

**Meeting Date:** Tuesday 8 October 2013  
**Location:** Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 7.30pm

**Councillors Present:** The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Li, Pendleton, Perram, Pickering, Simon and Yedelian OAM.

Note: The Mayor, Councillor Maggio left the meeting at 10.51pm and did not return. He was not present for consideration of Notice of Rescission 1 – Code of Conduct.

**Apologies:** Councillor Petch.

**Leave of Absence:** Councillors Laxale and Salvestro-Martin.

**Staff Present:** Acting General Manager, Acting Group Manager – Community Life, Acting Group Manager – Corporate Services, Acting Group Manager – Environment and Planning, Group Manager – Public Works, General Counsel, Manager – Human Resources, Manager – Communications and Media, Manager – Environmental Health and Building, Acting Manager – Urban Planning, Acting Team Leader – Strategic Planning, Coordinator – Digital Communications and Section Manager – Governance.

### **PRAYER**

Pastor Stephen Cooper of the Eastwood Baptist Church was present and offered prayer prior to the commencement of the meeting.

### **LEAVE OF ABSENCE**

The Mayor, Councillor Maggio advised the meeting that Councillor Salvestro-Martin had requested a Leave of Absence for tonight's Council Meeting, 8 October 2013.

**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

That Council approve a Leave of Absence for Councillor Salvestro-Martin for tonight's Council Meeting, 8 October 2013.

### **Record of Voting:**

For the Motion: Unanimous

### **DISCLOSURES OF INTEREST**

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Item 2 - Planning Proposal - Amendments to LEP 2013, for the reason that one of the property owners is his Family Doctor (corner of Epping and Herring Road).

The Mayor, Councillor Maggio disclosed a Significant Non-Pecuniary Interest in Rescission Motion 1 – Code of Conduct, for the reason that he is the Councillor involved in the matter.

Councillor Pickering disclosed a Significant Non-Pecuniary Interest in Item 2 - Planning Proposal - Amendments to LEP 2013 (Part j), for the reason that his company has represented Hyecorp on previous, unrelated matters.

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Item 4 - 461-495 Victoria Road, Gladesville - Outcomes of Community Consultation on Planning Proposal and Draft DCP, for the reason that he lives in North Ryde which will be part of the traffic study.

The Acting General Manager disclosed a Less than Significant Non-Pecuniary Interest in Item 12 – Independent Investigator Findings – Dealing with Direct Health Solutions and any other Companies operated by The Obeid Family, for the reason that he was interviewed as part of this matter.

### **TABLING OF PETITIONS**

No Petitions were tabled.

### **PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

**RESOLUTION:** (Moved by Councillors Simon and Yedelian OAM)

That the two additional speakers on Items Listed on the Agenda be allowed to address the meeting, the time being 7.37pm.

### **Record of Voting:**

For the Motion: Unanimous

### **PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

The following persons addressed the Council:

<b>Name</b>	<b>Topic</b>
Rocky Tassone	<b>Item 2</b> - Planning Proposal - Amendments to LEP 2013
Kevin Bevitt (on behalf of Harry Fellas of 15 Farm Street and John Ward of 13 Farm Street)	<b>Item 2</b> - Planning Proposal - Amendments to LEP 2013
David Geddes (on behalf of Soo Ryu, Sung Sook Ryu and May Min Chuai Ryu)	<b>Item 2</b> - Planning Proposal - Amendments to LEP 2013
Jennie Minifie (on behalf of Ryde Community Alliance)	<b>Item 2</b> - Planning Proposal - Amendments to LEP 2013

Name	Topic
Anthony Taffa	<b>Item 4</b> - 461-495 Victoria Road, Gladesville - Outcomes of Community Consultation on Planning Proposal and Draft DCP
Robert Jolly	<b>Item 4</b> - 461-495 Victoria Road, Gladesville - Outcomes of Community Consultation on Planning Proposal and Draft DCP
Ian Grant	<b>Item 4</b> - 461-495 Victoria Road, Gladesville - Outcomes of Community Consultation on Planning Proposal and Draft DCP
Julianne Taffa (on behalf of Faz Fazal)	<b>Item 4</b> - 461-495 Victoria Road, Gladesville - Outcomes of Community Consultation on Planning Proposal and Draft DCP
Angela Southcott	<b>Item 4</b> - 461-495 Victoria Road, Gladesville - Outcomes of Community Consultation on Planning Proposal and Draft DCP
Angela Southcott	<b>Item 4</b> - 461-495 Victoria Road, Gladesville - Outcomes of Community Consultation on Planning Proposal and Draft DCP
Lesley Mathews	<b>Item 4</b> - 461-495 Victoria Road, Gladesville - Outcomes of Community Consultation on Planning Proposal and Draft DCP
Fred Cory (on behalf of Robert Emery, M. Heyward and Patricia Bloomfield)	<b>Item 2</b> - Planning Proposal - Amendments to LEP 2013
Peter Barfod	<b>Item 2</b> - Planning Proposal - Amendments to LEP 2013

Note: Justin Kucic was called to address Council, however was not present in the Chamber.

### **PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

**RESOLUTION:** (Moved by Councillors Simon and Pendleton)

That those speakers who submitted late requests to address Council on Items Listed on the Agenda be allowed to address the meeting, the time being 8.07pm.

### **Record of Voting:**

For the Motion: Unanimous

## **PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

The following persons addressed the Council:

<b>Name</b>	<b>Topic</b>
Phil Peake	<b>Item 2</b> - Planning Proposal - Amendments to LEP 2013

## **ORDER OF BUSINESS**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Simon)

That Council now consider the following Items, the time being 8.12 pm:

- Item 2 – Planning Proposal – Amendments to LEP 2013.
- Item 4 – 461-495 Victoria Road, Gladesville - Outcomes of Community Consultation on Planning Proposal and Draft DCP.

### **Record of Voting:**

For the Motion: Unanimous

## **COUNCIL REPORTS**

### **2 PLANNING PROPOSAL - AMENDMENTS TO LEP 2013**

Note: Rocky Tassone, Kevin Bevitt (on behalf of Harry Fellas of 15 Farm Street and John Ward of 13 Farm Street), David Geddes (on behalf of Soo Ryu, Sung Sook Ryu and May Min Chuai Ryu), Jennie Minifie (on behalf of Ryde Community Alliance), Fred Cory (on behalf of Robert Emery, M. Heyward and Patricia Bloomfield), Peter Barfod and Phil Peake addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Group Manager – Environment and Planning dated 4 October 2013 and Additional Information were tabled in relation to this Item and copies are ON FILE.

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in this Item, for the reason that one of the property owners is his Family Doctor (corner of Epping and Herring Road).

Note: Councillor Pickering disclosed a Significant Non-Pecuniary Interest in Part (j) of this Items, for the reason that his company has represented Hyecorp on previous, unrelated matters.

Note: Councillor Pickering left the meeting at 8.17pm during discussion of this Item.

**MOTION:** (Moved by Councillors Etmekdjian and Chung)

- (a) That Council endorse the preparation of a Planning Proposal to amend Draft LEP 2013 (previously known as LEP 2011) in accordance with *Table 1 Planning Proposal Amendments to DLEP 2013* attached to this report.
- (b) That Council forward the planning proposal for the amendments to LEP 2013 to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that the Minister's delegation enabling Council to determine the LEP be requested.
- (c) That in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the Planning Proposal Amendments to DLEP 2013 be placed on public exhibition and a further report be presented to Council following the completion of the exhibition period.
- (d) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include that Torrens title subdivision of:
  - current/approved Dual Occupancy developments be permitted on lots 580sqm or greater;
  - future Dual Occupancy developments be permitted on lots 580sqm or greater with a minimum road frontage of 20m (resulting in lots of a minimum 290sqm with a 10m road frontage).
- (e) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include the following planning controls for 11-15 Farm Street Gladesville:
  - zoning of B4 Mixed Use
  - FSR of 1.15:1 and
  - a maximum height of 9.5m for 19m from the front property boundary with the remainder of the site having a maximum height of 12m.
- (f) That Council defer amending the planning control for 100 Rowe Street Eastwood from the Planning Proposal Amendments to DLEP 2013 to allow further consideration and discussion with the land owner of the flooding solutions / proposed planning controls for the site. The matter will be reported to Council at a later date.
- (g) That Council endorse an amendment to Table 1 Planning Proposal Amendments to DLEP 2013 (to be publicly exhibited) to include that secondary dwellings:
  - be permitted in the R1, R2 , R3 and R4 residential zones with the consent of Council.
- (h) That DCP 2013 - Part 3.3 Dwelling houses and dual occupancy be amended to incorporate controls for the development of secondary dwellings in the R1, R2 , R3 and R4 zones

- (i) That Council seeks the Department of Planning and Infrastructures support for the inclusion of Clause 4.1C Minimum lot sizes for dual occupancy and multi dwelling housing as it applies to dual occupancy in *Clause 4.6(8) Exceptions to development standards*.

Note: Councillor Pickering returned to the meeting at 8.21pm.

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Chung)

That this matter be dealt with in Seriatim.

**Record of Voting:**

For the Motion: Unanimous

**RESOLUTION:** (Moved by the Mayor, Councillor Maggio and Councillor Etmekdjian)

That this matter be dealt with as a whole, and not in Seriatim.

Note: Council then dealt with this matter as a whole.

**RESOLUTION:** (Moved by Councillors Etmekdjian and Chung)

- (a) That Council endorse the preparation of a Planning Proposal to amend Draft LEP 2013 (previously known as LEP 2011) in accordance with *Table 1 Planning Proposal Amendments to DLEP 2013* attached to this report.
- (b) That Council forward the planning proposal for the amendments to LEP 2013 to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that the Minister's delegation enabling Council to determine the LEP be requested.
- (c) That in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the Planning Proposal Amendments to DLEP 2013 be placed on public exhibition and a further report be presented to Council following the completion of the exhibition period.
- (d) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include that Torrens title subdivision of:
- current/approved Dual Occupancy developments be permitted on lots 580sqm or greater;
  - future Dual Occupancy developments be permitted on lots 580sqm or greater with a minimum road frontage of 20m (resulting in lots of a minimum 290sqm with a 10m road frontage).

- (e) That Council endorse an amendment to *Table 1 Planning Proposal Amendments to DLEP 2013* (to be publicly exhibited) to include the following planning controls for 11-15 Farm Street Gladesville:
- zoning of B4 Mixed Use
  - FSR of 1.15:1 and
  - a maximum height of 9.5m for 19m from the front property boundary with the remainder of the site having a maximum height of 12m.
- (f) That Council defer amending the planning control for 100 Rowe Street Eastwood from the Planning Proposal Amendments to DLEP 2013 to allow further consideration and discussion with the land owner of the flooding solutions / proposed planning controls for the site. The matter will be reported to Council at a later date.
- (g) That Council endorse an amendment to Table 1 Planning Proposal Amendments to DLEP 2013 (to be publicly exhibited) to include that secondary dwellings:
- be permitted in the R1, R2 , R3 and R4 residential zones with the consent of Council.
- (h) That DCP 2013 - Part 3.3 Dwelling houses and dual occupancy be amended to incorporate controls for the development of secondary dwellings in the R1, R2 , R3 and R4 zones
- (i) That Council seeks the Department of Planning and Infrastructures support for the inclusion of Clause 4.1C Minimum lot sizes for dual occupancy and multi dwelling housing as it applies to dual occupancy in *Clause 4.6(8) Exceptions to development standards*.

**Record of Voting:**

For the Motion: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Li, Pendleton, Perram, Pickering and Simon

Against the Motion: Councillor Yedelian OAM

**4 VICTORIA ROAD, GLADESVILLE - Outcomes of Community Consultation on Planning Proposal and Draft DCP**

Note: Anthony Taffa, Robert Jolly, Ian Grant, Julianne Taffa (on behalf of Faz Fazal), Angela Soutcott and Lesley Mathews addressed the meeting in relation to this Item.

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in this Item, for the reason that he lives in North Ryde which will be part of the traffic study.

Note: Councillor Yedelian OAM left the meeting at 8.49pm and was not present for consideration or voting on this Item.

**MOTION:** (Moved by Councillor Chung and the Mayor, Councillor Maggio)

- (a) That Council defer the determination of the Planning Proposal and supporting site specific Draft Development Control Plan to allow for a Parking / Traffic Model Study and Impact Assessment to be prepared and considered.
- (b) That Council request Bunnings Group Ltd to fund in full the Parking / Traffic Model Study and Impact Assessment. The terms of reference for which are to wholly set by Council without input from Bunnings.
- (c) The traffic study must include the following:
  - (i) study the area bounded by Pittwater Road, Coxs Road, Lane Cove Road, Morrison Road, Ross Street and Jordan Street.
  - (ii) investigate the option of the closure of College Street west of Orient Street.
  - (iii) provide current and future loads predicted on streets and parking in the study area taking into consideration the current planning proposal as well as other developments.
  - (iv) report on streets likely to change category on the hierarchy of street types as a result of this planning proposal and other developments in the study area.
- (d) That the outcomes of the Parking / Traffic Model Study and Impact Assessment are presented to the community, prior to the study and the planning proposal being considered by Council.
- (e) That Council advise the Department of Planning and Infrastructure of its decision in relation to the planning proposal and request an extension to the timeframe for completion of the planning proposal.

**Record of Voting:**

For the Amendment: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Laxale, Pickering and Yedelian OAM

Against the Amendment: Councillors Pendleton, Perram, Petch and Simon

**AMENDMENT:** (Moved by Councillors Perram and Pendleton)

- (a) That Council defer the determination of the Planning Proposal and supporting site specific Draft Development Control Plan to allow for a Parking / Traffic Model Study and Impact Assessment to be prepared and considered.
- (b) That Council request Bunnings Group Ltd to fund in full the Parking / Traffic Model Study and Impact Assessment. The terms of reference for which are to wholly set by Council without input from Bunnings.



- (c) The traffic study must include the following:
  - (i) investigate the option of the closure of College Street west of Orient Street.
  - (ii) provide current and future loads predicted on streets and parking in the study area taking into consideration the current planning proposal as well as other developments.
  - (iii) report on streets likely to change category on the hierarchy of street types as a result of this planning proposal and other developments in the study area.
- (d) That the outcomes of the Parking / Traffic Model Study and Impact Assessment are presented to the community, prior to the study and the planning proposal being considered by Council.
- (e) That Council advise the Department of Planning and Infrastructure of its decision in relation to the planning proposal and request an extension to the timeframe for completion of the planning proposal.

On being put to the Meeting, the voting on the Amendment was three (3) votes For and five (5) votes Against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

#### **Record of Voting:**

For the Amendment: Councillors Li, Pendleton and Perram

Against the Amendment: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Pickering and Simon

**RESOLUTION:** (Moved by Councillor Chung and the Mayor, Councillor Maggio)

- (a) That Council defer the determination of the Planning Proposal and supporting site specific Draft Development Control Plan to allow for a Parking / Traffic Model Study and Impact Assessment to be prepared and considered.
- (b) That Council request Bunnings Group Ltd to fund in full the Parking / Traffic Model Study and Impact Assessment. The terms of reference for which are to wholly set by Council without input from Bunnings.
- (c) The traffic study must include the following:
  - (i) study the area bounded by Pittwater Road, Coxs Road, Lane Cove Road, Morrison Road, Ross Street and Jordan Street.
  - (ii) investigate the option of the closure of College Street west of Orient Street.
  - (iii) provide current and future loads predicted on streets and parking in the study area taking into consideration the current planning proposal as well as other developments.

- (iv) report on streets likely to change category on the hierarchy of street types as a result of this planning proposal and other developments in the study area.
- (d) That the outcomes of the Parking / Traffic Model Study and Impact Assessment are presented to the community, prior to the study and the planning proposal being considered by Council.
- (e) That Council advise the Department of Planning and Infrastructure of its decision in relation to the planning proposal and request an extension to the timeframe for completion of the planning proposal.

**Record of Voting:**

For the Motion: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Li, Pendleton, Pickering and Simon

Against the Motion: Councillor Perram

Note: Councillor Yedelian OAM returned to the meeting at 9.10pm.

**MAYORAL MINUTES**

**MM24/13 ELECTION OF COUNCILLOR PICKERING AS A BOARD MEMBER ON LOCAL GOVERNMENT NSW**

**RESOLUTION:** (Moved by the Mayor, Councillor Maggio and Councillor Etmekdjian)

- (a) That Council congratulate Councillor Pickering for his election to the Board of Local Government NSW.
- (b) That Council provide support to Councillor Pickering within the provisions of the Payment of Expenses and Provision of Facilities to the Mayor and Other Councillors Policy, for the term he is a Board member of Local Government NSW.

**Record of Voting:**

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

Against the Motion: Councillor Simon

## **COUNCIL REPORTS**

### **1 CONFIRMATION OF MINUTES - Council Meeting held on 24 September 2013**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Simon)

That the Minutes of the Council Meeting 20/13, held on 24 September 2013 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

### **2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 15/13 held on 15 October 2013**

Note: This Item was considered earlier in the Meeting as detailed in these Minutes.

### **3 DRAFT BOARDING HOUSES POLICY - Outcomes of Community Consultation and Final Adoption**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pickering)

- (a) That Council adopt the Draft Ryde Boarding Houses Policy comprising Draft Enforcement Policy – Boarding Houses as amended in **ATTACHMENT 3** and Draft Ryde Development Control Plan Part 3.6 – Boarding Houses as amended in **ATTACHMENT 4**.
- (b) That Council place a public notice in the local newspaper in accordance with the Environmental Planning and Assessment Regulation 2000 to bring the Amending Development Control Plan – Boarding Houses and Enforcement Policy – Boarding Houses into effect.
- (c) That Council provides the Director-General with a copy of the Amending Development Control Plan – Boarding Houses, as adopted, within 28 days of the making of the plan in accordance with the Environmental Planning and Assessment Regulation 2000, and request that the information provided also be given consideration with respect to the Boarding Houses Policy Review being undertaken by the Department of Planning and Infrastructure.
- (d) That Council endorse the preparation and implementation of a community education and information program on the Boarding Houses Policy, including translation of the information into community languages.
- (e) That Council write to the Minister for Fair Trading raising the concerns of the community requesting that a registration scheme and rating system for Boarding Houses be implemented.

**Record of Voting:**

For the Motion: Unanimous

**4 461-495 VICTORIA ROAD, GLADESVILLE – Outcomes of Community Consultation on Planning Proposal and Draft DCP**

Note: This Item was considered earlier in the Meeting as detailed in these Minutes.

**5 NATIONAL DISABILITY STRATEGY IMPLEMENTATION PLAN**

Note: Councillor Pickering left the meeting at 9.17pm and was not present for voting on this Item.

**RESOLUTION:** (Moved by Councillors Pendleton and Simon)

That Council endorses the recommendations, resourcing framework and timeframe as outlined in this report to implement the prioritised key actions required for Council in implementing the NSW National Disability Strategy NSW Implementation Plan 2012-2014.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Pickering returned to the meeting at 9.19pm.

**6 ENFORCEMENT OF PARKING POLICY - REVIEW AND SELECTION OF STATE DEBT RECOVERY OFFICE ADMINISTRATIVE SERVICE**

**RESOLUTION:** (Moved by Councillors Li and Etmekdjian)

That consideration of the Enforcement of Parking Policy be deferred for a Councillor Workshop.

**Record of Voting:**

For the Motion: Unanimous

**7 CODE OF CONDUCT POLICY REVIEW**

**RESOLUTION:** (Moved by Councillors Etmekdjian and Pendleton)

- (a) That Council adopt the **ATTACHED** Code of Conduct October 2013 documents (Code of Conduct - Policy, Code of Conduct - Standards of Conduct and Code of Conduct – Complaints Procedure).

- (b) That Council write to the Division of Local Government seeking clarification in relation to Clauses 4.21 and 4.23 of the Code of Conduct.

**Record of Voting:**

For the Motion: Unanimous

**8 INTERACTION BETWEEN COUNCILLORS AND STAFF GUIDELINE**

**RESOLUTION:** (Moved by Councillors Etmekdjian and Pickering)

That Council adopt the **ATTACHED** Guideline on Interaction Between Councillors and Staff, noting that it is an enforceable part of the Code of Conduct.

**Record of Voting:**

For the Motion: Unanimous

**9 COUNCILLOR ATTENDANCE TO THE CODE OF CONDUCT WORKSHOP AND TRAINING**

**RESOLUTION:** (Moved by Councillors Li and Pendleton)

That Council receive and note this report.

**Record of Voting:**

For the Motion: Unanimous

**10 ECONOMIC DEVELOPMENT AUSTRALIA CONFERENCE - Melbourne - 27 to 29 October 2013**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pickering)

That Council endorse the attendance of Councillor Etmekdjian at the Economic Development Australia Conference being held in Melbourne on 27 to 29 October 2013.

**Record of Voting:**

For the Motion: Unanimous

**11 2013/2014 CHRISTMAS / NEW YEAR ARRANGEMENTS - Business Operations**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pickering)

- (a) That the changes to normal City of Ryde business operations over the 2013/2014 Christmas/New Year period, as outlined in the report be endorsed.
- (b) That the changes to normal business operations referred to in (a) above, be advertised in the Mayor's Column, on Council's website, through Social Media and by way of notice at the front of the Civic Centre, Council's branch libraries and the Ryde Aquatic Leisure Centre.
- (c) That Council endorse the staff Christmas Party being held at the Civic Hall on Friday, 20 December 2013.

**Record of Voting:**

For the Motion: Unanimous

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

**1 WESTERN SYDNEY LIGHT RAIL - PART 2 FEASIBILITY REPORT**

**RESOLUTION:** (Moved by Councillors Pickering and Chung)

- (a) That the correspondence be received and noted.
- (b) That the Acting General Manager liaise with Parramatta City Council in respect to their proposed light rail transport system on the basis that any such proposal should involve consultation with the City of Ryde, particularly in relation to Ryde's transport needs, community concerns and future requirements.
- (c) That the Acting General Manager bring a report back to Council as a result of part (b) above.

**Record of Voting:**

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

Against the Motion: Councillor Perram

**2 CLOSURE OF FIRE STATIONS**

**RESOLUTION:** (Moved by Councillors Simon and Pickering)

That the correspondence be received and noted.

**Record of Voting:**

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

Against the Motion: Councillor Li

**3 WESTERN SYDNEY LIGHT RAIL - PART 2 FEASIBILITY REPORT**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pickering)

- (a) That the correspondence from Ku-ring-gai and Lane Cove Councils be received and noted.
- (b) That Council write letters of congratulations to the Mayors of Ku-ring-gai and Lane Cove Councils.
- (c) That Council write letters of congratulations to any newly elected or re-elected Mayors in the NSROC region.

**Record of Voting:**

For the Motion: Unanimous

**4 NATIONAL POLICE REMEMBRANCE DAY – Friday, 27 September 2013**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Simon)

That Council note the details and the action taken by the City of Ryde in observing the National Police Remembrance Day that took place on Friday, 27 September 2013.

**Record of Voting:**

For the Motion: Unanimous

**NOTICES OF RESCISSION**

**1 NOTICE OF RESCISSION: CODE OF CONDUCT - Councillor George Simon, Councillor Jerome Laxale, Councillor Denise Pendleton**

Note: This Item was considered later in the Meeting as detailed in these Minutes.

**ORDER OF BUSINESS AND ELECTION OF CHAIRPERSON**

As the Mayor, Councillor Maggio had disclosed a Significant Non-Pecuniary Interest in Rescission Motion 1 – Code of Conduct and indicated that he was going to remove himself from the meeting for voting on this matter, Council was required to undertake an election of a Chairperson.

**RESOLUTION:** (Moved by the Mayor, Councillor Maggio and Councillor Etmekdjian)

- (a) That Council now consider Item 12 – INDEPENDENT INVESTIGATOR FINDINGS – Dealing With Direct Health Solutions and any other Companies operated by The Obeid Family.
- (b) That the Deputy Mayor, Councillor Li assume the Chair for consideration of Rescission Motion 1 – Code of Conduct.

**Record of Voting:**

For the Motion: Unanimous

**CLOSED SESSION**

**ITEM 12 - INDEPENDENT INVESTIGATOR FINDINGS - Dealing With Direct Health Solutions and any other Companies operated by The Obeid Family**

**Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (e) information that would, if disclosed, prejudice the maintenance of law.

**RESOLUTION:** (Moved by Councillors Pickering and Etmekdjian)

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

**Record of Voting:**

For the Motion: Unanimous

Note: The Council closed the meeting at 10.30pm. The public and media left the chamber.

**12 INDEPENDENT INVESTIGATOR FINDINGS - Dealing With Direct Health Solutions and any other Companies operated by The Obeid Family**

Note: The Acting General Manager disclosed a Less than Significant Non-Pecuniary Interest in this Item, for the reason that he was interviewed as part of this matter.

Note: The Acting General Manager left the meeting at 10.39pm.

**RESOLUTION:** (Moved by Councillors Pickering and Etmekdjian)

- (a) That Council receive and note the BDO report – Procurement Process Review, dated 11 September 2013.



- (b) That Council resolve to forward this report to the Independent Commission Against Corruption to assist with any current or potential investigations.

**Record of Voting:**

For the Motion: Unanimous

Note: The Acting General Manager returned to the meeting at 10.51pm.

Note: The Mayor, Councillor Maggio left the meeting at 10.51pm and did not return.

Note: In the absence of the Mayor, the Deputy Mayor, Councillor Li assumed the Chair.

**OPEN SESSION**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pickering)

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 10.53pm.

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Pickering)

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

**Record of Voting:**

For the Motion: Unanimous

**NOTICES OF RESCISSION**

**1 NOTICE OF RESCISSION: CODE OF CONDUCT - Councillor George Simon, Councillor Jerome Laxale, Councillor Denise Pendleton**

Note: The Mayor, Councillor Maggio disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he is the Councillor involved in the matter and was not present for consideration or voting on this Item.

**RESOLUTION:** (Moved by Councillors Simon and Perram)

- (a) That Council defer consideration of the Rescission Motion in relation to this matter, lodged by Councillors Simon, Laxale and Pendleton at 1.03pm on Wednesday, 25 September 2013, due to the advice received from the Division of Local Government and pending their review of the Investigation Report.
- (b) That Council formally refer the Investigation Report from DBM Independent Consultants dated 13 September 2013 regarding the Code of Conduct matter to the Division of Local Government for their review.
- (c) That on receipt of the Division's advice on the outcome of their review of the Investigation Report, that this be reported back to the next available Council meeting together with the Rescission Motion, for Council's consideration and determination.

**Record of Voting:**

For the Motion: Unanimous

**NATIONAL ANTHEM**

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

The meeting closed at 11.10pm.

CONFIRMED THIS 22ND DAY OF OCTOBER 2013

Chairperson