

DOCUMENTS FOR TENDER – CHARLES PARISI

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Fwd: Information re Bunnings site

**NSW ICAC
EXHIBIT**

From: "Ivan Petch"
To: anthony@publicitree.com
Date: Mon, 26 Nov 2012 16:28:17 +1100
Attachments: COR-email.jpg (14.35 kB); ATT11693447.htm (103 bytes); img-121126182735.pdf (281.93 kB);
ATT11693448.htm (92 bytes)

Sent from my iPhone

Begin forwarded message:

From: "Linda Smith" <L.Smith@ryde.nsw.gov.au>
To: "Ivan Petch" <ivanp@ryde.nsw.gov.au>
Subject: Information re Bunnings site

Good afternoon Mr Mayor,

I believe this is the information you are seeking.

The email was not addressed to Dominic but to one of his staff.

The date and subject matter seem to match what you are looking for.

Regards
Linda

--
Linda Smith | From the Office of the Mayor
P: (02) 9952 8332 | E: lsmith@ryde.nsw.gov.au <<mailto:lsmith@ryde.nsw.gov.au>> |
www.ryde.nsw.gov.au <<http://www.ryde.nsw.gov.au>>

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E-mail Message

From: Danijela KaracCooke [SMTP:Danijela.KaracCooke@planning.nsw.gov.au]
To: Sue Wotton [EX/O=COREX/OU=FIRST ADMINISTRATIVE
GROUP/CN=RECIPIENTS/CN=28756619-651A6075-CA256F94-36792E]
Cc: Susan Sky [SMTP:Susan.Sky@planning.nsw.gov.au]
Sent: 20/6/2012 at 5:23 PM
Received: 20/6/2012 at 5:23 PM
Subject: Re: Bulky goods in industrial zones

Attachments: Danijela KaracCooke.vcf
ATT1447688.png

Hello Susan

Thank you for your e-mail. You asked for confirmation of this position:

An expansion of land uses in the industrial zones such as bulky goods is acceptable provided the area of land zoned for industrial does not change.
The introduction of bulky goods into the land use table for the IN2 zone (therefore all areas of Ryde where the zone exists) would be acceptable subject to a rationale addressing the appropriateness of such a use in the zone being provided to DoPI.

This is an area that Department has done more thinking on.

I advise that:

our preference is to exclude bulky goods retail from industrial zones as an additional use across the zone because the inclusion of 'bulky goods' is now considered fundamentally to be a retail use that is likely to reduce the amount of industrial land (though some would argue that Runnings comes within building supply/timber yard) and would be inconsistent with section 117 Direction 1.1 Business and Industrial zones as

The existence of bulky goods uses in some existing industrial zones is a legacy of previous policy and the issue is heightened by the morphing of these activities.

The preference now is to either:

1. cluster permissibility of these uses in a suitable area (close to commercial is ideal but may not be achievable) and to give them a B5 zoning or
2. allow the use by a Schedule 1 amendment for the particular site based on suitability criteria (less preferable but less damaging to the whole zone)

In either case the PP should assess the proposal against the Employment Lands Development Program Strategic Assessment checklist (p.141 of the Metro Plan for Sydney 2036).

Yours sincerely
Danijela

Danijela Karac-Cooke
Senior Planner, Sydney East

NSW Department of Planning & Infrastructure | GPO Box 39 | Sydney NSW 2001
T 02 9226 6207

[HYPERLINK](#)

"mailto:Danijela.KaracCooke@planning.nsw.gov.au"Danijela.KaracCooke@planning.nsw.gov.au

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"http://www.planning.nsw.gov.au/enews"www.planning.nsw.gov.au/enews
Please consider the environment before printing this email.

>>> "Sue Wotton" 6/14/2012 9:35 am >>>

Hi Danijela

Just to confirm our conversation this morning

An expansion of land uses in the industrial zones such as bulky goods is acceptable

file://C:\Documents and Settings\LindaSm\Local Settings\Application Data\Hewlett-P... 26/11/2012

provided the area of land zoned for industrial does not change.
The introduction of bulky goods into the land use table for the IN2 zone (therefore all areas of Ryde where the zone exists) would be acceptable subject to a rationale addressing the appropriateness of such a use in the zone being provided to DPI.

Thank you for your help with this matter
Cheers Susan

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Views expressed in this message are those of the individual sender, and are not necessarily the views of the Department.
You should scan any attached files for viruses.

From: John Goubran <John@jg.com.au>
Sent: Friday, 15 February 2013 5:02 PM
To: charles@parisiassociates.com.au
Subject: Fwd:

**NSW ICAC
EXHIBIT**

Sent from Exchange

Begin forwarded message:

From: John Goubran <John@jg.com.au>
Date: 27 June 2012 4:31:07 PM AEST
To: "dresdner@bigpond.net.au" <dresdner@bigpond.net.au>, Bruce Wilson
<bythwilson@optusnet.com.au>, "rmarklald@shootingfish.com.au"
<rmarklald@shootingfish.com.au>
Cc: Andrew Ludvik <aludvik@ozemail.com.au>

Please find bellow Mr Johnson's reply to Councillors, it's very obvious that there has been no consultation with either the land owners or the community of the IN2 zone in Gladesville as i have not received anything in reference to the works done by council staff and there consultants. Please advise me if you have received any information relating to the process.

Regards
John

Dear Councillors

Several of you have forwarded to me a copy of submission regarding changes to the light industrial zoning (IN2) at 461 Victoria Road (Bunnings site) forwarded by John Goubran and signed by Mr Dresdner who also owns land in the IN2 zone.

Specifically the letter requests a change to the zone which would enable 'bulky goods' to be sold from their land (in College St and Buffalo Rd), noting the land owned by Bunning's in the same IN2 zone has 'bulky goods' as a proposed permissible use in draft LEP 2011. 'Bulky goods' is the sale of large, heavy objects that require a large area for handling, display and storage and require the space for customers to be able to park and load such items. It includes goods such as furniture shops, swimming pool distributors, household electrical goods etc

Please be aware of the following:

1. I, and my staff, have met several times with the affected landowners and have invited them to put in such a submission. We have identified that there will be, if Council adopts LEP 2011 and associated recommendations, some changes to their current IN2 zone which expand the uses currently available through draft LEP 2010. These include permitting 'timber and hardware supplies' as well as the possible inclusion of indoor and outdoor public recreation facilities.
2. The reason the Bunning site has been identified for 'bulky goods' commenced with the Gladesville LEP in which we received a submission for the Bunnings site seeking this change, but as it was outside the area we undertook to revisit the request when we did LEP 2010. Council in response to the submission received for 461 Victoria Road, explored the ability for bulky goods to be included as a permitted use on the site through the Local Planning Study which underpinned LEP 2010 and 2011. As a result, the location of the Bunnings site fronting Victoria Road within the Gladesville Industrial Area, together with the nexus between passing traffic and light industrial uses were important considerations in making the recommendation. This was an outcome of the study together with several other

Charles Parisi

From: Greg McNally <gmcnally@ninemewentworth.com.au>
Sent: Thursday, 21 February 2013 8:42 AM
To: charles@parisiassociates.com.au
Subject: Opinion re corrupt conduct
Attachments: img-221083412-0001.pdf

**NSW ICAC
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Charles,

Please find attached my opinion in the above matter

Regards

Greg

-----Original Message-----

From: DocuCentre-IV C5570 [<mailto:clerk@ninemewentworth.com.au>]
Sent: Thursday, 21 February 2013 9:34 AM
To: gmcnally@ninemewentworth.com.au
Subject: Scan Data from FX-B1B08F

Sent by: 9137

Number of Images: 6

Attachment File Type: PDF

Device Name: DocuCentre-IV C5570

Device Location:

Charles Parisi

From: Norm Cerreto <normcerreto@hotmail.com>
 Sent: Thursday, 21 February 2013 3:29 PM
 To: charles@parisilawyers.com.au
 Subject: RE: Ryde Council

**NSW ICAC
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Strictly Privileged Legal Advice

Charles,

Thank you for your advice regarding the issue raised. I raise the following concerns with the advice which are as follows:-

1. Mr McNally indicates in his advice that if intentional and not merely an error "it is clear from the documents provided and the inclusion of the new paragraph which significantly alters the recommendations, it would be open to draw a conclusion that the conduct is not merely an error. If once alters a document to change the effect of the document, whilst, he has a responsibility to report to Council an open and transparent way in accordance with his obligations to the City of Ryde, surely the advice can state that on the balance of probabilities, the documents have been altered to achieve a favourable outcome.
2. In addition, the issues raised in the brief should also consider that the current draft LEP is on exhibition, if it is the case that the reports and recommendation have been altered, what steps should be undertaken by Council. I am aware that pursuant to the Local Government Act 1993 (NSW) and regulations, the General Manager will be required to notify Council and seek that the public exhibition be withdrawn with a full review of the draft LEP including review of any recommendation and public responses. I believe that this should also be considered in the advice.
3. I believe it may be also beneficial for the barrister to advise in common law, the obligations of an employee and possible grounds for termination.

I only make the above comments as this will be a document that needs to be presented to Council and of which will answer all possible questions raised.

Kind Regards Norm Cerreto

From: charles@parisiassociates.com.au
 To: normcerreto@hotmail.com; John@jg.com.au
 Subject: Ryde Council
 Date: Thu, 21 Feb 2013 09:25:07 +1100

"Privileged Legal Advice"

Dear John/Norm

Please find attached a copy of senior Counsels advice in regards to the Ryde City Council issues.

Please contact me to discuss.

866

Regards

**NSW ICAC
EXHIBIT**

Charles Parisi

Parisi Lawyers

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Dee Why NSW 2099

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Our Ref: CP:AP:20130032
Enquiries: Charles Parisi

14th March 2013

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Hand Deliver Only***

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Mayor
City Of Ryde Council
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North Ryde NSW 1670

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Dee Why NSW 2099
DX 9106 Dee Why
T: +61 2 9981 3688
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Web: www.parisilawyers.com.au
ABN: 36140047285
Charles Parisi
Principal
Karen-Anne Nathan
Associate

Dear Mayor

Development and Planning Matters

We advise that we are lawyers acting on behalf of a group of property owners within the City of Ryde. The properties owned by our clients are within the 'light industrial Zoning' (IN2).

As you may be aware in 2012 a group of property owners including our clients approached Council with a submission for Councils consideration to allow for bulky goods use within the IN2 Zoning.

Our clients submission and proposal was the subject of a report prepared (we are instructed) by the Group Manager Environment & Planning for Council being a report that was tabled before Council for consideration in its meeting held on 24 July, 2012.

For your assistance a copy of an extract of the relevant report is attached (the First Report).

We note that the First Report it appears to have been prepared with the assistance and advice from the Department of Planning and Infrastructure NSW. We note that an extract of the Department of Planning's advice dated 20 June, 2012 is included in the First Report.

We further note that after considering the matter and in particular the Department of Planning's advice Council determined against the submission to allow bulky goods in the IN2 zone.

ID:20130032:31743



Bunning's Hardware Site Submission

We note that on 13 November, 2012 Council dealt with a similar submission to our clients namely for the inclusion of 'bulky goods' as a permitted use for IN2 zoned land in regards to the property at 461-495 Victoria Road. This property is the subject of a development application for a Bunning's Hardware Store.

We are instructed that again the Group Manager Environment & Planning for Council prepared a report for consideration by Council in regards to the submission and a copy of an extract of the report dated 13 November 2012 is also attached for your reference (the Second Report)

It appears that the Department of Planning's Advice dated 20 June 2012 was also extracted in the Second Report however we would like to draw your attention to the significant differences in the extracted parts of the Department of Planning Report as they appeared in the First Report as opposed to the Second Report as follows;

The First Report;

"Wholesale supplies which are defined as a building or place used for the display sale or hire of goods by wholesale only to business that have an ABN registered under a 1999 tax Act is considered to be very similar in nature to a warehouse or distribution centre (defined as a building used for the sorting or handling items pending their sale but from which no retail sales are made). As such it is considered to be a suitable use with council consent in the IN2 zone.

Bulky goods premises is defined as a building used for the sale, hire or display of bulky goods being of such size or weight to require a large handling display area and includes goods such as floor and window supplies, furniture, household electrical goods and swimming pools. Under Schedule 1 Additional permitted uses a bulky goods premises is permitted at 461 Victoria Rd. This was based on a recommendation of the Ryde Local Planning Study that was adopted by Council on 7 December 2010. The retail nature of bulky goods and its likely impact on reducing the land available for industrial uses is such that they should be considered on an individual basis through a Planning Proposal.

DoPI on 20 June 2012 advised Council of the following;

"Our preference is to exclude bulky goods retail from industrial zones as an additional use across the zone because the inclusion of 'bulky goods' is now considered fundamentally to be a retail use that is likely to reduce the amount of industrial land.

The preference now is to either:

- 3 -

1. cluster permissibility of these uses in a suitable area (close to commercial is ideal but may not be achievable) and to give them a B5 zoning or
2. allow the use by a Schedule 1 amendment for the particular site based on suitability criteria (less preferable but less damaging to the whole zone). In either case the PP should assess the proposal against the Employment Lands Development Program Strategic Assessment checklist"

The Second Report;

"Council sought advice from the Department of Planning on the inclusion of bulky goods premises under Clause 6 Schedule 1 of the draft RLEP 2011 as a permitted use with development consent on the subject site. The Department advised Council the following on 20 June 2012:

An expansion of land uses in the industrial zones such as bulky goods is acceptable provided the area of land zoned for industrial does not change.

The introduction of bulky goods into the land use table for the IN2 zone (therefore all areas of Ryde where the zone exists) would be acceptable subject to a rationale addressing the appropriateness of such a use in the zone being provided to DoPi.

Our preference is to exclude bulky goods retail from industrial zones as an additional use across the zone but the inclusion of 'bulky goods' is not considered fundamentally to be a retail use that is likely to reduce the amount of industrial land...

The preference now is to either:

- 1) cluster permissibility of these uses in a suitable area (close to commercial is ideal but may not be achievable) and to give them a B5 zoning; or
- 2) allow the use by a Schedule 1 amendment for the particular site based on suitability criteria"

We have highlighted in bold and underlined the changes.

We note that it appears that the report for the Bunning's site relied heavily on the advice from the Department of Planning being in essence the same advice that was referred to in our client's proposal however it appears that on its face that Second Report has been manipulated and altered so as to suggest that the Department of Planning advice was that the Department of Planning had a favourable view of the change in policy for the inclusion of bulky goods as part of the Industrial Zoning which if the First Report is correct it appears that it did not.

Clearly it appears that the advice of the Department of Planning has been relied upon by Council when assessing our client's submission so as to suggest that

Parisi Lawyers

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- 4 -

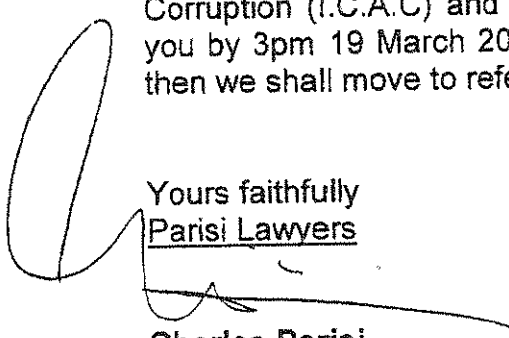
the Department of Planning was not in favour of the proposal whereas the same advice, albeit in a altered form, appears to be relied upon by the Group Manager Environment & Planning to suggest that the Department of Planning was in favour of the Bunning's proposal.

We note that the two views are in direct conflict of each other and in the circumstances there is some difficulty on our part to be able to understand Councils approach in relation to our client's submissions and Councils approach in relation to the Bunning's site submissions other than that it seems that there are issues that will require investigation by Council as it appears that there are issues of possible impropriety that will need to be immediately addressed.

In the circumstances we demand that;

- (i) Council initiate an investigation into the preparation of the reports for our clients submissions and the reports for the Bunning Site submissions;
- (ii) Council initiate an investigation of the conduct of the Group Manager Environment & Planning in regards to the reports and the assessment of the applications in questions;
- (iii) That Council undertake appropriate action against Council staff involved in the matter; and
- (iv) In light of the above Council readdress its views and determinations in regards to our client's submission to allow bulky goods use in the IN2 zone.

In the event that Council feels not compelled to appropriately and immediately act on the matter then we are left to no alternative but to advise that we will be seeking to act on Senior Counsels advice that we have sought to proceed to refer the matter for further investigation by the Independent Commission Against Corruption (I.C.A.C) and in any event if we do not receive a undertaking from you by 3pm 19 March 2013 that the matter has been appropriately acted upon then we shall move to refer the matter to I.C.A.C without further notice.



Yours faithfully
Parisi Lawyers

Charles Parisi

Email: charles@parisilawyers.com.au

10 PLANNING PROPOSAL - 461 - 495 VICTORIA ROAD, GLADESVILLE

Report prepared by: Heritage / Strategic Planner
File No.: GRP/12/5/5/5 - BP12/1264

REPORT SUMMARY

A planning proposal to rezone 461 – 495 Victoria Road, Gladesville was submitted by Bunnings Group Limited to Council, March 2012. The proposal is to include additional land uses in Schedule 1 Ryde Local Environmental Plan 2010 and to amend the Height of Building Map Ryde Local Environmental Plan 210. The planning proposal is considered appropriate to proceed for a gateway determination to the Minister for Planning, to determine whether the planning proposal should proceed to the community consultation. The proposed amendments and achievable development is considered appropriate for the site given its size, context and location. A site specific addition to the Ryde Development Control Plan 2010 will be prepared prior to undertaking community consultation and exhibited together with the LEP amendment.

This report outlines the planning proposal and provides a preliminary assessment in relation to the requirements under the gateway plan-making process. The proposal is congruous with the objectives of the IN2 Light Industrial Zone and there is justification on planning grounds to proceed. This report recommends that Council refer the proposed rezoning to the Minister for Planning to request a Gateway Determination pursuant to section 56 of the Environmental Planning and Assessment Act 1979.

RECOMMENDATION:

- (a) That Council note the Planning Proposal for 461-495 Victoria Road, Gladesville to amend Clause 4 'Use of certain land at 461-495 Victoria Road, Gladesville' of Schedule 1 under Ryde Local Environmental Plan 2010 to include the following land uses, *bulky goods premises, hardware and building supplies and garden centre*, and to amend the Height of Building Map (06) under Ryde Local Environmental Plan.
- (b) That Council forward the planning proposal to 461-495 Victoria Road, Gladesville to receive a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.
- (c) That, in the event of a gateway determination being issued pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*, the proposed be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.

ITEM 10 (continued)

- (d) That Council support a site specific addition to the Ryde Development Control Plan 2010 be prepared for 461-495 Victoria Road, Gladesville and public exhibited together with the planning proposal.

ATTACHMENTS

- 1 461-495 Victoria Road, Gladesville - Planning Proposal - Submitted Report
Documentation - CIRCULATED UNDER SEPARATE COVER

Report Prepared By:

Renee Walmsley
Heritage / Strategic Planner

Report Approved By:

Meryl Bishop
Manager - Urban Planning

Dominic Johnson
Group Manager - Environment & Planning

ITEM 10 (continued)

Background

This section of the report provides a brief description of the "gateway plan-making process", including an explanation of the legislative requirements relating to a planning proposal. This section also includes a summary of the steps leading to the submission of the subject planning proposal.

Gateway Plan-Making Process

In July 2009 the NSW Government enacted changes to the *Environmental Planning and Assessment Act 1979* with respect to the making of environmental planning instruments, in particular Local Environmental Plans, under a new process known as the "gateway plan-making process".

The gateway process has a number of steps. The preparation and submission of a Planning Proposal is the first of five main steps, summarised as follows:

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;

ITEM 10 (continued)

- **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 which has been prepared by a consultant planner on behalf of the proponent. The proposal has been preliminarily assessed by Council staff in respect of the information required to be included in a Planning Proposal.

Submission of Planning Proposal – 461- 495 Victoria Road, Gladesville

A '*bulky good premises*' is not a permitted land use on the site in the IN Light Industrial Land use zone. During 2010 the City of Ryde prepared the Local Planning Study in response to the State Government's Metropolitan Regional Plan and the draft Inner North Subregional Strategy. The study comprised a comprehensive review of the Ryde Local Government Area ('LGA'), including all centres and corridors in the LGA. The site was included and reviewed in the centres and corridors study.

A key finding of the centres and corridors study is that *bulky goods premises* should be adopted as a permitted use on the site as the site is located in a section of Victoria Road identified as a potential enterprise corridor and suitable for *bulky goods premises* land use. This was subsequently included as a recommendation of the study and set out in the Local Planning Study report to Council on 2 November 2010 to be considered by the Committee of the Whole. The resolution of Council was to adopt all recommendations in the Local Planning Study, inclusive of the recommendation that *bulky goods premises* should be adopted as a permitted land use with consent on 461-495 Victoria Road, Gladesville. The recommendations of the Local Planning Study were incorporated into Council's draft RLEP 2011 and Clause 4 Schedule 1 was subsequently amended to include *bulky goods* as a permitted use with development consent (Clause 4 is referred to as Clause 6 in draft RLEP 2011).

On 1 November 2011, a workshop presentation was held by Bunnings Group Limited, to brief Councillors and senior Council Staff of proposed future development plans to the subject site, 461-495 Victoria Road, Gladesville and amendments to the planning controls pursuant to Ryde Local Environmental Plan 2010 ('RLEP 2010') and consideration of the draft Ryde Local Environmental Plan 2011 ('draft RLEP 2011').

ITEM 10 (continued)

On 14 February 2012 a further meeting was held between Council Staff and the proponents regarding a planning proposal at 461-495 Victoria Road, Gladesville. The meeting was principally held to discuss the proposal to amend Schedule 1 of RLEP 2010 to include the additional land uses for the site under the current zone IN2 Light Industrial, including the proposal for *bulky goods premises* land use on the site, and to discuss amendments to the Height of Building Map under RLEP 2010.

A planning proposal was lodged with Council on 20 March 2012. That planning proposal submission is the subject of this report.

Report

This section of the report contains the main report on the planning proposal which includes the description of the site, description of the proposed LEP amendment and an appraisal of the subject planning proposal forms the basis of a recommendation to forward the proposal to the Minister for Planning for a gateway determination.

Planning Proposal – 461- 495 Victoria Road, Gladesville

Council received a Planning Proposal for 461-495 Victoria Road, Gladesville ('the subject site') on 20 March 2012. The LEP amendment will permit the development of a separate Bunnings retail outlet centre and bulky goods warehouse on the subject site. A site specific addition or part to the Ryde Development Control Plan 2010 will be prepared to ensure that the future development of the subject site provides a reasonable built form outcome

The proponent is requesting rezoning of the land to amend Clause 4 Schedule 1 of RLEP 2010 to include the additional uses *bulky goods premises, garden centre and hardware and building supplies*. The current IN2 Light Industrial land use zoning under RLEP 2010 will be retained as part of the planning proposal. The planning proposal also seeks to retain the land uses already permitted by Clause 4 in Schedule 1 RLEP 2010, which allows the existing building premises and office development at 495 Victoria Road, Gladesville known as 'Building H' currently occupied by Fernwood Gymnasium.

There is no maximum building height on industrially zoned land under RLEP 2010. The planning proposal also seeks to amend the Height of Building Map under RLEP 2010 to indicate maximum RLs over the subject site because under draft RLEP 2011 a 10 metre maximum building height will apply to industrially zoned land.

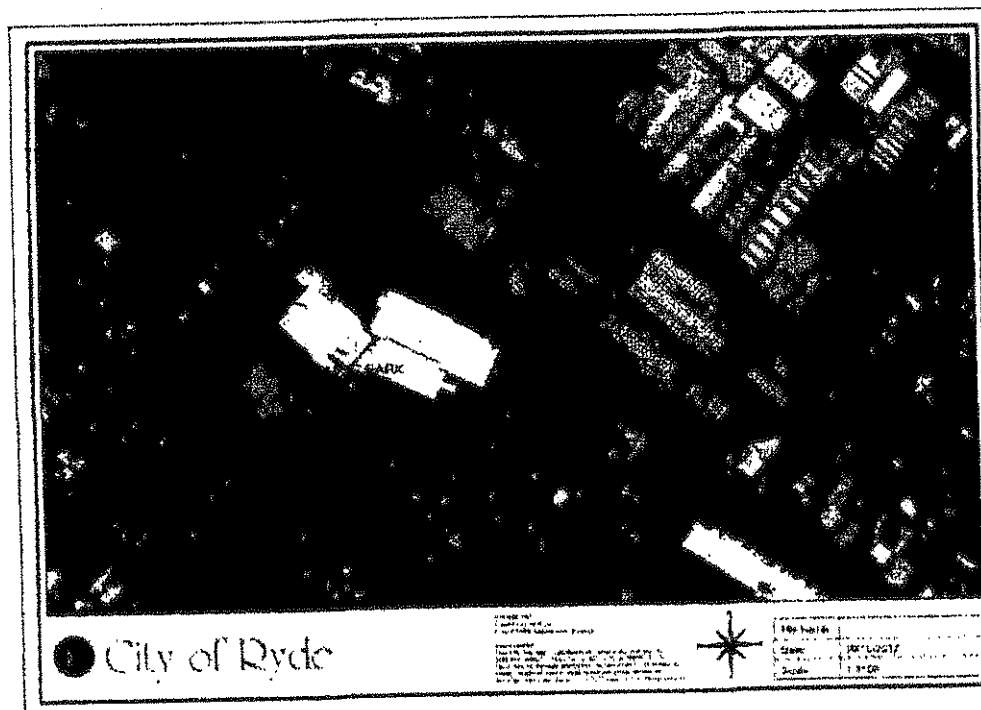
ITEM 10 (continued)

A site specific amendment for the Ryde Development Control Plan 2010 ('RDCP 2010') will be prepared prior to public consultation of the LEP amendment. The preparation of a site specific addition to RDCP 2010 would occur once the planning proposal has been supported by Council for exhibition and achieves a gateway determination from the Department of Planning. The site specific RDCP 2010 amendment will be publicly exhibited with the LEP amendment so that the public may understand the built form and function of the development.

The site

The subject site ('the site'), 461-495 Victoria Road, Gladesville, is legally known as Lot 1 DP 739556 and is currently zoned IN2 - Light Industrial.

The site is a former quarry now known as Enterprise Park, forming part of the Gladesville Industrial Area. The site is bounded by College Street to the north, low density residential and commercial development to the east, Victoria Road to the south and Frank Street to the west. However due to the topography of the site, the principal site frontage is defined by College Street. Vehicular access is principally gained from College Street and the corner of Frank and College Street. A map showing the location of the site and the surrounding area following.



ITEM 10 (continued)

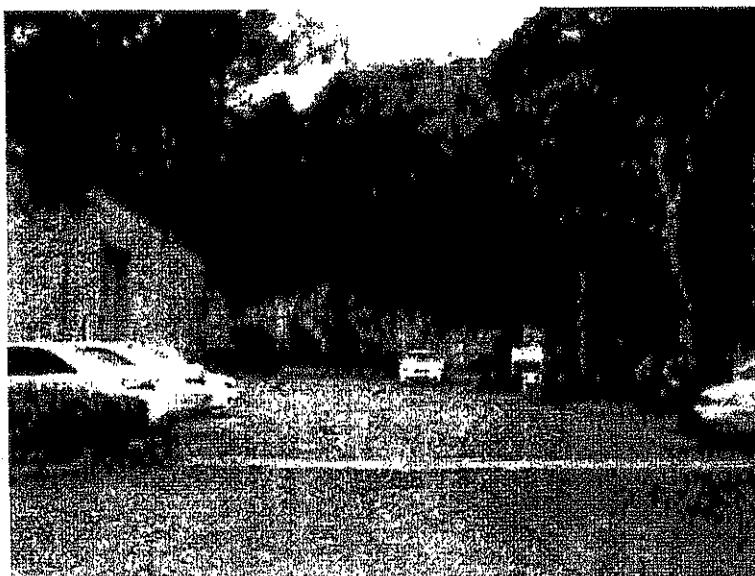
Given the site was a quarry development the natural topography has been extensively altered and much of the site is below ground level. The site falls steeply from its highest point at Victoria Road (RL49) to the lowest point at in the centre of the site (RL35) (a 14 metre change across the site). The series of photos below depict the fall of the site and it's location below the level of College Street.



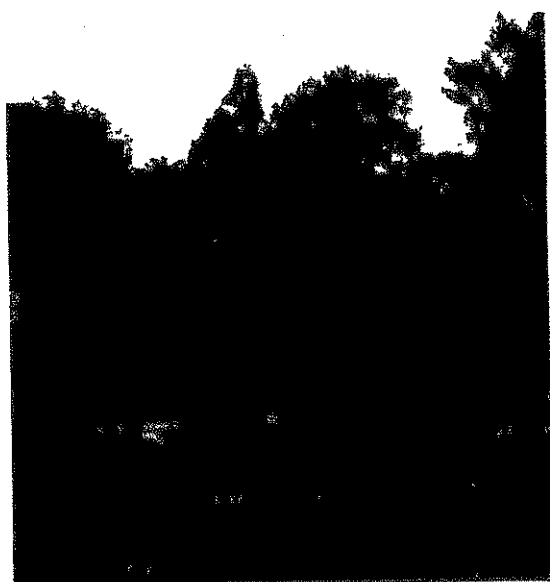
View over the site - 461-495 Victoria Road, Gladesville - Upper car park deck viewed from Frank Street



On site looking to the north boundary, with College Street located behind the plane trees and beyond the two storey light industrial warehouse buildings. Note retaining wall and step back up to ground level at College Street

ITEM 10 (continued)

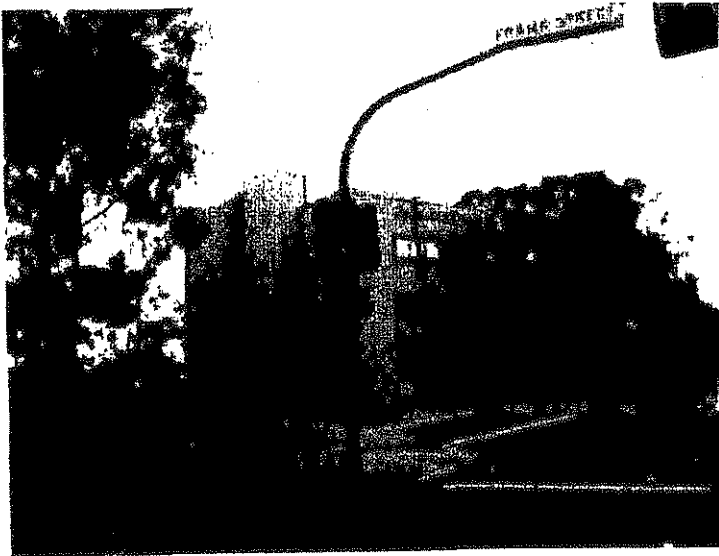
On site looking to the east boundary defined by a vertical wall with the car wash located behind. Note car wash roof is just visible behind the tree line in the centre of the photograph.



On site looking to the south boundary defined by a vertical embankment with Victoria Road behind at ground level.

ITEM 10 (continued)

The site is occupied by a number of warehouse buildings generally used for a variety of light industrial purposes (as shown in the images above) and a three storey building at the corner of Frank Street and Victoria Road (shown below), known as 495 Victoria Road, which is occupied by Fernwood Gymnasium.



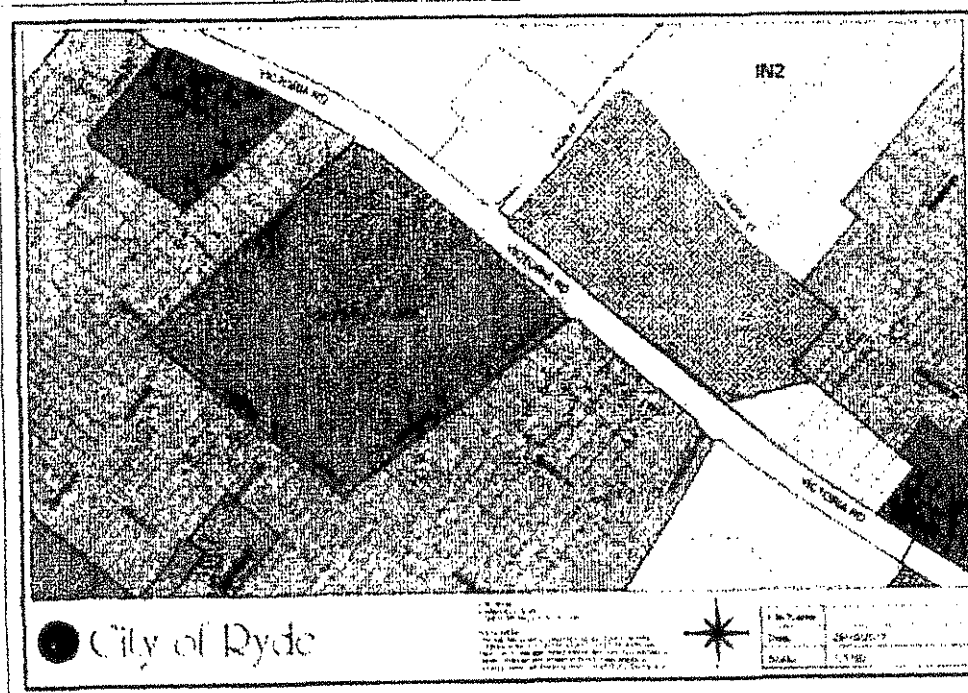
View of 495 Victoria Road – Building H

The existing warehouse buildings and 495 Victoria Road has an estimated gross floor area of 22,000 square metres. The warehouse buildings are serviced by an internal road on the site which is accessed from College and Frank Streets. The building at 495 Victoria Road is accessed from Frank Street. Car parking is provided on site, with parking spaces provided around the warehouse buildings at ground level and on a large roof top car parking area accessed from the corner of College and Frank Streets. The building at 495 Victoria Road has a small number of on-site parking spaces accessed from Frank Street. There are two discussed driveway crossing from Victoria Road.

Site Context

The surrounding development consists of a variety of light industrial uses, detached single dwellings, recreational and educational uses. The map following shows the zoning under Ryde Local Environmental Plan 2010 of the site and the surrounding sites.

ITEM 10 (continued)

*North of the subject site – College Street*

The site is bounded to the north by light industrial land uses comprising the Gladesville Industrial area. Industrial buildings are generally two storeys in scale comprising self storage and small industrial units. Access to the Industrial area is provided off College Street and some through sites are also accessed from Buffalo Road.

East of the subject site – Residential and Commercial land uses

The site is adjoined to the east by residential and light industrial land uses. The adjoining residential development fronts College Street with a shared western boundary to the site. The development comprises single and two storey detached dwellings and a villa development. Access to these dwellings is provided from College Street. The adjoining light industrial development fronting Victoria Road and comprises a car wash and care business. There is a substantial level change along the western boundary between the site and Victoria Road.

South of the subject site – Victoria Road

The site is bounded to the south by Victoria Road and a mix of uses; the Ryde Aquatic Leisure Centre, residential and commercial development. To the south-west of the subject site is the Ryde Aquatic Centre. The Aquatic Centre is accessed from Margaret Street and Weaver Street. East of the Aquatic Centre, is residential land uses bounded by Weaver Street to the west and Tennyson Road to the east.

ITEM 10 (continued)

Residential development comprises single and two storey dwellings, with some three and four storey residential flat building. To the east of the residential land uses is the Gladesville Business Centre. Industrial zoned land comprising a range of light industrial and warehouse uses are located along Tennyson Road.

West of the subject site – Frank Street

The site is bounded to the west by light industrial land uses, such as Kennards storage facility and further west the education establishment, Holy Cross College. Access to Kennards Self Storage is provided off Frank Street. Access to Holy Cross College is provided off Victoria Road, with a secondary entry point off Cressy Road.

Proposed Amendment to Ryde Local Environmental Plan 2010

The object of this planning proposal is to include additional permitted uses on the site by amending Schedule 1 'Additional Uses' pursuant to RLEP 2010 and to amend the Building Height Map pursuant to RLEP 2010 to permit a maximum building height across the site. The current IN2 Light Industrial land use zoning will be retained as part of the planning proposal.

Clause 4 in Schedule 1 'Additional Uses' pursuant to RLEP 2010 permits development for the purpose of existing building premises or office at 495 Victoria Road, known as 'Building H'. This use will be retained on the site.

The planning proposal seeks to amend Clause 4 Schedule 1 Ryde Local Environmental Plan to include additional land uses permitted with consent. The additional land uses include, *bulky goods premises, garden centre and hardware and building supplies*. The planning proposal also seeks to amend the following Height of Building Map RLEP 2010 (Sheet HOB-106) to apply maximum building heights to the site. The proposed heights are outlined as followed (note: the range in meters is due to the significant variation in topography): RL 63 (12 to 15 metres); RL52 (6 to 14 metres across the site); and RL42 (0 to 4 metres).

Justification and Net Community Benefit

The planning proposal provides information about the need for a major hardware store in the Ryde Local Government Area ('RLGA') and to vary the maximum building height limits to facilitate a suitable urban design outcome on a topographically constrained site. The proponent submits that the planning proposal would promote the orderly and economic use and development of the subject site, and that the planning proposal is expected to result in a net community benefit, which included:

- *Increase employment generating capacity including opportunities for part time, casual and younger employees and key workers;*

ITEM 10 (continued)

- *The ability to satisfy latent demand for a large hardware store and bulky goods premises in the Ryde LGA;*
- *A considered approach to building heights across the site having regard for the various streetscape outcomes and residential interfaces; and*
- *Reducing permissible height to the sensitive College Street frontage and also minimising potential building height to the adjoining residential property at 18 College Street.*

Documentation covering the justification and the need for the proposal is provided at **ATTACHMENT 1** titled '461-495 Victoria Road, Gladesville - Planning Proposal- Submitted Report Documentation'. The relevant sections are found at 'Part 3 – Justification' on page 24 of the planning report prepared by Don Fox Planning and the 'Economic Assessment' report prepared by Leyshon Consulting Pty Ltd.

City of Ryde Appraisal of the Planning Proposal

Pursuant to RLEP 2010, the subject site is zoned IN2 – Light Industrial, the purpose being to enable land to be used for light industrial and associated purposes. The principal development standards applying to the IN2 Light Industrial zone under RLEP 2010, including the provision of Clause 4 Schedule 1 are provided in the table below.

Provision	Ryde Local Environmental Plan 2010
Zoning	IN2 – Light Industrial SP2 – Infrastructure (classified road)
Height	No height limit
Floor Space Ratio	1:1
Clause 4 Schedule 1 – Additional Land Uses	(1) This clause applies to land at 461-495 Victoria Road, Gladesville, being part Lot 1, DP 739556 (Building H) (2) Development for the purposes of business premises and office premises Building H (known as 495 Victoria Road) that include 48 car parking spaces is permitted with consent

Additional Land Uses

The planning proposal seeks to amend Clause 4 Schedule 1 RLEP 2010 to include additional uses with consent. A comparison of the provisions included under Ryde Local Environment Plan 2010, Ryde Local Environmental Plan 2011 and the planning proposed is provided below.

ITEM 10 (continued)

Provision	RLEP 2010	Draft RLEP 2011	Proposed Provisions under the Planning Proposal
Schedule 1 – Additional Land uses	<p>Clause 4 – Use of Certain Land at 461 - 495 Victoria Road, Gladesville</p> <p>(1) This clause applies to land at 461-495 Victoria Road, Gladesville, being part Lot 1, DP 739556 (Building H)</p> <p>(2) Development for the purposes of business premises and office premises Building H (known as 495 Victoria Road) that include 48 car parking spaces is permitted with consent</p>	<p>Clause 6 – Use of certain land at 461 Victoria Road, Gladesville</p> <p>(1) This clause applies to land at 461 Victoria Road, Gladesville being Lot 1 DP739556</p> <p>(2) Development for the purpose of bulky goods is permitted with consent</p> <p>(3) Development for the purpose of business premises and office premises (Building H only) is permitted with consent</p>	<p>Clause 4 – Uses of certain land at 461-495 Victoria Road, Gladesville</p> <p>(1) This clause applies to land at 495 Victoria Road, Gladesville being Lot 1 DP739556</p> <p>(2) Development for the purposes of bulky goods, garden centre and hardware and building supplies permitted with consent</p> <p>(3) Development for the purposes of business premises and office premises (Building H)</p>

Council have adopted additional land uses into the zoning land use table as part of Schedule 1 'Additional Uses' pursuant to draft RLEP 2011. The permitted uses with consent in the IN Light Industrial zone under RLEP 2010 do not include *hardware and building supplies, garden centre or bulky goods*. The draft RLEP 2011 was adopted 2 November 2011. The draft RLEP 2011 includes the additional permitted uses with consent *Hardware and building supplies*. The adoption of *hardware and building supplies* in Clause 4 Schedule 1 RLEP 2010 is consistent with the "permitted land uses with consent" and the overall intention of the draft RLEP 2011.

The Local Planning Study informs the City of Ryde draft RLEP 2011. During 2010 the City of Ryde prepared the Local Planning Study in response to the State Government's Metropolitan Regional Plan and the draft Inner North Subregional Strategy. The study comprised a comprehensive review of the Ryde Local Government Area ('LGA'), including all centres and corridors in the LGA.

ITEM 10 (continued)

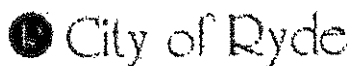
During the Local Planning Study preparation, submissions were received from the public. On 20 September 2010, Council received a submission on behalf of the land owners of the subject site requesting Council consider the inclusion of 'Bulky Goods Premises' as a permitted land use with consent. The request was reviewed by Council staff and a recommendation was made in the Local Planning Study that *bulky goods premises* should be adopted as a permitted land use with consent on the subject site. The Study recognised the subject site as being located in the section of Victoria Road identified as a potential enterprise corridor and suitable for *bulky goods premises* use.

On 2 November 2010 Council reviewed the recommendations set out in the Local Planning Study report to Council. The resolution of Council was to adopt all recommendations in the Local Planning Study. This resolution was inclusive of the recommendation that *bulky goods premises* should be adopted as a permitted land use with consent on 461-495 Victoria Road, Gladesville. The recommendations of the Local Planning Study were incorporated into Council's draft RLEP 2011 and Clause 4 Schedule 1 was subsequently amended to include *bulky goods* as a permitted use with development consent for the site (Clause 4 is referred to as Clause 6 in draft RLEP 2011).

Council sought advice from the Department of Planning on the inclusion of *bulky goods premises* under Clause 6 Schedule 1 of the draft RLEP 2011 as a permitted use with development consent on the subject site. The Department advised Council the following on 20 June 2012:

"An expansion of land uses in the industrial zones such as bulky goods is acceptable provided the area of land zoned for industrial does not change. The introduction of bulky goods into the land use table for the IN2 zone (therefore all areas of Ryde where the zone exists) would be acceptable subject to a rationale addressing the appropriateness of such a use in the zone being provided to DoPI. Our preference is to exclude bulky goods retail from industrial zones as an additional use across the zone but the inclusion of 'bulky goods' is not considered fundamentally to be a retail use that is likely to reduce the amount of industrial land...

The preference now is to either: 1). cluster permissibility of these uses in a suitable area (close to commercial is ideal but may not be achievable) and to give them a B5 zoning or 2) allow the use by a Schedule 1 amendment for the particular site based on suitability criteria"



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Council Reports Page 228

ITEM 10 (continued)

Based on the above the inclusion of *bulky goods premises* by a Schedule 1 amendment in the draft RLEP 2011 is acceptable to the Department, with proper justification from the proponent.

Conclusion

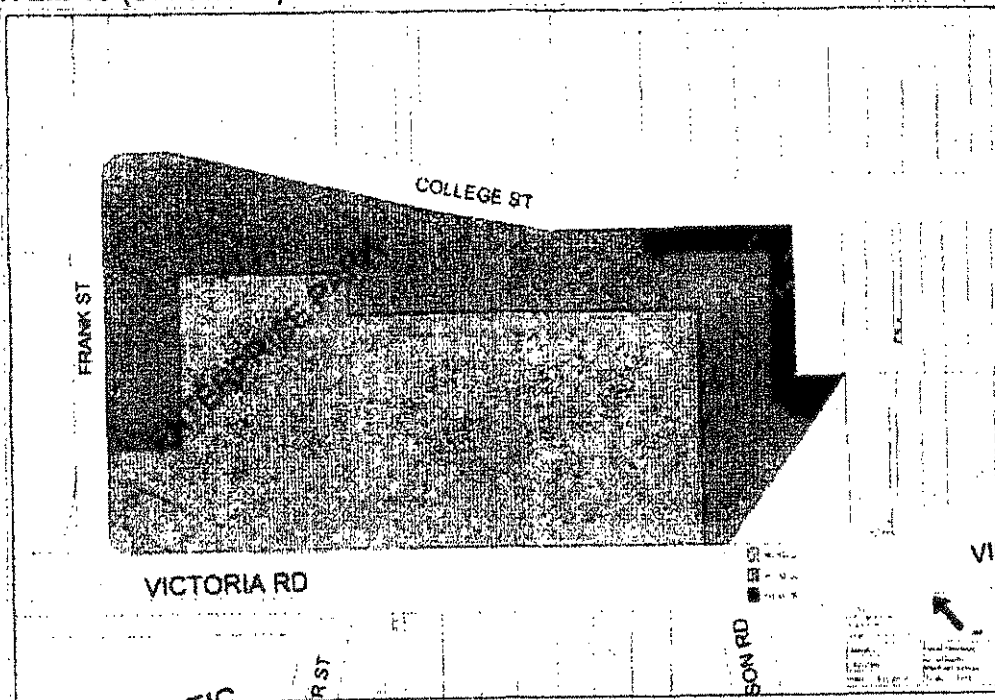
It is recommended that the Amendment to Schedule 1 'Additional Uses' RLEP 2010 to include addition land uses of *bulky goods premises*, *hardware a building supplies* and *garden centre* is supported because Council resolve to adopt the recommendations of the Ryde Local Planning Study, which was inclusive of adopting 'bulky goods premises' as a land use on the site, the inclusion of *hardware and building supplies* in the IN2 Light Industrial land use table pursuant to draft RLEP 2011 and the inclusion of *bulky goods premises* on the site in Clause 6 in Schedule 1 draft RLEP 2011.

Maximum Building Height

The planning proposal seeks to amend Height of Buildings Map to indicate three Maximum Building Heights across the subject site on Sheet HOB – 1 06. A comparison of the provisions included under RLEP 2010, draft RLEP 2011 and the planning proposed is provided below, including a draft maximum building height plan for the site.

Provision	RLEP 2010	Draft RLEP 2011	Proposed Provisions under the Planning Proposal
Height of Building	No Maximum Height of Building limit	10m Maximum Height of Building limit	RL63 (12 to 15 metres building height), RL52 (6 to 14 metres building height) and RL42 (0 to 4 metres).

ITEM 10 (continued)



As a result of the topography the maximum buildings height of 10 metres in the draft RLEP 2011 will result in a deficient urban design outcome, especially from Victoria Road. The maximum building heights capable of being achieved under the proposed RLs will vary across the subject site and at the interface of each boundary. The concept plans submitted with the planning proposal outline that the principal built form is contained within the RL63 (coloured pink on the above draft plan) and that those structures that will occur in RL52 (coloured blue on the above draft plan) are generally ancillary built form structures, such as car parking, awnings, ramps or driveways. The proposed RL42 (coloured green on the above draft plan) to a depth of 10 metres is located at the interface with adjoining residential developments and will act as a buffer between proposed development on the site and the residential land uses.

A detailed outline of the maximum building height that could be achieved for each proposed RL point is provided following:

North site boundary – College Street

At College Street the ground level at the site boundary falls from RL 40 to RL38, the lowest point occurring toward the centre of the site. At the centre of the site the ground level falls to RL35, which sets the centre of the site below ground level at the site boundary fronting College Street. Any built form on the subject site will be visible from ground level at the site boundary to College Street (RL38 to RL40).

ITEM 10 (continued)*East site boundary – Residential and Commercial land uses*

At the eastern boundary of the site the ground level fall adjoining the residential development fronting College Street falls from RL40 to RL35. Adjoining the car wash at the south-eastern portion of the site boundary the ground level steeply falls from approximately RL49 to RL35, which represents a change of 14 metres. Due to the steep fall of the land majority of the built form visible from this site boundary will occur below ground level.

South site boundary – Victoria Road

At the southern site boundary the ground level is generally consistent at RL49 to RL48. The site boundary will be characterised a maximum building height to RL63. Along Victoria Road, RL63 represents a maximum building height above street level of approximately 14 – 15 metres setback between 6 - 9 metres from the site boundary. This maximum height of the built form is congruous built form with the adjoining site to the west, Kennard's storage and south-east, Glade View Business Park.

West site boundary – Frank Street

At the western site boundary the ground level varies between RL49 to RL45. Due to the nominal change in topography along this boundary, the resultant potential built form will be visible to and from Frank Street. RL52 represents a maximum building height of approximately 3 to 7 metres from street level (RL42 to RL45) at a zero setback to the site boundary. RL63 represents a maximum building height of approximately 18 – 21 metres from ground level (RL42 to RL45) setback 33 metres from the site boundary.

Conclusion

It is recommended that the proposed heights for the site be supported because the amendment to the heights will permit a potential development above ground at Victoria Road, providing street activation and a building presentation to an otherwise blank site and the maximum height is appropriately setback from College Street and the residential interface through the adopted of three RL's across the site.

Access

The site is accessed from:

- Two access points along College Street;
- Two access points along Frank Street. One access point provides access to a roof top car park and the second provides access to the building at 495 Victoria Road, Gladesville; and

ITEM 10 (continued)

- Two disused access points off Victoria Road.

The concept plans submitted with the planning proposal demonstrate that access to the site will be re-orientated around three access points following:

- An access point at the corner of College and Frank Street;
- An access point from Frank Street; and
- A new access point from Victoria Road at the intersection of Victoria and Tennyson Roads.

The new access point from Victoria Road will be created in the south-eastern corner of the site and adjoining the car wash. The access point will provide entry and exit from the site via a traffic light controlled intersection at Victoria and Tennyson Roads and will include, slip lane access heading east along Victoria Road, right turn access at the intersection heading west along Victoria Road, and straight through the intersection from Tennyson Road. A development application for the formation of this intersection to provide access to Building E on the site was lodged with Council on 2 November 2012 (LDA2012/412).

Policy and Strategic Context

Many of the key matters applicable on a Policy and Strategic basis have been considered by the proponent within their Planning Proposal. In this respect, only the major issues have been detailed below.

Metropolitan Strategy and Employment Lands for Sydney Action Plan

In March 2007, the NSW State Government adopted the Metropolitan Strategy and Employment Lands for Sydney Action Plan covering the City of Ryde. The strategy and plan identify the need to retain employment lands (including traditional industrial areas such as Gladesville). The planning proposal has no adverse impacts on the aims and strategies of the Metropolitan Strategy.

Draft Inner North Subregional Strategy

The Inner North Subregion: Draft Subregional Strategy (Draft Subregional Strategy) covering the City of Ryde LGA. The Draft Subregional Strategy sets a number of objectives and directions for employment and centres and corridors for the subregion to be reached by 2031. The targets set out by the Strategy include, a jobs target for the city of Ryde LGA of 21,000 new jobs; the retention of the Gladesville industrial area for industrial purposes servicing the local population; and identification of parts of Victoria Road, Gladesville as an enterprise corridor. The planning proposal has no

ITEM 10 (continued)

adverse impacts on the aims and strategies of the Draft Subregional Strategy and will contribute to diverse employment opportunities within RLGA.

*Ministerial Directions (s.117 directions)*Direction 1.1 – Business and Employment Zones

The objective of the direction is to protect employment land in business and industrial zones and encourage employment growth in suitable locations. On the basis of advice received from the Department of Planning and Infrastructure dated 20 June 2012 and as detailed throughout the report, Council is of the opinion that the proposed inclusion of additional land uses in the IN2 Light Industrial zone under RLEP 2010 does not conflict with the objectives adopted under Direction 1.1.

Direction 6.3 – Site Specific Provisions

The objective of the direction is to discourage unnecessarily restrictive site specific planning controls. The proposed planning proposal does not conflict with the objectives adopted under Direction 1.1.

Ryde LEP 2010

The planning proposal retains the IN2 Light Industrial Land Use zone. The planning proposal request to include the additional land uses *bulky goods premises, hardware and building supplies* and *garden centre* for the subject site only as an amendment to clause 4 Schedule 1 RLEP2010 is considered suitable due to the location of the site and its context in RLGA and the delays in progressing DLEP 2011 to gazettal.

Development Control Plan 2010

Council's current *Development Control Plan 2010* does not have controls that adequately address the uniqueness of the topography of the site, the size of the site the proposed development type and interface with existing surrounding development. In order to ensure that the future development of the subject site provides a reasonable built form outcome and a level of amenity for future and existing site occupiers and adjoining residents, a site specific addition to the *Development Control Plan 2010* must be prepared.

The draft DCP would include elements such as:

- *Street setbacks;*
- *Setbacks to the adjoining residential property at 18 College Street and treatment of the setback area;*
- *Stepped building form to the College Street frontage;*
- *Façade treatment;*
- *Retention of street trees along College street;*

ATTACHMENT 4

ITEM 6 (continued)

	Trim No/ Subject	Issue	Comments	Recommended Action
		this site to address issues relating to feasibility and to ensure that redevelopment occurs that is more in line with the scale of the surrounds.	<p>The height should also be amended. It is suggested that the base height of 18.5:1 be retained but that the height incentive is amended to be a maximum of 6m. This may create taller building forms but will not add to the floor space capacity of the centre (and therefore the traffic generation).</p> <p>To ensure equity the same height and FSR controls should be applied across the whole of Precinct 3 – Main Street (generally retail parts of Blaxland Rd of Church St) and areas in "Ryde Town Centre presently with an FSR of 1.8:1.</p> <p>The height incentives (if taken up) are in the central part of the Top Ryde and will not affect the low density residential areas surrounding the centre.</p>	<p>Amend HOB Map to make area E as referred to in Clause 4.3(2A) to correspond with area described above.</p> <p>Amend FSR Map for Ryde Town Centre by combining area H and I into area H.</p> <p>Amend Clause (4.4)(2A) as follows; Subclause (h) amended to read -(h) 0.5:1 if the building is in area H and if the building is on a site having an area of at least 900sqm and provides laneway access and is mixed development. - Clause 2 (4.4)(2A) (i) to be deleted</p>
	General			
	D12/42929	Manufacturing /warehousing uses	A submission to the community	That the following land uses

ATTACHMENT 4

ITEM 6 (continued)

	Trim No/ Subject	Issue	Comments	Recommended Action
	(D12/43544/ D1243691)) Submission on behalf of owners of Gladesville Industrial Area (33 – 51 College Street and 46 – 48 & 28 Buffalo Rd)	<p>permitted under the RPS for the last 50 year are no longer appropriate for the IN2 zone.</p> <ul style="list-style-type: none"> ➤ Manufacturing has virtually disappeared from the area – examples of manufacturers relocating outside Ryde area provided. ➤ Warehousing is also rapidly disappearing. Most current and future demand is associated with bulky goods sales and wholesale supplies ➤ As long term tenants relocate they are not being replaced. <p>The solution</p> <ul style="list-style-type: none"> ➤ Expand land uses in zone to include, wholesale supplies bulky goods premises, and recreation facilities (indoor) ➤ Request Council 	<p>consultation of the Draft LEP was also submitted with respect to this issue. Under DLEP 2011 the IN2 zone permits a number of new land uses such as funeral homes, hardware and building supplies, Land scaping material supplies and storage premises. Under SEPP (Infrastructure) emergency service facilities are also permitted in the zone (the use is listed as <i>prohibited</i> in the land use table and should be deleted to be in accordance with the SEPP).</p> <p><i>Wholesale supplies</i> which are defined as a building or place used for the display sale or hire of goods by wholesale only to business that have an ABN registered under a 1999 tax Act is considered to be very similar in nature to a <i>warehouse or distribution</i></p>	<p>be added to IN2 zone <i>Permitted with consent</i></p> <ul style="list-style-type: none"> - Recreation facility (indoor) - Wholesale supplies - Building identification signs <p>The following land use be deleted from IN2 zone <i>Prohibited</i></p> <ul style="list-style-type: none"> - Emergency Service facilities

ITEM 6 (continued)

ATTACHMENT 4

	Trim No/ Subject	Issue	Comments	Recommended Action
		<p>recognise changing demand for premises in IN2 zone</p> <p>➤ Bunnings has been given the right to Bulky Goods premises – long term land owners should be given the same right</p>	<p><i>centre</i> (defined as a building used for the sorting or handling items pending their sale but from which no retail sales are made). As such it is considered to be a suitable use with council consent in the IN2 zone.</p> <p>Bulky goods premises is defined as a building used for the sale, hire or display of bulky goods being of such size or weight to require a large handling display area and includes goods such as floor and window supplies, furniture, household electrical goods and swimming pools. Under <i>Schedule 1 Additional permitted uses</i> a bulky goods premises is permitted at 461 Victoria Rd. This was based on a recommendation of the Ryde Local Planning Study that was adopted by Council on 7 December 2010. The retail nature of bulky goods and its likely impact on reducing the land available for industrial uses is such that they should be considered</p>	

Charles Parisi

From: Bryan Belling <Bryan.Belling@klgates.com>
Sent: Wednesday, 20 March 2013 10:17 AM
To: 'charles@parisilawyers.com.au'
Subject: City of Ryde [MID-Middocs.FID1485232]
Attachments: 20130320091432450.pdf

**NSW ICAC
EXHIBIT**

Dear Charles,
 Please see the letter attached. Apologies for the delay.
 regards

Bryan Belling
 Partner
 K&L Gates
 Level 31, 1 O'Connell Street
 Sydney NSW 2000, Australia
 Phone: +61 2 9513 2541
 Fax: +61 2 9513 2399
 Mobile: +61 407 224 477
bryan.belling@klgates.com
www.klgates.com

-----Original Message-----

From: sydp42@middletons.com.au [<mailto:sydp42@middletons.com.au>]
Sent: Wednesday, 20 March 2013 10:15 AM
To: Bryan Belling
Subject: Message from "Sydp42"

This E-mail was sent from "Sydp42" (Aficio MP C6501).

Scan Date: 20.03.2013 09:14:32 (+1000)
 Queries to: sydp42@middletons.com.au

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NSW ICAC EXHIBIT



20 March 2013

Our reference
JZEN.BBEL.10058074

Email: charles@parisilawyers.com.au

Charles Parisi
Parisi Lawyers

Dear Mr Palisi

City of Ryde Council: Development and Planning Matters

We act for the City of Ryde Council on the instructions of the Mayor, Councillor Ivan Petch.

Your letter of 14 March 2013 has been referred to us for reply.

In your letter you made 4 demands in respect of which you required Council's response by 3pm today.

We are instructed to advise you that Council has initiated (in the first instance at least) a confidential investigation into the preparation of the reports referred to in more detail in your letter.

Depending upon the outcome of initial investigation, Council will take such steps as it may be advised in relation to staff members who have misconducted themselves.

Council will, subject only to preliminary investigations, be notifying the Independent Commission Against Corruption (ICAC) if the conduct to which your letter and the material attached to it refers on the face of it falls within the definition of "corrupt conduct" under the *Independent Commission Against Corruption Act* in Council's opinion. The notification to the ICAC will occur irrespective of the outcome of the preliminary investigation, that preliminary investigation is to be undertaken to accelerate the process.

A consequence of these enquiries and investigations and notifications may well be reappraisal of the previously unsuccessful applications of your clients with respect to previously rejected planning proposal.

We are instructed to keep you informed of progress, consistent with our duties to our client and consistent with our client's confidentiality obligations including under the *Independent Commission Against Corruption Act*.

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DX 170 Sydney
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james.zeng@klgates.com

18051966v1 BBEL

**NSW ICAC
EXHIBIT**

Mr Belling will maintain carriage of the matter.

Yours sincerely



Bryan Belling
Partner

NSW ICAC
EXHIBIT

2/3/2015

T/C from John

-s said he has read the advice
from Counsel -s said that the advice
refers to club as "John Carter"
should be all of the owners

John said that he is the representative for
all of the owners in the Theatre Plaza

- it is SP- 54107 -> he is
acting on call of the behalf

NSW ICAC
EXHIBIT

16/4/2013

Continue with John and Norm at
Albionville.

- > Have seen minutes of the meeting
of 9 April 2013. The report to
the Council was used in the meeting.
Dinner. Thus addresses the Council
on the Bungy Site.

Need to write to the Council and
bring it to attention that the charged
report was used once again.

Should I write to all Councils?

-> Can we write to Jarrals
if matter is before PAC -> will
advise.

- > Say that the Mayor had voted on
the matter and he was aware
of the problem with the report.

Charles Parisi

From: Charles Parisi <charles@parisiassociates.com.au>
Sent: Monday, 17 June 2013 9:20 AM
To: 'contactus@weeklytimes.com.au'
Subject: Cerreto - Cox Rd Masterplan
Attachments: DOC170613.pdf

**NSW ICAC
EXHIBIT**

Dear Sirs

Please see the attached.

Regards

Charles Parisi
Parisi Lawyers
Suite 8a 2 Redman Road
Dee Why NSW 2099
T: 02 9981 3688 F: 02 9981 3622

DX 9106 Dee Why

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Charles Parisi

Principal

Karen-Anne Nathan

Associate

Our Ref: CP/CP:20130065

Enquiries: Charles Parisi

Your Ref:

14th June 2013

The Manager
The Weekly Times
Po Box 123 Ryde
NSW 1680

Via Email: contactus@weeklytimes.com.au

Dear Sirs

Norman Cerreto - Coss Road Masterplan

We advise that we act for Norman Cerreto.

Our client has provided us with a copy of your invoices dated May 2012, June 2012, July 2012 & Aug 2012 that you have sought to claim against our client.

We note that our client first received the invoices as an attachment to your email dated 24 October 2012 and notwithstanding we advise that we have been instructed to reconcile the invoices as it appears on the face of your claim that you are mistaken in regards to the payments that have been sought from our client.

As you are aware our client and the Fazzolari family had agreed to jointly undertake the promotion within the community of the Cox' Road Masterplan. This included a number of display advertisements in your newspaper. The cost for the Cox's Road Masterplan were to be paid equally by our client and the Fazzolari family.

The advertising program commenced on 23 May 2012 and continued through to 4 July 2012. In fact we have checked the online archive copies of the newspaper and have confirmed that the last advertisement was on 4 July 2013.

However it appears from your invoices that payment is being sought by you in regards to advertisements for the period from 11 July 2012 to 5 September 2012. We advise that our client is not liable for these advertisements as clearly they did not involve the Cox's Road Masterplan.

ID:20130065:33724



**NSW ICAC
EXHIBIT**

Parisi & Associates | Lawyers

- 2 -

In addition we note that on 4 December 2012 our client paid to you the sum of \$6,270.00 by direct deposit being our client's half share of the costs of the advertisements. We note that our client advised you then that the invoices for the period after 4 July 2012 were not our clients however it appears that you have not since updated your records.

As you are aware a dispute has been raised by the Fazzolari family who have now refused to pay the remaining advertisement costs. We understand that you have contacted the Fazzolari family but they have confirmed that due to an internal family dispute they are not prepared to pay the balance that remains outstanding.

We advise that our client has on a number of occasions attempted to resolve the matter with the Fazzolari family but unfortunately due to the principle Ray Fazzolari being overseas our client was not, until recently, able to raise the matter with him.

However in a effort for our client to resolve the matter with you we advise that we have undertaken a review and reconciliation of the above-mentioned invoices and we advise that the advertisements that our client is liable for (being the advertisements for the Cox's Road Masterplan only) are for the period from 23 May 2012 to 4 July 2012. The total of those costs are \$13,870.00 and as our client has already paid the sum of \$6,270.00 then the balance that remains payable is \$7,600.00 that we advise our client will attend to pay to you shortly.

We trust that this resolves the matter however if you have any queries please do not hesitate to contact the writer.

Yours faithfully
Parisi Lawyers



Charles Parisi

encl.

Email:

Charles Parisi

From: John <johnfb@weeklytimes.com.au>
Sent: Monday, 17 June 2013 5:46 PM
To: charles@parisiassociates.com.au
Cc: Ulrike
Subject: Re: Cerreto - Cox Rd Masterplan

**NSW ICAC
EXHIBIT**

Dear Mr Parisi

Thank you for your letter and I accept the explanation.

Yours sincerely

John F Booth AM

On 17/06/13 6:16 PM, "Ulrike" <contacttwt@hotmail.com> wrot

From: Charles Parisi [<mailto:charles@parisiassociates.com.au>]
Sent: Monday, 17 June 2013 9:20 AM
To: contactus@weeklytimes.com.au
Subject: Cerreto - Cox Rd Masterplan

Dear Sirs

Please see the attached.

Regards

Charles Parisi
 Parisi Lawyers
 Suite 8a 2 Redman Road
 Dee Why NSW 2099
 T: 02 9981 3688 F: 02 9981 3622

DX 9106 Dee Why

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