

**Meeting Date:** Tuesday 12 November 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, Laxale, Li, Pendleton, Perram, Petch and Simon.

**Apologies:** Nil.

**Leave of Absence:** Councillors Pickering, Salvestro-Martin and Yedelian OAM.

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

### **PRAYER**

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

That the Tzu Chi Foundation be permitted to video the giving of the Prayer at tonight's Meeting.

### **Record of Voting:**

For the Motion: Unanimous

Ms Jiew Lee and 11 volunteers from the Tzu Chi Foundation Australia were present and offered prayer prior to the commencement of the meeting.

The CEO of Tzu Chi Foundation Australia, Mr Stephen Kan, was invited to say a few words.

### **LEAVE OF ABSENCE**

Councillor Perram requested a Leave of Absence for the period 21 November 2013 to 1 December 2013.

**RESOLUTION:** (Moved by Councillors Petch and Laxale)

That Council approve a Leave of Absence for Councillor Perram for the period 21 November 2013 to 1 December 2013.

### **Record of Voting:**

For the Motion: Unanimous

## **LEAVE OF ABSENCE**

Councillor Petch advised the meeting that Councillor Salvestro-Martin had requested a Leave of Absence for tonight's Council Meeting, 12 November 2013.

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

That Council approve a Leave of Absence for Councillor Salvestro-Martin for tonight's Council Meeting, 12 November 2013.

### **Record of Voting:**

For the Motion: Unanimous

## **DISCLOSURES OF INTEREST**

Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Item 4 Part 3(e) – Traffic and Parking Matters presented to Ryde Local Traffic Committee held on 26 September 2013, for the reason that she lives in Parkes Street, which is covered by the study.

Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 1 – 1<sup>st</sup> State Lobbyist and the City of Ryde, for the reason that he is familiar with staff of the organisation.

The Mayor, Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 1 – 1<sup>st</sup> State Lobbyist and the City of Ryde, for the reason that he is familiar with the organisation.

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

## **TABLING OF PETITIONS**

No Petitions tabled.

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

The following persons addressed the Council:-

<b>Name</b>	<b>Topic</b>
Garry Sommerville	<b>Item 5 - Santa Rosa Park Amenities Building</b>
Aiden Fisher (on behalf of the Ryde Youth Council)	<b>MM31/13 - Youth Summit During Youth Week</b>
James Camilleri (on behalf of the Ryde Youth Council)	<b>MM31/13 - Youth Summit During Youth Week</b>
Sophie Lara-Watson (on behalf of the Ryde Youth Council)	<b>MM31/13 - Youth Summit During Youth Week</b>

Peter Newman	<b>Item 5 - Santa Rosa Park Amenities Building</b>
Dr Kate Sinclair (on behalf of Global Citizen Leaders)	<b>MM31/13 - Youth Summit During Youth Week</b>
Justinian Tabucanon (on behalf of the Ryde Youth Council)	<b>MM31/13 - Youth Summit During Youth Week</b>
Rebecca Ho (on behalf of Touched by Olivia)	<b>Item 6 - Public Exhibition of the Amendment to the Yamble Reserve Plan of Management and Express Authorisation of Licence</b>

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

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

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 8.04pm.

**Record of Voting:**

For the Motion: Unanimous

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

The following person addressed the Council:-

<b>Name</b>	<b>Topic</b>
Rodney Toombes	<b>Item 5 - Santa Rosa Park Amenities Building</b>

**ORDER OF BUSINESS**

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

That Council now consider the following Items, the time being 8.08pm:-

- Mayoral Minute 31/13 – Youth Summit During Youth Week.
- Mayoral Minute 32/13 – Smalls Road, Ryde.
- Item 5 – Santa Rosa Park Amenities Building.
- Item 6 – Public Exhibition of the Amendment to the Yamble Reserve Plan of Management and Express Authorisation of Licence.

**Record of Voting:**

For the Motion: Unanimous

**MAYORAL MINUTES****31/13 YOUTH SUMMIT DURING YOUTH WEEK - The Mayor, Councillor Roy Maggio**

Note: Aiden Fisher (on behalf of the Ryde Youth Council), James Camilleri (on behalf of the Ryde Youth Council), Sophie Lara-Watson (on behalf of the Ryde Youth Council), Dr Kate Sinclair (on behalf of Global Citizen Leaders) and Justinian Tabucanon (on behalf of the Ryde Youth Council) addressed the meeting in relation to this Item.

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

- (a) That Council host a Youth Summit and again celebrate the Global Youth Service Day during Youth Week in 2014.
- (b) That the outcomes of the Youth Summit be reported to Council after the event.
- (c) That Council recognise its leadership role to deliver Global Youth Service Day in Australia.
- (d) That Council recognise that support for Global Youth Service Day positions the City of Ryde as the first in the nation to annually promote global youth engagement and the role children and young people play in the local/global community as valued and engaged citizens.
- (e) That a further report be provided to Council in February following the Dubbo Youth Conference outlining the feedback and key issues from the conference.

**Record of Voting:**

For the Motion: Unanimous

**32/13 SMALLS ROAD RYDE - The Mayor, Councillor Roy Maggio**

**MOTION:** (Moved by The Mayor, Councillor Maggio and Councillor Petch)

- (a) That the Mayor write to the Local Member for Ryde, Mr Victor Dominello MP, and the Smalls Road Concerned Residents Action Group thanking them for their commitment and efforts in achieving this outcome.
- (b) That the Mayor write to the Hon. Andrew Constance MP, Minister for Finance and Services, thanking him for his decision to retain the Smalls Road lands for public and community use and seeking a meeting, together with the Acting General Manager, to discuss this matter.

- (c) That Council endorse the Acting General Manager to negotiate with Government Property NSW in finalising a suitable license for community use of 3A and 3B Smalls Road.
- (d) That Council promote this achievement to our community through Council's normal media channels including social media, website, press release etc.

**AMENDMENT:** (Moved by Councillor Laxale)

- (a) That the Mayor write to the Local Member for Ryde, Mr Victor Dominello MP, and the Smalls Road Concerned Residents Action Group thanking them for their commitment and efforts in achieving this outcome.
- (b) That the letter to Mr Dominello MP also request that he remain consistent in his opposition to the sale of public land by publicly opposing plans by his Government to sell the Ivanhoe Public Housing Estate.
- (c) That the letter request the Minister to maintain public ownership of the Ivanhoe Public House Estate and reserve its use exclusively for public housing.
- (d) That Council endorse the Acting General Manager to negotiate with Government Property NSW in finalising a suitable license for community use of 3A and 3B Smalls Road.
- (e) That Council promote this achievement to our community through Council's normal media channels including social media, website, press release etc.

Note: The Mayor, Councillor Maggio ruled the Amendment Out of Order as it did not relate to the topic. The Motion was then put and **CARRIED**.

**RESOLUTION:** (Moved by The Mayor, Councillor Maggio and Councillor Petch)

- (a) That the Mayor write to the Local Member for Ryde, Mr Victor Dominello MP, and the Smalls Road Concerned Residents Action Group thanking them for their commitment and efforts in achieving this outcome.
- (b) That the Mayor write to the Hon. Andrew Constance MP, Minister for Finance and Services, thanking him for his decision to retain the Smalls Road lands for public and community use and seeking a meeting, together with the Acting General Manager, to discuss this matter.

- (c) That Council endorse the Acting General Manager to negotiate with Government Property NSW in finalising a suitable license for community use of 3A and 3B Smalls Road.
- (d) That Council promote this achievement to our community through Council's normal media channels including social media, website, press release etc.

**Record of Voting:**

For the Motion: Unanimous

**5 SANTA ROSA PARK AMENITIES BUILDING**

Note: Garry Sommerville, Peter Newman and Rodney Toombes addressed the meeting in relation to this Item.

Note: A letter dated 6 November 2013 from the Gladesville Hornsby Football Association was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That Council endorse 'The Habitat' site as the preferred location at the Quarry Road end of the park and that future design be subject to the considerations raised in the body of this report, including further consultation and the DA process.
- (b) That Council finalise consultations with the GHFA and other relevant sporting organisations allowing access to the Air League building prior to the 2014 winter season.
- (c) That a report be provided to the Works and Community Committee providing an in-house detailed schedule of works required to bring the toilet facilities in the Air League building to a standard for safe public use.

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

- (a) That Council endorse 'The Habitat' site as the preferred location at the Quarry Road end of the park and that future design be subject to the considerations raised in the body of this report, including further consultation and the DA process.
- (b) That Council finalise consultations with the GHFA and other relevant sporting organisations allowing access to the Air League building prior to the 2014 winter season.

**Record of Voting:**

For the Amendment: Councillors Etmekdjian, Perram, Petch, Pendleton and Simon

Against the Amendment: The Mayor, Councillor Maggio and Councillors Chung, Laxale and Li

**RECOMMITTAL OF ITEM 5**

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

That the Amendment for Item 5 be Recommitted.

**Record of Voting:**

For the Motion: Unanimous

Note: The Amendment for Item 5 was then Recommitted.

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

- (a) That Council endorse 'The Habitat' site as the preferred location at the Quarry Road end of the park and that future design be subject to the considerations raised in the body of this report, including further consultation and the DA process.
- (b) That Council finalise consultations with the GHFA and other relevant sporting organisations allowing access to the Air League building prior to the 2014 winter season.

On being put to the Meeting, the voting on the Amendment was four (4) 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 Etmekdjian, Perram, Petch and Pendleton

Against the Amendment: The Mayor, Councillor Maggio and Councillors Chung, Laxale, Li and Simon

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

- (a) That Council endorse 'The Habitat' site as the preferred location at the Quarry Road end of the park and that future design be subject to the considerations raised in the body of this report, including further consultation and the DA process.

- (b) That Council finalise consultations with the GHFA and other relevant sporting organisations allowing access to the Air League building prior to the 2014 winter season.
- (c) That a report be provided to the Works and Community Committee providing an in-house detailed schedule of works required to bring the toilet facilities in the Air League building to a standard for safe public use.

**Record of Voting:**

For the Motion: Unanimous

**6 PUBLIC EXHIBITION OF THE AMENDMENT TO THE YAMBLE RESERVE PLAN OF MANAGEMENT AND EXPRESS AUTHORISATION OF LICENCE**

Note: Rebecca Ho (on behalf of Touched by Olivia) addressed the meeting in relation to this Item.

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

- (a) That Council endorse the use of Yamble Reserve for the purposes of a social enterprise café and amend the Plan of Management accordingly.
- (b) That Council place the Yamble Reserve Plan of Management Addendum 1 on public notice in accordance with the Local Government Act for a period of 6 weeks.
- (c) That a report be returned to Council for further consideration and adoption following the public exhibition period of the Addendum to the Plan of Management.
- (d) That Council approve in principle licencing of part of Yamble Reserve to the Touched by the Olivia Foundation for a period of 2 years with a further 3 years option for the social enterprise café, subject to the public notification process.
- (e) That Council undertake public notification process of the proposed licence in accordance with Section 47a of the Local Government Act.
- (f) That, should there be no objections received by Council on the licence proposal, the General Manager be given delegated authority to sign the licence and other relevant documents, as per conditions outlined in the body of this report.
- (g) That due to the nature of this matter and that the Touched by Olivia Foundation is a non-profit organisation, that Council support an exemption under Section 55(3)(e) of the Local Government Act.



**Record of Voting:**

For the Motion: Unanimous

**MATTER OF URGENCY**

Councillor Simon advised that he wished to raise a Matter of Urgency regarding the Ryde River Walk Extension.

The Mayor, Councillor Maggio accepted this Item as an Urgent Item.

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

That Council consider a Matter of Urgency regarding the Ryde River Walk Extension, the time being 9.24pm.

**Record of Voting:**

For the Motion: Unanimous

**RYDE RIVER WALK EXTENSION**

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

1. That Council reaffirms its commitment to the Ryde River Walk extension noting that we have expended approximately \$350,000 on the project to date.
2. That Council writes to the Member for Bennelong, Mr John Alexander MP and the Minister for Infrastructure, the Hon. Warren Truss MP requesting that the Federal Government honour the \$1.1 million grant for the Ryde River Walk extension.

**Record of Voting:**

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

Against the Motion: Councillor Petch

## **COUNCIL REPORTS**

### **1 CONFIRMATION OF MINUTES - Council Meeting held on 22 October 2013**

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

That the Minutes of the Council Meeting 22/13, held on 22 October 2013 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

### **2 CONFIRMATION OF MINUTES - General Purposes Committee Meeting held on 5 November 2013**

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

That the Minutes of the General Purposes Committee Meeting 3/13, held on 5 November 2013 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

### **3 OVERVIEW OF COUNCIL'S ACHIEVEMENTS 2012/2013 AND PROPOSED INITIATIVES / WORKS 2013-2017 – WEST WARD**

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

That the Acting General Manager, Roy Newsome, provide a presentation to the meeting on Council's Achievements recent key achievements and proposed initiatives works for the 2013-2017 years, in respect of West Ward.

**Record of Voting:**

For the Motion: Unanimous

### **4 WEST RYDE URBAN VILLAGE UPDATE**

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

- (a) That the contents of the report be received and noted.
- (b) That the Committee endorse a presentation from Coles to be provided to the meeting, in updating the community on the current status of this project.

**Record of Voting:**

For the Motion: Unanimous

**3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 16/13 held on 5 November 2013**

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

That Council note that all Items of the Planning and Environment Committee Meeting 16/13 held on 5 November 2013 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 16/13 held on 5 November 2013**

Note: Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Part 3(e) of this Item, for the reason that she lives in Parkes Street, which is covered by the study.

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

That Council note that all Items of the Works and Community Committee Meeting 16/13 held on 5 November 2013 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**5 SANTA ROSA PARK AMENITIES BUILDING**

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

**6 PUBLIC EXHIBITION OF THE AMENDMENT TO THE YAMBLE RESERVE PLAN OF MANAGEMENT AND EXPRESS AUTHORISATION OF LICENCE**

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

## 7 POLICY ON THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS

**MOTION:** (Moved by Councillors Petch and Perram)

- (a) That Council adopt the **ATTACHED** Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors with the following less than significant amendments:-
- 4.3.9 (1) - The removal of a provision for reimbursement of website costs.
  - 4.3.9 - Table to include 'example average (per month) - \$300'.
  - 3.7 (4) - To include a provision for reimbursement upon production of credit card statement or receipt number.
- (b) That, in accordance with Section 253 of the Local Government Act 1993, a copy of the adopted policy is provided to the Division of Local Government.

**AMENDMENT:** (Moved by Councillors Laxale and Simon)

- (a) That Council adopt the **ATTACHED** Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors with the following less than significant amendments:-
- 4.3.9 - Table to include 'example average (per month) - \$300'.
  - 3.7 (4) - To include a provision for reimbursement upon production of credit card statement or receipt number.
- (b) That, in accordance with Section 253 of the Local Government Act 1993, a copy of the adopted policy is provided to the Division of Local Government.

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

### **Record of Voting:**

For the Amendment: The Mayor, Councillor Maggio and Councillors Chung, Laxale, Li, Pendleton and Simon

Against the Amendment: Councillors Etmekdjian, Perram and Petch

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

- (a) That Council adopt the **ATTACHED** Policy on the Payment of Expenses and Provision of Facilities for the Mayor and other Councillors with the following less than significant amendments:-

- 4.3.9 - Table to include 'example average (per month) - \$300'.
- 3.7 (4) - To include a provision for reimbursement upon production of credit card statement or receipt number.

(b) That, in accordance with Section 253 of the Local Government Act 1993, a copy of the adopted policy is provided to the Division of Local Government.

**Record of Voting:**

For the Motion: Unanimous

**8 POLICY FOR THE INTERFACE AND DAY TO DAY OVERSIGHT OF THE GENERAL MANAGER BY THE MAYOR**

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

- (a) That Council adopt the draft *Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor*, as **ATTACHED** to this report with the following amendment:-
- Amend Section 1 to remove the reference to the makeup of the selection panel for the General Manager.
- (b) That the above amendment be reflected in the *Mayor's Roles and Responsibilities* document as previously adopted by Council.
- (c) That a further report be provided to Council on 11 February 2014 regarding the *Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor* and the *Mayor's Roles and Responsibilities* document.

**Record of Voting:**

For the Motion: Unanimous

**9 LOCAL GOVERNMENT WOMEN'S SUMMIT - 14 November 2013**

**RESOLUTION:** (Moved by Councillors Petch and Laxale)

That Council endorse the attendance of Councillor Pendleton at the Local Government Women's Summit held at Doltone House, Hyde Park on 14 November 2013.

**Record of Voting:**

For the Motion: Unanimous

## 10 DESKTOP REVIEW OF INDEPENDENT LOCAL GOVERNMENT REVIEW PANEL PROPOSAL

Note: Councillor Li left the meeting at 10.31pm and was not present for consideration or voting on this Item.

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

(a) That Council endorse the following position:

*That while Ryde Council understands the principle of local government boundary adjustments, it does not see a future for the Ryde area as part of any amalgamated area.*

(b) That the details of the SGS report as **ATTACHED** are to the form the basis of any future representations with regard to local government reform in NSW.

### **Record of Voting:**

For the Motion: The Mayor, Councillor Maggio and Councillors Etmekdjian, Laxale, Perram, Petch, Pendleton and Simon

Against the Motion: Councillor Chung

Note: Councillor Li returned to the meeting at 10.33pm.

## 11 RE-ESTABLISHMENT OF ALCOHOL FREE ZONES

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

- (a) That Council approve the request for the re-establishment of the Alcohol Free Zones.
- (b) That Council undertake public consultation on the matter, as stated in the Ministerial Guidelines.
- (c) That, if no adverse public comments are received during the consultation period, the Alcohol Free Zones outlined in the report be adopted.
- (d) That Council receive a further report on the Alcohol Free Zones should any adverse comments be received during the public consultation period.

### **Record of Voting:**

For the Motion: Unanimous

## 12 SWIMMING POOL BARRIER INSPECTION PROGRAM

Note: Councillor Laxale left the meeting at 10.34pm and was not present for consideration or voting on this Item.

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

- (a) That Council endorse the City of Ryde draft Swimming Pool Inspection program be placed on public exhibition for a period of 56 days.
- (b) That Council endorse the employment of an additional building surveyor to resource the Swimming Pool Barrier Inspection program.
- (c) That a further report on the outcomes of the public exhibition of the City of Ryde draft Swimming Pool Barrier Inspection program be presented to Council as soon as practical after the exhibition period.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Laxale returned to the meeting at 10.35pm.

## PRECIS OF CORRESPONDENCE FOR CONSIDERATION

### 1 URBAN ACTIVATION PRECINCT PROGRAM

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

- (a) That the correspondence be received and noted.
- (b) That Council receive an update through the CIB regarding ownership, potential zoning changes and the current status of the Tennis World site.

**Record of Voting:**

For the Motion: Unanimous

### 2 CHANGES TO THE PLANNING BILL 2013

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**3 LOCAL GOVERNMENT REFERENDUM CONTRIBUTIONS - FULL REFUND FOR NSW COUNCILS**

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**4 GLADESVILLE MAINSTREET COMMITTEE**

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

- (a) That the correspondence from Hunters Hill Council be received and noted.
- (b) That Council nominate the Mayor, Councillor Maggio and Councillor Simon as representatives on the Gladesville Mainstreet Committee.

**Record of Voting:**

For the Motion: Unanimous

**NOTICES OF MOTION**

**1 1ST STATE LOBBYIST AND THE CITY OF RYDE - Councillor Jerome Laxale**

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

Note: The Mayor, Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item, for the reason that he is familiar with the organisation.

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

- (a) That the General Manager provide a detailed report to Councillors on the meeting between lobbyist firm, 1st State, and Council officials in relation to discussions detailed in the Sydney Morning Herald article "Lobbyist caught up in Ryde Enquiry" (19/08/13).
- (b) That Council's report should detail specifics of representations made by First State in relation to 31-33 Waterloo Rd Macquarie Park and the draft Masterplan of Macquarie Park.



**Record of Voting:**

For the Motion: Councillors Chung, Etmekdjian, Laxale, Li, Perram, Petch, Pendleton and Simon

Against the Motion: The Mayor, Councillor Maggio

**NOTICES OF RESCISSION**

**1 DEFERRED 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 person involved in the matter.

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

The consideration of this matter be deferred to the end of the meeting.

**Record of Voting:**

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

Against the Motion: Councillor Petch

**CLOSED SESSION**

**ITEM 13 - RALC SURF ATTRACTION UPDATED FINANCIAL FORECAST**

**Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**ITEM 14 - DEFERRED REPORT: SURF ATTRACTION COR-RFT 3/13**

**Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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

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

**Record of Voting:**

For the Motion: Unanimous

Note: The Council closed the meeting at 10.44pm. The public and media left the chamber.

**13 RALC SURF ATTRACTION UPDATED FINANCIAL FORECAST**

**RECOMMENDATION:** (Moved by Councillors Etmekdjian and Simon)

That Council receive and note the report.

**Record of Voting:**

For the Motion: Unanimous

**14 DEFERRED REPORT: SURF ATTRACTION COR-RFT 3/13**

**RECOMMENDATION:** (Moved by Councillors Simon and Petch)

- (a) That Council accept the tender from Hargraves Landscapes Pty Ltd for the sum of \$1,611,349.97 ex GST as recommended in the Tender Evaluation report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with Hargraves Landscapes Pty Ltd for the sum of \$1,611,349.97 ex GST on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.

**Record of Voting:**

For the Motion: Unanimous

Note: The Mayor, Councillor Maggio left the meeting at 10.46pm and did not return.

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

Note: All staff with the exception of the Acting General Manager, General Counsel and the Minute taker left the meeting at 10.47pm.

## **OPEN SESSION**

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

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 11.58pm.

Note: The Acting Group Manager – Corporate Services and the Manager – Communications and Media returned to the meeting at 11.58pm.

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

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

## **NOTICE OF RESCISSION**

**1 DEFERRED 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 person involved in the matter and was not present for consideration of this Item.

Note: A Confidential Memorandum from the Acting General Manager dated 7 November 2013 was circulated to Councillors and considered in conjunction with this Item and a copy is ON FILE - CONFIDENTIAL.

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

That Council rescind the previous resolution in relation to CODE OF CONDUCT, passed at the Council Meeting held on 24 September 2013, namely:

- (a) *That Council endorse the recommendations as detailed in the Conduct Reviewers report on pages 13-14, with the following amendments to points:*

- 2.1.4 on page 13, taking out the words “or non-pecuniary interest”
  - 2.1.14 on page 14, deleting the second sentence “This includes any communication with Group Managers and the General Manager”, for the reason that Councillor Maggio is now the Mayor.
- (b) The Mayor, Councillor Maggio be requested to provide written apologies to affected parties.
- (c) That all Councillors be provided with the opportunity to undertake Code of Conduct training.
- (d) That Council address the review of the processes to ensure timely investigation and reporting of complaints.
- (e) That a Status Report be submitted to Council at the Council Meeting on 22 October 2013.

On being put to the Meeting, the voting on the Motion was six (6) votes For and two (2) votes Against. The Motion was **CARRIED**.

**Record of Voting:**

For the Motion: Councillors Laxale, Li, Perram, Petch, Pendleton and Simon

Against the Motion: Councillors Chung and Etmekdjian

Note: The matter is now **AT LARGE**.

**MOTION:** (Moved by Councillors Simon and Laxale)

- (a) That Council adopt all of the recommendations by the independent reviewer as set out below and make all of the those recommendations public:-
- 2.1.1 Councillor Maggio be required to apologise to his fellow Councillors for failing to properly declare and clarify his pecuniary interests in relation to matters pertaining to the two sporting bodies he is affiliated with and also Westminster Oval.
  - 2.1.2 Councillor Maggio be required to undertake additional Code of Conduct, conflict-of-interest and pecuniary interest training / education and at the conclusion of such training, declare competence in relation to identifying and managing conflicts of interest.
  - 2.1.3 Councillor Maggio be reminded of the need to fully declare and clarify in his pecuniary interest register all known affiliations that may impact upon his role in representing the community.

- 2.1.4 Councillor Maggio be reminded of the need to fully declare any conflict of interest prior to any meeting or where decisions associated with his affiliations are raised.
- 2.1.5 That having declared significant non-pecuniary interests at the commencement of any related Council meeting, the declaration again be made prior to the discussion of any issue associated with those affiliations and that Councillor Maggio clearly articulate the interest and the act in such a manner as to mitigate any perception of conflict of interest, including complying with the Code of Conduct.
- 2.1.6 That where it is necessary for representations to be made on behalf of the sporting, social or other interest that Councillor Maggio has some involvement in, the representations be made by someone apart from Councillor Maggio.
- 2.1.7 That where any matters pertaining to the two sporting bodies that Councillor Maggio is affiliated with and or matters pertaining to Westminster Oval are to be debated, Councillor Maggio is to take no part.
- 2.1.8 Councillor Maggio acknowledge that the information that formed the basis of the TWT article appearing on 20 October 2012 was false and misleading.
- 2.1.9 Councillor Maggio personally and publicly (during a Council Meeting) apologise to **NAME REMOVED** in relation to the contents of the TWT article appearing on 20 October 2012.
- 2.1.10 Councillor Maggio publicly (during a Council Meeting) apologise to Council staff generally in relation to the contents of the TWT article appearing on 20 October 2012.
- 2.1.11 Councillor Maggio personally apologise to **NAME REMOVED** for any inappropriate comments he had made in relation to the deployment and activities of the Rangers.
- 2.1.12 Councillor Maggio personally apologise to **NAME REMOVED** for the manner in which he spoke to him over the deployment of the Rangers.
- 2.1.13 That on all future occasions Councillor Maggio has some concern in relation to the activities of the Rangers, he address these through the help desk or as part of a Council Meeting and not on an individual basis.

- 2.1.14 That all communications between Councillor Maggio and any Council staff only be communicated via the help desk and not direct. This includes any communication with Group Managers and the General Manager.
- 2.1.15 That this practice continue for a period of six months and at the expiry of this, Councillor Maggio meet with the General Manager to determine whether there has been any potential breach of the Code of Conduct with regard to the tone and content of his communications. If no breach has been identified, then normal communication protocols applicable to Councillors should resume.
- 2.1.16 That any communication between Councillor Maggio and the help desk that does not reflect a reasonable level of courtesy and respect be returned to Councillor Maggio with a warning that further contact of a similar type would result in a formal notification to the General Manager.
- 2.1.17 Councillor Maggio acknowledge that many of his previous communications to staff contained inappropriate and offensive language.
- 2.1.18 Councillor Maggio personally apologise to **NAME REMOVED** and the other help desk staff in relation to the tone and content of his emails.
- 2.1.19 Councillor Maggio be required to undertake a managed mediation with **NAME REMOVED**, **NAME REMOVED** and **NAME REMOVED** in relation to his communication methods and content with a view to him fully understanding the implications and impact of his style and words used.
- 2.1.20 Help desk staff be encouraged to forward all questionable emails received from Councillor Maggio to the General Manager for review. If a continued pattern of abuse or disrespect of personnel and policy is identified, formal censure take place.
- (b) That all of those matters considered outside the scope of Clause 8.35 of the Code of Conduct being recommendations 2.1.13, 2.1.14, 2.1.15, 2.1.16 and 2.1.20 be delegated to the General Manager to provide a report back to Council on any recommended amendments to other Policies.
- (c) That Councillor Maggio's apologies incorporate recommendations 2.1.8 and 2.1.17.
- (d) That Council issue a press release summarising the recommendations of the reviewer and the actions that the Mayor would be required to take.

- (e) That Council include in its review of Policies and Procedures as referred to in part (b), consideration of provisions that ensure the timely investigation and reporting of complaints.
- (f) That a Status Report be submitted to Council at the Council Meeting on 10 December 2013.
- (g) That the public version of the Motion has personal details redacted for privacy reasons and that full details are retained in the Confidential copy of the Minutes for this Item.

Note: Councillor Etmekdjian left the meeting at 11.59pm.

**AMENDMENT:** (Moved by Councillor Chung)

- (a) That Council endorse the recommendations 2.1.1, 2.1.9, 2.1.10, 2.1.11, 2.1.12 and 2.1.18 as detailed in the Conduct Reviewer's report and set out below:-
  - 2.1.1 Councillor Maggio be required to apologise to his fellow Councillors for failing to properly declare and clarify his pecuniary interests in relation to matters pertaining to the two sporting bodies he is affiliated with and also Westminster Oval.
  - 2.1.9 Councillor Maggio personally and publicly (during a Council Meeting) apologise to **NAME REMOVED** in relation to the contents of the TWT article appearing on 20 October 2012.
  - 2.1.10 Councillor Maggio publicly (during a Council Meeting) apologise to Council staff generally in relation to the contents of the TWT article appearing on 20 October 2012.
  - 2.1.11 Councillor Maggio personally apologise to **NAME REMOVED** for any inappropriate comments he had made in relation to the deployment and activities of the Rangers.
  - 2.1.12 Councillor Maggio personally apologise to **NAME REMOVED** for the manner in which he spoke to him over the deployment of the Rangers.
  - 2.1.18 Councillor Maggio personally apologise to **NAME REMOVED** and the other help desk staff in relation to the tone and content of his emails.
- (b) That Council note in respect of recommendations 2.1.13, 2.1.14, 2.1.15, 2.1.16 and 2.1.20, that the Acting General Manager will consider these recommendations in reviewing the relevant Council Policies and Procedures, that will be the subject of a future report to Council.

- (c) That Council endorse the necessary amendments to recommendations 2.1.14 on page 13 by removing the words “or non-pecuniary interest”,
- (d) That Councillor Maggio be requested to provide written apologies to the affected persons acknowledging his wrongdoing.
- (e) That Councillor Maggio’s apology as detailed in part (d) includes recommendations 2.1.8 and 2.1.17.
- (f) That Councillors be provided with the opportunity to undertake Code of Conduct training.
- (g) That Council include in its review of Policies and Procedures as referred to in part (b), consideration of provisions that ensure the timely investigation and reporting of complaints.
- (h) That a Status Report be submitted to Council at the Council Meeting on 10 December 2013.

Note: Councillor Chung left the meeting at 12.03am on Wednesday, 13 November 2013.

Due to a lack of a quorum, the meeting was adjourned.

### **ADJOURNMENT**

In accordance with Clause 4.2.4 of the Code of Meeting Practice, the Deputy Mayor, Councillor Li (Chairperson) adjourned the Council Meeting as a quorum was not present, the time being 12.03am on Wednesday, 13 November 2013. The Council Meeting was adjourned to:-

Tuesday, 19 November 2013 at 7.30pm in the Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present: Councillors Laxale, Li, Perram, Petch, Pendleton and Simon.

The following Councillors were not present: Councillors Chung and Etmekdjian.

The Mayor, Councillor Maggio was not present having declared a Significant Non-Pecuniary Interest in the Deferred Notice of Rescission 1 – Code of Conduct and leaving the meeting at 10.46pm.

The following Councillors were on a Leave of Absence: Councillors Pickering, Salvestro-Martin and Yedelian OAM.

### **MEETING RECONVENED**

The Meeting reconvened at 7.30pm on Tuesday, 19 November 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.



The following Councillors were present:

Councillors Li (Chairperson) Chung, Etmekdjian, Laxale, Perram, Petch, Pendleton, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

The Mayor, Councillor Maggio was not present having declared a Significant Non-Pecuniary Interest in the Deferred Notice of Rescission 1 – Code of Conduct.

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

### **DISCLOSURES OF INTEREST**

There were no further Disclosures of Interest.

### **NOTICE OF RESCISSION**

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

Note: A further Confidential Memorandum from the Acting General Manager dated 19 November 2013 was circulated to Councillors and considered in conjunction with this Item and a copy is ON FILE - CONFIDENTIAL.

**MOTION:** (Moved by Councillors Simon and Laxale)

(a) That Council adopt all of the recommendations by the independent reviewer as set out below and make all of the those recommendations public:-

- 2.1.1 Councillor Maggio be required to apologise to his fellow Councillors for failing to properly declare and clarify his pecuniary interests in relation to matters pertaining to the two sporting bodies he is affiliated with and also Westminster Oval.
- 2.1.2 Councillor Maggio be required to undertake additional Code of Conduct, conflict-of-interest and pecuniary interest training / education and at the conclusion of such training, declare competence in relation to identifying and managing conflicts of interest.
- 2.1.3 Councillor Maggio be reminded of the need to fully declare and clarify in his pecuniary interest register all known affiliations that may impact upon his role in representing the community.
- 2.1.4 Councillor Maggio be reminded of the need to fully declare any conflict of interest prior to any meeting or where decisions associated with his affiliations are raised.

- 2.1.5 That having declared significant non-pecuniary interests at the commencement of any related Council meeting, the declaration again be made prior to the discussion of any issue associated with those affiliations and that Councillor Maggio clearly articulate the interest and the act in such a manner as to mitigate any perception of conflict of interest, including complying with the Code of Conduct.
- 2.1.6 That where it is necessary for representations to be made on behalf of the sporting, social or other interest that Councillor Maggio has some involvement in, the representations be made by someone apart from Councillor Maggio.
- 2.1.7 That where any matters pertaining to the two sporting bodies that Councillor Maggio is affiliated with and or matters pertaining to Westminster Oval are to be debated, Councillor Maggio is to take no part.
- 2.1.8 Councillor Maggio acknowledge that the information that formed the basis of the TWT article appearing on 20 October 2012 was false and misleading.
- 2.1.9 Councillor Maggio personally and publicly (during a Council Meeting) apologise to **NAME REMOVED** in relation to the contents of the TWT article appearing on 20 October 2012.
- 2.1.10 Councillor Maggio publicly (during a Council Meeting) apologise to Council staff generally in relation to the contents of the TWT article appearing on 20 October 2012.
- 2.1.11 Councillor Maggio personally apologise to **NAME REMOVED** for any inappropriate comments he had made in relation to the deployment and activities of the Rangers.
- 2.1.12 Councillor Maggio personally apologise to **NAME REMOVED** for the manner in which he spoke to him over the deployment of the Rangers.
- 2.1.13 That on all future occasions Councillor Maggio has some concern in relation to the activities of the Rangers, he address these through the help desk or as part of a Council Meeting and not on an individual basis.
- 2.1.14 That all communications between Councillor Maggio and any Council staff only be communicated via the help desk and not direct. This includes any communication with Group Managers and the General Manager.

- 2.1.15 That this practice continue for a period of six months and at the expiry of this, Councillor Maggio meet with the General Manager to determine whether there has been any potential breach of the Code of Conduct with regard to the tone and content of his communications. If no breach has been identified, then normal communication protocols applicable to Councillors should resume.
- 2.1.16 That any communication between Councillor Maggio and the help desk that does not reflect a reasonable level of courtesy and respect be returned to Councillor Maggio with a warning that further contact of a similar type would result in a formal notification to the General Manager.
- 2.1.17 Councillor Maggio acknowledge that many of his previous communications to staff contained inappropriate and offensive language.
- 2.1.18 Councillor Maggio personally apologise to **NAME REMOVED** and the other help desk staff in relation to the tone and content of his emails.
- 2.1.19 Councillor Maggio be required to undertake a managed mediation with **NAME REMOVED**, **NAME REMOVED** and **NAME REMOVED** in relation to his communication methods and content with a view to him fully understanding the implications and impact of his style and words used.
- 2.1.20 Help desk staff be encouraged to forward all questionable emails received from Councillor Maggio to the General Manager for review. If a continued pattern of abuse or disrespect of personnel and policy is identified, formal censure take place.
- (b) That all of those matters considered outside the scope of Clause 8.35 of the Code of Conduct being recommendations 2.1.13, 2.1.14, 2.1.15, 2.1.16 and 2.1.20 be delegated to the General Manager to provide a report back to Council on any recommended amendments to other Policies.
- (c) That Councillor Maggio's apologies incorporate recommendations 2.1.8 and 2.1.17.
- (d) That Council issue a press release summarising the recommendations of the reviewer and the actions that the Mayor would be required to take.
- (e) That Council include in its review of Policies and Procedures as referred to in part (b), consideration of provisions that ensure the timely investigation and reporting of complaints.
- (f) That a Status Report be submitted to Council at the Council Meeting on 10 December 2013.

- (g) That the public version of the Motion has personal details redacted for privacy reasons and that full details are retained in the Confidential copy of the Minutes for this Item.

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

- (a) That Council endorse the recommendations 2.1.1, 2.1.9, 2.1.10, 2.1.11, 2.1.12 and 2.1.18 as detailed in the Conduct Reviewer's report and set out below:-
- 2.1.1 Councillor Maggio be required to apologise to his fellow Councillors for failing to properly declare and clarify his pecuniary interests in relation to matters pertaining to the two sporting bodies he is affiliated with and also Westminster Oval.
  - 2.1.9 Councillor Maggio personally and publicly (during a Council Meeting) apologise to **NAME REMOVED** in relation to the contents of the TWT article appearing on 20 October 2012.
  - 2.1.10 Councillor Maggio publicly (during a Council Meeting) apologise to Council staff generally in relation to the contents of the TWT article appearing on 20 October 2012.
  - 2.1.11 Councillor Maggio personally apologise to **NAME REMOVED** for any inappropriate comments he had made in relation to the deployment and activities of the Rangers.
  - 2.1.12 Councillor Maggio personally apologise to **NAME REMOVED** for the manner in which he spoke to him over the deployment of the Rangers.
  - 2.1.18 Councillor Maggio personally apologise to **NAME REMOVED** and the other help desk staff in relation to the tone and content of his emails.
- (b) That Council note in respect of recommendations 2.1.13, 2.1.14, 2.1.15, 2.1.16 and 2.1.20, that the Acting General Manager will consider these recommendations in reviewing the relevant Council Policies and Procedures, that will be the subject of a future report to Council.
- (c) That Council endorse the necessary amendments to recommendations 2.1.14 on page 13 by removing the words "or non-pecuniary interest",
- (d) That Councillor Maggio be requested to provide written apologies to the affected persons acknowledging his wrongdoing.
- (e) That Councillor Maggio's apology as detailed in part (d) includes recommendations 2.1.8 and 2.1.17.

- (f) That Councillors be provided with the opportunity to undertake Code of Conduct training.
- (g) That Council include in its review of Policies and Procedures as referred to in part (b), consideration of provisions that ensure the timely investigation and reporting of complaints.
- (h) That a Status Report be submitted to Council at the Council Meeting on 10 December 2013.

On being put to the Meeting, the voting on the Amendment was six (6) votes For and five (5) votes Against. The Amendment was **CARRIED**. The Amendment then became the Motion.

**Record of Voting:**

For the Amendment: Councillors Chung, Etmekdjian, Li, Pickering, Salvestro-Martin and Yedelian OAM

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

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

- (a) That Council endorse the recommendations 2.1.1, 2.1.9, 2.1.10, 2.1.11, 2.1.12 and 2.1.18 as detailed in the Conduct Reviewer's report and set out below:-
  - 2.1.1 Councillor Maggio be required to apologise to his fellow Councillors for failing to properly declare and clarify his pecuniary interests in relation to matters pertaining to the two sporting bodies he is affiliated with and also Westminster Oval.
  - 2.1.9 Councillor Maggio personally and publicly (during a Council Meeting) apologise to **NAME REMOVED** in relation to the contents of the TWT article appearing on 20 October 2012.
  - 2.1.10 Councillor Maggio publicly (during a Council Meeting) apologise to Council staff generally in relation to the contents of the TWT article appearing on 20 October 2012.
  - 2.1.11 Councillor Maggio personally apologise to **NAME REMOVED** for any inappropriate comments he had made in relation to the deployment and activities of the Rangers.
  - 2.1.12 Councillor Maggio personally apologise to **NAME REMOVED** for the manner in which he spoke to him over the deployment of the Rangers.

- 2.1.18 Councillor Maggio personally apologise to **NAME REMOVED** and the other help desk staff in relation to the tone and content of his emails.
- (b) That Council note in respect of recommendations 2.1.13, 2.1.14, 2.1.15, 2.1.16 and 2.1.20, that the Acting General Manager will consider these recommendations in reviewing the relevant Council Policies and Procedures, that will be the subject of a future report to Council.
  - (c) That Council endorse the necessary amendments to recommendations 2.1.14 on page 13 by removing the words “or non-pecuniary interest”,
  - (d) That Councillor Maggio be requested to provide written apologies to the affected persons acknowledging his wrongdoing.
  - (e) That Councillor Maggio’s apology as detailed in part (d) includes recommendations 2.1.8 and 2.1.17.
  - (f) That Councillors be provided with the opportunity to undertake Code of Conduct training.
  - (g) That Council include in its review of Policies and Procedures as referred to in part (b), consideration of provisions that ensure the timely investigation and reporting of complaints.
  - (h) That a Status Report be submitted to Council at the Council Meeting on 10 December 2013.

**Record of Voting:**

For the Motion: Councillors Chung, Etmekdjian, Li, Pickering, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillors Laxale, Perram, Petch, Pendleton and Simon

**NATIONAL ANTHEM**

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

The meeting closed at 8.40pm on 19 November 2013.

CONFIRMED THIS 26TH DAY OF NOVEMBER 2013

Chairperson