrangements is being considered (Heavy Vehicle and Charging and Investment reforms – HVCI) under which charges on heavy vehicles could be more closely linked to actual usage and the funds raised could flow back to the owners of the roads used. Such reforms should include local government to ensure that local roads are treated equitably and distortions are not created in the system.

ATTACHMENT 1



Program initiatives:

 Commit to renegotiate the Inter-Governmental Agreement Establishing Principles Guiding Inter-governmental Relations on Local Government Matters as soon as possible to ensure that local government is properly compensated when expected to take on new or transferred responsibilities from other levels of government. The Agreement should be renegotiated between governments within an ongoing ministerial forum which brings together the Commonwealth and state and territory local government ministers and ALGA.

Rationale:

Local government values the opportunity to work in partnership with all levels of government in Australia. These partnerships must, however, be meaningful and substantive. Cost shifting onto local government remains a major problem affecting councils in Australia. If local government is to inherit new functions or assets from other levels of government, comply with new laws and regulations set down by them, or deliver new and higher standards of service, it must be consulted about the changes and provided with the necessary additional funding to implement them.

It is well documented that in the past cost and responsibility shifting from other levels of government have produced serious financial sustainability threats for some councils. Ultimately, it is the members of our local and regional communities who have suffered as cost squeezes are made or services and/or maintenance downgraded in order to balance the books. The *Fair Share* report on cost shifting and local government finances, tabled in the Australian Parliament in November 2003 by the House of Representatives Standing Committee on Economics, Finances and Public Administration, concluded that cost shifting had been placing significant pressure on councils for some time, and was costing as much as \$1.1 billion to the sector each year.

Following that report, all members of the former Local Government and Planning Ministers' Council signed an Intergovernmental Agreement to prevent cost shifting. The Intergovernmental Agreement Establishing Principles Guiding Intergovernmental Relations of Local Government Matters 2006 ('the IGA') is designed to establish an ongoing framework to address cost shifting.

ALGA is committed to the IGA as it underlines the importance of effective inter-governmental collaboration and identifies processes to avoid and prevent cost shifting practices, which are essential to maximising local government's own efforts to enhance financial sustainability. There is little scope left to local government to increase own-source revenue in order to meet the additional costs that come with responsibility shifting.

Under the terms of the IGA, the Agreement was to be reviewed after five years of operation and ALGA welcomes the commitment to review the IGA announced by former Local Government Minister, Simon Crean on 16 November, 2011. However, there has been little progress since that announcement. ALGA believes that the IGA must be continued and strengthened.

An appropriate inter-governmental forum of local government ministers and ALGA is required to facilitate the renewal of the IGA and the discussion of other issues such as reviewing progress in projects under the Local Government Reform Fund, consulting on any review of local government funding and constitutional recognition. The disbanding of the former Local Government and Planning Ministers Council, under the reform of ministerial councils in 2011, has left a gap in inter-governmental relations which requires action.

ATTACHMENT 1

A 10-POINT PLAN For Resourcing Community Priorities

→ 5 Commonwealth support for community infrastructure
ALGA calls on all political parties to assist in closing the expanding community infrastructure gap in order for councils to maintain and renew the community infrastructure that supports delivery of a range of community services.

Program initiatives:

 Provide \$300 million per annum over four years specifically for local government community infrastructure, which improves the lives of citizens and/or strengthens economic opportunities at the local level.

Rationale:

Quality regional and local community infrastructure is essential for all communities. Well-located and well-designed, properly maintained community infrastructure is fundamental to communities' social and economic wellbeing. It helps facilitate social inclusion, tolerance and cultural awareness, promotes preventative health outcomes and enhances community cohesion. For some in the community, local community infrastructure is their only means to undertake physical health and wellness activities, interact with others and engage in lifelong learning.

Local government owns and manages more than \$12 billion of community infrastructure, excluding local roads which are estimated to be worth over \$200 billion. This includes community halls, swimming pools, ovals, playgrounds, theatres, libraries, footpaths, walking trails and boat ramps, camping grounds, cemeteries, parks and gardens and similar assets.

Over a series of decades, the gap between councils' revenue and the funding they require to deliver a broader range of services expected by their communities as well as maintain and renew the community infrastructure has widened. In 2006, this gap was found to total \$14.5 billion nationally – reflecting an underspend of \$1.1 billion annually. This gap has led to the deterioration of many libraries, community halls, galleries, museums, swimming pools, drainage, sea walls, and sports fields. It has also undermined the financial sustainability of 30 per cent of councils.

ALGA acknowledges the regional infrastructure funding commitments made in the period following the 2010 Federal Election but notes that these commitments do not specifically relate to local government infrastructure or local government priorities.

ALGA therefore urges commitment to increase local government community infrastructure funding to the level of \$300 million per annum over the next four years. This will enable all local councils to plan and deliver adequate and appropriate community infrastructure across all areas of Australia and enhance their resilience in tough economic conditions.

ATTACHMENT 1

A 10-POINT PLAN For Resourcing Community Priorities

6 Help for communities to adapt to climate change ALGA calls on all political parties to continue to engage and support local government as a vital partner in planning for, mitigating, and adapting to the effects of climate change on local communities, natural environments and water resources. Program initiatives: Commit to address the legal liability of local government resulting from councils assisting residents to adapt to climate change in good faith; Provide \$200 million over four years to support demonstration projects to reduce carbon emissions including from landfills; · Provide \$400 million over four years to assist councils to implement local and regional plans to address climate change. Rationale: Combating climate change will require the efforts of every level of government in Australia. There is a pressing need for every community to plan for extreme weather events and the anticipated impacts of change in the climate system and the flow-through consequences on infrastructure. agriculture, health and wellbeing. The risks related to planning and infrastructure for local government and local communities are significant. In planning for their communities, councils are increasingly required to take climate change into consideration when making development assessments. Local government needs legal certainty that decisions made and information provided in this process will not leave councils exposed to high legal costs or financial and legal liabilities. During 2011, ALGA undertook a project to address long-held concerns about the exposure of councils to the legal impacts of climate change, particularly those based on development decisions. The subsequent report prepared by Baker & Mackenzie strongly supported the need for greater consistency across the jurisdictions when it comes to legal protection including indemnity arrangements for councils. The report also recommended an expanded role for a centralised advisory body to collect and disseminate information and provide assistance and input, where appropriate, to aid councils in assessing impacts and risks, including advice regarding the appropriateness of a development or conditions included in development approval. Local governments are in a position to lead their communities as well as reduce their own carbon emissions. Over the past two decades a number of councils have undertaken a range of initiatives and promoted energy efficiency. There are numerous opportunities to build on these efforts by

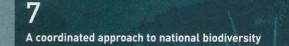
and promoted energy efficiency. There are numerous opportunities to build on these efforts by investing in a range of projects that would reduce carbon emissions. For example, investments in alternative waste disposal technologies could reduce emissions for landfills to almost zero, or energy efficiency projects such as installation of decentralised energy generation projects in small towns would increase their resilience by reducing their reliance on the national energy grid. To drive further reduction of carbon emissions and stimulate innovative energy efficiency demonstration projects, ALGA seeks a commitment of \$200 million over four years.

While discussions about carbon pricing and carbon mitigation are by no means settled, it is vital that there is greater recognition of the need for adaptation strategies to allow communities through their local councils to deal with the effects of climate change and reduce exposure to possible impacts. Impacts of climate change could include sea-level rises, increased salinity and unpredictable rainfall and other extreme weather events.

To ensure that specific adaptation action plans can be tailored to specific localities and have appropriate regard to local considerations, a four year program is required, at a total cost of \$400 million.

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A 10-POINT PLAN For Resourcing Community Priorities



ALGA calls on political parties to fund and support local government to develop and implement Local Biodiversity Strategies and Action Plans (LBSAPs) consistent with Commonwealth objectives under the National Biodiversity Conservation Strategy, the National Wildlife Corridors Plan, and where applicable, the targets as outlined in the Biodiversity Fund and the Caring for Our County program and the Commonwealth's international obligations as a signatory to the Convention on Biological Diversity.

Program initiatives:

- Establish a Local Government Biodiversity Funding program of \$10m over four years:
- Commit to provide direct funding to councils under this program.

Rationale:

Biodiversity is one of the highest environmental priorities globally and within Australia. Over many decades, all levels of government have been working to prevent the loss of native species and their habitats. However, available evidence suggests there is a continuing decline in biodiversity. Balancing biodiversity conservation outcomes with social and economic priorities is a complex and challenging issue.

Local government spends in excess of \$5 billion per annum on environmental issues. It is estimated that more than \$1.5 billion per annum is spent on natural resource management, including biodiversity.

Despite considerable work on biodiversity nationally, the role of local government is not well understood or adequately integrated into state and national programs and plans. ALGA believes that biodiversity outcomes can be significantly improved by more effective partnerships between the Commonwealth and local governments.

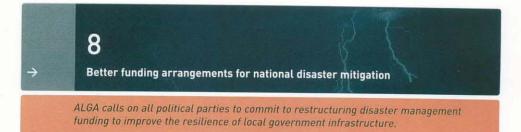
Local government is seeking commitment from all political parties to fund and support local government to develop and implement Local Biodiversity Strategies and Action Plans (LBSAPs) consistent with Commonwealth objectives under the National Biodiversity Conservation Strategy, the National Wildlife Corridors Plan, and where applicable, the targets as outlined in both the Biodiversity Fund and the Caring for Our County program.

ALGA believes that a small but strategic investment in local government to work on biodiversity will deliver benefits to local communities and the Commonwealth which is a signatory to the Convention on Biological Diversity. Local government has established relationships with experts and authoritative agencies including ICLEI and Natural Resource Management (NRM) bodies which can be utilised in local biodiversity and the development of actions to address these needs. One of the benefits of working through local government is that councils can ensure biodiversity outcomes are given priority and made sustainable by incorporating Local Biodiversity Action Plans (BSAPs) into their land use planning schemes and given statutory protection.



ATTACHMENT 1

A 10-POINT PLAN For Resourcing Community Priorities



Program initiatives:

- Expand the guidelines for the National Disaster Relief and Recovery Program to specifically
 improve opportunities for betterment of local government infrastructure as well as to enable
 councils to utilise internal labour for reconstruction work;
- Provide \$200 million over four years to assist councils to mitigate the risk of natural disasters on a 2:2:1 funding partnership between the Commonwealth, state and local government.

Rationale:

For Australian communities across the country, natural disasters are a constant threat. Cyclones, floods and bushfires each affect our communities in different ways but the underlying needs are the same; communities require appropriate support to mitigate the impacts of natural disasters where possible and timely support to recover as quickly as possible from those impacts that cannot be avoided.

Local government has been a strong supporter of the Natural Disaster Relief and Recovery Arrangements (NDRRA) under which the costs of restoring government infrastructure (including local government infrastructure) are shared across the levels of government. However, given the scale of some natural disasters, particularly the recent Queensland floods, there is a need to ensure that the NDRRA guidelines are as effective as possible in enabling councils to respond to community needs. There is a strong case in many circumstances to avoid repeated damage to assets affected by natural disasters by improving the quality of those assets rather than rebuilding to pre-existing (and vulnerable) standards. This requires a focus on ensuring that the betterment component of the NDRRA is meeting the needs of governments.

ALGA believes it is also essential to enable councils, particularly in remote areas, to use internal day labour on disaster recovery projects. Recent experience in Queensland and in Western Australia shows that this could significantly reduce the cost of projects. In Queensland for example, work after Tropical Cyclone Yasi showed savings by some councils of up to 45 per cent.

ALGA strongly supports the need for initiatives that build capacity in local and regional communities to mitigate the impact of natural disasters. In recognition of the projections for more widespread and severe impacts of natural disasters exacerbated by climate change, local government supported the consolidation of Australian Government funding for disaster mitigation which occurred a decade ago, but more recent reforms have led to a reduction in the focus on natural disaster mitigation and a reduction in direct mitigation funding for local projects.

A dedicated program for local government disaster mitigation works is needed so that local government can build resilience in local communities and avoid increasingly costly damage to public infrastructure and private property. Such a program could be delivered as a partnership between all levels of government based on a funding formula of 2:2:1 which recognises that councils have limited resources but that limitation should not constrain mitigation investments. This funding would provide opportunities for councils, especially in high-risk areas, to better respond to natural disasters.

ATTACHMENT 1

A 10-POINT PLAN For Resourcing Community Priorities.



Program initiatives:

 Provide \$50 million for web enhancement including making websites fully accessible in line with web 2.0 guidelines.

Rationale:

Local government has been and will continue to be a strong advocate for greater connectivity across all communities in the country.

ALGA welcomes the emphasis placed on information technology, especially in light of the rolling out of the National Broadband Network. However, local government will need to continue to be engaged in this area to ensure that the community's concerns and interests are addressed.

Capitalising on the Government's investment in world leading broadband technology is critical to local government and local communities. One of the major potential benefits of high-quality, reliable and affordable broadband will be the ability of all residents to conduct e-business with business and government.

While considerable effort is being made by the Australian Government and state and territory governments, the take-up of e-Government and e-business by local government is significantly inhibited by lack of standardisation, integration with state and federal systems, investment and training.

ALGA believes there are two major areas requiring investment to ensure that citizens have adequate access to government information and services via the internet. The first is to enable all local government websites to meet Web 2.0 standards. While much has been done to assist councils to have an internet presence there is a need to increase the functionality of these services. Councils, particularly in rural and remote areas, do not have access to expertise, service providers and training to assist in website development. As the Commonwealth and states are about to launch the trial sites of the National Disability Insurance Scheme, people with disabilities will need full access to all government websites. ALGA is seeking a commitment of up to \$50 million over four years to support councils to improve their websites and to work with other levels of government to develop seamless internet government services.

ATTACHMENT 1

A 10-POINT PLAN For Resourcing Community Priorities

10

Adequate funding to deliver municipal services to Indigenous communities

ALGA calls on all political parties to support local government efforts to maintain and strengthen council services to Indigenous communities.

Program initiatives:

• Commit to establishing written agreements with state and territory local government associations on planning and funding arrangements for Indigenous communities.

Rationale:

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Local government endorses the need to close the gap between Indigenous and non-Indigenous Australians in the areas of housing, health, early childhood development, economic participation and remote service delivery. Initiatives like these are vital if our nation is to overcome the economic and social costs of disadvantage being experienced disproportionately in our Indigenous communities, and position them to be more prosperous and sustainable.

An audit by the Western Australian Government in 2008 estimated a cost of \$540 million to address the backlog in housing maintenance in remote Indigenous communities. This estimate did not include the impact of factors like overcrowding, total supply of housing, or the cost of municipal and essential services such as roads, electricity, water, drainage, sewerage and waste removal.

In 2011, work was undertaken in concert with the Western Australian Local Government Association (WALGA) that showed the amount to be much higher, closer to \$1.6 billion. This does not fully cover additional gaps in municipal services which amount to \$400 million.

ALGA has welcomed the commitment of more than \$4 billion in investment directed toward closing the gap projects, especially in relation to Indigenous training and healthcare. However, as research has highlighted, more targeted funding is required.

ALGA understands that the types of capital works that are required to produce meaningful infrastructure reform in individual Indigenous communities will primarily be local in scale and, as such, do not fit strictly within the remit of bodies coordinating investment on a national scale. However, when considered in aggregate, such capital works require significant investment and cannot be funded by these communities alone. Accordingly, ALGA believes that the provision of essential infrastructure in Indigenous communities across Australia should be considered a national project with national priority, consistent with the Closing the Gap reforms.

In addition, collaboration and co-ordination should be encouraged between all levels of government to ensure the provision of services and infrastructure is timely, appropriate and effective.



6 CLOSURE OF LOCAL FIRE STATIONS

Report prepared by: Executive Assistant to the General Manager File No.: CLM/13/1/4/11 - BP13/1077

CORRESPONDENCE:

Submitting correspondence from Mr Geoff Provest, MP – Parliamentary Secretary for Police and Emergency Services, regarding the Closure of Local Fire Stations.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

1 Closure of Fire Stations - reply from Mr Geoff Provest MP, Secretary for Police and Emergency Services - 15 July 2013

Report Prepared By:

Roxanne Thornton Executive Assistant to the General Manager

Report Approved By:

Danielle Dickson Acting General Manager



ATTACHMENT 1



Mr Geoff Provest MP

Parliamentary Secretary for Police and Emergency Services

MIN13/001923

15.JUL 2013

Councillor Richard Quinn President Northern Sydney Regional Organisation of Councils PO Box 20 LANE COVE NSW 1595

Dear Councillor Quinn

Thank you for your correspondence to the Minister for Police and Emergency Services, the Hon Michael Gallacher MLC, regarding closures of local fire stations. The Minister has asked me to reply on his behalf.

I am advised by Commissioner Greg Mullins that Fire and Rescue NSW was experiencing an escalation in sick leave and overtime costs, which was not sustainable. Without intervention, Fire and Rescue NSW's overtime budget was on track to exceed the budget of \$10 million by roughly \$15 million in the 2012/2013 financial year. Strategies were developed to maximise the attendance of firefighters to duty, thereby reducing the need for overtime or other measures.

One of the key strategies has been to temporarily take selected fire stations or fire engines offline (TOLing) for short periods. A significant reduction in absenteeism has seen limited need to use this strategy.

Within the greater Sydney area, each fire engine and its crew is a mobile, not fixed, resource. Each fire engine is a part of a large network of nearly 100 fire stations throughout Sydney and not a specific resource confined to a Council area. Fire engines and crews are responded when and where they are most needed, regardless of their base location.

Fire and Rescue NSW has a well practised system of conducting risk assessments before dynamically deploying resources. This gives Fire and Rescue NSW the capacity and the capability to routinely move fire engines and crews to areas of higher need. This is determined by senior fire officers following a daily risk assessment, having regard to incidents such as major structure fires, bush fires, chemical spills, rescues, storms and flooding.

On any given day, up to 20 Sydney fire stations can be offline or redeployed without compromising community safety or the meeting of response time targets.

With specific reference to the fire resources within the Northern Sydney Regional Organisation of Councils (NSROC), Commissioner Mullins informs me that Crows

Level 33 Governor Macquarie Tower, 1 Farrer Place, Sydney NSW 2000 Phone: (61 2) 92285257 Fax: (61 2) 9228 5724 Email:<u>office@gallacher.minister.nsw.gov.au</u>



ATTACHMENT 1

Nest, Willoughby, Gordon, Hornsby, Berowra, Beecroft and Eastwood fire stations have been identified as locations where a fire engine and crew must always be available. In the event of staff shortages, relief staff and sometimes a whole fire crew are sent to these locations to ensure they remain online. For short periods at the start and end of the shift, some stations can be briefly unstaffed while replacement crews travel to and from these locations. Sometimes replacement crews may not report directly to the stations but patrol the area to familiarise themselves with the region. During the replacement crews' brief transit periods, crews from adjoining locations are available to provide a timely response to any incidents in these areas.

I am advised that Neutral Bay, Lane Cove, Gladesville and Ryde fire stations can be taken offline without affecting response times and capability. Should this occur, the areas are covered by other nearby fire resources.

Firefighters at stations within the NSROC area are often called upon to respond to emergencies in other parts of Sydney. Similarly, fire crews from other areas are routinely deployed to NSROC areas in the event of an incident.

During major events, Fire and Rescue NSW routinely redeploys resources throughout Sydney to unattended stations in order to maintain response coverage. Additionally, based on risk, fire crews can be pre-deployed to locations to bolster local resources such as during serious bushfire danger days. For example, in January 2013, additional resources were positioned at Beecroft, Hornsby and Berowra fire stations.

You may be interested to know that Fire and Rescue NSW recently rolled out an advanced automatic vehicle location system using real-time satellite tracking. This technology ensures that the computer-aided dispatch system automatically selects and responds the closest available resource to an emergency, meaning faster response times.

Should you require any further information, please do not hesitate to contact Assistant Commissioner Jim Hamilton, Director Metropolitan Operations, on (02) 9265 2701 or email at Jim.Hamilton@fire.nsw.gov.au.

Yours sincerely

Geoff Provest MP Parliamentary Secretary for Police and Emergency Services



7 NOTICE OF PLANNING ASSESSMENT COMMISSION MEETING -CONCEPT PLAN FOR RESIDENTIAL DEVELOPMENT AT WHITESIDE STREET AND DAVID AVENUE, NORTH RYDE

Report prepared by: Executive Assistant to Group Manager **File No.:** GRP/09/6/5 - BP13/1079

CORRESPONDENCE:

Submitting correspondence from Planning Assessment Commission, dated 17 July 2013, regarding notification of the Planning Assessment Commission meeting for the concept plan for residential development at Whiteside Street and David Avenue, North Ryde at 4.00pm on Tuesday 13 August 2013 at The Ranch Hotel, corner Epping and Herring Roads, North Ryde.

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

1 Notice of NSW Planning Assessment Commission Meeting - Concept Plan Whiteside Street and David Avenue North Ryde

Report Prepared By:

Sandra Warbrick Executive Assistant to Group Manager

Report Approved By:

Dominic Johnson Group Manager - Environment & Planning

ATTACHMENT 1



 Contact:
 Rob Sherry

 Phone:
 02 9383 2108

 Fax:
 02 9299 9835

 Email:
 rob.sherry@planning.nsw.gov.au

Ms Danielle Dickson A/General Manager City of Ryde Locked Bag 2069 NORTH RYDE NSW 1670 cityofryde@ryde.nsw.gov.au

15 July 2013

Dear Ms Dickson,

Notice of Planning Assessment Commission Meeting Concept plan for residential development at Whiteside Street & David Ave, North Ryde

I refer to Council's submission to the Department of Planning and Infrastructure on the above application. The proposed modification has been referred to the Planning Assessment Commission for determination, under the terms of the Minister's delegation.

The Commission to determine the application is Mr Garry West (chair), Ms Donna Campbell and Ms Abigail Goldberg.

The Department's Assessment Report (including recommendation) is now available on the Commission's website <u>www.pac.nsw.gov.au</u> (reference: D232/13 – concept plan for residential development at Whiteside Street & David Ave, North Ryde). Other documents associated with the application are available on the Department's website via <u>http://majorprojects.planning.nsw.gov.au</u> (reference: MP10_0165).

Due to the level of public interest in the application, the Commission will be meeting to hear submitter's views on the Department's assessment report and recommendation, prior to determining the application.

The Commission meeting is scheduled to commence at 4:00pm on Tuesday, 13 August 2013 at The Ranch Hotel, Crn Epping & Herring Roads, North Ryde. The meeting is open to the public to observe the proceedings.

Council's submission has been forwarded to the Commission for its consideration. The Commission is available to meet with you or your representatives prior to the public meeting, if you wish to discuss Council's submission. Council may also register to speak at the Commission meeting.

Public notice of the meeting will appear in the local newspaper on Wednesday, 17 July 2013 and those who made a submission to the Department of Planning and Infrastructure will be notified in writing about the meeting.

Please call me on 02 9383 2108 or email <u>rob.sherry@planning.nsw.gov.au</u> to arrange the meeting or if you have any questions on the Commission process.

Yours sincerely 2 V

Rob Sherry NSW Planning Assessment Commission

COMMISSION SECRETARIAT Level 13, 301 George Street SYDNEY, NSW 2000 GPD BOX 3415, SYDNEY, NSW 2001 TELEPHONE (02) 9383 2100 FAX (02) 9299 9835 pac@pac.nsw.gov.au

NOTICES OF MOTION

1 OPTIONS FOR REINSTATING THE NETBALL/BASKETBALL COURT AT PARRY PARK PUTNEY - Councillor Roy Maggio

File Number: CLM/13/1/4/6 - BP13/1150

MOTION:

That the Acting General Manager facilitate a meeting with the Putney Public School Principal and Parents of the school to discuss options for reinstating the netball/basketball court at Parry Park Putney and that Donnelly Park, Cudal Reserve Putney should also be investigated to allow recreational use for the students at Putney Public School and the Putney community. That the meeting be organised within 2 weeks if considered and be reported to back to council with all findings.

2 SUSPENDED COFFEE INITIATIVE IN THE CITY OF RYDE - Councillor Roy Maggio

File Number: CLM/13/1/4/6 - BP13/1151

MOTION:

That council acknowledge and Endorse the success of the Suspended Coffee Initiative in the City of Ryde and commend the local businesses, in particular the Pages Cafe West Ryde who were one of the first cafes to adopt the scheme, for this valuable community initiative to assist the disadvantaged and the less fortune in our community.

- That the City of Ryde promote by encouraging the introduction of the scheme in cafes in the Local Government Area
- Negotiate with cafes to Sponsor the printing of materials to promote the scheme
- Notify local cafes within the City of Ryde about the suspended coffee scheme
- Promote the scheme with a comprehensive communication strategy utilising the Mayors Column, Councils website, Face book, local News papers, business E newsletter and at all City of Ryde community events to inform residents of the Council supported charitable scheme
- Promote the scheme by collaborating with local community groups, chambers of commerce's, business forums, Macquarie, Top Ryde shopping centres and local organisations who assist the disadvantaged and the less fortune in our community that they promote it to their membership.

3 OPERATION OF THE DOGS OFF LEASH AREA - SANTA ROSA PARK -Councillor Denise Pendleton

File Number: CLM/13/1/4/6 - BP13/1152

MOTION:

That Council consult with local residents in the vicinity of Santa Rosa Park in relation to the operation of the Dogs off Leash area, to determine whether there are growing concerns about extension outside of the designated area and any negative impacts on other park users, including any concerns about child safety in particular.

4 COUNCILLOR WORKSHOP TO REFINE ALL PROPOSED AMENDMENTS TO THE LEP 2013 - Councillor Denise Pendleton

File Number: CLM/13/1/4/6 - BP13/1153

MOTION:

That staff organise a workshop with Councillors to refine all proposed amendments to the LEP 2013 prior to finalising a report of recommendations for consideration at a future Council Meeting.

5 VOLUME AND SPEED OF VEHICLES USING ALL THE RESIDENTIAL STREETS BOUNDED BY VICTORIA ROAD, BOWDEN STREET, CHURCH STREET AND CONSTITUTION ROAD - Councillor Jeff Salvestro-Martin

File Number: CLM/13/1/4/6 - BP13/1160

MOTION:

The General Manager investigates and reports on the volume and speed of vehicles using all the residential streets bounded by Victoria Road, Bowden Street, Church Street and Constitution Road as "through roads" and "rat runs" between these major roads. The report should include an overall traffic management plan for the area with the aim to limit the volume and speed of vehicles using the residential streets.



CONFIDENTIAL ITEMS

10 ADVICE ON COURT ACTIONS

Confidential

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

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

Report prepared by: General Counsel, Public Officer File No.: GRP/09/5/1/7 - BP13/1115 Page No.: 178