

Gladesville Community Group (Incorporated)

Submission to IPART NSW

Fit For The Future

19th July 2015

Please refer also to (separately submitted):

- **Supporting Annexures, and**
- **(Confidential) Comments submitted at Question 10 of Gladesville Community Group's Survey 1 into community satisfaction with the performance of Council**

Gladesville Community Group (incorporated) - GCG

About Us

We are an incorporated association that formed hastily in response to a significant Development Application that brought the planning controls and Council management to the forefront of local public awareness. With limited resources and pressed for time, a small number of members are the Committee and we aim to provide relevant information to the subscriber base by way of email and publication of some content on the website www.gladesvillecommunity.com. Our efforts have focused mainly on Hunters Hill Council, as it was the Council that received the Development Application that brought these concerned residents together (HHC DA 2013-1036). We acknowledge that actions of the Council of the City of Ryde have received relatively less attention, which is a consequence of limited time rather than an endorsement that the administration of the part of Gladesville within Ryde LGA (local government area) is necessarily any different/better.

The division of our time across two LGAs is an example of exactly what is wrong with the current Local Council boundaries. We are disappointed that Fit For The Future (FFTF) has not been received as an opportunity to address the adverse consequences of dividing a connected retail, commercial, transport, and residential hub with a border that runs along the very main streets upon which it has developed. If Gladesville was under one Council, with one LEP (Local Environment Plan) and DCP (Development Control Plan), one set of Councillors to develop relationships with, one series of Council Meetings to attend, one set of exhibitions, transactions, and governance model with which to work, a community group such as ours may be able to contribute more effectively to Local Government administration. Indeed, we hope that local planning could be improved.

We do not claim to have a mandate to speak for all recipients of our emails. This submission was drafted and approved by the Committee, and we encourage our subscribers to make their own submissions directly, whether in agreement or disagreement with the opinions expressed below.

Surveys

GCG does not enjoy the benefit of having rate-payers' money available to spend commissioning or looking for supportive research, advertising, or 'selling' our opinion to the broader public. We have used Survey Monkey to facilitate low-cost polling of interested respondents. Responses were scrutinised and limited to 2 responses per IP address, to defend against concerns of manipulation. Survey Monkey export data can be provided to IPART directly, upon request, to validate authenticity and deal with any concerns over validity of the survey responses described below.

Survey 1

In February 2015 GCG ran a survey into local satisfaction with Council performance, to which 140 valid¹ responses were received. The results are more fully presented in Annexure 1, but key observations are shown below.

83% of respondents rated the Council's performance in managing Gladesville as being either "poor" or "below expectations", dragged down largely by performance in the management of Planning and Development, with 88% of respondents rating their Council's performance in that area as being either "poor" or "below expectations" (Q3).

89% of respondents believe Gladesville does not benefit from being managed by 2 separate Councils (Q4).

90% of respondents believe there is inadequate coordination between Ryde and Hunters Hill Councils in the management of Gladesville (Q5).

Although 51% of respondents were aware of Fit for the Future, 92% believe there has been inadequate public consultation from their Council (Q6 and Q7).

83% of respondents are against ("against" or "strongly against") a model of managing Gladesville in the current arrangement. 71% of respondents are in favour ("in favour" or "strongly in favour") of Fit for the Future 'in principle' (Q8)

Respondents ranged in their connection to Gladesville (Q1), the Council with which they most identify (Q2) and ages (Q9).

General Comments and Feedback (Q10) were received but unfortunately were deemed inappropriate for publication because of a number of accusations made against specific individuals. Although this survey was intended to give members of the community of Gladesville a voice, we do not promote the harming of people's reputations. These comments will be provided to IPART separately and marked "confidential".

¹ 148 responses were received from 122 different IP addresses (basically a location on the internet). 8 responses were excluded because an excessive number of responses were received from 2 IP addresses. A maximum of 2 responses were permitted from any one IP address, allowing for up to 2 family members to complete the survey.

Survey 2

In June 2015 GCG ran a survey into the specific issue of local satisfaction with Councils' approach to Fit for the Future. We were delighted to receive 38 valid responses (same criteria applied as to Survey 1, no invalid responses received), on this specific issue and without funding for promotion. To view in context, Councils promoted their consultation evenings and there were only approximately 75 attendees at Hunters Hill Council's consultation sessions. The survey results are contained at Annexure 2, and key findings of this survey are described below.

22 respondents, 58% of the 38 people sufficiently interested to complete our survey did not attend any of the Council-run sessions.

The most common reason (not mutually exclusive) given, by 18 respondents, for non-attendance was the belief that Council had already decided its position.

Of the respondents who expressed opinions on the consultation sessions (blank responses not counted), 67% (54% strongly) disagreed that the sessions were satisfactory, overall. 67% (50% strongly) also disagreed that the sessions were free from bias or opinion-steering.

76% of all respondents do not agree that the councils have undertaken sufficient meaningful consultation, and 79% were not confident that the Councils' submission to the state government would represent their views.

84% of respondents would have liked to have greater input into the definition of what the 'superior alternative' should have been, with 42% of respondents supportive of either i) pursuing a Joint Organisation with revision of boundaries, or ii) amalgamation of Ryde, Hunters Hill, and Lane Cove Councils.

In dealing with disposals of public land, an issue highly relevant to Gladesville at this time, 82% of respondents expected Council to i) consult the public before the sale, ii) use a tender process involving more than 1 party, and iii) evaluate the merits of disposal on criteria more broad than sale price alone. Perhaps surprisingly, only 61% of respondents felt that it is important to ensure that development facilitated by such a sale complies with planning instruments developed by local Council.

Councils' Consultation

It is our opinion that the sessions that were described as consultation could be viewed as a sales pitch of the Joint Regional Authority (JRA) model, to which the Councils were already committed. Note from the timelines on pages 16 and 17 of the joint submission that Councils resolved in February 2015 not to amalgamate, engaged consultants (at significant cost to ratepayers) to support the JRA in March 2015, and "consulted" with the Community during May and June of 2015.

The polling conducted at the first of Hunters Hill Council's consultation sessions asked respondents to identify the preferred response, where the JRA was THE definition of the "Superior Alternative", and the alternatives were the 'mega-merger', otherwise what amounted to burying one's head in the sand. There was no opportunity for community input into the determination of what form of "Superior Alternative" the Council should respond with. Indeed, the remarkable statistic is not that >75% chose the "Superior Alternative", but that there was negligible input into the definition of what that Superior Alternative was, from the Community. The consultation sessions were for the community to rubber stamp the JRA model, based on it already being defined by Council as THE Superior Alternative. Against such unattractive alternatives, it is somewhat surprising that the support for a Superior Alternative was not closer to 100%.

We understand that the polling by telephone and online polls framed the decision in the same manner.

We refer IPART to the results of Survey 2 by Gladesville Community Group (referred above and contained at Annexure 2) which taken in combination with the process as explained in 1.5 (page 15) of the joint submission whereby Council determine the response ahead of holding forums, demonstrates that the claim of "extensive community engagement" should be viewed with some skepticism.

Regional Authority (JRA) Model - Governance

JRA decision-making would require unanimous agreement of members.

As detailed on page 32 each Council will have two elected representatives on the Board of the JRA; elected representatives will be bound by their Council's decisions; and board decisions will be made by unanimous voting agreement of its members. Although this structure adds a bureaucratic layer, we would be left with a mechanism that appears substantially similar to the existing situation in which Councils could simply come to the same agreement (unanimously).

The challenge in having a procurement process (for example) succeed in the JRA model would appear to be no different to having the 3 constituent Councils combine their buying power as has or has not happened in the past. Unanimous agreement is easier to aspire to than it is to achieve, especially when operational authority remains vested in the constituent Councils which have legacy assets, contracts, cultures, organisation structures, processes, supplier relationships; as well as individual customer service standards and targets, approaches to heritage management, geographical differentiators, and so on.

Why should we expect the JRA to find unanimous agreement where it has not existed under the ROC (Regional Organisation of Councils) structure?

If un-tapped opportunities to deliver further benefits to ratepayers through a JRA 'paperclip-buying-collective' do exist, why have Councils not delivered them under the ROC structure?

Can we expect to JRA to add greater value in cost savings than the additional burden of its own administration?

How could we expect Councils to be as responsive as they are (or aren't) at present, if functions and decision-making were delegated to the JRA?

What does it mean to "develop a single Local Environment Plan" (p20) and "a harmonised LEP and DCP to create common design standards" (p31)? Will the JRA staple the three existing LEPs together? Will Councils delegate the right to make unanimously acceptable amendments to their LEPs to the JRA? What if amendments aren't unanimously supported? The value of retaining individual Councils to allow for public representation and embedding of local character into planning controls appears to be significantly reduced if the LEP development is to be delegated to the JRA?

Page 30 identifies that "the JRA will incorporate a shared service element". This is a wonderful proposition, but despite probably hundreds of thousands of dollars being spent on consultants and public advertising, the submission running to 242 pages, with 1,500 pages of supporting attachments, the Councils have not specified a single process or function that would be committed to the shared service element.

Most services identified on page 38 as being eligible for provision by the Shared Services Centre would require some standardisation of policy and/or technology, exactly the same impediment identified in the article at Annexure 3 quoting analysis by MorrisonLow (consultant engaged by the joint Councils), but used as an argument against amalgamation. We believe that the argument would apply equally to the accessing of synergies and economies of scale whether by use of shared services in a JRA framework or an amalgamated entity. If anything, an amalgamated entity with centralised operational control would enable process and policy standardisation more effectively than a JRA in which such control would remain within the constituent Councils' management.

The JRA model may be viewed as 'an agreement to agree'.

Boundaries – Cutting Gladesville apart

The importance of municipal boundaries is recognised on page 27 of the Submission, in discussing the dissection of Ryde municipality, and the detrimental impact on Macquarie Park. "The proposed split would at best place Macquarie Park and its environs at the periphery of one of the two mega Councils, and at works, split this important strategic centre between two newly created local government authorities". Gladesville is at the periphery of the two Councils that administer it, split between two authorities, and it is disappointing that the Councils who submit the above response have done nothing to address this problem faced by Gladesville.

It is telling of the difficulty in participating in local government across two LGAs that the attention of the Committee of Gladesville Community Group has been so consumed by examining Hunters Hill Council's governance that little time has been dedicated to the equivalent of the City of Ryde.

Similar problems exist for the Boronia Park retail and commercial strip, split by the boundary formed by Pittwater Road, into the Ryde and the Hunters Hill Council sections.

Financial measures aside, effectiveness of Local Government is an overarching imperative of the proposed reforms. We are disappointed that the Councils' joint response, despite costing so much money, has not addressed an obvious problem with the current boundaries. During 2013-2014, with a number of significant developments proceeding in this area – arising from LEPs recently amended to cater for growth targets – community members have sought confirmation that the capacity of infrastructure to support development has been assessed holistically for the suburb. There was not even a joint study of traffic management informed by the expected development facilitated by the LEP for the suburb released, despite the planned addition of thousands of new residents across both sides of Victoria Rd.

Simply pointing to the JRA structure as a utopian enabler to quickly and efficiently deliver such coordinated endeavours is dismissed as fanciful. Apart from the impediment to action that the requirement for unanimous agreement would inflict, one must expect the JRA (which appears not to fund administrative resources) to have a great many matters to resolve – likely with strategic imperatives given higher priority. How could we expect 3 or more Councils to quickly and unanimously agree to sensible holistic management of Gladesville, when Ryde and Hunters Hill Councils couldn't directly agree to an integrated traffic study, recently?

Finances, performance, and risk

It is our opinion that pressure to demonstrate financial sustainability can create pressure to make operating decisions that are out of keeping with the expectations of the community.

10 Cowell Street

A circa 1900 timber cottage owned by Hunters Hill Council stands at 10 Cowell Street, adjacent to a modest shopping centre. In the draft LEP of 2012 exhibited by Council, the property was included for heritage listing. In the LEP that was actually adopted, the property was not listed. During the development and exhibition of the draft LEP the Council was engaged in discussions with the owner of the shopping centre, which has development aspirations, to facilitate the transfer of title by way of Put and Call Option agreements (deeds or contracts).

On 22nd June 2012, the business day preceding the Council meeting at which the heritage listing of 10 Cowell Street was to be resolved, a Council officer signed the section 149 (of the Environmental Planning and Assessment Act) Planning Certificate responding to the question “whether an item of environmental heritage (however described) is situated on the land” with a simple “no”. The certificate referred to Hunters Hill Draft LEP 2012 as a relevant planning instrument. It was not until the meeting on the following week (General Meeting 4326 on 25th June 2012) when adopting an amended version of the Draft LEP that Council resolved to defer the question of heritage listing of 10 Cowell Street, despite having received expert opinion (the Davies report) that listing was warranted and none to the contrary.

Importantly, this was not a decision not to list the property through lack of merit, but rather a decision that the Council had not decided whether to list or not list the property in the schedule of heritage items. The Council then entered into a contract for disposal of the property before deciding whether 10 Cowell Street warranted heritage listing. We suggest that the proper order of events would have been the reverse. Eventually, in 2015, the property was listed, after years of campaigning by locals that Council should revisit the issue and finish the process it did not complete in a timely manner in 2012 – prior to committing the Council to the sale of the property at the unilateral instruction of the developer.

The option instruments to facilitate the sale were negotiated directly by the General Manager and the Mayor (under delegated authority sought from the new Council of 2012 in their first few meetings), directly with the developer, confidentially. A valuation for the site was commissioned, instructing Colliers to undertake the valuation on the basis that no heritage constraints apply. The exercise price for the put and call options has still not been released. Notwithstanding our requests since 2013 for the documents to be made public, it was not until early 2015, when a former Mayor and former Councillor (well-respected, benevolent and generous community activists who head the Save Hunters Hill Municipality Coalition), met with senior representatives of Council and urged that the documents should be made public, that the heavily redacted put and call option deeds, and redacted valuation, were released.

There was no public tender for the sale of the public land at 10 Cowell St or the other parcels in the transaction, being 4-6 Cowell Street and 1C Massey Street. Despite the recommendations of the Tendering Guidelines for NSW Local Government *“where the sale or purchase of land may be considered controversial, contentious or political. Acknowledging that the sale or purchase of land is specifically exempt under 55(3) of the Act, council should still consider using the tender process in such circumstances.”* The Guidelines also state that *“By using the tendering process in circumstances other than those prescribed by section 55 of the Act, councils will be able to provide assurance of openness and accountability, build anti-corruption capacity and achieve the best value for money.”*

It is our view, which we expect would be widely held and was shared by 82% of respondents to our Survey 2, that the merits of a proposed disposal of public land should be evaluated on criteria more broad than simply sale price. The Council does not exist for its own sake, but rather to serve the community. Accordingly, the disposal of assets must not be viewed as a means of support for financially unsustainable administration but rather for the enhancement of community benefit as measured by public amenity as well as financial gain. Consultation prior to disposal is an obvious mechanism to ensure that the Councils actions would be consistent with community expectations, the very argument that underpins the Councils’ joint response to IPART.

This transaction involved the sale (albeit facilitated by option instruments) of a property which was recommended for heritage listing but Council failed to decide at the time, instead entering into a sale transaction with only one party, the owner of the neighbouring shopping centre.

There was no known (by long term local residents to which the authors have spoken) public consultation prior to committing the Council to this option contract, which created the legal obligation upon the community to give up this asset at the unilateral instruction of the developer – with no further choice (without incurring damages expected to be prohibitive). There was no public call for the disposal of this property, which is an example of exactly the heritage and character of the municipality that has been used as a defence against amalgamation, repeatedly. Further, the report of the General Manager to General Meeting of Hunters Hill Council 4124 (11th June 2002) stated, in respect of expenditure on works at 10 Cowell Street *“the completed building is a tribute to the Council staff and contractors who undertook the work and Council can now justifiably point to its own work as an example of what can be achieved in heritage and conservation building works. Any criticism of our performance in this project is unwarranted and misinformed.”* The General Manager at the time of the above quote has remained in the position through the negotiation of option instruments to dispose of the property, and retains the position at the time of making this submission.

It seems reasonable to the authors of this submission that the sale of that property should have been expected to be controversial, and treated accordingly.

The distinction between signing the option deed that commits the Council to make the sale at the unilateral instruction of the developer, as distinct from actually selling the property, should be dismissed as a structure of convenience as far as such an evaluation is concerned. The distinction has been used by senior Council staff who have publicly stated that “the property hasn’t been sold” (and similar). Despite being technically correct, this statement without a complementary explanation of the commitment to which Council is bound, creates confusion and may have left the audience with the mis-conception that the Council is in a position to decide whether or not to proceed with such a sale at the time when the developer instructs that it wishes to take ownership.

In summary, it is our view that the Council has set about to achieve the outcome which is the disposal of the property at 10 Cowell Street (among others), after receipt of expert recommendation that the property warranted heritage listing but with Council having failed to resolve for or against said recommendation, without prior public consultation, without tender, with the merit of the transaction resting solely on the financial outcome. It is our view that such a course of action, whilst not illegal, is out of keeping with the expectations of the community. We are concerned that the pressure of trying to demonstrate the financial sustainability of Hunters Hill Municipality has motivated such a coordinated series of actions resulting in an outcome that is contentious, without prior public consultation or public support. This problem needs to be addressed, for the protection of other public assets and to ensure that the locality is administered with closer adherence to community expectations, both in the outcomes sought and in terms of public participation in any such process.

Bell v Hunters Hill Council [2012] NSWSC 1522

Paragraphs below are quotes from the Justice Young (no relation to Russell Young, Committee member of GCG) in the above-referenced case. Underlining was added by the authors to direct the reader to the most relevant sentences, but whole paragraphs are included to alleviate concerns that quotes may have been taken out of context. The reader can review the full judgement at www.caselaw.nsw.gov.au.

GCG Committee member Russell Young became concerned after reading the judgement below and wrote to the General Manager asking a number of questions (Annexure 4). The reply from the General Manager is attached (Annexure 5).

Following receipt of the General Manager's reply Russell requested permission to address Council on 22nd June 2015, (Annexure 6) but the request was denied (Annexure 7). Cited reasons for declining the request were i) that the item was not on the agenda and ii) that it is the subject of a confidential legal settlement between the Council's insurer and the property owner.

It is noted that the Council's standard application form used to request permission to address Council has a specific tick-box to indicate that the speaker wishes to address Council on a matter that is not on the agenda, and policy does not prevent it. The speaker intended to make reference to the judgement and ask questions of fact as to how the Council's espoused value of 'Accountability' was demonstrated in response to it – a published judgement that cannot possibly be dismissed as insignificant.

Whilst the answers that could be provided to the community may possibly have been restricted in some way by confidentiality of settlement, we believe that such a possibility should not prevent the questions being asked of Council, by a ratepayer, in the first place. A release was obtained from the property owner and subsequently provided to Council. The meeting that Russell Young sought to address had a very light agenda, and was indeed closed after 51 minutes, at 8.21 with all matters determined. If a 3 minute presentation for a matter not on the agenda cannot be permitted in a meeting with such a light agenda, one can only wonder when the public may present and ask questions about the Council's adherence to its own espoused Values – stated by Hunters Hill Council to be "at the heart of what we do".

It was disappointing to be denied the opportunity to ask Councillors for reassurance to the community that that Justice Young's comments are not to be dismissed so easily. The General Manager's response, received as somewhat intimidating, did not address Justice Young's references to: wasting ratepayer funds, bluster (a synonym of bullying), a backlog of urgent works (preventing works required under the deed), and the requirement to supervise a contractor in order to achieve a result to which it is contractually bound.

It is reasonable for a person who reads the judgment to be concerned 1) about whether the Council's financial situation and works backlog means other residents may be similarly exposed, and 2) whether other residents may be victims of such bluster (bullying) in the future. An effective demonstration of Accountability (a stated value of Hunters Hill Council) may reassure rate-payers that Justice Young's comments gave rise to (for example) a review of procedures, introduction of specific controls to mitigate the risk of recurrence; and/or consideration of whether it is appropriate to pursue or defend legal action in the circumstances when a ratepayer has already suffered because of actions or inaction of Council. It is reasonable to ask whether we should be fighting ourselves. It is reasonable to consider whether our financial position increases the risk of loss due to infrastructure failure, or not supervising contractors adequately, and whether this is a performance issue that should be of concern to the community.

Based on Justice Young's comments, and the Council's financial outlook, we are concerned that Council may not be able to afford to maintain infrastructure to the required standard, and to serve ratepayers as customers instead of legal adversaries. That is a troubling concern.

Extracts from the judgement - [Bell v Hunters Hill Council \[2012\] NSWSC 1522](#)

35 *The plaintiff's perceived problems were met only with assertive letters making various threats to the plaintiff that the Council was acting completely in accordance with The Deed and she was costing the ratepayers money. This culminated on 5 April 2011 with a solicitor's letter that:*

Our client remains of the position that the works being undertaken on Monday were in accordance with the Deed and is prepared to call evidence on the issue. However, such a course is only further delaying the works and further wasting ratepayer funds.

36 *However, the reality is that if a solicitor wishes to be assertive and threatening or a party instructs its solicitor to be so she must actually follow through with her threat. In the instant case, the Council never presented any evidence (except some relatively minor reports on vibrations and an expert report which disclosed cracking to the plaintiff's house) that it was proceeding in accordance with the Deed and the solicitor's continued bluster (which I assume was on instructions) has merely cost her client's ratepayers a lot of money and got nowhere.*

39 *Mr Raprager was not cross examined. His evidence shows that the contractor had something to hide with respect to his activities and that had the Council been supervising, this would probably have been apparent to it. If in fact it was apparent, it did not stop the bluster.*

49 *The plaintiff certainly was more involved in discussions as to the proper design of the works than the Council expected, but this was understandable as she was fearful of further flooding of her house, whilst the general attitude of the Council appeared to be that it had many more urgent works calling on its budget than the works to be done under the Deed.*

50 *Further, some of the delay was a result of Mr Innes of the Council's staff being absent from work as a result of a family bereavement. I am not able to find, on the evidence, that the delay in commencing the work was attributable to the plaintiff.*

Response to Fit for the Future

It is our opinion that reform of local government is required.

It is also our opinion that the 'mega-merger' is undesirable because it tips the balance of scale/capacity vs public representation too far away from public access. Councils of the magnitude proposed are not desirable.

We believe that the opportunity to fully develop a "Superior Alternative" may have been compromised by a limited time-frame, and also by a lack of willingness to investigate all options. It may be viewed as unrealistic to expect senior staff to develop a model that makes their own positions redundant.

We request that the IPART review of the Councils' joint submission carefully consider the public consultation and acknowledge that the public support which is claimed to be for the JRA may be more accurately considered to be support for a Superior Alternative. We request that the IPART review of the submission have regard to the underlying desires for public representation, access to Councillors with a reasonable ratio of residents per Councillor, performance which meets community expectations, accessing economies of scale through delivery of actual specified services from a shared services environment, restructure of operations to allow for the creation of specialised roles in larger Councils, and other sensible outcomes which may be achieved through reform. We can only assert that these underlying desires are widely held based on our own experiences and anecdotal observation, because the significant funds which were expended on 'consultation' by the Councils came very late in the process, after development of the defined model of Superior Alternative as a JRA. Sadly, it did not seek much open input from the community as to what is most valued from local government.

The 'mega-merger' option elicits little support, and some support could be viewed as a protest against current Councils' performance. A better consultation would have allowed for development of a Superior Alternative that had public input rather than simply validation of JRA by way of proxy as the sole definition of Superior Alternative, but may have required a longer time-frame for proper development.

We believe that the containment of the commercial and higher density parts of Gladesville (and similarly of Boronia Park), within any one municipality is desirable, and is naturally more efficient and effective for administration. We believe that economic sustainability of Local Councils is essential, and could safeguard performance in terms of managing significant transactions in line with public expectations, and enable Councils to address the infrastructure backlog more quickly.

We ask that the IPART and NSW Government recognise that reform can be welcome, but a 'mega-merger' of the size proposed would create a ratio of residents to Councillors that would not allow public access or properly support public representation.

We ask that a smaller amalgamation not be dismissed, simply because the Councils' joint response did not define it as the Superior Alternative.

Annexures

- to submission from the Committee of the Gladesville Community Group (incorporated) to IPART NSW regarding Fit For The Future

- 1: Results of Survey 1 from Gladesville Community Group – satisfaction with Council’s performance**
- 2: Results of Survey 2 from Gladesville Community Group – Satisfaction with Councils’ consultation ahead of Fit For The Future submission**
- 3: Daily Telegraph article published 13th July 2015 “Council amalgamation costs for IT systems that are up to 18 years old may be \$75 million for 5 councils”**
- 4: Questions from Russell Young to the General Manager of Hunters Hill Council regarding the Bell case**
- 5: Response by the General Manager of Hunters Hill Council to Questions from Russell Young regarding the Bell case**
- 6: Russell Young request to present to the General Meeting of Council 22nd June 2015**
- 7: Council refusal of request to present**

Annexure 1

Results of Survey 1 from Gladesville Community Group – Satisfaction with Councils' performance

Responses

140 responses have been analysed and presented below.

Key observations

83% of respondents rated the Council's performance in managing Gladesville as being either "poor" or "below expectations", dragged down largely by performance in the management of Planning and Development, with 88% of respondents rating their Council's performance in that area as being either "poor" or "below expectations" (Q3).

89% of respondents believe Gladesville does not benefit from being managed by 2 separate Councils (Q4).

90% of respondents believe there is inadequate coordination between Ryde and Hunters Hill Councils in the management of Gladesville (Q5).

Although 51% of respondents were aware of Fit for the Future, 92% believe there has been inadequate public consultation from their Council (Q6 and Q7).

83% of respondents are against ("against" or "strongly against") a model of managing Gladesville in the current arrangement. 71% of respondents are in favour ("in favour" or "strongly in favour") of Fit for the Future 'in principle' (Q8)

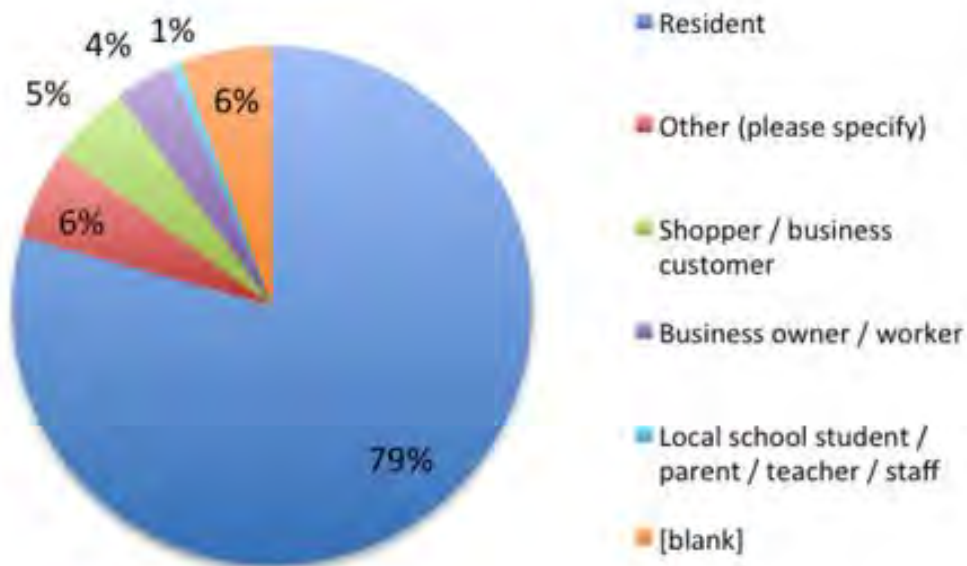
Respondents ranged in their connection to Gladesville (Q1), the Council with which they most identify (Q2) and ages (Q9).

General Comments and Feedback (Q10) were received and are being filtered to remove a number of accusations and comments which are likely to cause offence or harm to individuals. Although this survey was intended to give members of the community of Gladesville a voice, we must ensure that we are fair to people's reputations. These comments will be provided when we can do so.

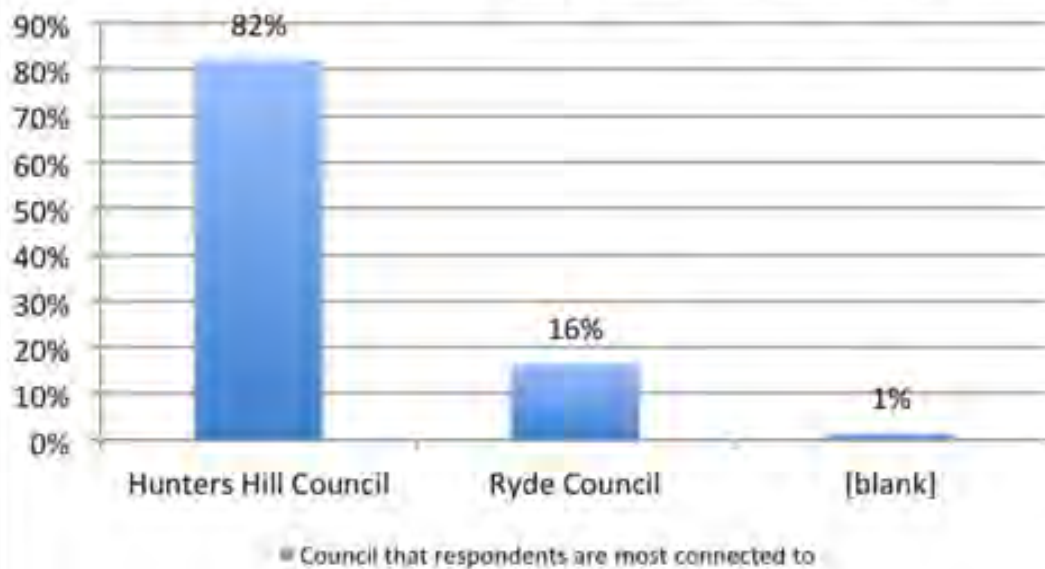
Validity of responses

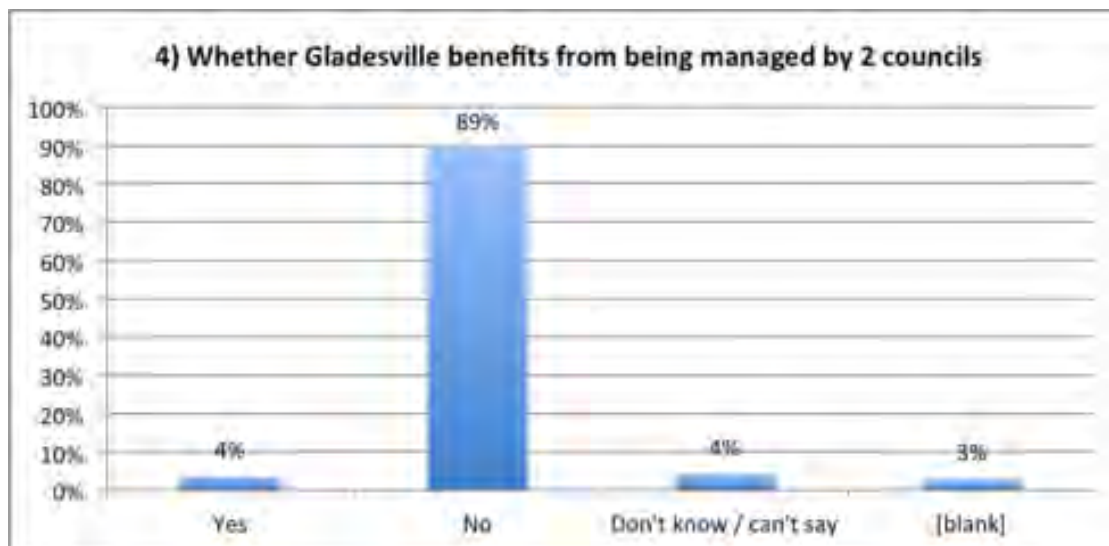
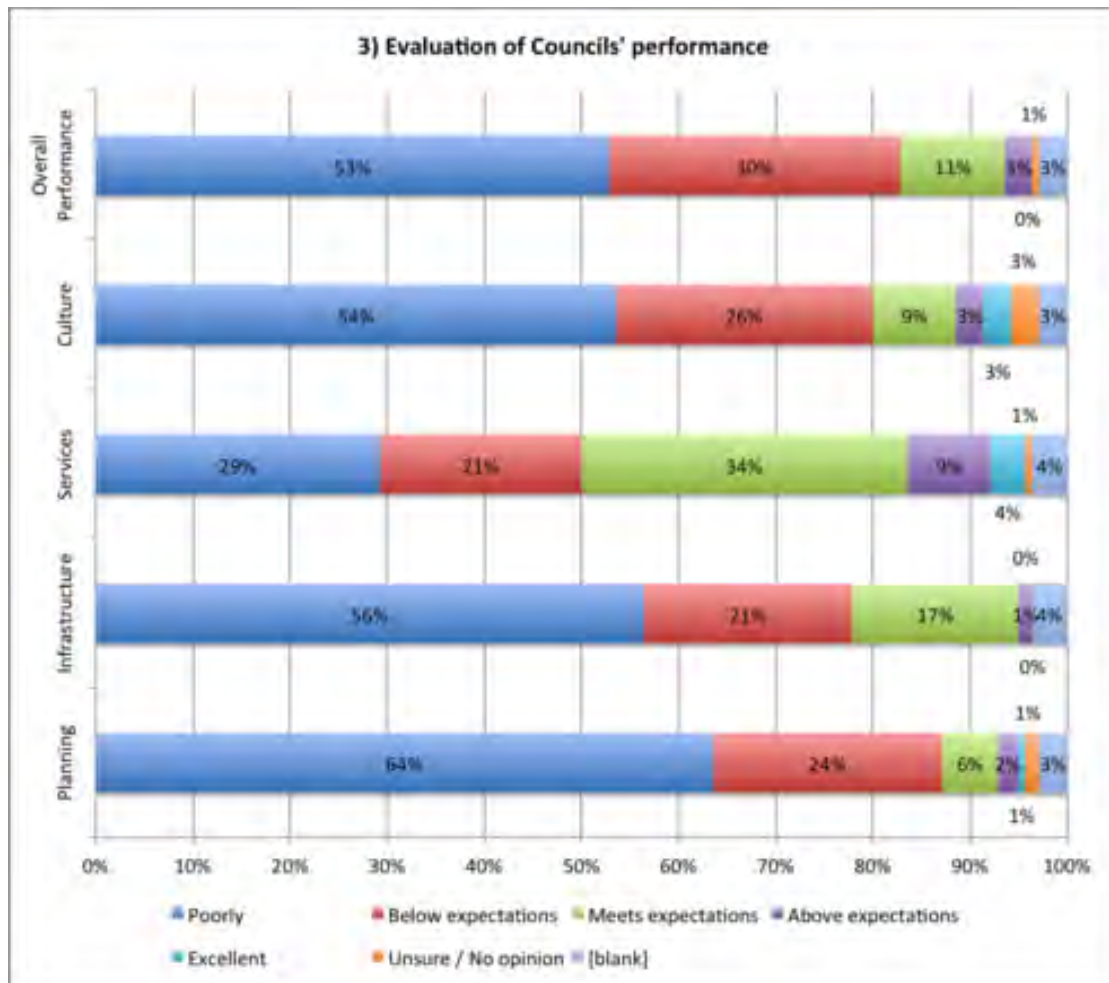
148 responses were received from 122 different IP addresses (basically a location on the internet). 8 responses were excluded because an excessive number of responses were received from 2 IP addresses. A maximum of 2 responses were permitted from any one IP address, allowing for up to 2 family members to complete the survey.

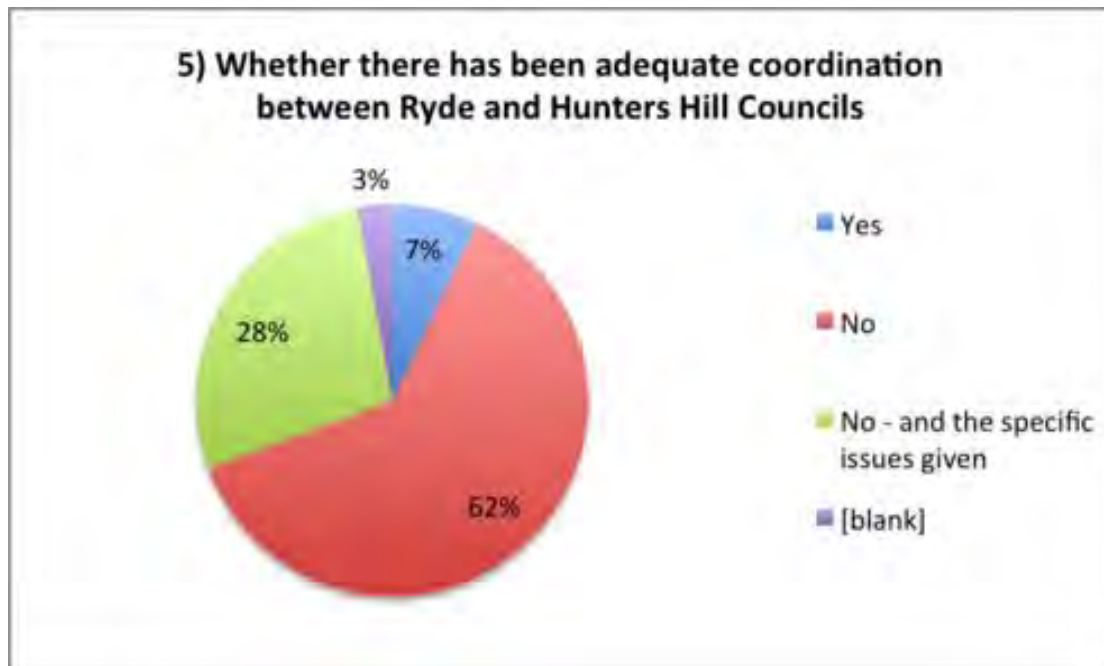
1) Connections to Gladesville



2) Council that respondents are most connected to







5A) Specific issues about which there has been a lack of coordination between Ryde and Hunters Hill Councils

1 Placement of Parking Metres at Buffalo Creek Park which means as Gladesville resident I have to pay & other areas also. 2 Co ordination of planning along Victoria Rd re appartmentson

Basic services like drainage and bins

Both councils claim to communicates but it is clearly just lip service. HHC only cares about appeasing the wealthy residents on the peninsula and Rude Council only cares about the latest high rise development

Communicate with both sides of the road

Communities (Gladesville & Boronia Park) divided by boundaries are robbed of a wholistic vision/plan

Comprehensive plan and local DCP required to harmonize the development and bring back gladesville

Constant flooding in Cowell Street. Council is aware of the issue and refuses to help the residents with this basic service

despite living less than 20m from the Ryde boundary, I have never received any communication from Ryde.

Development applications particularly in relation to traffic management.

Development Planning

Development, planning

Developments along Victoria Rd and the effects on Gladesville Primary School

Developments on Victoria Rd appalling handling - no notification for Ryde side about the debacles on HH side.

Footpaths are too narrow and have massive cracks.

footpaths, rubbish collection,

Future Gladesville and overdevelopment

Hunters Hill is the poor cousin just compare the paving of the shopping area in Gladesville
I can't get parking permit because I live in the council next door, 100m BLOCKS FROM THE PARK!!!!!!

I live in Massey St, just another day our bins haven't been emptied. How hard is it to get the basics right

I live in Punt Rd. We have serious, multiple parking/pedestrian safety & road safety problems. Twice I have written in detail with photographic evidence to my Ryde Council and forwarded to the submissions to the traffic committee as requested and have made numerous follow up calls, spoke to the Mayor who said Yes Yes send me the info But nobody has replied or acknowledged any of my efforts. We have a new significant safety problem (a low retaining wall has been built illegally half way across the pedestrian path and mums with strollers and their other kids on bikes or walking beside them are likely to fall over but I don't feel like telling them as they are so deaf even though I should)

Impacts on social infrastructure, traffic impacts, amenity, pedestrian access and "walkability", heritage, character, transparency

Integrity

It is almost as though the two councils are using the small businesses on each side of Victoria Rd as pawns in some petty power game

Just look at the two bus stops on Victoria Rd. One side is clean, tidy, green, well lit, with neat excellent paving with comfortable outdoor furniture. The other side is located in Sydney's wealthiest municipality and Australia's oldest garden suburb

Library services

Library, and community services such as meals on wheels

Local development coordination

Management of the level of development proposals along Victoria Rd, needs a holistic strategic approach to ensure sensible co-ordination and outcomes that genuinely benefit existing residents

Not too much development in one area. Plus consistent look.

Parking and pedestrian access

Planning and development along victoria road

Planning within the commercial precinct including high rise residential development along the Victoria Rd strip; pedestrian and traffic flow between commercial strip and residential areas.

Poor parking controls

Seperate LEP/DCP. Seperate process, lack of communication from each council to "residents across the road" - aka 'not my problem' attitude

Stop fighting over the library

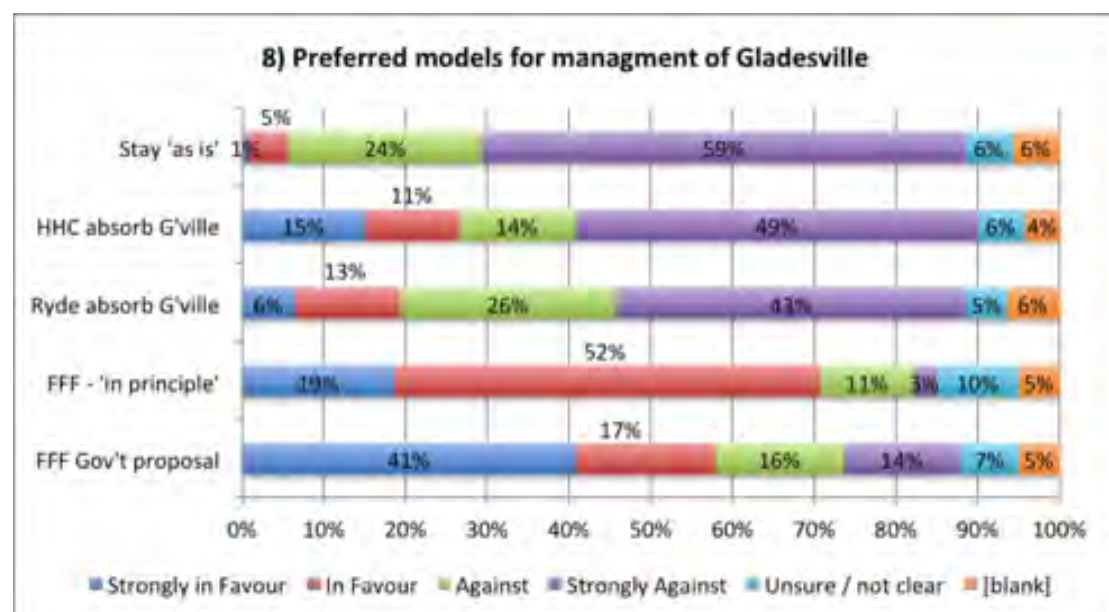
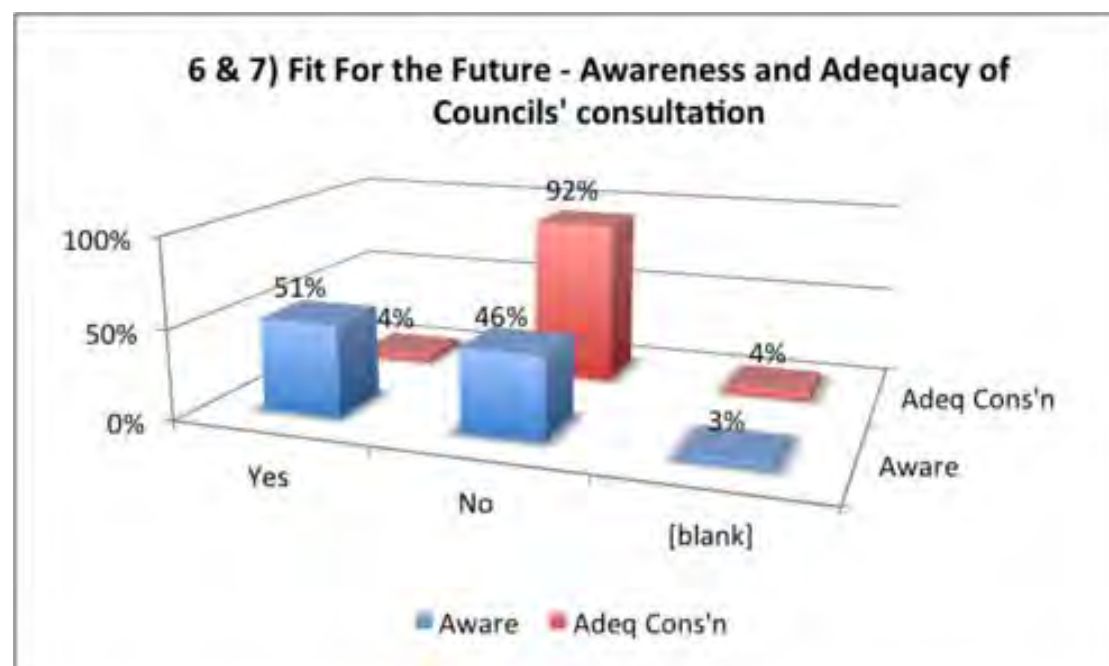
The library is a source of uncertainty

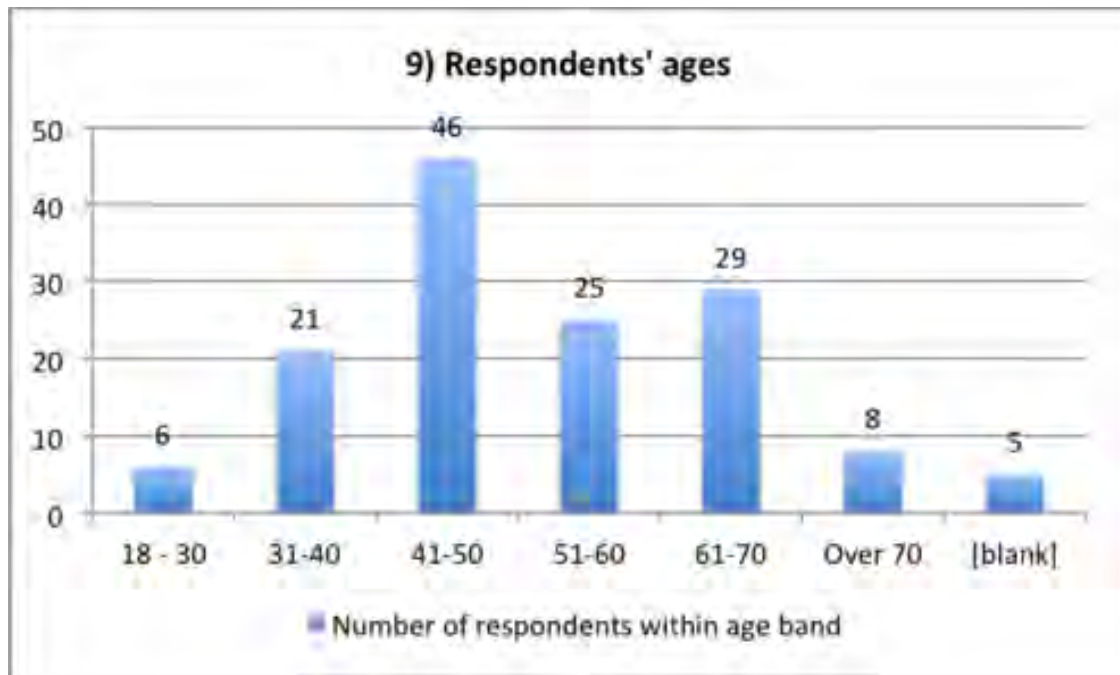
The shopping precinct development should be jointly coordinated as it concerns all of Gladesville not just the Hunters Hill side of Victoria Road. Also, the footpaths on the Hunter's Hill side of the road are in very bad repair.

The waste collection services are completely out of sync - they could be far better managed by having a single council

There are too many large scale residential projects taking place in Gladesville as a result of Ryde and Hunters Hill councils trying to meet their quotas set by the NSW Government. They should space their projects further apart so that the amenity of Gladesville is not destroyed.

Types of developments being approved on either side of Victoria Road and the streetscape
Waste management





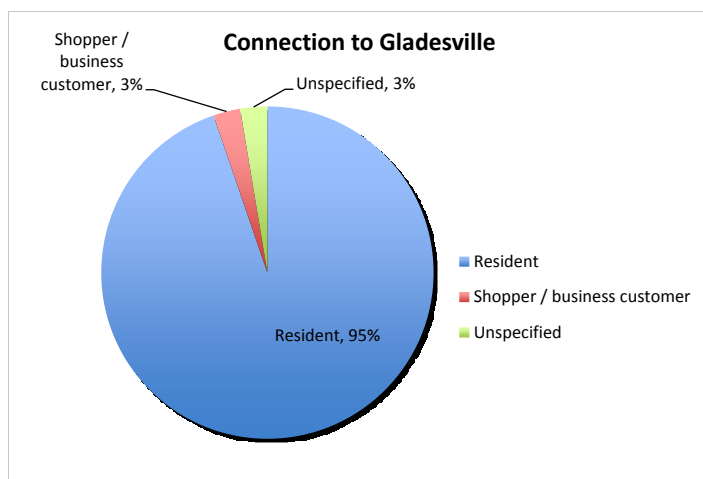
10) Feedback and General Comments are to come

Annexure 2

Results of Survey 2 from Gladesville Community Group – Satisfaction with Councils' consultation ahead of Fit For The Future submission

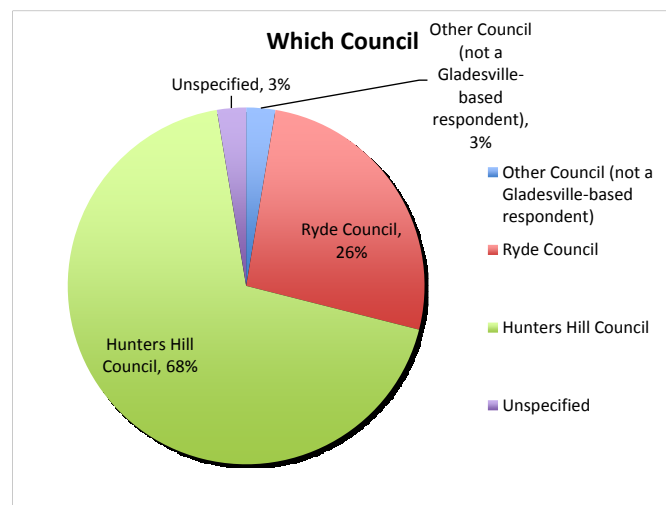
1. How are you connected to Gladesville? (select main connection)

Responses	Respondents	% of respondents
Resident	36	95%
Shopper / business customer	1	3%
Unspecified	1	3%



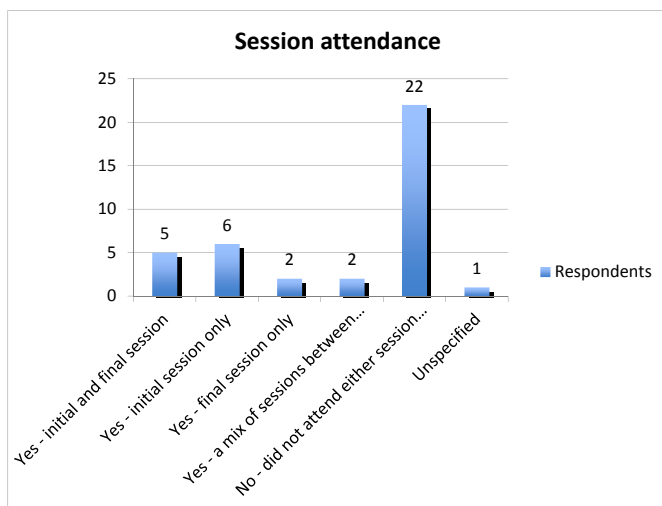
2. Which Council manages the part of Gladesville that you live in (if resident) or have the most to do with?

Responses	Respondents	% of respondents
Other Council (not a Gladesville-based respondent)	1	3%
Ryde Council	10	26%
Hunters Hill Council	26	68%
Unspecified	1	3%



3. Did you attend any of the "Consultation" / Information sessions run by Hunters Hill or Ryde Council?

Responses	Respondents	% of respondents
Yes - initial and final session	5	13%
Yes - initial session only	6	16%
Yes - final session only	2	5%
Yes - a mix of sessions between the two Councils	2	5%
No - did not attend either session run by either Cou	22	58%
Unspecified	1	3%

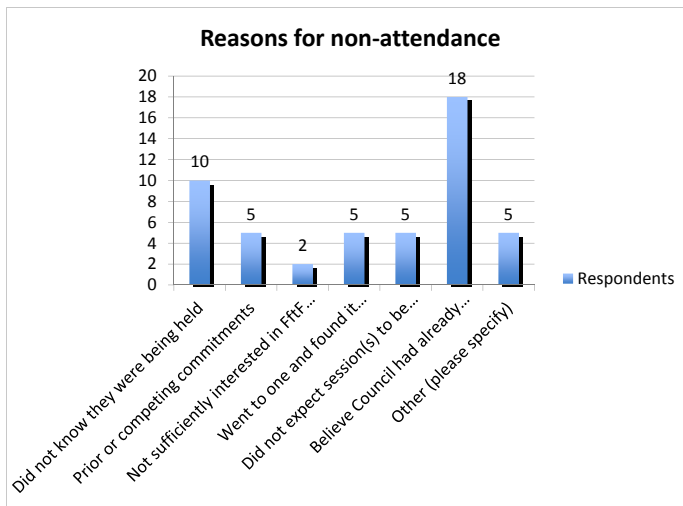


4. Please indicate why you did not attend (any or both) sessions - please tick all that apply

Responses	Respondents
Did not know they were being held	10
Prior or competing commitments	5
Not sufficiently interested in FtF / amalgamation to attend session(s)	2
Went to one and found it unsatisfactory	5
Did not expect session(s) to be satisfactory	5
Believe Council had already decided its position	18
Other (please specify)	5

Responses under "Other" were:

- * I have no car so unable to get there at night
- * mother sick
- * Invitation sent with a handful of days notice.
- * Was unable due to work.
- * I was unavailable that night.



5. "Consultation" / Information Sessions - please indicate your level of support for the following statements

I found the explanation of Fit for the Future (to the audience on the evening) to be free from bias or opinion-steering

I would like to have seen open questions seeking unrestricted input, ideas, and opinions

I think the questions were appropriate for what was described as "consultation"

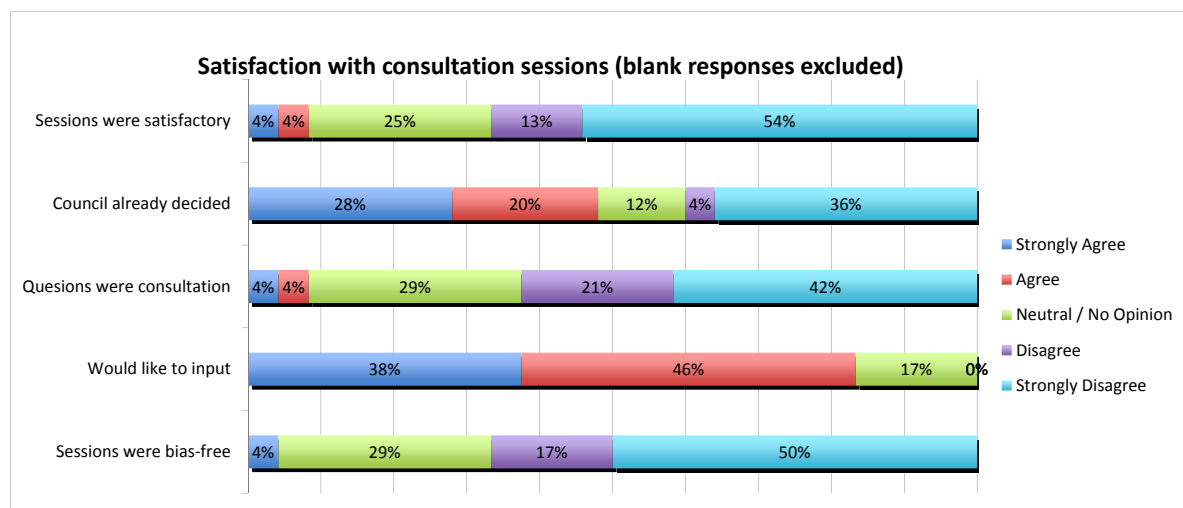
I think the Council had largely determined its response to Fit for the Future before the "Consultation"

Overall, I found the session(s) to be satisfactory

Responses (% of non-blank)	Sessions were bias-free	Would like to have input	Questions were consultation	Council already decided	Sessions were satisfactory
Strongly Agree	4%	38%	4%	28%	4%
Agree	0%	46%	4%	20%	4%
Neutral / No Opinion	29%	17%	29%	12%	25%
Disagree	17%	0%	21%	4%	13%
Strongly Disagree	50%	0%	42%	36%	54%

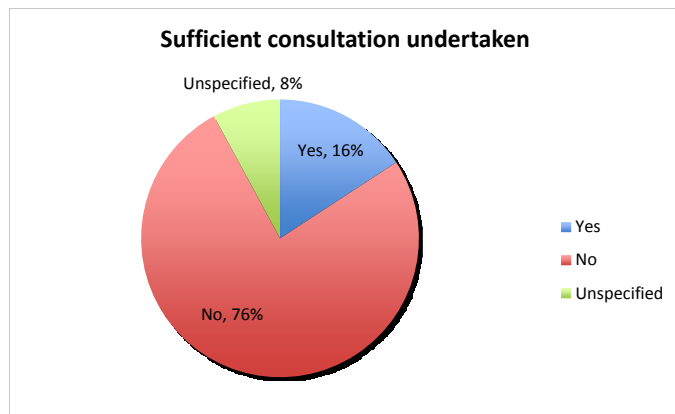
Blank responses were excluded from the table (above) and graph (below)

Blank responses to each question are shown here 37% 37% 37% 34% 37%



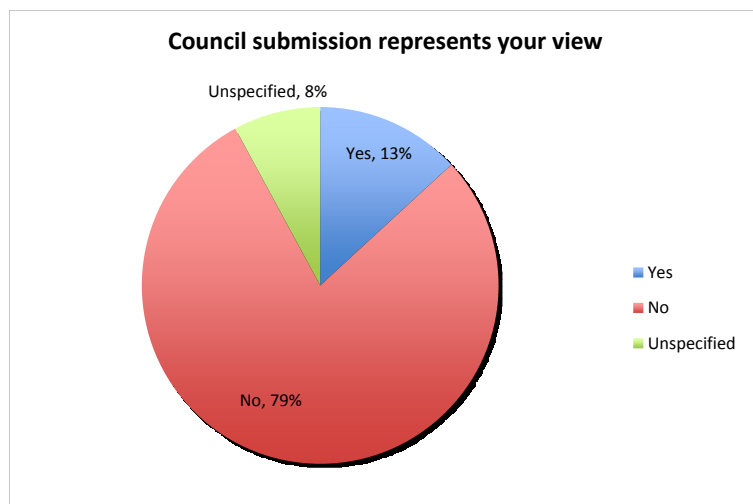
6. Do you believe that your Council has undertaken sufficient meaningful consultation with the community, to support the response it will make to the state Government by 30th June 2015?

Responses	Respondents	% of respondents
Yes	6	16%
No	29	76%
Unspecified	3	8%



7. Are you confident that Council's response to the state government regarding Fit for the Future will represent YOUR views?

Responses	Respondents	% of respondents
Yes	5	13%
No	30	79%
Unspecified	3	8%

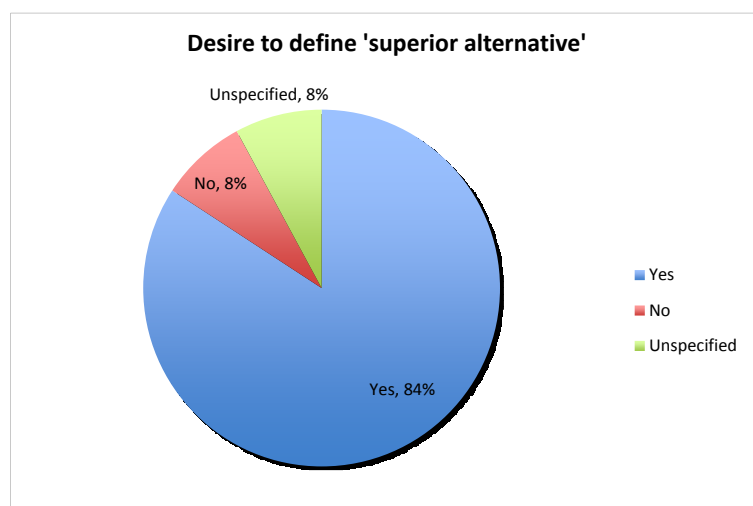


8. The information provided here explained that there are 3 responses to the state government available to Councils, being;

- 1) to accept the 'mega-merger' as proposed,
- 2) do nothing (and expect to be forced into (1)), or
- 3) provide a 'superior alternative'. The superior alternative has been defined by the Councils, prior to consultation with the community, to be the Joint Organisation model.

Would you have liked an opportunity to participate on consultation on what issues matter to you, and what form of 'superior alternative' response might best deliver the requirements of the community?

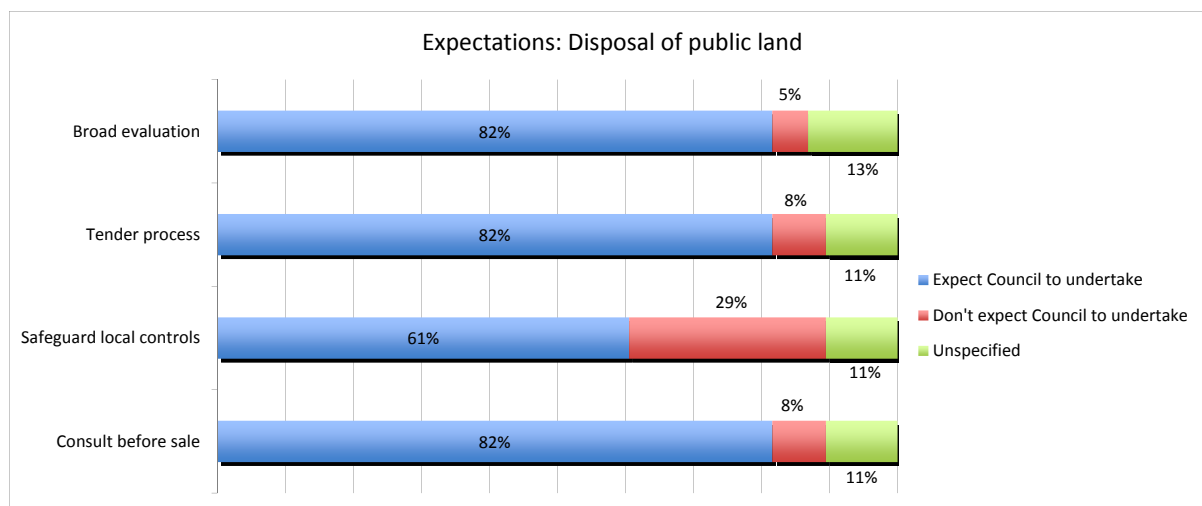
Responses	Respondents	% of respondents
Yes	32	84%
No	3	8%
Unspecified	3	8%



9. If a Council is to dispose of publicly-owned land, please indicate your expectations below.

- 1 Consultation with the community prior to signing any contract or deed.
- 2 Safeguards to ensure that no development benefitting from what was publicly-owned land can bypass local Council planning rules and go straight to state government for approval.
- 3 A tender process inviting more than one respondent.
- 4 Evaluation of merit to include community amenity, not just proceeds of sale (money).

Responses	Consult before sale	Safeguard local controls	Tender process	Broad evaluation
Expect Council to undertake	82%	61%	82%	82%
Don't expect Council to undertake	8%	29%	8%	5%
Unspecified	11%	11%	11%	13%



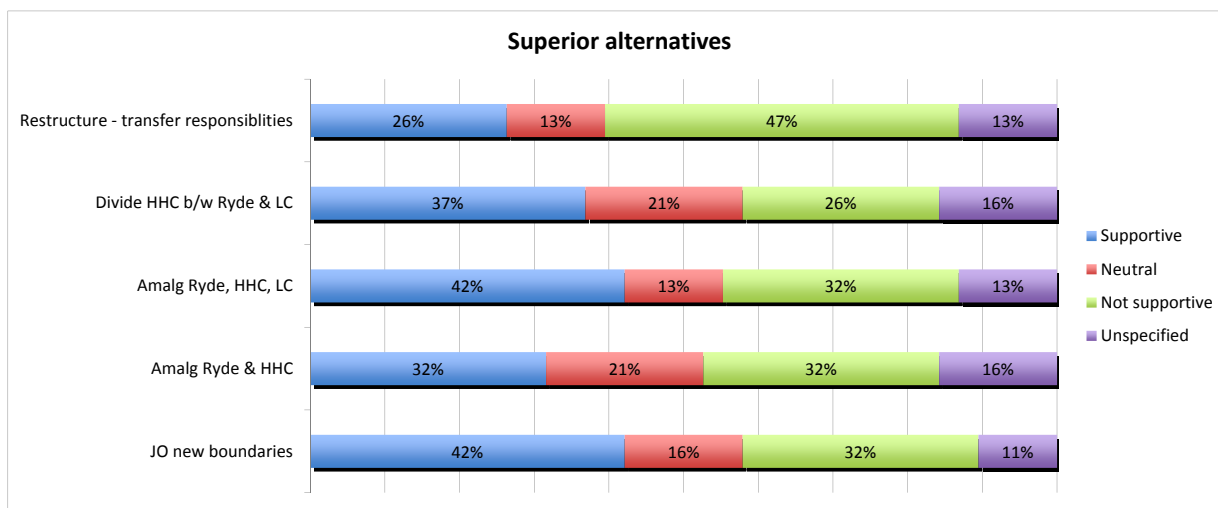
10. Please indicate your support (in principle) for the following alternative models / responses to state government

- 1 Joint Organisation but realign boundaries between Ryde and Hunters Hill municipalities so that Victoria Rd and Pittwater Rd are not split between two councils (and planning instruments)
- 2 Amalgamate Ryde and Hunters Hill municipalities
- 3 Amalgamate Ryde, Hunters Hill, and Lane Cove municipalities
- 4 Close Hunters Hill council. Expand Lane Cove and Ryde municipalities to cover territory, with boundary set in location not to cut any commercial centre (as currently happens with Gladesville).
- 5 Restructure operations to achieve economies of scale by giving a neighbouring council responsibility for service delivery of works (roads, footpaths, drainage, etc), leaving elected council responsible for planning, DA assessment, & asset management.
- 6 Please describe another model / response to state government that you think should be considered

	JO new boundaries	Amalg Ryde & HHC	Amalg Ryde, HHC, LC	Divide HHC b/w Ryde & LC	Restructure - transfer responsibilities
Supportive	42%	32%	42%	37%	26%
Neutral	16%	21%	13%	21%	13%
Not supportive	32%	32%	32%	26%	47%
Unspecified	11%	16%	13%	16%	13%

Other models / responses which were submitted were:

- * retain HHC, and expand the boundaries to incorporate the commercial centres of Gladesville, Boronia Park, and Putney
- * Merge with Lane Cove
- * Merge with Lane Cove
- * The staff at Hunters Hill council are rude, antagonistic, abusive and threatening. The best you can expect is for staff to be unhelpful and abusive, which is exactly the behaviours that the General Manager cultivates. In a word our council is unprofessional. Time for a change
- * Merge Hunters Hill and Lane Cove, whilst expanding the boundaries of Hunters Hill to include all of Boronia Park and Gladesville.
- * Merge lane cove and hunters hill
- * The way this council has treated the residents of Gladesville has been simply appalling. Selling land without going to public tender, and claiming that it is perfectly alright - seriously, who are you kidding? Then to bend over backwards accommodating the GSV developer, the entire sordid affair just stinks of corruption and deceit. I'm not a vindictive person, but I dearly look forward to the day a merged council sells the council depot and adjoining blocks to a developer and they slap up a 30storey high rise. You are reaping what you have sown.



Annexure 3

Daily Telegraph article published 13th July 2015 “Council amalgamation costs for IT systems that are up to 18 years old may be \$75 million for 5 councils”

All Community Regions

dailytelegraph.com.au

North Shore

Council amalgamation costs for IT systems that are up to 18 years old may be \$75 million for 5 councils

- by: Nigel Gladstone
- From: North Shore Times
- July 13, 2015 11:13AM

Share

×

Share this story

- Facebook
- Twitter
- LinkedIn
- Google
- Email

0
0



Councils on Sydney's north shore would need to spend \$75 million to integrate IT systems, if they

are forced to merge.

Source: News Corp Australia

COUNCILS on Sydney's north shore could be facing a \$75 million bill to integrate IT systems if they are forced to merge, according to independent analysis by consulting firm MorrisonLow.

Commissioned by Willoughby Council, the analysis has revealed overall savings of between \$4 and \$7 million on IT costs if there was to be an amalgamation of Lane Cove, North Sydney, Willoughby and Hunters Hill councils.

However the report highlighted the cost to integrate the five IT systems could be between \$35 and \$75 million.

The current corporate systems of north shore councils, which calculate property information, rates, finance and other functions, are mostly 10 to 18 years old.

Willoughby Council considered spending \$2.5 million to upgrade its 13-year-old IT infrastructure but instead voted to spend \$150,000 to "bolt on" fixes two months ago.

Willoughby councillor Angelo Rozos, who works in IT, said the cost of a merger might outweigh the benefits.

"There are about 10-12 IT systems (in north shore councils) all with different vendors, written in different languages," Cr Rozos said.

"The potential for a blowouts in time, money and resources could take years and it would be a complex migration."

FLU VACCINATIONS NOW AVAILABLE AT PHARMACIES (<http://www.dailytelegraph.com.au/newslocal/north-shore/nsw-pharmacies-can-now-opt-to-offer-flu-vaccinations-on-site/story-fngr8h9d-1227439677020>)

SYDNEY FASHIONISTAS TAKE ON NEW YORK (<http://www.dailytelegraph.com.au/newslocal/north-shore/new-york-fashion-week-to-be-training-ground-for-sydney-fashionistas/story-fngr8h9d-1227436994289>)

OLD TECH

The age of north shore councils core IT systems/software:

Lane Cove: 10 years/12 years

North Sydney: 14 years

Willoughby: 13 years/9 years

Mosman: 18 years/17 years

Ryde: 4 years/10 years

Hunters Hill: 18 years/4 years



Willoughby councillor Angelo Rozos. Picture: Elenor Tedenborg
Source: News Corp Australia



Willoughby GM Debra Just.
Source: News Corp Australia

Willoughby councillor Stuart Coppock said the council could do more online.

"The community now is running more and more on digital transactions and while Willoughby Council will take rates over the website, you can't pay for a DA online," he said.

Willoughby Council general manager Debra Just said "interim upgrades" would improve customer service in a cost-effective manner.

"Timing around the NSW Government's local government reform proposals (Fit for the Future) means council may not reap the full benefits of such a significant investment if it was to go ahead with an overall system replacement at this time," she said.

The Willoughby Council's computer system lacks "modern interfaces, an integrated customer focus and online functionality" according to a council report.

However, Ms Just said: "The interim solution will focus on making our systems more streamlined, transactional and customer focused; providing self-service options, online forms and bookings systems, digitised information and a mobile workforce."

Comments (#social-comments)

- facebook
- twitter
- linkedin
- google +
- reddit
- email

0 comments



Sign in

2 people listening

		+ Follow	Share	Post comment as...

To comment or reply, please login or create an account.

Newest | Oldest | Top Comments

Top Stories

Police seize Spiderman costume in search for William



POLICE have not ruled out the possibility a child's body found in South Australia could be missing toddler William Tyrrell. Meanwhile, police are examining a Spiderman costume left at a Red Cross store.

'He had no sympathy for the women he raped and killed'



DARYL Suckling was caught in remote southern NSW after a nine year police hunt into the rape and murder of Jodie Larcombe. Now her father wants to know why the prison system is showing him leniency.

- **Visit our homepage for all today's news**

Annexure 4

Questions from Russell Young to the General Manager of Hunters Hill Council regarding the Bell case

Council's treatment of residents and taking responsibility for problems

In the case of *Bell v Hunters Hill Council* (available at www.caselaw.nsw.gov.au) Supreme Court Justice Young was damning of Hunters Hill Council's conduct in dealing with a resident, stating that "*the solicitor's continued bluster (which I assume was on instructions) has merely cost her client's ratepayers a lot of money and got nowhere*". 'Bluster' is a term synonymous with bullying and intimidation - hardly an appropriate way for a Council to treat anyone, let alone its own rate-paying residents.

I have read the auto-signature of the General Manager, which reads "*Hunter's Hill Council's values are at the **HEART** of what we do and who we are: **Honesty** / **Excellence** / **Accountability** / **Respect** / **Team Work***", so in the spirit of Honesty and Accountability I ask the following:

- 1) What quantum of ratepayers' funds was spent in; remedial works (if any) for which Council was liable after failing to provide adequate drainage to prevent flooding to the residents' home, and for unsuccessfully defending the legal action against this ratepayer? The quantum should include; construction works, legal costs, costs awarded against Council by the Court, and any other relevant costs.
- 2) What has Council management done to ensure that such failures are not repeated in the future?
- 3) Has the Council engaged the same solicitor as was used in this matter, since this matter?
- 4) Did the Council's insurer, Metropool, influence or dictate the Council's responses to or treatment of the residents of the affected property, who then took legal action successfully against Hunters Hill Council?

Annexure 5

**Response by the General Manager of Hunters Hill Council to
Questions from Russell Young regarding the Bell case**

In respect of your comment regarding the comment of Justice Young I would point out that the Solicitor was not acting on the instructions of Council, but of the Insurer. Unfortunately Council had no opportunity to rebut these remarks otherwise we would have done so.

As for your other questions the following responses are provided.

1) *What quantum of ratepayers' funds was spent in; remedial works (if any) for which Council was liable after failing to provide adequate drainage to prevent flooding to the residents' home, and for unsuccessfully defending the legal action against this ratepayer? The quantum should include; construction works, legal costs, costs awarded against Council by the Court, and any other relevant costs.*

Council resolved at the Ordinary Meeting held on 22 June 2009 the following in response to this matter.

STORMWATER DRAINAGE 57-59 BONNEFIN ROAD, HUNTERS HILL

Min. No. 203/09 RESOLVED on the motion of Cllr Butt, seconded Cllr Sheerin that:

1. The report be received and noted.
2. Council adopt the following schedule to fund the construction of stormwater drainage improvements at 57-59 Bonnefin Road, Hunters Hill:

Stormwater Improvement Program:	
Bonnefin Road upgrade capacity No.59	\$28,000
Savings from completed works	\$18,800
Deferred works:	
Margaret Street silt trap	\$ 7,000
Francis Street constructed wetlands	\$20,000
Hillcrest Avenue upgrade drainage system	\$20,000
	\$93,800

Subsequent to this resolution the property owner initiated legal action.

Council in response notified its insurers of a possible claim, which was accepted.

Total costs to Council were \$50,000, being the deductible applicable to the insurance claim and all other costs were met by the insurer.

I am happy to provide the total costs for this matter to you, but to do so you will need to provide me with written permission from the property owner.

2) *What has Council management done to ensure that such failures are not repeated in the future?*

Please elaborate on where you think there has been a failure. The fact is that Council management effectively ameliorated a substantial cost to Council through the use of its insurance.

3) *Has the Council engaged the same solicitor as was used in this matter, since this matter?*

The solicitor was not engaged by Council. Under the applicable insurance coverage any matters that may exceed an estimated cost of \$100,000 are dealt with by the insurer, who engaged the solicitor.

4) *Did the Council's insurer, Metropool, influence or dictate the Council's responses to or treatment of the residents of the affected property, who then took legal action successfully against Hunters Hill Council?*

Please elaborate on the responses or treatments to which you refer.

If you are suggesting that Council has dealt with the residents of the affected property in any way other than being reasonable, fair and equitable then you should be prepared to provide evidence to support any such suggestions.

Annexure 6

**Russell Young request to present to the General Meeting of
Council 22nd June 2015**



Request to Address Council Meeting

Details of Applicant

Name Russell Young
Address [REDACTED]
Telephone Mobile [REDACTED]
Facsimile Email [REDACTED]

Details of Proposed Address

Date of Council Meeting Mon 22 June 2015
Are you planning to speak on an item listed on the agenda for this meeting? ☐ Yes ☒ No
Are you speaking as an **Objector; Supporter; Owner** (please circle)
Please specify agenda **Item No.** (Report No.) (i.e. D1)
Subject of report (e.g. property address) Accountability - values are at the heart of what we do.
Please provide brief outline of your planned address:

Bell v HHC - NSW Supreme Court

General Manager's response to questions

Demonstration of Accountability

Signature [REDACTED]

22/6/15

Applications marked to the attention of The General Manager, Hunter's Hill Council, P.O. Box 21, Hunters Hill 2110, via facsimile on (02) 9809 7338 or by email to corporate@huntershill.nsw.gov.au should be received no later than 12.00 noon of the Ordinary Meeting date. Ordinary Meetings are held on the 2nd and 4th Monday of each month (public holidays excepted). Speakers are limited to two for any one item, with one speaker in support of the recommendation to Council and one speaker in opposition. A limit of 3 minutes per speaker applies.

Approved / Not Approved Date

MAYOR