

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

Councillors Present: Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering and Yedelian OAM.

Apologies: The Mayor, Councillor Petch and Councillor Salvestro-Martin

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, Chief Financial Officer, Manager – Communications, Manager Infrastructure Integration, Section Manager Traffic, Coordinator Commissioning, Councillor Support Coordinator and Media and Manager – Customer Service and Governance.

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

PRAYER

Pastor Dr Keith Ng of the Evangel Bible Church, Putney was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillors Li and Perram disclosed a pecuniary interest in Notice of Motion 7 – Appointment of Independent Legal Counsel to the Represent to Ratepayers of the City of Ryde for the reason that they are involved in the proceedings arising from action of the former Mayor. The did not participate in consideration of, or voting on, this Item.

TABLING OF PETITIONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Martin Lyne	NOM 5 – Commercial Recreational Ventures within the Porters Creek Site
Ben Russell	NOM 5 – Commercial Recreational Ventures within the Porters Creek Site
Alan Patrick	NOM 7 – Appointment of Independent Legal Counsel to Represent the Ratepayers of the City of Ryde
David Hughes	NOM 5 – Commercial Recreational Ventures within the Porters Creek Site

SUSPENSION OF STANDING ORDERS – PUBLIC PARTICIPATION

RESOLUTION: (Moved by Councillors Maggio and Pendleton)

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, the time being 7.43pm

Record of Voting

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons were registered to address the Council but were not present

- Ara Boghozians (representing Anahit Boghozians and Ara Kasparian)
- Razmik Shahmirzayan

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS

SUSPENSION OF STANDING ORDERS – ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That the following items on which there was public participation now be considered by Council, the time being 7.45pm

Notice of Motion 5 – Commercial Recreational Ventures Within the Porters Creek Site.

Notice of Motion 7 - Appointment of Independent Legal Counsel to Represent the Ratepayers of the City of Ryde

Record of Voting:

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

Against the Motion: Councillor Perram

5 COMMERCIAL RECREATIONAL VENTURES WITHIN THE PORTERS CREEK SITE - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the Acting General Manager conducts a feasibility study on any future opportunities for commercial recreational ventures within the Porters Creek site. Should these opportunities exist, Council to proceed to an EOI process for this part of the site and the future of this EOI process is reported back to Council for consideration.

Record of Voting

For the Motion: Unanimous

7 APPOINTMENT OF INDEPENDENT LEGAL COUNSEL TO REPRESENT TO RATEPAYERS OF THE CITY OF RYDE - Councillor Bill Pickering

Note: Councillors Li and Perram disclosed a pecuniary interest in this matter for the reason that they are involved in the proceedings arising from action of the former Mayor. They did not participate in the debate or voting on this Item.

Councillors Li and Perram left the meeting, the time being 7.55pm

ELECTION OF CHAIRPERSON

In the absence of Councillor Li, the Acting General Manager called for nominations for the position of Chairperson. Councillor Pickering was nominated as Chairperson.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Councillor Pickering assume the Chair for consideration of this Item.

Record of Voting:

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

Against the Motion: Councillors Laxale and Pendleton

MOTION: (Moved by Councillors Laxale and Pendleton)

That this matter be considered in Confidential Session.

Record of Voting:

For the Motion: Councillors Laxale, Pendleton and Yedelian OAM

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

The Motion was LOST.

RESOLUTION: (Moved by Councillors Pickering and Maggio)

- (a) That Ryde City Council immediately appoint independent legal counsel from Council's appointed panel (excluding those who have previously acted in this matter on behalf of Council: HWL Ebsworth and Marsdens Lawyers) to represent the ratepayers of Ryde in relation to the awarding of costs and damages in the Supreme Court Injunction against councillors and former councillors named in a recent Mayoral minute.
- (b) That this independent counsel be briefed exclusively by the Council of the City of Ryde in a confidential session of Council to ensure appropriate representation and transparency of process as an advocate for Ryde's ratepayers.

Record of Voting

For the Motion: Unanimous

Councillors Li and Perram returned to the meeting, the time being 8.41pm

Councillor Li resumed the Chair.

1 CONFIRMATION OF MINUTES - Council Meeting held on 12 February 2013

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That the Minutes of the Council Meeting 2/13, held on 12 February 2013 be confirmed.

Record of Voting

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 2/13 held on 19 February 2013

RESOLUTION: (Moved by Councillors Pendleton and Maggio)

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

Record of Voting

For the Motion: Unanimous

2 12 FARNELL STREET, WEST RYDE. LOT 13 DP 28953. Local Development Application for a multi dwelling housing (attached) development containing 3 villa homes (2 x 3 and 1 x 2 bedroom), two storey at front and single storey at rear. LDA2012/0049.

RESOLUTION: (Moved by Councillors Yedelian OAM and Perram)

That a mediation take place by the Group Manager - Environment and Planning, the applicant and the objector from 10 Farnell Street West Ryde, to amend the height of the proposed development to improve the retention of the objectors view. That if the parties are in agreement the matter can be determined by the Group Manager Environment and Planning. Alternatively, a further report be presented to Planning and Environment Committee within three (3) months.

Record of Voting

For the Motion: Unanimous

3 RYDE CIVIC CENTRE - PRIORITY MAINTENANCE

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

- (a) That the report be received and noted.
- (b) That the Acting General Manager report back to Council providing a costed maintenance schedule for the building for the upcoming five years.

Record of Voting

For the Motion: Unanimous

4 **DEVLIN STREET PEDESTRIAN BRIDGES**

RESOLUTION: (Moved by Councillors Pendleton and Laxale)

- (a) That the progress report be noted pending a comprehensive report to the Council Meeting on 26 March 2013 with particular effort placed on completing the summary report on performance, legal options and improvements to Council's process included in Item 2 (e) of the original motion.
- (b) That the Acting General Manager be requested to arrange a meeting with the Regional Manager Sydney RMS and with interested Councillors, to discuss pedestrian conditions on Devlin Street. The schedule of the meeting is to consider the work commitments of the interested Councillors.
- (c) That Council, as Lessor, confirm the required service levels for the pedestrian bridges and, after they have been confirmed by Council, then confirm the requirements with the Lessee.
- (d) That the Council records and reports to the Lessor all instances of lift stoppage. That the Lessor will provide monthly reports of all lift failures in a summary format to be agreed with Council, with these summary reports circulated to Councillors in the CIB until further notice.
- (e) That the residents be informed that Council is now welcoming all complaints about the performance of the bridge lifts, either by letter to residents or an item in the City View (or both)
- (f) That the role and reporting responsibilities of the Council representative to the Strata Committee be confirmed, particularly with raising issues related to the performance of the pedestrian bridge lifts.

Record of Voting

For the Motion: Unanimous

5 **WEST RYDE URBAN VILLAGE DEVELOPMENT - Progress Report February 2013**

RESOLUTION: (Moved by Councillors Chung and Laxale)

- (a) That Council receives and notes the updated information contained within this report.
- (b) The Acting General Manager and Mayor be requested to make representations to Coles Group Property Development Pty Ltd (Coles)

seeking resolution of the matters in this report and inform the general public in relation to the facts regarding the issue in this matter and confirming the rejection of any financial claim by Coles as detailed in this report.

- (c) That Council requests the Acting General Manager to continue to make representations to Coles senior management to implement the communications strategy dated September 2010 and to ensure that the agreed 'shop front' is in place prior to the commencement of road works. That the communication strategy be presented to Council by Coles at a future Council Meeting.
- (d) That the Acting General Manager request a project timeframe from Coles detailing the main milestones and sequencing for the project and that this be reported to Council and that Coles be put on notice that failure to deliver this timeframe in the coming two weeks will result in Council taking further contractual action to commence the remaining public domain works.
- (e) That the Council expresses its serious concerns to the Coles and West Farmers Board at the reluctance of Coles to fully engage and participate with Council to develop a timeline to deliver the West Ryde Urban Village. That Council express its concern and emphasise the impact their construction is having on local businesses in West Ryde.

Record of Voting

For the Motion: Unanimous

6 INVESTMENT REPORT - January 2013

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

- (a) That Council endorse the report of the Chief Financial Officer dated 14 February 2013 on Investment Report – January 2013.
- (b) That Council note the review of its Investment Policy and Guidelines and endorse the Investment Policy and Guidelines as **ATTACHED**.

Record of Voting

For the Motion: Unanimous

7 DECEMBER 2012 QUARTERLY REVIEW REPORT - DELIVERY PLAN 2012-2016 AND 2012/2013 OPERATIONAL PLAN

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

- (a) That the report of the Chief Financial Officer, dated 15 February 2013 on DECEMBER 2012 QUARTERLY REVIEW REPORT – 2012/2016 DELIVERY PLAN AND 2012/2013 OPERATIONAL PLAN be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in a net increase of \$0.07 million in Council’s Working Capital, to a projected balance as at 30 June 2013 of \$3.43 million, be endorsed and included in the 2012/2013 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net decrease in Transfers from Reserves of \$4.58 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 15 February 2013 be endorsed.
- (e) That Council note the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over as detailed in the Report.

Record of Voting

For the Motion: Unanimous

8 COUNCIL'S CORPORATE NAME

RESOLUTION: (Moved by Councillors Pickering and Laxale)

- (a) That Council adopt the corporate name of “Council of the City of Ryde” in accordance with Section 221 (2) of the Local Government Act, 1993, as amended.
- (b) That Council’s ABN registration be updated to reflect this entity name and reflect a trading name of “City of Ryde”.

Record of Voting

For the Motion: Unanimous

9 REPORTS DUE TO COUNCIL

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the report on Outstanding Council Reports be endorsed.

Record of Voting

For the Motion: Unanimous

LATE COUNCIL REPORTS

1 PROCESS FOR NOMINATING MEMBERS OF COMMUNITY FOR COMMUNITY SERVICE AWARDS

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council endorses the Volunteer Recognition Awards and the Citizen of the Year Awards as the process through which community service is recognised in the City of Ryde.

Record of Voting

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 TENNIS WORLD SITE DEVELOPMENT NORTH RYDE

RESOLUTION: (Moved by Councillors Pickering and Perram)

That the correspondence be received and noted.

Record of Voting

For the Motion: Unanimous

2 ALLENGROVE MAJOR PROJECT APPEAL - Environmental Defenders Office (EDO) NSW

RESOLUTION: (Moved by Councillors Perram and Pendleton)

That the correspondence be received and noted.

Record of Voting

For the Motion: Unanimous

NOTICES OF MOTION

1 REVIEW OF COUNCIL'S EXISTING PREFERRED SUPPLIER LIST - Councillor Jeff Salvestro-Martin

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

That in the absence of Councillor Salvestro-Martin the following Notice of Motion be deferred to the Council Meeting to be held on 12 March 2013:

That the General Manager prepare a report that provides Council with sufficient detail necessary to conduct a review of Council's existing Preferred Supplier List.

Record of Voting

For the Motion: Unanimous

2 SPORTING FACILITIES - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That Council receive a report that lists all works Council officers have planned or are proposed for future works within the City on sporting facilities and related amenities blocks.

The report also to outline ways the officers seem to prioritise works to be done on these planned works and/or proposed works including if known the funding or proposed funding for such works. The report to be returned before the end of the calendar year, and if this cannot be achieved, Councillors to be advised in the CIB of a future reporting date.

Record of Voting

For the Motion: Unanimous

3 ILLEGAL DUMPING - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council note with concern the continue illegal dumping and its effects on the social and economic status of the City of Ryde request the Acting General Manager to formally write to the NSW Minister for the Environment to review its waste levy. That the Acting General Manager write to NSROC and the LGA to

continue to strongly lobby the State Government against any further increases in the solid waste levy.

That the Acting General Manager prepare a report outlining:

- the extent of illegally dumped rubbish in the City of Ryde;
- the current approach to managing and responding to the issue;
- strategies for better managing and responding to illegally dumped rubbish in the City of Ryde.

The report be presented to the Works Community Committee – May meeting if possible.

Record of Voting

For the Motion: Unanimous

4 FITNESS EQUIPMENT WITHIN THE CITY OF RYDE - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Perram)

That the Acting General Manager reviews the provision of fitness equipment within the City of Ryde and in particular at Kissing Point Foreshore Park Putney and report back to Council on the community needs for this type of equipment in our parks. The review to include any partnerships with private sector organisations or sponsorship opportunities.

That Council promote this initiative through our media channels seeking feedback from the community on this proposal and suitable locations.

That, as part of the development of the 2013/14 budget, funds are allocated to Exercise Equipment as part of the playground program as well as the provision of ongoing equipment maintenance.

Record of Voting

For the Motion: Unanimous

5 COMMERCIAL RECREATIONAL VENTURES WITHIN THE PORTERS CREEK SITE - Councillor Roy Maggio

Note: This matter was considered earlier in the meeting as detailed in these Minutes.

6 ACTIVE TRANSPORT ROUTE BETWEEN EASTWOOD STATION AND MACQUARIE PARK - Councillor Terry Perram

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That Council approach the RMS (as land owner) and Transport for NSW (as advocate) seeking their in-principle approval and support to develop an active transport route between Eastwood Station and Macquarie Park, primarily utilising the County Road reserve. The active transport route would comprise a shared user path within the reserve with associated access improvements on connecting public roads.

Record of Voting

For the Motion: Unanimous

7 APPOINTMENT OF INDEPENDENT LEGAL COUNSEL TO REPRESENT TO RATEPAYERS OF THE CITY OF RYDE - Councillor Bill Pickering

Note: This matter was considered earlier in the meeting as detailed in these Minutes.

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 Yedelian OAM and Maggio)

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

Record of Voting:

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

Against the Motion: Councillor Maggio

1. Who are the two legal representatives informing Council to move for arbitration on the Golden Goal facility?

Answer 1:

Council Solicitors in this matter are Marsdens Law Group. The proposal to move to arbitration by selecting an agreed arbitrator and presenting him/her with agreed facts and contentions is the most cost effective way forward.

Both Council and Golden Goal would be bound by the arbitrator's decision without the right to appeal.

2. Is the advice available for Councillors to view?

Answer 2:

The advice has been provided to Councillors by Council's Acting General Manager on a confidential basis.

3. Have Council ever received the 3 main documents in which I tabled on the 19/2/13? Please supply dates.

- Amalgamation Deed
- Tax Invoice of who owns the assets
- Deed of charge

Answer 3:

The Deed of Amalgamation and Deed of Charge were provided at various unspecified dates.

The tax invoice was provided by Councillor Maggio at the meeting of Council on Tuesday 19 February 2013.

Council acknowledges the existence of the documents but does not admit to their validity on enforceability against Council.

4. Why do Council continue to reference Ryde City Bowling Club?

Answer 4:

Ryde City Bowling Club is the only entity with which Council has a legal relationship. Council's lease to Ryde City Bowling Club was assigned to Camperdown Bowling Club subject to certain preconditions that have not been met.

5. Have Council taken any measures to maintain the vandalism at the Golden Goal facility?

Answer 5:

Council has taken the following measures to address/prevent vandalism at the Golden Goal facility:

- Immediately following Council's re-entry of the property as Landlord, security guards were engaged to monitor the Club premises and the Golden Goal fields.
 - The back to base alarm was reactivated.
 - Vandal/theft attractors such as alcohol and poker machines were removed from the premises and placed in safe storage.
6. Could Council provide the valuation of the Golden Goal lease payment from the independent assessor?

Answer 6:

The Valuation is a commercial in confidence document. Given there are pending commercial negotiations and legal action, it is not recommended, as its release may compromise Councils outcomes. Further the valuation explicitly does not authorise release to third parties.

7. Is the valuation assessment available for Councillors to view?

Answer 7:

Having regard to question 6 response, General Counsel suggests that the report remain confidential to involved staff.

CLOSED SESSION

ITEM 2 - RYDE CITY BOWLING CLUB UPDATE - ASSETS AND LICENCE

Confidential

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

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

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

Record of Voting

For the Motion: Unanimous

Note: The Council closed the meeting at 10.21pm. The public and media left the chamber.

2 RYDE CITY BOWLING CLUB UPDATE - ASSETS AND LICENCE

MOTION: (Moved by Councillors Maggio and Pickering)

- (a) That Council receive and note this report.
- (b) That the Acting General Manager continue to negotiate the terms with Golden Goal in accordance with the terms as outlined discussed by Council in Closed Session.

Record of Voting

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

That Council resolve itself into open Council.

Record of Voting

For the Motion: Unanimous

Note: Open Council resumed at 10.53 pm.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

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

Record of Voting:

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

Against the Motion: Councillor Maggio

NATIONAL ANTHEM

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

The meeting closed at 10.55pm.

CONFIRMED THIS 12TH DAY OF MARCH 2013

Chairperson