

30 OCTOBER 2014

NOTICE OF MEETING

You are advised of the following meeting:

TUESDAY 11 NOVEMBER 2014.

Meeting of Council Meeting No. 18/14

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

English

If you do not understand this letter, please come to the Ryde Civic Centre, Devlin Street, Ryde, to discuss it with Council staff who will arrange an interpreter service. Or you may ring the Translating & Interpreting Service on 131 450 to ask an interpreter to contact Council for you. Council's phone number is 9952 8222. Council office hours are 8.30am to 4.30pm, Monday to Friday.

Arabic

إذا كنت لا تفهم محتويات هذه الرسالة، فالرجاء الاتصال بمركز مجلس بلدية رايد Ryde Civic Centre، وعنوانه: Ryde Devlin Street، لمناقشتها مع العاملين في المجلس عن طريق مترجم، يستعين به العاملون لمساعدتك. أو يمكنك، بدلاً من ذلك، أن تتصل بمكتب خدمات الترجمة TIS على الرقم 131 450 وأن تطلب من أحد المترجمين أن يتصل بالمجلس نيابة عنك. رقم تليفون المجلس هو 9952 8222، وساعات العمل هناك هي من الساعة 8.30 صباحاً إلى 4.30 بعد الظهر من يوم الاثنين إلى يوم الجمعة.

Armenian

Եթէ այս նամակը չէք հասկնար, խնդրեմ եկէք՝ *Րայդ Միվիթ Սենթրը, Տելվին* փողոց, Րայդ, խօսակցելու Բաղաքապետարանի պաշտօնեաներուն հետ, որոնք թարգմանիչ մը կրնան կարգադրել: Կամ, կրնաք հեռաձայնել Թարգմանութեան Սպասարկութեան՝ 131 450, եւ խնդրել որ թարգմանիչ մը Բաղաքապետարանին հետ կապ հաստատէ ձեզի համար: Բաղաքապետարի հեռաձայնի թիւն է՝ 9952 8222: Բաղաքապետարանի գրասենեակի ժամերն են՝ կ.ա. ժամը 8.30 - կ.ե. ժամը 4.30, Երկուշաբթիէն Ուրբաթ:

Chinese

如果您看不懂這封信，請到位于 Devlin Street, Ryde 的禮特區市府禮堂 (Ryde Civic Centre) 與區政廳工作人員討論，他們將會給您安排傳譯員服務。或者您自己打電話給“翻譯及傳譯服務”，電話：131 450，請他們替您與區政廳聯係。區政廳的電話號碼是：9952 8222。區政廳工作時間是：周一至周五，上午 8.30 到下午 4.30。

Farsi

اگر این نامه را نمی فهمید لطفاً به مرکز شهرداری رايد در Devlin Street مراجعه کنید. کارمندان شهرداری ترتیب استفاده از يك مترجم را براي شما خواهند داد. یا ميتوانيد به سرویس ترجمه کتبی و شفاهی شماره 131 450 تلفن بزنيد و بخواهيد که يك مترجم از جانب شما با شهرداری تماس بگیرد. شماره تلفن شهرداری 9952 8222 و ساعات کار از 8.30 صبح تا 4.30 بعد از ظهر می باشد.

Italian

Le persone che hanno difficoltà a capire la presente lettera, sono pregate di presentarsi al Ryde Civic Centre in Devlin Street, Ryde, e parlarne con gli impiegati municipali che provvederanno a richiedere l'intervento di un interprete. Oppure possono chiamare il Translating & Interpreting Service al 131 450 e chiedere ad uno dei loro interpreti di mettersi in contatto con il comune di Ryde. Il numero del comune è 9952 8222. Gli uffici comunali sono aperti dalle 8.30 alle 16.30, dal lunedì al venerdì.

Korean

이 편지를 이해할 수 없으시면 Ryde의 Devlin Street에 있는 Ryde Civic Centre로 오셔서 카운슬 직원과 상담하여 주십시오. 저희 직원이 통역 서비스를 연결해 드릴 것입니다. 아니면 131 450번으로 통번역 서비스(TIS)에 전화하셔서 통역사에게 대신 카운슬에 연락해 주도록 부탁하셔도 됩니다. 카운슬 전화 번호는 9952 8222번입니다. 카운슬의 업무 시간은 오전 8:30부터 오후 4:30, 월요일에서 금요일까지입니다.

Meeting Date: Tuesday 11 November 2014
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. Council Meetings will also be webcast.

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1 CONFIRMATION OF MINUTES - Council Meeting held on 28 October 2014

Report prepared by: Meeting Support Coordinator**File No.:** CLM/14/1/4/2 - BP14/141

REPORT SUMMARY

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

RECOMMENDATION:

That the Minutes of the Council Meeting 17/14, held on 28 October 2014 be confirmed.

ATTACHMENTS

- 1** Minutes - Ordinary Council Meeting - 28 October 2014

ITEM 1 (continued)

ATTACHMENT 1

Council Meeting
MINUTES OF MEETING NO. 17/14

Meeting Date: Tuesday 28 October 2014

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

Time: 7.30pm

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

Note: Councillor Salvestro-Martin arrived at the meeting at 7.39pm during Public Participation on Items Listed on the Agenda.

Apologies: Councillor Laxale.

Leave of Absence: Councillor Etmekdjian.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager – Corporate Services, Acting Group Manager – Environment and Planning, Group Manager – Public Works, General Counsel, Chief Financial Officer, Manager – Governance, Risk and Audit, Manager – Communications and Media, Manager – Human Resources, Manager – Ranger and Parking Services, Section Manager – Waste, Research and Insights Coordinator, Coordinator – Digital Communications and Section Manager – Governance.

PRAYER

The Mayor, Councillor Pickering offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

TABLING OF PETITIONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:

Name	Topic
Stephen Lim	ITEM 2 – Special Rate Variation (SRV) Application including updated information relating to Council's Infrastructure Assets
Vito Ignazzi	ITEM 2 – Special Rate Variation (SRV) Application including updated information relating to Council's Infrastructure Assets

ITEM 1 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Li)

That Council now consider the following Items, the time being 7.42pm:

- **Notice of Motion 1** – The Passing of Former Prime Minister - Edward Gough Whitlam.
- **Item 2** – Special Rate Variation (SRV) Application including updated information relating to Council's Infrastructure Assets.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 THE PASSING OF FORMER PRIME MINISTER - EDWARD GOUGH WHITLAM - Councillor George Simon

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

- (a) That Council notes with sadness the recent passing of former Prime Minister, Edward Gough Whitlam.
- (b) That Council notes the important contribution that former Prime Minister Whitlam made to public life, in particular, the decision of his government to provide grants directly to local government for key infrastructure improvements to our cities.
- (c) That Council directs the Mayor, Councillor Pickering to write to the family of the former Prime Minister expressing our deepest condolences for their loss.
- (d) That Council observe a one minutes silence in recognition of the passing of former Prime Minister, Edward Gough Whitlam.

Record of Voting:

For the Motion: Unanimous

Note: A one minutes silence was then observed in accordance with the resolution of Council.

ITEM 1 (continued)

ATTACHMENT 1

2 SPECIAL RATING VARIATION (SRV) APPLICATION INCLUDING UPDATED INFORMATION RELATING TO COUNCIL'S INFRASTRUCTURE ASSETS

Note: Stephen Lim and Vito Ignazzi addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That Council defer this Item for consideration at the next Council Meeting on 11 November 2014.
- (b) That the Acting General Manager provide a supplementary report to Council detailing:
 - savings already identified and incorporated into the Four Year Delivery Plan;
 - revenue enhancements identified, commenced and incorporated into the Four Year Delivery Plan;
 - further savings identified yet to be incorporated into the Four Year Delivery Plan;
 - forthcoming revenue producing projects, estimated time frames for delivery of the proposed projects and estimated budget outcomes from these projects; and
 - details of the community consultation outcomes.

AMENDMENT: (Moved by Councillors Maggio and Li)

- (a) That the current community consultation outcomes be covered in the report to be received and noted.
- (b) That on the basis of the need to only notify IPART by 12 December with a final application due by 16 February 2015, the assessment of the community consultation including the proposed SRV application to IPART be deferred until the appointment of the new General Manager for the purpose of:-
 - i) Providing opportunity for the General Manager to review the findings and make the assessment on the adequacy of the application based on his/her expertise and field experience.
 - ii) Allowing the General Manager to undertake a review of the current structural and operational expenses to ensure they accompany the application to better reflect an overall productivity and efficient savings to rate payers.

ITEM 1 (continued)

ATTACHMENT 1

- iii) Allow adequate input into this important Council decision as he/she would be expected to hold significant accountability for the final submission and the overall process.

Note: The Amendment was subsequently **WITHDRAWN**. The Motion was then put and **CARRIED**.

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That Council defer this Item for consideration at the next Council Meeting on 11 November 2014.
- (b) That the Acting General Manager provide a supplementary report to Council detailing:
- savings already identified and incorporated into the Four Year Delivery Plan;
 - revenue enhancements identified, commenced and incorporated into the Four Year Delivery Plan;
 - further savings identified yet to be incorporated into the Four Year Delivery Plan;
 - forthcoming revenue producing projects, estimated time frames for delivery of the proposed projects and estimated budget outcomes from these projects; and
 - details of the community consultation outcomes.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 14 October 2014

RESOLUTION: (Moved by Councillors Simon and Pendleton)

That the Minutes of the Council Meeting 16/14, held on 14 October 2014 be confirmed.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

2 SPECIAL RATING VARIATION (SRV) APPLICATION INCLUDING UPDATED INFORMATION RELATING TO COUNCIL'S INFRASTRUCTURE ASSETS

Note: This matter was dealt with earlier in the meeting as outlined in these Minutes.

3 SUBMISSION - M2 Site North Ryde Station Precinct

Note: Correspondence received from Ryde – Hunter's Hill Flora and Fauna Preservation Society dated 27 October 2014 was tabled in relation to this Item and a copy is ON FILE.

Note: An email received from Ryde – Hunter's Hill Flora and Fauna Preservation Society dated 28 October 2014 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Pendleton and Simon)

That Council endorse the **ATTACHED** submission on the State Significant Development Application for the M2 Site, and submit the submission to the Department of Planning and Environment, subject to the following additions:-

- (a) Protection of the wetlands from stormwater flows through a range of measures including lot size and pipe infrastructure;
- (b) Consideration of capacities within the schools to accommodate the population of the North Ryde Station Precinct;
- (c) Satisfactory connection from the proposed pedestrian/cycle bridge over Delhi Road to the regional cycle route on the southern side of Epping Road.

Record of Voting:

For the Motion: Unanimous

4 SUBMISSION - SEPP 65 AND RESIDENTIAL FLAT DESIGN CODE REVIEW

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

- (a) That Council endorse the submission to the Exhibition of Draft SEPP 65 Amendment and Draft Apartment Design Guide; and
- (b) That the submission be lodged with the Department of Planning and Environment.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

5 ADVISORY COMMITTEE MEMBERSHIP

RESOLUTION: (Moved by Councillors Maggio and Chung)

(a) That Council confirm the current membership of the following Advisory Committees:

- Access Advisory Committee
- Bicycle Advisory Committee
- Bushland and Environment Advisory Committee
- Heritage Advisory Committee
- Status of Women Advisory Committee
- Economic Development Committee
- Macquarie Park Forum
- Community Harmony Reference Group
- Sport and Recreation Advisory Committee

(b) That Council endorse the following additional members/organisations:

Member	Committee
Stephen Chang	Economic Development Committee
Attila Yadaei	Community Harmony Reference Group
Rebecca Ho	Access Advisory Committee
Brush Farm Historical Society	Heritage Advisory Committee
Roads and Maritime Services (RMS) and other organisations be reinforced as the members of this committee	Bicycle Advisory Committee

(c) That Council approve the amendment of the Sport and Recreation Advisory Committee to the Sport and Recreation and Wheeled Sports Advisory Committee and that membership for that Committee include Wheeled Sports representation.

Record of Voting:

For the Motion: Unanimous

6 EASTWOOD EVENTS AND PROMOTIONS COMMITTEE

RESOLUTION: (Moved by Councillors Li and Chung)

(a) That Council adopt the minutes of the August 2014 Eastwood Events and Promotions Committee including draft changes to the Eastwood Events and Promotions Committee Terms of Reference.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That Council allow all existing members of the committee to continue and advertise for new members to join the Committee and this be reported back to Council for approval.
- (c) That Council advertise for new positions in the committee to include members of the West Ryde Chamber of Commerce and the Meadowbank West Ryde Progress Association and that this matter then be reported back to Council.

Record of Voting:

For the Motion: Unanimous

7 COUNCIL PARKING INFRINGEMENT POLICY

Note: Councillor Yedelian OAM left the meeting at 9.07pm and was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Simon)

- (a) That Council endorse the amendments to the *Enforcement of Parking Policy* and procedures as outlined in this report, subject to the following additional amendments:
 - i) Any reference to General Counsel as the Adjudicating Officer is to be deleted;
 - ii) The proposed grounds in relation to an authorised officer's discretion to issue a caution, as identified at page 131 of this Council report, be amended to include additional grounds relating to whether the discretion should be exercised having regard to public safety, property damage and any impact to members of the public; and
 - iii) The reference to Section 24E of the Fines Act 1996 (Act) at page 132 of this Council report be amended to correctly reflect the effect of Section 24E of the Act, with particular reference to the requirements of Section 24E(2)(d) as to vulnerable persons;
 - iv) That Council staff investigate the options to advise the appellant of the opportunity of appeal to Council through Council's Adjudication Officer and that this process be considered at the point of issue of the fine.
- (b) That the Acting General Manager be granted delegated authority to effect the amendments referred to in (a) above and any other minor amendments.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

Note: Councillor Yedelian OAM returned to the meeting at 9.08pm.

8 NSROC REGIONAL WASTE STRATEGY

Note: Councillor Salvestro-Martin left the meeting at 9.08pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Pendleton)

That Council adopts the Northern Sydney Regional Waste Strategy 2014-2021.

Record of Voting:

For the Motion: Unanimous

9 POLICY ON EXPENSES AND FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS

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

RESOLUTION: (Moved by Councillors Chung and Simon)

- (a) That Council adopt the **ATTACHED** 'Policy on Expenses and Facilities for the Mayor and other Councillors'.
- (b) That, in accordance with Section 253 of the Local Government Act 1993, a copy of the adopted policy be provided to the Office of Local Government.

Record of Voting:

For the Motion: Unanimous

10 DISCLOSURE OF INTEREST RETURNS: 2013-2014

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

RESOLUTION: (Moved by Councillors Pendleton and Simon)

That the Register of Disclosure of Pecuniary Interest Returns, as required under Section 450A of the *Local Government Act*, is tabled.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

11 INVESTMENT REPORT - September 2014

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

That Council endorse the report of the Chief Financial Officer dated 2 October 2014 on Investment Report – September 2014.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Salvestro-Martin returned to the meeting at 9.15pm.

12 2014/2015 CHRISTMAS / NEW YEAR ARRANGEMENTS - Business Operations

RESOLUTION: (Moved by Councillors Simon and Chung)

- (a) That the changes to normal City of Ryde business operations over the 2014/2015 Christmas/New Year period, as outlined in the report be endorsed.
- (b) That the changes to normal business operations referred to in (a) above, be advertised in the Mayor's Column, on Council's website, through Social Media and by way of notice at the front of the Civic Centre, Council's branch libraries and the Ryde Aquatic Leisure Centre.
- (c) That Council endorse the staff function, including staff update / Christmas lunch, being held at the Civic Hall from 12 noon on Friday, 19 December 2014.

Record of Voting:

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

Against the Motion: Councillors Maggio and Perram

13 REPORTS DUE TO COUNCIL

RESOLUTION: (Moved by Councillors Yedelian OAM and Simon)

That the report on Outstanding Council Reports be endorsed.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 RACIAL DISCRIMINATION ACT

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

LATE ITEM - PRECIS OF CORRESPONDENCE FOR CONSIDERATION

2 10/50 VEGETATION CLEARING RULE AND CODE OF PRACTICE (10/50 RULE)

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 THE PASSING OF FORMER PRIME MINISTER - EDWARD GOUGH WHITLAM - Councillor George Simon

Note: This matter was dealt with earlier in the meeting as outlined in these Minutes.

CLOSED SESSION

ITEM 14 - OPPORTUNITIES FOR COMMERCIAL OPERATIONS WITHIN AND AROUND COUNCIL LIBRARIES, SPORTING AREAS AND FORESHORES

Confidential

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

ITEM 1 (continued)

ATTACHMENT 1

ITEM 15 - 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.

RESOLUTION: (Moved by Councillors Simon and Pendleton)

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

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 9.26pm. The public and media left the chamber.

14 OPPORTUNITIES FOR COMMERCIAL OPERATIONS WITHIN AND AROUND COUNCIL LIBRARIES, SPORTING AREAS AND FORESHORES

MOTION: (Moved by Councillors Perram and Chung)

That Council declines the proposal submitted to establish a fixed Coffee Cart within the area of Eastwood Library.

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

That Council staff proceed to develop guidelines to assist those operators interested in introducing mobile vendors on Council property, roads and foreshores and a manner in which these guidelines and opportunities could be promoted.

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

Record of Voting:

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

Against the Amendment: Councillors Chung, Li, Perram, Pendleton, Simon and Yedelian OAM

ITEM 1 (continued)

ATTACHMENT 1

MOTION: (Moved by Councillors Perram and Chung)

That Council declines the proposal submitted to establish a fixed Coffee Cart within the area of Eastwood Library.

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

Record of Voting:

For the Motion: Councillors Li, Perram and Yedelian OAM

Against the Motion: The Mayor, Councillor Pickering and Councillors Chung, Maggio, Pendleton, Salvestro-Martin and Simon

RECOMMENDATION: (Moved by Councillors Simon and Pendleton)

- (a) That Council declines the proposal submitted to establish a fixed Coffee Cart within the area of Eastwood Library.
- (b) That Council staff proceed to develop guidelines to assist those operators interested in introducing mobile vendors on Council property, roads and foreshores and a manner in which these guidelines and opportunities could be promoted.

Record of Voting:

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

Against the Motion: Councillors Maggio and Perram

15 ADVICE ON COURT ACTIONS

RECOMMEDATION: (Moved by Councillors Simon and Chung)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

That Council resolve itself into open Council.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 9.51pm.

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

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

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 9.54pm.

CONFIRMED THIS 11TH DAY OF NOVEMBER 2014

Chairperson

**2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING
11/14 held on 4 November 2014**

Report prepared by: Section Manager - Governance
File No.: CLM/14/1/4/2 - BP14/1292

REPORT SUMMARY

The Minutes of the Planning and Environment Committee Meeting 11/14 held on 4 November 2014 are to be circulated on Thursday, 6 November 2014 after the meeting has been conducted. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

A report detailing Items which were dealt with by the Committee within its delegated powers, together with any Committee recommendations will be circulated at the same time as the Minutes on Thursday, 6 November 2014.

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING
12/14 held on 4 November 2014**

Report prepared by: Section Manager - Governance
File No.: CLM/14/1/4/2 - BP14/1293

REPORT SUMMARY

The Minutes of the Works and Community Committee Meeting 12/14 held on 4 November 2014 are to be circulated on Thursday, 6 November 2014 after the meeting has been conducted. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

A report detailing Items which were dealt with by the Committee within its delegated powers, together with any Committee recommendations will be circulated at the same time as the Minutes on Thursday, 6 November 2014.

**4 DEFERRED REPORT: SPECIAL RATING VARIATION (SRV)
APPLICATION INCLUDING UPDATED INFORMATION RELATING TO
COUNCIL'S INFRASTRUCTURE ASSETS**

Report prepared by: Chief Financial Officer
File No.: FIM/07/6/2/5/4 - BP14/1222

This report is deferred from the Council Meeting held on 28 October 2014.

Supplementary information will be distributed prior to the Council Meeting of 11 November 2014 in accordance with the following Council Resolution from the meeting of 28 October 2014:-

- (a) *That Council defer this Item for consideration at the next Council Meeting on 11 November 2014.*
- (b) *That the Acting General Manager provide a supplementary report to Council detailing:*
 - *savings already identified and incorporated into the Four Year Delivery Plan;*
 - *revenue enhancements identified, commenced and incorporated into the Four Year Delivery Plan;*
 - *further savings identified yet to be incorporated into the Four Year Delivery Plan;*
 - *forthcoming revenue producing projects, estimated time frames for delivery of the proposed projects and estimated budget outcomes from these projects; and*
 - *details of the community consultation outcomes.*

REPORT SUMMARY

Council at its meeting held on Tuesday, 24 June 2014 resolved to undertake extensive engagement with the City of Ryde community, in gaining their feedback towards a Special Rating Variation (SRV) and for the results of the engagement programme to be reported back to its meeting on 28 October 2014.

Council also resolved that this report would include updated information relating to the condition of Council's infrastructure assets, confirmation of the annual funding required for asset renewal and maintenance and the revised position in respect to Council's asset backlog and projected long term financial position.

ITEM 4 (continued)

This report provides the results of the Community Engagement program together with the updated information in respect of Council's asset condition, confirmation of the annual funding requirements to ensure Council's asset renewal and maintenance are both manageable and financially sustainable.

The report confirms that as a result of the community feedback through postcards, online and a random telephone survey, it demonstrates 57.7% of the community support an SRV application, with 42.3% against.

The report also confirms the current annual funding shortfall of \$10 million for asset renewals and maintenance. From the independent analysis undertaken by Jeff Roorda and Associates (JRA), they have confirmed that based on the updated asset condition data, that;

- Option A (rate peg only), Council service standards would have to be reduced with possible service cuts in the future
- Option B (7%) raises sufficient funds to cover the funding shortfall and to meet Council's requirements for asset renewal and maintenance
- Option C (12%) showing additional funds available to improve service standards.

Therefore, for the above reasons, this report recommends for Council to notify IPART of its intentions to make an application for a Special Rating Variation by 28 February 2015, noting Council's preferred option is for a 7% per annum increase, inclusive of any rate pegging, for a period of four years, with the increase being a permanent increase in the rating base, commencing 1 July 2015.

As the report details, this increase if supported and approved is projected to make Council's annual funding for its asset renewal and maintenance, financially sustainable over the life of Council's infrastructure assets. It should be noted that if Council supports the recommendation, Council will be required to revise its current Delivery Plan to incorporate the SRV proposal, together with the associated works, that will be applicable from for 2015 / 2016 Financial year. The revised Delivery Plan and Resourcing Strategy will be reported to Council's meeting on 25 November 2014, for endorsement to be placed on public exhibition for the period, early December 2014 to early February 2015.

RECOMMENDATION:

- (a) That Council note the updated information and results relating to the Community consultation on a possible SRV application and the updated information relating to Council's infrastructure assets.

ITEM 4 (continued)

- (b) That Council endorse IPART being notified of Council's intentions to make an SRV application, confirming its preferred option for an SRV application for 7% inclusive of the rate peg, as detailed in Option B in this report and also in the recent community consultation program.
- (c) That Council note that the revised Delivery Plan and Operational Plan will be reported back to Council on 25 November 2014.

ATTACHMENTS

- 1 JRA discussion paper on the Asset Management Plan and Council's SRV Options
- 2 Affordability and Community Capacity to Pay

Report Prepared By:

John Todd
Chief Financial Officer

Report Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 4 (continued)**Discussion**

Council at its meeting 24 June 2014 considered a report on the City of Ryde's Financial Future and resolved as follows:

- (a) *That Council note the information provided in this report and acknowledge Council's funding shortfall in respect of the renewal of Council's existing infrastructure assets.*
- (b) *That Council note the findings from Council's auditor, PricewaterhouseCoopers, following their review of the City of Ryde's financial position and comparison of key financial and other benchmark indicators to other similar sized Councils.*
- (c) *That Council endorse the Acting General Manager to complete the remaining stages of Council's Community Engagement Program – Proposed SRV Application, as detailed in the Program and in this report.*
- (d) *That Council, subject to endorsing part (c) of this recommendation, note that the Acting General Manager will report the findings of the Community Engagement Program and the additional information relating to the condition of Council's infrastructure, asset renewal backlog and Long Term Financial Plan to Council's meeting by 28 October 2014.*

Community Engagement Program

As a result of Council's resolution and adoption of the Community Engagement Plan to meet a proposed SRV application, Council implemented the strategy throughout the months of August and September 2014. The consultation program also included detail of the proposed impacts of each option and that any proposed SRV application would be complemented by an annual efficiency saving totalling \$2.5 million, in generating adequate annual funding for Council's asset renewal and maintenance requirements.

It should be noted that no funds from any of the SRV options would be used to address the refurbishment of the Civic Centre.

The key options that were included in the Community Engagement program were as follows:

Option A - DECLINE in services (Approximate 3% rate peg increase)

Option A would be no additional rate increase for the next 4 years, commencing 2015/16 other than the estimated rate peg increase of 3% each year. This would mean no additional investment in local infrastructure or facilities and would therefore lead to a reduction in service levels and possible cuts in services.

ITEM 4 (continued)

Option B - MAINTAIN SERVICES *Approximate 7% increase (including rate peg)*

Option B would be an average annual 7% rate increase for the next 4 years, commencing 2015/16 (including the rate peg increase of around 3%) to maintain services at their current level, and provide additional money for renewing the City's infrastructure. It would not be sufficient to undertake all repairs and maintenance needed, but would be enough to renew all assets that are rated as 'Condition 5' and some assets that are in 'Condition 4.'

Option C - UPGRADE SERVICES *Approximate 12% increase (including rate peg)*

Option C would be an average annual 12% rate increase for the next 4 years, commencing 2015/16 (including the rate peg increase of around 3%) to maintain services at their current level and provide further money for renewing the City's infrastructure. It would still not be sufficient to undertake all repairs and maintenance needed, but would be enough to renew all assets that are rated as 'Condition 5' and most assets that are in 'Condition 4'

Summary of Community Survey Results:

The community survey results are a combined result of both the voluntary votes (ie: votes lodged either through the reply paid postcard or the online portal) and also the random telephone survey.

Due to the difference in the base size of the two survey methods (i.e. voluntary votes n=2,883 and random telephone survey n=655), the random telephone survey result was weighted up in order to provide a true representation of the average. This means that results from both survey methods are evenly represented.

Option A:	Supporting no increase at all in the rates over and above the rate peg	42.3% Community support
Option B & C:	Supporting either a 7% or 12% increase, inclusive of the rate peg	57.7 % Community support

In preparing the community engagement strategy for this proposed SRV, Council referred to Criterion 2 of the IPART guidelines which outlines what Councils must undertake in ensuring that "the community is aware of the need and extent of a rate rise. Councils should canvas alternatives to a rate rise, the impact of any rises upon the community and the Council's consideration of the community's capacity and willingness to pay rates."

ITEM 4 (continued)

To this end the community engagement component of this report will address the following areas in line with the IPART requirements:

- community's awareness of the proposal
- level of community engagement in the proposal
- community's willingness to pay increased rates
- community's capacity to pay the proposed increase

To provide further validity to the data, this report also makes comparisons against neighbouring Councils who have received an SRV approval from IPART in recent years.

Council's strategy

Council referred to the IPART guidelines which states that all IPART applications must demonstrate that *"the council has demonstrated an appropriate variety of engagement methods to ensure community awareness and input into the special variation process"*.

IPART notes that it expects councils to choose and execute methods that reflect the size and impact of the proposed rate increase, and the resources of the council.

To this end, Council developed and executed a comprehensive eight week strategy that included:

- 12 page information brochure mailed directly to over 30,000 residential ratepayers
- Soft copies of the brochure emailed to over 200 real estate agents for distribution to non -residential ratepayers (which totals approximately 5000 properties)
- Brochure translated in to the City's top five languages
- A dedicated website that included an online Q&A portal
- A dedicated phone number for community enquiries
- 3 town hall community meetings, where the proposed SRV options were presented and workshops with the Community
- 16 information booths at various times and days during the eight week consultation period
- Community members could provide their feedback in a variety of ways including:
 - Return of the reply paid postcard
 - Online vote through the dedicated engagement portal
 - Contacting customer service to register a vote over the phone

ITEM 4 (continued)

Comparison of engagement strategy against other Councils

An analysis of the engagement approaches and statistics of other Councils who have undertaken an SRV process, have been compared to the City of Ryde's approach and are detailed below;

	City of Ryde	Ku-ring-gai (2011/14)	Lane Cove (2011/12)	Holroyd (2014/15)	Auburn (2010/11)	Warringah (2014/15)	Parramatta (2011/12)	North Sydney (2011)	Willoughby (2012/13)	Hunters Hill (2012/13)	City of Ryde's position against the other Councils
Mail out	30,211			36,000		6,000		32,813		5,092	Above Average
Mail In	2,408			2017		151		3163		0	Above Average
Postal Response Rate (%)	8%			6%		3%		10%			Above Average
Online Response	475	37	174			419	37		911	160	Above Average
Random phone survey respondents	655	400	400	400	400	400	505	600		400	Above Average
Awareness (%)	61%	50% /37%		42%							Above Average
Support (%) for proposed SRV*	57.7%			37.2%			77.9%			40.2%	within the acceptable range
* Average value of voluntary and random survey results											

As can be seen from the above analysis, the City of Ryde's approach compares quite favourably on how it has engaged with its community on this matter.

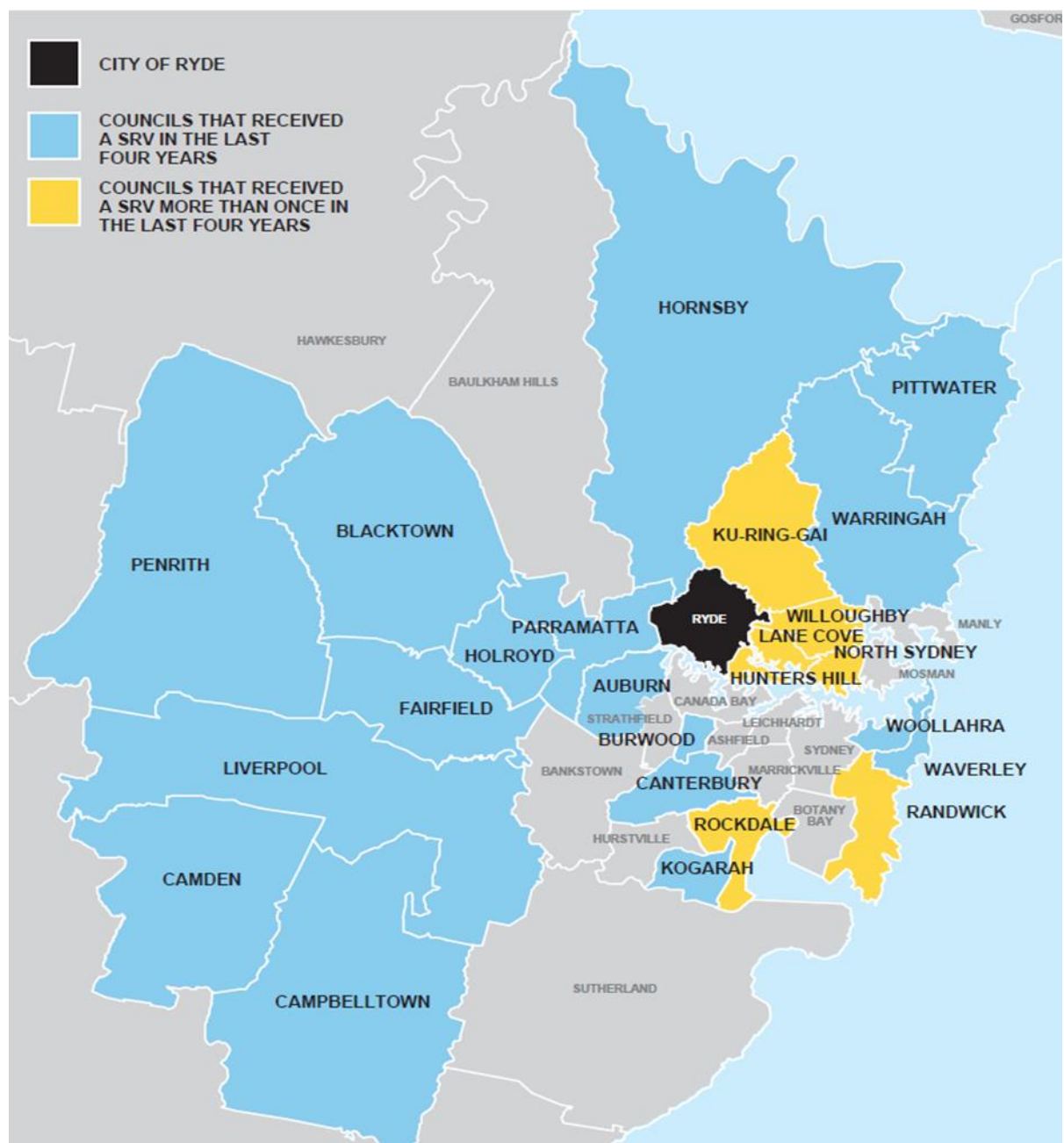
The support of 57.7%, represents those members of the community that support either Option B or Option C.

ITEM 4 (continued)

Comparison of Surrounding Councils - Where SRV Approvals have been granted

It should be noted that the City of Ryde last had a general SRV approval for the whole City area, in 1996 / 1997.

The table below demonstrates that, while the City of Ryde has had no SRV application or approvals in the last 4 years, the number of Councils that have received an SRV in the last 4 years is extensive. The table also highlights those Councils that have had multiple increases in the last 4 years.



ITEM 4 (continued)

Due to their locality, nine neighbouring Councils have been selected for comparison of the community awareness and engagement levels, that was undertaken in recent SRV applications.

COUNCIL	SRV APPLICATION / IPART DETERMINATION
Auburn Council (2010/2011)	<p>Applied for a special variation to increase its general income by:</p> <ul style="list-style-type: none"> 11.74% in 2011/12, and 8.5% each year from 2012/13 to 2015/16. <p>IPART partially accepted by allowing a SRV of 6% each year in the period of 2011/12 to 2013/14, due to the concerns with the cumulative impact of the rate increases requested and whether there is sufficient community support for some of the new capital expenditure proposed by the council.</p>
Holroyd Council (2014/2015)	<p>Applied and received IPART approval for SRV of 8% for 3 years then 7% for 2 years, or a cumulative increase of 44.22% over the next 5 years.</p>
Hunters Hill Council (2012/13 and 2013/14)	<p>Applied and received IPART approval for SRV of 10.4% for 10 years in 2012/13. They applied again in 2013/2014 and received IPART approval for a SRV of 10.67% including the rate peg. They are to retain 5.27% of the SRV in its rates base for 10 years and 2% permanently.</p>
Ku-ring-gai Council (2011/12 and 2013/14)	<p>Applied for SRV increase by 8.4% for 5 years.</p> <p>IPART approved SRV increase by 8.4% in 2013/14, including the rate peg. The increase above the rate peg can be retained in the council's general income base for 1 year only due to lack of awareness level.</p>
Lane Cove Council (2011/12)	<p>Applied and received IPART approval for 10.24% increase to be permanently incorporated into its revenue base.</p>
North Sydney Council (2011 and 2012/13)	<p>Applied for SRV increase by 5.5% for 7 years.</p> <p>IPART only partially approved the SRV by allowing a 5.5% increase by rate peg from 2011/12 to 2017/18 as they believed that the request was not clearly presented to the community. This has led North Sydney to apply once again in 2012/2013 for SRV increase of 12.34% in 2012/13, 14.57% in 2013/14, and 5.50% each year from 2014/15 to 2017/18. This was approved by IPART.</p>

ITEM 4 (continued)

COUNCIL	SRV APPLICATION / IPART DETERMINATION
Parramatta Council (2011/2012)	<p>Applied and received approval from IPART to increase its general income by:</p> <ul style="list-style-type: none"> 4.3% in 2011/12 4.3% in 2012/13 9.2% in 2013/14 <p>These increases represent a cumulative increase of 18.79% for these 3 years.</p>
Warringah Council (2014/2015)	<p>Applied for annual increases of 6.1%, 6.0%, 6.0% and 5.9% over 4 years for a cumulative increase of 26.25%. IPART only partially approved of 3.1%, 3.0%, 3.0% and 9.4% for the years 2014/15 to 2017/18, due to insufficient demonstration of the need for an increase.</p>
Willoughby Council (2012/13)	<p>Applied and received IPART approval for an increase in the minimum level of rates by 23.6% in 2012/13. The same application was rejected in 2011 due to lack of consultation.</p>

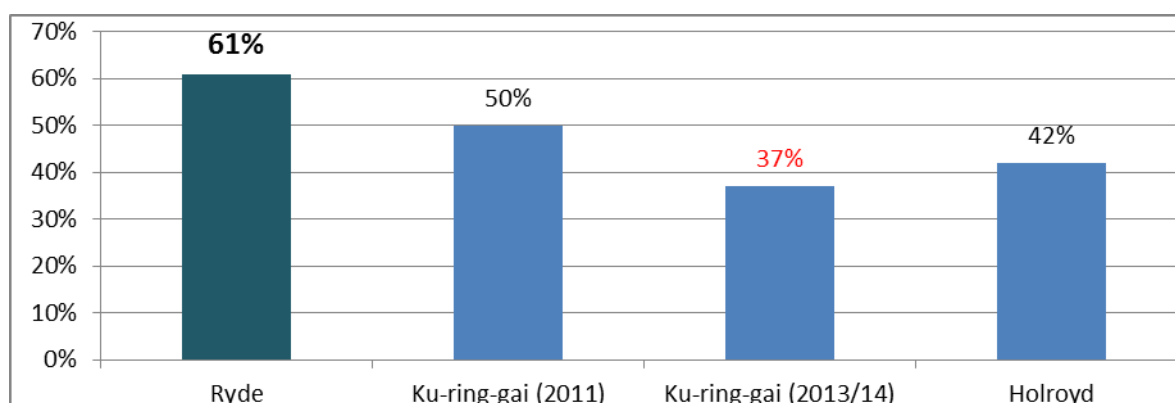
Community Awareness of the Proposal

Overall, the comparison results show a significantly high awareness of the SRV proposal in the City of Ryde community.

According to the random telephone survey, with 95% confidence and $\pm 3.8\%$ margin of error, it can be stated that the majority (61%) of the rate payers in City of Ryde are aware of the SRV proposal.

The City of Ryde strongly compares with other Councils on the community's awareness of a proposed SRV application as detailed below:

Awareness

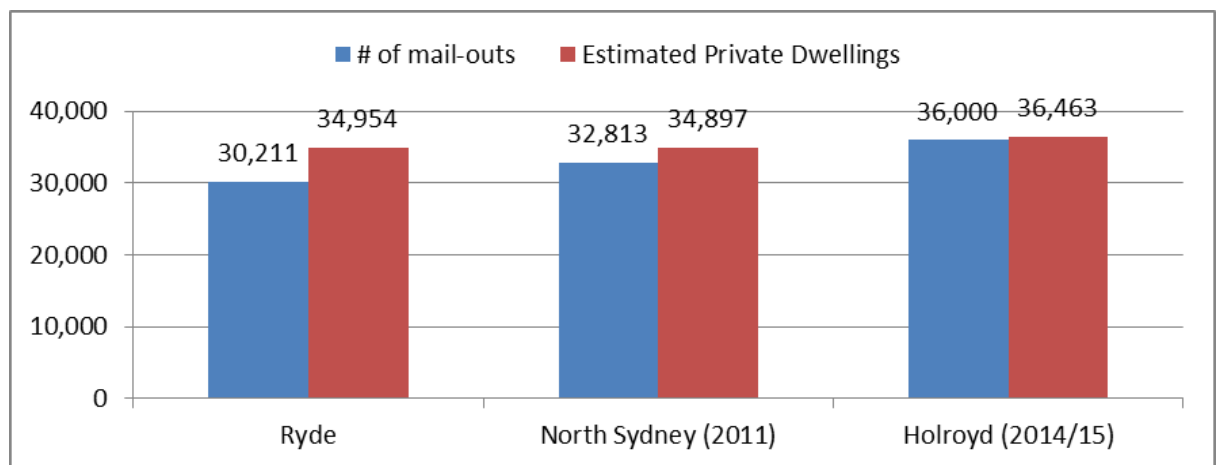


ITEM 4 (continued)

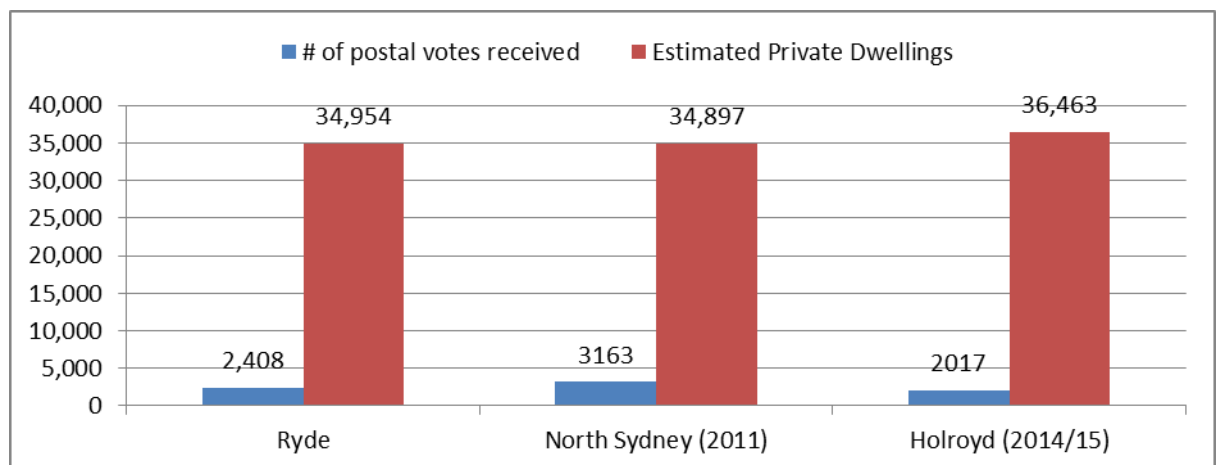
Community's involvement in the engagement strategy

As at 30 September 2014, City of Ryde has received over 2,883 voluntary votes (2,408 postal votes and 475 online votes) and 655 telephone survey respondents, reflecting a high level of community engagement. In comparison to the neighbouring Councils, City of Ryde has achieved the most responses by telephone surveys, second highest response rate via postal votes, and third most votes via online.

Number of Mail Outs (i.e. Brochures, letters, booklets)

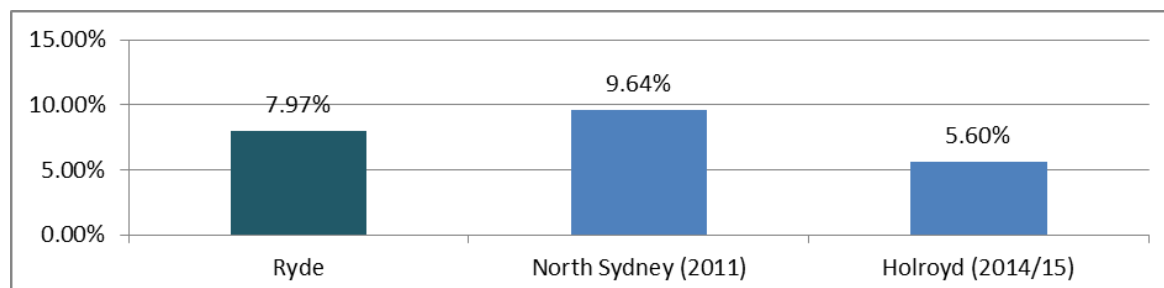


Number of Postal Votes Received

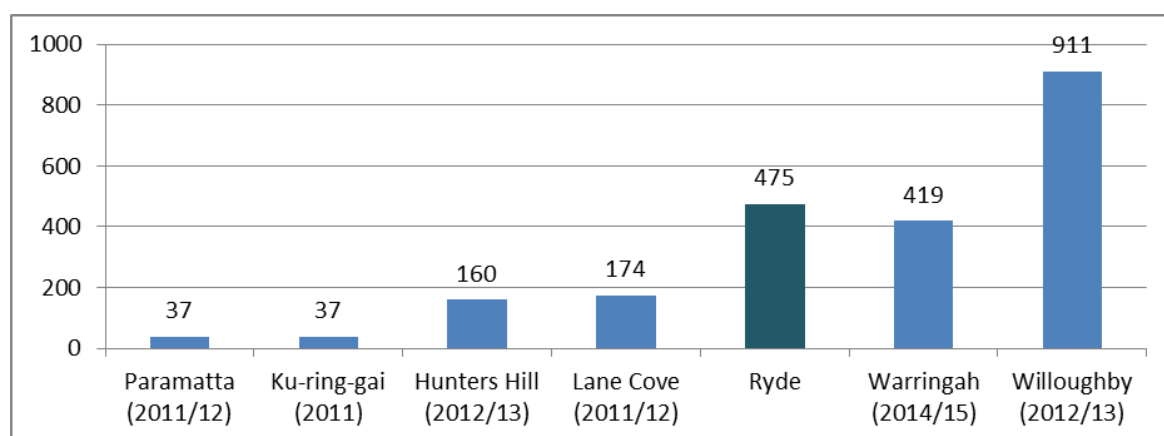


ITEM 4 (continued)

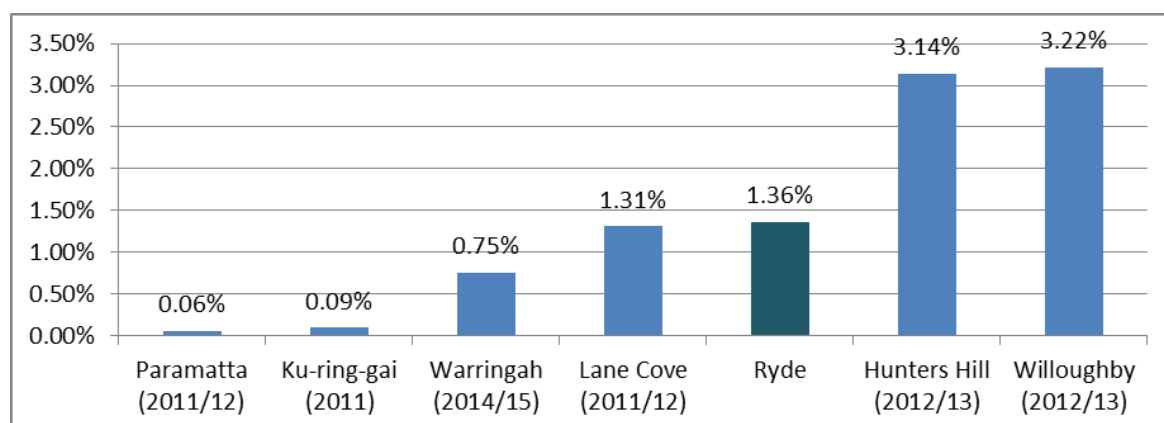
Response Rate by Mail



Online Votes

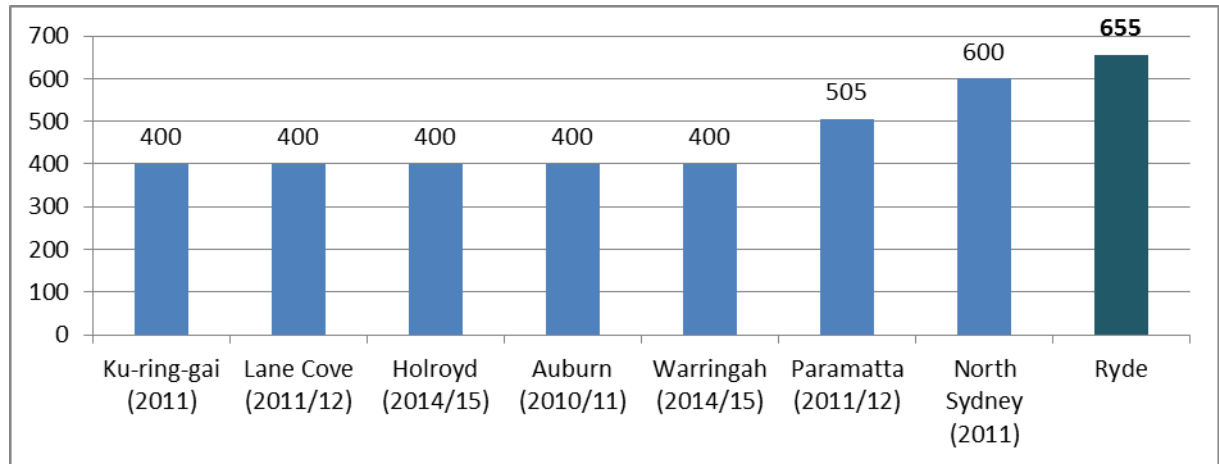


Proportion of Dwellings Voted Online



ITEM 4 (continued)

Random Telephone Survey



Community Support and Willingness to Pay

When reviewing community support and willingness to pay, the comparison pool was reduced from the original nine councils to three Councils including Holroyd, North Sydney & Hunters Hill.

These three Councils were chosen for this comparison due to the similarity in both the type of submission and also the community engagement strategy undertaken. As can be seen from the table below, Holroyd, North Sydney and Hunters Hill Councils undertook similar engagement strategies. Whilst Warringah also undertook an equally comprehensive strategy, their voting methods differed to that of Ryde and the other three Councils and as such it was difficult to make accurate comparisons against the Warringah results.

ITEM 4 (continued)

	City of Ryde	Ku-ring-gai (2011)& (2013/14)	Lane Cove (2011/12)	Holroyd (2014/15)	Auburn (2010/11)	Warringah (2014/15)	Parramatta (2011/12)	North Sydney (2011)	Willoughby (2012/13)	Hunters Hill (2012/13)	City of Ryde's position against the other Councils
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Mail In	2,408			2017		151		3163		0	Above Average
Postal Response Rate (%)	8%			6%		3%		10%			Above Average
Online Response	475	37	174			419	37		911	160	Above Average
Random phone survey respondents	655	400	400	400	400	400	505	600		400	Above Average
Awareness (%)	61%	50% /37%		42%							Above Average
Support (%) for proposed SRV*	57.7%			37.2%			77.9%			40.2%	within the acceptable range

* Average value of voluntary and random survey results

The comparison Councils made the following applications;

COUNCIL	SRV APPLICATION / IPART DETERMINATION
Hunters Hill Council (2012/13)	Applied and received IPART approval for SRV of 10.4% for 10 years in 2012/13.
Parramatta Council (2011/2012)	Applied and received approval from IPART to increase its general income by: <ul style="list-style-type: none"> 4.3% in 2011/12 4.3% in 2012/13 9.2% in 2013/14.3 These increases represent a cumulative increase of 18.79% for these 3 years.
Holroyd Council (2014/2015)	Applied and received IPART approval for SRV of 8% for 3 years then 7% for 2 years, or a cumulative increase of 44.22% over the next 5 years.

ITEM 4 (continued)

In general, Councils showed similar trends from the random telephone surveys, receiving more support for the SRV in contrast to the voluntary votes (via postal and online voting). This is due to the non-biased measure of the random sampling that allows a more representative view of the wider community.

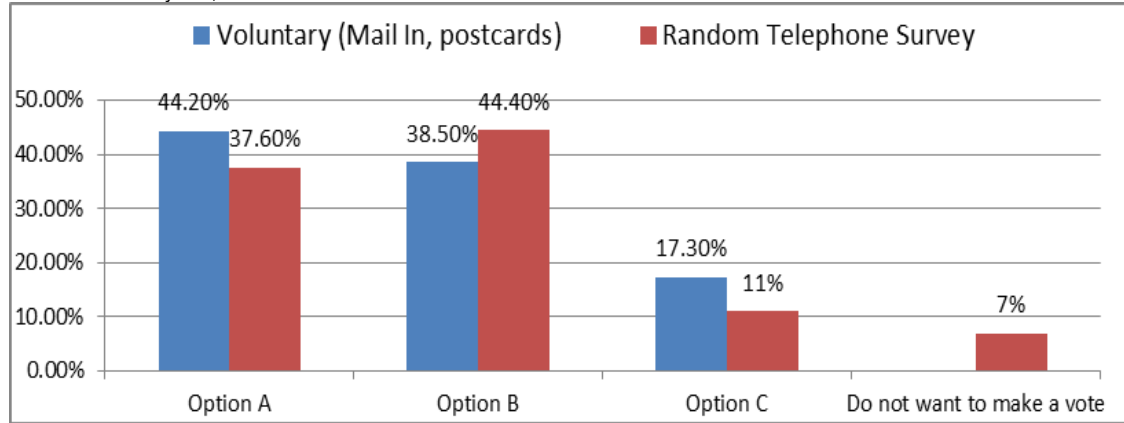
Using an average of the two measures (voluntary votes and random sampling), 57.7% of the community, would support either of Ryde's Option b or C, with 41.5% supporting Option B (i.e. SRV of 7% per year for 4 years). These results are in line with the comparable Councils' range of 37% to 77.9%, previously approved by IPART.

COUNCIL	PROPOSED SRV OPTIONS
Hunters Hill Council (2012/13)	<p>Option 1 - Against the continuance of infrastructure levies.</p> <p>Option 2 - Rate peg increase and continuance of special rates.</p> <p>Option 3 - Support a rate peg increase, continuance of special rates and an operations catch-up increase to the general rate of 2%.</p>
Parramatta Council (2011/2012)	<p>Option 1 – Reduction in community services and infrastructure</p> <p>Option 2 - modest increase in Council ordinary rates (on average \$10 per year over four years)</p>
Holroyd Council (2014/2015)	<p>Option 1 - Not in support of a SRV</p> <p>Option 2 - Special Variation of 8% for 3 years then 7% for 2 years</p> <p>Option 3 - Special Rate Variation of 9% for 6 years</p>

ITEM 4 (continued)

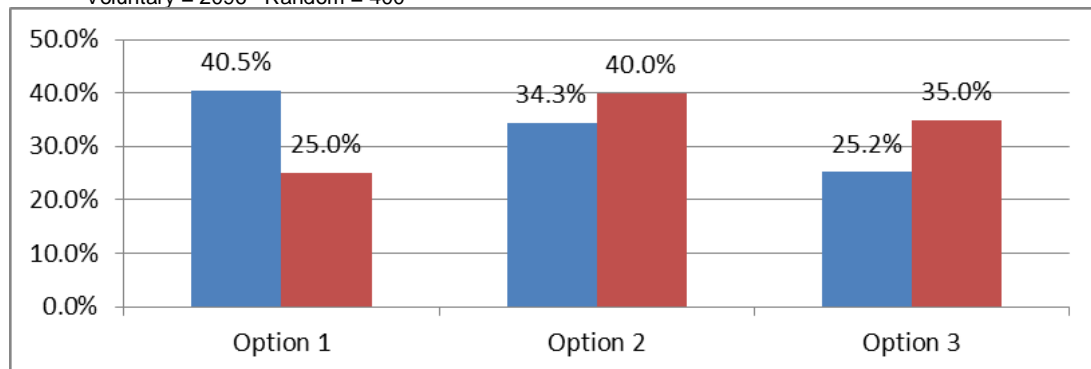
City of Ryde

Voluntary = 2,732 Random = 655



Holroyd Council (2014/15)

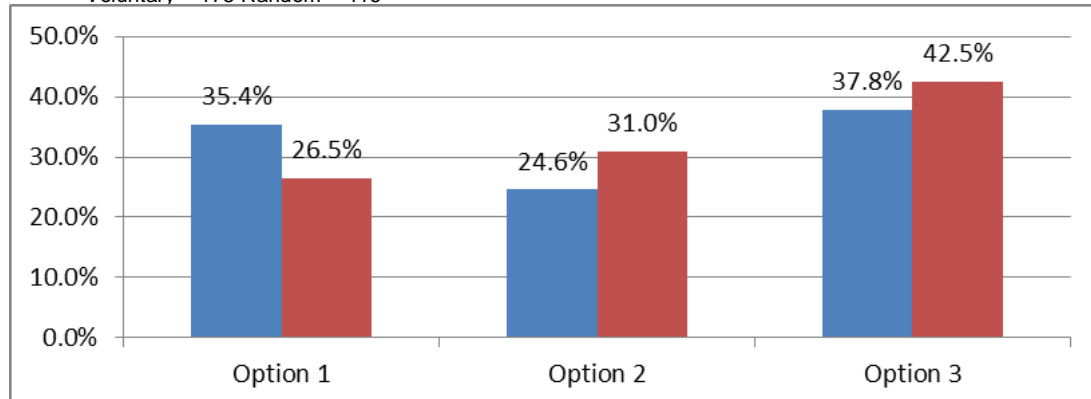
Voluntary = 2096 Random = 400



Note: IPART approved Option 2- SRV of 8% for 3 years then 7% for 2 years.

Hunters Hill (2012/13)

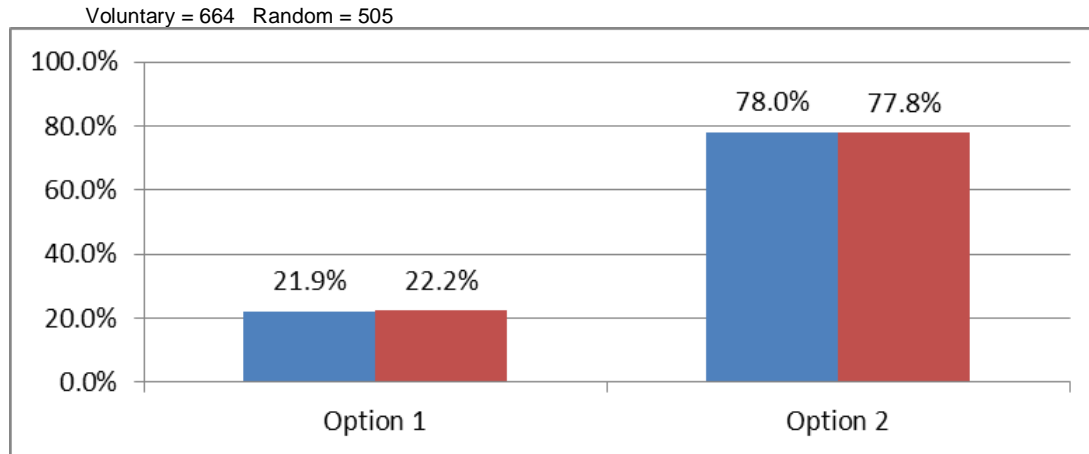
Voluntary = 175 Random = 416



Note: IPART approved Option 3 - 10.4% for 10 years in 2012/13. This option was presented to the community as "Rate peg increase, a new levy equivalent to the previous levy and operations catch up increase to the general rate of 2".

ITEM 4 (continued)

Parramatta Council (2011/12)



Note: IPART partially approved Option 2 – An accumulative increase of 18.79% for 3 years. This option was presented to the community as a “Modest increase in Council ordinary rates” (increase of average \$10 per year over four years)

Summary of Comparisons with other Councils

Overall, while there are variations between the Councils compared, the City of Ryde's results of 57.7%% of the community supporting an SRV to 42.3% for no change, are positive and in line with the results of the other Councils surveyed.

Community's capacity to pay

According to Criterion 2 of the IPART guidelines a Council must consider not just the community's willingness to pay, but also the community's capacity to pay.

Whilst the guidelines themselves are not specific as to what level of detailed information IPART would like to see on this subject, there are some framed questions included in the IPART application paperwork. Council has reviewed and considered four other successful applications from the 2013/14 year to determine what information IPART may be seeking and as such the following information has been compiled as information necessary to support a potentially successful application.

A detailed research paper is **ATTACHED (Attachment 2)**, however the key findings of the research are as follows:

- City of Ryde has a total of 40,084 rate assessments. Residential (38,289) and Business (1,795).
- Ryde's average rate per residential assessment is \$453.65, which is below the average of other neighbouring Councils (\$673.41).
- Ryde's average rate per business assessment is \$6,622.28, which is above the average of other neighbouring Councils (\$5,243.16).

ITEM 4 (continued)

- The average rate of NSROC member councils is \$871 while Ryde's residential rate is significantly lower at \$646.
- The City of Ryde's outstanding debt percentage remains below the industry standard of 5%, and recent changes to Council's Debt Administration procedures has ensured that the downward trend commenced in 2012 will continue towards a goal of less than 3%.
- Council provides a voluntary Council rebate of \$80 per annum which is only available to ratepayers who are "eligible pensioners" and were already in receipt of this rebate from Council prior to 31 December 1992.
- The median Weekly Household Income (HHI) is higher for the City of Ryde at \$1,500-\$1,999 when compared to the NSW median of \$1,250- \$1,499.
- City of Ryde's median weekly HHI is in line with the NSROC median at \$1,500 - \$1,999.
- The unemployment rate for Ryde has been significantly lower than Greater Sydney until recent years. The unemployment rate has increased in the recent years due to the economy downturn, however it is still in line with that of Greater Sydney.
- In 2011, Ryde had a SEIFA Index score of 1,050 which places Ryde on the 20th ranking among the 153 Local Government Areas in NSW. Ryde is in decile 9 out of 10. (A higher score on the index means a lower level of disadvantage. A lower score on the index means a higher level of disadvantage).
- The Gross Regional Product (GRP) of Ryde has a positive trend since 2001, significantly exceeding the average % increase of NSW. The % increase has slowed down since 2012 however the trend is still upwards.

Hardship Policy

There may be some concerns about any impact that a SRV may have on pensioners or those that may have issues related to the payment of rates.

Council is aware that it currently provides a eligible pensioners with a maximum pension rebate of \$250 per annum. In addition to this rebate, Council also provides other support under its Hardship Policy.

ITEM 4 (continued)

Key features of Council's Hardship Policy are as follows:

- Policy provides that Council may write off or reduce interest on overdue rates if a person complies with the arrangements.
- Accrued interest on rates and charges may also be written off due to financial hardship on written application, or where a rate payer has experienced some serious illness that has prevented their expenses.

It should also be noted that arrangements can be made to pay rates at a frequency other than by the interest free instalments. Currently there are about 300 ratepayers who are on arrangements.

Asset Management

The other key area to be addressed following Council's resolution on 24 June 2014 was in respect of its condition of its infrastructure assets and confirmation of the projected annual amount required for asset renewal and maintenance.

Council engaged Jeff Roorda and Associates (JRA) to assist in this process. A copy of their discussion paper on their findings of the review and updating of Council's Asset Management Plans and Council's SRV options is **ATTACHED (Attachment 1)**.

Overview of Findings

The key focus areas addressed in the JRA review, was the validation of the current condition of Council's infrastructure assets, particularly in the area in the road pavement, footpaths, kerbs and stormwater assets.

The reason for this review to be concentrated in these asset areas, was due to these assets representing 74% or \$655 million of the total replacement value of \$892 million for all of Council's community assets.

The review resulted in a nett increase of \$10 million, in both condition 4 and 5, increasing from the previous \$69 million of renewal works required to \$79 million. It should be noted that for roads - Condition 5 assets, increased by over \$17 million in this review, with some other categories reducing.

Council should note that following this extensive review, Council staff have redefined the condition definitions, noting that Council's backlog is now defined as Condition 5. Condition 5's are defined when existing assets are due to be renewed, as the asset has become unusable or sections of the asset have failed and represent a safety risk. These assets until renewed would require higher maintenance allocations.

ITEM 4 (continued)

The following detail is provided in explaining key aspects of the work undertaken in the review of Council's infrastructure assets.

a. Process/Methodology

Council is using management methods that meet a range of requirements for Integrated Planning and Reporting (IP&R) legislation and industry best practice through the use of the Institute of Public Works Engineering Australia (IPWEA) National Asset Management System (NAMS) framework.

This is documented in the IP&R Asset Management Plans (AMPs) and sub-plans for each different asset type. These plans are available to the public, and represent the best information and knowledge at the current time.

However, due to the latest work undertaken, all Asset Management Plans are in the process of being updated for reporting to Council's meeting on 25 November 2014, as part of Council's updated Resources Strategy.

The Asset Management Plans include the following asset types:

- Roads – including carparks and kerbs
- Roadside – including footpaths
- Stormwater
- Traffic & Parking
- Parks & Reserves
- Play spaces & Playing Fields
- Buildings
- Library & cultural
- Ryde Aquatic Leisure Centre (RALC)

As part of the SRV project, these are being updated, with the assistance of JRA and will be presented to Council's meeting on 25 November 2014, if Council supports the recommendations as detailed in this report.

b. Condition and Data

The physical condition of assets are rated on an industry standard scale of 1 to 5 (1 is best). As a result of the overview presented to Councillors and feedback from Council's Auditor, Pricewaterhouse Coopers, a project was initiated to inspect and update the information on road and footpaths, which has seen the collection of 25,000 instances of footpath cracks, 71,000 kerb defects, and road pavement condition recorded at every 10 metres giving 41,000 measurements. As stated earlier, the assets inspected over the past 3 months, represent \$655 million or 74% of the \$89 million total value of Council's community assets. This comprehensive approach has seen the assets with a Condition 4 and 5 grow by an estimated \$10 million to an overall revised total of \$79 million, noting this increase relates mainly to road pavement assets.

ITEM 4 (continued)

All of these inspections have been geo-tagged photographs and records are managed within Council's corporate systems. Along with previously collected data for other asset types, this information will be updated and presented in the IP&R Asset Management Plans and reflected in Council's updated Long Term Financial Plan.

The condition definitions, as disclosed on Special Schedule 7 and the AMPs, are:

1	<i>new or equivalent</i>
2	<i>good condition without visible blemishes or deterioration</i>
3	<i>usable & safe condition, with visible signs of wear or deterioration, e.g. cracks in footpaths</i>
4	<i>usable condition with defects that interfere with use or reduce asset life e.g. extensive road cracking</i>
5	<i>requires major repairs or is not suitable to remain in use due to a significant safety hazard</i>

c. Redefining Backlog

Assets that are in a condition that is considered unsatisfactory are typically described as the "backlog". The term unsatisfactory represents the asset where renewal has been deferred due to insufficient funds.

As stated earlier in this report, the definition that will now be used in describing 'backlog' will be all assets that are in Condition 5.

d. Maintenance

Maintenance is the work and repairs that are required over the life of the asset to ensure it lasts its intended useful life. This is separate from operating costs, which do not affect the life or condition of the asset. If priority is not given to maintenance and it is deferred, this shortens the period before renewal is required, and generally at a much greater expense.

These costs generally increase as condition deteriorates, due to a need to replace sections, or manage safety, or keeping the assets in service.

ITEM 4 (continued)**e. Renewals**

Assets deteriorate from a range of causes, but mostly from ageing such as road pavements, soil movement, or physical damage, examples are damage from tree roots for footpaths and stormwater drainage. Existing assets are due to be renewed when they reach condition 5 which is when the asset becomes unusable or sections fail and there is a safety risk requiring sections to be closed off or removed.

f. Financial Sustainability

For Council to be financially sustainable over the life of the assets, Council needs to raise sufficient funds annually, so that funds are available to renew assets as they become due.

For large networks of similar assets such as roads, footpaths and stormwater drainage, which have been progressively constructed over decades, generally the rate of replacement is fairly even.

However, where renewals have been deferred, large amounts may be required in short periods, which may require changes in materials or techniques. The renewal profile can therefore be “lumpy”. (See chart later in this report in the section *“Overall asset profile for the remainder of the century”*).

The condition profile gives an indication of the timing of renewals, but the funding requirement has to be constant, which is the total value of the asset type divided by the useful life for each asset type.

This brings intergenerational equity into the funding decision. The only exception that has been allowed is in relation to buildings, where the known renewals have been allowed, equivalent to minor refurbishment. For buildings, major refurbishment or replacement works would be funded from loans and future generations would fund the loan repayments (principal and interest).

The following graphs show the total funding available (budgeted black line) and funding required (coloured columns) under the three SRV options. The funding required is based on funding renewals over the life of the assets, and not the needs within the horizon of the Delivery Plan or Long Term Financial Plan.

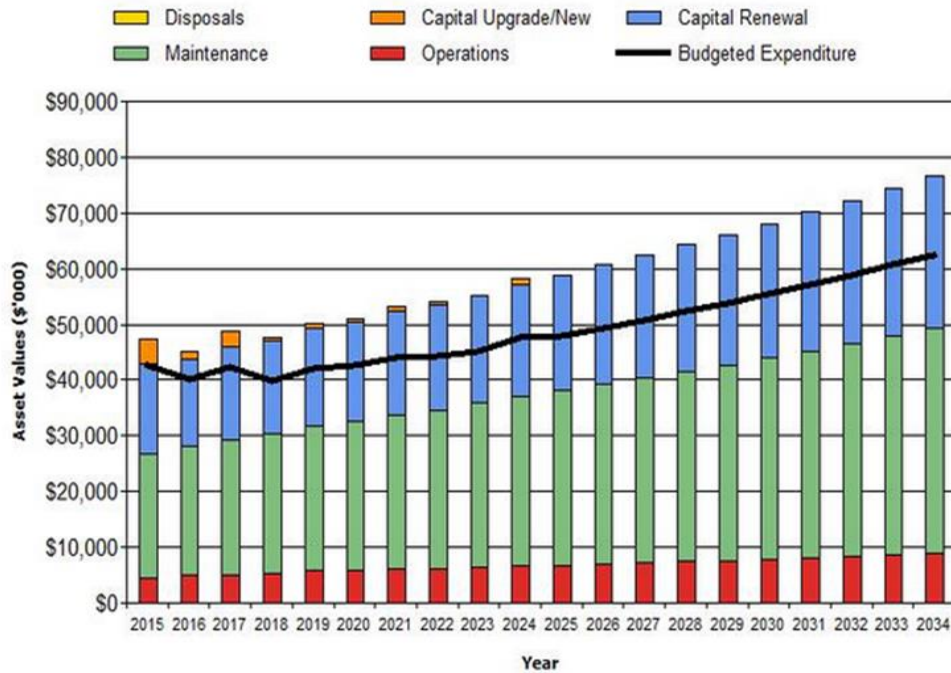
The premise of the SRV application is about giving Council the capacity to renew all of its assets over the life of the assets and spreading the burden of funding evenly over the relevant generations.

This approach therefore is one that will give Council financial sustainability over multiple generations.

ITEM 4 (continued)

Option A (no increase, apart from Rate Peg– decline in services)

Ryde CC - Projected Operating and Capital Expenditure ()

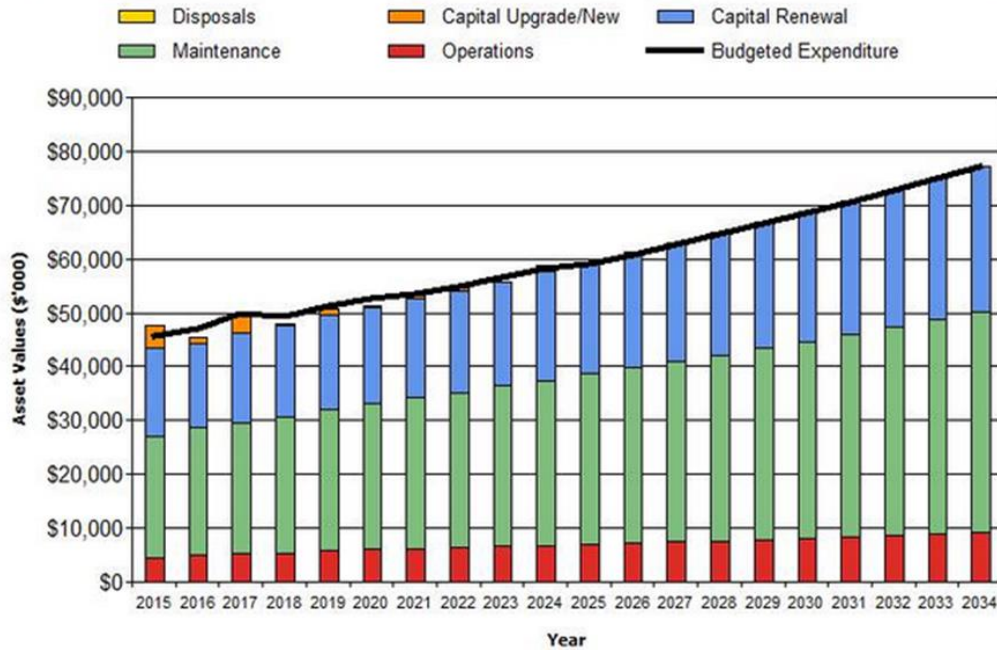


This graph shows that Council is currently underfunding asset renewals and maintenance by approximately \$10m per annum.

ITEM 4 (continued)

Option B (7%, including Rate Peg)

Ryde CC - Projected Operating and Capital Expenditure ()

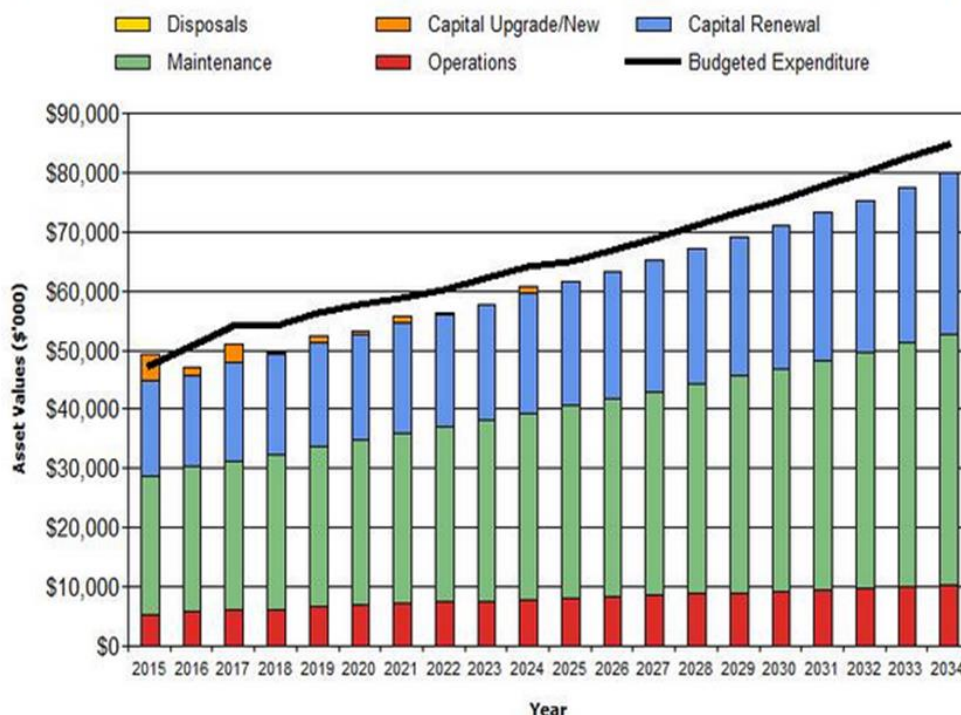


This graph shows that should Council adopt and be granted a 7% SRV increase, including rate peg, that in conjunction with the \$2.5m of efficiency savings identified, it will raise sufficient funds to meet Council's asset renewal and maintenance requirements over the life of the assets. For this reason, this is why this option is recommended for Council to endorse as its preferred option.

ITEM 4 (continued)

Option C (12%, including Rate Peg)

Ryde CC - Projected Operating and Capital Expenditure ()



This graph shows that should Council adopt and be granted the 12% SRV increase, that in conjunction with the \$2.5m of efficiency savings identified, it will raise sufficient funds to meet its asset renewal and maintenance requirements. It will also give Council the capacity to increase service standards or offer more services.

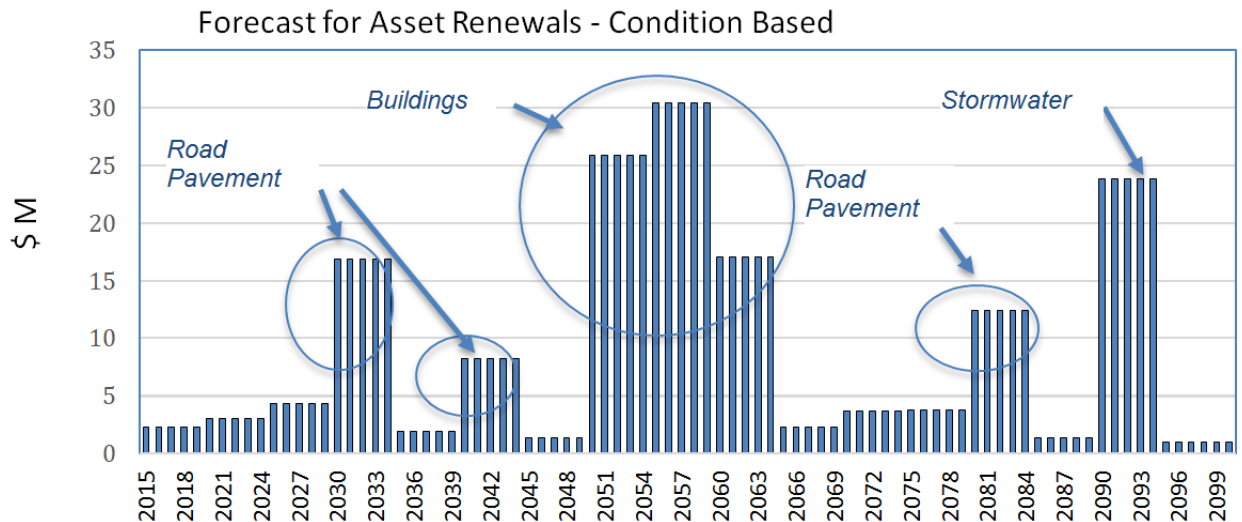
Council's asset management methodology and projections have been reviewed by Jeff Roorda & Associates (JRA). JRA are an internationally recognised firm specialising in advising governments and agencies on asset management, and have worked with many Councils through the consultation phase and IPART submissions for SRVs.

Representatives of JRA will be providing feedback at the Councillor Workshop on 27 October 2014, on the results of their review of Council's asset condition and the required annual funding for asset renewals and maintenance.

PricewaterhouseCoopers (PWC) will also be present at the Workshop in providing their feedback on the revised information, which they are currently reviewing.

ITEM 4 (continued)

Overall Asset profile for the remainder of the century



This graph shows that in twenty years there is a large amount of assets that will require renewal, and then again another twenty years later. It shows the lumpiness of our assets and their conditions and the significant renewals that are coming through for the next generation. This is why the premise of the SRV has been to look beyond the 10 year LTFP and the whole of the life of the assets.

The proposed “funding model” that has been put forward for the SRV is one that will give Council the capacity, for the whole of the life of the assets to meet the asset renewal requirements, over the relevant generations.

The proposed “funding model” is based on intergenerational equity that will result in the funding for asset renewals being financially sustainable over the life of the assets.

Efficiency Savings

As detailed in previous reports, Council’s consideration of an SRV will be coupled with an additional \$2.5 million, from 1 July 2015, as a result of internal savings across Council’s operations. This is made up of \$1.9 million in expenditure savings and \$0.6 million in additional revenue.

Summary

This report has provided Council with the results of the comprehensive community engagement plan that was approved by Council at its meeting on 24 June 2014. It also provides the results of the asset condition assessments and updating the projected funds required for Council to allocate for Asset Renewal and maintenance.

ITEM 4 (continued)

In summary, the key points explained and detailed in this report are:

- Council has undertaken a very comprehensive community engagement program in respect of a proposed SRV
- The report demonstrates the results of each of the mediums used in obtaining the community's feedback, with a result of 57.7% support for an SRV application,
- The City of Ryde is complementing its SRV Application with an additional \$2.5 million in efficiency savings
- The report demonstrates the City of Ryde compares favourably against other Councils who have previously undertaken an SRV process
- The results show a high awareness of this proposal by the community at 61%.
- The report demonstrates that other neighbouring or similar size Councils, in the last 4 years, have received and in some cases, multiple times, in having their SRV applications approved
- The City of Ryde's residential rate is lower than similar size Councils
- Jeff Roorda and Associates have confirmed, through their independent analysis, that a 7% SRV, would be sufficient to maintain the current level of services, if used in conjunction with an overall financial strategy, which is proposed. This options shows that Council will correct the current annual \$10 million shortfall and direct it to the Infrastructure Renewal Reserve.
- The City of Ryde generally has a strong ability to pay, noting that Council supports its pensioners with an annual rate rebate of \$250 together with other mechanisms provided in Council's Hardship Policy, that allows ratepayers to make suitable arrangements, based on their circumstances.

Therefore, for the above reasons, it is recommended that Council support the recommendation, to advise IPART that Council intends to make an SRV application for 7% per annum, inclusive of rate pegging, for a period of 4 years with an increase being a permanent increase from the rating base from 1 July 2015.

ITEM 4 (continued)**Going Forward**

- Notification of intention to make application

Once Council endorses the recommendation, Council will notify the Independent Pricing and Regulatory Tribunal (IPART) that Council intends making an application by 28 February 2015.

- Revised Delivery Plan process

Council will have a report brought before it on 25 November 2014, to re-adopt a new draft Delivery Plan and Operational Plan, which will show Council's endorsed option, together with its current position.

Council will also include the outcome of the community engagement process in the re-drafted Delivery Plan and Operational Plan.

With the adoption of new Draft Plans, this will be put on exhibition from December 2014 - February 2015, with a further report back to Council on 25 February 2015.

- Application process

Once Council has adopted the re-advertised draft Delivery Plan and Operational Plan, a formal application will be lodged with IPART by 28 February 2015.

The application will be drafted while the plans are on exhibition.

Financial Implications

If Council adopts the recommendation as detailed in this report, to give notice to IPART of Council's intentions to submit an SRV application for its preferred option (Option B - 7%), will if endorsed and ultimately approved, provide Council with sufficient funds on an annual basis to meet the current asset renewal and maintenance shortfall of \$10 million. These funds will ensure that Council has the ability to manage the renewal and maintenance of its existing assets, over the life of the assets.

Option C provides additional funds over that provided in Option B, that would allow Council to increase the service standards that are currently provided.

Option A, which provides for the continuation of only rate peg amounts, will result in Council having to reduce service standards and ultimately having to cut services in future years.

ITEM 4 (continued)

Council should also note that if it supports the recommendation, that this will be a positive response to the previous TCorp Report that rated Council's financial position as 'Sound' with a 'Negative' outlook. If Council is successful, Council's future rating would certainly be enhanced.

The other key point to note is that the recent announcement by the Minister for Local Government in his 'Fit for the Future' proposal, is premised on all Councils addressing and resolving their long term financial position. In Council supporting the recommendation, Council would be well advanced in addressing its long term financial sustainability. This would be an important point to be made by Council, in its future submission to the State Government.

ITEM 4 (continued)

ATTACHMENT 1



JRA Discussion on AMP Preparation and SRV

Version 1.3

Date: 7 October 2014



ITEM 4 (continued)

ATTACHMENT 1

JRA Discussion on AMP Preparation and SRV

Version History

Version	Change	Changed by	Reviewed by	Approved by and date
1.0	Draft - AM	AM	CoR	
1.2	Revised Draft	AM	CoR	
1.3	Steering Committee Updates	AM	CoR	

ITEM 4 (continued)

ATTACHMENT 1

1 Background

Jeff Roorda and Associates is currently assisting City of Ryde in the updating of their Asset Management Plans. This work is of particular importance as the work will also be used to support the application to the Independent Pricing and regulatory Tribunal for a special Rate Variation (SRV)

2 Methodology

2.1 Data

The data used for the analysis is based on City of Ryde infrastructure financial valuation.

This data is based on the detail information provided by the technical/operational areas of council who monitor and record condition data for all major asset groups. This information is recorded at a high level of detail and is continually being updated as works and inspections are undertaken.

The major groups of assets include:

- Road Pavements
- Roadside
- Traffic and Parking
- Stormwater
- Buildings
- Parks and Reserves
- Playspaces and Sporting Fields
- Ryde Leisure and Aquatic Centre
- Library and Cultural

The detailed data held for each of these asset groups is provided in a summarised form, being based on their condition type.

As recommended by the International infrastructure Management Manual the condition types used are from Condition 1 to Condition 5. (Condition 1 being near new, condition 5 being those assets that have reached the state at which renewal is required).

These registers are the basis of the annual infrastructure valuations, which are subject to financial audit.

2.2 Analysis

The analysis of needs has been assessed from 2 perspectives, one being from a long term service level sustainability and the other from a short to medium term view.

2.2.1 Long Term Service Level Sustainability - Funding Model

When considering the funding of infrastructure the long term requirements should be a primary consideration. In much of the existing City of Ryde documentation this is referred to as the Infrastructure Funding Model.

In this funding model the Capital Renewal requirements for infrastructure is estimated as being:

Capital Renewal Requirements = Renewal Value / Useful Life

ITEM 4 (continued)

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In addition to the Capital Renewal Requirements, Operations, Maintenance and creation of addition assets should be included. Each of these items are described as:

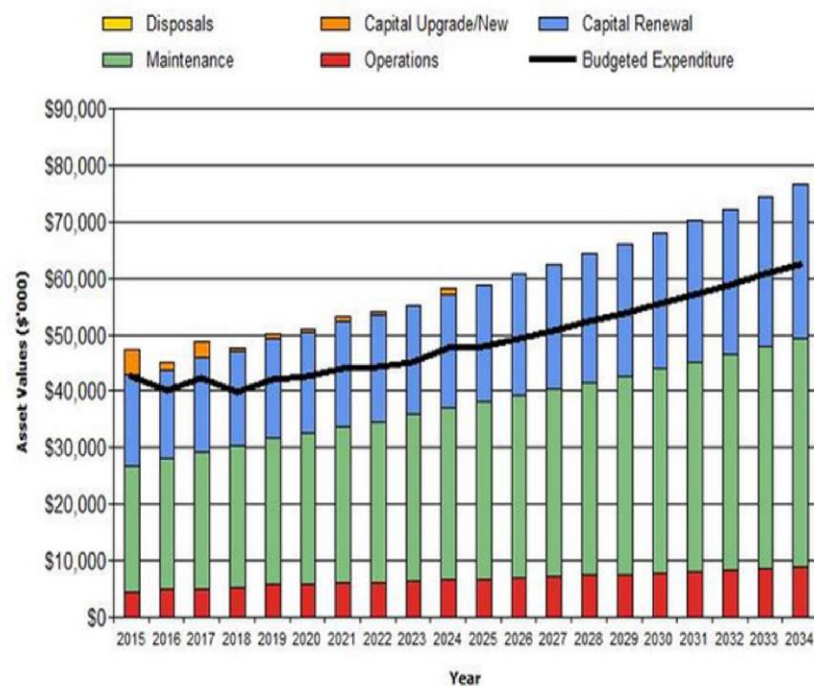
- Operations – what we do to provide the service, e.g. cleansing *
- Maintenance – repairs to the asset to ensure it reaches its life *
- Capital renewal/replacement – replacing the service capacity
- Capital upgrade/new – adding new or upgrading existing assets

In the analysis Operations, Maintenance and Upgrade/New is assumed to stay as per the current situation

Figure 1 – Forecast Funding Model Requirements Compared with Current Budgets

(CPI 3% per annum increase)

Ryde CC - Projected Operating and Capital Expenditure ()



Comments:

- Comparison of Budget (Long Term Financial Plan) with Forecast needs indicates a shortfall of recurrent funds.
- The long term position would result in a progressive reduction in service levels over time.
- The objective of generating sufficient income to offset all infrastructure requirements is a sound basis for future planning and this analysis is consistent with the need to generate additional income.

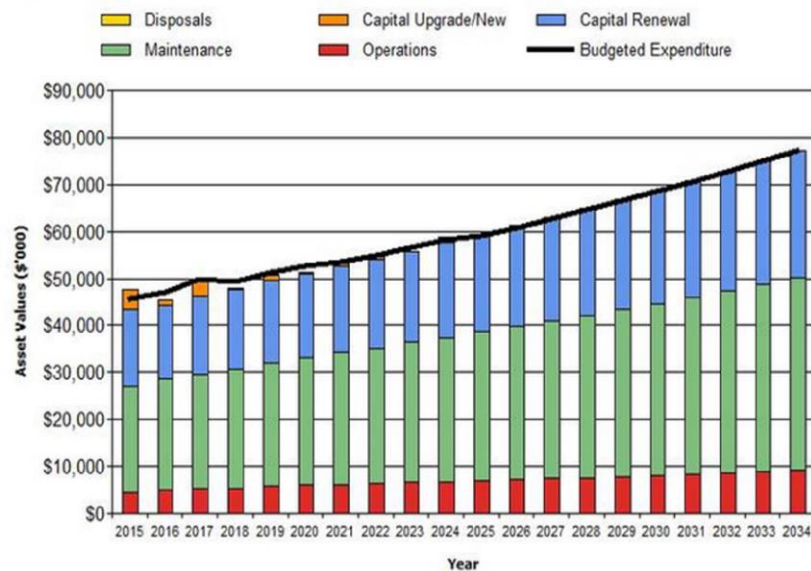
ITEM 4 (continued)

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Figure 2 – Forecast Funding Model Requirements Compared with 7% SRV

(CPI 3% per annum increase)

Ryde CC - Projected Operating and Capital Expenditure ()



Comments

- The provision of additional infrastructure funding provided by a 7% SRV meets the forecast infrastructure requirements
- For a long term sustainability of infrastructure service levels this funding model is the minimum option

What about options considering SRV greater than 7%

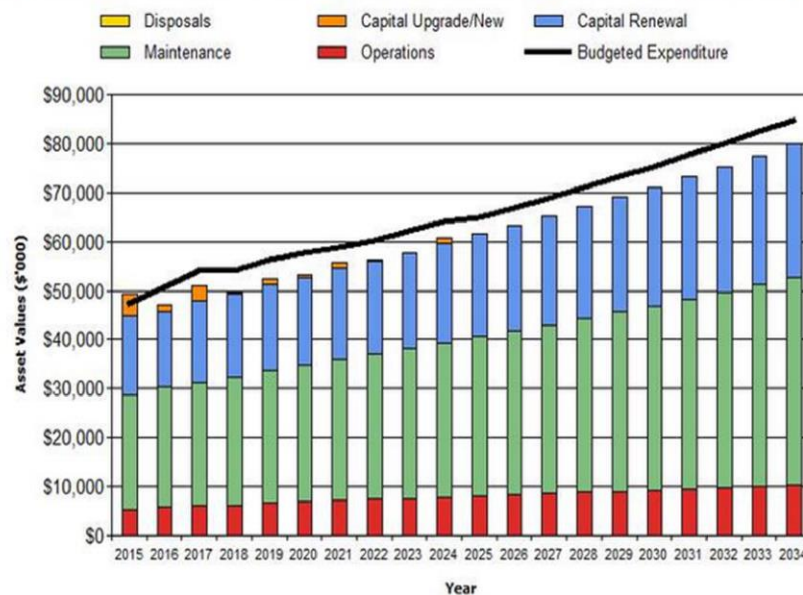
SRV options for increases of up to 12% have been considered. With respect to infrastructure renewal, this would allow the average renewal replacement cycle to be accelerated. This would renew assets earlier and would ultimately lead to a higher standard of infrastructure.

ITEM 4 (continued)

ATTACHMENT 1

Figure 3 – Forecast Funding Model Requirements Compared with 12% SRV
(CPI 3% per annum increase)

Ryde CC - Projected Operating and Capital Expenditure ()



Comments

- The provision of additional infrastructure funding provided by a 12% SRV is slightly above the average forecast infrastructure requirements
- This will enable existing service levels to be sustained, and potentially improved.

2.2.2 Short to Medium Term Service Level Sustainability - Condition Model

Asset Plans

The funding model described provides a forecast of the long term average renewal requirements, and uses this as a basis for estimating income requirements. Generating the income to achieve the funding of this model enables service levels over the long term to be sustained.

Financial Planning should provide for the long term funding, the assets plans will advise on the timing of specific asset renewals. The asset plans take into consideration the distribution of asset condition and identify expenditure need at the short to medium term (typically for input into the 10 year Long term Financial Plan)

Whilst the longer term funding model is appropriate for establishing ongoing income requirements, at a detail level it is likely that the short term asset renewal will not necessarily be required "at the average rate". Depending on when infrastructure was constructed,

ITEM 4 (continued)

ATTACHMENT 1

environmental conditions and asset performance there will be “peaks and troughs” in renewal needs over time.

Council's Financial Strategy will compare the infrastructure need for a period with the funds available and plan accordingly.

For example. In periods where asset renewal requirements are less (renewal trough) than the funding available reserves may be used, whereas in a period of high renewal needs (renewal peak) reserves may be utilised as may be loans if appropriate.

Asset Plans consider the timing of renewal needs. The approach for City of Ryde has utilised the detail condition assessment to anticipate the renewal timing. An example from the full data set is shown in Table 1

Table 1: Asset Condition Profile Example

Asset Group	Condition Rating	Asset Sub Group	Useful Life	Remaining Life	Replacement Cost
Road Pavements	1	AC Local	45	45	\$72,194,200
Road Pavements	2	AC Local	45	40-45	\$127,757,105
Road Pavements	3	AC Local	45	15-20	\$49,299,763
Road Pavements	4	AC Local	45	7-12	\$13,137,980
Road Pavements	5	AC Local	45	0-5	\$0
				TOTAL	\$262,389,047

2.2.3 Sample of Model Methodology

Using the data in Table 1 the following examples are provided to demonstrate the modelling approach.

Funding Model

Average Funding Requirement= Replacement Value/Useful Life

= \$262,389,047 / 45 = **\$5,830,867.71**

Comment: If funds of \$5.83M per annum are provided long term renewals can be sustained

Asset Condition Model

Allows for the timing of when the renewal is required:

- Condition 1
 - \$72,194,200 within 45 years, then repeated in another 45 years
- Condition 2
 - \$127,757,105 within 40-45 years, then repeated in another 45 years
- Condition 3
 - \$49,299,763 within 15-20 years, then repeated in another 45 years
- Condition 4
 - \$13,137,980 within 7-12 years, then repeated in another 45 years
- Condition 5
 - \$0 within 5 years, then repeated in another 50 years

ITEM 4 (continued)

ATTACHMENT 1

2.2.4 Asset Condition Model Summary

City of Ryde has a detailed register of assets held by type, condition rating and values.

Using this register a profile of renewal forecasts was modelled as described in section 2.2.3

As the register has useful lives are grouped by their condition rating with the corresponding remaining life and useful life, the forward renewal profile initially had very large peaks of renewal. To reduce this impact some averaging of the results over 5 year periods was made to "smooth" the results. This is shown in Figure 4.

Figure 4: Renewal Profile Based on Condition Assessment

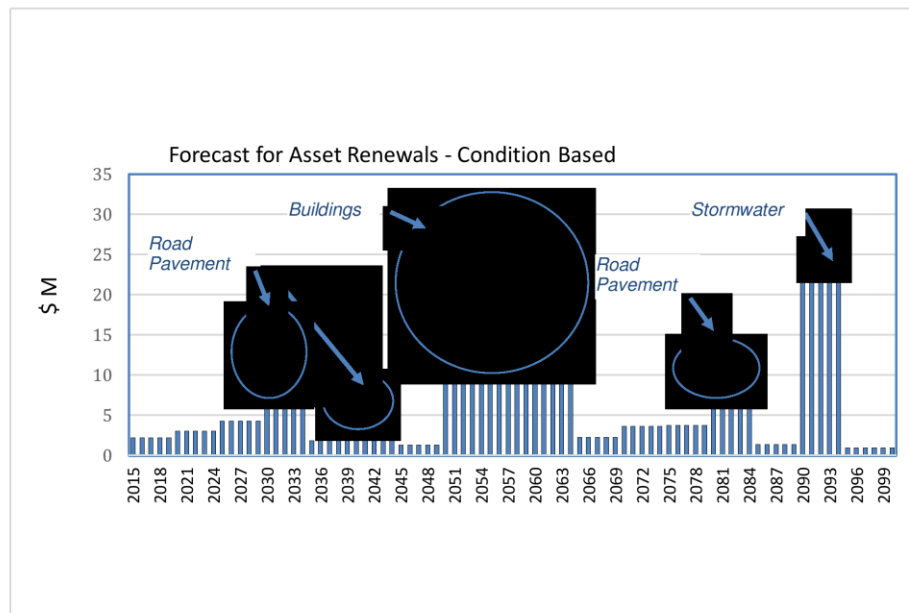


Figure 4 highlights that whilst the assets in Condition 4 and 5 can be managed in the short to medium term there are some very significant peaks of renewal in the future. These peaks represents those assets currently in Condition 3, Condition 2 and even Condition 1 that will deteriorate over time and will require replacement in the future. Some broad labels have been added to identify the main contributors to the renewal peaks.

3 Summary of Modelling Results

The model based on Condition provides a clear indication that:

- Assets due for renewal in the short to medium term can be managed
- There are significant renewals in the future well above current funding levels
- Without a Funding Strategy within an overall infrastructure Financial Strategy future service levels will reduce

ITEM 4 (continued)

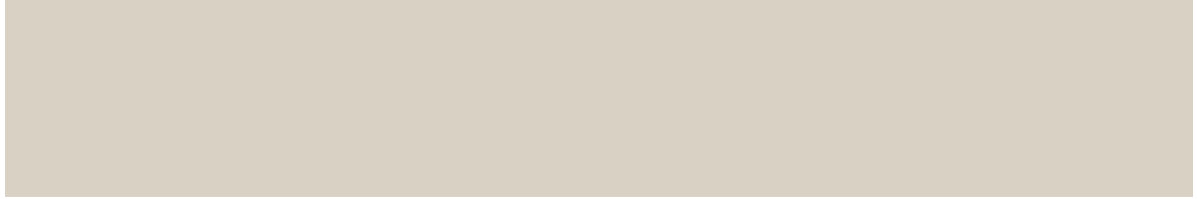
ATTACHMENT 1

The Funding Model based on the longer term average renewal requirements indicate:

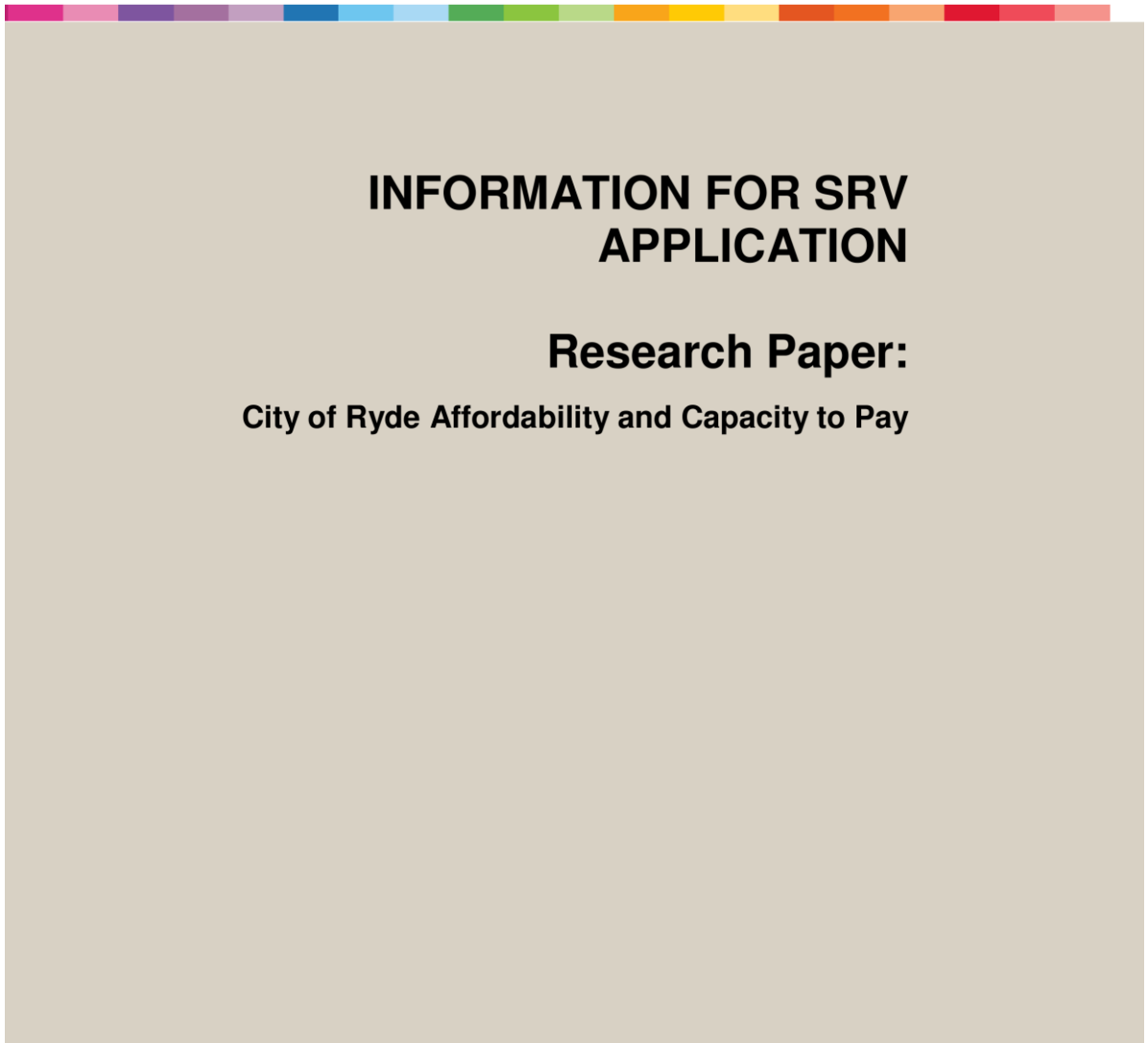
- Current funding levels will not be sufficient to support sustainable service levels in the future
- A 7% SRV will be sufficient to sustain the current level of service if used in conjunction with an overall infrastructure Financial Strategy
- A 12% SRV will enable the cycle of renewal to be achieved and potentially reduced, leading to some small improvement in service levels in the future

ITEM 4 (continued)

ATTACHMENT 2



 City of Ryde
Lifestyle and opportunity @ your doorstep



**INFORMATION FOR SRV
APPLICATION**

Research Paper:
City of Ryde Affordability and Capacity to Pay

ITEM 4 (continued)

ATTACHMENT 2



INTRODUCTION

According to the 'Guidelines for the preparation of an application for a special rate variation for general income' a council, prior to applying to IPART for a special variation to income must "adopt their Community Strategic Plan, Delivery Program, Long Term Financial Plan and where applicable, Asset Management Plan." These documents are referred to the IP&R documents.

The guidelines state that "the IP&R documentation should canvas alternatives to a rate rise, the impact of a rate rise upon the community and the council's consideration of the **community's capacity and willingness to pay rates.**"

This research has been carried out to determine the **community's capacity** to absorb a rate increase in order to address this section of the guideline application requirements.

Whilst the guidelines themselves are not specific as to what level of detailed information IPART would like to see on this subject, there are some framed questions included in the IPART application paperwork. We have reviewed and considered four other successful applications from the 2013/14 year to determine what information IPART may be seeking and as such the following information has been compiled as information necessary to support a potentially successful application.

EXECUTIVE SUMMARY:

The key points of this research show that:

- City of Ryde has a total of 40,084 rate assessments. Residential (38,289) and Business (1,795).
- Ryde's average rate per residential assessment is \$453.65, which is *below* the average of other neighbouring Councils (\$673.41)
- Ryde's average rate per business assessment is \$6,622.28, which is *above* the average of other neighbouring Councils (\$5,243.16)
- Council has not exceeded rate pegging since 1996.
- 24 surrounding councils have received a SRV in the last four years. Among those 7 Councils have received a SRV more than once.
- The average rate of NSROC member councils is \$871 while Ryde's residential rate is significantly lower at \$646.
- The City of Ryde's outstanding debt percentage remains below the industry standard of 5%, and recent changes to Council's Debt Administration procedures has ensured that the downward trend commenced in 2012 will continue towards a goal of less than 3%.
- Council provides a voluntary Council rebate of \$80 per annum which is only available to ratepayers who are "eligible pensioners" and were already in receipt of this rebate from Council prior to 31 December 1992.
- The median Weekly Household Income (*HHI*) is higher for the City of Ryde at \$1,500-\$1,999 when compared to the NSW median of \$1,250- \$1,499.
- City of Ryde's median weekly *HHI* is in line with the NSROC median at \$1,500 -\$1,999.



ITEM 4 (continued)

ATTACHMENT 2

- The unemployment rate for Ryde has been significantly lower than the Greater Sydney until recent years. The unemployment rate has increased in the recent years due to the economy downturn, however it is still in line with that of Greater Sydney.
- In 2011, Ryde had a *SEIFA* Index score of 1,050 which places Ryde on the 20th ranking among the 153 Local Government Areas in NSW. Ryde is in decile 9 out of 10. (A higher score on the index means a lower level of disadvantage. A lower score on the index means a higher level of disadvantage.)
- The Gross Regional Product (*GRP*) of Ryde has a positive trend since 2001, significantly exceeding the average % increase of NSW. The % increase has slowed down since 2012 however the trend is still upwards.

INFORMATION RELEVANT TO IPART APPLICATION

EXTRACT FROM IPART APPLICATION DOCUMENTATION

Show how your IP&R processes have established that the proposed rate rises are affordable for your community, and that affected ratepayers have the capacity to pay the higher rate levels.

1.1 Key summary of proposed rate increase

- Council is applying for a multi-year variation for 4 years (as per Section 508A of the guidelines) at an annual increase of **XX%** per year over the four years
- The average increase for residential rate payers will be **XX in the 2015/16** year and a cumulative total of **XX** over the four year
- The average increase for residential ratepayers will be **XX per week**.
- The average increase for businesses will be **XX in the 2015/16** year and a cumulative total of **XX** over the four years
- The average increase for businesses will be approximately **XX per week**

THIS SECTION WILL BE COMPLETED FOLLOWING COUNCIL'S DETERMINATION

ITEM 4 (continued)

ATTACHMENT 2

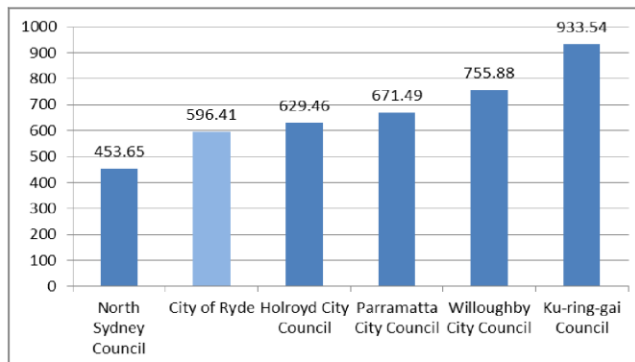
1.2 Average Rate Per Assessment

- City of Ryde has a total of 40,084 rate assessments.
- Ryde's average rate per residential assessment is \$453.65, which is below the average of other neighbouring Councils (\$673.41)
- Ryde's average rate per business assessment is \$6,622.28, which is above the average of other neighbouring Councils (\$5,243.16)

Council	Average rate per residential assessment			Average rate per business assessment		
	Total residential rates revenue	Number of Rateable residential properties	Result	Total Business Rates Revenue	Number of Rateable Business Properties	Result
City of Ryde	\$ 22,836,000	38,289	\$ 596.41	\$ 11,887,000	1,795	\$ 6,622.28
Holroyd City Council	\$ 20,864,163	33,146	\$ 629.46	\$ 9,829,000	1,964	\$ 5,004.58
Parramatta City Council	\$ 37,838,000	56,349	\$ 671.49	\$ 38,408,000	4,246	\$ 9,045.69
North Sydney Council	\$ 14,812,000	32,651	\$ 453.65	\$ 9,494,000	3,647	\$ 2,603.24
Willoughby City Council	\$ 20,114,000	26,610	\$ 755.88	\$ 15,642,000	3,103	\$ 5,040.93
Ku-ring-gai Council	\$ 35,312,000	37,826	\$ 933.54	\$ 2,910,000	926	\$ 3,142.21

Source: Office of Local Government (<http://www.olg.nsw.gov.au/>)

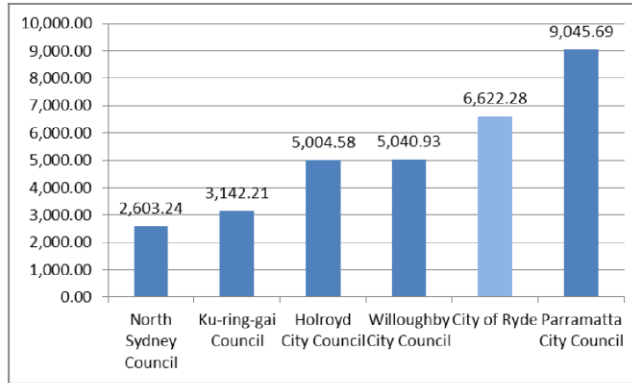
Average rate per residential assessment



ITEM 4 (continued)

ATTACHMENT 2

Average rate per business assessment



While small business continues to have the largest proportion of businesses in Ryde, Ryde also has a number of very large businesses particularly in the Professional, Scientific and Technical Services industry. This industry represented the largest number of total registered businesses in the City of Ryde, comprising 17.8% of all businesses, compared to 14.2% in New South Wales. This has influenced the average business rate for Ryde, placing it higher than many of its neighbouring councils. However, the median rate for business properties is comparably low, for the current year

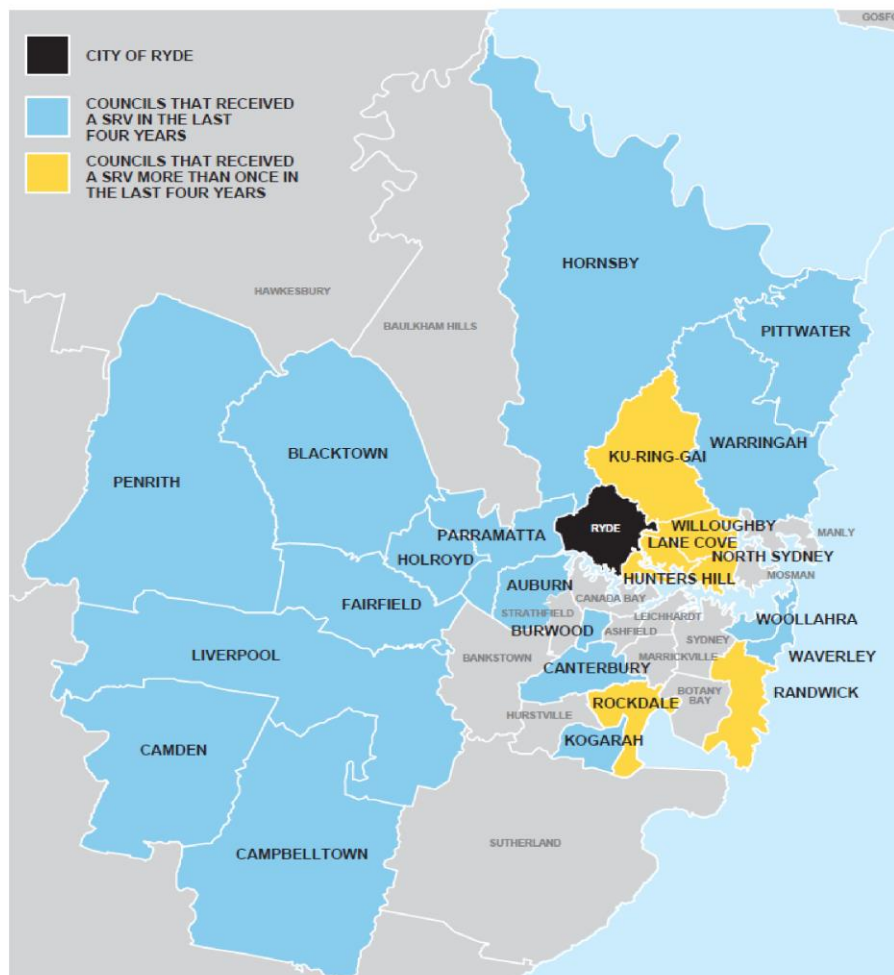
1.3 Council has not exceeded rate pegging since 1996

The last time City of Ryde applied for a general residential SRV for infrastructure was in 2005/2006. This was not approved by the then Minister for Local Government. The last approved SRV, for Ryde Council was in 1996/1997. As a result, the rates levied by the Ryde council are generally lower than other comparable councils who have at various stages applied to increase their rates.

ITEM 4 (continued)

ATTACHMENT 2

1.4 Surrounding councils that received a SRV in the last four years

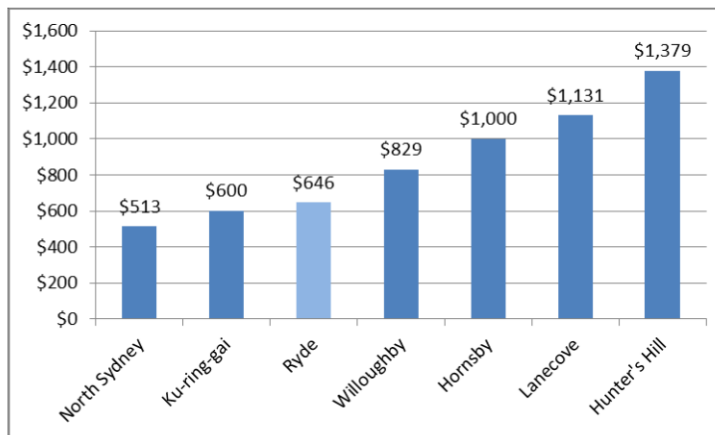


ITEM 4 (continued)

ATTACHMENT 2

1.5 2012/13 Average Residential Rates for surrounding councils

For many years Ryde residential rates have been consistently low in comparison to other NSROC member councils. The average rate of NSROC member councils is \$871 while Ryde residential rate is significantly lower at \$646.



Source: Office of Local Government Comparative Statistics 2012/13

1.6 Debt recovery procedures

City of Ryde works proactively to help ratepayers to manage their commitment to pay rates. Council offers a number of options for ratepayers to tailor their payments to manageable amounts, which means that the ratepayers can arrange to pay quarterly and by varied payment methods if required. Ratepayers may also apply for a 'Hardship Arrangement' if they experience financial difficulties in paying their rates.

According to council's practice, there has been no legal action taken to recover outstanding rating debts on ratepayers who qualify for the pensioner rebate. As of 30 June 2014, Council's total outstanding rates and charges was approximately \$1.8 million of which approximately \$277,000 was attributable to pensioner ratepayers. This equates to 15% of the total outstanding. Council will, where practical, write-off interest charges and allow suitable payment plans.

ITEM 4 (continued)

ATTACHMENT 2

1.7 Low outstanding rates and annual charges arrears

The City of Ryde's Outstanding debt percentage remains below the industry standard of 5% and recent changes to Council's Debt Administration procedures has ensured that the downward trend commenced in 2012 will continue towards a goal of less than 3%.

Outstanding rates and charges ratio City of Ryde	
Year	Percentage
2006/2007	2.50%
2007/2008	2.82%
2008/2009	3.94%
2009/2010	4.10%
2010/2011	3.99%
2011/2012	4.19%
2012/2013	3.65%

1.8 Additional rebate for pensioners

Council provides a voluntary Council rebate of \$80 per annum which is only available to ratepayers who are "eligible pensioners" and were already in receipt of this rebate from Council prior to 31 December 1992 who had to be on a full pension and lived in the area for 10 years.

This rebate is no-longer granted and is being phased out through attrition. The only cases where this rebate is now applicable is where an existing recipient moves from one place to another within the City of Ryde. This rebate is fully funded by Council.

1.9 Household income

The median Weekly Household Income (HHI) was higher for the City of Ryde at \$1,500-\$1,999 when compared to the NSW median of \$1,250- \$1,499.

Weekly income	2011			
	City of Ryde	City of Ryde %	NSW	NSW %
Negative Income/Nil Income	962	2.5	35,372	1.4
\$1-\$199	600	1.6	39,709	1.6
\$200-\$299	941	2.5	71,939	2.9
\$300-\$399	1,956	5.1	161,484	6.4
\$400-\$599	2,774	7.3	235,847	9.4
\$600-\$799	2,478	6.5	209,019	8.3
\$800-\$999	2,556	6.7	190,201	7.6
\$1000-\$1249	2,800	7.4	188,416	7.5
\$1250-\$1499	2,615	6.9	171,494	6.8
\$1500-\$1999	4,203	11.0	271,035	10.8
\$2000-\$2499	3,065	8.0	192,780	7.7
\$2500-\$2999	3,814	10.0	197,586	7.9
\$3000-\$3499	2,417	6.3	117,794	4.7
\$3500-\$3999	1,218	3.2	56,993	2.3
\$4000-\$4999	1,182	3.1	51,414	2.1
\$5000 or more	1,002	2.6	48,814	1.9
Not stated	3,492	9.2	266,346	10.6
Total households	38,075	100.0	2,506,243	100.0

ITEM 4 (continued)

ATTACHMENT 2

City of Ryde's median weekly HHI is in line with the NSROC median at \$1,500 - \$1,999.

	North Sydney	Ku-ring-gai	Ryde	Willoughby	Hornsby	Lane Cove	Hunter's Hill	NSROC Average
Negative/Nil income	0.9%	10.1%	2.8%	6.6%	8.2%	1.3%	8.8%	5.7%
\$1-\$199	18.5%	1.5%	1.7%	1.6%	1.3%	7.5%	1.8%	4.3%
\$200-\$299	4.0%	8.3%	2.7%	5.3%	10.8%	5.8%	4.8%	6.6%
\$300-\$399	11.1%	15.6%	5.7%	9.9%	3.6%	14.8%	4.5%	8.6%
\$400-\$599	6.0%	4.3%	8.0%	5.0%	5.9%	10.1%	13.9%	6.1%
\$600-\$799	4.1%	2.3%	7.2%	3.1%	5.9%	3.4%	5.2%	4.5%
\$800-\$999	4.7%	4.2%	7.4%	5.7%	6.3%	4.6%	8.0%	5.6%
\$1,000-\$1,249	2.9%	4.9%	8.1%	5.8%	6.1%	5.6%	2.8%	5.5%
\$1,250-\$1,499	6.3%	1.8%	7.6%	2.6%	1.5%	1.6%	4.7%	3.5%
\$1,500-\$1,999	6.8%	4.7%	12.2%	4.6%	12.2%	4.9%	5.1%	8.2%
\$2,000-\$2,499	6.4%	6.3%	8.9%	14.9%	8.6%	1.1%	8.2%	8.0%
\$2,500-\$2,999	1.5%	1.0%	11.0%	7.9%	1.7%	8.0%	2.5%	4.3%
\$3,000-\$3,499	11.2%	13.6%	7.0%	11.4%	8.3%	8.5%	6.1%	9.6%
\$3,500-\$3,999	7.7%	9.4%	3.5%	4.7%	4.3%	12.1%	13.6%	6.2%
\$4,000 or more	4.7%	5.7%	3.4%	7.5%	7.8%	5.1%	4.6%	5.7%
Incomplete Information	0	0	0	0	0	0	0	0
Total	100%	100%	100%	100%	100%	100%	100%	100%

Source: ABS Census of Population and Housing, 2011

1.10 Employment status

The unemployment rate for Ryde has been significantly lower than the great Sydney until recent years. The unemployment rate has increased in the more recent years due to the economy downturn, however it is still in line with that of Greater Sydney.

		2001	2006	2011
Unemployment Rate	Ryde	4.50%	4.70%	5.70%
	Greater Sydney	6.00%	5.30%	5.70%
Difference		-1.50%	-0.60%	0.00%

Source: Profile.id
City of Ryde
Community Profile

1.11 Socio-Economic Indexes for Areas (SEIFA) index of disadvantage

The SEIFA Index of Disadvantage measures the relative level of socio-economic disadvantage based on a range of Census characteristics that reflect disadvantage such as low income, low educational attainment, high unemployment, and jobs in relatively unskilled occupations.

A higher score on the index means a lower level of disadvantage. A lower score on the index means a higher level of disadvantage.

In 2011, Ryde had a SEIFA Index score of 1,050 which ranks Ryde on 20th among the 153 Councils in the Local Government Area in NSW. Ryde is in decile 9 out of 10.

Average SEIFA Score	977
Lowest SEIFA Score	788
Highest SEIFA Score	1,121
Ryde SEIFA Score	1,050
Ranking within NSW	20th / 153
Decile within NSW	9th / 10

Source: ABS Census of Population and Housing, 2011

ITEM 4 (continued)

ATTACHMENT 2

1.12 Ryde's economic position

The Gross Regional Product (GRP) of an area is the equivalent of Gross Domestic Product, but for a smaller area it is the amount of the nation's wealth which is generated by businesses, organisations and individuals working in the area. This dataset is derived from the National Economics microsimulation model, and is a broad indicator of the growth or decline of the local economy over time.

As shown in the table and charts below, Ryde's GRP has a positive trend since 2001, significantly exceeding the average % increase of NSW. The % increase has slowed down since 2012 however the trend is still upwards.

Annual % change on GRP from previous year

Year (ending June 30)	City of Ryde		New South Wales		City of Ryde as a % of New South Wales
	GRP \$m	% change from previous year	GRP \$m	% change from previous year	
2013	13,934	+1.3 ▲	460,106	+2.5	3.0
2012	13,749	+5.3 ▲	448,928	+1.9	3.1
2011	13,053	+6.8 ▲	440,466	+1.6	3.0
2010	12,223	+8.9 ▲	433,568	+2.5	2.8
2009	11,226	+6.8 ▲	422,883	+1.7	2.7
2008	10,509	+8.3 ▲	415,956	+3.5	2.5
2007	9,699	+2.6 ▲	401,959	+1.9	2.4
2006	9,458	+1.4 ▲	394,609	+1.6	2.4
2005	9,325	+0.7 ▲	388,298	+1.7	2.4
2004	9,258	+1.3 ▲	381,658	+2.8	2.4
2003	9,135	+3.1 ▲	371,158	+2.2	2.5
2002	8,864	+2.9 ▲	363,279	+1.9	2.4
2001	8,618		356,431		2.4



Source: National Institute of Economic and Industry Research (NIEIR)

ITEM 4 (continued)

ATTACHMENT 2



1.13 Residential ownership

Ryde has a higher proportion of income sourced from property income and ownership of dwellings when compared to the average of NSW. It is reasonable to assume that a substantial number of these properties are investment properties.

The Ryde community is also sourcing a higher portion of their income from wages & salaries. Less of a proportion is dependent on superannuation.

Sources of Income per Household (%)

Name	2012/13		2010/11		2009/10		2008/09		2007/08	
	Ryde	NSW	Ryde	NSW	Ryde	NSW	Ryde	NSW	Ryde	NSW
Wages & salaries	52.7%	51.8%	52.9%	51.1%	53.7%	51.1%	53.4%	50.3%	54.0%	51.5%
Property income & Ownership of dwellings	24.5%	22.8%	25.4%	23.4%	25.5%	23.4%	25.7%	23.6%	25.7%	23.9%
Business income	7.9%	9.1%	8.0%	9.3%	8.3%	9.5%	8.0%	9.3%	8.8%	9.5%
Superannuation	6.1%	6.4%	6.3%	6.6%	6.1%	6.3%	5.9%	6.0%	5.9%	6.0%
Cash benefits	8.9%	9.9%	7.3%	9.6%	6.5%	9.7%	7.0%	10.9%	5.6%	9.1%
Total income before tax	\$165,538	\$150,739	\$169,724	\$153,420	\$158,187	\$146,105	\$158,883	\$147,733	\$159,301	\$147,774

Source: National Institute of Economic and Industry Research (NIEIR)

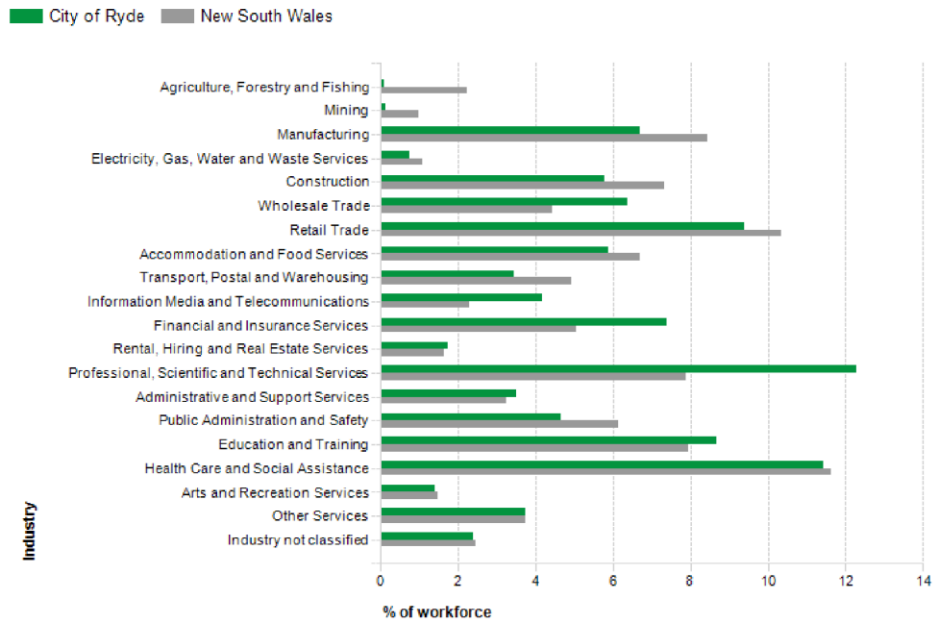
2.0 Analysis of Ryde's businesses

The range and magnitude of businesses in the Ryde LGA continues to expand with the growing population. While small business continues to have the largest proportion of businesses in Ryde, Ryde also has a number of very large businesses particularly in the Professional, Scientific and Technical Services industry. This industry represented the largest number of total registered businesses in the City of Ryde, comprising 17.8% of all businesses, compared to 14.2% in New South Wales.



ITEM 4 (continued)

ATTACHMENT 2



This has influenced the average business rate for Ryde, placing it higher than many of its neighbouring NSROC councils. However, the median rate for business properties is comparably low, for the current year



5 RYDE LEP 2014 PLANNING PROPOSAL - SUBMISSIONS

Report prepared by: Strategic Planner

File No.: LEP2013/12/003 - BP14/1223

REPORT SUMMARY

This report provides information on the exhibition of Ryde Local Environmental Plan 2014 Planning Proposal and on the outcomes of that community consultation process.

On the 12 March 2013 Ryde Council resolved to prepare a Planning Proposal (PP) to amend Ryde Local Environmental Plan (LEP) 2014 in accordance with a table of approximately 30 amendments with the intended outcome of the Planning Proposal being to:-

- Incorporate changes to LEP 2014 identified in submissions and subsequently supported by Council during the development of LEP 2014.
- Improve the operation of the LEP by correcting minor inconsistencies between maps.
- Incorporate Council-initiated resolutions made with respect to LEP 2014.

The proposed amendments include:-

- Zoning and development control changes to specific properties, located within the City e.g. 11- 15 Farm Street, Gladesville.
- Torrens title subdivision of dual occupancy (attached) developments based on one dwelling being situated on each lot which has an area of not less than 290sqm and for those developments constructed after the notification of the PP, a road frontage of not less than 10m being also required.
- Changes to the uses permitted with Council consent in the light industrial zone to include wholesale supplies, building identification signs and recreation facility (indoor).
- Changes to the uses permitted with Council consent in the low, medium and high density residential zones to include home business and home industries.
- Housekeeping and administrative changes to various maps, such as the Flood Planning Maps, to reflect current information.
- An amendment to Ryde LEP 2014 *Clause 4.6 Exemptions to development standards* to prevent any variation to the dual occupancy (attached) subdivision provisions.

A summary of the amendments proposed by Ryde LEP 2014 Planning Proposal (PP), as exhibited, is provided in **ATTACHMENT 1** – Ryde LEP 2014 Planning Proposal Amendments.

ITEM 5 (continued)

A total of 25 submissions were received during the exhibition of the Planning Proposal from the 30 July to the 12 September 2014. The principal issues raised in submissions were:-

- 11-15 Farm Street Gladesville - traffic, amenity and height issues associated with proposed amendments to zoning, height and floor space ratio controls.
- Flood Planning Maps - objection to the level of flooding identified for specific properties on the maps.
- Subdivision of serviced apartments - negative impact of prohibiting subdivision on the land use in the zone.
- RMS land acquisitions - impact on residents and insufficient information provided.
- North Ryde Common - request from NSW Health to not proceed with the rezoning of North Ryde Common to RE1 Public Recreation.

A summary of points raised in submissions, Council's response and proposed actions are presented in **ATTACHMENT 2** – Ryde LEP 2014 Planning Proposal Submissions.

It is proposed to amend Ryde LEP 2014 Planning Proposal to address a number of the issues raised in submissions including:-

- Deleting from the PP Flood Planning Maps for the Macquarie Park Catchment
- Deleting from the PP the rezoning of North Ryde Common to RE1 Public Recreation.
- Amending the Land Zoning Map for Macquarie University to SP2 (Educational Establishment)
- Amending, the Land Acquisition Reservation Maps and Land Zoning Maps based on RMS comments.

All amendments to the PP are identified in **ATTACHMENT 3** – Amendments to Ryde LEP 2014 Planning Proposal.

The report recommends that Council amends the Planning Proposal in accordance with **ATTACHMENT 3** – Amendments to Ryde LEP 2014 Planning Proposal and that the amended PP be forwarded to the Department of Planning and Environment with a request that RLEP 2014 Planning Proposal be notified on the NSW Legislation website.

ITEM 5 (continued)**RECOMMENDATION:**

- (a) That Council endorse that Ryde LEP 2014 Planning Proposal be amended in accordance with ATTACHMENT 3 - Amendments to Ryde LEP 2014 Planning Proposal.
- (b) That Council adopt Ryde LEP 2014 Planning Proposal as amended and the Planning Proposal be forwarded to the Department of Planning and Environment with a request that the Plan be notified on the NSW Legislation website.
- (c) That Council endorse that submissions relating to 2 Nile Close Marsfield be forwarded to the Roads & Maritime Services (RMS) with a request that the RMS address the issues identified.
- (d) That Council endorse that all persons who made submissions be advised accordingly.

ATTACHMENTS

- 1 RLEP 2014 Planning Proposal Amendments
- 2 RLEP 2014 Planning Proposal - Submissions
- 3 Amendments to RLEP 2014 Planning Proposal
- 4 Gateway Determination
- 5 Communications Program RLEP 2014 Planning Proposal

Report Prepared By:

Susan Wotton
Strategic Planner

Report Approved By:

Lexie Macdonald
Acting Manager - Urban Planning

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 5 (continued)**History**

On 12 March 2013 Ryde Council resolved that:-

- LEP 2014 be forwarded to the Minister with a request that the Plan be made.
- A Planning Proposal (PP) to amend Ryde Local Environmental Plan (LEP) 2014 in accordance with a table of approximately 30 amendments be undertaken. The amendments were in response to:-
 - submissions to LEP 2014 that were supported by Council
 - improvements to the operation of the LEP by correcting minor inconsistencies between maps
 - Council-initiated resolutions made with respect to LEP 2014
- A community workshop be held prior to the planning proposal being considered by Council.

It was considered by Department of Planning and Environment (DoPE) that a PP to amend LEP 2014 was the most effective way to reduce any possible legal challenge to the Plan when it came into effect. This was in response to a recent successful legal challenge to an LEP based on amendments which had not been exhibited *i.e. Friends of Turramurra v the Minister*.

On the 21 March 2013 Ryde Local Environmental Plan (LEP) 2014 was forwarded to the Department of Planning and Environment with a request that the Minister make the Plan. Ryde Local Environmental Plan 2014 came into effect on the 12 September 2014.

A Community Workshop was held on the 31 July 2013 addressing the PP amendments to be undertaken to LEP 2014. After consideration of a report on the outcomes of the workshop, Council on the 8 October 2013 resolved to forward the PP to the DoPE with a request for a Gateway determination to enable the PP to proceed to community consultation.

A Gateway determination was issued by the Department of Planning and Environment on 2 June 2014 permitting the public exhibition of the Planning Proposal subject to a number of amendments being made to the PP prior to exhibition. The most significant amendments were:-

1. Adding to the PP the zoning of the land at 14 – 20 Oxford Street Gladesville (Our Lady Queen of Peace) to R2 Low Density Residential with a maximum building height of 9.5m and a maximum floor space ratio of 0.5:1.

ITEM 5 (continued)

The subject property is a 'Deferred Matter' under LEP 2014 making LEP 2010 the relevant planning instrument applying to the land. The controls proposed by the Gateway determination are the same as those that apply to the land under LEP 2010. The Department by including the condition in the Gateway determination has sought to "undefere" the land from LEP 2014.

2. Delete from the Planning Proposal (PP) the rezoning of the 'Ryde Civic Precinct' to SP2 Infrastructure and related amendments to development standards.

The Department stated the condition was as a result of the land being subject to a separate planning proposal which had already been issued with a Gateway determination.

The Gateway determination for the Ryde Civic Precinct was issued on 2 November 2013 and the Planning Proposal was publicly exhibited from 20 November 2013 to 29 January 2014. Council on the 10 June 2014 forwarded a letter to the Department of Planning and Environment requesting that the Plan be made. The PP is with the DoPE for finalisation and notification; the date that the PP will be notified is not yet known.

3. Adding to the PP an amendment to *Schedule 1 Additional uses* for the property 436 – 484 Victoria Rd Gladesville by replacing the land use term "commercial" with "business premises and office premises".

Council in adopting the Ryde Local Planning Study in 2010 resolved that the subject site should remain IN2 Light Industrial but that commercial/office uses should be permitted on the site. At that time the term 'commercial' was not defined under the Standard Instrument (SI) LEP and was taken to mean business uses. The additional land uses of commercial and office premises for the site were included in draft LEP 2014.

Whilst LEP 2014 was being reviewed by the DoPE the SI was amended and the term 'commercial' (defined as being retail, business and office uses) was included in the dictionary of the LEP. This has resulted in retail land uses being permitted on the site.

The Department in conditioning the Gateway determination has recognised the inclusion on the site of retail uses as an unforeseen error that did not reflect Council's intent and have corrected the error.

As part of the Gateway Determination Council was issued delegation to exercise the functions of the Minister for Planning with respect to the making of the LEP.

The Gateway determination is provided at **ATTACHMENT 4**.

ITEM 5 (continued)**Discussion**

Ryde LEP 2014 Planning Proposal was placed on exhibition from the 30 July 2014 until the 12 September 2014. A communications and consultation program was prepared by Council's Communication and Media (C&M) Unit which identified the type of consultation required for each of the amendments.

Based on the above consultation program the exhibition of the PP included the following:-

- Written notice given:
 - in the local newspaper circulating in the area and
 - on Council's webpage
- letters advising of the exhibition sent to:-
 - Residents whose property was affected by a specific amendment such as a rezoning
 - Surrounding residents where a rezoning or other significant amendment was proposed.
 - State and Federal local members of Parliament
 - Adjoining Councils
 - Government agencies specified in the Gateway Determination.
- Copies of the PP being available for viewing at:-
 - all Council libraries
 - Ryde Planning and Business Centre
 - Civic Centre
 - Council's website

The Communications and Consultation program adopted by Council is at **ATTACHMENT 5.**

By the close of business on the 12 September 2014 a total of 25 submissions had been received by Council.

ITEM 5 (continued)

Table 1 Summary of submission received groups the submissions based on the geographic or subject area they relate to or the authority group they come from.

Table 1 - Summary of submission received.

Amendment/Govt Authority	Number of submissions received
Agencies and Authorities	6
11-15 Farm Street	10
Torrens titling dual occupancy	1
Flood Planning Maps	1 (2 submissions accounted for elsewhere in the table also made objection to the level of flooding on a property)
RMS amendments – 2 Nile Close	2
Rezoning 391 Blaxland Road Denistone East	1
Schedule 1 Additional use – medical centre 131&133 Herring Road and 208 Epping Road Marsfield	1
Prohibition on strata subdivision of serviced apartments B3 zone	3
Total Submissions	25

A summary of points raised in the submissions, Council response to those points and proposed actions is provided in **ATTACHMENT 2** - Ryde LEP 2014 Planning Proposal Submissions.

Submission issues include:

NSW Health

Issue 1 Rezoning of North Ryde Common to RE1 Public Recreation

NSW Health acknowledges a submission was made to RLEP 2014 by the NSW Ministry of Health recommending that Council consider applying a zoning to the North Ryde Common that would reflect its current use as a recreational area. They suggested that the site be rezoned RE1 Public Recreation.

NSW Health now state that the rezoning to RE1 Public Recreation is considered contrary to the Macquarie Hospital's current use as a hospital and would fetter any future decision in respect to the use of the entire site for health related purposes. It is requested that Council retain the current zoning of the site i.e. SP2 Health Services Facility until the delivery of mental health services is more fully understood.

Response

The following is an extract from a submission made to draft Ryde LEP 2014 by the NSW Ministry of Health.

ITEM 5 (continued)

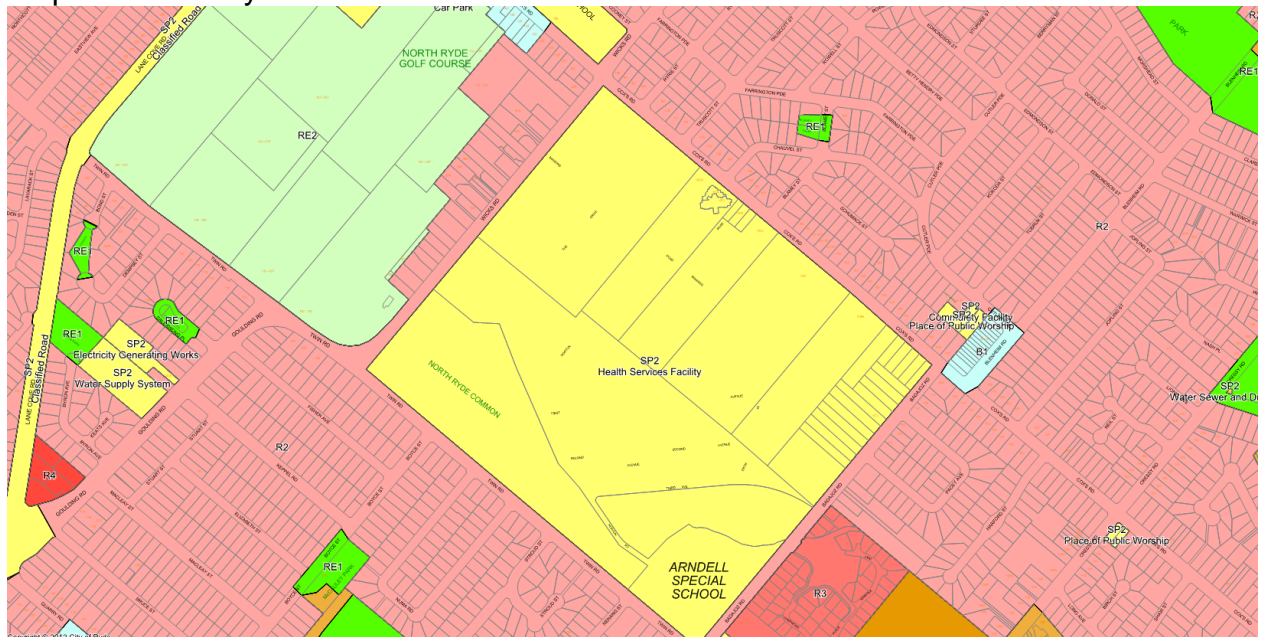
As Council is aware, a portion of the Macquarie Hospital site, known as the North Ryde Common, is leased to Council on a 99 year lease which expires in March 2098. This area is maintained by Council and is available for both active and passive recreation pursuits by the general public.....

It is quite clear that the definition in the LEP for Health Services Facility and for that matter, Hospital, doesn't, in any way allow or contemplate such recreational activity. In fact, Council may well be in breach of their lease conditions to allow the continuation of such activities as the Australia Day Concert and Rotary Carols on the Common on the North Ryde Common under the proposed zoning.

It is recommended that Council consider the separation of the North Ryde Common area from the SP2 Infrastructure zoning and apply a more appropriate zoning, noting that on expiry or termination of the Lease to Council that the zoning reverts to SP2 Infrastructure or other appropriate zoning at that time.

Based on the above Council resolved to rezone North Ryde Common from SP2 Health Services Facility (Map 1 below) to RE1 Public Recreation in the PP to RLEP 2014.

Map 1 – North Ryde Common



In view of the State Government's new request to maintain the existing zoning of SP2 – Health Services Facility the land it is considered the rezoning should be withdrawn from the PP.

It should also be noted that as part of the preparation of LEP2014 Council resolved (in February 2012) that all land currently zoned Special Uses be returned as such under the LEP.

Action The rezoning of North Ryde Common to RE1 Public Recreation be deleted from the PP.

ITEM 5 (continued)

Roads and Maritime Services

Issue 2 Amendments to LEP 2014 based on RMS requirements.

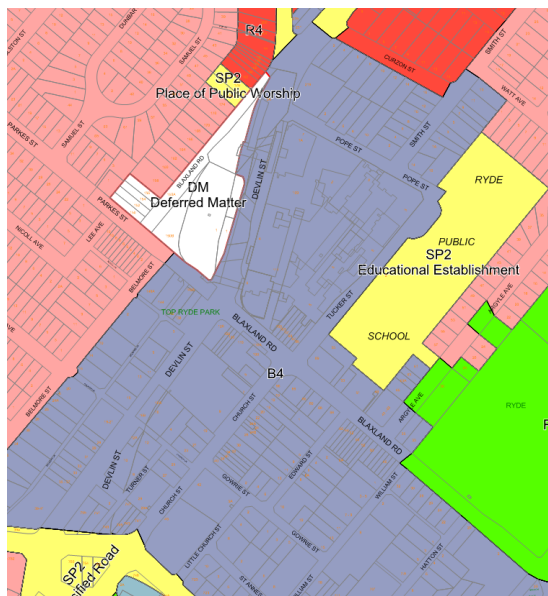
RMS raised objection in general to the proposed amendments in PP.

However, RMS requested further amendments to the Land Reservation Acquisition and Land Zoning Maps are requested as a result of:-

- Land indicated as being required for SP2 Classified Road on the Land Reservation Acquisition Map having been already acquired by the RMS.
- Original data on the location of the M2 boundary provided to Council having been amended – new data to be forwarded by RMS.
- Devlin Street (from the intersection of Lane Cove Road /Blaxland Road to Church Street and Blaxland Road (from Devlin Street to Victoria Road) to be zoned SP2 Classified Road to be consistent with the zoning of other Classified Road such as Lane Cover Road and Victoria Road.

Response - There is no objection to land no longer required to be identified for acquisition on the Land Reservation Acquisition Map being deleted. The RMS have been contacted with respect to information on the new M2 boundary and subject to the required information being provided to Council in a timely manner it is considered all proposed amendments to correct the location of the M2 boundary on the Land Zoning Map should be made.

The area requested to be rezoned to SP2 Classified Road is currently zoned B4 Mixed Use under LEP 2014 (Map 2).



Map 2 – Classified Rd zoned B4

ITEM 5 (continued)

The Department of Planning and Environment Practice Note PN 10 – 001 states the following:-

Principle 1.3 - Roads must be zoned

.....Classified roads that pass through major retail centres should be zoned using the appropriate business zone for the adjoining land. This provides a planning framework for considering potential development over or below roads and on footpaths.

Based on the above Practice Note it is considered that there should be no change to the zoning of the road however the RMS request should be highlighted to DoPE.

Action – Requested amendments to the Land Acquisition Reservation Maps and Land Zoning Maps zoning maps (subject to RMS providing details in a suitable timeframe) be made.

The existing B4 Mixed Use zoning of Devlin St/Blaxland be retained and the DoPE be advised of the RMS request.

Issue 3 Macquarie University

Request:-

1. Two small areas (one not part of the current PP) be rezoned from SP1 (Educational Establishment) to SP2 (Educational Establishment) to be in line with the SEPP zoning applying to the remainder of Macquarie University under the SEPP (Major Development) (Macquarie University) 2009.
2. The Flood Planning Maps be amended to reflect mitigation measures approved by NSW Office of Water for the land.

Response

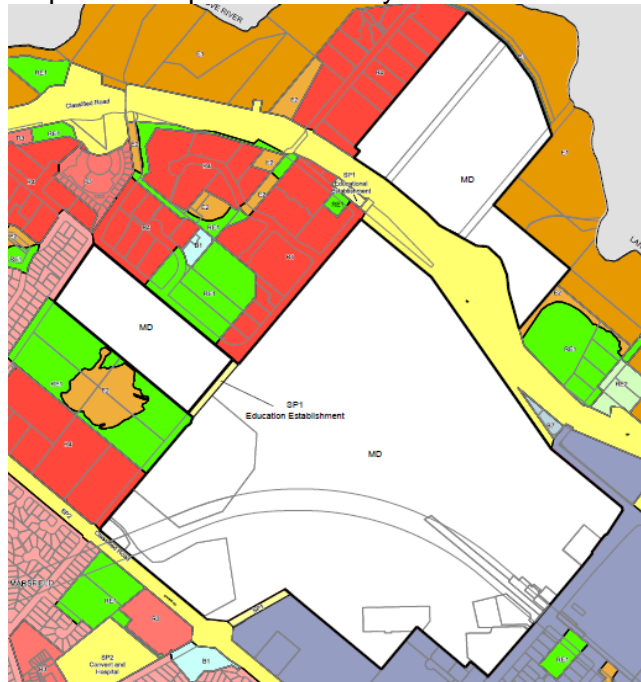
1. Under Draft LEP 2014 Macquarie University was zoned SP1 (Educational Establishment). At the time of the development of the LEP the majority of Macquarie University was zoned SP2 (Educational Establishment) under the SEPP (Major Development) (Macquarie University) 2009. There was no advice at that time from DoPE as to how Macquarie University should be addressed in the Draft Plan.

Upon LEP 2014 coming into effect on the 12 September 2014 that portion of Macquarie University under the SEPP was removed from the LEP and is identified as *MD – SEPP (Major Development) (Macquarie University) 2009* (Map 3).

ITEM 5 (continued)

Two areas (being one lot separated into 2 sections) not included in the SEPP but part of the University are still under RLEP 2014 (Map 4 – outlined in blue and red). It is these two lots that the University requests be rezoned to SP2 (Educational Establishment) to align with the zoning of the majority of the site under the SEPP.

Map 3 – Macquarie University



SEPP (Major Development)
(Macquarie University) 2009

Map 4 – Lots to be zoned SP2 (Educational establishment)

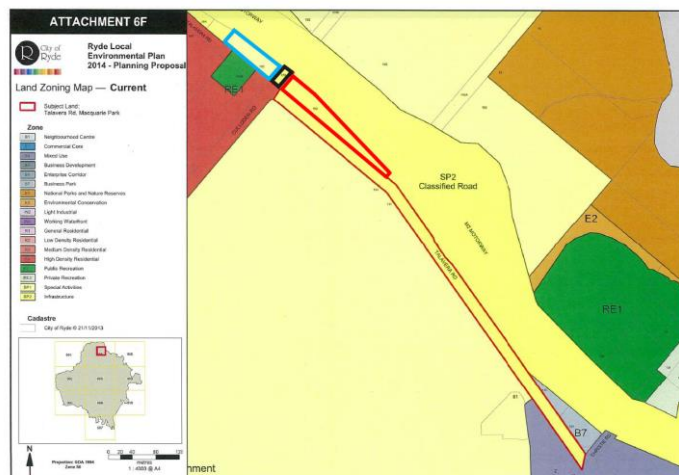


Figure 1 – Current zoning with University owned land the subject of the rezoning shown in red

ITEM 5 (continued)

There is no objection to the changed zoning of both land parcels to SP2 (Educational Establishment).

2. In developing any LEP Council is required to use without variation both the SI and Model clauses prepared by the Department. The Model Clauses cover a variety of planning controls not included in the SI but commonly used by Councils. At the time of developing LEP 2014 the Model Clause which Council used to control development on flood prone land could only be used in conjunction with a series of maps ie Flood Planning Maps. Since that time however the Department has amended the clause so that it applies to:-
 - a) Land that is shown as "Flood planning area" on the Flood Planning Map, and
 - b) Other land at or below the flood planning level.

The DoPE on its website states the following:-

Councils know of some areas that flood and those areas are mapped as the "flood planning area", but there are other areas where accurate mapping is not possible.

Consequently, the wording of this subclause captures the land that can be accurately mapped and the land that cannot. Such unmapped land includes the "flood planning area" (as defined in the Floodplain Development Manual) up to the "flood planning level".

As a result of the above Flood Planning Maps are no longer necessary to bring the clause into effect on land that has been identified as flood prone.

There is considered a significant issue with the management of Flood Planning Maps in the LEP in that a PP will be required to amend the maps any time:-

- an area undergoes flood mitigation works (such as identified in the submission) or
- a building is erected that changes the flood pattern or
- an error in the Map is identified a PP is required to amend the LEP Maps.

This will involve constant PPs, poor use of staff resources and possible confusion for the community.

It should be noted that two other submissions also raise issues with respect to the extent of flooding indicated on a property in the Flood Planning Maps. All submissions have been forwarded to the Team Manager Stormwater Infrastructure Integration for review.

ITEM 5 (continued)

As the clause no longer applies only to land identified on a map it is considered that the Macquarie Park Catchment Flood Planning Maps should be deleted from the PP.

It should be noted that under LEP 2014, Flood Planning Maps for the Eastwood/Terry Creeks catchment area apply. It is considered upon a review of the operation of LEP 2014 that the subject Flood Planning Maps should also be deleted. The review of LEP 2014 is anticipated to occur in the next 12-18 months.

Action – The Land Zoning Map be amended to rezone Lot 191 DP1157041 associated with Macquarie University to SP2 (Educational Establishment) and all Flood Planning Maps be deleted from the LEP via the PP.

Issue 4 11- 15 Farm Street Gladesville

The PP proposes the following amendments to 11 – 15 Farm Street Gladesville:

- Rezoning the land – from R2 Low Density to B4 Mixed Use
- Increasing FSR – from 0.5:1 to 1.15:1
- Increasing maximum height permitted- from 9.5m to 9.5m for 19m from the front boundary with a maximum height of 12m for the remainder of the site.

Table 2 below identifies the number of submissions received and comments made with respect to the proposed amendments.

Table 2 – Farm Street (11 – 15) Gladesville

Issue	No of Respondents	Comment in submissions
11-15 Farm Street		
Support for PP	7	Amendments will:- <ul style="list-style-type: none"> • Facilitate comprehensive redevelopment of obsolete industrial buildings along Victoria Road and 3 dwelling houses 11- 15 Farm Street. • Encourage efficient use of the existing infrastructure, provide housing choice and enhance appearance of Victoria Road. • Changes will create minimal impact as all concerns in past have been addressed.
Objection to PP	3	<ul style="list-style-type: none"> • Topography – site is already exponentially high- subject properties are on high side of the road where properties opposite are lower than street level. • Any increase in height will impact on privacy and light. • A precedent for other rezoning's in street or nearby streets will be made. • Increased traffic and off street parking issues • Amenity and nature of Farm Street affected

ITEM 5 (continued)

Issue	No of Respondents	Comment in submissions
		<ul style="list-style-type: none"> Increasing the FSR will suffocate the street and future resident's children will have no place to play because of the possibility of being hit by traffic. Development of Victoria Road is fine but Farm Street is a different matter.

Response

Zoning, Traffic, Height, FSR

The subject properties in Draft LEP 2014 were zoned B4 Mixed Use with a FSR of 1.5:1 and a maximum height of 12m. Numerous submissions were received by Council expressing concern over the proposed changes during the exhibition of the draft Plan.

To enable further discussion Council resolved to defer the subject properties from LEP 2014 and to make any amendments in zoning etc on the land part of the Planning Proposal to amend LEP 2014.

A Community Workshop was held on the 31 July 2013 addressing the proposed amendments to be undertaken to LEP 2014 including those to 11-15 Farm Street.

As part of that Community Workshop an urban design review of 11-15 Farm Street was undertaken where controls for the amalgamated site were assessed.

An aim of the design criteria was to look at reducing the bulk of the building as it appears from Farm Street and reducing overshadowing. The resultant design had a 6m setback to Farm Street, 9.5m maximum height for a distance of 19m from front of boundary and a 12m maximum height for the remainder of the site.

Under SEPP 65 any multi-unit housing development would require open space to be provided on site.

At present the site under LEP 2010 has a maximum building height control of 9.5m. Similarly all land zoned R2 Low Density under LEP 2014 has a maximum building height control of 9.5m. As such the proposed height of 9.5m for 19m of the site is the same height control as presently applies to the land and all other R2 land in the City of Ryde. The remainder of the site is proposed to have an increase in height to 12m.

Based on the new height criteria, it was anticipated that the site could be developed for 25 residential units at a floor space ratio of 1.15:1.

ITEM 5 (continued)

A traffic study was also conducted on the site by Bitzios Consulting. The key findings were:

- Existing traffic volumes on Farm St are relatively low (less than 50veh/h in both directions)
- When distributed on the road network the additional trips are unlikely to affect the normal traffic operation or amenity of the local streets.
- No significant impacts on other road users or public transport are envisioned as a result of the proposed changes.

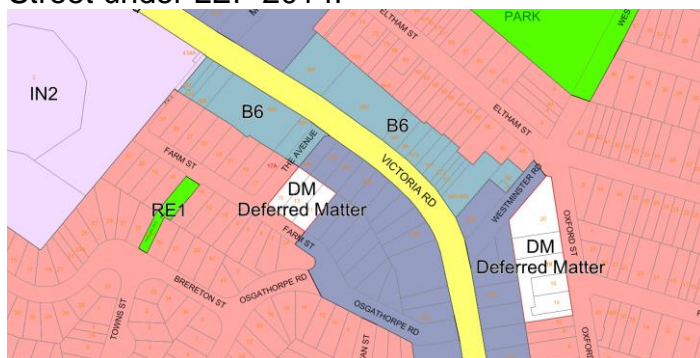
Based on the reduction in height on the site to 9.5m for a distance of 19m from the front property boundary and the reduced floor space to 1.15:1 it was considered that the impacts of the future development of the site have been minimised.

After consideration of a report on the outcomes of the Community Workshop Council on the 8 October 2013 resolved again to endorse the preparation of a PP to amend LEP 2014 and the proposed amendments to 11 – 15 Farm Street being based on a zoning of B4 Mixed Use, maximum FSR of 1.15:1 and maximum height of 9.5m for 19m from the front boundary then 12m for the remainder of the site.

Precedent, suitability of zoning, adjoining land uses

A PP can be submitted to Council for a rezoning or changed development standards to any parcel of land in the City at any time. Each PP is assessed on its individual merits.

The below map (Map 5) indicates the zoning of surrounding land to 11 – 15 Farm Street under LEP 2014.



Map 5- Farm Street (11-15) Gladesville

The rezoning of 11 – 15 Farm Street is an extension of the B4 zoning to The Avenue which provides a separation to the adjoining residential properties to the west ie 17 – 31 Farm Street. The B4 zoning is a Mixed Use zoning which allows for residential flat buildings, industrial, retail, business and office uses.

Yarluk Reserve and pathway are located between 16 and 14 Farm Street.

ITEM 5 (continued)

Action – No action required.

Issue 5 – Prohibiting subdivision of serviced apartments

The PP proposes to prohibit the strata subdivision of serviced apartments in the B3 Commercial Core zone as it applies to Macquarie Park (MPC).

Table 3 below identifies the number of submissions received and comments made with respect to the proposed amendment.

Table 3 – Serviced Apartments

Issue	No of Respondents	Comment in submissions
Prohibiting subdivision of serviced apartments		
Support for PP	1	<ul style="list-style-type: none"> Prohibition of strata subdivision essential to prevent defacto residential development in MPC Residential uses must be prevented to maintain integrity of the MPC core as a commercial precinct. Inevitability of the MPC being overrun with apartments if at any stage residential use becomes permissible.
Objection to PP	2	<ul style="list-style-type: none"> Permitting service apartments in the area is to provide for the short term housing needs generated by facilities such as Macquarie University, Macquarie University Hospital , CSIRO facilities – hotel/ motels are for extremely short stays whilst serviced apartments are more suited to longer stays. An existing serviced apartment at 58 – 62 Delhi Rd has been strata tilted and has operated for over 10 years without concerns regarding mode of operation. Adequate legal mechanisms involving covenants on title exist that can be required to alert prospective buyer of the strata that the building can only be used for serviced apartments. Clause could be amended to include a condition requiring the registration of a restrictive covenant on title requiring the continued use of the site for the purpose of serviced apartments, and prohibiting the granting of any leases under the Residential Tenancies Act 2010. Strata titling makes the form of development more desirable as it would foster and promote of development specific in the LEP as being appropriate and would provide a form of residential development for which there would be demand in a Specialised Centre.

ITEM 5 (continued)

Issue	No of Respondents	Comment in submissions
		<ul style="list-style-type: none"> The adequacy of Council's resources to ensure compliance responsibilities does not change irrespective of the nature of the land use it needs to police.

Response

Under the Standard Instrument (SI) a *Serviced apartment* is defined as
a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.

Note. *Serviced apartments are a type of **tourist and visitor accommodation**—*

Under LEP 2010 Council could not approve serviced apartments in the B3 zone in the MPC unless:-

- the development comprised at least 2 self-contained dwellings, and
- all dwellings were on the same lot (that is, not on separate strata or other titles), and
- the development included private or communal facilities that the consent authority is satisfied are of adequate size and amenity, such as a laundry, guest reception area, waiting area and external open space

This clause was part of draft LEP 2014 submitted to the DoPE with a request that a section 65 Certificate be issued to enable the Plan to be exhibited.

A Section 65 Certificate issued by DoPE to exhibit the draft Plan was conditional upon the subject control being deleted.

Council does not support the strata subdivision of serviced apartments in MPC for the following reasons:-

- The high potential that over time serviced apartments will be used as permanent accommodation or converted to residential flats.
- The strategic direction for the Corridor will have be significantly impacted upon as Serviced apartments will become a more desirable development type in the B3 zone.
- Opportunities exist within the B4 zone within MPC to provide for serviced apartments that can be strata subdivided and ultimately converted into residential flat buildings (which are a permitted use in the B4 zone) without impacting on the Employment (B3 and B7) land use zones.
- A precedent may be set which will make the refusal of future PPs for residential land uses in the Corridor very difficult.

ITEM 5 (continued)

- Serviced apartments are not required to be assessed against the provisions of SEPP 65 and as such their conversion into a residential flat building could result in substandard residential accommodation being provided.

It is not considered that the proposed amendment to the clause to include a restrictive covenant will ultimately prevent the use of the development as a residential flat building particularly if it becomes owner occupied.

It is not considered that support should be given to a variation to the clause.

It should be noted that under Ryde LEP 101 dated 17 December 1999 land at 32 – 62 Delhi Road North Ryde was zoned 3f – Business Special and clause 72S was added to the Ryde Planning Scheme Ordinance which permitted the erection of a serviced apartments and a hotel on the land without restriction on subdivision of any such a development.

Action – No action required

Issue 6 – RMS acquisition of land for road – 2 Nile Close Marsfield

Two submissions have been received objecting to the proposed acquisition of land for SP2 Classified Rd by the RMS at 2 Nile Close Marsfield on the following grounds:-

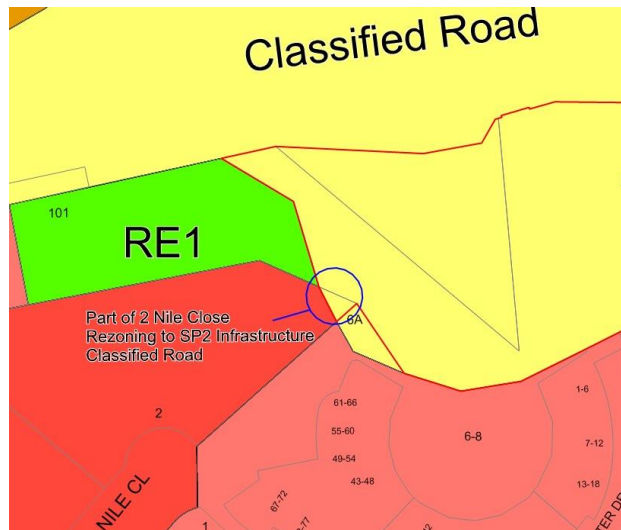
- details of proposed usage and time frame for acquisition are unknown.
- Potential impact on the residents.
- Insufficient or adequate information on the proposal.
- Owners corporation was not consulted.
- Adequate information needs to be provided to make consultation process meaningful.

Response

A submission was made to draft Ryde LEP 2014 by RMS requesting a number of amendments to the Land Reservation Acquisition (LRA) Map and Land Zoning (LZ) Map. One such amendment was the identification on the Land Reservation Acquisition Map of an area of 2 Nile Close as being reserved for SP2 Classified Rd and its identification on the Land Zoning Map as SP2 Classified Road.

ITEM 5 (continued)

The area to be acquired and rezoned for SP2 Classified Road is indicated in Map 6.



Map 6

Council sent a letter to each owner within 2- 4 Nile Close advising them of the PP, identifying the relevant maps to review in the PP and contact details of the relevant person to speak to in the RMS. The contact person in the RMS was spoken to by Council staff prior to the letters being sent out advising them of the likely interest in the proposed acquisition of land at 2 Nile Close.

Direct contact by letter with the affected individual landowners of the subject site was considered the most appropriate and timely manner to advise of the proposed amendments.

The rezoning and acquisition of the land in Ryde LEP 2014 is a requirement of the RMS and has been carried out as required by both the RMS and the DoPE (the latter requested additional amendments be made to Ryde LEP 2014 on behalf of the RMS as part of the Gateway Determination and discussions with Council). Detailed information on acquisition times, acoustic considerations can only be provided by the RMS.

It is considered that the submissions should be forwarded to the RMS with a request that they address the issues raised directly with the residents.

Action – No action required with respect to the PP. Submissions to be forwarded to the RMS for a response to the specific issues identified.

ITEM 5 (continued)**Other Matters**

- **Torrens titling of dual occupancy (attached) developments**

Under Ryde LEP 2014 the strata subdivision of dual occupancy developments is permitted subject to the land on which the development is situated having a minimum area of 580sqm.

Under the PP it is proposed to permit the Torrens titling of dual occupancy (attached) developments subject to:-

- a) For developments constructed or issued with an occupation certificate prior to the PP coming into effect a total land area of 580sqm resulting in each allotment having a minimum area of 290sqm.
- b) For developments constructed after the PP coming into effect a total land area of 580sqm and having a road frontage of 20m resulting in each allotment having a minimum area of 290sqm and 10m frontage.

In permitting the Torrens titling of dual occupancy developments the following issues need to be considered including:-

1. Physical capability of a development to be Torrens title subdivided

Council's Team Leader - Building & Development Advisory Service has advised the following:-

- Since the 1990s construction of dual occupancy (attached) buildings have had to comply with the Building Code of Australia which includes fire separation and acoustic treatment of the common vertical separating walls between the two dwellings.
- The Torrens title subdivision of such dwellings would be possible with little change to the dwellings themselves (this does not include services to the dwellings)
- For dual occupancy (attached) dwellings built before the BCA requirements for fire and acoustic separation of attached dwellings, a building report as prepared by an appropriately accredited BCA consultant would need to be submitted with the DA for subdivision indicating the necessary works to be carried out to the building to ensure that compliance is achieved with the BCA.

Information on the legal aspects of this issue indicates that the protection, access and maintenance of common walls can be addressed through restrictions on the title of the land required as a condition of subdivision approval.

ITEM 5 (continued)

2. Legal issues with respect to rights of way and access to both parking and dwellings

If the Torrens titling of dual occupancy proceeds the following situations may occur:-

- One lot being landlocked i.e. have no street frontage,
- Existing parking for the two lots being provided at basement level under both dwellings,
- parking being provided for both dwellings on the one lot

It is considered that a series of rights of way and cross rights of way will be required to ensure access to both a dwelling and associated parking maybe required.

Information on the legal aspects of this issue indicates that such rights of way can be established on the title of the land as a condition of subdivision approval.

3. Dual occupancy (detached) developments that exist and seek to Torrens title subdivide.

Under a number of previous State Government Regional and State Plans both attached and detached dual occupancy dwellings were permitted in Ryde. It is uncertain how many such developments were built as detached dwellings and how many have not already been Torrens title subdivided as was permitted under those Plans.

The proposed clause at present only permits the Torrens title subdivision of dual occupancy (attached) developments and as such would not capture any detached developments previously approved.

Information on the legal aspects of this issue indicates that as such developments are prohibited within the various residential zones they would benefit from existing use rights and any subdivision application would be considered under the provisions of the Environmental Planning and Assessment Act.

Further legal advice will be sought around this issue as some uncertainty still exists with respect to the capacity to vary the development standard of the Lot Size Map under the provision of existing use rights.

4. Questions raised by the Community

Consultation with Customer Service has found that a number of people have approached Council with queries relating to:-

- Properties where a splay corner has been taken so reducing the frontage to under 20m unless the diagonal of the corner is included.

ITEM 5 (continued)

Response – it is considered that the frontage is the length of the boundary prior to the splay having been taken. For ease of determination this would be considered to be half the length of the splay corner.

- Properties with two street frontages (front and back) which combined provide a frontage of 20m.

Response – reference to a road frontage is a reference to a single frontage.

- Properties with a laneway frontage of more than 20m - can it be developed and subdivided as dual occupancy development?

Response – Under the Road Transport Act 2013 a road is defined as:-

***road** means an area that is open to or used by the public and is developed for, or has as one of its main uses, the driving or riding of motor vehicles.*

Based on the above it is considered that a laneway is a road and as such would be capable of being developed for dual occupancy (attached) developments.

- Can a secondary dwelling be built on a Torrens titled dual occupancy development?

Response - A request was made in 2012 to PLS Planning Law Solutions with respect to the legal ability to Torrens title subdivide a dual occupancy development.

As part of that advice the following was stated:-

Subject to section 80(2) of the Environmental Planning and Assessment Act 1979 ("EP&A Act"), the power to approve a subdivision application is not diminished by a potential change in characterisation brought about as a result of the subdivision of an existing, lawful development.

It is considered that based on the above that once subdivided it could be considered that a change in the character of the development on the land had occurred from being a dual occupancy development (2 dwellings on one lot of land) to a single dwelling on one lot of land. Under the SI a secondary dwelling is defined as follows:-

secondary dwelling means a self-contained dwelling that:

- (a) is established in conjunction with another dwelling (the **principal dwelling**), and
- (b) is on the same lot of land as the principal dwelling, and
- (c) is located within, or is attached to, or is separate from, the principal dwelling

ITEM 5 (continued)

Under SEPP (Affordable Rental Housing) 2009 a secondary dwelling must comply with the following site requirements:-

.....

(b) if it is not a battle-axe lot, has a boundary with a primary road, measured at the building line, of at least the following:

- (i) 12 metres, if the lot has an area of at least 450 square metres but not more than 900 square metres,
- (ii) 15 metres, if the lot has an area of more than 900 square metres but not more than 1500 square metres.....

(c) if it is a battle-axe lot, has an access laneway of at least 3 metres in width and measuring at least 12 metres by 12 metres, excluding the access laneway.

If a lot does not comply with the above lot size of a minimum of 450sqm and frontage of 12m it would be necessary for a development application to be submitted to Council for any secondary dwelling.

As such it is considered that a secondary dwelling may be permitted in theory on a lot that has been part of a Torrens title subdivision of a dual occupancy however issues relating to lot size and frontage as well as other criteria listed in the SEPP would require a DA to be submitted to Council for determination.

An information sheet clarifying areas of the above will be developed and made available on Council's webpage.

Financial Implications

Adoption of the recommendation will have no financial impact.

Consultation with relevant external bodies

Internal consultation:- Building & Development Advisory Services, General Counsel and Customer Service were consulted during the PP with respect to specific aspects of the amendments.

External consultation has been discussed in detail previously in the report. It included:-

- Letters to specific property owners and adjoining owners where applicable, State and Federal Members of Parliament, adjoining Councils and Government departments specified in the Gateway Determination.
- Notification in the local media and Council's website
- The PP being available for viewing in all Council libraries, Civic Centre and the Building and Advisory Centre.

ITEM 5 (continued)**Policy Implications**

The proposal is consistent with the development of a comprehensive LEP in that amendments resulting from submissions, resolutions of Council and identifying anomalies is anticipated when developing a comprehensive LEP of such significance and covering the whole of the City of Ryde.

Options

Council has the following three options:-

1. Proceed with submitting the planning proposal as it was exhibited with no amendment to the Department of Planning and Environment for notification on the NSW Legislation website. This would result in changes requested by The NSW Health and RMS not being carried out and the identified issues with the Flood Planning Maps not being addressed.
2. Proceed with submitting the planning proposal to the Department of Planning for notification on the NSW Legislation website having been amended in accordance with Attachment 3 Amendments to Ryde LEP 2014 Planning Proposal.
3. Not proceed with the Planning Proposal.

It is considered that option 2 allows RLEP 2014 to be amended in accordance with the submissions received during its formal exhibition in 2012 and to reflect Council resolutions that have occurred both during the development of the LEP and as a result of subsequent community consultation.

ITEM 5 (continued)

ATTACHMENT 1

RLEP 2014 PLANNING PROPOSAL AMENDMENTS

Issue/Property	Proposed Amendment
1. 11-15 Farm Street Gladesville: (Lots 34, 35 & 36 DP11022)	<p>Amendment to Land Zoning Map from R2 Low Density Residential to B4 Mixed Use</p> <p>Amendment of Floor Space Ratio Map from FSR 0.5:1 to 1.15:1 and</p> <p>Amendment of Height of Building Map from a maximum height of 9.5m to 12m for that portion of the land situated more than 19m from the front property boundary.</p>
2. 14 – 20 Oxford Street Gladesville	<p>Amendment of Land Zoning Map to zone property R2 Low Density Residential</p> <p>Amendment Floor Space Ratio Map to give the property a maximum floor space ratio of 0.5:1 and</p> <p>Amendment of Height of Building Map to give property a maximum height of 9.5m.</p>
3. 391 Blaxland Road Ryde (Lot B DP323335)	<p>Amendment of Land Zoning Map from B1 Neighbourhood Centre to R2 Low Density Residential</p> <p>Amendment of Floor Space Ratio Map from 0.8:1 to 0.5:1.</p>
4. 2 Hughes Street West Ryde	<p>Amendment of Land Zoning Map from R2 Low Density Residential and SP2 Infrastructure (Educational Establishment) to SP2 Infrastructure (Educational Establishment and Place of Public Worship).</p> <p>Amendment of Floor Space Ratio Map from 0.5:1 to no FSR.</p> <p>Amendment of Height of Building from a maximum height of 9.5m to no height.</p>
5. North Ryde Common (Lot 10 DP 1000078)	<p>Amendment of Land Zoning Map from SP2 Infrastructure(Health Services Facility) to RE1 Public Recreation.</p>

ITEM 5 (continued)

ATTACHMENT 1

Issue/Property	Proposed Amendment
6. LEP 2014 Land Reservation Acquisition Map	Amendment of Land Zoning Map in accordance with Roads and Maritime Services (RMS) directions. Amendment of Land Reservation Acquisition Map in accordance with h RMS directions.
7. 1 Monash Road Gladesville (Part Lot 123 DP1185524 –Heritage Item)	Amendment of Floor Space Ratio Map from 2.3:1 to no FSR.
8. LEP Centres Map	Amendment of Centres Map to incorporate new areas to Ryde , West Ryde and Gladesville Town Centres
9. Ryde Town Centre Precincts Map	Amendment of Ryde Town Centres Precinct Map to reflect new precincts.
10. Lot Size Map	Amend LEP Lot Size Map by deleting all areas from the map which are not zoned residential on the Land Zoning Map.
11. Macquarie Park Catchment Area	Amendment of Flood Planning Maps Area by the addition of the Macquarie Park Catchment Area
12. Amendment of Clause 4.1 Dual occupancy (attached) strata subdivision	Amendment to permit Torrens title subdivision of dual occupancy attached developments (a) where a dual occupancy (attached) development has been constructed or an Occupation Certificate has been issued prior to the notification of the PP; and (i) the land has an area of at least 580 square metres; and (ii) one dwelling will be situated on each lot which has an area of not less than 290 square metres

ITEM 5 (continued)

ATTACHMENT 1

Issue/Property	Proposed Amendment
	<p>(b) a dual occupancy (attached) development has been constructed; and</p> <p>(i) the land has an area of at least 580 square metres and a road frontage of 20 metres; and</p> <p>(ii) one dwelling will be situated on each lot which has an area of not less than 290 square metres and a road frontage of not less than 10m; and</p> <p>(iii) an Occupation Certificate has been issued for the Dual Occupancy</p>
13. 131 & 133 Herring Rd and 208 Epping Road Marsfield Home	Amendment to Schedule 1 Additional permitted uses - Development for the purposes of a medical centre is permitted with consent.
14. Land Use Table for the IN2 Industrial Light zone	<p>Amendment to include in Land Use Table- Uses Permitted with Consent to include:-</p> <ul style="list-style-type: none"> • Wholesale supplies, • Building identification signs and • Recreation facility (indoor)
15. Land Use Table for the R2 Low Density Residential Zone, R3 Medium Density Residential Zone and R4 High Density Residential	<p>Amendment to include in Land Use Table- Uses Permitted with Consent to include:-</p> <ul style="list-style-type: none"> • business and • Home industries
16. Amendment of Clause 1.2 Aims of Plan subclause (2)(e)	<p>Clause 1.2(2)(e) to read:-</p> <p>“ to improve access to the city, minimise vehicle kilometres travelled, facilitate the maximum use of public transport and encourage walking and cycling”</p>
17. Amendment of Clause 4.3A Exceptions to height of buildings subclause (2)	<p>Clause 4.3A(2)to read:-</p> <p>“Despite clause 4.3, the maximum height of dual occupancy (attached) development and multi dwelling housing in Zone R2 Low Density Residential is 5 metres for the dwellings in the development that do not have a street frontage”</p>

ITEM 5 (continued)

ATTACHMENT 1

Issue/Property	Proposed Amendment
18. Amendment of Clause 4.5A(b) Density Controls for Zone R2 Low Density Residential	Clause 4.5A(b) to read:- “(b) each dwelling will have its own contiguous private open space”
19. Amendment of Clause 4.5B Macquarie Park Corridor prohibiting subdivision of serviced apartments.	Clauses 4.5B Macquarie Park Corridor to read:- (5) Serviced apartments in Zone B3 Commercial Core Despite any other provision of this Plan, the consent authority must not consent to the carrying out of development on land in Zone B3 Commercial Core in the Macquarie Park Corridor for the purpose of serviced apartments unless: (i) the development comprises at least 2 self- contained dwellings, and (ii) all dwellings are on the same lot (that is, not on separate strata or other titles)
20. Amendment to Ryde LEP 2014 Clause 4.6 Exemptions to development standards sub clause (8)(cb)	The addition of Clause 4.6(8)(cb) reading:- (cb) clause 4.1A Dual occupancy (attached) subdivision, to the extent that it applies to the Torrens title subdivision of a dual occupancy (attached) development
21. – 26 Amendments of Ryde LEP 2014 Schedule 5 Environmental and LEP 2014 Heritage Map	1 Amend the Suburb name for the following Heritage Items:- • Item 125 - Denistone Park – to suburb Denistone • Item 219 - 22 Miriam Rd – to suburb Denistone • Item 220 - 38 Miriam Rd – to suburb Denistone • Item 78 – 312 Morrison Rd – to suburb Putney 2 Amend Item name for the following Heritage Items • Item 130 – 2 Tucker St – to read Ryde Public School Buildings followed by building identification number • Item 39 – 154 Cox’s Rd – to read North Ryde Public School Buildings followed by building identification number

ITEM 5 (continued)

ATTACHMENT 1

Issue/Property	Proposed Amendment
	<p>Item 156 – 958 Victoria Rd West Ryde to read ‘ House (Former engineer’s residence)’</p> <p>3 Amend Item address and property description for the following Heritage Item -</p> <ul style="list-style-type: none"> • Item 204 to read 32 – 36 Hillview Rd Eastwood Lots Lot 4 in DP546071 and Lots 46 and 47 in DP 8043 (Heritage Map amendment required) <p>4 Delete all reference to the following Heritage Items from Schedule 5</p> <ul style="list-style-type: none"> • Item 11 – Bedlam Point Wharf to be deleted (Heritage Map amendment required) <p>5 Add new archaeological site to Schedule 5 Part 3 Archaeological sites – Item A221 Bennelong’s potential grave site (Heritage Map amendment required)</p>
<p>27. Amendment of Ryde LEP 2014 Schedule 1 Additional permitted uses for 436 – 484 Victoria Road Gladesville</p>	<p>Amendment to Schedule 1 Additional permitted uses</p> <p>4 Use of certain land at 436 – 484 Victoria Road Gladesville</p> <p>(1) This clause applies to land at 436 - 484 Victoria Road Gladesville being Lot 2 in DP 539330.</p> <p>(2) Development for the purposes of ‘business premises’ and ‘office premises’ is permitted with consent</p>
<p>In the development of the Planning Proposal the Department of Planning and Environment in consultation with Roads and Maritime Services requested two additional amendments be made to the Land Zoning Map to identify correctly land as SP2 Classified Road.</p>	

ITEM 5 (continued)

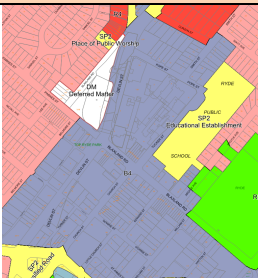
ATTACHMENT 2

RLEP 2014 PLANNING PROPOSAL SUMISSIONS

Submission Trim No.	Submission	Council Response	Response required
Government Agencies/ Institutions			
D14/88623 Office of Environment and Heritage	OEH has reviewed the relevant information and does not have any comments to provide.		No Action Required
D14/92409 Transport Roads and Maritime Services	<p>Reviewed material and generally raise no objections.</p> <p>However :-</p> <ul style="list-style-type: none"> Attachments 6F and 6M – since the time RMS provided M2 mark up there have been changes. As a M2 boundaries not entirely correct – will forward to Council the new files. A number of pieces of land identified as being required for 	<p>There is no objection to land no longer required to be identified for acquisition on the Land Reservation Acquisition Map being deleted from the PP. The RMS have been contacted with respect to information on the new M2 boundary and subject to the required information being provided to Council in a timely manner it is considered all proposed amendments to correct the location of the M2 boundary on the Land Zoning Map should be made.</p> <p>The area requested to be rezoned to SP2 Classified Road is currently zoned B4 Mixed Use.</p>	<ol style="list-style-type: none"> 1. Requested amendments to the Land Acquisition Reservation Maps and Land Zoning Maps (subject to RMS providing details in a suitable timeframe) be made. 2. The existing B4 Mixed Use zoning of Devlin St/Blaxland be

ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
	<p>SP2 Classified Rd on the Land Reservation Acquisition (LRA) Map has been acquired by RMS and should be deleted from that Map.</p> <ul style="list-style-type: none"> Devlin St (from the intersection of Lane Cove Road /Blaxland Rd to Church Street and Blaxland Rd (from Devlin St to Victoria Rd shall be shown as SP2 Classified Rd. 	 <p>The Department of Planning and Environment Practice Note PN 10 – 001 states the following:- <i>Principle 1.3 - Roads must be zoned</i> <i>.....Classified roads that pass through major retail centres should be zoned using the appropriate business zone for the adjoining land. This provides a planning framework for considering potential development over or below roads and on footpaths.</i></p> <p>In view of the above it is considered that there should be no change to the zoning of the road however the RMS request should be highlighted to DoPE.</p>	<p>retained and the DoPE be advised of the RMS request.</p>

ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
D14/86384 NSW Health	<p>Acknowledge that NSW Ministry of Health wrote to Council on 12 July 2012 responding to Draft LEP 2011 and recommended that Council consider applying a more appropriate zoning to the Common conditional that upon the expiry of the lease the zoning would revert to SP 2 Infrastructure .</p> <p>The rezoning is contrary to the Macquarie Hospital current uses as a hospital and would fetter any future decision in respect to the use of the entire site for health related purposes.</p> <p>Request that Council remove of the rezoning of the North Ryde Common and retain current zoning of SP2 Infrastructure until delivery of mental health services is more fully understood.</p>	<p>The below is an extract from the submission received to DLEP 2011 from NSW Ministry of Health</p> <p>1. North Ryde Common <i>As Council is aware, a portion of the Macquarie Hospital site, known as the North Ryde Common, is leased to Council on a 99 year lease which expires in March 2098.</i> <i>This area is maintained by Council and is available for both active and passive recreation pursuits by the general public.....</i></p> <p><i>It is quite clear that the definition in the LEP for Health Services Facility and for that matter, Hospital, doesn't, in any, way allow or contemplate such recreational activity. In fact, Council may well be in breach of their lease conditions to allow the continuation of such activities as the Australia Day Concert and Rotary Carols on the Common on the North Ryde Common under the proposed zoning.</i></p> <p><i>It is recommended that Council consider the separation of the North Ryde Common area from the SP2 Infrastructure zoning and apply a more appropriate zoning, noting that on expiry or termination of the Lease to Council that the zoning reverts to SP2 Infrastructure or other appropriate zoning at that time.</i></p> <p>In view of the new request to not rezone the land it is considered the rezoning should be withdrawn from the PP.</p>	<p>3. The rezoning of North Ryde Common to RE1 Public Recreation be deleted from the PP.</p>

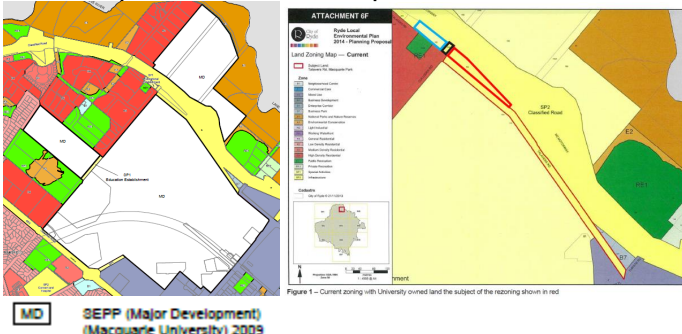
ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
D14/89446 Macquarie University	<p>Request:-</p> <p>That 2 areas (one not part of the current PP) be rezoned from SP1 (Educational Establishment) to SP2 (Educational Establishment) to be in line with the SEPP zoning applying to the remainder of Macquarie University under the SEPP (Major Development) (Macquarie University) 2009.</p> <p>The Flood Planning Maps be amended to reflect mitigation measures approved by NSW Office of Water</p>	<p>Under Draft LEP 2014 Macquarie University was zoned SP1 (Educational Establishment). At the time of the development of the LEP the majority of Macquarie University was zoned SP2 (Educational Establishment) under the SEPP (Major Development) (Macquarie University) 2009. There was no advice at that time from DoPE on how Macquarie University should be addressed on the Plan.</p> <p>Upon LEP 2014 coming into effect on the 12 September 2014 that portion of Macquarie University under the SEPP was removed from the LEP being identified as <i>MD – SEPP (Major Development) (Macquarie University) 2009</i> (Map 1). Two small areas (being one lot) not included in the SEPP but part of the University are still however under RLEP 2014 (Map 2 – outlined in blue and red).</p> <p>It is these two areas that the University requests be rezoned to SP2 to align with the zoning of the majority of the site under the SEPP.</p>	<p>4. Land Zoning Map amended for Macquarie University to SP2 (Educational Establishment)</p> <p>5. Flood Planning Maps deleted be deleted from PP.</p>

ITEM 5 (continued)

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Submission Trim No.	Submission	Council Response	Response required
		<p>Map 1 Map 2</p>  <p>MD BEPP (Major Development) (Macquarie University) 2009</p> <p>There is no objection to the changed zoning of both land parcels to SP2 (Educational Establishment).</p> <p>In developing any LEP Council is required to use without variation both the Standard Instrument (SI) and Model clauses prepared by the Department.</p> <p>The Model Clauses cover a variety of planning controls not included in the SI but commonly used by Councils. At the time of developing LEP 2014 the Model Clause which Council used to control development on flood prone land related could only be used in conjunction with a series of maps which identified in the land under the clause known as Flood Planning Maps. Since that time however the Department has amended the clause so that it applies to</p>	

ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
		<p>a) Land that is shown as “Flood planning area” on the Flood Planning Map, and</p> <p>b) Other land at or below the flood planning level.</p> <p>The DoPE on its website states the following:-</p> <p><i>Councils know of some areas that flood and those areas are mapped as the "flood planning area", but there are other areas where accurate mapping is not possible. Consequently, the wording of this subclause captures the land that can be accurately mapped and the land that cannot. Such unmapped land includes the “flood planning area” (as defined in the Floodplain Development Manual) up to the “flood planning level”.</i></p> <p>As a result of the above Flood Planning Maps are no longer necessary to bring the clause into effect on land that has been identified as flood prone.</p> <p>There is considered a significant issue with the use of Flood Planning Maps in the LEP in that a PP will be required to amend the maps any time:-</p> <ul style="list-style-type: none"> • an area undergoes flood mitigation works (such as identified in the submission) or • a building is erected that changes the flood pattern or 	

ITEM 5 (continued)

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Submission Trim No.	Submission	Council Response	Response required
		<ul style="list-style-type: none"> an error in the Map is identified a PP is required to amend the LEP Maps. <p>This will involve constant PPs, poor use of staff resources and possible confusion for the community</p> <p>It should be noted that two other submissions also raise issues with respect to the extent of flooding indicated on a property in the Flood Planning Maps. All submissions have been forwarded to the Team Manager Stormwater Infrastructure Integration for review.</p> <p>As the clause no longer applies only to land identified on a map it is considered that the Macquarie Park Catchment Flood Planning Maps should be deleted from the PP.</p>	
D14/98101 Transport for NSW	No issues have been identified in PP . TfNSW supports comments provided by RMS.		No action required
D14/7977 Parramatta Council	No comment		No action required

ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
Dual occupancy			
D14/80046	How is placing stricter requirements ie 580m2 and 20m frontage and exemptions to Torrens titling being consistent with new planning laws to achieve greater residential density? Council should be more flexible	<p>The minimum standards for the erection of a dual occupancy development are existing controls under LEP 2014 and not part of the PP. The 580sqm requirement reflects the minimum lot size for the erection of a dwelling house which has been in place since 1979. The 20m road frontage control came into effect within LEP 2014 and was required to address design issues with Dual Occupancy developments. It should be noted that with the introduction of the 20m road frontage linear separation no longer applied as a control.</p> <p>Council is seeking an exemption from <i>4.6 Exemptions to development standards</i> to the minimum lot size for the Torrens title of dual occupancy development only. This is to ensure that lots of less than 290sqm cannot be created in the City.</p> <p>Council through its centres policy, housing strategy and various development strategies is well in excess of achieving the State Governments housing and employment figures for Ryde.</p>	No action required

ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
11-15 Farm Street Gladesville			
D14/88466	Fully support the proposed planning controls for sites - request Council adopt PP.		No Action Required
D14/88678	Urge Council to adopt the exhibited planning controls for the land and incorporate amendment into LEP 2014		No Action Required
D14/88977	Support Council's amendments to LEP 2014 PP for 11 – 15 Farm St .		No Action Required
D14/89108	Request that rezoning, floor space and height increases NOT be supported in PP for 11 – 15 Farm St . Council requested to consider the following:- <ul style="list-style-type: none"> Topography – significant slope entire height at the natural ground level needs to be considered as natural ground level will not be the lowest point 	<i>Zoning, Traffic, Height, FSR</i> The subject properties in Draft LEP 2014 were zoned B4 Mixed Use with a FSR of 1.5:1 and a maximum height of 12m. Numerous submissions were received by Council expressing concern over the proposed changes during the exhibition of the draft Plan. To enable further discussion Council resolved to defer the subject properties from LEP 2014 and to make any amendments in zoning etc on the land part of the Planning Proposal to amend LEP 2014.	No Action Required

ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
	<ul style="list-style-type: none"> Rezoning could set precedence for other rezoning in street or nearby streets. Increase in number of apartments will significantly increase traffic flow in and out of the car park and will make exiting Farm Street more difficult If developer not willing to negotiate his position , then can be construed that there is no measure of altruism in his proposed development – points to monetary gain at the expense of all else that defined good planning. 	<p>A Community Workshop was held on the 31 July 2013 addressing the proposed amendments to be undertaken to LEP 2014 including those to 11 – 15 Farm Street.</p> <p>As part of that Community Workshop an urban design review of 11-15 Farm Street was undertaken by Olsson&associates Pty Ltd where controls for the amalgamated site were provided.</p> <p>An aim of the design criteria was to look at reducing the bulk of the building as it appears from Farm Street and reducing overshadowing. The resultant design had a 6m setback to Farm Street, 9.5m maximum height for a distance of 19m from front of boundary and a 12m maximum height for the remainder of the site.</p> <p>Under SEPP 65 any multi-unit housing development would require open space to be provided on site.</p> <p>At present the site under LEP 2010 has a maximum building height control of 9.5m. Similarly all land zoned R2 Low Density under LEP 2014 has a maximum building height control of 9.5m. As such the proposed height of 9.5m for 19m of the site the land is the same height control as presently applies to the land and all other R2 land in the City of Ryde. The remainder of the site is proposed to have an increase in height to 12m.</p>	

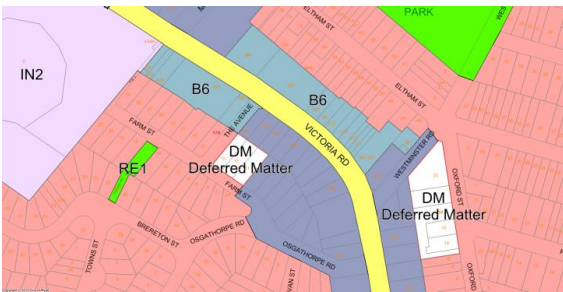
ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
		<p>Based on the new height criteria, it was anticipated that the site could be developed for 25 residential units at a floor space ratio of 1.15:1.</p> <p>A traffic study was also conducted on the site by Bitzios Consulting. The key findings were:</p> <ul style="list-style-type: none"> • Existing traffic volumes on Farm St are relatively low (less than 50veh/h in both directions) • When distributed on the road network the additional trips are unlikely to affect the normal traffic operation or amenity of the local streets. • no significant impacts on other road users or public transport are envisioned as a result of the proposed changes. <p>Based on the reduction in height on the site to 9.5m for a distance of 19m from the front property boundary and the reduced floor space to 1.15:1 it was considered that the impacts of the future development of the site have been minimised.</p> <p>After consideration of a report on the outcomes of the Community Workshop Council on the 8 October 2013 resolved again to endorse the preparation of a PP to amend LEP 2014, the proposed amendments to 11 – 15 Farm Street being based on a zoning of B4 Mixed Use, maximum FSR of 1.15:1 and maximum height of 9.5m for 19m from the front boundary then 12m for the remainder of the site.</p>	

ITEM 5 (continued)

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Submission Trim No.	Submission	Council Response	Response required
D14/89110	<p>Object to the proposed rezoning and increases in floor space ratio and height of buildings for 11 – 15 Farm St .</p> <ul style="list-style-type: none"> Farm St has a unique charm and feeling of quietness – due mainly to being a cul-de-sac and short street. Development of Victoria Rd is fine but Farm Street is a different matter. Properties in Farm Street are the buffer and gateway into the unique appeal of the street. Proposed changes will ruin the special uniqueness of the street and create traffic /parking havoc and privacy issues to residents on the lower side of the street. Topography of land – any increase in height will impact on privacy and light. Entire height at the natural ground level needs to be considered as natural ground level will not be 	<p>For a response to issues of height , fsr and traffic see comments above</p> <p><i>Precedent, suitability of zoning, adjoining land uses</i> A PP can be submitted to Council for a rezoning or changed development standards to any parcel of land in the City at any time. Each PP is assessed on its individual merits.</p> <p>The below map indicates the zoning of surrounding land to 11 – 15 Farm St under LEP 2014.</p>  <p>The rezoning of 11 – 15 Farm Street is an extension of the B4 zoning to The Avenue which provides a separation to the adjoining residential properties to the west ie 17 – 31 Farm St. The B4 zoning is a Mixed Use zoning which allows for residential flat buildings, industrial, retail, business and office uses.</p> <p>Yarluke Reserve and pathway are located between 16 and 14 Farm Street.</p>	No Action Required


ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
	<p>the lowest point</p> <ul style="list-style-type: none"> 11- 15 Farm street acts as a buffer for the whole street and keeps and provides a homogeneous residential feeling. Possibility of an industrial building built over the properties (implied by zoning) will make the street look silly and destroy value of all the properties in street. Current R2 zoning strategic – let common sense and the interest of the entire community be taken into account. Increasing the FSR will suffocate the street and future residents children will have no place to play because of the possibility of being hit by traffic. 		
D14/88778	<p>Oppose rezoning and changes to height and FSR of 11 – 15 Farm Street</p> <ul style="list-style-type: none"> Topography – any rezoning will have negative impact on loss of 	<p>For a response to issues of height, fsr, traffic and future rezoning see comments above.</p> <p>The house on the corner of Monash and Eltham St is a heritage item under Schedule 5 of LEP 2014 and</p>	No action required

ITEM 5 (continued)

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Submission Trim No.	Submission	Council Response	Response required
	<p>privacy – any increase in height will impact on privacy and light. Entire height at the natural ground level needs to be considered as natural ground level will not be the lowest point</p> <ul style="list-style-type: none"> • Rezoning could set precedence for other rezoning in street or nearby streets. Request assurance no further plans for rezoning the street. Any further rezoning will destroy our little community. • Any increase in apartments will increase traffic flow and make the exiting from Farm St more difficult and dangerous and increase air pollution in street. • Development on Monash/Eltham St has built around single storey house. Surely site can accommodate something similar 	<p>has been retained with development has occurring around it.</p>  <p>Extract LEP 2014 Heritage Map.</p> <p>The land is proposed to be rezoned B4 Mixed Use which would allow the use of the property at 15 Farm St as a restaurant/café.</p> <p>Issues relating to the upkeep of the Primrose Hill site have been forwarded to the relevant person.</p>	

ITEM 5 (continued)

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Submission Trim No.	Submission	Council Response	Response required
	<ul style="list-style-type: none"> House at 15 Farm St is beautiful and should be retained – could be used as a café or restaurant. Issues mentioned in relation to condition of Primrose Hill site. 		
D14/88774	<p>We support the proposed amendments to change the zoning and increase the FSR and HOB of 11 -15 Farm St.</p> <p>Increasing the above mentioned will allow the inclusion of the three properties to blend in the streetscape. All the concerns raised in the past have been addressed.</p>		No Action Required
D14/87978(D14/88719) D14/87977(D14/88722)	<p>Support changes - they will give an excellent outcome and enable the use of the Farm St site in an unobtrusive and sensitive way . Amendments will facility the expansion of housing types and ensure access to existing local infrastructure and services.</p>		No Action Required
D14/87012	<p>Support Council's amendments to LEP 2014 regarding 11- 15 Farm Street.</p>		No Action Required

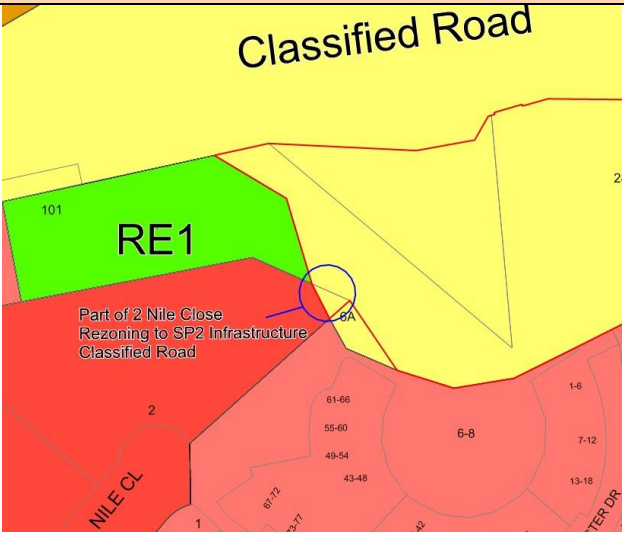
ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
RMS – land acquisition and rezoning			
D14/88541 D14/88780 (D1488673) 2 – 4 Nile Close Marsfield	2 – 4 Nile Close Marsfield- major concerns with proposed acquisition of land for SP2 Classified Rd. <ul style="list-style-type: none"> • Potential impact of part acquisition of the land – details of proposed usage and time frame for acquisition are unknown • Potential impact on the residents – no indication on the likely acoustic impact and any noise attenuation measures proposed • Inadequate information on the proposal provided. RMS officer identified on Council letter provided electronic map of rezoned portion however request for more information referred to another RMS officer 	A submission was made to draft Ryde LEP 2014 by RMS requesting a number of amendments to the Land Reservation Acquisition (LRA) Map and Land Zoning (LZ) Map. One such amendment was the identification on the Land Reservation Acquisition Map of an area of 2 Nile Close as being reserved for SP2 Classified Rd and its identification on the Land Zoning Map as SP2 Classified Rd. The area to be acquired and rezoned for SP2 Classified Road is indicated in the Map below.	6. Submissions be forwarded to the RMS with a request that they address the issues raised directly with the residents

ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
	<p>who did not make contact.</p> <ul style="list-style-type: none"> • Owners corporation was not consulted • Adequate information needs to be provided to make consultation process meaningful • Purpose of rezoning has not been made clear in Councils letter or by the RMS . Presume it must be for the creation of additional traffic lanes for the M2 Motor Way – any excessive road noise impact on the residents at 2- 4 Nile Close is properly investigated. 	 <p>Council sent a letter to each owner within 2- 4 Nile Close advising them of the PP, identifying the relevant maps to review in the PP and contact details of the relevant person to speak to in the RMS. The contact person in the RMS was spoken to by Council staff prior to the letters being sent out advising him of the likely interest in the proposed acquisition of land at 2 Nile Close.</p> <p>Direct contact by letter with the affected individual landowners of the subject site was considered the most appropriate and timely manner to advise of the</p>	

ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
		<p>proposed amendments.</p> <p>The rezoning and acquisition of the land in Ryde LEP 2014 is a requirement of the RMS and has been carried out as required by both the RMS and the DoPE (the latter requested additional amendments be made to Ryde LEP 2014 on behalf of the RMS as part of the Gateway Determination and discussions with Council). Detailed information on acquisition times, acoustic considerations can only be provided by the RMS.</p> <p>It is considered that the submissions should be forwarded to the RMS with a request that they address the issues raised directly with the residents</p>	
Serviced Apartments			
D14/93130 384 -392 Lane Cove Rd	<p>Proposed clause in principle is supportable as it prevents the unauthorised post subdivision conversion of units within a service apartment to residential apartments .</p> <p>However proposed clause prohibits the strata subdivision of any serviced</p>	<p>Under the Standard Instrument (SI) a <i>Serviced apartment</i> is defined as</p> <p><i>serviced apartment</i> means a building (or part of a building) providing self-contained accommodation to tourists or visitors on a commercial basis and that is regularly serviced or cleaned by the owner or manager of the building or part of the building or the owner's or manager's agents.</p>	No Action Required.

ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
	<p>apartment on sites in the future which are intended to continue to operate as serviced apartments.</p> <p>Clause should be amended to read</p> <p><i>“(5) Serviced apartments in Zone B3 Commercial Core..... (ii) all dwellings are on the same lot (that is, not on separate strata or other titles).</i></p> <p><i>(5A) Nothing in sub-clause (5) prevents the consent authority from granting consent to development for the purpose of strata subdivision, provided the consent is subject to a condition requiring the registration of a restrictive covenant on title requiring the continued use of the site for the purpose of serviced apartments, and prohibiting the granting of any leases under the Residential Tenancies Act 2010.”</i></p> <p>The bold text addition is considered reasonable as it:-</p> <ul style="list-style-type: none"> Provides another regulatory 	<p>Note. Serviced apartments are a type of <i>tourist and visitor accommodation</i>—</p> <p>LEP 2010 contained a clause that prevented Council approval of serviced apartments in the B3 zone unless:</p> <ul style="list-style-type: none"> the development comprised at least 2 self-contained dwellings, and all dwellings were on the same lot (that is, not on separate strata or other titles), and the development included private or communal facilities that the consent authority is satisfied are of adequate size and amenity, such as a laundry, guest reception area, waiting area and external open space <p>This clause was part of draft LEP 2014 submitted to the DoPE with a request that a section 65 Certificate be issued to enable the Plan to be exhibited.</p> <p>A Section 65 Certificate issued by DoPE to exhibit the draft Plan was conditional upon the subject control being deleted.</p> <p>The reasons why Council has never supported the strata subdivision of serviced apartments in MPC include:-</p> <ul style="list-style-type: none"> The strategic direction for the Corridor will have be significantly impacted upon as 	

ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
	<p>layer to achieve Council's objective of preventing residential development in MPC</p> <ul style="list-style-type: none"> Will alert potential purchases units can only be for serviced apartments 	<p>Serviced apartments (which will inevitably be used as permanent residential accommodation) will become a more desirable development type in the B3 zone.</p> <ul style="list-style-type: none"> Opportunities exist within the B4 zone within MPC to provide for serviced apartments that can be strata subdivided and ultimately converted into residential flat buildings (which are a permitted use in the B4 zone) without impacting on the Corridor. A precedent will be set which will make the refusal of future PPs for residential land uses in the Corridor very difficult. Serviced apartments are not required to be assessed against the provisions of SEPP 65 and as such there conversion into a residential flat building could result in substandard residential accommodation being provided. <p>It is not considered that the proposed amendment to the clause to include a restrictive covenant will ultimately prevent the use of the development as a residential flat building particularly if it becomes owner occupied.</p> <p>It is not considered that support should be given to a variation to the clause.</p>	

ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
D14/88767(D14/87979)	<p>Numerous submissions sent to Council as well as verbal submissions at Council meetings re protecting the commercial core of Macquarie Park from residential encroachment.</p> <p>Support for inclusion of clause to prohibit separate titling of serviced apartments in Zone B3.</p> <p>Restriction essential to prevent defacto residential development</p> <p>Residential uses must be prevented to maintain integrity of the MPC core as a commercial precinct.</p> <p>Relevant considerations remain:-</p> <ul style="list-style-type: none"> • Metro Strategy objective for MP as a Specialised Precinct • MPC status as the northern anchor for the Global Economic Corridor • Inevitability of the MPC being overrun with apartments if at any stage residential use 	Comments noted	No action required

ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
	<p>becomes permissible.</p> <p>Flood Maps</p> <p>Map identified Macquarie Link site being within Overland Flow Precinct.</p> <p>Information provided in submission on why the land should not be included.</p> <p>Request that map be amended to exclude Macquarie Link property.</p>	<p>See comments re Flood Planning Maps at D14/89446 - Macquarie University</p> <p>Submission has been forwarded to the Team Manager Stormwater Infrastructure Integration for review.</p>	<p>Flood Planning Maps be deleted from the PP.</p>
D14/88682	<p>Nothing has changed since DoPE indicated through s65 Certificate that restriction on the subdivision of serviced apartments in DLEP 2011 were inappropriate.</p> <p>MP has been identified as a Specialised Centre in the Metro Plan because it accommodates Macquarie University , Macquarie University Hospital , CSIRO facilities and wide variety of technology oriented enterprises</p>	<p>See comments above</p> <p>It should be noted that under Ryde LEP 101 dated 17 December 1999 land at 32 – 62 Delhi Rd North Ryde was zoned 3f – Business Special and clause 72S was added to the Ryde Planning Scheme Ordinance which permitted the erection of a serviced apartments and a hotel on the land without restriction on subdivision of any such a development.</p>	<p>No Action Required</p>

ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
	<p>Permitting service apartment in this area is to provide for the short term housing needs generated by these facilities. – hotel/ motels are for extremely short stays whilst serviced apartments are more suited to longer stays.</p> <p>An existing serviced apartment at 58 – 62 Delhi Rd has been strata tilted and has operated for over 10 years without concerns regarding mode of operation.</p> <p>There are adequate legal mechanisms involving covenants on title that can be required to alert prospective buyer of the strata that the building can only be used for serviced apartments.</p> <p>Prohibition of strata titling is tantamount to a prohibition of a use which is permitted in the zoning.</p> <p>Strata titling makes the form of development more desirable as it would foster and promote of development specific in the LEP as being appropriate and would provide a form of residential development for which there would be</p>		

ITEM 5 (continued)

ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
	<p>demand in a Specialised Centre.</p> <p>The adequacy of Council's resources to ensure compliance responsibilities does not change irrespective of the nature of the land use it needs to police – Council does not propose to preclude strata subdivision of serviced apartments in other areas nor preclude the strata title of hotel /motel accommodation.</p> <p>PP should be amended to delete reference to Clause 4.5B.</p>		
Individual property amendments			
D14/84754 391 Blaxland Rd Denistone East	Concur with the proposed changes to rezone land R2 and amend FSR from 0.8:1 to 0.5:1	No comment	No Action Required

ITEM 5 (continued)
ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
D14/84665 131&133 Herring Rd and 208 Epping Rd Marsfield	Supports PP proposal to allow a medical centre on site - use as a medical centre is highly desirable for the area.	No comment	No Action Required
Flood Planning Mapping			
D14/76976 115 Wicks Rd	<p>Object to revised Flood Planning Map and request Map be revised to better reflect the reduced extent of the Lot that might be subject to flood:-</p> <ul style="list-style-type: none"> Acknowledge drainage easement crosses lot Understand drainage pipes/culvert within this easement were approved and installed undersized such that surface water flooding can occur at properties basement car park level – not experienced such 	<p>See comments re Flood Planning Maps at D14/89446 - Macquarie University</p> <p>The Team Manager Stormwater Infrastructure Integration reviewed the submission and advised that the catchment area of the site is large, the overland flowrate is in the order of 37m³/s which implies the site is subject to flooding.</p> <p>The Team Manager also advised that the owners may purchase the DRAINS and TUFLOW models from City of Ryde and engage a hydraulic engineer in order to carry out site specific analysis.</p>	Flood Planning Maps be deleted from the PP.

ITEM 5 (continued)

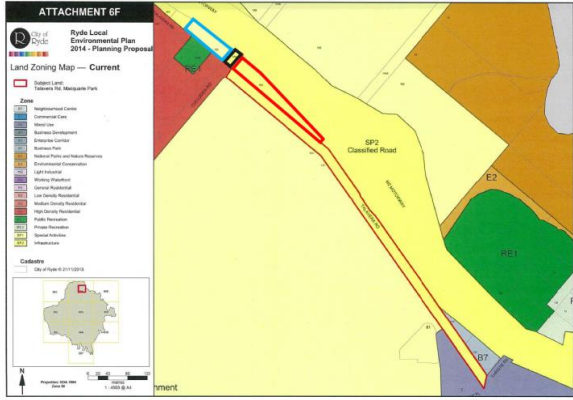
ATTACHMENT 2

Submission Trim No.	Submission	Council Response	Response required
	<p>flooding since occupation in 2007</p> <ul style="list-style-type: none"> • Extent of site affected by potential flooding would be limited to the lower elevations around drainage easement • Assume flood studies have either used incorrect models or result have been incorrectly translated to Map • Implication that entire site subject to flooding which has negative impact on valuation and redevelopment of site • Engineering works can overcome the flooding issues 		
<p>Note: A submission from Altis Property Partners was received requesting the PP be amended to as it relates to the property 40 – 52 Talavera Rd Macquarie Park with respect to the removal of the classification of the land as comprising “Existing Significant Trees” . The submission writer was contacted by Council and advised that the request is a DCP issue and that the submission has been referred to the relevant officer for consideration.</p>			

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ATTACHMENT 3

Amendments to RLEP 2014 PLANNING PROPOSAL

Amendment	Reason
1. RMS amendments to the Land Acquisition Reservation Maps and Land Zoning Maps (subject to RMS providing details in a suitable timeframe)	<p>RMS submission requesting amendments because some indicated land has already been acquired and M2 boundary has been updated. In this regard:-</p> <p>Amendment to the Land Reservation Acquisition Map to remove land in Talavera Rd , Victoria Rd and adjacent to M2 Motorway already acquired by RMS</p>
2. The rezoning of North Ryde Common to RE1 Public Recreation be deleted from the PP.	<p>NSW Health submission requesting rezoning to RE1 Public Recreation not proceed. The existing SP2 Health Service Facility zoning is to be retained.</p>
3. Land Zoning Map amended for Macquarie University to SP2 (Educational Establishment)	<p>Submission on behalf of Macquarie University requesting those areas of the University under LEP 2014 be zoned the same as the area of the University under the SEPP ie SP2 (Educational Establishment)</p> <p>Relates to part of Lot 191 DP1157041 identified in below map as outlined in blue and red.</p>  <p>Figure 1 – Current zoning with University owned land the subject of the rezoning shown in red</p>
4. Macquarie Park Catchment Flood Planning Maps deleted be deleted from PP	<p>Flood Planning Maps are no longer necessary to bring the clause 6.3 Flood Planning into effect on land that has been identified as flood prone. Macquarie Park Catchment Flood Planning Maps are to be deleted from the Planning Proposal. Eastwood/Terry Creeks catchment area Flood Planning Maps are to be retained in LEP 2014</p>

ITEM 5 (continued)

ATTACHMENT 4



Planning &
Environment

ATTACHMENT 4

Contact: Sandy Shewell
Phone: (02) 8575 4115
Fax: (02) 9228 6244
Email: Sandy.Shewell@planning.nsw.gov.au
Postal: GPO Box 39, Sydney NSW 2001

Our ref: PP_2014_RYDEC_001_00 (14/04723)
Your ref: LEP 2013/12/4

Mr Roy Newsome
Acting General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

Dear Mr Newsome,

Planning proposal to amend draft Ryde Local Environmental Plan 2014

I am writing in response to your Council's request for a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal to make various housekeeping amendments, including: amending various clauses in the written instrument; altering the description, adding and removing heritage items; rezoning and amending the development standards applicable to various sites; amending the land use table for various zones; mapping amendments; and including additional permitted uses on certain land.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the variations outlined in the conditions in the attached Gateway determination.

While the planning proposal is supported, Council is to make the below changes to the planning proposal prior to placing it on public exhibition:

- remove the proposal to permit 'secondary dwellings' in various residential zones, because this change has already been made to the draft Ryde Local Environmental Plan 2014, by the Department post public exhibition;
- remove the proposed requirement for a workplace travel plan from Clause 6.6 'Environmental Sustainability,' because such a requirement is more appropriately placed in a development control plan;
- zone land at 14-20 Oxford Street, Gladesville to R2 Low Density Residential, with a maximum building height of 9.5m and maximum floor space ratio of 0.5:1. This will bring the deferred site into Council's draft Local Environmental Plan and zone the land consistent with adjoining land;
- permit 'business premises' and 'office premises' as additional permitted uses on land at 436-484 Victoria Road, Gladesville and remove the reference to 'commercial premises' from the Schedule 1 item;
- rezone land at 2 Nile Close, Marsfield to SP2 Infrastructure (Classified Road) and add this site and land at 283 Vimiera Road, Marsfield to the Land Reservation Acquisition Map. I note that Roads and Maritime Services is the acquisition authority for this land;
- remove land at 607-623 Victoria Road, Ryde and 157 Balacava Road, Macquarie Park from the Land Reservation Acquisition Map, as this land has now been acquired;
- amend the description of heritage item 156 for land at 958 Victoria Road, West Ryde to 'House (Former engineer's residence),' within Schedule 5 Environmental Heritage of Council's draft Local Environmental Plan; and

Bridge Street Office: 23-33 Bridge Street, Sydney NSW 2000
Telephone: (02) 9228 6111

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Website: www.planning.nsw.gov.au

ITEM 5 (continued)

ATTACHMENT 4

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remove the proposal to rezone the 'Ryde Civic Precinct' to SP2 Infrastructure and amend applicable development standards, because the proposal is subject to a separate planning proposal PP_2013_RYDEC_002_00, which was already issued with a Gateway determination of support in November 2013.

While the proposal to permit a 'medical centre' as an additional permitted use on land at 131 and 133 Herring Road and 208 Epping Road, Marsfield is supported, Council is encouraged to zone the site appropriately to reflect the intended land uses. Council should consider zoning the site to an appropriate business zone such as a B1 Neighbourhood Centre, where medical centres are permitted. If a suitable alternative zone is identified, Council is to amend the planning proposal, prior to proceeding to public exhibition.

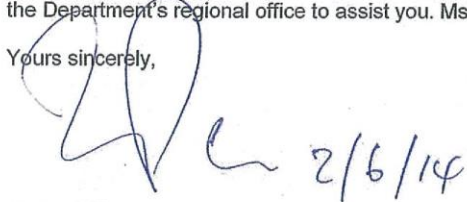
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the Local Environmental Plan should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the Environmental Planning and Assessment Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Sandy Shewell of the Department's regional office to assist you. Ms Shewell can be contacted on (02) 8575 4115.

Yours sincerely,

 2/6/14
Richard Pearson
Deputy Secretary
Growth Planning and Delivery

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

ITEM 5 (continued)

ATTACHMENT 4



**Planning &
Environment**

Gateway Determination

Planning proposal (Department Ref: PP_2014_RYDEC_001_00): to make various housekeeping amendments to draft Ryde Local Environmental Plan 2014.

I, the Deputy Secretary, Growth Planning and Delivery at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the Environmental Planning and Assessment Act that an amendment to the draft Ryde Local Environmental Plan 2014 to make various housekeeping amendments, including: amending various clauses in the written instrument; altering the description, adding and removing heritage items; rezoning and amending the development standards applicable to various sites; amending the land use table for various zones; mapping amendments; and including additional permitted uses on certain land should proceed subject to the variations as outlined in the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal consistent with the below:
 - remove the proposal to permit 'secondary dwellings' in various residential zones;
 - remove the proposed requirement for workplace travel plans from Clause 6.6 'Environmental Sustainability';
 - zone land at 14-20 Oxford Street, Gladesville to R2 Low Density Residential, with a maximum building height of 9.5m and maximum floor space ratio of 0.5:1;
 - permit 'business premises' and 'office premises' as an additional permitted use on land at 436-484 Victoria Road, Gladesville and remove the reference to 'commercial premises' from the Schedule 1 item;
 - rezone land at 2 Nile Close, Marsfield to SP2 Infrastructure (Classified Road) and add this site and land at 283 Vimiera Road, Marsfield to the Land Reservation Acquisition Map;
 - remove land at 607-623 Victoria Road, Ryde and 157 Balaclava Road, Macquarie Park from the Land Reservation Acquisition Map;
 - amend the description of heritage item 156 for land at 958 Victoria Road, West Ryde to 'House (Former engineer's residence),' within Schedule 5 Environmental Heritage of Council's draft Local Environmental Plan; and
 - remove the proposal to rezone the 'Ryde Civic Precinct' to SP2 Infrastructure and amend applicable development standards.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing Local Environmental Plans (Department of Planning and Environment 2013)*.

RYDE PP 2014 RYDEC 001 00 (14/04723)

ITEM 5 (continued)

ATTACHMENT 4



**Planning &
Environment**

3. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act:

- Office of Environment and Heritage
- Transport for NSW
- NSW Health
- Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Environmental Planning and Assessment Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the Local Environmental Plan is to be **12 months** from the week following the date of the Gateway determination.

Dated

2

day of

June

2014.


Richard Pearson
Deputy Secretary
Growth Planning and Delivery

Delegate of the Minister for Planning

ITEM 5 (continued)

ATTACHMENT 4



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ryde City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_RYDE_001_00	Planning proposal to make various housekeeping amendments to draft Ryde Local Environmental Plan 2014.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 2 June 2014



Richard Pearson
Deputy Secretary
Growth Planning and Delivery

ITEM 5 (continued)

ATTACHMENT 4

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2014_RYDE_001_00
Date Sent to DoP&E under s56	6 January 2014
Date considered at LEP Review Panel	8 May 2014
Gateway determination date	2 June 2014

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information:

ITEM 5 (continued)

ATTACHMENT 5

LEP 2014 | Ryde LEP 2014 Planning Proposal CHANGES

COMMUNICATIONS PLAN FOR EXHIBITION OF PLANNING PROPOSAL



ITEM 5 (continued)**ATTACHMENT 5****INTRODUCTION**

The Community Engagement unit have worked closely with the Urban Planning Unit to develop a draft communications strategy that aims to ensure the myriad of proposed changes under the "Ryde LEP 2014 Planning Proposal" are communicated to all of the appropriate stakeholders.

The Urban Planning Unit provided a comprehensive breakdown of all of the proposed Planning Proposal changes. The Community Engagement Unit understands that these include:

- Changes relating to specific land parcels
- Broad policy changes that affect much of the Local Government Area
- Administrative changes

The Community Engagement unit have prepared, in conjunction with the Urban Planning Unit a communication matrix which identifies

- The issue / proposed amendment
- Relevant stakeholders
- Proposed methods of communications
- Reasoning for choice of communication and identified stakeholders

The matrix attached has been prepared as supporting documentation to the Council report in order to provide assurance that all relevant stakeholders have been considered, and to demonstrate clearly through the matrix attached, that Council has prepared a comprehensive strategy to support any / all accepted amendments.

All communication channels identified in the attached matrix are supported by an overarching communications plan which will include:

- Printing adverts in the local newspapers to announce and key changes
- Providing a more detailed summary of all changes on Council's website

NB:

- *please note that where the matrix refers to properties it will be the property owners based on Council's records within TechOne*
- *Also where a property is a multi-unit dwelling the Body Corporate will be notified in line with Council's previous communications approach*

ITEM 5 (continued)

ATTACHMENT 5

	Property	AMENDMENT	STAKEHOLDER	COMMUNICATION METHOD
1	Macquarie Park Corridor	Add a clause <i>Macquarie Park corridor – Serviced Apartments in Zone B3 Commercial core</i> prohibiting the strata subdivision of serviced apartments	➤ Landowners in B3 commercial zone	Letter sent directly to all properties in B3 commercial zone to advise Correspondence in line with specificity of change, impacting a small specific group of stakeholders
2	131 & 133 Herring Road and 208 Epping Road	Add to <i>additional permitted uses</i> - Development for the purposes of a medical centre	➤ Surrounding residents to properties	Letters sent to surrounding residents as per the catchment area highlighted in the attached map The notification area will be determined on the basis of those surrounding the site that could be impacted by the proposed amendment
3	All dual occupancies	Amend clause (4.3(2c) so that the maximum height for dwelling housing and dual occupancy development do not have frontage to a street, is 5m	➤ Any future developer of a dual occupancy	To be communicated via the website in line with all other approved changes
4	All commercial properties in IN2 Light Industrial Zone	*Wholesale supplies, Building identification signs and recreation facility (indoor_ be added to uses permitted in IN2 zone	➤ Any owner of commercial properties in IN2 Light industrial zone	To be communicated via the website in line with all other approved changes
5	Town Centres of: Ryde / West Ryde/Gladesville	Amend LEP 2013 Centres Map	This amendment is an administrative change only	To be communicated via the website in line with all other approved changes

ITEM 5 (continued)

ATTACHMENT 5

	Property	AMENDMENT	STAKEHOLDER	COMMUNICATION METHOD
6	391 Blaxland Road Ryde	Amend LEP 2013 and Land Zoning Map and Floorspace Ratio Map to R2 and 0.5:1	➤ Landowner	Direct communication with landowner via letter
7	St Michael's Church & School, Hughes St, Meadowbank	Amend LEP 2013 Land Zoning Map to SP2 Educational Establishment and Place of public worship	➤ Landowner	Direct communication with landowner via letter
8	North Ryde Common	Amend LEP 2013 Land Zoning Map from SP2 to RE1	➤ Landowner	Direct communication with landowner via letter Information to be placed on Council's website.
9	Vimiera Road	Amend LEP 2103 Land reservation Map in line with RMS requested boundary changes. The land on Vimeira Rd to be highlighted to DoPI for their consideration	➤ RMS ➤ Newly affected landowners	Once changes are confirmed with RMS, direct communication with the affected stakeholders via a letter will be undertaken
10	Home Businesses and Home Industries	Home Industries and Home Businesses be added as permitted use with Council consent to in the R2, R3, R4 zones	Residents of the City of Ryde	To be communicated via the website in line with all other approved changes

ITEM 5 (continued)

ATTACHMENT 5

	Property	AMENDMENT	STAKEHOLDER	COMMUNICATION METHOD
11	Admin related: Macquarie Park Corridor	Amend Clause 1.2.(2)(f) to read <i>"to improve the access to the city, minimise vehicle kilometres travelled, facilitate the maximum use of public transport and encourage walking & cycling"</i>	This amendment is to improve clarity in the interpretation of the clause	To be communicated via the website in line with all other approved changes
12	1 Monash Road Gladesville	Amend Floor Space Ratio Map to bring in line with Ryde LEP 2010 Floor Space Ratio Map	➤ Landowner	Direct communication with landowner via letter
13	Ryde Town Centre	Update the 2013 Ryde Town Centre Precinct Map to include additional area as identified in Draft DCP 2011 – Part 4.4 Ryde Town Centre	This amendment is an administrative change only	To be communicated via the website in line with all other approved changes
14	Admin Change: Lot Size Maps	Amend LEP 2013 Lot Size Map to delete all areas from the map which are not zoned residential in the land zoning map	This amendment is an administrative change only	To be communicated via the website in line with all other approved changes
15	Admin change: R2 Low Density Residential	Amend "Clause 4.5A(b) <i>Density Controls for Zone R2 Low Density Residential</i> by deleting reference to access to provide open space in multi dwelling housing	This amendment is an administrative change only	To be communicated via the website in line with all other approved changes
16	36 Hillview Rd Eastwood	Amend Schedule 5 Environmental Heritage with respect to Item I204 to ensure the entire building is listed as heritage item.	➤ Landowner	Direct communication with landowner via letter

ITEM 5 (continued)

ATTACHMENT 5

	Property	AMENDMENT	STAKEHOLDER	COMMUNICATION METHOD
17	Admin change: Macquarie Park Catchment Area	Amend <i>Flood Planning Area Map</i> to include Macquarie Park catchment area	This amendment is an administrative change only	To be communicated via the website in line with all other approved changes
18	Bennelong potential grave site	Amend <i>Schedule 5 Environmental Heritage Schedule and LEP 2013 Heritage Map</i> to include Bennelong's potential gravesite a potential archaeological item	Residents of Ryde	Letters to adjoining landowners - 14,16,18,21,25,27 Watson St Putney
19	Dual Occupancy: Torrens Titling of Dual Occupancy	Amend to permit Torrens titling of dual occupancy (attached) developments resulting in lots of minimum 290sqm and 10m road frontage	City of Ryde Residents	To be communicated via the website in line with all other approved changes
20	11 – 15 Farm St Gladesville	Amend to B4 zoning , FSR 1.15:1 and height of 9.5m for 19m from front property boundary	Residents in and around the properties	All landowners within 100m radius of property
21	14 – 20 Oxford St Gladesville	Amend to R2 FSR 0.5:1 Height 9.5m	Residents in and around the properties	All landowners within 100m radius of property
22	436- 484 Victoria Rd Gladesville	Amend Schedule 1 - <i>Additional permitted uses</i> - Development for the purposes of a business premises and office premises	➤ Landowner	Direct communication with landowner via letter

**6 S94 DEVELOPMENT CONTRIBUTIONS PLAN 2007 (UPDATE 2014) -
PUBLIC EXHIBITION OUTCOME**

Report prepared by: Development Contributions Coordinator
File No.: COR2006/662 - BP14/1240

REPORT SUMMARY

Council resolved on 22 July 2014 to endorse the amendments to the existing S94 Development Contributions Plan 2007, adopt the amendments in the form of a S94 Development Contributions Plan 2007 – Interim Update (2014) and delegated authority to the Acting General Manager to exhibit the Plan to inform all residents and potential developers in Ryde.

The Plan was advertised in the Northern District Times on 27 August, 2014 and exhibited on Council's website for the period 27 August to 26 September 2014.

There were no submissions in regard to the exhibition.

Subsequent to the public exhibition parts of section 2.12 of the existing S94 Development Contributions Plan 2007 concerning a land value index has been found to be obsolete due to Council's practice, as detailed in the S94 Development Contributions Plan 2007, of applying contribution rates in accordance with the types of bedrooms in proposed residences or the floor area of proposed retail, commercial or industrial developments. This report recommends amendments to this section to remove the reference to land value index.

This report recommends that Council adopts the S94 Development Contributions Plan 2007 – Interim Update including the amendments endorsed on 22 July 2014 and amendments of those parts of section 2.12 of the existing S94 Development Contributions Plan 2007 relating to land values and an incorrect CPI reference.

The amendments will come into effect on the publication of the adopted s94 Plan on Council's website and in the print media.

The Parking Development Control Plan Part 9.3 provides that Council may require s94 contributions where there is a shortfall in meeting Council's parking requirements in town centres and small centres. The relevant DCP clause 2.6 makes reference to the Small Centres Map in Ryde LEP 2014, which was deleted by the Department of Planning and Environment from the final document. It is recommended that Council give clarity to Clause 2.6 and the land subject to s94 contributions in lieu of parking by deleting the reference to the small centres map in the LEP and replacing it with a reference to the adopted small centres map in the Ryde Local Planning Study.

ITEM 6 (continued)**RECOMMENDATION:**

- (a) That Council endorse the amendments to parts of section 2.12 of the existing S94 Development Contributions Plan 2007 relating to land values and an incorrect CPI reference and for those improvements to become part of the changes incorporated in the S94 Development Contributions Plan 2007 – Interim Update (2014).
- (b) That Council adopts the S94 Development Contributions Plan 2007 – Interim Update including the amendments endorsed on 22 July 2014 and amendments of those parts of section 2.12 of the existing S94 Development Contributions Plan 2007 relating to land values and an incorrect CPI reference.
- (c) That Council delegates authority to the Acting General Manager to publish the S94 Development Contributions Plan 2007 – Interim Update (2014) as amended by this report on Council's website and in the print media, bringing the adopted Plan into effect on the date of publication.
- (d) That Council amend Ryde Development Control Plan (DCP) Part 9.3 Parking Clause 2.6 to delete the reference to the Small Centres map as being within Ryde Local Environmental Plan 2014 and replace that with a reference to the map being contained within Council's adopted Ryde Local Planning Study. The amendment is to be publicly exhibited in accordance with relevant legislation.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Malcolm Harrild
Development Contributions Coordinator

Report Approved By:

Lexie Macdonald
Acting Manager - Urban Planning

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 6 (continued)**Discussion**

On 22 July 2014, Council considered the report S94 Development Contributions Plan 2007 – Interim Update and resolved:-

- (a) That Council endorses the improvements to the existing S.94 Development Contributions Plan 2007.*
- (b) That Council adopts the S.94 Plan improvements in the form of a S.94 Development Contribution Plan 2007 – Interim Update (2014).*
- (c) That Council delegates authority to the Acting General Manager to advertise and publish the S.94 Development Contribution Plan 2007 – Interim Update (2014) in order to inform all residents and potential developers in Ryde.*

Subsequent to the Resolution the S.94 Development Contribution Plan 2007 – Interim Update (2014) was advertised in the Northern District Times on 27 August, 2014 and exhibited on Council's website for the period 27 August to 26 September 2014.

Council's Record Management Unit has confirmed that during the exhibition period no submissions were received about the Plan.

In early October 2014 a minor matter arose concerning section 2.12 of the existing S94 Development Contributions Plan which revealed parts of that Plan referring to land values had become obsolete.

Prior to 2007, Council's S94 development contribution plan utilised land values as a basis for reviewing the levies on development. On 11 December 2007, when the existing S.94 Development Contribution Plan 2007 was adopted, the key method of reviewing contribution rates became by reference to the CPI index published by the Australian Bureau of Statistics (ABS) and applied to the rates for the types of bedrooms for residences, or the floor area for retail, commercial or industrial premises.

The application of changes in CPI has been used exclusively and successfully since December 2007 for a number of reasons;

- The Australian Bureau of Statistics is a Government body and renowned for the quality of its information,
- The CPI index produced by the ABS is publicly available,
- Changes in the CPI index are published across multiple media outlets and readily understood by the public, and
- CPI tends to increase each quarter and very rarely remains static: a decreasing CPI would be indicative of serious economic difficulties in the State.

ITEM 6 (continued)

However, the land value index, which appears to have remained in the S94 2007 Plan as a remnant from earlier S94 plans, has far less value because;

- The land value index (CGIR - Capital Gains Index Ryde) is a private index supplied by an independent provider to Ryde and not published outside of Council's media,
- The land value index captures residential land value only: it cannot be applied to retail, commercial and industrial developments, and
- Residential land values rise and fall subject to housing market demand,
- In a falling land value market, Council could be exposed to reimbursing contributions to developers who had developments approved when land values were high but had not activated the development approval until land value had decreased.
- Just as S94 contributions are limited in accordance with Environmental Planning and Assessment (Local Contributions) Direction 2012, issued 21 August 2012 by the Minister, which caps residential contributions at \$20,000, so the same would apply if land values were used to review contributions. This cap would apply even given the current significant spike in residential land values and not produce any benefits to Council above \$20,000.

Although the CGIR information provided by Residex, its author, was regularly acquired by Council up to 2012, but not published because it conflicted with the CPI review of rated applied according to the type of development proposed. In 2012, when the S94 Development Contribution Plan 2007 was five years old and due for review, Council's subscription to Residex was terminated.

Since December 2007 development review dispute solutions have utilized the CPI index, and challenges have not arisen or been resolved by reference to those parts of section 2.12 of S.94 Development Contribution Plan 2007 which refer to land value.

The reference to the land value index has not been of value, has not been used in reviewing contributions and is a remnant of an earlier S94 plan model: retaining the reference to it serves no purpose. It is obsolete.

Within section 2.12 there also exists an anomaly in its first dot point, which is *"Construction costs by CPI". Section 2.6 - Definitions of the S.94 Development Contribution Plan 2007 states,*

"CPI means the All Groups Consumer Price Index (Sydney) as published by the Australian Bureau of Statistics."

Section 2.12 requires correction to avoid confusion.

For the avoidance of doubt section 2.12 of S94 Development Contribution Plan 2007 is replicated here with the parts recommended for removal shown in bold italics and the amendment to the CPI reference is underlined for clarity;

ITEM 6 (continued)

“2.12 Review of contribution rates

The council will review the contribution rates to ensure that the value of contributions are not eroded over time by movements in the CPI **land value increases**, the capital costs of administration of the plan, or through changes in the costs of studies used to support the plan.

The contribution rates will be reviewed by reference to the following specific indices:

- CPI All Groups Consumer Price Index (Sydney)
- ***Land acquisition costs by reference to the Capital Gain Index for the suburb of Ryde (CGIR) as published by Residex for Ryde City Council.***

In accordance with clause 32(3)(b) of the EPA Regulation, the following sets out the means that the council will make changes to the rates set out in this plan.

For changes to the CPI, the contribution rates within the plan will be reviewed on a quarterly basis in accordance with the following formula:

$$\$C_A + \frac{\$C_A \times ([\text{Current Index} - \text{Base Index}])}{[\text{Base Index}]}$$

Where:

- $\$C_A$ is the contribution at the time of adoption of the plan expressed in dollars
- Current Index is the CPI as published by the Australian Bureau of Statistics available at the time of review of the contribution rate
- Base Index is the CPI as published by the Australian Bureau of Statistics at the date of adoption of this plan, which is 88.3

Note: In the event that the current CPI is less than the previous CPI, the current CPI shall be taken as not less than the previous CPI.

For changes to land values, the council will publish at least on a quarterly basis the revised property index values that are to be used to change the base land values contained in the plan which will be determined in accordance with the following formula:

$$\$C_{LV} + \frac{\$C_{LV} \times ([\text{Current LV} - \text{Base LV Index}])}{[\text{Base Index}]}$$

Where:

- $\$C_{LV}$ is the land values within the plan at the time of adoption of the plan expressed in dollars
- Current LV is the land value index (CGIR) as published by the council available at the time of review of the contribution rate
- Base LV Index is the land value index (CGIR) as published by the council at the date of adoption of this plan, which is 3.3935

ITEM 6 (continued)

Note: In the event that the current CGIR is less than the previous CGIR, the current CGIR shall be taken as not less than the previous CGIR.

For changes in salary costs and changes in the costs for studies and other activities associated with the plan, council will publish at least on an annual basis the revised indices that are to be used to change the base costs of salaries and the costs of studies and associated activities in administering the plan.

Note: This clause does not cover the adjustment of a contribution between the time of consent and the time payment is made. This is covered by clause 2.13.

Subsequent to the removal of these references the Definition of “CGIR” contained in section 2.6 of the existing Plan should also be removed to eliminate confusion. The definition is given as;

“CGIR means Capital Gains Index Ryde – The capital gains index is a measure of the movement of property values over time and is supplied by Residex an independent organisation who will track the movement of property prices specifically for the Ryde area and provide an index value quarterly.”

Financial Implications

Adoption of the recommendation will have no financial impact.

Consultation

The S94 Development Contribution Plan – Interim Update (2014) was advertised in print media (the Northern District Times) and on Council’s website on 27 August 2014 and it was announced to be available for public review from 27 August to 26 September 2014. The Plan was made available, in hard copy form, during the exhibition period at Customer Service in the Civic Centre, at the Ryde Planning and Business Centre and at Council’s libraries in Ryde (Top Ryde City), Gladesville, North Ryde, West Ryde and Eastwood

Records Management has confirmed that no submissions were received concerning S94 Development Contribution Plan 2007 – Interim Update (2014) when it was exhibited between 27 August and 26 September 2014.

Residex Pty Ltd has confirmed that it has not supplied index information to the City of Ryde since 2012 and that its data applies only to residential property market.

ITEM 6 (continued)**Options**

Council has three options as follows:

Option 1

To decide not to adopt the S94 Development Contribution Plan 2007 – Interim Update (2014) as exhibited between 27 August and 26 September 2014. This is not recommended as the document was exhibited in accordance with the Council Resolution of 22 July 2014 and no submissions were received with regard to the exhibited material. Risks and issues arising from the loopholes and ambiguities contained in the existing S94 Development Contribution Plan 2007 would remain unchecked if the S94 Development Contribution Plan 2007 – Interim Update (2014) were not adopted.

Option 2

To decide not to adopt the S94 Development Contribution Plan 2007 – Interim Update (2014) as exhibited between 27 August and 26 September 2014 including the improvements for section 2.12 as explained in this report. This is not recommended as it would be inappropriate to proceed with a Council document which is known to contain obsolete and incorrect information. This would risk criticism and confusion.

Option 3

To decide to endorse the S94 Development Contribution Plan 2007 – Interim Update (2014) as exhibited and to include the improvements to section 2.12 as described in this report, adopt the Plan so amended, and endorse its publication as Council's adopted Plan. This is the recommended option as it is in accordance with the Resolution of 22 July 2014 and maintains the spirit of that resolution by removing other inconsistencies and ambiguities subsequently discovered in section 2.12 after the exhibition period.

S94 and the Ryde Development Control Plan Part 9.3 Parking

An issue has arisen that requires clarity with regard to s94 developer contributions and parking shortfalls in Small Centres. In this circumstance the parking DCP provides that council may require developer contributions as follows:

Clause 2.6 Parking Contributions:

- a. *Council may accept or require the payment of a parking contribution in lieu of the provision of off-street parking in centres (identified in Centres and Small Centres Maps Ryde DLEP 2014) subject to the developer demonstrating that the proposal meets the objectives of this Part of Ryde DCP.*

ITEM 6 (continued)

The clause allows some flexibility with respect to parking provision on small sites within existing centres in particular. The DCP – in conjunction with the Ryde Local Environmental Plan (LEP) 2014 - intended to implement the Ryde Local Planning Study adopted by Council in 2010. LEP 2014 came into effect on the 12 September 2014. The DoPE, in notifying the LEP on the NSW Legislation Website, made a number of amendments to the LEP. One of the amendments was the deleting of the Small Centres Map from the LEP. As a result the reference to the Small Centres Map in the above clause should be amended to refer to the Small Centres Map in the Ryde Local Planning Study. It should be noted that the Centres Map is still contained in the effective version of Ryde LEP 2014.

Accordingly, this report recommends that Council amend the DCP to remove the reference to the LEP and to provide clarity to the control. The intent of the control would not be altered by this amendment. Notwithstanding, the amendment would need to be publicly exhibited.

In the interim a note will be inserted into the DCP to clarify that the Small Centres map is in the adopted Local Study as follows:

Note:- LEP 2014 came into effect to the 12 September 2014 . The Department of Planning and Environment in notifying the LEP on the NSW Legislation Website made a number of amendments to the LEP. One of the amendments was the deleting of the Small Centres Map from the LEP. As a result the reference to the Small Centres Map in the above clause should be read as a reference to the Small Centres Map in the Ryde Local Planning Study found at <http://www.ryde.nsw.gov.au/Development/Planning+Controls/Local+Planning+Study>

In relation to the DCP amendment the options are to

1. Amend the document to ensure clarity.
2. Retain the clause 2.6 as is.

Option 1 is preferred in order to ensure transparency with respect to the application of s94 contributions and to provide certainty both for council and developers.

Conclusion

This report recommends:

- That Council adopts the S94 Development Contributions Plan 2007 – Interim Update including the amendments endorsed on 22 July 2014 and amendments of those parts of section 2.12 of the existing S94 Development Contributions Plan 2007 relating to land values and an incorrect CPI reference.

ITEM 6 (continued)

- That the Ryde DCP Part 9.3 (Parking) clause 2.6 is amended to delete reference to the Small Centres Map in Ryde LEP 2014 and instead refer the Small Centres Map in the Ryde Local Planning Study as adopted by Council. This amendment is to be publicly exhibited in accordance with the Environmental Planning and Assessment Act.

7 CIVIC CENTRE - MAINTENANCE SCHEDULE - UPDATE AND REVISED ESTIMATE OF WORKS

Report prepared by: Group Manager - Corporate Services
File No.: CSG/14/3/8 - BP14/1225

REPORT SUMMARY

This report is submitted back to Council following Council's deferment of this matter at its meeting on 26 August 2014, to allow Council's staff to discuss with the Office of Local Government (OLG) their Capital Expenditure Guidelines (Guidelines) and the requirements that need to be met by Council. A copy of Council's Report to its meeting 26 August 2014 together with non-confidential attachments is **ATTACHMENT 3 (CIRCULATED UNDER SEPARATE COVER)**. A full copy of Council's Report to its meeting 26 August 2014 together with all attachments (including Confidential Attachments) is **ATTACHMENT 4 (CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL)**.

The Guidelines are required to be met where it is proposed to expend more than 10% of Council's total annual rate revenue or \$1 million, whichever is greater, on a project that is expending money in buying, consulting, renovating or acquiring an asset.

In respect of the OLG's Guidelines, the report details the requirements to be met, Council's status in respect of each key component, and the proposed timeframe for the project to progress, if Council approves either Option 2 or 3, as detailed in the report. The key requirements of the guidelines cover areas such as a detailed business case, comprehensive project plan incorporating financial projections, analysis of cost effectiveness, an effective reporting and monitoring mechanism for the project and detailed community consultation on the project.

The report recommends that Council endorse the four year costed essential and compliance and refurbishment works as detailed in Schedule 2 in the report and that the Acting General Manager be delegated to provide the detailed information to the Office of Local Government in compliance with the Guidelines. It should be noted that if endorsed by Council, the information to the OLG will detail the timeframe for the community consultation to be undertaken when the Draft 2015/2019 Delivery Plan is placed on exhibition.

As detailed in the previous report, one of the compliance issues highlighted by Cardno, was that as the building is greater than 25 metres in height, current standards require sprinklers to be installed throughout the building. SGA Compliance highlighted Complying Development Certificate (CDC) applications received prior to 22 February 2014 are not subject to the current building fire safety provisions of the current legislation. As a minimum, works approved under their CDC applications, are to result in no lesser level of fire safety being achieved. In respect of the Civic Centre works, the City of Ryde has Complying Development Certificate applications in place that were obtained prior to the 21 February 2014, in delivering a structured program of planned refurbishment works over 5 years.

ITEM 7 (continued)

The report also notes that from 18 July 2014, the Environmental Planning & Assessment Amendment (Fire Safety) Regulation 2014 came into effect, that has introduced new rules which affect applications for Complying Development Certificates (CDC), Construction Certificates (CC) that requires notification to the Consent Authority (Council), if any significant fire safety issues affecting an existing building are identified.

Despite Council not technically being required to meet these new provisions, it is proposed that the City of Ryde demonstrates leadership and commitment to meet the relevant components of the new regulations, where appropriate. Accordingly, it is recommended that Council volunteer to undertake an independent third party fire safety review, in identifying recommendations that Council should consider.

At a minimum, it is proposed that Council install a sprinkler system in the Civic Centre as part of Option 2, given Council's commitment to remain in the Civic Centre that has been reinforced in recent Council resolutions. An independent third party review would determine the appropriate fire safety measures that should be considered, having regard to the age of the building and the encroachment of the building being over 25m in effective height (due to the basement being incorporated in the calculation). Some of the systems that would be considered for inclusion to improve the existing building safety measures are;

- Sprinklers to all parts of the building.
- Fire Stairs pressurisation fans to the office tower fire isolated stairs.
- Fail safe door latches to the fire isolated stairs to enable re-entry in a fire event.
- Install up to date fire hydrant system and locate in the fire stairs.
- Install emergency warning and intercommunication system Emergency Warning Intercom System (EWIS).
- Replace emergency lighting and exit signage that is non-compliant.
- Emergency lift capable of accommodating a stretcher and is DDA compliant.
- Smoke separation of EDB Panels.

It should be noted that as Options 1 – Essential Compliance and Services Maintenance Works and Option 3 – Essential Compliance and Service Maintenance Works (includes new carpet, painting and workstations), do not propose any structural changes to the Civic Centre, therefore, no provision has been made in either of these two options for the voluntary fire safety measures.

However, due to the works proposed in Option 2 and Council's previous resolutions in respect of the retention of the Civic Centre, Option 2 includes an estimate of approximately \$1.5 million for additional voluntary fire safety measures.

As a result of the building services and access assessment reviews, a much more detailed breakdown and cost estimate of the required works has been completed. This report in **ATTACHMENT 1 (CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL)**, details the 3 options and the estimated costs as follows;

ITEM 7 (continued)

- **Schedule 1 (Option 1)**
Essential compliance and services maintenance works only. Excluded are works associated with voluntary fire service works – Estimate \$4.3 million.
- **Schedule 2 (Option 2)**
Essential compliance and services maintenance works including refurbishment / fit out works and including voluntary fire service works – Estimate \$14.076 million.
- **Schedule 3 (Option 3)**
Essential compliance and services maintenance works including minor fit-out works, excluding voluntary fire service works – Estimate \$9.4 million.

The above estimates for schedules 1 – 3 include a 10% contingency sum and a project management fee (15%) that was not included in the original estimate. Also these schedules exclude the amount of \$275K per year (\$1.375 million over 5 years) for 'Business as usual' maintenance for the Civic Centre, which was shown in the original estimates as adopted by Council. The reason for this exclusion is that the works proposed in the schedule will in effect, replace a majority of the 'business as usual' maintenance items. It is therefore suggested to utilise \$175K of this allocation towards the cost of this project, leaving a balance of \$100K for unforeseen maintenance.

This matter is therefore reported back to Council for its determination.

RECOMMENDATION:

- (a) That Council notes the response from the Office of Local Government, in respect of this project and the requirements of the Capital Expenditure Guidelines, as detailed in this report.
- (b) That Council endorse Schedule 2 works as detailed in **ATTACHMENT 1 - CONFIDENTIAL**, at an estimated total cost of \$14.076 million and the funding sources, for inclusion in the 2015/2019 Draft Delivery Plan and 2015/2016 Draft Operational Plan.
- (c) That Council advise the Office of Local Government of its decision in respect of this matter.

ITEM 7 (continued)**ATTACHMENTS**

- 1** Costed Schedule - Civic Centre Refurbishment – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 2** Capital Expenditure Guidelines - as at December 2010
- 3** Council Report 26 August 2014 - Civic Centre Maintenance Schedule Update and Revised Estimate of Works (with non-confidential attachments) – CIRCULATED UNDER SEPARATE COVER
- 4** Council Report 26 August 2014 - Civic Centre Maintenance Schedule Update and Revised Estimate of Works (with all attachments including confidential) – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL

Report Prepared and Approved By:

Roy Newsome
Group Manager - Corporate Services

ITEM 7 (continued)**Discussion**

Council at its meeting on 26 August 2014, considered this matter and following supplementary information provided by the Group Manager Corporate Services, resolved to defer this matter as follows;

- (a) *That Council note the additional supplementary information provided by the Group Manager – Corporate Services, dated 26 August 2014, on this matter.*
- (b) *That Council defer its consideration of this matter to allow Council staff to meet with the Office of the Local Government to fully brief them on the current status of this project and to confirm with them the necessary actions to be undertaken by Council in meeting the requirements of the Capital Expenditure Guidelines*
- (c) *That a further report be provided back to Council, no later than November 2014, that would provide a detailed action plan for Council's consideration in respect of all options that are detailed in this report.*
- (d) *That Council continue to undertake the required maintenance work on the Civic Centre, as necessary, while Council considers and determines this matter.*

A copy of the Office of Local Government's Capital Expenditure Guidelines has been provided as **ATTACHMENT 2**.

As a result of Council's resolution, Council's staff held discussions with officers from the Office of Local Government on 25 August 2014.

Overview of Discussions with the Office of Local Government (OLG)

The discussion included an overview of the recent history of the Civic Centre site, including Council's previous resolutions in respect of this matter. Details were also provided of the extensive work that has been undertaken in the assessment of the current condition of the Civic Centre and Civic Hall, the provisions that had been made in the projected estimated costs, the options presented to Council, the project plan that has currently been prepared for this project and how the project would be reported to Council and monitored, if approved.

In essence, the minimum requirements that Councils need to meet in addressing the guidelines are:

- Justify the needs that include a clear relationship to the strategic plan and delivery plan.

ITEM 7 (continued)

- An analysis of community needs and expectations based on community consultation.
- Assess Council's capacity to undertake the project, including risk assessment, steering committee and project manager.
- Determine the priority of this project to other capital works and future programs.
- Assess and consider alternatives to the project.
- All costs associated with the project, both capital and ongoing, should be included in council's long term financial plan (LTFP)
- Council must undertake consultation and engagement with its community prior to making any commitment to the project and report on the consultation process undertaken.
- There are additional requirements for projects valued more than \$10million, including the requirements for a comprehensive project plan, supported by financial projections and economic market appraisal, an analysis of cost effectiveness, a risk management plan, probity plan and an effective reporting mechanism in monitoring the project.

For options 2 and 3 Council would be required to notify the OLG of the capital project with supporting information in meeting the guidelines for their feedback, prior to Council formally commencing the project.

While Council has met certain parts of the guidelines, there are a number that have not been fully met, including the requirement to undertake public consultation on this project.

Below are listed items and its status.

Component of the Guidelines	Status
Community Consultation	No community consultation undertaken until Council determines its position. Proposed that if option 2 or 3 is determined by Council, then community consultation will be undertaken with the 2015 / 2019 Draft Delivery Plan in April / May 2015.
Business Case, Justify the need	Information available, however will be completed once Council determines its preferred option.

ITEM 7 (continued)

Component of the Guidelines	Status
Budget Estimates, Assess Council Capacity	Completed
Consider Priorities	Complete, cost plan provides 3 options
Comprehensive Project Plan, supported by financial projections	Completed
Economic Market Appraisal	All budgets and cost plans have been compiled through market testing and peer reviews.
An analysis of cost effectiveness	Completed
An effective reporting mechanism in monitoring the project	Reporting of project will be on a quarterly basis to Council and the community. Regular internal reporting and monitoring.
Consideration of full range of project alternatives	Council has previously considered alternatives and is now considering options to what level it will maintain/refurbish the Civic Centre and Civic Hall

Overall, while various components of the documentation either will need to be updated, finalised or created, including the preparation of a risk management plan and probity plan, the major issue that will be required to be addressed if Council approves, either option 2 or 3, will be for Council to undertake a comprehensive community consultation on this project.

It was agreed with the OLG that if Council endorses either option 2 or 3, that the community engagement would be most appropriate to be undertaken with Council's public exhibition of the 2015 / 2019 Draft Delivery Plan. Once the community consultation was completed and Council had determined which option it would be adopting, all information would then be referred back to the OLG for their review and comment, prior to the works commencing.

ITEM 7 (continued)

Timeframe

The proposed timeframe for this project, if Council does support either option 2 or 3, and in meeting the requirements of the guidelines, would be as follows:

Date	Comment
By January 2015	Council would submit all documentation related to the project in accordance with the guidelines, noting that the community consultation component would be undertaken with the 2015 / 2019 Draft Delivery Plan
January – March 2015	Answer and respond to any questions from OLG in respect of information provided by Council
March – April 2015	Include Community Engagement Plan in Draft Budget documentation for Council's consideration relating to the Civic Centre Project
May 2015	Undertake the Community Consultation in accordance with the adopted Plan
June 2015	Following exhibition of Draft Delivery Plan, Council considers community feedback and confirms its position in respect of this project
30 June 2015	Council formally advises OLG of the community feedback received and Council's decisions in respect of this project, noting that it will await the OLG's feedback before it will commence the project

Overview of Options for Council's Consideration

While the previous Council report and attachments are **ATTACHMENT 3 (CIRCULATED UNDER SEPARATE COVER)** and **ATTACHMENT 4 (CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL)** to this report, an extract from the previous report in detailing the 3 options presented for Council's consideration is now provided below.

ITEM 7 (continued)

Options

OPTION 1	Schedule 1 - Essential Compliance and Service Maintenance Estimate \$4.3 million
	<p>This option details what works are required to be undertaken to the Civic Centre and Civic Hall that are essential either from a compliance or maintenance perspective.</p> <p>This option varies from the original estimate with the following variances:</p> <ul style="list-style-type: none"> ▪ Project management fee(\$614K) ▪ Replacement of distribution boards (\$90K) ▪ Replace lighting controls (\$12K) ▪ Increased Building Management System / LED Lighting (\$44K additional) ▪ Various hydraulic system replacements (\$220K) ▪ Various mechanical services (\$200K) ▪ Various Civic Centre façade repairs (\$635K) ▪ Various building and structural repairs to the Civic Hall (\$278K) ▪ Access issues (\$198K) ▪ Contingency (\$391K) ▪ No voluntary fire services compliance works included <p>This option is not recommended given Council's decision to remain in the Civic Centre. This option does not address improving the amenity of the Civic Centre for staff and visitors to the building which has been detailed in this report.</p>
OPTION 2	Schedule 2 - Essential Compliance and Service Maintenance, Fit-Out and Refurbishment Works Estimate \$14.076 million.
	<p>This option directly correlates to the intention of the Scope of Works that was provided and adopted by Council at its meeting on 14 May 2013.</p> <p>The additional variances in this option to the original estimate are:</p> <ul style="list-style-type: none"> ▪ Civic Hall refurbishment including new ceilings – includes interior refurbishment (\$430K) ▪ New lift shaft structure allowance (\$500K) ▪ New lift car shaft external (\$400K) ▪ Level 6 works (\$160K) ▪ Interior design and fitting drawings / designs (\$200K) ▪ Project management fee (\$1.53 million) ▪ Data cabling and power (\$410K)

ITEM 7 (continued)

	<ul style="list-style-type: none"> ▪ Hydraulics system (\$750K) ▪ Mechanical services (\$260K) ▪ Refurbishment works (\$3.2 million) ▪ Contingency (\$1.08 million) ▪ Voluntary fire services and compliance works detailed in the report, estimated at \$1.5 million <p>This option is recommended as it addresses all compliance and maintenance issues, in addition to refreshing and refurbishing all floors of the Civic Centre as was proposed in Council's resolution of 14 May 2013. The fit-out estimate has been calculated to the same standard that was previously implemented for Level 1A Pope Street, in providing accommodation for Council's Community Life Group. This option also includes the provision for voluntary fire services as detailed in the report.</p>
OPTION 3	<p>Schedule 3 - Essential Compliance and Service Maintenance, Minor Fit-Out and Refurbishment Works Estimate \$9.38 million.</p>
	<p>This option includes all of the essential compliance and maintenance works detailed in Schedule 1 with a scaled down fit-out including new desks, painting and carpet only.</p> <p>Key variances to note with this option are:</p> <ul style="list-style-type: none"> ▪ Project management fee (\$1.2million) ▪ Level 6 works (\$160K) ▪ Refurbishment works (\$2.7million) ▪ Contingency (\$850K) ▪ No fire services and BCA compliance works included <p>This option is not recommended due to the minimal variance to the complete fit-out works proposed in Schedule 2.</p>

Summary of Options

The revised estimates include scope of works associated with Fire Services and compliance related items.

With the additional estimates relating to the external building, building services and in particular accessibility issues, this report recommends Council endorse Option 2 which will require Council to approve an increased allocation for these works, that totals \$14.076 million as detailed in Schedule 2 (Option 2). If endorsed, this project will be incorporated into the 2015 / 2019 Draft Delivery Plan.

ITEM 7 (continued)

It should be noted that the standards of fit-out works that the estimates have been based upon are equivalent to the fit-out works that were previously implemented for level 1A Pope Street, for the provision of accommodation for Council's Community Life group. This option also includes the provision for a new lift shaft, new lift car and the voluntary fire safety works. These additional works are recommended, based on Council's decision to retain this building in the medium to long term.

For comparative purposes only, it is estimated that a new Civic Centre building, accommodating all Council administration staff and Council Chambers, is estimated to be approximately \$40 million. Such a facility would be built to meet the current BCA, best practice accommodation and sustainable building practices.

Consultation

A comprehensive communication and engagement plan has been prepared, with the next stage of the plan to be implemented, subject to Council's resolution of this matter. It should be noted that based on Council's determination on this matter, that an enhanced community engagement plan will be prepared and submitted for Council's approval in conjunction with the 2015 / 2019 Draft Delivery Plan process.

As detailed earlier in this report, if Council supports the recommendation, Council will need to satisfy all the requirements in the OLG's Guidelines for capital expenditure, noting that the Community Consultation component would be incorporated in the public exhibition period for the 2015 /2019 Draft Delivery Plan.

There has been to date, extensive consultation with all Civic Centre staff, the Consultative Committee and the Executive Team.

Risks

The key risks associated with these proposed works and how Council is proposing to manage these risks are detailed below;

- That throughout this project, Council does not meet Work, Health and Safety standards.
 - Compliance with the Work Health and Safety Act is targeted to be maintained at all times, noting there is no intent in this maintenance program to initiate the need for overall compliance with the Building Code of Australia.
- If an unexpected defect is discovered that requires immediate attention, thereby disrupting the program and costs.
 - The mitigation action is to ensure that the specialists carrying out the assessment work to AS/NZ ISO 31000 risk management protocols and are thoroughly briefed to ensure they give sufficient warning of a new issue in order that it can be incorporated in the budget and program with least impact.

ITEM 7 (continued)

- During the building assessment or works a matter arises that would appear to require an unexpected degree of regulatory compliance.
 - Council has approached this project on the basis of avoiding the need to make the Civic Centre fully compliant with the Building Code of Australia. The initial guard against this will be the specifications of the checks and works and the ultimate mitigation would be to seek dispensation from the relevant Authority on grounds of reasonableness, practicality or cost.
- Council will maintain its present position in respect of its compliance with the Disability Discrimination Act (DDA). However there may be claims that Council will have to respond to in accordance with its obligations. All proposed works will be undertaken to meet all required standards as applying to the Civic Centre as it stands, noting that Council will not be undertaking any works that activate Council being required to meet the current Building Code of Australia standards.
- Council will need to manage its financial risks with the proposed works. Initially Council will be required to provide its commitment in allocating the required funds to undertake the works. In addition, there is the risk that during the course of these works there are additional works required to be undertaken, that may require additional funding to be allocated.

Financial Implications

Recognising the age, condition and long term potential of the Civic Centre caution has been taken in specifying works to avoid triggering the need for extensive compliance work to the current Building Code of Australia (BCA) standards. Accordingly, this report is provided to Council for its consideration with the costed Maintenance Schedule of Works detailed in **ATTACHMENT 1 (CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL)**. The Schedules provided in this report detail the following options for Council;

- **Original Budget Estimate** - \$4.85 million.
- **Schedule 1 (Option 1):** Essential compliance and maintenance works only - Estimate \$4.34 million excludes fire services compliance works.
- **Schedule 2 (Option 2):** Essential compliance and maintenance works including fit out and refurbishment works - Estimate \$14.076 million which includes voluntary fire service compliance works.
- **Schedule 3 (Option 3):** Essential compliance and maintenance works including minor fit out works - Estimate \$9.38 million excludes voluntary fire service compliance works.

Council should note that the expenditure on the project to date is \$0.42 million.

ITEM 7 (continued)

As detailed in the Schedule of Works, the recommended Option (Option 2) estimates the total costs for the maintenance and refurbishment works to be \$14.07 million, which includes a contingency of \$1.08 million. It is proposed that this revised estimate be funded as follows; \$0.46 million previously allocated for urgent works on the Civic Centre, \$0.18 million from the Civic Centre maintenance budget, with the remaining funds of up to \$14.07 million to be funded from the Asset Replacement Reserve (\$5 million) and the Investment Property Reserve (up to a balance of \$9.076 million).

If Council supports this recommendation, this will result in an estimated balance of \$6.31 million in the Investment Property Reserve from its current balance of \$16.48 million and \$7.33 million in the Asset Replacement Reserve.

Conclusion

The aim of this four (4) year maintenance and refurbishment program is to extend the viability of the Civic Centre and Civic Hall, by making the minimum feasible improvements at the most economical cost. It is proposed that all works are carried out in such a way to avoid significant disruption to the business of Council.

The works also include refreshing the building both externally and internally, to ensure Council maintains a safe, healthy and productive work environment for both staff and visitors to the building.

As a result of the independent professional assessments undertaken of all key components of the Civic Centre and Civic Hall related to the buildings' condition, services (externally and internally) and accessibility, this has resulted in a significant increase in the estimate of the required works as detailed in this report.

To be consistent with Council's previous resolution on this matter, it is recommended for Council to endorse Option 2, at a revised estimate of \$14.076 million, as detailed in this report.

If Council supports the recommendation, this project will be incorporated into the 2015/2019 Draft Delivery Plan and 2015/2016 Draft Operational Plan, noting that the project is still subject to community consultation, that will be undertaken in the public exhibition period of the 2015/2019 Draft Delivery Plan. Council's adoption of the 2015/2019 Delivery Plan in June 2015 and its determination on this project, will then require Council to forward all information relating to this project to the OLG for its review and feedback, prior to Council commencing the project.

ITEM 7 (continued)

ATTACHMENT 2



Division of Local Government
Department of Premier and Cabinet

Capital Expenditure Guidelines



December 2010

These are Director General's Guidelines issued pursuant to section 23A of the *Local Government Act 1993*.

ITEM 7 (continued)

ATTACHMENT 2

ACCESS TO SERVICES

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

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ISBN 1 920766 81 2

Produced by the Division of Local Government



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ATTACHMENT 2

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Acknowledgement: These Guidelines draw on information published by the Government of Western Australia, Department of Treasury and Finance, Project Evaluation Guidelines; Victorian Government, Local Government Victoria, Local Government Asset Investment Guidelines.

ITEM 7 (continued)

ATTACHMENT 2

1 Purpose and Scope of Guidelines

These Guidelines have been developed to assist NSW councils prepare Capital Expenditure Reviews. Capital expenditure is incurred when a council spends money to buy, construct, renovate or acquire an asset.

The Guidelines have been designed to:

- encourage councils to evaluate major capital expenditure by means of a consistent methodology
- improve the quality of council's analysis performed in supporting all forms of project funding and capital expenditure
- enable the financial impact of projects on a council to be quantified, identified and controlled.

The Guidelines aim to ensure that a council's evaluation of the proposed capital expenditure is consistent and rigorous, the merits of projects can be compared and resource allocation can be made on an informed basis. It is important that the evaluation of the project is carried out in a clear, transparent and systematic way. The process of evaluation and reporting methods outlined in these Guidelines will enhance the transparency and rigour of capital expenditure project evaluation.

Capital Expenditure Review is a necessary part of a council's capital budgeting process and as such should be undertaken as part of the Integrated Planning and Reporting requirements in the preparation of the Community Strategic Plan and Resourcing Strategy.

2 Overview

As councils are responsible for the prudent management of community resources, it is important that as part of council's normal planning process, councils undertake a Capital Expenditure Review before committing to any major capital project.

ITEM 7 (continued)

ATTACHMENT 2

3 What projects do the guidelines apply to?

These guidelines apply to capital projects for infrastructure facilities, including renovations and extensions that are expected to cost in excess of 10% of council's annual ordinary rate revenue or \$1 million, whichever is the greater (GST exclusive).

In addition to the minimum requirements for a Capital Expenditure Review, a council is also required to complete additional requirements in cases where a project's cost is forecast to exceed \$10 million (GST exclusive).

Councils may consider it prudent to undertake Capital Expenditure Reviews for projects under the threshold, but this will be at a council's discretion.

4 What projects are exempt from the guidelines?

The guidelines do not apply to:

- capital expenditure on land purchases, land remediation, water supply networks, sewerage networks, stormwater drainage, domestic waste management facilities, roads, footpaths, bridges;
- projects where funding has been approved under the *Public Reserves Management Fund Act 1987*;
- projects that are classified as Public-Private Partnerships;
- project designs and feasibility studies that do not commit council to the project (the cost of such studies are to be included if council subsequently proceeds with the project).

While the guidelines do not apply to the projects described above, capital expenditure on such things as land purchase for an applicable project should be included as part of the capital expenditure review of that project.

Although a project may be exempt from the submission of a capital expenditure review to the Division, it is expected, that in accordance with best practice, councils should apply the principles of these guidelines to all capital projects.

ITEM 7 (continued)

ATTACHMENT 2

5 Unplanned asset replacement arising from premature failure

From time to time, councils may be required to undertake emergency work to replace assets due to premature failure, fire, flood or accidental damage.

In these circumstances, council should take the opportunity to review and assess the assets. In undertaking this assessment, council should consider these guidelines in conjunction with council's asset management plans, the asset's prior serviceability and community requirements prior to replacement.

6 s23A Guidelines

These guidelines have been issued by the Chief Executive of the Department of Premier & Cabinet, Division of Local Government (under delegated authority) in accordance with section 23A of the *Local Government Act 1993* (the Act). As such councils are required to take them into consideration before exercising any of their functions.

7 When do councils need to notify the Division and notification requirements

Councils are required to notify the Division of all capital expenditure projects to which these Guidelines apply, prior to the commencement of the project.

Notification to the Division will include:

- A brief description of the project
- The estimated cost of the project and proposed funding sources
- Anticipated start and completion dates
- A brief commentary on how the council has fulfilled each of the Capital Expenditure Review requirements relevant to the project based on cost.

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Council may be requested to provide additional information to the Division in some instances. The Division reserves the right to assess the process undertaken by the council for the capital expenditure project, but it will not approve or endorse the project itself.

If a council is requiring special variation funding for the capital expenditure, council must complete the capital expenditure review and submit this to the Division prior to submission of the special variation application.

If project costs increase by 10% of the initial costs at any time, council must notify the Division of the revised project cost and give a brief explanation as to the reasons for the increase and the council's process and plans to meet these increases. Council should also keep the community informed of cost increases and associated reasons.

8 Council Responsibilities

Councils have a responsibility to their community for the prudent management of community assets and finances.

To establish the project costs, all elements of the project must be taken into account. This includes feasibility studies, project design and scoping costs, the provision of non-monetary goods and/or services and any costs associated with the development application and its conditions.

Where a project is conducted in stages, it is to be considered as one project. Councils are not to break a project up into smaller parts in order to avoid the threshold requirements contained in these Guidelines.

9 Preliminary Business Case

Before a council undertakes a capital expenditure project a preliminary business case must be prepared to determine whether the proposal is necessary, consistent with council's community strategic plan, delivery program and operational plans,

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offers value for money and that the council has the capacity to deliver and maintain their current and future community services in the long term. The council must demonstrate that its decision to carry out the capital expenditure is based on sound strategic and financial planning, supported by valid data and research; and that it reflects the views, priorities and objectives of the broader community.

Councils are required to prepare a preliminary business case for each council project to which these Guidelines apply. It is also appropriate to prepare a preliminary business case for any project assessed or considered as high risk.

The preliminary business case describes the high level objectives for the project and identifies possible alternative proposals. It should outline the risks, sustainability issues, costs and benefits relevant to these alternatives, as well as identify any assumptions on which the proposal(s) are based.

Cost estimates should be reasonably reliable but not to the level of accuracy as required in the capital expenditure review. The more accurate the costing is, the more useful it will be for the decision making process.

It is expected that the cost estimate in the preliminary business case be within 15% of the project's final cost.

The ongoing costs relating to the capital works project (ie, lifecycle costs), should also be identified.

The amount of detail in the preliminary business case should reflect the proposed project's scale, cost and risk.

The governance model and internal controls, which will be utilised to manage project risks and assist the successful completion of the project, should also be identified. For example, preliminary business cases should include information relating to the project's Steering Committee, Project Team, monitoring and review systems and if necessary, Probity Advisor and internal audit program.

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The preliminary business case should be supported by evidence and evaluate the service needs, options and implementation of the proposal. The evidence must be based on quantitative and qualitative data, use established methodologies that assess costs and benefits and link resources to services and results via evidence-based results logic. It is important that any assumptions on which supporting data is based are clearly identified.

Once a council is satisfied that sufficient information and evidence has been provided in the preliminary business case and has resolved to continue with the project, a Capital Expenditure Review should be prepared.

10 Capital Expenditure Review Minimum Requirements

The following are the minimum requirements for a Capital Expenditure Review. It is recommended that councils undertake this review as part of their internal control processes for all material or high risk capital expenditure projects, irrespective of the funding source.

It is also considered best practice for councils to complete a capital expenditure review for projects exempt from these guidelines.

10.1 Outline proposed Project

- Council should give a brief outline of the project.

10.2 Justify the Need

Justify the need for the proposal based on firm estimates of future needs, including:

- demonstration of a clear relationship between the proposal and council's community strategic plan, delivery program and operational plan
- completion of a business case / feasibility study
- analysis of community needs and expectations based on community consultation, which should identify how the project will address specific community needs and any issues of public access and equity

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- an outline of the projected costs in council's long term financial plan and asset management plans.

10.3 Assess the Capacity of Council

Assess the capacity of council to manage the project to completion and into the future by:

- determining the capacity of council's management and skill base to undertake the project
- identifying the responsibilities of council to the project on a year-by-year basis throughout the project's lifetime. These responsibilities must be itemised and costed (see 10.6 Financial Implications)
- undertaking a risk assessment of the project including:
 - assessment of the governance and management structures in place to effectively minimise project risks. The appropriate structure will depend on the type and complexity of the project and the stakeholders involved. It would be expected that council has an internal audit function as part of its governance structure.
 - assessment of compliance requirements including but not limited to the *Local Government Act 1993*, *Environmental Planning and Assessment Act 1979*, *Heritage Act 1977* and any other legislation considered appropriate for the project
- considering the appointment of a Steering Committee
- designating a project manager. Councils should ensure that candidates for this position have the appropriate skills, expertise and experience to manage the project. A rigorous and open recruitment process should be undertaken by council to ensure that an appropriate candidate is found. Once a project manager has been designated, council should ensure that sufficient delegations are granted to allow the manager to undertake the work.

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10.4 Priorities

Determine the priority of the project in relation to existing capital commitments and future works by:

- assessing the impact of the project's funding on existing and future capital works and services in accordance with council's long term financial plan
- reviewing the community strategic plan, delivery program and operational plan to ensure the proposal is aligned to council's objectives, and
- reviewing the asset management plan/s to ensure that other assets do not require the funding as a higher priority

In accordance with the Integrated Planning and Reporting framework, councils will also have developed and put in place, current asset management plans that give consideration to future infrastructure needs. Proposed capital expenditure for infrastructure must be included in these plans, including appropriate linkages to council's delivery program and operational plan.

10.5 Alternatives

Consider the full range of project alternatives, including:

- the preparation of a project plan with appropriate economic appraisals of council's preferred and alternative options
- an assessment of alternative service delivery methods
- an assessment of alternative methods of acquisition. Possible alternatives to consider include renting, renovating, constructing, or acquiring an existing building
- the consequences of not proceeding with the proposal.

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10.6 Financial Implications

Project costs should be considered from a 'whole of life' perspective. They should also be included in a council's long term financial plan as part of council's Integrated Planning and Reporting framework. These costs should include, but not be limited to:

- (i) design costs
 - (ii) the costs of land acquisitions
 - (iii) the costs of land disposals
 - (iv) land and property development costs
 - (v) raw materials costs
 - (vi) maintenance and other ongoing operational costs
 - (vii) depreciation and/or provisions for replacement costs
 - (viii) labour costs
 - (ix) opportunity costs
 - (x) overhead costs, such as project management
 - (xi) payments and fees, including expenses and allowances, to external providers and council's consultants and advisers
 - (xii) loan and/or other financing establishment costs
 - (xiii) plant and equipment costs
- sourcing of funds:
 - (i) where funds are to be borrowed council must comply with Part 12, Chapter 15 of the Act and with the Ministerial Borrowing Order, which can be located in the Code of Accounting Practice and Financial Reporting on the Division's website at www.dlg.nsw.gov.au
 - (ii) where funds are to be sourced by way of internal loans council must obtain Ministerial approval and comply with s410(3) and s410(4) of the Act
 - (iii) where funds are to be sourced by way of a special variation, approval must be sought under Part 2, Chapter 15 of the Act
 - identification of any potential increase in council's actual or prospective expenditures, whether in terms of one-off capital amounts or recurrent expenditures. This includes consequential recurrent costs such as maintenance, debt servicing, staffing, etc

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- identification of systems in place to monitor and control increases in project costs
- identification of any potential loss in the value of council's assets or a potential loss in actual or prospective revenue
- consideration of the possible inability of council to discharge its Charter obligations to provide adequate, equitable and appropriate services and facilities for the community
- cash flow analysis. This should detail council's ability to repay any loans required for the project. The cost of funds and the effect of debt servicing, including internal reserves, should also be considered
- Net Present Value calculations – cost/benefit. Break even analysis for best, worst and likely scenarios.

It is expected that in the capital expenditure review there will be a higher level of accuracy in relation to estimated costs than the preliminary business case. It is expected that the cost estimate in the capital expenditure review will be within 5% of the final cost.

When calculating future costs it is appropriate that project costs are indexed based on prudent and reasonable assumptions. These assumptions should be documented and able to be provided on request or provided as part of the project's capital expenditure review.

10.7 Public Consultation Process

Councils must undertake public consultation and engagement processes prior to making any commitment to the project. Like other aspects of council business, councils are strongly encouraged to involve the community in decision making around capital projects. It is a requirement under these guidelines, that councils prepare a report on the public consultation process undertaken to bring the project to the review state as well as providing details on the process, for ongoing reporting on the project to the council and the community. The report should include:

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- how council conveyed the social, economic, employment, financial and environmental impacts of the project to the community
- confirmation that the project is included in the council's community strategic plan, delivery program and operational plan
- details of the consultation processes council has in place to allow participation by affected groups and consideration of their views
- a public interest evaluation showing a positive outcome for the broader community, which includes but is not limited to; effectiveness, accountability and transparency, equity, public access, consumer rights, security and privacy.
- details of the methods used by council to inform the broader community of the proposed project, its key elements and decisions made in relation to the project. This may include community newsletters, community surveys, newspaper or radio advertisements, etc.
- council's planning process to enable the community be provided with sufficient information to be adequately informed. To be considered sufficient the delivery program and operational plan should include:
 - purpose of project and benefits to the community
 - costs and funding sources, and
 - construction time frames
- details of the public reaction to the proposal including any statistics on the outcome of surveys, any correspondence received from the community, etc
- details on any public meetings held in regard to the proposal

11 Capital Expenditure Review Additional Requirements – project costs in excess of \$10M (ex GST)

In addition to the minimum requirements set out above, a council is also required to complete the following additional requirements in cases where a project's cost is forecast to exceed \$10 million (GST exclusive). For projects below the \$10 million threshold, the additional requirements are optional. They are considered best

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practice and councils are encouraged to complete them for all projects which are considered high risk or of material costs.

Where the project costs fall into the above category, councils are also required to carry out a more intensive community consultation process. This may include additional consultation with specific groups and/or the community in relation to the detailed components of the project. It could involve community meetings, surveys and information sessions.

11.1 Business/Management Project Plan

Councils must complete a comprehensive business/management project plan. The plan should contain the key elements and deliverables of the project and outline the costs and revenues associated with them. Details should include, but not be limited to:

- the business structure, if appropriate
- key personnel and their relevant experience
- description of the proposal and its product/service
- current market position and the potential for growth
- the business objectives both in the short and long term
- the reason the proposal will be successful
- financial projections.

The financial projections should include:

- both direct and indirect costs, separately identified
- both capital costs and ongoing recurrent costs, as well as any other expenses that are expected to occur once the project has been delivered and is operational
- inclusion of these projections in council's long term financial plan and asset management plan.

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A report on all financial implications is to be prepared, including:

- an economic/market appraisal which includes:
 - (i) a cost/benefit analysis test (where major benefits can be quantified)

The analysis needs to be conducted with objectivity and balance. The cost benefit analysis has to account for benefits to the public as a whole. It is important that the views and assumptions used in the analysis are thoroughly tested for validity and reasonableness. In particular, it should be ensured that views of the wider community are considered.

The analysis of the benefits and costs needs to be unbiased and the conclusion transparent. This helps ensure that the conclusion has not been predetermined. The analysis must be rigorous, where conclusions follow logically from the analysis and the evidence considered.

The economic/market appraisal should show a positive result in terms of monetary or community benefit. In the case of business undertakings, full competitive neutrality pricing requirements should be applied and all ongoing expenses taken into account.

- (ii) an analysis of cost effectiveness (where outputs are not readily measured in monetary terms)

The analysis should consider but not be limited to issues such as:

- Environment – effects on land, flora, fauna, air and water
- Heritage – impacts that effect the existence or integrity of an historical site
- Quality of Life – impacts that alter the population's enjoyment of life
- Health & Safety – that the community is not exposed to unnecessary health or safety risks

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- Law & Order – change in the maintenance of law and order in the community

11.2 Risk Management Plan

Council must develop and put into operation an appropriate risk management plan for the project. The plan should be reviewed, updated and amended as and when required during the development of the project. All potential risks must be identified and addressed. Risks may not only be measured in monetary or financial terms. Possible risks may include:

Investment/Planning Risk

- Investment/planning risk relates to the quality of the planning that has contributed to the investment proposal. It can help to identify critical issues that may not have been considered as part of the planning process or potential costs and benefits that have been incorrectly estimated. There is also the risk that community needs have been misunderstood or that the services to be delivered by the project will not meet needs or expectations.

Design Risk

- Design risk relates to the level of complexity of the project, the extent to which proven technology will be used to achieve the projects aims and the realism associated with the time period estimated for completion
- External approvals risk relates to issues associated with obtaining approval for the proposal to proceed including public consultation, planning approval, environmental approvals, heritage approvals, etc.

Demand/Market Risk

- The demand or market risk relates to whether there is sufficient demand for the proposed project in order for it to succeed or that the proposed fees and charges will adversely affect demand.

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Management/Operations Risk

- Management risk relates to the role management plays in ensuring that the investment delivers the expected outcomes. Where the management team named in the proposal has no experience in dealing with similar projects, this increases the risk and lessens the likelihood of success. Operations risk relates to the operational problems that may occur if the project is not planned and managed correctly
- As part of the assessment of operations risk, council should also consider whether it has adequate insurance coverage for the project and whether or not it has obtained adequate legal advice, if necessary for the project to be delivered.

Reputation Risk

- Reputation risk looks at issues relating to council's reputation being effected if the project is not completed or does not meet its targets or the expectation of the community. Other issues to be considered as part of this analysis could include such things as cost overrun, time over run, impractical designs and looking closely at council's community consultation to ensure the project is supported by the community and wider public.

Compliance Risk

- Compliance risk relates to the risk that the project fails to comply with any relevant regulations, legislation or policies, eg planning, heritage or environmental.

Completion/Construction Risk

- The completion/construction risk relates to the risk that the proposed project will not be completed in accordance with the specifications and within the stipulated timeframe and/or budget. In assessing such a risk, consideration will need to be given to the potential external and financial impacts of such outcomes.

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Environmental Risk

- Environmental risk refers to the impact of the proposal on the environment and will encompass the criteria previously considered.

Occupational Health and Safety Risk

- All occupation health and safety issues need to be considered such as construction material, noise and site safety.

Other Risks

- Any other proposal implementation risk not identified under the above headings should be documented and assessed
- Councils should also consider what actions will be undertaken if the project is not meeting and or achieving milestones or costs, eg cost blowouts, builder insolvency, unexpected economical situations, unexpected excavation costs

11.3 Probity Plan

Councils must develop a probity plan for the project. A probity plan is needed to ensure:

- that the project process is transparent, that conflict of interests are avoided, pecuniary interests declared and that the project complies with competition laws and principles
- if land is to be rezoned, that the development application process is outlined with particular attention paid to the separation of council's roles as landowner and consent authority
- the plan may need to include documentation of the relationship between the parties involved in the project, eg, the independence of parties from the project, council or prospective private sector bidders for the project.

11.4 Tender Evaluation

The tendering process should be in accordance with the Division's Tendering Guidelines. The *Local Government (General) Regulation 2005* and the *Local Government Act 1993*. Councils should detail how the tendering/contracting process

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will be conducted, ie, tender stages, details of assessment panels, assessment process (including proposed evaluation criteria) and short listing.

12 Reporting

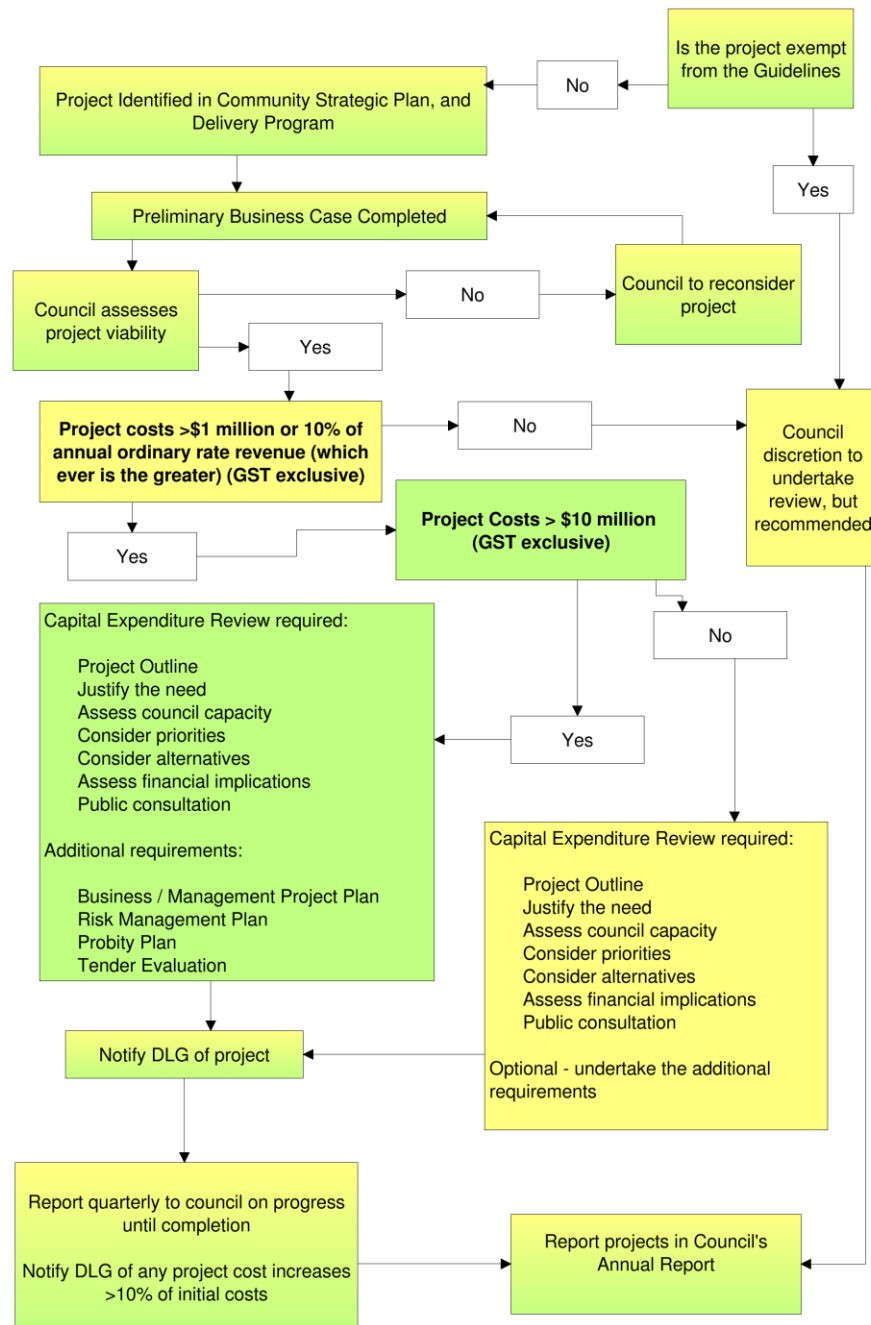
Councils must put mechanisms in place to report on all aspects of the project. Minimum reporting requirements for all capital expenditure projects include:

- quarterly reporting to the council on the progress of the project
- quarterly reporting to the council on the costs and budget variances regarding the project. Where costs and budget variances are reported by line item, the report should also include the impact on the total project
- any issue that may have an adverse impact on the project (this may include monetary and non-monetary inputs and outcomes). The risk management plan may be relevant in this regard
- reporting capital works projects in council's annual report, which is considered to be best practice.

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13 Summary Flow Chart



8 INDEPENDENT HEARING AND ASSESSMENT PANEL - RESULTS OF COUNCILLOR WORKSHOP

Report prepared by: Business Support Co-ordinator
File No.: GRP/09/6/5 - BP14/1256

REPORT SUMMARY

At its meeting of 13 August 2013 Council considered a report proposing measures to address the risks raised during the Independent Commission Against Corruption's Operation Cavill hearings. As part of Council's response, it was resolved that a Councillor Workshop be held to discuss Independent Hearing and Assessment Panels (IHAPs). This workshop was held on 15 October 2013. Since that time Council has considered the matter on two further occasions, requesting further Councillor Workshops that were held on 18 March 2014 and 12 August 2014.

This report provides a brief overview of the issues raised at the most recent Councillor Workshop of 12 August 2014.

For the reasons outlined in this report and at the workshops this report recommends that Council move to adopt a fully-delegated IHAP. However, noting the range of issues relating to the operation of IHAPs, alternate options are also provided, including the option to continue the current Development Application and Planning Proposal approval processes at this time.

RECOMMENDATION:

- (a) That Council establish a fully-delegated IHAP to consider selected Development Applications and all Planning Proposals for a trial period of 12 months.
- (b) That Council adopt the City of Ryde Independent Hearing and Assessment Panel Terms of Reference.
- (c) That Council seek Expressions of Interest from suitable candidates.
- (d) That Council allocate the amount of \$90,000 from (working capital) for the purpose of an IHAP and that the amount be consolidated into the next Quarterly Review.
- (e) That a further report with a list of candidates for the IHAP and nominating a commencement date be provided to Council.

ATTACHMENTS

- 1** IHAP Draft Terms of Reference
- 2** IHAP Report to Council - 22 April 2014

ITEM 8 (continued)

Report Prepared By:

Dyalan Govender
Business Support Co-ordinator

Report Approved By:

Meryl Bishop
Acting Group Manager - Environment and Planning

Dominic Johnson
Acting General Manager

ITEM 8 (continued)**History**

At its meeting of 13 August 2013 Council considered a report proposing measures to address the risks raised during the Independent Commission Against Corruption's Operation Cavill hearings. Council resolved to hold a workshop to provide a briefing on the various models of IHAP.

A Councillor Workshop was held on 15 October 2013 where an overview of the current Planning and Environment Committee and a summary of the various models of IHAP currently used by other Councils were provided. A report was put to Council on 26 November 2013 and a second Councillor Workshop was requested.

The second Councillor Workshop was held on 18 March 2014 to discuss the various models and associated issues in more detail. A report confirming the details of this workshop was put to Council on 22 April 2014 and Council resolved to hold a third Councillor Workshop; this workshop was held on 12 August 2014.

Discussion

The key issues identified in relation to the operation of an IHAP at the workshops and Council meetings to date can be broadly summarised as follows:

- Provides independent, expert assessment.
- Responds to probity issues raised by Operation Cavill hearings and broader perception issues relating to the political influence of developers more generally.
- Reduces risk to Councillors and mitigates potential perception issues relating to political intervention in development matters.
- Consistently identified as preferred model by Department of Planning and Environment.
- Already adopted by over a quarter of Sydney's metropolitan Councils. No Council that has adopted an IHAP has returned to previous models.
- The community elects Councillors to deal with important matters such as local development.
- Council already has access to requisite technical expertise and there is no need for further cost or duplication of process.
- Probity risks simply shifted from Councillors to Panel members.
- Only a minority of Council's operate an IHAP and further confirmation of its effectiveness is required.
- The community has not been sufficiently consulted and no community demand for an IHAP has been demonstrated.

ITEM 8 (continued)

In addition a number of issues have been raised in relation to how an IHAP would be implemented at the City of Ryde:

- The appropriate length for any trial period.
- Establishing appropriate measures to determine the effectiveness of any trial panel.
- The level of delegation provided to the panel.
- The types of application to be considered by the Panel.

Noting the issues above, it is the view of staff that on balance, the implementation of an IHAP is considered to be the most effective measure at Council's disposal to maintain a reputation for transparent, merit-based, best-practice decision making in relation to Development Applications, Planning Proposals, and Re-zonings.

It is suggested that the IHAP replace the Planning and Environment Committee and would consider the following matters (not including those matters where Council is not the consent authority such as applications referred to the Joint Regional Planning Panel):

- All Development Applications where over 10 separate submissions have been received (petitions will be counted as 1 submission).
- Development Applications where Council is the applicant and a call-up is received by a Councillor.
- Any Development Application called-up to the Panel by a Councillor.
- All Development Applications with a cost of works greater than \$5million.
- All Planning Proposals.

This would ensure that the new Panel would not duplicate any other determination processes, would be focused on matters of particular community interest (as identified through direct submissions or through the Councillors), developments with the potential for high impacts on amenity and character (ie. Planning Proposals and larger developments with costs of works above \$5 million).

It is recommended that a trial of 12 months be undertaken to provide Council with an opportunity to monitor and assess the Panel's effectiveness and to adapt the Terms of Reference if required. Regular review of the Panel's Terms of Reference and operation would also be undertaken on an ongoing basis as part of Council's ongoing program of Policy review.

Further details of the operation of the proposed IHAP can be found in the Terms of Reference (**Attachment 1**) and the Discussion section of the report considered by Council at its meeting of 22 April 2014 (**Attachment 2**).

ITEM 8 (continued)**Options****Option 1:**

- Fully delegated Panel
- 3 Members – 2 Experts and 1 Community Member.
- Membership Pool of 8 Individuals – 6 Experts and 2 Community Members
- Members appointed by Council

As noted in the Discussion this is the option recommended for the following key reasons:

- Provides independent, expert assessment.
- Responds to probity issues raised by Operation Cavill hearings and broader perception issues relating to the political influence of developers more generally.
- Reduces risk to Councillors and mitigates potential perception issues relating to political intervention in development matters.
- Consistently identified as preferred model by Department of Planning and Environment.
- Already adopted by over a quarter of Sydney's metropolitan Councils. No Council that has adopted an IHAP has returned to previous models.

Option 2:

- Council could resolve to establish another model of IHAP such as:
 - An un-delegated Panel.
 - A panel with more or fewer members.
 - A panel considering different applications to those proposed in Option 1.
 - A longer or shorter trial period.

This option may provide an opportunity for a transitional arrangement or for Council to undertake a trial of the model in some reduced form.

An undelegated IHAP would allow Council to retain oversight and final determining authority. However, an undelegated IHAP would not reduce the risk of conflicts of interest arising for Councillors and would also add further processing time to applications.

It is noted that a shorter trial period was discussed at the workshop held on 12 August 2014. Issues around the efficacy of a shorter period were raised as it may not provide enough time to evaluate the impacts on legal expenditure and may not allow enough time for the Panel to follow through on complex Applications requiring negotiated outcomes or amendments.

ITEM 8 (continued)

It was also proposed that the Panel only consider applications where the proposed cost of works was below \$5 million and submissions or call-ups identified the matter to be of concern. However, concerns were raised that this would see an expensive duplication of process and would also significantly limit the probity benefits of establishing a panel.

Option 3:

- Council could resolve not to pursue an IHAP at this time.

This option reflects the following issues identified in the Discussion above:

- The community elects Councillors to deal with important matters such as local development.
- Council already has access to requisite technical expertise and there is no need for further cost or duplication of process.
- Probity risks simply shifted from Councillors to Panel members.
- Only a minority of Council's operate an IHAP and further confirmation of its effectiveness is required.
- The community has not been sufficiently consulted and no community demand for an IHAP has been demonstrated.

Financial Implications

Should Council resolve to establish an IHAP in accordance with Options 1 or 2 it would result in a financial impact of approximately \$90,000/annum. This would fund the site inspections, recruitment and the wages of Panel Members for 12 meetings per annum. There is no additional administrative cost as resources will be transferred from the administration of the Planning and Environment Committee to the IHAP.

The cost to Council would be, in part, offset by income from Development Applications and Planning Proposals. Anecdotally, other Councils that have established IHAPs also report a reduction in legal costs associated with appeals to the Land and Environment Court.

Should Council resolve not to pursue an IHAP at this time in accordance with Option 3, there will be no financial impact.

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ATTACHMENT 1



City of Ryde Independent Hearing and Assessment Panel (IHAP)

Terms of Reference

The purpose of these IHAP Terms of Reference are to:

- Define the function of the IHAP and to provide a complementary framework to Council's Code of Conduct in relation to the responsibilities of IHAP members.
- To provide procedures for the orderly and effective conduct of IHAP meetings.
- To outline practices that ensure determinations made by the IHAP have legal effect and are within the scope of their powers.
- To ensure the transparency and openness of all IHAP meetings.

These Terms of Reference are subject to Council's Code of Conduct and the Local Government Act NSW 1993.

Owner: Environment & Planning

Review date:

Versions:

Drafted	Published	Commencement
Draft endorsed by Executive Team at its meeting of	Website and Policy Register	Adopted by Council at its meeting of



ITEM 8 (continued)

ATTACHMENT 1

Definitions

“The Act” means the Environmental Planning and Assessment Act (1979)

“The Code” means the City of Ryde Code of Conduct.

“Council” means the Council of the City of Ryde.

“The Panel” means the City of Ryde Independent Hearing and Assessment Panel (IHAP)

Except as otherwise provided, expressions used in this document that are defined in the Act have the meanings set out in the Act.

1. Functions of the City of Ryde Independent Hearing and Assessment Panel

1.1 The City of Ryde IHAP has delegated authority to determine planning matters in accordance with all the functions of a council as consent authority under the Environmental Planning and Assessment Act (1979) for the following matters:

- Any development application, or application to modify a consent under Section 96(2), where Council has received more than 10 submissions during a notification period and where Council is the consent authority.
- Any development application, or application to modify a consent under Section 96(2), where the subject development has a stated construction value over \$5 million and where Council is the consent authority.
- Any development application, or application to modify a consent under Section 96(2), where:
 - a Councillor has requested that the Group Manager Environment and Planning refer the application to the IHAP in writing, and
 - Council is the consent authority.
- Any application, including planning proposals and rezonings, submitted to Council seeking an amendment to the Ryde Local Environment Plan (excluding Council’s own amendments to the Ryde Local Environment Plan).

1.2 To assess and determine (ie: approve or refuse) applications and proposals referred to the Panel. The Panel may defer an application or proposal in order to:

- Seek additional information fundamental to the determination of the proposal and which has not previously been requested by Council staff.
- Seek a mediation meeting relating to specific aspects of the application or proposal as identified and minuted by the Panel.
- Seek amendments to the application or proposal as specified by the Panel.

ITEM 8 (continued)

ATTACHMENT 1



- 1.3 To achieve planning and development outcomes consistent with the Ryde Local Environment Plans, Development Control Plans, and any relevant legislation.
- 1.4 To provide independent, transparent review of development applications and planning proposals in relation to the City of Ryde's Local Environment Plan, Development Control Plans, and any relevant legislation.
- 1.5 To provide an open forum in which the concerns and views of the community and Councillors can be voiced and considered.

2. Membership of the IHAP

- 2.1 The Panel shall consist of at least three members.
- 2.2 Panel members shall be selected for each meeting by the General Manager from a membership pool and shall include a legal expert who will function as chairperson and a community member. The community member's primary place of residence must be located in the City of Ryde.
- 2.3 The membership pool for the Panel is to be appointed by way of Council resolution for a minimum term of two years with an option for Council (by way of Council resolution) to extend the term for an additional, third year. Council shall appoint no fewer than eight members to the membership pool for each term.
- 2.4 Alternate pool members may be appointed by the General Manager from time to time to fill vacancies relating to absences from an individual Panel meeting within a member's term.
- 2.5 Casual vacancies in the membership pool will be filled by way of Council resolved appointment where there is greater than six months remaining in the original two year term.
- 2.6 Expressions of Interest shall be sought from prospective members and evaluated in accordance with Council's Procurement Policy.
- 2.7 The membership pool shall consist of no fewer than two community members, whose primary place of residence must be located in the City of Ryde.
- 2.8 Pursuant to Section 23I of the Act, Panel members are to have expertise in at least one of the following fields: planning, architecture, heritage, the environment, urban design, land economics, traffic and transport, law, engineering, tourism or government and public administration.
- 2.9 Members are required to sign a Memorandum of Understanding (Schedule 1) prior to, and for, each term of the membership pool.
- 2.10 Membership of the IHAP ceases:
 - If the Panel member dies or is legally declared incompetent.
 - If at the completion of their term, the term is not extended or the member is not re-appointed.



ITEM 8 (continued)

ATTACHMENT 1



- Resigns as a member of the Panel in writing to the General Manager.
- Is removed from office by the General Manager or Council resolution.

2.11 The General Manager may remove a Panel member from office at any time, for any reason, without notice.

3. Member Responsibilities

- 3.1 Panel members must undertake their duties in the execution of the functions of the Panel in accordance with Council's Code of Conduct.
- 3.2 Panel members or any of their employees or agents do not act as the legal representatives, agents, joint venturers, or partners of Council or the City of Ryde; nor can they assume or create any obligations, representations, or warranties on behalf of the Council beyond the execution of their delegations in the determination of development applications or planning proposals.
- 3.3 Panel members must have read and be familiar with the documents provided by Council with respect to a Panel meeting prior to attending that meeting.
- 3.4 Panel members may communicate with Council staff, including the General Manager, Group Manager Environment and Planning, the Manager Assessment, and planning, technical and administrative staff as reasonably required for the performance of their duties.
- 3.5 No Panel member may make any comment to the media in relation to any matter before the Panel or any recommendation of the Panel.
- 3.6 Any Conflicts of Interest are to be managed in accordance with Council's Code of Conduct.
- 3.7 Panel members must not accept, demand, solicit, or request a gift or benefit in connection with their duties on the Panel.
- 3.8 Panel members will be treated as designated persons in accordance with the Local Government Act NSW and will be required to complete annual pecuniary interest declarations which will be publicly available documents.
- 3.9 Panel members must attend all Panel meetings reasonable required by the General Manager or the Group Manager Environment and Planning.
- 3.10 Failure by a Panel member to fulfil these responsibilities may result in their removal in accordance with 2.10 above.



ITEM 8 (continued)

ATTACHMENT 1



4. Procedures

- 4.1 Panel Meetings are to be chaired by the Legal Expert in attendance. Should the Chairperson not be present/available for a meeting, the members attending shall elect an alternate Chairperson by a majority vote.
- 4.2 Panel Meetings shall be open to the public. However, a meeting or part of a meeting may be closed to the public where it concerns information:
 - a) that would prejudice the maintenance of law if disclosed;
 - b) that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege;
 - c) that would confer a commercial advantage if disclosed; or
 - d) that would fall within the scope of Section 10A of the Local Government Act NSW.
- 4.3 The reason for which a meeting or part of a meeting is closed must be stated in the decision to close that part of the meeting and must be recorded in the minutes of the meeting.
- 4.4 The Panel must allow members of the public or Councillors present to make representations to or at a meeting, before any part of the meeting is closed to the public, as to whether that part of the meeting should be closed. Agendas for meetings are to be publicly available in accordance with Council's adopted Code of Meeting Practice. A person may only address the Panel after having registered to do so in advance and in a form and manner approved by Council. Those wishing to address the panel may submit a written summary or supporting photographs amounting to a document no more than one A4 page (two sided).
- 4.5 Speakers are afforded five minute timeslots; no speaker may address the Panel for more than five minutes in respect to any one matter before any one meeting of the Panel. In addition to the five minute timeslot, the Panel members may ask speakers questions. Speakers are under no obligation to answer any questions posed by the Panel.
- 4.6 One timeslot is provided to speakers from a property per item (Strata units are considered individual properties for the purposes of addressing the panel). If multiple individuals residing at the one property wish to address the committee they may do so within the one (five minute) timeslot.
- 4.7 Timeslots are not transferrable notwithstanding the following: individuals may request representatives to speak on their behalf in a professional capacity (for example: town planners, engineers, solicitors) or with leave from the chair where translation or assistance communicating is required. In these circumstances a single timeslot is to be shared by the individual and their representative(s).
- 4.8 Registrations to speak and any related documentation (including supporting information under section 4.4) must be submitted to the Council no later than 12 noon on the day prior to the Panel meeting.



ITEM 8 (continued)

ATTACHMENT 1



- 4.9 Speakers at the Panel meeting shall be heard before the Panel deliberates on an item in the following order:

- Objectors and submitters (and their representatives)
- The applicant and owner (and their representatives).

However, the Panel will be able to reserve the right to recall speakers for the purpose of clarification or the provision of further information.

- 4.10 Site inspections will generally be undertaken on the day of the meeting.
- 4.11 Site inspections will be held at the discretion of the chair.
- 4.12 Appropriate planning staff as identified by the Group Manager Environment & Planning will accompany the panel on the site inspections.
- 4.13 Conversations and dialogue relating to the assessment of the application will not be entered into on the site inspection. Clarification of the characteristics of the site or the application may be provided through the Chair.

5. Determinations and Decisions

- 5.1 Each panel member is entitled to one vote, unless otherwise disqualified to vote in accordance with the Code of Conduct. However, the chairperson presiding over the meeting has a second, casting vote in the event that votes are tied.
- 5.2 Determinations and any relevant decision of the Panel shall be made by a majority of votes of members present and voting. In the event of a tied vote the Chairperson will have the casting vote.
- 5.3 Voting is to be recorded for the public record by way of division.
- 5.4 Minutes of Panel meetings must be kept in accordance with the requirements for Committee Meetings specified in Council's Code of Meeting Practice.



ITEM 8 (continued)

ATTACHMENT 1

Schedule 1 – Memorandum of Understanding – City of Ryde Independent Hearing and Assessment Panel (IHAP).

I _____ hereby accept appointment to the Panel on the following terms and conditions.

1. I confirm I have read the City of Ryde Code of Conduct and acknowledge that I am a 'delegate of Council' for the purposes of the Code and agree to act in accordance with the Code.
2. I confirm that I have read and understand the City of Ryde Code of Meeting Practice and agree to act in accordance with the relevant provisions of the Code.
3. I confirm that I have read and understood the City of Ryde Independent Hearing and Assessment Panel Terms of Reference and agree to act in accordance with the terms set out therein.
4. I acknowledge and accept that if I have a pecuniary interest or a conflict of interest as defined in the City of Ryde Code of Conduct in relation to any matter before me as a Panel member then:
 - I will immediately disclose the nature of the interest prior to the Panel's consideration of the matter.
 - Unless otherwise permitted under the City of Ryde Code of Conduct, I will not be present during the Panel's consideration of the matter.
5. I accept and understand that the business of the Panel is subject to the provisions of the Environmental Planning and Assessment Act (1979) and I will not disclose or misuse any information provided to me as a member of the City of Ryde Independent Hearing and Assessment Panel.
6. I acknowledge and accept that I am a designated person for the purposes of the Local Government Act NSW 1993 and am required to submit annual pecuniary interest disclosures which will be publicly available.
7. I acknowledge and agree that my appointment begins on _____ and ends on _____.
8. I accept that the term of my appointment is renewable by Council at its absolute discretion.
9. I acknowledge and agree that the City of Ryde may terminate my appointment to the Panel by notice in writing at any time.

Panel Member

Signed _____ Date _____

General Manager

Signed _____ Date _____

ITEM 8 (continued)

ATTACHMENT 2

10 INDEPENDENT HEARING AND ASSESSMENT PANEL (IHAP)

Report prepared by: Business Support Co-ordinator
File No.: GRP/09/6/5 - BP14/471

REPORT SUMMARY

At its meeting of 13 August 2013 Council considered a report proposing measures to address the risks and issues raised during the Independent Commission Against Corruption's Operation Cavill hearings. The implementation of an IHAP is considered to be the most effective measure at Council's disposal to maintain a reputation for transparent, merit-based, best-practice decision making in relation to Development Applications, Planning Proposals, and Rezoning. On Tuesday 15 October 2013 a workshop was held providing an overview of the various Panel options available to Council. On 26 November 2013 Council resolved:

That Council further investigate the establishment of an IHAP to with a view to its introduction in the near future.

A further workshop was held detailing the preferred options on 18 March 2014. This report proposes that Council pursue a fully delegated IHAP and provides Terms of Reference for such a model.

RECOMMENDATION:

- (a) That Council establish a fully-delegated IHAP to consider selected Development Applications and all Planning Proposals for a trial period of 12 months.
- (b) That Council adopt the City of Ryde Independent Hearing and Assessment Panel Terms of Reference.
- (c) That Council seek Expressions of Interest from suitable candidates.
- (d) That Council allocate the amount of \$90,000 from working capital for the purpose of an IHAP and that this is added to the 2014/15 delivery plan at the earliest opportunity.
- (e) That a further report with a list of candidates for the IHAP and nominating a commencement date be provided to Council.

ATTACHMENTS

- 1** City of Ryde IHAP - Draft Terms of Reference

Report Prepared By:
Dyala Govender
Business Support Co-ordinator

Report Approved By:
Dominic Johnson
Group Manager - Environment & Planning

ITEM 8 (continued)

ATTACHMENT 2

Context

At its meeting of 13 August 2013 Council considered a report proposing measures to address the risks raised during the Independent Commission Against Corruption's Operation Cavill hearings. The report noted that:

Council's reputation with the public and business community is at risk in the areas of its management of confidential information relating to Development Applications and tenders, as well as in its ability to deal effectively and confidently with complaints.

The implementation of an IHAP is considered to be the most effective measure at Council's disposal to maintain a reputation for transparent, merit-based, best-practice decision making in relation to Development Applications, Planning Proposals, and Re-zonings. The Department of Planning has consistently recommended the adoption of IHAPs and over a quarter of Sydney Councils have already adopted and maintain IHAPs to ensure the quality of their Development Assessment outcomes. The metropolitan Sydney Councils operating undelegated IHAPs are Canterbury, Fairfield, Liverpool, Sutherland, while Holroyd, Lane Cove, Manly, Mosman, North Sydney, Warringah, and Waverly all operate delegated IHAPs.

It was therefore recommended that Council endorse the intention to establish an IHAP and that a briefing workshop be scheduled to discuss the various models, policies, and procedural frameworks available. Council resolved to hold a workshop to provide a briefing on the various models of IHAP.

At its workshop of Tuesday 15 October 2013 an overview of the current Planning and Environment Committee was provided. Council also reviewed the structure and operation of various Independent Hearing and Assessment Panels (IHAPs) currently used by other Councils.

IHAP options considered at that workshop included:

- Delegation
 - A fully delegated IHAP with the authority to determine matters
 - A undelegated IHAP providing recommendations to Council for determination
- Panel Selection
 - Council appointed panel members
 - General Manager appointed panel members
 - The legislative requirement for panel members to have some relevant expertise.

On 26 November 2013 Council resolved:

That Council further investigate the establishment of an IHAP to with a view to its introduction in the near future.

ITEM 8 (continued)

ATTACHMENT 2

A further workshop was held detailing the preferred options on 18 March 2014. It is noted that at the workshop a number of Councillors indicated they had a range of concerns about the introduction of an IHAP and indicated that they would not support its implementation.

Discussion

Following on from the recent ICAC enquiry it is considered prudent to investigate options that would further safeguard Councillors and the Planning/Development processes from further reputational damage and to limit the risks in the decision making processes.

The Panel would be tasked with assessing Development Application and Planning Proposals, taking into consideration not only the relevant Plans and Legislation, but also any relevant site constraints, submissions, and the issues outlined in the reports provided by staff. It is noted that the Panel's scope would be to provide appropriate outcomes consistent with Council's controls; this does not limit the Panel to numerical or technical compliance, and provides the Panel with some flexibility to ensure appropriate development is located in appropriate locales, and appropriate design outcomes are pursued to address site constraints or submissions. The Panel may also pursue mediated outcomes where appropriate.

It is recommended that a trial of 12 months be undertaken to provide Council with an opportunity to monitor and assess the Panel's effectiveness and to adapt the Terms of Reference if required. Council reserves the right to discontinue the Panel at any time, and regular reviews of the Panel's operation and Terms of Reference will also be undertaken beyond the trial period.

The Panel would replace the Planning and Environment Committee and would consider the following matters (not including those matters where Council is not the consent authority such as applications referred to the Joint Regional Planning Panel):

- All Development Applications with a cost of works greater than \$5million.
- All Development Applications where over 10 separate submissions have been received (petitions will be counted as 1 submission).
- Development Applications where Council is the applicant and a call-up is received by a Councillor.
- Any Development Application called-up to the Panel by a Councillor.
- All Planning Proposals.

Panel Experts would need to have expertise in at least one of the following areas: planning, architecture, the environment, urban design, land economics, traffic and transport, law, engineering, tourism, or government and public administration.

ITEM 8 (continued)

ATTACHMENT 2

The Panel would be chaired by the legal expert, who would be expected to have particular experience with development matters, such as having served as a Commissioner or Justice of the Land and Environment Court.

The Panel would undertake site inspections. Panel meetings would be open to the public except where subject to relevant confidentiality, security, or privilege. Speakers would be permitted to address the Panel before it deliberates on a matter.

The minutes of Panel Meetings would be reported to Council.

It is recommended that the Panel be fully-delegated to determine the matters before it. This would ensure the IHAP minimises the risks to Councillors associated with their current involvement in the Development and Planning Processes. It would also ensure that in taking on Development Application and Planning Proposals, the IHAP would allow Councillors to reallocate time to the consideration of other strategic planning and management issues.

Options

Preferred Option:

- Fully delegated Panel
- 3 Members – 2 Experts and 1 Community Member.
- Membership Pool of 8 Individuals – 6 Experts and 2 Community Members
- Members appointed by Council

Other Options:

- Council could resolve to establish an un-delegated Panel.

Under this model the IHAP would provide recommendations for the consideration of Council. The Terms of Reference would be amended to remove the Panel's delegations and to replace them with provisions for the Panel's recommendations to be considered at the next practicable Council meetings.

This provides a means by which Councillors may retain their role in the decision making process for Development Applications and Planning Proposals, while also receiving the advantages of independent, expert advice in these matters. It is also noted that under the Environmental planning and Assessment Regulations (2000) Council is required to provide an annual report to the Director-General, which includes the reasons for any Council determinations not in accordance with the assessment of the Panel.

While an un-delegated IHAP does not offer the full reduction in risk of a delegated panel, it would still offer a useful increase in transparency and independence by providing public, independent, expert recommendations in relation to planning and development matters. This would be of particular use in relation to development on Council land such as floodlight applications and applications relating to Council's property investment portfolio.

ITEM 8 (continued)

ATTACHMENT 2

- Council could resolve not to pursue an IHAP at this time.

Financial Implications

Should Council resolve to establish an IHAP it would result in a financial impact of \$90,000/annum. This would fund the site inspections, recruitment and the wages of Panel Members for 12 meetings per annum. There is no additional administrative cost as resources will be transferred from the administration of the Planning and Environment Committee to the IHAP.

The cost to Council is offset by income from Development Applications and Planning Proposals. Anecdotally, other Councils that have established IHAPs also report a reduction in legal costs associated with appeals to the Land and Environment Court.

NOTICES OF MOTION

1 REMEMBER MIKE AND SAVE A LIFE COMMITTEE - Deputy Mayor, Councillor Roy Maggio

File Number: CLM/14/1/4/6 - BP14/1288

MOTION:

- (a) That Council acknowledges the ***Remember Mike and Save a Life (defibrillator committee)*** contributing towards the funding of 5 defibrillator units to be provided and installed across the City of Ryde sportsgrounds and Council facilities.
- (b) That Council facilitates and provides assistance to the ***Remember Mike and Save a Life*** committee by permitting the defibrillator units to be installed at Meadowbank-Norma Woods Netball Courts, ELS Hall (RCSC), Morrison Bay Park, Ryde Aquatic Leisure Centre and the Ryde Library.
- (c) That Council facilitate a meeting with the ***Remember Mike and Save a Life*** committee to discuss and provide assistance for a morning tea launch to acknowledge their generous contribution of 5 defibrillator units to the Ryde community. As part of this occasion, Councillors, Local Parliamentary Members, Local Sporting Clubs, Local Sporting Associations, Sporting Bodies, Contributors, Local Media be invited to attend the launch with promotion of the initiative through Council's media outlets.
- (d) That Council permits a plaque to be funded by the ***Remember Mike and Save a Life*** committee placed at the locations where the defibrillator units are to be installed and that the guidelines of the City of Ryde plaque policy are considered.
- (e) That Council endorse an introduction of a defibrillator grant scheme with the funding provided by the ***Remember Mike and Save a Life*** committee to roll out defibrillator units across the City of Ryde sporting clubs, sportsgrounds, parks, Council facilities, schools and community groups. As part of their commitment, Council should provide assistance to the ***Remember Mike and Save a Life*** committee in promoting widespread awareness of the campaign **Defib your club for life** initiative to all our sporting, school, business and community groups.

2 WINE AND MUSIC BY THE RIVER - Deputy Mayor, Councillor Roy Maggio

File Number: CLM/14/1/4/6 - BP14/1289

MOTION:

- (a) That Council staff investigate options for an additional major community event in East Ward named, Wine and Music by the River as a major public community celebration in our City each year.
- (b) That an expression of interest be promoted for a working party to review, develop and adopt a strategy for a Music Festival budgeting with defined guidelines that ensures any and all expenses incurred can be paid for with certainty.
- (c) That Council investigate and allocate adequate funds as part of its 2014-2015 budget setting process for a major community event at Kissing Point Park.
- (d) That the Chambers of Commerce, Rotary, local business and other interested stakeholders be approached for input with these options to be presented for Council's consideration in March 2015.

CONFIDENTIAL ITEMS

9 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.

Report prepared by: Solicitor

File No.: GRP/09/5/7 - BP14/1278

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