

Meeting Date: Tuesday 25 June 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

Councillors Present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Salvestro-Martin, Simon and Yedelian OAM.

Note: The Mayor, Councillor Petch left the meeting at 7.34pm and did not return. He was present for consideration of Mayoral Minute 18/13 only.

Note: Councillor Salvestro-Martin left the meeting at 9.13pm and did not return. He was not present for consideration of Items 18, 19, Precis of Correspondence 1, Notice of Motion 3 and Items 20, 21, 22, 23 and 24.

Note: Councillor Li left the meeting at 10.20pm and did not return. He was not present for consideration of Item 24.

Note: Councillor Perram left the meeting at 10.20pm and did not return. He was not present for consideration of Item 24.

Apologies: Nil.

Leave of Absence: Councillor Pickering.

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Chief Financial Officer, Manager – Communications and Media, Manager – Customer Service and Governance, Manager – Infrastructure Integration, Manager – Asset Systems, Manager – Project Development, Team Leader – Building & Development Advisory Service, Media & Community Relations Officer and Section Manager - Governance.

PRAYER

Pastor Ben Rodgers of the Ryde Baptist Church was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

There were no disclosures of interest made at the commencement of the meeting.

The following declarations were made prior to Council resolving into Closed Session, in considering Items 20, 21, 22, 23 and 24:-

Councillor Li disclosed a pecuniary interest in Item 24 – Supreme Court Matter – Progress Report for the reason that he is one of the defendant Councillors in the Supreme Court Matter.

Councillor Perram disclosed a pecuniary interest in Item 24 – Supreme Court Matter – Progress Report for the reason that he is a participant in the Supreme Court proceedings with potential implications for costs.

Councillor Simon disclosed a less than significant non-pecuniary interest in Item 24 – Supreme Court Matter – Progress Report for the reason that the people subject to the proceedings are people known to him, namely Michael Butterworth and Councillor Jeff Salvestro-Martin.

Councillor Laxale disclosed a less than significant non-pecuniary interest in Item 24 – Supreme Court Matter – Progress Report for the reason that he has a relationship with some of the defendants.

Dominic Johnson, Group Manager – Environment and Planning disclosed a pecuniary interest in Item 22 – Personnel Matter for the reason that the matter relates to his contract of employment.

MAYORAL MINUTES

MM18/13 OUTCOME OF REPRESENTATIONS TO COLES FOR EARLY OPENING OF BASEMENT CAR PARK

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Salvestro-Martin)

That Council note the attached correspondence from Greg Chubb and continue to work with Coles to facilitate the earliest opening date for the public carpark at West Ryde.

Record of Voting:

For the Motion: Unanimous

LEAVE OF ABSENCE

The Mayor, Councillor Petch requested a Leave of Absence for the period 25 June 2013 to 10 September 2013 and also requested to remove himself from the selection panel for the General Manager's recruitment.

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Salvestro-Martin)

- (a) That the Mayor, Councillor Petch's Leave of Absence for the period 25 June 2013 to 10 September 2013 be approved.

- (b) That the Mayor, Councillor Petch removes himself from the selection panel for the General Manager recruitment.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon

Against the Motion: Councillors Chung, Etmekdjian, Maggio and Yedelian OAM

Note: The Mayor, Councillor Petch left the meeting at 7.34pm and did not return. Councillor Li, Deputy Mayor assumed the Chair.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Yvonne Dornan (representing Gladesville Chamber of Commerce)	Item 10 – Voluntary Planning Agreement Offer – 1-3 Wharf Road, Gladesville
Steve Adair	Notice of Motion 2 – 3 Ivy Street, North Ryde - Removal of Tree
Phil Dunn	Notice of Motion 2 – 3 Ivy Street, North Ryde - Removal of Tree
Peta Sawtell	Notice of Motion 2 – 3 Ivy Street, North Ryde - Removal of Tree
Lesley Tromans	Notice of Motion 2 – 3 Ivy Street, North Ryde - Removal of Tree

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That Council now consider the following Items, the time being 7.57pm:

- Item 10 – Voluntary Planning Agreement Officer – 1-3 Wharf Road, Gladesville.
- Notice of Motion 2 – 3 Ivy Street, North Ryde – Removal of Tree.

Record of Voting:

For the Motion: Unanimous

10 VOLUNTARY PLANNING AGREEMENT OFFER - 1-3 WHARF ROAD, GLADESVILLE.

Note: Yvonne Dornan (representing Gladesville Chamber of Commerce) addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That if the Joint Regional Planning Panel resolves to approve Local Development Application 2012/0417 at 1-3 Wharf Road, Gladesville then Council give 'in principle' support to the Voluntary Planning Agreement made by Windesea Build Pty Ltd & Xcel Pty Ltd dated 29 May 2013 with the removal of the contingency component and a corresponding increase in the monetary component to achieve close proximity to the 20% threshold in excess of s94 contributions.
- (b) That the above be communicated to the Joint Regional Planning Panel at the time of determination of the application, and
- (c) That the Group Manager, Environment and Planning be delegated to finalise the Voluntary Planning Agreement with Windesea Build Pty Ltd & Xcel Pty Ltd in accordance with the submitted Voluntary Planning Agreement and the applicable legal requirements under the *Environmental Planning and Assessment Act 1979*.

AMENDMENT: (Moved by Councillors Pendleton and Perram)

That this matter be deferred for a Workshop to be conducted as soon as possible following the Council recess in July 2013.

On being put to the Meeting, the voting on the Amendment was four (4) votes For and six (6) votes Against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of Voting:

For the Amendment: Councillors Li, Pendleton, Perram and Salvestro-Martin

Against the Amendment: Councillors Chung, Etmekdjian, Laxale, Maggio, Simon and Yedelian OAM

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That if the Joint Regional Planning Panel resolves to approve Local Development Application 2012/0417 at 1-3 Wharf Road, Gladesville then Council give 'in principle' support to the Voluntary Planning Agreement made by Windesea Build Pty Ltd & Xcel Pty Ltd dated 29 May 2013 with the removal of the contingency component and a corresponding increase in the monetary component to achieve close proximity to the 20% threshold in excess of s94 contributions.
- (b) That the above be communicated to the Joint Regional Planning Panel at the time of determination of the application, and
- (c) That the Group Manager, Environment and Planning be delegated to finalise the Voluntary Planning Agreement with Windesea Build Pty Ltd & Xcel Pty Ltd in accordance with the submitted Voluntary Planning Agreement and the applicable legal requirements under the *Environmental Planning and Assessment Act 1979*.

Record of Voting:

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

Against the Motion: Councillors Li and Salvestro-Martin

NOTICES OF MOTION

2 3 IVY STREET, NORTH RYDE - REMOVAL OF TREE - Councillor Roy Maggio

Note: Steve Adair, Phil Dunn, Peta Sawtell and Lesley Tromans addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the tree at number 3 Ivy Street, North Ryde be referred to the Internal Review Committee and dealt with as a priority, and if the matter is not resolved to the satisfaction of the applicant, the matter be referred to the Works and Community Committee.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 11 June 2013

RESOLUTION: (Moved by Councillors Yedelian OAM and Simon)

That the Minutes of the Council Meeting 12/13, held on 11 June 2013 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 CONFIRMATION OF MINUTES - General Purposes Committee Meeting held on 18 June 2013

RESOLUTION: (Moved by Councillors Simon and Perram)

That the Minutes of the General Purposes Committee Meeting 2/13, held on 18 June 2013 be confirmed.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Simon and Perram)

That Council determine Items 1 and 2 of the General Purposes Committee report in accordance with the delegations set out in the Code of Meeting Practice relating to this Committee.

Record of Voting:

For the Motion: Unanimous

1 OVERVIEW OF COUNCIL'S ACHIEVEMENTS 2012 / 2013 AND PROPOSED INITIATIVES / WORKS 2013-2017 – CENTRAL WARD

RESOLUTION: (Moved by Councillors Simon and Perram)

That the Acting General Manager, Danielle Dickson, provide a presentation to the meeting on Council's Achievements for 2012/2013 and proposed works and initiatives between 2013 to 2017, in respect of the Central Ward.

Record of Voting:

For the Motion: Unanimous

2 MAJOR DEVELOPMENT IN CENTRAL WARD - Presentation

RESOLUTION: (Moved by Councillors Simon and Perram)

That the Group Manager – Environment and Planning, Dominic Johnson, make a presentation to the meeting regarding major developments within the Central Ward.

Record of Voting:

For the Motion: Unanimous

3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 10/13 held on 18 June 2013

RESOLUTION: (Moved by Councillors Pendleton and Laxale)

That Council determine Items 3 and 4 of the Planning and Environment Committee report, noting that Items 1 and 2 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

3 18 SHEPHERD STREET, RYDE. LOT 70 DP 5887. Local Development Application for new two storey attached dual occupancy. LDA2012/144.

Note: Councillor Salvestro-Martin left the meeting at 8.19pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Maggio)

- (a) That Council defer consideration of Local Development Application No. 2012/144 at 18 Shepherd Street being LOT 70 DP5887 to enable the Group Manager Environment and Planning to undertake a mediation with the applicant and objectors to consider the issues of:
- Bulk – limiting the height of the rear dwelling to single storey
 - Privacy
 - Overshadowing
 - Design of open space for front dwelling to be increased
- (b) That the amended plans be submitted following mediation and re-notified to the neighbouring properties and previous objectors to the original DA.

If the amended plans do not attract any further submissions then the application may be determined by the Group Manager Environment & Planning under delegated authority. Otherwise, a further report shall be presented to the Planning & Environment Committee for determination.

- (c) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous

4 68 CHAMPION ROAD, TENNYSON POINT - LOT 21 DP 233234. Local Development Application for extension of boundary fencing within foreshore building line. LDA2013/0080.

Note: A Memorandum from the Group Manager – Environment and Planning dated 24 June 2013 was tabled in relation to this Item and a copy is ON FILE.

Note: THIS APPLICATION HAS FORMALLY BEEN **WITHDRAWN** BY THE APPLICANT AND THEREFORE WAS NOT CONSIDERED BY COUNCIL.

4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 9/13 held on 18 June 2013

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Perram and Laxale)

That Council determine Items 3 and 5 of the Works and Community Committee report, noting that Items 1, 2, 4 and 6 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Salvestro-Martin returned to the meeting at 8.22pm.

3 WORKS PROGRAM ADJUSTMENTS AND CARRY OVER PROJECTS

RESOLUTION: (Moved by Councillors Perram and Laxale)

- (a) That Council allocate the amount of \$99,000 from the Roads and Maritime Services Block Grant Supplementary Roads funding received for the purpose of the 2012/13 Regional Roads Maintenance.

- (b) That that Council increase the amount of Road Resurfacing Renewal Program by \$227,343 to reflect the additional Roads and Maritime Services funding for Herring Road.
- (c) That the unexpended funds for the Road Resurfacing Renewal Program be carried forward from 2012/13 to 2013/14.
- (d) That the unexpended funds for the Epping to Chatswood Line Station Ready Program be carried forward from 2012/13 to 2013/14.
- (e) That the Street Furniture Anti Graffiti and Vandalism project approved by and funded by the Roads and Maritime Services under the Public Benefit Contribution scheme be approved for 2013/14.

Record of Voting:

For the Motion: Unanimous

5 104 RUTLEGE STREET - NATIVE VEGETATION ON NATURESTRIP

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

That this matter be deferred to the Works and Community Committee to be held on 16 July 2013.

Record of Voting:

For the Motion: Unanimous

5 A NEW PLANNING SYSTEM FOR NSW - WHITE PAPER SUBMISSION

RESOLUTION: (Moved by Councillors Etmekdjian and Pendleton)

- (a) That Council endorse the response to the White Paper outlined in this report, subject to the following changes:-

That Part 2 on page 73 of Council's submission include the statement that this is not supported by Council and Council strongly supports Clause 4.29 being deleted and that the planning powers be returned to Council.

- (b) That if endorsed this report be the City of Ryde's submission to the Department of Planning and Infrastructure on 'A New Planning System for NSW - White Paper'.

Record of Voting:

For the Motion: Unanimous

6 FUTURE DIRECTIONS FOR NSW LOCAL GOVERNMENT - DRAFT SUBMISSION

RESOLUTION: (Moved by Councillors Etmekdjian and Pendleton)

- (a) That Council endorse the submission as **ATTACHED** to this report and for it to be provided to the Independent Local Government Review Panel.
- (b) That a copy of Council's submission be placed on Council's website and a press release be prepared outlining the key aspects of Council's submission.
- (c) That those attendees at the Community Consultation held 3 June 2013 be thanked for their attendance and provided details of the submission and associated reports.
- (d) That Council appoint a consultant to undertake a desktop review of the Panel's amalgamation proposal for City of Ryde as detailed in the report and that Council allocate \$40,000 for this as part of the June Budget Review.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

7 NEW LOCAL GOVERNMENT ACT FOR NSW DISCUSSION PAPER - DRAFT SUBMISSION

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That Council endorse the **ATTACHED** submission to be provided to the Local Government Act Taskforce.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

8 BOAT TRAILER WORKING GROUP DISCUSSION REPORT AND OPTIONS PAPER - DRAFT SUBMISSION

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That Council endorse the submission attached, subject to the deletion of the second sentence in the second paragraph of Attachment 1 on page 145 of the Council's Agenda.
- (b) That Council approve for a copy of the submission be forwarded to Transport for NSW.

Record of Voting:

For the Motion: Unanimous

9 CITY OF RYDE - DRAFT RESPONSE TO THE HIGH SPEED RAIL STUDY - PHASE 2 REPORT

RESOLUTION: (Moved by Councillors Yedelian OAM and Perram)

That Council endorses the submission dated 13 June 2013 titled 'Response to the High Speed Rail Study – Phase 2 Report' for on-line submission before the due date of 30 June 2013.

Record of Voting:

For the Motion: Unanimous

10 VOLUNTARY PLANNING AGREEMENT OFFER – 1-3 WHARF ROAD, GLADESVILLE

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

11 REQUESTS FOR PROPOSALS RECEIVED FOR THE LEASE OF THE KOTARA PARK AND OLYMPIC PARK TENNIS CENTRES

RESOLUTION: (Moved by Councillors Chung and Laxale)

- (a) That Council enter into a 5 year lease agreement with the North Western Suburbs Tennis Association Inc. for the Olympic Park Tennis Centre, subject to no submissions being received by Council following the statutory advertising of the lease in accordance with Section 47 of the Local Government Act, under the terms and conditions outlined during the Request for Proposal process.

- (b) That the Acting General Manager be delegated authority to execute all relevant documents for the Olympic Park Tennis Centre lease agreement.
- (c) That Council advertise an expression of Interest/Request for Proposals seeking submissions from the market for the management and operation of the Kotara Park Tennis Centre.
- (d) That Council extend the existing agreement with the Eastwood Thornleigh District Tennis Association for the management of the Kotara Park Tennis Centre on a month-by-month arrangement under the same terms and conditions of the original agreement. This is to continue until such time as the outcome of the Expression of Interest/Request for proposals has been considered by Council.
- (e) That a further report be submitted to Council following an Expression of Interest/Requests for Proposal process.

Record of Voting:

For the Motion: Unanimous

12 SPORTS GROUND ALLOCATION AND SPORTS GROUND USER FEES AND CONTRIBUTIONS POLICIES

RESOLUTION: (Moved by Councillors Laxale and Maggio)

- (a) That Council adopt the attached draft Sportsground Allocation Policy.
- (b) That Council adopt the attached draft Sports Ground User Fees and Contribution Policy.
- (c) That the Sports Ground Allocation and Sports Ground User Fees and Contributions Policy be reviewed after twelve months of its commencement.

Record of Voting:

For the Motion: Unanimous

13 FOUR YEAR DELIVERY PLAN 2013-2017 INCLUDING ONE YEAR OPERATIONAL PLAN 2013/2014

Note: A Memorandum from Council's Chief Financial Officer dated 25 June 2013 was tabled in relation to this Item and a copy is ON FILE.

Note: A document outlining the Four Year Delivery Plan 2013-2017 Submissions and response from Council Officers was tabled in relation to this Item and a copy is ON FILE.

Note: A Gantt Chart of the Public Works – Draft Project Development 13/14 Capital Works Program was tabled in relation to this Item and a copy is ON FILE.

Note: Councillor Maggio left the meeting at 8.50pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Perram and Chung)

- (a) That Council note the public submissions received during the public exhibition period and the responses to the submissions, as detailed in the report.
- (b) That in accordance with Sections 404 & 405 of the Local Government Act (1993), the Draft Four Year Delivery Plan 2013-2017 including One Year Operational Plan 2013/2014 be adopted as the Four Year Delivery Plan 2013-2017 including One Year Operational Plan 2013/2014, incorporating the amendments described in this report, and all changes consequential thereunto, noting that Years Three and Four of Council's Delivery Plan will be reviewed by Council in the upcoming workshops as indicated in this report.
- (c) That, in accordance with Sections 534 and 535 of the Local Government Act, 1993, Council makes the following rates and charges for every parcel of rateable land within the City of Ryde for the year commencing 1 July 2013 as detailed in the Four Year Delivery Plan 2013-2017 including One Year Operational Plan 2013/2014.
 - (i) A Residential Ordinary Rate of zero point one three six six nine eight (0.136698) cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as residential in accordance with Section 516 of the Local Government Act, 1993 subject to a minimum amount of four hundred and seventy three dollars and thirty cents (\$473.30).
 - (ii) A Business Ordinary Rate of zero point seven one six nine zero eight (0.716908) cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as business in accordance with Section 518 of the Local Government Act, 1993, (excepting land sub-categorised as Business - Major Retail Centre - Macquarie Park or sub-categorised as Business - Major Retail Centre - Top Ryde, subject to a minimum amount of four hundred and seventy three dollars and thirty cents (\$473.30).
 - (iii) A Business - Major Retail Centre - Macquarie Park Ordinary Rate of one point one four five one two two (1.145122) cents in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business - Major Retail Centre - Macquarie Park in accordance with Section 529(2)(d).

- (iv) A Business - Major Retail Centre - Top Ryde Ordinary Rate of zero point eight five zero seven nine five (0.850795) cents in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business - Major Retail Centre - Top in accordance with Section 529(2)(d).
 - (v) An Environmental Management Rate of zero point zero two two three three seven (0.022337) cents in the dollar be levied on the value of all rateable land within the City of Ryde subject to a base amount of fifty five dollars and fifty one cents (\$55.51), which will levy thirty six point zero five per cent (36.05%) of the total amount raised within this rate.
 - (vi) A Macquarie Park Corridor Special Rate of zero point one three eight two zero five (0.138205) cents in the dollar be levied on the land value of all rateable land categorised as business in accordance with Sections 518 or 529(2) (d) and included in the Macquarie Park Corridor, as identified by the map contained in the Four Year Delivery Plan 2013-2017 including One Year Operational Plan 2013/2014.
 - (vii) That aggregation of parcels of land, subject to a minimum or base amount, be permitted in accordance with Section 548A of the Local Government Act 1993.
- (d) That, in accordance with Section 496 (1) of the Local Government Act 1993, the charge for the Domestic Waste Management Service for each rateable residential property be set at three hundred and sixty seven dollars (\$367.00) per service per annum and the following additional services be provided, on request, to each rateable residential property, for the following annual charges:
- (i) Upgrade from 140 litre to 240 litre service \$268.00
 - (ii) Additional 140 litre Garbage bin \$279.00
 - (iii) Additional 240 litre Garbage bin \$548.00
 - (iv) Additional Recycle bin \$ 44.00
 - (v) Additional Green bin \$ 44.00
- (e) That, in accordance with Section 496 (2) of the Local Government Act 1993 the standard charge for the Domestic Waste Management service provided, on request, to non-rateable residential properties be set at three hundred and sixty seven dollars (\$367.00) per service per annum and the following additional services be provided, on request, to each non-rateable residential property, for the following annual charges:

- | | | |
|-------|---|----------|
| (i) | Upgrade from 140 litre to 240 litre service | \$268.00 |
| (ii) | Additional 140 litre Garbage bin | \$279.00 |
| (iii) | Additional 240 litre Garbage bin | \$548.00 |
| (iv) | Additional Recycle bin | \$ 44.00 |
| (v) | Additional Green bin | \$ 44.00 |
- (f) That, in accordance with Section 501 (1) of the Local Government Act 1993 the standard charge for the Other Waste Management service provided, on request, to non-rateable non-residential properties be set at four hundred and three dollars and seventy cents (\$403.70) per service per annum, inclusive of GST and the following additional services be provided, on request, to each non-rateable non-residential property, for the following annual charges:
- | | | |
|-------|---|----------|
| (i) | Upgrade from 140 litre to 240 litre service | \$294.80 |
| (ii) | Additional 140 litre Garbage bin | \$306.90 |
| (iii) | Additional 240 litre Garbage bin | \$602.80 |
| (iv) | Additional Recycle bin | \$ 48.40 |
| (v) | Additional Green bin | \$ 48.40 |
- (g) That in accordance with Section 496A of the Local Government Act 1993, the Stormwater Management Service Charge be levied at the following rates:
- | | | |
|-------|--|-------------------------------|
| (i) | Strata titled residential home units | \$12.50 per unit |
| (ii) | Other residential property | \$25.00 per rateable property |
| (iii) | Business rateable properties
of land area | \$25.00 per 350 sq metres |
| (iv) | Business rateable Strata Properties | \$12.50 per unit |
- (h) That, in accordance with Section 611 of the Local Government Act 1993, the following annual charges be made:
- | | | |
|-----|--|--|
| (i) | the use of Council land for the vehicle overbridge situated in Herring Road be charged in accordance with the legal agreement between the City of Ryde and the owners of Macquarie Shopping Centre (anticipated income is \$79,640 including GST for 2013/2014). | |
|-----|--|--|

- (ii) the use of Council land for the Shell Oil company pipeline in the City of Ryde be charged in accordance with the pricing formula agreed with the Company, (anticipated income is \$62,151 including GST for 2013/2014).
- (iii) the use of Council land for AGL Gas Mains in the City of Ryde be charged at a rate based on an annual review by KPMG of AGL's revenue (anticipated income is \$57,702 including GST for 2013/2014).
- (i) That the rate of interest payable in respect of rates and charges that remain unpaid after they become due and payable be set at nine percent (9%) per annum.
- (j) That the Schedule of Fees and Charges, annexed to the Draft Four Year Delivery Plan 2013-2017 including One Year Operational Plan 2013/2014 as amended in terms of this report, be adopted as Council's Fees and Charges for 2013/2014.
- (k) That Council take no further action in respect of rate discounting as detailed in this report.
- (l) That Council have multiple workshops on Tuesday evenings in August to consider the matters relating to Council's financial sustainability.
- (m) That Council adopts the Long Term Financial Plan 2013/2023, as updated and circulated, including the budget for the Children's Play Implementation Plan and that a note be made in the public copy recognising that the Long Term Financial Plan will be further reviewed by Council in the upcoming workshops as indicated in this report.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

Note: Councillor Maggio returned to the meeting at 8.56pm.

14 CARRYOVER FUNDS/PROJECTS 2012/2013 TO 2013/2014

RESOLUTION: (Moved by Councillors Perram and Laxale)

- (a) That Council endorse the following proposed carryovers and include them in the 2013/2014 Budget;

- i. \$0.66 million for projects that will benefit from broader scope for efficiencies,
 - ii. \$0.38 million for projects that have contract disputes
 - iii. \$2.83 million for projects that have been delayed for reasons detailed in this report
 - iv. \$9.53 million for projects that were substantially commenced, tendered and/or contracts signed
- (b) That the proposed transfer to reserve for the public art component of projects, included in this report totalling \$0.11 million be endorsed for transfer to a Public Art Reserve.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Reserves of \$5.24 million be adopted.

Record of Voting:

For the Motion: Unanimous

15 INVESTMENT REPORT - May 2013

Note: Councillor Salvestro-Martin left the meeting at 8.57pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Etmekdjian and Pendleton)

- (a) That Council endorse the report of the Chief Financial Officer dated 12 June 2013 on Investment Report – May 2013.
- (b) That Council note the action taken in respect of the Lehman / Grange IMP legal matter, as detailed in the report.

Record of Voting:

For the Motion: Unanimous

16 COMMUNITY STRATEGIC PLAN - Ryde 2025

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Perram)

That Council adopt “Lifestyle and opportunity @ your doorstep: The City of Ryde 2025 Community Strategic Plan” with no amendments.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Salvestro-Martin returned to the meeting at 8.59pm.

17 CUSTOMER SERVICE OPTIONS INCLUDING RYDE PLANNING AND BUSINESS CENTRE

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That Council note the report and endorse the continued provision of services at the Ryde Planning and Business Centre without change.
- (b) That Council note the report and the planned projects identified to be undertaken with regard to customer service including eBusiness initiatives and ongoing review of call centre systems and telephony facilities.
- (c) That Council explore ways to continue a Saturday morning service at the Ryde Planning and Business Centre which is more cost effective and that this matter and the broader approach to customer service be referred for discussion to the Long Term Financial Plan workshops.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Salvestro-Martin left the meeting at 9.13pm and did not return.

18 SUMMARY OF EXPENSES RELATING TO THE GENERAL MANAGER AND SENIOR STAFF - November 2012 to April 2013

RESOLUTION: (Moved by Councillors Yedelian OAM and Perram)

- (a) That Council note the summary of expenses claimed by the General Manager and Senior Staff for the period between November 2012 to April 2013.
- (b) That the matter is no longer reported to Council and the Policy be amended accordingly.

Record of Voting:

For the Motion: Unanimous

19 REPORTS DUE TO COUNCIL

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 DRAFT RYDE LEP 2013 (AMENDMENT No 1) - MACQUARIE PARK CORRIDOR

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 CONFLICTS OF INTEREST – Councillor Jeff Salvestro-Martin

Note: This Motion has been deferred to the next Council Meeting to be held on 23 July 2013.

2 3 IVY STREET, NORTH RYDE – REMOVAL OF TREE – Councillor Roy Maggio

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

AUSTRALIAN MADE VEHICLES - Councillor George Simon

3

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

- (a) That Councils formally state its objective to support Australian made vehicles in its passenger vehicle fleet with and aim to purchase from dealerships within the Ryde Local Government Area.
- (b) That Council request the Acting General Manager to review the City of Ryde Motor Vehicle Policy and determine an appropriate mechanism, potentially a discounted rate, to attract City of Ryde staff to select these vehicles over other foreign made vehicles.

Record of Voting:

For the Motion: Unanimous

NOTICES OF RESCISSION

There were no Notices of Rescission.

QUESTIONS BY COUNCILLORS AS PER POLICY

There were no Questions by Councillors as per Policy.

DISCLOSURES OF INTEREST

Councillor Li disclosed a pecuniary interest in Item 24 – Supreme Court Matter – Progress Report for the reason that he is one of the defendant Councillors in the Supreme Court Matter.

Councillor Perram disclosed a pecuniary interest in Item 24 – Supreme Court Matter – Progress Report for the reason that he is a participant in the Supreme Court proceedings with potential implications for costs.

Councillor Simon disclosed a less than significant non-pecuniary interest in Item 24 – Supreme Court Matter – Progress Report for the reason that the people subject to the proceedings are people known to him, namely Michael Butterworth and Councillor Jeff Salvestro-Martin.

Councillor Laxale disclosed a less than significant non-pecuniary interest in Item 24 – Supreme Court Matter – Progress Report for the reason that he has a relationship with some of the defendants.

Dominic Johnson, Group Manager – Environment and Planning disclosed a pecuniary interest in Item 22 – Personnel Matter for the reason that the matter relates to his contract of employment.

CLOSED SESSION

ITEM 20 - 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 21 - GLADESVILLE TOWN CENTRE - POSSIBLE ROAD CLOSURE AND SALE - UPDATE

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: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

ITEM 22 - PERSONNEL MATTER

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: (a) personnel matters concerning particular individuals (other than councillors).

ITEM 23 – ICAC PUBLIC INQUIRY

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; AND (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 24 – SUPREME COURT MATTER – Progress Report

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.

RESOLUTION: (Moved by Councillors Yedelian OAM and Simon)

- (a) That the Council resolve into Closed Session to consider the above matters.
- (b) That Council now consider the following Items in order:
 - Item 20 – Advice of Court Actions.
 - Item 21 – Gladesville Town Centre – Possible Road Closure and Sale – Update.
 - Item 23 – ICAC Public Inquiry.

- Item 22 – Personnel Matter.
- Item 24 – Supreme Court Matter – Progress Report.

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 9.34pm. The public and media left the chamber.

20 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Perram)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

21 GLADESVILLE TOWN CENTRE - POSSIBLE ROAD CLOSURE AND SALE - UPDATE

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Laxale)

That Council receive and note this report.

Record of Voting:

For the Motion: Unanimous

23 ICAC PUBLIC INQUIRY

MOTION: (Moved by Councillors Perram and Laxale)

1. That Council note the advice contained in Attachment 2 in relation to legal representation for witnesses and persons summoned to appear before the Commission, and the advice from Zurich that entitles these parties to claim for legal and representation expense, but noting that this cover does not apply if that person was subject to an adverse finding by the Commission.
2. That Council receive and note this report and endorse the engagement of Adam Seton from Marsdens Law Group to, as necessary, represent the Council in the matter of the ICAC investigation.

3. That Council note that the costs in part 2 above, may be borne by Council, pending final determination by Zurich of Councils coverage in this matter and request the Acting General Manager to inform Council of costs on a monthly basis.
4. That Council defer the recruitment process for the position of General Manager until the Independent Commission Against Corruption has issued its findings, when the matter will be reported back to Council for confirmation to proceed with the preferred recruitment agency.
5. That the recruitment of the Group Manager Public Works proceed on the basis of being managed internally under the direction of the Acting General Manager.
6. That Council endorse staff undertaking no further work on the Development Application before Council in relation to 826 Victoria Rd, Ryde until the Commission has handed down its findings in this matter.
7. That Council continue the current Advertising Tender with News Local Pty Ltd on a month by month basis, if required post October 2013, until the Commission has handed down its findings in this matter. Given Council's resolution to cease the production of the Ryde City View, post October the services will be for advertising only.

AMENDMENT: (Moved by Councillors Chung and Etmekdjian)

1. That Council note the advice contained in Attachment 2 in relation to legal representation for witnesses and persons summoned to appear before the Commission, and the advice from Zurich that entitles these parties to claim for legal and representation expense, but noting that this cover does not apply if that person was subject to an adverse finding by the Commission.
2. That Council receive and note this report and endorse the engagement of Adam Seton from Marsdens Law Group to, as necessary, represent the Council in the matter of the ICAC investigation.
3. That Council note that the costs in part 2 above, may be borne by Council, pending final determination by Zurich of Councils coverage in this matter and request the Acting General Manager to inform Council of costs on a monthly basis.
4. That Council abandon the recruitment process for the position of General Manager until the Independent Commission Against Corruption has issued its findings, following which the process be recommenced from the beginning.
5. That the recruitment of the Group Manager Public Works proceed on the basis of being managed internally under the direction of the Acting General Manager.

6. That Council endorse staff undertaking no further work on the Development Application before Council in relation to 826 Victoria Rd, Ryde until the Commission has handed down its findings in this matter.
7. That Council continue the current Advertising Tender with News Local Pty Ltd on a month by month basis, if required post October 2013, until the Commission has handed down its findings in this matter. Given Council's resolution to cease the production of the Ryde City View, post October the services will be for advertising only.

On being put to the Meeting, the voting on the Amendment was eight (8) votes For and one (1) vote Against. The Amendment was **CARRIED**. The Amendment then became the Motion.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Simon and Yedelian OAM

Against the Amendment: Councillor Perram

RECOMMENDATION: (Moved by Councillors Chung and Etmekdjian)

1. That Council note the advice contained in Attachment 2 in relation to legal representation for witnesses and persons summoned to appear before the Commission, and the advice from Zurich that entitles these parties to claim for legal and representation expense, but noting that this cover does not apply if that person was subject to an adverse finding by the Commission.
2. That Council receive and note this report and endorse the engagement of Adam Seton from Marsdens Law Group to, as necessary, represent the Council in the matter of the ICAC investigation.
3. That Council note that the costs in part 2 above, may be borne by Council, pending final determination by Zurich of Councils coverage in this matter and request the Acting General Manager to inform Council of costs on a monthly basis.
4. That Council abandon the recruitment process for the position of General Manager until the Independent Commission Against Corruption has issued its findings, following which the process be recommenced from the beginning.
5. That the recruitment of the Group Manager Public Works proceed on the basis of being managed internally under the direction of the Acting General Manager.
6. That Council endorse staff undertaking no further work on the Development Application before Council in relation to 826 Victoria Rd, Ryde until the Commission has handed down its findings in this matter.

7. That Council continue the current Advertising Tender with News Local Pty Ltd on a month by month basis, if required post October 2013, until the Commission has handed down its findings in this matter. Given Council's resolution to cease the production of the Ryde City View, post October the services will be for advertising only.

Record of Voting:

For the Motion: Unanimous

Note: All staff with the exception of the Acting General Manager and Minute taker left the meeting at 10.14pm.

22 PERSONNEL MATTER

Note: Dominic Johnson, Group Manager – Environment and Planning disclosed a pecuniary interest in this Item as the matter relates to his contract of employment.

RECOMMENDATION: (Moved by Councillors Chung and Laxale)

That this report of the Acting General Manager, dated 25 June 2013 be received and the recommendations endorsed.

Record of Voting:

For the Motion: Unanimous

Note: All staff returned to the meeting at 10.18pm.

23 ICAC PUBLIC INQUIRY

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

ELECTION OF CHAIRPERSON

RESOLUTION: (Moved by Councillors Li and Perram)

That Councillor Simon assume the Chair.

Record of Voting:

For the Motion: Councillors Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Simon and Yedelian

Against the Motion: Councillor Chung

Note: Councillor Perram left the meeting at 10.20pm and did not return.

Note: Councillor Li left the meeting at 10.20pm and did not return.

Note: Councillor Simon assumed the Chair.

Note: Councillor Maggio left the meeting at 10.26pm.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, The Chairperson, Councillor Simon adjourned the Council Meeting as a quorum was not present, the time being 10.26pm. The Council Meeting was adjourned to:

Tuesday, 25 June 2013 at 10.31pm in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

Councillors Present: Councillors Chung, Etmekdjian, Laxale, Pendleton, Simon and Yedelian OAM.

The following Councillors were not present: Councillors Li, Maggio, Perram, Salvestro-Martin.

Leave of Absence: The Mayor, Councillor Petch and Councillor Pickering.

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

Note: Councillor Maggio returned to the meeting at 10.28pm.

MEETING RECONVENED

The Chairperson, Councillor Simon reconvened the meeting at 10.28pm on Tuesday, 25 June 2013 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

Councillors Present: Councillor Chung, Etmekdjian, Laxale, Maggio, Pendleton, Simon and Yedelian OAM.

The following Councillors were not present: Councillors Li, Perram, Salvestro-Martin.

Leave of Absence: The Mayor, Councillor Petch and Councillor Pickering

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

24 SUPREME COURT MATTER – Progress Report

Note: Councillor Li disclosed a pecuniary interest in this Item for the reason that he is one of the defendant Councillors in the Supreme Court Matter.

Note: Councillor Perram disclosed a pecuniary interest in this Item the reason that he is a participant in the Supreme Court proceedings with potential implications for costs.

Note: Councillor Simon disclosed a less than significant non-pecuniary interest in this Item for the reason that the people subject to the proceedings are people known to him, namely Michael Butterworth and Councillor Jeff Salvestro-Martin.

Note: Councillor Laxale disclosed a less than significant non-pecuniary interest in this Item for the reason that he has a relationship with some of the defendants.

RECOMMENDATION: (Moved by Councillors Etmekdjian and Chung)

- (a) That Council receive and note this report.
- (b) That Council note the draft Deed of Settlement and Release dated 24 June 2013 and attached media statement.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 10.39pm.

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

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 10.42pm.

CONFIRMED THIS 23RD DAY OF JULY 2013

Chairperson