

Committee of the Whole

MINUTES OF MEETING NO. 6/09

Meeting Date: Tuesday 5 May 2009
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

Councillors Present: The Mayor, Councillor V J Tagg and Councillors M P Butterworth, N B Campbell, R Maggio, G O'Donnell, I J Petch, T W Perram, W Pickering, J Salvestro-Martin and S Yedelian OAM

Apologies: Councillor Li

Leave of Absence: Councillor Etmekdjian

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, Manager – Human Resources, Manager – Urban Planning, Manager – Health and Building, Manager – Environment, Strategic Planner, Media & Community Relations Officer and Senior Administration Co-ordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That the Minutes of the Committee of the Whole No. 05/09 held on 21 April 2009, be confirmed.

Record of Voting:

For the Motion: Unanimous.

Minutes of the Committee of the Whole No. 6/09, dated 5 May 2009.

SUSPENSION OF STANDING ORDERS

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

That standing orders be suspended for the Committee to now consider Item 7 on the agenda and to allow members of the public to address the Committee.

Record of Voting:

For the Motion: Unanimous.

7 SHRIMPTONS CREEK PARKLANDS MASTER PLAN AND PLAN OF MANAGEMENT - Recommendation for Adoption

Note: A memo from Mr David Pedder and Ms Neree Hartog, dated 05 May 2009, was circulated to Councillors and considered in conjunction with this item, and is ON FILE.

Mr Plumb addressed the meeting.

Motion: Moved by Councillors Petch and Yedelian OAM)

- (a) That the report of the Landscape Architect Parks Assets, dated 15/04/2009 on SHRIMPTONS CREEK PARKLANDS MASTER PLAN AND PLAN OF MANAGEMENT - Recommendation for Adoption, be received and noted.
- (b) That the Shrimptons Creek Parklands Master Plan and draft Plan of Management (dated April 2009) be adopted by Council.

Amendment: (Moved by Councillors O'Donnell and Perram)

- (a) That the report of the Landscape Architect Parks Assets, dated 15/04/2009 on SHRIMPTONS CREEK PARKLANDS MASTER PLAN AND PLAN OF MANAGEMENT - Recommendation for Adoption, be received and noted.
- (b) That the Shrimptons Creek Parklands Master Plan and draft Plan of Management (dated April 2009) be adopted by Council.
- (c) That Council write to the local member, Maxine McKew and the Federal Government thanking them for their significant contribution of \$3.5 million of a total project value of \$8 million (Land and Building) towards the indoor sports and recreation facility for Ryde and congratulate the Rudd Government for its visionary response to the global financial crisis through its stimulus package.

Record of Voting:

For the Motion: The Mayor, Councillor Tagg and Councillors Butterworth, Campbell, Maggio, O'Donnell, Perram, Petch, Salvestro-Martin and Yedelian OAM

Minutes of the Committee of the Whole No. 6/09, dated 5 May 2009.

Against the Motion: Councillor Pickering

ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED
CARRIED AND BECAME THE MOTION

RESOLUTION: (Moved by Councillors O'Donnell and Perram)

- (a) That the report of the Landscape Architect Parks Assets, dated 15/04/2009 on SHRIMPTONS CREEK PARKLANDS MASTER PLAN AND PLAN OF MANAGEMENT - Recommendation for Adoption, be received and noted.
- (b) That the Shrimptons Creek Parklands Master Plan and draft Plan of Management (dated April 2009) be adopted by Council.
- (d) That Council write to the local member, Maxine McKew and the Federal Government thanking them for their significant contribution of \$3.5 million of a total project value of \$8 million (Land & Building) towards the indoor sports and recreation facility for Ryde and congratulate the Rudd Government for its visionary response to the global financial crisis through its stimulus package.

Record of Voting:

For the Motion: The Mayor, Councillor Tagg and Councillors Butterworth, Campbell, Maggio, O'Donnell, Perram, Petch, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillor Pickering

RECOMMITTAL OF ITEM

Recommittal: (Moved by Councillor Pickering and Campbell)

That item 7 of the Committee of the Whole Agenda 06/09, Shrimptons Creek Parklands Master Plan and Plan of Management, be recommitted.

Record of Voting

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors O'Donnell and Perram)

- (a) That the report of the Landscape Architect Parks Assets, dated 15/04/2009 on SHRIMPTONS CREEK PARKLANDS MASTER PLAN AND PLAN OF MANAGEMENT - Recommendation for Adoption, be received and noted.
- (b) That the Shrimptons Creek Parklands Master Plan and draft Plan of Management (dated April 2009) be adopted by Council.

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- (c) That Council write to the local member, Maxine McKew and the Federal Government thanking them for their significant contribution of \$3.5 million of a total project value of \$8 million (Land & Building) towards the indoor sports and recreation facility for Ryde and congratulate the Rudd Government for its visionary response to the GFC through its stimulus package.

Record of Voting:

For the Motion: The Mayor, Councillor Tagg and Councillors Butterworth, Campbell, Maggio, O'Donnell, Perram, Petch, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillor Pickering

RESUMPTION OF STANDING ORDERS

Standing orders were resumed at 7.48pm.

2 DRAFT RYDE LOCAL ENVIRONMENTAL PLAN 2008 - Submissions

The following speakers addressed the meeting:

- Ms Stavi Antonious, resident of Ryde
- Mr James Balastriere, resident of Putney
- Ms Millie Booth, resident of Ryde
- Mr Peter Brown, resident speaking on Bushland Protection (E2)
- Mr Nigel Dickson, on behalf of Holdmark
- Representing Eastwood/Ryde Netball Assoc
 - Ms Judy Watt
 - Ms Di Bills
- Representing Friends of Kittys Creek
 - Mrs Jenny Minifie
- Buckley Findlay
 - Vice President, North Western Sydney Women's Football Assoc
- Mrs Marjory Gossling, resident of Ryde
- Mr John Griffiths, resident of Eastwood
- Ms Jill Hartley, resident of Ryde
- Mrs Libby Lawson, resident of Ryde
- Ms Jane Leggitt, resident of Ryde
- Mrs Val Nelson (resident)
- Ms Felicity Rourke, Deacons on behalf of McDonalds

- Representing Ryde Environment Group
Mr Noel Plumb
- Representing Ryde-Hunters Hill Flora & Fauna Preservation Society
Mr Frank Breen
Ms Simone D'Unienville
- Mr Paul Sanders, resident of Ryde
- Ms Brigid Dowsett (Ryde-Hunters Hill Flora & Fauna Preservation Society)

RESOLUTION: Moved by Councillors Perram and Petch)

- (a) That the report of the Strategic Planner, dated 9/03/2009 on DRAFT RYDE LOCAL ENVIRONMENTAL PLAN 2008 - Submissions, be received and noted.
- (b) That at the request for a public hearing under Section 68 (2) of the Environmental Planning & Assessment Act be denied for the reason that the concerns raised in the request for a hearing have been addressed through amendments to the draft plan.
- (c) That Draft Ryde Local Environmental Plan 2008 be amended as follows:
 - (i) as outlined in Table 2 – Amendments to DLEP 2008;
 - (ii) as outlined elsewhere in this report except where in conflict with (iii) below;
 - (iii) to apply E2 zoning to all land in the city of Ryde categorised as bushland under Section 36 of the Local Government Act, 1993.
- (d) That the amended plan be forwarded to the Department of Planning with a section 68 report requesting that the Minister make the plan.
- (e) That the E2 zoning be supported by the outcomes of the Environmental Studies being conducted as part of the City of Ryde Local Strategy.
- (f) That the heritage listing on 8 Arthur Street, Ryde be removed.
- (g) That boatsheds be permitted within Foreshore Building Line with suitable setback in line with the State Regional Environmental Plan (Sydney Harbour Catchment) 2005.

Record of Voting:

For the Motion: Unanimous.

3 68 HERMITAGE ROAD WEST RYDE. LOT: 1, DP: 928324. - Application under Section 82A of the EP&A Act 1979 seeking a review of Council's determination of development application LDA 263/2008.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

- (a) That the report of the Client Managers, dated 19 March 2009 on 68 HERMITAGE ROAD WEST RYDE. LOT: 1, DP: 928324. - Application under Section 82A of the EP&A Act 1979 seeking a review of Council's determination of development application LDA 263/2008. be received and noted.
- (b) That Local Development Application No.263/2008 at 68 Hermitage Road, WEST RYDE being LOT: 1, DP: 928324 be approved subject to the following conditions:

CONDITIONS OF CONSENT

1. The subdivision of land to be carried out in accordance with the Plans Dated 29/05/2007, prepared by Anthony Todarello, titled Plan of Subdivision of Lot 1 in DP 928324; dated 22/12/08 prepared by Ultra Design & Engineering (Aust) Pty. Ltd., titled Subdivision Layout Details; drawing showing Surveyors Reference No. 2507_dp Prepared by Surveyor Anthony Todarello and support information submitted to Council except as may be amended by the following conditions.
2. An application for a Subdivision Certificate shall be lodged with the Principal Certifying Authority. Once a Subdivision Certificate is issued, the Linen Plan of Subdivision shall be registered with the Land Titles Office.
3. The Subdivision Plan titled 'Subdivision Plan & Calculations' dated 8/4/08 and amended on 22/12/08 prepared by Ultra Design and Engineering (Aust) Pty Ltd shall be amended as shown in red in order to match with the plans as referred to in condition No. 1 above, and submitted with the application for a Subdivision Certificate.
4. To ensure the Land and Property Information Office receives sufficient document for registration of the plans a Linen Plan of Subdivision plus 5 copies suitable for endorsement by Council pursuant to Section 109C of the Environmental Planning and Assessment Act 1979 shall be submitted to Council.
5. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

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Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to the Principal Certifying Authority prior to the **Subdivision Certificate** being issued.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development / release of the plan of subdivision.

6. A contribution for the services in Column A and for the amount in Column B shall be made to Council **prior to the issue of the Subdivision Certificate**.

A - Contribution Type	B - Contribution Amount
Community and Cultural Facilities	\$3,703.42
Open Space and Recreation Facilities	\$9,117.05
Civic and Urban Improvements	\$3,100.79
Roads and Traffic Management Facilities	\$ 422.88
Transport and Accessibility Facilities	NA
Cycleways	\$ 264.20
Stormwater Management Facilities	\$ 839.47
Plan Administration	\$ 71.24
TOTAL CONTRIBUTION IS	\$17,519.05

This contribution is a contribution under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 adopted by City of Ryde on 11/12/2007.

The above amount, if not paid within one calendar year of the date of this consent, shall be adjusted for inflation by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) on an annual basis in accordance until such time as the contribution is paid.

7. Please contact Energy Australia's Local Customer Service Office to obtain documentary evidence that Energy Australia has been consulted and that their requirements have been met.

Energy Australia
 Building No. 2 Bridge Road (near Sherbrook Road) Hornsby
 Telephone: 9477 8201
 Facsimile: 9477 8295
 Postal Address: GPO Box 4009, Sydney NSW 2001

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Email Address: HornsbyDA@energy.com.au

This information is to be submitted to Council **prior to the release of the Subdivision Certificate.**

8. In issuing this approval, Council has relied on the information provided by you about the siting of the building/structure on the allotment. If this information is incorrect, it is your responsibility to correct the errors **prior to the Subdivision Certificate being released.**
9. To ensure stormwater runoff a 1m wide inter-allotment drainage easement shall be created to benefit the proposed Lot 1 as shown on the drawing bearing Surveyors Reference 2507_dp prepared by Surveyor Anthony Todarello. To ensure all easements, restrictions etc are properly documented on title, an instrument under Section 88B of the Conveyancing Act 1919 plus 2 copies, creating any Easements, Positive, Covenants and Restrictions on use with the Ryde City being the authority empowered to release, vary or modify the same shall be submitted with the **application for a Subdivision Certificate.**
10. To ensure satisfactory effluent disposal and utility services are available to all proposed lots, the applicant is required to submit to Council with the application for Subdivision Certificate, certificates from the following public authorities:
 - i. Section 73 Certificate from Sydney Water indicating reticulation sewer has been made available to each lot
 - ii. Energy Australia indicating satisfactory arrangements have been made for the provision of electricity supply to each lot
 - iii. A telecommunication service provider stating that satisfactory arrangements have been made for the provision of telephone services to each lot.
11. The registration of all necessary easements are required to ensure all proposed lots will have legal access to all utility services, inter-allotment drainage, vehicular access and encroachments where applicable.

Prior to the release of Subdivision Certificate, certification shall be obtained from a registered Surveyor and submitted to Council confirming the above requirements will be met upon registration of the linen plan of subdivision.

End of Conditions

Record of Voting:

For the Motion: Unanimous.

4 'TOP RYDER' BUS SERVICE - Progress Report

Note: Councillor Petch left the meeting before discussion on item 4, the time being 10.02pm and took no further part in the meeting.

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

- (a) That the report of the Manager - The Environment, dated 1/04/2009 on 'TOP RYDER' BUS SERVICE - Progress Report, be received and noted.
- (b) That the proposed route change and bus stops be referred to the Ryde Traffic Committee for consideration.
- (c) That subject to the satisfactory endorsement by the Ryde Traffic Committee of the necessary route and bus stop alterations, the General Manager incorporate the modifications to the service as detailed in the report and facilitate implementation towards delivery of an improved 'Top Ryder' service to the community from 1 June 2009
- (d) That progress of the 'Top Ryder' service be tracked through the quarterly management plan reporting mechanisms of Council.
- (e) That the General Manager investigate the recently introduced free Artarmon bus service and other similar examples such as Parramatta and Lane Cove, and advise Council if there are opportunities for a similar service in Ryde.

Record of Voting:

For the Motion: The Mayor, Councillor Tagg and Councillors Campbell, O'Donnell, Perram, Pickering and Yedelian OAM

Against the Motion: Councillors Butterworth, Maggio and Salvestro-Martin

5 CITIES FOR CLIMATE PROTECTION ADVISORY COMMITTEE - Minutes of meeting held 23 March 2009

RESOLUTION: (Moved by Councillors Butterworth and O'Donnell)

- (a) That the report of the Manager - The Environment, dated 9/04/2009 on CITIES FOR CLIMATE PROTECTION ADVISORY COMMITTEE - Minutes of meeting held 23 March 2009, be received and noted.
- (b) The adopted terms of reference for the Cities for Climate Protection Advisory Committee be varied to allow the Committee to meet quarterly

Minutes of the Committee of the Whole No. 6/09, dated 5 May 2009.

Record of Voting:

For the Motion: Unanimous.

6 RYDE ENVIRONMENT EDUCATION NETWORK - Activity Report 2008

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

That the report of the Manager - The Environment, dated 9/04/2009 on RYDE ENVIRONMENT EDUCATION NETWORK - Activity Report 2008 , be received and noted.

Record of Voting:

For the Motion: Unanimous.

8 PROPERTY ACQUISITION - 91-93 Wharf Road Melrose Park

MOTION: (Moved by Councillors Pickering and Campbell)

- (a) That the report of the Property Manager - Development, dated 1/05/2009 on PROPERTY ACQUISITION - 91-93 Wharf Road Melrose Park, be received and noted.

Record of Voting:

For the Motion: Unanimous.

- (b) That Council organise a public working bee to clean up the site.

Record of Voting:

For the Motion: Councillors Butterworth, Campbell, O'Donnell and Salvestro-Martin

Against the Motion: The Mayor, Councillor Tagg and Councillors Perram, Pickering Yedelian OAM and Maggio

As the voting was 4 in favour and 5 against part (b) of the Motion, part (b) of the Motion was declared **LOST**

RESOLUTION: (Moved by Councillors Pickering and Campbell)

That the report of the Property Manager - Development, dated 1/05/2009 on PROPERTY ACQUISITION - 91-93 Wharf Road Melrose Park, be received and noted.

Minutes of the Committee of the Whole No. 6/09, dated 5 May 2009.

Record of Voting:

For the Motion: Unanimous.

MATTER OF URGENCY

The Mayor, Councillor Tagg, submitted a mayoral minute with regard to a staff matter and requested that, as it related to a staff matter, it be considered in a confidential closed session at the end of the meeting.

RESOLUTION: (Moved by The Mayor, Councillor Tagg and Councillor Butterworth)

That the Mayoral Minute be considered in closed session.

Record of Voting:

For the Motion: Unanimous.

CONSIDERATION OF ANY BUSINESS IN CLOSED SESSION

Note: Discussion on the Mayoral Minute was considered in Closed Session, to the exclusion of the press, public and staff, with the exception of the Manager, Human Resources.

This matter is classified CONFIDENTIAL under section 10A(2) (a) of the Local Government Act, which permits the meeting to be closed to the public business relating to the following:

MAYORAL MINUTE – STAFF MATTER

(a) personnel matters concerning particular individuals (other than Councillors)

Note: The Committee of the Whole meeting closed at 10.43pm to go into closed session. The public and media left the chamber. The General Manager, having disclosed a pecuniary interest in this item for the reason that it deals with his contract of employment, left the meeting.

All other staff except the Manager Human Resources left the meeting for this item.

RESOLUTION: (Moved by Councillors O'Donnell and Butterworth)

(a) That the Mayoral Minute, dated 05 May 2009, be received and noted.

(b) That the recommendations contained within the Mayoral Minute be adopted as resolutions of Council.

Minutes of the Committee of the Whole No. 6/09, dated 5 May 2009.

Record of Voting:

For the Motion: Unanimous.

OPEN SESSION

RESOLUTION: (Moved by Councillors Butterworth and Campbell)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous.

Note: The meeting resumed at 10.45pm.

On resuming business, the Mayor formally reported the business transacted in Closed Session.

RESOLUTION: (Moved by The Mayor, Councillor Tagg and O'Donnell)

That the Mayor's report of the business transacted in Closed Session be adopted as a resolution of the Committee without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous

The meeting closed at 10.46pm

CONFIRMED THIS 19TH DAY OF MAY 2009.

Chairperson

Minutes of the Committee of the Whole No. 6/09, dated 5 May 2009.

General Manager

Mayor