

20 FEBRUARY 2014

NOTICE OF MEETING

You are advised of the following meeting:

TUESDAY 25 FEBRUARY 2014.

Meeting of Council Meeting No. 2/14

Council Chambers, Level 6 - 7.30pm

Meeting Date: Tuesday 25 February 2014
Location: Council Chambers, Level 6
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 11 February 2014

Report prepared by: Meeting Support Coordinator
File No.: CLM/14/1/4/2 - BP14/121

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 1/14, held on 11 February 2014 be confirmed.

ATTACHMENTS

- 1 Minutes - Ordinary Council Meeting - 11 February 2014

ITEM 1 (continued)**ATTACHMENT 1****Council Meeting
MINUTES OF MEETING NO. 1/14****Meeting Date:** Tuesday 11 February 2014**Location:** Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde**Time:** 7.30pm

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

Note: Councillor Petch left the meeting at 9.57pm and did not return. He was not present for consideration of Mayoral Minute 1/14, Items 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, Precis of Correspondence 1, Precis of Correspondence 2, Precis of Correspondence 3, Notice of Motion 1 and Items 14 and 15.

Note: Councillor Li left the meeting at 10.59pm and did not return. He was not present for consideration of Items 11, 12, 13, Precis of Correspondence 1, Precis of Correspondence 2, Precis of Correspondence 3, Notice of Motion 1 and Items 14 and 15.

Note: Councillor Perram left the meeting at 11.01pm and did not return. He was not present for consideration of Items 11, 12, 13, Precis of Correspondence 1, Precis of Correspondence 2, Precis of Correspondence 3, Notice of Motion 1 and Items 14 and 15.

Apologies: Nil.

Leave of Absence: Councillors Etmekdjian and Pendleton.

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

ONE MINUTE SILENCE

The Mayor, Councillor Maggio asked the meeting to have a minute's silence in recognition of the passing of Pat Reilly, Mayor of Willoughby Council.

PRAYER

Reverend Michael Smith of St Philip's Anglican Church, Eastwood was present and offered prayer prior to the commencement of the meeting.

ITEM 1 (continued)**ATTACHMENT 1****LEAVE OF ABSENCE****1 REQUEST FOR LEAVE OF ABSENCE - Councillor Artin Etmekdjian****RESOLUTION:** (Moved by Councillors Pickering and Perram)

- (a) That Councillor Etmekdjian's Leave of Absence for the period from Friday, 7 February 2014 to Friday, 14 February 2014 inclusive be approved.
- (b) That Councillor Pendleton's Leave of Absence for Tuesday, 11 February 2014 be approved.

Record of Voting:For the Motion: Unanimous**DISCLOSURES OF INTEREST**

Councillor Petch disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 2 – Morrison Bay Park Playing Fields for the reason that he is a resident of the area.

Councillor Pickering disclosed a Significant Non-Pecuniary Interest in Item 6 – First State Lobbyist and Department of Planning and Infrastructure Meeting for the reason that the matter relates to a business competitor. He did not participate in voting on this matter.

Councillor Salvestro-Martin disclosed a Less than Significant Non-Pecuniary Interest in Item 6 – First State Lobbyist and Department of Planning and Infrastructure Meeting for the reason that the persons may be known to him. He did not participate in voting on this matter.

Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in Item 6 – First State Lobbyist and Department of Planning and Infrastructure Meeting for the reason that he is familiar with staff of the firm First State.

TABLING OF PETITIONS

No Petitions were tabled.

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

That any speakers who did not submit a Request to Address Council in accordance with the Code of Meeting Practice and wish to speak at tonight's Council meeting be allowed to address the meeting, the time being 7.40pm.

ITEM 1 (continued)
ATTACHMENT 1
Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:

Name	Topic
Max Pymble	Notice of Motion 2 - Morrison Bay Park Playing Fields
Lalitha Krishnan	Notice of Motion 2 - Morrison Bay Park Playing Fields
Gautam Jain	Notice of Motion 2 - Morrison Bay Park Playing Fields
Vincent DiBella	Notice of Motion 2 - Morrison Bay Park Playing Fields
Don Bailey	Notice of Motion 2 - Morrison Bay Park Playing Fields
Arthur Donnelly	Notice of Motion 2 - Morrison Bay Park Playing Fields
Ross Maiorana	Notice of Motion 2 - Morrison Bay Park Playing Fields
Lina Candy (on behalf of Putney Rangers FC)	Notice of Motion 2 - Morrison Bay Park Playing Fields
Ian Lewis (on behalf of Putney Rangers FC)	Notice of Motion 2 - Morrison Bay Park Playing Fields
Narelle Luke	Notice of Motion 2 - Morrison Bay Park Playing Fields
Margaret Zmuda	Notice of Motion 2 - Morrison Bay Park Playing Fields
Mick Wykrota	Notice of Motion 2 - Morrison Bay Park Playing Fields
Phil Morris (on behalf of Gladesville Ravens Sports Club)	Notice of Motion 2 - Morrison Bay Park Playing Fields
Duc Van	Notice of Motion 2 - Morrison Bay Park Playing Fields
Alan McKay	Notice of Motion 2 - Morrison Bay Park Playing Fields
Andrew Nikola	Notice of Motion 2 - Morrison Bay Park Playing Fields
Michael De Palo	Item 3(2) – 20 Amiens Street, Gladesville
Richard Sheldrake	Item 3(2) – 20 Amiens Street, Gladesville
Clive Furnass	Item 3(2) – 20 Amiens Street, Gladesville

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following person addressed the Council:

Name	Topic
Con Tsintarakis	Does Ryde City Council value and really respect heritage listed homes in its electorate

Note: Documentation from Con Tsintarakis was tabled and a copy is ON FILE.

ITEM 1 (continued)**ATTACHMENT 1****ORDER OF BUSINESS**

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

That Council now consider the following Items, the time being 8.51pm:

- Item 3 – Report of the Planning and Environment Committee Meeting 1/14 held on 4 February 2014.
- Notice of Motion 2 – Morrison Bay Park Playing Fields.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORT

3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 1/14 held on 4 February 2014

RESOLUTION: (Moved by Councillors Chung and Laxale)

That Council determine Items 2 and 3 of the Planning and Environment Committee report 1/14 held on 4 February 2014, noting that Items 1 and 4 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

2 20 AMIENS STREET, GLADESVILLE – LOT A DP 27326. Development Application for demolition and construction of a new part 2 / part 3 storey dwelling, pool, front fence and landscaping. LDA2013/0211

Note: Michael DePalo, Richard Sheldrake and Clive Furnass addressed the meeting in relation to this Item.

Note: Correspondence from Richard Sheldrake was tabled in relation to this matter and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Petch and Simon)

- (a) That LDA2013/0211 at 20 Amiens Street, Gladesville be deferred to allow further consultation and mediation with the applicant and objectors and a further report be prepared for referral to the Planning and Environment Committee as soon as practicable.
- (b) That the Rappoport Heritage Study be made available to objectors.

ITEM 1 (continued)**ATTACHMENT 1****Record of Voting:**

For the Motion: Unanimous

- 3 78-80 WINBOURNE STREET EAST, WEST RYDE. LOT 19 & 20 DP 28855. Multi dwelling housing: 6 units – 2 x two storey units at the front (1 x 3 and 1 x 4 bedroom) and 4 x single storey 3 bedroom units at the rear & strata subdivision – LDA2013/0222**

RESOLUTION: (Moved by Councillors Chung and Laxale)

- (a) That Local Development Application No. 2013/222 at 78-80 Winbourne Street East, West Ryde being LOT 19 and 20 DP 28855 be deferred to enable the applicant to submit amended plans including reducing the number of villas and also to address recommended reasons for refusal identified in the assessment report, namely:
1. The proposal does not comply with Council's DCP 2010 – Part 3.5 Multi Dwelling Housing (attached), in particular the controls regarding, Non-preferred location – Slope of site, Solar access, Landscaping – pervious area, Side and Rear setbacks, Visual and Acoustic Privacy, Streetscape – internal driveway width and garage dominance (unit 1) and internal setbacks.
 2. The proposal will have unacceptable impacts on adjoining properties in terms of visual privacy, and the proposed methods of addressing these impacts will cause unacceptable amenity impacts.
 3. The proposal as submitted is unsatisfactory in terms of solar access and overshadowing, in relation to impacts both on the courtyards of units 5 and 6 within the development, and also impacts on the adjoining development at No 76 Winbourne Street to the south. As a result, there will be poor levels of amenity to the occupants of both this development and the adjoining development.
 4. The proposal as submitted is unsatisfactory in terms of vehicle access and manoeuvring, particularly from the car spaces for units 3, 4 and 5.
 5. The proposal as submitted is unsatisfactory in terms of the design of the driveway, which causes adverse visual impacts associated with the extent of hard-paving near the front of the site.
 6. Objections received from adjoining owners.

ITEM 1 (continued)**ATTACHMENT 1**

- (b) That the amended plans be re-notified to all objectors and adjoining owners. If no further submissions are received, the application can be dealt with under delegation of the Group Manager - Environment and Planning. Alternatively, if submissions are received, a further report be referred to the Planning and Environment Committee as soon as practicable.

Record of Voting:

For the Motion: Unanimous

NOTICE OF MOTION**2 MORRISON BAY PARK PLAYING FIELDS - Councillor Ivan Petch**

Note: Councillor Petch disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a resident of the area.

Note: Max Pymble, Lalitha Krishnan, Gautam Jain, Vincent DiBella, Don Bailey, Arthur Donnelly, Ross Maiorana, Lina Candy (on behalf of Putney Rangers FC), Ian Lewis (on behalf of Putney Rangers FC), Narelle Luke, Margaret Zmuda, Mick Wykrota, and Phil Morris (on behalf of Gladesville Ravens Sports Club), Duc Van, Alan McKay and Andrew Nikola addressed the meeting in relation to this Item.

Note: Correspondence from Don and Janet Bailey was tabled in relation to this matter and a copy is ON FILE.

Note: Correspondence from Phil Morris (on behalf of Gladesville Ravens Sports Club) was tabled in relation to this matter and a copy is ON FILE.

MOTION: (Moved by Councillors Petch and Perram)

That Council suspend any program to illuminate Morrison Bay Park Playing Fields, and that Council seek the opinion of all residents in the vicinity of these fields to gauge their concerns relating to a modification to the Plan of Management to permit the installation of these lights, and that their concerns be part of a report back to Council.

On being put to the Meeting, the voting on the Motion was two (2) For and eight (8) Against. The Motion was LOST.

Record of Voting:

For the Motion: Councillors Petch and Perram

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

ITEM 1 (continued)**ATTACHMENT 1**

Note: Councillor Petch left the meeting at 9.57pm and did not return.

MAYORAL MINUTE**1/14 CLUB 6 MAX POTENTIAL LEADERSHIP PROGRAM - The Mayor, Councillor Roy Maggio**

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

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

- (a) That Council provide the opportunity for two City of Ryde Service Unit Mangers to become coaches in the 2014 Max Potential Program.
- (b) That Council endorse an additional allocation of funding of \$2,000 from the existing 2013 – 2014 staff training budget to fund the coach participation fee.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS**1 REQUEST FOR LEAVE OF ABSENCE – Councillor Artin Etmekdjian**

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

2 CONFIRMATION OF MINUTES - Council Meeting held on 10 December 2013

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

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

That the Minutes of the Council Meeting 25/13, held on 10 December 2013 be confirmed.

Record of Voting:

For the Motion: Unanimous

3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 1/14 held on 4 February 2014

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

ITEM 1 (continued)**ATTACHMENT 1****4 ADOPTION OF THE YAMBLE RESERVE PLAN OF MANAGEMENT AND AUTHORISATION OF LICENCE FOR SOCIAL ENTERPRISE CAFE**

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

RESOLUTION: (Moved by Councillors Simon and Pickering)

That Council adopt the revised Yamble Reserve Plan of Management.

Record of Voting:

For the Motion: Unanimous

5 REGIONAL WASTE PROJECT - Application for Consent under Section 358 of the Local Government Act 1993

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That Council apply to the Minister for Local Government for consent under section 358 of the *Local Government Act 1993* to enter into a participation agreement with each of the other member councils of NSROC who are participating in the regional waste project.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

6 FIRST STATE LOBBYIST AND DEPARTMENT OF PLANNING AND INFRASTRUCTURE MEETING

Note: Councillor Pickering disclosed a Significant Non-Pecuniary Interest in this Item for the reason that the matter relates to a business competitor. He left the meeting at 10.16pm and was not present for voting on this Item.

Note: Councillor Salvestro-Martin disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that the persons may be known to him. He left the meeting at 10.16pm and was not present for voting on this Item.

Note: Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is familiar with staff of the firm First State.

ITEM 1 (continued)**ATTACHMENT 1**

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

RESOLUTION: (Moved by Councillors Simon and Laxale)

- (a) That the information provided in the report be noted.
- (b) That the General Manager write to the NSW Premier and the Minister for Planning requesting that they provide a report into the issues highlighted in the Council report and an investigation into why the Department of Planning and Infrastructure arranged the meeting with Council staff on behalf of the lobbyist.

Record of Voting:

For the Motion: Unanimous

Note: Councillors Pickering and Salvestro-Martin returned to the meeting at 10.20pm.

7 LOCAL INFRASTRUCTURE BENCHMARK COSTS

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

RESOLUTION: (Moved by Councillors Pickering and Simon)

That Council endorse the submission of the Local Infrastructure Benchmark Cost Response to IPART Draft Report of February 2014 to IPART before the submission deadline of 28 February 2014.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin (abstained from voting)

8 CONTRACTUAL CONDITIONS OF SENIOR STAFF - Report to Council in Accordance With Section 339 of the Local Government Act 1993

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

RESOLUTION: (Moved by Councillors Pickering and Perram)

- (a) That Council note the details of this report relating to Council's Senior Staff positions, in accordance with the requirements of Section 339 of the Local Government Act 1993.

ITEM 1 (continued)**ATTACHMENT 1**

- (b) That Council endorse the addition of the position of General Counsel as a designated Senior Staff position.

Record of Voting:

For the Motion: Councillors Chung, Laxale, Li, Perram, Pickering, Salvestro-Martin and Simon

Against the Motion: The Mayor, Councillor Maggio and Councillor Yedelian OAM

9 COMMUNITY COUNCIL MEETINGS

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

RESOLUTION: (Moved by Councillors Chung and Laxale)

- (a) That Council endorse conducting three Community Council Meetings in 2014 (as set out in Option 3) of this report in each of the wards during the period from April to June 2014 (not necessarily on a Tuesday).
- (b) That Council allocate the amount of \$19,100 from working capital for the purpose of conducting three Community Council Meetings in 2014 and that the amount be consolidated into the next Quarterly Review.

Record of Voting:

For the Motion: Unanimous

10 POLICY FOR THE INTERFACE AND DAY TO DAY OVERSIGHT OF THE GENERAL MANAGER BY THE MAYOR INCLUDING MAYOR'S ROLES AND RESPONSIBILITIES

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

MOTION: (Moved by Councillors Perram and Simon)

That Council adopt the (ATTACHED) *Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor – including Mayor's Roles and Responsibilities*).

AMENDMENT: (Moved by Councillors Chung and Yedelian OAM)

That Council adopt the (ATTACHED) *Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor – including Mayor's Roles and Responsibilities*) with the following amendments:-

ITEM 1 (continued)**ATTACHMENT 1**

- (i) That Section 17 be amended to read as follows:-

The Mayoral chains and robes are generally only to be worn at official Council functions. Should the Mayor identify another event or occasion where it would be appropriate for the ceremonial clothing to be worn, that this be at the discretion of the Mayor.

- (ii) That Section 10 be amended to read as follows:-

It is acknowledged that the Mayor will meet with constituents relating to a range of matters and may request the presence of the General Manager. In some instances, the General Manager may delegate attendance to the relevant Group Manager or staff member.

- (iii) That Section 8 be amended to remove the requirement for the Mayor to put items by way of Mayoral Minute and instead provide “in accordance with Council’s adopted Code of Meeting Practice”.

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

Record of Voting:

For the Amendment: The Mayor, Councillor Maggio and Councillors Chung, Li, Pickering, Salvestro-Martin and Yedelian OAM

Against the Amendment: Councillors Laxale, Perram and Simon

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

That Council adopt the (ATTACHED) *Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor – including Mayor’s Roles and Responsibilities*) with the following amendments:-

- (i) That Section 17 be amended to read as follows:-

The Mayoral chains and robes are generally only to be worn at official Council functions. Should the Mayor identify another event or occasion where it would be appropriate for the ceremonial clothing to be worn, that this be at the discretion of the Mayor.

- (ii) That Section 10 be amended to read as follows:-

It is acknowledged that the Mayor will meet with constituents relating to a range of matters and may request the presence of the General Manager. In some instances, the General Manager may delegate attendance to the relevant Group Manager or staff member.

ITEM 1 (continued)**ATTACHMENT 1**

- (iii) That Section 8 be amended to remove the requirement for the Mayor to put items by way of Mayoral Minute and instead provide “in accordance with Council’s adopted Code of Meeting Practice”.

Record of Voting:

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

Against the Motion: Councillors Laxale, Perram and Simon

Note: Councillor Li left the meeting at 10.59pm and did not return.

Note: Councillor Perram left the meeting at 11.01pm and did not return.

EXTENSION OF TIME

Note: Councillors Li, Perram and Petch were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Laxale and Chung)

That the meeting time be extended to allow Council to complete all Items of business on the Agenda, the time being 11.03pm.

Record of Voting:

For the Motion: Unanimous

11 STATEMENT OF BUSINESS ETHICS

Note: Councillors Li, Perram and Petch were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Pickering)

- (a) That Council adopt the **ATTACHED** ‘Statement of Business Ethics’.
- (b) That Council’s Statement of Business Ethics be reviewed on an annual basis and that Councillors be encouraged to provide input as part of this process.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)**ATTACHMENT 1****12 INVESTMENT REPORT - November and December 2013**

Note: Councillors Li, Perram and Petch were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

- (a) That Council endorse the report of the Chief Financial Officer dated 13 January 2014 on Investment Report – November and December 2013.
- (b) That Council endorse the acceptance of the loan for \$1.2 million at 5.24% fixed for seven years for the Surf Attraction with the Commonwealth Bank of Australia.
- (c) That Council endorse the acceptance of the loan for \$1.5 million at +175 bps above the 180 day BBSW rate for 10 years for the Children's Play Implementation Plan with the Commonwealth Bank of Australia.

Record of Voting:

For the Motion: Unanimous

13 SOCIAL MEDIA FOR THE PUBLIC SECTOR CONFERENCE - Melbourne - 21 to 22 May 2014

Note: Councillors Li, Perram and Petch were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That Council endorse the attendance of Councillors Laxale, Pickering, Simon and Yedelian OAM to the Social Media for the Public Sector Conference held in Melbourne on 21 and 22 May 2014.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)**ATTACHMENT 1****PRECIS OF CORRESPONDENCE FOR CONSIDERATION****1 NORTH RYDE STATION PRECINCT DEVELOPMENT CONTROL PLAN 2013**

Note: Councillors Li, Perram and Petch were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

- (a) That the correspondence be received and noted.
- (b) That staff make enquiries with Department of Planning and Infrastructure as to the status of the Tennis World site to ensure it is not subject to development under the Urban Activation Precinct (UAP) process.

Record of Voting:

For the Motion: Unanimous

2 TOILET FACILITY AT SAGAR PLACE

Note: Councillors Li, Perram and Petch were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pickering and Chung)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

3 NSW TAXI TRANSPORT SUBSIDY SCHEME

Note: Councillors Li, Perram and Petch were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)**ATTACHMENT 1****NOTICE OF MOTION****1 COUNCIL PARKING INFRINGEMENT POLICIES AND IMPLEMENTATION -
Councillor Jeff Salvestro-Martin**

Note: Councillors Li, Perram and Petch were not present for consideration or voting on this Item.

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

The NSW Law Reform Commission (LRC) has made 72 recommendations to improve the operation of the state's penalty notice system and to help ensure that it doesn't further marginalise vulnerable people. The NSW LRC is particularly critical of Council Parking Infringement Policies and Implementation. That the General Manager report back as to how the recommendations could be considered in the review of Council's existing Parking Infringement Policies.

Record of Voting:

For the Motion: Unanimous

2 MORRISON BAY PARK PLAYING FIELDS – Councillor Ivan Petch

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

COUNCIL REPORTS - CONFIDENTIAL**ITEM 14 – PLANT HIRE TENDER RATES - 2014****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.

14 PLANT HIRE TENDER RATES - 2014

Note: Councillors Li, Perram and Petch were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Simon and Chung)

- (a) That the tenders for hiring of plant until 31 December 2014 from the following tenderers be accepted on an "as required " basis for the indicated category of plant:

ITEM 1 (continued)
ATTACHMENT 1

Tenderer	Category of Plant
▪ Acclaimed Excavations Pty Ltd	1, 2, 3, 4, 5
▪ Active Tipper Hire	2, 4, 5
▪ Allard's Plant Hire Pty Ltd	1, 2, 3, 4, 5
▪ Argyle Excavations Pty Ltd	2, 3, 4, 5
▪ Australian High Voltage	2, 3, 4, 5, 7, 8, 9
▪ Barron Transport Pty Ltd	4, 5
▪ Coates Hire Operations Pty Ltd	7, 9
▪ Conplant Pty Ltd	7
▪ Excel Plant Hire Pty Ltd	2, 3, 4, 5
▪ G & R D Chong Pty Ltd	6
▪ G P P Excavations & Demolition Contractors Pty Ltd	2, 4, 5
▪ Greers Hire Pty Ltd	3
▪ Hickeys Earthmoving Pty Ltd	2, 5
▪ ISS Stonemasonry Pty Ltd	4, 5
▪ Keegan Civil Pty Ltd	1, 5, 7
▪ Kennards Hire Pty Ltd	7, 9, 10
▪ R J & A Siemens	2
▪ Raygal Pty Ltd	1, 3, 4, 5
▪ Sherrin Hire Pty Ltd	8, 9
▪ Tutt Bryant Hire	7, 9
▪ Universal Mobile Tower Hire	8, 9

- (b) That the preferred contractors be advised that the work will be allocated to them on an "as required" basis, following consideration at the time of the following factors: type of work, price, availability, previous workmanship, relevant expertise, previous service provided to the residents and previous compliance to safety requirements.
- (c) That the following non-complying tenderers be advised of the Council's decision.
- Aqua Assets Pty Ltd
 - Supreme Earthmoving Pty Ltd

Record of Voting:

For the Motion: The Mayor, Councillor Maggio and Councillors Chung, Laxale, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Salvestro-Martin (abstained from voting)

ITEM 1 (continued)**ATTACHMENT 1****LATE ITEM - CONFIDENTIAL****ITEM 15 – RYDE CITY BOWLING CLUB – LEGAL MATTERS****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.

15 RYDE CITY BOWLING CLUB - LEGAL MATTERS

Note: Councillors Li, Perram and Petch were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Simon and Chung)

That Council endorse the actions and recommendations detailed in the report and delegates to the Acting General Manager the authority to resolve these matters.

Record of Voting:

For the Motion: The Mayor, Councillor Maggio and Councillors Chung, Laxale, Pickering, Simon and Yedelian OAM

Against the Motion: Councillor Salvestro-Martin (abstained from voting)

NATIONAL ANTHEM

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

The meeting closed at 11.25pm.

CONFIRMED THIS 25TH DAY OF FEBRUARY 2014

Chairperson

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 2/14 held on 18 February 2014

Report prepared by: Meeting Support Coordinator
File No.: CLM/14/1/4/2 - BP14/164

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 2/14 held on 18 February 2014. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

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

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

3 191 WATERLOO ROAD, MARSFIELD - LOT 1 DP574519, LOT 1 DP574518, LOT 1 DP575331. Development Application for Installation of Playing Field Lighting at Waterloo Park. LDA2013/0311.

Note: Councillor Laxale disclosed a Less than Significant Non-Pecuniary interest in this Item for the reason that he uses the park often and knows some people who live alongside the park.

Note: Jo-Anne Lee (objector also spoke on behalf of Scott Hughes), Melissa Blanks (objector), Rod West (objector), Elizabeth Lawrence (supporter on behalf of Macquarie Dragons Football Club) and Tatjana Domazet (on behalf of the applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Pickering and Laxale)

- (a) That LDA2013/0311 at 191 Waterloo Road, Marsfield being LOT 1 DP574519, LOT 1 DP574518 and LOT 1 DP575331 be approved subject to the **ATTACHED** (Attachment 1) conditions.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **25 FEBRUARY 2014** as Councillor **PERRAM** requested that the matter be referred to the next Council Meeting

ATTACHMENTS

- 1 Minutes - Planning and Environment Committee - 18 February 2014

ITEM 2 (continued)**ATTACHMENT 1****Planning and Environment Committee
MINUTES OF MEETING NO. 2/14****Meeting Date:** Tuesday 18 February 2014**Location:** Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde**Time:** 5.00pm**Councillors Present:** Councillors Etmekdjian (Chairperson), Chung, Laxale and Pickering.**Apologies:** Councillor Yedelian OAM.**Absent:** Councillor Salvestro-Martin.**Staff Present:** Group Manager – Environment and Planning, Service Unit Manager – Assessment, Acting Service Unit Manager – Environmental Health and Building, Team Leader – Assessment, Consultant Town Planner – Creative Planning Solutions, Business Support Coordinator – Environment and Planning, Section Manager – Governance and Meeting Support Coordinator.**DISCLOSURES OF INTEREST**

Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in Item 3 - 191 Waterloo Road, Marsfield – LDA2013/0311, for the reason that he uses the park often and knows some people who live alongside the park.

1 CONFIRMATION OF MINUTES - Meeting held on 4 February 2014**RESOLUTION:** (Moved by Councillors Pickering and Chung)

That the Minutes of the Planning and Environment Committee 1/14, held on Tuesday 4 February 2014, be confirmed.

Record of Voting:For the Motion: Unanimous

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

**2 135A TENNYSON ROAD, TENNYSON POINT - LOT 2 DP208447
Development application for demolition and construction of a new part 2 /
part 3 storey dwelling, and in-ground swimming pool. LDA2013/0297.**

Note: George Jabbour (applicant) and George Lloyd (applicant's planner) addressed the Committee in relation to this Item.

ITEM 2 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (a) That LDA2013/0297 at 135A Tennyson Road, Tennyson Point being LOT 2 DP208447 be approved subject to the **ATTACHED** (Attachment 1) conditions.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

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

3 191 WATERLOO ROAD, MARSFIELD - LOT 1 DP574519, LOT 1 DP574518, LOT 1 DP575331. Development Application for Installation of Playing Field Lighting at Waterloo Park. LDA2013/0311.

Note: Councillor Laxale disclosed a Less than Significant Non-Pecuniary interest in this Item for the reason that he uses the park often and knows some people who live alongside the park.

Note: Jo-Anne Lee (objector also spoke on behalf of Scott Hughes), Melissa Blanks (objector), Rod West (objector), Elizabeth Lawrence (supporter on behalf of Macquarie Dragons Football Club) and Tatjana Domazet (on behalf of the applicant) addressed the Committee in relation to this Item.

RECOMMENDATION: (Moved by Councillors Pickering and Laxale)

- (a) That LDA2013/0311 at 191 Waterloo Road, Marsfield being LOT 1 DP574519, LOT 1 DP574518 and LOT 1 DP575331 be approved subject to the **ATTACHED** (Attachment 1) conditions.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **25 FEBRUARY 2014** as Councillor **PERRAM** requested that the matter be referred to the next Council Meeting

The meeting closed at 6.05pm.

CONFIRMED THIS 4TH DAY OF MARCH 2014.

Chairperson

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 1/14 held on 18 February 2014

Report prepared by: Meeting Support Coordinator
File No.: CLM/14/1/4/2 - BP14/168

REPORT SUMMARY

Attached are the Minutes of the Works and Community Committee Meeting 1/14 held on 18 February 2014. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

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

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

3 PEDESTRIAN SAFETY - St Therese's Primary School, Denistone

Note: The Mayor, Councillor Maggio and Councillor Pendleton were not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Petch and Simon)

That Council completes its investigations with utilities and the Roads and Maritime Services with the view to installing pedestrian safety fencing along the western side of Terry Road near St Therese's Primary School at the intersection with Blaxland Road.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **25 FEBRUARY 2014** as Councillor **LAXALE** requested that the matter be referred to the next Council Meeting

ATTACHMENTS

- 1 Minutes - Works and Community Committee - 18 February 2014**

ITEM 3 (continued)**ATTACHMENT 1****Works and Community Committee
MINUTES OF MEETING NO. 1/14****Meeting Date:** Tuesday 18 February 2014**Location:** Committee Room 1, Level 5, Civic Centre, 1 Devlin Street, Ryde**Time:** 5.00pm**Councillors Present:** The Mayor, Councillor Maggio and Councillors Perram (Chairperson), Petch, Pendleton and Simon.

Note: Councillor Simon arrived at the meeting at 5.05pm and was present for consideration of Items 2, 3, 4 and 5 only.

Note: The Mayor, Councillor Maggio left at the meeting at 5.06pm and was present for consideration of Item 1 only.

Note: Councillor Pendleton arrived at the meeting at 5.20pm and was present for consideration of Items 4 and 5 only.

Apologies: Councillor Li.

Staff Present: Acting Group Manager – Community Life, Group Manager – Public Works, Service Unit Manager – Business Infrastructure, Service Unit Manager – Project Development, Section Manager – Asset Networks, Section Manager – Infrastructure Projects, Section Manager – Program Delivery, Section Manager – Waste, Section Manager – Traffic, Transport and Development and Executive Assistant to the Mayor and Councillors.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 3 December 2013

Note: Councillors Simon and Pendleton were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Petch and Perram)

That the Minutes of the Works and Community Committee 18/13, held on Tuesday 3 December 2013, be confirmed.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)**ATTACHMENT 1****2 PROJECT STATUS REPORT AS AT DECEMBER 2013 - PROJECT DEVELOPMENT UNIT**

Note: The Mayor, Councillor Maggio and Councillor Pendleton were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Petch and Simon)

That Council receive and note this report.

Record of Voting:

For the Motion: Unanimous

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

3 PEDESTRIAN SAFETY - St Therese's Primary School, Denistone

Note: The Mayor, Councillor Maggio and Councillor Pendleton were not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Petch and Simon)

That Council completes its investigations with utilities and the Roads and Maritime Services with the view to installing pedestrian safety fencing along the western side of Terry Road near St Therese's Primary School at the intersection with Blaxland Road.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **25 FEBRUARY 2014** as Councillor **LAXALE** requested that the matter be referred to the next Council Meeting

4 ANNUAL WASTE EDUCATION PROGRAM UPDATE

Note: The Mayor, Councillor Maggio was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Petch and Simon)

That Council receive and note the Annual Waste Education Report.

Record of Voting:

For the Motion: Unanimous

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

ITEM 3 (continued)**ATTACHMENT 1****5 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE TRAFFIC COMMITTEE held on 30 January 2014**

Note: The Mayor, Councillor Maggio was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Petch and Simon)

- (a) That Council install “No Stopping” signs along McCallum Avenue, East Ryde for 14.5 metres to cover the space in between the driveways of No. 4 Rene Street and No. 22 McCallum Avenue.
- (b) That Council relocate the existing “No Stopping” sign 5.5 metres to the east to include the length of the newly installed ramp for a total length of 20 metres from the intersection of Culloden Road and Agincourt Road, Marsfield.
- (c) That Council implement “No Parking” on the eastern side Porter Street from Well Street to Junction Street, Ryde.
- (d) That Council install “No Stopping” signs for 10 metres on the northern side of Maxim Lane, West Ryde, from the intersection of Gaza Road, and for approximately 12 metres along the southern side of Maxim Lane, from the intersection of Gaza Road, 2 metres further west of the driveway of 4 Gaza Road.
- (e) That Council install “No Stopping” signs along Whiteside Street, North Ryde starting from the driveway of number 65 Parklands Road heading north for 18 metres (inclusive of 10 metre “No Stopping” zone”).
- (f) That Council realign the double barrier centre lines one (1) metre to the south to allow for a three metre traffic lane in both directions around the bend near No. 9 Gordon Crescent, Denistone, including relocating the associated “No Stopping” signs to the southern kerb, subject to community consultation.

If following consultation there is opposition to the above treatment option:

That Council realign the double barrier centre lines one (1) metre to the north to allow for a three metre traffic lane in both directions around the bend near No. 9 Gordon Crescent, Denistone, including relocating the associated “No Stopping” signs to the northern kerb.

- (g) That Council install “No Stopping” signs along Gerard Lane, Gladesville for approximately four (4) metres south of 8 Gerard Lane.
- (h) That Council replace the existing “No Stopping wedding or funeral vehicles excepted” signs along the frontage of 7 Maxim Street, West Ryde with “No Stopping wedding, funeral vehicles and community buses excepted”.

ITEM 3 (continued)**ATTACHMENT 1**

- (i) Belmore Street, Ryde – Modifications to Parking Restrictions:
- (i) That Council provide “2P; 6:00pm-9:00pm; Mon-Sun” signs within the “Loading Zone”.
 - (ii) That Council convert the unrestricted space in front of Cedrus Lebanese Restaurant into a “2P; 8:30 am-9:00pm; Mon-Sun” on Belmore Street.
 - (iii) That Council add “2P; 6:00pm-9:00pm; Mon-Sun” in conjunction with the existing “4P, 8:30 am-6:00pm Mon-Fri” parking restriction in the car park across from the Cedrus Lebanese Restaurant.
- (j) That Council approve the relocation of the “Taxi Zone” sign and post, closest to the intersection of Pope Street and Smith Street, Ryde, four (4) metres east.
- (k) That Council approve the measures in the Traffic Parking Options Paper for Church Street, Ryde in light of its recent implementation (**ATTACHED**).
- (l) That Council write to the RMS and seek the updated 2013 Traffic Accident Data.

Record of Voting:

For the Motion: Unanimous

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

The meeting closed at 5.40pm.

CONFIRMED THIS 4TH DAY OF MARCH 2014.

Chairperson

4 PROPOSED LICENCE CONSULTATION RESULTS - Minimbah

Report prepared by: Service Unit Manager - Open Space
File No.: GRP/09/4/10 - BP14/2

REPORT SUMMARY

At its meeting on 27 August 2013, Council resolved to licence Minimbah to provide disability support services from 22 Salter Crescent, Denistone East (aka old Denistone East Bowling Club), subject to a statutory advertisement of the proposed licence and future Development Application process for the proposed works to the site by the tenant.

Following the community notification of the proposed licence, considerable community feedback has been received, both supporting and objecting to this proposed use.

Council has received 44 submissions, 6 in support and 38 in objection; all submissions are provided in **ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL**. A summary of all feedback received is included in the body of the report.

A majority of the submissions reference the existing traffic and pedestrian safety during school drop-off and pick-up times as an issue and raise concern that the proposed licence and use will adversely impact the situation.

The licensee has offered solutions and a willingness to manage and address traffic related issues. Notwithstanding these, the licensee has been made aware that it will be required to submit specific solutions and strategies to address these impacts through a formal Development Application process, where the proposed solutions will be assessed by Council's planners. Should Minimbah be unsuccessful in attaining development consent, the licence will not proceed.

In assessing the situation and proposing a course of action on licensing the property to Minimbah, Council officers have considered two key issues 1) the use of the property as proposed by Minimbah and whether this is in the public interest, 2) potential traffic, parking and pedestrian safety impact on the neighbouring residents and whether these concerns can be adequately addressed.

Taking into account the nature of the service, the resultant community benefit and the governance capability of the Licensee, and considering the availability of solutions to address community issues, on balance, this Report concludes that the proposed license of the facility is in the public interest and should proceed.

It is recommends that Council, endorse the proposed licence in the Public Interest and in accordance with the *Local Government Act (1993)*, refer this licence to the Minister for Local Government for consideration.

ITEM 4 (continued)**RECOMMENDATION:**

- (a) That Council note the objections and support letters received and provided in **ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL**, regarding the proposed Minimbah licence.
- (b) That Council refer the matter to the Minister for Local Government for consideration, as required under the Section 47 of the *Local Government Act (1993)*.
- (c) That Council recommend to the Minister that the licence of 22 Salter Crescent, Denistone East, be approved to Minimbah as it is in the public interest.

ATTACHMENTS

- 1** Community Submissions - proposed licence to Minimbah, 22 Salter Crescent, Denistone East - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 2** Newspaper Clip
- 3** Flyer on proposed new tenant at 22 Salter Crescent, Denistone East

Report Prepared By:

Tatjana Domazet
Service Unit Manager - Open Space

Report Approved By:

Baharak Sahebekhtiari
Acting Group Manager - Community Life

ITEM 4 (continued)**Background – Council Resolution**

At its meeting on 27 August 2013, Council resolved:

- (a) *That Council enter into a 10 year licence with Minimbah, subject to no adverse submissions being received by Council following the statutory advertising of the licence in accordance with Section 47 of the Local Government Act (1993).*
- (b) *That Council approve the licence with the following key terms:*
 - *Designated Use: Delivery of disability support and venue hire.*
 - *Licence Fee: \$18,261 p.a. (50% subsidy on Council's costs)*
 - *Licence Fee Transition: 1 year transition at 25% of licence fee (\$4,565)*
 - *Licence Hours: 7am and 10pm everyday.*
 - *Responsibilities: As per Community Buildings Licensing Policy.*
- (c) *That asbestos remediation work be funded from re-prioritisation of projects within the existing Community Buildings Renewal budget approved for Community Life Group in 2013-14.*

Background – Minimbah and EOI Process

Minimbah is a charity, established 30 years ago that receives funding from the NSW Government to provide support services and day programs for adults with intellectual disabilities. Minimbah currently operates from a site in Marsfield which is at capacity.

Minimbah was the successful tenderer of an Expression of Interest (EOI) process. Minimbah was recommended and subsequently endorsed by Council because:

- It met the selection criteria better than any other applicant.
- It is committed to invest the funding necessary to upgrade the building to meet their needs.
- By providing the building, Minimbah will be able to realise its five year plan of providing an additional 135 disability support places over two facilities over the next 10 years.

If the proposal proceeds, Council will licence Minimbah as per the Council resolution and request Minimbah submit their Development Application to upgrade the site. The upgrade will include internal refurbishment, garden improvements and a new car park to facilitate client drop-off and staff parking.

Public Consultation Process for the Proposed Licence

In accordance with Section 47 of the *Local Government Act (1993)*, Council met its statutory obligations by advertising in the local paper (**ATTACHMENT 2**), placing information on its website, and having signage on site. Council also notified all adjacent residents with a letter and information sheet.

ITEM 4 (continued)

In addition, Council officers and the CEO of Minimbah undertook a door knock in mid-November 2013 of all adjacent residents. Of the 33 properties visited, 23 were at home. At the time, 17 were supportive of the proposed licence with 6 undecided.

During the door-knock, two residents requested an information session be held on the site. In response, Council organised an information session for Tuesday, 26 November 2013 at 5.00pm.

A flyer was distributed to all surrounding residents. The Manager of Open Space, the Coordinator Community Projects (Community Buildings) and Minimbah representatives were on site to take questions. The information session was attended by 30 residents from across the suburb. Most in attendance were against the proposal.

Following the information session and at the request of residents, the public exhibition period was extended for another seven weeks and concluded on 24 January 2014.

In late December, Council also distributed a flyer (**ATTACHMENT 3**) with a wider radius and Minimbah held an Open Day in mid-January 2014.

A campaign against the proposal was created by some residents on Salter Crescent, with the aim of the campaign to return the site to its pre-1950s state (a sloping field). The campaign included the creation of a website (www.kingsparkfriends.com), at least two letterbox drops that Council was made aware of, and at least one community meeting that Council was not invited to. The managers of the campaign have provided pro-forma reasons against the licence that included a significant amount of information that was incorrect or misleading.

Public Consultation – Summary of Concerns Raised

All submissions have been compiled and attached under separate cover and a summary table is included below.

ITEM 4 (continued)

Proponent submissions: Brief summary of comments

Submission	Issue
1	<ul style="list-style-type: none"> • Site suits Minimbah proposal • Parking is not an issue • Safety of school children is not an issue
2	<ul style="list-style-type: none"> • Supporter of proposal
3	<ul style="list-style-type: none"> • Site suits Minimbah proposal • Parking, traffic and safety of school children is not an issue
4	<ul style="list-style-type: none"> • Traffic is not an issue
5	<ul style="list-style-type: none"> • Site suits Minimbah proposal
6	<ul style="list-style-type: none"> • Site suits Minimbah proposal

Opposed to proposal: Brief summary of comments

Submission	Issue
7	<ul style="list-style-type: none"> • Traffic
8	<ul style="list-style-type: none"> • Traffic • Children and pedestrian safety issues • Loss of recreational space / open space • Environmental degradation (car park conversion) • Parking
9	<ul style="list-style-type: none"> • Loss of recreational space / open space • Property values will decrease • Traffic • Pedestrian and school children safety issues
10	<ul style="list-style-type: none"> • Traffic • Parking • Noise pollution • Loss of community space / open space • Fence will not be aesthetic to the street • Potential operational issues with adults with disabilities
11	<ul style="list-style-type: none"> • Traffic • Loss of open space • School children safety
12	<ul style="list-style-type: none"> • Traffic • Lack of community consultation • School children safety • Part of site being available to wider community would raise safety concern for people with disabilities • Parking • Environmental concerns – increase in traffic fumes

ITEM 4 (continued)

Submission	Issue
	<ul style="list-style-type: none"> • Sun in drivers eyes is potential safety hazard • High risk of injury • Loss of aesthetics • Loss of open space • Long term financial viability and stability of organisation
13	<ul style="list-style-type: none"> • Traffic • Pedestrian and school children safety issues • Loss of community land / open space
14	<ul style="list-style-type: none"> • Traffic • Pedestrian and School children safety issues • Loss of community land • Minimbah residents are from the whole of Sydney (not local) • Minimbah operational hours – possible extensions and weekend programs
15	<ul style="list-style-type: none"> • Traffic • School children safety issues • Mentally challenged adults can be in various forms of undress
16	<ul style="list-style-type: none"> • Traffic • School children and pedestrian safety issues • Parking
17	<ul style="list-style-type: none"> • Loss of open space • Parking • Traffic
18	<ul style="list-style-type: none"> • Traffic • Pedestrian safety
19	<ul style="list-style-type: none"> • Traffic • School children and pedestrian safety issues • People movers driving in suns glare • Parking
20	<ul style="list-style-type: none"> • May prove to be undesirable in close proximity to the school, as kids are more prone to being impressionable
21	<ul style="list-style-type: none"> • Lack of community consultation • Traffic • School children and pedestrian safety issues • Loss of open space/community space • Parking
22	<ul style="list-style-type: none"> • Traffic • School children and pedestrian safety issues
23	<ul style="list-style-type: none"> • Potential danger to primary school children • Traffic
24	<ul style="list-style-type: none"> • Traffic

ITEM 4 (continued)

Submission	Issue
	<ul style="list-style-type: none"> • Pedestrian and children safety issues • Operational hours of Minimbah • Noise • Pests from food being on premises • Air pollution from proposed carpark • Privacy • Site not suitable for organisations • Lack of community consultation
25	<ul style="list-style-type: none"> • Loss of open space • Traffic • Loss of public facility
26	<ul style="list-style-type: none"> • Parking • Traffic
27	<ul style="list-style-type: none"> • Lack of community consultation • Parking • Traffic • Not a benefit for the entire community • Loss of open space • Pedestrian / School children safety issues • Property values will decrease • Negative visual / aesthetic impact on the street • Concerns for adjoining tennis business • Noises made and inappropriate behaviours by severely disabled clients and potential impact on young children • increased pollution from car fumes • Additional waste
28	<ul style="list-style-type: none"> • Loss of open space • Traffic • Pedestrian and school children safety issues • Negative visual / aesthetic impact on the street • Access issues – operational hours
29	<ul style="list-style-type: none"> • Loss of open space • Lack of community consultation
30	<ul style="list-style-type: none"> • Traffic • Pedestrian and school children safety issues • Negative visual / aesthetic impact on the street • Access issues – operational hours • Not suitable for a residential zone • Value of properties will decrease
31	<ul style="list-style-type: none"> • Loss of open space • Traffic • Negative visual / aesthetic impact on the street

ITEM 4 (continued)

Submission	Issue
32	<ul style="list-style-type: none"> • Traffic • Parking • Pedestrian safety • Loss of open space
33	<ul style="list-style-type: none"> • Parking • Traffic • Pedestrian safety
34	<ul style="list-style-type: none"> • Loss of open space / community facility
35	<ul style="list-style-type: none"> • Traffic • Loss of open space / community facility • Noise pollution • Pedestrian and school children safety issues
36	<ul style="list-style-type: none"> • Loss of open space / community facility
37	<ul style="list-style-type: none"> • Parking • Traffic • Loss of open space • Lack of community consultation • Pedestrian and school children safety issues • Residential area
38	<ul style="list-style-type: none"> • Traffic
39	<ul style="list-style-type: none"> • Lack of community consultation • Traffic • Parking • Noise pollution from users of Minimbah • Negative impact on property values
40	<ul style="list-style-type: none"> • Lack of community consultation • Loss of open space / community facility • Traffic • Parking
41	<ul style="list-style-type: none"> • Loss of open space
42	<ul style="list-style-type: none"> • Traffic • Pedestrian and school children safety issues • Lack of community consultation
43	<ul style="list-style-type: none"> • Lack of community consultation • Loss of open space / community facility
44	<ul style="list-style-type: none"> • Traffic • Transporting of clients • Client reactions • Lack of community consultation

ITEM 4 (continued)

Submissions opposing the proposed license, as summarised above and feedback provided to Council staff at the Information Session held on 26 November, primarily cite the following three key issues:

- Traffic impact and pedestrian safety concerns
- Risk posed to children by the Minimbah clients; and
- Loss of public recreation space.
- Council's failure to consult with the residents prior to running an Expression of Interest process

These issues are discussed below.

Traffic impact

Minimbah will be required to submit a Development Application prior to occupying the site. Traffic impact will be a key issue to be addressed through the Development Application process and will be subject to further public consultation.

Clients are brought to Minimbah in the morning and picked up each afternoon by their parents or carers. Most clients are picked up in groups of between two and four people.

The organisation has a demonstrated track record of ability to manage their service in residential neighbourhoods. Minimbah has operated in Marsfield in a residential location in a narrow cul-de-sac.

Minimbah has published their proposals to minimise any effect on traffic, in advance of the Development Application:

- The upper bowling green will be converted into a double-car driveway for pick-up and drop-off and a car park.
- The car park will be used for staff parking. It is anticipated that no street parking will be used by client families, staff or visitors.
- Clients arrive and depart at quite a wide range of times, and these will be scheduled to avoid peak times for Denistone East Primary School, avoiding increased traffic congestion. Minimbah and Denistone East Primary School will meet to discuss arrangements during the Development Application stage.
- Minimbah has also committed to having one staff member at the driveway exit to support pedestrian safety during pick-up and drop-off times.

Existing Traffic issues around school drop off and pick up times:

All submissions that cite traffic as an issue reference existing problems experienced during school peak times in the morning and afternoon. These issues have been referred to Council's Road and Community Safety Officer who will make contact with the school to discuss these concerns and offer solutions which have been tried at other schools.

ITEM 4 (continued)Risk to children

A key issue raised by the residents at the Information Session and cited in some of the written submissions is regarding the close proximity of the service to the local public school and the perceived risk posed to children – both within the surrounding streets and from Denistone East Public School. It should be noted that this is an issue of public perception. The clients of Minimbah do not pose any threat to any persons. Most clients do not have the physical and/or intellectual capacity to undertake basic tasks such as dressing and feeding.

Loss of public recreation space

Denistone East Bowling Club is located in an area that was identified by the Integrated Open Space Plan (IOSP) as having a high number of small open spaces, with similar setting types and limited recreation activity. As such, the IOSP recommended consolidation and rationalisation of open space in this area, due to the existing open space network not offering a broad range of recreation opportunities in the neighbourhood.

To provide detailed recommendations of the provision of open space to meet the City's growth, the Draft *Open Space Future Provision Plan 2031* has been prepared. This draft Plan (yet to be presented to Council) recommends the expansion of nearby open spaces to provide increase community recreational benefit. With reference to Kings Park, the Park is recognised for the linkage it creates through Denistone East and this linkage is important to ensure the community can access the existing open spaces. Due to the topography of the site and proximity of surrounding open space areas, embellishment of the site has not been recommended and owing to the limited recreational opportunities that would be created.

Council's failure to consult with the residents prior to running an Expression of Interest process

To ensure transparent and equitable access to its facilities, Council's established practice when filling a vacant property has been to call for Expressions of Interest (EOI) and this practice was formalised in July 2013 when Council adopted the Community Buildings Licensing Policy.

Council's approach to the property at 22 Salter Crescent has been consistent with the above practice.

A number of residents have also suggested alternate uses for the site such as police stations, additional space for the school or returning the site to its 1950 state of sloping green fields.

Responsibility for provision of school and policing facilities rests with the State Government and Council has not been approached by or received any proposal from the State Government to expand its facilities in this location.

ITEM 4 (continued)

In the context of the general shortage of community facilities to house services needed for City of Ryde community and Council's existing policy to support community services, through its community buildings, the use of Salter Crescent property to house a community service is warranted.

Public Interest

There are two key reasons why the proposed licence is in the public interest: community need and Minimbah's governance.

Community need

Minimbah was endorsed for the site because the organisation was deemed the most appropriate in terms of the Expression of Interest selection criteria. A key consideration was the community's need for the service. According to the 2011 Census, over 4,500 residents in City of Ryde need help in their day to day lives due to disability (profound or severe disability). However, there are only a handful of services in the City of Ryde to support these residents. By providing this facility to Minimbah, it will be able to realise its 5 year goal of being able to provide support to 145 clients over their existing and new sites, with capacity to grow.

Governance

Minimbah has the proven, demonstrated capacity to manage the site, with the site's current limitations.

Firstly, Minimbah has the capacity at a governance and financial level to renovate the community facility to meet its needs with little cost to Council. This means that the community will receive a fully fit-out, disability compliant building providing a new lease on life for the building and grounds.

Secondly, Minimbah manages a very similar site in Marsfield, which is also in a residential location in a narrow cul-de-sac. This includes drop-off/pick-up and traffic management, parking, and neighbourhood liaison.

Thirdly, Minimbah is a locally based, community service organisation with long standing reputation as a quality service within the community with a strong financial position and clear and achievable strategic and operational plans.

On balance, Council officers believe the proposed licence is of the greater public interest and that the issues raised have been or will be resolved as a part of the Development Application assessment process.

Information for Minister

According to the Section 47 of the *Local Government Act (1993)*, any licence on Community Land that is longer than 5 years and receives one or more objections, must be referred to the Minister containing the following information:

ITEM 4 (continued)

If the council applies for the Minister's consent, it must forward with its application:

- *a copy of the plan of management for the land*
- *details of all objections received and a statement setting out, for each objection, the council's decision and the reasons for its decision*
- *a statement setting out all the facts concerning the proposal to grant the lease, licence or other estate*
- *a copy of the newspaper notice of the proposal*
- *a statement setting out the terms, conditions, restrictions and covenants proposed to be included in the lease, licence or other estate*
- *if the application relates to a lease or licence for a period (including any period for which the lease or licence could be renewed by the exercise of an option) exceeding 21* years, a statement outlining the special circumstances that justify the period of the lease or licence exceeding 21* years*
- *a statement setting out the manner in which and the extent to which the public interest would, in the council's opinion, be affected by the granting of the proposed lease, licence or other estate, including the manner in which and the extent to which the needs of the area with respect to community land would, in the council's opinion, be adversely affected by the granting of the proposed lease, licence or other estate.*

Should Council endorse the recommendation of this report, the information provided in the body of the report will form the basis of the application to the Minister and to satisfy the above requirements.

ITEM 4 (continued)

ATTACHMENT 2

News Local - Northern District Times - 6 Nov 2013 - Page #13

Page 1 of 1

City news for Ryde, North Ryde, East Ryde, West Ryde, Chatswood West, Denistone, Denistone East, Denistone West, Eastwood, Gladesville, Macquarie Park, Marsfield, Meadowbank, Melrose Park, Putney and Tennyson Point.

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Due to an overwhelming response, Council's Building and Development Advisory Service team will be holding an additional information seminar for residents who are considering building a granny flat within the City of Ryde. This seminar will inform home owners about the requirements of the policies around building a granny flat, lodging a development application, and obtaining approval.

When: Wednesday 13 November
Time: 6.30 - 8.00pm
Where: 1 Pope Street, Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre)
Cost: Free
Bookings: Essential, call 9952 8222.

Let's Connect



Historic Mumpday

Where is this photo taken and in what year?
Jump onto our Facebook page and give us your best guess!

Facebook.com/CityofRyde

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• Promote community spirit.

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The artist studio program was initiated by Council in response to artist and community needs for space and to continue and build on the City of Ryde's vibrant cultural program. Opportunities to create artist studio space have successfully been negotiated with the tenants at Brush Farm House. The new studio program would run at no cost to Council.

Establishing Artist Studio Fees and Charges

The current 2013/14 fees and charges schedule includes approved fees for a number of spaces managed by Council. It does not include a fee for artist studios.

Council approved a new fee of \$35 per week for an artist studio to be added to the category of Community and Cultural Buildings Leasing and Licensing Fees and Charges, subject to public exhibition. This fee will contribute to the costs of upkeep for the buildings operating this service.

A fee of \$35 also meets industry standards. Depending on size, artist studio spaces within town centres such as Parramatta and City of Sydney are provided at between \$25 and \$100 a week on a six to 12-month agreement. A fee of \$35 per week is considered reasonable for the square metreage that will be allocated in comparison to other artist studios in Sydney.

In discussion with a number of local emerging artists, \$35 was considered affordable.

Public Consultation

All representations and comments are invited and must clearly state support or objection to the fee with reasons. Submissions marked 'Artist Studios' may be sent to:

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Council is proposing to grant licences to the following:

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The former Denistone East Bowling Club building and grounds in Kings Park, off 22 Selzer Crescent, Denistone East (comprising 4,627.19 sqm) to be granted to Melwinbachi Challenge Incorporated for activities associated with their disability support service for a term of ten (10) years.

In accordance with the Local Government Act, Council invites you to have your say on the proposed granting of these Licences.

Submissions quoting the relevant reference number can be lodged as follows:

• Email: cityofryde@nsw.gov.au
• Post: General Manager, City of Ryde, Locked Bag 2069, North Ryde NSW 1670
Closing date for submissions is 4.30pm on Monday 9 December 2013.

Upcoming Council Meeting

NOV 12 Council Meeting
7.30pm Council Chambers, 6th Floor, Ryde Civic Centre, 1 Devlin Street, Ryde

NOV 19 Planning and Environment Committee and Works and Community Committee
5.00pm Meeting rooms, 5th floor Ryde Civic Centre, 1 Devlin Street, Ryde

For further information please call 9952 8222.

Development Applications Received

Council has received the following Local Development Applications:

Property: 1156 Victoria Road, West Ryde
Local Development Application No: 2013/0405
Applicant: Skotland Sheds Pty Ltd
Additional storage and maintenance facility at Ryde Panarama Golf Club.

Property: 197-273 Herring Road, Macquarie Park
Local Development Application No: 2013/0410
Applicant: AMP Capital Investors
Impervious alterations at Macquarie Shopping Centre to reconfigure street and create new retail footpath.

Property: 46 Finster Street, West Ryde
Local Development Application No: 2013/0393
Applicant: Dr Jeremy Quill
Demolition of existing dwelling and construction of a 3-storey residential flat building containing 6 apartments and basement parking for 8 vehicles.

Submissions: Regarding the above applications (which are lodged no later than 20 November 2013):
Property: 61 Woolsheugh Street East, West Ryde
Local Development Application No: 2013/0397
Applicant: Just Property & Planning
Demolition, multi-leveling, housing development (containing 3 units) - 1 x 2-storey 3-bedroom unit at the front and 2 x 1-storey 3-bedroom units at the rear.

Submissions: Regarding the above application (which is lodged no later than 27 November 2013):
The above applications are not 'designated development' under the terms of the Environmental Planning & Assessment Act, and the City of Ryde is the authority responsible for the determination of the applications.
Anyone may make submissions (concerning these applications). Submissions are required to be in writing. They should be addressed to the General Manager and sent by post, email or fax or delivered in person, to the City Centre or the Ryde Planning and Business Centre (all details below). Should the submission be by way of objection to the proposal, the submission should specify the grounds of objection.
The City of Ryde has resolved that all submissions received in relation to rezoning and development applications will be publicly accessible on request.

The supply of personal information is voluntary. However if you choose to make an anonymous submission it may be given less weight (or no weight) in the overall consideration of the application. All of the above applications and accompanying information may be inspected electronically at the Ryde Planning and Business Centre, 1 Pope Street, Ryde (within Top Ryde City shopping centre) between 9.00am and 5.00pm Monday to Friday during the period in which submissions may be made. (Please note on the second Thursday of each month the hours are 10.00am to 5.00pm.) To make an appointment go to www.ryde.nsw.gov.au/planningandbusiness or call 9952 8222.

Roy Newsome
A/General Manager
Ryde Civic Centre, 1 Devlin Street, Ryde NSW 2112
Locked Bag 2069, North Ryde NSW 1670
Customer Service 9952 8222
TTY 9952 8470
Email: cityofryde@ryde.nsw.gov.au
www.ryde.nsw.gov.au

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NORTHERN DISTRICT TIMES, Wednesday, November 6, 2013 13

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LICENSING AND PROTECTION BY APPLICABLE LAWS

ITEM 4 (continued)

ATTACHMENT 3



Clients from the Marsfield site

Minimbah Open Day

The General Manager of Minimbah, Joy Barrett, has arranged an open day at their Marsfield site and would like to invite any interested community members to visit, meet with some of the clients, and get a better understanding of what the facility would be like in the local area.

Date: Thursday, 16 January 2014
Time: 10am - 2pm
Contact: Joy Barrett, General Manager - 9887 2299
Location: 10 Vincentia Street, Marsfield

What are the next steps?

Exhibition period 30 Nov - 24 January

Currently the proposal is on an extended exhibition until 24 January 2014 and all community members are welcome to make a submission during this time.

If you wish to make a submission, please contact Council:

Email

cityofryde@ryde.nsw.gov.au
Subject: 22 Salter Crescent, Denistone East

Post

ATTN: Chris Hellmundt, Coordinator Community Projects (Community Buildings)
City of Ryde
Civic Centre, 1 Devlin Street, Ryde 2112 NSW
Refer to the following address in the letter:
22 Salter Crescent, Denistone East


Opportunity for further community feedback

After the exhibition period closes, Council staff will review the submissions and make a recommendation to Council for their consideration.

If the proposal proceeds, then Minimbah will be required to submit a Development Application which will further address concerns such as traffic and amenity.

As a community member, you will be able to make further comments on the proposal during this time for Council consideration.

For more information contact

Chris Hellmundt 
Coordinator Community Projects
9952 8302 or visit www.ryde.nsw.gov.au
(Under Council/Have your Say/Licence of Part of Kings Park, Denistone East)

 City of Ryde
Lifestyle and opportunity
@ your doorstep

Council's proposal for a new tenant to the site at 22 Salter Crescent



ITEM 4 (continued)

ATTACHMENT 3

As you may be aware, the Denistone East Bowling Club closed in November 2012.

Since that time City of Ryde has been working diligently through a lengthy, but necessary process to find a suitable tenant for the space.

Following Council's community meeting held earlier this month and some additional correspondence that has been independently issued to community members, Council would like to provide you with further information and clarification on this proposal.

What has been the process to date?

Nov 2012	Denistone East Bowling Club closed
Dec 2012	Council called for expressions of interest for the site
Mar/Apr 2013	Panel assessed the proposals against the assessment criteria
Aug 2013	Minimbah Challenge Inc. unanimously endorsed as the preferred tenant by Council
Nov 2013	Council staff door knocked the local residents to advise of the proposal
Nov 2013	Council staff held a community consultation to answer any questions from the community
Nov 2013	Council put the proposal on exhibition for an extended period (closing 24 January 2014)

Who is Minimbah?

A not for profit organisation opened by a group of parents in 1983 who recognised that there were few appropriate facilities for adults with high support needs. Minimbah provides Community Participation Services for adults with disabilities and special needs to participate in a wide range of community and centre based programs.

Why is Council proposing Minimbah for the site?

Minimbah Challenge Inc. was endorsed for the site because the organisation was deemed the most appropriate in terms of the selection criteria. Part of this contract will ensure minimal disruption to the current traffic status; they are an appropriate tenant for a residential location and they have the financial capacity for the upkeep of the facility, and meet a community need.

4.4% of residents in City of Ryde report needing help in their day to day lives due to disability.

Minimbah's core value is to "Build Person Centred Family Oriented Communities". Council supports these values and as such, believes that Minimbah is not only the most appropriate applicant but also the most suitable to the local community given the shared values of Minimbah, Council and the wider community. Through this new site, Minimbah will be able to realise its 5 year goal of being able to provide support to 145 clients over their two sites. Council is proud to be able to support this vital community service.

How does Minimbah operate currently in the community?

Minimbah currently has a site operating within the community of Marsfield. Minimbah seeks to work with the community, as they have at their Marsfield site.

Management of Traffic

- Clients will be picked up and dropped off outside of the 45 minute peak school periods
- Staff parking will be provided within the site, so no additional on street parking will be required

- Pick up and drop off facilities will also be located within the site, so this will not be occurring on the street
- Staff will man the driveway during the drop off and pick up periods to support pedestrian safety

Safety

The clients of Minimbah are clients with severe intellectual disabilities. The majority of clients do not have the physical or intellectual capacity to undertake basic tasks such as dressing and feeding and as such do not pose any harm to the community.

Approach to the community

As a local charity, Minimbah seeks to be a positive member of their local community. They provide an integral support to families of their clients. They provide not only a safe, engaging space for the young adults but also a level of support and reassurance to the families of their clients that their loved ones are taken care of in a meaningful and supportive way.

See back page for the next step in this proposal.



5 PROPOSED LICENCE CONSULTATION RESULTS - Children's House Montessori School

Report prepared by: Acting Service Unit Manager - Community and Culture
File No.: GRP/09/4/10 - BP14/1

REPORT SUMMARY

At its meeting held on 23 July 2013, Council resolved to re-licence the existing 14 community service organisations according to the newly adopted Community Buildings Licensing Policy. Three of these licences were subject to public consultation, as the community service was located on Community Land. Only one objection was received, against the licence for the Children's House Montessori School located at 109 Cressy Road, North Ryde (within Pryor Park). The objection has been considered below in the context of the service, community benefit and letters of support received for this licence. It is recommended that the licence is in the public interest and should proceed.

RECOMMENDATION:

- (a) That Council note the one objection (**ATTACHMENT 1 – UNDER SEPARATE COVER – CONFIDENTIAL**) and two support letters (**ATTACHMENTS 2 AND 3 – UNDER SEPARATE COVER – CONFIDENTIAL**) regarding the proposed Children's House Montessori School licence.
- (b) That Council resolve the licence to be in the public interest and to approve the Acting General Manager under delegation to licence Children's House Montessori School in accordance with Council's previous resolution on 23 July 2013, including the following key terms:
 - Location: 109 Cressy Road, North Ryde (within Pryor Park)
 - Category: 6 (fee to be negotiated)
 - Licence Fee: \$32,500 p.a. plus LGCI increase from 2015
 - Transition Period: N/A
 - Designated Use: Childcare centre and kindergarten
 - Licence Hours: 7am – 10pm, every day
 - Responsibilities: Standard (as per Community Buildings Licensing Policy Appendix A)
 - Length of the lease is five years.

ATTACHMENTS

- 1 Letter of Objection - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 2 Letter of Support 1 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 3 Letter of Support 2 - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL
- 4 Summary of Information on Service
- 5 Newspaper Clip
- 6 Pryor Park Plan of Management 1994

ITEM 5 (continued)

Report Prepared By:

Gunjan Tripathi**Acting Service Unit Manager - Community and Culture**

Report Approved By:

Baharak Sahebekhtiari**Acting Group Manager - Community Life**

ITEM 5 (continued)**Background – Council resolution**

At its meeting on 23 July 2013, Council resolved as follows:

That Council:

- (a) Endorse the Community Buildings Licensing Policy (ATTACHED).*
- (b) Approve the Acting General Manager under delegation to re-licence existing tenants to the key terms indicated in Schedule 1 (ATTACHED).*
- (c) Endorse the Local Government Cost Index as the annual increase mechanism for licences of organisations within Community Buildings.*
- (d) Approve the three standard licence agreements (ATTACHED).*
- (e) Include the additional amount of revenue for Licensing Fees in the Four Year Delivery Plan 2013-2017 including the One Year Operational Plan 2013/14.*

One licence to be renewed was for the Children's House Montessori School located at 109 Cressy Road, North Ryde (within Pryor Park). Since 1995, the school has provided pre-school and kindergarten services to 50 children. More information on the service is provided in **ATTACHMENT 4**.

Discussion

Three of the licences approved by Council on 23 July 2013 were subject to public consultation, as the community services were located on community land. The public consultation was undertaken according to standard procedures, including a newspaper advertisement (**ATTACHMENT 5**), information on Council's website and signage on site.

One objection (**ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL**) was received against the licence for the Children's House Montessori School. Two letters of support (**ATTACHMENTS 2 AND 3 – CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL**) were also received for this licence.

The objection raised two concerns:

1. That Pryor Park is public land and should not be provided to any private business.
2. In the past, trees have been cut down and rubbish is sometimes found in the park.

Concern 1 – Private Business

The Children's House Montessori School is not a private business. It is a not-for-profit community service organisation and is incorporated as such. The Pryor Park Plan of Management 1994 (**ATTACHMENT 6**) recognises that community service

ITEM 5 (continued)

facilities are located within Pryor Park. The Plan of Management seeks to maximise the utilisation of these facilities to support community needs (see page 27).

Concern 2 – Impact on Bushland

The school undertakes regular bushland regeneration and clean-up activities to support Council's management of the surrounding bushland and Council officers understand the school makes every effort to keep its service, and the surrounding bushland, free from rubbish. Council has no evidence that trees have been removed without its permission.

The proposed Licence is based on Council's standard licence which includes provision on the removal of rubbish for the site.

Consideration of Public Interest

The Children's House Montessori School has been a good tenant, providing a valuable community services for almost 20 years from 109 Cressy Road.

Preschool and kindergarten services are essential to children's development and growth, and children are mandated to attend by Government. According to the 2011 Census, there are 841 children aged between 0 and 4 years of age in North Ryde/East Ryde statistic divisions, up 6% from the previous Census. However, the area has only two not-for-profit preschools that accommodate 90 children in total.

Council supports three other not-for-profit preschools within its community buildings.

Planning and Community Land requirements

According to section 47 A and 47 (3) and (4) of the *Local Government Act (1993)*, due to the nature of this objection and the length of the proposed licence, the objection does not require to be referred to the Minister.

Options

Council could decide not to licence the Children's House Montessori School and go to an Expression of Interest process. This is not recommended because:

- The Community Building Licencing Policy was based on the assumption that all existing community service tenants would be renewed for a five year term.
- It is the opinion of Council staff, which is supported by the two letters of support received for this licence, that the public interest of providing a preschool in this location outweighs the one objection received.
- The objection was based on the premise that the school was a private business and that the school would have a negative impact on the surrounding bushland. Both of these concerns have been addressed above.

ITEM 5 (continued)

ATTACHMENT 4

Tenant Proforma

Children's House Montessori School	
Address	109 Cressy Road, North Ryde
Services Provided	Daily education and care for 50 children aged 3 to 6 years.
Community Benefit	Provision of preschool and kindergarten with an alternative approach based on individual child centered and creative learning program.
Number of Services	1
Postcodes of Clients	2111, 2113, 2112, 2118, 2110, 2114, 2122
Grants	Recurrent funding from the Department of Education and Communities
Fees	\$66 per day
Proposed Subsidy	Category 6 (negotiated fee)
Proposed Tenant Contribution to Council's Cost	\$32,500
Impact of Contributions Costs on Fees	Current licence fee are \$30,500. The slight increase will have no impact on the service.
Effects on Disadvantaged Clients	No impact
Staffing Levels	7 FTE
Number of Volunteers	70
Number & Cost of Volunteer Hours	700
Audited Financial Report	2012 - sighted
Agreement to Proposed Policy Framework	Yes - agreed in writing
Issues Resolved as Part of Consultation	Maintenance responsibilities split has been clarified.



ITEM 5 (continued)

ATTACHMENT 5

News Local - Northern District Times - 6 Nov 2013 - Page #13

Page 1 of 1

City news for Ryde, North Ryde, East Ryde, West Ryde, Chatswood West, Denistone, Denistone East, Denistone West, Eastwood, Gladesville, Macquarie Park, Marsfield, Meadowbank, Melrose Park, Putney and Tennyson Point.

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Upcoming Council Meeting



Council Meeting
7.30pm. Council Chambers, 6th Floor, Ryde Civic Centre, 1 Devlin Street, Ryde.



Planning and Environment Committee and Works and Community Committee
5.00pm Meeting rooms, 5th floor, Ryde Civic Centre, 1 Devlin Street, Ryde.

For further information please call 9952 8222.

Development Applications Received

Council has received the following Local Development Applications:

Property: 1156 Victoria Road, West Ryde

Local Development Application No: 2013/0405

Applicant: Siskind Sheds Pty Ltd

Additional storage and maintenance facilities at Ryde Panmatta Golf Club.

Property: 197-223 Haring Road, Macquarie Park

Local Development Application No: 2013/0410

Applicant: ASAP Capital Investments

Internal alterations at Macquarie Shopping Centre to reconfigure road and create new retail frontage.

Property: 46 Forster Street, West Ryde

Local Development Application No: 2013/0397

Applicant: Dr Jeremy Clark

Demolition of existing dwelling and construction of a 3-storey, residential flat building containing 6 apartments and basement parking for 8 vehicles.

Submissions: Regarding the above applications, residents are invited to lodge a submission by 20 November 2013.

Property: 61 Windsor Street East, West Ryde

Local Development Application No: 2013/0307

Applicant: Just Property & Planning

Demolition, multi-dwelling housing development (comprising 3 units - 1 x 2-storey 3-bedroom unit at the front and 2 x 1-storey 2-bedroom units at the rear).

Submissions: Regarding the above application must be lodged no later than 27 November 2013.

The above applications are not 'designated development' under the terms of the Environmental Planning & Assessment Act, and the City of Ryde is the authority responsible for the determination of the applications.

Anyone may make submissions concerning these applications. Submissions are required to be in writing. They should be addressed to the General Manager and sent by post, email or fax or delivered in person to the Civic Centre or the Ryde Planning and Business Centre (all details below). Should the submission be by way of objection to the proposal, the submission should specify the grounds of objection.

The City of Ryde has resolved that all submissions received in relation to rezoning and development applications will be publicly accessible on request.

The quality of general information is voluntary. However if you choose to make an anonymous submission it may be given less weight (or no weight) in the overall consideration of the application.

All of the above applications and accompanying information may be inspected electronically at the Ryde Planning and Business Centre, 1 Pope Street, Ryde (within Top Ryde City shopping centre) between 10.00am and 5.00pm Monday to Friday during the period in which submissions may be made. (Please note on the second Thursday of each month the hours are 10.00am to 5.00pm.) To make an appointment go to www.ryde.nsw.gov.au/planningandbusiness or call 9952 8222.

Roy Newsome
A/General Manager

Ryde Civic Centre, 1 Devlin Street, Ryde NSW 2112
Locked Bag 2069, North Ryde NSW 1670

Customer Service 9952 8222
TTY 9952 8470

Email: cityofryde@ryde.nsw.gov.au
www.ryde.nsw.gov.au

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ITEM 5 (continued)

ATTACHMENT 6

PRYOR PARK

**PLAN OF MANAGEMENT
ADOPTED DECEMBER 1994**



**RYDE CITY COUNCIL
PARKS AND COMMUNITY SERVICES**

ITEM 5 (continued)

ATTACHMENT 6

**RYDE CITY COUNCIL
PLAN OF MANAGEMENT - PRYOR PARK**

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ITEM 5 (continued)

ATTACHMENT 6

PART A

INTRODUCTION

ITEM 5 (continued)**ATTACHMENT 6****1. THE REQUIREMENTS OF THE LOCAL GOVERNMENT ACT**

The NSW Local Government Act 1993 requires that Councils prepare Plans of Management for all land under their control which are classified as community land, excluding Crown Land, and allows that one or more parcels of land may be administered under one Plan of Management. The Act further requires that this process be completed by 1 July 1996.

In response to this, Ryde City Council has prepared a program which will meet the July 1996 deadline.

The program prepared has identified 26 Plans of Management encompassing the 182 parks required to be administered under a Plan of Management. The management plans will fall into three main types, these being:

Significant Park Plans of Management. These deal with individual parks containing issues of significant complexity or importance.

Generic Park Plans of Management. These deal with parks of similar use, regardless of location.

Geographic Plans of Management. These deal with parks associated with a particular geographic feature, or a particular geographic location.

This report refers to the Significant Park Plan of Management for Pryor Park

The purpose of the plan is to outline the key values, management issues, appropriate management policies, implementation program and performance measures for Pryor Park. The park will eventually be managed as a part of the Kitty's Creek Catchment and Wildlife Corridor.

This Plan of Management has been isolated from the Kitty's Creek study and produced separately as a significant area plan because of a recent application for the use and expansion of an existing scout hall which is on this park. It was considered appropriate that this park therefore be looked at in more detail to enable its value to the community and proposed use to be established.

ITEM 5 (continued)**ATTACHMENT 6****2. CORPORATE GOALS**

The Ryde City Council Corporate Plan (1993-2000) was formulated through a long process of discussion, review and refinement. The Corporate Plan was developed as Ryde City Council's response to the community's vision for the development of the City of Ryde. The following corporate goals extracted from the Corporate Plan, therefore indicate the current management philosophies that the Council is committed to for parks such as Pryor Park.

Lifestyle

- Opportunities for lifestyle diversity will be maximised so that all spheres of life (ie home, work, education, leisure, culture, nature, health and spiritual) are integrated and accessible to all citizens.
- Council will be a catalyst for improving access for all citizens to the services and facilities of the City of Ryde. A policy for improving physical access to all public facilities will be implemented by 1994.
- The Greening of Ryde will continue through Council and community programs for all public places (ie parks, roads, river fronts etc).
- As the City of Ryde increases in popularity as a destination for tourists, business travellers, education, conferences and exhibitions, the development of tourist and leisure facilities will be encouraged and supported.
- Ryde City Council will assist in ensuring that the City of Ryde is a safe environment for all citizens.

Conservation

- Continue the progressive restoration and regeneration of degraded bushland areas to conserve the City of Ryde's indigenous flora and fauna.
- Plant indigenous trees in appropriate locations to begin restoring the lost tree canopy and to add interest and diversity to the landscape.
- Strengthen and expand the network of wildlife corridors where opportunities arise during the upgrading of the trunk drainage system and the development of parks, river foreshores and other public lands.

Pollution

- Initiate programs with other relevant authorities to improve the quality of water entering the Parramatta and Lane Cove Rivers so that relevant environment and health standards can ultimately be satisfied.
- Promote recycling and improved methods of waste management.

ITEM 5 (continued)

ATTACHMENT 6

Environmental Education

- Provide educational material related to Council's role in environmental protection and conservation.
- Facilitate environmental education within schools and the community through task forces that produce educational resource material related to conservation of the natural environment.

ITEM 5 (continued)**ATTACHMENT 6****3. BACKGROUND**

Council Park No. 9

Park location: Cressy Road near the corner of Long Avenue, North Ryde which is in the East Ward of the City of Ryde.

Property details: Cressy Road, Lot 64, DP.26163. Area: 0.8398 Ha

Park description: The majority of the park is native bushland of variable quality which abuts a section of Kitty's Creek. The park links into Portius Park which has similar physical attributes. Pryor Park, a long narrow strip of 8398 m² vegetation forms a part of a bushland link from Wallumatta Wildlife Reserve, the most pristine piece of natural vegetation in the City of Ryde, to the Lane Cove River extending to several other parks including the Field of Mars Wildlife Refuge.

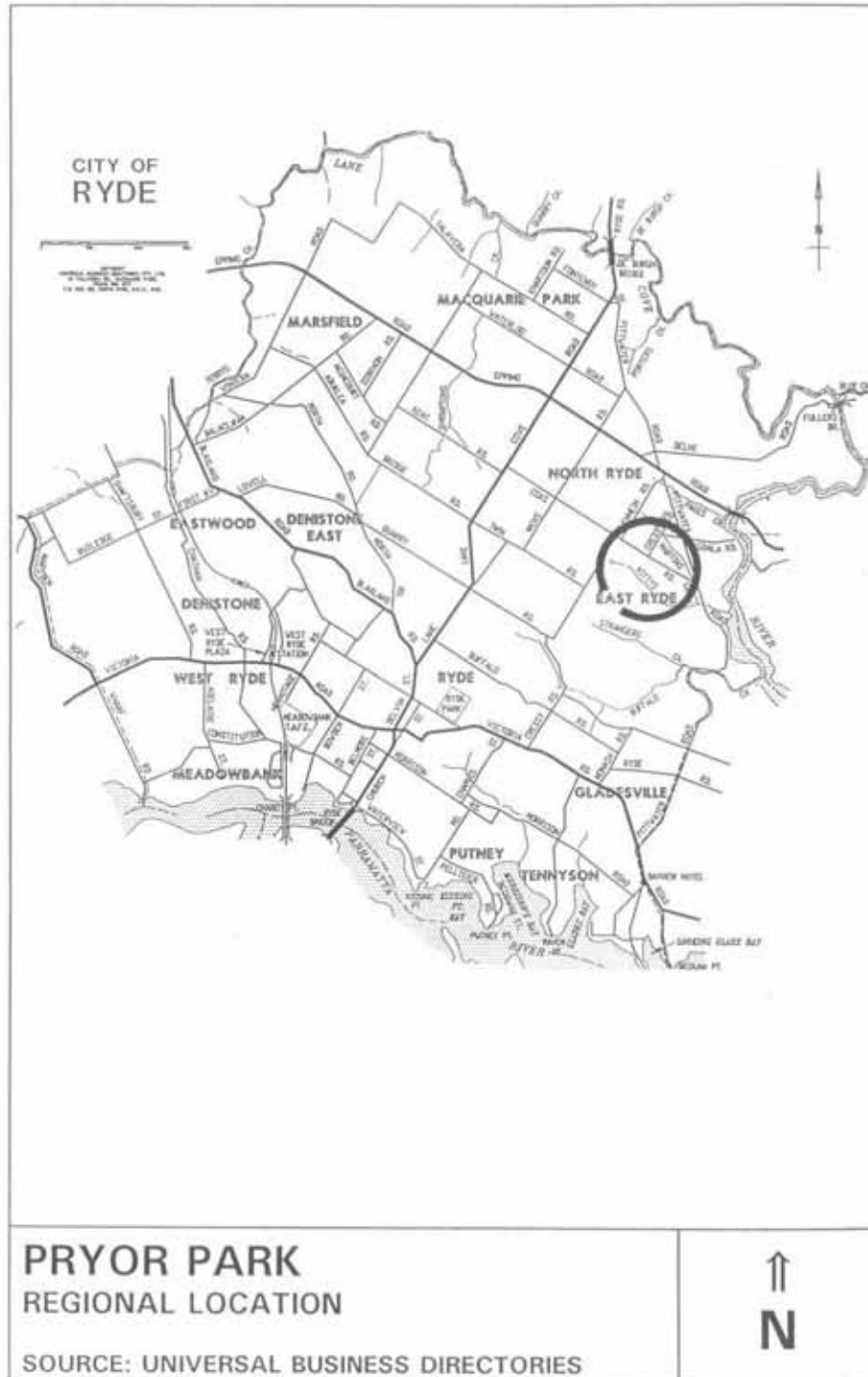
Current alienation: Part of lot 64 (known as lot 1 in lease DP 123531) is leased to the Boy Scouts Association for a period of 21 years commencing on 29 May 1990 and terminating on 28 May 2011 at an initial rent of \$100.00 p.a. subject to review every 5 years.

Land classification: Under the Local Government Act (1993), the park is classified as follows;

Classification	Community land
Category	Natural
Natural sub-categories	Bushland & Watercourse
Zoning	6a Open Space

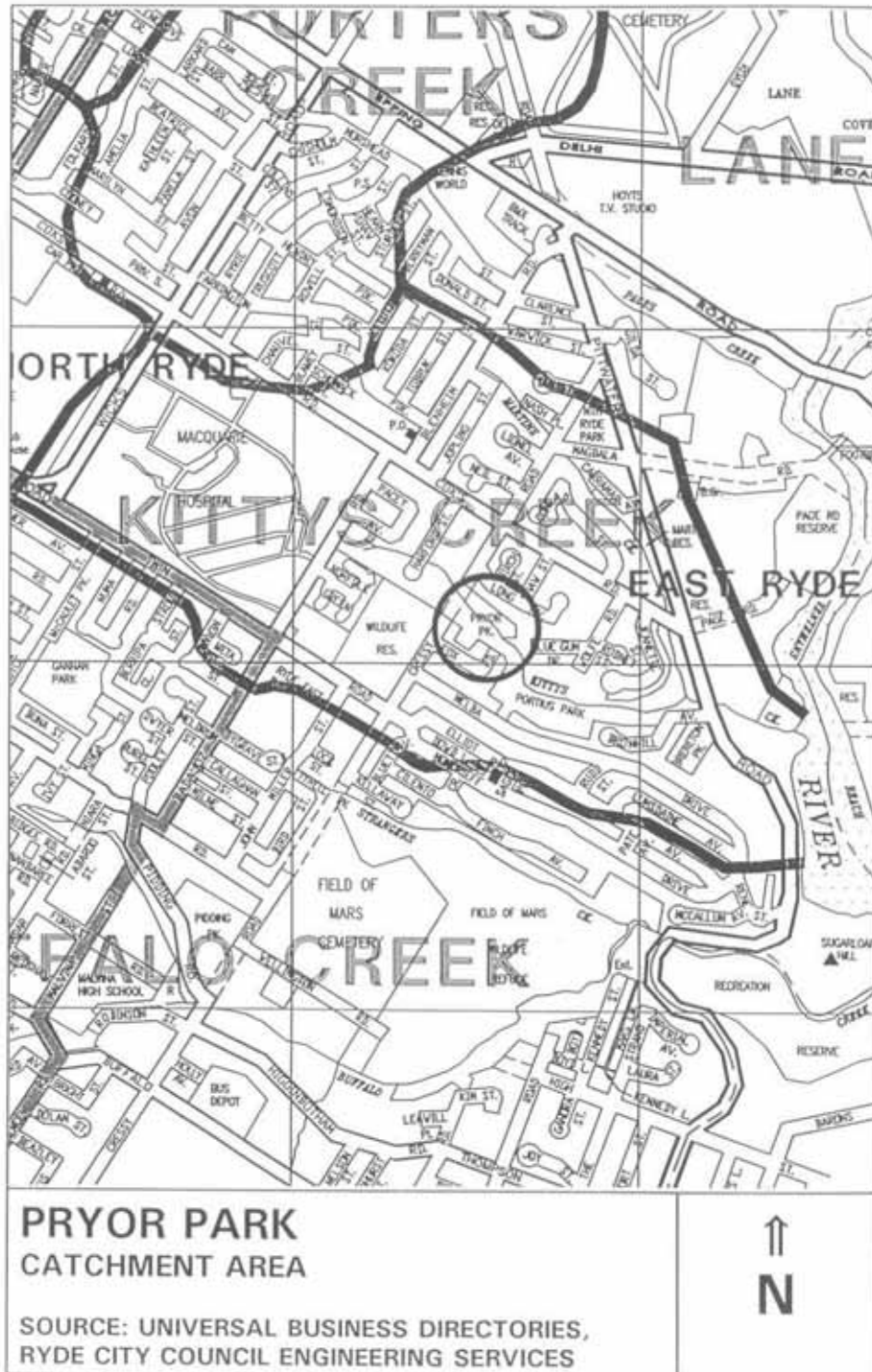
ITEM 5 (continued)

ATTACHMENT 6



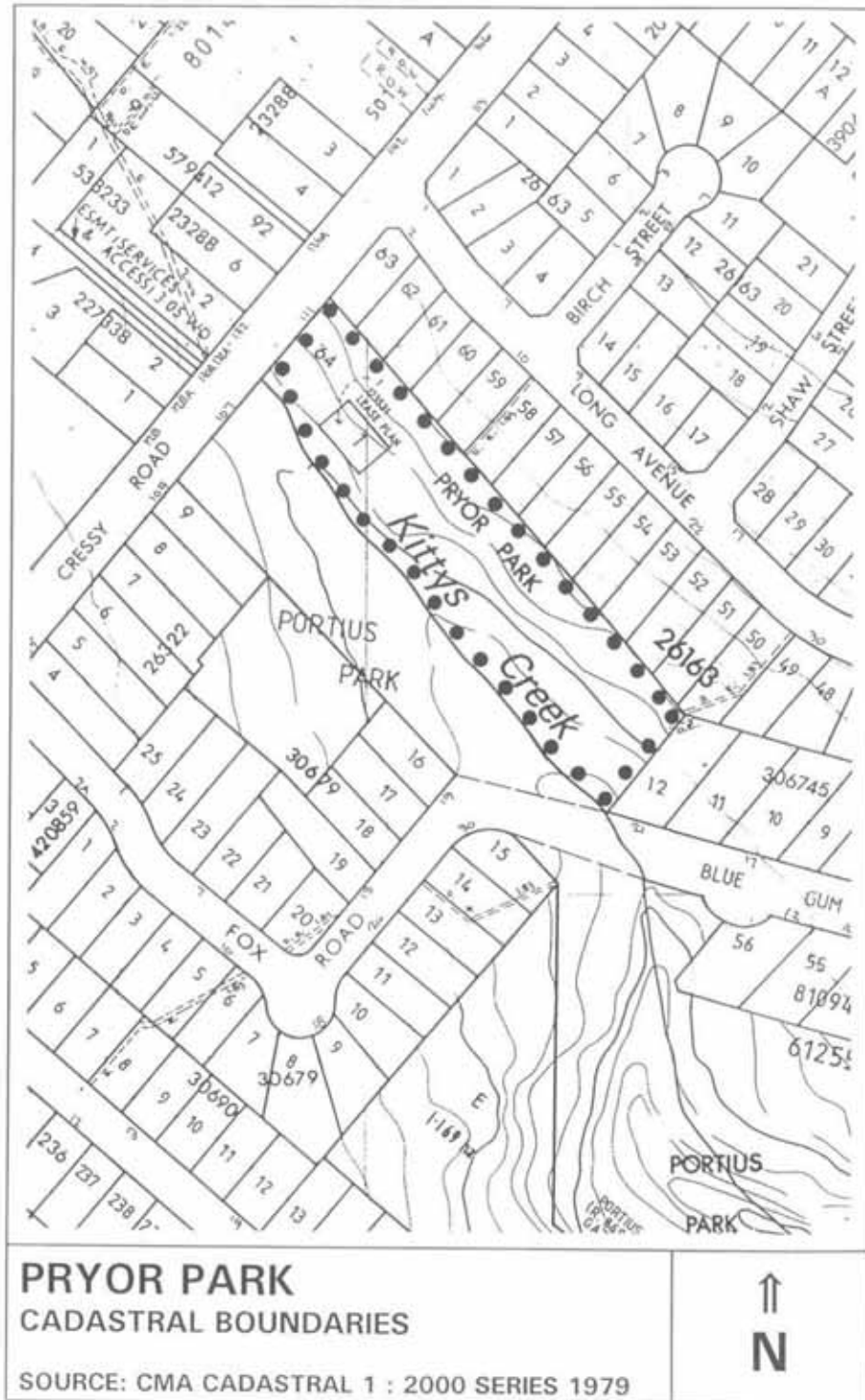
ITEM 5 (continued)

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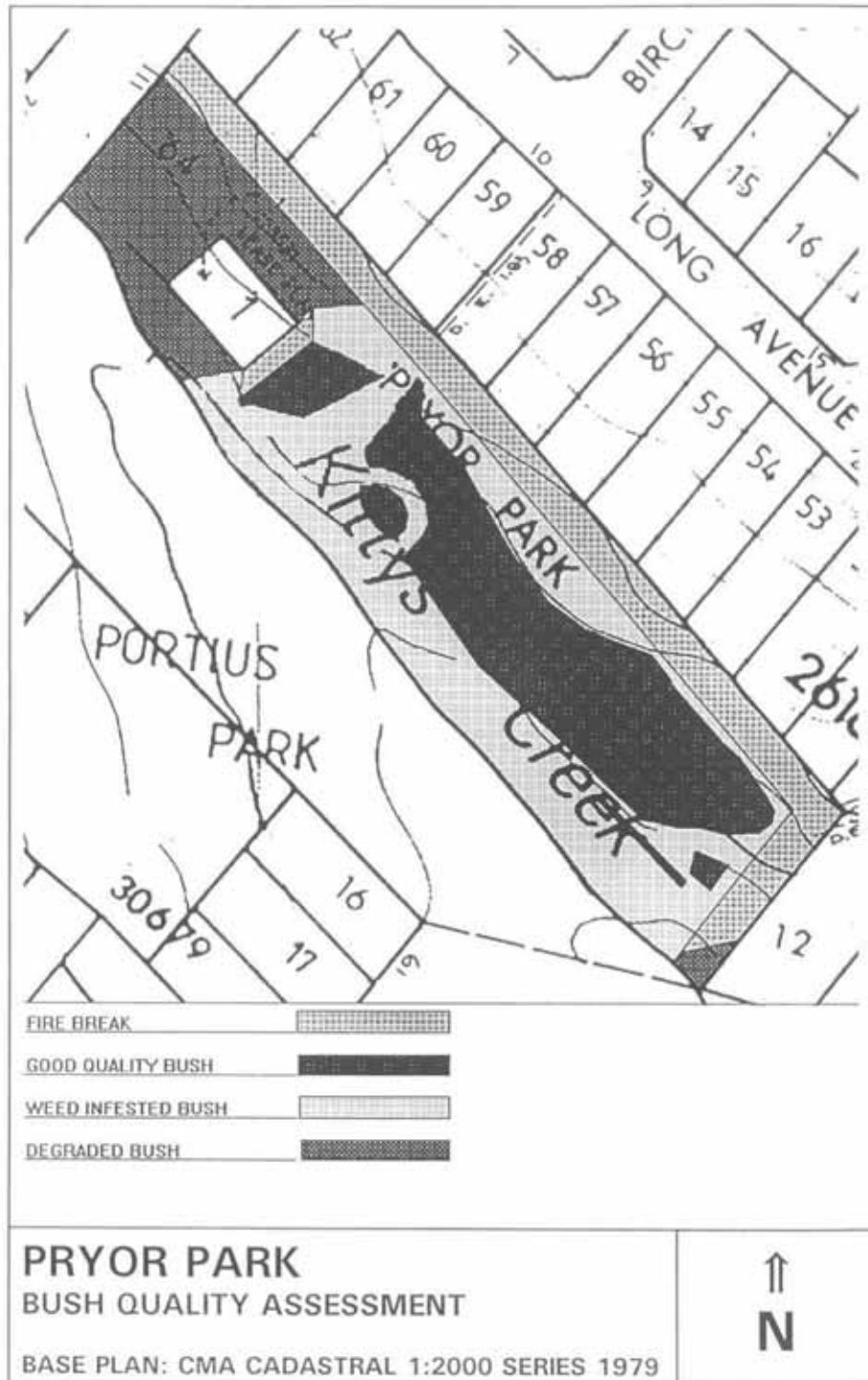
ITEM 5 (continued)

ATTACHMENT 6



ITEM 5 (continued)

ATTACHMENT 6



ITEM 5 (continued)

ATTACHMENT 6

4. HISTORY

Named after Mr A N Pryor - subdivider.

Transferred to Council free of charge under Section 340 of the Local Government Act 1919 by Mr A N Pryor.

Date of transfer, 5 April 1956.

Park name approved by Council on 9 May 1956.

Aboriginal history

The inhabitants of this part of the Lane Cove River Valley at the time of European settlement were the Wallumedegal tribe of Aborigines. Axe-grinding grooves made by Aborigines have been found in the bed of Kitty's Creek, a natural drainage line which runs adjacent to this park.¹

¹ The National Trust of Australia (NSW) (1982) *Ryde Municipality Bushland Survey*. Observatory Hill, Sydney.

ITEM 5 (continued)

ATTACHMENT 6

PART B

ISSUES

ITEM 5 (continued)

ATTACHMENT 6

5. MAJOR ISSUES

This section addresses the various management issues particular to Pryor Park. The purpose of raising these issues is to highlight both the values and problems inherent in the park so that recommendations on how to best manage them can be made in Part C of this document.

(a) Natural Plant Communities

Ryde is located between the Lane Cove and Parramatta Rivers in an area where the Hornsby Plateau slopes to the South-West. The rivers have eroded the Wianamatta Shale surface exposing Hawkesbury Sandstone in the valleys. This has influenced the vegetation structure at Pryor Park.

Pryor Park is one of the rare geological areas in Ryde where both Wianamatta Shale and Hawkesbury Sandstone are present, known as the Hammondville shale/sandstone association. This association at Pryor Park has provided a niche for the vulnerable Grey Gum (*Eucalyptus punctata*) and the Smooth-barked Apple (*Angophora costata*). The Wianamatta Shale has provided a niche for Turpentine/Ironbark Forest at Pryor Park. It is estimated that only 0.5% of this forest type remains in the Sydney region.

The structure of the tallest layer of vegetation throughout most of the park is woodland. The tallest trees in the woodland are 10m to 30m high, and the foliage shades 10%-30% of the ground. The dominant trees on the upper slopes are Sydney Peppermint (*Eucalyptus piperita*), and Sydney Red Gum (*Angophora costata*). Closer to the creek line the dominant tree is Turpentine (*Syncarpia glomulifera*), with an excellent stand of Red Mahogany (*Eucalyptus resinifera*), with sapling regrowth to the rear of the Scout Hall. Mature Sydney peppermint (*Eucalyptus piperita*), Turpentine (*Syncarpia glomulifera*) and Blackbutt (*Eucalyptus pilularis*) remain along the creek but are under stress, due to the high levels of nutrient run-off.

Ridges have formed natural shelving platforms between the houses to the north-east and the actual creek, causing fast dispersal of high nutrient run-off which is therefore unsuitable to invasive weeds, allowing for remnant pockets of diverse and locally uncommon plant species on these ledges. This includes plants such as Black She-Oak (*Allocasuarina littoralis*), Flannel flower (*Actinotus helianthi*) and Old Man Banksia (*Banksia serrata*).

Several species considered to be locally rare, vulnerable or threatened have been identified on site. These include:

<i>Acacia implexa</i>	Vulnerable locally
<i>Acacia linifolia</i>	Uncommon
<i>Eucalyptus punctata</i>	Uncommon locally
<i>Eucalyptus resinifera</i>	Uncommon locally
<i>Gahnia spp.</i>	Rare locally
<i>Lasiopetalum ferrugineum</i> var. <i>Ferrugineum</i>	Uncommon locally
<i>Pultenaea daphnoides</i>	Rare locally
<i>Xanthorrhoea arborea</i>	Vulnerable

ITEM 5 (continued)

ATTACHMENT 6

Due to the relative scarcity of the representative plant community present on site, the restoration and management of this resource is a key management issue.

There is a rich assemblage of growth forms in the understorey, e.g. vines, herbs, orchids, and grass trees.

The understorey is mainly shrubby with patches of *Pittosporum* (*Pittosporum undulatum*), Elderberry *Panax* (*Polyscias sambucifolia*), Common Hop Bush (*Dodonaea triquetra*), Flax-leaved Wattle (*Acacia linifolia*) and Prickly Moses (*Acacia ulicifolia*). Areas recently weeded are being recolonised by Creeping Christian (*Commelina cyanea*), White Root (*Pratia purpureoscent*) and the fern Common Maidenhair (*Adiantum aethiopicum*). In keeping with its intermediate character the bushland understorey includes some species from the higher rainfall forests, such as the ferns False Bracken Fern (*Calochlaena dubia*), Lacy Wedge Fern (*Lindasae microphylla*) and the shrub, Handsome Flat-Pea (*Platylobium formosum*). For a park of this nature and size this is very unusual. There are relatively few geological cappings of shale with a sandstone base in the Ryde district, Pryor Park being one of these areas.

Pryor Park also accommodates a riparian vegetation zone as it adjoins Kitty's Creek. The riparian vegetation includes emergent aquatic or semi-aquatic plants as well as over and understorey vegetation in the zone immediately adjacent to, or verging the creek. At Pryor Park these include plants such as Lily Pilly (*Acmenia smithii*) and Cheese tree (*Glochidion ferdinandi*).

The zone plays a significant role in habitat creation for aquatic and semi-aquatic fauna, food sources, nutrient control, water quality and erosion protection.

It will be important that this area be protected from deterioration in the preservation of the bushland quality.

The following native plant species have been recorded in reserves adjoining Kitty's Creek in the vicinity of and including Pryor Park.

Botanic Name	Common Name
<u>Trees</u>	
<i>Acacia floribunda</i>	White Sallow Wattle
<i>Acacia parramettensis</i>	Parramatta Green Wattle
<i>Acmenia smithii</i>	Lilly pilly
<i>Allocasuarina littoralis</i>	Black She-Oak
<i>Angophora bakeri</i>	Narrow-leaf Apple
<i>Angophora costata</i>	Sydney Red Gum
<i>Angophora floribunda</i>	Rough-barked Apple
<i>Banksia serrata</i>	Old Man Banksia
<i>Casuarina glauca</i>	Swamp Oak
<i>Ceratopetalum gummiferum</i>	Christmas Bush
<i>Elocarpus reticulatus</i>	Blueberry Ash
<i>Eucalyptus globoidea</i>	White Stringybark
<i>Eucalyptus gummifera</i>	Red Bloodwood
<i>Eucalyptus haemastoma</i>	Scribbly Gum
<i>Eucalyptus pilularis</i>	Blackbutt

ITEM 5 (continued)

ATTACHMENT 6

Eucalyptus piperita
Eucalyptus resinifera
Glochidion ferdinandi
Melaleuca linariifolia
Notalea longifolia
Pittosporum undulatum
Syncarpia glomulifera
Tristaniopsis sp.

Climbers

Billardiera scandens
Cassytha sp.
Hardenbergia violacea
Kennedia rubicunda
Smilax glyciphylla

Shrubs

Acacia linifolia
Acacia longifolia
Acacia longissima
Acacia suaveolens
Acacia terminalis
Acacia ulicifolia
Astrotricha longifolia
Banksia ericifolia
Banksia oblogifolia
Banksia spinulosa
Bursaria spinosa
Callicoma serratifolia
Callistemon sp.
Cassina sp.
Correa reflexa
Dillwynia retorta
Dodonaea triquetra
Epacris microphylla
Epacris pulchella
Gompholobium sp.
Grevillea buxifolia
Grevillea linearifolia
Grevillea sericea
Hakea dactyloides
Hakea sericea
Ozothamnus diosmifolium
Hibbertia fasciculata
Isopogon anemonifolius
Kunzea ambigua
Lambertia formosa
Lasiopetalum ferrugineum
Leptospermum attenuatum
Leucopogon ericoides
Lomatia silaifolia
Motoca elliptica
Notalea ovata
Olearia microphylla
Omalanthus populifolius

Sydney Peppermint
Red Mahogany
Cheese Tree
Snow-in-Summer
Native Olive
Sweet Pittosporum
Turpentine
Water Gum

Apple Berry, Dumplings
Dodder, Devil's Twine
Hardenbergia
Dusky Coral Pea
Native Sarsparilla

Flax-leaf Wattle
Sydney Golden Wattle

Sweet-scented Wattle
Sunshine Wattle
Prickly Moses
Long-leaf Star Hair
Heath Banksia
Fern-leaf Banksia
Hairpin Banksia
Blackthorn
Black Wattle
Bottle Brush
Cassina

Eggs & Bacon
Hop Bush
Coral Heath
Coral Heath
Golden Glory Pea
Grey Spider Flower
White Spider Flower
Pink Spider Flower
Broad-leaf Hakea
Needle Bush
Ball Everlasting
Guinea Flower
Drumsticks
Tick Bush
Mountain Devil
Rusty Petals
Tea Tree
Bearded Heath
Native Parsley
Tree Broom-heath
Native Olive
Bridal Daisy Bush
Bleeding Heart

ITEM 5 (continued)

ATTACHMENT 6

Persoonia levis
Phyllanthus hirtellus
Phyllota phyllicoides
Pimelea linifolia
Platylogium formosum
Polyscias sambucifolius
Pultenea elliptica
Solanum lanciniatum
Viminaria juncea
Woollsia pungens
Xanthorrhoea sp.
Ziera smithii

Herbs & Small Ground Covers

Acianthus sp.
Actinotus helianthi
Actinotus minor
Centella asiatica
Commelina cyanea
Cryptostylis erecta
Desmodium varians
Dianella caerulea
Dichondra repens
Drosera sp.
Gahnia sp.
Glycine microphylla
Gonocarpus teuroides
Ozothamnus scorpioides
Hibbertia fasciculata
Lobelia gracilis
Lomandra longifolia
Lomandra obliqua
Micranthemum ericoides
Patersonia sericea
Persecaria decipiens
Platysace lanceolata
Pratia purpurescens
Trachymene incisa
Typha orientalis
Viola hederacea
Wahlenbergia gracilis
Xanthosia pilosa

Grasses

Dichelacne sp.
Digitaria didactylon
Echinopogon caespitosus
Entolasia marginata
Entolasia stricta
Imperata cylindrica
Microlaena stipoides
Oplismenus imbecillis
Panicum simile
Sporobolus creber

Broad-leaf Geebung
Thyme Spurge

Rice Flower
Handsome Flat Pea
Elderberry Panax
Bush Pea
Kangaroo Apple
Native Broom
Snow Wreath
Grass Tree
Sandfly Ziera

Ground Orchid
Flannel Flower
Lesser Flannel Flower
Swamp Pennywort
Scurvy Weed
Striped Hood Orchid
Slender Tick-trefoil
Blue Flax Lily
Kidney Weed
Sundew
Saw Sedge

Germander Raspwort
Paper Daisy
Guinea Flower

Spiny-headed Mat-rush
Twisted Mat-rush

Silky Purple Flag
Slender Knotweed
Native Parsnip
White-root

Cumbungi, Bulrush
Native Violet
Australian Bluebells
Woolly Xanthosia

Plume Grass
Finger Grass
Hedgehog Grass

Wiry Panic
Blady Grass
Weeping Grass
Basket Grass
Two-colour Panic

ITEM 5 (continued)

ATTACHMENT 6

Sedges & Rushes

Caustis flexuosa
Cyperus brevifolius
Gahnia sp.
Juncus usitatus
Juncus sp.
Lepidosperma sp.
Lepyrodia scariosa
Schoenus ericetorum
Schoenus sp.

Curly Sedge
Mullumbimby Couch
Saw Sedge
Common Rush

Sword Sedge
Scale-rush
Heath Bog-rush
Bog-rush

Ferns

Adiantum aethiopicum
Cheilanthes tenuifolia
Culcita dubia
Cyathea australis
Cyathea cooperi
Doodia aspera
Gleichenia dicarpa
Hypolepis muelleri
Lindsaea linearis
Lindsaea microphylla
Pteridium esculentum
Sticherus sp.

Maidenhair Fern
Rock Fern
Soft Bracken Fern
Rough Tree Fern
Scaly Tree Fern
Rasp Fern
Pouched Coral Fern
Harsh Ground Fern
Screw Fern
Lacy Wedge Fern
Bracken Fern
Umbrella Fern

Comment: These natural plant communities are an important asset to the City of Ryde. Their protection and continued growth will be one of the major considerations of this plan.

(b) Exotic Plant Communities

The north-western end of the park facing Cressy Road back as far as the Scout Hall is all highly degraded land as large quantities of imported fill have been dumped here previously. This entire section does not meet the criteria for classification as Bushland under State Environmental Planning Policy No. 19, Bushland in Urban Areas. It is highly unlikely that native remnant vegetation would regenerate under current ecological circumstances. However, it is contiguous with reasonably good quality bushland and due regard must be given to this fact. Any works carried out here would have to be such as to not promote any negative impact on the higher quality bushland areas of the park.

In all other areas of woodland the understorey is dominated by *Pittosporum* (*Pittosporum undulatum*) and Camphor laurel seedlings (*Cinnamomum camphora*).

The following weed species have been recorded in reserves adjoining Kitty's Creek in the vicinity of and including Pryor Park.

Botanic Name	Common Name
<u>Trees</u>	
<i>Cinnamomum camphora</i>	Camphor Laurel
<i>Eriobotrya japonica</i>	Loquat
<i>Erythrina x sykesii</i>	Coral Tree

ITEM 5 (continued)

ATTACHMENT 6

Ligustrum lucidum
Morus alba
Salix babylonica
Salix caprea
Toxicodendron succedaneum

Climbers

Acetosa sagittata
Anredera cordifolia
Araujia hortorum
Cardiospermum grandiflorum
Hedera helix
Ipomoea indica
Lantana camara
Lonicera japonica
Monstera deliciosa
Passiflora edulis
Rubus fruticosus
Thunbergia alata

Shrubs

Cestrum parqui
Cotoneaster glaucophylla
Ligustrum sinense
Nerium oleander
Ochna serrulata
Senna pendula var glabrata
Solanum mauritianum
Ricinus communis

Herbs & Small Ground Covers

Agapanthus africanus
Ageratina adenophora
Ageratina riparia
Alocasia macrorrhiza
Bidens pilosa
Bryophyllum delagoense
Centaurium erythraea
Cirsium vulgare
Chlorophytum comosum
Colocasia indica
Conyza bonariensis
Coriopsis lanceolata
Cyperus eragrostis
Cyperus rotundus
Foeniculum vulgare
Gladiolus undulatus
Gnaphalium purpureum
Hedychium gardnerianum
Hypochoeris radicata
Impatiens wallerana
Juncus spp
Musa paradisiaca
Nephrolepis cordifolia
Nothoscordum inodorum

Large-leaf Privet
Mulberry
Weeping Willow
Goat Willow
Rhus

Turkey Rhubarb
Maderia Vine
Moth Vine
Balloon Vine
English Ivy
Morning Glory
Lantana
Honeysuckle
Monstera
Passionfruit
Blackberry
Black-eyed Susan

Green Cestrum
Cotoneaster
Small-leaf Privet
Oleander
Mickey Mouse Plant
Cassia
Wild Tobacco
Castor Oil Plant

Agapanthus
Crofton Weed
Mistflower
Cunjevoi Lily
Cobbler's Peg
Mother of Millions
Common Century
Spear Thistle
Spider Plant, Ribbon Plant
Black-stemmed Taro
Fleabone
Coriopsis

Nut Grass
Fennel
Gladioli
Cudweed
Flowering Ginger
Cats Ear
Busy Lizzie

Banana
Fishbone Fern
Onion Weed

ITEM 5 (continued)

ATTACHMENT 6

<i>Oxalis spp.</i>	Oxalis
<i>Parietaria judaica</i>	Pellitory, Asthma Weed
<i>Phytolacca octandra</i>	Ink Weed
<i>Plantago lanceolata</i>	Ribwort
<i>Plantago major</i>	Large Plantain
<i>Protasparagus aethiopicus var sprengeria</i>	Asparagus Fern
<i>Ranunculus repens</i>	Buttercup
<i>Rorippa nasturtium-aquaticum</i>	Watercress
<i>Rumex crispus</i>	Curled Dock
<i>Senecio madagascariensis</i>	Fireweed
<i>Sida rhombifolia</i>	Paddy's Lucerne
<i>Solanum nigrum</i>	Blackberry Nightshade
<i>Sanchus oleraceus</i>	Sow Thistle
<i>Tritonia crocata</i>	

Comment: These fast colonising, easily dispersed exotic weeds pose a real threat to the future survival of the bushland. Council does, however, have a limit to the resources that can be applied to control these weeds. In order to avoid the raising of extra revenue for this purpose, any higher quality restoration works than presently undertaken will need to be achieved via volunteer clean-up schemes or from funding sources external to Council.

(c) Habitat area for local native and feral wildlife

Native animals:

The preservation of the bushland is particularly important for those species of wildlife which are dependent upon the types of trees and shrubs which grow on these interface zones between the shale and sandstone soil types.

The variety of habitats serves as an important function for faunal species habitation.

Whilst the native mammal population in the area is very minor, it does include the grey-headed flying fox and smaller insectivorous bats. The site is heavily utilised by indigenous avian populations, insectivorous bats, indigenous reptile populations including black snakes and various lizard species, amphibian populations associated with the creek and numerous insectivorous and arachnid species.

Native mammals known to occur in Lane Cove Valley and possibly in associated 'corridors' such as Kitty's Creek are Stuart's marsupial mouse, long nosed bandicoot, short-nosed bandicoot, brush-tailed possum, pygmy possum, feather-tailed glider, sugar glider, ringtailed possum, grey headed flying fox, southern bush rat, eastern swamp rat, eastern water rat, New Holland mouse, spiny ant eater and fresh water eels.

Small pockets of urban bushland also provide important refuges for migratory bird species.

The following reptiles and amphibians have been sighted in Pryor Park:

<i>Lampropholis guichenoti</i>	Garden skink
<i>Tiliqua scinoides</i>	Eastern blue-tongue Lizard
<i>Amphibolurus muricatus</i>	Jacky Lizard

ITEM 5 (continued)

ATTACHMENT 6

Pseudechis porphyriacus
Chelodina longicollis
Crinia signifera

Red bellied Black Snake
Long necked Tortoise
Common Tree Frog

Comment: The continued survival of native animals will be dependent upon the preservation of the existing bushland and the broader corridor and bushland links.

Feral animals:

As with most remnant bushland areas there is evidence of feral animal activity in the park. Foxes, rabbits, cats, black and brown rats and common house mice are occasionally sighted in the park.

Comment: A policy for the control of feral animals needs to be developed in conjunction with the relevant authorities as there are currently no clear standards for effective control.

Pets:

Uncontrolled pets cause significant impact in bushland areas. Dogs are regularly exercised and run freely. Cats are also allowed to roam freely. Pets can have the following destructive impacts on bushland:

- killing native fauna
- changing the nutrient regime to favour weed growth
- negative aesthetics

It is usually assumed that cats are a serious threat to native fauna as they are known to kill individual birds, small animals and reptiles.

Although not the **most** important threat to the wildlife, (habitat destruction is) they do cause damage.

There are currently no restrictions on keeping cats, Ryde Council is still awaiting further confirmation of a legislation package to be documented by the State Government to introduce formal registration of ratepayers' felines.

Canines exhibit further problems. Under the Dog Act 1984 (as amended), owners are responsible for cleaning up after their dogs on the "footpath and other public places".

Apart from the unpleasant aesthetic experience that dog faeces is to other bushland users, the long term effect is to increase the phosphorus going into the soil. This contributes to changing the nutrient regime to favour weeds, which replace native plants.

Comment: An education program should be initiated concerning the impact of domestic pets on birds, mammals and reptiles.

ITEM 5 (continued)**ATTACHMENT 6****(d) Urban impact**

The remnant plant community present on site is severely fragmented due to uncontrolled stormwater run-off and previous dumping of larger quantities of imported fill around the Scout Hall. The dumping of fill has primarily occurred in the area between Cressy Road and the Scout Hall. This area has become degraded due to the significant subsoil change that has occurred and now cannot be considered as a remnant bushland area.

Several impacts associated with adjoining developments are affecting the bushland quality of the site:

- Housing development adjacent to Kitty's Creek has resulted in an uncontrolled overflow of silt into the creek.
- Increased nutrients and soil moisture from residential 'overflow' swimming pool pipes have and are causing a proliferation of highly invasive exotic weed species, a displacement of indigenous vegetation and of increased creek bank destabilisation.
- Unauthorised encroachment of private gardens by adjacent residents on to the Park has caused a reduction in remnant bushland area and increased nutrient flow into the park.
- Residential contribution to fire hazard. Unauthorised private encroachment onto the park has also resulted in the creation of a number of large, dead and dried piles of wood around the park which, along with garden refuse, serves as a significant contribution to fuel accumulation in Pryor Park.

Comment: These issues have an effect on the quality of the Pryor Park bushland and the safety of local residents. Resolution of the problems caused by private drainage, unauthorised encroachments and fuel loads need to be pursued.

(e) Fire Management

Fire management in a small urban bushland such as Pryor Park requires considerable care if both the private property protection and ecological management issues are not to be compromised. The following is a brief outline of the key issues identified for the site.

- Role of fire as a natural process
Fire in a Hornsby plateau woodland such as Pryor Park is a natural process required by many species as part of their regenerating processes. Conversely, other species are highly sensitive. Issues of frequency, intensity and extent are important in maintaining ecological values of small remnant areas.

ITEM 5 (continued)

ATTACHMENT 6

- Fire hazard to property

Small urban parks (below two hectares) on level to undulating topography rarely offer any real threat in terms of "wildfire". Whilst low intensity burns can be frequent (usually the result of arson), there is rarely sufficient fuel to develop a crown fire in the park. Low intensity fires are generally easily controlled, particularly when a fuel reduction zone is incorporated into parks and developed areas.

There is currently a firebreak around the northern and eastern boundaries of the site which adjoin residential properties. The existing fire break is adequate for fire management purposes at Pryor Park, provided it is kept clear of fuel.

Comment: A total fire management strategy needs to be developed which balances the requirement for protection of private property with ecological considerations.

(f) State Environmental Planning Policy (SEPP) 19 - Bushland in Urban Areas

All remnant bushland located on public open space and which satisfies the definition (of bushland) is subject to conditions outlined in the State Environmental Planning Policy No. 19 - Bushland in Urban Areas (NSW Environmental Planning & Assessment Act 1979).

The general aim of this policy is to protect and preserve bushland within urban areas because of -

- (i) its value to the community as part of the natural heritage;
- (ii) its aesthetic value; and
- (iii) its value as a recreational, educational and scientific resource.

Bushland is defined in the policy as follows:

"Bushland means land on which there is vegetation which is either a remainder of the natural vegetation of the land or, if altered, is still representative of the structure and floristics of the natural vegetation."

Comment: Parts of Pryor Park are considered to display attributes consistent with the SEPP19 definition of bushland. The portion of the park immediately to the North West of the existing Scout Hall, as indicated earlier comprises significant quantities of imported fill and as a consequence displays little or no bushland as defined by SEPP19. The activities proposed in the management plan affecting the remnant bushland portions will however need to be in keeping with the SEPP19 requirements.

(g) Access

There are no marked walking tracks through the bushland. There is a system of overgrown trails which are dangerous to use because of protruding Lantana canes. These trails could be developed into an attractive and useful walking track through the bushland from Bronhill Avenue to Cressy Road.

ITEM 5 (continued)**ATTACHMENT 6**

There is another track going from Bronhill Avenue to Kitty's Creek, then west along the creek and across to the other side. This track is still passable, but difficult to find. Stairs may be useful at this point to access the area of good bush in Portius Park, as well as stop erosion. The track could then go either north to Wolfe Road or west to the end of Blue Gum Drive. Currently Blue Gum Drive path is inaccessible and is compounding bank erosion.

Comment: A clearly defined, safe path system needs to be developed. Consideration could be given to the linking of this to other paths within Ryde such as the greater walking tracks plan.

(h) Recreation resource

The Pryor Park Scout Hall and walking tracks are both used by the local community. However the current recreation use is minimal as there is no clear walking trail route or seating facilities through the park. The adjoining Portius Park accommodates some local passive recreation use. The existing Scout Hall is underutilised and has the potential to accommodate a recreation or community use which both meets an established community need and has little or no environmental impact on the quality bushland areas of the park.

Comment: The community use of Pryor Park and facilities contained therein needs to be promoted and increased, in a manner which protects the high quality bushland areas.

(i) Education role

Macquarie University, Ryde Horticultural TAFE and local schools visit the area for ecological and remnant vegetation studies. The Kitty's Creek bushland corridor, of which Pryor Park is a part, provides an example of a biologically diverse area for the education of current and future generations.

Comment: Remnant bushland areas such as Pryor Park which are within larger bushland corridors are an important educational resource that warrant preservation.

(j) Leases and licences

One existing facility occurs on site:

- Pryor Park Scout Hall

A request has been received for approval to construct an extension to the existing scout hall to enable its utilisation as a pre-school. This request involves fencing of a portion of the park for use as an outdoor play area. An exclusive use lease for a yet to be determined term has been requested.

Comment: Leases/Licences over any portion of the park will only be approved subject to the principles outlined in the Management Policies section of this Plan.

ITEM 5 (continued)**ATTACHMENT 6****(k) Maintenance**

Ryde City Council currently co-ordinates the maintenance and regeneration of Pryor Park through its own work force. Two crews work within the park, with an average attendance of at least one crew for one day every two weeks.

Works undertaken involve removal of primary invasive weeds such as Lantana and Privet, replanting of indigenous species, plant identification, research and seed collection.

The fire break along the Fox Road side of the Park is maintained on an annual basis.

The annual current maintenance cost is approximately \$8000.

Comment: Any improvement to the maintenance aspects of Pryor Park will necessitate an increased funding allocation. The implication of such a decision is that the funding would either be obtained by reducing standards in other areas, or by obtaining Ministerial approval for a special rates levy to fund higher maintenance costs. It is not considered that Pryor Park warrants such actions and that Council funding should remain at the current level relative to other reserves.

(l) Drainage

Pryor Park is located in the Kitty's Creek Drainage Catchment. The catchment comprises mainly developed urban areas and the creek which abuts the park to the south is a major component of the catchment's drainage system.

Drainage pipes discharge at the northern park boundary which result in surface flows crossing the park at two locations to reach Kitty's Creek.

Due to the urban nature of the catchment the drainage system conveys pollutants that elevate nutrient levels resulting in the proliferation of weed growth in the park and along the creek banks. Also as a result of storm events elevated water levels cause erosion.

Ryde City Council is currently reviewing the stormwater drainage system of the City. The review will incorporate an assessment of all parks for the potential role they may play in water quality and quality control measures.

Comment: Any alteration to the current drainage system in Pryor Park will be assessed as part of the City's Drainage Review. Issues to be addressed will include upgrading the drainage system which could include refurbishment and/or replacement with a larger facility, establishing flood flowpaths, detention storage, pollution and erosion control measures and sewer main discharges into the system. Any of these measures could result in land use controls or restrictions.

ITEM 5 (continued)

ATTACHMENT 6

6. PARK VALUES

The preceding information indicates that Pryor Park exhibits the following principal values to the community of Ryde.

Pryor Park

- contains some good quality remnant bushland and several plant species of relative scarcity in the Sydney region,
- forms part of a significant natural corridor associated with Kitty's Creek which runs from the Wallumatta Nature Reserve to the Lane Cove River,
- provides a refuge for native fauna,
- provides a natural recreation, educational and scientific resource,
- contains a "community building" which is presently underutilised, thereby affording an opportunity to expand use for community, recreation or educational purposes.

ITEM 5 (continued)

ATTACHMENT 6

PART C

MANAGEMENT

ITEM 5 (continued)**ATTACHMENT 6****7. PARK MANAGEMENT POLICIES**

Management Policy Statements

- Pryor Park forms part of the Kitty's Creek remnant bushland corridor and will be managed as part of that system when the Kitty's Creek Management Plan is completed.
- Pryor Park will be managed both as a bushland area available for community use, and as a passive park containing a community/recreation facility.
- Construction of additional built facilities will only be permitted where;
 - (a) they are to the benefit of the community of Ryde and meet a recognised need,
 - (b) the development, both at the time of construction and subsequently, results in no significant deterioration to the identified remnant urban bushland areas within the park,
 - (c) compliance with the requirements of SEPP No.19 where relevant,
 - (d) compliance with relevant statutory requirements.
- Leases/Licences up to a maximum term of 21 years will be permitted over designated areas of the park subject to;
 - (a) the type of use proposed and any required facilities meeting the preceding policy requirement,
 - (b) Council approval of the proposed tenure term,
 - (c) the requirements of the Local Government Act 1993 (including full community consultation on any Lease/Licence for a term exceeding 5 years),
 - (d) the requirements of Council's Local Environment Plan (LEP) relating to permissible uses,
 - (e) negotiation of an appropriate lease/licence fee which shall be applied to the regeneration of bushland on the site plus other designated improvements.
- Subject to meeting all other policy requirements, permitted uses of this park for the purposes of authorising a new lease/licence will include scouting/ guides groups and the like, and childcare/pre-school organisations.
- Pryor Park has a low priority for capital improvements and will not be subject to a proportional increase in its recurrent funding allocation. Significant upgrading of the park will only therefore result should funding sources external to Council be identified.
- Easements over this land will be permitted subject to;
 - the use being for a public purpose
 - approval by Council
 - no restriction on community access to the land
 - compliance with SEPP19
 - compliance with relevant statutory requirements

ITEM 5 (continued)**ATTACHMENT 6****8. MANAGEMENT STATEMENT & OBJECTIVES**

Statement

Pryor Park will be managed in a manner which protects and enhances the quality of its remnant bushland component while maximising the utilisation of all community facilities located on the park.

Objectives

When this Plan of Management is implemented we will have,

(a) Natural

- Enhanced Remnant Urban Bushland
- Improved Fauna habitat
- Stable creekline

(b) Built Structures

- A well utilised community facility
- A directional information sign
- A well maintained pedestrian pathway system
- Appropriate park furniture
- Correctly directed stormwater and swimming pool overflow pipes

(c) Recreational/Community Use

- A venue for environmental studies
- Maximised usage of the scout building by groups with a high priority need
- minimal environmental impact from users of the built facilities
- Lease/licence agreements which clearly set conditions of use over the leased area
- Provision in any new lease for lease payments to be allocated towards park embellishments.

And we will have worked within the following constraints;

- Legislative requirements (Local Government Act, Environmental Planning & Assessment Act)
- Resource Limitations - the present level of direct Council funding is sufficient to maintain the existing level of maintenance only - future increases in maintenance and additional improvements will need to be funded by sources external to Council (State and Federal Government grants, lessee permits or other)

ITEM 5 (continued)

ATTACHMENT 6

9. PROPOSED PERFORMANCE

(a) Community Facilities

Outputs	Indicators	Standards	Activity
Built facilities which meet identified community needs without negatively impacting on bushland	Utilisation factor of built facilities	Higher than 50% of available time	Monitor usage
	Degree of public demand for the services offered by user groups	Demand for group's services to be high in relation to other competing groups.	Select appropriate user groups
	User group's compatibility with nature of park (bushland)	No significant conflict between activities of group & preservation of bushland.	Consult Council's Environmental staff
	Facilities meet requirements of main user groups	Deemed as satisfactory or better by main user group(s).	Survey of user group(s)
Appropriate Lease/Licence agreements in place with main user groups of built facilities	All main user groups on lease/licence	All public display & community consultation requirements adhered to	Public display/notification for leases over 5 years.
	Lease/Licence conforms with requirements of Local Government Act	Council resolution to grant lease Minister's concurrence obtained where required - Yes/No	Report to Council. Report to Minister in event of objections
	Lease/Licence indicates all appropriate conditions of use	Clauses protecting bushland included	Consult all appropriate Council departments re requirements Consult solicitors re drafting of Lease

ITEM 5 (continued)

ATTACHMENT 6

(b) Parks Maintenance

Output	Indicators	Standards	Activity
Preserved Bushland	Presence of endemic species	<p>Decreased presence of invasive weeds.</p> <p>Retention of existing endemic plant communities.</p> <p>Regrowth of endemic species.</p> <p>Reduced nutrients entering the reserve from private property.</p> <p>Ecological burns for regeneration of fire responsive plants.</p>	<p>Undertake bushland restoration activity.</p> <p>Notify adjoining residents of problems & request assistance.</p> <p>Identify threatened fire responsive plants in the park. Co-ordinate burns with fuel reduction burns.</p>
	Erosion activity	<p>Stormwater discharged directly into creek.</p> <p>No private swimming pool/discharge directly onto the park.</p> <p>Formal pedestrian accessways.</p>	<p>To be considered as part of Council's drainage review.</p> <p>Advise residents of the problem & request removal of illegal drains - failure to result in notice being issued.</p> <p>Identify appropriate pathways & install.</p>

ITEM 5 (continued)

ATTACHMENT 6

Output	Indicators	Standards	Activity
Reduced Fire Risk	No loss of life or property	<p>10m fuel reduction zone immediately adjacent to adjoining properties.</p> <p>No greater than 10-15 tonnes/ha of fuel on the ground.</p> <p>No dumped garden waste.</p> <p>No obstructions to fire breaks.</p>	<p>Undertake as part of maintenance program. Engage local community for assistance.</p> <p>Undertake fuel reduction practices when standard exceeded.</p> <p>Advise local residents of the problem & remove. Engage local community groups of assistance.</p> <p>Undertake as part of regular maintenance & advise local residents of the problem.</p>
Native Fauna Preserved	Sightings of fauna	No loss of existing habitats	Undertake bushland restoration activity. Prohibition of uses which damage habitats.
Appropriate Pedestrian Access	Availability of appropriate pathways	<p>Pedestrian access available year round.</p> <p>Access constructed to discourage/prevent access to bushland.</p> <p>Path sited on even land with smooth finish & gradients.</p> <p>Construction in line with National Parks & Wildlife standards.</p> <p>No deterioration in bushland quality as a result of pathway.</p>	Identify and install pathway as per standards stated in this document.

ITEM 5 (continued)

ATTACHMENT 6

(c) Future Planning

Output	Indicator	Standard	Activity
Recreation/ education amenity	Seating	Located close to pathway No deterioration in bushland quality Located for aesthetic appreciation or at logical rest points	Identify funding sources Install sensitively in bushland area. Remove any unused material from site.
	Interpretative material	Sign board at park entrance indicating path system, Kitty's Creek corridor and any relevant environmental data	

ITEM 5 (continued)

ATTACHMENT 6

10. REVIEW

This plan of management will be progressively implemented from the time of adoption by Council. Council will review its performance annually against the performance measures detailed in this plan.

If it is apparent that there are aspects of the adopted plan that require amendment at any time, it is a requirement of the Local Government Act 1993 that the amended plan be readvertised as a new plan of management before adoption by Council and as such be open for public review.

6 PLANNING PROPOSAL - 20 Waterview Street, Putney

Report prepared by: Strategic Planner**File No.:** LEP2013/14 - BP14/108

REPORT SUMMARY

Council has received a planning proposal to amend controls within Local Environmental Plan 2010 as they apply to 20 Waterview Street, Putney, also known as the former Australian Defence Industries (ADI) site. This site is located on the foreshore of the Parramatta River and comprises 11 land parcels, with a site area of approximately 14,130m².

The site is zoned IN4 Working Waterfront under both Ryde LEP 2010 and Draft Ryde LEP 2013.

The planning proposal seeks to amend Ryde LEP 2010/Ryde DLEP 2014 (whichever LEP is effective) by:

- Adding land uses to the IN4 Working Waterfront zone to be permissible with consent (via use of the Addition Permitted land uses for particular land clause and Schedule 1 under the LEP), the additional land uses being: marina, residential flat building, multi dwelling housing, attached dwellings, business premises, food and drink premises, shops, and kiosks
- Introducing a maximum building height of 14m to apply to the whole of the site zoned IN4 Working Waterfront.

The planning proposal is now also the subject of a pre-gateway review by the Department of Infrastructure and Planning (DOPI) in response to a pre-gateway review application lodged by the proponent. As part of the pre-gateway review process, DOPI requested Council's views on the subject planning proposal within 21 days of its letter date 31 January 2014, the time period for which expired 20 February. A response was sent to DOPI on 20 February 2014 enclosing a copy of this report as a draft response pending Council's consideration and determination of this report. Council in determining the planning proposal provides the Department with its position (and that of the community) in relation to the appropriate future uses and zoning of the land.

The site currently accommodates industrial buildings used for maritime related activities including boat sales, repairs, upholstery and storage with ancillary office. Also located on the site are various ancillary structures and asphalted car park and driveway areas. Vehicular access to the site is via a driveway at western end of Waterview Street frontage. The site straddles the land and waterway, and also includes a concrete jetty apron, and a slipway with jetties either side, one of which is in disrepair.

The riverfront land adjoining the site to the east and west is zoned RE1 Public Recreation. Low density residential land adjoins the site to the North.

ITEM 6 (continued)

The planning proposal involves assessment against a range of State and local legislation, plans, and policies. The planning framework for the site includes:

- NSW Heritage Act
- Sydney Harbour Catchment Regional Environmental Plan 2005 (SHCREP 2005) now a deemed State Environmental Planning Policy (SEPP)
- SEPP 55: Remediation of Land
- Ryde LEP 2010 and Draft Ryde LEP 2014

The SHCREP 2005 boundary takes in the whole of the site which is unzoned and as a result Ryde LEP applies. Under the provisions of the SHCREP the site is bounded by RE1 Recreation both sides and W2 Environmental Protection land use zone to the west and W8 Scenic Waters Passive Use to the east. A Master Plan adopted by the Director General (DG) on 25 August 2010 permits a marina and associated development (such as a restaurant, club facilities, etc not including residential development).

The objective of the proposed changes is to facilitate the future redevelopment of the site, to enable, as stated by the proponent, “a commercially viable mixed uses development that can facilitate the required remediation works which need to be undertaken to decontaminate the site”. The proponent envisages redevelopment of the 20 Waterview Street site and adjoining waterway area (under lease by the owner from the Roads and Maritime Services) for a mixed use comprising:

- Marina with 50 floating berths
- Adaptive (mixed) reuse of large industrial shed for:
 - Retail: ground floor (1,860m²) including Food and drink premises, Business premises, Shops, and Kiosk
 - Residential apartments
 - Boat storage (dry storage: vertical stacking 100 boats),
- 19 x 2 storey townhouses
- 3 storey Residential flat building containing 27 units
- at grade Car parking comprising 30 spaces for non-residential, and 114 basement: spaces for residential
- Vehicular access via dual access points (separating residential and non-residential uses).

Assessment against Ryde LEP 2010: The objectives of the IN4 land use zone are:

- To retain and encourage waterfront industrial and maritime activities.
- To identify sites for maritime purposes and for activities that requires direct waterfront access.
- To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.
- To encourage employment opportunities.
- To minimise any adverse effect of development on land uses in other zones.

ITEM 6 (continued)

With regards to meeting the objectives of the IN4 Working Waterfront zone the proponent argues that the proposal is an amplification of employment generating uses. This however, is not demonstrated. Council staff visited the site and there would appear to be a main tenant and approximately 15 sub lessees each of whom employ 2-3 people. Up to 45 people are employed on the site.

With regards meeting to Ryde LEP 2010 objectives to retain and encourage industrial waterfront and maritime activities the introduction of residential land uses is not demonstrated as a compatible activity and would clearly undermine and place constraints on the type and extent of industrial activity that could be undertaken on the site (due to concerns regarding pollution).

Ryde LEP 2010 objectives require that Council ensure that development does not have an adverse impact on environmental qualities of the foreshore. There is insufficient evidence for council to understand whether or not the marina will impact on adjoining protected wetlands, and whether the site in its present form requires remediation if the sub-surface is left undisturbed.

The proposal is not considered to be compatible with the strategic direction and provisions of Ryde LEP 2010 (or Draft Ryde LEP 2014).

Assessment against SEPP 55: -The site is contaminated due to the presence of Hydrocarbons, Heavy Metals, Organochlorine Pesticides and Alkyltin Compounds - associated with boat building and repair and found at varying depths across the site from 0mm to 2m. Under SEPP 55 Council must be *“satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used.”*

The submission includes reports on the contaminated land which conclude that further assessment is needed and a Remediation Action Plan must be developed. The report also indicates that *“It is possible that heavy metal impact to shallow groundwater at the site is also present and warrants further investigation to ascertain the spatial distribution of groundwater pollution and degree of contamination.”*

Given the conclusions of the submitted Stage 2 Environmental Assessment Report it is not possible for Council to be satisfied that the site can be remediated for the proposed land uses most particularly for highly sensitive residential land uses.

This report will recommend that prior to the submission of any Planning Proposal to the DG for a Gateway Determination, Council would need to be satisfied that the site could be remediated for the land use.

Assessment against the Heritage Act and heritage provisions of SCHREP and Ryde LEP: The SCHREP 2005 lists the site as a heritage item of state significance under Schedule 4. The site is not listed as a Heritage Item under the Ryde LEP 2010. The site is not currently listed on the State Heritage Register.

ITEM 6 (continued)

The submission includes a Heritage Impact Statement (dated 1.5.2000) and a supplementary Heritage Assessment (dated 1.5.2001). The Heritage Impact Statement addresses the maritime history of the site and concludes that *“the site and production facilities ... have considerable significance as the site of wartime production and the location for Gretel and other significant racing boats.”* As a consequence the Heritage Impact Statement stipulates the following Conservation Policy:- *“Unless economically unfeasible the site should remain as a marine industrial area.”*

The supplementary Heritage Assessment addresses pre-European and early European history of the site concluding that the site - being the site of the first hops brewery in Australia - is significant for its association with James Squires an important early settler of the Ryde District and pioneer of Australia's brewing industry.

Local archaeologist /soils scientist Peter Mitchell has prepared a research paper which maps Squires' Brewery and shows that it sits in an undeveloped portion of the site. As a result the archaeological resource is highly likely to exist.

On 12 February 2014, after receiving information from Dr Peter Mitchell and hearing from the Putney Progress Association representative about a presentation to that group from Lilac Pty Ltd regarding the redevelopment of the 20 Waterview Street; the Ryde Heritage Advisory Committee resolved to request that Council place an Interim Heritage Order (IHO) on the site. (Whilst related to the assessment of this planning proposal, this matter will be the subject of a separate report to Council.)

Under the provisions of the SHCREP 2005 the consent authority must consider impacts on the Heritage Item and the archaeological resource. The heritage reports submitted by the proponent predate the proposal and do not address its impacts. However, it is clear that the archaeological resource would be adversely impacted by proposals for residential development and basement parking. It should be noted that the DGs adopted Master Plan retains the archaeological resource.

Under the provisions of Ryde LEP 2010 the Foreshore Building line is applied to all residential zoned land along the foreshore.

As a result of the heritage significance of the site this report will recommend that the archaeological resource is protected. Should Council consider residential development on the site, the Foreshore Building Line – which is applied to all residential development along the foreshore - would be applied to protect the archaeological resource in accordance with Ryde LEP 2010 clause 6.3

- (3) *Development consent must not be granted under subclause (2) unless ... the consent authority is satisfied that*
 - (f) *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.*

ITEM 6 (continued)

The planning proposal is supported by a master plan. Consideration of the master plan is secondary to assessment and decision on the planning proposal itself. The key issues with respect to the planning proposal are considered to be whether the type and range of land uses sought is appropriate and consistent with the strategic framework for the site; and the site characteristics, and whether there is strategic merit in the matter proceeding.

A number of significant planning matters converge to indicate that residential development is not suitable on this site. These are:

1. The site is contaminated and based on the information available Council cannot be satisfied that the site can be remediated for residential land uses.
2. Significant archaeology - being the remains of the first brewery in Australia - is located on parts of the site where residential development and basement parking is planned.
3. Residential land uses are not compatible with the objectives of the IN4 Industrial Waterfront land use zone under Ryde LEP 2010.
4. City of Ryde will exceed the residential targets set by the Sydney Metro Strategy and Draft Inner North Sub-regional Strategy by several thousands of dwellings. As a result conversion of sites such as this is therefore not an imperative.

It should be noted that the DGs Master Plan 2010 is compatible with the IN4 land use zone, protects the archaeology and it is more likely to be able to be remediated for the proposed land uses under that plan. An amendment to LEP 2010 to allow the following uses be included as uses permissible with consent in the IN4 Working Waterfront zone, subject to the contaminated requirements of SEPP 55/heritage being satisfied, may be appropriate.

This amendment would require a change to the current planning proposal.

RECOMMENDATION:

- (a) That Council does not support the planning proposal for 20 Waterview Street, Putney proceeding to a gateway determination on the grounds that:
- The planning proposal is inconsistent with the strategic direction and provisions of the Sydney Harbour Catchment Regional Environment Plan 2005 and Ryde Local Environmental Plan 2010.
 - Council is not satisfied under the provisions of SEPP 55 that the site can be remediated for the proposed land uses
 - Has an adverse impact on the Heritage significance of the site and its archaeology.
 - The site currently provides an important IN4 Working Waterfront function.
 - The site is the last remaining IN4 Working Waterfront site for small wooden boat repair and maintenance on the western side of the Gladesville Bridge.

ITEM 6 (continued)

- (b) That Council advise the applicant of its decision not to support the planning proposal as submitted but that consideration will be given to a planning proposal that
 - i. Proposes additional employment-related land uses and is generally consistent with the Master Plan adopted by the Director General Planning (dated 2010),
 - ii. Is compatible with the objectives of the Ryde Local Environmental Plan IN4 Working Waterfront land use zone
 - iii. Demonstrates; under the provisions of SEPP 55 to council's satisfaction; that remediation for the proposed land uses can be undertaken
- (c) That Council advise the Department of Planning and Infrastructure of its decision in response to the planning proposal in respect of the Department's notification letter of 31 January regarding the pre-gateway review.

ATTACHMENTS

- 1 Five schemes table
- 2 Sydney Harbour REP Sheet 16 ADI Site Ryde
- 3 Strategic Assessment Table
- 4 Open Space Comments
- 5 Environment Comments
- 6 Heritage Comments
- 7 Urban Design Comments
- 8 Traffic and Parking Comments
- 9 Copy of Planning Proposal Report prepared by JBA Urban Planning Consultants Pty Ltd September 2013 - CIRCULATED UNDER SEPARATE COVER

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ITEM 6 (continued)

Introduction

On 27 September 2013 Council of the City of Ryde (Council) received a planning proposal for 20 Waterview Street, Putney, comprising 11 parcels of land, also known as the former ADI site. Jetties and wharf areas extending over the water are leased from the NSW Roads and Maritime Services (RMS) and included in the site.

A copy of the planning proposal main report is **ATTACHMENT 9 - CIRCULATED UNDER SEPARATE COVER** (Report by JBA Urban Planning Consultants Pty Ltd titled *Planning Proposal: 20 Waterview Street, Putney*, September 2013). The planning proposal documentation includes a preferred new Master Plan (dated 2013) and supporting studies on urban design, heritage, traffic and parking and environmental site assessment (land contamination).

This report is divided into 5 main parts (containing various subsections) based on the nature of the information provide, these parts being:

1. **Preliminaries** (Background, etc.)
2. **Planning Proposal Description** (explanation of what the proponent is requesting – the proposed changes to Council's LEP)
3. **Site Description and Activities** (description of site and context, structures and activities carried out on site, environmental characteristics of site)
4. **Strategic Planning** (local/state controls, policies, plans, strategies that apply to the site)
5. **Planning Appraisal** (outline of the assessment of the planning proposal including explanation of the key issues, also includes Consultation)
6. **Conclusions** (includes Pre-gateway Review information, Options, Financial Implications, Policy Implications).

1. PRELIMINARIES

Background

Responding to the public exhibition of Draft Local Environmental Plan (LEP) 2011, JBA Urban Planning Consultants Pty Ltd made a submission to Council in July 2012 relating to the land at 20 Waterview Street, Putney. The submission sought support for considering the future uses of the site and included a Site Development Principles Plan to demonstrate the potential for the site to be redeveloped, and requested the addition of land uses to the IN4 land use zone to permit:

- residential flat buildings
- marinas
- food and drink premises
- shops
- kiosks

ITEM 6 (continued)

Strategic planning comments in response to the submission were reported to the Council Meeting of 24 July 2012 as follows:

DoPI adopted a master plan for the site in 2003, this was subsequently amended in 2010.

In view of the history of the site and involvement of State controls applying to the land (SREP & master plan), and the nature of the uses requested it is considered that a planning proposal would be necessary to ensure appropriate consultation with the State Government and the community.

On 12 March 2013 Council resolved to adopt Draft Ryde LEP 2013 subsequently forwarding the plan to the Minister for the making of the plan.

On 17 September and 19 November 2013 the proponents met with Council to discuss introduction of additional land uses for the site and were advised that:

- High density residential was not a listed use for the site under the SHCREP
- A 'working harbour' is still needed
- There is a need to maximise foreshore access to the public.
- The issues facing this site and the rezoning are parking, loss of views, noise, loss of heritage value and site contamination.

Gateway Plan-Making Process

A planning proposal is the first step in considering changes to Council's LEP. The following outlines the "gateway plan-making process."

Step 1. Planning proposal – This is an explanation of proposed changes to planning provisions affecting a site or an area. It includes the intended effect of, and justification for, the proposed plan (LEP in Council's case) and may be prepared by a proponent or the relevant planning authority such as Council. An assessment of the planning proposal is made at this stage and Council, as the relevant planning authority, decides whether or not to proceed to the next stage of the plan-making process.

According to section 55 of the Environmental Planning and Assessment Act 1979, a Planning Proposal must include:

- A **statement** of objectives and intended outcomes of the proposal
- An **explanation** of the provisions of the proposal;
- A **justification** of the objectives, outcomes and provisions including the process for implementation;
- **Maps where relevant**, containing the appropriate detail are to be submitted, including land use zones; and
- Details of the **community consultation** that will be undertaken.

ITEM 6 (continued)

This report on the planning proposal for 20 Waterview Street, Putney provides a planning assessment of the proposal in terms of the strategic planning framework and the adequacy of the information provided and includes a recommendation for consideration by Council as to whether or not the proposal should be supported or proceed to the next stage in the process – a Gateway Determination.

A proponent can request a pre gateway review by application to the Department of Planning and Infrastructure (DOPI) in the following circumstances:

- a) *the council has notified the proponent that the request to prepare a planning proposal is not supported; or*
- b) *the council has failed to indicate its support 90 days after the proponent submitted a request, accompanied by the required information.*

This report is submitted to Council approximately 120 days after receipt of the Planning Proposal.

DOPI advised Council on 3 February that the proponent has sought a pre Gateway review. This report and Council's resolutions will be forwarded to DOPI for consideration in the Gateway review. More information about the pre-gateway review process is included later in the report under Part 6 CONCLUSIONS.

Step 2. Gateway – A gateway determination is made by the Minister for Planning if the planning proposal should proceed to community consultation and defines the required consultation.

The purpose of the Gateway determination is to ensure there is sufficient justification to proceed. It enables planning proposals that lack strategic planning merit to be stopped early in the process before time and resources are committed.

A review of a determination can also be requested at this stage of the process (known as a *Gateway determination review*).

Step 3. Community Consultation – As instructed by a gateway determination, the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days). Relevant government agencies, identified in the gateway determination, are also consulted for a minimum of 21 days.

Step 4. Assessment – The relevant planning authority considers public submissions received in response to community consultation. The relevant planning authority may decide at this stage also to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan – the legal instrument.

Step 5. Decision – The making of the plan by the Minister (or delegate).

ITEM 6 (continued)**Relevant Planning Authority**

Council is the relevant planning authority (RPA) for the proposed changes to Ryde LEP 2010 (or Draft LEP 2014 whichever is in force) as identified in the planning proposal.

The site is also subject to the provisions of the Sydney Harbour Catchment Regional Environmental Plan (SHCREP) 2005. However, the site is uncoloured / unzoned under the SHCREP 2005 and as a result it is not proposed to amend that plan.

Adequacy of Information

In the event of deciding to support a planning proposal, Council, as the RPA, is responsible for the content of the planning proposal and the quality of the information provided in support of the proposal. The RPA must ensure the information is accurate, current and sufficient for issuing a Gateway determination and detailed enough for the purposes of consulting with agencies and the general community.

The Department's guidelines (*A guide to preparing Local Environmental Plans*, April 2013) state:

To prevent unnecessary work prior to the Gateway stage, specific information nominated as being necessary would not be expected to be completed prior to the submission of the planning proposal. In such circumstances, it would be sufficient to identify what information may be required to demonstrate the proposal's strategic merit or compliance with a relevant statutory consideration such as a section 117 Direction. The scope of any information should be outlined and evidence of any preliminary consultation with relevant agencies should be included to support the request for a planning proposal to proceed.

It is considered that there is sufficient relevant information for Council to make a decision on whether or not the proposal should proceed to the next stage.

The assessment has highlighted some issues and deficiencies including the following:

- Reports regarding Heritage Impact were prepared in 2000 and 2001 and relate to another development proposal (which is not detailed)
- Reports addressing site contamination do not conclude that the site can be remediated for the proposed land uses. Under the provisions of state legislation Council is required to be satisfied that remediation can occur prior to rezoning.
- Reports regarding impacts on protected species (wetlands and mangroves), seawalls etc. are not provided

Should Council decide to refer the Planning Proposal to the Minister for a Gateway determination the abovementioned gaps would need to be addressed.

ITEM 6 (continued)**2. PLANNING PROPOSAL DESCRIPTION**

The application comprises:

- Planning proposal
- Master plan for the future development of the site (JBA 2013 scheme)

A description of the proposal/elements are outlined as follows:

1. Planning Proposal (2.1)
2. Master Plan (2.2)
3. Objectives and Intended Outcomes (2.3)
4. Justification (2.4)

2.1 Planning Proposal

The planning proposal seeks to expand the land uses permissible in the IN4 Working Waterfront zone and introduce a maximum building height for the site to facilitate a redevelopment comprising a marina, some commercial and residential land uses whilst maintaining the opportunity for continuation of maritime industry.

In detail, it is proposed to make the following changes to Ryde LEP 2010 (and Ryde DLEP 2014 – whichever is in force at the time of making the proposed amendment):

- **Additional land uses:** Include the following clauses under Schedule 1– Additional Permitted Uses:

Use of certain land at 20 Waterview Street, Putney

- (1) *This clause applies to land at 20 Waterview Street, Putney, being Lot 1 DP 430647, Lot 1 DP 70489, lot 2 DP 70488 and Lots 440 to 447 DP 15224*
- (2) *Development for the purposes of marina, residential flat buildings, attached dwellings, multi-dwelling housing, food and drink premises, business premises, shops and kiosks is permitted with consent.*
- (3) *Development for the purposes of marina, residential flat buildings, attached dwellings, multi-dwelling housing, food and drink premises, business premises, shops and kiosks must be undertaken in accordance with the Height of Buildings Map.*

- **Height of building:** a Maximum Building Height of 14 metres is proposed to be introduced on the site. As per the requirements for planning proposals where the proposed change involve maps, the proponent has included a map proposed as a change to the LEP. Proposed height is indicated at this stage in colour.

ITEM 6 (continued)

2.2 Master Plan

The proponent has explored five options for the site, including the existing use and buildings arrangement, the proposed uses and suggested built form listed in the Master Plan approved by the Director-General in 2010 (DG's approved 2010 Master Plan) and 3 new master plans with between 67 and 120 dwellings on the site. A summary of the five options is contained in a table **ATTACHED** (Attachment 1). The source of this table is the planning proposal report and Urban Design Study. A description of the "DG's approved 2010 Master Plan" is included later in this report under the heading "Sydney Harbour Catchment Master Plan for ADI site (Deemed DCP)".

The five options are:

- Scheme 1: Existing Site
- Scheme 2: DG's Adopted Master Plan 2010
- Scheme 3: Architectus 2011 (includes 120 apartments)
- Scheme 4: JBA 2012 (includes 70 apartments)
- Scheme 5: JBA 2013 (includes 48 apartments and 19 townhouses)

The five options include a range of land uses from the existing uses to schemes including a variety of additional land uses. Of relevance to discussion in this report is Scheme 2 the DG's Adopted 2010 Master Plan.

The proponent submits that only Schemes 4 and 5 are financially viable. Scheme 5: JBA 2013 has been identified as the preferred Master Plan scheme and forms the basis of this Planning Proposal.

JBA 2013 Master Plan - Preferred Scheme

The JBA 2013 Master Plan preferred scheme is for a mixed use development, which comprises:

- *construction of a marina with 50 floating berths to accommodate a mix of small and large boats;*
- *adaptive re-use of the existing boat shed and creation of an additional 1-2 mezzanine levels to accommodate:*
 - *dry boat storage for approximately 100 boats vertically stacked;*
 - *approximately 1,860m² of ground floor retail space;*
 - *approximately 19 residential apartments on an upper floor;*
- *19 x two storey townhouses broken into two blocks fronting Waterview Street;*
- *a 3 storey residential flat building accommodating approximately 27 apartments located on the southern portion of the site;*

ITEM 6 (continued)

- *two vehicular access points – one for the residential uses and a separate access point for the non-residential uses in order to minimise conflicts.*
- *an at-grade car park with approximately 30 spaces for the non-residential uses, and a basement car park of approximately 114 spaces for the residential development;*
- *provision of public access through the site to connect the foreshore public parks on either side of the site, and a marine plaza to provides a managed interface between the residential area and non-residential uses;*
- *retention of existing mangroves along the foreshore and other vegetation on the site where possible;*
- *the carrying out of remediation and other environmental improvements works.*

The master plan is illustrated in Figure 1. The JBA 2013 Master Plan is premised on the demolition of the wharf, the large fibreglass shed attached to the northern side of the main boat shed, caretaker's cottage and service buildings located within the south-eastern part of the site.

The table below shows the breakdown for the Adopted 2010 Master Plan and the JBA 2013 Master Plan.

Land Use	Adopted 2010 Master Plan		JBA 2013 Master Plan	
	Areas	% of total GFA	Areas	% of total GFA
Residential (GFA)	nil		7,836m ²	66%
Retail	410m ²	5.5%	1,860m ²	15.7%
Dry boat storage (m ²)	6,790m ²	91%	2,000m ²	16.9%
Dry boat storage	No. of spaces: 250		No. of spaces:100	
Total GFA	7,450m²		11,796m²	
Dwellings			46 apartments 19 townhouses	

ITEM 6 (continued)



Figure 1: Provides an illustrative graphic of the JBA 2013 Scheme.

ITEM 6 (continued)

2.3 Objectives and Intended Outcomes

The objectives of this proposal, as outlined by the proponent, are:

The major objective of the Planning Proposal is to facilitate the future development of the Site. The proposed amendments will have the effect of 'unlocking' the Site and enabling a commercially viable mixed uses development that can facilitate the required remediation works which need to be undertaken to decontaminate the Site. The amendment under this Planning Proposal will also ensure that the final form of development on the Site is more appropriately tailored to the Site's characteristics and opportunities.

Ultimately, the Planning Proposal will proactively facilitate development of a strategic foreshore site.

2.4 Justification

Detailed planning reasons justifying the planning proposal request can be found in *Part 6.0 Justification* in the JBA Urban Planning Consultants Pty Ltd report (pp 33-46). In summary, the proponent argues that the proposed changes to the LEP controls should be supported for reasons including:

- The proposed land uses will “unlock” the site for redevelopment
- The site is in need of remediation, and buildings in disrepair, and current uses are not economically viable to assist funding remediation and conservation work
- The current zoning and limitation of waterfront uses sterilizes the land from future redevelopment
- The existing land use controls do not adequately address the land/water interface
- The existing land use controls do not facilitate the remediation of the site through redevelopment.

Assessment and commentary on the justification provided by the proponent is provided later in this report under part 5 “PLANNING APPRAISAL”.

ITEM 6 (continued)

3. SITE DESCRIPTION AND ACTIVITIES



Figure 2: Aerial view of the site which illustrates the land component of 20 Waterview Street, Putney, and the extent of adjacent water-based area under lease by the proponent from NSW Roads and Maritime Services

The site is located at 20 Waterview Street, Putney on the northern foreshore of the Parramatta River, also known as the former ADI site. The site is irregularly shaped with a street frontage of 159m, and adjoins Bennelong Park to the east and Settlers Park to the west.

ITEM 6 (continued)

The land comprises eleven lots which are legally described as:

- Lot 1 DP 430647 [Part of Volume 5018 Folio 1]
- Lot 1 DP 70489
- Lot 2 DP 70488
- Lots 440 to 447 (inclusive) DP 15224

The area of these lots totals approximately 14,130 m² (1.413ha).
(Source: Survey Plan provided by proponent)

The site referred to in the planning proposal also includes an area over the water that is leased by the proponent from Roads and Maritime Services (RMS), known as Lease ID 5964. This water-based area totals approximately 2,230 m².

For the purposes of this report and the assessment of the planning proposal, the site for which planning controls are requested to be changed, is referred as the “subject site” and includes the land-based area only.

Existing Structures and Activities

As identified in the planning proposal, the subject site contains structures and is used for a variety of maritime related activities.

The site accommodates a large 13m high industrial shed (main shed) currently used for boat sales, repairs and storage with an ancillary office. It has large doors opening in a southerly direction onto a concrete hardstand and the waterfront.

A large shed is attached to the main shed to the north, as well as a paint store, machine rooms and ancillary structures on the south-eastern and north-western sides. There are service buildings in the south-eastern portion of the site including a waterfront mess hall behind mangroves and staff amenities buildings. There is also a caretaker's cottage.

Where the land area meets the water, a concrete apron extends from the south of the building over reclaimed land and into the waterway. Located in the water area are two jetties attached to the concrete apron, an iron slipway, and a third L-shaped jetty to the south-east which is in disrepair and closed for safety reasons. The iron slipway extends from the main shed into the water between jetties. These structures are visible on Figure 2.

In relation to the easternmost jetty closed for public safety reasons, the proponent has submitted that: *“On 23 May 2011, the (then) NSW Maritime issued a notice to Lilac Pty Ltd requiring the eastern jetty to be closed off immediately in the interests of public safety due to its dilapidated condition.”*

ITEM 6 (continued)

On 6 February 2014, guided by representatives of Lilac Pty Ltd (landowner) and the proponent (JBA Urban Planning Consultants Pty Ltd), Council staff visited the site. There would appear to be a main tenant and approximately 15 sub lessees each of whom employ 2-3 people. Up to 45 people are employed on the site. This facility provides for repairs of timber boats. There are limited sites available which can provide for the handling of timber boats.



Figure 3: View of the site from across the Parramatta River

More photos of the site are contained at pages 10-13 in the planning proposal report **ATTACHMENT 9 - CIRCULATED UNDER SEPARATE COVER** (Report by JBA Urban Planning Consultants Pty Ltd titled *Planning Proposal: 20 Waterview Street, Putney*, September 2013).

Environmental Characteristics

The following information in the planning proposal describes the environmental characteristics of the site.

Topography

The Site generally slopes down from the street boundary to the water. On the northern end of the Site, the Site falls from RL 3.25 at the street alignment down to RL 1.25 near the main shed, over a distance of about 150m. On the southern end, the Site falls from RL 9.33 at the street alignment down to about RL 1.00 in the southern corner, over a distance of 85m. The concrete hardstand and timber wharf are elevated almost 2m above the water. The northern boundary of the Site is bounded by a rock retaining wall with a height of around 1.35m.

ITEM 6 (continued)

Properties on the opposite side of Waterview Street are slightly elevated above the waterfront side of the Site at RL 3.92 to RL 10.79, rising in a south-easterly direction.

Source: Planning Proposal Report

Vegetation

Vegetation in the area is characterised by mangroves which occupy the foreshore open space on either side of the Site and also extend onto the Site. The mangrove growth is dense, screening almost half of the Site (excluding the hardstand and jetty areas)....

The northern side of the Site adjacent to Waterview Street is densely lined with a number of mature trees including a mixture of native and introduced species. This dense planting screens the existing structures on the Site from the residential properties on Waterview Street.

Source: Planning Proposal Report

Wetlands Protection

Under the provisions of the SHCREP the site is part affected by Wetlands Protection Area. Council's Flora and Fauna study identifies mangrove and threatened coastal saltmarsh communities in this area.

In relation to these provisions the proponent states:

Before granting development consent the consent authority is required to consider a number of matters such as the consistency of the proposed development with the NSW Wetlands Management Policy 1996 and whether the proposed development will preserve and enhance the wetlands. These provisions will be addressed at the DA stage.

The SHCREP 2005 planning principles for Wetlands Protection and Foreshores and Waterways Areas warrant consideration at the planning proposal stage as explained under the assessment sections of this report, in the context of potential use of LEP mechanisms (e.g. foreshore building line) to assist meeting objectives for these areas under the SHCREP 2005.

ITEM 6 (continued)



Figure 4: A compilation map showing the SHCREP 2005 Foreshores and Waterways Area, the SHCREP Wetlands Protection Area and the subject land

Contamination

The planning proposal states:

“The Site is contaminated as a result of past activities on the Site including:

- storage of waste, old boats, boat parts, paint, detergents, and old batteries;*
- metal working and fabrication of timber components; and*
- painting, stripping, refitting and cleaning of small craft.”*

The planning proposal attaches the following reports:

- *Phase 1: Environmental Site Assessment: Prepared by Martens Engineering Consultants, May 2012*
- *Phase 2: Environmental Site Assessment: Martens Engineering Consultants, June 2012*

The proponent submits that redevelopment of the site offers the opportunity to remediate the site.

ITEM 6 (continued)

“The Planning Proposal will facilitate redevelopment of the Site, and enable the costly remediation works to be undertaken including removal of the old wharf structures and construction / maintenance of the new marina, wharves and landings, to make the Site safe for public use. Without a viable development, the Site cannot sustain the high costs of remediation.”

State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55) requires Council (as a planning authority) to be satisfied that land can be made suitable for a proposed use prior to rezoning land. Matters related to contamination are further discussed later in this report (refer under heading 5.2 Land Contamination and SEPP 55).

Heritage

Site History – key dates

There is evidence on the adjoining parklands of pre European settlement and activities.

1795	James Squire pardoned
1796	Squires purchased land on the Parramatta River foreshore (thought to include this site)
1797	Squires had established a brewery on the site
1940	Halvorsen's Boat yard established on the site
1978	Purchased by Australian Defense Industries
1991	Purchased by current landowners

The SHCREP 2005 lists the site as a heritage item of state significance under Schedule 4. The site is not listed as a Heritage Item under the Ryde LEP 2010. The site is not currently listed on the State Heritage Register (confirmed by correspondence from the NSW Office of Environment and Heritage – Heritage Division dated 12 February 2014).

The submission includes a Heritage Impact Statement (dated 1 May 2000) and a supplementary Heritage Assessment (dated 1 May 2001). The 2000 Heritage Impact Statement addresses the maritime history of the site and concludes that:

“the site is significant as the site of Lars Halvorsen and Sons. ... Lars Halvorsen and Sons was important in the development of the maritime history on the Parramatta River and generally... They were responsible for the construction of the mast of the Katherine Gillette now in the Maritime Museum ... Lars Halvorsen and Sons were the only maritime producers who operated before and after the war to provide production of service boats for the war effort in both World Wars... Halvorsen and Sons were prominent in Sydney society. Their involvement with the Norwegian community was recognised by a visit by the King of Norway and a knighthood to Carl Halvorsen.”

“[T]he site and production facilities ... have considerable significance as the site of wartime production and the location for Gretel and other significant racing boats.”

ITEM 6 (continued)

As a consequence the Heritage Impact Statement stipulates the following Conservation Policy:

“Unless economically unfeasible the site should remain as a marine industrial area.”

The supplementary Heritage Assessment addresses pre-European and early European history of the site concluding that the site - being the site of the first hops brewery in Australia - is significant for its association with James Squires an important early settler of the Ryde District and pioneer of Australia's brewing industry.

Local archaeologist /soils scientist Peter Mitchell has prepared a research paper which maps Squires Brewery and shows that it sits in part on an undeveloped portion of the site and in part under the Halvorsen boat shed. As a result an archaeological resource is highly likely to exist. Remains of the old stone jetty are also clearly visible at low tide and this evidence supports Mitchell's conclusions.

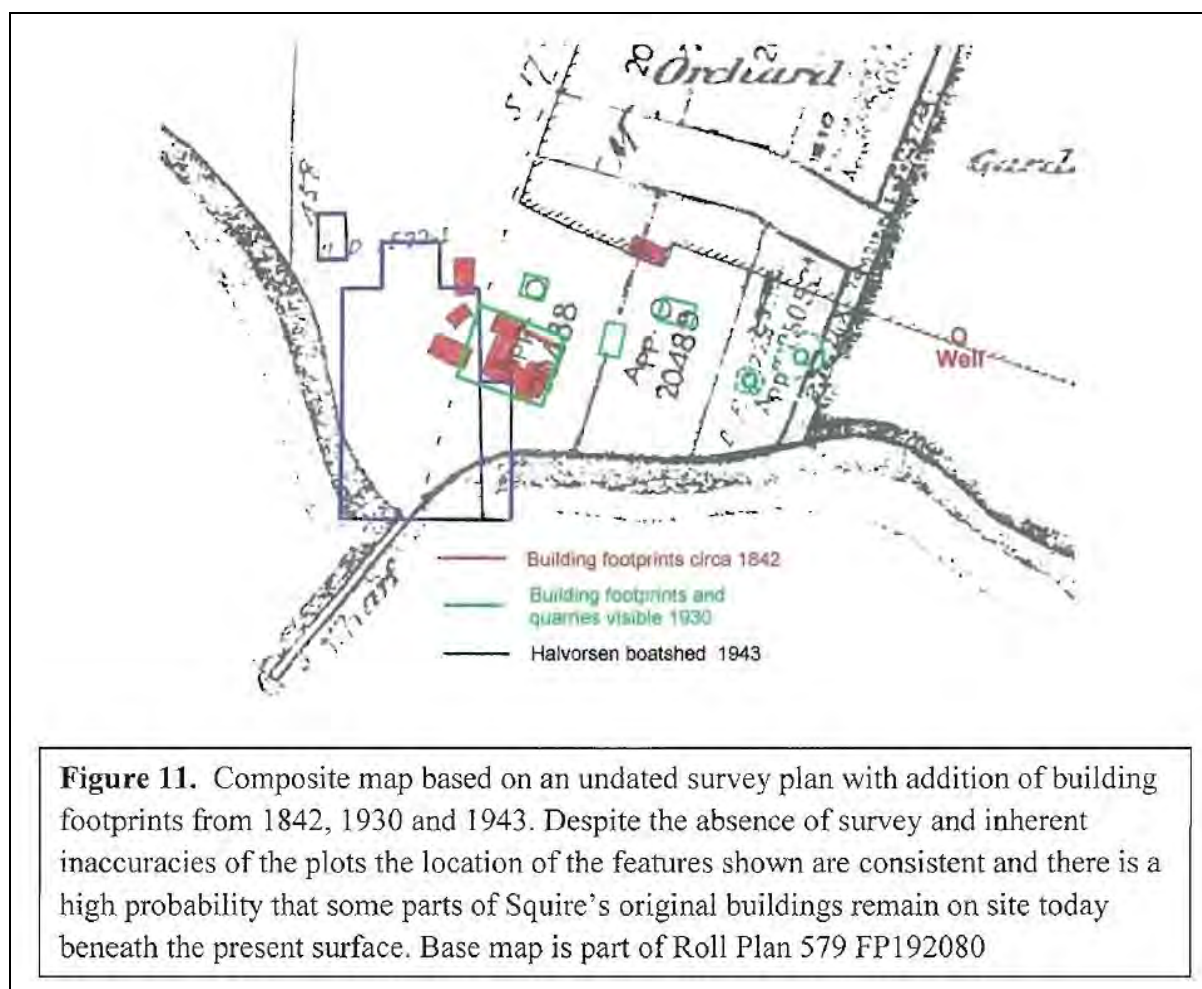


Figure 5: Overlay of the Halvorsen Boat shed and Squires Brewery prepared by Dr Peter Mitchell 2013

ITEM 6 (continued)

Under the provisions of the SHCREP 2005 the consent authority must consider impacts on the Heritage Item (best embodied by the Halvorsen Shed) and the archaeological resource.

Surrounding Context – Land Use and DevelopmentImmediate context

The predominant land use to the north and east of the site is low scale residential comprising a mix of single and two-storey buildings.

Bennelong Park adjoins the Site to the south-east and Settlers Park adjoining the Site to the north-west. These parks are used as passive recreation areas and include pedestrian/cycle links as part of the Ryde River walk.

Broader Context

The site is located within the waterfront suburb of Putney which is predominantly a low scale residential suburb between the suburbs of Gladesville and Meadowbank/Ryde. The nearest local centre is Putney Village (approximately 670m distance to the north) which includes local convenience uses (IGA supermarket and small-scale shops).

Nearest major transport nodes and corridors are located at (distances are all “as crow flies”):

- Heavy Rail to the west – Meadowbank Station on the Northern Railway line (1.4km north west),
- Strategic Bus Corridor - Ryde Road (500m to west)
- Strategic Bus Corridor - Victoria Road (1.03km to north)

The site is also 430m distance from the Kissing Point ferry wharf, one of the public wharfs serviced by a regular ferry (Rivercat) service which operates west to Parramatta, and east to Sydney.

Ryde Bridge, to the west of the Site, restricts access for vessels westbound up the River to a maximum height of 4.6m above mean high water springs. This means the Site is the western-most operational maritime industrial facility that can accommodate substantial sailing and motor vessels. Water depth between the Site and Port Jackson is greater than 3-4m throughout, which provides good access for larger vessels

[Sourced from: Former ADI Site Putney – Master Plan, April 2010, prepared by CityPlan Urban Design.]

ITEM 6 (continued)

4. STRATEGIC PLANNING

Existing Planning Controls – Ryde LEP 2010 and Draft Ryde LEP 2014

Land Use Zones

The subject land is currently zoned part industrial, *IN4 Working Waterfront*, under Ryde LEP 2010, which is retained under Ryde LEP 2014 (as exhibited).

Permissible land uses under the LEP 2010 are restricted to: Boat building and repair facilities; Boat launching ramps; Business identification signs; Industrial retail outlets; Jetties; Light industries; Recreation areas; Roads

Permissible land uses are expanded only slightly under Ryde DLEP 2014, due to redesign of the land use table to reflect requirements under the Standard LEP.

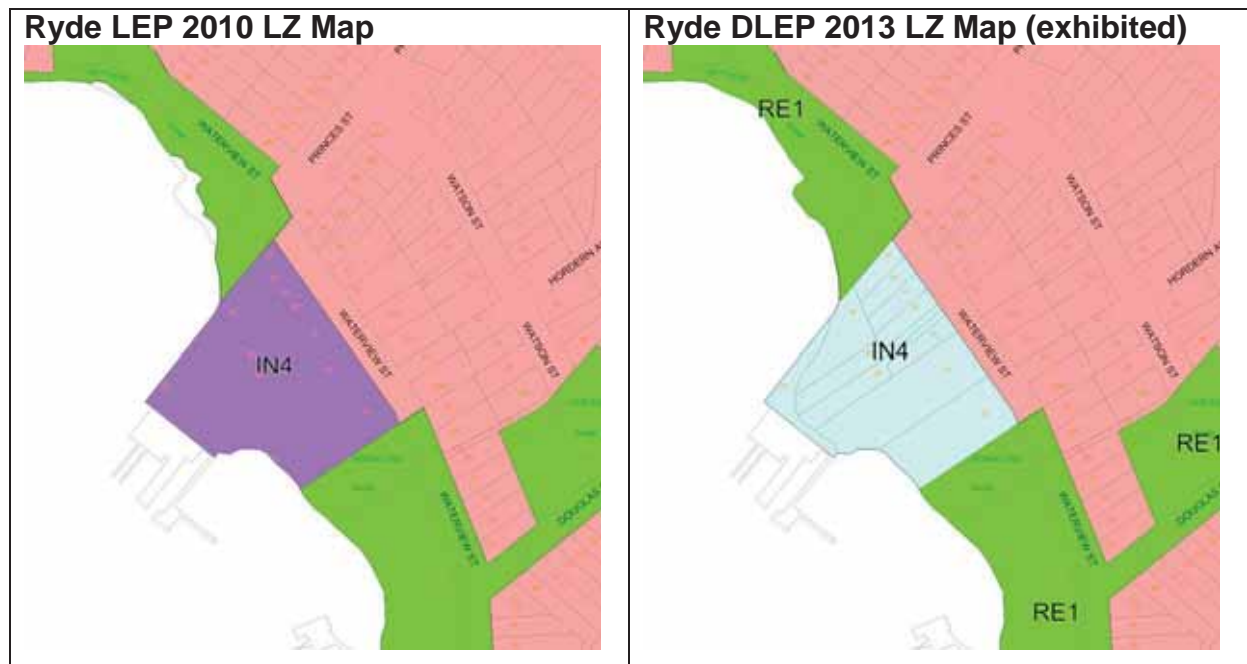


Figure 6: Maps showing the boundary of the land use zones under Ryde LEP 2010 and Ryde DLEP 2014

Surrounding land use zones

The land adjacent to the east and west is zoned RE1 Public Recreation and the remaining surrounding land to the north is zoned R2 Low Density Residential under Ryde LEP 2010 and Draft Ryde LEP 2014.

Unzoned land

The mean high water mark is a surveyor's term that is adjusted from time to time. Since the Gazettal of Ryde LEP 2010 and finalisation of the Draft Ryde LEP 2014 mapping Council has been advised by the RMS of an updated mean high water mark. This is illustrated below.

ITEM 6 (continued)

Should this planning proposal proceed, a request for a minor amendment to align the zone boundary with the most recent mean high water mark will be sought.

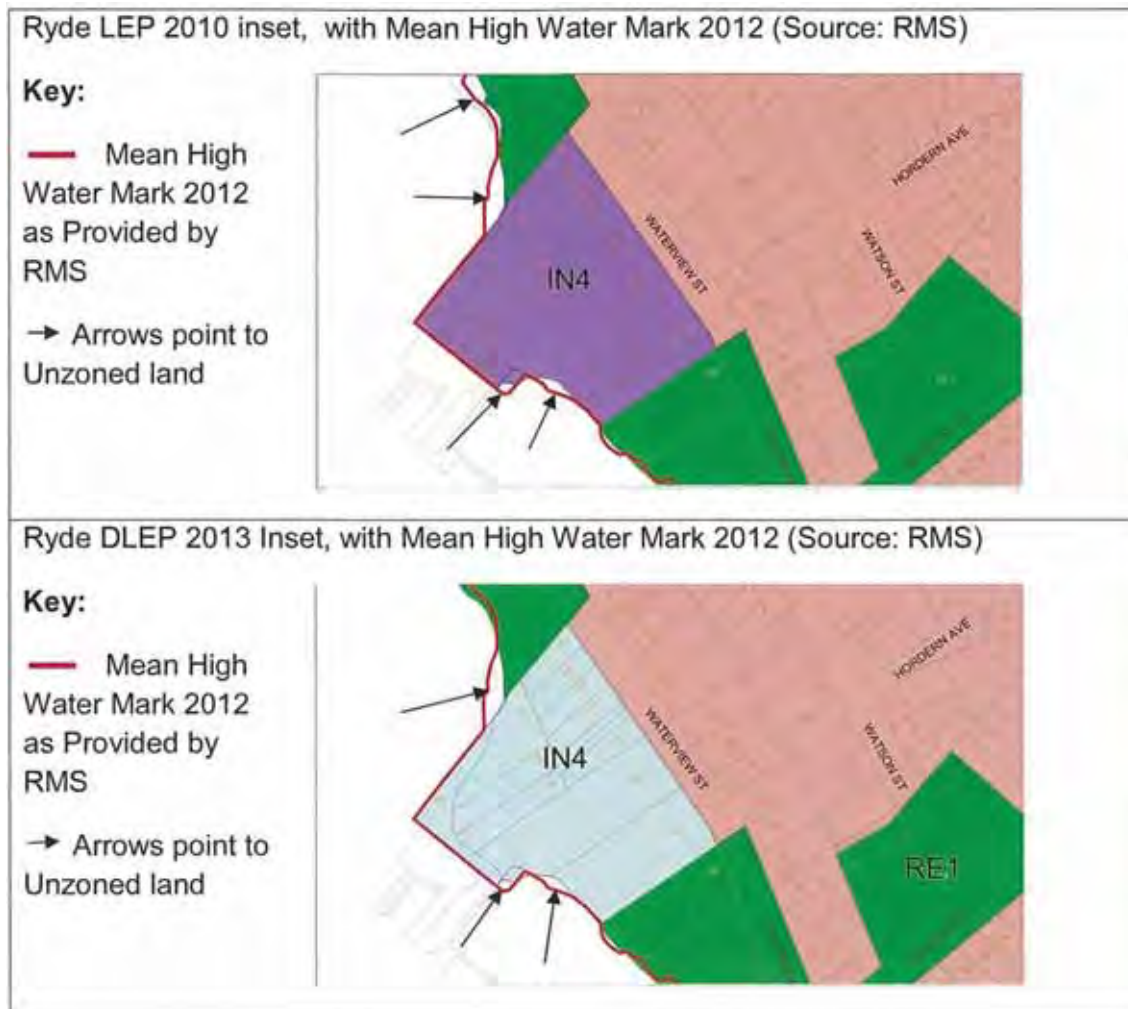


Figure 7: Inset of zoning maps indication the LEP zone map boundaries in comparison with latest information on Mean High Water Mark.

Building Height

No maximum building height currently applies to the subject land under Ryde LEP 2010, nor under Draft Ryde LEP 2014. A Maximum Building Height of 9.5 metres applies to the land in the vicinity which is zoned R2 Low Density Residential (applicable under both Ryde LEP 2010 and Draft Ryde LEP 2013).

The existing Halvorsen's shed is approximately 14m high.

Floor Space Ratio

The Ryde LEP 2010 applies a floor space ratio (FSR) of 1:1 to the site. This equates to a maximum permissible development potential of 14,130 m² of working waterfront uses under the current zoning controls.

ITEM 6 (continued)

The proponent has submitted that *“it is unlikely the land would ever be developed to its potential under the current configuration of the land use controls.”*

Acid Sulfate Soils

The site is also identified as Class 5 on the Acid Sulfate Soils map.

Heritage

The site is not identified as a heritage item. Heritage items are located in the vicinity (within 100 metres of the site).

Existing Planning Controls – SHCREP 2005

The subject land is in the area identified as the Sydney Harbour Catchment under the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005* (SHCREP 2005). The SHCREP 2005 identifies the Sydney Harbour Catchment (the boundary includes the whole of the City of Ryde). This REP is a Deemed SEPP (as of 1 July 2009).

Under the SHCREP 2005 the subject site is located in the Foreshores and Waterways Area, identified as a Strategic Foreshore Site, identified as a heritage item of state significance, and is located within the Wetlands Protection Area and as a result particular provisions apply to the site.

The SHCREP 2005 applies nine different Land Use zones to describe environmental characteristics and land uses of the harbour and its tributaries. The boundary of the zones is intended to abut the Ryde LEP 2010. In this regard, the SHCREP does not affect any existing zoning under Ryde's LEP 2010.

Under the SHCREP 2005:

- The site is identified as "Naval Refit Centre" and having state significance (Item No. 46 on the SHCREP Heritage Map Number 20467).
- The waterway area adjacent to the land's edge is zoned *W1 – Maritime Waters*
- The land to the west is zoned RE1 Public Recreation and W2 Environmental Protection
- The land to the east is zoned RE1 Public Recreation and W8 Scenic Waters Passive Use
- Strategic Foreshore Site: (refer to **ATTACHED** (Attachment 2) copy of SHCREP map identifying the site "Sheet 16 - ADI Site") – the effect of which is to require a Master Plan under Part 4 of the SHCREP
- The site is uncoloured (i.e. unzoned) under the provisions of the SHCREP and Ryde LEP 2010 applies (IN4 Working Waterways)

ITEM 6 (continued)



Figure 8: Compilation of zoning under Ryde LEP 2010 and SHCREP 2005 showing the site and surrounding zones, including the extent of the adjacent W1 – Maritime Waters zone under SHCREP 2005.

Sydney Harbour Catchment Development Control Plan 2005

The property is under the *Sydney Harbour Foreshores and Waterways Area Development Controls Plan 2005* (SH DCP) which has been prepared to support SHCREP 2005. The SH DCP provides detailed design guidelines for development and criteria for natural resource protection for the area identified as Foreshores and Waterways Area under the SHCREP 2005.

Sydney Harbour Catchment Master Plan for ADI site (Deemed DCP)

Part 4 of the SHCREP 2005 details the circumstances in which a Master Plan is required and adopted by the DG and subsequently amended. Such a Master Plan is required to be exhibited.

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The DG's Adopted Master Plan 2010 for the site is taken to have been adopted for the purposes of the Sydney Harbour Catchment REP (clause 11(4)) and is understood to have the legal status of a DCP (Schedule 6, clause 95(3) of the EP&A Act). The aims of the plan are to:

- Introduce planning controls that will encourage the remediation and redevelopment of the site retaining its working harbour character
- Create a public activity focus providing access to the foreshore and waterfront facilities
- Respond to the demand for waterfront facilities on the upper Parramatta River and in the west of Sydney Metropolitan Area.

The DG's Adopted 2010 Master Plan is illustrated in Figure 9. The focus of the DG's Adopted 2010 Master Plan is providing for compatible and complimentary non-residential uses. It provides for:

- A boat repair facility
- 250 dry waterboat berths
- 50 wet berths
- Ancillary marine services – approx. 2,800m²
- 100 car parking spaces
- A restaurant
- A café/kiosk and
- A small shop.

The plan included the existing large shed to be adapted and extended (16m and three levels in height) to accommodate the boat repair facility, 250 dry storage berths, and ancillary marine services. The restaurant and café/kiosk located in a free standing existing building 10m in height).

It is considered that the DG's Adopted Master Plan 2010 does not 'approve' the land uses for construction, and nor does it permit those uses with consent.

ITEM 6 (continued)



Figure 9: Illustrative graphic (plan view) provided by the proponent of the Adopted 2010 Master Plan for comparison purposes with the JBA 2013 Master Plan (Figure 9).

Existing Strategic Framework

The strategic planning framework for this Planning Proposal is found in the following key documents:

- Draft Metropolitan Strategy for Sydney 2031 / Metropolitan Plan 2036
- Draft Inner North Subregional Strategy
- Ryde Local Planning Strategy 2010

ITEM 6 (continued)

- Sharing Sydney Harbour Framework, including *Draft Sydney Harbour Boat Storage Strategy, Sharing Sydney Harbour Access Plan*
- City of Ryde Integrated Open Space Study, Ryde River walk Master Plan, Flora and Fauna Study

Metropolitan Plan 2036 and Draft Metropolitan Strategy 2031

The Sydney Metropolitan Strategy sets the NSW Government's framework for the future growth and prosperity of Sydney. It was first released in 2005 and has since been updated twice as follows:

- Metropolitan Plan for Sydney to 2036, NSW Department of Planning and Infrastructure (2010); and
- Draft Metropolitan Strategy for Sydney 2031, NSW Department of Planning and Infrastructure, (2013).

Of relevance is the site's location Sydney Harbour which is identified as one of nine "City Shapers" which are key locations for change. Sydney Harbour is a defining feature of Sydney and one of the biggest lifestyle and economic assets.

Key directions:

- the role of Sydney Harbour as a working harbour will remain
- More area to be opened up to the public
- Water quality and ferry transport to be improved

Draft Inner North Subregional Strategy**Employment Lands**

The Draft Inner North Subregional Strategy was prepared to support the previous Metropolitan Plan guiding land-use planning until 2031 in the Hunters Hill, Lane Cove, Mosman, North Sydney, Ryde and Willoughby local government areas.

The Strategy identifies 7 Employment Land Precincts of strategic importance and worthy of retention for industrial uses, including the site:

- *Former ADI site, Ryde (Local Industry–Maritime) is a small waterfront industrial area (1.5 hectares) which has historically supported working harbour activities and is currently used for boat repair facilities. A master plan has been adopted for the site proposing maritime related activities.*

ITEM 6 (continued)Ryde Local Planning Study 2010

The Ryde Local Planning Study (LPS) was adopted by Council December 2010 and prepared to:

- guide the future growth of Ryde through a range of planning initiatives and strategies;
- inform the Draft Ryde LEP 2011; and
- Review and respond to directions from the State Government as identified in the Metropolitan Strategy for Sydney and the Draft Inner North Subregional Strategy, particularly relating to housing and employment targets.

The LPS is a comprehensive study supported by background studies in key areas of: transport – integrating transport and land use, housing, employment, environment and open space, heritage, centres and corridors. The LPS supports and provides for housing growth in centres supported by major transport connections, and protection of employment lands.

The LPS reinforces the retention of the site as working waterfront, the retention and enhancement of the foreshore land of Parramatta River, in the context of environmental protection, for open space, public access to waterways and for linking regional open space (Regional Tracks and Trails Framework) around the harbor foreshores.

Sharing Sydney Harbour Framework

Sharing Sydney Harbour is the NSW Government's vision for managing the future of Sydney Harbour. The vision is: "...[To take] wise and comprehensive care of the Harbour as a natural asset belonging to future generations, and sharing the Harbour with nature and for all human activities..." (Sharing Sydney Harbour Regional Action Plan 2000)

Four themes underpin the vision, giving Sydney its unique character among the great harbour cities of the world:

- **Natural harbour** - a healthy sustainable environment on land and water
- **Urban harbour** - a high quality urban environment
- **Working harbour** - a prosperous, working waterfront and effective transport corridor
- **People's harbour** - a culturally rich, accessible, active place for people

To support this vision DOPI has prepared:

- *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*
- *Sydney Harbour Catchment Development Control Plan 2005*
- *Sharing Sydney Harbour Access Plan*
- *Draft Sydney Harbour Boat Storage Strategy,*
- *Sydney Harbour Catchment Master Plan for ADI site (Deemed DCP)*

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All are applicable to the subject site (see separate description of Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 under heading Existing Planning controls.

Draft Sydney Harbour Boat Storage Strategy (April 2013)

The Draft Sydney Harbour Boat Storage Strategy (April 2013) has been prepared by the State government updating and superceding its Boat Storage Policy (2004). This draft strategy concludes that demand for boat storage in Sydney Harbour has not kept pace with growth and establishes boat storage targets by 2021 including:

- 1000-1200 new dry stack storage spaces
- 600-800 new commercial marina berths
- 300 new mooring spaces
- 150-250 new berths at private marinas/domestic facilities

City of Ryde Integrated Open Space Plan, Ryde River walk Master Plan, Flora and Fauna Study

These studies collectively inform the environmental context of the site and future directions for the Parramatta River foreshore land.

City of Ryde Integrated Open Space Plan (Adopted July 2012) provides a policy framework for open space planning analyses the City's existing public open space and makes recommendations on how that open space can be conserved, enhanced and extended to meet the community's recreation and leisure needs. Objectives include improving linkages within and between the open space networks.

Ryde River Walk Master Plan 2007 provides the framework for the detailed designs of the Ryde River Walk, an 8 kilometre river foreshore bike and pedestrian pathway trail along the northern foreshore of the Parramatta River that proposes to connect existing foreshore parks and provide an important link in a regional systems of recreation trails. It is an investment partnership between the City and the State Government to improve public access to parks, trails, heritage sites and transport hubs along the river foreshore.

The *Flora and Fauna Study* 2008 identifies vegetation communities in the context of the site including threatened (endangered ecological community) coastal saltmarsh vegetation in the mangrove wetlands communities in the parks (Settlers Park and Bennelong Park), informing the Wetlands Protection Area identified under the SHCREP 2005.

ITEM 6 (continued)**5. PLANNING APPRAISAL**

Assessment of the planning proposal is grouped into five key areas:

1. Consistency with Strategic context and Section 117 Directions (5.1)
2. Land Contamination and SEPP 55 (5.2)
3. Heritage and Wetlands Protection (5.3)
4. Proposed Land Uses and IN4 Working Waterfront (5.4)
5. Proposed Height and Built form (5.5)

5.1 Consistency with Strategic Context and Section 117 Directions

As required of planning proposals, the proponent has provided an assessment of the strategic context including the state and local framework, state planning policies, and section 117 Ministerial directions which Council is required to take into consideration.

Consideration has been given to the assessment, and comments provided in response in a table **ATTACHED** (Attachment 3) to this report. Key issues arising out of this assessment include:

- The planning proposal is deficient in responding to Council's Local Planning Strategy which was developed in response to the Sydney Metro Strategy and the Inner North Sub-regional Strategy
- The planning proposal is inconsistent with strategic direction of the Ryde Local Planning Strategy 2010, Ryde Draft LEP 2011 and Draft Subregional Strategy in relation to maximising retention of this site for working harbour.
- The planning proposal is inconsistent with s117 Direction 1.1 – Business and Industrial zones and 7.1 – Implementation of the Metropolitan Plan for Sydney 2036.
- Proponent's Justification not supported by:
 - Sufficient and satisfactory justification regarding remediation of the site for the proposed uses (refer next section on Land Contamination)
 - Sufficient and satisfactory investigation into the heritage significance of the site and relationship with proposed uses and proposed height control (refer section following on heritage assessment)
 - Economic feasibility assessment informing the compatibility of proposed uses on the site
 - Sufficient consideration potential impacts of uses on threatened vegetation/wetlands protection in the vicinity of the site in the context also of climate change threats and exploration of LEP mechanisms to mitigate those impacts.

ITEM 6 (continued)**5.2 Land Contamination and SEPP 55***State Environmental Planning Policy No. 55 - Remediation of Land (SEPP 55)*

SEPP 55 provides a state-wide planning approach to the remediation of land contamination. In particular, the policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspects of the environment. To this aim, it specifies:

- when consent is required for remediation
- considerations relevant to the rezoning of land and determining of development applications, and
- requirements for standards and notifications to be met.

Of relevance is that SEPP 55 requires Council to consider land contamination issues upfront in the plan-making process before it makes a decision on a change to the zoning of land that would permit a change of use. Clause 6 of SEPP 55 requires Council to consider in the preparation of changes to its LEP, in summary:

1. whether the land is contaminated, and
2. whether, if the land is contaminated, Council can be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and
3. if the land requires remediation to be made suitable for any purpose for which land is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.

SEPP 55 is accompanied by guidelines to assist planning authorities in their planning functions under that SEPP, *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land* (SEPP 55 Guidelines). Draft guidelines have also been released (2008). As recommended by the State government Council has adopted the City of Ryde Contaminated Land Policy in response SEPP 55 and associated SEPP 55 Guidelines.

Council is to determine if the use of the site has caused contamination of the site as well as the potential risk to health or the environment from that contamination. Decisions must then be made as to whether the land should be remediated, or its use of the land restricted, in order to reduce the risk. In making decisions it is expected that Councils will have taken reasonable cautionary steps in accordance with the Guidelines and any adopted policy.

ITEM 6 (continued)Contamination and Acid Sulphate soils Assessment

In response to SEPP 55 the proponent submits:

The Site has been identified as contaminated land and a Phase 1 Environmental Assessment Report and Phase 2 Environmental Assessment Report has been prepared by Martens Consulting Engineers. The proponent is committed to preparing a RAP and obtaining a Section B SAS to verify the site can be made suitable for the proposed uses prior to gazettal of the new controls. The Planning Proposal will facilitate redevelopment of the Site that can pay for the required remediation works.

In conclusion to the detailed investigation (Phase 2 Report), *Martens Consulting Engineers* concludes that the site is not suitable for the proposed uses and will require remediation. The report also recommends further investigation of the site to enable the preparation of a site remedial action plan (RAP).

The planning proposal was referred in full to Council's Environment Health & Building Unit, and Council's Team Leader – Environmental Health has provided the following comments (included here in full):

The site is currently zoned IN4 Working Waterfront under the Ryde Local Environmental Plan 2010 (RLEP) and can be used for the following land uses:

- *boat building and repair facilities,*
- *boat launching ramps,*
- *jetties,*
- *industrial retail outlets,*
- *light industries, and*
- *recreation areas.*

It is proposed to amend the RLEP to allow the following land uses:

- *marina,*
- *residential flat buildings,*
- *attached dwellings,*
- *multi-dwelling housing,*
- *food and drink premises,*
- *shops, and*
- *kiosks.*

A Phase 1 Environmental Site Assessment report and a Phase 2 Environmental Site Assessment report have been prepared by Martins Consulting Engineers and have been submitted with the application.

The Phase 1 report reviewed the site history and identified the potential contaminants of concern.

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The site history review revealed that:

- *The site has been used for boat storage, repair, maintenance and berthing for at least 55 years.*
- *The site has been used for the storage of petroleum-based products, paints, batteries, water-proofing compounds, detergents and other chemicals.*
- *Evidence of surface contamination from waste oil.*
- *Rubbish stockpiles in a number of locations across the site including scrap metal, asbestos sheeting, timber pallets, fuel/oil drums, PVC piping, concrete blocks, abandoned skip bins, water tanks and car/boat parts.*
- *The likelihood of acid sulphate soils along the foreshore.*

The report identified the following potential contaminants of concern:

- *TRH (total recoverable hydrocarbons)*
- *TPH (total petroleum hydrocarbons)*
- *BTEX (benzene, toluene, ethyl benzene, xylene)*
- *PAH (polycyclic aromatic hydrocarbons)*
- *Heavy metals (Pb, Cd, Cr, Zn, Cu, Hg, As)*
- *Alkyltin*
- *VOC (volatile organic compounds)*
- *VCH (volatile chlorinated hydrocarbons)*
- *OCP/OPP (organochlorine pesticides/organophosphate pesticides)*
- *Phenols*
- *PCB (polychlorinated biphenol)*
- *Asbestos*

The Phase 2 report examined the site and assessed its suitability for residential and commercial use including a marina.

The report found that the concentrations of TRH/TPH, heavy metals (copper and lead), DBT (dibutyltin) and TBT (tributyltin) commonly occur at concentrations exceeding the adopted criteria.

The report also identified the potential for metals to leach into the groundwater and migrate off site and that the concentrations of metals, PAH and TBT in the foreshore sediments present a risk to the environment and benthic ecology.

The report concludes that the site is not suitable for the proposed use and will require remediation. The report also recommends further investigation of the site to enable the preparation of a site remedial action plan (RAP).

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I also note the following:

- *The soil criteria used generally appear to have been taken from Appendix II of the Guidelines for the NSW Auditor Scheme (2nd Edition) and are for residential with minimal access to soil including high-rise apartments and flats (Column 2) instead of residential with gardens and accessible soil including townhouses (Column 1).*
- *Some results are very high and exceed the criteria for commercial and industrial use.*
- *The results should be assessed against the criteria specified in National Environment Protection (Assessment of Site Contamination) Measure 2013, where applicable.*
- *There is no assessment of acid sulphate soils.*

Under clause 6 of State Environmental Planning Policy No. 55 – Remediation of Land Council must consider whether the land is contaminated and, if remediation is required to make the land suitable for the proposed land uses, be satisfied that the land will be so remediated before the land is used for those purposes.

At this stage, it is clear that the site is not suitable for the proposed use without remediation. However, I am not satisfied that the site can be remediated to the extent necessary for the proposed use.

The Environmental Health Officer recommends:

That the applicant be requested to provide a further report that:

- (a) addresses the data gaps identified in the Phase 2 Environmental Site Assessment report, and also includes an assessment of acid sulphate soils;*
- (b) evaluates the results against the relevant assessment criteria;*
- (c) clearly states that the site will be suitable for the proposed use following remediation;*
- (d) outlines the feasible remediation options available; and*
- (e) states whether that work is Category 1 or Category 2 remediation work.*

This is a complex land contamination issue, especially given the characteristics of this site and its context, location on the harbour foreshore, extent and nature of contamination, and proposed land uses. All other factors considered, Council is not in a position, given the information provided this far, to be satisfied that the land could be remediated for all the proposed land uses, without further investigation. This is reinforced by the recommendations of Team Leader – Environmental Health.

Clause 6(1) (b) requires Council/any planning authority consider that if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for ALL the purposes for which land in the zone

ITEM 6 (continued)

concerned is permitted to be used. Assessment of this site calls into question all the land uses that are currently permissible, and those that are proposed to be permissible. Updated contamination information should also reflect that.

It should also be noted that a marina itself (one of the proposed land uses) is identified under the guidelines associated with SEPP 55 (*Managing Land Contamination Planning Guidelines: SEPP 55—Remediation of Land* 1998, Department of Urban Affairs and Planning and Environment Protection Authority), and the 2008 Draft of these guidelines, as one of a number of potentially contaminating activities. This is due to potential use of chemicals associated with the marina activities (such as antifouling paints, metal treatments associated with electroplating; and various chemicals associated with engine works). Whilst the details of such activity would be the matter for consideration with a development application, consideration of the potential for the site requiring remediation to also accommodate potentially contaminating uses warrants some further investigation at the rezoning stage, especially given the sensitive site location.

Contamination and Remediation Costs

In relation to contamination costs to remediate the site, the proponent states:
It is in the public interest that the Site be remediated and that the existing boat shed be conserved and its heritage significance interpreted in an appropriate manner. However, there are significant costs associated with remediation and conservation (and upgrade generally) to meet contemporary environmental standards as well as RMS standards for the waterside structures. For example, in December 2008, Drivas Property Group obtained a fee proposal from an engineering consultant who quoted \$3.3 million plus GST for remediation of the Site alone. This cost would have increased since that time and will need to be validated once a remedial action plan is prepared; these costs will prevent the redevelopment of the Site unless redevelopment is economically viable.

In response it is agreed that the site should be remediated, however in the absence of the relevant further information warranted (such as remediation options, and clarity about each of the proposed uses) it is unclear at this stage what how such costs could be identified. The further contamination report should also inform economic viability assessment.

Potentially significantly contaminated land

Council's decision on the proposal should also be guided by the EPA's advice on the contamination findings, in relation to the EPA's role concerning significantly contaminated land under the Contaminated Land Management Act 1997.

At the time of preparing this report, no response has been received from the EPA to Council's referral, nor any advice of a notice or declaration received by Council relating to the land subsequent to the owner's notification to the EPA under section 60(2) of the CLM Act 1997 on 26 March 2013 regarding the site being contaminated.

ITEM 6 (continued)**5.3 Heritage and Wetlands Protection**Heritage

Under the provisions of the SHCREP 2005 the consent authority must consider impacts on the Heritage Item (best embodied by the Halvorsen Shed) and the archaeological resource. The heritage reports submitted by the proponent predate the proposal and do not address its impacts. However, it is clear that the archaeological resource would be adversely impacted by proposals for residential development and basement parking. It should be noted that the DGs adopted Master Plan seeks to retain the archaeological resource.

The NSW Office of Environment and Heritage has advised (by letter 12 February 2014) with respect to the heritage and archaeological significance at this site that:

On 12 February 2014, after receiving information from Dr Peter Mitchell and hearing from the Putney Progress Association representative about a presentation to that group from Lilac Pty Ltd regarding the redevelopment of the 20 Waterview Street; the Ryde Heritage Advisory Committee resolved to request that Council place an Interim Heritage Order (IHO) on the site because:

- The site is associated with prominent colonial and local figure James Squire
- 20 Waterview Street is the site of Australia's first brewery
- Archaeological resources of state significance associated with the brewery and James Squire are likely to exist on the site and are at risk from the proposal
- Maritime archaeology of state significance including the remains of James Squire's stone jetty (which are clearly visible at low tide) are also at risk from the proposal
- The Halvorsen Boat shed is listed as an item of state significance under the SHCREP but not listed on Council's Schedule 5 as a heritage item.

Under clause 25 of the NSW Heritage Act the Minister for Planning can authorise council's to make IHOs. On 17 July 2013 the Minister wrote to the City of Ryde advising that the Minister had authorised all councils in NSW to make IHOs.

An IHO is a temporary heritage order which allows a council to assess whether or not a place should be listed within an LEP. Council is responsible for preparing any information required to support the listing. An IHO does not stop development from proceeding as Council remains the consent authority but development applications must be referred to the NSW Heritage Office for comment while the IHO is in force.

While an IHO can be in place for up to 1 year they lapse if council does not resolve to place the item on the LEP heritage schedule within 6 months. In this case, Council would consider listing the site as an Heritage Item (for the Halvorsen Boat Shed) and Archaeological Item (for the remains of Squires Brewery) under Schedule 5 of the Ryde LEP 2010/14, whichever is in place at the time. Sufficient information is available - based on existing heritage studies - to support these listings should council resolve to do so.

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IHOs provide councils with the ability to safeguard places, while allowing time for informed decision making. In relation to the procedural matters for applying an IHO Council would need to resolve to do so and also to resolve to advise the Minister for Planning of their resolutions with a request that the IHO is notified in the NSW Government Gazette. The IHO becomes effective from the date of notification.

The issue of placing an IHO on the site will be reported separately to Council in the near future. Under the provisions of Ryde LEP 2010 the Foreshore Building line is applied to all residential zoned land along the foreshore.

Should Council consider residential development on the site, the Foreshore Building Line – which is applied to all residential development along the foreshore - would be applied to protect the archaeological resource in accordance with Ryde LEP 2010 clause 6.3

- (3) *Development consent must not be granted under subclause (2) unless ... the consent authority is satisfied that*
- (f) *any historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance of the land on which the development is to be carried out and of surrounding land will be maintained.*

As a result of the heritage significance of the site (including associations with James Squires) this report will recommend that the archaeological resource is protected. Should Council consider residential development on the site, the Foreshore Building Line would be applied to protect the archaeological resource.

Vegetation and Wetlands Protection Area

Under the provisions of the SHCREP 2005 the consent authority must consider impacts on the wetlands protection areas. The planning proposal is deficient in considering the potential impacts on the riparian vegetation of the proposed land uses on the mangroves, threatened fauna (coastal saltmarsh) communities in the land/water interface.

The consideration of a foreshore building line, as identified for protecting the archaeological resource (refer above section) should also be explored in the context of providing sufficient protection for the wetlands protection area.

5.4 Proposed Land Uses and IN4 Working Waterfront Zone

The proponent requests the addition of land uses to the current zone/site for the following reasons including:

- The existing land use controls do not adequately address the land/water interface
- The current zoning and limitation of waterfront uses sterilizes the land from future redevelopment.

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It is proposed to add the following land uses to be permissible on the site using the provision for additional land uses for particular sites under the LEP (including under Schedule 1):

[Maritime activity related:]

- Marina

Residential land uses

- residential flat buildings
- attached dwellings
- multi-dwelling housing

Commercial land uses:

- food and drink premises
- business premises
- shops and
- kiosks

The planning proposal is deficient in terms of the justification for each of the additional land uses to be added to the IN4 Working Waterfront zone, in terms of:

- The strategic direction for the site,
- Economic considerations
- Compatibility of current and proposed uses on each other and the strategic intended use of this waterfront site (for example the compatibility of working waterfront land uses and residential development).

The proposal does not give consideration to the scale and intensity of the proposed land uses in the local context and against the objectives of the IN4 zone under Ryde LEP 2010 and the objectives and principles under SHCREP.

Intentions of the IN4 Land Use Zone

DOPI provides guidance on preparing LEPs using the standard land use zones under the Standard Instrument (LEP Practice note PN11-002). Relevant to this proposal are the following points:

- The zone objectives now in Ryde LEP 2010 and Draft Ryde LEP 2014 are the same as the core objectives for the IN4 Working Waterfront land use zone under the Standard LEP instrument;
- It is important that councils maintain the integrity of the zone by including only those uses consistent with the zone objectives.
- IN4 Working Waterfront: *“This zone is generally intended for industrial and maritime uses that require waterfront access. The zone could be applied to small commercial fishing or other ports, as well as other maritime industrial uses. A special purpose zoning may be more appropriate for large commercial port facilities.”*

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Councils are advised by DOPI to use the standard template zones as far as possible without the use of Schedule 1 Additional Permitted Uses and as a result this proposal is not supported.

Consideration of an alternate zone which accommodates the requested land uses would not be in accordance with the strategic direction for this site and environs under the provisions of the SHCREP or Ryde LEP 2010. Notably under Ryde LEP 2010 the IN4 objectives reinforce the waterfront location, industrial use, employment lands, and do not support residential purposes.

Appraisal of the planning proposal has been carried out with respect to the IN4 Working Waterfront zone objectives, as summarised in the following table.

IN4 Working Waterfront land use zone objectives	Appraisal
<i>To retain and encourage waterfront industrial and maritime activities.</i>	<p>Permissible uses in current IN4 Working Waterfront land use zone under Ryde LEP 2010 (and draft Ryde LEP 2013) support this objective.</p> <p>The proposal to retain the IN4 zone assists in retaining IN4 use.</p> <p>Of the three land use types requested:</p> <ul style="list-style-type: none"> ▪ Marina may be considered a maritime activity ▪ Residential would not be consistent. ▪ Commercial – no economic justification for the proposed uses. Strategically supported on employment grounds however should be considered in context of ancillary uses and supporting waterfront uses into the future. <p>Incompatibility of proposed and existing permissible land uses is an issue, in particular mixing residential with industrial activity.</p>
<i>To identify sites for maritime purposes and for activities that require direct waterfront access.</i>	<p>The site has been used for maritime purposes since at around 1800 when James Squire built a jetty and recognised for many years in local and state planning controls. It is the only IN4 site in Ryde LGA – rare in the Ryde LGA and in harbour. The SHCREP and LEP promote maritime uses as the core usage. The objective reinforces the continued zoning of the site for maritime purposes. The proposed residential land uses do not rely on direct waterfront access. Including a marina in the IN4 Working Waterfront potentially satisfies this objective.</p>

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IN4 Working Waterfront land use zone objectives	Appraisal
	It should also be noted that limited opportunities are available (Sydney Harbour) for boat repairs such as carried out on this site. If the current activities were to close, boat repair facilities would be reduced generally (limited to sites such as Woolwich).
<i>To ensure that development does not have an adverse impact on the environmental and visual qualities of the foreshore.</i>	Environmental qualities: insufficient justification in the planning proposal has been provided on the impact of proposed land uses on nearby protected species and wetlands protection area (in particular marina use – wave action).
<i>To encourage employment opportunities.</i>	<p>This refers to the long term sustainable employment. The proposal to include marina and supportive commercial land uses would contribute to supporting the existing permissible working waterfront uses reliant on the water access.</p> <p>The proposal to include residential land uses on the site contributes only to short term development related employment, not the sustainable employment maritime related activity sought.</p>
<i>To minimise any adverse effect of development on land uses in other zones.</i>	Care is needed in the nature of activity permitted on this site with respect to amenity for the surrounding residential area, and this needs to be balanced with recognition of the long established maritime activity and waterfront industrial activity on the site, and employment land needing protection for such purposes.

Working Harbour and Continuation of Viable Maritime Activities on the Site

As identified earlier in this report it was confirmed by a site visit that maritime industry activities continue to operate at the site as intended by the IN4 Working Waterfront zone.

There is a main tenant and approximately 15 sub lessees each of whom employ 2-3 people. It is understood there are up to 45 people employed on the site involved in activities including:

- repairs of boats, including timber boats
- boat detailing
- boat mechanic
- boat storage
- operation of business related to maritime activities.

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Consideration has been given to the opportunities for such activities to relocate or be found elsewhere on the River or within the harbour. For many years there have been increasingly limited opportunities in Sydney Harbour for boat repairs such as carried out on this site, and increasing demand for boat storage facilities as identified in the State government's boat storage strategy and policy work. A range of reasons for these limitations include development pressures on the foreshore, higher standards of environmental controls applying to activities, increasing harbour front residential populations and recreational boat activity.

Research has found that the following facilities exist within the vicinity of the site

Chowder Bay Boat Shed (Sydney Wooden Boat)

- specialises in wood boats
- boat building and restoration
- slipway
- accommodates vessels up to 50ft

D'Albora Marina-Cabarita Point

- marina
- maintenance
- marine detailing
- restaurant/ kiosk
- boat storage

Gladesville Bridge Marina

- marina - 50 berth
- swing moorings – 44
- work berth
- slipway
- boat sales

Woolwich Dock

- specialises in super yachts and large power boats
- repairs and maintenance
- slip way
- restaurant/ function centre

Each of these sites has limitations, including access to water of certain depth, access to slipways, etc. Such limitations affect the size, shape and construction of vessels that can be handled. It should be noted that only one of these facilities specialises in handling of timber boats. Slipways are needed for pulling timber boats from the water (as opposed to travel lift s which can damage the integrity of the timber).

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Repairs and detailing activity (cleaning, antifouling activity) are subject to strict environmental standards administered by the Environmental Protection Authority. The site 20 Waterview Street are subject to the current environmental standards under licensing requirements. In recent years the EPA carried out a program of surveying maritime sites and has required upgrades to occur to meet standards for the Harbour. Some operations required significant upgrade and it is understood some older sites have not proceeded with upgrades due to economic considerations. In time, such sites will be required to reduce the services they offer or cease operating. Meanwhile the subject site has been able to continue its operations under licence to the EPA (which includes regular inspections by the EPA). There is room on site around the slipway to cater for capture and satisfactory removal of waste water (including antifouling chemicals).

The site is unique in the range of services and facilities it provides –its closure would result in the loss of facilities that continue to meet an ongoing demand, in particular the repair and restoration of wooden boats.

Comparison with W1 Maritime Activities zone under SHCREP 2005

The Adopted 2010 Master Plan includes a marina and associated development (such as a restaurant, club facilities, etc not including residential development), in addition to ancillary maritime activities. There is an identified inconsistency in that marinas, a land use which relies on connection with the water, are prohibited under the current IN4 Working Waterfront Ryde LEP and DLEP, but permissible with consent (as commercial marinas) under the SHCREP 2005.

As the proponent submits, the DG's Adopted 2010 Master Plan, as a Deemed DCP, does not in itself provide the permission for land uses nor specify development standards. The submission of the planning proposal provides the opportunity to consider amplifying the land uses in the IN4 zone to enable the land uses identified in the DG's 2010 Master Plan.

Consideration of adding marina and commercial uses reflective of the Adopted 2010 Master Plan is included in the following discussion on each land use group.

Proposed land use: Marina

A marina is defined under Ryde LEP 2010 (in accordance with the Standard LEP Instrument Dictionary) as:

***marina** means a permanent boat storage facility (whether located wholly on land, wholly on a waterway or partly on land and partly on a waterway), and includes any of the following associated facilities:*

- (a) *any facility for the construction, repair, maintenance, storage, sale or hire of boats,*
- (b) *any facility for providing fuelling, sewage pump-out or other services for boats,*

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- (c) *any facility for launching or landing boats, such as slipways or hoists,*
- (d) *any car parking or commercial, tourist or recreational or club facility that is ancillary to the boat storage facility,*
- (e) *any berthing or mooring facilities.*

However the SHCREP 2005 makes a distinction between commercial marinas and private marinas. The SHCREP permits with consent “commercial marina” in the W1 Maritime Activities zone which applies to the subject site. Commercial marina is defined as under the SHCREP as follows:

commercial marina means a permanent boat storage facility (whether located wholly on land, wholly on the waterway or partly on land and partly on the waterway) together with any associated facilities, including:

- (a) *any facility for the construction, repair, maintenance, storage, sale or hire of boats, and*
- (b) *any facility for providing fuelling, sewage pump-out or other services for boats, and*
- (c) *any facility for launching or landing boats, such as slipways or hoists, and*
- (d) *any associated car parking, commercial, tourist or recreational or club facility that is ancillary to a boat storage facility, and*
- (e) *any associated single mooring, but does not include a boat repair facility or a private marina.*

(Note: *private marina* and *boat repair facility* are defined as:

private marina means an apparatus or structure located on or in the waterway and used for restraining two or more vessels, but does not include a commercial marina or mooring pen.

boat repair facility means any building, structure or facility used primarily for the construction, maintenance, repair, sale or hire of boats, whether or not including the storage of boats or other vessels, but does not include a commercial marina.)

The definitions under the LEP and SHCREP 2005 are generally consistent. The proposed use as a marina, subject to site remediation, and the opportunity for public access, would also be consistent and supportive of the land uses permitted in the adjacent open space/parklands.

The planning proposal should address the consistency of proposed land use zones in the context of current permissible zones in this location. Concerns have been raised through internal consultation regarding the potential impacts of wave action from activities associated with the proposed marina on the environment and protected vegetation and on the sea walls.

ITEM 6 (continued)Proposed land use: commercial types uses

Of the proposed commercial land uses, *shops, kiosks and food and drink premises* are types of *retail premises*, also defined under Ryde LEP. Shops and kiosks are defined as:

shop means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.

kiosk means premises that are used for the purposes of selling food, light refreshments and other small convenience items such as newspapers, films and the like.

Clause 5.4 of the LEP contains the size of gross floor area of kiosks

Food and drink premises is a group term, under the LEP which includes the following:

- (a) a restaurant or café
- (b) take away food and drink premises
- (c) a pub
- (d) a small bar

The proposal also includes business premises, which is defined as:

business premises means a building or place at or on which:

- (a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
- (b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.

The business premises use opens up opportunity for a range of general business uses which might otherwise be catered for in Ryde's established centres hierarchy, and which might potentially impact on the intended maritime related use of the site. This has not been explored in the planning proposal.

Insufficient justification has been provided in the planning proposal for each of the types of commercial uses, in the context of the strategic directions for the site and other local commercial centres nearby. In particular concern is raised about the potential for pubs in the context of residential area and adjacent parklands.

ITEM 6 (continued)

Notably, the definition of marina includes options for commercial, tourist or recreational or club facility as ancillary to a boat storage facility. This warrants consideration should be given in the planning proposal to the scale of proposed commercial uses, impact of the dominant intended usage of the site, the surrounding residential area, the compatibility with working waterfront use and on the established centres/retail hierarchy identified in Councils strategic plans.

The potential for additional commercial uses on the site should be explored as a means of supporting employment opportunities for the viability of employment lands, supporting the opportunity to open up public access to the foreshore, and providing consistency also with the objectives and provisions of the SHCREP 2005 and DG's Adopted 2010 Master Plan. Business premises, restaurant, café, shop, and kiosk should be considered.

Proposed land use: residential

The proposal provides for high density residential development on the site in the form of residential flat buildings, townhouses and apartments within the existing boat shed.. The land opposite in Waterview Street is zoned for R2 Low Density Residential use, permitting a range of dwelling types, also including multi-dwelling housing under Ryde LEP 2010 and DLEP 2014, but prohibiting residential flat buildings and townhouses.

The Parramatta River foreshore land (on the southern side of Waterview Street) is parklands for more than 200m to the west and 400m to the east either side of this site. The land has historically been largely undeveloped. To introduce residential into the IN4 Working Waterfront as proposed, especially on the scale proposed, works against the objectives and intentions of the zone:

- To retain and encourage waterfront industrial and maritime activities.
- To identify sites for maritime purposes and for activities that require direct waterfront access.
- To provide for compatible land uses that meet the objectives .

Residential land uses are not compatible with industrial activity in particular. The matter of compatibility of the proposed land uses with existing permitted land uses on the site has not been explored.

The introduction of residential into the IN4 Working Waterfront zone applicable to this site is also contrary to Ryde's strategy to support planned growth in town and local centres supported by good public transport and a road network with the capacity and infrastructure to support the growth. As a consequence of this policy Ryde will exceed the Inner North Sub-regional Growth target of 12000 new dwellings by 2031 by several thousands of dwellings.

Based on the assessment as provide above, residential land use is not supported.

ITEM 6 (continued)**5.5 Proposed Height and Built Form**

The proponent bases justification of the proposed maximum height of 14 metres on the preferred master plan concept (JBA 2013 Scheme).

This location, on the foreshore and providing views to the waterway, surrounded by a mix of public open space, waterway and low scale residential development (maximum of 9.5 metres applicable) is sensitive and assessment of building height is to be considered in terms of:

- Impact on heritage significance of the large shed (approximate height 14 metres)
- Visual impact of proposed new buildings at maximum height proposed (14 metres) especially as visible from the harbour and surrounding public areas
- Impact of height controls in view corridors and opportunities for view sharing

Comments made in the planning proposal that relate to these considerations include:

- *promote view sharing and the retention of existing views currently enjoyed by surrounding residences;*
- *there are existing and proposed public open spaces nearby which require protection from overshadowing;*
- *there is a potential to provide residential development on the Site, which is compatible with the residential character of the neighbourhood, particularly as a transition in density from residential flat buildings to town houses which mirror existing low scale dwellings fronting Waterview Street opposite the Site*
- *control the appearance of the Site from and to foreshore public open space and other public open space and vantage points;*
- *control views to the Site from Parramatta River (i.e.: from the water looking back into the Site);*
- *maintain, protect and enhance the unique visual qualities of the heritage landscape;*
- *conserving, where appropriate, the fabric, setting and views to and from the Site and its landscape.*

Consideration of introduction of a maximum building height on the site is supported, however a blanket height control across the site which enables 3-4 storeys is not considered the appropriate means to achieve all relevant objectives. Proposed maximum height on the site under the LEP should take into account and reflect urban design considerations. In this regard any future development on the site should aim to be concealed in behind the existing street tree canopy along Waterview Street. Development should respond to the site's contours and step down the site towards the riverside edge. In doing so the highest point on the site (the south east corner) should be expected to accommodate no more than two storey maximum (residential equivalent) and potential for three storeys parallel to the boundary. In any development of this site it is important that the historic shed maintains the focus in terms of built form, bulk, height and new development be subservient.

The potential for maximum building height controls should be explored further.

ITEM 6 (continued)Is the Planning Proposal the best means of achieving the intended outcomes or is there a better way?

The proponent submits that the planning proposal and the range of uses is the best means for achieving the desired future redevelopment of the site.

This is based on the contention that:

- The site is in need of remediation, and buildings in disrepair, and current uses are not economically viable to assist funding remediation and conservation work
- The current zoning and limitation of waterfront uses sterilizes the land from future redevelopment
- The existing land use controls do not adequately address the land/water interface
- The existing land use controls do not facilitate the remediation of the site through redevelopment.

The proponent submits that the current limitation of the working waterfront zoning sterilises the land from future development. The planning proposal, however, is deficient in justifying economic feasibility for the proposed land uses in the context of the site, the IN4 Working Waterfront zone, the objectives and principles under the SHCREP 2005.

Council's position is that the current zoning reflects the intended long term use of the site, is generally consistent with the DG's Adopted Master Plan 2010 and with DOPI Draft Sydney Harbour Boat Storage Strategy. Council staff consider that expanding uses which reflect the intention for the site and DG's Adopted Master Plan 2010 could supported subject to the ability of the site to be remediated to allow the other uses to occur. Proposed residential uses as permitted land uses in the zone is not supported as it is inconsistent with the IN4 land use zone and with Section 117 Directions relating to industrial and business land. It could be argued that residential land use is not compatible with working waterfront uses and may sterilise future waterfront activity use.

In summary, the proposed land use changes are not all supported, and changes to the IN4 Working Waterfront zone as proposed in the planning proposal are not considered the best means for supporting expansion of land uses in the zone, because:

- Additional permissible uses under Schedule 1 are not generally supported by DoPI and the standard instrument format
- Residential land uses work against the intentions of the zone, and the retention of working waterfront activities
- Marina and Commercial land uses require separate consideration to obtain the best fit of uses for this site, whilst retaining IN4 zone, and addressing heritage and environmental assessment for site and its context.

ITEM 6 (continued)

This report will recommend that the Planning proposal as submitted is not supported because:

- the introduction of residential land uses (Residential flat buildings, Attached dwellings, Multi-dwelling housing) would not be considered to be in accordance with the intention of that zone, especially given the core objectives, and consequently would work against integrity of the zone.

This report will recommended that - subject to contamination and heritage impacts being addressed to Council's satisfaction - Council consider:

- Including a marina as a permissible land use in the IN4 Working Waterfront zone under Ryde LEP 2010/DLEP 2011. This would need
- Introduction of commercial uses the proposed commercial land uses (Food and drink premises, Business premises, Shops, and Kiosks) in accordance with the DG's Adopted Master Plan

ConsultationInternal Consultation

The planning proposal was referred to relevant Council staff for comment on areas relating to environmental health, open space, biodiversity, urban design, heritage, environmental sustainability, community infrastructure, and drainage.

Comments made in a number of the referral responses focus on the proposed built form outcome proposed in the JBA 2013 Scheme.

The following is a summary of comments in response:

- **Environmental Health and Building: Environmental Health Officer**

[A full copy of the comments provided are contained in the section of this report Titled *Land Contamination – Controls and Assessment*.]

Open Space: Section Manager - Open Space Planning and Assets

A full copy of the response is **ATTACHED** (Attachment 4) to this report. Comments provided relate to foreshore pathway, open space and intentions for Parramatta River foreshore, are summarised as follows:

- Foreshore pathway: as proposed is consistent with the Integrated Open Space Plan and the Ryde River Walk Master Plan provided that the pathways are visibly available to the public without restriction
- Corrections needed to PP: references to "unnamed" park, incorrect reference to existing off road shared pedestrian and cycle path along Waterview Street as being a pedestrian path

ITEM 6 (continued)

- References should be made to Council's *Integrated Open Space Plan* and apply all relevant recommendations to ensure consistency with Council's Community and Strategic Plan
 - Proposal incorrectly illustrates the existing off road shared pedestrian and cycle path along Waterview Street running along the front of the Site is an this as a pedestrian path
- Further work needed in planning proposal to address:
 - Council's Integrated Open Space Plan and apply all relevant recommendations to ensure consistency with Council's Community and Strategic Plan;
 - Consider impacts of any changes to the site on/off road shared pathway and the safety of the users, consider impacts of any changes to the Site on the adjoining open space areas
 - More information about proposed function of "formal open space" and responsibility for its management, maintenance and ownership.

Open Space: Section Manager - Natural Areas and Urban Forest

Comments in full are as follows:

- *Impacts on vegetation: The foreshore is bordered by mangroves (see Oculus & other vegetation mapping), which are protected under the Fisheries Management Act. It is envisaged that increased activity to and from the site would increase the movement of water and hence affect this ecosystem. Mangroves are integral fish habitats many ocean species come to mangroves to breed and spawn. Comment and approval would need to be provided by Department of Primary Industry prior to gaining approval*
- *Impacts of contaminated site: It is recommended that advice is sought through the EPA, and that any remediation plans are approved by the EPA prior to the site being declared for alternate use.*
- *The expansion of the site for use as marina would mean that there may be significant alteration to the local environment such as sea floor, vegetation, and disturbance during construction. Increased activity of the site where by many large vessels are exiting and entering the marina. It would be in the applicants' interest to provide further information on the proposed impacts of this increased activity on the river, and the mangrove vegetation.*

Environment: Service Unit Manager – Environment

A full copy of the response is **ATTACHED** (Attachment 5) to this report.

Comments have been provided on water cycle management, climate change specifically related to predicted sea level rise, and sustainable transport, and also note deficiencies identified relating to site contamination and wetland protection and management requirements.

ITEM 6 (continued)

Comments summarised include:

- Lack of specific detail on sustainability issues. Building design sustainability will require close consideration pursuant to ESD principles and green star rating tools proposal proceed to D/A
- A key objective should clearly state development will comply with ESD principles and managed sustainably
- Water Cycle Management: Proposal should be supported by a comprehensive integrated water cycle management plan. Address potential to adversely impact on the natural water cycle and must be able to demonstrate neutral or beneficial impact to receiving waters and demonstrate measures to manage and treat stormwater and maintain healthy aquatic ecosystem relating to the Parramatta River and adjoining mangroves and protected wetlands over part of the site. There is little reference to this in the planning proposal documentation.
- Climate change risks: Inadequate consideration of climate change risks to foreshore land development in particular from predicted sea level rise, fails to address the risk of sea level rise between 0.9m by 2100 with a linear rise over the intervening period. Climate Change Risk assessment required should be undertaken.
- Wetlands/mangroves: Insufficient detail provided with respect to Wetlands Management Policy 1998 and NSW DECW Wetland Policy 2010. More is needed to be done at this stage of the process to confirm that the development will result in no net loss of healthy mangrove community and that the required level of protection of wetland can be incorporated into the development. The proposal should specifically address through an environmental management plan, the management of stormwater, waste, air quality, sediment, nutrient management and ways of mitigating potential edge effects between the site boundaries and the wetland/mangroves
- Contamination: refer to EH&B – next stage should be consideration of comprehensive remediation plan to the highest remediation standard if proposal for residential development is accepted
- Ferry transport: long-term plans for the Kissing Point Ferry stop should be checked.

Urban Planning: Heritage/Strategic Planner

A full copy of the response is **ATTACHED** (Attachment 6) to this report. Comments include that it is anticipated from the heritage evidence to hand that there is a strong opportunity for ruins and relics to be located on this site. Recommendations include:

- External consultation with NSW Heritage Office and RMS is recommended.

ITEM 6 (continued)

- Additional study/ investigation and supporting documentation, informed by state agency advice, be prepared by the proponent for consideration with the planning proposal (Statement of Heritage Impacts, Archaeological Assessment, and Conservation Management Plan – to inform master plan

The additional study may highlight that the planning proposal may necessitate a re-design of certain areas of the proposal, i.e. areas of exceptional and high historic value/archaeological significant. The applicant must be made aware that this is a challenging site and that consideration must be given to the historical nature of the site.

Comments provided by Council's Heritage/Strategic Planner have also been provided in the assessment of heritage section earlier in this report.

Urban Planning: City Urban Designer

A full copy of the response is **ATTACHED** (Attachment 7) to this report. Comments have been provided on the Urban design Study, including consideration of the schemes, and the proposed uses, site visits, and assessment of site context. The following urban *Urban Design Principles for the Site, summarised as follows:*

- Maintain a generous and varied public access around the site's water/river edge.
- Maximise the ability for future appropriate marine activities that support both Working Sydney Harbour concept as well as supporting the recreational, leisure functions identified by Ryde City Council.
- Make provision for the practicalities of the redevelopment offering an active waterfront environment
 - Locate additional non-marine related activities (potential residential units) to more remote upper south-east section of the site
 - Utilise the existing landscape conditions, particularly the tree lined boulevard nature of Waterview Street and the raised terrain conditions to the south eastern portion of the site, in order to maintain the visual screening of the site from surrounding suburban residential precinct
 - Establish a perpendicular visual connection down the River Edge from an entry point along Waterview Street.

Traffic and Governance: Senior Traffic Engineer

A full copy of the response is **ATTACHED** (Attachment 8) to this report. Additional data, clarification of survey work, and justification of assumptions contained within the traffic report are required. In particular:

- Justification for reduced parking on site rates,

ITEM 6 (continued)

- Details of the supply of on-street parking, is needed with respect to ample supply of “on-street parking”,
- Justification for variations from RMS occupancy rates,
- Clarification on traffic generation rates for shops (should use rate for specialty shops, not slow trade).
- Traffic distribution assumptions also requires justification.

Pending clarification of traffic generation and distribution, new SIDRA modelling will need to be prepared. More information needs to be provided with respect to the impacts of on-street parking following adjustment for sight distances for the proposed vehicular access points.

Infrastructure Integration: Service Unit Manager - Infrastructure Integration

Comments in full are as follows:

The property is affected by flooding (as indicated in Council's draft flood study for the Parramatta River – Ryde Sub catchments under preparation following acceptance of tender by Council 19 April 2011). It is in the low risk flood category and has a minor affectation. It is also affected by sea level rise. The flood issue can be addressed at the DA stage as it is low risk.

Asset Systems: Service Unit Manager – Asset Systems

Comments in full are as follows:

The information submitted makes no reference to river foreshore and aquatic environments/assets. Consideration should be given to how a marina and boats will affect the foreshore and sea walls through waves action, sedimentation, erosion, etc. Information should be provided on water quality and protection of water quality.

All comments have all been considered in the context of the strategic merit and site merit assessment of the planning proposal as submitted, and inform the recommendations and options attached to this report. As a result of internal consultation a number of matters have been highlighted for further clarification or investigation. Some of the matters will depend on the results of the further report recommended on contamination and Council's opportunity to consider the implications of remediation options and potential for additional land uses on the site.

Heritage considerations regarding the item listed under state policy, and potential for archaeological significance also warrant clarification and consideration upfront. A number of matters inform the consideration of the proposed land uses and height controls, other matters are relevant to the informing Master Plan for the site, and future redevelopment.

ITEM 6 (continued)

Following consideration of the complex interplay of considerations relating to this site, it is recommended that the proponent first be required to prepare the further contamination report recommended, but that this also be informed by further heritage investigation recommended to comprehensively identify the potential for land uses and built form on the site.

Preliminary External Consultation

Due to the location at the land/water interface, the nature of the information provided in the planning proposal submission and the complex nature of this proposal, some pre-gateway consultation has also been arranged with the following agencies:

- NSW Roads and Maritime Services
- NSW Environmental Protection Authority
- NSW Office of Environment and Heritage - Heritage Branch
- Office of Environment and Heritage – Heritage Branch - Archaeologists
- Aboriginal Heritage Office, North Sydney

In response, comments have been received from:

- Aboriginal Heritage Office (North Sydney)
- NSW Office of Environment and Heritage - Heritage Branch

The key points raised include:

Aboriginal Heritage Office (North Sydney)

- Known Aboriginal sites exist in Putney area, no sites are recorded in the current development area and much of the proposed development area has been subject to extensive disturbance, although there appears to be potential for buried Aboriginal heritage
- Low potential for Aboriginal heritage associated with sandstone to be present at the proposed development
- Moderate potential for Aboriginal midden to be present in the area of the proposed development. There are also Aboriginal burials recorded in the area.
- If remediation works require the excavation of and/or removal of contaminated material from the proposed development then the AHO would recommend preliminary archaeological test excavation to clarify the potential for buried Aboriginal heritage material by a suitably qualified professional.

NSW Office of Environment and Heritage - Heritage Branch:

- Confirms the site is not listed on the NSW State Heritage Register, and the NSW State Heritage Inventory records the site as listed under the SHCREP as state significant.

ITEM 6 (continued)

- Statement of Heritage Impact and addendum (submitted with the planning proposal) lack sufficient information to allow an informed determination, including whether the site's potential archaeological potential is of state heritage significance and whether an excavation permit is required.
- A comprehensive heritage assessment informed by a focussed archaeological assessment is essential to inform the design and location of any future proposal for the site.

Council Workshop

The proponent has requested the opportunity to present a workshop with Councillors, arranged for 25 February 2014.

Community Consultation

Under the gateway plan-making process, a gateway determination is required before formal community consultation on the planning proposal takes place. The consultation process will be determined by the Minister and articulated in the Gateway Determination. In addition to the timeframes for consultation the Determination will include details of State Government Agencies and bodies that need to be consulted.

The proponent submits that no formal consultation had been undertaken with either State or Commonwealth authorities at the time of preparing the planning proposal. Because the site is leased from the RMS, the proposed marina operations may impact on ferry and waterway operations and the Environmental Protection Authority under s60 of the Contaminated Land Management Act, it is understood the following agencies would be consulted prior to community consultation proceeding:

- Department of Primary Industry – Office of Water
- NSW Office of Environment and Heritage
- Environmental Protection Authority
- Sydney Water
- NSW Transport, Roads and Maritime Services and State Transit Authority
- Any other agency as determined by the Minister (or delegate).

However the DOPI will indicate the consultation requirements under a gateway determination should the planning proposal proceeds through the gateway.

ITEM 6 (continued)**6. CONCLUSIONS****Pre Gateway Review**

A planning proposal is subject to a 90 day assessment period from receipt of the proposal (including all the relevant information and required fees). The subject Planning Proposal was received by Council on the 27 September 2013. It has been in excess of 90 days (Christmas/New Year break included).

Under the Department of Planning and Infrastructure's "*A guide to preparing local environmental plans*" (LEP Guidelines) a pre gateway review system exists where by a Proponent can request an independent body review decisions in relation to proposed amendment to LEPs.

A Pre Gateway review:

- may be requested by a proponent if the council has notified them that the request to prepare a planning proposal is not supported or
- the council has failed to indicate it support 90 days after the proponent submitted a request.

The Department of Planning and Infrastructure (Department) has notified Council by letter dated 31 January 2014 that a Pre-Gateway review request has been submitted to the Minister for Planning and Infrastructure. The request for a pre-gateway review was submitted on the basis that Council has not yet indicated its support or otherwise 90 days after the proponent submitted the planning proposal request.

The letter is dated 31 January 2014 and requested Councils' comments in response within 21 days, as follows:

"Council is invited to provide its views about the proposal and/or provide a response detailing why the original request to Council was not progressed. A response must be submitted within 21 days from the date of this letter to the Metropolitan Delivery (CBD) office of the Department of Planning and Infrastructure.

The views of the Council will be taken into consideration by the Department and the Joint Regional Planning Panel when considering whether to recommend if the proposal should be supported and proceed to Gateway as a planning proposal."

As the views of Council on the subject planning proposal were required by 20 February, 2014, before Council's consideration of this report, a draft response was sent to the Department on 20 February 2014. The final response will be sent to the Department following Council's consideration of the matter.

ITEM 6 (continued)

The process associated with a Pre-Gateway review is identified under the LEP Guidelines. On receipt of a proponent's request for a pre-gateway review, the Department will check whether the request is eligible for a review and accompanied by all the required information, and carry out an assessment to determine whether the proposal:

- has strategic merit as it:
 - is consistent with a relevant local strategy endorsed by the Director-General or
 - is consistent with the relevant regional strategy or Metropolitan Plan or
 - can otherwise demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (eg proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home etc)
- has site-specific merit and is compatible with the surrounding land uses, having regard to the following:
 - the natural environment (including known significant environmental values, resources or hazards)
 - the existing uses, approved uses and likely future uses of land in the vicinity of the proposal
 - the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The Department prepares a report on the above assessment and outlining other considerations including advice provided by Council (in this case in response to the Department's letter dated 31 January 2014).

If the Director-General determines that the proposed instrument does not qualify for review, the Department will notify the proponent and Council.

If the review request progresses, the proposed instrument will be referred to the Joint Regional Planning Panel (regional panel) or Planning Assessment Commission (PAC). The regional panel/PAC may meet with the Department, Council and proponent to clarify any issues before completing its review. In reviewing the proposed instrument and preparing its advice, the regional panel/PAC will consider the Department's recommendation and report, and advice provided by Council and the proponent. A recommendation is provided to the Minister on whether the proposed instrument should be submitted for a gateway determination.

ITEM 6 (continued)

The Minister (or delegate) will make the final decision with respect to the proposed instrument. The final outcome may include:

- the regional panel/PAC considers that the proposed instrument should not proceed to Gateway;
- the regional panel/PAC has recommended that the proposal has merit and that the proposed instrument be submitted for Gateway determination. The council may be requested to submit a planning proposal to the Gateway within 40 days;
- the Minister may consult with the General Manager of the relevant council to discuss the possibility of changing the RPA to the Director-General of the department (or other body); or
- the Minister may retain his discretion to, or not to, proceed with the matter, notwithstanding the advice of the regional panel/PAC.

The Department will contact the proponent and Council in respect of the outcome of the review.

Financial Implications

Adoption of the option(s) outlined in this report will have no financial impact. Council should note that the lodgement of this planning proposal has been subject to Council's Fees and Charges Schedule.

Policy Implications

As identified in this report, the planning proposal for 20 Waterview Street, Putney involves assessment against a number of policies and planning instruments due the site's location on the Parramatta River foreshore, the long-standing waterfront industrial land use, the heritage listing and archaeological significance of the site, the contamination, and the planning framework including:

- Contaminated Land Management Act
- NSW Heritage Act
- SHCREP 2005 and the Adopted 2010 Master Plan
- SEPP 55
- Ryde LEP 2010 (or Draft Ryde LEP 2014, whichever is in place).

Due to the circumstances of this site and outcomes of assessment of the planning proposal submission, the recommendations attached to this report reflect policy implications related to SEPP 55 as well as consideration of the requested changes to planning controls under Council's LEP. This report and Council's decision also reflects Council's views for informing the pre-gateway review by the Department outlined above (refer Critical Dates).

ITEM 6 (continued)

The recommendations are that the planning proposal should not be supported for proceeding to gateway because:

- Council is not satisfied, on the basis of the information regarding land contamination provided with the planning proposal, that all proposed land uses can be satisfactorily remediated. The proponent is to provide a further report that:
 - addresses the data gaps identified, including an assessment of acid sulphate soils,
 - evaluates the results against the relevant assessment criteria,
 - clearly states that the site will be suitable for the proposed use following remediation
 - outlines the remediation options available, and
 - states whether that work is Category 1 or Category 2 remediation work.
- Residential land use is not supported in the IN4 Working Waterfront land use zone as contrary to the objectives of that zone under the Ryde LEP, Draft Ryde LEP 2011, being the core objectives of the Standard Instrument Template.
- Subject to further investigation and supporting documentation, Council explore with the proponent the preparation of a planning proposal which proposes marina, business premises, restaurants and cafes, shops and kiosks, and investigate mechanisms for opportunities for public access and protection of sensitive foreshore building line.

Should Council not support the proponent's request to make a planning proposal, the Environmental Planning and Assessment Regulations 2000 requires Council notify the proponent as soon as practicable in writing (Clause 10A).

Options

The proponent's planning proposal is a request of Council to prepare a planning proposal to identify and justify changes to its LEP. At this stage of the process, Council has the option to decide whether or not to support the proposed changes to the planning controls and whether or not to proceed with the planning proposal to the next stage (gateway determination potentially followed by and community consultation).

As identified earlier in this report, more investigation and supporting documentation is required before Council can determine if it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used (current and proposed permissible land uses). Council's decision on the planning proposal is predicated on the additional contamination information outlined in this report being provided.

ITEM 6 (continued)

The submission of the planning proposal and supporting documentation, and consideration in the context of the current strategic planning and policy framework has also afforded opportunity for Council to fully consider the LEP in response to the Adopted 2010 Master Plan, and identify matters for consideration in a revised planning proposal to assist informing a way forward for this site. The options below reflect consideration of the proponent's request in this broader context, highlights the need for areas warranting further investigation and study, and offers a way forward.

In the event of satisfactory information being provided to assist Council's decision under SEPP 55, the options for proposed changes to planning controls are that Council:

1. Support the planning proposal as submitted

This option is not supported for the reasons outlined in this report including inconsistencies with section 117 directions, relevant planning strategies, policies and plans; and the merit assessment in respect of this site and its context.

2. Not support amending Ryde LEP 2010 to include additional land uses in the IN4 Working Waterways land use zone

This option is preferred because:

- Under SEPP 55 Council may not rezone the site unless it is satisfied that the site can be remediated for the proposed land uses. Residential land uses are particularly sensitive in this context.
- Proposed residential and working waterfront land uses (such as boat repairs) are not compatible
- The proposed residential land uses are not consistent with the strategic direction, objectives and principles applicable to the site under the provisions of Ryde LEP 2010 and SHCREP

3. Subject to a Remediation Plan prepared to Council's satisfaction - explore with the proponent a revised planning proposal






Generally in accordance with the DGs Adopted Master Plan 2010 and which includes in the land use table under IN4 Working Waterfront land uses that are compatible with the objectives of the zone including marina, business premises, shops, kiosks, restaurant and café.

Options 2 and 3 are preferred and form the basis of the recommendations of this report Option 3 includes land uses supportive of expanding opportunities for waterfront industry and employment on the site.

ITEM 6 (continued)

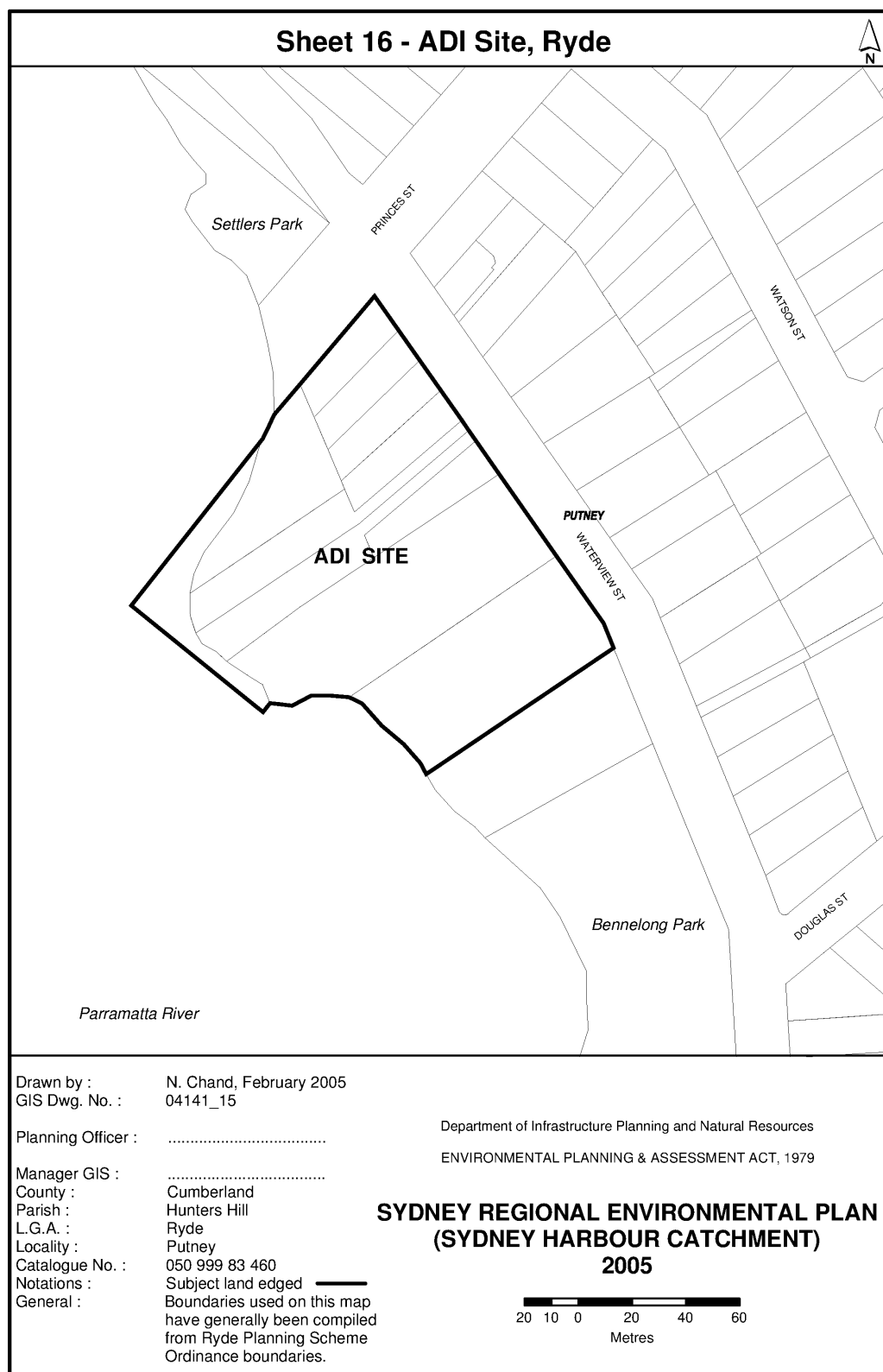
ATTACHMENT 1

Table summary of the five options referred to in the planning proposal Urban Design Study

SCHEME	1: Existing	2: Approved Master Plan	3: Architectus Scheme	4: JBA Scheme 1	5: JBA Scheme 2	
ASSESSMENT CRITERIA						
	Retains existing vegetation	100%	90%	80%	90%	90%
	Provides public through site access	No	Yes	Yes	Yes	Yes
	Provides public open space	No	No	Yes approx. 1,000m²	Yes approx. 1,000m²	Yes approx. 1,900m²
	Building Height from Waterview Street	n/a	n/a	14m	14m	9m
Provides new residential capacity	No	No	Yes 110-120 apartments	Yes 70 apartments	Yes 19 townhouses and 48 apartments	
Provides marine related uses - boat repairs - marina berths - dry boat storage (depending on type & size)	Yes No No	Yes Yes (50 marina berths) Yes (storage for approx. 250 boats)	No Yes (50 marina berths) Yes (storage for approx. 100 boats)	No Yes (50 marina berths) Yes (storage for approx. 100 boats)	No Yes (50 marina berths) Yes (storage for approx. 100 boats)	
Provides on site parking	Yes approx. 30 spaces surface parking	Yes approx. 100 spaces surface parking	Yes approx. 70 public carparking spaces and 182 spaces for residential - underground	Yes approx. 70 public surface carpark spaces and 99 residential spaces underground	Yes approx. 30 public surface carpark spaces and 114 residential spaces underground	
Provides suitable active uses/place making opportunities	No	No	Yes	Yes	Yes	
Protects heritage shed	Yes	Yes	Yes	Yes	Yes	
Provides historical interpretation facility	No	No	No	No	Yes	
Allows for site remediation	No	No	Yes	Yes	Yes	
Economically viable solution (after site remediation)	n/a	Not Economically Viable	Not Economically Viable	Economically Viable	Economically Viable	

ITEM 6 (continued)

ATTACHMENT 2



ITEM 6 (continued)
ATTACHMENT 3
Assessment against Strategic Planning Framework

(Adapted from *Table 3 – Consistency with the regional and sub-regional planning framework*, pp 35-36 planning proposal report)

Provision	Proponent's Submission	City of Ryde Planning Comment
Metropolitan Plan for Sydney 2036		
The Metropolitan Plan for Sydney 2036 sets out Key Strategic Directions on the key areas of housing, employment, centres, the environment, transport and parks and public places.	<p>The Planning Proposal is consistent with the Key Strategic Directions of the Metropolitan Plan as described below:</p> <ul style="list-style-type: none"> – A3 contain Sydney's urban footprint; – D1.1 locate at least 70% of new housing within existing urban areas; – D1.2 reflect new subregional housing targets in <i>Subregional Strategies</i> and LEPs, and monitor their achievements; – D1.2 produce housing that meets expected future needs; – C2.3 provide a mix of housing; – E3.2 identify and retain strategically important employment lands; and – H2.4 enhance regional open space in the Sydney region. 	<p>The submission regarding residential land is not supported because:</p> <ul style="list-style-type: none"> • Residential growth targets set by the Subregional Strategy for Ryde (12,000) will be exceeded by 22,500 based on existing planning, Part 3A, UAP areas and other approvals • Mix of housing is provided for by Ryde Council (e.g. additional apartments/villas and other housing typologies) & reflected in LEP 2010 and DLEP 2014 <p>Proposal is inconsistent with the aim to retain this land as employment land and working harbour/waterfront. Residential development is incompatible with this objective.</p> <p>This proposal does not enhance regional open space – it proposes a through site connection</p>
Draft Metropolitan Strategy for Sydney to 2031		
The Draft Metropolitan Strategy for Sydney to 2031 refocuses the approach of the 2010 Metropolitan Plan, setting action points under the fields of balanced growth, a liveable city, productivity and prosperity, health and resilient environment, accessibility and connectivity.	<p>The Planning Proposal is consistent with the actions and policies of the Draft Metropolitan Strategy as described below:</p> <ul style="list-style-type: none"> – increasing recreation access to the Parramatta River foreshore through property regeneration; – improving water quality of the Parramatta River and soil quality of foreshore area through remediation of a contaminated site; – providing an economically feasible area for new residential development close to existing services; – providing a range of housing types; – providing additional employment where people live; – providing a high quality of urban design; and – protecting industrial maritime land uses. 	<p>Site contamination is acknowledged by the proponent. Under the provisions of SEPP 55 a council must be satisfied that remediation for the proposed land uses can be undertaken prior to rezoning. The proponent has not demonstrated that remediation can occur for the range of uses proposed.</p> <p>Economic feasibility has not been demonstrated; additional employment has not been demonstrated.</p> <p>High quality urban design is not demonstrated – it is proposed to remove trees and to place a residential flat building on the foreshore which could impact on views to the water. The design provided is a concept layout and provides a numerical breakdown of the floor space and dwellings numbers.</p> <p>Conversion of this site to residential land uses is contrary to the aim of protecting maritime land uses.</p>

ITEM 6 (continued)
ATTACHMENT 3
Assessment against Strategic Planning Framework

(Adapted from *Table 3 – Consistency with the regional and sub-regional planning framework*, pp 35-36 planning proposal report)

Provision	Proponent's Submission	City of Ryde Planning Comment
Draft Inner-North Subregional Strategy 2005		
<p>The Draft Subregional Strategy identifies the Site as one of seven 'Employment Lands precincts' and recognises the role it continues to play in supporting working-harbour activities and employment.</p> <p>The Strategy notes that the Site has historically supported working harbour activities and is currently used for boat repair facilities.</p> <p>The Strategy recommends that maritime industrial uses be retained on the Site.</p>	<p>The proposed amendment to the Ryde LEP 2010 does not remove maritime industrial uses on the Site, as all uses in the IN4 Zone will remain permissible with consent. It introduces certain additional uses, most significantly residential flat buildings, which are necessary to help sustain a viable use of the land. The proposal is consistent with the Draft Strategy in that it retains maritime employment-generating uses on the subject Site but also introduces new employment-generating uses and residential uses which can contribute to the equally important residential targets set for the region.</p>	<p>Maritime industrial land uses are not compatible with residential development due to pollution concerns, noise etc. Over time the residential land uses would place pressure on the maritime industrial land uses on the site to cease.</p> <p>The proponent implies that the current land use is not economic without residential development. This is not demonstrated. The site currently employs 45 – 50 people engaged in boat repair and other maritime related activities.</p> <p>Ryde residential targets are met and exceeded elsewhere in the city. This is not a compelling reason to convert rare and long identified working waterfront land to residential land uses.</p>
Sharing Sydney Harbour Access Plan 2003		
<p>The <i>Sharing Sydney Harbour Access Plan 2003</i> is the key policy document for the improvement of public access to the Sydney Harbour and Parramatta River waterway and waterfront for recreational boat users, pedestrians and cyclists.</p>	<p>The proposal is consistent with its objectives.</p>	<p>It is acknowledged that through site links will enhance public access but this is not reliant on the redevelopment of the site for the residential land uses.</p> <p>The objectives of sharing Sydney Harbour are met under the present land use zoning.</p>
<p>The Site is identified as a key access point for small boats.</p>	<p>The proposed scheme will seek to provide a marina with 50 floating berths and dry boat storage for 100 boats. It is intended to accommodate both small and large boats as this will cater for market demand. The Adopted Master Plan 2010 recognised the ability of the Site to accommodate both small and large vessels.</p>	<p>The DGs adopted 2010 Master Plan better provides for maritime uses on the site and better meets the demand for boat storage. The 2010 Master Plan is preferred and Council would consider a planning proposal to enable the land uses in the 2010 Master Plan.</p> <p>The introduction of residential on the site may compromise the maritime uses.</p>
<p>The plan promotes the establishment of a publicly accessible network of pedestrian and cycleways along the length of the Parramatta River foreshore.</p>	<p>The private ownership of the Site and the existing maritime uses currently prohibit the provision of public access through the Site, and cyclists and pedestrians are instead forced to use on-road pathways. The Planning Proposal will facilitate redevelopment of the Site to provide improved access to the foreshore.</p>	<p>The DGs Adopted 2010 Master Plan allows for through site access. It is not necessary to permit residential development to achieve this aim.</p>
Ryde River Walk Master Plan 2007		
<p>The <i>Ryde River Walk Master Plan 2007</i> seeks to establish a contiguous shared recreation trail along the length of the Parramatta</p>	<p>This through-site linkage can only be achieved through the redevelopment of the Site, however any public access through the Site will be required to achieve a suitable level of safety</p>	<p>The DGs Adopted 2010 Master Plan allows for through site access, marina and café activities and as a result promotes local activity.</p>

ITEM 6 (continued)
ATTACHMENT 3
Assessment against Strategic Planning Framework

(Adapted from *Table 3 – Consistency with the regional and sub-regional planning framework*, pp 35-36 planning proposal report)

Provision	Proponent's Submission	City of Ryde Planning Comment
River foreshore between the West Ryde Jetty and Looking Glass Bay in the implementation of the Sharing Sydney Harbour Access Plan 2003 within the Ryde LGA. It identifies a 'potential future link' which cuts through the subject Site to create a new off-street connection between Kissing Point Park and Settlers Park.	<p>and casual surveillance. These principles have been incorporated into the JBA 2013 Scheme.</p> <p>The current configuration of the Site operating during normal daylight business hours is not conducive to providing good surveillance of this area during the periods of peak usage for the proposed recreation trail (mornings, evenings and weekends). The introduction of a residential element would provide a significantly safer space which encourages public use.</p> <p>The inclusion of a small retail and business premises element will provide an activity centre and will serve as an attractor which encourages additional patronage along the foreshore. This retail and business premise elements will provide an important element which will attract and support public usage of both Kissing Point Park and the entire waterfront recreational trail and generates pedestrian and cyclist activity throughout the day.</p>	<p>The site is currently closed off on all perimeters to public access. Introduction of residential can potentially challenge perception of public access through the site.</p> <p>It is not necessary to permit residential development on the site to achieve the safer space.</p>
Ryde 2025 Community Plan		
The plan sets out seven outcomes relating to connectedness, environmental sensitivity, cultural building, leadership and business development. The plan highlights the need to encourage an active lifestyle with a diverse range of community activities on offer.	The proposal envisages new through-site linkages providing foreshore public access, enhancing the connectedness of the Site with the local neighbourhood. The Planning Proposal facilitates a broader range of land uses, creating a more dynamic and active use of the Site.	Refer above comments
Ryde Local Planning Study 2010		
The Ryde Local Planning Study 2010 formed the basis of the preparation of the Draft LEP. It reflects the Draft Inner-North Subregional Strategy in relation to the retention of maritime industrial uses on the Site.	See our response to the Draft Inner-North Subregional Strategy above.	<p>The Ryde Local Planning Strategy sets out how Ryde will achieve the sub-regional targets for jobs and residential growth. Existing employment lands are to be protected to achieve both jobs growth and jobs diversity. Substantial residential growth is planned within town centres to protect the character of the low density residential areas and current employment lands. Diverse housing is also planned with high density and medium density development criteria being expanded.</p> <p>As a result the conversion of this land to residential and the undermining of the working waterfront activities is contrary to Ryde Local Planning Strategy</p>

ITEM 6 (continued)
ATTACHMENT 3

(Adapted from pp37-38 planning proposal report Table 1 – Assessment against SEPPs)

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment	City of Ryde Planning Comment
	YES	NO			
SEPP No 1 Development Standards			✓	SEPP 1 does not apply to the Ryde LEP 2010.	Noted
SEPP No 4 Development Without Consent and Miscellaneous Exempt and Complying Development			✓	SEPP 4 does not apply to the Ryde LEP 2010.	Noted
SEPP No 6 Number of Storeys			✓	Standard instrument definitions apply.	Noted
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	✓			The planning proposal is consistent with SEPP 32 in providing for the opportunity for the development of additional housing in an area where there is existing public infrastructure, transport, and community facilities, and is close to employment, leisure and other opportunities.	Under the provisions of SEPP 32 Councils are to identify lands for multi-unit housing in order to promote urban consolidation. Council has done this through the Ryde Local Planning Strategy, up zonings of land adjoining three town centres and relaxing criteria for dual occupancies etc. Council has maintained this land for other strategic purposes i.e. working waterfront and strategic employment lands.
SEPP No 55 Remediation of Land	✓			The Site has been identified as contaminated land and a Phase 1 Environmental Assessment Report and Phase 2 Environmental Assessment Report has been prepared by Martens Consulting Engineers. The proponent is committed to preparing a Remediation Action Plan and obtaining a Section B SAS to verify the site can be made suitable for the proposed uses prior to gazettal of the new controls. The Planning Proposal will facilitate redevelopment of the Site that can pay for the required remediation works.	The site is contaminated and not suitable for the proposed land uses. The submission does not demonstrate that the site can be remediated. Rather Martens Consulting recommends that further investigation and assessment of the soils, groundwater and foreshore sediment is needed prior to a Remediation Action Plan being developed. Council cannot be satisfied that the site can be remediated for the proposed uses without a further report which: <ul style="list-style-type: none"> • Addresses data gaps, including acid sulphate soils • Evaluates results against relevant criteria for all uses (e.g. different requirements for residential flat buildings and multi-dwelling housing), and • Provides outline of feasible remediation options, including determination of Category of works (1 or 2) • Statement that site will be suitable for proposed use following remediation.
SEPP No 60 Exempt and Complying Development			✓	SEPP 60 does not apply to the Ryde LEP 2010.	Comment noted
SEPP No 64 Advertising and signage			✓	Not relevant to the Planning Proposal and proposed development. May be relevant to future DAs.	Comment noted

ITEM 6 (continued)
ATTACHMENT 3

State Environmental Planning Policies (SEPPs)	Consistent		N/ A	Comment	City of Ryde Planning Comment
	YES	NO			
SEPP No 65 Design Quality of Residential Flat Development	✓			Detailed compliance with SEPP 65 will be demonstrated at the time of DA is prepared. Nonetheless, the Planning Proposal seeks to facilitate and achieve best practice compliance with SEPP 65 by formalising the provision of generous private and communal open space areas, which are technically included in the floor space calculations for the Site.	At the rezoning stage it is possible to assess compliance with SEPP 65 against Principle 1 Context In terms of context the proposal does not respond to the low density residential character of the street and as a consequence does not contribute to the quality and identity of the area. Rather the proposal introduces high density residential development on a site that is identified as working waterfront
SEPP No.70 Affordable Housing (Revised Schemes)			✓	Not relevant to proposed amendment.	Comment noted
SEPP (Affordable Rental Housing) 2009			✓	Not relevant to proposed amendment	Comment noted
SEPP (BASIX) 2004	✓			Detailed compliance with SEPP (BASIX) will be demonstrated at the time of making a development application.	Comment noted
SEPP (Exempt and Complying Development Codes) 2008	✓			May apply to future development of the Site.	Comment noted
SEPP (Infrastructure) 2007			✓	May apply to future development of the Site.	Comment noted
SEPP (State and Regional Development) 2011	✓			The future development of the Site is likely to be deemed as 'regional development' (meeting the relevant thresholds under Schedule 4A of the EP&A Act), with the JRPP acting as the determining authority.	Comment noted

ITEM 6 (continued)
ATTACHMENT 3
Table 2 – Assessment against relevant Section 117 Directions

Ministerial Directions	Consistent			Comment	City of Ryde Planning Comment
	YES	NO	N/A		
1. Employment and Resources					
1.1 Business and Industrial Zones	✓			<p>The proposal provides for a mix of uses in the form of residential, retail, business premises, and marina uses whilst retaining a large proportion of the Site as per the current zoning, ensuring compatibility and consistency with its industrial zoning. The residential uses provide an appropriate complement to the Site's context, and support key housing objectives established by the State Government. The Planning Proposal is therefore consistent with the objectives of the above S.117 Direction 1.1 Business and Industrial Zones in the following respects:</p> <ul style="list-style-type: none">– it continues to permit employment generating uses including the boat slip ways and repairs, as well as retail and business premises uses on the Site;– it proposes a range of 'catalyst' uses that can trigger viable redevelopment, and which provide the opportunity to reconfigure and intensify the employment generating uses that are already permissible on the Site (and will continue to be) but also introduce other new employment generating uses– it does not propose to create any out-of-centre employment uses that could compete with surrounding centres. <p>On the basis of the above, the Planning Proposal is consistent with the specific directions in Clauses 4(a) – (e) as the proposal does not seek to reduce the existing industrial floor space, or employment capabilities of the Site nor does it create a new competing employment area. Notwithstanding this, it should be noted that in accordance with Clause 5(a) and (b) of the S.117 Direction, the Planning Proposal may be inconsistent with Clause 4 if it is justified by a strategy or study. This Planning Proposal is justified by the validations provided throughout this Planning Proposal and supporting documentation.</p>	<p>Clauses 4(a-e) of this direction requires(4) A planning proposal must:</p> <ul style="list-style-type: none">(a) give effect to the objectives of this direction,(b) retain the areas and locations of existing business and industrial zones,(c) not reduce the total potential floor space area for employment uses and related publicservices in business zones,(d) not reduce the total potential floor space area for industrial uses in industrial zones, and(e) ensure that proposed new employment areas are in accordance with a strategy that isapproved by the Director-General of the Department of Planning. <p>Clauses (b) and (e) are of particular relevance to this site. It is agreed with the proponent that the planning proposal supports the retention of the IN4 land use zone land area and its location at 20 Waterview Street, Putney. The potential to expand supportive and compatible employment uses reliant on waterfront access and complementary to the maritime activities is supported (referring to proposed addition of marina, and limited commercial land uses).</p> <p>The proponent notably, however, focusses on effect on existing floor space, not potential floor space.</p> <p>It is considered, however, that the planning proposal is INCONSISTENT with this direction in that the proposed additionof residential land uses in particular is consistent with this direction because:</p> <ul style="list-style-type: none">• Residential is not complimentary to industrial land uses• Residential floor space intrudes on, and could potentially take over from, total potential floor space area for industrial uses in IN4 industrial zone applicable to the site• Residential does not provide for sustainable employment on the site related to Working Waterfront activities.

ITEM 6 (continued)
ATTACHMENT 3

Ministerial Directions	Consistent			Comment	City of Ryde Planning Comment
	YES	NO	N/A		
2. Environment and Heritage					
2.1 Environmental Protection Zones	✓			<p>The Site is identified under the SHCREP 2005 as a Wetlands Protection Area.</p> <p>The Planning Proposal is consistent with the objective of the S.117 Direction 2.1 Environmental Protection Zones as it seeks to minimise the impact of future development on the existing mangrove community. Further, remediation works proposed will ensure the protection of the species from contamination currently existing on the Site.</p> <p>The Planning Proposal is compliant with Clause 6(c) as it is consistent with the controls of the SHCREP 2005 with respect to the protection of mangrove habitat.</p>	<p>Under the SHCREP the site is within the Foreshores & Waterways Area. The following principles apply:</p> <ul style="list-style-type: none">- Sydney Harbour is to be recognised as a public resource, owned by the public, to be protected for the public good, and- the public good has precedence over the private good whenever and whatever change is proposed... <p>The proposal is inconsistent with the SHCREP principles above as the vision for the site is working harbour / waterfront with public access and enhancements to adjoining parks. The DG Adopted Master Plan 2010 for the site achieved the above principles. Residential land uses will undermine the working waterfront activities and become the dominant use and is inconsistent with the Adopted Master Plan.</p> <p>The Planning Proposal fails to demonstrate that site remediation in accordance with SEPP 55 can be undertaken to support the proposed land uses. Protected wetlands adjoin this site.</p> <p>The planning proposal fails to consider the impacts of the proposed additional land uses in the context of wetlands protection, threatened species, and sea level rise. An environmental management plan should be prepared.</p>
2.3 Heritage Conservation	✓			<p>The Planning Proposal is consistent with the objectives of the S.117 Direction 2.3 as it seeks to restore and preserve the heritage item on the Site through appropriate adaptive reuse of the structures. Further heritage studies are proposed to be completed post Gateway Determination.</p>	<p>The planning proposal is inconsistent with Heritage Conservation.</p> <p>The site is listed as a heritage item having state significance under the SHCREP. The site is significant for associations with the first brewery in Australia and James Squire, Halvorsen and boat building and defence and the war effort. The Planning Proposal was referred to the NSW Heritage Council which advised that</p> <p>"It appears that the proposal requires excavation, basement car parking, residential units and new wharf structures, retail, restaurant uses etc which are considered likely to have major adverse impacts on the site's heritage values, both archaeological (historical and maritime) and above-ground. "[T]he site has the potential for state significant archaeology."</p>

ITEM 6 (continued)
ATTACHMENT 3

Ministerial Directions	Consistent			Comment	City of Ryde Planning Comment
	YES	NO	N/A		
3. Housing, Infrastructure and Urban Development					
3.1 Residential Zones	✓			<p>The Planning Proposal is consistent with clauses 4 and 5 of the S.117 Direction 3.1 Residential Zones in the following respects:</p> <ul style="list-style-type: none">– it will broaden the choice of building types and locations available in the housing market;– make more efficient use of existing infrastructure and services;– reduce the consumption of land for housing and associated urban development on the urban fringe; and– be of good design subject to future DAs.	<p>A mix of housing types(villas, dual occupancy) is permissible in the surrounding R2 land use zones. The subject site is not strategically supported for residential development, and inconsistent with Section 117 Direction 1.1. City of Ryde has planned for growth in established centres well serviced by infrastructure and facilities. The planning proposal lacks information about consideration of infrastructure, including of utilities infrastructure.</p> <p>The predominant land uses in this part of the foreshore is foreshore protection, recreation and working waterfront.</p>
3.4 Integrating Land Use and Transport	✓			<p>The Planning Proposal will concentrate residential uses in an appropriate location to support public transport and improve access to jobs and services by walking, cycling and public transport. The Planning Proposal is consistent with the objectives of the Section 117 Direction - 3.4 Integrating Land Use and Transport as it will:</p> <ul style="list-style-type: none">– improve access between housing, jobs and services by walking, cycling and public transport;– increase the choice of available transport and reducing dependence on cars;– reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and– support the efficient and viable operation of the existing public buses transport services and road network.	<p>Within the Ryde LGA delivery of housing targets is planned within existing centres based on the principles of centres-based integrated land use and transport planning principles. Employment targets are met by retaining existing industrial and business zoned land in the City of Ryde. Industrial land equates to approx. 2.78% of the land area in the City of Ryde and is therefore strategically significant in order to retain jobs diversity and important services such as boat maintenance/repair.</p> <p>This area of Putney is distant from major public transport routes and established centres. The Planning Proposal has failed to demonstrate the development will improve access to public transport and reduce car trips.</p>
4. Hazard and Risk					
4.1 Acid Sulphate Soils	✓			<p>The Site has been identified as Class 5 Acid Sulphate Soils on the Acid Sulphate Soils map. The Planning Proposal has taken into consideration the Stage 2 Environmental Assessment Report prepared by Martens Consulting Engineers in respect to land contamination on the Site. The Stage 2 Environmental Assessment Report considers a more sensitive land use on the Site appropriate given significant site remediation works associated with the proposal. Ryde LEP 2010 contains acid sulphate soils provisions and this Proposal does not seek to amend them.</p>	<p>Comments have been provided in the report to Council on this matter. Stage 2 Environmental Assessment Report has not provided an adequate assessment of acid sulphate soils for consideration by Council in the context of SEPP 55, the context of wetlands protection area, and in response to the Direction. It is recommended a further report be submitted which addresses data gaps including assessment of acid sulphate soils, providing relevant information for an assessment in accordance with this direction.</p>

ITEM 6 (continued)
ATTACHMENT 3

Ministerial Directions	Consistent			Comment	City of Ryde Planning Comment
	YES	NO	N/A		
4.3 Flood Prone Land			✓	The City of Ryde is currently finalising the Flood Study and Floodplain Risk Management Study and Plan that considers the flood risk on the Site. Once the Floodplain Risk Management Plan is in force, any future development on the Site will be considerate of this Plan. Ryde LEP 2010 contains flooding provisions and this Proposal does not seek to amend them	Council's Manager - Infrastructure Integration has advised that the property is affected by flooding (identified as low level risk with minor affectation) under Council's draft flood study, and also affected by sea level rise.
6. Local Plan Making					
6.1 Approval and Referral Requirements	✓			No new concurrence provisions are proposed.	Addition of certain land uses in Council's LEP may have implications for development requiring referral/concurrence. SHCREP applies to this land and requires referral in to the NSW Heritage Council as the site is listed as a Heritage Item under Schedule 4.
6.2 Reserving Land for Public Purposes	✓			No new reservation of land for public purposes is proposed.	
6.3 Site Specific Provisions	✓			This Planning Proposal seeks to expand the permitted land uses on the Site to facilitate a particular development master plan for the Site. The Planning Proposal does not contain drawings detailing a specific development proposal on the Site – this will be subject of future Development Applications.	The planning proposal is inconsistent with this direction as it relies on a concept which anticipates land uses (residential and commercial) that is not compatible with the intention objectives and principles for IN4 Working Waterfront zone, and which rely on use of Schedule 1 and depart from the Standard Instrument land use table. Residential land uses are inconsistent with the objectives of the zone and undermine the working waterfront use. The planning proposal requires greater consideration to the interrelationship of proposed land uses in the context of the site.
7. Metropolitan Planning					
7.1 Implementation of the Metropolitan Plan for Sydney 2036	✓			The Planning Proposal is consistent with the objectives and strategies of the Metropolitan Plan in that it will facilitate the delivery of residential and employment generating floor space which provides uses which will contribute to the vitality of the Site.	<p>Within the Ryde LGA delivery of sub-regional housing targets is planned within existing centres based on the principles of centres-based integrated land use and transport planning principles. Sub-regional employment targets are met by retaining existing industrial and business zoned land in the City of Ryde. Industrial land equates to approx. 2.78% of the land area in the City of Ryde and is therefore strategically significant in order to retain jobs diversity and important services such as boat maintenance/repair.</p> <p>City of Ryde will exceed the housing target by approximately 22,500 dwellings.</p>

ITEM 6 (continued)**ATTACHMENT 4**

Open Space Response prepared by Section Manager Open Space Planning and Assets (15/11/2013). Reference is made to the *JBA Planning Proposal – 20 Waterview Street, Putney, 20 September 2013* (The Proposal).

A review of the JBA documentation has been completed and the following comments are offered for further consideration and action.

Overview:

The Proposal is recommending a foreshore pathway through the Site that connects Settlers Park and Bennelong Park. The proposed pathway will be situated both on the waterfront and through the proposed public open space areas within the Site.

The proposed pathway is consistent with the Integrated Open Space Plan and the Ryde River Walk Masterplan provided that the pathways are visibly available to the public without restriction.

General Comments:

- a. *Section 3.3 of the Proposal* – there is an error in the statement that the open space area to the north west is unnamed. This park is named Settlers Park and it is a part of the wider Ryde Riverside Reserve parklands (as is Bennelong Park on the eastern side of the Site).
- b. *Section 6.2.2 of the Proposal* – there is no reference to the Integrated Open Space Plan. To ensure consistency with Council's Community and Strategic Plan, the consultant should made reference to this document and apply all relevant recommendations that apply to this Site and its immediate surrounds.

Comments on Section 4.0 The Proposed Redevelopment

- c. The existing pathway along Waterview Street running along the front of the Site is an off road shared pedestrian and cycle path. This documentation in The Proposal incorrectly illustrates this as a pedestrian path. This path is well used by both pedestrian and cyclist and there are no plans to alter the neither function nor use of this path. The Proposal needs to consider impacts of any changes to the Site on this pathway and the safety of the users. This applies to the proposed additional vehicular crossing and the design of this must take into account sightlines of motorists, cyclists and pedestrians.
- d. The Proposal illustrates connections into the existing neighbouring open space on eastern and western sides of the Site. The Proposal needs to consider impacts of any changes to the Site on the adjoining open space areas and the design of this should be done in consultation with Council's Open Space Department.
- e. Reference is made to 1,900m² of additional "formal open space". There is insufficient information on what the function of this will be, who will be responsible for its management, maintenance and ownership. Should public ownership of these areas be proposed, the design of all public open space areas must done in consultation with Council's Open Space Department.

ITEM 6 (continued)**ATTACHMENT 5****Environment Response prepared by Section Manager Environment (13/12/2013). Reference is made to the *JBA Planning Proposal – 20 Waterview Street, Putney, 20 September 2013* (The Proposal).**

As requested, I have completed a very high level environmental sustainability review of the proposed planning proposal for 20 Waterview St, Putney. There is a decided lack of specific detail in the proposal documents and should this proposal proceed to D/A, then building design sustainability will require close consideration pursuant to ESD principles and green star rating tools.

As advised, biodiversity comments relating to mangroves are also required from Open Space and site contamination remediation comments should also be sought from the Environmental Health Officers. I have reviewed the comments from Open Space to you dated 15/11/13.

My review is focussed on water cycle management, climate change specifically related to predicted sea level rise, and sustainable transport but will also discuss certain deficiencies I have identified relating to site contamination and wetland protection and management requirements.

In my opinion, the following key issues need further consideration at this stage of the planning proposal ;

1. A key objective of this planning proposal should clearly state that the development will comply with ESD principles and that the development will be managed sustainably. The planning proposal is quiet on this front.
2. The planning proposal needs to be supported by a comprehensive integrated water cycle management plan. The development has the potential to adversely impact on the natural water cycle and must be able to demonstrate neutral or beneficial impact to receiving waters and demonstrate measures to manage and treat stormwater and maintain healthy aquatic ecosystem relating to the Parramatta River and adjoining mangroves and protected wetlands over part of the site. There is little reference to this in the planning proposal documentation.
3. The climate change risks to foreshore land development in particular from predicted sea level rise have not been adequately considered in the planning proposal. In this regard, the proposal has failed to address the risk of sea level rise between 0.9m by 2100 with a linear rise over the intervening period. A Climate Change Risk assessment of the proposed development in this regard needs to be undertaken.
4. The planning proposal documents show that part of the property is wetland protected and a healthy community of mangroves exist on both sides of the property along the foreshore. It refers to proposing to comply with the Wetlands Management Policy 1998 but provides no detail. I have reviewed this Policy and the NSW DECW Wetland Policy 2010 and feel more is needed

ITEM 6 (continued)**ATTACHMENT 5**

to be done at this stage of the process to confirm that the development will result in no net loss of healthy mangrove community and that the required level of protection of wetland can be incorporated into the development. As part of this site is protected wetland and due to the abundance of mangroves adjoining the site, it is important that the proposal specifically addresses through an environmental management plan the management of stormwater, waste, air quality, sediment, nutrient management and ways of mitigating potential edge effects between the site boundaries and the wetland/mangroves. It may also be necessary, to refer the proposal to the Environment Protection Authority given the conservation value of the protected wetland and the proposed scale of development that is likely to impact on it.

5. By way of comment, the environmental site assessment reports relating to land contamination indicates that the land can be remediated to accommodate proposed usage. However, the next stage of the process will require consideration of a comprehensive remedial action plan to the highest remediation standard if proposal for residential development is accepted.
6. There is some conjecture or uncertainty about the long-term plans for the Kissing Point Ferry stop and this should be confirmed with RMS as ferry transport has been identified in the planning proposal as one of the main transport options available for occupants of the proposed development..

Happy to discuss or articulate on any of the above points at your convenience

Sam Cappelli
Manager, Environment

ITEM 6 (continued)
ATTACHMENT 6

**Planning Proposal Comments In Relation to
Heritage Impacts:**

To:	Melissa Burne	Date:	06 November 2013
From:	Nancy Tarlao Heritage/Strategic Planner		
Trim Ref And Address:	Planning Proposal at 20 Waterview Street Putney Also known as the (ADI Site) or (Naval Refit Centre)		

Heritage Listing:	
Heritage item:	Yes under Sydney Regional Environment Plan (SREP) (Sydney Harbour Catchment) 2005
In the vicinity of a heritage item	Yes – 1 items -Kissing Point Park (Kidman & Mayoh's shipyard building)
Conservation area:	No
Character area (DCP 2010):	No

Application Checklist:	Yes / No	N/A
Type of Application	Planning Proposal	
Information provided with the application adequate?	No	
Is there potential for Archaeology on the subject site?	Yes	
Has a Heritage Impact Statement been prepared?	No (2001 considered outdated)	
Has a Conservation Management Plan been prepared?	No	

Heritage Controls:

Ryde LEP 2010 Clause 5.10 (1) (5) (7) Heritage Conservation being:

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Ryde,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*
- (c) to conserve archaeological sites,*
- (d) to conserve Aboriginal objects and Aboriginal places of heritage significance*

(5) Heritage assessment

The consent authority may, before granting consent to any development:

- (a) on land on which a heritage item is located, or*
- (b) on land that is within a heritage conservation area, or*

ITEM 6 (continued)**ATTACHMENT 6**

- (c) *on land that is within the vicinity of land referred to in paragraph (a) or (b), require a heritage management document to be prepared that assesses the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or heritage conservation area concerned.*

(7) Archaeological sites

The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies):

- (a) *notify the Heritage Council of its intention to grant consent, and*
(b) *take into consideration any response received from the Heritage Council within 28 days after the notice is sent.*

Under the Sydney Regional Environment Plan (SCH REP) (Sydney Harbour Catchment) 2005, the item is listed as 'state' significant however this is not reinforced in accordance with Schedule 4 Heritage Items, see note below.

Schedule 4 Heritage items

Part 1 Heritage items in Parramatta River Area

Note. Further details on these items can be found in the Parramatta River Regional Environmental Study—Heritage Study. "S" (State significance) identifies those items that are listed on the State Heritage Register, that have been assessed in a relevant heritage study as being of State heritage significance or that are listed in a register kept under section 170 of the Heritage Act 1977.

The Heritage Act depicts the functions of the Heritage Council maintaining items of 'State' significance; see Division 2 Clause 21 of the Heritage Act. As the subject site is not on the SHR is not officially considered 'State' significance in accordance with the State Heritage Register.

The Heritage Act provides the legislation and guidance for protection of relics; see Division 9, Clause 139. Any excavation works due to the sites potential archaeological significance must comply with the following:

139 Excavation permit required in certain circumstances

- (1) *A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.*
- (2) *A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.*
- (3) *This section does not apply to a relic that is subject to an interim heritage order made by the Minister or a listing on the State Heritage Register.*

ITEM 6 (continued)**ATTACHMENT 6**

Under Part 4 of the SCHREP 2005 there are provisions for creating a Master plan under the 'strategic foreshore sites'. Clause 41 (1) stipulates controls for the proposal including:

"heritage conservation (including the protection of archaeological relics and places, sites and objects of Aboriginal heritage significance), implementing the guidelines set out in any applicable conservation policy or management plan"

Sydney Harbour Catchment Development Control Plan 2005, this document sets out the criteria that must be complied with for development (page 20) being *"development enhances the maritime and heritage significance of the Harbour through the protection of land uses that contribute to its character"*

Heritage Listings:

There is an obvious discrepancy in the documentation and the legislation governing this subject site.

Although the site is acknowledged as being of 'state' significance within the SCHREP, this has not been translated into a formal listing under the State Heritage Register (see note on Schedule 4 above). It should be acknowledged that the *heritage study* (accompanying the SCH REP) lacks specific details for the site; however the official heritage listing for the site is under Schedule 4 of the SCH REP.

Proposal:

The proposal involves a variety of proposed schemes essentially the nature of this planning proposal is to allow re-zoning on the site for the purpose of residential and retail uses. Including:

- Construction of 50 floating berths;
- Adaptive re-use of the existing boat shed (including 19 units)
- 19 x 2/3 storey town houses;
- 27 apartments within three residential unit blocks;
- 169 car parking in both above and below ground (excavated) spots; (their report differs on exact amounts)

Note: the above description of works is entirely different to those approved under the Masterplan in 2010.

Existing Conditions:

The subject site currently contains a large 13 m high boat building warehouse and various other buildings and structures associated with its tenancy. The rear of the property adjacent to Waterview Street contains a bitumen car parking area.

The total site area is 15 600 m². Plus the proposed area to build out onto the water - this requires consultation with the RMS.

ITEM 6 (continued)**ATTACHMENT 6**

Please review the chronology series of photos showing the course of development across the site since the early 1800 to today (ATTACHMENT 1). These photos confirm the historic significance of both the early European heritage (James Squires) and the World War 2 boat building history of the Halvorsens.

Background Information

The two documents provided with the Planning Proposal are dated from 2000 and 2001 and do not thoroughly address how the anticipated proposal would impact the heritage significance. It is unacceptable that these documents (written for a different project- being the use of the waterfront for boating activities Master Plan) is provided with a massive residential re-development of the subject site.

This Planning Proposal is very different from the previous approval given to the Master plan. The previously adopted Master plan for the site was approved in 2010; however this Master plan only relates to the boat shed, boat storage, berths and a restaurant facility. There is absolutely no mention of the residential component, excavated car parking, use of the boat storage she for residential accommodation etc.

In the Masterplan Section 2.3.7 *Heritage* (page 27) states “*Provide site interpretation of the previous Halvorsens Boatyard and James Squire Brewery use and former Aboriginal occupation should evidence of this be uncovered through the sites redevelopment*”. Therefore the above clearly highlights that the applicants are aware of the heritage sensitivity of this subject site.

Unfortunately this Planning Proposal omits from highlighting the above concerns and does not address how these actions may be incorporated into the overall re-development of the site if no Archaeological or updated Statement of Heritage Impacts (SoHI) is provided to Council during this assessment process.

It is highly likely that there is ruins and relics located on the subject site from the original Kissing Point Brewery including the ruins of the wharf; therefore it is challenging to discuss options for excavation and re-development across the site.

Assessment of Heritage Impact:

The proposed Planning Proposal has not taken into consideration the unique heritage located on this subject site. The SHC REP confirms that the site is considered State Significant, see the above confirming that the item is not officially listed on the State Heritage Register. Despite, this there is no substantiated evidence that has been provided that addresses the potential heritage concerns across the site.

As demonstrated within ATTACHMENT 1 confirms that the site is unique in that two very important and different uses in the past are considered significance being:

- The location of the first Brewery in Australia (James Squires owner of the lands, documentation confirms up until the 1930's substantial buildings and houses were located on the site of the now boatyard shed;

ITEM 6 (continued)**ATTACHMENT 6**

- The construction in the 1940's and the operation of the Halvorsens and the use as a boat building / repair warehouse (1940- present)

In addition to the above an Aboriginal Assessment should also be undertaken.

The Supplementary Heritage Assessment Report prepared by Architectural Projects dated 01.05.2001 Section 1.4 *Additional Assessment of Cultural Significance* states *"The site is significant for its association with James Squires, an important early settler of the Ryde district and pioneer of Australia's brewing industry... The site has considerable significance as the site of the first hops brewery in Australia, which operated at Kissing Point between 1797-1830 (33 years). The site has the potential to yield archaeological information about early brewing practices in the colony of NSW"*.

In this instance the applicants are aware that the site is State significant as per the Heritage Section 2.3.7 of the original Master plan. However, no formal report details the full extent of the heritage significance being Aboriginal, James Squires, Halvorsens histories. A report must address what is considered of low, moderate to exceptional value across the entire site (being 15,600m²) plus waterfront investigation for the presence of the original James Squires wharf.

There is a major difficulty in understanding the history of this site, in that the Department of Planning and Infrastructure do not have available a detailed heritage study the components of the subject site that are considered of heritage significance.

In accordance with standard policies under SCH REP Clause 41.1 A Conservation Management Plan must be prepared for any major works proposed on a site of cultural and heritage significance. This has not yet been undertaken by the applicants.

Without any formal heritagereport that focuses on the potential diversity of the mixed-use re-development, it is uncertain how to ascertain the extent of the significance of the site:

Decisions affecting a heritage item need to be based on (NSW Heritage Office guidelines):

- A careful analysis of why the item is significant
- Policies that have been developed to retain that significance
- Conservation strategies to achieve the long term viability of the item or area

To establish if any proposal for residential use, mass excavation and re-use and re-design of the whole is appropriate, the archaeological and heritage reports must address the proposed scope of works.

Due to the presence of the original James Squires Brewery (presumed first Brewery in Australia) this site has the potential to yield a substantial amount of historic and archaeological information on the early settlement of Ryde and the Parramatta River.

ITEM 6 (continued)**ATTACHMENT 6**

Therefore according to Council this site is considered State significance for both its celebrated histories and both which need to be accounted for and documented before any proposed re-development plans are reviewed in detail.

Recommendations:

The first step is to send a formal referral to the NSW Heritage Division seeking their guidance on the Archaeological significance of the site. Details have been provided separate to this referral.

Following on from this, and depending on the outcome of the above Archaeological Assessment the following documents are required to be submitted as part of the Planning Proposal assessment process based on the envisaged scope of works across the site:

- That a Statement of Heritage Impacts (SoHI) is prepared by a qualified heritage consultant in accordance with the NSW Heritage Division guidelines
- A thorough and detailed Archaeological Assessment based on '*Assessing Significance for Historic Archaeological Sites and Relics*' prepared in accordance with the NSW Heritage Office by an independent specialist Archaeologist (of both the water and the land). This must provide specific chorological and systematic details on the likelihood of where relics and ruins from the James Squires era that may be located both on the land and in the surrounding water. (Depending on the outcomes and comments received from the NSW Heritage Division).
- That some Archaeological Investigations are undertaken based on the outcome from the above report to identify and ascertain the exact strategies required to retain or preserve or incorporate them into the overall re-development.
- Aboriginal investigations are undertaken and an independent Aboriginal specialist prepares a report for the subject site
- Interpretation strategies are developed (based on the above documents) detailing and highlighting what is to be celebrated across the site.
- RMS is consulted in relation to the extension of the concrete pier and its potential impact on the ruins of the existing James Squires wharf and waterfront area (sandstone retaining walls etc).
- Before any redevelopment option schemes are proposed in detail, it is also essential that a detailed Conservation Management Plan is prepared outlining areas of the site that require, protection, interpretation and to ensure the building envelopes and excavation works do not come within close proximity to any ruins, relics or artefacts.

ITEM 6 (continued)**ATTACHMENT 6**

- The above documents may highlight that the Planning Proposal may necessitate a re-design of certain areas of the proposal, i.e. areas of exceptional and high historic value / archaeological significant. The applicant must be made aware that this is a challenging site and that consideration must be given to the historical nature of the site.
- It is anticipated based on the evidence provided in Attachment 1 - that there is a strong opportunity for ruins and relics to be located on this site.

The Statement of Heritage Impacts (SoHI) and Archeological Assessment must be submitted to the Council's Heritage Officer for comments prior to final assessment of the Planning Proposal.

Nancy Tarlao
03.12.2013

ITEM 6 (continued)**ATTACHMENT 7****Urban Design Consideration re: Planning Proposal 20 Waterview Street Putney****Prepared by:** Cleveland Rose, City Urban Designer

08.01.2014

Following a request late December 2013 by planning Officer Melissa Burne for urban design comments re the above, I submit the following for council's consideration.

Background

As I understand, the Planning Proposal (dated September 2013) as submitted to council is seeking an amendment to the current Ryde LEP and Draft LEP. The planning proposal seeks to introduce a range of additional permitted usages that will facilitate the retention of the general working waterfront operations at a reduced scale and the redevelopment of the remaining portions of the 15,600m² site for a mixture of:

- Marine
- Residential flat buildings
- Attached dwellings
- Multi-dwelling housing
- Food/ drink premises
- Businesses
- Shops and kiosk

The planning proposal presents a range of development scenarios (5) including:

- the current /existing situation
- *The current approved Master Plan 2010.*

An urban design assessment of this Planning Proposal needs to be reinforced by clear and coherent urban design principles governing the site. The Planning Proposal's 5 scenarios, indeed any development proposals, should be considered against such a set of governing principles.

As such, I will highlight what I understand to be the important underlying principles. Following these principles, I will make some brief comments regarding what perceive to be the most appropriate of the options tabled in the Planning Proposal's document.

Urban Design Principles for the Site

The broader urban design principles are as follows:

- **Maintain a generous and varied public access around the site's water/river edge.** Both hard and soft edges should contain opportunities for rich interaction with the water edge for a range of appropriate activities. There should be *busy active spaces* (jetties, shared streets, seating areas adjacent to cafes etc.) as well as *more reflective quieter spaces/areas* such as steps and seating for a few to take in the river panoramic views.

ITEM 6 (continued)

ATTACHMENT 7

- **Maximise the ability for future appropriate marine activities that support both *WorkingSydney Harbour* concept as well as supporting the recreational, leisure functions identified by Ryde City Council.** The site allows unique opportunities for small scaled recreational use of the waterfront to support small boat maintenance, storage and simple launching facilities for row boats, kayaks and paddle boards and fishing. It should be noted that these kind of specialised waterfront environments, once prevalent around the harbours edge, are vanishing rapidly.
- **Make provision for the practicalities of the redevelopment offering an active waterfront environment:** including maintaining sufficient at grade car parking, loading and unloading/drop off areas, areas to work on small boats (i.e. boats less than approx. 7ms length, delivery of small boats etc. This also requires that operational activities need to be specified in greater detail as to design for some potential *shared zones*, their management and associated design detailing.
- **Locate additional non-marine related activities (potential residential units) to more remote *upper s/e section of the site*.** Should any residential flat development be accommodated within the site apart from any conversions within the big shed structure, maintain a very generous separation (min 30 ms) away from the large gable shed's s/e eastern edge. Locating potential residential units close to the big shed would prove problematic for residents due to noise issues related to marine based activities (repairs , transporting, loading late pm etc.)
- **Utilise the existing landscape conditions, particularly the tree lined boulevard nature of Waterview Street and the raised terrain conditions to the south eastern portion of the site, in order to maintain the visual screening of the site from surrounding suburban residential precinct.** The generous setback to the sites northern Waterview Street boundary(approx. 8ms) offers opportunity for reinforcing the boulevard style street trees which in turn will minimise potential conflict of a visual nature. Any future development would be concealed, screened within the overall height of this tree canopy along Waterview Street. There are inherent opportunities due to the sites s/e terrain, to step future possible residential development down to the water's edge and minimise the visual impact of any future multi-storey developments.
- **Establish a perpendicular *visual connection down the River Edge* from an entry point along Waterview St.** This connection will strengthen the possible active south eastern edges of the existing big gabled shed (cafes, kiosks etc.) . Additionally this direct link will act a welcoming public address to the river edge itself : a formal statement of urban design intention. These short publicly accessible roadways to the harbour are a positive urban element found within Sydney's waterfront environments and where appropriate should be repeated.

ITEM 6 (continued)**ATTACHMENT 7****Preferred Development Option**

Considering the above principles, the **Planning Proposal's option that best accommodates the above principles is JBA's scheme 4.**

I have made some suggestions to this Scheme 4 which are underpinned by the urban design principles. These additions/amendments are as follows:

- **Maintaining a wide *shared roadway* down to the water's edge** . This roadway will need to conform to the requirements of the marine based activities and be properly managed by on site personal during business hours. This roadway will provide a lively public conduit into the shore itself
- **Locating any potential residential units (up to max 4 storeys) with appropriate separation to the existing large shed**. This would allow the residential units fronting Waterview St an uninterrupted view across the river.(the roof of the *boat shed café* could be an accessible green roof open space.
- **Positioning a focal point adjacent to the n/e edge of the large shed such as a *café boat shed* style**. This creates both breathing space between 2 different functions of residential and marine/commercial activities of the big shed's s/e edge. There is provision for some open informal green space (i.e. grass with large existing fig trees) between future boat shed café and water edge.
- **Adding additional possibilities for water based interaction of a low key:** informal seating ,launching small personal craft kayaks, dinghies , fishing activities around the periphery of the large gable shed.

Finally,there is a need to consider a ***separation barrier*** between the s/w riverfront façade of the large gable shed and the operational apron of the proposed jetty. This will require sensitive design treatment, possibly retractable security screen that foldaway during normal business day and after hours provide a security barrier to the marina and its boats. However, the design will need to be discrete during daytime operations and yet robust and sufficient to ensure safety and security during afterhours.

I hope these comments are useful in Councils assessment of the planning Proposals. I would be happy to expand on any of the above issues should that be necessary.

Sincerely

Cleveland Rose
City Urban Designer
City of Ryde

ITEM 6 (continued)

ATTACHMENT 8

MEMORANDUM

To: Melissa Burne

From: Gilbert Ortiz

Date: November 15, 2013

Subject: 20 Waterview Street, Putney – Traffic comments

Following a review of the Planning Proposal and the Preliminary Traffic Report by Parking and Traffic Consultants, the following are requested:

Data collection

Clarification on who undertook the intersection count survey and parking utilisation survey

On street parking utilisation report to justify comment on “ample supply of on-street parking”

Traffic Generation

Trip generation rate for shops should be for Specialty Shops not Slow Trade. Rate used should be 46 trips per 1000 square metre.

Traffic Distribution

There is no justification on the traffic distribution. Provide traffic distribution / JTW statistics.

Traffic Analysis

The report mentioned the proximity of the Kissing Point Ferry Wharf (600 metres away) and possibility that car users will use the ferry instead. There is no comment on ferry disruptions due to tidal periods.

The study assumed 40% and 60% occupancy for the restaurant while RMS guide says it should be 85%.

After clarifications on traffic generation and distribution have been made, new SIDRAs have to be done with the input sheet requested. A review of SIDRA by another consultant should be undertaken.

Parking and Access

A reduction of parking rate of 50% for restaurant and 30% for retail was assumed in the report without justification.

For Access, due to the size of the development, sight distance for the access driveways will mean removal of some on street parking on the development side thus reducing on-street parking supply.

7 PLANNING PROPOSAL - 2-14 Tennyson Road Gladesville

Report prepared by: Strategic Planner

File No.: LEP2013/15/003 - BP14/184

REPORT SUMMARY

Council has received a Planning Proposal to amend controls within Local Environmental Plan 2010 as they apply to the following land (known as the “the site”):

- 2–12 Tennyson Rd, Gladesville (LOT 2 DP 549570); and
- 14 Tennyson Rd, Gladesville (LOT 1 DP 549570).

The land is currently zoned Light Industrial (IN2).

The Planning Proposal seeks to change the zoning, height and floor space controls applying to the site to facilitate the development of the site for a mixed use precinct that integrates commercial, retail and residential uses on the site.

This will require:

- Amending LEP 2010 Land Zoning Map for the site to B4 Mixed Use;
- Amending LEP 2010 Floor Space Ratio Map to increase the FSR on 2 –12 Tennyson Rd (Site A) to 2.5:1 and for 14 Tennyson Rd (Site B) to 1.5:1; and
- Amending LEP 2010 Height of Buildings Map to increase the maximum height of buildings permitted at 2 –12 Tennyson Rd (Site A) to 37m and for 14 Tennyson Rd (Site B) to 21.5m.

An Architecture Design report was submitted with the Planning Proposal that identified 3 design strategies for the site. The application states that the preferred strategy is Design Strategy 3 – Consolidated Open Space for the site.

The below table is a summary of the proposed development within the preferred strategy.

Summary of Proposed and Existing Development

ELEMENT	2-12 Tennyson (Site A)	14 Tennyson (Site B)
Existing Land Use	Former quarry site Warehouse/Office building	2 storey building Office and warehouse
Proposed Land Use	<ul style="list-style-type: none"> ▪ Residential Flat Building 269 units ▪ Retail/Commercial floor space 5 800sqm (inclusive of approx. 4000² Supermarket) ▪ Child care centre ▪ Car parking spaces 560 	<ul style="list-style-type: none"> ▪ Seniors Living dwellings – 135 dwellings and assisted living facilities of 3 300² ▪ 400sqm of retail/commercial ▪ Car parking spaces 123 (Mecone PP App 2 – 6.12)

ITEM 7 (continued)

ELEMENT	2-12 Tennyson (Site A)	14 Tennyson (Site B)
Proposed Floor Space and FSR	2.5:1 Total Floor Space (FS) of 36,000 ² available based on site area	1.5:1 Total FS of 13,970 ² available based on site area
Proposed Building Heights	30.5m - 37m 6 – 8 storeys above finished ground level	12m- 21.5m (setback area 9.5m) 4 – 6 storeys above finished ground level

The Planning Proposal (Mecone Planning Proposal) is **CIRCULATED UNDER SEPARATE COVER** (Attachment 1).

Council staff had an independent assessment of the planning proposal undertaken by consultant Michael Woodland Consulting Pty Ltd (Woodland Report). The planning consultant was engaged in accordance with Council's procurement framework.

The Woodland Report assesses the Planning Proposal in terms of the strategic direction set by the State Government and Council for the site and the appropriateness of the development controls and land uses proposed for the site.

The Woodland Report is **CIRCULATED UNDER SEPARATE COVER** (Attachment 2).

The Woodland Report recommends:

- "A. That the planning proposal for 2-14 Tennyson Road, Gladesville not proceed to a gateway determination for the following reasons:
1. The proposal is inconsistent with strategic direction of the Ryde Local Planning Strategy 2010, Ryde Draft LEP 2011 and Draft Subregional Strategy in relation to retention of industrial lands.
 2. The proposal is inconsistent with the Draft Metropolitan Strategy and does not meet the criteria under the Industrial Lands Strategic Assessment Checklist for rezoning of existing industrial land to other uses.
 3. The proposal is inconsistent with s117 Direction 1.1 – Business and Industrial zones and 7.1 – Implementation of the Metropolitan Plan for Sydney 2036.
 4. The proposal is likely to lead to adverse impacts on the amenity of the surrounding locality, particularly relating to traffic impacts on the surrounding road network.
 5. The proposed built form controls are generally not considered appropriate in this locality due to the impacts on the adjoining low density residential areas.

ITEM 7 (continued)

- B. *That Council give further consideration to additional employment uses specifically for the site in addition to the uses identified in the Draft LEP 2011 in consultation with the landowners.*
- C. *That Council undertake a further study of the industrial areas within the Ryde LGA to develop strategies and recommendations to maintain these areas as viable employment lands in accordance with Recommendation 7.2 of the Ryde Local Planning Strategy in consultation with landowners, the community and relevant industry groups.” (extract pg.9)*

Based on the Woodland Report findings and recommendations this report recommends the Planning Proposal should not proceed as it is inconsistent with the strategic direction being implemented by Council, will result in increased traffic impacts on the locality and is likely to lead to adverse impacts on the amenity of the surrounding neighbourhood.

It should be noted that the Planning Proposal as submitted to Council included an LEP height map indicating the proposed height for the site in RLs, storeys and metres, the latter indicating a maximum of 18.5m. The height map in metres was amended after discussions with the applicant regarding inconsistency of information to a maximum of 26m and on the 13 February 2014 a further amended LEP height map indicating a maximum height of 37m on 2-12 Tennyson and 21.5m on 14 Tennyson Rd was provided to Council. The height assessment in the Woodland Report is based on the height map of 26m.

RECOMMENDATION:

That Council does not support the Planning Proposal for 2 – 14 Tennyson Road, Gladesville proceeding to a Gateway determination on the grounds that:

- The planning proposal is inconsistent with strategic direction of the Ryde Local Planning Strategy 2010, Ryde Draft LEP 2011 and Draft Subregional Strategy in relation to retention of industrial lands.
- The planning proposal is inconsistent with the Draft Metropolitan Strategy and does not meet the criteria under the Industrial Lands Strategic Assessment Checklist for rezoning of existing industrial land to other uses.
- The planning proposal is inconsistent with s117 Direction 1.1 – Business and Industrial zones and 7.1 – Implementation of the Metropolitan Plan for Sydney 2036.
- The planning proposal will result in traffic impacts to Tennyson Road and the surrounding local road network associated with:-
- Increases in delays - Tennyson/Victoria Road intersection and roads within the vicinity of the site.
- Substantially reduced intersection performance – Tennyson/Victoria Road
- Unacceptable levels of queuing in Tennyson Road
- Adverse impacts on adjacent residential areas.
- The planning proposal will lead to adverse impacts on the amenity of the surrounding locality as a result of inappropriate density of development and height.

ITEM 7 (continued)**ATTACHMENTS**

- 1** Planning Proposal 2-14 Tennyson Road, Gladesville (Mecone Planning Proposal) – CIRCULATED UNDER SEPARATE COVER
- 2** Review of Planning Proposal 2-14 Tennyson Road, Gladesville (The Woodland Report) – CIRCULATED UNDER SEPARATE COVER
- 3** Traffic Report 2-14 Tennyson Road, Gladesville (Bitzios) – CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Susan Wotton
Strategic Planner

Report Approved By:

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

ITEM 7 (continued)**Discussion**

The following outlines the “gateway plan-making process”, and a summary of the subject planning proposal.

Gateway Plan-Making Process

1. Planning proposal – this is an explanation of the effect of and justification for the proposed plan to change the planning provisions of a site or area which is prepared by a proponent or the relevant planning authority such as Council. The relevant planning authority decides whether or not to proceed at this stage.

2. Gateway – determination by the Minister for Planning or delegate if the planning proposal should proceed, and under what conditions it will proceed. This step is made prior to, and informs the community consultation process.

3. Community Consultation – the proposal is publicly exhibited (generally low impact proposals for 14 days, others for 28 days).

4. Assessment – the relevant planning authority considers public submissions. The relevant planning authority may decide to vary the proposal or not to proceed. Where proposals are to proceed, it is Parliamentary Counsel which prepares a draft local environmental plan – the legal instrument.

5. Decision – the making of the plan by the Minister (or delegate).

According to section 55 of the Environmental Planning and Assessment Act 1979, a Planning Proposal must include:

- A **statement** of objectives and intended outcomes of the proposal
- An **explanation** of the provisions of the proposal;
- A **justification** of the objectives, outcomes and provisions including the process for implementation;
- **Maps where relevant**, containing the appropriate detail are to be submitted, including land use zones; and
- Details of the **community consultation** that will be undertaken.

Council is the relevant planning authority for this proposal.

The report relates to step 1 of the Plan making process. The key areas addressed in this report are:

2. Current Planning Controls
3. Strategic Context
4. Proposed amendment to LEP 2010
5. Appraisal of the Planning Proposal

ITEM 7 (continued)

1. SITE DESCRIPTION AND CONTEXT

Site Description

The land the subject of the Planning Proposal is known as 2 – 14 Tennyson Road Gladesville.

The site comprises:

- two separate land holdings resulting in an irregular shape comprising approximately 23, 730sqm in area and
- a frontage of 142m to Tennyson Road.

The site is located to the south of Victoria Road, approximately 100 metres south of the intersection of Tennyson Road and Victoria Road, Gladesville.



Figure 1: The total site showing site A and B (Source: Mecone pg.3)

The site contains:

- 2 – 12 Tennyson Road – a brick and metal warehouse and office space at the centre of the quarry with a two storey brick rendered office building to the west of the warehouse along Tennyson Road (Site A)
- 14 Tennyson Road – a two storey brick building used as office and warehouse (Site B)
- Vehicular access to Site A via a driveway along the southern boundary and to Site B via a driveway along the northern boundary. (extract Mecone pg.4)

ITEM 7 (continued)

Table 1 Site Description

Existing		Property Address	Legal Description	Site Area
Site A	Industrial warehouse Access road	2-12 Tennyson	Lot 2 DP 549570	14, 415m ²
Site B	Office/ Warehouse	14 Tennyson	Lot 1 DP 549570	9, 314m ²
TOTAL:				23,729m² (source Ryde Maps)

Site A and Site B are under separate ownership and as such could be developed separately.

Topography

The site is located towards the crest of a hillside falling away from Victoria Road. The site generally slopes from north to south. Site A is a former quarry site. The topography falls 5-15m towards the centre of the quarry. (Extract Mecone pg.3)

Some vegetation exists on the site however due to the developed nature of the site it is located predominately along the perimeter of 2-12 Tennyson Road.

Context

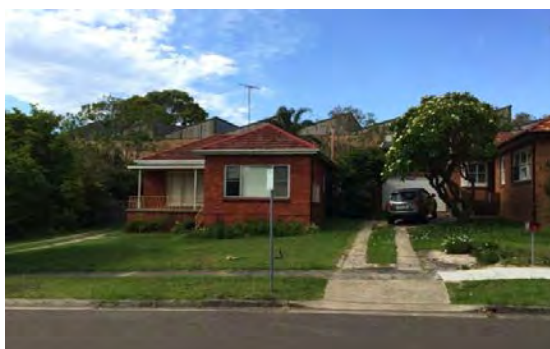
Immediate Context

To the immediate north and north-east of the site is characterised by large commercial/industrial buildings, known as the Dexus Development. This development contains office and warehouse facilities, with its main frontage to Victoria Road and vehicular from Tennyson Road to the north of the site. (Figure 2a)

The land to the east, west and south of the site is characterised by low density 1 - 2 storey residential uses. (Figure 2b) (Extract Woodland Report pg. 15 - 16)



(Figure 2a)



(Figure 2b)

ITEM 7 (continued)

Broader Context

The site is located within the Gladesville Industrial Area on the southern side of Victoria Road, Gladesville. The site is located between the existing industrial land that fronts Victoria Road and low density residential land to the east, west and south. The Ryde Aquatic Leisure Centre is located to the west of the site. The site is well located to the Victoria Road Corridor and in close proximity to the Gladesville Town Centre. (Figure 3) (Extract Woodland Report pg.12).



Figure 3: Local context diagram (source: Mecone PP)

2. CURRENT PLANNING CONTROLS

Zoning and Land Use

The subject site is zoned IN2 Light Industrial under the Ryde LEP 2010 and Draft Ryde LEP 2013. Figure 4 illustrates the zoning of the subject land under the two LEPs.

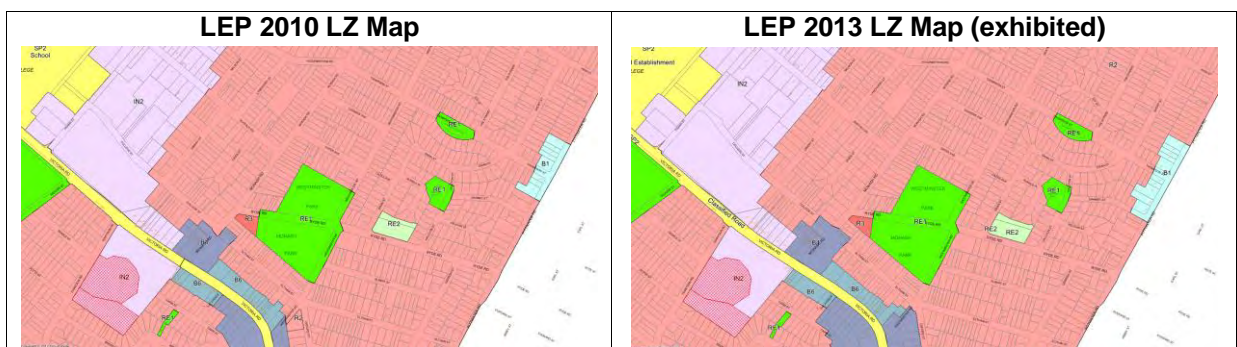


Figure 4

ITEM 7 (continued)

The uses permitted with consent in the zoning under LEP 2010 include Car parks; Child care centres; Community facilities; Depots; Industrial retail outlets; Industrial training facilities; Light industries; Neighbourhood shops; Public administration buildings; Pubs; Recreation areas; Research stations; Service stations; Sex services premises; Transport depots; Vehicle body repair workshops; Vehicle repair stations; Warehouse or distribution centres; Waste or resource management facilities; Water recycling facilities.

Residential accommodation is prohibited as is general retail, office and business uses.

Under draft LEP 2013 a number of additional land uses are proposed to be permitted with consent including funeral homes, hardware and building supplies, landscaping material supplies and storage premises. In addition to this through a "Housekeeping" LEP (currently awaiting Gateway Determination) wholesale supplies and recreation facility (indoor) will also be permitted with consent in the IN2 zone.

The Woodland Report recommends that Council undertake a further study of the industrial areas within the Ryde LGA to develop strategies to maintain these areas as viable employment lands.

At this point in time given:

- the work undertaken within LEP 2011 with respect to the expansion of land uses in the IN2 zone
- the current program of land use planning work being carried out through Planning Proposals presently with Council and
- Likely planning legislation changes

No additional studies of the industrial areas within Ryde are proposed to be undertaken.

Building Height

Under LEP 2010 there are no height controls that apply to land zoned IN2 Light Industrial in the City of Ryde. Under draft LEP 2013 a maximum 10m height control applies to all IN2 land. Figure 5 illustrates the height controls of the subject site and surrounding land under LEP 2010 and draft LEP 2013.

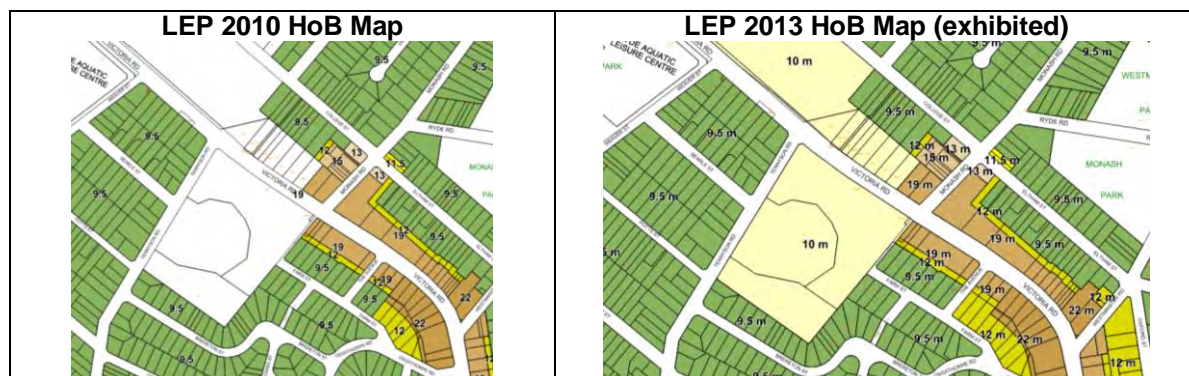


Figure 5

ITEM 7 (continued)

Floor Space Ratio

The site has a floor space ratio under LEP 2010 and Draft LEP 2013 of 1:1. Figure 6 illustrates the fsr controls of the subject site and surrounding land proposed under LEP 2010 and draft LEP 2013.

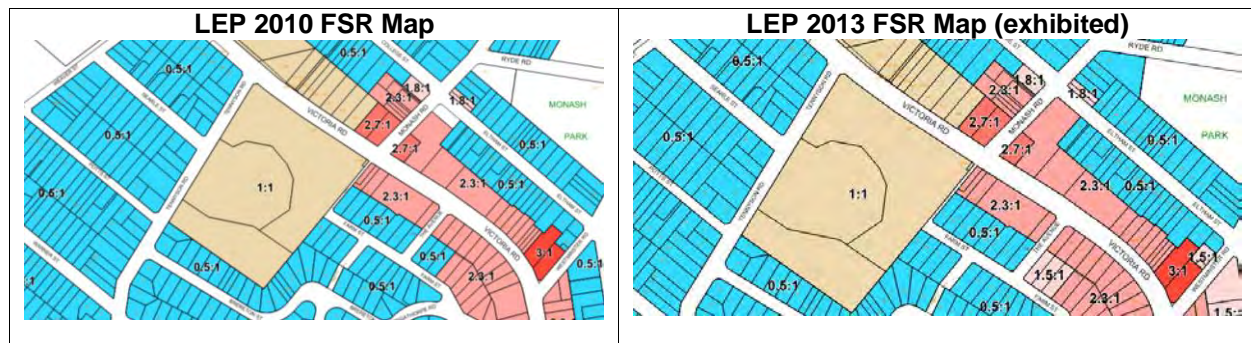


Figure 6

Ryde Development Control Plan (DCP) 2010/Draft DCP 2013

The Ryde DCP 2010 provides for a number of environmental, engineering, stormwater and waste minimisation controls for the site relating to its industrial use. These controls are generally considered to be more relevant at the development application stage rather than the rezoning process for this site. (Source Woodland Report pg.24)

3. STRATEGIC CONTEXT

The strategic planning framework for this Planning Proposal is found in the following key documents:

- Draft Metropolitan Strategy for Sydney 2031 / Metropolitan Plan 2036
- NSW Transport Long term Masterplan
- Draft Inner North Subregional Strategy
- Employment Lands Development Program
- Ryde Local Planning Strategy 2010

Metropolitan Plan 2036 and Draft Metropolitan Strategy 2031

The Sydney Metropolitan Strategy sets the NSW Government's framework for the future growth and prosperity of Sydney. It was first released in 2005 and has since been updated twice as follows:

- Metropolitan Plan for Sydney to 2036, NSW Department of Planning and Infrastructure (2010); and
- Draft Metropolitan Strategy for Sydney 2031, NSW Department of Planning and Infrastructure, (2013).

ITEM 7 (continued)

In consideration of the Planning Proposal the Woodland Report states:

Both Strategies recognise the need to protect existing industrial lands and to focus future development around identified centres – which are the 2 fundamental issues central to this proposal.

The existing Metropolitan Plan and Subregional Strategy categorised the site (being 2 – 14 Tennyson Rd) as employment uses to be retained recommending its protection and continued use for employment purposes.

The draft Strategy has a number of objectives, which are then supplemented by key policy directions and actions. The most relevant policy directions to the proposal are Objectives 13 and 15 relating to industrial land as follows:

Objective 13: Productivity and Prosperity: Provide a well located supply of industrial lands – recognises the importance of industrial lands as well as the pressure faced by land within existing areas to be rezoned for other uses. It provides an Industrial Lands Strategic Assessment Checklist for proposals seeking to rezone existing industrial lands in these circumstances.

Objective 15: Productivity and Prosperity: Provide for a good supply of retail space – supports existing centres as the primary location of retail, at a scale reflecting the level of public transport accessibility. It supports clusters of bulky goods/warehouse outlets in clusters and seeks to limit retail uses in industrial areas to support industrial uses. (Extract Woodland Report pg.17)

NSW Transport Long Term Masterplan

The NSW Transport Long Term Masterplan outlines a number of strategies to integrate transport and land use planning. It identifies Victoria Road as of the most constrained strategic transport corridors in the network (Figure 7).

The Masterplan outlines a number of long-term bus priority measures to improve this corridor as well as a commitment to investigate the corridor for potential bus rapid transit (BRT) and light rail.

The Masterplan also identifies this corridor for potential future long-term urban renewal where increased population could support improved transport services. (extract Woodland Report pg.18)

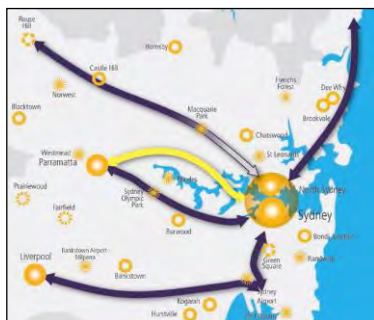


Figure 7
Parramatta to the CBD via Ryde constrained corridor (Source TfNSW)

ITEM 7 (continued)**Draft Inner North Subregional Strategy**Employment Lands

The Draft Inner North Subregional Strategy was prepared to support the previous Metropolitan Plan. The Strategy sets a target of 21,000 new jobs to be created within Ryde LGA by 2031.

The Strategy identifies 7 Employment Land Precincts of strategic importance and worthy of retention for industrial uses, including the site as part of the Gladesville Industrial Area. It identifies this area as follows:

Gladesville (Local Industry) is located along Victoria Road and is a suburban industrial area (23 hectares) servicing the local population, including automotive businesses and trade supplies.

The Strategy observes that the sub-region has experienced one of the highest rates of re-zonings of employment lands to other uses, namely changes at Macquarie Park from an industrial area to a specialised centre and the Meadowbank area to a mainly residential landuse.

The Strategy recommends that due to demand for local services and the changing nature of employment lands that further conversion of existing employment lands should be highly restricted and existing precincts (including Gladesville Industrial Area) be retained as detailed below:

... In view of continued demand for Employment Lands, conversion of existing Employment Lands within the subregion should be highly restricted and existing precincts (Artarmon, Lane Cove West, East Chatswood, Gore Cove, West Ryde, Gladesville and the former ADI site) should be retained...

Housing

The Strategy sets a housing target of 30,000 additional new dwellings by 2031 for the sub region, with an additional 12,000 new dwellings within the Ryde LGA. Following the direction from the Metropolitan Strategy, residential development is focussed within strategic and local centres and corridors with access to public transport and services.

A key policy is also the renewal of existing centres, including the Gladesville Village and Victoria Road Corridor revitalisation, which resulted in the new LEP for the Town Centre in 2010.

Enterprise Corridor

The Strategy also identifies Victoria Road as a potential Enterprise Corridor for local services and employment. The Strategy envisages that the corridor can include spaces for small firms, retailers and light industrial activities such as auto repairs to support local economic development. (Source Woodland Report pg.19)

ITEM 7 (continued)**Employment Lands Development Program**

The Woodland Report states in relation to this Program:

- *The Employment Lands Development Program (ELDP) monitors industrial land supply including strategy-identified land, undeveloped zoned (not serviced) land and undeveloped zoned and serviced land. It is prepared on a regional and sub-regional basis and provides a regional overview, rather than on a site-by-site basis. However, it does identify and monitor the Gladesville Industrial Area, which includes the site.*
- *The program provides an overview of the trends for employment lands across Sydney. In the latest 2011 Update Report, it notes that demand for industrial space in Sydney is expected to grow in the short to medium term. In terms of supply, it notes that the vast majority of employment lands is located within western Sydney, (extract Woodland Report pg.20)*

Ryde Local Planning Study 2010

The Ryde Local Planning Study was prepared to:

- guide the future growth of Ryde through a range of planning initiatives and strategies;
- inform the Draft Ryde LEP 2011; and
- review and respond to directions from the State Government as identified in the Metropolitan Strategy for Sydney and the Draft Inner North Subregional Strategy, particularly relating to housing and employment targets.

In relation to the key issue of industrial lands, the Woodland Report states that the Study makes the following relevant comments:

...The overall demand for industrial uses is likely to reduce then stabilise. However, the retention of the City's industrial land is vital, as these areas continue to provide for a range of industrial activities that meet local and regional needs.

Such areas also provide premises that are often affordable to purchase or rent and such spaces support emerging businesses. Areas in the City that also provide this opportunity are along Victoria Road adjoining the edge of town centres... (Source Woodland Report pg.20)

ITEM 7 (continued)**Summary of key strategic policies**

In summary, the above policies generally support both the growth of identified centres within the LGA and the retention of existing industrial lands. This strategic planning framework provides for major retail and high density housing to be located in identified centres close to existing public transport and related infrastructure. The Woodland Report states:

- The Draft Subregional Strategy specifically identifies the Gladesville Industrial Area (which includes the site) for retention due to its critical role in providing local and regional services. Council's adopted Local Planning Strategy also concludes that the protection of its remaining Industrial Land within the LGA is vital.
- The Local Planning Study also supports the revitalisation of the Gladesville Town Centre and Victoria Road Corridor for future retail and major residential development. The Study notes that Council can meet with housing and employment targets and sufficiently address retail demand within identified centres and other specialised locations. (Source Woodland Report pg.21)

4. PROPOSED AMENDMENT TO DRAFT RYDE LEP 2013**Proposal**

The Planning Proposal seeks to change the zoning, height and floor space controls applying to the site to facilitate the development of the site for a mixed use precinct that integrates commercial, retail, and residential uses on the site.

The applicant states that the objectives of the planning proposal shall be achieved through the creation of a new standard instrument-based LEP that would replace the existing instrument in force for the site. The proposed controls would eventually be reflected in and merged with the draft Ryde LEP, which is a Standard Instrument LEP. (Mecone pg.9)

It should be noted that a standard alone LEP which amends clauses that apply to the whole of the City of Ryde so as to relate to a specific site is not considered appropriate. The aims of LEP 2010 and the objectives and land uses that apply to a zone should not be amended in response to a Planning Proposal that does not apply to the whole of the City or to the whole of a land use zone. Similarly Standard Instrument optional clauses should not be adopted and related to a singular site. The DoPI have advised Council they also do not support such an approach.

As a result the drafted SI instrument for the site has not been considered and the applicant has been advised accordingly that the Planning Proposal will be considered as a proposed amendment to LEP 2010 with respect to zoning, FSR and height for the site only.

ITEM 7 (continued)**Objectives and Intended Outcomes**

The objectives of the proposal as outlined by the proponent are:

- To encourage employment generation on site that increases the number of employees and provides jobs that better match Ryde's employment profile;
- To facilitate redevelopment of the site in a prime location in close proximity to a range of services and public transport options, which is currently being underutilised;
- To provide high quality residential development, incorporating a range of housing types, including seniors housing, for the Ryde and Gladesville locality; and
- To provide an innovative village hub with a range of commercial and retail employment activities which are compatible with the residential uses in the area.

The planning proposal seeks to achieve these objectives by allowing the redevelopment of the site as mixed-use premises with a range of residential, retail, commercial, and community uses. (Extract Mecone pg.8)

The applicant identifies the primary objective of the Planning Proposal as follows:

- Address the lack of housing availability within the locality;
- Provide appropriate services and employment opportunities that suit the resident profile in the area;
- Allow for a proposal that will complement and support the existing Gladesville Town Centre; and
- Allow for public domain upgrading works.

The planning proposal seeks to achieve these intended outcomes by proposing amendments to the LEP and rezoning the site to B4 Mixed Use as per the Standard Instrument Template. The site specific LEP would permit mixed use premises, including residential, retail and commercial uses on the site. (Extract Mecone pg.8)

The Planning Proposal is accompanied by an architectural report provided at Appendix 2, which includes an analysis of the site and a massing study that forms the basis of the proposed provisions.

Based on the findings of the architectural report, a range of 5-8 storey buildings can be achieved on site without having any significant adverse environmental impacts on the surrounding developments.(extract Mecone pg.8)

ITEM 7 (continued)

Three design strategies were considered. The preferred design strategy – Consolidated Open Space involves a consolidated development across both Sites A and B and includes:

- 2 levels of basement parking for approx. 670 car spaces, loading and unloading areas
- 2 options for shared or separate vehicular access to both sites from Tennyson Road
- podium level with 5,800m² retail space (including a 4,000m² supermarket)
- childcare centre (300m²)
- 600m² of non-retail, commercial uses
- 404 residential units (including 135 seniors living units) and an assisted living facility of 3,300m²
- public space within the site and associated landscaping (Figures 8 & 9)

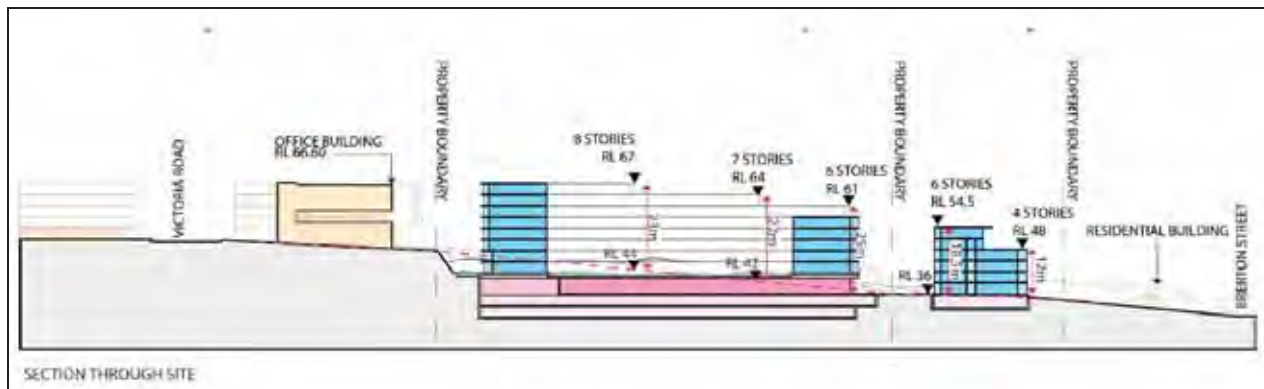


Figure 8: Indicative section of preferred development option (Source: Grimshaw Architects)



Figure 9: Preferred development option (Source: Grimshaw Architects) (Extract Woodland Report pg.26 -27)

ITEM 7 (continued)

Appendix 2 Architectural Design Report of the Planning Proposal notes the following:

- retail is to be provided at grade only at the entry off Tennyson Road
- parking is to be located at the base of the quarry with minimum excavation
- residential is to be located above retail (Source Mecone Planning Proposal Appendix 2 – 6.7 Mixed Use)

A Development Control Plan has also been prepared to support the proposal (Appendix 5) and contains a number of design principles relating to:

- Setbacks
- Pedestrian access
- Landscaping
- Publicly accessible open space.

Table 2: Summary of Proposed and Existing Development

ELEMENT	2-12 Tennyson (Site A)	14 Tennyson (Site B)
Existing Land Use	Former quarry site Warehouse/Office building	2 storey building Office and warehouse
Proposed Land Use	<ul style="list-style-type: none"> ▪ Residential Flat Building 269 units ▪ Retail/Commercial floor space 5 800² (inclusive of a 4000² Supermarket) ▪ Child care centre ▪ Car parking spaces 560 (Mecone PP App 2 – 6.12) 	<ul style="list-style-type: none"> ▪ Seniors Living dwellings – 135 dwellings and assisted living facilities of 3 300² ▪ 400² of retail/commercial ▪ Car parking spaces 123 (Mecone PP App 2 – 6.12)
Proposed Floor Space and FSR	2.5:1 Total Floor Space (FS) of 36,000 ² available based on site area	1.5:1 Total FS of 13,970 ² available based on site area
Proposed Building Heights	30.5m - maximum 37m 6 – 8 storeys above finished ground level	12m - 21.5m (setback area 9.5m) 4 – 6 storeys above finished ground level

Proposed Amendments to Draft LEP 2013

The Planning Proposal seeks to:

- Amend LEP 2013 Land Zoning Map 2 – 14 Tennyson Road Gladesville (Figure 10a);
- Amend LEP 2013 Height of Buildings Map to allow a maximum height of 37m (8 storeys above finished ground level) (Figure 10b) and
- Amend LEP 2013 Floor Space Ratio Map at 2 – 12 Tennyson Road and 14 Tennyson to (Figure 10c)

ITEM 7 (continued)



Figure 10a



Figure 10b

ITEM 7 (continued)

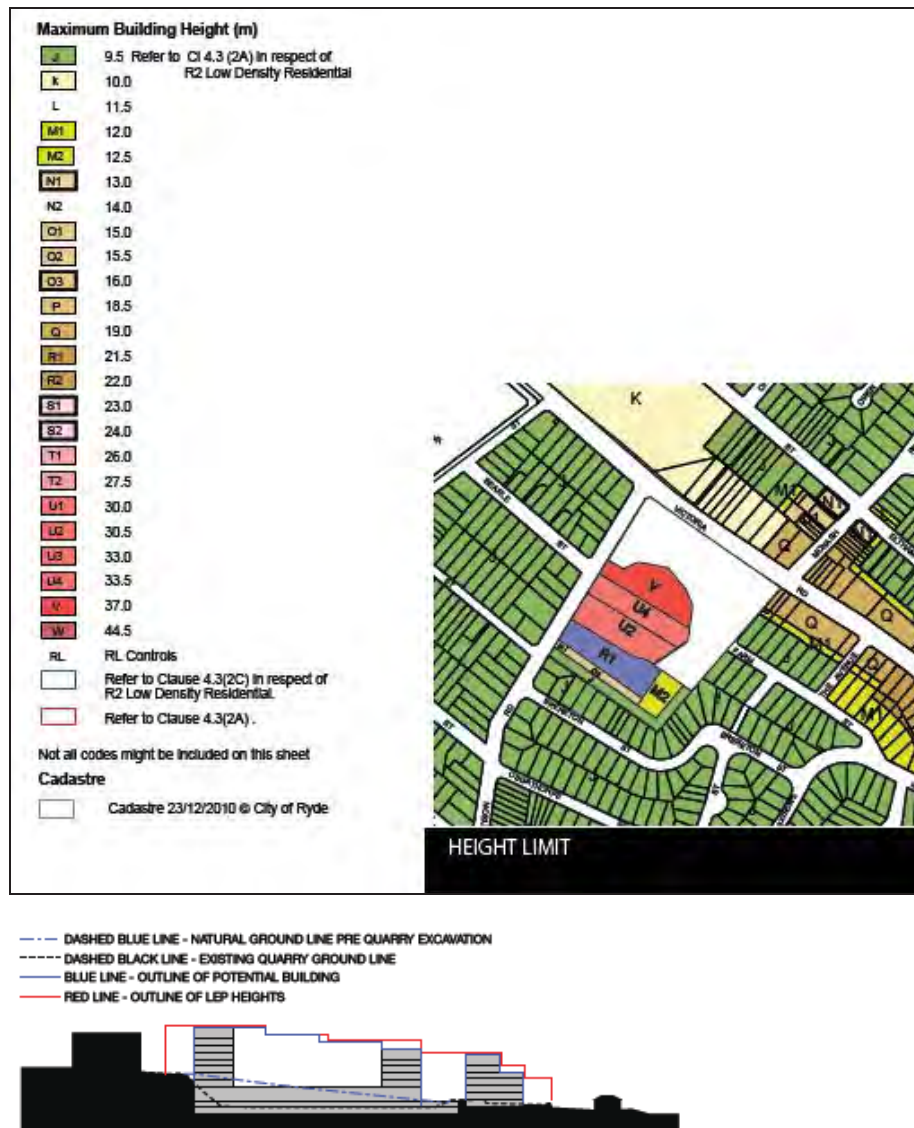


Figure 10c (Maps - Extract Mecone Appendix 4)

Planning Justification

Detailed planning reasons justifying the Planning Proposal can be found in *Part 3 – Justification for the Planning Proposal* in the Mecone Planning Proposal (commencing pg.11)

In summary the applicants justification is largely based on the utilisation of the site to provide additional jobs and housing for the locality than provided by the current industrial uses on the site. The proposal argues that the changing nature of industrial land, employment profile of Ryde LGA justify a mixed development on the site.

The proposal also addresses the DP&I's Industrial Lands Strategic Assessment checklist, concluding that the proposal is consistent with the Draft Metropolitan Strategy for Sydney. Relevant extracts, summarising the key aspects of the planning justification as contained in the Mecone Planning Proposal report is provided below:

ITEM 7 (continued)Industrial Land Assessment

- *In accordance with the findings of Mecone's Employment and Centres Study 2009 and Hill PDA's economic impact assessment of the area, the following conclusions are made in regards to industrial trends in the Ryde LGA:*
- *Employment generation on industrial land is declining due to rationalisation with advanced technology allowing the same employment functions to be performed with a reduced number of workers;*
- *A comparison between the census data and industrial demand forecast indicates that actual ratio of resident blue collar workers is lower than those identified in the Employment and Centres Study forecasts;*
- *It is acknowledged that the Gladesville Industrial area plays an important role in providing urban support services such as auto repairs, light manufacturing, catering and sporting uses and vital services that support local residents and businesses in the area. However, the subject site is separated from this area with a residential interface and therefore struggles to meet this role;*
- *A certain 'critical mass' is usually considered necessary for successful operation of industrial and commercial uses. The site is segregated from the main Gladesville Industrial Area and is subject to vulnerabilities of a small business base;*
- *It is understood that the existing industrial business on site A (2-12 Tennyson Rd) currently employs 20 staff (refer to Table 8 above). Compared to the employment rate benchmark of 1 job per 80m² of leasable space as identified by Hill PDA, it is considered that the land is being underutilized and does not play a significant role in employment generation within the area. Further, it is noted that the adjoining Dexus building has a high vacancy rate; and*
- *mixed use development on site can potentially generate a net increase of up to approximately 294 employees. As such, the proposal will result in a significantly higher employment generation rate for the site.*

Retail assessment

- *Hill PDA concludes that the site can be redeveloped without jeopardising the role or function of Gladesville or any other existing centre. The report identifies existing demand for an additional approximately 5,000m² of retail space on the subject site, including approximately 3,000m² of supermarket and 2,000m² of specialties (around 15-20) out of which three or four would be non-retail commercial services.*
- *During the preliminary discussions, both Coles and Woolworths have expressed interest in a supermarket of around 3,200m² in the area. (Extract Woodland Report pge 28).*

ITEM 7 (continued)

The Woodland Report notes that:

The proposal also undertook various site-specific investigations at the potential development outcomes resulting from the proposal. This includes traffic, geotechnical, contamination and stormwater studies. These studies conclude that the proposed B4 mixed use zoning will not lead to significant adverse environmental or amenity impacts on the adjoining properties or immediate locality. (Extract Woodland Report pg.29).

The proposal is accompanied by the following reports:

- Planning proposal prepared by Mecone (Appendix 1)
- Architectural Design Report prepared by Grimshaw Architects(Appendix 2)
- Drafting Instructions and LEP Maps prepared by Mecone (Appendix 3 &4)
- Draft DCP prepared by Mecone dated October 2013(Appendix 5)
- Net Community Benefit Test prepared by Hill PDA (Appendix 6)
- Economic Impact Assessment prepared by Hill PDA (Appendix 7)
- Environmental Site Assessment prepared by EIS (Appendix 8)
- Geotechnical Assessment prepared by JK Geotechnics (Appendix 9)
- Traffic Impact Assessment prepared by Traffix (Appendix 10)
- Stormwater Management Plan prepared by TTW (Appendix 11)

5. Appraisal of Planning Proposal

The Woodland Report provides an assessment and review of the Planning Proposal.

The Woodland Report states:

- Adequacy of Document - *Overall the application is considered adequate to enable Council to determine whether the proposal should be submitted for a Gateway determination. (Extract Woodland Report pg.30)*
- Review of applicant's planning justification - *Notwithstanding the high quality of the architectural studies, the proposal is considered to be flawed in the following 3 key areas:*
 - *inconsistency with key state planning policies/directions in relation to industrial lands and centres policy;*
 - *inconsistency with Council's strategic direction for the future of industrial land in the Ryde LGA and the general locality; and*
 - *the resultant development outcome is considered inappropriate for the site.(Extract Woodland Report pg.31)*

In line with the above the following issues are considered to be of planning importance when reviewing the proposal and planning justification:

1. Consistency with State Government
2. Consistency with Council's Strategic Direction
3. Loss of industrial lands

ITEM 7 (continued)

4. Role of the Gladesville Town Centre and Victoria Road Corridor
5. Retail uses on the site
6. Other planning approvals in the locality
7. Appropriateness of high density residential development
8. Traffic issues

(Source: Woodland Report pg.30)

An analysis of these issues in response to the proposal is detailed below:

1. Consistency with State Government framework

The Government's strategic planning framework broadly addresses two key issues related to the Planning Proposal being:

- The need for industrial land to be retained for industrial and employment purposes
- Appropriate location of major residential and retail development

The Woodland Report states:

First, both former and current State Government policies acknowledge the need to protect industrial and employment lands. Although, the current Draft Strategy does accept that these lands, particularly within well-established urban areas can be under pressure to be rezoned for other (namely residential and mixed use) uses. In this regard, it provides a checklist for planning authorities to consider when dealing with a rezoning of industrial land.

Second, major residential and mixed use development is generally encouraged to be located within existing centres and strategic corridors to utilise existing infrastructure to take the burden off Sydney's urban fringe and reduce impacts on established areas.....

.....it is appropriate to consider the proposal against the following policies as detailed below:

- *Draft Metropolitan Strategy 2013 and Metropolitan Plan 2036.....*
- *S117 Directions (as relevant)*
- *Draft Subregional Strategy (extract Woodland Report pg.31)*

Draft Metropolitan Strategy 2031 and Metropolitan Plan 2036

In relation to the loss of existing industrial lands, the Draft Metropolitan Strategy notes:

... Existing industrial lands, especially in established areas, are under pressure to be rezoned to other uses, despite the clear need for them in the future. Latest data also reveals a noticeable increase in rezoning of employment lands to non-industrial and wider employment uses...

ITEM 7 (continued)

In response, the Draft Strategy provides a Checklist, which outlines 6 critical questions that should be considered by planning authorities when considering whether to allow industrial lands to be rezoned for other uses (Figure 11).

Criteria Table 1: Industrial Lands Strategic Assessment Checklist for rezoning of existing industrial land to other uses	
▪	Is the proposed rezoning consistent with State and/or council strategies on the future role of industrial lands?
▪	Is the site:
	- near or within direct access to key economic infrastructure?
	- contributing to a significant industry cluster?
▪	How would the proposed rezoning impact the industrial land stocks in the subregion or region and the ability to meet future demand for industrial land activity?
▪	How would the proposed rezoning impact on the achievement of the subregion/region and LGA employment capacity targets and employment objectives?
▪	Is there a compelling argument that the industrial land cannot be used for an industrial purpose now or in the foreseeable future and what opportunities may exist to redevelop the land to support new forms of industrial land uses such as high-tech or creative industries?
▪	Is the site critical to meeting the need for land for an alternative purpose identified in other NSW Government or endorsed council planning strategies?

Figure 11: Industrial Lands Strategic Assessment Checklist
(Source: Draft Metropolitan Strategy)

The proposal provides an analysis against the checklist both in the planning report prepared by Mecone and the Net Community Benefit Test prepared by Hill PDA.

The Woodand's Report assessment of the applicants consideration of the 6 points in the checklist are outlined as follows:

▪ Consistency with a Strategy

The proposal is clearly inconsistent with Council's local strategy of retaining the remaining areas of industrial land within the Ryde LGA. This is reflected in the Local Planning Strategy, which resulted in retaining the sites' IN2 light Industrial zoning in the Draft LEP 2011. The proposal is also considered to be inconsistent with both the Draft Metropolitan Strategy and Draft Subregional Strategy.

The proposal argues that by providing additional employment to current uses, combined with broad changes to the current employment profile is sufficient to satisfy this provision. This is considered simplistic and does not address the underlying role of the site as part of an urban services cluster of industrial uses to support other businesses in the Ryde LGA.

ITEM 7 (continued)

Further, recent demographic data indicates that industrial uses are catering for the current employment profile of the LGA.

- *Proximity to infrastructure*

The site is well located to Victoria Road for industrial uses, which has been identified as a both a strategic transport corridor and tertiary freight corridor in the Government's Long Term Transport Masterplan and Freight and Ports Strategy. The site is considered to be generally well located to the Precinct, with Victoria Road acting as a key transport corridor to service both sides of the Precinct.

- *Impact on existing stocks and demand*

The Gladesville Industrial Precinct is approx. 21.27 ha (excluding the bus depot). This represents over 75% of the remaining IN2 Industrial Land in the LGA with only 2.12% of all employment land within the LGA. Given the very limited remaining industrial land within the LGA, the rezoning of the site is considered to have an impact on existing industrial land stocks.

The proposal argues that the site is not well connected to the remaining part of the Gladesville Industrial Area and combined with changing nature of the Ryde employment profile to 'white collar' jobs therefore should be rezoned. It is acknowledged that the site may not be currently contributing to the industry cluster of the Precinct, however in isolation this is not considered sufficient to support the application.

- *Impact on ability to meet targets*

Ryde LGA is currently on track to meet its employment targets without the redevelopment of this site. The applicant argues that a mixed-use development will provide a higher number of jobs – which may be the case.

However, it is the type of jobs and role and function of the site, which is critical.

- *Compelling argument that the site cannot provide other industrial uses*

It is considered that the proposal has not provided a compelling argument on this issue. There has been little analysis of the existing role and function of the Gladesville Industrial Area or consideration of viable alternative industrial/employment generating uses for the site.

- *Critical to meet the need of Strategy*

The site has been identified for retention in an endorsed local strategy. In this regard, Council's Local Planning Strategy recommends retention of the site for industrial uses, noting the existing industrial areas are vital to meet local and regional needs in affordable locations, such as Victoria Road on the edge of identified centres. Similarly, the Draft Subregional Strategy also recommends that the industrial land be preserved(Extract Woodland Report pg.32-34)

ITEM 7 (continued)

Conclusion

The proposal does not satisfactorily meet the assessment objectives of the Industrial Lands Strategic Assessment Checklist provided in the Draft Metro Strategy which have been developed to ensure industrial land is not rezoned without due consideration to existing state and local strategies, stocks of employment land in the area and future employment opportunities.

Section 117 Directions

The Minister for Planning, under section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) issues directions that relevant planning authorities such as local councils must follow when preparing planning proposals for new LEPs.

The proposal is considered to be inconsistent with a number of s117 Directions including loss of industrial lands and consistency with the Metropolitan Strategy as detailed below. (Extract Woodland Report pg.34)

Ministerial Directions	Comment
1.1 Business and Industrial zones	<ul style="list-style-type: none"> ▪ The applicant maintains that the proposal is consistent with the Direction, as it will continue to provide for business operations. ▪ The proposal does provide for a continuation and potentially an increase of employment uses. However, it is considered inconsistent with the objectives and provisions of the Direction as it: <ul style="list-style-type: none"> – does not protect industrial land; – is located outside of an identified centre; and – is not considered to be consistent with an identified strategy.
3.4 Integrating land use and transport	<ul style="list-style-type: none"> ▪ The proposal is located in close proximity to a major transport corridor (Victoria Road) and existing public transport and therefore partially satisfies the Direction. ▪ However, given the potential traffic issues identified in the Independent Council's traffic report, it will have adverse impacts on the local road network, including the intersection at Tennyson Road and Victoria Road (which has been identified as a strategic bus corridor and arterial road and tertiary freight corridor).
7.1 Implementation of Metropolitan Plan for Sydney 2036	<ul style="list-style-type: none"> ▪ The proposal seeks to rezone Employment Lands, which is inconsistent with the current Metropolitan Plan. ▪ The Draft Metropolitan Strategy also seeks to retain industrial land, however recognises the pressure to rezone these lands to other uses, including residential uses. The Strategy provides a framework to assess these proposals – Industrial Lands Strategic Assessment Checklist. ▪ The applicant's assessment under this framework is not supported and therefore the proposal is considered to be inconsistent with this Direction.

(Source: Woodland Report pg.34 - 35)

ITEM 7 (continued)Draft Subregional Strategy

The Draft Inner North Subregional Strategy was prepared to support the previous Metropolitan Plan. The Strategy observes:

- due to demand for local services and the changing nature of employment lands that further conversion of existing employment lands should be highly restricted and existing precincts (including Gladesville Industrial Area) be retained.
- residential development is to be focused within strategic and local centres and corridors with access to public transport and services. (Source Woodland pg.19)

The Woodland Report states:

Generally, the proposal is considered to be inconsistent with the Strategy in terms of retention of industrial land and location of mixed-use development in this location. (Extract Woodland Report pg.35). These issues are detailed later in this report.

The Strategy also sets targets for each of the council areas within the subregion with respect to the provision of future employment and dwelling targets. Under the Strategy the City of Ryde is to provide an additional of 21,000 new jobs and 12 000 additional dwellings by 2031.

The Woodland Report acknowledges:

The Local Planning Strategy indicates that the LGA can meet its housing and employment targets without relying on future dwellings or employment from this proposal. (Extract Woodland Report pg.38)

Housing

The Ryde Local Strategy demonstrates that Council can deliver in excess of its housing target set by the subregional Strategy. The study estimates the creation of a total of 15,751 additional dwellings between 2004-2031.

A review of dwelling numbers early in 2014 has seen this estimate increase to 34,467 dwellings during this period (Table 3), with 27,753 additional dwellings between 2014 and 2031. This increase is due to the following:

- Numerous major project approvals (Part 3A) in Macquarie Park and Meadowbank issued by the State Government
- North Ryde Station Precinct
- Revised dual occupancy numbers based proposed subdivision provisions
- Upzoning of Eastwood and Ryde
- Herring Road Urban Activation Precinct

ITEM 7 (continued)

Time period	Estimated additional dwelling numbers (excluding Herring Road UAP areas within Macquarie University)
Subregional Strategy (2004 – 2031)	12,000
Ryde Local Planning Study (2004 – 2031)	15,751
Revised Estimate (2014 – 2031)	27,753
Revised Estimate (2004 – 2031)	34,467

Table 3: Revised dwelling numbers for Ryde LGA (Source: Ryde City Council).

Employment

The Inner North Draft Sub Regional Strategy requires the LGA to cater for an additional 21,000 workers by 2031. The Local Planning Strategy outlines that the LGA will exceed this figure by providing over 28,600 jobs will be provided in the City as a result of development within the Centres and industrial areas. The Local Planning Strategy makes the following comment:

... In 2007 Macro Plan, a planning consultancy undertook an assessment of jobs growth in the City, as part of the employment lands assessment undertaken for the Meadowbank Master plan. This assessment indicated that the growth of the commercial /office sector between 2004 - 2031 would result in the creation of 39,000 jobs. The main growth area would be the Macquarie Park Corridor. Considering of both set of figures it is apparent that the City will meet the target of 21,000 additional jobs by 2031... (Source Woodland Report pg.37)

2. Consistency with Ryde Local Planning Study and Draft LEP 2011

The Woodland Report provides the following information on the proposals consistency with Ryde Local Planning Study and draft LEP 2011.

The proposal is considered to be generally inconsistent with the intention and directions of the Local Planning Strategy. This is primarily in terms of the retention of industrial land and location of major housing and retail development outside of an identified centre. The Strategy indicates that the LGA can meet its housing and employment targets without relying on future dwellings or employment from this proposal.....

The Strategy also identifies the Gladesville Town Centre and Victoria Road corridor as the primary place of new retail and major residential development in this location, supporting the development of the Centre, which is reflected in the recent LEP 2010 and subsequent development activity (extract Woodland report pg.38).

ITEM 7 (continued)

- *Centres and Corridors*

.....The study identifies the site as part of the Gladesville Industrial Area located within the Victoria Road Corridor.....

The Study recognises the Victoria Road Economic Corridor as:

...providing low cost accommodation for a range of local and regional services, including start-up offices, light industrial, showrooms, building supplies and retail. As a key corridor detailed in the Centres and Corridors Study, the Victoria Road Corridor runs through West Ryde, Gladesville and two industrial precincts identified as strategic employment lands in the Inner North Subregional Strategy...

The proposal is considered to be inconsistent with this objective of retaining the industrial and employment opportunities within this corridor location. (extract Woodland Report pg.36)

- *Housing*

The study recommends concentrating housing within Macquarie Park and its Town Centres, in particular large apartment buildings and mixed use developments within identified centres. The study identifies up to 1,100 new dwellings within the Gladesville Town Centre. (Extract Woodland Report pg.36)

- *Employment*

The study also recognises the changing nature of industrial land and undertakes a high level analysis of supply and demand of the remaining industrial land in the LGA. It notes that existing industrial lands are vibrant with little capacity that are characterised with a largely automotive and business trades.

The study concludes that with changes to Meadowbank and Macquarie Park, the retention of existing industrial land within the Gladesville Industrial Area is vital to service for local and regional needs.

It also finds that the LGA exceeds its retail supply for the region, which will only grow with the development of Top Ryde and Macquarie Centre. It also identifies Victoria Road Corridor in this location for future employment potential as an enterprise corridor. (extract woodland report pg.37)

Conclusion

The proposal is considered to be inconsistent with the intention and direction of the Local Planning Strategy which supported State Government policy of retaining employment lands in particular industrial land and ensuring the integrity of identified centres.

ITEM 7 (continued)

3. Loss of industrial lands

The Woodland Report provided the following information on the loss of industrial lands in the City of Ryde.

Existing Industrial Lands in Ryde LGA

The loss of industrial lands is the central strategic planning issue in the consideration of the proposal.

The Gladesville Industrial Area is one of the last two remaining industrial areas in the Ryde LGA (the other is the West Ryde Industrial Area), following the rezoning of the Meadowbank Employment Area and ongoing transformation of Macquarie Park as a Specialised Centre (Figures 12 & 13). This issue is recognised in both the Draft Subregional Strategy and Ryde Planning Strategy.

Combined, both precincts represent a very limited area nominated for these type of employment uses in the LGA, in fact representing less than 2.8% of the total employment land in the LGA and 0.69% of the total area of the LGA. Details of these areas are outlined in Table 4 below. (Woodland Report pg.39)

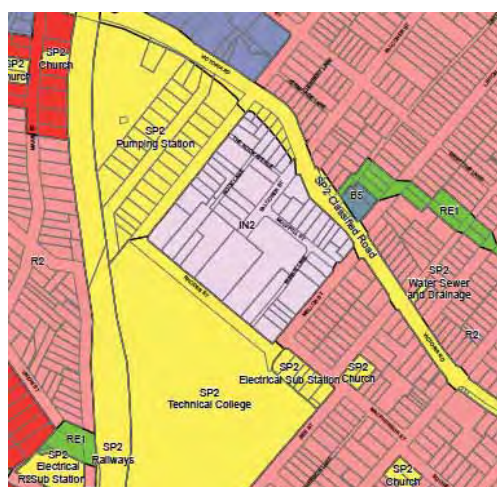


Figure 12: West Ryde Industrial Area
(Source: Ryde LEP 2010)



Figure 13: Gladesville Industrial Area
(Source: Ryde LEP 2010)

Industrial Precinct	Predominate use	Size (ha)	% employment land in Ryde LGA	% total land in Ryde LGA
Gladesville	Local industry – automotive, construction and support services	21.27ha	2.12%	0.52%
West Ryde	Local industry – automotive, construction and support services	6.66ha	0.66%	0.16%
Total		27.93ha	2.78% (1002.89ha)	0.69% (40.651 km2)

Table 4: Light Industrial Areas in Ryde LGA
(Extract Woodland Report pg.39)

ITEM 7 (continued)

The Gladesville Industrial Area plays an important role of providing local and regional services to the community. A recent audit undertaken by Council officers reveals a number of automotive, construction and businesses that provide a local and regional service role to both the public and other businesses in Ryde LGA. It is considered that these businesses provide a critical role as urban support services for other major employment areas in the LGA including Macquarie Park and other major centres such as Top Ryde.

This Industrial Area can be categorised as containing a cluster of long-standing automotive uses, which is evolving to construction and other urban services.

As part of Draft LEP 2011, Council proposes a number of additional uses in the zone including funeral homes, hardware and building supplies, landscaping material supplies and storage premises. ... (Woodland Report pg.40)

It should also be noted that for specific sites such as Bunning bulky goods retailing has also been permitted on specific sites fronting the Victoria Road corridor. This is a direct result of the subject sites size, configuration, characteristics and direct access to Victoria Rd of the sites.

... the applicant's argument to address the loss of industrial lands can be summarised as follows:

- *The demand for industrial land has decreased in the LGA, through broader market conditions and the growth of Macquarie Park as a specialised centre, also identified in the Ryde Local Planning Strategy*
- *The employment profile of the LGA has reduced blue collar workers*
- *Industrial land in the LGA has difficulties competing with western Sydney*
- *Council have recently identified additional land uses within the Gladesville Industrial Area demonstrating evidence of struggling traditional industrial uses*
- *The site is currently underutilised with low employment yields*
- *The proposal will provide for higher employment yields on the site*
- *The site is disconnected from the main part of the Gladesville Industrial Area and does not have critical mass for the successful operation of industrial uses.(extract Woodland Report pg.40)*

Response and assessment of Loss of Industrial land

The Woodlands Report response to points raised by the applicant are as follows:

- *Importance of industrial land to the LGA*

The site forms part of one of the last remaining light industrial areas within the Ryde LGA. Notwithstanding the pressure to rezone this and other industrial sites, the preservation of this land for future light industrial and employment uses has been encouraged and recommended by the relevant planning strategies and policies, namely the Ryde Local Planning Strategy which provides the strategic direction of the LGA.

ITEM 7 (continued)

Similarly, the Draft Inner North Subregional Strategy clearly identifies this site for retention on a regional basis due to the limited supply of industrial lands in the region.

On a broader scale, the ELDP 2011 report notes that the demand for industrial land will increase and notes a limited supply of undeveloped and serviced land across Sydney. The ELDP 2010 Inner North Subregion report also specifically identifies the Gladesville Industrial Area as having the second highest job densities in the region.

Industrial uses are important to the LGA and surrounding region. Industrial uses are a dominant job, revenue and wealth generator for both the LGA and many surrounding areas. (extract Woodland Report pg.41)

The following extract from economy id illustrates that manufacturing and wholesale trade represent the largest single employer in the LGA:

Dominant groups

An analysis of the jobs held by the full-time equivalent workforce in City of Ryde in 2011/12 shows the four largest industries were:

- Professional, Scientific and Technical Services (12,900 FTEs or 15.4%)*
- Information Media and Telecommunications (11,333 FTEs or 13.6%)*
- Wholesale Trade (10,847 FTEs or 13.0%)*
- Manufacturing (7,723 FTEs or 9.2%)*
- Retail Trade (5,540 FTEs or 6.5%)*

In 2011/12, retail consisted of 4,670 jobs making up 5.6% of the workforce, whilst wholesaling and manufacturing accounted for 18,570 jobs and 22.2% of the workforce.

.....It should be noted that wholesale trade (as defined by the ABS) includes: basic material wholesaling, machinery and motor vehicle wholesaling and personal and household good wholesaling. Although these landuses are currently prohibited in the IN2 Light Industrial Zone, in order to provide additional employment opportunities, Council is recommending that wholesale supplies be added as a permitted use in this zone. This additional landuse is part of a planning proposal to the Ryde LEP, which is currently with the DP&I for consideration. In this regard, it is considered relevant to consider this landuse to demonstrate the importance these types of industrial uses to the LGA, particularly compared with retail uses.(extract Woodland Report pg.41-42)

▪ *Significant growth in industrial activities*

The following extract from economics id illustrate that manufacturing and wholesale trade are growing, while the retail sector indicates little growth in full time equivalent (FTE) workers:

ITEM 7 (continued)*Emerging groups*

The number of people in the full-time equivalent workforce in the City of Ryde increased by 17,518 between 2005/06 and 2011/12. The largest changes in the jobs held by the full-time equivalent workforce between 2005/06 and 2011/12 in the City of Ryde were for those employed in:

- Information Media and Telecommunications (+7,792 FTEs)*
- Professional, Scientific and Technical Services (+3,100 FTEs)*
- Manufacturing (+1,900 FTEs)*
- Wholesale Trade (+1,603 FTEs)*
- Retail (+142 FTEs)*

In summary, it is considered that industrial lands and uses play an important part in the economic well-being of the Ryde LGA. They contribute to the economy for both local residents and broader region and can respond to the changing employment profile for Ryde. In relation to the Gladesville Industrial Area, it is considered at this point in time to provide a valuable cluster of automotive and construction based uses that service both the local and broader community. (Extract Woodland Report pg.43)

▪ *Current uses and future employment yields*

It is acknowledged that the current operations may not provide the optimal employment numbers for the site, compared with a mixed use retail scheme. Howevergiven the importance of industrial lands to the LGA, the site should be retained for industrial/employment purposes.

However, it has been acknowledged by Council in its Local Planning Strategy that there is a need to assist landowners to consider additional employment uses on industrial lands. (extract Woodland Report pg.42 - 43)

▪ *Site disconnected to the Industrial Area by Victoria Road*

The locality and indeed many parts of the Ryde LGA are characterised by precincts that are bisected by major transport corridors, including roads and rail. This is not considered a valid reason to rezone the land to enable a mixed use development. To the contrary, the site's location in proximity to a major transport corridor and identified tertiary freight route is considered appropriate to support future employment uses. (Extract Woodland Report pge44).

Conclusion

The Woodland Report states:

The applicant's arguments are not accepted in relation to the loss of industrial land on this site. Recent data indicates that industrial uses are responding to the employment profile of the LGA and are a valuable contributor to the economy. These uses provide urban services to support other businesses in Ryde and also jobs for a number of workers outside of the LGA.(extract Woodland Report pg.44).

ITEM 7 (continued)**4. Role of Gladesville Town Centre and Victoria Road Corridor**

In relation to the role of the Gladesville Town Centre and Victoria Road Corridor the Woodland Report states:

The relevant state and local strategic planning policies encourage the development of centres to support future high-density housing, mixed use and employment uses. Council has supported the growth of the centres within the LGA for many years....

Council (in consultation with the community) undertook planning work for Gladesville Town Centre and Victoria Road Corridor that commenced with high-level strategies, followed by a Masterplan and finally delivery through a new LEP for the area...

The aims and objectives of the new LEP are now evident in a number of development proposals within this area. The Centre and corridor have been planned as the most appropriate location to contain a major mixed use development. (extract Woodland Report pg.45)

Conclusion

The Proposal if it proceeds would undermine the role of the Gladesville Town Centre and Victoria Road Corridor as a centre providing a mix of uses with high density residential on a major road corridor resulting in reduced/minimal impact on the adjoining lower scale residential areas.

5. Retail uses on the site

The proposal includes a significant amount of retail and other commercial uses on the site including a full line supermarket. The application includes an economic analysis that concludes retail uses is justified on the site due to:

- Demand within an identified main trade area
- Retail impact assessment on other centres
- Residential impact assessment
- Other economic benefits

In relation to the issues raised by the applicant on retail use on the site the Woodland Report states the following:

- *Importance of industrial versus retail uses*

The analysis of the demographic and economic data indicates that some industrial activity in Ryde is more valuable to the economy than retail uses.... For example, the data indicates that manufacturing and wholesale trade significantly outperform retail in terms of employment numbers (more than 3 times), output (more than 12 times), value-add (more than 8 times - \$3.06 billion compared to \$363 million), exports (\$5.8 billion compared to \$19.8 million) and worker productivity¹.

¹ Sources: economy id, NIEIR – FTE Employment, Output, Value-add, Exports, and Productivity

ITEM 7 (continued)

.....*This should also be considered in the context of major retail centres being completed at Top Ryde and Macquarie Centre, which when combined with other centres are identified by Council's Local Strategy as able to cater for retail demand in the LGA. (Extract Woodland report pg.46)*

- *Retail demand and supply*

Council's Local Planning Strategy concludes that it can meet its employment targets within identified centres. In relation to retail floorspace, the Strategy undertakes a review and analysis of its major centres and villages.

Relevant extracts from the strategy illustrating this work follows:

... with regard to retail floor space, Ryde is well served by a mix of Major Regional, Regional and Sub-regional centres. These centres are in addition to the usual supply of local and neighbourhood centres. The total supply of retail floor space in Ryde is appropriate with regard to the needs of residents ...

... Ryde's 100,000 residents will create demand for approximately 170,000m² of retail Floor space in the City of Ryde. In 2007, there is approximately 176,000m² of retail Floor space supplied within Eastwood, Top Ryde, West Ryde, Gladesville and Macquarie Centre.

*With further expansions expected at Top Ryde and Macquarie Centre, this assessment shows that there is an **adequate supply of retail floor space offer at the major-regional and regional retail hierarchy in the City of Ryde relative to the resident expenditure pool...** (extract Woodland Report pge 47)*

Based on the above, it appears that the site is not required to meet the LGA's retail needs. Notwithstanding, the proposal maintains there is unmet retail demand of 8,200m² in the Gladesville Shopping Village....(extract Woodland Report pg.47)

Council should note that an expansion of the Gladesville Shopping Centre is proposed with a major redevelopment within Hunters Hill, which includes an additional 2,752sqm of retail floor space, 180 apartments, 606 car spaces and 815sqm of public plaza at the entrance to the shopping centre from Cowell St.

- *Impact on other centres*

An analysis of the impact on existing centres formed part of the proposal's retail assessment. The results of this analysis are detailed in Table 5 as follows.

ITEM 7 (continued)

1	2	3	4	5	6	7	8	9	10
Retail Centre	Time Travel from Subject Site in minutes*	Approx. Retail Floor Space (sqm)**	Turn-over in 2011 (\$m)	Turnover in 2016 without Proposal (\$m)	Turnover in 2016 with Proposal (\$m)	Immediate Shift in Turnover (\$m)	% Shift in Turnover in 2016	Shift in turnover from 2011 to 2016 (\$m)	% Shift in turn-over 2011 to 2016
Proposed Centre					50	50			
Macquarie Park	11.5	115,150	482.9	576.3	569.8	-6.5	-1.1%	86.9	18.0%
Top Ryde	5.5	60,000	325.7	370.3	359.5	-10.7	-2.9%	33.9	10.4%
Lane Cove	11.0	16,950	106.7	115.6	112.3	-3.2	-2.8%	5.6	5.2%
Gladesville***	4.0	15,050	94.0	106.8	100.2	-6.6	-6.2%	6.3	6.7%
Boronia Park	5.0	1,000	8.8	9.7	9.1	-0.6	-6.1%	0.4	4.2%
Putney	3.0	1,000	8.0	9.1	8.3	-0.8	-8.3%	0.3	4.3%
Pittwater Road	5.0	500	2.8	3.1	3.1	0.0	-0.9%	0.3	9.9%
Rhodes	8.0	26,000	171.0	208.0	203.5	-4.6	-2.2%	32.5	19.0%
Eastwood	12.0	47,250	243.5	275.5	271.3	-4.2	-1.5%	27.8	11.4%
West Ryde	9.0	26,000	178.7	197.3	192.0	-5.3	-2.7%	13.3	7.4%
Meadowbank	9.5	5,500	44.0	49.1	46.9	-2.1	-4.3%	2.9	6.7%
Other Localities						-5.0			
TOTAL		314,400	1,666.0	1,920.8	1,925.7	0.0	0.3%	259.7	15.6%

* Drive-time (minutes) based on Googlemaps (average to and from)
 ** Excludes non-retail commercial uses and vacant spaces
 *** Includes permitted development at 297-307 Victoria Road

Table 5: Re-direction of turnover from existing centres (Source: Hill PDA 2013)

The above table indicates that the proposal would re-direct turnover from a range of existing centres in the locality. The greatest impacts in 2016 are on Gladesville Village (\$6.6m or 6.2% immediate loss of trade), Top Ryde (\$10.7m or 2.9% loss of trade), Boronia Park (\$0.6m or 6.1% loss of trade) and Putney (0.8m or 8.3% loss of trade).

Although (based on Hill PDA advice) impacts between 5 -10% are accepted industry practice, the impact on Gladesville Town Centre following the recent planning work to re-invigorate the area through the LEP should be seriously considered by Council when considering major retail development outside of the Gladesville Town Centre.

Conclusion

The above data illustrates that a range of industrial uses are highly valuable to the economy, in some cases more than retail jobs. In terms of supply and demand, based on Council's previous work, it appears that retail demand can be met within existing centres and the negative impacts on the Gladesville Town Centre and other surrounding smaller centres can be avoided.(extract Woodland Report pg.48).

Under LEP 2013 and the Housekeeping LEP a number of additional industrial related uses and uses that require large areas of land to operate will be permitted in the IN2 zone including wholesale supplies, recreational (indoor) facilities, hardware and building supplies and storage premises.

ITEM 7 (continued)

The proposal if it proceeds will result in the loss of land presently available and suitable for these highly valuable industrial land uses and undermine the role of the surrounding retail centres in particular Gladesville Town Centre.

6. Other recent planning approvals in the locality

An increased amount of development activity is evident in the Gladesville Town Centre and Victoria Road Corridor following the making of the new LEP in 2010. Figure 14 below illustrates:

- Planning Proposals
- DAs recently approved
- DAs under consideration

ITEM 7 (continued)

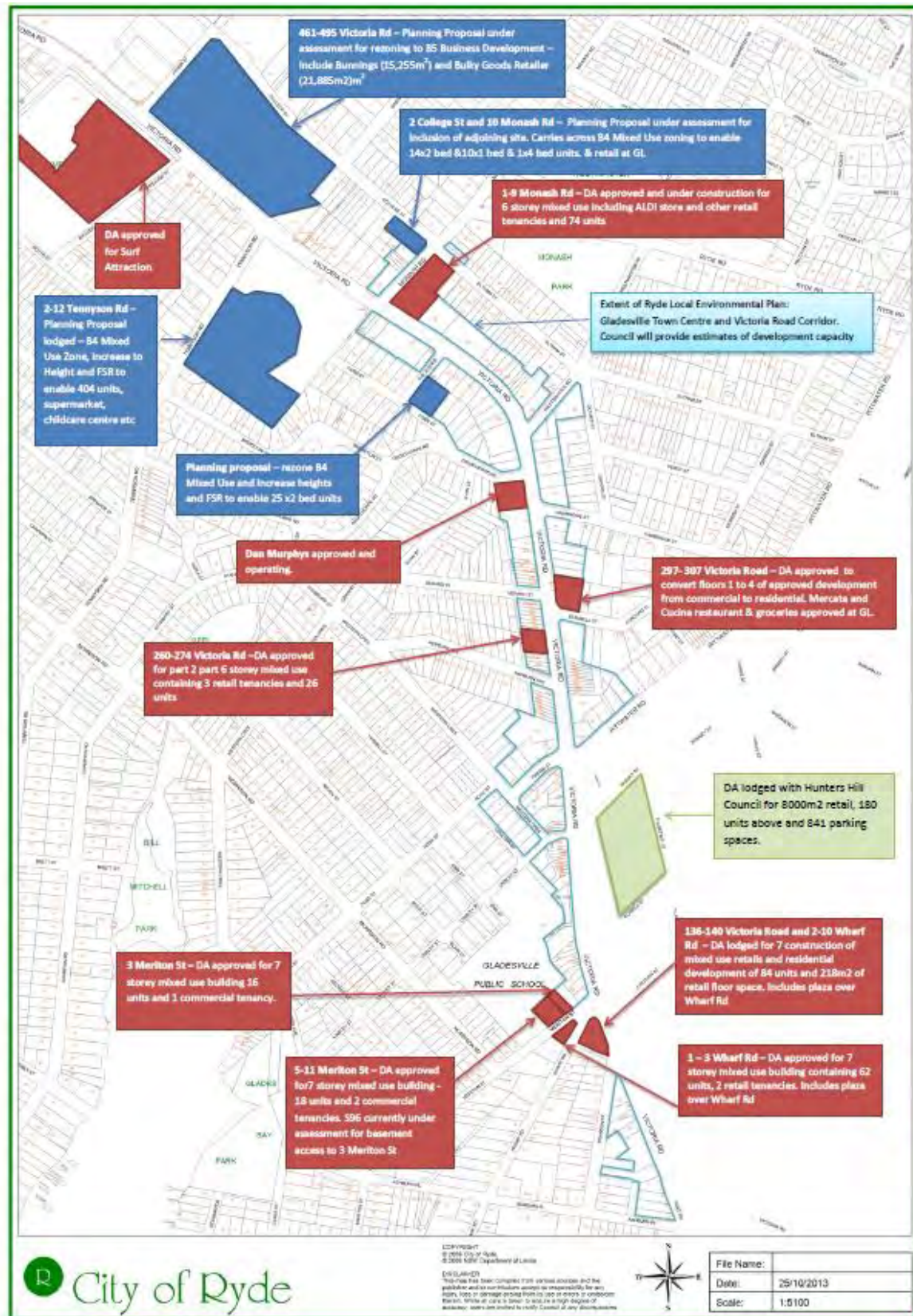


Figure 14

ITEM 7 (continued)

The Woodland Report states:

It is important that the proposal be considered in the context of these developments, which for the most part are delivering the aims and objectives of the new LEP for the Town Centre and Victoria Road Corridor. It is also acknowledged the need to diversify the employment uses at some strategic sites within the Gladesville Industrial Area along Victoria Road.

In this regard, although the proposal is not supported in its current form, it is reasonable to consider other employment generating uses that may be appropriate on the site. (Extract Woodland Report pg. 51).

7. Appropriateness of high density residential development on the site

The proposal will result in an isolated pocket of B4 land surrounded by R2 Low Density Residential and IN2 Light Industrial. It will result in high density residential uses and retail uses being permitted on a site outside of the Gladesville Town Centre.

In relation to the appropriateness of the site for high density residential development and the proposed FSR and high controls the Woodland Report states:

- *Density*

It is considered that this site is not suited to high density residential development of this scale and height and does not provide an appropriate transition to adjoining low density residential development (Source Woodland Report pg.50)

- *Height and Floor Space*

The site has unique topographical characteristics resulting from its previous use as a quarry and requires an appropriate design response. The proposal has responded to these site constraints in a scheme that is directly influenced from the circular cutting of the former quarry.

Similarly, the proposed built form controls in the draft LEP/DCP provide a proposed framework for future development. It is considered that these controls (in particular height and FSR) do not provide an appropriate transition to adjoining low density residential development. (Source Woodland Report pg.50)

- *Amenity*

Firstly, Council's urban designer has raised issue with the design in terms of amenity for future residents. Given the nature of the site, it is considered to be more suited to a light industrial use that provides for employment uses that do not require the levels of amenity demanded by residential uses.

ITEM 7 (continued)

Figures 15 & 16 demonstrate the dramatic change in levels within the site. Future residents on this part of the site will be directly adjoined by industrial uses on 2 sides with lower apartments receiving reduced amenity.



Figure 15: Site A looking north
(Photo: Michael Woodland 2013)



Figure 16: Site A looking north east
(Photo: Michael Woodland 2013)

Second, in relation to impacts on the surrounding neighbourhood and locality, it is acknowledged that the architectural studies have provided an indicative built form that both transitions (in part) in height from Victoria Road and responds to the unique topographical features of the site.....

However, the transition to the adjoining residential dwellings is not considered to be appropriate on this site. (extract Woodland Report pg.49 - 50)

Conclusion

Height and FSR controls and likely resultant built form is not considered to be an appropriate to transition from the Victoria Road Corridor to the low density residential development to the south. The proposed heights and FSR controls for the site are considered to result in a development that:

- does not respond as an appropriate transition zone;
- is out of character with the adjoining low density residential area in terms of scale, density and height; and
- is likely to have impacts on adjoining properties in terms of traffic issues. (Source Woodland Report pg.56 - 57).

ITEM 7 (continued)**8. Traffic**

A traffic study was submitted as part of the Planning Proposal (Appendix 10 – Traffic Impact Assessment - Traffix Report). It should be noted that Council did not undertake a traffic study for the site but did obtain an independent assessment of the Traffix report from Bitzios Consulting. The site will be considered as part of the traffic study being undertaken as part the assessment of the Planning Proposal for Bunnings.

The review by Bitzios concluded:

From our review we conclude that:

- *Traffic generation has been significantly underestimated without adequate justification;*
- *Discounting for linked and multi-purpose trips has not been adequately substantiated and therefore should not be used for new standalone developments;*
- *The modelling shows unacceptable increases in delays; and*
- *The Victoria Road / Tennyson Road intersection would be over capacity according to the Sidra results.*

Should the estimated traffic generation be increased then the intersection average delay is likely to be higher than that reported in the Traffix report. No road improvements have been proposed in the report to ameliorate the issues. We therefore do not agree with the conclusions of the Traffix report and consider the likely traffic impacts to be greater than those reported. It is concluded that the proposed development would significantly increase traffic congestion.(extract Bitzios pg.17).

A summary of the Bitzios reports key points are detailed below:

1. Trip Generation

The below table provides a comparison of trip generation figures provided by the proponent and those based on the RMS guidelines. Particular note should be made of the differences in the estimates of retail and child care centres when RMS guidelines are applied.

Bitzios notes the following:

Applying the rates from the TDT 2013/04 would result in 590 vehicle trips per hour as opposed to 305 vehicle trips as calculated in the Traffix report. (extract pg.6).

ITEM 7 (continued)

Table 4.1: Summary of Trip Generation

Use	Proponent Traffic Generation Rate		RMS Guidelines (TDT 2013/04)		Comment
	Rate	Trips Veh /hour	Rate	Trips	
Residential	0.15 per dwelling	40	0.15 per dwelling	40	Site is not close to a train station but has better access to public transport than Liberty Grove, therefore a 0.30 trips per dwelling resulting in 80 trips is considered more appropriate.
Commercial Trips	1.2 per trips per 100m ² GFA	5	1.2 per trips per 100m ² GFA	5 trips	No Comment
Seniors Housing	0.14 per unit	21	0.14 per unit	21 45	The peak generation for seniors housing would occur outside the normal commuter peak. This rate is derived from published survey data from RMS. If normal residential replaced Seniors Housing, trips would be 45 – see Section 4.2.3.
Child Care	0.35 trips per child	21	0.7 trips per child	42	RTA guide rate is 0.7 trips per child. No justification for the changed rate has been given
Retail	1.27 trips per space	305	12.3 trips per 100m ² GLFA	570	Significantly lower than the published rates.
Discounting (multi purpose)		244		570*	No discounting should be applied to new shopping centres unless it can be substantiated.
Total		310		678	Difference of 368 vehicle trips if RMS guidelines were used.
					There could be a difference of 408 vehicles/hour if a more realistic residential component was used, or 432 if Seniors Housing was replaced by normal Residential.

The proponents estimate traffic generation is at least 368 vehicle trips less than those recommended in the RMS Guidelines. Traffic surveys should be used to justify the variation from the published rates. This is largely attributable to the assumptions for the retail shopping rates and the discounts for multi-purpose trips.

(Extract Bitzios pg.8 -9)

2. Intersection Performance

The key intersections were modelled in Sidra. The priority and roundabout intersections appear to be performing at an acceptable level of service. The results for the key intersection of Tennyson Road and Victoria Road are summarised in the Table 6 below.

	Average Delay (Sec)	Level of Service (LoS)	Degree of Saturation (DoS)
Existing	8.8	A	0.786
Future Committed	35.9	C	0.971
Future Committed + Development	55.8	D	1.045

Source: Traffix 2013

Table 6 Tennyson Road/Victoria Road Intersection Analysis

ITEM 7 (continued)

The results indicate that:

- with the Bunnings development the intersection performance will drop from level of service A to C (average delay 36 seconds middle of band C performance) and
- with the proposed development, the intersection performance will further drop from C to D (average delay 56 seconds). The delay is the upper limit of band D (43 to 56 seconds). The next band, Level of Service E, is considered an unacceptable level of delay.
- The modelling for the Bunnings development at the Tennyson Road / Victoria Road intersection indicates that the Degree of Saturation would be 0.971 which is close to capacity. With the proponent's development traffic in addition, the Degree of Saturation would be greater than 1, which indicates the intersection is over capacity. (source Bitzios pg.9)

3. Queuing in Tennyson Road

...Based on the Sidra modelling in the Traffix report, the queues on Tennyson Road are predicted to be 78m under existing conditions.

With the proposed development and the Bunnings development, the Sidra model indicated a queue of 107m which would extend almost to the roundabout. However, the degree of saturation at this intersection was predicted to be greater than 1 indicating the intersection was over capacity and therefore it is highly likely that the queues would be significantly longer than this on a regular basis.

If the queue were to extend through the Searle Street roundabout this would have significant impacts on traffic leaving the development as well as on general road congestion. Once a roundabout is blocked, other (generally light) traffic movements are significantly delayed. This would impact traffic entering and leaving Searle Street, in all directions. In turn, this could lead to more traffic filtering through adjacent residential streets like Potts Street and Weaver Street. (extract Bitzios pg.10).

4. Impacts on adjacent Low Density Residential Areas

In addition to the likely impacts at the Searle Street roundabout ...the predicted additional 111 vehicle trips to Morrison Road would pass by the low density residences on Tennyson Road and would need to be accommodated at the Morrison Road / Tennyson Road roundabout. We note that Spencer Street and Warner Street are culs-de-sac. Brereton Street and Osgathorpe Road do not facilitate eastbound access to Victoria Road (for outbound trips), and we are aware that Council intends to install traffic management devices to discourage excessive through traffic in these roads. These measures would discourage inbound trips to the development site. (extract Bitzios pg.10).

ITEM 7 (continued)Conclusion

The planning proposal should not proceed on the grounds it will result in traffic impacts to Tennyson Road and the surrounding local road network associated with:

- increases in delays – Tennyson/Victoria Rd intersection and roads located in the vicinity of the site.
- Substantially reduced intersection performance – Tennyson/Victoria Rd
- Unacceptable levels of queuing in Tennyson Road
- Adverse impacts on adjacent residential areas

ConsultationInternal consultation

The Planning Proposal was referred to the relevant Council staff for comment on areas relating to flooding, geotechnical analysis and contamination issues. The following is a summary of comments:

Team Manager Stormwater:

- *The stormwater runoff was analysed using the DRAINS model. The site 2-12 is lower than the surrounding ground levels. The report did not specify whether DRAINS model included the existing flood storage. If not addressed, the proposed development is likely to increase the risk of flooding in the downstream reaches. The report is not detailed enough to review the model results.*
- *The report did not address the stormwater water quality component. Water Sensitive Urban Design (WSUD) approach should be adopted for this type of development. It simply stated that the quality of the stormwater runoff is improved.*
- *The site 2-12 is subject to Low to Medium Risk flooding. if the existing storage at the site is not maintained, the risk of flooding is likely to increase in the downstream properties. This means the site (hole) should not be filled. The proposed building at 2-12 Tennyson Road will be in the flood zone. Underground basement car park may not be feasible. This is the critical issue that has to be looked at first before any development.*

Contamination

Council officers have reviewed the proposal in relation to these issues, in particular the provisions of SEPP 55 and Councils' Contaminated Land Policy and make the following comments:

... The site has a long history of industry and quarrying activities. Note the Preliminary (Stage 1) Environmental Site Assessment Report prepared by EIS – Environmental Investigation Services only covers the site 2-12 Tennyson Road, and there is no investigation of 14 Tennyson Road.

ITEM 7 (continued)

The report has numerous limitations, including the data gaps identified in the report:

- no groundwater investigation,*
- no sampling possible under existing buildings,*
- no targeted investigation regarding the suspected UST,*
- detailed investigation for asbestos contamination under paved areas and in deeper filled areas.*

.....

The Report recommends additional investigation be carried out and in the opinion of EIS “the site could be made suitable for the proposed mixed-use development provided that the recommendations detailed in Section 10.6 of this report are suitably addressed.” (Note this conclusion only covers 2 -12 Tennyson Road) ...

... At this stage of the proposal Environmental Health do not object to the further investigation for the potential re-zoning of the sites.

In addition, Council undertook a high-level environmental sustainability review of the proposal. This review focussed on building design sustainability, sustainable transport and water cycle management. Council noted a number of inconsistencies with the Draft DCP between the objectives and the controls relating to building design and integrated water cycle management.

Generally it is considered that these issues may be resolved through an amendment to the Draft DCP or through the development application process. (Extract Woodland Report pg.54).

Geotechnical Investigation – Senior Development Engineer

In general, excavation of the site to the boundary on the northern and eastern side of the lot (if that is proposed/ an option) appears difficult to achieve without imposing on the neighbouring properties (installation of rock anchors/ soldier piles). The report does not quantify the current stability/ risk of the exposed face however it would appear there is ongoing erosion (looking at the cross-section sketches) such it would need to be stabilised by similar methods in the future anyway.

Due to the presence of adverse jointing in the strata, it is technically feasible to excavate the face further to the boundary under the full supervision of a geotechnical engineer however it would be prudent to have a setback of, say 2 metres to allow for any anomalies and reduced imposition on neighbouring properties in terms of construction logistics.

Council Workshop

A Council Workshop was held on the 6 August 2013 on the subject Planning Proposal. Representatives from Mecone and Grimshaw Architects presented the concept plan for the site at 2 – 14 Tennyson Road for approximately 400 dwellings and retail space.

ITEM 7 (continued)Community Consultation

Under the gateway plan-making process, a gateway determination is required before community consultation on the planning proposal takes place. The consultation process will be determined by the Minister and stipulated as part of the gateway determination.

The Department of Planning's guidelines stipulate at least 28 days community consultation for a major plan, and at least 14 days for a low impact plan.

It is anticipated that the public exhibition would be notified by way of:

- *A public notice in local newspaper(s).*
- *A notice on the City of Ryde Council website.*
- *Written correspondence to adjoining and surrounding landowners and any other relevant stakeholders.*

Further, a draft DCP for the site would accompany the exhibition of the Planning Proposal. (Mecone Planning Proposal pg.30)

If the Planning Proposal progresses to Gateway additional consultation would also include written notice:

- to local state government representatives
- consultations considered necessary by the Department of Planning and Infrastructure with relevant State and Commonwealth authorities

The written notice would:

- provide a brief description of the objectives and intended outcomes, indicate the land affected,
- state where the planning proposal can be inspected,
- indicate the last date for submissions and
- confirm whether the Minister has chosen to delegate the making of the LEP.

Critical Dates

Under the Department of Planning and Infrastructures "A guide to preparing local environmental plans" a pre gateway review system exists where by a Proponent can request an independent body review decisions in relation to proposed amendment to LEPs.

A Pre Gateway review:

- may be requested by a proponent if the council has notified them that the request to prepare a planning proposal is not supported or
- the council has failed to indicate it support 90 days after the proponent submitted a request.

ITEM 7 (continued)

The subject Planning Proposal was received by Council on the 21 May 2013. The 90 day period for determining the proposal finished on 18 October 2013.

Pre – Gateway Review

The Environmental Planning and Assessment Regulations 2000 requires council's to notify a proponent when the council decides not to prepare a planning proposal. The proponent of the proposed instrument then has 40 days from notification to request a review of the council's decision.

If a Pre – Gateway review is requested the DoPI undertakes an assessment to determine whether the proposal:

- has strategic merit as it:
 - is consistent with a relevant local strategy endorsed by the Director General or
 - is consistent with the relevant regional strategy or Metro Plan or
 - can otherwise demonstrate strategic merit , giving consideration to the relevant s117 Direction and other strategic considerations
- has site specific merit and is compatible with the surrounding land uses having regard to:
 - the natural environment,
 - existing uses, approved uses and likely future uses of the land in the vicinity of the proposal
 - The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangement for infrastructure provision.

If the DG determines that the proposed instrument does not qualify for review the department notifies the proponent and council.

If the review request progresses the proposed instrument is referred to the regional panel/PAC. A recommendation is provided to the Minister. The Minister will make the final decision with respect to the proposed instrument.

If the Minister decides to proceed with the Planning Proposal:

- The Council may be requested to submit a Planning Proposal to the Gateway within 40 days, or
- The Minister may consult with the General Manager of the council to discuss the possibility of changing the relevant planning authority to the DG of the Department (or other body).

To date, a pre gateway review has not been requested for this Planning Proposal.

ITEM 7 (continued)**Financial Impact**

Adoption of the options outlined in this report will have no financial impact. Council should note that the lodgement of the planning proposal has been subject to Council's Fees and Charges Schedule to amend Local Environmental Plans.

Policy Implications

The recommendation of this report is that the Planning Proposal should not proceed as it is inconsistent with:

- the strategic direction of the Ryde Local Planning Strategy 2010, Ryde Draft LEP 2011 and Draft Subregional Strategy in relation to retention of industrial lands.
- with the Draft Metropolitan Strategy and does not meet the criteria under the Industrial Lands Strategic Assessment Checklist for rezoning of existing industrial land to other uses and
- with s117 Direction 1.1 – Business and Industrial zones and 7.1 – Implementation of the Metropolitan Plan for Sydney 2036.

Options

Council has the option to decide to:

- Refuse the Planning Proposal as is the recommendation contained within this report
- Proceed with the planning proposal to the next stage (gateway determination and community consultation) or
- Explore with the applicant the possible rezoning of part of the site to allow additional employment uses/R2 Low Density Residential. As part of that discussion Council would be seeking a range of community benefits related to:
 - traffic management of Tennyson Road and the surrounding road network
 - Financial contributions associated with the upgrade of infrastructure of the Gladesville area.

8 PART 3A SHEPHERDS BAY URBAN RENEWAL - Submission on proposed amendments

Report prepared by: Client Manager**File No.:** MIN2010/2 - BP14/67

REPORT SUMMARY

This report is in response to the Public Exhibition of the 75W Modification Applications lodged with the Department of Planning and Infrastructure for the Part 3A Concept Plan and Project Application in Meadowbank. A submission has been prepared by Council staff based on the documentation placed on exhibition by the Department of Planning and Infrastructure. This report provides an overview of the history of the precinct and attached is the submission prepared by Council.

The Public Exhibition Period closes on the 3 March 2014.

RECOMMENDATION:

- (a) That Council endorse the submission as attached which recommends the refusal of the 75W Modification Application on the basis of excessive density, poor amenity and uncertainty created by the proposed conditions.
- (b) That a copy of the submission be forwarded to the Department of Planning and Infrastructure.

ATTACHMENTS

- 1** Submission on 75W Modification Applications Meadowbank
- 2** Attachment 1 For Submission
- 3** Plans for Attachment 1
- 4** Shepherds Bay Redevelopment - Notification of Modification Request Applications for the Concept Plan MP 09_0216 and Project Application MP 09_0219 - Department of Planning and Infrastructure (DOPI)

Report Prepared By:

Adrian Melo
Client Manager

Report Approved By:

Vince Galletto
Team Leader - Building and Development Advisory Service

Dominic Johnson
Group Manager - Environment & Planning

ITEM 8 (continued)

History

Council has received notification from the Department of Planning and Infrastructure (DoPI) of proposed amendments to the approved Concept Plan and Project Application in Meadowbank. The extent of the Concept Plan and Project Application, as approved is shown in **Figure 1** below.



Figure 1

The Concept Plan and Project Application were approved, subject to conditions, by the Planning Assessment Commission (PAC) on 6 March 2013 following a public hearing and submissions by City of Ryde. The conditions related to variety of matters and included:

- Reduction in height and density,
- Provision of a contiguous 3,000m² open space area,
- Provision of additional information relating to public domain and Water Sensitive Urban Design and cycle and pedestrian paths, and
- Provision of a community facility

The above additional information was required to the satisfaction of DoPI. This information was approved by DoPI on the 24 June 2013.

In addition to the above it should be noted that following the approval the proponents commenced discussion with Council staff for a potential Voluntary Planning Agreement (VPA) that sought partial offsets for various infrastructure. Council staff reviewed the proposed VPA and determined that the liability attributed to Council was unreasonable and unacceptable. This was primarily as much of the items covered by the VPA are required as conditions of consent on the proposal.

ITEM 8 (continued)**Discussion**

Council officers have reviewed the proposed modifications and compiled a submission addressing the critical issues. The key changes requested by the proponents include:

- Change in the staging of the development and delay the delivery of public open space
- Change in the building envelope and relaxation to the storey controls,
- Increase in building height by 1 and 2 storeys in Stage 1, and within part of this stage and within part of this Stage 1 an increase in height from 4 storeys to 8 storeys
- Increase in the number of dwelling units from the approved 207 to 246 units within Stage 1
- Increase in the number of parking from 278 to 342 spaces within Stage 1
- Modifications to dwelling mix
- Change in façade treatments
- Reduced setback within the basement level
- Revised schedule of external finishes, and
- Changes to a number of conditions of approval.

Attachments 1-3 constitute a submission prepared by staff.

The submission raises several concerns regarding the proposed modifications. It encourages either the rejection of the proposed amendments or the provision of additional information to support the proposed amendments. The submission also seeks for the application to be determined by the PAC and that a further Public Meeting be held to allow for community concerns to be expressed to the PAC.

Financial Implications

The modifications are unlikely to have significant financial implications for Council. At this stage, Council will receive Section 94 Contributions for each development stage as it progresses. However, as identified in the submission, there are some concerns regarding the financial viability of the community centre. Should the Department of Planning and Infrastructure adhere to the recommendations within the submission, the financial implications will be minimal.

Options

The options open to Council are:

Option 1


Endorse the submission in its current form for submission to the Department of Planning and Infrastructure.

Option 2

Request amendments to the submission prior to its submission to the Department of Planning and Infrastructure.

ITEM 8 (continued)

ATTACHMENT 1

 City of Ryde


Lifestyle and opportunity
@ your doorstep

Shepherds Bay Redevelopment



Modification request for Concept Plan MP 09_216
and Project Application MP09_219
Submission from City of Ryde Council

Lifestyle and opportunity @ your doorstep

 City of Ryde

ITEM 8 (continued)**ATTACHMENT 1**

The Department should note that concurrent to the 75W Modification process, Council has held an Urban Design Review Panel (UDRP) meeting on 19 December 2013 considering the proposed stages 2-5. These stages have been designed as though the proposed Section 75W Application has been approved. These plans have not been endorsed by Council in anyway and no approval for any element or modification proposed has been given by Council.

Following on from the Urban Design Review Panel, Council had a follow-up meeting with the applicant on 28 January 2014 for the presentation of additional information. In this respect, the Urban Design Review Panel has not yet provided definitive comments on the proposal.

Determination and Consultation

Council recognises, acknowledges and thanks the Department for the notification of the modification applications which occurred at Councils request.

Given that this matter was originally considered by the Planning Assessment Commission whom was directly responsible for many of the conditions and limitations subject to modification by the proponents, Council requests that the determination of the modifications is by the PAC and that a public meeting be held.

Concept Plan

Staging

Council does not raise any objections to the modification of the proposed staging, with the exception of the proposed changes to Conditions 24 and 25. These conditions relate to the delivery of traffic infrastructure necessary to alleviate the impacts of the proposed development.

These works were attached to the original Stage 2 to ensure delivery of this infrastructure early on in the development. This ensures that the impacts of the development on the community are mitigated at an early stage.

It should be noted by the Department of Planning and Infrastructure (DoPI) that Council has received indicative plans for the proposed new road connection. Council has raised significant concerns with the design of the proposed road connection that have not yet been addressed by the applicant. In particular the following are key areas of concern:

- Addressing and provision of suitable public domain to Council Standards. This includes footpaths, shared paths and the proposed shared zone.
- Insufficient detail regarding the proposed drainage and existing overland flowpath.
- Vehicular access for surrounding stages.

ITEM 8 (continued)

ATTACHMENT 1

- Design of the kerb blisters, left in / left out at Hamilton Crescent and Belmore Street, Raised Threshold, and Roundabout.

A copy of the letter sent to the applicants addressing the proposed road connection has been attached as **Attachment 1**.

From the attachment it can be seen that many of the issues will require detailed consideration of the building location, design, finished levels and topography in proximity to the road link. These must be considered jointly with the design of the road network. Accordingly, by delaying the full design and construction of this link to Stage 4 rather than the original Stage 2 is likely to cause further problems for the design and construction of Stages 4 and 5. As demonstrated by the proposed modifications in the 75W, the levels of the sites are complicated and difficult to effectively resolve without detailed consideration of all matters early on.

Given the above concerns, Council does not support the proposed changes to Conditions 24 and 25.

Building Heights to Constitution Road

The proposed amendment put forward by the applicant seeks to increase the height of the building footprint located at the corner of Constitution Rd and Belmore St. Part of the proponents argument is that Condition 3 which limits buildings along Constitution Road to a maximum height of 5 storeys is in contrast with the approved plan which shows a total height of 6 storeys. Council does not believe that there is a potential contradiction inherent in the approval. This is by virtue of Condition A2 which identifies the plan in question and then goes on to include 'except for as modified by the following' where the following consists of several conditions.

Notwithstanding the above, another component of the proponents argument is that the corner nature of the building envelope supports an increase in height as:

- *The creation of a feature element which defines the Concept Plan site, especially given this is a main entry point to the site and surrounding road network;*
- *The creation of a feature element which is supported by the existing 6 storey development on the opposite side of Belmore Street, providing an equal and balanced urban feel on both sides of Belmore Street (as demonstrated in **Figure 8** below);*
- *The 6 storey element is for a minor portion of the overall building form which allows for improved building articulation and modulation and breaks up the built form of the northern elevation of the building which has a width of approximately 65 metres. This 6 storey corner element introduces a vertical element to the building which is a positive visual asset;*
- *The proposed 6 storey element will not result in any additional overshadowing impacts given the built form is permitted to be built to a*

ITEM 8 (continued)

ATTACHMENT 1

height of RL 41.90 and therefore will not unduly impact on the public domain or neighbouring properties; and

- *The provision of 6 storeys is capable of being provided within RL 41.90 for the corner portion of the building, as demonstrated in **Figure 8 and 9** below.*

In Council's opinion, the corner nature of the building envelope and its unique relationship to the street can be readily addressed through building articulation within the footprint and architectural treatment of the corner. This does not necessarily require an increase in building height.

Basement Levels Above Ground Levels

It is noted that the applicant has identified that **Condition 4** should be amended. Condition 4 states:

Future Development Applications shall ensure that basement parking levels do not exceed 1 metre above ground level (finished) and are located below the building footprint and do not encroach into street setback areas.

The proponent is of the opinion that this condition is unreasonable given the sloping nature of much of the area covered by the Concept Plan. In Council's opinion, the Condition is appropriate. This Condition ensures that development steps down the site in response to the peculiar topography of each stage. The proponent has used the design of Stage 1 as an argument against the Condition however these concerns and issues are addressed in the *Project Application* section of this submission.

It should be noted that as identified by the proponent in several meetings with Council, the site has significantly varied levels that are going to be significantly altered by the proposed development. As such, given the sheer extent of earthworks and that the buildings and surrounding public domain will be based on modified ground levels, it is not considered necessary to amend the condition as suggested. A key point to this condition is that the 1m is to extend from **ground level (finished)**. The key purpose of this condition is to ensure that the building steps in response to the topography of the site. This will ensure quality relationship of the buildings with surrounding spaces.

Compliance to Building Height Map

The applicant is seeking the inclusion of an additional condition to allow for additional storeys within the approved building envelopes that will read as follows (emphasis added):

Built Form

*"Future Development Applications shall satisfy the Maximum Number of Storeys Above Ground Level (Finished) Plan, **with the exception of buildings on steeply sloping topography, where additional storeys may be required to activate the ground level, where the overall building height satisfies the maximum permitted RL.**"*

ITEM 8 (continued)

ATTACHMENT 1

The applicants have argued that this is in order to improve the relationship of each stage to the surrounding areas due to the steeply sloping nature of the site. This argument is not supported by Council.

With regards to Stage 1, Council has identified significant concerns with the proposed amendment as this is achieved through the lowering and regrading of the Foreshore Link. This is discussed in depth within the *Project Application* part of this submission. It should be noted by the Department that the adoption of the design for the Foreshore Link will mean that the Central Spine connection between Rothesay and Nancarrow will need to be fully accessible as per Condition 16 of the Concept Approval. Condition 16 provides:

Future Development Applications shall include detailed landscape plans which demonstrate accessible paths of travel for all persons for at least two of the north-south routes between Constitution Road and the Foreshore with one of the routes including the Lower Riparian linear park and a second path either along the Central Spine or the public pathway associated with Stage 1. Landscape plans will also include the detailed design of at least 1 north-south cycle path linking Constitution Road through the site to the existing foreshore cycleway.

With regards to the remainder of the Concept Plan, the applicant's architect has identified to Council that the approved storey plan and building envelopes were only intended to act as a guide for the RLs and was not intended to form part of the approved plans. In Council's opinion the 75W presents an opportunity for this to be rectified through the provision of a well-considered and detailed storey plan rather than a carte blanche opportunity to vary storey heights. Furthermore, no details as to the RLs for each of the publicly accessible open space areas have been provided. This will provide multiple opportunities across the site for providing additional units to the detriment of the open space areas and the amenity of the individual units. This has been clearly shown in Stage 1 through the significant altering of the ground levels simply to provide for additional units.

The applicants have also failed to nominate which sites are considered to be 'steeply sloping' which will result in ambiguity as part of the assessment of future Development Applications but have indicated it would be the majority of them. This ambiguity further highlights the proponents desire to relax the applicable planning captures and increase the yield wherever possible to the detriment of both future and current residents. Arguably the applicant would have ready access to survey plans and RLs that would be able to readily distinguish which sites are steeply sloping. This information is basic information required to assist in the preparation of Concept Plans and must have been used to determine the RLs of the proposed building envelopes.

The proposed amendments by the proponent seeks to allow for the interpretation of the storey height plan in an open manner. This was recognised by the Departments initial assessment of the Concept Plan. The Director-Generals Report (p. 21) noted to *allow for comparison with the original scheme, the proponent has indicated the number of storeys likely to be achieved under these RLs, however, assessment of the 'Indicative Storey Plan' has shown that it is possible that additional storeys could be achieved within each of the building envelopes. This has been demonstrated with the Stage 1 project application where*

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ATTACHMENT 1

in many instances, the proposed building presents as 1 – 2 storeys greater than the indicative storey heights.

This effectively seeks to allow for the interpretation of the storey height plan as a starting point with significant additional storeys provided within the RLs. The vagueness of information provided across the site was recognised by the PAC as their Report provides that *'The Commission considers that given uncertainties in relation to the finished ground levels across the site, it is necessary for a maximum storey plan to be included in the approval. Any development application for future stages will therefore be required to comply with not only the maximum RL (AHD) but also with the maximum number of storeys above finished ground level whichever is the lower.'* (p. 6, PAC Determination Report - Concept Plan and Stage 1 Project Application Shepherds Bay).

Council supports the approach of the PAC and strongly encourages the Department to maintain the height and RL controls as they are at the moment. Any attempt to amend this control imposed by the PAC will represent a breaking of faith with the community and Council.

Another concern with the case by case amendment of storeys is that it fails to provide a holistic consideration of the proposal and the relationship of each building to one another. This has a range of ramifications including:

1. Potential non-compliance with the minimum building separations required under the RFDC.
2. Creation of a canyon effect between buildings adjoining publicly accessible open space areas.
3. Creation of exceedingly poor amenity for units located along the through site links and in corners of proposed building envelopes.

In respect to Building Separation, without knowing the total storeys proposed, the proposal may fail to comply with the minimum separation recommended under the RFDC. In particular it is noted that the proposed amendments to Stage 1 seek a total of 12 storeys in the north western corner of the building envelope. It must be recognised that building separation serves a variety of purposes including but not limited to:

- Privacy and overlooking,
- Access to sunlight and overshadowing,
- Visual bulk and building massing, and
- Building legibility and site transparency.

Council previously raised concerns regarding the proposed storeys and the building separation over the publicly accessible walkways. Without considering this matter early on it relies on the resolution and consideration as part of the DA process. The argument that this is something that should be resolved at DA stage relies on a limiting on potential layouts and

ITEM 8 (continued)**ATTACHMENT 1**

unit designs, often requiring a significant reduction in amenity for residents. In considering amenity it must be recognised by the Department and the proponent that it is not solely visual privacy that is considered but the visual bulk and outlook presented not only to external surrounding properties but internally towards communal open spaces, private balconies and windows. This is often difficult to address through design treatments such as highlight windows, privacy screens and blade walls. Without specific application of storey controls throughout the development it cannot be determined whether the Building Envelopes will achieve adequate separation.

Council is a strong supporter of quality design outcomes and fully understands the importance of taking a considered and open approach to the application of planning controls. Council appreciates that some applications should be dealt with on a case by case basis giving due regards to the merits of individual sites. However, due to the uncertainty created as part of the proposed amendments to storey controls and the potential ongoing ramifications for Council in assessing subsequent DAs, Council is not convinced that sufficient justification or evidence has been provided to support the variation of the condition as requested. As with all other planning controls, restrictions on heights and maximum floor space are to ensure that a reasonable amount of development is achievable on the sites that does not unacceptably reduce the amenity for surrounding residents or force poorly designed units and overcrowded areas on future residents.

Should the Department disagree with the above and consider that it is necessary to vary the condition and storey plan as proposed, this should be predicated on the following being provided to both the Department and Council for consideration:

1. A survey plan for the entirety of the concept plan affected area to identify which sites are 'steeply sloping'
2. The establishment of nominated RLs for:
 - a. critical floor levels for each building envelope depending on the sloping nature of the site i.e. at each corner and midpoint for each envelope
 - b. origin and destination points for each public domain area
 - c. adjoining road and public domain areas.

In Council's opinion it would be simpler and more appropriate to maintain the storey control.

Council is of the opinion that the height of buildings should be limited to both the RLs and the storey heights imposed by the PAC. Should the Department seek to approve the proposed amendments to the storey height controls, this will provide multiple opportunities for the proponent to provide additional storeys across the site to the disappointment of Council and the community.

In addition to the above, it should be noted that the addressing of the project application to the surrounding public domain and the presentation of blank facades are the result of insufficient information being provided at the assessment stage. Council had raised this issue previously, but was disregarded by the proponent and the Department. The proposed

ITEM 8 (continued)**ATTACHMENT 1**

design solutions and amendments in Stage 1 has resulted in a series of design, public domain and amenity issues that are not supported by Council.

Density

The proposed amendments will result in an increase in additional density on site. Unfortunately there is no maximum cap on Gross Floor Area or dwelling numbers contained within the Concept Plan approval. This increase may have ramifications for the level of amenity for future residents due to poorly designed and appointed units and an increase in traffic. No details have been provided to date with regards to potential dwelling numbers, however notwithstanding this, should the Department seek to approve the proposed amendments, a review of the apportionment for the provision of traffic infrastructure in the area should be undertaken. The additional units provided with Stage 1 are of a low quality with poor amenity and access. This should not be used as justification for the provision of additional units.

In plans submitted to Council for consideration of the UDRP, the applicant has identified that across Stages 1-5 under the current approved scheme a yield of 805 dwellings can be achieved. Under the proposed modifications, the proponent identifies a total of 991 dwellings. Across the first 5 stages of the application alone, the 75W will allow for an increase of 186 dwellings. The attempts by the applicant to allow for a further relaxing of the approval is an attempt to recapture the loss in yield enforced by the Planning Assessment Commission. The additional units provided within Stage 1 has resulted in worsened amenity for new and existing units and are likely to reduce the quality of open spaces through increased usage and poorer relationship of buildings to public domain. This is likely to be replicated across all other stages of the site.

With no maximum density or floor space imposed on the development with regards to residential floor space, there is no certainty for the community or Council as to the number, type or disposition of residential floor space across the Concept Plan area.

As such, the application in its current form should not be supported by the Department.

Basement Levels Below the Building Footprint

Council does not object to the proposed extension of the basement areas as long as it is located outside of the street setback areas and that sufficient deep soil planting is provided. It is noted that this has not been achieved in Stage 1 to date. This must allow for large trees and their canopy throughout the development. In this respect, at a minimum, the requirements of the RFDC should be applied to future development which requires:

- Minimum soil volume 150 cubic metres
- Minimum soil depth 1.3m
- Minimum soil area 10 metre x10 metre or equivalent

With regards to the rationalising of vehicular entries as a result of the extended basements, in Council's preliminary discussions with the proponent for Stages 2 to 5 Council has raised

ITEM 8 (continued)

ATTACHMENT 1

concerns regarding the servicing of waste for these units. In Council's opinion, waste collection must take place off the street which will have ramifications for the floor to ceiling heights for basements should the proponents seek to provide reduced vehicular egress and ingress.

ESD Targets

With regards to the issues identified by the proponent in respect to the ESD issues, Council raises concerns with the use of the ambiguous term '*where relevant and feasible*'. This is likely to lead to a high degree of ambiguity in difficult in determining what is relevant and what is feasible on a case by case basis.

This is of particular concern where there will be no third party oversight to ensure that the ESD targets are abandoned unnecessarily. Furthermore, given the significant financial benefit reaped by the proponent through the Part 3A process in excess of Council's controls it is considered that simply exceeding BASIX by 10% is inappropriate. This should be exceeded by significantly more.

Condition 21 Residential Amenity

With regards to the proposed amendments to residential amenity it should be noted that in considering the submitted plans for Stage 2-5 Council's UDRP has identified significant concerns with the quality and layout of the buildings. These concerns include:

- Poor unit layout
- Overly long corridors,
- Internalised studies,
- High number of single aspect units,
- Poor relation to the public domain and streetscape,
- Poor solar access and ventilation, and
- Excessive depth to units.

The proposed amendment is an attempt by the applicant to obtain an excuse for the delivery of poor quality apartments in order to achieve a higher yield. It should be noted that the on the subject of SEPP 65 and compliance with the RFDC, the PAC provided that *to ensure high quality design outcomes and amenity in future stages, further applications should be consistent with the requirements of SEPP 65 and the RFDC.* (p. 7, *PAC Determination Report - Concept Plan and Stage 1 Project Application Shepherds Bay*). It can be clearly seen that the PAC had significant concerns regarding the amenity of the proposed development. Accordingly, the proposed amendments are not supported.

ITEM 8 (continued)

ATTACHMENT 1

Delivery of the Community Space

It should be recognised that this Condition is the result of concerns expressed by Council to the PAC regarding sufficient community infrastructure in Meadowbank. It was imposed with no further consultation with Council. Council is thankful that the PAC sought to resolve this significant issue through the application of this Condition.

It is noted that the applicant seeks to amend the timing of the delivery of the community space. The proposed amendment to delay to delivery of the community facility to 'the appropriate stage' raises significant concerns. This is as such an amendment significantly reduces in degree of certainty that the community space will be delivered. In Council's opinion it should be tied to a specific stage to ensure delivery. Ideally, the community facility would be located around the 3,000m² open space to encourage its use and activation and to maximise the use of the facility (i.e. within the proposed Stage 2 or 3).

Given that this condition is being reviewed by the applicant, Council would like this opportunity for the condition to be reviewed and the ambiguity inherent in the condition resolved. The general principles to be adhered to for the community facility are:

1. The potential use of the facility should be as flexible and adaptable as possible to allow for response to the changing needs and desires of the surrounding community.
2. The facility should contribute to a sense of place and be visible from the street or other public spaces. This would in part be aided by its location adjacent to the 3,000m² park at ground level.
3. Be financially sustainable in the long term. Currently the condition limits the use of the facility to 'community purposes' only. In this respect, the ongoing maintenance and running of the facility should be augmented through the inclusion of compatible commercial uses. The use should be restricted to permissible uses within the zone.
4. Be a minimum of 2,500m². Whilst Council has not defined a specific use for the facility, a facility of this size will maximise flexibility and adaptability.
5. Should be provided and fitted out at no cost to Council and in addition to Section 94 Contributions.
6. Be provided with appropriately designed, located and quantum of car parking spaces in accordance with Council's Development Control Plan 2010 Part 9.3 Car Parking.

It should be noted that the recently approved North Ryde Station Urban Activation Precinct (approx. 2300 dwellings) required the delivery of large amounts of critical infrastructure including but not limited to:

- New roads,
- Pedestrian bridge
- Bus stops / shelters

ITEM 8 (continued)

ATTACHMENT 1

- **A 2,500m² Community Facility**
- 18,400m² of open space
- A range of local infrastructure upgrades

Accordingly, it is considered that a community facility of 2,500m² is not unreasonable.

Outcome of the Design Excellence Process

The proponents are seeking the amendment of Condition 1 Design Excellence to allow for variation the height, setbacks and storeys. Council believes that the design excellence process should not allow for increased building height or storeys above and beyond those approved under the Concept Plan.

Council does not object to the variations to the setbacks or variations in the building envelope, subject to compliance with all other applicable conditions and controls including but not limited to SEPP 65 and the RFDC, basements not extending greater than 1m above ground, and basements being located within the building footprint and not within street setbacks.

Amended Statement of Commitments

Council has the following concerns with the revised Statement of Commitment:

- **Housing Choice:** This commitment identifies that a mix of units will be provided including one bedroom units. This should be amended to include a range of unit sizes ranging from studios to 3 bedroom units. This will ensure that a true range of apartment sizes will be provided allowing for housing choice.
- **Road Verges and Footpaths:** This should be amended to include reference to Council's Public Domain Technical Manual and be required to be delivered prior to the issue of **any** occupation certificate.
- **Publicly Accessible Open Spaces:** As identified in the above sections, Council does not support the proposed amendments to the foreshore link and as such, does not support the amendments to this commitment.
- **Road Works:** in the event that the Department approves the increase in dwellings as proposed by the proponent, the road facilities and infrastructure to be delivered must also be reviewed. As such, this commitment is not supported.

Additionally the extent of works proposed under each traffic facility has been amended and reduced. This is highly questioned by Council. The proposed traffic works must be tied to the conditions contained within the approval. The potentially reduced commitments relating to traffic matters include:

- **Pedestrian signals replacing zebra crossing on Railway Road at Meadowbank railway station:** Commitment requires only the undertaking of

ITEM 8 (continued)

ATTACHMENT 1

studies not the delivery of the intersection as required by Condition 26. Ambiguity should be deleted.

- **Signalling at Bowden and Constitution Road:** Commitment requires only the undertaking of studies not the delivery of the intersection as required by Condition 26. Ambiguity should be deleted.
- **Hamilton Crescent local area traffic management:** Unclear what this commitment specifically relates to.
- **Two way connection of Nancarrow Ave (Nancarrow Extension):** This has now been omitted from the Statement of Commitments. It is noted that this is specifically required in Condition 24. The only relevant section here is the dedication of the land to Council.
- **Land Dedication:** The applicant is now seeking Section 94 offsets for the land dedication. This is not supported or agreed to by Council as this is considered necessary and consequential to the development.
- **Rectification of Constitution Road:** This commitment is exceptionally ambiguous. Council has consistently maintained that the rectification of Constitution Road requires its lowering, with the cost of the works borne entirely by the applicant with no offsetting against Section 94. This must be clearly stated in the commitment. This is required to ensure that Conditions 12, 16, and 34 are addressed. In this respect, the lowering of Constitution Road is required to ensure provision of reasonable and acceptable access for cyclists, pedestrians and vehicles (as required by 12, 16 and the approved plans) and to address the issues associated with flooding (required by Condition 34).
- The proponents have omitted the following commitments. This omission is highly questioned by Council and is not supported as no justification has been provided. It is noted that some may be duplicated in conditions of consent.
 - Tree Management
 - Crime Prevention Through Environmental Design
 - Environmentally Sustainable Design
 - Stormwater Management
 - Noise
 - Site Contamination
 - Construction Management
 - Utilities

ITEM 8 (continued)**ATTACHMENT 1**

- Arborist Report
- Environmental Management Plan
- Flooding
- Waste Management
- Sustainable Travel Plan
- Ground Water

Voluntary Planning Agreement

It should be noted by the Department that the proponents initially re-commenced discussions with Council last year regarding a potential Voluntary Planning Agreement (VPA) for the proposal. Council reviewed the VPA and raised concerns that many of the matters proposed related specifically to items considered necessary and consequential to the development and as such could not be supported.

Other Issues

It is noted that the applicants have provided a revised Open Space diagram that identifies the amount of Publicly Accessible Open Space delivered by the proposal. A significant portion of this area is located in setback areas which is unlikely to be accessed or used by the public.

ITEM 8 (continued)

ATTACHMENT 1

Project Application

It should be noted that construction of Stage 1 has already commenced on site.

Staging

As identified previously, Council does not object to the amendments to the timing and phasing of the open space as long as:

1. It remains in private ownership but is publicly accessible at all times, and
2. Is not offset against applicable Section 94 Contributions.

It is noted that the minimum size and access to daylight has been enforced and approved by the Department as part of Condition B1 of the Concept Approval.

Foreshore Link

The regrading of the foreshore link is of concern to Council. The lowering of the northern end adjacent to the new Road Link creates units of exceedingly poor amenity. The lowering of the link is an attempt by the applicant to capture and provide for additional units. These additional units are of exceedingly poor amenity as addressed in the following sections of this submission. The proposed regrading of the foreshore link also creates a range of public domain issues which are also addressed in subsequent sections of this submission.

Given that Council does not support the proposed amendments to the design of the foreshore link, Council cannot agree to the delaying of the foreshore link to later stages. The detailed plans of the foreshore link must be considered and supported by Council prior to the approval of the modifications as failure to consider the entire design of the foreshore link holistically will 'lock in' the design as currently proposed.

Relationship with the Public Domain

The applicant has submitted arguments stating that in order to improve the relationship of Stage 1 to the surrounding public domain, increased activation of the street must be achieved through manipulation of the ground levels to provide additional units. Whilst Council appreciates the intent of the proposed modifications, arguably this could be achieved through alternate design solutions. These include but are not limited to:

1. Landscape treatment of the exposed walls such as planters, vegetation, street furniture (along Foreshore Link),
2. Differentiation in materials and finishes along the façade of the building to provide visual interest,
3. Provision of public art on exposed facades,
4. Stepping the building down the site in response to changes in topography. Arguably, this is what is intended by Condition 4 of the Concept Plan Approval.

ITEM 8 (continued)

ATTACHMENT 1

Foreshore Link

The introduction of the stairs at the northern end of the foreshore link creates a range of amenity and public domain issues. Given the change in levels proposed, there is approximately a total drop from Nancarrow Road to the commencement of the Foreshore Link of approximately 9m. **Figure 1** and **Figure 2** shows the extent of stairs required to address the change in levels.

As shown by **Figure 1** this change in levels is resolved through a series of switchbacks. Council's Design and Development Team and the UDRP have reviewed the stairs and do not support the proposed amendment as they are significant in length and do not provide opportunities for resting and respite. This will be daunting and will inhibit greatly the movement of pedestrians. A more inviting pedestrian friendly solution to this link is required.



Figure 1



Figure 2

The only manner in which this can be resolved is through the introduction of terraces to relieve the switchback stairs or the provision of a publicly accessible lift. This should also be supported by a terraced area suited for seating/viewing at the Nancarrow Road level. There is little space for landing zone between the Nancarrow Avenue's footpath and head of the proposed stairwell. This elevated point will have commanding views down to the Parramatta River and deserves a more appropriate design treatment.

In addition to the above, the amenity of the units adjoining the foreshore link along the western elevation of Stage 1 are likely to be highly compromised. In particular attention is drawn to units LG 24, LG 25 and UB 14 - UB 18. Below is a summary of the solar access and ventilation achieved by these units as identified in the applicants Solar Access and Ventilation Assessment:

Unit	Hours of solar access	Cross Ventilated?
LG 24	1.5hrs	No
LG 25	2hrs	No
UB 14	2hrs	No
UB 15	2hrs	No
UB 16	1.5hrs	No
UB 17	2hrs	No
UB 18	1.5hrs	No

ITEM 8 (continued)

ATTACHMENT 1

From the above it can be seen that the units will have limited solar access. It is unlikely that the above has taken into consideration any tree planting or vegetation along the foreshore link and Nancarrow Ave. Furthermore, whilst the proponent has argued that these units will activate the foreshore link and improve the relationship with the public domain, no independent access to the public domain areas have been provided. The floor levels of these spaces will be significantly higher than the finished levels of the public domain.

This is clearly visible in **Figures 3, 4 and 5**. The entrance to these units and their height above the public domain areas are shown in red. It should be noted that for LG 24 and LG 25, access is only achieved through the car park. This results in a disconnect with between the public domain and the proposed units. It should be noted that this is an issue for existing units UB 06 and UB 04.



Figure 3



Figure 4



Figure 5

ITEM 8 (continued)

ATTACHMENT 1

Accordingly, Council does not support the introduction of these units, especially given the outstanding issues in the design.

Should the department be of the opinion that the units are acceptable despite the above concerns, the exceedingly poor amenity of these units must be compensated for by improved design and appointment. Council would insist on the following amendments:

- generous floor to ceiling heights,
- separate direct access to the individual units. For UB 14 - UB 18 this can easily be addressed through the lowering of the ground floor achieving an improved floor to ceiling heights,
- larger private open space areas,
- increase building separation from proposed Stage 2, and
- reduction in the number of units to provide larger more well-appointed shallower units to compensate and reduce the poor amenity.

Additionally, it is noted that as a result of the Concept Plan Approval, the new road link for Nancarrow Ave must be provided. To date, insufficient information has been provided that demonstrates that the new road link can be successfully delivered. This concern is exacerbated by the proposal to allow stairs directly adjacent to the road reserve. Insufficient information has been provided to demonstrate that sufficient space is achievable between buildings to allow for:

1. Appropriate shoring / retaining walls,
2. Footpaths and shared cycleways,
3. Amendments to the road alignments to achieve necessary grades, and
4. Amendments to the road alignment should the curvature in the road not be appropriate.

The above must be resolved and adequately demonstrated before the amendments to the foreshore link are approved by the Department. Council's concerns regarding the road connection are captured in **Attachment 1**.

It is also noted that the entry to the proposed additional units LG 24 and LG25 is not shown on the submitted Landscape Plan titled Foreshore Link Upper Level. Given the concerns identified above, the proposed amended Landscape Plan for the Foreshore Link is not supported.

Belmore St

As with the units along the foreshore link, the proposed additional units along Belmore St will also suffer from poor amenity. The additional units located on Belmore St include UB 11 - UB 13. The solar access and ventilation of these units are as follows:

ITEM 8 (continued)

ATTACHMENT 1

Unit	Hours of solar access	Cross Ventilated?
UB 11	1hr	No
UB 12	0hr	No
UB 13	0.5hr	No

These units also fail to provide direct address to the street and continue to fail to adequately address the public domain. This is clearly shown in **Figures 6 and 7** which clearly show the poor access and relationship to the street in red.



Figure 6

As per the units on the Foreshore Link, should the Department be of the opinion that the units are acceptable, the exceedingly poor amenity of these units must be compensated for by improved design and appointment. Council would insist on the following amendments:

- generous floor to ceiling levels,
- separate direct access to the individual units
- larger private open space areas,
- increase building separation from proposed Stage 2, and
- reduction in the number of units to provide larger more well-appointed shallower units to compensate for the poor amenity.



Figure 7

Hamilton Crescent

The proposed units to be introduced along Hamilton Crescent and the Foreshore Link (GF 14 and GF 15) shares many of the issues associated with the units identified above. These units (whilst having modest solar access and achieving cross ventilation in the case of GF 14 due to its corner positioning) will also have poor amenity. In the case of GF 14, the poor

ITEM 8 (continued)

ATTACHMENT 1

amenity will occur through limited privacy as a result of its close proximity to the proposed raised stairs at the northern end of the foreshore link. In this respect, no plans have been submitted fully detailing the extent of separation between GF 14 and the stairs.

In the case of GF 15, this unit will only have 2.5hrs of solar access and is not cross ventilated. Furthermore the outlook from this unit will be to a series of raised planter boxes and Hamilton Crescent which is approximately 2.6m above the finished floor level of the unit. The solar access for this unit is dependant on no planting which will be to the significant loss of privacy for this unit. This is clearly shown in **Figure 8**.

Should the Department be of the opinion that the units are acceptable, the exceedingly poor amenity of these units must be compensated for by improved design and appointment. In the instance of these two units, GF 15 should be deleted with a significant review undertaken of the design of unit GF 14.

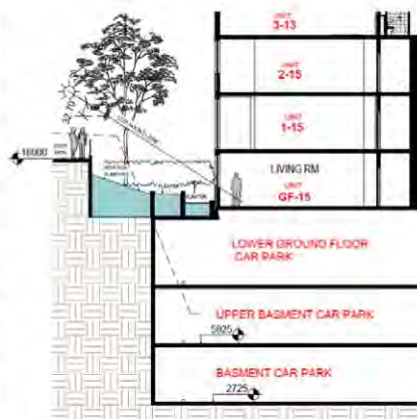


Figure 8

Modification to the Basement Setbacks and Landscaping

The proposed reduction in the extent of the setbacks to the basement is not supported by Council.

This reduction from 7.14m to 4m significantly reduces the extent of this deep soil area for landscaping. Furthermore, this deep soil will be constrained by the retaining wall along the property boundary and the planter boxes associated with the building. This also raises potential problems for the design and implementation of the new road link previously raised by Council, detailed in full in **Attachment 1**.

Dwelling Yield

Whilst it is noted that the applicant has provided arguments for the amendments to the total dwelling mix on the site, Council has significant concerns for the impacts of these amendments.

Car parking

It is noted that Council undertook a Meadowbank Traffic Needs Assessment in response to this application previously. This was based off previously submitted plans which predicated a number of car parking spaces across the Shepherds Bay Urban Renewal Project. It is noted that the final approved plans for Stage 1 allowed for a total of 246 spaces, whilst the revised proposal allows for 342 spaces. As a result, it is argued that the impacts on traffic generated by the proposal are greater than that originally envisaged. Council believes that the total apportionment for the provision of traffic infrastructure in the area should be reconsidered.

ITEM 8 (continued)**ATTACHMENT 1****Dwelling Amenity**

Council does not object to the reconfiguration of previously approved floor space within the existing building. In this respect Council acknowledges the improved ventilation and solar access of the proposed scheme against the approved. However, Council does object to the provision of additional units with exceedingly poor amenity as addressed elsewhere in this submission. Dwelling amenity should not consider simply solar access and ventilation but should also give consideration of outlook, privacy, liability of the unit and its relationship to surrounding public domain. This has not been adequately addressed by the proposed amendments to Stage 1.

Council would like it noted however, that Council does not agree with the proponent and the Departments application of a minimum 2 hour solar access on the basis that the area is a 'dense urban area'. Council maintains that the solar access benchmark should be maintained at 3 hours, as per the RFDC.

ESD Measures

With regards to the issues identified by the proponent in respect to the ESD issues, Council raises concerns with the use of the ambiguous term '*where relevant and feasible*'. This is likely to lead to a high degree of ambiguity in difficult in determining what is relevant and what is feasible on a case by case basis.

This is of particular concern where there will be no third party oversight to ensure that the ESD targets are abandoned unnecessarily. Furthermore, given the significant financial benefit reaped by the proponent through the Part 3A process in excess of Council's controls it is considered that simply exceeding BASIX by 10% is inappropriate. This should be exceeded by significantly more.

Disabled Access

Council continues to raise concerns regarding the poor disabled access achieved across the Concept Plan area. This concern was raised previously however it is noted that these matters have already been deemed acceptable by virtue of the PAC determination. Council would like it recognised by the Department that this remains to be a concern and an ongoing disappointment to Council.

Rewording of Condition B27

Council raises concerns with the proposed amendments to the wording for Condition B27. In this respect, it will rely solely on the approval of the accredited certifier as to what plans the relevant utility agency considers unacceptable. This is of particular concern where there will be no third party oversight to ensure that there is no other alternative for the location of the service infrastructure or utilities within the building footprint. Often, the location of services and utilities outside of the building footprint is desirable simply due to cost constraints. This often is at the expense of the public domain and presentation of the building.

Furthermore, in the event that there ultimately is no other alternative solution, it leaves it up to the satisfaction of the accredited certifier that the infrastructure is screened from view.

ITEM 8 (continued)**ATTACHMENT 1**

Council does not have confidence that this will be enforced effectively or to Council standards. This proposed modification has the potential to significantly impact on the amenity of the public domain and the buildings interface to the street. As such, the proposed modification is not supported.

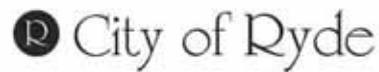
Amended Statement of Commitments

Due to the concerns raised above Council has the following concern with the revised Statement of Commitment:

- **Publicly Accessible Open Spaces:** The Foreshore link and associated amendments are not supported in its current form. Accordingly this commitment is not supported.
- **Waste Management Plan:** This Commitment does not include any oversight by Council that the contract vehicles will be able to service the site. It should also include reference to Conditions B17 – B20.
- **Construction Management Plan:** Council has approved a Construction Management Plan for Stage 1 and this should be referenced in this commitment.

ITEM 8 (continued)

ATTACHMENT 2



Lifestyle and opportunity @ your doorstep

Adam Fahim
Holdmark
Suite 2/2-4 Giffnock Avenue
MACQUARIE PARK NSW 2113

D13/81755

4 October 2013

Dear Mr Fahim

**PROPOSED ROAD CONNECTION – HAMILTON CRESCENT AND
NANCARROW AVENUE**

I refer to the previously submitted plans for the road connection of Hamilton Crescent and Nancarrow Avenue required under the Concept Plan and Project Application Approval for the Part 3A Application in Meadowbank. Council has reviewed the submitted plans and has identified the following areas of concern.

General Comments

The design of the road needs to be integrated with other components of the public domain rather than as an element that is isolated from the footpaths, street tree planting and urban geometry of building edges.

Council has some concerns regarding the clarity of the plans submitted. It is recommended that once amendments are made to the documentation to address the issues raised, separate plans demonstrating certain layers, are to be submitted. These are to include the following as a minimum:

- a) Existing Layer - All Existing features of the site location including, but not limited to; street furniture, utilities, trees, kerb lines, boundary lines and signage.
- b) Proposed Layer - All proposed changes and works including, but not limited to; street furniture, utilities, kerb lines, boundary lines and signage.
- c) Swept Path Analysis Layer - The swept path of the largest design vehicle to traverse the site around the roundabout for all approaches and departures. (12.5 metre rigid, according to conditions of consent)
- d) proposed property boundaries (ie extent of land to be dedicated to Council),

ITEM 8 (continued)**ATTACHMENT 2**

- e) sections through the road to show retaining structures and interface with new development,
- f) location of footpaths and cycleways, proposed street tree planting, rain gardens, planting areas and lighting, and
- g) paving treatments.

Public Domain

Submitted documentation must demonstrate compliance with the requirements of Council's Public Domain Technical Manual and the Concept Plan and Project Application Approval. No details of the public domain finishes or treatments have been provided to Council. Care must be taken to ensure sufficient space is provided for street tree planting, multifunction poles were required and other public domain elements. Location of street tree planting must demonstrate consideration of sight distance requirements near driveway and intersections.

Pedestrian movement along the length of the proposed connection is not adequately shown in the submitted plans. In particular, the proposed intersection of Nancarrow Avenue and Belmore Street would not facilitate pedestrian movement as the sweeping gentle curve of the left-in lane would encourage speeding vehicles. Generally, tighter curves facilitate a pedestrian environment as they force vehicles to slow down. It is noted that the Meadowbank Public Domain Technical Manual indicates a narrowing of Nancarrow Road at the entry points. The design of the "proposed slow point" needs to be integrated into the overall design, possibly incorporating a landscape treatment/tree planting.

The plans approved under Condition B1 of the Concept Plan Approval identify pedestrian and bike paths / links along Hamilton Cres West, Hamilton Cres, and Nancarrow Ave. The submitted plans do not identify these links. Location of footpaths and cycleways must be demonstrated along with corresponding gradients.

With regards to the proposed 'shared zone', it is assumed that the purpose of the shared zone is to facilitate pedestrian movement across the road at the point where the easternmost north-south pedestrian link intersects with Nancarrow Avenue. It is considered that the Shared Zone is not warranted. Accordingly, alternate mechanisms for ensuring pedestrian safety and ready crossing for the easternmost north-south pedestrian link must be demonstrated.

Drainage

Water Sensitive Urban Design needs to be an integrated component of the road design as per Council's Public Domain Technical Manual, the Shepherds Bay Concept and Public Domain Plan and the supporting WSUD Strategy.

According to available information, the overland flowpath passes along the north western side of the subject property towards the Parramatta River. The subject development is to increase the impervious area resulting in additional runoff. As a result, the existing 600mm pipeline at the existing sag point in

ITEM 8 (continued)**ATTACHMENT 2**

Nancarrow Ave adjacent to the northern corner of the property at 41-45 Belmore St is undersized and does not have the capacity to convey the additional flows to the river during the less severe storm events.

No plans demonstrating drainage within the proposed road have been provided. The following must be provided and detailed on plans were appropriate:

1. The DRAINS model must be prepared for additional storm events such as 1 in 20 year ARI and 1 in 100 year ARI. The stormwater consultant must refer the City of Ryde DCP2010 for the rainfall intensities for the hydrological model.
2. Subject to the outcome of the DRAINS model, the pipeline from the sag of Nancarrow Ave to Parramatta River (adjacent to 41 Belmore Street) must be upgraded and this must include additional grated pits to capture more water and reduce the overland flows running through the property in less severe storm events. Consideration must be given to the staging of this work given the redevelopment of land within this area.
3. Subject to the outcome of the DRAINS model, the drainage system on the east and west of the proposed roundabout in Nancarrow Avenue must be upgraded.
4. The stormwater system calculations after inclusion of additional grated pits must be prepared by a stormwater consultant and submitted to Council for concurrence prior to the approval of the road connection.
5. The existing pits in Nancarrow Avenue must be aligned along the new kerb lines.
6. The additions to Council drainage system shall be designed to convey the critical duration, 1 in 20 year ARI storm event from the contributing catchment without surcharge. Kerb inlet pits (sag and on grade) shall be cast-in-situ and conforming to Council's standard drainage pit details. Drainage pipelines shall be minimum Pipe Class 4, Rubber Ring Jointed, Reinforced Concrete with Type HS2 bedding support and conforming to AS 4058. Drainage pipelines shall be designed to have a minimum longitudinal gradient of 1%.

Prior to Council being able to support the proposed road connection, the following must be provided to address the drainage concerns detailed above:

1. Drawings including the site plan, road longitudinal section and cross sections, kerb & gutter profile with the pit locations(including type and size), longitudinal sections of the pipe system in Nancarrow Avenue and Hamilton Crescent, hydraulic grade line etc.
2. A drainage system layout plan drawn at a scale of 1:100, 1:200 or 1:250 and showing drainage pipe locations, drainage pit locations and number and road centreline chainage, size of opening and any other information necessary for the design and construction of the drainage system (i.e. utility services).

ITEM 8 (continued)**ATTACHMENT 2**

3. A drainage system longitudinal section drawn at a scale of 1:100 or 1:200 horizontally and 1:10 or 1:20 vertically and showing pipe size, class and type, pipe support type in accordance with AS 3725 or AS 2032 as appropriate, pipeline road chainages, pipeline grade, hydraulic grade line and any other information necessary for the design and construction of the drainage system (i.e. utility services).
4. Special details including non-standard pits, pit benching and transitions are to be provided on the drawings at scales appropriate to the type and complexity of the detail being shown.
5. The drainage system layout plan is to be documented on a detailed features survey base that describes all existing structures, utility services, vegetation and other relevant features.

Traffic**Vehicular Access**

The plans must demonstrate the finished levels for both the road and the boundaries so that access from public to private space can be assessed for vehicles so as to avoid scraping. The longitudinal section for the Hamilton Crescent shall demonstrate the profile across the intersection of Nancarrow Avenue to the southernmost kerb at the roundabout. The plans must detail all line marking and signposting to be implemented. With regards to signposting, it is recommended that consideration be given to the overall parking management for the wider area.

It is recommended that preliminary investigations of the building footprint / layout for sites surrounding and adjacent to the road connection be undertaken to ensure that the proposed driveway crossovers are appropriate. In particular, it is noted that the driveway crossovers / intersections shown are potentially inappropriate for the anticipated level of offstreet parking on the site. This should also include consideration to ensure that the driveway grades and adjoining sections of footpath comply with Councils DCP 2010 - Part 8.3 "Driveways" (refer to section 5 in regards to design and construction standards) and the requirements of AS 2890.1 (Offstreet Parking).

These standards are to ensure the minimum levels of pedestrian amenity (including people with pram/ wheelchairs) is maintained and all private property has adequate freeboard above overland flows conveyed in road / footway areas to prevent inundation of the site. Council will not support adjustment of footpath levels which would compromise on these requirements, at the development application stage to cater for limitations of the development. Sufficient investigation into this must demonstrated to ensure that the nominated property boundary levels are consistent with the conceptual / proposed works to be undertaken on the adjoining sites.

Also it is noted that there is up to 1.67m of fill in places. Council must be provided with an indicative/ typical detail of how the roadway is to be retained. Consideration for maintenance and access must be demonstrated.

ITEM 8 (continued)**ATTACHMENT 2****Slow Point and Kerb Blisters**

The plans identify kerb blisters on Nancarrow Avenue, west of Hamilton Crescent. The Bitzios Consulting plans and the Conditions of Consent specify a raised platform at this location. Explanation is required as to why kerb blister have been adopted into the plans rather than the raised threshold proposed by Bitzios Consulting. The design of the "proposed slow point" needs to be integrated into the overall design, possibly incorporating a landscape treatment / tree planting.

Left in/Left out at Hamilton Cres / Belmore St

The layout of the intersection of Belmore Street and Hamilton Cres / Nancarrow Ave provides only a left in/left out scenario. The median island on Nancarrow Avenue already directs the flow of traffic in the desired direction. Therefore a median strip on Belmore Street is not required. Also, any future plans are also to indicate a Swept Path Analysis is required for the design vehicle of rigid 12.5m.

The plans must demonstrate a pedestrian facility to cater to the safe crossing of pedestrians from the south kerb to the north kerb of Nancarrow Road at the intersection of Belmore Street. This may include Kerb Ramps and Pedestrian refuges incorporated into the median island.

Raised Threshold

A Swept Path Analysis is required for the design vehicle to traverse the threshold. This must allow for a 12.5 metre rigid. This threshold requires a flat surface to allow for manoeuvrability of vehicles without wheel spin. To assist in the assessment of the documentation, all provided chainage lengths shall have gradients provided for adequate analysis of the cross section. In particular, the gradient for every 10.00 chainage must be provided. A scheme must be identified to prevent pedestrians from accessing the raised threshold as a crossing point.

Roundabout

A Swept Path Analysis is required for the design vehicle (12.5 metre rigid). The approach of the roundabout requires a flat surface, equal to one design vehicle in length (12.5 metres), to allow for reduced stress on take-off of lead vehicle into roundabout circulation. To assist in the assessment of the documentation, all provided chainage lengths shall have gradients provided for adequate analysis of the cross section. In particular, the gradient for every 10.00 chainage must be provided. Splays are required on the roundabout approach and departure of Hamilton Crescent to direct traffic, as the tapered kerb is too sudden and poses a hazard for drivers. In expecting the Plans to be to scale, it is noted that the Continuation lines entering and exiting the roundabout are not in conjunction with Austroads Road Design Standards. Median islands will need to be reconfigured to comply.

The plans must be amended to accommodate for Pedestrians crossing at the intersection of Nancarrow Avenue and Hamilton Crescent. The plans must demonstrate the scheme to be implemented. These may include; Kerb ramps and pedestrian refuges incorporated into the median islands.

ITEM 8 (continued)

ATTACHMENT 2

Waste

A Swept Path Analysis is required for the design vehicle (12.5 metre rigid) to demonstrate that the road can be reasonably accessed by Council's Waste Vehicles. It is strongly recommended that further consideration of the proposed route of Waste Vehicles be further considered. In this respect, a high level consideration of the location of the waste collection points for each stage should be identified so that assessment of waste vehicle movement through the site can be determined. The width of the road at the collection point needs to be addressed if waste is to be emptied from the street to enable unimpeded traffic flow.

For ease of interpretation of the above comments, council has undertaken a mark-up of the submitted documents. These documents have been marked up in accordance with the following key and are attached:

- **Blue** – Identifies the comments regarding the General requirements of the plans.
- **Green** – Identifies the comments regarding the Roundabout requirements of the plans.
- **Yellow** – Identifies the comments regarding the Left in/Left out intersection requirements of the plans.
- **Orange** – Identifies the comments regarding the Raised Threshold requirements of the plans.
- **Pink** – Identifies the comments regarding Public Domain, Drainage and Waste requirements of the plans.

It should be noted that the above concerns are based upon the documentation submitted to Council for review. Council reserves the right to raise further additional matters once additional information is received.

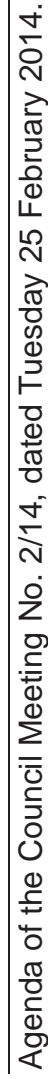
Should you have any questions about these matters, please contact Adrian Melo 9952 8238.

Yours sincerely



Meryl Bishop
Acting Group Manager, Environment and Planning

ATTACHMENT 3

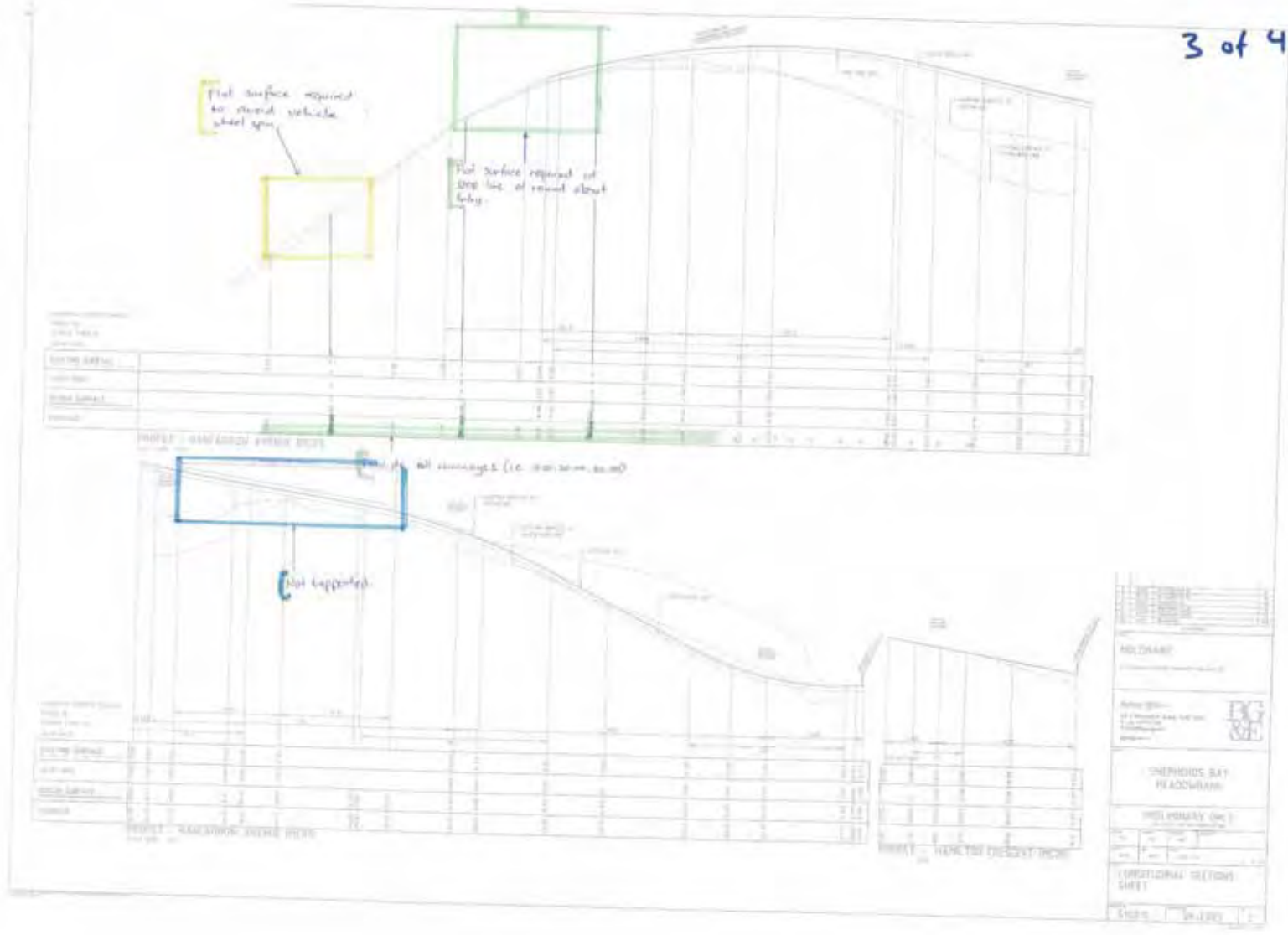


ATTACHMENT 3



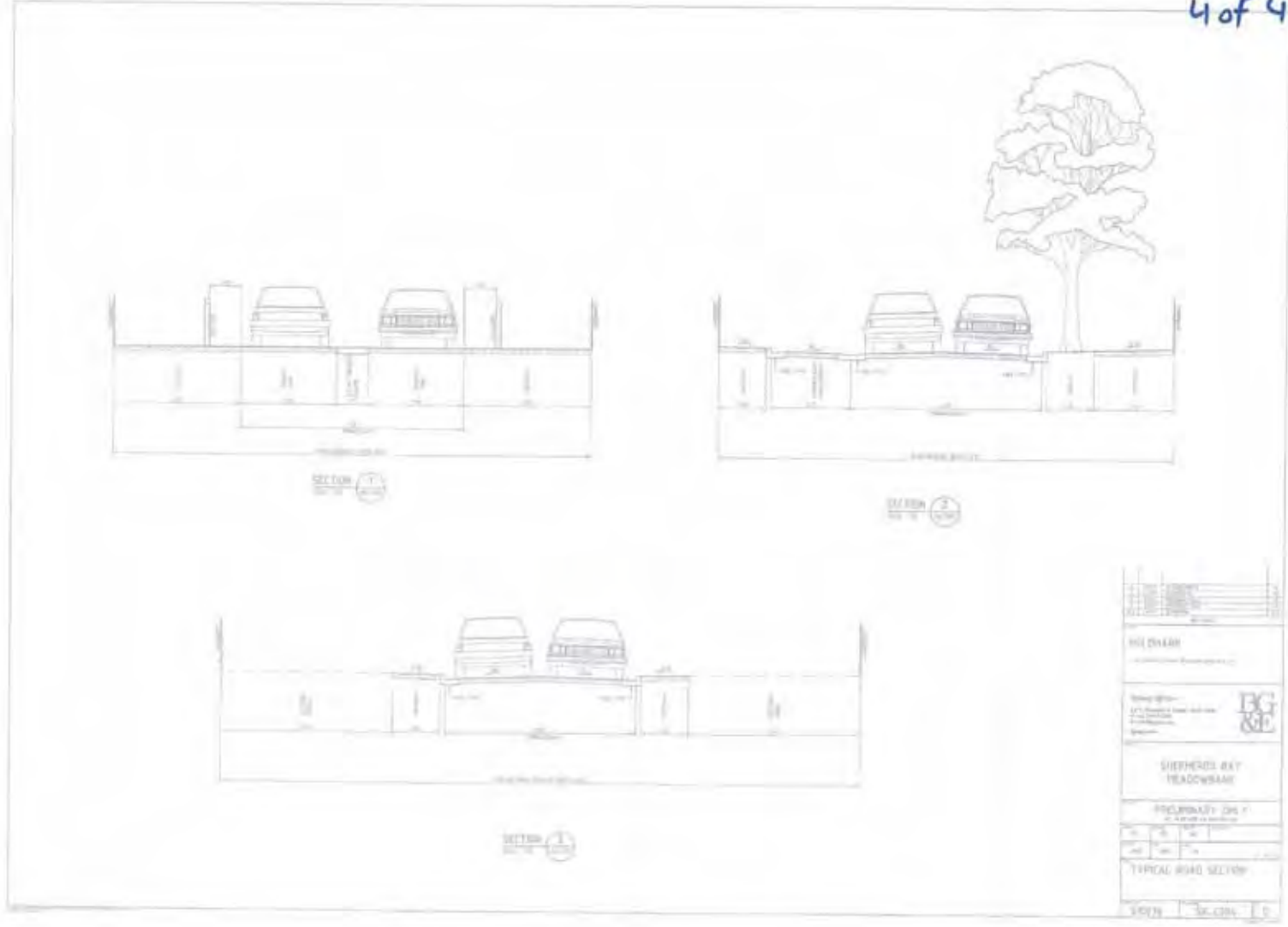
ITEM 8 (continued)

ATTACHMENT 3



ITEM 8 (continued)

ATTACHMENT 3



ITEM 8 (continued)

ATTACHMENT 4



16 January 2014

Contact: Matthew Rosel
Phone: (02) 9228 6213
Fax: (02) 9228 6455
Email: matthew.rosel@planning.nsw.gov.au
Our ref.: MP 09_0216 MOD1
MP 09_0219 MOD1

The Resident
1 Constitution Rd
RYDE NSW 2112

Dear Sir/Madam

Subject: Notification of Modification Request Applications for the Concept Plan MP 09_0216 and Project Application MP 09_0219 of the Shepherds Bay Redevelopment.

The Department is writing to you because your property is near or adjoins the Shepherds Bay redevelopment site. As you may be aware the Planning Assessment Commission approved a Concept Plan and Project Application for Stage 1 for mixed use development at Shepherds Bay, Meadowbank on 6 March 2013 (MP 09_0216 and MP 09_0219).

Roberson and Marks Pty Ltd has submitted requests to modify the Concept Plan and Stage 1 Project Approval of the above projects. The modifications seek to amend the indicative development staging, timing of open space provisions, storey height plan, internal layouts and dwelling mix. Modifications and additions are also proposed to various conditions including: plan references, design excellence, built form, community facilities, residential amenity and ESD measures.

The modification request applications will be publicly available from **Thursday 16 January 2014** until **Monday 3 March 2014**. You may view the applications at:

- the Department's website, links provided below:
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6240
http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=6257
- Department of Planning & Infrastructure:** Information Centre, 23-33 Bridge Street, Sydney (during regular business hours)
- City of Ryde Council:** Customer Service Centre, Civic Centre, 1 Devlin Street, Ryde, NSW 2112
(from 8:30am until 4:30pm, note second Thursday of the month hours are 10am until 4:30pm).

Any person wishing to make a submission should use the online form if possible. To find the online form go to the relevant web-page via the links provided above. Alternatively you can go to <http://www.majorprojects.nsw.gov.au/page/on-exhibition> and enter the relevant application number (09_0216 MOD1 or 09_0219 MOD1) in the field titled 'project title'. **Your submission must reach the department by Monday 3 March 2014.**

Department of Planning & Infrastructure 23-33 Bridge Street, Sydney NSW 2000 GPO Box 39, Sydney NSW 2001 Phone 02 9228 6111 Fax 02 9228 6455 Website planning.nsw.gov.au

ITEM 8 (continued)

ATTACHMENT 4

Before making your submission please read our Privacy Statement at www.planning.nsw.gov.au/privacy or for a copy ring the number below. **The department will publish your submission on its website** in accordance with the privacy statement.

If you cannot lodge online you can write to the address below. If you would like the department to delete your personal information before publication, please make this clear at the top of your letter. You need to include:

- your name and address at the top of the letter only
- the name of the application and the application number
- a statement on whether you support or object to the proposal
- the reasons why you support or object to the proposal
- a declaration of any reportable political donations made in the previous two years. To find out what is reportable, and for a disclosure form, go to planning.nsw.gov.au/donations or ring the number below for a copy.

Phone: Information Centre – 1300 305 695 or Matthew Rosel 02 9228 6213

Address: Attn: Director, Industry, Key Sites and Social Projects, Development Assessment Systems and Approvals, Department of Planning and Infrastructure, GPO Box 39 SYDNEY NSW 2001 or fax to 02 9228 6455.

Yours sincerely



Chris Ritchie
A/Director
Industry, Key Sites and Social Projects

9 CITIZEN ENGAGEMENT ADVISORY COMMITTEE REPORT TO COUNCIL

Report prepared by: Manager - Communications and Media

File No.: GRP/09/7/6 - BP14/216

REPORT SUMMARY

This report is presented to Council to provide a summary of the Citizen Engagement Advisory Committee activities and recommendations following their formation on 12 February 2013.

The report recommends a range of actions with respect of Council's Advisory Committees community engagement initiatives.

This report also recommends that staff provide a report back to Council in reviewing and possibly consolidating existing Advisory Committees that are similar in their functions.

The members of the Citizen Engagement Advisory Committee have worked constructively and with enthusiasm throughout their tenure. They reviewed a number of different models of Advisory Committee structures and provided the Chairperson and City of Ryde staff with some thought provoking feedback for consideration.

This feedback has been comprehensively reviewed and formed the basis of the recommendations in this report together with consideration in the preparation of the new City of Ryde Communication and Engagement Strategy which will be separately reported to Council on 11 March 2014.

RECOMMENDATION:

That Council endorse the following Citizen Engagement Advisory Committee Recommendations:

- (a) That Council endorse the new Council initiative to develop an on-line platform to provide transparency regarding all Council projects that involve Community Consultation as set out in this report.
- (b) That all Advisory Committees be required to amend their Terms of Reference to include the development of an Action Plan drawn from Council's adopted Delivery Plan, setting out time specific deliverables at the commencement of their term, to increase the effectiveness of the Committees.
- (c) That all current Advisory Committees be required to develop an Action Plan drawn from Council's adopted Delivery Plan, inclusive of time specific deliverables within the next six months and that these plans are to be provided to Council through the Councillor Information Bulletin.
- (d) That the revised Terms of Reference provide that Advisory Committees are required to report to Council outlining their achievements against their Action Plan at the end of their term.

ITEM 9 (continued)

- (e) That a meeting of Councillors and all Advisory Committees be held annually, with the focus of the meeting to be the engagement and effectiveness of Council's Advisory Committee structure and opportunities for Advisory Committees to add value to Council's decision making processes.
- (f) That Council develop a model for the establishment of ad-hoc community working parties to support community engagement on place-based or emergent issues to ensure that feedback can be sought from the community and to ensure they are engaged in local decision making.
- (g) That a further report be provided to Council setting out a revised Community Engagement framework for ongoing engagement with the community.
- (h) That the new Communications and Engagement Strategy be reviewed to include mechanisms for engaging with hard to reach communities.
- (i) That consideration be given to redesigning the Council Chambers to facilitate the Mayor and Councillors facing the gallery.
- (j) That the Code of Meeting Practice be reviewed to provide a greater timeframe between the publication of Council reports and their consideration by Council.
- (k) That Council acknowledges the contribution of existing Advisory Committees and their members.

That Council endorse the following staff recommendation:

- (l) That a further report be provided to Council reviewing the existing Advisory Committee structure with a focus on consolidation and alignment of Committees with similar functions.

ATTACHMENTS

- 1** IAP2 Public Participation Spectrum
- 2** Advisory Committee Workshop Action Items - 19 September 2013
- 3** Presentation - A Review of Alternate Practices in Advisory Committee Structures
- 4** Citizen Engagement Advisory Committee Action Items (Aligned to IAP2 Public Participation Spectrum)

Report Prepared By:

Angela Jones-Blayney
Manager - Communications and Media

Report Approved By:

Roy Newsome
Acting General Manager

ITEM 9 (continued)**Discussion**

Council determined at its meeting on 12 February 2013 to accept all the nominations received for delegates to the Citizen Engagement Advisory Committee.

The submission process had attracted a strong field of applicants with genuine interest in shaping the future direction of their community.

The Citizen Engagement Advisory Committee was chaired by Councillor Denise Pendleton and was established as a fixed term committee which ran from March to November 2013.

A number of discussions of the committee centred around ways to enhance the effectiveness of community committees. Discussions included the current structure of the committees, communications and the valuable role well managed committees play in local government.

Council places great value on its various advisory committees which provide an opportunity for local residents and relevant organisations to contribute to the day-to-day operation of the Council.

The Citizen Engagement Advisory Committee members were engaged and passionate volunteers who freely donated their time to help make the City of Ryde a better place, which makes their contributions all the more significant.

The City of Ryde Community Strategic Plan, (City of Progressive Leadership outcome, goal three), clearly defines the synergy and purpose of a Citizen Engagement Advisory Committee:

“Our residents trust their Council, feel well informed, heard, valued and involved in the future of their city.”

The City of Ryde Communications and Media Unit was formed approximately 18 months ago to support the delivery of a variety of community engagement strategies underpinned with research and best practice methodologies.

Council’s ability to work closely with members of the Citizen Engagement Advisory Committee (a group of well informed, interested and enthusiastic members of our community) provided staff of the Communications and Media Unit with a unique opportunity to tap into the thoughts and ideas of our local residents in a constructive and informative way.

The Citizen Engagement Advisory Committee attended a number of meetings throughout their fixed term period where the following areas of discussion were explored:

ITEM 9 (continued)

Committee Meeting Date	Areas of Discussion
11 March 2013	<p>Exercise 1</p> <p>Why did you nominate for the Working Party?</p> <p>If there was only one aspect of the way Council engages with its citizens – what would you change?</p> <p>Discussion around the structure of the Gap Analysis based on the International Association of Public Participation (IAP2) model of Public Participation (Please view IAP2 Public Participation Spectrum in ATTACHMENT 1).</p> <p>Confirmation of Citizen Engagement Advisory Committee Terms of Reference.</p> <p>Exercise 2</p> <p>Gap Analysis of the first 3 columns in the IAP2 Spectrum (Inform, Consult and Involve)</p> <p>Questions for the committee to consider:</p> <ol style="list-style-type: none"> 1. What are the key engagement concerns for Citizens and what do you think are the issues for Council Staff? 2. List the current mechanisms that are used by Council to encourage public participation. 3. What do you think are the main Strengths/Weakness of these current mechanisms? 4. What are some other ideas Council can consider to meet Citizen's needs?
18 April 2013	<p>Exercise 1</p> <p>Gap Analysis of the last 2 columns in the IAP2 Spectrum (Collaborate and Empower) – refer to questions above.</p> <p>Exercise 2</p> <p>Review of Draft Community Engagement Framework</p> <p>Questions for the committee to consider:</p> <ol style="list-style-type: none"> 1. What components of the current plan do you see as most beneficial to the community? 2. What components of the current plan do you see as least beneficial to the community? 3. What changes would you make to the current plan to make it more beneficial to the community?

ITEM 9 (continued)

Committee Meeting Date	Areas of Discussion
	Information collated by staff and circulated to the committee following the meeting for further consideration by the committee members.
16 May 2013	<p>Presentation – Paula Kennedy, Manager Community Engagement, Wollongong City Council</p> <p>The presenter spoke to the Committee about Wollongong City Council’s journey engaging with the Wollongong community in developing a long term vision for the city’s future and learning what people value and their vision for their city.</p> <p>They ran a survey to further explore the community’s vision and invited industry experts to guest lecture in a series of Town Hall Talks. Participants were able to explore a variety of views on key challenges and opportunities for their future. They also established a Community Reference Panel to discuss how Council would engage and communicate with their community. The panel involved 30 participants who met over four workshops to give their feedback and participants reflected their community’s diversity.</p> <p>In addition, they held a weekend long Community Summit where 200 participants explored feedback they had received from the community, drafted a vision statement and developed the first draft goals. During November and December Council worked with the community to refine these goals through workshops, surveys and community kiosks.</p> <p>The end result was Wollongong 2022: Community Strategic Plan that reflected the aspirations of the community and long, medium and short term goals to achieve that vision.</p> <p>Review of Gap Analysis – IAP2 Spectrum (Inform, Consult, Involve, Collaborate and Empower).</p>
18 July 2013	Advisory Committee Workshop on the effectiveness of the advisory committees and possible improvements. (Cancelled due to insufficient RSVPs for the event).
15 August 2013	<p>Outline of the purpose of the engagement session with Advisory Committee Members</p> <p>Case Study Presentation</p> <p>Presentation of other Local Government Business Models for Advisory Committees</p>

ITEM 9 (continued)

Committee Meeting Date	Areas of Discussion
	<p>Exercise</p> <ol style="list-style-type: none"> 1. What are the strengths of the current advisory committee structure? 2. What are the weaknesses of the current advisory committee structure? 3. What do you see are the key issues/ themes that advisory committees should focus on? (ie: are the current topics / themes still relevant?) 4. When considering the current operational structure of the committees, do you have any suggestions for how they could be more effective? 5. Can you recommend any other effective strategies for attracting a broader range of community representation to the advisory committees?
19 September 2013	<p>Advisory Committee Workshop</p> <p>As part of the Citizen Engagement Advisory Committee review, the working party was seeking the views of members of Council's Advisory Committees on the current effectiveness of our Advisory Committees and recommendations for possible improvements. (ATTACHMENT 2)</p> <ol style="list-style-type: none"> 1. Guest Speaker Lucy Cole-Edelstein – Director Straight Talk Communications and previous IAP2 Vice President speaking on “How to get the most out of working with your Council”. 2. A presentation from Shane Sullivan – Acting Group Manager Corporate Services on “A review of alternate practices in Advisory Committee structures” (see ATTACHMENT 3) 3. A facilitated workshop to gather their thoughts and feedback on the structure of Advisory Committees and Council's engagement processes.
24 October 2013	<p>Exercise</p> <ol style="list-style-type: none"> 1. What are the top three recommendations you would make to Council to improve engagement with residents? 2. Identify which column of the IAP2 spectrum these recommendations fall within. 3. Identify how your recommendation will improve engagement (what will be the measure of success)

ITEM 9 (continued)

Committee Meeting Date	Areas of Discussion
	4. Rank your ideas in order of priority 1 to 3 (see ATTACHMENT 4)
21 November 2013	<p>Exercise</p> <p>Thinking about community engagement 2 years from today. What does it look like? Consider in your vision the following things:</p> <ol style="list-style-type: none"> 1. What is Council's relationship like with the community? 2. How can the community access / receive information from Council? 3. What type of issues are the community consulted on? 4. What does a successful Advisory Committee look like? <p>Your statement should be bold, clear and you talk as though this "vision" is already in place.</p>

In addition to the formalised meeting structure, committee members were provided with further tasks to complete between meetings.

Advisory Committee Workshop 19 September 2013

On 19 September 2013, approximately 40 Advisory Committee representatives across all Council Advisory Committees attended an Advisory Committee Workshop event. This workshop provided participants with the opportunity to work collaboratively with other committee members outside the Advisory Committee they represented which enabled open and transparent discussion between committee members many of which had met for the first time.

The Citizen Engagement Advisory Committee played a key role in the facilitation of this workshop. They assisted the participants through the workshop process and documented their views. At the completion of the session they presented the findings of their workshop table back to the collective group. Further discussion was opened up from the floor to ensure all ideas and comments were captured.

Feedback was extremely positive with many participants stating that it was a worthwhile process they would like to see repeated on an annual basis. Participants also expressed that it was the first time since being an Advisory Committee member (many of which have been members of their Advisory Committee for many years) that they have had the opportunity to meet and discuss issues with other Advisory Committee members and that they had found it valuable.

ITEM 9 (continued)

They felt this process of interaction was not only useful for their own committee but also gave them insight and understanding of the role of other Council Advisory Committees.

As the organisers of the event, Council staff were very impressed at the level of knowledge of the participants and their willingness to contribute to discussion.

The event was considered extremely successful and worthy of holding annually.

Shane Sullivan, Acting Group Manager - Corporate Services presented the Advisory Committee members with the current City of Ryde Advisory Committee structure and the role of Advisory Committees at the City of Ryde. The presentation outlined the current focus of each Advisory Committee and presented alternative models used by other Councils for their review and consideration.

There was some discussion regarding the role of Advisory Committees and opportunities for the Committees to act as a mechanism for consultation, advice and feedback to Council on implementation and review of the Community Strategic Plan.

Advisory Committee members were presented with the advantages and concerns of three alternative models used by other Councils as follows:

Precinct Model (examples: North Sydney and Wollongong)

This model is run by residents, advisory in nature, run as an open forum, an avenue for informing Council of community opinion and comments are responded to and considered in decision making processes.

Aligned to the Strategic Plan (example: Newcastle)

This model would have a specific committee for each outcome area in the Community Strategic Plan, various interested parties with a variety of experience may also participate.

Resident Panels / Consultation Panels (example: Sutherland Shire)

This model is made up of residents of all ages and backgrounds, members can chose their level of participation, participate in a variety of activities (focus groups / surveys / discussion papers / contributions / workshops).

It was noted that in the case studies used that Council's generally had a hybrid model, that is, there were a combination of structures. Generally, Councils had a smaller number of issue specific Committees but that much of the engagement was undertaken by Precinct, Strategic or Consultation Committees. It was also noted that focussing on one particular model did not preclude Council from incorporating aspects of other structures to ensure the engagement process was fit for purpose.

ITEM 9 (continued)

During this session, all Advisory Committee participants reviewed the alternative structures and were presented with the various options. The combined group of Advisory Committee members and the Citizen Engagement Advisory Committee did not support changing our existing Advisory Committee structure to reflect one of these more strategic approaches, rather there was support for making our current committee structure more effective and accountable.

There was agreement from the participants that Ryde's Advisory Committees require greater structure and accountability. There was also some acknowledgement of the compartmentalised nature of our current structure and the limited opportunity for cross over between Committees, indeed in some cases it was noted that some Committees have a particularly narrow focus. Participants flagged concerns with regard to the make up of current Committees noting that some demographics were poorly represented.

It is recommended that a further report be provided to Council reviewing the existing Advisory Committee structure with a focus on consolidation and alignment of committees with similar functions.

Online engagement opportunity

The Communications and Media Unit as a component of their new Communications and Engagement Strategy will be developing an online platform that provides a clear line of sight to all council projects including an avenue to participate in conversations and receive updates so that the community can feel informed about, and involved in Council's projects and decision making processes.

This new platform also satisfies a resolution of Council from its meeting held on 11 June 2013 to pursue an alternative arrangement to achieve a similar goal in engaging the community at a lower cost to 'My Place' (Council's previous online platform) and is an integral component of the new Communication and Engagement Strategy.

In addition, the creation of a new online platform will address a recommendation from the Citizens Engagement Advisory Committee to create such a platform. This project is currently in the planning phase and it is anticipated that the platform will be in place by December 2014.

International Association for Public Participation Australia (IAP2)

The Citizen Engagement Advisory Committee drew upon research in the marketplace such as the International Association for Public Participation Australia (IAP2) including a case study model approach to broaden thinking of the committee members.

ITEM 9 (continued)

IAP2 is considered an industry benchmark as best practice in Community Engagement. The IAP2 spectrum ranges from purely informing the community at one end of the spectrum to the community being empowered to make decisions at the other end of the spectrum.

IAP2 views public participation as any process that involves the public in problem solving or decision making and uses public input to make decisions.

Public participation includes all aspects of identifying problems and opportunities, developing alternatives and making decisions. It uses tools and techniques that are common to a number of dispute resolution and communications fields.

Public participation is the process by which an organisation consults with interested or affected individuals, organisations, and government entities before making a decision. Public participation is two-way communication and collaborative problem solving with the goal of achieving better and more acceptable decisions. Public participation prevents or minimises disputes by creating a process for resolving issues before they become polarized. Other terms sometimes used are “public involvement,” “community involvement,” or “stakeholder involvement.”

Financial Implications


Some of the recommendations set out in this report may require additional resources to support, however it is anticipated that in many cases these costs could be met from within the existing Budget allocation.

There is some cost associated with the proposed conduct of an annual meeting of Advisory Committee members, however it is anticipated that this could be funded from the existing allocation for Advisory Committee support.

The recommendation that consideration be given to redesigning the Council Chambers to facilitate the Mayor and Councillors facing the gallery would potential have financial implications but these would be explored separately should Council endorse the recommendation.

ITEM 9 (continued)

ATTACHMENT 1



International Association
for Public Participation
Australasia

IAP2 Public Participation Spectrum

Developed by the International Association for Public Participation

INCREASING LEVEL OF PUBLIC IMPACT

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:
We will keep You Informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:	Example Techniques to Consider:
<ul style="list-style-type: none"> Fact sheets Web Sites Open houses 	<ul style="list-style-type: none"> Public comment Focus groups Surveys Public meetings 	<ul style="list-style-type: none"> Workshops Deliberate polling 	<ul style="list-style-type: none"> Citizen Advisory Committees Consensus building Participatory decision-making 	<ul style="list-style-type: none"> Citizen juries Ballots Delegated decisions

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ITEM 9 (continued)

ATTACHMENT 2

Council Community Engagement feedback

1. What components of the current plan do you see as most beneficial to the community?

- Seven clearly identified segments/components. Allows for targeted messaging for different groups, delivered through a variety of mediums
- Multi-components - not reliant upon a single method
- Digital communication may be welcomed by younger people

2. What components of the current plan do you see as least beneficial to the community?

- Hard to point out, but involvement in strategy probably the hardest to achieve
- Components are not yet linked or co-ordinated
- Customer feedback will be staff intensive
- Market – community research questions and answers may be subjective to interpretation
- Digital communication methods may not net older citizens

3. What changes would you make to the current plan to make it more beneficial to the community?

- Ensure there is a central repository of community feedback so wider engagement themes and issues are identified, rather than being part of a number of smaller projects. Needs to be easy to view community feedback, as well as for individuals to leave feedback
- Show how feedback will be passed on to relevant departments
- Show how Council will monitor how feedback will affect operations of Council

ITEM 9 (continued)

ATTACHMENT 2

Citizens Engagement Advisory Committee Workshop

Exercise 1 Question 1 – What are the strengths and weaknesses of the current advisory committee structure?

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> • Focus on issues that people see as important and needing action – care • Strength in numbers to achieve and do things and support • Expertise in relevant fields – History/Local studies • Diversity of membership • Community knowledge and involvement • Technical input possible (i.e. bike committee) • We are making progress • We exist • Diversity of committees • Individual committees focus on one area • Opportunity for many local groups to be given a voice and gives a voice to special interest • Staff give admin support • Strong committee with stable membership • Past, present, future orientation • Good links to good council staff (communication format that allows communication outside committee meetings) • Seeking members with knowledge • Active encouragement to participate • Representative membership • Community harmony a new area for Ryde Council • Harmony day (but didn't really work) • Meets quarterly 	<ul style="list-style-type: none"> • Lack of communication • Lack of ethnic diversity • Specific interest limits outcome • Improving communication • Need event advice • Existence not widely known in general community • Committees disbanded after each council election (stop and stall) • Committees not always representative (i.e. Scouts) • Not making as much progress as we could • Different ideas are not encouraged, committees need to be more dynamically structured • Staff changes; may not be aware and need to be enlightened • Communication between advisory committees i.e. clash of events, knowledge of the past • Recruiting new people who will stay • Disappointment in outcome in 2013 but that has inspired future improvement • Narrow scope (should be more than just Harmony Day) • Sport and rec reporting to all councillors not just the councillor allocated on the committee • Communications out from council not effective to constituencies of committee members • S&R committee made of Ryde Club Residents but didn't work with vested

ITEM 9 (continued)

ATTACHMENT 2

- Working with Ryde staff and outside expertise to improve
- Sport and rec operational issues
- Feedback that assists distribution of scarce resources (9th year policies)
- Without it Council will not get feedback
- Heritage Ryde committee includes Ryde Historical Society
- Mix of longstanding and new members which provide continuity beyond Council staff turnover – corporate memory
- Macquarie Park economic focus direction?
- Accessibility to councillors, what role should they take? Leadership, point of reference of balance of commitment
- Passion, self-interest: commitment
- It is an open discussion, from quite differing opinions and background
- New vibrant, passionate debate/ feelings / concerns always expressed
- Each member has an agenda that concerns them in their community (Ryde)
- Meets various regulatory requirements.
- Provides residents a consistent forum for engaging with Council officials
- Provides residents a consistent forum for engaging with and learning about Council processes.
- Meets various legacy community consultation requirements.
- Some of the committees are clearly performing an important role, but their membership, scope and function may not be clearly understood by various stakeholders.
- Some standing committees seem to provide a good mechanism to keep interested parties informed and to provide Council with input required for decisions.
- interests. Reformed September 2012 with representatives from major sports
- Feedback to constituents unclear
- Need to ensure feedback to understand failures as well as success
- New committee with new people aiming to improve
- Chained by councillors – changes dynamics, commitment for councillors
- Passion, self-interest: personal
- Involvement in broader community limited by portfolio
- Miscommunication across council operations
- The notion/preconception is “Advisory” (limitations)
- Inability to submit direct motions/resolutions to councillors
- Members that are driven by a particular agenda can monopolise discussions
- Outside participation, such as our upcoming meeting with other Committees (we need this to happen)
- Can be monopolised by agenda driven community members or groups.
- Can become entrenched in a singular paradigm.
- Does not promote broad community involvement,
- In some cases where there is perhaps ambivalence about focus, or changed circumstances, or where particular interest groups might capture a committee agenda, the link between Council function and requirements and committees is unclear and needs to be better defined.
- Some working groups have a well-focused and specific task orientation that will need to be refreshed from time to time, but should be supported to deliver specific outcomes.

ITEM 9 (continued)

ATTACHMENT 2

- In some cases, membership could be refreshed or reconsidered. In other cases, terms of reference and function could be reviewed to update.
- Development – the current committees all have an important function, but the overall parameters are being set elsewhere. We need some resident engagement at the level of overall planning. This means bringing in all the resident action groups that have formed around development issues.
- Consider a precinct committee model, based on local areas/regions within Ryde. These committees could cover a range of concerns, not just development. I missed the last meeting but we have yet to do a really thorough analysis of alternative models.

Exercise 1 Question 2 – How do you think the advisory committee (structure and processes) could be made more effective?

- By adding new activities i.e. meetings, focus groups, surveys, discussion paper, contributions, workshop
- Bring passionate people together
- By meeting more regularly
- By determining what skills would be beneficial
- Refocus committee energy and goals regularly
- Environment lacking a focus
- Identifying new committee aims and focus
- Consider panel model to supplement current structure
- Use social media
- Multi-level government consultation e.g. state department, RMS and Bikes
- Terms of reference. Recommendations after committee is working
- Incentives needed – lack of recognition need to be acknowledged by community
- Communication – agenda minutes of meetings need to be online promptly
- Continuity of chairperson and staff
- Advisory committees need to interact in some ways
 - Information online
 - Annual workshop

ITEM 9 (continued)

ATTACHMENT 2

- Model 3 – community feedback on line (likes via Twitter, Facebook etc.)
 - Acknowledgement needed for feedback
- Some people dominate on committees and some say nothing – how to engage all committee members
- Engaging younger people and people new to such committees
- Corporate history
- Councillor participation (turnover between councillors is also good)
- Effectiveness relies on commitment from all members
- Diversity is a strength to provide experience
- Recruiting new blood, valuing them and continuity
- Some committees have particular roles that rely on expertise but need young people to get drawn in, valued and supported
- Some committees can contribute more to operations (e.g. provide reviews, assessments, evaluations and reports to Council)
- Lack of links between committees and particular councillors
- Exploration into other models
- Potential effectiveness – what is the indication?
- Ability to put a recommendation / resolution into Council
- Relegation power
- Transparency with what Council does with advice given
- Access to these advisory committees from the general public
- Efficiency of minutes / process of committees
- A questionnaire for each member with quite open questions such as
 - Why do you live in Ryde, what do love about where you live
 - Planning principles how effective are planning guidelines, are they transparent and easily read
 - Environment what is Ryde's current environment in your opinion
 - Where do you fit in as a member of the community
 - How do you access information in your community, which is the best way to interact with you
- Perhaps this will help when you require prompt opinion on a certain matter, these people often are untapped resources within their own little circle of like-minded people
- Secondary advisor by written correspondence, i.e. email, mail log on to Survey monkey (?)
- Having Minutes tabled and distributed prior and after meetings

ITEM 9 (continued)

ATTACHMENT 2

- Implement a more dynamic model that broadens the community input into council processes. Current regulatory and legacy community consultation processes needs to be incorporated into any new structure.
- None of the model presented offer an adequate solution by itself and a 'hybrid' of precinct, thematic or policy focused and task oriented committees is needed.
- Linking each committee to specific goals in the CSP would assist in drawing the committees into strategic alignment with the Council's overall directions, and provide a sense of common purpose as well as a means of enhancing visibility of community engagement in Council's reporting against the CSP.

Exercise 1 Question 3 – What do advisory committees want to be consulted about?

- Theatre and other cultural facilities
- Famous potters / musicians
- Festivals (Eastwood)
- Ryde Historical Society project –WWI
- Any issues on which Council wants information and advice
- New Cenotaph between bowling club and Ryde Park. No Aboriginal flag
- Working parents – options to care
- Youth activities – where can they go?
- It is responsibility of committee to report to not be reported to
- Issues in early stages of consideration, not after
- Some staff members need to ensure all relevant information goes to the committee
- Strategic placement of information for various non-Celtic ethnic groups
- Ongoing issues and events
- How to improve cross communications between committees
- For Harmony committee - a broader consultative / advisory role on the impact of issues (e.g. new migrants to have access to LGA services, support for asylum seekers)
- Increase diversity
- For Access committee - future plans, shopping centres, new developments (avoid retrofitting)
- For Heritage committees – how to value and care for key heritage. Heritage futures
- But we were not sure how interested Councillors are recently
- Generally forward planning, future actions, current concerns and diversity
- Issues relevant to portfolio i.e. value our engagement with Council
- Have input to the committee, see results from consultation

ITEM 9 (continued)

ATTACHMENT 2

- Truly value our role
- Broad range of issues affecting the community and it's Council.
- Find where we fit and what our purpose in forging a more thorough Conversation and Consultation between Community and Council.
- I believe the committees may need to be consulted about how a new structure will still enable them to meet their stated aims and objectives.
- Retaining their existing structure, whilst broadening the community engagement, may re-assure committees that their existing frameworks are still credible.
- I don't think there is a generic answer to this question as different constituencies will prioritise different matters. One response on the night was that we were interested in what Council wanted to consult committees on – and developing a sense that Council would seek such advice as an input to decision-making, and that such communication might depoliticize rather than further polarize communities and politicize Council processes was, I think, a common feeling across the group.

ITEM 9 (continued)

ATTACHMENT 3



ITEM 9 (continued)

ATTACHMENT 3

AGENDA

- **City of Ryde Advisory Committees**
- **The role of Advisory Committees @ City of Ryde**
- **The current focus of each advisory committee**
- **Alternative Models used by other councils**

ITEM 9 (continued)

ATTACHMENT 3

City of Ryde Advisory Committees

Access Committee	Audit & Risk Committee	Bicycle Committee	Citizen Engagement Advisory Committee
Community Harmony Reference Group	Country Council Partnership Committee	Eastwood Events & Promotions	Economic Development
Heritage Advisory Committee	Macquarie Park Forum	Ryde / Hunters Hill Joint Library Service	Ryde Youth Council
	Sports & Recreation	Status of Women	

ITEM 9 (continued)

ATTACHMENT 3

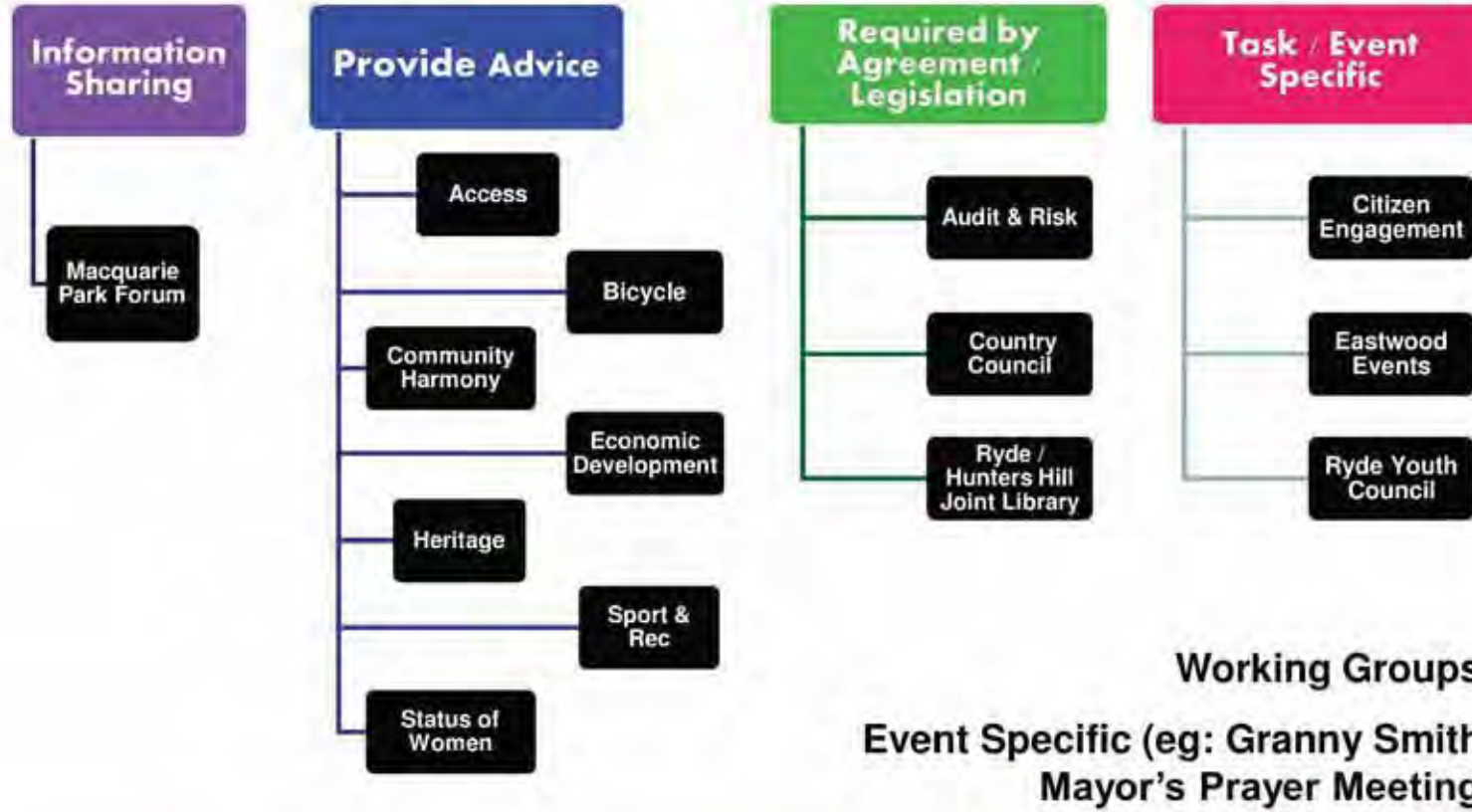
The role of advisory Committees @ CoR



ITEM 9 (continued)

ATTACHMENT 3

Focus of Advisory Committees



ITEM 9 (continued)

ATTACHMENT 3

Alternative Models used by other Councils

Precinct Model

- Model used by North Sydney & Wollongong

Aligned to the Strategic Plan

- Model used by Newcastle

Resident / Consultation Panels

- Model used by Sutherland Shire

Alternative Models used by other Councils

Precinct model:

- Run by residents
- Advisory
- Open forum
- Avenue for informing council of community opinion
- Comments are responded to and considered in decision making

Advantages

- Meet, raise and discuss local issues
- Find solutions to local community problems
- Every resident / business has a forum
- Can create a sense of place
- Provide Council with an opportunity to inform community of services, facilities and project

Concerns

- 'placed based' approach can cause a 'silo' focus as opposed to 'whole of community'
- Restricted consultation with Council
- Information sharing body rather than a consultative body

ITEM 9 (continued)

ATTACHMENT 3

Alternative Models used by other Councils

Aligned to Strategic Plan:

- Each outcome area would have a specific Committee
- Various interested parties with a variety of experience participate

Advantages	Concerns
Provides a line of sight for the community to the strategic priorities of Council	What avenues are available for community to raise more operational issues
Provides an avenue for Council to seek community feedback on strategic issues	If the strategic framework does not resonate with the community, the committees also will not
Reduces the 'place based' silos and creates a 'wider community awareness'	Does not create a sense of place

ITEM 9 (continued)

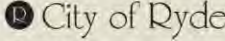
ATTACHMENT 3

Alternative Models used by other Councils

Resident Panels / Consultation Panels: <ul style="list-style-type: none"> Made of residents of all ages and backgrounds Members can chose level of participation Activities include: <ul style="list-style-type: none"> <i>focus groups</i> <i>surveys</i> <i>discussion paper</i> <i>contributions</i> <i>workshops</i> 	Advantages	Concerns
	Members can opt in by issue	Ensuring all community members are able to provide input in a broad range of ways (not just online)
	Online panels allow members the flexibility to engage how / when they like	What avenues are available for community to raise more operational issues?
	Captures a broader demographic	Managing the amount of feedback and information received
	Can create a sense of place although this is not the fundamental goal	

ITEM 9 (continued)

ATTACHMENT 4

<div>  <div> City of Ryde Lifestyle and opportunity @ your doorstep </div> </div>						
Ranking	TYPE	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
1	Benefit	Mobilising essential/key services "bringing services into the community" that are visible and engaging	Community Engagement in a timely manner to allow community to be a part of the decision making process	Events based engagements that seek to bring something of relevance for the community to the community	Develop villages within Ryde to assist in streamlining local communities and dealing with issues on a local basis	advisory committee model with clear outcomes and localised decision making.
	Desired Outcome	Increase localised engagement	Increased community involvement in decision making	Increase localised engagement		
	Benefit		Involve citizens in decision Benefits on issues at the initial stage of "project or proposal"	In the DA/Exhibition process that there is an opportunity and transparent process for community members to stay informed		Involve citizens in decision Benefits on issues at the initial stage of "project or proposal"
	Desired Outcome		Pre-emptive information of local concerns before an "event" that impacts part or all of the community	Increase localised engagement		
	Benefit		Specific outcomes and rigour to increase the effectiveness of the advisory committees	Consideration of a "City of Villages" to bring community members together to positively impact the future of their village		
	Desired Outcome		Increased effectiveness of advisory committees	Increase localised engagement		
	Benefit		Increased diversity of experience to the advisory committees to bring a holistic approach	Increased upfront engagement (pre-emptive) on projects that impact the surrounding/Local community		
	Desired Outcome		Increased effectiveness of advisory committees	Increase localised engagement		
	Benefit			Pre-emptive information of local concerns before an "event" that impacts part or all of the community		
	Desired Outcome			Increase localised engagement		
	Benefit			Periodic regional functions within Ryde City Council. Consider entertainment options to draw relevant interested parties.		
	Desired Outcome			Strategic communication channel opened up across Ryde City Council. Grass roots connection with ratepayer base		
2	Benefit	Increase or establish goodwill programs to positively brand City of Ryde administration (Councillors). Suggest consideration of a competition to involve community members			Committee structures to be more inclusive and less "expert" with cross-sectional interests contributing to community issues.	Advisory committee that considers the whole of Ryde, with big picture thinking. Cultural change in planning department and Parking Officers
	Desired Outcome	Delivers positive branding and engages community in the process			Wider set of diverse interests that take into account "whole community"	Sense of empowerment. Could build participation without real outcomes. It's to do more than just tick the boxes
3	Benefit	Community workshops to discuss building proposals before report finalised by			Advisory groups have clear target outcomes (i.e. less 'advisory')	

ITEM 9 (continued)

ATTACHMENT 4

Ranking	TYPE	INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
3		Council, including an extension of exhibition period				
	Desired Outcome	Provide greater access for community to Council information			Collaboration/ Partnership	
	Benefit	Provide affordable options for small groups to utilise Council services				
	Benefit	Issues and responses to be current and not delayed i.e. within a specific time frame				
	Desired Outcome	Provide community with up to date information				
	Benefit	Schedule for proposals, not simply DA's should be prominently displayed on Council website.				
	Desired Outcome	Provide more information to community members				
	Benefit	Broaden communication avenues through print, media, social and community consultation. Using "old" and "new" techniques				
	Desired Outcome	Increase Council's "reach" in the community by leveraging all available communication channels				
	Benefit	Published and accessible reports of major initiatives and of responses from the community. Widespread advertising of how this is done. E.g. flyer in library				
	Desired Outcome	Traditional method through website may not encompass groups such as youth, older persons without internet access and non-English speaking communities unless available in locally spoken ethnic language				
	Benefit	Clear published guidelines for how community can have its say. Increase the avenues for making a submission (ie: Blogs; text or tweets may be sent via comment@ryde or whatever) Commitment that comments will be considered and notification how they will be answered e.g. through committee, through personal message etc.				
	Desired Outcome	Shows a direct commitment to having input from the community				
	Benefit	Make Council services more accessible				
	Desired Outcome	Puts the customer (ratepayer/owner) first and the service in front of them. Delivers service to the front door.				

**10 DECEMBER 2013 QUARTERLY REVIEW REPORT - DELIVERY PLAN
2013-2017 AND 2013/2014 OPERATION PLAN**

Report prepared by: Team Manager - Management Accounting; Chief Financial Officer
File No.: FIM/07/6/2/2/6 - BP14/211

REPORT SUMMARY

Council's Four Year Delivery Plan 2013-2017 and One Year Operational Plan 2013/2014 set out the strategic and financial objectives for the year. They also detail the goals and various performance measures for Council's seven key outcome areas, the services and projects that Council plans to deliver in 2013/2014.

The Quarterly Report includes details for each of the seven Outcome areas and the 21 Program areas, detailing the targets adopted by Council and the performance to date in achieving those targets to 30 June 2014. Also shown is a financial performance summary for each key outcome area and a status report on all Capital and Non-Capital Projects by Program Area that are to be undertaken in 2013/2014 with information on how each Project is progressing.

As a result of the December Quarterly Review, the proposed budget adjustments will increase Council's Working Capital by \$0.25 million to \$3.80 million as at 30 June 2014. Most of this is due to the parking fines and charges received higher than budgeted for.

The majority of corporate indicators are on track or have exceeded target, with an improvement being shown in relation to completion of project milestones. Any projects that are proposed to be deferred or cancelled are listed in this report for Council's consideration.

RECOMMENDATION:

- (a) That the report of the Chief Financial Officer dated 7 February 2014 on the *Quarterly Review Report. Four Year Delivery Plan 2013-2017 and One Year Operational Plan 2013/2014, Quarter Two, October – December 2013* be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in a net increase of \$0.25 million in Council's Working Capital, to a projected balance as at 30 June 2014 of \$3.80 million, be endorsed and included in the 2013/2014 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Transfers to Reserves of \$2.36 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer dated 12 February 2014 be endorsed.
- (e) That Council endorse the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over as detailed in the Report.

ITEM 10 (continued)**ATTACHMENTS**

- 1** Quarterly Report on 4 Year Delivery Plan 2013-2017 and 1 Year Operational Plan 2013-2014 - Quarter 2 - October to December 2013 - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Jifeng Huang
Team Manager - Management Accounting

John Todd
Chief Financial Officer

Report Approved By:

Shane Sullivan
Acting Group Manager - Corporate Services

ITEM 10 (continued)**Discussion**

As required under section 407 of the Local Government Act, 1993 the quarterly review of the One Year Operational Plan 2013/2014 as at 31 June 2014 is presented to Council.

This Quarterly Review reports on the performance of Council in undertaking its Principal Activities in terms of its stated objectives and financial position. The following sections are included in the document, *Quarterly Review Report, Four Year Delivery Plan 2013-2017 and One Year Operational Plan 2013/2014, Quarter Two, October – December 2013* that has been **CIRCULATED UNDER SEPARATE COVER – ATTACHMENT 1:**

- General Manager's Overview, Financial Management and Corporate Performance Overview - provides a 'snapshot' of Council's performance in the quarter relative to several high profile activities.
- Outcome Area Reports – including overview, operational indicators, financial outcome and graphical representation of performance measures.
- Capital and Non Capital Projects Quarterly Status Report – provides comments regarding the status of all of Council's Capital and Non Capital Expenditure projects.
- Base Budget Quarterly Status Report.
- Reserves Listing Report – outlines the opening balance, approved budgeted transfers to/from reserves and proposed additional transfers to/from reserves, with a projected balance as at 30 June 2014. **Appendix A**
- Quarterly Changes Report – provides comments and details of those budget items that are proposed to be increased or decreased in the 2013/2014 budget. **Appendix B**
- Consolidated Income and Expenditure Estimates 2013/2014, summary of the budget in two pages, showing the original budget and quarterly changes. **Appendix C**

Report

The December 2013 Quarterly Review has been completed and is submitted to Council for endorsement.

- \$1.52 million in Sec 94 contributions received, which will be transferred to the Sec 94 reserves for future works
- \$0.30 million additional Parking Fine received
- \$0.11 million additional planning proposals income received
- \$0.11 million additional expenditure for Planning Proposal program, funded by additional income received
- \$0.28 million reduction for Porters Creek Protection Earthworks & Reconfiguration program, due to reduced scope in 2013/14 due to delay in land proposal

ITEM 10 (continued)

Working Capital Summary

In the adopted 4 Year Delivery Plan 2013-2017 and 1 Year Operational Plan 2013/2014, Council's forecasted available Working Capital position was \$3.43 million at 30 June 2013. The 2013/2014 Operational Plan was developed utilising \$0.34 million of Working Capital, therefore the forecasted Working Capital at 30 June 2014 was forecast at \$3.09 million.

The audited Financial Statements have been completed and Council had a Working Capital of \$4.26 million, as at 30 June 2013. With this change in Working Capital, following completion of the Financial Statements, the revised Working Capital as at 30 June 2014, is now \$3.93 million.

In the December Quarterly Review, the proposed budget adjustments will result in an increase of Council's Working Capital by \$0.25million to \$3.80 million as at 30 June 2014.

	\$'000
Opening Working Capital (Forecast 2013)	3,433
Delivery Plan	(338)
Closing Working Capital (Forecast 2014)	3,095
End of Year Changes	831
Closing Working Capital (Revised 2014)	3,926
September Adjustments	(368)
December Adjustments	245
March Adjustments	
Carryover Adjustments	
June Adjustments	
Closing Working Capital (Revised 2014)	3,803

Overview of December Review

Council's projected available Working Capital of \$3.80 million is a result of the December Quarterly Review. The following are the major changes to be made, with a complete listing provided in the circulated document, and more detailed explanations in each Outcome area of that document.

Operating Budget

- The budget is projected to increase operating income by \$1.92 million (1.94%) with the main areas being as follows:
 - \$1.52 million in Sec 94 contributions received, which will be transferred to the Sec 94 reserves for future works
 - \$0.30 million additional Parking Fine received
 - \$0.11 million additional planning proposals income received
 - \$0.10 million additional income for Swimming Pool Barrier Inspection Program as per Council's resolution dated 12 November 2013
 - \$0.03 million additional income for Sports & Recreation program

ITEM 10 (continued)

- \$0.15 million less contribution from OPTUS for Top Ryder Community Bus Service program as per Council's resolution dated 26 Nov 2013
- \$0.03 million less library fines and charges
- The budget is projected to increase operating expenses over budget by \$0.42million (0.50%) with the main areas being as follows:
 - \$0.11 million additional expenditure for Planning Proposal program, funded by additional income received
 - \$0.10 million additional expenditure for implementation of elements detailed in the Putney Park Plan of Management to be funded by Unspent Grant
 - \$0.07 million additional expenditure for Swimming Pool Barrier Inspection Program as per Council's Resolution dated 12 November 2013, funded by additional income
 - \$0.05 million additional expenditure for Emergency Service program, offset by saving for the Fire Brigade Contribution
 - \$0.05 million additional expenditure for Home Modification & Maintenance program, funded by Unspent Grant
 - \$0.04 million additional expenditure for Planning for Ageing Population project, funded by Unspent Grant Reserve
 - \$0.03 million additional expenditure for Review of existing risk assessment / work method documentation as required by new WHS legislation, funded by OHS & Injury Management Reserve
 - \$0.03 million additional stationery expenditure, offset by saving from reduction of Fire Brigade Contribution
 - \$0.02 million additional expenditure for Review / update of contractor management and induction program in line with new WHS legislation, funded by OHS & Injury Management Reserve
 - \$0.07 million reduction in Fire Brigade Contribution

In total, a projected increase in Operating Surplus of \$1.49 million, most of which is being utilised for Capital or transferred to reserves.

Capital Budget

- The capital budget is projected to decrease its capital expenses over budget by \$0.22 million (-0.64%), with the main areas being as follows:
 - \$0.10 million additional expenditure for major maintenance works required at ELS Hall Park, funded by Asset Replacement Reserve
 - \$0.28 million reduction for Porters Creek Protection Earthworks & Reconfiguration program, due to reduced scope in 2013/14 due to delay in land proposal
 - \$0.04 million reduction for Macquarie Park Way finding Signage project, as project has been completed under budget and unspent fund to be transferred to Macquarie Park Corridor Special Rate Reserve

ITEM 10 (continued)Reserve Movements

- It is projected to increase its transfers from reserves over budget by \$0.05 million (0.10%) the main areas being as follows:
 - \$0.10 million from Asset Replacement Reserve to fund Maintenance works required at ELS Hall Park
 - \$0.10 million from unspent grant to fund Putney Park Graffiti Hotspot Program
 - \$0.06 million from the OHS & Injury Management Reserve for funding Review of existing risk assessment / work method documentation project and review / update of contractor management and induction program project
 - \$0.05 million from Unspent Grant Reserve to fund additional costs for Home Modification & Maintenance program
 - \$0.04 million from Unspent Grant Reserve to fund Planning for Ageing Population project
 - \$0.28 million reduction from Porters Creek Reserve due to reduced scope in 2013/14 for Porters Creek Protection Earthworks & Reconfiguration program
 - \$0.04 million reduction from Macquarie Park Corridor Special Rate Reserve, due to Macquarie Park Way finding Signage project has been completed under budget
- It is projected to increase its transfers to reserves over budget by \$2.41 million (7.44%), the main areas being as follows:
 - \$1.52 million increase for Section 94 contributions received, transferred to reserve
 - \$0.89 million proceeds from sale of 54 Higginbotham Road, transferred to Investment Property Reserve

The complete details are contained within the document circulated separately.

Projects recommended to be cancelled, deferred, put on hold or to carryover

The following projects are listed in the December Quarterly Review and are recommended to be cancelled, deferred, put on hold or to carryover for the reasons indicated, with budget adjustments included.

- Ryde Parramatta River Walk (POT p.43/57) project is recommended to be deferred, pending on the approval from Federal Government.

Progress against indicators

Our performance indicators help to provide a snap shot of the organisation's health. Corporate indicators focus on major areas across the whole organisation and program indicators track how we are delivering on specific elements within each of

ITEM 10 (continued)

the 21 programs outlined in our Delivery Program 2013-2017 including One Year Operational Plan 2013/14.

Corporate indicators

As identified in pages 7-9, the majority of corporate indicators are on track. Of particular note the following areas demonstrate improvements in Council's performance against previous trends or targets:

- Our responsiveness to inward correspondence has increased from last quarter, with a 3% increase to 87% which is within a 5% tolerance against our target of 90%. This is a good turnaround on the Q1 result.
- We have continued our high response to customer requests, maintaining our score at 92% above the target of 90% for requests actioned within agreed timeframes. This highlights our continued commitment to excellent customer service.

The corporate indicators which have not met target this quarter and where we will look for an improvement on next quarter are:

- Although we have fallen 1% below the tolerance threshold for project management to 84% against our target of 90%, we have still shown significant improvement in our scores compared to the previous year. This result and shows how we are continually improving our skills in project management across council.
- In Q2 there was a slight fall in our handling of complaints, with 87% of tier 1 and 2 complaints responded to within the agreed number of working days. Complaints have been identified and corrective action will be taken to ensure that in Q3 we aim to return to 100%. Pleasingly however, the number of compliments received by council continues to be double that the number of complaints.

Program Indicators

Particular attention is drawn to the following areas of Council where performance has improved against previous trends or targets:

- The RALC recorded 221,178 visitors this quarter which is an increase on the previous quarter (151,178) and is also a 4% increase on the number of visitors in Q2 2012/13 (213,554). Overall numbers are down 2% on previous year however, are still trending well towards the annual target of 680,000.
- The Library visits also continue to see improvements from last year with 228,502 visits in this quarter which is a 3% increase from the same quarter in the previous year. This measure is trending well to meet the annual target of 900,000 and is currently up 6% from the previous year.

ITEM 10 (continued)

- Council's investments still continue to exceed the investment benchmark, despite Australia being in a declining interest rate environment.

Staff turnover

The turnover rate for Quarter 2 has remained relatively steady on a rolling 12 month basis. The measurement at Quarter 1 was 10.65% which slightly increased to 10.71% in Quarter 2. Our position vacancy rate has increased from 7% in Quarter 1 to 7.2% in Quarter 2.

Critical Dates

The following deadlines are required to be met:

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

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

Financial Implications

Council's available Working Capital is projected to increase by \$0.25 million to approximately \$3.80 million as at 30 June 2014.

Council's Operating Result before depreciation is projected to increase by \$1.50 million to \$15.88 million.

Council's Capital Works Program is projected to decrease by \$0.22 million as a result of \$0.28 million reduction for Porters Creek Protection Earthworks & Reconfiguration program, due to reduced scope in 2013/14 pending land proposal.

ITEM 10 (continued)**Certificate**

In accordance with the Local Government (Financial Management) Regulation 1999, Part 2, Clause 7, I report that the financial position of the Council was satisfactory as at December 2013, having regard to the original estimates of income and expenditure. Variations in total income, operating and capital expenditure as at 31 December 2013 are of a quantum and nature that overall end of year financial targets will be achieved.



John Todd
Chief Financial Officer
Responsible Accounting Officer

12 February 2014

11 CITY OF RYDE'S FINANCIAL FUTURE - PROPOSED COMMUNITY ENGAGEMENT PROCESS

Report prepared by: Acting General Manager
File No.: GRP/09/7/8 - BP14/218

REPORT SUMMARY

This report recommends that Council undertake a comprehensive community engagement process with its community to discuss Council's financial future.

This engagement will cover the key areas of Council's current and projected financial position, an overview of the current conditions of Council's infrastructure assets and details related to the current and projected services and service standards delivered by Council.

Councillors have over six (6) workshops, received a comprehensive overview of all related matters on Council's financial position and the current and projected funding shortfall.

As the options to address this funding shortfall include the possibility of a Special Rate Variation ('SRV') it is therefore critical for a comprehensive community engagement process to be undertaken to gain the communities views and feedback on all options to be considered in addressing the funding shortfall.

It is proposed that the community engagement process will be undertaken between late March 2014 to July 2014, with a further report back to Council in August 2014 detailing the community's feedback.

RECOMMENDATION:

The Council endorse the Acting General Manager to undertake a comprehensive community engagement process with the City of Ryde community as detailed in the Action Plan contained within this report.

ATTACHMENTS

- 1 Workshop 1 - Financial Futures - 6 August 2013 - CIRCULATED UNDER SEPARATE COVER
- 2 Workshop 2 - Financial Futures - 13 August 2013 - CIRCULATED UNDER SEPARATE COVER
- 3 Workshop 3 - Financial Futures - 17 September 2013 - CIRCULATED UNDER SEPARATE COVER
- 4 Workshop 4 - Financial Futures - 8 October 2013 - CIRCULATED UNDER SEPARATE COVER
- 5 Workshop 5 - Financial Futures - 7 November 2013 - CIRCULATED UNDER SEPARATE COVER
- 6 Workshop 6 - Financial Futures - 19 November 2013 - CIRCULATED UNDER SEPARATE COVER

Report Prepared and Approved By:

Roy Newsome
Acting General Manager

ITEM 11 (continued)**Discussion**

Councillors have received six (6) workshops from August to November 2013 on Council's Financial Future. This report summarises the key issues from these workshops.

The six (6) workshops were as follows;

1. Part 1: Identify the Issues (6 August 2013)
2. Part 2: Identify Solutions (13 August 2013)
3. Part 3: Consider Options (17 September 2013)
4. Part 4: Agree the Way Forward (8 October 2013)
5. Part 5: Asset and Service Standards (7 November 2013)
6. Part 6: Operational Review (19 November 2013)

The material that was provided to Councillors in the above workshops is
ATTACHMENTS 1 - 6 - CIRCULATED UNDER SEPARATE COVER.

The key points to highlight from the above workshops are;

1. Council has and is projected to have an ongoing and deteriorating Operating Result before Capital deficit of \$9 Million for 2013/2014 and growing to \$25.27 Million by 2022/2023.
2. This means that there is an annual funding shortfall of between \$8-10 Million in asset renewals each year, which will increase if not addressed.
3. Due to this shortfall, Council is not investing sufficient funds back into its existing infrastructure.
4. The funding shortfall is increasing pressure on Council's annual maintenance budgets which are also under funded (under funded by \$1.5 Million).
5. The above points on Council's funding shortfall and the growing pressures on infrastructure maintenance works has resulted in Council's infrastructure asset backlog continuing to grow (currently \$58 Million).
6. The other key point for Council to note is that this additional pressure on Council's Operating Result is being intensified, as a result of the additional \$52.82 Million of contributed assets that Council has received over the past five (5) years. While the community has benefited significantly from these assets, this growth in Council's assets has required an additional allocation for depreciation which is then required to be covered in Council's Operating Result Before Capital.

ITEM 11 (continued)

7. Due to Council's funding shortfall, a key point that has been made to Councillors in the workshop sessions is that Council should not be expanding its asset base as there are currently not sufficient funds to renew its existing infrastructure. Any expansion of Council's asset base places further pressure on Council's ongoing maintenance program.
8. Due to the funding shortfall, both Council's available revenue and reserve funds are projected to be depleted in the early years of the ten (10) year financial plan.
9. This will see Council's Capital Works program diminish as both revenue and reserve funds are depleted. Council's Capital Works program in the future will be dependent on the level of Section 94, Grant and other contribution funds that are received. Due to these sources of funding, this will restrict and determine what levels and type of capital works Council undertakes in the future.
10. Extensive work over the last four (4) years has been undertaken in Council's budget process in reducing its operating cost. This has been undertaken with the support of all Managers which has resulted in improvements in Council's annual results, noting that Council improved its end of year result in 2012/2013 by \$2.3 Million. This was transferred to the Asset Replacement Reserve to assist Council in meeting the funding shortfall.

These results have been achieved with Council maintaining service standards, even though some of these standards have declined due to reduced available funds.

11. One significant reduction in Council's revenue in the last three (3) years has been in interest on investments income due to the significant reduction in interest rates, which has seen an annual reduction of \$1.4 Million (approx.) in Council's budget.
12. Another key impact on Council's operating result has been in the 'non-discretionary' expenses that Council incurs such as utility charges, street lighting, insurance, government contributions. In general terms, the increases incurred by Council have been well above Council's rate peg limit and in a number of cases the increase has been between 10-15%.
13. The other key area of Council's budget that has increased is in respect of employee costs. Council's funded full time positions have increased that has resulted in a corresponding increase in Council's salary cost. It needs to be noted that some of the additional positions have had no impact on Council's general revenue due to the fact that they have been self-funding either through other sources of funding or being able to generate additional revenue. Nevertheless, a comprehensive review has been undertaken across Council by the Acting General Manager in conjunction with the Executive Team.

ITEM 11 (continued)

This has resulted in a number of positions being held across Council which for the 2013/2014 year has resulted in an actual saving of \$1.1 Million as at 31 December 2013. It is forecast that salary savings for this financial year will be \$1.5 Million.

14. Some of the positions held are significant, including a Group Manager position and certain Service Unit Manager positions. As discussed with Councillors this is likely to activate a review of the organisation's structure which will require significant consultation with staff. However it is recommended to maintain holding these positions vacant and leave the formal review of Council's structure for the new General Manager, once appointed.

However one action that will be proposed to be activated in the 2015/2016 budget, in addition to achieving salary savings of \$1.5 Million, is to propose operational reductions across Council's infrastructure that includes inspections, cleaning and cleansing service reductions. The areas covered by this reduction were detailed in the material provided at Workshop 4. This reduction will realise a saving of \$1.3 Million.

Clearly from taking these measures there will be reductions in the service standards delivered to the community which is the reason why a full community engagement process is required to be undertaken.

Workshop Discussions on Options to Increase Revenue / Reduce Expenditure

As Councillors are aware, the current Operating Result before Capital is a deficit of \$9 Million (approx.) and growing to \$25 Million by 2022/2023.

To address this gap, staff have suggested the following initiatives;

New Revenue	Estimate (2015/2016) (\$000)
Advertising Signs Income	\$400
Parking Meter Trial (Eastwood)	\$875
External Works Income	\$100
Purchase of Investment Properties (\$10% return)	\$1,000
Increased Fees and Charges	\$300
TOTAL	\$2,675
Reduced Expenditure	
Civil Infrastructure – reduction in operational costs and service standards	\$1,300
Salary savings – reduction in service standards	\$1,500
TOTAL	\$2,800
GRAND TOTAL	\$5,475

ITEM 11 (continued)

While the above initiatives have been suggested a conservative approach should be taken. Therefore, it is assumed that Council may approve some of the above initiatives and as a result it is estimated that Council will improve its position by \$3.5 Million.

As evidenced in this report, Council staff have taken actions in reducing operating costs, increasing operating revenues and prepared proposals to increase investment property income. However, even with all of these initiatives there is still projected to be an annual funding shortfall of approximately \$4.5-6.5 Million.

As the aim is to close the projected \$25 Million funding gap, the only other mechanism available to Council is to consider a Special Rate Variation ('SRV'). This was discussed at the workshops, noting that many Councils (especially NSROC Councils) have applied and received multiple SRV approvals over the past decade. The City of Ryde in the last ten (10) years has applied for one general SRV and one Special Rate to apply for Macquarie Park. Council was successful only with the Macquarie Park Special Rate which raised an additional \$900K (approx.) and was introduced in the 2006/2007 year.

Since 2011/2012, 53 Councils have requested a SRV application to be approved by IPART. This has resulted in 49 approvals in full or part with 4 applications not being approved. As can be seen many Councils have been required to apply for additional rate increases over and above the Minister's approved cap. Some of these approvals have been one off while others have been approved for multiple years.

Council is aware that it has one of the lowest residential rates across the Sydney Metropolitan area.

If Council achieved an 8% increase as an SRV in each year for the next four (4) years, this would generate Council an additional cumulative rate income of \$13.51 Million.

In approximate terms this would potentially improve Council's position by \$17 Million by June 2019. This would significantly improve Council's position and would allow Council at that time to reassess its overall financial position to the current projected deficit of \$25 Million and determine what further actions would be required to be taken.

To assist Council in considering this matter, the material that was provided to Councillors for each of the six (6) workshops are **CIRCULATED UNDER SEPARATE COVER (ATTACHMENTS 1 – 6)**.

ITEM 11 (continued)**Proposed Action Plan for Council's Approval**

As discussed at the Financial Futures Workshops, Council needs to look at all options in addressing its ongoing funding shortfall and the projected deficit. One of these options would be Council's consideration of an SRV application of at least 8% for at least a four (4) year period.

However, before finalising the mix of how the funding gap will be addressed, it is recommended that Council endorse the following Action Plan;

Endorse the Acting General Manager to undertake community engagement with the City of Ryde community to;

- a. Outline Council's current and projected financial position
- b. Explain the impact of Council's current and projected financial position is having on the community and what impact this is having on maintenance / operational standards, services and future Capital Works programs
- c. Provide an overview and explanation of Council's infrastructure assets condition and the reason why there is a growing backlog in infrastructure asset works
- d. Invite the community to provide their feedback, concerns and priority areas on what they believe is important for Council to address
- e. Gain the community's feedback on their preparedness to pay an additional increase in rates and what conditions would they place on Council

It is anticipated that community engagement would be taken from late March to mid-July and report back to Council in August 2014.

It is proposed by adopting this Action Plan, Council will be able to fully assess the community's feedback in confirming how Council will then address its current and long term financial position.

The consultation with the community and Council's determination on the mix of measures to be adopted to address the funding shortfall is required to be finalised by November 2014. This is required as it will allow Council to notify IPART if an SRV is proposed to be part of Council's funding mix. This notification is required to be given to IPART by early December 2014 (for an effective implementation in 2015/16 financial year).

ITEM 11 (continued)**Financial Implications**

As detailed in this report, Council's long term financial position is in decline which is represented by a projected Operating Result Before Capital deficit of \$9.32 Million for 2013/14, to a \$25.27 Million deficit by 2022/23.

In simple terms, Council's expenses are greater than its revenue and as a result this is not sufficient to cover Council's full depreciation expenses.

Due to this position, Council is under-investing in its infrastructure renewal works that then results in a growing back log of asset renewals (current backlog is estimated at \$58 Million). The other financial impact is the growing pressure that is placed on funds required for infrastructure maintenance (this is currently estimated to be underfunded by \$1.5 Million per annum).

The actions identified in this report provide options for Council on how the funding shortfall can be reduced. It is recommended that prior to Council determining what options it will choose in closing this gap, Council undertake a comprehensive engagement process with its community, in a structured manner that is detailed in this report and report the results of the community feedback to Council by the end of August 2014.

Critical Dates

Council is required to comply with the Local Government Act especially related to the Integrated Planning and Reporting Framework. IPART requires a Council to notify them early December in the year prior to the SRV being implemented. Therefore this determination needs to be adopted by Council in November 2014.

Options

1. Council can resolve to adopt the Action Plan outlined in this report.

This option is recommended.

2. Council can resolve to adopt an alternative plan that does not include an application for a Special Rate Variation (SRV) and therefore no community consultation is undertaken.

This option is not recommended due to the significance of the deficit.

3. Council can resolve to take no further action in this matter.

This option is not recommended due to Councils current and future funding shortfall and Operating Result Before Capital deficits.

12 RYDE YOUTH COUNCIL - Youth Summit 2014

Report prepared by: Project Officer Young People
File No.: GRP/09/4/10 - BP14/242

REPORT SUMMARY

At its meeting on 12 November 2013, Council resolved as follows:

- (a) *That Council host a Youth Summit and again celebrate the Global Youth Service Day during Youth Week in 2014.*
- (e) *That a further report be provided to Council in February following the Dubbo Youth Conference outlining the feedback and key issues from the conference.*

This report provides an outline of the planned Youth Summit to be hosted by City of Ryde based on the key learnings of the Dubbo conference attended by members of the Ryde Youth Council in November 2013.

The Youth Council, following consultation and discussion has recommended having 'Youth Mental Health' as a theme for the summit, with a particular focus on alcohol related violence as a current and relevant topic they are concerned about.

RECOMMENDATION:

That Council endorse the Youth Summit program as outlined in the body of this report, for the young people of the City of Ryde.

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Michael Paine
Project Officer Young People

Report Approved By:

Gunjan Tripathi
Acting Service Unit Manager - Community and Culture

Baharak Sahebekhtiari
Acting Group Manager - Community Life

ITEM 12 (continued)**History**

At its meeting on 12 November 2013, Council resolved as follows:

- (a) *That Council host a Youth Summit and again celebrate the Global Youth Service Day during Youth Week in 2014.*
- (b) *That the outcomes of the Youth Summit be reported to Council after the event.*
- (c) *That Council recognise its leadership role to deliver Global Youth Service Day in Australia.*
- (d) *That Council recognise that support for Global Youth Service Day positions the City of Ryde as the first in the nation to annually promote global youth engagement and the role children and young people play in the local/global community as valued and engaged citizens.*
- (e) *That a further report be provided to Council in February following the Dubbo Youth Conference outlining the feedback and key issues from the conference.*

Led by the Ryde Youth Council a sub-committee of young people has been set up to develop and plan the Youth Summit.

Members of the sub-committee also had an opportunity to attend the NSW Youth Council Conference held in Dubbo in November 2013 to learn about what other Youth Councils are doing across the state. Feedback from attendees has been very positive and has informed the development of the Youth Summit involving the young people at Ryde.

The sub-committee endorsed 'Youth Mental Health' as a theme for the summit, with a particular focus on alcohol related violence as a current and relevant topic which they are concerned about. As part of the leadership development and learning by doing, the Youth Summit provides an exceptional opportunity to our local young people in developing, designing and implementing this event.

Discussion

Titled **Y.E.S. –Youth Empowerment Summit**, the Youth Summit will be held on Friday, 30 May 2014 at Macquarie University.

After an extensive review of suitable venues, the sub-committee have decided to hold the event at Macquarie University. This venue adds gravitas to the event, is well-linked to transport, offers plenty of parking and is able to offer catering, audio visual, breakout space and a food court.

ITEM 12 (continued)

Based on consultations with the Ryde Youth Council and other key partners, it was decided that due to the busy schedules of schools and key organisations leading up to the April school holidays and to maximise attendance, the Youth Summit should take place outside of Youth Week. Other smaller events supported by City of Ryde will still take place during Youth Week leading up to the summit to generate interest and momentum for this event.

It is expected that the event will be attended by 300 young people representing the diversity within the local community. The summit will be aimed at students from Year 9 up to university students. The event will be widely promoted to schools, Intensive English Centres, youth organisations and church organisations to send a delegation of young people.

The Youth Summit has generated much interest among the community organisations. Potential partner organisations interested in being involved in the project include the Police, Ku-Ring-Gai Youth Development Service, The Salvation Army (Oasis Youth Services), Christian Community Aid -The Shack, Medicare Local, Catholic Care Family Referral Services, Meadowbank TAFE and Younglife Ryde. The Youth Interagency has also been advised and has been asked to assist with the summit.

Program Outline:

Speakers will be engaged to discuss the topics of youth mental health. The day will be designed with interactive workshops and activities as well as community stalls where students can get information on a variety of relevant topics including mental health, drug and alcohol available services for young people and being safe on streets.

A celebration party is proposed with entertainment in the form of a youth band or DJ. There will also be show bags offered to all the young people with information from youth mental health services, stress balls and giveaways.

The event will bring together a cross section of City of Ryde's young people. The summit aims to create a heightened awareness of mental health issues and to build a sense of support among young people. The event will create a space for young people for interaction with others who they would not normally meet.

Year 11/12 students studying community and youth at Meadowbank TAFE with a view to becoming Youth Workers and Social Workers will also be supporting the summit. In consultation with Council's Community Projects Officer- Young People, they will identify and make contact with various community and mental health organisations and coordinate the community marketplace to make a range of information available on the day.

ITEM 12 (continued)**Consultation with relevant external bodies**

Regular consultations with the Ryde Youth Council members, service organisations, Ryde Youth Interagency, TAFE and the local police command have been held to inform, shape and design this event. There is a keen interest and support from these agencies for this event.

Financial Implications

There is no additional financial impact for Council in adopting the recommendation of this report. The event will be funded from the budget allocated to the Community and Cultural program this financial year.

It is anticipated to cost \$8,000 with contributions from partner organisations up to \$4,000.

13 ACKNOWLEDGING BENNELONG IN THE CITY OF RYDE

Report prepared by: Community and Culture Planner

File No.: PM12/30045/005 - BP13/1448

REPORT SUMMARY

At its meeting on 23 July 2013, Council resolved:

- (a) *To celebrate the history, culture and achievements of Aboriginal people at Kissing Point Park Putney that Council consider the purchase of the Land Acknowledgement Plaque and have it attached in the area of the Meeting place along with Councils Plaque recognising the launch and official opening of NAIDOC Week on the 8th July 2013. The plaque is of Enamel on aluminium with four corner screw holes. 225x150mm cost \$45.00 with the consideration of the plaque being installed immediately.*
- (b) *That the Acting General Manager report on the options on how Council recognises the area where it is believed that Woollarawarre Bennelong is believed to be buried.*

Item (a) of the resolution has been completed.

To discuss options on how Council could recognise the site, staff consulted with the Aboriginal Heritage Office and Doctor Peter Mitchell OAM.

Precedents regarding the identification of Aboriginal sites, particularly in highly accessible urban areas, suggest that sensitive locations like burial places or artefacts including drawings and midden sites are better left unidentified for fear of interference, vandalism and other factors.

Council has recently taken the initiative of recognising Bennelong through the development of Finding Bennelong, an online educational resource that details the story of his life using audio recordings and historical documents. Finding Bennelong is available to the general public but specifically targeted to schools as an educational resource.

RECOMMENDATION:

That Council promote Finding Bennelong to schools and the general public as a way of recognising the contribution of Bennelong and his connection to the City of Ryde.

ATTACHMENTS

There are no attachments for this report.

ITEM 13 (continued)

Report Prepared By:

Paul Graham
Community and Culture Planner

Report Approved By:

Gunjan Tripathi
Acting Service Unit Manager - Community and Culture

Baharak Sahebekhtiari
Acting Group Manager - Community Life

ITEM 13 (continued)**Discussion**

Both the Aboriginal Heritage Office (AHO) and Doctor Peter Mitchell were consulted to determine the best and most appropriate option to recognise Bennelong's believed place of burial.

The AHO is a joint initiative by Lane Cove, North Sydney, Manly, Warringah, Willoughby, Ku-ring-gai, Pittwater and City of Ryde councils, in a progressive move to protect Aboriginal heritage in these areas. Part of the work of the AHO is to monitor Aboriginal sites on a day to day basis and long term management reports are developed to ensure their preservation and protection.

Doctor Mitchell is an environmental scientist, long standing member of the Heritage Advisory Committee and has many years' experience working with Aboriginal communities and is credited with locating the believed burial site of Bennelong.

Consultations with the AHO and Dr Peter Mitchell concluded that placing any sort of marker, memorial or sign in the vicinity of the believed burial site was not advisable because of interference, vandalism and other reasons:

- The potential that people may try to find the remains, regardless of whether sufficient consultation with the wider Aboriginal community has taken place.
- The exact location of Bennelong's grave is still uncertain. If a marker is placed near where limited evidence suggests it may be, it could make it appear more certain which could add confusion to the historical record.
- There is a historic plaque located at the end of Watson Street on the edge of Cleves Park near to the believed site which acknowledges that Bennelong is buried 'hereabouts'.

As an Aboriginal site, the believed burial site is automatically protected under the National Parks Act and it is now identified for listing on the Ryde Heritage Register. This will ensure it is flagged for special care and protection when development, road works or other excavations are planned.

Recognising Bennelong

To recognise the contribution of Bennelong and his connection with the City of Ryde, in the 2011/12 budget Council allocated \$15,000 to engage an historian to prepare a storyline, and in the 2012/13 budget \$45,000 to prepare an exhibition, hold an event and distribute exhibition material to local schools.

ITEM 13 (continued)

Through this funding the City of Ryde developed the online and enduring resource with an educational focus titled 'Finding Bennelong'.

Finding Bennelong is based on the story line commissioned by the City of Ryde, and a number of historic images sourced from museums and other archives. The online content includes audio recordings overlaid on images to tell a comprehensive story of Bennelong.

Finding Bennelong has been developed with the cooperation of a number of Aboriginal people, and in partnership with the Aboriginal Heritage Office, Dr Keith Vincent Smith, Dr Peter Mitchell, Bennelong and Surrounds Local Aboriginal Reconciliation Group and the Heritage Advisory Committee.

Completed and launched on 14 December 2013, the resource is currently accessible on the City of Ryde website and available to anyone with an interest in Bennelong.

The next stage of Finding Bennelong would be to promote the site to local schools and the general public. Feedback to date on the quality of Finding Bennelong is that it would be a valuable resource for schools studying Aboriginal and colonial history, and an appropriate vessel to highlight Bennelong's connection with the area and contribution to Aboriginal and non-Aboriginal relationships.

Financial Implications

There are no financial implications directly associated with this report.

Options

There are significant risks associated with recognising the area where Bennelong is believed to be buried with any sort of marker, memorial or sign in the vicinity.

There are no risks associated with promoting Finding Bennelong to schools, and will enable greater access to information and recognition of Bennelong.

14 SWIMMING POOL BARRIER INSPECTION PROGRAM 2014

Report prepared by: Team Leader - Building Compliance
File No.: COR2013/661 - BP14/110

REPORT SUMMARY

The Draft Swimming Pool Barrier Inspection Program 2014 is submitted to Council for adoption.

The Draft Program (**ATTACHED**) which was considered by Council at its meeting on 12 November 2013 was exhibited from 27 November 2013 to 22 January 2014 pursuant to Council resolution.

Two submissions both supporting the program but questioning the scheduled inspection fees and seeking waivers were received during the exhibition process.

The scheduled inspection fees are considered fair and equitable for the nature, complexity and level of certification and resourcing required that will ensure the successful delivery of the program.

Council must be ready to deliver all aspects of the program before 29 April 2014 and it is recommended that the Draft Program be adopted to satisfy NSW State Legislation and so that an appropriate level of community education and awareness can be developed in delivering the Program.

RECOMMENDATION:

- (a) That Council adopts the Swimming Pool Barrier Inspection Program 2014.
- (b) That those that made written submissions during the exhibition process be informed of Council decision.
- (c) That Council staff develop factual information sheets to be placed on the City of Ryde website that raises community awareness and explains the Swimming Pool Barrier Inspection Program 2014 and its related benefits and how the Program will be delivered.

ATTACHMENTS

- 1 Draft City of Ryde Swimming Pool with logo
- 2 Previous Council Report - Swimming Pool Barrier Inspection Program

ITEM 14 (continued)

Report Prepared By:

Sergio Pillon

Team Leader - Building Compliance

Report Approved By:

Sam Cappelli

Manager - Environment, Acting Manager - Health & Building

Dominic Johnson

Group Manager - Environment & Planning

ITEM 14 (continued)**Discussion**

Council at its meeting held on 12 November 2013 considered a Report and Draft Swimming Pool Barrier Program (**ATTACHED**) and resolved:

- (a) *That Council endorse the City of Ryde Draft Swimming Pool Inspection program be placed on public exhibition for a period of 56 days.*
- (b) *That Council endorse the employment of an additional building surveyor to resource the Swimming Pool Barrier Inspection Program.*
- (c) *That a further report on the outcomes of the public exhibition of the City of Ryde Draft Swimming Pool Barrier Inspection Program be presented to Council as soon as practical after the exhibition period.*

The Draft Program was publically exhibited from 27 November 2013 to 22 January 2014 to satisfy (a) of Council resolution and Recruitment to satisfy (b) of the Council resolution has commenced.

Two written submissions were received during the exhibition and both were generally supportive of the Program however both also referred to the scheduled inspection fees proposed and both sought a waiver at different stages of the process.

The submissions relating to the scheduled inspection fees have been reviewed and cannot be supported. Reasons are articulated in the section 'Consultation with relevant external bodies' below.

Generally the discussions with pool owners has been very positive with most people in support of ensuring swimming pools comply with the legislative requirements knowing that the risks associated with having a pool are minimised.

Financial Implications

Adoption of the Plan in itself will have no financial impact as the program is self-funded via the inspection fees which will be recovered and administered in the Council's normal budgeting processes. Fully resourced, it is expected that the likely annual income to be received from the inspection program will outweigh likely annual expenditure.

Consultation with relevant external bodies

The Consultation with the Public took place in accordance with the recommendations of the report to Council. Two written submissions were received.

Both submissions were generally supportive of the Program but raised the following issues concerning scheduled inspection fees:

1. Whether inspection fees could be incorporated in the rates fees and charges, paid in instalments i.e. \$30 per year over a five year period.

ITEM 14 (continued)

2. Requesting that the first inspection fee be waived.
3. Requesting that the re-inspection be increased to \$200 as a compliance incentive.
4. That a maximum fee of \$60 should be charged for the inspection fee.

In reply to the above the following comments are made;

1. This option is not feasible as it falls outside of the requirements of the provisions of the Local Government Act.
2. An initial inspection fee will be necessary to ensure that adequate resourcing is provided.
3. The requirement of the Swimming Pools Act sets a maximum reinspection fee of \$100.
4. A reduced inspection fee to a \$60 fee would be significantly inadequate to provide the service. Council has adopted the \$150 in the current fees and charges.

Options

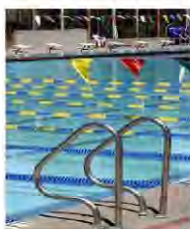
1. That Council not adopt the Swimming Pool Barrier Inspection Program. There is a risk that if the program is not adopted would be contrary to the state government legislative requirements which is aimed at increasing the safety of very young children around private swimming pools and preventing drowning or near drowning incidents. In addition it would not be in the public interest and place Council at risk if not adopted.
2. That Council adopt the Swimming Pool Barrier Inspection Program with a variation to the fees and charges as recommended by both submissions received during the exhibition process. This is not recommended as the cost of inspection is based on fee for service and income recovered from the fees is a vital part of ensuring that adequate staffing and resources are provided to meet prescribed milestones to ensure successful delivery of the program.

ITEM 14 (continued)

ATTACHMENT 1

City of Ryde Draft Swimming Pool

Barrier Inspection Program



Recent changes to the NSW swimming Pools Act 1992 include responsibilities for both pool owners and the City of Ryde in an endeavour to improve the safety of children around all properties that have swimming pools or spa pools.

One of the requirements is for Council to develop a program in consultation with the local community. The City of Ryde is commencing a review of its swimming pool inspection program and invites feedback from the community on this important issue.

Draft Program for Inspection of Swimming Pools

Council officers will inspect properties with swimming pools under the following circumstances:

i. **Inspection of existing residential swimming pools**

Inspections of all existing residential swimming pools will be carried out every five years. The inspections will be prioritised on the basis of risk factors such as age of the pool, last recorded inspection, and details of any non-compliances recorded by Council or on the NSW Swimming Pool Register. An inspection fee of **\$150** will be applicable for all inspections under this program, with an additional inspection fee of **\$100** where non-compliances are found.

ii. **Inspection as a result of a complaint**

Officers will commence an investigation within 72 hours after a complaint is received in writing as per Section 29A of the Swimming Pools Act, 1992. Referrals of complaints from council's internal staff as a result of an inspection, if concerns are raised that the swimming pool barrier may not be compliant, the property will be referred for inspection.

iii. **Inspection at the request of a pool owner**

Council officers will carry out an inspection of a swimming pool upon request from a pool owner in accordance with Section 22C (1) of the Swimming Pools Amendment Act 2012. The inspection will be carried out within 5 days.

iv. **Inspection at the request of a pool owner – sale or lease (commencing 29 April 2014)**

Council officers will carry out an inspection of a swimming pool as required by Section 22C (3) of the Swimming Pools Amendment Act 2012 to enable the sale or lease of a premises on which there is a pool.

Under the Conveyancing (Sale of Land) Regulation 2010 a warning notice is required within the contract of sale stating the owner of a property on which a swimming pool is situated must ensure that the pool complies with the requirements of the Swimming Pools Act 1992.

ITEM 14 (continued)

ATTACHMENT 1

City of Ryde Draft Swimming PoolBarrier Inspection Program

Under the Residential Tenancies Regulation 2010 residential tenancies agreement the landlord must agree to ensure that the requirements of the Swimming Pools Act 1992 have been complied with in respect of the swimming pool on the residential premises.

v. **Inspection of a tourist, visitor, multi occupancy development (section 22B(2) Commencing 29 April 2014)**

Council officers will inspect, at least once every three years, a swimming pool situated on a premise on which there is a tourist or visitor accommodation or more than two dwellings. Pools included within this section include backpacker accommodation, bed and breakfast, hotel, motel, serviced apartments and residence of more than two occupancies.

vi. **Inspection of Development Applications or Building approvals which have not been finalised**

Council officers will inspect swimming pools where development consent or complying development certificate has been granted but there is no record of an occupation certificate being issued. These pool inspections will be scheduled within item i. above.

Have to have your Say!

If you are a ratepayer or resident in the City of Ryde, your feedback is important and encouraged on the proposed Swimming Pool Barrier Inspection Program.

You can have your say on the Swimming Pool Barrier Inspection Program in the following ways;

1. Write to Council to The City of Ryde Locked Bag 2069 North Ryde NSW 1670
2. E-mail cityofryde@ryde.nsw.gov.au

A report will be prepared for consideration by Council, which will include the feedback information submitted to Council relating to the City of Ryde Swimming Pool Barrier Inspection Program. For further enquiries please contact Council's Customer Service Centre on 9952 8222

ITEM 14 (continued)**ATTACHMENT 2****PREVIOUS COUNCIL REPORT**

12 SWIMMING POOL BARRIER INSPECTION PROGRAM

Report prepared by: Team Leader - Building Compliance**File No.:** COR2013/661 - BP13/1530**REPORT SUMMARY**

This report outlines the requirements for Council to adopt a Swimming Pool Inspection Program in accordance with the Swimming Pools Act 1992.

This report provided information on the Swimming Pool Barrier Inspection Program that will include:

- Inspect and issue certificates of compliance for all swimming pools associated with the sale of a property from April 2014.
- Inspection of swimming pools in existing residential properties.
- Inspect and issue compliance certificates for all swimming pools associated with the lease of a property from April 2014.
- Inspect swimming pools associated with tourist and visitor accommodation, (including pools in hotels, motels, serviced apartments, backpacker accommodation and unit complexes) from April 2014.
- Undertake an educational awareness program.

The program (new staff member to deliver the Swimming Pool Barrier Inspection Program and community awareness/education program) would be funded through the operational budget of the Environmental Health and Building Unit and fees payable for the inspection program. The Program is anticipated to generate income of approximately \$189,000 per year, while the estimated expenditure is calculated at \$119,566.

The report recommends:

- the employment of an additional building surveyor to resource the Swimming Pool Barrier Inspection program.
- Information on the draft Swimming Pool Inspection program be placed on public exhibition.

RECOMMENDATION:

- (a) That Council endorse the City of Ryde draft Swimming Pool Inspection program be placed on public exhibition for a period of 28 days.
- (b) That Council endorse the employment of an additional building surveyor to resource the Swimming Pool Barrier Inspection program.

ITEM 14 (continued)**ATTACHMENT 2**

PREVIOUS COUNCIL REPORT

- (c) That a further report on the outcomes of the public exhibition of the City of Ryde draft Swimming Pool Barrier Inspection program be presented to Council as soon as practical after the exhibition period.

ATTACHMENTS

- 1 NSW Government Requests Councils to NOT fine Pool Owners for Failing To Register by 29 October - Ministerial Circular
- 2 Draft City of Ryde Swimming Pool Barrier Inspection Program

Report Prepared By:

Sergio Pillon
Team Leader - Building Compliance

Report Approved By:

Scott Cox
Manager Environmental Health & Building

Meryl Bishop
Acting Group Manager - Environment and Planning

ITEM 14 (continued)**ATTACHMENT 2****PREVIOUS COUNCIL REPORT**

Background

In April 2013, the NSW Government established an online swimming pool register where owners were given until 19 November 2013 to register their pool. A recent circular from the Minister for Local Government on the program is **ATTACHED**.

In addition to the registration of swimming pools, NSW Councils are now required to adopt a program for the inspection of swimming pools in their local government area.

The City of Ryde Council has an existing swimming pool barrier (fencing) inspection program in which 200 swimming pool inspections are carried out each year. This number has been based on current staffing.

It is estimated that there are approximately 6,000 swimming pools within the City of Ryde. The legislation states that as well as inspecting existing residential properties with pools Council must also perform the following;

- Inspect and issue certificates of compliance for all swimming pools associated with the sale of a property from April 2014.
- Inspect and issue compliance certificates for all swimming pools associated with the lease of a property from April 2014.
- Inspect swimming pools associated with tourist and visitor accommodation, (including pools in hotels, motels, serviced apartments, backpacker accommodation and unit complexes) from April 2014.
- Undertake an educational awareness program.

Discussion on these aspects of the legislation is detailed below;

Residential properties with a pool:

The draft Swimming Pool Inspection program proposes to commence a mandatory inspection regime that will see all privately owned swimming pools inspected every 5 years.

Inspections will look for defects that may compromise the safety of the pool barrier. Following an inspection, any defects will be issued to the owners with a timeframe to complete.

Once pools are compliant, owners will then be issued with a Swimming Pool Compliance Certificate and will not be required to be reinspected for five years.

Properties for sale with a pool

As of 29 April 2014 under the Conveyancing (Sale of Land) Regulation 2010 a warning notice is required within the contract of sale stating that the owner of a property on which a swimming pool is situated must ensure that the pool complies with the requirements of the Swimming Pools Act 1992. This requirement will require Council officers to inspect swimming pool barriers prior to the sale.

ITEM 14 (continued)**ATTACHMENT 2****PREVIOUS COUNCIL REPORT**

Properties to be let with a pool

As of 29 April 2014 all properties that contain a swimming pool, and are to be leased, will require a swimming pool compliance certificate. This will require swimming pool barrier inspections by Council officers and a compliance certificate to be issued. Provided that the pool fencing is maintained and compliance is not compromised the certificate will be valid for three years.

Visitor and tourist accommodation

As of 29 April 2014 all tourist, visitor, multi occupancy, or properties with more than two dwellings will require inspections every three years.

Pools included within this section include backpacker accommodation, bed and breakfast, hotel, motel, serviced apartments and residences of more than two occupancies.

Educational Awareness Program

Education material and programs will be developed to assist home owners to maintain the effectiveness and safety of their swimming pool barriers. On-going educational programs will be developed to draw awareness to both the installation and maintenance of pool barriers with the provision of self-assessment manuals.

Fee Structure and Resourcing

Under the Swimming Pools Amendment Act 2012, Councils can charge an inspection fee for the initial inspection and the first re-inspection (if required). This fee has already been adopted by Council. Details of the fees are outlined in the 2013/14 Fees and Charges Schedule as follows:

- A maximum of \$150 per initial inspection.
- A maximum of \$100 for the second inspection required to check completion of any upgrading work to the child resistant barrier required as a result of the initial inspection.
- No fee to be charged for any subsequent re-inspections.

The City of Ryde has approximately 6,000 residential swimming pools, together with tourist and visitor facilities which will require a cyclic inspection program of 3 to five years. To resource the program will require an additional Full Time Equivalent (FTE) Employee would be required to adequately implement the inspection program.

The program (staff to deliver an effective Swimming Pool Barrier Inspection Program and community awareness/education program) would be funded through the operational budget of the Environmental Health and Building Unit and fees payable

ITEM 14 (continued)**ATTACHMENT 2****PREVIOUS COUNCIL REPORT**

for the inspection program. Details of income and expenditure of the Program are outlined as follows:

- The minimum potential annual income from the inspection program would be \$189,000. This is based on carrying out 1,260 inspections per year at \$150 per inspection.
- This income does not include fines which could generate more income.
- The estimated on cost of an officer would be \$94,566. This includes a base salary of \$70,757 on cost of \$14,809, vehicle cost of \$7,000 and \$2,000 recruitment advertising fee.
- Educational resources and awareness costs is estimated to be approximately \$25,000. This will be carried out in house with additional outsourcing of literature and educational material.
- Income is estimated to be up to \$189,000 per year.
- Expenditure is calculated at an additional officer total cost of \$94,566 with an educational program of \$25,000 - Total \$119,566.

Financial implications

The Swimming Pool Barrier Inspection Program is anticipated to generate income of approximately \$189,000 per year, while the estimated expenditure is calculated at \$119,566. Council should note that the program will have a number of indirect costs, mainly the customer service assistance the Council provides in assisting our residents in understanding the details of the legislation and the requirements of registering their pools.

Proposed consultation

One of the requirements of the legislation is to develop a swimming pool barrier inspection program in consultation with the local community. The draft information to be exhibited is **ATTACHED**.

Public consultation will occur for 28 days in accordance with the City of Ryde guidelines and take the form of the following:

- Press advertisements in NDT and TWT
- Council Column (Mayors message)
- Website
- Social Media (Facebook and twitter)
- Notification to specific businesses, i.e. hotels with pools, local real-estate agencies etc.

Feedback and the outcomes from the public consultation will be presented to Council as soon as practical after the exhibition period.

ITEM 14 (continued)**ATTACHMENT 2****PREVIOUS COUNCIL REPORT**

Conclusion

The City of Ryde is already committed to a Swimming Pool Inspection Program, however current resourcing levels only allows for a small percentage of pools to be inspected. The current resourcing of staff is not sufficient to cover the mandatory requirements of The Swimming Pools (Amendment) Act 2012.

An additional officer would enable staff to deliver an effective Swimming Pool Barrier Inspection Program and community awareness/education program for the City of Ryde. This new staff member and program would be funded at no additional cost to Council and is anticipated to be funded by the annual income received which is estimated to be at \$189,000 per year, while the estimated expenditure is calculated at \$119,566. Council should note that the program will have a number of indirect costs, mainly the customer service assistance the Council provides in assisting our residents in understanding the details of the legislation and the requirements of registering their pools.

15 INVESTMENT REPORT - January 2014

Report prepared by: Team Manager - Financial Accounting; Chief Financial Officer
File No.: GRP/09/3/2/7 - BP14/223

REPORT SUMMARY

This report details Council's performance of its investment portfolio for January 2014 and compares it against key benchmarks. The report includes the estimated market valuation of Council's investment portfolio, loan liabilities, an update on Council's legal action against various parties and a commentary on significant events in global financial markets.

Council's financial year to date return is 4.22%, which is 1.56% above benchmark. Income from interest on investments and proceeds from sale of investments totals \$2.406 million, \$230K above revised budget projections; the additional funds belong to Section 94 Reserve funds on hand, and do not improve Council's Working Capital.

RECOMMENDATION:

That Council endorse the report of the Chief Financial Officer dated 11 February 2014 on Investment Report – January 2014.

ATTACHMENTS

- 1 P06 Investment Report Attachment - January 2014

Report Prepared By:

Christine Joyce
Team Manager - Financial Accounting

John Todd
Chief Financial Officer

Report Approved By:

Shane Sullivan
Acting Group Manager - Corporate Services

ITEM 15 (continued)

Discussion

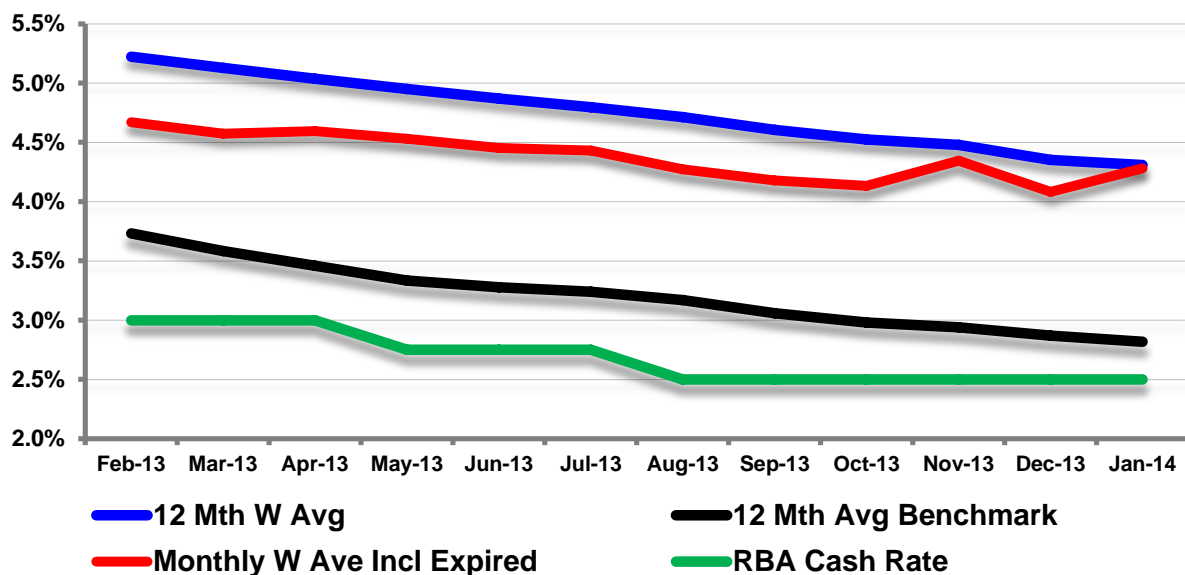
Council's Responsible Accounting Officer, is required to report monthly on Council's Investment Portfolio and certify that the Investments are held in accordance with Council's Investment Policy and Section 625 of the Local Government Act.

Investment Performance Commentary

Council's performance against the benchmark for returns of its investment portfolio for January 2014 and the past 12 months are as follows:

	Jan	12 Mth	FYTD
Council Return	4.28	4.31	4.22
Benchmark	2.62	2.82	2.66
Variance	1.66	1.49	1.56

Performance - All Investments



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

Cash/Term Deposits	\$82.4M	80.55%
Floating Rate Notes	\$17.9M	17.50%
Fixed Rate Bonds	\$2.0M	1.95%
Total Cash Investments	\$102.3M	

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

ITEM 15 (continued)

Whilst Council has moved some of its investment portfolio out to longer terms, locking in some of the returns, the majority of Council's funds are held in internal reserves. Should Council consider utilising its internal reserves, this will have a direct impact on the amount of investment income that will be realised and will require a reduction in the future projected investment income and will place pressure on Council to be able to maintain its current level of expenditure on Capital or Maintenance.

Council's income from investments is being revised upward, due to Council having more funds on hand, which belong to Section 94 contributions, the investment income for General Revenue remaining steady.

Council revised its Investment Policy, changing delegations, which has allowed Council staff to parcel investments up to \$2 million. There are now 13 investments of this amount within the Council's Investment Portfolio.

Financial Security Reserve (FSR)

The Financial Security Reserve has a balance of \$3.44 million as at 31 January with no movements this year. A detailed transaction history is included in the attachment to this report.

Council has resolved to transfer all proceeds and interest earned on written down investments to this reserve.

Economic Commentary

The unemployment rate for December remained steady at 5.8%, but total employment fell by 22,600, against expectations of a rise of 10,000. There was a reduction of 33,600 full time positions, partially offset by a gain in part-time positions. The other offsetting factor was a reduction in the participation rate (people actively seeking work) from 64.8% to 64.6%.

Employment figures are a lagging indicator, and it's possible that these figures are a reflection of the soft economic conditions throughout 2013. Certainly in Q4/2013 there was evidence that economic conditions were improving, with net exports increasing, and home building approvals and retail spending both up. Housing and commercial finance commitments (both leading indicators) showed a marked increase, up by 25% and 30% respectively.

The RBA, on 4 February 2014, left the cash rate unchanged at 2.50%, and indicated that rates are likely to remain low for some months to come.

Legal Issues

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

ITEM 15 (continued)

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

Lehman / Grange IMP

On Friday 21 September 2012, Justice Rares handed down the judgment in this matter, which was in favour of the Councils involved in this legal action. This was reported to Council in the September Investment Report.

On 25 September 2013 the Federal Court approved the calling of a meeting of Scheme Creditors of Lehman Australia to consider the proposed Insurance Only Scheme. The applicants and group members in the Lehman Australia class action are Scheme Creditors.

The Scheme is now subject to Court approval. The application was listed for hearing on 31 October 2013. The Scheme was approved by the Court on 9 December 2013, all Scheme Creditors are now bound by the Scheme irrespective of whether they have voted for it or even if they voted against it. It is expected that settlement will occur shortly. Council staff are reviewing the final documentation for settlement at the time of writing this report. A verbal update will be given at the Council meeting.

While the above court action has been proceeding, the related investments of the Lehman / Grange IMP (Merimbula and Global Bank Note) have been finalised and paid to Council. As previously reported, Council has received \$752k for these investments representing full payment of the principal and interest.

Council also investigated joining a class action against Lehman Brothers Asia, as a result of other actions taken against them. The scheme members, whilst initially obtaining a funder, under the laws of Hong Kong, such a scheme was not permissible and the members would have to bear the costs themselves. On that basis, and the costs associated with the Australian case, it was felt that the prudent course of action was to not participate in the scheme, and settle for the amounts gained from the Australian action.

LGFS – Rembrandt

On 5 November 2012, Federal Court Justice Jayne Jagot ruled that Councils were entitled to succeed in their claim for damages against LGFS, ABN AMRO and Standard & Poors (S&P). This result vindicates Council's Investment in this product with Justice Jayne Jagot finding that LGFS, ABN AMRO and S&P had collectively been responsible for misleading and deceptive conduct and negligent misrepresentation of this investment to Councils.

On 1 March 2013, the Federal Court of Australia awarded compensation and costs to Councils against S&P. Council was awarded \$933K principal (equivalent to the balance outstanding) and \$331K in interest. Of this, 70% is payable to IMF for their funding of the legal action, resulting in a net benefit to Council of approximately \$382K, which was paid to Council on 4 April 2013.

ITEM 15 (continued)

An appeal has been lodged in relation to this matter, and listed for hearing in 2014, but a settlement may be reached prior. A teleconference was held on 4 November with the other Councils involved to discuss GST issues, should a settlement be reached.

No further update is expected until after the hearing later this year.

CBA – Oasis and Palladin

Council has endorsed City of Ryde being a third party to an action against CBA in relation to the Oasis CDO investments for \$1 million that Council has written down to zero. A mediation session occurred with CBA on 8 October 2013. The mediation was adjourned to allow certain steps to take place and the parties are continuing to engage in without prejudice discussions, and will not be known until later in 2014.

Whilst Council had written off the Oasis investment, the investment had one further default until it completely defaulted. As previously reported, Council sold the Oasis investment at 35.7 cents in the dollar on the remaining principal of \$625k, being \$223,337. Should Council be successful in this legal action, then this will be taken into account as part of any settlement.

As part of this action, Council is also a party to action against CBA for its investment in the Palladin CDO, of which Council held \$2 million. This investment defaulted in October 2008.

Loan Liability

Council's loan liability as at 31 January 2014 was \$5.9 million which represents the balance of:

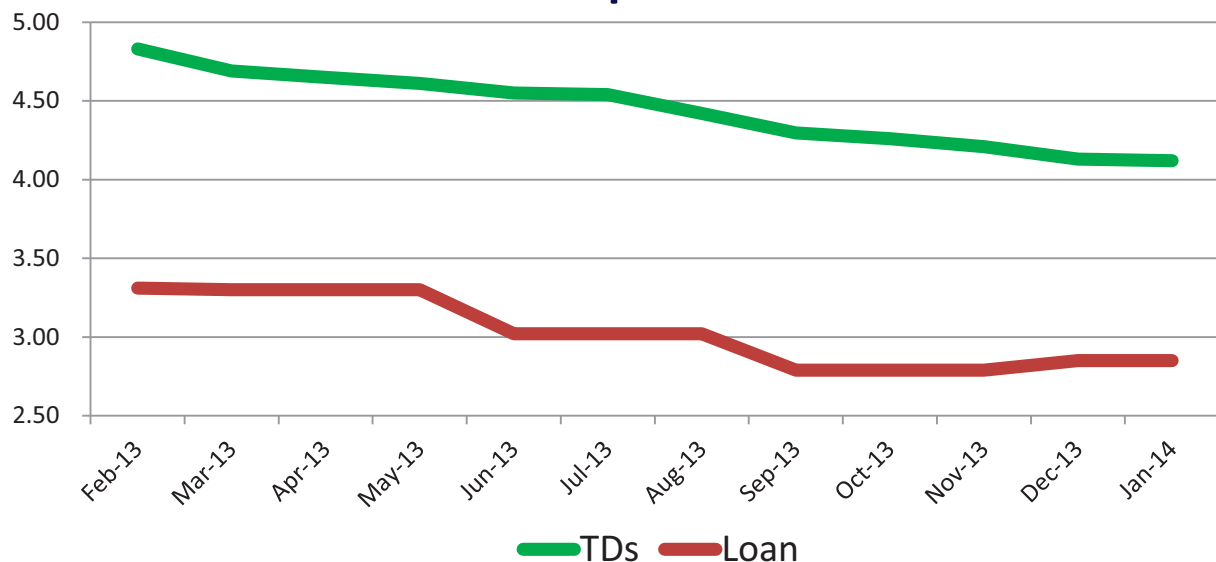
- 1) 15 year loan drawn down in 2004 at 90 Day BBSW + 20 basis points for the Civic Centre Redevelopment and refinancing the West Ryde Tunnel. The interest rate for this loan is reset every quarter
- 2) \$1.5M 10 year loan drawn down 31 January 2014 at 180 day BBSW +175 basis points for the Children's Play Implementation Plan, which was approved for an LIRS subsidy in Round 2. The interest rate for this loan is reset every six months
- 3) \$1.2M 7 year loan drawn down 31 January 2014 at 5.24% for construction of the Surf Attraction at the RALC

There is no advantage to Council in changing the arrangements or repaying loan 1 above, earlier than planned. Council is receiving a better rate of return on its investments than it is paying on loan 1 above. The following graph shows the gap between the average interest rate earned on Council's term deposits (top line) compared to the interest rate applying to loan 1 above (bottom line).

ITEM 15 (continued)

NB: This graph only compares the NAB loan.

Term Deposits/Loan Interest Rate Comparison



Debt Service Ratio

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

Debt Service Ratio

Category 3 Councils	2010/11 ⁽¹⁾	2.87%
City of Ryde	2012/13	0.68%

(1) Comparative data for 2011/12 was released by the Division of Local Government (DLG) in October 2013, but it did not include Debt Service Ratio.

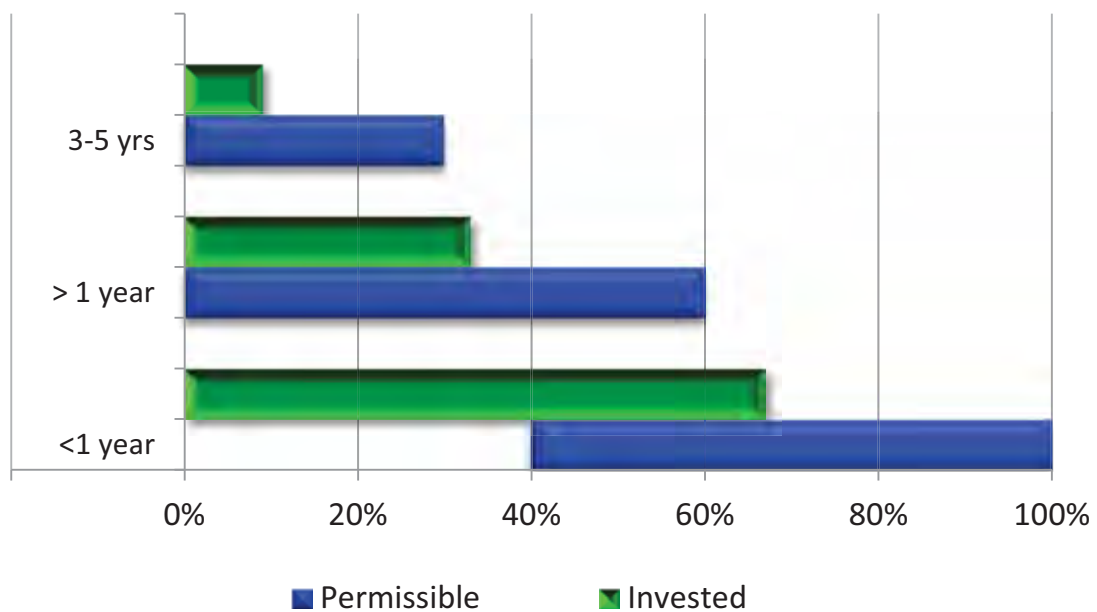
ITEM 15 (continued)

Policy Limits

The following graph shows the limits, as a percentage of total cash investments, of the amounts by period, as allowed under Council's policy, and comparing them to the amounts actually invested, as a percentage of total cash investments.

It shows that the funds invested are within the limits set in the policy.

Policy Limits on Maturities



ITEM 15 (continued)

INVESTMENT SUMMARY AS AT 31 JANUARY 2014

Issuer	Investment Name	Investment Rating	Invested at 31-Jan-14 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2013	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
Westpac	1. Westpac At Call	AA-	4,295	2.21	2.69	2.55	4.20	4,295	100.00%
Bank of Queensland	2. Bank of Queensland TD	A-	750	3.60	4.23	4.05	0.73	750	100.00%
CBA	3. Bankwest Term Deposit	AA-	2,000	3.45	3.63	3.47	1.95	2,000	100.00%
NAB	4. NAB Term Deposit	AA-	1,000	3.80	4.18	3.99	0.98	1,000	100.00%
Westpac	5. Westpac Term Deposit	AA-	1,000	4.35	4.55	4.35	0.98	1,000	100.00%
Westpac	6. Westpac Term Deposit	AA-	500	4.95	4.95	4.95	0.49	500	100.00%
NAB	7. NAB Term Deposit	AA-	1,000	6.60	6.60	6.60	0.98	1,000	100.00%
AMP	8. AMP TD	A	1,000	4.00	4.07	4.03	0.98	1,000	100.00%
Westpac	9. Westpac Term Deposit	AA-	500	4.00	4.29	4.00	0.49	500	100.00%
NAB	10. NAB Term Deposit	AA-	1,000	3.84	4.16	3.91	0.98	1,000	100.00%
P&N Bank	11. P&N Bank	Unrated	500	4.24	4.24	4.24	0.49	500	100.00%
CBA	12. Bankwest Term Deposit	AA-	2,000	3.55	3.51	3.51	1.95	2,000	100.00%
CBA	13. Bankwest TD	AA-	2,000	3.45	3.68	3.52	1.95	2,000	100.00%
CBA	14. Bankwest TD	AA-	2,000	3.55	3.72	3.49	1.95	2,000	100.00%
CBA	15. Bankwest Term Deposit	AA-	1,500	3.55	4.06	3.63	1.47	1,500	100.00%
NAB	16. NAB Term Deposit	AA-	1,000	3.72	4.47	4.29	0.98	1,000	100.00%
Beyond Bank	17. Beyond Bank TD	BBB+	500	3.81	4.01	3.93	0.49	500	100.00%
Bendigo and Adelaide Bank	18. Bendigo Bank TD	A-	1,000	4.10	4.19	4.10	0.98	1,000	100.00%
Hunter United Credit Union	19. Hunter United Credit Union TD	Unrated	500	3.90	4.10	3.96	0.49	500	100.00%
CUA	20. Credit Union Australia TD	BBB+	500	4.35	4.35	4.35	0.49	500	100.00%
Peoples Choice CU	21. Peoples Choice CU	BBB+	500	3.79	4.09	3.87	0.49	500	100.00%
Rural Bank	22. Rural Bank	A-	1,000	6.48	6.48	6.48	0.98	1,000	100.00%
Banana Coast CU	23. Bananacoast CU TD	Unrated	500	4.25	4.42	4.25	0.49	500	100.00%
B&E Ltd	24. B & E Building Soc TD	Unrated	500	3.90	4.10	3.96	0.49	500	100.00%
CBA	25. CBA TD	AA-	2,000	5.76	5.76	5.76	1.95	2,000	100.00%
Me Bank	26. ME Bank TD	BBB+	1,000	4.33	4.39	4.33	0.98	1,000	100.00%
Macquarie Bank	27. Macquarie Bank Term Deposit	A	500	4.15	4.34	4.18	0.49	500	100.00%
CBA	28. Bankwest Term Deposit	AA-	1,000	7.00	7.00	7.00	0.98	1,000	100.00%
IMB	29. IMB TD	BBB	2,000	3.55	3.88	3.75	1.95	2,000	100.00%
Summerland CU	30. Summerland CU TD	Unrated	250	5.05	5.05	5.05	0.24	250	100.00%
Wide Bay CU	31. Wide Bay CU TD	BBB	500	3.78	4.31	4.13	0.49	500	100.00%
Heritage Bank	32. Heritage Bank	A-	1,000	3.91	3.91	3.91	0.98	1,000	100.00%
AMP	33. AMP Business Saver	A	986	3.41	3.68	3.49	0.96	986	100.00%
South West CU	34. South West CU TD	Unrated	500	4.20	4.21	4.20	0.49	500	100.00%
CBA	35. CBA Term Deposit	AA-	1,000	4.55	4.52	4.55	0.98	1,000	100.00%
Gateway CU	36. Gateway CU TD	Unrated	500	4.10	4.20	4.10	0.49	500	100.00%
Rabobank	37. Rabobank TD	AA-	500	4.17	4.29	4.17	0.49	500	100.00%
Newcastle Perm Bldg Soc	38. Newcastle Perm Bldg Soc	BBB+	1,000	3.75	4.03	3.87	0.98	1,000	100.00%
ING	39. ING TD	A	1,000	4.02	4.19	4.07	0.98	1,000	100.00%
Greater Bldg Soc	40. Greater Bldg Soc TD	BBB	1,000	4.33	4.36	4.33	0.98	1,000	100.00%
AMP	41. AMP TD	A	1,000	7.14	7.14	7.14	0.98	1,000	100.00%
Bendigo and Adelaide Bank	42. Bendigo and Adelaide Bank FRN	A-	1,000	4.05	4.30	4.11	0.98	1,000	100.00%
WaW CU	43. WAW CU Coop	Unrated	500	3.91	4.07	3.95	0.49	500	100.00%
CBA	44. CBA TD	AA-	1,000	3.38	4.13	3.78	0.98	1,000	100.00%
Rabobank	45. Rabodirect At-call	AA	5	3.04	3.25	3.08	0.00	5	100.00%
Me Bank	46. ME Bank At Call Account	BBB	1,655	3.14	3.34	3.19	1.62	1,655	100.00%
NAB	47. NAB FRN	AA-	1,000	3.82	4.04	3.88	0.98	1,014	101.40%
NAB	48. NAB FRN	AA-	998	3.93	4.15	3.99	0.98	1,014	101.40%
CBA	49. CBA FRN	AA-	1,000	3.81	4.01	3.89	0.98	1,015	101.49%
Westpac	50. Westpac FRN	AA-	998	3.87	4.04	3.91	0.98	1,013	101.31%

ITEM 15 (continued)

Issuer	Investment Name	Investment Rating	Invested at 31-Jan-14 \$000's	Annualised Period Return (%)	12 Month Average Return on Current Investments	Return since 01 July 2013	% of Total Invested	Indicative Market Value ** \$000's	% Market Value
CBA	51. CBA FRN	AA-	998	3.87	4.07	3.95	0.98	1,015	101.49%
NAB	52. NAB FRN	AA-	995	4.11	4.34	4.17	0.97	1,014	101.40%
NAB	53. NAB FRN	AA-	995	4.09	4.32	4.15	0.97	1,014	101.40%
CBA	54. CBA FRN	AA-	995	4.03	4.23	4.11	0.97	1,015	101.49%
ANZ	55. ANZ FRN	AA-	994	4.08	4.24	4.12	0.97	1,014	101.40%
Police CU (SA)	56. Police CU - SA	Unrated	500	5.70	5.70	5.70	0.49	500	100.00%
NAB	57. NAB Fixed MTN	AA-	995	6.30	6.30	6.34	0.97	1,067	106.73%
Westpac	58. Westpac Fixed MTN	AA-	997	6.20	6.20	6.25	0.97	1,069	106.94%
Macquarie Bank	59. Macquarie Bank TD	A	500	6.50	6.50	6.50	0.49	500	100.00%
CBA	60. CBA Retail Bond	AA-	961	4.27	4.56	4.40	0.94	965	99.44%
Bendigo and Adelaide Bank	61. Delphi Bank TD	Unrated	250	6.05	6.05	6.05	0.24	250	100.00%
Rural Bank	62. Rural Bank TD	A-	1,000	3.73	4.12	3.92	0.98	1,000	100.00%
Me Bank	63. ME Bank TD	BBB+	1,000	3.83	4.21	3.98	0.98	1,000	100.00%
CBA	64. CBA Retail Bonds	AA-	493	4.48	4.77	4.61	0.48	497	99.44%
CBA	65. CBA Retail Bonds	AA-	493	4.50	4.80	4.64	0.48	497	99.44%
Bank of Queensland	66. Bank of Queensland TD	A-	1,000	5.15	4.67	4.73	0.98	1,000	100.00%
Bank of Queensland	67. Bank of Queensland TD	A-	2,000	3.79	4.13	3.95	1.95	2,000	100.00%
Investec	68. Investec TD	BBB-	250	6.15	6.15	6.15	0.24	250	100.00%
IMB	69. IMB TD	BBB	1,000	3.55	3.91	3.51	0.98	1,000	100.00%
CBA	70. CBA Retail Bond	AA-	494	4.43	4.73	4.58	0.48	497	99.44%
Westpac	71. St George TD	AA-	1,000	4.05	4.15	4.08	0.98	1,000	100.00%
CBA	72. CBA Retail Bond	AA-	494	4.42	4.71	4.55	0.48	497	99.44%
Rural Bank	73. Rural Bank TD	A-	1,000	3.58	4.09	3.80	0.98	1,000	100.00%
ING	74. ING Floating Rate TD	A	1,000	4.99	5.17	5.04	0.98	1,000	100.00%
IMB	75. IMB TD	BBB	1,000	3.55	4.08	3.69	0.98	1,000	100.00%
Westpac	76. St George TD	AA+	1,000	4.05	4.24	4.05	0.98	1,000	100.00%
Bank of Queensland	77. Bank of Queensland TD	A-	1,000	4.04	4.25	4.10	0.98	1,000	100.00%
NAB	78. NAB TD	AA-	1,000	4.80	4.80	4.80	0.98	1,000	100.00%
Westpac	79. St George TD	AA-	1,000	3.77	3.96	3.77	0.98	1,000	100.00%
Me Bank	80. ME Bank TD	BBB+	1,000	4.35	4.35	4.35	0.98	1,000	100.00%
Bank of Queensland	81. Bank of Queensland FRN	A-	2,000	4.26	4.46	4.32	1.95	2,025	101.25%
Beyond Bank	82. Beyond Bank TD	BBB+	1,000	3.56	3.84	3.84	0.98	1,000	100.00%
Goldfields Money Ltd	83. Goldfields Money Ltd TD	Unrated	250	4.20	4.26	4.20	0.24	250	100.00%
Westpac	84. Westpac Flexi TD	AA-	1,000	3.93	3.97	3.90	0.98	1,000	100.00%
Bendigo and Adelaide Bank	85. Bendigo Bank TD	A-	1,000	3.60	3.97	3.78	0.98	1,000	100.00%
Bendigo and Adelaide Bank	86. Bendigo & Adelaide Bank FRN	A-	1,000	3.83	3.91	3.88	0.98	1,002	100.25%
CBA	87. CBA TD	AA-	1,000	4.10	4.10	4.10	0.98	1,000	100.00%
CBA	88. CBA TD	AA-	1,000	3.53	3.69	3.67	0.98	1,000	100.00%
NAB	89. NAB TD	AA-	1,000	3.80	3.93	3.93	0.98	1,000	100.00%
NAB	90. NAB Term Deposit	AA-	1,000	4.15	4.15	4.15	0.98	1,000	100.00%
NAB	91. NAB Term Deposit	AA-	1,000	4.27	4.27	4.27	0.98	1,000	100.00%
Macquarie Bank	92. Macquarie Bank TD	A	750	3.90	3.84	3.84	0.73	750	100.00%
AMP	93. AMP Term Deposit	A+	2,000	3.92	3.88	3.88	1.95	2,000	100.00%
Bank of Queensland	94. Bank of Queensland TD	A-	2,000	3.84	3.84	3.84	1.95	2,000	100.00%
NAB	95. NAB TD	AA-	2,000	3.83	3.83	3.83	1.95	2,000	100.00%
Bendigo and Adelaide Bank	96. Bendigo and Adelaide Bank FRN	A-	2,000	3.92	3.92	3.92	1.95	1,999	99.96%
Rural Bank	97. Rural Bank TD	A-	2,000	3.75	3.75	3.75	1.95	2,000	100.00%
Wide Bay CU	98. Wide Bay CU TD	BBB	1,000	3.75	3.75	3.75	0.98	1,000	100.00%
Newcastle Perm Bldg Soc	99. Newcastle Perm Bldg Soc	BBB+	1,000	3.65	3.65	3.65	0.98	1,000	100.00%
Westpac	100. WBC Floating TD	AA-	1,000	3.63	3.63	3.63	0.98	1,000	100.00%
			102,341	4.11	4.26	4.14	100	102,685	

ITEM 15 (continued)

*Monthly returns when annualised can appear to exaggerate performance

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

Return including Matured/Traded Investments

Weighted Average Return	4.28	4.31	4.22
Benchmark Return: UBSA 1 Year Bank Bill Index (%)	2.62	2.82	2.66
Variance From Benchmark (%)	1.66	1.49	1.56

Investment Income

	\$000's
This Period	360
Financial Year To Date	2,406
Budget Profile	2,176
Variance from Budget - \$	230

Certificate of the Chief Financial Officer (Responsible Accounting Officer)

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

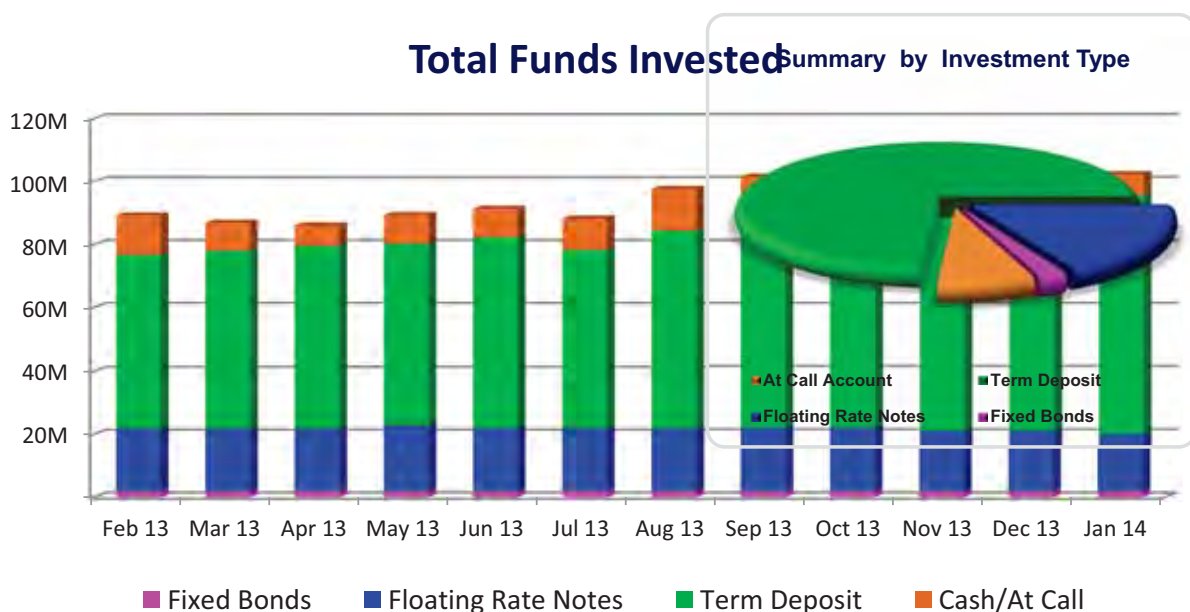


John Todd Date: 11/2/2014

Analysis of investments

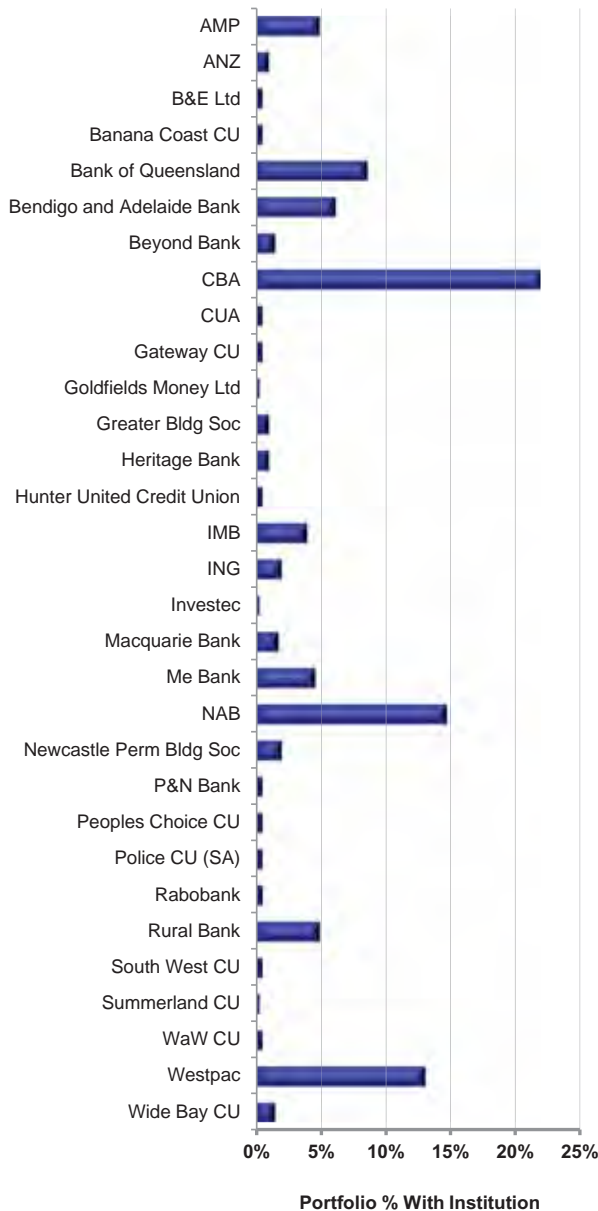
The following graphs show analysis of the total cash investments by:

- Type of investment
- Institution
- Duration
- Rating

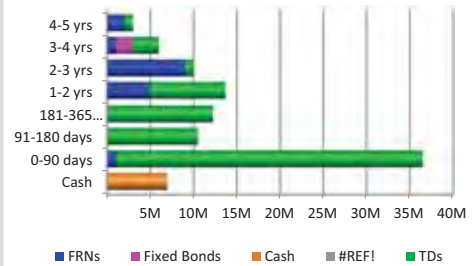


ITEM 15 (continued)

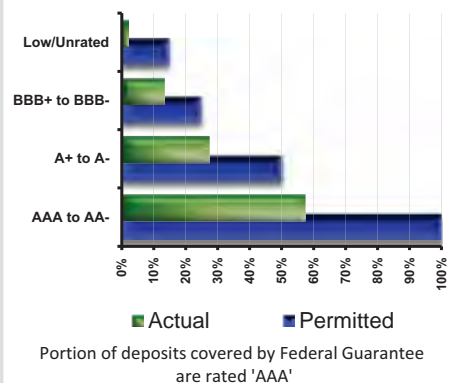
Active Investment by Institution



Summary by Duration



Investment Summary by Rating



	>365 days	<365 days
Cash/TDs	\$13.8M	\$68.7M
FRNs	\$16.9M	\$1.0M
Fixed Bonds	\$2.0M	\$0.0M
	\$32.7M	\$69.7M

Context

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

ITEM 15 (continued)**Financial Implications**

Income from interest on investments and proceeds from sales of investments totals \$2.406 million, being \$230K above revised budget projections. The additional funds belong to Section 94 Reserve funds on hand and do not improve Council's Working Capital.

The Financial Security Reserve has a current balance of \$3.44 million.

ITEM 15 (continued)**ATTACHMENT 1****Council's Property Investment Portfolio**

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

2 Dickson Avenue, West Ryde
1A Station Road, West Ryde
8 Chatham Road, West Ryde
202 Rowe Street, Eastwood
226 Victoria Road, Gladesville
7 Anthony Road, West Ryde Car Park site, West Ryde
Herring Road Air Space Rights
7 Coulter Street, Coulter St Car Park, Gladesville
6-12 Glen Street, Glen Street Car Park, Eastwood
2 Pittwater Road, John Wilson Car Park, Gladesville
150 Coxs Road, Cox Rd Car Park, North Ryde
33-35 Blaxland Road, Argyle Centre, Ryde
19-21 Church Street and 16 Devlin Street, Ryde
1 Constitution Road, Operations Centre, Ryde
741-747 Victoria Road, Ryde
53-71 Rowe Street, Eastwood
6 Reserve Street, West Ryde

Benchmark

The Australian UBS Bank Bill index is constructed as a benchmark to represent the performance of a passively managed short-term money market portfolio. It comprises thirteen Bank Bills of equal face value, each with a maturity seven days apart. The average term to maturity is approximately 45 days. A Bank Bill is a non-interest bearing security issued by a bank whereby the bank takes on an obligation to pay an investor a fixed amount (face value) at a fixed future date. It is sold to an investor at a discount to the face value. Bank Bills are short-term money market investments with maturities usually between 30 days and 180 days.

Types of Investments

The following are the types of investments held by Council:

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

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

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

ITEM 15 (continued)**ATTACHMENT 1****Credit Rating Information**

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

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

AAA: the best quality companies, reliable and stable

AA: quality companies, a bit higher risk than AAA

A: economic situation can affect finance

BBB: medium class companies, which are satisfactory at the moment

BB: more prone to changes in the economy

B: financial situation varies noticeably

CCC: currently vulnerable and dependent on favourable economic conditions to meet its commitments

CC: highly vulnerable, very speculative bonds

C: highly vulnerable, perhaps in bankruptcy or in arrears but still continuing to pay out on obligations

D: has defaulted on obligations and it is believed that it will generally default on most or all obligations

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

Council's Investment Powers

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

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

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

Local Government Act 1993 - Section 625

Local Government Act 1993 - Order (of the Minister) dated 12 January 2011

The Trustee Amendment (Discretionary Investments) Act 1997 – Sections 14A(2), 14C(1) & (2)

Local Government (Financial Management) Regulation 1993

Investment Guidelines issued by the Department of Local Government

ITEM 15 (continued)
ATTACHMENT 1
Financial Security Reserve Transactional History

Starting Balance	8,000,000.00	10 Oct 2008
Write off Constellation	(1,000,000.00)	10 Oct 2008
Write off Rembrandt	(1,000,000.00)	10 Oct 2008
Write off Palladin	(2,000,000.00)	10 Oct 2008
Write off Alpha	(1,000,000.00)	10 Oct 2008
Write off Covent Garden	(2,000,000.00)	10 Oct 2008
Write off Oasis	(1,000,000.00)	10 Oct 2008
FY2009 and FY2010		
Interest Payments		
Default of Constellation - Residual	21,615.62	10 Oct 2008
Default of Palladin - Residual	-	28 Oct 2008
Default of Rembrandt - Residual	68,393.78	27 Oct 2008
FY2010		
Interest Payments	50,334.01	
FY2011		
Starting balance 1 July 2010	140,343.41	
Sale of Flinders	301,000.00	12 Aug 2010
Quartz Maturity	209,626.75	20 Oct 2010
Sale of Glenelg	160,000.00	29 Dec 2010
Interest on Grange IMP Sept	31,561.37	
Interest on Grange IMP Dec	24,731.75	
Interest on Grange IMP Mar	10,310.63	
Interest on Grange IMP June	16,092.08	
Interest on Oasis	81,758.10	
Interest on Alpha	12,534.80	
Interest on Covent Garden	16,521.58	
Default of Covent Garden	-	29 Mar 2011
Closing balance FY 2011	1,004,480.47	
FY2012		
Interest on Oasis	42,942.41	
Interest on Alpha	4,837.56	
Interest on Grange IMP Sept	9,862.09	
Interest on Grange IMP Dec	129.02	
Maturity of Alpha	1,001,974.90	20 Mar 2012
Interest on Grange IMP March	123.38	
Closing Balance FY 2012	2,064,349.83	
FY2013		
Interest on Oasis FY2013	20,215.91	
Sale of Oasis	219,266.42	23 Jan 2013
Grange Settlement -Beryl	559,966.39	25 Feb 2013
Grange Settlement -Zircon	192,383.73	25 Feb 2013
Rembrandt Settlement	381,695.85	04 Apr 2013
Closing Balance FY 2013	3,437,878.13	

ITEM 15 (continued)**ATTACHMENT 1****Overview of Investments**

An overview of all investments held by the City of Ryde as at 31 October is provided below:

1. **Westpac at Call Account (AA-):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
2. **Bank of Queensland TD (BBB):** This investment is a 182 day term deposit, paying 3.55% (3.60% annualised), and matures on 29 July 2014.
3. **Bankwest Term Deposit (AA-):** This investment is a 64 day term deposit paying 3.40% (3.45% annualised), and matures 20 February 2014.
4. **NAB Term Deposit (AA-):** This investment is a one year term deposit, paying 3.80% p.a. (3.80% annualised), and matures 3 Oct 2014.
5. **Westpac Term Deposit (AA-):** This investment is a two year term deposit, paying 4.35% % (4.35% annualised, and matures 29 May 2015.
6. **Westpac Term Deposit (AA-):** This investment is a three year term deposit, paying 4.95% pa, and matures 21 September 2015.
7. **NAB Term Deposit (AA-):** This investment is a three year term deposit, paying 6.60% p.a., and matures 4 April 2014.
8. **AMP Term Deposit (A):** This investment is a 365 day term deposit, paying 4.00% p.a. (4.00% annualised), and matures 1 August 2014.
9. **Westpac Term Deposit (AA-):** This investment is a 364 day term deposit, paying 4.00% (4.00% annualised), and matures 27 June 2014.
10. **NAB Term Deposit (AA-):** This investment is a 182 day term deposit, paying 3.80% p.a., and matures 11 March 2014.
11. **P&N Bank (Unrated):** This investment is a one year term deposit, paying 4.24% (4.24% annualised) and matures on 25 February 2014.
12. **Bankwest Term Deposit (AA-):** This investment is a 91 day term deposit, paying 3.50% p.a. (3.55% annualised), and matures 24 April 2014.
13. **Bankwest Term Deposit (AA-):** This investment is a 62 day term deposit, paying 3.40% p.a. (3.45% annualised), and matures 6 February 2014.
14. **Bankwest Term Deposit (AA-):** This investment is a 91 day term deposit, paying 3.50% p.a. (3.55% annualised), and matures 1 May 2014.

ITEM 15 (continued)**ATTACHMENT 1**

- 15. Bankwest Term Deposit (AA-):** This investment is a 64 day term deposit, paying 3.50% p.a. (3.55% annualised), and matures 25 March 2014.
- 16. NAB Term Deposit (AA-):** This investment is a 91 day term deposit, paying 3.67% p.a. (3.72% annualised), and matures 25 February 2014.
- 17. Beyond Bank Term Deposit (BBB+):** This investment is a 370 day term deposit paying 3.81% (3.81% annualised) and matures on 16 October 2014.
- 18. Bendigo Bank Term Deposit (A-):** This investment is a 364 day term deposit paying 4.10% (4.10% annualised) and matures on 12 June 2014.
- 19. Hunter United Credit Union (Unrated):** This investment is a 365 day term deposit paying 3.90% (3.90% annualised) and matures on 12 August 2014.
- 20. Credit Union Australia Term Deposit (BBB+):** This investment is a one year term deposit, paying 4.35% (4.35% annualised), and matures on 7 May 2014.
- 21. Peoples Choice CU Term Deposit (Unrated):** This investment is a 182 day term deposit, paying 3.75% (3.79% annualised), and matures on 6 February 2014.
- 22. Rural Bank Term Deposit (A-):** This investment is a five year term deposit, paying 6.48% p.a., and matures on 21 March 2017.
- 23. Bananacoast CU Term Deposit (Unrated):** This investment is a one year term deposit paying 4.25% (4.25% annualised) and matures on 1 July 2014.
- 24. B & E Ltd Building Society Term Deposit (Unrated):** This investment is a 365 day term deposit paying 3.90% (3.90% annualised) and matures on 5 August 2014.
- 25. CBA Term Deposit (AA-):** This investment is a three year term deposit paying 5.76% p.a. and matures on 8 December 2014.
- 26. ME Bank Term Deposit (BBB):** This investment is a 366 day term deposit paying 4.33% (4.33% annualised) and matures on 5 March 2014.
- 27. Macquarie Bank Term Deposit (A):** This investment is a 365 day term deposit paying 4.15% (4.15% annualised) and matures on 1 August 2014.
- 28. Bankwest TD (AA-):** This investment is a four year term deposit paying 7.00% (7.00% annualised) and matures on 13 February 2015.
- 29. IMB Term Deposit (BBB):** This investment is a 96 day term deposit paying 3.50% (3.55% annualised) and matures on 22 April 2014.

ITEM 15 (continued)**ATTACHMENT 1**

- 30. Summerland CU Term Deposit (Unrated):** This investment is a three year term deposit paying 5.05% pa and matures on 21 September 2015.
- 31. Wide Bay CU Term Deposit (BBB):** This investment is a 215 day term deposit paying 3.75% (3.78% annualised) and matures on 12 August 2014.
- 32. Heritage Bank (A-):** This investment is a 94 day term deposit paying 3.85% (3.91% annualised) and matures on 13 March 2014.
- 33. AMP Business Saver at call account (A):** This investment is an at-call account earning 3.35%. No fees are payable by Council on this investment.
- 34. South West CU Term Deposit (Unrated):** This investment is a 368 day term deposit paying 4.20% (4.20% annualised) and matures on 17 June 2014.
- 35. CBA Term Deposit (AA-):** This investment is a three year term deposit paying 4.55% annually and matures on 16 May 2016.
- 36. Gateway Credit Union Term Deposit (Unrated):** This investment is a 367 day term deposit paying 4.10% (4.10% annualised) and matures on 19 June 2014.
- 37. Rabodirect Term Deposit (AA):** This investment is a 273 day term deposit, paying 4.15% (4.17% annualised), and matures on 10 April 2014.
- 38. Newcastle Permanent Building Society (BBB+):** This investment is a 98 day term deposit, paying 3.70% (3.75% annualised), and matures on 20 March 2014.
- 39. ING Term Deposit (A):** This investment is a 181 day term deposit paying 3.98% (4.02% annualised) and matures on 13 February 2014.
- 40. Greater Building Society Term Deposit (BBB):** This investment is a 247 day term deposit, paying 4.30% (4.33% annualised), and matures on 6 February 2014.
- 41. AMP Term Deposit (A):** This investment is a four year term deposit paying 7.14% which matures on 16 February 2015.
- 42. Bendigo & Adelaide Bank FRN (A-):** This is a floating rate note issued at a margin of 140 points above 90 day BBSW, maturing 17 March 2014.
- 43. WAW CU TD (Unrated):** This investment is a 299 day term deposit paying 3.90% (3.91% annualised) and matures on 17 June 2014
- 44. CBA Term Deposit (AA-):** This investment is a 33 day term deposit paying 3.33% (3.38% annualised), and matures on 11 February 2014.
- 45. Rabodirect At-Call (AA):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.

ITEM 15 (continued)**ATTACHMENT 1**

- 46. Members Equity Bank At-Call Account (BBB):** This investment is an at call account, paying the short term money market rate. These funds are used for operational purposes.
- 47. National Australia Bank Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note paying 115 above BBSW. This investment matures 21 June 2016.
- 48. National Australia Bank Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note paying 125 above BBSW. This investment matures 21 June 2016.
- 49. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 120 above BBSW. This investment matures 2 August 2016.
- 50. Westpac Floating Rate Note (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 123 above BBSW. This investment matures 9 May 2016.
- 51. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 125 above BBSW. This investment matures 2 August 2016.
- 52. National Australia Bank FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 142 above BBSW. This investment matures 21 June 2016.
- 53. National Australia Bank FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 21 June 2016.
- 54. CBA FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 140 above BBSW. This investment matures 2 August 2016.
- 55. ANZ FRN (AA-):** This investment is a senior, unsecured floating rate note purchased at a yield of 142 above BBSW. This investment matures 9 May 2016.
- 56. Police CU (SA) Term Deposit (Unrated):** This investment is a two year TD paying 5.70% (5.70% annualised) and matures 18 April 2014.
- 57. NAB Fixed MTN (AA-):** This is a fixed rate bond paying 6.18% (6.30% annualised) and matures 15 February 2017.
- 58. Westpac Fixed MTN (AA-):** This is a fixed rate bond paying 6.00% (6.14% annualised) and matures 20 February 2017.

ITEM 15 (continued)**ATTACHMENT 1**

- 59. Macquarie Bank Term Deposit (A):** This is a five year term deposit paying 6.50% (6.50% annualised) and matures 3 April 2017.
- 60. CBA Retail Bond (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 160 above BBSW. This investment matures 24 December 2015.
- 61. Delphi Bank Term Deposit (Unrated):** This investment is a five year term deposit paying 6.05% p.a. and matures on 15 May 2017.
- 62. Rural Bank Term Deposit (A-):** This investment is a 180 day term deposit paying 3.70% p.a. (3.73% annualised) and matures on 6 May 2014.
- 63. ME Bank Term Deposit (BBB):** This investment is a 366 day term deposit paying 4.33% p.a. (4.33% annualised) and matures on 5 March 2014.
- 64. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 182 above BBSW. This investment matures 24 December 2015.
- 65. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 184 above BBSW. This investment matures 24 December 2015.
- 66. Bank of Queensland Term Deposit (A-):** This investment is a five year term deposit paying 5.15% (5.15% annualised) and matures 20 November 2018.
- 67. Bank of Queensland Term Deposit (A-):** This investment is a 133 day term deposit paying 3.75% (3.79% annualised) and matures 27 February 2014.
- 68. Investec Bank Term Deposit (BBB-):** This investment is a five year term deposit paying 6.95% on maturity (6.15% annualised) and matures 15 August 2017.
- 69. IMB Term Deposit (BBB):** This investment is a 91 day term deposit paying 3.50% on maturity (3.55% annualised) and matures 10 April 2014.
- 70. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 175 above BBSW. This investment matures 24 December 2015.
- 71. St George Term Deposit (AA-):** This investment is a two year term deposit paying 4.05% (4.05% annualised) and matures on 27 August 2015.
- 72. CBA Retail Bonds (AA-):** This is a senior, unsecured floating rate note purchased at a yield of 174 above BBSW. This investment matures 24 December 2015.

ITEM 15 (continued)**ATTACHMENT 1**

- 73. Rural Bank Term Deposit (A-):** This investment is a 189 day term deposit, paying 3.55% (3.58% annualised), and matures on 7 August 2014.
- 74. ING Floating Rate Term Deposit (A):** This is a five year floating rate term deposit paying 2.30% above 90 day BBSW, and matures 4 September 2017.
- 75. IMB Term Deposit (BBB):** This is a 96 day term deposit paying 3.50% (3.55% annualised), and matures 29 April 2014.
- 76. St George Term Deposit (AA-):** This is a two year term deposit paying 4.05% (4.05% annualised), and matures 13 August 2015.
- 77. Bank of Queensland Term Deposit (BBB+):** This is a 179 day term deposit paying 4.00% (4.04% annualised) and matures 11 February 2014.
- 78. NAB Term Deposit (AA-):** This is a 2.25 year term deposit paying 4.80% pa and matures 18 December 2014.
- 79. St George Term Deposit (AA-):** This is a 274 day term deposit paying 3.75% (3.77% annualised), and matures 20 May 2014.
- 80. Members Equity Bank Term Deposit (BBB):** This is a one year term deposit paying 4.35% (4.35% annualised) and matures 20 February 2014.
- 81. Bank of Queensland FRN (BBB+):** This is a senior, unsecured floating rate note purchased at a yield of 160 above BBSW. This investment matures 7 December 2015.
- 82. Beyond Bank TD (BBB+):** This is a 32 day term deposit paying 3.50% (3.56% annualised), and matures 24 February 2014.
- 83. Goldfields Money Ltd Term Deposit (Unrated):** This investment is a 363 day term deposit paying 4.20% (4.20% annualised), and matures 12 June 2014
- 84. Westpac Floating Rate Term Deposit (A):** This is a one year floating rate term deposit paying 1.24% above the official cash rate and matures 7 April 2014.
- 85. Bendigo Bank Term Deposit (A):** This is a 93 day floating rate term deposit paying 3.55% (3.60% annualised) and matures 6 March 2014.
- 86. Bendigo Bank FRN (A-):** This is a senior, unsecured floating rate note purchased at a yield of 120 above BBSW. This investment matures 17 May 2017.
- 87. CBA Term Deposit (AA-):** This investment is a one year term deposit paying 4.10% annually and matures 22 May 2014.

ITEM 15 (continued)**ATTACHMENT 1**

- 88. CBA Term Deposit (AA-):** This investment is a 183 day term deposit paying 3.50% (3.53% annualised) and matures 21 May 2014.
- 89. NAB Term Deposit (AA-):** This investment is a one year term deposit paying 3.80% (3.80% annualised) and matures 6 November 2014.
- 90. NAB Term Deposit (AA-):** This investment is a two year term deposit paying 4.15% (4.15% annualised) and matures 13 August 2015.
- 91. NAB Term Deposit (AA-):** This investment is a two year term deposit paying 4.27% (4.27% annualised) and matures 25 August 2015.
- 92. Macquarie Bank Term Deposit (A):** This investment is a one year term deposit paying 3.90% (3.90% annualised) and matures 17 December 2014.
- 93. AMP Term Deposit (A):** This investment is a 276 day term deposit paying 3.90 (3.92% annualised), and matures 11 September 2014).
- 94. Bank of Queensland TD (A-):** This is a 152 day term deposit paying 3.80 (3.85% annualised), and matures 11 February 2014).
- 95. NAB Term Deposit (AA-):** This investment is a one year term deposit paying 3.83% and matures 9 October 2014.
- 96. Bendigo Bank FRN (A-):** This is a senior, unsecured floating rate note purchased at a yield of 127 above BBSW. This investment matures 14 November 2018.
- 97. Rural Bank Term Deposit (A-):** This investment is a 119 day term deposit, paying 3.70% (3.75% annualised), and matures on 27 March 2014.
- 98. Wide Bay CU Term Deposit (BBB):** This investment is a 100 day term deposit paying 3.70% (3.75% annualised) and matures on 13 March 2014.
- 99. Newcastle Permanent Building Society (BBB+):** This investment is a 90 day term deposit, paying 3.60% (3.65% annualised), and matures on 6 March 2014.
- 100. Westpac Floating Rate Term Deposit (AA-):** This investment is a 25 month floating rate term deposit paying 90d BBSW + 95 and matures 9 February 2016.

16 LOCAL GOVERNMENT ACT FOR NSW DISCUSSION PAPER - DRAFT SUBMISSION

Report prepared by: Service Unit Manager - Customer Service and Governance
File No.: COR2013/354 - BP14/191

REPORT SUMMARY

In January 2014, the Division of Local Government NSW provided the final report of the Local Government Acts Taskforce – 16 October 2013. The report was developed including input from Councils and the community on the draft, with Council making a submission to the Panel on the draft report in June 2013.

This report from the Local Government Acts Taskforce should be considered in the context of a number of other significant reviews, especially that of the Independent Local Government Review Panel.

The release of this Discussion Paper (available on the Division of Local Government website: www.dlg.nsw.gov.au) marks the final stage of the work of the Taskforce.

The closing date for submissions was Friday, 7 March 2014, however this has subsequently been extended to 4 April 2014. At this time it is unclear what the next steps will be in relation to the review of the Local Government Act.

It is recommended that Council endorse the attached submission (**ATTACHMENT 1**), and that it be provided to the Division of Local Government.

RECOMMENDATION:

That Council endorse the **ATTACHED** submission to be provided to the Division of Local Government.

ATTACHMENTS

- 1 A New Local Government Act for New South Wales - City of Ryde Submission to Report of 16 October 2013
- 2 Recommendations – NSW Local Government Act Taskforce October 2013

Report Prepared By:

Shane Sullivan
Service Unit Manager - Customer Service and Governance

Report Approved By:

John Todd
Acting Group Manager - Corporate Services

ITEM 16 (continued)**Discussion**

The final report of the NSW Local Government Act Taskforce – A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988, explores matters that are key elements of the new Local Government Act. The list of recommendations from the Taskforce is set out in **ATTACHMENT 2**.

The Taskforce has the view that Integrated Planning and Reporting (IPR) should form the central theme for the new Act and be the primary strategic tool that supports Councils delivering services and facilities to their communities.

The Taskforce proposes that the elevation of IPR would drive the other provisions of the Act to better utilise IPR and to become streamlined and ensuring that provisions of the Act reflect the roles and responsibilities of the Council, Councillors, Mayor, General Manager and staff.

The recommendations of the Taskforce have been reviewed and comments have been provided where appropriate. In some cases, it is clear that the Taskforce has taken on comments made by Council and this is noted. In cases where the Taskforce has not taken on Council's previous comments, the City of Ryde's previous position has been re-stated.

The draft of the City of Ryde submission was circulated to Councillors on 13 February 2014 and Councillors were asked to provide any comments by 18 February 2014.

It is now recommended that Council endorse the attached submission (**ATTACHMENT 1**) to be forwarded to the Taskforce by 7 March 2014.

Financial Implications

There are no financial implications for Council in adopting the recommendations of this report.

ITEM 16 (continued)
ATTACHMENT 1

A new Local Government Act for NSW City of Ryde Submission DRAFT

Recommendation	Comments
3.0.0 Guiding Principles	<p>Supported with comment</p> <p>Council supports the IP&R framework forming the foundation of a new Act that is flexible and written in plain English.</p> <p>Council recommends that a robust program and structure be implemented to provide the supporting regulations, codes and guidelines to ensure Councils are not exposed or unsupported by gaps in legislation.</p>
3.1.0 Structure	<p>Supported</p> <p>Council supports the proposed structure and elements identified by the Taskforce.</p>
3.1.1 Purpose	<p>Supported</p> <p>Council supports the proposed structure and elements identified by the Taskforce which appears to take account of Council's previous comments;</p> <p><i>The current Section 7 provides for open government and community participation. The proposed draft is silent on this. The City of Ryde feels it is a vital part of the role of local government and as a consequence should be reflected in the Purpose.</i></p>
3.1.2 Role and Principles of Local Government	<p>Supported with comment</p> <p>As stated previously by Council, while the City of Ryde generally supports the proposed Role and Principles, it is recommended that an introductory sentence be included to clarify where this Section sits with regard to statutory interpretation.</p>
3.1.3 Constitution of Councils	<p>Supported</p>
3.1.4 Roles and Responsibilities of Council Officials	<p>Unable to comment</p> <p>It is disappointing that Council may not be given an opportunity to comment on this aspect given the reference to the Independent Local Government Review Panel recommendations.</p> <p>It is unclear whether Council will have a further opportunity to comment on changes to the Local Government Act prior to its commencement.</p>

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Recommendation	Comments
	<p>Given the number of other significant reviews currently being undertaken it is strongly recommended that further consultation with Councils and stakeholders be undertaken prior to the Act's passage through Parliament.</p> <p>Many elements in the Report reference the Independent Local Government Review and note that it would be appropriate to consider possible changes in light of the outcome of that review. The City of Ryde strongly believes that this is an opportunity that must also be afforded to Councils.</p> <p>Councils are being asked to comment on proposals without this critical context. We feel this is unreasonable and stress our desire for further consultation regarding the proposed changes to the Act.</p>
3.2.1 Integrated Planning and Reporting	<p>Supported</p> <p>Council supports the integration of the IPR framework into the new Act and reference to this framework in the Role of Local Government.</p> <p>Council supports removing the duplication of reporting requirements and relevant provisions as a result of IPR.</p> <p>Again, Council recommends that a robust program and structure be implemented to provide the supporting regulations, codes and guidelines to ensure Councils are not exposed or unsupported by gaps in legislation.</p>
3.2.2 Community Consultation and Engagement	<p>Supported</p> <p>As stated in Council's previous submission, Council supports a new Act that is less prescriptive on how and when consultation will occur. Councils are the best placed to determine appropriate consultation methods for their communities.</p>
3.2.3 Performance of Local Government	<p>Supported with comment</p> <p>Council remains concerned on the accuracy and consistency of the comparability of the information included in the Comparative Performance publications. It is unclear how some Councils calculate the information. The same is true of some annual reporting requirements such as FTE staff (budget provision or number employed).</p> <p>Council also feels that there is currently a significant duplication of reporting requirements to various agencies and that this should be streamlined through the Division of Local Government into an integrated report (eg: Public Interest Disclosures, comparative data, GIPA reporting).</p>

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Recommendation	Comments
3.2.4 Technology	Supported
3.3.1 Elections	<p>Supported with comment</p> <p>The City of Ryde supports online voting for Council elections in order to increase voter participation. If on line voting is available, it is suggested that a growing majority of the electorate would adopt this mode of voting as it would be easily accessible and not dependent on their location.</p> <p>The recommendation that term of Mayors elected by Councillors be extended from 1 year to 2 years is surprising to Council as it was not present in the previous discussion paper (although it has been recommended by the Independent Local Government Review Panel). It is also noted that the Independent Local Government Review Panel has recommended that Mayors should generally be popularly elected which would impact upon this proposed provision.</p>
3.3.2 Meetings	<p>Supported with comment</p> <p>As previously submitted by Council, it is recommended that any generic Code of Meeting Practice include provision for public participation specifying a minimum requirement for all Councils.</p> <p>It is also recommended that the provision for expulsion of Councillors, staff or members of the public be strengthened so that the application of any expulsion can be for an extended period of time (within prescribed limits and requiring a resolution of Council)</p>
3.3.3 Appointment and Management of staff	<p>Supported with comment</p> <p>Council strongly supports the removal of a requirement for a Public Officer noting that this often results in a duplication of roles when conforming to other requirements such as the Public Interest Disclosures Act and the NSW Ombudsman's Complaint Management Guidelines.</p> <p>Council also supports the recommendations made by the LGMA Working Group with the following changes relating to provisions in both the General Manager and Senior staff contracts to support shared service opportunities identified by the Independent Review Panel and Destination 2036.</p> <ul style="list-style-type: none"> - The standard contract should be changed to enable multiple employing entities to be able to employ a General Manager or senior staff member with supporting guidelines to assist in facilitating this arrangement

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Recommendation	Comments
	<ul style="list-style-type: none"> - Amend s348(3)(b) to include an exception when advertising senior staff positions to enable Councils to determine whether they advertise externally when absorbing senior staff roles through inter-Council staffing arrangements
3.3.4 Formation and Involvement in Corporations and Other Entities	<p>Supported with comment</p> <p>The City of Ryde believes that Councils should be empowered to form and be involved in other entities. Council does not believe that the form of these entities should be prescribed by the Act and flexible and innovative approaches should be encouraged.</p> <p>The ability to form and be involved in other entities is one avenue Councils should be encouraged to investigate in order to provide more efficient and effective services to the community. The new legislation should reflect and encourage this.</p> <p>Council recommends that the Taskforce amend s358 of the Act to allow for more flexibility for Councils to establish or participate in an entity for the purposes of sharing staff through inter-Council contractual arrangements.</p>
3.3.5 Protection from Liability	<p>Supported</p>
3.3.6 Code of Conduct	<p>Supported</p>
3.3.7 Pecuniary Interest	<p>Supported</p> <p>Council supports clearer explanation of the Pecuniary Interest provisions and the use of available technology to facilitate the declaration of interest process for Councillors and staff.</p> <p>Council recommends that the Act provide a clearer definition of designated persons noting that this is currently applied inconsistently across NSW Councils.</p> <p>Council recommends that the penalties for non-disclosure be strengthened and that determinations of the Pecuniary Interest Tribunal be referenced as case law to assist with interpretation of the provisions.</p>
3.3.8 Delegations	<p>Supported</p>

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Recommendation	Comments
<p>3.3.9</p> <p>Financial Management</p>	<p>Comment provided</p> <p><u>Local Government Funding Model</u></p> <p>The City of Ryde believes there is a need to review the Local Government Funding model as the current model has many deficiencies. This deficiency has again been highlighted by the findings of TCorp and the Financial Sustainability Ratings (FSR) that they have allocated the majority of NSW Local Government. The financial position of Local Government will not be solved by just a few changes to the rating provisions, noting that this will help. Deficiencies in the current model of Local Government's ability to have access to a growth tax, is non-existent. Local Government does not receive any GST income as this is retained by State Government. Local Government requires a mechanism to have the ability to capture the many transient users of its facilities and infrastructure on a daily basis. As suggested earlier this broader review of Local Government Funding is required that may be a separate review.</p> <p><u>TCorp's Advice on Legislative Changes</u></p> <p>Given TCorp's understanding and knowledge of the financial position of NSW Local Government, TCorp should be requested to provide advice and recommendations on where and to what extent legislative changes should be made to provide opportunities for Local Government to be more sustainable.</p> <p><u>Inter-Governmental Agreement</u></p> <p>Other areas that the Task Force should consider for incorporation into the Act are the requirements relating to the Inter Governmental Agreement, in providing a level of statutory certainty that Local Government is required to be appropriately compensated for undertaking certain services and functions on behalf of other levels of Government. There have been many examples and studies undertaken of the various cost shifting that has occurred over the years that has contributed to Local Government's financial position.</p> <p><u>State Government Increases</u></p> <p>Finally, there needs to be a provision in the Local Government Act that protects Councils from being imposed with unreasonable and significant State Government increases. At a time when Local Government is under financial pressure to maintain services at reasonable prices to ensure access and equity principles are maintained, substantial increases from compulsory State Government contributions have a significant impact on Local Government's ability to maintain and deliver its many services and facilities. This is in addition to finding the funds to maintain its infrastructure.</p>

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Recommendation	Comments
3.3.10 Procurement	Supported The City of Ryde believes that the tendering thresholds should be relative to the size of the Council and scaled accordingly.
3.3.11 Capital Expenditure Framework	Supported
3.3.12 Public Private Partnerships	Supported PPP provisions should be more clearly articulated and the regulations associated with them clearly stated to encourage appropriate transparency and accountability. Improved Guidelines, as part of the Act, need to be provided to Local Government, that will assist all Council's through this complex process.
3.3.13 Acquisition of Land	Supported with comment The legislation needs to provide Council the ability to acquire land that is not necessarily identified in the Delivery Plan. Councils need to be able to respond appropriately to emerging issues.
3.3.14 Classification of Public Land	Supported with comment Council should be able to purchase land for the purposes of investment noting that the legislation should provide appropriate checks and balances regarding this provision. The ability for Council to redetermine the proposed use of land should be provided and streamlined. Council feels that the wording of 'reasonable protection for public land use and disposal' is too open ended and ambiguous and needs clarification.
3.3.15 Approvals, Orders and Enforcement	Supported An area that should be considered is the removal of statutory fees being imposed on Local Government to charge when there has been no regard for each Council's actual cost.
3.3.16 Water Management	Supported with comment As stated previously, Council is concerned at the deferral of consideration of elements of the new Act. It is vital that Councils be provided the opportunity to comment fully on proposed changes.

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Recommendation	Comments
3.3.17 Tribunals and Commissions	Supported
3.3.18 Other Matters	<p>(1) Supported</p> <p>(2) Supported although this needs to be further enhanced by clarity and accountability within the Act regarding the role of Councillors.</p> <p>(3) Supported</p> <p>(4) Supported</p> <p>(5) Supported</p> <p>(6) Supported</p> <p>(7) Comment provided - It is unclear whether Council will have a further opportunity to comment on changes to the Local Government Act prior to its commencement.</p> <p>Given the number of other significant reviews currently being undertaken it is strongly recommended that further consultation with Councils and stakeholders be undertaken prior to the Act's passage through Parliament.</p> <p>Many elements in the Discussion Paper reference the Independent Local Government Review and note that it would be appropriate to consider possible changes in light of the outcome of that review. The City of Ryde strongly believes that this is an opportunity that must also be afforded to Councils.</p> <p>Councils are being asked to comment on proposals without this critical context. We feel this is unreasonable and stress our desire for further consultation regarding the proposed changes to the Act.</p>
Other (i) Rating provisions	<p>The City of Ryde strongly supports the removal of rate pegging from the Local Government Act. The Independent Review Panel through the TCorp report, has quantified the current financial position of NSW Local Government. Rate pegging has played a strong part in this outcome.</p> <p>While Local Government can apply in the past to the Local Government Minister and now IPART, for consideration of a special rating variation application, Local Government should not have to undertake this process.</p> <p>The Integrated Planning and Reporting requirements are very sound, therefore if a Council has received the support from its community on its rating structure/proposal, then this should be sufficient with no further approval required.</p>

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Recommendation	Comments
	<p>This amendment to the Act is critical if Councils are going to be in a position to ensure they can adopt an Operating surplus for each year of its Delivery Plan. With rate pegging remaining, this requirement will be unachievable.</p> <p>As an example of the flexibility, that should be provided to Local Government in the rating system, the Taskforce is encouraged to review the Queensland legislation relating to valuations and the differential rating options provided to Councils</p> <p>In the scenario that rate pegging remains, the following option is also provided.</p> <p>Under the present legislation Council's increase their rate income in the following year by the combination of the growth in the rateable value of land and the general variation permitted by IPART. However, development which occurs during a rating year imposes costs on the community and Council which cannot be recovered under the present legislation. An example of this is where land is developed into a multiple storey residential/business strata complex. There is an increase in Council's rateable properties which will be included in the Notional Levy used to calculate the Maximum General Income for the following year. However, the costs to the Council in the current year of the increased population, traffic, child care requirements and other demands on Council's services cannot presently be recovered in that year. However these costs are partially off-set by the ability to re levy the rates on the new land value from the date of registration of the deposited plan in the following rating year. This ability is restricted by sections 27B and 62 of the Valuation of Land Act, 1916. A rewording of these sections is required to enable a council to utilise the rateable land value of developed land during the year of the new developed properties are available to be occupied.</p> <p>The additional costs incurred by Councils experiencing growth are significant and needs to be addressed.</p>
<p>Other (ii)</p> <p>Role of Division of Local Government</p>	<p>Council believes that the Division of Local Government should have a stronger role with particular regard to their powers to act in a timely manner.</p> <p>In addition, Council believes that the Act should prescribe the role of the Division of Local Government and specify timeframes and accountabilities similar to those placed on Local Government.</p> <p>As stated above, Council also believes the Division of Local Government should be the single coordinating authority for many current annual reporting requirements for Councils</p>

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Recommendation	Comments
Other (iii) Emergency Powers to respond	<p>The City of Ryde supports a new Local Government Act that clearly articulates a Council's power and delegation to respond and act in the case of local emergencies.</p> <p>In addition, the Act should provide adequate protections for actions taken in good faith under these emergency provisions.</p>

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1.4 Recommendations by the Taskforce
Table 2 - Summary of Taskforce Recommendations

Topic	Recommendations
3.0.0 Approach and Principles for the Development of the New Act	<p>The Taskforce recommends</p> <ol style="list-style-type: none"> integrated planning and reporting form the central framework for the new Act providing local government with a robust strategic planning mechanism that is based on community engagement, expectations and aspirations, and financial responsibilities a flexible, principles-based legislative framework, avoiding excessive prescription and unnecessary red tape, written in plain language and presented in a logical format. The new Act should be confined to setting out the principles of how councils are established and operate. When further detail or explanation is required as to how these principles are to be achieved, regulations, codes and guidelines should be used a more consistent approach be adopted to the definition, naming and use of regulatory and other instruments, noting that currently there is inconsistent use of mandatory and discretionary codes, guidelines, practice notes, discretionary guidelines and the like.
3.1.0 Structure of the New Local Government Act	<p>The Taskforce recommends that the new Act is structured with the following elements:</p> <p>Part I - Structural Framework of Local Government in NSW</p> <ul style="list-style-type: none"> Purpose of Local Government Act – 3.1.1 Role of Local Government – 3.1.2 Guiding Principles – 3.1.2 Legal status of councils (includes establishment) – 3.1.3 Roles and Responsibilities of Council Officials – 3.1.4 <p>Part II - Strategic Framework for Local Government in NSW</p> <ul style="list-style-type: none"> Integrated Planning and Reporting – 3.2.1 Community Engagement – 3.2.2 Performance of Local Government – 3.2.3 <p>Part III - Council Operations</p> <ul style="list-style-type: none"> Governance Framework – 3.3.1 – 3.3.8 Financial practices – 3.3.9 – 3.3.11 Public Private Partnerships – 3.3.12 Public Land – 3.3.13 – 3.3.14 Regulatory Functions – 3.3.15 – 3.3.16 Other functions <p>Part IV - Tribunals and Commissions - 3.3.17</p>
3.1.1 Purposes of the Local Government Act	<p>The Taskforce recommends that the Purposes of the Local Government Act be drafted as follows:</p> <p>The purpose of this Act is to provide</p> <ol style="list-style-type: none"> a legal framework for the NSW system of local government in accordance with section 51 of the <i>Constitution Act 1902 (NSW)</i> the nature and extent of the responsibilities and powers of local government a system of local government that is democratically elected, interactive with and accountable to the community, and is sustainable, flexible, effective and maximises value.
3.1.2 Role and Guiding Principles of Local Government	<p>The Taskforce recommends the inclusion of a new Role of local government and a set of Guiding Principles for local government as follows:</p> <p>Role of Local Government</p> <p>The Role of local government is to provide local democracy, strategic civic leadership, stewardship and sound governance to achieve sustainable social, economic, environmental, health and wellbeing and civic engagement through:</p> <ol style="list-style-type: none"> utilising integrated planning and reporting working in cooperative arrangements with the community, other councils, State and Commonwealth Governments to achieve and report outcomes based on community priority as established through integrated planning and reporting providing or procuring effective, efficient and financially affordable economic assets, services and regulation exercising democratic local leadership and inclusive decision-making having regard to the long term and cumulative effects of its decisions valuing local difference and system diversity committing to the application of the Guiding Principles of local government

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Topic	Recommendations
3.1.2 Role and Guiding Principles of Local Government cont'd	Guiding Principles of Local Government Guiding Principles to be observed by local government are to: <ol style="list-style-type: none"> (1) provide elected community-based representative and participatory local democracy, and open and accountable government (2) foster and balance the needs, interests, social and economic wellbeing of individuals, diverse groups and community (3) adhere to the social justice principles of equity, rights, access and participation (4) encourage stewardship and facilitate sustainable, responsible management of resources, infrastructure and development (5) consider future generations by protecting, restoring and enhancing the quality of the environment to maintain ecologically sustainable development, reduce risks to human health and prevent environmental degradation (6) ensure sustainable management and that all decisions incorporate considerations of risk management and long-term sustainability (7) recognise the responsibility of other levels of government in the provision of local services while accepting that local choices should be made at the local level wherever possible under the principle of subsidiarity (8) achieve and maintain accepted best practice public governance and administration, and act fairly, responsibly, ethically, transparently and in the public interest (9) optimise technology, and foster innovation and continuous improvement.
3.1.3 Constitution of Councils	The Taskforce recommends that the legal status of councils remains as a "body politic".
3.1.4 Roles and Responsibilities of Council Officials	The Taskforce recommends following consideration of the final report of the Independent Panel, the roles and responsibilities of mayors, councillors and general managers are reviewed to ensure they align with the requirements of the strengthened IPR framework (see section 3.2.1 below) and any recommendations of the Independent Panel that may be adopted by the State Government.
3.2.1 Integrated Planning and Reporting (IPR)	The Taskforce recommends <ol style="list-style-type: none"> (1) elevating IPR to form the central framework of the new Act and the primary strategic tool that enables councils to fulfil their civic leadership role and deliver infrastructure, services and regulation based on community priorities identified by working in partnership with the community, other councils and the State Government (2) strengthening and embedding the principles of IPR in the Act more broadly, setting minimum standards in the Act and defining process through regulation, codes and/or guidelines (3) removing duplication from other parts of the Act, where the principle or practice is already captured in the IPR legislation or guidelines (4) ensuring the legislation facilitates a strategic leadership role for councils in their local communities (5) moving sections of the Act to other legislation, in order to create an Act that better reflects the strategic role of councils and the framework that ensures and enables that role. The Taskforce proposes the outline displayed in Table 6 as the chapter structure of the new Act (6) simplifying the provisions of IPR to increase flexibility for councils to deliver IPR in a locally appropriate manner.
3.2.2 Community Engagement	The Taskforce recommends <ol style="list-style-type: none"> (1) councils prepare the most locally appropriate and flexible community engagement strategy guidelines. This will provide communities the opportunity to engage, through the following and other locally appropriate principles, and allow a flexible framework for continuing community engagement. The principles for such strategy will: <ol style="list-style-type: none"> a. include commitment to the community being at the centre of local government using ongoing engagement which ensures fairness in the distribution of resources; rights are recognised and promoted; people have fairer access to the economic resources and services essential to meet their basic needs and to improve their quality of life; and people have better opportunities to become informed and involved especially through use of technology b. consider and understand that persons who may be affected by, or have an interest in, a decision or matter should be provided with access to relevant information concerning the purpose of the engagement and the scope of the decision(s) to be taken

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Topic	Recommendations
3.2.2 Community Engagement cont'd	<ul style="list-style-type: none"> c. consider and understand that interested persons should have adequate time and reasonable opportunity to present their views to the council in an appropriate manner and format d. ensure that the views presented to the council will be given due consideration e. consider and understand that councils, in exercising their discretion as to how engagement will proceed in any particular circumstance, will have regard to the reasonable expectations of the community, the nature and significance of the decision or matter, the costs and benefits of the consultation process, and to intergenerational equity f. arrange flexible special engagement procedures in particular instances g. consider all groups, even though it may be difficult to reach every diverse community group, and some groups will choose not to engage.
3.2.3 Performance of Local Government	<p>The Taskforce recommends that a performance system is developed that is linked to IPR and includes the following elements:</p> <ul style="list-style-type: none"> (1) a standard series of measures that can compare the performance of councils across the State (2) an analysis of the performance measures results so that councils can identify the actions required to elevate performance (3) a self-assessment of the performance of the governing body on an annual basis (4) in lieu of an end of term report, councils provide a mid-term report as to progress with the Community Strategic Plan.
3.2.4 Technology	<p>The Taskforce recommends</p> <ul style="list-style-type: none"> (1) as a general principle the Act should enable optimal, flexible and innovative use of technology by councils to promote efficiency and enhance accessibility and engagement for the benefit of constituents (2) the Act should allow each council to determine the most appropriate use of technology taking into account the Guiding Principles of local government and community engagement through the IPR framework.
3.3.1 Elections	<p>The Taskforce recommends</p> <ul style="list-style-type: none"> (1) councils to have the option of using universal postal voting or alternative means of voting such as technology assisted voting where feasible as a means of increasing efficiency and voter participation and reducing council costs (2) the Act be drafted so as to enable the adoption of new technologies such as technology assisted voting when feasible to do so (3) include mechanisms for removing the need for by-elections, when a vacancy occurs either in the first year following an ordinary council election or up to 18 months prior to an ordinary election as a means of avoiding the holding of costly by-elections (4) a counting system should be adopted as an appropriate mechanism for filling vacancies that occur within the first year following an ordinary election whereby the unelected candidate who had the next highest number of votes be appointed to fill the vacant position (5) councils to be required to fill vacancies occurring after the first year following an ordinary election and up to 18 months prior to the next ordinary election by the postal voting method (6) where universal postal voting is used for any election, a candidate information booklet is to be included in ballot packs as a way of increasing voter knowledge of the candidates (7) the transfer of local government elections law to a single new Elections Act to consolidate all State and local government election provisions along with the regulation of campaign finance and expenditure (8) the term of mayors elected by the councillors to be extended from 1 year to 2 years.
3.3.2 Meetings	<p>The Taskforce recommends that the provisions relating to council meetings be:</p> <ul style="list-style-type: none"> (1) consolidated into a generic mandatory Code of Meeting Practice that may if necessary be supplemented to meet local requirements, provided the amendments are not inconsistent with the provisions of the Act and standard Code of Meeting Practice (2) modernised and unnecessary prescription and red tape removed (3) designed to facilitate councils utilising current and emerging technologies in the conduct of meetings and facilitating public access (4) flexible to enable remote attendance through technology at council meetings in emergencies such as natural disasters.

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Topic	Recommendations
3.3.3 Appointment and Management of Staff	<p>The Taskforce recommends</p> <p>(1) the strategic responsibilities of the council be clearly separated from operational responsibilities and be aligned with IPR by:</p> <ul style="list-style-type: none"> the council being responsible: <ul style="list-style-type: none"> for determining those services and priorities required by the community, and for providing the necessary resources to achieve the council's Delivery Program; and on the advice of the general manager, the council determine the organisation structure to the level that directly reports to the general manager the general manager being responsible: <ul style="list-style-type: none"> for determining the balance of the organisation structure; and for recruiting all staff with appropriate qualifications to fulfill each role within the structure. The general manager will consult with council regarding the appointment and dismissal of senior staff <p>(2) positions meeting the criteria as senior staff be appointed under the prescribed standard contract for senior staff, identified as senior staff positions within the organisation structure, and remuneration be reported in the council's annual report</p> <p>(3) each council to determine arrangements for regulatory responsibilities other than under the Act</p> <p>(4) the current prescription in the Act relating to the advertising of staff positions and staff appointments be transferred to regulation or to the relevant industrial award</p> <p>(5) that the maximum term allowable for temporary staff appointments be extended from 1 year to 2 years</p>
3.3.4 Regional Strategic Organisations of Councils and Formation and Involvement in Corporations and Other Entities	<p>The Taskforce recommends</p> <p>(1) the Act include a mechanism enabling councils to form statutory entities to undertake regional strategic collaboration activities. The Taskforce is of the view that, in place of Regional Organisations of Councils, a model similar to that developed by the Hunter Councils – Council of Mayors provides a suitable mechanism for achieving regional strategic collaboration, with the exception of Western NSW. ROCs could transition to a Council of Mayors to broaden joint collaboration between councils</p> <p>(2) the provisions of the Act relating to the formation of corporations and other entities should continue.</p>
3.3.5 Protection from Liability	The Taskforce does not propose changes to the liability provisions of the Act.
3.3.6 Code of Conduct	The Taskforce does not propose changes to the conduct provisions of the Act.
3.3.7 Pecuniary Interest	<p>The Taskforce recommends</p> <p>(1) the pecuniary interest provisions be reviewed to ensure they are written in plain language, easily understood and with unnecessary red tape removed</p> <p>(2) consideration be given to utilising technology to assist with the submission and maintenance of pecuniary interest disclosures and to facilitate appropriate access to this information, while ensuring that privacy rights are protected.</p>
3.3.8 Delegations	<p>The Taskforce recommends</p> <p>(1) that the provisions of the Act relating to delegations be reviewed to ensure that they are streamlined, written in plain language and are reflective of the roles and responsibilities of the council and the general manager to facilitate the efficient, effective and accountable operation of local government.</p> <p>(2) that the exceptions to delegations of an operational nature not be carried forward to the new Act, ensuring the council focuses on strategic decisions, consistent with IPR. These would include for example:</p> <ul style="list-style-type: none"> acceptance of tenders provision of minor financial assistance to community groups delegation of regulatory functions to another council or shared services body.

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Topic	Recommendations
<p>3.3.9 Financial Governance</p>	<p>The Taskforce recommends</p> <ol style="list-style-type: none"> (1) there be greater focus on principles and definition of financial systems and minimum standards in the new legislative framework and for assimilation of financial governance with the IPR requirements (2) there be a realignment of the regulatory focus under the legislative framework towards systems and risk management rather than process prescription (3) complementing the Guiding Principles of local government, the new Act should articulate a set of financial (or corporate) governance principles that align more effectively with the principles and objectives of IPR, especially in relation to stewardship of resources and accountability. For example: <ol style="list-style-type: none"> a. safeguarding integrity in financial reporting b. making timely and balanced disclosures c. recognising and managing risk (4) minimum expectations be prescribed by legislation or sub-regulatory instrument. A potential framework is: <ol style="list-style-type: none"> a. financial management governance and oversight b. financial management structure, systems, policies and procedures c. financial management reporting (5) financial statement requirements be included under IPR annual reporting requirements (6) a further review of rating and finance matters be undertaken as required after the Independent Panel recommendations are determined by the State Government.
<p>3.3.10 Procurement</p>	<p>The Taskforce recommends</p> <ol style="list-style-type: none"> (1) the adoption of central principles of procurement combined with a medium level of regulation to ensure support of the following principles: <ol style="list-style-type: none"> a. accountability b. value for money c. probity, equity, fairness and risk management d. efficient and effective competition e. market assessment (2) main considerations for each principle be contained in the Act or regulations, with further considerations contained in guidelines or a mandatory code (3) a council's procurement framework be consistent with its IPR framework (4) rather than the legislation setting a monetary threshold, a more flexible principles-based approach be established to enable councils to determine their threshold based on risk assessment of the proposed procurement and the procurement principles (5) regulation of procurement support councils entering into collaborative procurement arrangements and utilising technologies to assist with efficient, effective and economic procurement processes that are accessible to all relevant stakeholders and are fair, open and transparent (6) a regulation or code to express councils' default procurement framework (7) councils be qualified to adopt a more strategic approach through "earned autonomy" whereby: <ol style="list-style-type: none"> a. the Division of Local Government may exempt a council from compliance with a requirement under the regulation or code where it is satisfied that a council's procurement framework is consistent with the procurement principles; and b. qualification for a council's earned autonomy may be through an accreditation process or by council's development and diligent maintenance of policies and practices that are consistent with requirements issued by the Division of Local Government or other oversight entity. Qualification by accreditation is preferred as this should increase the accountability of councils to the community. (8) councils continue to be able to take advantage of purchasing from Commonwealth and State Government procurement panels and the State Government policies which afford exemption from tendering obligations such as when purchasing from registered Australian Disability Enterprises.
<p>3.3.11 Capital Expenditure Framework</p>	<p>The Taskforce recommends a capital expenditure and monitoring guideline be developed that integrates with the IPR framework and enables the appropriate management of risk by councils. This guideline should be tailored to risk levels, including significance of the project, materiality and whole of life costs, and not based on arbitrary monetary thresholds or procurement vehicles.</p>

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Topic	Recommendations
3.3.12 Public Private Partnerships (PPP)	<p>The Taskforce recommends</p> <ol style="list-style-type: none"> (1) that PPP projects continue to be subject to regulation due to the significance of the risks involved (2) aspects that could be streamlined or simplified be identified and mechanisms for ensuring PPPs be considered for inclusion in the IPR framework.
3.3.13 Acquisition of Land	<p>The Taskforce recommends council plans for the compulsory acquisition of land be linked with the IPR processes, and in particular the expressed opinion of the community in the Community Strategic Plan on the need for additional public land or the sale of public land be included in Delivery Program provisions.</p>
3.3.14 Public Land	<p>The Taskforce recommends</p> <ol style="list-style-type: none"> (1) councils be required to strategically manage council-owned public land as assets through the IPR framework (2) balancing reasonable protections for public land use and disposal by retaining the classification regime of public land as either community or operational land and require a council resolution at the time of acquiring or purchasing land to specify the classification, category and proposed use or uses (3) a proposed change in the use or disposal of community land be addressed through the council's Asset Management Planning and Delivery Program (4) a public hearing be held by an independent person where it is proposed to change the existing dominant use or to dispose of community land, with the results of the public hearing to be reported to and considered by the council before a decision is made (5) any use of a public hearing or other consultation process under the Act be specified in the council's Community Engagement Strategy (6) recognising the LEP zoning processes and restrictions applying to council owned public land (7) simplifying and reducing the categories and sub-categories of use to which community land may be applied through the Asset Management Planning process so as to identify and accommodate other ancillary or compatible uses appropriate to the current and future needs of the community (8) ceasing the need for separate plans of management for community land to be prepared and maintained, and in lieu, utilise the Asset Management Planning and Delivery Program of the IPR process (9) ceasing the need for a separate report to be obtained from the Department of Planning and the need for ministerial approval where council proposes to grant a lease, licence or other estate over community land in excess of the current 5 years, where an objection has been received by the council (10) proposed leases and licences be addressed as part of the council's Asset Management Plan and adopted Community Engagement Strategy with the 30 year maximum term to remain unchanged.
3.3.15 Approvals, Orders and Enforcement	<p>The Taskforce recommends</p> <ol style="list-style-type: none"> (1) regulatory provisions be reviewed to ensure that the Act provides guidance on regulatory principles but contains flexibility and less prescription in regulation implementation, provision of statutory minimum standards or thresholds, and councils having discretionary "on-the-ground" functions (2) consideration be given to the notion of a risk based approval process where persons or corporations are given general approval to conduct certain work rather than dealing with applications on a piecemeal basis (3) within this framework, the prescriptive processes of approvals and orders be streamlined and, subject to risk assessment, be placed where possible into regulations (4) removal of as many approvals and orders as possible and placing in specialist legislation if they cannot be repealed (5) the principles for dealing with approvals and orders be incorporated into a council's IPR framework through the Delivery and Operational Plans, including adoption of an Enforcement Policy and any LAPs and LOPs (6) penalties for offences in the Act and regulations be increased to ensure they are proportionate to the nature of the offence, and that the ability to serve a penalty notice should be made an option for additional offences (7) councils be required to adopt an Enforcement Policy stating what factors will be considered in determining whether or not to take action, including the level of risk. The factors should be consistent across all councils (8) improving councils' ability to recover costs for conducting work on private land (9) aligning council powers of entry with contemporary legislative standards (10) increasing the time limit for commencing summary proceedings from 6 to 12 months.

ITEM 16 (continued)

ATTACHMENT 2

Topic	Recommendations
3.3.16 Water Management	The Taskforce supports changes proposed to water recycling provisions which will consolidate and simplify the legislative framework. Otherwise the Taskforce makes no recommendations regarding the structures for the delivery of water and sewerage in non-urban areas, noting that the Taskforce gave the issue consideration but is aware this area is being dealt with by other reviews.
3.3.17 Tribunals and Commissions	The Taskforce notes (1) it is expected the Local Government Pecuniary Interest and Disciplinary Tribunal will be consolidated into the newly constituted NSW Civil and Administrative Tribunal (2) the Independent Panel is examining the issue of structures and boundaries, how boundary changes might be facilitated, and possible change of method of operation of the Local Government Boundaries Commission and accordingly makes no comment pending the outcome of this review (3) consideration be given whether to merge the Local Government Remuneration Tribunal with the Statutory and Other Officers Remuneration Tribunal.
3.3.18 Other Matters	The Taskforce recommends (1) consistent with Taskforce recommendation 1.3, that in place of sections 23A and 10B(5) that the Act empowers the Director General to issue mandatory codes on operational and governance matters relevant to local government (2) a formal Oath of Office for councillors is introduced as a mechanism for inducting councillors into their role and reinforcing the serious nature of the role and the chief responsibilities and duties the role entails (3) the provisions of the Act governing councils' expenses and facilities policy are reviewed to ensure they are streamlined and unnecessary red tape eliminated (4) a review be undertaken of circumstances that do not invalidate council decisions and including consideration of the appropriateness of adding the following to those circumstances that do not invalidate council decisions – "a failure to comply with the consultation and engagement principles" (5) conferring authority on councils to allocate, maintain and enforce property numbering (6) councils be provided with an effective means to regulate camping in vehicles on road and road related areas (7) the following matters be reviewed depending on the outcomes of other reviews currently incomplete: a. how councils are financed, particularly rating. The Taskforce consistently received feedback detailing issues with the provisions of the Act relating to how councils are financed b. community engagement to ensure consistency with the planning community participation proposals under the new Planning Act if adopted c. Tribunals and Commissions, particularly the role and functions of the Boundaries Commission to ensure that the Act supports recommendations of the Independent Panel adopted by the State Government d. roles and responsibilities of council officials. It is essential that the Act clearly defines the roles and responsibilities of the mayor, councillors and the general manager. The Taskforce recommends that these definitions are reviewed to ensure they reflect recommendations of the Independent Panel adopted by the State Government.

ITEM 16 (continued)

ATTACHMENT 2

Topic	Recommendations
4.1 City of Sydney Act	<p>The Taskforce recommends</p> <ol style="list-style-type: none"> (1) a separate Act for the City of Sydney be retained (pending the report and recommendations of the Independent Panel) noting that the Sydney City Council is also subject to the provisions of the Local Government Act (2) the electoral provisions applying to the Sydney City Council be transferred from the CoSA to a new Elections Act, as recommended at section 3.3.1 above, thereby providing a single repository for NSW electoral law (3) residents of the City of Sydney who are at the relevant date enrolled, within the meaning of the <i>Parliamentary Electorates and Elections Act 1912</i>, on the roll for any electoral district and whose place of living as described on the rolls is within the City of Sydney, shall be entitled to one vote provided that if a person is so entitled to vote because they are a resident of the City of Sydney, they shall not be entitled to be enrolled as an elector in any other capacity (4) <ol style="list-style-type: none"> (i) that persons presently entitled to vote and corporations who are entitled to nominate a person to vote on its behalf to vote under the CoSA at Council elections be entitled to enroll to vote (ii) that persons, other than those on the roll as set out in recommendation 4.1(3) being presently entitled to vote under the CoSA at Council elections, retain that entitlement to enroll to vote. If a person so entitled to enroll to vote or a corporation who is entitled to nominate a person to enroll to vote on their behalf has not enrolled to vote by the due date or being a corporation nominated a person to enroll to vote on their behalf by the due date, then those persons so entitled to vote as individuals or on behalf of corporations shall be deemed to be enrolled to vote at the Council election (iii) in the case of corporations, if no nomination has been made by a corporation of a person to be entitled to vote on behalf of the corporation the Council will, from the records of ASIC, as mentioned in recommendation 4.1(5) hereof, enroll the first director in alphabetical order to vote on behalf of that corporation and if that director may be disqualified to vote for any reason, the next director in alphabetical order until a director is validly appointed to vote on behalf of the corporation (5) the Sydney City Council determines, from all available Council information and records as well as information provided by ASIC, the person deemed to be entitled to vote on behalf of non-resident owners and corporations (6) to determine the occupiers entitled to vote, the Sydney City Council canvass the businesses within the City of Sydney six months before council elections to determine such entitlement (7) the non-residential rolls be prepared and maintained by the Sydney City Council with the General Manager of the Council to certify the rolls (8) for the Sydney City Council election, the postal voting method be compulsory for all people enrolled or deemed to be enrolled as non-residential enrollees (9) that non-compulsory candidate information be required to be distributed with the ballot papers sent out as part of the postal voting procedure, limited to a photo of the candidate and 250 words (10) that those enrolled as non-resident enrollees shall remain on the rolls for two ordinary elections unless they sooner lose their qualification or are disqualified from being an enrollee.

17 REVITALISING LOCAL GOVERNMENT - DRAFT SUBMISSION

Report prepared by: Service Unit Manager – Customer Service and Governance
File No.: COR2013/354 - BP14/194

REPORT SUMMARY

The Independent Local Government Review Panel was established to advance the program of review and reform launched at the Destination 2036 forum held in Dubbo in August 2011. Its task was to undertake a wide-ranging review looking ahead to 2036 and beyond, and to formulate options for governance models, structures and boundary changes. The Panel completed its final report – Revitalising Local Government in October 2013.

The Revitalising Local Government Paper proposes a reform agenda for Local Government. The Division of Local Government is now calling for submissions. The closing date was Friday, 7 March 2014, however this has subsequently been extended to 4 April 2014.

A submission to the Panel has been developed in consultation with Councillors and it is recommended that Council endorse the attached submission (**ATTACHMENT 1**).

It is also recommended that a copy of Council's submission be forwarded to the Hon. Victor Dominello MP (Member for Ryde) and that a meeting be requested to allow the Mayor and Councillors to present the City of Ryde's position in regard to this matter.

RECOMMENDATION:

- (a) That Council endorse the submission as **ATTACHED** to this report and for it to be provided to the Independent Local Government Review Panel.
- (b) That a copy of Council's submission be placed on Council's website and a press release be prepared outlining the key aspects of Council's submission.
- (c) That a copy of Council's submission be forwarded to the Hon. Victor Dominello MP (Member for Ryde) and that a meeting be requested with the local Member to allow the Mayor and Councillors to present the City of Ryde's position in regard to this matter.
- (d) That Council return the amount of \$13,531 to working capital previously allocated to undertaking a desktop review of the Panel's recommendations and that the amount also be consolidated into the next Quarterly Review.

ATTACHMENTS

- 1 Revitalising Local Government - City of Ryde Submission on Final report of the NSW Independent Local Government Review Panel - October 2013

ITEM 17 (continued)

Report Prepared By:

Shane Sullivan**Service Unit Manager – Customer Service and Governance**

Report Approved By:

John Todd**Acting Group Manager – Corporate Services**

ITEM 17 (continued)**Background**

The Independent Local Government Review Panel was appointed by the Local Government Minister, the Hon. Don Page MP, in March 2012 following an approach from the Local Government and Shires Associations. The Panel Chair was Professor Graham Sansom. Other Panel members were Ms Jude Munro AO and Mr Glenn Inglis.

The review was established to advance the program of review and reform launched at the Destination 2036 forum held in Dubbo in August 2011 when it was highlighted that there is a need to take a closer look at local government structures and finances and the way that Councils would deliver services in the future. These areas became the Panel's Terms of Reference.

The review was conducted in four stages:

- Stage 1 Setting the scene identifying key community issues consultation paper
- Stage 2 Developing concepts – “Case for Change” paper
- Stage 3 Proposed changes and models – “Future Directions paper”
- Stage 4 Final report (September 2013 – actual October 2013)

The final report represents the conclusion of the Panel's work.

In June 2013, the City of Ryde made a submission to the Panel's “Future Directions” paper.

The Division of Local Government made the final report available in January 2014 and has provided a closing date for submissions of 7 March 2014.

Consultation – June 2013

Prior to the lodgement of Council's submission in June 2013, Council conducted the following consultation to ensure community opinion was reflected in our submission:

- Survey conducted on MyPlace to which there were 255 responses.
- Phone survey conducted of 600 City of Ryde residents.
- Community Consultation meeting on Monday, 3 June at which there were approximately 140 attendees.

The reports from the phone survey and Community Consultation meeting were provided to the Panel and demonstrated that residents of Ryde were not supportive of the Panel's recommendations.

It was clear through the telephone survey that there was no support for the Panel's recommendation that Ryde amalgamate with Parramatta, Auburn and Holroyd.

ITEM 17 (continued)

In addition, the phone survey reinforced Council's concern about the need for additional community consultation regarding the Panel's recommendations. 93% of residents gave the importance of consultation a score of 7 or greater where 10 is very important and 1 is not at all important.

In summary, the results of the phone survey (as advised by Micromex who conducted the survey) were as follows:

- 70% of residents claim to be aware of the review.
- 93% of residents indicated that it is important to be consulted with about this issue.
- At a broad level, 56% of residents are not very supportive - not at all supportive of the amalgamation option versus 22% who are supportive - very supportive.
- If we remove the fence-sitters (somewhat supportive 22%), the data shows that the community is 2.5:1 against amalgamation.
- If pressed, the preferred merge option is to merge eastwards (42%), however, 38% still oppose amalgamation outright.
- Only 3% of residents support the Panel's proposal of a merger with Parramatta, Holroyd and Auburn.

In summary, the results of the community consultation (as advised by Urbis who facilitated the meeting) were as follows:

Based on the considerable attendance at the workshop and the nature of feedback received, it is evident that the proposed reforms are contentious and of interest to the Ryde community. Participants demonstrated a high level of pride in and attachment to their community, and emphasised the importance of local representation, decision makers' knowledge of local needs and issues, and Council being accessible and accountable.

An area of particular concern in relation to the reforms is the proposal to amalgamate Ryde with Parramatta, Auburn and Holroyd Councils. Therefore, much of the discussion at workshops focussed on challenges and issues associated with this particular aspect of the proposals. There is greater support for amalgamation with northern Council's on the basis of shared interests and identity, and an established relationship through NSROC.

Participants at the workshop were generally supportive of improving the governance and financial sustainability of local governments, though many felt that these outcomes could be achieved without amalgamation. NSROC was cited on a number of occasions as a well-functioning regional network, already achieving efficiencies through collaboration.

There is a high level of interest in the rationale for reform (particularly amalgamation) and concern regarding the adequacy research underpinning the proposed changes. Participants indicated a strong desire to know more and receive further information, to inform their views on the proposed reforms.

ITEM 17 (continued)

Desktop review of Panel's proposal

At its meeting held 25 June 2013, Council resolved as follows (inter alia):

That Council appoint a consultant to undertake a desktop review of the Panel's amalgamation proposal for City of Ryde as detailed in the report and that Council allocate \$40,000 for this as part of the June Budget Review.

As a result, Council engaged a suitably qualified consultant to undertake this review. The review gave consideration to financial aspects of the Panel's proposal as well as information about travel and work patterns with regard to communities of interest. The report was circulated to Councillors and has informed Council's **ATTACHED** submission.

Council's submission

The Panel's final report has been reviewed and a Councillor Workshop was conducted on 4 February 2104 to discuss the content of Council's submission to the Division of Local Government.

Under the section of the report – *Merger and Boundary Change Options for Sydney Metropolitan Councils*, the report provides the following in relation to Ryde:

Auburn, Holroyd, Parramatta, Ryde (part), The Hills (part)	<ul style="list-style-type: none"> - Amalgamate (eastern two thirds of Ryde to be included with North Shore group) and - Move northern boundary of Parramatta to M2 (balance of The Hills to remain an individual council) or - Adjust Parramatta's boundary to include parts of Ryde and The Hills and combine Auburn, Holroyd and Parramatta as a strong Joint Organisation.
Hunters Hill, Lane Cove, Mosman, North Sydney, Ryde (part), Willoughby	<ul style="list-style-type: none"> - Amalgamate or - Combine as a strong Joint Organisation

It is noted that no detail has been provided regarding where the boundaries would be for determining the 'eastern two thirds of Ryde'

As a result of the consultation undertaken with Councillors and the community, as well as information obtained through the desktop review of the panel's previous recommendations, it is proposed that Council's submission address six key areas:

1. The City of Ryde must remain whole.
2. The Panel has again disregarded communities of interest.
3. Council has commenced working toward Joint Organisations.
4. The proposals regarding financial sustainability need to be further reaching.

ITEM 17 (continued)

5. Further consultation must be undertaken.
6. Council needs more detail in order to comment and consult effectively.

At this time it is not known what the next steps will be in relation to the reform agenda. The Minister for Local Government and the Division of Local Government have provided no indication of future action or any possible program for consultation or implementation.

Financial Implications

It is noted that there are significant potential financial implications as a result of the Panel's recommendations. These are discussed in the **ATTACHED** draft submission.

In addition, in June 2013 Council resolved to appoint an independent provider to undertake a desktop review and allocate \$40,000 for this initiative. This allocation was made and to date \$26,469 has been expended. It is proposed that the saving of approximately \$13,000 be consolidated into the next Quarterly review.

	Approved budget	Total cost	Saving
Independent Local Government Review Panel – desktop review	\$40,000	\$26,469	\$13,531

ITEM 17 (continued)
ATTACHMENT 1

Revitalising Local Government City of Ryde Submission

Panel's Recommendation

Under the section of the report – *Merger and Boundary Change Options for Sydney Metropolitan Councils*, the report provides the following in relation to Ryde:

Auburn, Holroyd, Parramatta, Ryde (part), The Hills (part)	<ul style="list-style-type: none"> - Amalgamate (eastern two thirds of Ryde to be included with North Shore group) and - Move northern boundary of Parramatta to M2 (balance of The Hills to remain an individual council) or - Adjust Parramatta's boundary to include parts of Ryde and The Hills and combine Auburn, Holroyd and Parramatta as a strong Joint Organisation.
Hunters Hill, Lane Cove, Mosman, North Sydney, Ryde (part), Willoughby	<ul style="list-style-type: none"> - Amalgamate or - Combine as a strong Joint Organisation

Please note that no detail has been provided regarding where the boundaries would be for determining the 'eastern two thirds of Ryde'

The City of Ryde welcomes the opportunity to provide this submission on Revitalising Local Government (Final Report of the NSW Independent Local Government Review Panel – October 2013) and wishes to make the following key points:

1. The City of Ryde

The City of Ryde categorically rejects any proposal that would fundamentally split the current local government area.

Council has previously (20 April 2013) resolved that while it understands the principle of local government boundary adjustments, it does not see a future for the Ryde area as part of an enlarged Parramatta City. Indeed, the City of Ryde believes that not only should Ryde remain whole but that it is well placed to challenge Parramatta as a second CBD with the development and expansion of Macquarie Park.

The City of Ryde Council strongly believes that Ryde should be a separate centre of governance because of the area's history, geography, economic structure and the existing communities of interest.

We are one of the oldest local government areas in Australia with a long and proud history that should be respected and maintained.

ITEM 17 (continued)**ATTACHMENT 1**

On the 3rd January 1792, the first land in the Ryde area was granted to eight marines, along the northern bank of the river between Sydney and Parramatta. The area was named by Governor Phillip the 'Field of Mars', Mars being the ancient God of war, named to reflect the military association with these new settlers. Today, Field of Mars Reserve is the remnant of a district which once extended from Dundas to the Lane Cove River.

These grants were followed soon after by grants to ten emancipated convicts in February 1792, the land being further to the east of the marines grants, thus the area was called Eastern Farms or the Eastern Boundary. By 1794 the name Eastern Farms had given way to Kissing Point, a name believed to have originated from the way in which heavily laden boats passing up the Parramatta River bumped or 'kissed' the rocky outcrop which extends into the river at today's Kissing Point.

Few local government areas in Australia, let alone NSW, can lay claim to such a long and proud history as the City of Ryde. To see Ryde Council identified in the Panel's report for division amongst other areas disregards Ryde's heritage and importance in NSW local government history.

The residents of Ryde have told Council and the Panel, in no uncertain terms that they do not identify with Western Sydney. At the Community Consultation held 3 June 2013, 79% of those present indicated that they place strong importance on maintaining a sense of local identity within the City of Ryde.

2. Communities of Interest

The City of Ryde wishes to express its deep concerns that a program of amalgamations (voluntary or otherwise) will be a costly exercise that will divide local communities, and not deliver the desired efficiencies. This is why any suggested merging of Local Government areas must have the considerations of 'community of interest' central to this decision. The other critical issue is ensuring the community understands the proposal and has had a genuine opportunity to express their views and opinion.

As a result of the Panel's report, *Future Directions for Local Government*, the City of Ryde commissioned SGS Economics and Planning to review the option presented by the Panel as well as a scenario incorporating North Shore Councils. The work done by SGS Economics and Planning found that travel patterns were weak between Ryde and Parramatta. It also found that the journey to work linkages between Ryde and Parramatta were also weak.

In contrast, the report found strong linkages between Ryde and the North Shore with regard to household and shopping travel patterns. Public accessibility mapping undertaken also highlights an overall strong connection between Ryde and the East. Another strong connection identified through this work was with regard to household travel patterns which are strong from Ryde to the North and East than to the West.

ITEM 17 (continued)**ATTACHMENT 1**

We suggest that just as the community of interest linkages for Ryde are towards the East that the community of interest linkages for Parramatta would likely be towards the West. Consequently, the Panel's position represents a worst of both worlds which will not benefit the residents of Ryde nor the residents of the proposed Parramatta local government area.

Further, the State Government's own planning and strategy work has identified Ryde with Northern Sydney Councils and never as part of Western Sydney. This includes the Draft Metropolitan Strategy for Sydney, NSW 2021 (Regional Action Plans), A New Planning System for New South Wales and Destination 2036.

The proposal contained within the report does not follow one of Sydney's most significant natural geographical features; the Parramatta River. This natural boundary not only separates Ryde from western Sydney but creates distinct communities of interest as demonstrated by the information gathered by SGS Economics and Planning.

This evidence indicates that Ryde has stronger linkages to the East and as such, it would be more appropriate for Ryde to remain as a whole local government area with the option to join with Hunters Hill, Lane Cove, Mosman, North Sydney and Willoughby as a strong Joint Organisation.

The City of Ryde is not opposed to limited boundary adjustments, particularly in instances where these are done to correct historic anomalies such as boundaries in the middle of local streets. In addition, the City of Ryde supports boundary expansion for the Ryde area to accommodate natural catchment areas and natural boundaries such as Terrys Creek and the Lane Cove River.

3. Towards Joint Organisations

Throughout the recommendations of the report, numerous local government areas have been identified for potential amalgamation. However, in almost every case (except for Ryde), there is also the optional recommendation for those Sydney Metropolitan Councils to join as a Joint Organisation.

In our original submission, the City of Ryde supported flexible approaches with regard to shared services and a framework that would allow Council to negotiate preferred outcomes for the community. This would facilitate improved service delivery and service quality for our communities while maintaining the local focus and representation vital for local government.

It is heartening that the Panel has extended its recommendations regarding shared services beyond country Councils to include Joint Organisations for metropolitan Councils. The City of Ryde, as part of NSROC has already been party to meetings with SHOROC to consider proposals for new regional collaboration.

ITEM 17 (continued)**ATTACHMENT 1**

However, Ryde would be robbed of the opportunity to take advantage of Joint Organisations were the Panel's recommendations regarding splitting the local government area put into place.

The City of Ryde has already had significant discussions regarding shared service opportunities and has been supportive of a model that allows for a flexible approach to service delivery balanced with local representation.

The Panel's recommendation in the case of metropolitan Councils that mergers should be considered a greater priority than the establishment of Joint Organisations is not supported. Council has previously made its case that there is no evidence that larger Councils are more effective or efficient. In fact, in our previous submission, the City of Ryde presented a significant amount of evidence that the opposite is true and has been proven in other States.

The City of Ryde is a strong Council with a proven track record of implementing best practice and innovative thinking. As part of a Joint Organisation, Ryde would be well placed to provide a leadership role for local government and to be an intrinsic part of a robust and economically sustainable shared services model.

4. Financial Sustainability

The City of Ryde encourages a more holistic and broader review of the financial sustainability of local government as an industry.

Ryde questions the Panel's position with regard to rate-pegging. We believe that the entire financial system, including the rating system must be reviewed and that rate-pegging, at its core, is one of the key factors restricting local government sector sustainability. The City of Ryde is strongly recommending the removal of rate pegging.

A full and comprehensive review of the Local Government funding model is required. We are very concerned that the Panel's position will set Councils up to fail by not providing for adequate provisions to bolster their revenue base.

Over a number of years, Local Government has been the recipient of extensive cost shifting from both levels of government, with no increase in revenue. Somehow, Local Government has been expected to absorb and deliver these additional services with in many cases no additional revenue. In NSW, Local Government has so many constraints such as rate pegging that makes it more difficult in raising additional revenue.

Additionally, the Federal Government over the past decade has slowly reduced the total quantum of funds for the Revenue Sharing Grant. The revenue sharing grant was introduced back in the 1970's to provide Local Government with a share of personal income tax receipts, originally set at 2%. This Grant is Local Government's only receipt of a 'growth' tax, which has been reduced steadily in real terms over the last few decades. It therefore is essential that this grant continue to be paid to each Local Government authority.

ITEM 17 (continued)**ATTACHMENT 1**

For the same reasons, serious consideration should be given to giving local government access to revenue raised through the GST.

In total, these issues have significantly impacted Local Government's ability in being financially sustainable. While there are other contributing factors, these areas have played a critical role and need to be addressed by all levels of Government.

Finally, Ryde believes that the Panel's recommendations to consider a state-wide borrowing authority should be extended also to include a state-wide investment authority. This would further facilitate the objective in providing reduced borrowing costs to Local Government with the potential to also increase returns from investments.

5. Consultation

The City of Ryde is concerned that the consultation undertaken by the State Government in calling for submissions has been inadequate given the significant impact the recommendations could have on local communities. The final report from the Panel was complete in October 2013 and released to Councils in January 2014 with submissions due in March 2014.

This document outlines recommendations that would fundamentally change the face of local government in NSW and, in particular, Ryde. The timing for submissions has precluded our ability to consult effectively with the community and their elected representatives; a situation which, for the City of Ryde, is unacceptable.

We strongly recommend that prior to any further action being taken or recommendations being finalised that further more extensive consultation be undertaken.

6. Detail

The City of Ryde understand that this report contains recommendations only and that for many NSW local government areas there is clarity within the report as to the impact of the recommendations.

This is not the case for the City of Ryde.

The report recommends that Ryde be split with the Western third becoming part of a 'second CBD' with Parramatta and the remaining two thirds joining with the North Shore group. The map provided at page 107 is inadequate with a vague indication to 'Review Boundaries'.

It is unreasonable to expect the City of Ryde to be able to provide any kind of informed comment and we strongly recommend that both Council and the community be provided with adequate detail prior to any decisions being made. Indeed, we believe it is unacceptable to ask a community to comment based on such unclear and vague information.

18 CODE OF MEETING PRACTICE

Report prepared by: Meeting Support Coordinator; Section Manager - Governance
File No.: CLR/07/8/9/3 - BP13/1781

REPORT SUMMARY

The report presents the results of the public exhibition of the draft City of Ryde Code of Meeting Practice for Council's consideration. In accordance with Section 361 of the Local Government Act (the Act) and as resolved by Council, the draft Code was also provided to the Division of Local Government for comment.

The Division of Local Government provided comment (Attachment 2) and recommended clarification and additions to parts of the draft Code. There were no submissions received from the community during the exhibition period.

This report recommends that Council adopts the draft Code of Meeting Practice, **ATTACHED (Under Separate Cover)**, including proposed changes made in response to the feedback from the Division of Local Government.

The changes recommended in this report are not considered substantive in accordance with Section 362 of the Act and as a result, it is recommended that Council adopt the draft Code without further public exhibition.

It is also recommended that Council provide a copy of the adopted Code to the Division of Local Government for their information.

RECOMMENDATION:

- (a) That Council adopt the draft City of Ryde Code of Meeting Practice as **ATTACHED (Under Separate Cover)** to this report noting that in accordance with Section 362 of the Local Government Act, 1993 the changes are not considered substantive.
- (b) That a copy of the adopted Code and this report be forwarded to the Division of Local Government for their information, including a letter from the Acting General Manager in appreciation of their feedback.

ATTACHMENTS

- 1 Draft Code of Meeting Practice - February 2014 - CIRCULATED UNDER SEPARATE COVER
- 2 Letter from Division of Local Government dated 23 December 2013 providing comments on draft Code of Meeting Practice

ITEM 18 (continued)

Report Prepared By:

Carol Mikaelian
Meeting Support Coordinator**Amanda Janvrin**
Section Manager - Governance

Report Approved By:

Shane Sullivan
Acting Group Manager - Corporate Services

ITEM 18 (continued)**Discussion**Background

At its meeting held on 26 November 2013, Council considered a draft Code of Meeting Practice and resolved as follows:

- (a) *That Council adopt the draft Code of Meeting Practice as **attached** to this report, for public exhibition for a period of not less than 28 days.*
- (b) *That a copy of the draft Code of Meeting Practice be provided to the Division of Local Government for comment.*
- (c) *That public submissions be invited on the draft Code of Meeting Practice from 4 December 2013 to 3 February 2014.*
- (d) *That a further report be provided to Council in late February 2014 to consider adoption of the draft Code of Meeting Practice.*

Public Exhibition and Call for Submissions

In accordance with Council's resolution of 26 November 2013 and Section 361 of the Local Government Act, 1993 the draft Code of Meeting Practice was placed on public exhibition as follows:

- City of Ryde website: advertised from Wednesday, 4 December 2013
- Northern District Times: advertised on Wednesday, 11 December 2013

It was advertised that the draft Policy was available to view on the City of Ryde website, at Customer Service in the Civic Centre, and at the Libraries. Submissions could be made directly on the City of Ryde website, by mail, or by email.

Under Section 361 of the Local Government Act, 1993, Council is required place the draft Code on public exhibition for a period of not less than 28 days, and accept submissions for a minimum of 42 days.

It was decided that due to the exhibition period being during the Christmas period, the submission period would be increased to 61 days, and close on Monday, 3 February 2014. During this period, no submissions were received.

Also, in accordance with the Council resolution of 26 November 2013, Council provided a copy of the draft Code of Meeting Practice to the Division of Local Government. Council requested that it would appreciate the Division providing any comments by the close of the submission period on 3 February 2014.

ITEM 18 (continued)Results of the exhibition and call for submissions

No submissions were received from the community, however comments were received from the Division of Local Government. The Division congratulated the City of Ryde on its Code of Meeting Practice, making particular reference to the use of the "PRACTICE" boxes to provide practical guidance on how the requirements of the Code are to be implemented as being useful.

Division of Local Government Feedback

The Division made the following observations and suggestions regarding the draft Code and these changes are shown in the document **ATTACHED (Under Separate Cover)** with additions shown in ***bold italics*** and deletions shown in ~~strikethrough~~:

1. Extraordinary or Special Meetings – the Division advised that the Practice section of Part 1.1.2 contained some references to incorrect clauses. There were also concerns that paragraph 1 of the Practice section which contains the phrase the "Mayor may", implies that the Mayor has discretion to call an Extraordinary or Special Meeting. The Division also outlined that paragraph 4 of the Practice section appeared to be incorrect.

Section 366 of the Local Government Act, 1993 states that the "Mayor must" call an Extraordinary Meeting when requested by two or more Councillors as soon as practicable within 14 days after the receipt of the request. Taking the Division's feedback into account, it is therefore proposed amend the Practice section of Part 1.1.2 to read as follows:-

1. *The Mayor ~~may~~ **must**, in accordance with Clause ~~2-2-1~~ **1.1.2** of this Code of Meeting Practice, call an Extraordinary or Special Meeting of the Council on any matter or matters considered necessary.*
 2. *The Mayor, in consultation with the General Manager, shall determine the time and place of an Extraordinary or Special Meeting, called in accordance with Clause ~~2-2-1~~ **1.1.2** of this Code of Meeting Practice.*
 3. *The Mayor does not have the authority, in their own right, to call an Extraordinary or Special Council Meeting.*
 4. *~~In accordance with the Meeting Practice Note the General Manager may determine when an Extraordinary Meeting is required and call such a meeting.~~ **In accordance with Clause 367 of the Act the General Manager can give notice of less than three (3) days of an Extraordinary Meeting called in an emergency.***
2. Extraordinary or Special Meetings – The Division identified that the reference in Part 1.2.3 of the Draft Code to Council regarding decisions still being valid if proper notice is not given, appears to overstate the effect of Section 374.

ITEM 18 (continued)

Section 374 of the Act provides that a failure to give notice to a Councillor or Committee member will not invalidate a decision, however failure to give notice to the public is not covered by Section 374.

The current statement in Clause 1.2.3 of the Draft Code of Meeting Practice reflects almost verbatim the provisions of the Division of Local Government's Meetings Practice Note. It is therefore recommended that the statement remain unchanged.

3. Agendas and Business Papers – The Division advised that the Supplementary Provision in Part 1.3 of the Draft Code of Meeting Practice (set out below) is effectively restating Section 9(2A) of the Local Government Act, 1993 and that the Division's Meetings Practice Note is not authority for the statement.

Certain matters, because of their confidential nature may be considered in closed meetings. The General Manager is to indicate on the agenda, without details, that an item of business is likely to be discussed in a closed part of the meeting. The agenda should also indicate the reason the item will be dealt with in the closed part of the meeting.

It is proposed that the following Clause from the Local Government Act, 1993 be included in the Draft Code of Meeting Practice before the Supplementary Provision – Meeting Practice Note in order to provide the relevant authority and context:

(Local Government Act – Section 9(2A))

In the case of a meeting whose agenda includes the receipt of information or discussion of other matters that, in the opinion of the general manager, is likely to take place when the meeting is closed to the public:

- (a) ***the agenda for the meeting must indicate that the relevant item of business is of such a nature (but must not give details of that item), and***
- (b) ***the requirements of subsection (2) with respect to the availability of business papers do not apply to the business papers for that item of business.***
4. Recording of voting on planning matters - The Division identified that the Practice section of Part 2.4.3 of the Draft Code of Meeting Practice where it states that it is not necessary for a division to be called in relation to planning matters contradicts Section 375A of the Local Government Act, 1993 which expressly states that a division must be called.

In accordance with the Division's feedback, it is therefore proposed to reword Part 1 of the Practice section under Part 2.4.3 as follows:

1. ***At the City of Ryde, a division is to be called for all motions and amendments which notes the voting for and against. This is to include voting for all planning matters as required by Section 375A of the Act.***

ITEM 18 (continued)

2. The Planning and Environment Committee has the delegated authority to determine planning matters in accordance with the delegation set out in this Code.

The reason that this change is recommended is to provide further clarity that as Council calls a division for all items, it is not necessary for a division to be called specifically for planning matters.

5. Determining Pecuniary Interests, Conflicts of Interest and Political Donations – The Division indicated that Council may wish to consider whether Parts 3.2 to 3.6 relating to pecuniary interests, conflicts of interest and political donations are required to be covered in such detail in the Draft Code of Meeting Practice or whether they could be dealt with more briefly by way of cross reference to Council's Code of Conduct.

It is recommended that all sections under Parts 3.2 to 3.6 remain as is, in order to make the Code of Meeting Practice a complete resource. It is recommended that a note be added to the Supplementary Provision in Part 3.2.1 referencing Council's Code of Conduct, as set out below:

It is the responsibility of each individual to determine whether or not he or she has a pecuniary interest and if necessary to obtain legal advice. It is not the role of the chairperson or the General Manager to rule on any question of pecuniary interest. (Refer to Council's Code of Conduct).

6. Rescinding or altering resolutions – The Division advised that Paragraph 4 in the Practice section of Part 6.1 regarding re-committal is inconsistent with Section 372 of the Local Government Act, 1993.

Based on the Division's advice that the Local Government Act, 1993 does not allow for re-committals, it is recommended that Paragraphs 4 and 5 of the Practice section in Part 6.1 be deleted as follows:

1. *A Rescission Motion shall only prevent a resolution of Council from being effective immediately, if notice is given at the meeting at which the resolution is passed.*
2. *A Rescission Motion shall be in writing and shall be signed by three Councillors.*
3. *Notices of Rescission which attempt to alter or stop some course of action which has been substantially proceeded with shall be ruled out of order: See part 6.2 below.*
4. ~~*The re-committal of a matter which has already been determined earlier in the meeting and the carrying of the motion of re-committal shall expunge the previous resolution on the subject matter and the matter must be dealt with afresh. It is appropriate for the Chairperson, instead of insisting on a rescission motion for an item dealt with earlier in the meeting, to accept as valid a motion that a previously determined matter be brought back before Council for fresh consideration (i.e. motion of re-committal).*~~

ITEM 18 (continued)

- ~~5. If there is a lapse in the continuity of the meeting, such as adjournment to another day, no re-committal shall be permitted from the previously adjourned section of the meeting.~~
4. A motion to rescind or alter a resolution of Council cannot be withdrawn once submitted, irrespective if all three Councillor's signatories are withdrawn prior to its consideration at a Council meeting. The motion will remain listed for Council's consideration at its next available Ordinary Council meeting.

The Division further instructed that any reconsideration to amendments or alterations to a resolution must be dealt with by submitting a Rescission Motion.

Staff had a number of discussions with the Division regarding this change. While it is acknowledged that the Act only provides for the rescission of resolutions and not recommitment of matters, staff pointed out that in practice, this may be seen as impractical. These comments were taken on board by the Division.

7. Inspection of the minutes of a Council or Committee – The Division advised that the Note in Part 11.5 of the Code of Meeting Practice refers to Section 12 of the *Local Government Act, 1993* which was repealed in 2010.

It is therefore recommended that the Note under Part 11.5, as set out below, be removed from the Code of Meeting Practice:

~~Note: Section 12 of the Act confers a right (restricted in the case of closed parts of meetings) to inspect the minutes of a Council or Committee of a Council.~~

Further proposed change to the Code of Meeting Practice**Agendas and Business Papers**

To further clarify the distribution of Agendas and Business Papers to Councillors and also to reflect current practice that the Mayor and Councillors receive business papers at the same time through BoardVantage (Council's online document system), it is recommended that the following point (2) be added to the draft Code of Meeting Practice under Part 1.3 in the Practice section as follows:-

1. In accordance with Clause 240 of the Regulation, the General Manager determines any business of which due notice is to be given and therefore included in the Agenda for a meeting of Council or Committee.
2. ***Where practicable, business papers will be made available to the Mayor and Councillors at the same time through BoardVantage (Council's online document system).***
3. Once the agenda for a meeting has been sent to Councillors an item of business on the agenda cannot be removed from the agenda prior to the meeting.

ITEM 18 (continued)

4. Confidential items shall be marked as confidential as the General Manager may from time to time determine, and where practicable, be listed at the end of the business paper. These confidential items will comprise the confidential business paper for the meeting.
5. Where a Councillor is, or in the opinion of the general manager is likely to be, the subject of proceedings by or against the council, any legal advice, reports or correspondence dealing with those proceedings or likely proceedings shall, if the matter is of a kind of business referred to in Section 10A of the Act, be withheld from the business paper of that councillor and shall not be made available to that councillor by any person.

It is considered that these changes reflect legislative requirements and Council's current practice and would not constitute a substantial change requiring further public exhibition of the Code of Meeting Practice.

Public Address at Meetings

Council's Code of Meeting Practice currently provides that speakers who wish to address a meeting are requested to register by 12 noon on the day of the meeting.

Council's Code of Meeting Practice outlines that there are certain restrictions on what speakers are allowed to address including matters that have already been listed and considered by the Works and Community and Planning and Environment Committees; and have then been referred to Council for determination under delegated authority.

In practice, there have been instances of Council resolving to deviate from the Code of Meeting Practice to allow speakers who have not registered to address meetings and also to allow speakers who wish to address Council regarding matters that have already been considered by the Works and Community and Planning and Environment Committees.

Council may wish to consider amending the draft Code of Meeting Practice to reflect this practice.

It is noted that staff are required to abide by the adopted Code of Meeting Practice with regards to advice provided to people wishing to speak at a meeting.

Draft Code of Meeting Practice

The **ATTACHED (Under Separate Cover)** draft Code of Meeting Practice incorporates the changes originally endorsed by Council, together with current practice and proposed changes as a result of feedback from the Division of Local Government. These additions are shown in ***bold italics*** and deletions shown in ~~strikethrough~~.

ITEM 18 (continued)

Following consideration of the proposed changes to the draft Code, it is recommended that this draft Code of Meeting Practice be adopted, and a copy provided to the Division of Local Government along with a positive acknowledgement of their feedback. It is noted that the Division very rarely provides comment on draft documents and their feedback has been invaluable. The adopted Code will be placed on the Council's website, and copies will be made available at meetings for reference.

Critical Dates

There are no critical dates or deadlines to be met.

It should be noted that should Council resolve to make further amendments to the draft Code of Meeting Practice, it may be necessary to place the revised draft Code on public exhibition, however this is only required if "the Council is of the opinion that the amendments are substantial" (*Section 362 clause 2, Local Government Act, 1993*).

Financial Implications

Adoption of these recommendations will have no financial impact.

Options

Council may consider that the changes proposed in this report are substantial and resolve to re-exhibit the draft Code of Meeting Practice to seek submissions, however, it is noted that no submissions were received during the exhibition period.

Council may resolve not to adopt the changes recommended as a result of feedback from the Division of Local Government, however, this is not recommended as incorporating this specific feedback is best practice and strengthens our Code of Meeting Practice.

Council may resolve to adopt further changes to the draft Code of Meeting Practice. If this is the case, consideration would need to be given as to whether they are substantial and therefore requiring further public exhibition.

ITEM 18 (continued)

ATTACHMENT 2



Premier & Cabinet
Division of Local Government

5 O'Keefe Avenue NOWRA NSW 2541
Locked Bag 3015 NOWRA NSW 2541

Our Reference: A361610
Your Reference:
Contact: Anita Gambhir
Phone: 02 4428 4215



Mr Shane Sullivan
Acting Group Manager – Corporate Services
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

Dear Mr Sullivan

Thank you for your letter of 5 December 2013 seeking the Division's comments on Ryde City Council's draft Code of Meeting Practice.

The Division makes the following comments on the Council's draft code of meeting practice (CoMP):

- The references to clause 2.2.1 of the CoMP in the Practice section in Part 1.1.2 appear to be incorrect.
- The use of the phrase the "Mayor may" in the Practice section in Part 1.1.2 appears to be incorrect in that it implies the Mayor has a discretion. Section 366 of the Act states that a "mayor must".
- Paragraph 4 in the Practice section on page 9 appears to be incorrect.
- The reference in Part 1.2.3 of the CoMP to council decisions still being valid if proper notice is not given appears to overstate the effect of section 374. This section provides that a failure to give notice to a councillor or committee member will not invalidate a decision. A failure to give the public notice is not covered by section 374.
- The supplementary provision in Part 1.3 of the CoMP is effectively restating section 9(2A) of the Act. The Division's Meetings Practice Note is not authority for this statement.
- The statement in the Practice section of Part 2.4.3 of the CoMP that it is not necessary for a division to be called in relation to planning matters contradicts section 375A which expressly states that a division must be called.
- Council may wish to consider whether Parts 3.2 to 3.6 relating to pecuniary interests, conflicts of interest and political donations need to be covered in such detail in the CoMP or whether they could be dealt with more briefly by way of cross reference to Council's code of conduct.
- Paragraph 4 in the Practice section of Part 6.1 regarding re-committal is inconsistent with section 372.
- The Note in part 11.5 of the CoMP refers to section 12 of the Local Government Act which was repealed in 2010.



ITEM 18 (continued)

ATTACHMENT 2


2

The Division considers the use of the "PRACTICE" boxes to provide practical guidance on how the requirements of the code are to be implemented to be useful.

It should be noted that the Division's comments should not be seen as an endorsement or approval of the draft Code. As I am sure you would appreciate, circumstances may arise in the future that may warrant the Division to make further comment on the draft Code.

Thank you for providing the Division an opportunity to provide comment. I hope this feedback is helpful.

Yours sincerely

 23/12/12

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

19 PRIVACY MANAGEMENT PLAN

Report prepared by: Service Unit Manager - Customer Service and Governance
File No.: COR2009/917 - BP14/202

REPORT SUMMARY

The *Privacy and Personal Information Protection Act 1998* (PPIPA) requires that Council have a Privacy Management Plan.

In 2013, the Division of Local Government released a new Model Privacy Management Plan for local government. As a result, Council's Privacy Management Plan has been reviewed to reflect the model plan issued by the Division.

It is recommended that Council adopt the draft Privacy Management Plan **(ATTACHED – UNDER SEPARATE COVER)** and provide a copy of the update document to the Office of the Information and Privacy Commission.

RECOMMENDATION:

That Council adopt the **ATTACHED (Under Separate Cover)** Privacy Management Plan and forward a copy to the Office of the Information and Privacy Commission.

ATTACHMENTS

- 1 Draft Privacy Management Plan - City of Ryde - March 2014 - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Shane Sullivan
Service Unit Manager - Customer Service and Governance

Report Approved By:

John Todd
Acting Group Manager - Corporate Services

ITEM 19 (continued)**Discussion**

The Privacy and Personal Information Protection Act 1998 (PPIPA) provides for the protection of personal information and for the protection of the privacy of individuals.

PPIPA requires all Councils to prepare a Privacy Management Plan outlining their policies and practices to ensure compliance with the requirements of that Act and the *Health Records and Information Privacy Act 2002* (the HRIPA).

In particular, the object of a Privacy Management Plan is to inform:

- The community about how their personal information will be used, stored and accessed after it is collected by the Council; and
- Council staff of their obligations in relation to handling personal information and when they can and cannot disclose, use or collect it.

The **ATTACHED (Under Separate Cover)** draft Privacy Management Plan completely reflects the Model plan and any deviations or clarifications have been highlighted. It is noted that these are very rare and are generally provided for clarification purposes only.

The Model plan provided by the Division of Local Government does not differ substantively from the previous Privacy Management Plan under which Council operated. The key changes are:

- The incorporation of the requirements of the *Health Records and Information Privacy Act 2002*; and
- The inclusion of references to the Government Information (Public Access) Act 2009.

Council is also required to provide a copy of its adopted Privacy Management Plan to the Office of the Information and Privacy Commission.

Following adoption of the Privacy Management Plan, training of key staff will be undertaken. In addition, as Council's documents and publications are reviewed and develop (such as the City of Ryde website), privacy principles will continue to be applied.

The Privacy Management Plan and relevant contact information will also be updated on Council's website following adoption of the draft.

Financial Implications

Adoption of the recommendation will have no financial impact.

20 REPORTS DUE TO COUNCIL

Report prepared by: Meeting Support Coordinator

File No.: CLM/14/1/4/2 - BP14/173

REPORT SUMMARY

This Report is submitted to Council to review the status of outstanding reports and confirm the date reports are due to be provided to Council as at 18 February 2014 (listing **ATTACHED**).

There are currently 44 reports listed. Following consideration of this report there will be seven overdue reports due to Council.

RECOMMENDATION:

That the report on Outstanding Council Reports be endorsed.

ATTACHMENTS

- 1 Outstanding Council Reports - as at 18 February 2014 - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Carol Mikaelian
Meeting Support Coordinator

Report Approved By:

Amanda Janvrin
Section Manager - Governance

Shane Sullivan
Acting Group Manager – Corporate Services

NOTICES OF MOTION**1 BUSH REGENERATION ACTIVITIES - Councillor Terry Perram****File Number: CLM/14/1/4/6 - BP14/258**

MOTION:

1. That the General Manager provide a status report to the Works and Community Committee on bush regeneration activities on Council land within the City of Ryde. The report should include details of paid and volunteer work during the last 12 months, the current condition of bushland subject to active regeneration and plans for the future.

**2 PUBLIC LIABILITY COVER FOR SMALL INCORPORATED GROUPS -
Councillor Denise Pendleton****File Number: CLM/14/1/4/6 - BP14/261**

MOTION:

That the Acting General Manager review the mandatory requirement for public liability insurance cover, for hire of Council's halls and meetings rooms as it relates to small incorporated groups, particularly when the use of facilities is for low risk activities.

**3 LEGISLATIVE COUNCIL SELECT COMMITTEE ON SOCIAL, PUBLIC AND
AFFORDABLE HOUSING - Councillor Jerome Laxale****File Number: CLM/14/1/4/6 - BP14/264**

MOTION:

1. That the General Manager arrange for a submission to be lodged to the Legislative Council Select Committee on Social, Public and Affordable Housing
2. That the submission be circulated in the CIB prior to lodgement
3. That the submission make particular mention of the following:
 - the benefits of Social, Public and Affordable Housing to the City of Ryde;
 - the rich heritage of Social, Public and Affordable Housing that the City of Ryde has; and
 - the need for more social housing in our City to meet ever-growing demand.

CONFIDENTIAL ITEMS**21 REQUEST FOR TENDER - COR-RFT-19/13 ELS HALL - Amenities
Building Refurbishment and Repair Works**

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.

Report prepared by: Project Manager
File No.: PM12/115/40780/1 - BP14/190
Page No.: 385

22 REQUEST FOR TENDER - COR-RFT-22/12 Banking Services

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) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

Report prepared by: Team Manager - Financial Accounting; Chief Financial Officer
File No.: GRP/09/3/2/7 - BP14/229
Page No.: 408

**23 PROCUREMENT REVIEW - FORMAL OUTCOMES OF HIGH LEVEL
REVIEW AND PROPOSALS FOR STAGE 2**

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) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

Report prepared by: Manager - Risk and Audit
File No.: COR2012/269/4/1 - BP14/12
Page No.: 419
