

Meeting Date: Tuesday 22 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, Laxale, Pendleton, Perram, Petch, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Note: Councillor Salvestro-Martin arrived at the meeting at 8.01pm during Public Participation. He left the meeting at 9.33pm and was not present for consideration of Mayoral Minute 25/13, Mayoral Minute 27/13, Mayoral Minute 29/13, Mayoral Minute 30/13, Items 1, 2, 7, 8, 9, 10, 12, 13, 14, 15, 16, Precis of Correspondence 1, Notice of Motion 1, Notice of Motion 2, Notice of Rescission 1, Items 17, 18 and 19.

Note: Councillor Petch left the meeting at 9.05pm and was not present for consideration of Mayoral Minute 25/13, Mayoral Minute 27/13, Mayoral Minute 29/13, Mayoral Minute 30/13, Items 1, 2, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, Precis of Correspondence 1, Notice of Motion 1, Notice of Motion 2, Notice of Rescission 1, Items 17, 18 and 19.

Note: Councillor Perram left the meeting at 11.00pm and was not present for consideration of Item 19.

Apologies: Councillor Li.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Acting Group Manager - Corporate Services, Acting Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Chief Financial Officer, Manager – Risk and Audit, Manager – Asset Systems, Manager – Environment, Acting Manager – Urban Planning, Manager – Communications and Media, Manager – Project Development, Section Manager – Open Space Planning and Assets, Coordinator – Digital Communications and Meeting Support Coordinator.

PRAYER

Reverend Sue Willis of the St Anne's Anglican Church, Ryde was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Mayoral Minute 28/13 – SES – Wear Orange to Work Day and Recognition of Keiran and Di Gibson for the reason that he is a volunteer member of SES.

Councillor Perram disclosed a Less than Significant Non-Pecuniary Interest in Item 3(2) - Adoption of the Brush Farm and Lambert Park Masterplan and Archaeological Management Plan for the reason that for a number of years up to about the mid 1990's he was a member of the Brush Farm Park Preservation Group and undertook volunteer bush regeneration in the Park.

Councillor Salvestro-Marting disclosed a Less than Significant Non-Pecuniary Interest in Item 6 – Draft Ryde LEP 2013 (Amendment 1) - Macquarie Park Corridor - Results of Community Consultation for the reason that the affected parties are known to him.

Councillor Petch disclosed a Pecuniary Interest in Notice of Motion 1 - Extension to Time Limit for Submitting Councillor Reimbursement Claims for the reason that he would be a beneficiary of the Notice of Motion.

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

Councillor Simon disclosed a Less than Significant Non-Pecuniary Interest in Item 18 – Advice on Court Actions for the reason that he has held negotiations with one of the parties in his time as a union official.

Councillor Perram disclosed a Significant Non-Pecuniary Interest in Item 19 – ICAC Operation Cavill - Submission for the reason that he is a subject to an allegation made by ICAC.

PRESENTATION OF AUSTRALIAN INSTITUTE OF PROJECT MANAGEMENT AWARD

George Dedes, Group Manager – Public Works, Fiona Morrison – Section Manager – Open Space Planning and Assets and Peter Nguyen, Manager – Project Development presented the Mayor, Councillor Maggio with the 2013 National Project Management Achievement Award. The Award was won for national industry recognition for best practice in project management for Livvi's Place All-Inclusive Playground at Yamble Reserve.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:

Name	Topic
Martin Chung (on behalf of Deepak Thite, Neil Thomas and Block 17 Cottonwood Crescent, Macquarie Park)	Item 6 - Draft Ryde LEP 2013 (Amendment 1) - Macquarie Park Corridor - Results Of Community Consultation
Warren Smith (on behalf of NSW State Emergency Service Ryde Unit)	MM28/13 – SES – Wear Orange to Work Day and Recognition of Keiran and Di Gibson

Name	Topic
Tim Flett (on behalf of Pirasta Pty Ltd)	Item 6 - Draft Ryde LEP 2013 (Amendment 1) - Macquarie Park Corridor - Results Of Community Consultation
Neil Thomas	Item 6 - Draft Ryde LEP 2013 (Amendment 1) - Macquarie Park Corridor - Results Of Community Consultation
Deepak Thite (on behalf of Neil Thomas and Martin Chung)	Item 6 - Draft Ryde LEP 2013 (Amendment 1) - Macquarie Park Corridor - Results Of Community Consultation
John Fryer	MM26/13 - Updating of Mayoral Robes

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

That those speakers who submitted requests to address Council on Item 3 - Report of the Works and Community Committee Meeting 15/13 held on 15 October 2013, be allowed to address the meeting, the time being 7.57pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person addressed the Council:

Name	Topic
Jennie Minifie (on behalf of Ryde Community Alliance)	Item 3 - Report of the Works and Community Committee Meeting 15/13 Held on 15 October 2013 Item 11 - Options For Heritage Listing of Ryde Civic Centre Site

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Chung and Petch)

That Council now consider the following Items, the time being 8.04pm:

- Mayoral Minute 26/13 – Updating of Mayoral Robes.
- Mayoral Minute 28/13 – SES – Wear Orange to Work Day and Recognition of Keiran and Di Gibson.
- Item 3 – Report of the Works and Community Committee Meeting 15/13 held on 15 October 2013.
- Item 6 – Draft Ryde LEP 2013 (Amendment 1) - Macquarie Park Corridor - Results of Community Consultation.

- Item 11 – Options For Heritage Listing of Ryde Civic Centre Site.
- Item 4 – 2012/2013 Financial Statements.
- Item 5 – Investment Report - September 2013.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES**MM26/13 UPDATING OF MAYORAL ROBES – The Mayor, Councillor Roy Maggio**

Note: John Fryer addressed the meeting in relation to this Item.

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

- (a) That the Acting General Manager be delegated authority to obtain the necessary quotations in accordance with Council's Procurement Policy for the purchase of new Mayoral Robes and preservation of the current robes for display in the Mayoral Suite.
- (b) That Council allocate the amount of \$4,500.00 from working capital for the purpose of the purchase of new Mayoral Robes and preservation of the current robes for display in the Mayoral Suite and that the amount also be consolidated into the next Quarterly Review.

Record of Voting:

For the Motion: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Pickering, Salvestro-Martin and Yedelian OAM

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

MM28/13 SES - WEAR ORANGE TO WORK DAY AND RECOGNITION OF KEIRAN AND DI GIBSON – The Mayor, Councillor Roy Maggio

Note: Warren Smith (on behalf of NSW State Emergency Service Ryde Unit) 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 is a volunteer member of the SES.

RESOLUTION: (Moved by the Mayor, Councillor Maggio and Councillor Yedelian OAM)

- (a) That the contribution made by Keiran and Di Gibson to the local community through their participation in the Ryde SES be acknowledged by Council at the reception to be held for Ryde SES Volunteers on 13 November 2013.

(b) That on 13 November 2013 a SES flag is to be flown at the Ryde Civic Centre.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 15/13 held on 15 October 2013

RESOLUTION: (Moved by Councillors Perram and Petch)

That Council determine Items 2 and 4 of the Works and Community Committee report 15/13 held on 15 October 2013, noting that Items 1 and 3 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

2 ADOPTION OF THE BRUSH FARM AND LAMBERT PARK MASTERPLAN AND ARCHAEOLOGICAL MANAGEMENT PLAN

Note: Jennie Minifie (on behalf of Ryde Community Alliance) addressed the meeting in relation to this Item.

Note: A document provided by Jennie Minifie dated 21 October 2013 was circulated in relation to this matter and a copy is ON FILE.

Note: Councillor Perram disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that for a number of years up to about the mid 1990's he was a member of the Brush Farm Park Preservation Group and undertook volunteer bush regeneration in the Park.

RESOLUTION: (Moved by Councillors Perram and Simon)

- (a) That Council receive and note the Council officer's report.
- (b) That Council take no further action in relation to the Masterplan and Archaeological Management Plan.
- (c) That Council make no alteration to Brush Farm Park and Lambert Park with regard to enhancing or maintaining the view corridor from Brush Farm House.
- (d) That Council investigate alternative parking arrangements to accommodate the netball patrons.
- (e) That the alternative plan for parking be presented to a future Works and Community Committee.

Record of Voting:

For the Motion: Unanimous

4 STORMWATER ASSET REPLACEMENT PROGRAM - 2013/14 - ADJUSTMENTS

RESOLUTION: (Moved by Councillors Perram and Pendleton)

That Stormwater Asset Replacement Renewal Program listings for 2013/14 be adjusted as follows:

- (a) Bring forward Shaftsbury Road to 2013/14;
- (b) Defer Twin Road/Badajoz Road to 2014/15;
- (c) Defer Anthony Road to 2014/15;
- (d) Council allocate the amount of \$302,000 (\$152,000 + \$150,000) from the Stormwater Management Service Charge Reserve for the purpose of completing the Fourth Avenue Drainage and Champion Road stormwater renewals.

Record of Voting:

For the Motion: Unanimous

6 DRAFT RYDE LEP 2013 (AMENDMENT 1) - MACQUARIE PARK CORRIDOR - RESULTS OF COMMUNITY CONSULTATION

Note: Martin Chung (on behalf of Deepak Thite, Neil Thomas and Block 17 Cottonwood Crescent, Macquarie Park), Tim Flett (on behalf of Pirasta Pty Ltd), Neil Thomas and Deepak Thite (on behalf of Neil Thomas and Martin Chung) addressed the meeting in relation to this Item.

Note: Councillor Salvestro-Martin disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that the affected parties are known to him.

Note: Councillor Salvestro-Martin left the meeting at 8.47pm and was not present for consideration or voting on this Item.

MOTION: (Moved by Councillors Pendleton and Perram)

That this matter be referred to a General Purposes Committee on Tuesday, 29 October 2013 for further discussion and consideration.

AMENDMENT: (Moved by Councillors Chung and Pickering)

- (a) That Council adopt draft Ryde Local Environmental Plan 2013 (Amendment 1) Macquarie Park Corridor, with an amendment to delete Part 1 of Schedule 1 – Amendment of Ryde Local Environmental Plan 2013 - Clause 4.6 – Exceptions to Development Standards from the written instrument.
- (b) That Council forward to the Department of Planning and Infrastructure *Draft Ryde LEP 2013 (Amendment 1) Macquarie Park Corridor* - as amended - requesting that the Minister make the plan.
- (c) That Council prepare an amendment to draft Ryde Development Control Plan 2011 - Part 4.5 Macquarie Park Corridor consequential to the introduction of draft Ryde LEP 2013 (Amendment 1) Macquarie Park Corridor and that proposed amended Draft DCP is reported to Council.
- (d) That Council adopt the Macquarie Park Access Network Strategy and Open Space Network Strategy Plans contained within Attachment 2.
- (e) That, Council undertake a review of the impacts of the Herring Road Urban Activation Precinct (UAP) on the provision of infrastructure as identified by the Macquarie Park Access Network Strategy and Open Space Network Strategy Plans and proposed to be funded by planning incentives in *Ryde Local Environmental Plan 2013 (Amendment 1) Macquarie Park Corridor*. The cost of the review will be up to \$20,000 and is to be funded from the existing 2013/14 budget allocated to the Macquarie Park DCP project in Council's Four Year Delivery Plan.
- (f) That Council endorse the establishment of a Macquarie Park Infrastructure Reserve, which holds funds received under the Macquarie Park Infrastructure Scheme for the purpose of delivering Infrastructure in the Macquarie Park Corridor.

On being put to the Meeting, the voting on the Amendment was six (6) votes For and four (4) 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, Etmekdjian, Laxale, Pickering and Yedelian OAM

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

RESOLUTION: (Moved by Councillors Chung and Pickering)

- (a) That Council adopt draft Ryde Local Environmental Plan 2013 (Amendment 1) Macquarie Park Corridor, with an amendment to delete

Part 1 of Schedule 1 – Amendment of Ryde Local Environmental Plan 2013 - Clause 4.6 – Exceptions to Development Standards from the written instrument.

- (b) That Council forward to the Department of Planning and Infrastructure *Draft Ryde LEP 2013 (Amendment 1) Macquarie Park Corridor* - as amended - requesting that the Minister make the plan.
- (c) That Council prepare an amendment to draft Ryde Development Control Plan 2011 - Part 4.5 Macquarie Park Corridor consequential to the introduction of draft Ryde LEP 2013 (Amendment 1) Macquarie Park Corridor and that proposed amended Draft DCP is reported to Council.
- (d) That Council adopt the Macquarie Park Access Network Strategy and Open Space Network Strategy Plans contained within Attachment 2.
- (e) That, Council undertake a review of the impacts of the Herring Road Urban Activation Precinct (UAP) on the provision of infrastructure as identified by the Macquarie Park Access Network Strategy and Open Space Network Strategy Plans and proposed to be funded by planning incentives in *Ryde Local Environmental Plan 2013 (Amendment 1) Macquarie Park Corridor*. The cost of the review will be up to \$20,000 and is to be funded from the existing 2013/14 budget allocated to the Macquarie Park DCP project in Council's Four Year Delivery Plan.
- (f) That Council endorse the establishment of a Macquarie Park Infrastructure Reserve, which holds funds received under the Macquarie Park Infrastructure Scheme for the purpose of delivering Infrastructure in the Macquarie Park Corridor.

Record of Voting:

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

Against the Motion: Councillors Pendleton and Perram

Note: Councillor Petch left the meeting at 9.05pm and did not return.

Note: Councillor Salvestro-Martin returned to the meeting at 9.06pm.

11 OPTIONS FOR HERITAGE LISTING OF RYDE CIVIC CENTRE SITE

Note: Jennie Minifie (on behalf of Ryde Community Alliance) addressed the meeting in relation to this Item.

Note: Councillor Petch was not present for consideration or voting on this Item.

MOTION: (Moved by Councillors Pendleton and Simon)

- (a) That Council note the recommendation of the Heritage Advisory Committee to undertake a heritage assessment of the Ryde Civic Centre.
- (b) That Council has committed \$4.85M on the Civic Centre refurbishment.

AMENDMENT: (Moved by Councillors Chung and Pickering)

- (a) That Council note the recommendation of the Heritage Advisory Committee to undertake a heritage assessment of the Ryde Civic Centre.
- (b) That Council not undertake a heritage assessment of the Ryde Civic Centre for the following reasons:
 - (i) The Ryde Civic Centre is not under threat of demolition and council is expending up to \$4.85M on its maintenance.
 - (ii) The Civic Centre was not identified for listing in either of the two comprehensive city wide heritage studies undertaken by the City of Ryde. The city wide heritage studies considered all sites in the city.

On being put to the Meeting, the voting on the Amendment was five (5) all. The Mayor used his casting vote For the Amendment. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

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

Against the Amendment: Councillors Laxale, Pendleton, Perram, Salvestro-Martin and Simon

RESOLUTION: (Moved by Councillors Chung and Pickering)

- (a) That Council note the recommendation of the Heritage Advisory Committee to undertake a heritage assessment of the Ryde Civic Centre.
- (b) That Council not undertake a heritage assessment of the Ryde Civic Centre for the following reasons:
 - (i) The Ryde Civic Centre is not under threat of demolition and council is expending up to \$4.85M on its maintenance.
 - (ii) The Civic Centre was not identified for listing in either of the two comprehensive city wide heritage studies undertaken by the City of Ryde. The city wide heritage studies considered all sites in the city.

Record of Voting:

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

Against the Motion: Councillors Pendleton, Salvestro-Martin and Simon

4 2012/2013 FINANCIAL STATEMENTS

Note: A presentation was provided to the meeting by Council's Chief Financial Officer.

Note: Councillor Petch was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That in accordance with Section 419 of the Local Government Act, Council receive and note the Auditors Reports on the 2012/2013 Annual Financial Statements for the year ended 30 June 2013.
- (b) That any public submissions on the 2012/2013 Financial Reports be referred to Council's Auditors, Hill Rogers Spencer Steer, Chartered Accountants.
- (c) That Council suspend standing orders to allow a presentation by Council's staff and any comments by or questions of the external auditor, Hill Rogers Spencer Steer or members of the Audit Committee, in respect of the 2012/2013 Financial Statements including the Auditor's Reports.
- (d) That the contributions of the relevant staff and the members of the Audit and Risk committee and Councils external auditors in relation to the 2012/13 Financial statements be thanked.

Record of Voting:

For the Motion: Unanimous

5 INVESTMENT REPORT - September 2013

Note: Councillor Petch was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That Council endorse the report of the Chief Financial Officer dated 8 October 2013 on Investment Report – September 2013.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Salvestro-Martin left the meeting at 9.33pm and did not return.

MAYORAL MINUTES

MM25/13 PHOTOBORD OF MAYOR AND COUNCILLORS – The Mayor, Councillor Roy Maggio

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by the Mayor, Councillor Maggio and Councillor Yedelian OAM)

- (a) That the Acting General Manager be delegated authority to arrange the implementation of a photoboard display of the Mayor and Councillors in the foyer of Level 6 Civic Centre.
- (b) That the photoboard be designed to allow it to be updated on the election of each new Council.

Record of Voting:

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

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

MM26/13 UPDATING OF MAYORAL ROBES – The Mayor, Councillor Roy Maggio

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

MM27/13 KOREAN FLAG RAISING EVENT – 29 OCTOBER 2013 – The Mayor, Councillor Roy Maggio

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

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

That Council host a small scale flag raising event on Tuesday, 29 October 2013 to mark Korean Week.

Record of Voting:

For the Motion: Unanimous

MM28/13 SES - WEAR ORANGE TO WORK DAY AND RECOGNITION OF KEIRAN AND DI GIBSON – The Mayor, Councillor Roy Maggio

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

**MM29/13 UPDATE ON NSROC / SHOROC DISCUSSIONS – The Mayor,
Councillor Roy Maggio**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

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

That Council note and endorse the actions being taken in exploring options between the member Councils of NSROC and SHOROC.

Record of Voting:

For the Motion: Unanimous

MM30/13 MAYOR'S BUSHFIRE APPEAL – The Mayor, Councillor Roy Maggio

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

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

- (a) That Council endorse the Mayor's Bushfire Appeal and delegate the Acting General Manager to undertake the necessary action to establish the Appeal and the collection of donations.
- (b) That Council allocate \$5,000 as its contribution to initiate this Appeal.
- (c) That Council promote the Mayor's Bushfire Appeal through local newspapers, the Mayor's Community Message and social media.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 8 October 2013

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Simon)

That the Minutes of the Council Meeting 21/13, held on 8 October 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: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

Note: Councillor Simon left the meeting at 9.53pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

That Council note that all Items of the Planning and Environment Committee Meeting 15/13 held on 15 October 2013 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 15/13
held on 15 October 2013**

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

4 2012/2013 FINANCIAL STATEMENTS

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

5 INVESTMENT REPORT – September 2013

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

**6 DRAFT RYDE LEP 2013 (AMENDMENT 1) – MACQUARIE PARK
CORRIDOR – RESULTS OF COMMUNITY CONSULTATION**

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

7 DISCLOSURE OF INTEREST RETURNS - 2012-2013

Note: Councillors Petch, Salvestro-Martin and Simon were not present for consideration or voting on this Item.

Note: The Register of Disclosure of Pecuniary Interest Returns was tabled and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

- (a) That the Register of Disclosure of Pecuniary Interest Returns, as required under Section 450A of the *Local Government Act*, is tabled.
- (b) That the Division of Local Government is provided with a copy of this report.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Simon returned to the meeting at 9.55pm.

8 EXECUTIVE CERTIFICATE FOR ELECTED MEMBERS - Sydney 2013 and Coffs Harbour 2014

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

That Council note the Executive Certificate for Elected Members course which is a five day course held in Sydney between November and December 2013 and Coffs Harbour between February to March 2014.

Record of Voting:

For the Motion: Unanimous

9 DEBT ADMINISTRATION POLICY - Review of Hardship Policy

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

- (a) That Council revokes the Rates Recovery and Hardship Policy last adopted by Council in February 2009, noting that the former provisions regarding rates recovery and hardship are maintained in the revised policy as **ATTACHED**.
- (b) That Council adopts the **ATTACHED** Debt Administration Policy and Debt Administration Procedures.

Record of Voting:

For the Motion: Unanimous

10 DEVELOPING MACQUARIE PARK CBD- SUSTAINABLE TRANSPORT SOLUTIONS - Personal Mobility Devices Trial

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That Council endorses the Pilot Trial of PMD at Macquarie University Report as **ATTACHED** to this report.
- (b) That Council provides in principle support to participate in further phases of the process to achieve portable PMDs being legalised.
- (c) That Council pursue other partners for support and external funding of the further phases of the project to keep momentum for changes to regulations at National and Federal level.

Record of Voting:

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

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

11 OPTIONS FOR HERITAGE LISTING OF RYDE CIVIC CENTRE SITE

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

12 MACQUARIE PARK FORUM ADVISORY COMMITTEE - ADDITIONAL MEMBERS

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That Council endorse the nominations to the Macquarie Park Forum Advisory Committee of:

- Rebecca Lehman, Macquarie Park Transport Management Association; and
- Amelia Jalland, Property Council of Australia (to replace the previous representative).

Record of Voting:

For the Motion: Unanimous

13 SUPPORTING LOCAL BUSINESS LEASING COUNCIL PROPERTIES

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

- (a) That all documents specific to commercial property matters be reviewed, to improve their user friendliness while maintaining good governance.
- (b) That an expanded communications plan for commercial tenants be developed.
- (c) That the current tenancy handover provisions be reviewed.
- (d) That all scheduled town centre maintenance around our business leases be reviewed to ensure the required level of service is met.

Record of Voting:

For the Motion: Unanimous

14 UPDATE TO FEES AND CHARGES - ARTIST STUDIO

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pendleton and Laxale)

- (a) That Council approve a new fee of \$35 per week for an artist studio to be added to Council's Fees and Charges in the category of *Community and Cultural Buildings Leasing and Licensing Fees and Charges*
- (b) That the fee/charge of \$35 per week for art studios be publicly exhibited for a period of not less than 28 days from 28 October 2013 to 25 November 2013.
- (c) That a further report be presented to Council for consideration after the exhibition period, should any submissions be made
- (d) That if no submissions are made, the fee be confirmed by Council without the requirement of a further report to Council.

Record of Voting:

For the Motion: Unanimous

**15 APPOINTMENT OF DELEGATES TO THE RYDE YOUTH COUNCIL
ADVISORY COMMITTEE 2013**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pendleton and Etmekdjian)

That Council endorse the revised Terms of Reference (**ATTACHMENT 1**) for the Ryde Youth Council Advisory Committee.

Record of Voting:

For the Motion: Unanimous

16 REPORTS DUE TO COUNCIL

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 LGNSW - ANNUAL FINANCIAL ACCOUNTS

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

**1 EXTENSION TO TIME LIMIT FOR SUBMITTING COUNCILLOR
REIMBURSEMENT CLAIMS - Councillor Terry Perram**

Note: Councillor Petch disclosed a Pecuniary Interest in this Item for the reason that he would be a beneficiary of the Notice of Motion.

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

MOTION: (Moved by Councillors Perram and Pickering)

- (a) That the extension of time granted to Councillor Petch at the Council meeting of 27 August 2013 for lodgement of outstanding councillor reimbursement claims be adjusted to commence in October 2012.
- (b) That as the change set out in (a) above is not considered substantive it is not necessary for the *Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Councillors* currently approved for public exhibition to be amended.

AMENDMENT: (Moved by Councillors Yedelian OAM and Chung)

That a further report be provided to Council detailing the extent of the possible reimbursement claims from Councillor Petch for the period of October 2012 to September 2013.

On being put to the Meeting, the voting on the Amendment was two (2) For and seven (7) Against. The Amendment was LOST. The Motion was then put and LOST.

Record of Voting:

For the Amendment: The Mayor, Councillor Maggio and Councillor Etmekdjian

Against the Amendment: Councillors Chung, Laxale, Pendleton, Perram, Pickering, Simon and Yedelian OAM

MOTION: (Moved by Councillors Perram and Pickering)

- (a) That the extension of time granted to Councillor Petch at the Council meeting of 27 August 2013 for lodgement of outstanding councillor reimbursement claims be adjusted to commence in October 2012.
- (b) That as the change set out in (a) above is not considered substantive it is not necessary for the *Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Councillors* currently approved for public exhibition to be amended.

Record of Voting:

For the Motion: Councillors Etmekdjian, Perram and Pickering

Against the Motion: The Mayor, Councillor Maggio and Councillors Chung, Laxale, Pendleton, Simon and Yedelian OAM

**2 PEDESTRIAN SAFETY - ST THERESE'S PRIMARY SCHOOL, DENISTONE -
Councillor Jerome Laxale**

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Laxale and Simon)

- (a) That the General Manager facilitate a site visit and meeting between the Principal and representatives of the Parents and Friends Committee of St Therese's Primary School in order to obtain a better understanding of concerns they have in regards to pedestrian safety around their school.
- (b) The discussions should have a particular emphasis on:
 - (i) The dangerous footpath outside their main entrance on Terry Rd
 - (ii) Traffic calming measures in the lead up to the bend on Terry Rd when travelling towards Blaxland Road.
- (c) That a report be brought back to the Works and Community Committee for deliberation.

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 Less than Significant Non-Pecuniary Interest in this Item for the reason that he is the person involved in the matter.

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

- (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

CLOSED SESSION

ITEM 17- 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.

ITEM 18 - ADVICE ON COURT ACTIONS

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: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

ITEM 19 – ICAC OPERATION CAVILL - SUBMISSION

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 Pendleton)

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 10.41pm. The public and media left the chamber.

17 SURF ATTRACTION COR-RFT 3/13

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

MOTION: (Moved by Councillors Pickering and Chung)

- (a) That Council accept the tender from the preferred provider as set out in the report and as recommended in the Tender Evaluation report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with the preferred provider as set out in the report 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.

AMENDMENT: (Moved by Councillors Perram and Pendleton)

That the matter be deferred to the next Council Meeting and that a further report be provided including updated financial forecasting.

On being put to the Meeting, the voting on the Amendment was fives (5) votes For and four (4) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

For the Amendment: Councillors Chung, Pendleton, Perram, Simon and Yedelian OAM

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

RECOMMENDATION: (Moved by Councillors Perram and Pendleton)

That the matter be deferred to the next Council Meeting and that a further report be provided including updated financial forecasting.

Record of Voting:

For the Motion: Councillors Chung, Etmekdjian, Laxale, Pendleton, Perram, Simon and Yedelian OAM

Against the Motion: The Mayor, Councillor Maggio and Councillor Pickering

18 ADVICE ON COURT ACTIONS

Note: Councillor Simon disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he has held negotiations with one of the parties in his time as a union official.

Note: Councillors Petch and Salvestro-Martin were not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Pickering and Yedelian OAM)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Perram left the meeting at 11.00pm and did not return.

19 ICAC OPERATION CAVILL - SUBMISSION

Note: Councillor Perram disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he is a subject to an allegation made by ICAC.

Note: Councillors Petch, Perram and Salvestro-Martin were not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Simon and Yedelian OAM)

That Council not make any submissions in reply to the **ATTACHED (CONFIDENTIAL)** submissions of Counsel Assisting the Assistant Commissioner.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Simon and Laxale)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.02pm.

RESOLUTION: (Moved by Councillors Simon 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

NATIONAL ANTHEM

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

The meeting closed at 11.04pm.

CONFIRMED THIS 12TH DAY OF NOVEMBER 2013

Chairperson