

Meeting Date: Tuesday 26 February 2013
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

ATTACHMENTS FOR COUNCIL MEETING

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ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 2/13**

Meeting Date: Tuesday 12 February 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, Pickering, Salvestro-Martin and Yedelian OAM.

Apologies: Nil.

Leave of Absence: Councillors Perram and Simon.

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 – Environmental Health and Building, Team Leader – Environmental Health, Manager - Governance and Acting Section Manager - Governance.

PRAYER

Reverend Michael Smith of Eastwood Anglican Church was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Maggio disclosed a Significant Non-Pecuniary Interest in Item 3(2) of the Report of the Planning and Environment Committee Meeting 1/13 held on 5 February 2013 – 1106 Victoria Road, West Ryde – LDA2012/0251 for the reason that he knows the owners of the property.

Councillor Chung disclosed a Significant Non-Pecuniary Interest in Item 3(2) of the Report of the Planning and Environment Committee Meeting 1/13 held on 5 February 2013 – 1106 Victoria Road, West Ryde – LDA2012/0251 for the reason that he had a prior close affiliation with the applicant.

Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Item 11 – Model Code of Conduct 2013 for the reason that there are three Code of Conducts pending by Senior Staff.

Councillor Maggio disclosed a Significant Non-Pecuniary Interest in Notice of Motion 1 – Supply and Demand of Cricket Practice Facilities across the LGA for the reason that he is a member of the Local Cricket Club, player and Committee Member.

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TABLING OF PETITIONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

| | |
|---|---|
| John Gude (representing AMP Capital Investors) | Item 7 – Night Works Permit – Macquarie Shopping Centre Development |
| Andrew Harrison (representing West Ryde Rovers Sports and Social Club Inc.) | Notice of Motion 3 – Acknowledgement of Voluntary Contribution of Karen Waud |
| Ferris Howley | Item 7 – Night Works Permit – Macquarie Shopping Centre Development |
| Rick Samimi (representing himself and his business at Macquarie Centre) | Item 7 – Night Works Permit – Macquarie Shopping Centre Development |
| George Trittis (representing Empire Lifestyle Revolution) | Item 7 – Night Works Permit – Macquarie Shopping Centre Development |
| John Hogg | Item 7 – Night Works Permit – Macquarie Shopping Centre Development |
| Matthew Dixon (representing Event Cinemas) | Item 7 – Night Works Permit – Macquarie Shopping Centre Development |
| Wayne Conoulty | Notice of Motion 12 – Footpaths on Raymond Street |

Note: Anne Doring and Max Bancroft were called to address Council, however were not present in the Chamber.

RESOLUTION: (Moved by Councillors Yedelian OAM and Salvestro-Martin)

That members of the public who had requested to address Council on Items Not Listed on the Agenda be allowed to address the meeting at this time.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Note: Ara Boghozians and Ara Kasparian were called to address Council, however were not present in the Chamber.

MATTERS OF URGENCY

Councillor Maggio advised that he wished to raise two Matters of Urgency regarding Waterloo Park Sports Lighting and Golden Goal.

ITEM 1 (continued)

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The Mayor, Councillor Petch accepted these Items as Urgent Items.

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

That Council consider two Matters of Urgency regarding Waterloo Park Sports Lighting and Golden Goal, the time being 8.00pm.

Record of Voting:

For the Motion: Unanimous

WATERLOO PARK SPORTS LIGHTING

RESOLUTION: (Moved by Councillors Maggio and Pickering)

- (a) That Council conduct a workshop with Councillors regarding the proposed sports lighting project at Waterloo Park in response to the number of public submissions received, to determine a way forward for the Macquarie Park Dragons Football Club.
- (b) That assessment of the development application be put on hold until all issues have been addressed in the Councillor workshop with a mediation meeting to be facilitated by Council staff to address the relevant issues raised.
- (c) That at the conclusion of the mediation meeting, an amended development application be lodged and re-exhibited.

Record of Voting:

For the Motion: Unanimous

GOLDEN GOAL

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

That this matter be deferred for consideration in conjunction with Item 8 on this Agenda.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillors Maggio and Pickering

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MAYORAL MINUTES

MM1/13 REIMBURSEMENT OF HALL HIRE FEE

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

- (a) That Council approve the reimbursement of the hire fee paid by the Ryde Community Alliance Group for use of the North Ryde Community Hall on 15 December 2012.
- (b) That Council congratulate the organisers of the meeting.
- (c) That this matter be used as an example in Council's current review of its Community Grants.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillor Pickering

MM2/13 APPOINTMENT OF ACTING GENERAL MANAGER

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Yedelian OAM)

That Council appoint Ms Danielle Dickson to act in the role of General Manager until such time as a permanent appointment is made.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillor Pickering

MM3/13 DEALINGS WITH DIRECT HEALTH SOLUTIONS AND ANY OTHER COMPANIES OPERATED BY THE OBEID FAMILY

Note: The Mayor, Councillor Petch tabled two documents from the Australian Securities and Investments Commission in relation to this Item and copies are ON FILE.

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

I formally move:

1. That Council receive and note the report attached to this Mayoral Minute.
2. That Council authorise the Mayor and the Acting General Manager to release a media release confirming the findings contained in the report.
3. That Council reaffirm its decision to appoint an independent investigator.

Record of Voting:

For the Motion: Unanimous

MM4/13 WORKSHOP – REVIEW OF COUNCIL STRUCTURE

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

That the workshop to discuss the merits of Council's current structure and to discuss future restructure be deferred to a date to be determined.

Record of Voting:

For the Motion: Unanimous

Note: At this point in the meeting, the Mayor, Councillor Petch called the persons who had registered to speak on Items listed on the Agenda and Items not listed on the Agenda who were not present in the gallery earlier in the meeting.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person addressed the Council:-

| | |
|--|---|
| Anne Doring (representing Eastwood Ryde Netball Association) | Notice of Motion 3 – Acknowledgement of Voluntary Contribution of Karen Waud |
|--|---|

Note: Max Bancroft was called to address Council, however was not present in the Chamber.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Note: Ara Boghozians and Ara Kasparian were called to address Council, however were not present in the Chamber.

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ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That Council now consider the following Items, the time being 9.08pm:-

- Item 7 – Night Works Permit – Macquarie Shopping Centre Development.
- Notice of Motion 3 – Acknowledgement of Voluntary Contribution of Karen Waud.
- Notice of Motion 12 – Footpaths on Raymond Street.

Record of Voting:

For the Motion: Unanimous

7 NIGHT WORKS PERMIT - Macquarie Shopping Centre Development

Note: John Gude (representing AMP Capital Investors), Ferris Howley, Rick Samimi (representing himself and his business at Macquarie Centre), George Trittis (representing Empire Lifestyle Revolution), John Hogg and Matthew Dixon (representing Event Cinemas) addressed the meeting in relation to this Item.

Note: A letter from AMP Capital dated 12 February 2013 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That the following conditions to apply in the consent granted:

(a) That AMP be granted approval to continue night work at the Macquarie Centre subject to the following conditions being met:

- Submission of a monthly noise event plan by AMP
- Ensure that there is a Noise monitoring unit located in Cottonwood Crescent
- Installation of double glazing and acoustic seals as agreed with the Body Corporate 16 Cottonwood Crescent
- Weekly reporting of Noise to Council
- Immediate notification (next business day) of exceedances
- The noise level (Leq, 15 minute) from the construction work must not exceed the following noise level limits when measured at the most exposed boundary of the most noise affected residential premises:

(a) evening period (7.00pm – 11.00pm) 62dB(A)

(b) night-time period (11.00pm – 7.00am) 51dB(A)

ITEM 1 (continued)

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- (b) That AMP review traffic management of the site to alleviate the negative impact of construction on business within the Macquarie Centre including display of prominent information regarding the use of public roads.
- (c) That AMP confirm that the dust generated from the site poses no health risk to residents.

That the following conditions also apply:

1. Construction work may be carried out in Link Road on Monday to Thursday nights between 7.00pm and 7.00am the following day.
2. The scope of works are limited to the works listed below and detailed in the Acoustic Report submitted with the application for approval:
 - Limited services diversions.
 - Removal of facades.
 - Limited preparation works for bored piers.
 - Limited construction of bored piers.
 - Limited construction of pier caps.
 - Installation of preliminary steelwork.
3. All feasible and reasonable practices must be implemented to control or minimise the emission of noise.
4. The noise level (Leq, 15 minute) from the construction work must not exceed the following noise level limits when measured at the most exposed boundary of the most noise affected residential premises:
 - (a) evening period (7.00pm - 11.00pm): 62dB(A)
 - (b) night-time period (11.00pm - 7.00am): 51dB(A)
5. All potentially affected residents must be notified of the proposed works at least seven (7) days before the works begin.
6. A manned 24 hour telephone contact line must be provided for affected residents to report noise problems.
7. A suitably qualified acoustical consultant must be engaged to carry out attended noise measurements for each construction activity undertaken, and when complaints are received about the level of noise, to ensure that the noise level limits are being met.
8. The noise monitoring program must include the maximum noise levels (LMax or L1) from the construction work, and the extent to which these levels exceed the background noise level (L90) and the number of times this occurs during the night-time period, together with an assessment of the potential sleep disturbance impact.

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9. The noise monitoring report must include the following information:
 - The type of monitoring conducted (eg. at a particular stage or following complaints) and a brief statement of the measurement method.
 - The noise limits specified in the approval.
 - A description of the nearest affected residences or, in the case of complaints, a description of the complainant location and complaint.
 - A plan or diagram showing the location of the noise generating works and monitoring locations.
 - A description of the instrumentation used.
 - The name and qualifications of the personnel carrying out the monitoring.
 - The weather conditions during monitoring.
 - The dates, times and durations of monitoring.
 - A clear description of the construction activities taking place during the monitoring.
 - The results of the monitoring at each monitoring location, including a comparison with the relevant noise limits or background noise level as applicable.
 - A clear statement outlining the projects compliance or non-compliance with the approval conditions and potential sleep disturbance impact.
 - The reasons for any non-compliance and details of any remedial action taken or strategies proposed to minimise the noise.
10. Council may suspend or revoke this approval for failure to comply with the conditions of approval or if significant numbers of complaints are received.
11. That a review of these arrangements be undertaken within a month and be brought to Council.

Record of Voting:

For the Motion: Unanimous

NOTICE OF MOTION

3 ACKNOWLEDGEMENT OF VOLUNTARY CONTRIBUTION OF KAREN WAUD - Councillor Roy Maggio

Note: Andrew Harrison (representing West Ryde Rovers Sports and Social Club Inc.) and Anne Doring (representing Eastwood Ryde Netball Association) addressed the meeting in relation to this Item.

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MOTION: (Moved by Councillors Maggio and Etmekdjian)

That Council acknowledge the voluntary contribution of Karen Waud who has demonstrated over an extended period of time outstanding commitment for the betterment of the community in Ryde.

That the City of Ryde presents Ms Waud with a City of Ryde Community Service Award, as she has demonstrated exemplary commitment to their neighbourhood through service to the community.

That the recipient and their family be invited to a formal presentation to take place at a Council meeting.

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

That the Acting General Manager prepare a report to be brought back to Council at its next meeting including details on the process to be followed in nominating members of the community for Community Service Awards.

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 Petch and Councillors Laxale, Li, Pendleton and Salvestro-Martin

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

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

That the Acting General Manager prepare a report to be brought back to Council at its next meeting including details on the process to be followed in nominating members of the community for Community Service Awards.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Laxale, Li, Maggio, Pendleton, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillors Etmekdjian and Pickering

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NOTICE OF MOTION

12 FOOTPATHS ON RAYMOND STREET - Councillor Jerome Laxale

Note: Wayne Conoulty addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Laxale and Li)

- (a) That Council requests the Works and Community Committee to re-prioritise scheduled works in West Ward so that footpaths on both sides of Raymond Street are completed in the 2013/2014 financial year.
- (b) That the 4 year delivery plan be amended to reflect this undertaking.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 11 December 2012

Note: Councillor Salvestro-Martin left the meeting at 10.07pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pendleton and Maggio)

That the Minutes of the Council Meeting 23/12, held on 11 December 2012 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 22 January 2013

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That the Minutes of the Extraordinary Council Meeting 1/13, held on 22 January 2013 be confirmed.

Record of Voting:

For the Motion: Unanimous

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Note: Councillor Salvestro-Martin returned to the meeting at 10.08pm.

**3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING
1/13 held on 5 February 2013**

Note: Councillor Chung left the meeting at 10.08pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pendleton and Laxale)

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

Record of Voting:

For the Motion: Unanimous

**2 1106 VICTORIA ROAD, WEST RYDE. LOT C DP 389182. Local
Development Application for the change of use from a single dwelling
to an attached dual occupancy. LDA2012/0251.**

Note: Councillor Maggio disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he knows the owners of the property.

Note: Councillor Chung disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he had a prior close affiliation with the applicant.

MOTION: (Moved by Councillors Pendleton and Laxale)

That Local Development Application No. LDA2012/0251 at 1106 Victoria Road, West Ryde be approved as a Deferred Commencement Consent subject to the conditions set out below:-

PART 1 - The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

1. The submission of satisfactory documentation (written statement and/or amended plans) with regard to fire separation between the two sole occupancy units either by;
 - a. Complying with the deemed-to-satisfy provisions of the Building Code of Australia, or
 - b. an alternative solution demonstrating compliance with performance requirement CP2 of the Building Code of Australia, or
 - c. a compliance certificate under Section 109C (1) of the Environmental Planning and Assessment Act in respect to the undated Alternative Solution Report and the Addendum dated September 2012, prepared by Building Regulations Consultancy Pty Ltd.

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2. The submission of satisfactory documentation (written statement and/or amended plans) with regard to health and amenity (Sound Transmission) between the two sole occupancy units either by;
 - a. Complying with the deemed-to-satisfy provisions of the Building Code of Australia, or
 - b. An alternative solution demonstrating compliance with performance requirement FP5.1 of the Building Code of Australia.

3. The submission of satisfactory documentation (written statement and/or amended plans) with regard to the site's affectation by flooding/overland flow, which addresses the following requirements:
 - a. An amended flood impact assessment report by a suitably qualified person in accordance with Council's Schedule 5 of Appendix D in the Main Report (Eastwood & Terry's Creek Floodplain Risk Management Study & Plan - Main Report October 2009 prepared by Bewsher Consultants). <http://www.ryde.nsw.gov.au/Documents/DevFloodStudies/Main+Report.pdf>
 - b. Details of the proposed method of evacuation of occupants of the ground floor unit to a safe refuge above the Probable Maximum Flood (PMF) identified for this site.

PART 2 - The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:
 - Architectural Plans approved under Part 1 (Deferred Commencement)

2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.

3. **Fire Safety Matters/Changes in building use**
 - (a) A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

NOTE: The obligation under this clause to comply with Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.

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- (b) This clause does not apply to the extent to which an exemption is in force under clause 187 and 188 in the Environmental Planning and Assessment Regulations 2000.
- (c) In this case clause, "Category 1 fire safety provision" has the same meaning as it has in Clause 3 in the Environmental Planning and Assessment Regulations 2000 subject to any terms of any condition or requirement referred to in Clause 187(6) or 188(4).
- 4. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
- 5. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.
- 6. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
- 7. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
- 8. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
- 9. **Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2010, Part 8.2 "Stormwater Management".

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

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Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

10. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

| A – Contribution Type | B – Contribution Amount |
|---------------------------------------|--------------------------------|
| Community & Cultural Facilities | \$1,690.41 |
| Open Space & Recreation Facilities | \$4,161.43 |
| Civic & Urban Improvements | \$1,415.50 |
| Roads & Traffic Management Facilities | \$193.19 |
| Cycleways | \$120.60 |
| Stormwater Management Facilities | \$383.69 |
| Plan Administration | \$32.51 |
| The total contribution is | \$7,997.32 |

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

11. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
12. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.

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13. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (dwelling houses with no delivery of bricks or concrete or machine excavation)
14. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

15. **Site Sign**
 - (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
 - (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
16. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
(For any dwellings over \$20,000)
17. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:

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- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.

- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

- 18. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

- 19. **Site Facilities**
The following facilities must be provided on the site:
 - (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

- 20. **Site maintenance**
The applicant must ensure that:
 - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.

- 21. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

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PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

22. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Interim/Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

23. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Interim/Final Occupation Certificate.

ITEM 1 (continued)

ATTACHMENT 1

24. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

AMENDMENT: (Moved by Councillors Yedelian OAM and Pickering)

That Local Development Application No. LDA2012/0251 at 1106 Victoria Road, West Ryde be approved as a Deferred Commencement Consent subject to the conditions as set out below:-

PART 1 - The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

1. The submission of satisfactory documentation (written statement and/or amended plans) with regard to fire separation between the two sole occupancy units either by;
 - a. Complying with the deemed-to-satisfy provisions of the Building Code of Australia, or
 - b. an alternative solution demonstrating compliance with performance requirement CP2 of the Building Code of Australia, or
 - c. a compliance certificate under Section 109C (1) of the Environmental Planning and Assessment Act in respect to the undated Alternative Solution Report and the Addendum dated September 2012, prepared by Building Regulations Consultancy Pty Ltd.
2. The submission of satisfactory documentation (written statement and/or amended plans) with regard to health and amenity (Sound Transmission) between the two sole occupancy units either by;
 - a. Complying with the deemed-to-satisfy provisions of the Building Code of Australia, or
 - b. An alternative solution demonstrating compliance with performance requirement FP5.1 of the Building Code of Australia.
3. The submission of satisfactory documentation (written statement and/or amended plans) with regard to the site's affectation by flooding/overland flow, which addresses the following requirements:
 - a. An amended flood impact assessment report by a suitably qualified person in accordance with Council's Schedule 5 of Appendix D in the Main Report (Eastwood & Terry's Creek Floodplain Risk Management Study & Plan - Main Report October 2009 prepared by Bewsher Consultants). <http://www.ryde.nsw.gov.au/Documents/DevFloodStudies/Main+Report.pdf>
 - b. Details of the proposed method of evacuation of occupants of the ground floor unit to a safe refuge above the Probable Maximum Flood (PMF) identified for this site.

ITEM 1 (continued)

ATTACHMENT 1

PART 2 - The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:
 - Architectural Plans approved under Part 1 (Deferred Commencement)
2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **Fire Safety Matters/Changes in building use**
 - (a) A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

NOTE: The obligation under this clause to comply with Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.
 - (b) This clause does not apply to the extent to which an exemption is in force under clause 187 and 188 in the Environmental Planning and Assessment Regulations 2000.
 - (c) In this case clause, "Category 1 fire safety provision" has the same meaning as it has in Clause 3 in the Environmental Planning and Assessment Regulations 2000 subject to any terms of any condition or requirement referred to in Clause 187(6) or 188(4).
4. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
5. **Development to be within site boundaries.** The development must be constructed wholly within the boundaries of the premises. No portion of the proposed structure shall encroach onto the adjoining properties. Gates must be installed so they do not open onto any footpath.

ITEM 1 (continued)

ATTACHMENT 1

6. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
7. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
8. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
9. **Stormwater disposal.** Stormwater runoff from all impervious areas of the site is to be collected and piped to the existing or new underground stormwater drainage system in accordance with Council's DCP 2010, Part 8.2 "Stormwater Management".

PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

10. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
11. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.

ITEM 1 (continued)

ATTACHMENT 1

12. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (dwelling houses with no delivery of bricks or concrete or machine excavation)
13. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

14. **Site Sign**
 - (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
 - (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
15. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.
(For any dwellings over \$20,000)
16. **Residential building work – provision of information.** Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the PCA has given the Council written notice of the following information:
 - (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and

ITEM 1 (continued)

ATTACHMENT 1

- (ii) the name of the insurer by which the work is insured under Part 6 of that Act.

- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

17. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.

18. **Site Facilities**
The following facilities must be provided on the site:
 - (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

19. **Site maintenance**
The applicant must ensure that:
 - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
 - (c) the site is clear of waste and debris at the completion of the works.

20. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

ITEM 1 (continued)

ATTACHMENT 1

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

21. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Interim/Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

22. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

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ITEM 1 (continued)

ATTACHMENT 1

23. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

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: The Mayor, Councillor Petch and Councillors Etmekdjian, Laxale, Li, Maggio, Pickering, Salvestro-Martin and Yedelian OAM

Against the Amendment: Councillor Pendleton

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That Local Development Application No. LDA2012/0251 at 1106 Victoria Road, West Ryde be approved as a Deferred Commencement Consent subject to the conditions as set out below:-

PART 1 - The following are the Deferred Commencement condition(s) imposed pursuant to Section 80(3) of the Environmental Planning & Assessment Act 1979.

1. The submission of satisfactory documentation (written statement and/or amended plans) with regard to fire separation between the two sole occupancy units either by;
 - a. Complying with the deemed-to-satisfy provisions of the Building Code of Australia, or
 - b. an alternative solution demonstrating compliance with performance requirement CP2 of the Building Code of Australia, or
 - c. a compliance certificate under Section 109C (1) of the Environmental Planning and Assessment Act in respect to the undated Alternative Solution Report and the Addendum dated September 2012, prepared by Building Regulations Consultancy Pty Ltd.
2. The submission of satisfactory documentation (written statement and/or amended plans) with regard to health and amenity (Sound Transmission) between the two sole occupancy units either by;
 - a. Complying with the deemed-to-satisfy provisions of the Building Code of Australia, or
 - b. An alternative solution demonstrating compliance with performance requirement FP5.1 of the Building Code of Australia.
3. The submission of satisfactory documentation (written statement and/or amended plans) with regard to the site's affectation by flooding/overland flow, which addresses the following requirements:

ITEM 1 (continued)

ATTACHMENT 1

- a. An amended flood impact assessment report by a suitably qualified person in accordance with Council's Schedule 5 of Appendix D in the Main Report (Eastwood & Terry's Creek Floodplain Risk Management Study & Plan - Main Report October 2009 prepared by Bewsher Consultants). http://www.ryde.nsw.gov.au/_Documents/DevFloodStudies/Main+Report.pdf
- b. Details of the proposed method of evacuation of occupants of the ground floor unit to a safe refuge above the Probable Maximum Flood (PMF) identified for this site.

PART 2 - The conditions in the following sections of this consent shall apply upon satisfactory compliance with the above requirements and receipt of appropriate written confirmation from Council.

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:
 - Architectural Plans approved under Part 1 (Deferred Commencement)
2. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
3. **Fire Safety Matters/Changes in building use**
 - (a) A building in respect of which there is a change of building use must comply with the Category 1 fire safety provisions applicable to the proposed new use.

NOTE: The obligation under this clause to comply with Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.
 - (b) This clause does not apply to the extent to which an exemption is in force under clause 187 and 188 in the Environmental Planning and Assessment Regulations 2000.
 - (c) In this case clause, "Category 1 fire safety provision" has the same meaning as it has in Clause 3 in the Environmental Planning and Assessment Regulations 2000 subject to any terms of any condition or requirement referred to in Clause 187(6) or 188(4).

ITEM 1 (continued)

ATTACHMENT 1

4. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
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6. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
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8. **Roads Act.** Any works performed in, on or over a public road pursuant to this consent must be carried out in accordance with this consent and with the Road Opening Permit issued by Council as required under section 139 of the Roads Act 1993.
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PRIOR TO CONSTRUCTION CERTIFICATE

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

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Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

ITEM 1 (continued)

ATTACHMENT 1

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11. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.
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 - (iii) stating that unauthorised entry to the work site is prohibited.
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15. **Residential building work – insurance.** In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

ITEM 1 (continued)

ATTACHMENT 1

(For any dwellings over \$20,000)

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- (a) in the case of work for which a principal contractor is required to be appointed:
 - (i) the name and licence number of the principal contractor; and
 - (ii) the name of the insurer by which the work is insured under Part 6 of that Act.

- (b) in the case of work to be done by an owner-builder:
 - (i) the name of the owner-builder; and
 - (ii) if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If any of the above arrangements are changed while the work is in progress so that the information notified under this condition becomes out of date, further work must not be carried out unless the PCA for the development to which the work relates has given the Council written notice of the updated information (if Council is not the PCA).

DURING CONSTRUCTION

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The following facilities must be provided on the site:
 - (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
 - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

- 19. **Site maintenance**
The applicant must ensure that:
 - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
 - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;

ITEM 1 (continued)

ATTACHMENT 1

(c) the site is clear of waste and debris at the completion of the works.

20. **Work within public road.** At all times work is being undertaken within a public road, adequate precautions shall be taken to warn, instruct and guide road users safely around the work site. Traffic control devices shall satisfy the minimum standards outlined in Australian Standard No. AS1742.3-1996 "Traffic Control Devices for Work on Roads".

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

21. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Interim/Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

22. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

ITEM 1 (continued)

ATTACHMENT 1

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Interim/Final Occupation Certificate.

23. **Letterboxes and street/house numbering.** All letterboxes and house numbering are to be designed and constructed to be accessible from the public way. Council must be contacted in relation to any specific requirements for street numbering.

Record of Voting:

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

Against the Motion: Councillor Pendleton

Note: Councillor Chung returned to the meeting at 10.31pm.

4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 1/13 held on 5 February 2013

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

RESOLUTION: (Moved by Councillors Laxale and Li)

That Council determine Items 2, 4 and 6(b) of the Works and Community Committee report, noting that Items 1, 3, 5 and 6 (a), 6(c), 6(d), 6(e), 6(f), 6(g), 6(h), 6(i), 6(j), 6(k), 6(l), 6(m), 6(n), 6(o), 6(p), 6(q), 6(r), 6(s), 6(t), 6(u), and 6(v) were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

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

ITEM 1 (continued)

ATTACHMENT 1

2 TREE ISSUE - 75 ABUKLEA ROAD, EASTWOOD

RESOLUTION: (Moved by Councillors Laxale and Li)

That both trees on Council land outside 75 Abuklea Road, Eastwood be removed due to their proximity to the resident's home.

Record of Voting:

For the Motion: Unanimous

4 OUTCOMES FROM INVESTIGATIONS FOR RYDE WHARF AT SHEPHERDS BAY

RESOLUTION: (Moved by Councillors Laxale and Pickering)

That the matter be deferred for consideration and comment by the Heritage Advisory Committee at its next meeting.

Record of Voting:

For the Motion: Unanimous

6 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 22 November 2012

RESOLUTION: (Moved by Councillors Laxale and Maggio)

- (b) That Council adopt the following recommendations in relation to the report titled "WEST PARADE AND RAILWAY PARADE, EASTWOOD" - Request for Drop off / Pick up area, as follows:
- (i) That Council approve 'No Parking' restrictions (6am-10am, 3pm-7pm) with 'Kiss and Ride' supplementary signs and 1/2P (10am-3pm) along Railway Parade north of station exit for two (2) car spaces.
 - (ii) That Council approve 'No Parking' restrictions (6am-10am, 3pm-7pm) with 'Kiss and Ride' supplementary signs and 1/2P (10am-3pm) along West Parade outside Eastwood Park for two (2) car spaces.
 - (iii) That Council write to Railcorp requesting that the existing zebra crossing in front of the station entry on the western side be converted to a raised zebra crossing.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

5 CONFIRMATION OF MINUTES - Civic Precinct Committee Meeting held on 6 June 2012

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That the Minutes of the Civic Precinct Committee Meeting 3/12, held on 6 June 2012 be confirmed.

Record of Voting:

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

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

6 PLANNING PROPOSAL - RYDE CIVIC PRECINCT

MOTION: (Moved by Councillors Pendleton and Li)

- (a) That Council forward the planning proposal for the Ryde Civic Precinct to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that the Ministers delegation enabling Council to determine the LEP be requested.
- (b) That, in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition and a further report be presented to Council following the completion of the exhibition period.
- (c) That an amendment to Ryde Development Control Plan (DCP) 2010 – Part 4.4 Ryde Town Centre be prepared that brings controls in line with the proposed height and zoning changes to the Ryde Civic Precinct and that a further report be presented to Council prior to exhibition of that amendment.
- (d) That Council allocate \$35,000 for the employment of a planning consultant to undertake an independent assessment of the Planning Proposal for the Ryde Civic Precinct following the public exhibition of the proposal.

AMENDMENT: (Moved by Councillors Chung and Pickering)

- (a) That this matter be deferred.
- (b) That Council request a revised planning proposal to be reported back to Council, based on the zoning for the Ryde Civic Precinct being B3 – Commercial Core.

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

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton and Salvestro-Martin

RESOLUTION: (Moved by Councillors Pendleton and Li)

- (a) That Council forward the planning proposal for the Ryde Civic Precinct to receive a gateway determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979 and that the Ministers delegation enabling Council to determine the LEP be requested.
- (b) That, in the event of a gateway determination being issued pursuant to Section 56 of the Environmental Planning and Assessment Act 1979, the proposal be placed on public exhibition and a further report be presented to Council following the completion of the exhibition period.
- (c) That an amendment to Ryde Development Control Plan (DCP) 2010 – Part 4.4 Ryde Town Centre be prepared that brings controls in line with the proposed height and zoning changes to the Ryde Civic Precinct and that a further report be presented to Council prior to exhibition of that amendment.
- (d) That Council allocate \$35,000 for the employment of a planning consultant to undertake an independent assessment of the Planning Proposal for the Ryde Civic Precinct following the public exhibition of the proposal.

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

Record of Voting:

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

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

7 NIGHT WORKS PERMIT – Macquarie Shopping Centre Development

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

ITEM 1 (continued)

ATTACHMENT 1

ORDER OF BUSINESS

Note: At this point in the meeting, the Mayor, Councillor Petch recommended that Council consider Item 18.

18 SUBMISSION TO PLANNING ASSESSMENT COMMISSION - Shepherds Bay Urban Renewal Project

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

- (a) That Council endorse the submission as attached, and
- (b) That a copy of the final submission be forwarded to the Planning Assessment Commission.
- (c) That Council staff be thanked for their efforts.
- (d) That Councillors be immediately informed of any action by the Planning Assessment Commission on this matter.

Record of Voting:

For the Motion: Unanimous

ADJOURNMENT

The Mayor, Councillor Petch adjourned this meeting to Tuesday, 19 February 2013, to commence at 7.30pm in the Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde, the time being 11.10pm.

The following Councillors were present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Pickering, Salvestro-Martin and Yedelian OAM.

Leave of Absence: Councillors Perram and Simon.

MEETING RECONVENED

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

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering and Salvestro-Martin.

Note: Councillor Salvestro-Martin arrived at the meeting at 7.34pm during discussion of Item 8 and was not present for Suspension of Standing Orders.

ITEM 1 (continued)

ATTACHMENT 1

Apologies: Councillor Yedelian OAM.

Leave of Absence: Councillor Simon.

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 – Infrastructure and Integration, Manager – Customer Service and Governance and Section Manager – Governance.

DISCLOSURES OF INTEREST

Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Item 17 – Appointment of Delegates to the Citizen Engagement Advisory Committee for the reason that he is aware of some of the nominations.

Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Item 17 – Appointment of Delegates to the Citizen Engagement Advisory Committee for the reason that all applicants are known to her and advised at Selection Panel Process.

The Mayor, Councillor Petch disclosed a Pecuniary Interest in Notice of Motion 6 – Legal Costs for the Supreme Court Injunction for the reason that he is a defendant in this matter if it were debated by Council.

Councillor Perram disclosed a Pecuniary Interest in Notice of Motion 6 – Legal Costs for the Supreme Court Injunction for the reason that the motion refers to Court costs in which he has been a defendant.

Councillor Li disclosed a Significant Non-Pecuniary Interest in Notice of Motion 6 – Legal Costs for the Supreme Court Injunction for the reason that he is named in the Notice of Motion.

Councillor Salvestro-Martin disclosed a Significant Non-Pecuniary Interest in Notice of Motion 6 – Legal Costs for the Supreme Court Injunction for the reason that he is a named Councillor in the Notice of Motion.

The Mayor, Councillor Petch disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 7 – City of Ryde and the Independent Commission Against Corruption (ICAC) for the reason that he was Mayor at the time of signing the agreement between Ryde City Council and Top Ryde City.

Councillor Perram disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 7 – City of Ryde and the Independent Commission Against Corruption (ICAC) for the reason that he was Mayor from March 2004 to September 2005 when negotiations with Top Ryde Shopping Centre were underway.

ITEM 1 (continued)

ATTACHMENT 1

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Li and Laxale)

That Standing Orders be Suspended to allow Councillor Li to present the Mayor, Councillor Petch with a God of Fortune statue from Denistone East Public School, the time being 7.32pm.

Record of Voting:

For the Motion: Unanimous

8 RYDE CITY BOWLING CLUB UPDATE

Note: Councillor Maggio's Matter of Urgency regarding Golden Goal was dealt with in conjunction with this Item.

Note: Councillor Salvestro-Martin arrived at the meeting at 7.34pm during discussion of this Item.

Note: Documentation was tabled by Councillor Maggio in relation to this Item and copies are ON FILE.

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

- (a) That the Council request the Acting General Manager to provide a report to Council at the next Council meeting which identifies:-
1. Assets located at the property
 2. Who contributed and paid for the assets
 3. Proof of ownership
- (b) That Council request the General Manager to continue negotiations with the Golden Goal Pty Ltd and make the following amendments to the draft license agreement:
- i. That Council agree to only seek to recoup 50% of the costs of entry of the premises from Golden Goal.
 - ii. That Council endorse the amount of the Bond/Security be a standard three months' rent as requested by Golden Goal.
 - iii. That upon receiving confirmation from Golden Goal of their commitment to hold the Sydney FC community football schools at the Ryde Bowling Club site, the term of the temporary license be extended till the end of December 2013.
- (c) That Council proceed with an EOI/Tender process for the site, once the issues outlined in the body of this report are resolved.

ITEM 1 (continued)

ATTACHMENT 1

- (d) That Council note that the further report considering the future of the Ryde Park including the Ryde City Bowling Club and Argyle Centre sites as to the future development, use and management will proceed following progress of Part (c) above.

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

That the Motion be dealt with in Seriatim.

Record of Voting:

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

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

Note: This Item was then dealt with in Seriatim.

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

- (a) That the Council request the Acting General Manager to provide a report to Council at the next Council meeting which identifies:-
1. Assets located at the property
 2. Who contributed and paid for the assets
 3. Proof of ownership

Record of Voting:

For the Motion: Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Pickering and Salvestro-Martin

Against the Motion: The Mayor, Councillor Petch and Councillor Perram

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

- (b) That Council request the General Manager to continue negotiations with the Golden Goal Pty Ltd and make the following amendments to the draft license agreement:
- i. That Council agree to only seek to recoup 50% of the costs of entry of the premises from Golden Goal.
 - ii. That Council endorse the amount of the Bond/Security be a standard three months' rent as requested by Golden Goal.
 - iii. That upon receiving confirmation from Golden Goal of their commitment to hold the Sydney FC community football schools at the Ryde Bowling Club site, the term of the temporary license be extended till the end of December 2013.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillor Maggio

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

- (c) That Council proceed with an EOI/Tender process for the site, once the issues outlined in the body of this report are resolved.

Record of Voting:

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

Against the Motion: Councillor Maggio

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

- (d) That Council note that the further report considering the future of the Ryde Park including the Ryde City Bowling Club and Argyle Centre sites as to the future development, use and management will proceed following progress of Part (c) above.

Record of Voting:

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

Against the Motion: Councillors Maggio and Pickering

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

- (a) That the Council request the Acting General Manager to provide a report to Council at the next Council meeting which identifies:-
1. Assets located at the property
 2. Who contributed and paid for the assets
 3. Proof of ownership
- (b) That Council request the General Manager to continue negotiations with the Golden Goal Pty Ltd and make the following amendments to the draft license agreement:

ITEM 1 (continued)

ATTACHMENT 1

- i. That Council agree to only seek to recoup 50% of the costs of entry of the premises from Golden Goal.
 - ii. That Council endorse the amount of the Bond/Security be a standard three months' rent as requested by Golden Goal.
 - iii. That upon receiving confirmation from Golden Goal of their commitment to hold the Sydney FC community football schools at the Ryde Bowling Club site, the term of the temporary license be extended till the end of December 2013.
- (c) That Council proceed with an EOI/Tender process for the site, once the issues outlined in the body of this report are resolved.
- (d) That Council note that the further report considering the future of the Ryde Park including the Ryde City Bowling Club and Argyle Centre sites as to the future development, use and management will proceed following progress of Part (c) above.

9 INVESTMENT REPORT - November and December 2012

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That Council endorse the report of the Chief Financial Officer dated 7 January 2013 on Investment Report – November and December 2012.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY

Councillor Maggio advised that he wished to raise a Matter of Urgency regarding re-painting the exterior of the amenity building at Meadowbank Park used by Eastwood Ryde Netball Association (ERNA).

The Mayor, Councillor Petch determined that this matter was not of any great urgency and therefore was not considered by Council.

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

MOTION: (Moved by Councillors Perram and Laxale)

- (a) That Council accept the **ATTACHED** Policy on the Payment of Expenses and Provisions of Facilities for the Mayor and Other Councillors.
- (b) That, in accordance with Section 253 of the *Local Government Act 1993*, the adopted policy be sent to the Division of Local Government.

ITEM 1 (continued)

ATTACHMENT 1

- (c) That Council commence a trial, as soon as practicable, of the electronic submission process for Claims for Reimbursement of Councillor Expenses for six months with Councillor feedback to be sought through the Councillor Information Bulletin.
- (d) That staff engage with the Council during the exhibition period to review the computer technology issued to Councillors.

AMENDMENT: (Moved by Councillors Pickering and Salvestro-Martin)

- (a) That Council re-exhibit the Policy on the Payment of Expenses and Provisions of Facilities for the Mayor and Other Councillors.
- (b) That Council commence a trial, as soon as practicable, of the electronic submission process for Claims for Reimbursement of Councillor Expenses for six months with Councillor feedback to be sought through the Councillor Information Bulletin.
- (c) That Council provide the option to Councillors of either Council to supply all Councillors with all technology and communication equipment, and make payment for all the associated operating and usage charges or allow Councillors to continue with the flexibility to source their own telephone technology and seek reimbursement.
- (d) That staff engage with the Council during the exhibition period to review the computer technology issued to Councillors.

On being put to the Meeting, the voting on the Amendment was seven (7) votes For and three (3) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Li, Maggio, Perram, Pickering and Salvestro-Martin

Against the Amendment: The Mayor, Councillor Petch and Councillors Laxale and Pendleton

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

- (a) That Council re-exhibit the Policy on the Payment of Expenses and Provisions of Facilities for the Mayor and Other Councillors.
- (b) That Council commence a trial, as soon as practicable, of the electronic submission process for Claims for Reimbursement of Councillor Expenses for six months with Councillor feedback to be sought through the Councillor Information Bulletin.

ITEM 1 (continued)

ATTACHMENT 1

- (c) That Council provide the option to Councillors of either Council to supply all Councillors with all technology and communication equipment, and make payment for all the associated operating and usage charges or allow Councillors to continue with the flexibility to source their own telephone technology and seek reimbursement.
- (d) That staff engage with the Council during the exhibition period to review the computer technology issued to Councillors.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Li, Maggio, Perram, Pickering and Salvestro-Martin

Against the Motion: Councillors Laxale and Pendleton

11 MODEL CODE OF CONDUCT 2013

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that there are three Code of Conducts pending by Senior Staff.

RESOLUTION: (Moved by Councillors Pendleton and Etmekdjian)

- (a) That Council adopt the **ATTACHED** Code of Conduct documents to commence 1 March 2013:
- City of Ryde Code of Conduct Policy;
 - City of Ryde Standards of Conduct; and
 - City of Ryde Complaints Procedure
- (b) That Council resolve that Conduct Reviewers continue to be drawn from the existing NSROC Conduct Review Investigation Panel, as adopted by Council on 2 December 2008.
- (c) That Council participate in the new NSROC Conduct Review Committee, once it is established.
- (d) That a 1 hour training session for Councillors be conducted on 7 May 2013, 8.30-9.30pm on the new Code of Conduct, noting that all staff will also be participating in similar formal training.

Record of Voting:

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

Against the Motion: Councillors Maggio and Salvestro-Martin

ITEM 1 (continued)

ATTACHMENT 1

**12 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT -
Contribution of Funds**

Note: A Memorandum from the Group Manager – Corporate Services dated 19 February 2013 attaching a letter from the Australian Local Government Association dated 11 February 2013 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Perram and Li)

That the City of Ryde again write to the Local Government Association of NSW and Shires Association of NSW declining to contribute the amount requested for the Constitutional Recognition of Local Government campaign.

Record of Voting:

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

Against the Motion: Councillor Pickering

**13 DISCLOSURE OF PECUNIARY INTERESTS RETURNS FROM RECENTLY
ELECTED COUNCILLORS**

RESOLUTION: (Moved by Councillors Perram and Laxale)

- (a) That Disclosure of Pecuniary Interest Returns for newly elected Councillors, as required under *Section 450A* of the Local Government Act, are tabled.
- (b) That a copy of this report be provided to the Division of Local Government.

Record of Voting:

For the Motion: Unanimous

**14 COMMITTEE ON ELECTORAL MATTERS INQUIRY INTO THE 2012 LOCAL
GOVERNMENT ELECTION**

RESOLUTION: (Moved by Councillors Perram and Pendleton)

That due to the closing date being 8 February 2013, that no further action be taken in regard to this matter.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

15 URBAN ACTIVATION PRECINCT- HERRING ROAD

RESOLUTION: (Moved by Councillors Pickering and Maggio)

- (a) That Council nominate Councillors Etmekdjian and Maggio to be represented on the Herring Road Steering Committee with Councillors Pickering and Yedelian OAM as the alternates.
- (b) That Council endorse the nomination of staff: General Manager City of Ryde and Group Manager Environment and Planning; with the Acting Group Manager of Public Works as the alternate, to be represented on the Herring Road Steering Committee.

Record of Voting:

For the Motion: Unanimous

16 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE AND MACQUARIE PARK FORUM - APPOINTMENT OF REPRESENTATIVES

Note: A Memorandum from the Group Manager – Environment and Planning dated 15 February 2013 was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That Council receive and accept all nominations for the Economic Development Advisory Committee and Macquarie Park Forum, including the late nomination received from Johnson & Johnson.
- (b) That Council endorse the inclusion of the West Ryde Chamber of Commerce, Gladesville Chamber of Commerce, Armenian Chamber of Commerce, Korean Chambers of Commerce and the Chinese business community to the Economic Development Advisory Committee.

Record of Voting:

For the Motion: Unanimous

17 APPOINTMENT OF DELEGATES TO THE CITIZEN ENGAGEMENT ADVISORY COMMITTEE

Note: Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is aware of some of the nominations.

Note: Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that all applicants are known to her and advised at Selection Panel Process.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Chung and Pendleton)

- (a) That Council accept all the nominations received for delegates to the Citizen Engagement Advisory Committee.
- (b) That the Citizen Engagement Advisory Committee be requested to review their Terms of Reference at their first meeting and report back to Council for confirmation on this matter.
- (c) That Council notify all those who submitted Expressions of Interest of Council's determination.

Record of Voting:

For the Motion: Unanimous

FURTHER MOTION: (Moved by Councillors Chung and Maggio)

Council expresses concern at the lack of inclusion and disengagement with certain members of the community in the recommendations made by the selection panel of the Citizen Engagement Advisory Committee.

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

Record of Voting:

For the Motion: Councillors Chung, Etmekdjian, Maggio and Pickering

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

18 SUBMISSION TO PLANNING ASSESSMENT COMMISSION - Shepherds Bay Urban Renewal Project

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

19 PERFORMANCE DEVELOPMENT SYSTEM (PDS)

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

That this matter be deferred and a further report be submitted in March 2013 with additional detail to enable Councillors to make an informed decision about the appropriateness of the system and arrangement and the expected benefits to be delivered to the community.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 REQUEST FOR RESIDENTIAL PARKING SCHEME IVANHOE PLACE

RESOLUTION: (Moved by Councillors Pickering and Maggio)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

2 CORRESPONDENCE FROM MANAGING DIRECTOR OF TAFE NSW

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

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

3 CORRESPONDENCE FROM THE STATE MEMBER FOR RYDE THE HON VICTOR DOMINELLO MP REGARDING GOLDEN GOAL FOOTBALL COMMUNITY

RESOLUTION: (Moved by Councillors Laxale and Chung)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

4 AIRPORT CURFEW

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

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

NOTICES OF MOTION

1 SUPPLY AND DEMAND OF CRICKET PRACTICE FACILITIES ACROSS THE LGA - Councillor Roy Maggio

Note: Councillor Maggio disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he is a member of the Local Cricket Club, player and Committee Member.

Note: Councillor Maggio left the meeting at 9.43pm and was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

That Council prepares a report regarding the supply and demand of cricket practice facilities across the LGA. As part of preparing this report discussions should be facilitated by Council with the governing Cricket Associations, Local Cricket Clubs and Cricket NSW regarding contribution towards the program (60/40) and the cost/access sharing arrangements for the future management and maintenance options for these facilities.

Implementation of this proposal will ensure that the management of teams and their training requirements can be met in a more suitable manner.

The report is to be tabled with Council prior to the adoption of the 13/14 Delivery Plan.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Maggio returned to the meeting at 9.45pm.

2 ACKNOWLEDGEMENT OF VOLUNTARY CONTRIBUTION OF JOCK CUNNINGHAM - Councillor Roy Maggio

MOTION: (Moved by Councillors Maggio and Pickering)

That Council acknowledge the voluntary contribution of Jock Cunningham who has demonstrated over an extended period of time outstanding commitment for the betterment of the community in Ryde.

That the City of Ryde presents Mr Cunningham with a City of Ryde Community Service Award, as he has demonstrated exemplary commitment to their neighbourhood through service to the community.

That the recipient and their family be invited to a formal presentation to take place at a Council meeting.

ITEM 1 (continued)

ATTACHMENT 1

AMENDMENT: (Moved by Councillors Laxale and Salvestro-Martin)

That the Acting General Manager prepare a report to be brought back to Council at its next meeting including details on the process to be followed in nominating members of the community for Community Service Awards.

On being put to the Meeting, the voting on the Amendment was seven (7) 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 Petch and Councillors Chung, Laxale, Li, Pendleton, Perram and Salvestro-Martin

Against the Amendment: Councillors Etmekdjian, Maggio and Pickering

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

That the Acting General Manager prepare a report to be brought back to Council at its next meeting including details on the process to be followed in nominating members of the community for Community Service Awards.

Record of Voting:

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

Against the Motion: Councillors Maggio and Pickering

3 ACKNOWLEDGEMENT OF VOLUNTARY CONTRIBUTION OF KAREN WAUD – Councillor Roy Maggio

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

4 NOISE ISSUES - MACQUARIE SHOPPING CENTRE NIGHT WORKS - Councillor Jeff Salvestro-Martin

Note: This Notice of Motion was **WITHDRAWN**.

5 EXECUTIVE TEAM MEETINGS - Councillor Jeff Salvestro-Martin

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

That the Mayor or his nominated representative attend Council fortnightly Executive Team Meetings noting that some parts of the meeting may be closed sessions due to operational issues (with reasons provided). That the meetings be minuted and copies be provided to all Councillors.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillor Chung

6 LEGAL COSTS FOR THE SUPREME COURT INJUNCTION - Councillor Bill Pickering

Note: The Mayor, Councillor Petch disclosed a Pecuniary Interest in this Item for the reason that he is a defendant in this matter if it were debated by Council.

Note: Councillor Perram disclosed a Pecuniary Interest in this Item for the reason that the motion refers to Court costs in which he has been a defendant.

Note: Councillor Li disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he is named in the Notice of Motion.

Note: Councillor Salvestro-Martin disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he is a named Councillor in the Notice of Motion.

Note: Councillors Li, Perram and Salvestro-Martin left the meeting at 10:05pm and were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Laxale and Pendleton)

That this Notice of Motion be deferred to 12 March 2013 as the current situation would leave the Council inquorate.

Record of Voting:

For the Motion: Unanimous

Note: Councillors Li, Perram and Salvestro-Martin returned to the meeting at 10:07pm.

7 CITY OF RYDE AND THE INDEPENDENT COMMISSION AGAINST CORRUPTION (ICAC) - Councillor Bill Pickering

Note: The Mayor, Councillor Petch disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he was Mayor at the time of signing the agreement between Ryde City Council and Top Ryde City.

Note: Councillor Perram disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he was Mayor from March 2004 to September 2005 when negotiations with Top Ryde Shopping Centre were underway.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pickering and Chung)

- (a) That the City of Ryde requests that ICAC investigate all dealings and relationships between Beville Group/Bevillesta, Crown Holdings, Pope Property Holdings, Obeid Group of Companies, Mr Rocco Triulco, and the Council including the past General Manager/s, senior staff and the Mayor or Mayors and Councillors at the time of the negotiations and construction of the Top Ryde Shopping Complex and the \$18Million tunnel mentioned at a recent ICAC hearing.
- (b) That ICAC's investigations include:
 - 1. An examination into declared and undeclared property holdings and acquisitions including those held in family trusts or linked companies by the past General Manager/s and senior staff, the Mayor or Mayors and councillors at the time, and possible links to the said parties at Serial A.
 - 2. An examination into any and all other transactions or benefits derived by the abovementioned including cash or items such as whitegoods.
- (c) That Council handover to ICAC the results of the City of Ryde investigation and inquiry when completed, into any dealings with the Obeids or associated companies as per a previous resolution.

Record of Voting:

For the Motion: Unanimous

8 CANCELLATION OF WORKSHOP - Councillor Bill Pickering

Note: This Notice of Motion was **WITHDRAWN**.

9 GRAFFITI VANDALISM AND THE CITY OF RYDE - Councillor Bill Pickering

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

- (a) That the General Manager investigates programs by other local authorities and organisations into reducing the number of graffiti attacks on businesses and homes in the City of Ryde.
- (b) That a report on this matter, include, but not be limited to:
 - 1. The establishment of key area 'watch' programs involving local residents, community groups, police and staff to identify at-risk locations and perpetrators.

ITEM 1 (continued)

ATTACHMENT 1

2. Methods of communication to assist awareness of measures to reduce graffiti vandalism in key areas.
 3. Promotion of anti-graffiti messages and penalties against culprits.
 4. Detailing the rising cost of graffiti removal in the City of Ryde.
 5. That Council look at further initiatives to engage with the youth including the Ryde Youth Council in order to address this issue.
- (c) That the report indicate the process and the timeframe to develop the above into a Graffiti Action Plan.

Record of Voting:

For the Motion: Unanimous

10 LIVVI'S PLACE - Councillor Roy Maggio

Note: Councillor Salvestro-Martin left the meeting at 10.28pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Laxale)

That the City of Ryde Council formally thanks the Councils staff involved in the development of Livvi's Place all inclusive playground. Those involved included the General Manager John Neish, Director Community Life Danielle Dickson and her team including Fiona Morrison who pulled the project together, the Operations Centre team including Jeff Kerr the Project Manager, the design team including Ian Andrews and Elizabeth Read and the Architect Dan Stacey.

That Council commends the teamwork demonstrated by the staff involved on the excellent work which has produced Livvi's Place in collaboration with the community and the private sector and reaffirms its commitment to the full and immediate implementation of the City's Playground objectives.

Record of Voting:

For the Motion: Unanimous

11 COMMUNITY MEETING - 15 DECEMBER 2012 - Councillor Denise Pendleton

Note: This Notice of Motion was **WITHDRAWN**.

12 FOOTPATHS ON RAYMOND STREET – Councillor Jerome Laxale

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

ITEM 1 (continued)

ATTACHMENT 1

Note: Councillor Salvestro-Martin returned to the meeting at 10.30pm.

13 SOCIAL MEDIA - Councillor Jerome Laxale

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

- (a) That Council in principle supports the creation of official City of Ryde accounts on Social Media (Twitter, Facebook, LinkedIn etc).
- (b) That the Acting General Manager prepare a report outlining the cost benefit together with the overall benefits to the community of such a position and how it links in with the existing communication framework of Council.
- (c) That newly created social media accounts should be used to:
 1. Create an online environment where our community are encouraged to engage with Council and Councillors.
 2. Promote the City of Ryde through the distribution of information helpful to residents and businesses.
 3. Provide real time reporting of full meetings of Council, General Purpose Committees and public workshops.

Record of Voting:

For the Motion: Unanimous

NOTICES OF RESCISSION

There were no Notices of Rescission.

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Pickering)

That the following Questions with Notice and Answers be received and noted.

Record of Voting:

For the Motion: Unanimous

Question 1: **How were the school visits for the City of Ryde excellence awards distributed among Councillors and who carried out the appointments?**

ITEM 1 (continued)

ATTACHMENT 1

Answer 1

The school visits for the City of Ryde Excellence Awards were distributed among Councillors through self nomination in response to two Councillor Information Bulletin Items on 22 November 2012 and 29 November 2012.

The notification of 22 November 2012 noted that the Mayor had already been invited to and accepted some invitations and that some Councillors had been specifically asked by various schools to attend their event. These events were noted on an attached schedule which listed all schools where Councillor attendance was sought.

Where a vacancy existed with regard to Councillor representation, Councillors were asked to advise the Councillor Helpdesk of the presentation events they would like to attend.

Where more than one Councillor expressed an interest in attending a school, the Mayor nominated the representative.

Below is a list of Councillors who carried out the appointments for each school

| | |
|-------------------------|----------------|
| St Charles Primary | ClrSimon |
| Epping Boys High | ClrLi |
| Eastwood Public | ClrPerram |
| Our Lady Queen of Peace | Clr Simon |
| Karonga Special School | The Mayor |
| Feng Hua Chinese School | ClrLi |
| ACCA Chinese Language | ClrLi |
| Ryde Secondary College | The Mayor |
| North Ryde Public | The Mayor |
| Meadowbank Public | ClrPendleton |
| Kent Road Public | Clr Pendleton |
| Putney Public | Clr Chung |
| Melrose Park | The Mayor |
| West Ryde Public | Clr Etmekdjian |
| Boronia Park Public | Clr Chung |
| Denistone East Public | Clr Etmekdjian |
| Ryde Public | The Mayor |
| Eastwood Tamil Centre | Clr Etmekdjian |
| Eastwood Heights Public | Clr Li |
| Marsden High | Clr Etmekdjian |

Question 2: **How was this communicated to Councillors and what means?**

Answer 2

Communication was through the Councillor Information Bulletin on 22 November 2012 and again on 29 November 2012. Additional confirmation emails were sent to Councillors as required.

ITEM 1 (continued)

ATTACHMENT 1

Question 3: **Can a Council rescind a part of a resolution if the part is discrete from other parts of the resolution?**

Answer 3

Yes.

Question 4: **Could Council detail what transpired at the meeting with Minister Andrew Stoner and/or his staff on the afternoon of 10 December 2012 regarding preservation of arrangements in place at Ryde Bowling Club in relation to Golden Goal and its operations at the site and did those discussions note that:**

- (a) the sizeable investment it has made – more than \$800,000 – at the site to erect specialist equipment**
- (b) written advice from the Club’s receiver to the effect that the receiver has no hold over the aforementioned equipment**
- (c) the existence of a valid commercial arrangement between Golden Goal and Ryde Bowling Club**
- (d) the involvement by approximately 1,000 – mainly younger and largely local – participants in tournaments, activities, training academies etc that are operated by Golden Goal at the site**

Answer 4

Council staff (Mrs Dickson, Acting General Manager, Ms Domazet, Manager – Open Space and Mr Lore, Section Manager – Properties) met with Mr Fenn, A/Senior Manager, Crown Lands and Mrs Lobo, Senior Properties Management Officer, Crown Lands to seek approval to proceed with the temporary licence for the site as resolved by Council and to seek Crown’s advice in relation on the following matters:

- the status of any fixtures or improvements on the site that may have been installed by a commercial operation, working through a Service Agreement with Camperdown Bowling Club
- the compliance of the Deed of Charge placed over the property of Camperdown Bowling by Terry Palapanis
- the status of the assignment of the lease from Ryde Bowling Club to Camperdown Bowling Club and if this has been endorsed by the Minister.

The Crown Lands were provided with the background information regarding the events preceding Councils decision regarding the arrangements for the management of the facility known as Ryde City Bowling Club.

The letter summarising the meeting and requesting Crown Lands’ position on a number of issues is attached (Confidential Attachment 1).

ITEM 1 (continued)

ATTACHMENT 1

- (a) Yes, this issue of investment was mentioned during staff's discussions regarding fixture and improvements on Crown Lands. The issue of fixtures and improvements has been referred to in the correspondence between Council and Crown Lands, as tabled at the confidential meeting of Council on 11 December 2012, and attached.
- (b) The issue of receivership was not discussed in any detail as the meeting was focused on the immediate issue of getting approval to proceed with the temporary licence between Council and the Receivers and Managers as well as seeking clarification on the matters outlined in the above response to this question. Additional information has also been provided to Councillors in the confidential CIB issued by the General Manager on 25 January 2013.
- (c) The Crown Lands, in their attached letter to Council dated 11 December and as tabled at the confidential meeting of Council on 11 December 2012, addresses this question.
- (d) The Golden Goal operations at the site were discussed with the Crown Lands and as a result, the Crown Lands gave their approval for Council to proceed with the temporary licence agreement. The Golden Goal has been issued with a licence agreement on Friday, 4 January 2013.

Question 5: Is there some way we can monitor returfing areas around town to ensure the grass is maintained now there are no water restrictions?

Answer 5

In relation to the monitoring of returfed areas in the City of Ryde's parks, the following parks have been returfed so far this year under two separate programs:

| General Returfing – Maintenance | | Full Rehabilitation (includes turf) – Capital | |
|---------------------------------|--------------|---|--------------|
| Park Name | Area sqm | Park Name | Area sqm |
| Bremner Park | 300 | Mansfield Park | 21,000 |
| Morrison Bay Park | 100 | Eastwood Croquet | 1,800 |
| Ryde1 Park | 600 | Ryde Park, Wicket | 600 |
| Christie Park | 900 | | |
| North Ryde | 300 | | |
| Magdala Park | 100 | | |
| Westminster Park | 1,800 | | |
| Meadowbank Park | 1,000 | | |
| Eastwood Park | 2,300 | | |
| Total | 7,400 | | 4,500 |

Following the completion of returfing, an extensive watering program is implemented to ensure successful coverage is achieved. The frequency is dependent on a number of factors including prevailing weather conditions, presence or not of irrigation and how the establishment of the turf is progressing.

ITEM 1 (continued)

ATTACHMENT 1

Question 6: Can those elected members who are participating in the iPad have the option of not being included in the courier run?

Answer 6

Yes, this is current practice upon request of the Councillor.

Question 7: Where applicable, could administration consider when it is appropriate for any documents be delivered via courier and use electronic means as preference wherever possible?

Answer 7

Yes, this is current practice.

Question 8: What steps are being taken by the General Manager to ensure the New Code of Conduct requirements, which include the establishment of the panel to review any complaints?

Answer 8

This matter is addressed in the report included in the Council Agenda for 12 February 2013.

Question 9: How many people, if any, have been fined for illegal dumping of rubbish in Ryde in the last 12 months?

Answer 9

Over the past 12 months 40 illegal waste and littering offences were detected and one Court matter in November 2011 where six tonnes of waste was dumped in Wicks Road. The outcome was a \$2,000 penalty to the defendant.

Question 10: How much time is spent, inquiring into, and following up on the investigative process, regarding dumped piles of rubbish?

Answer 10

The time taken to investigate a complaint would vary, for example:

1. If an officer is called out to investigate a waste complaint and there is no information in the waste to verify an owner – 30 minutes.
2. If there is information in the waste and an investigation is required – it can take up to 8+ hours depending on how long it takes for a response to orders/notices served.

ITEM 1 (continued)

ATTACHMENT 1

3. Over the past 12 months staff have investigated 998 complaints – 3,000 hours of investigations.

Question 11: How long from the time of discovery of these dumped piles to the actual pickup?

Answer 11

Under most circumstances when staff have finished the investigation the average time it would take to remove the waste is about 48 hours. Worst case is four days. This depends on when the request was received. For example, the request might be received on a Friday and may not be removed until Monday or Tuesday or may be received on the last day leading up to a public holiday which could take longer.

In answer to the question, under normal circumstances if there is no investigation required it would take approximately four days to remove from the time it was first investigated. It may take longer if there is evidence in the waste and a follow up investigation is carried out.

Question 12: Does Council have an arrangement with the charities in our area to assist, free of charge the removal of dumped rubbish within our area?

Answer 12

There are no arrangements with Charity Organisations to remove waste in Ryde. Residents may call St Vincent de Paul if they have furniture which they want to donate. Council has an agreement with The Smith Family to remove all waste dumped around their clothing bins.

Questions 13: When do we expect the sports allocation policy to be adopted?

Answer 13

The draft policy is listed on the SRAC agenda for consideration. Following their consideration, it will then be taken back to the sporting community as a formal process. It is anticipated to come back to Council in late March or early April.

2 QUESTIONS WITH NOTICE - Councillor Jerome Laxale

RESOLUTION: (Moved by Councillors Maggio and Pickering)

That the following Questions with Notice and Answers be received and noted.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

Question 1: **How much money has been paid by Ryde Council to Blackadder and Associates and related entities over the past three years?**

Answer 1

Council has paid \$138,930 since 1 July 2008 to Blackadder and Associates, with the last payment of \$13,200 being made for work in February 2012.

The amount paid in each of the financial years is as follows:

| | |
|-----------|-----------|
| 2008/2009 | \$ 22,000 |
| 2009/2010 | - |
| 2010/2011 | \$ 75,752 |
| 2011/2012 | \$ 41,178 |
| 2012/2013 | - |
| | <hr/> |
| | \$138,930 |

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

NATIONAL ANTHEM

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

The meeting closed at 10.48pm on 19 February 2013.

CONFIRMED THIS 26TH DAY OF FEBRUARY 2013

Chairperson