

**Meeting Date:** Tuesday 27 August 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, Maggio, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Note: Councillor Salvestro-Martin left the meeting at 10.28pm and was not present for considerations of Items 1, 2, 3, 4, 7, 8, 9, 10, 11, 12, 15, 16, 17, 19, 25, Precs of Correspondence 1, Precs of Correspondence 2, Precs of Correspondence 3, Notice of Motion 1, Notice of Motion 2, Items 20, 21, 22, 23 and 24.

**Apologies:** Councillor Li.

**Leave of Absence:** Councillor Pendleton.

**Staff Present:** Acting General Manager, Acting Group Manager – Community Life, Acting Group Manager - Corporate Services, Acting Group Manager – Environment & Planning, Acting Group Manager – Public Works, General Counsel, Chief Financial Officer, Manager – Communications and Media, Acting Manager – Urban Planning, Manager – Risk and Audit, Manager – Asset Systems, Team Leader – Building Compliance, Section Manager - Sports & Recreation, Coordinator Digital Communications and Meeting Support Coordinator.

### **PRAYER**

Pastor Robyn Peebles of the Church of the Good Shepherd, West Ryde was present and offered prayer prior to the commencement of the meeting.

### **DISCLOSURES OF INTEREST**

The Mayor, Councillor Petch disclosed a Less than Significant Non-Pecuniary Interest in Item 13 - Draft Development Control Plan for the Former Hawkes on Second Avenue Bowling Club, for the reason that he is a member of the Ryde Eastwood Leagues Club.

Councillor Perram disclosed a Less than Significant Non-Pecuniary Interest in Item 13 - Draft Development Control Plan for the Former Hawkes on Second Avenue Bowling Club, for the reason that he is a member of the Ryde Eastwood Leagues Club.

Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in Item 13 - Draft Development Control Plan for the Former Hawkes on Second Avenue Bowling Club, for the reason that he is a member of the Ryde Eastwood Leagues Club.

The Mayor, Councillor Petch disclosed a Significant Non-Pecuniary Interest in Notice of Motion 2 - Civic and Ceremonial Functions of the Mayoral Office, for the reason that he is the person referred to as Mayor in part (a) of the Motion. He did not participate in voting on this Item.

Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in Item 11 - Establishment of Mobile Playgroup - Follow up report, for the reason that he may use the service if it is established.

### **TABLING OF PETITIONS**

Councillor Yedelian OAM tabled a petition from Ryde residents and visitors of Santa Rosa Park, to be considered in conjunction with Item 5 - Santa Rosa Park Amenities Building.

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

The following persons addressed the Council:

|  |  |
|--|--|
| Garry Sommerville  | <b>Item 5</b> - Santa Rosa Park Amenities Building   |
| Sue Curry  | <b>Item 5</b> - Santa Rosa Park Amenities Building   |
| Rodney Toombes   | <b>Item 5</b> - Santa Rosa Park Amenities Building   |
| Peter Newman   | <b>Item 5</b> - Santa Rosa Park Amenities Building   |
| Ross Iredale (representing Gladesville Hornsby Football Association)     | <b>Item 5</b> - Santa Rosa Park Amenities Building   |
| Geoff Driscoll (representing Gladesville Hornsby Football Association)   | <b>Item 5</b> - Santa Rosa Park Amenities Building   |
| Annalisa Esposito  | <b>Item 6</b> - Landslip at 9 and 11 Brush Road, Eastwood  |
| Scott Egelton (representing Ryde Eastwood Leagues Club)                  | <b>Item 13</b> - Draft Development Control Plan for the Former Hawkes on Second Avenue Bowling Club        |
| Jim Koopman (representing Harvey Norman Group)                           | <b>Item 14</b> - Planning Proposal - 111 Wicks Road, 29 Epping Road and 31 - 35 Epping Road Macquarie Park |
| Danielle Pinkerton (representing Urbis on behalf of Harvey Norman Group) | <b>Item 14</b> - Planning Proposal - 111 Wicks Road, 29 Epping Road and 31 - 35 Epping Road Macquarie Park |
| Laurence Kennedy (representing Harvey Norman Group)                      | <b>Item 14</b> - Planning Proposal - 111 Wicks Road, 29 Epping Road and 31 - 35 Epping Road Macquarie Park |
| David Peachey (representing Minimbah Challenge Inc.)                     | <b>Item 18</b> - Expression of Interest - 22 Salter Crescent, Denistone East                               |

### **PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA**

No addresses were made to Council.

## **ORDER OF BUSINESS**

**MOTION:** (Moved by Councillors Yedelian OAM and Maggio)

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

- Item 5 - Santa Rosa Park Amenities Building
- Item 6 - Landslip at 9 and 11 Brush Road, Eastwood
- Item 13 - Draft Development Control Plan for the Former Hawkes on Second Avenue Bowling Club
- Item 14 - Planning Proposal - 111 Wicks Road, 29 Epping Road and 31 - 35 Epping Road Macquarie Park
- Item 18 - Expression of Interest - 22 Salter Crescent, Denistone East

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

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

- Item 5 - Santa Rosa Park Amenities Building
- Item 6 - Landslip at 9 and 11 Brush Road, Eastwood
- Item 13 - Draft Development Control Plan for the Former Hawkes on Second Avenue Bowling Club
- Item 14 - Planning Proposal - 111 Wicks Road, 29 Epping Road and 31 - 35 Epping Road Macquarie Park
- Item 18 - Expression of Interest - 22 Salter Crescent, Denistone East
- Notice of Motion 2 – Civic and Ceremonial Functions of the Mayoral Office

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.

### **Record of Voting:**

For the Amendment: Councillors Chung, Etmekdjian, Laxale, Pickering and Simon

Against the Amendment: The Mayor, Councillor Petch and Councillors Maggio, Perram, Salvestro-Martin and Yedelian OAM

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Maggio)

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

- Item 5 - Santa Rosa Park Amenities Building
- Item 6 - Landslip at 9 and 11 Brush Road, Eastwood
- Item 13 - Draft Development Control Plan for the Former Hawkes on Second Avenue Bowling Club
- Item 14 - Planning Proposal - 111 Wicks Road, 29 Epping Road and 31 - 35 Epping Road Macquarie Park
- Item 18 - Expression of Interest - 22 Salter Crescent, Denistone East

### **Record of Voting:**

For the Motion: Unanimous

## 5 SANTA ROSA PARK AMENITIES BUILDING

Note: Garry Sommerville, Sue Curry, Rodney Toombes, Peter Newman, Ross Iredale (representing Gladesville Hornsby Football Association) and Geoff Driscoll (representing Gladesville Hornsby Football Association) addressed the meeting in relation to this Item.

Note: A Petition from Ryde residents and visitors of Santa Rosa Park tabled earlier in the meeting by Councillor Yedelian OAM was considered in conjunction with this Item and a copy is ON FILE.

**MOTION:** (Moved by Councillors Yedelian OAM and Maggio)

- (a) That Council not proceed with the location outlined in the report.
- (b) That Council start a master-planning process for Santa Rosa Park including the staged construction of two amenities buildings preferably at both entrances of Santa Rosa Park.
- (c) That Council confirm its intent to utilise funds in the 2013/2014 budget to fund the building of one of the two amenities blocks and that provision of funding for the second block be considered as part of 2014/2015 budget process.
- (d) That given community feedback received, further public consultation be undertaken prior to construction of any amenities block in Santa Rosa Park and a report provided to Council.

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

- (a) That Council construct an amenities block within Santa Rosa Park in the location outlined in the report.
- (b) That Council ensure all concerns raised by local residents are addressed in the future operational/management plan for the facility.

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

### **Record of Voting:**

For the Amendment: The Mayor, Councillor Petch and Councillors Laxale, Perram and Simon

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

**AMENDMENT BY RESOLUTION OF COUNCIL ON 10 SEPTEMBER 2013 –  
CONSIDERED AS PART OF CONFIRMATION OF THESE MINUTES**

**5 SANTA ROSA PARK AMENITIES BUILDING**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Maggio)

- (a) That Council not proceed with the location outlined in the report.
- (b) That Council brings back a report on the staged construction of two amenities buildings preferably at both entrances of Santa Rosa Park.
- (c) That Council confirm its intent to utilise funds in the 2013/2014 budget to fund the building of one of the two amenities blocks and that provision of funding for the second block be considered as part of 2014/2015 budget process.
- (d) That given community feedback received, further public consultation be undertaken prior to construction of any amenities block in Santa Rosa Park and a report provided to Council.

**Record of Voting:**

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

Against the Motion: The Mayor, Councillor Petch and Councillors Laxale, Perram and Simon

**6 LANDSLIP AT 9 AND 11 BRUSH ROAD, EASTWOOD**

Note: Annalisa Esposito addressed the meeting in relation to this Item.

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

- (a) That the action and efforts of Council staff to assist the owners of 11 Brush Road be noted.
- (b) That Council officers pursue the notices served in relation to the low scale block wall in the carport and timber retaining wall at No.9 Brush Road.
- (c) That the owner of No.11 Brush Road Eastwood be advised that the issue is a civil matter and its resolution requires the cooperation of both property owners to work together.
- (d) That Council restate its offer to assist facilitating a meeting between the parties to achieve (c) if requested by the landowners.

**Record of Voting:**

For the Motion: Unanimous

**13 DRAFT DEVELOPMENT CONTROL PLAN FOR THE FORMER HAWKES ON SECOND AVENUE BOWLING CLUB**

Note: Scott Egelton (representing Ryde Eastwood Leagues Club) addressed the meeting in relation to this Item.

Note: The Mayor, Councillor Petch disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a member of the Ryde Eastwood Leagues Club.

Note: Councillor Perram disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a member of the Ryde Eastwood Leagues Club.

Note: Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a member of the Ryde Eastwood Leagues Club.

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

- (a) That Council prepare a site specific Development Control Plan for the land at 9-19 Second Avenue and part 14-18 Third Avenue, Eastwood (the former Hawkes on Second Bowling Club site) to be known as Ryde Development Control Plan Part 6.7 Second Avenue Eastwood.
- (b) That Council publicly exhibit Ryde Development Control Plan Part 6.7 Second Avenue Eastwood in accordance with the NSW Environmental Planning and Assessment Act for a period of at least 28 days.
- (c) That a further report be presented to Council as soon as practicable after the exhibition of the Draft Development Control Plan detailing the outcomes of the consultation process.

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 Etmekdjian, Laxale, Perram and Simon

Against the Motion: Councillors Chung, Maggio, Pickering, Salvestro-Martin and Yedelian OAM

**14 PLANNING PROPOSAL - 111 WICKS ROAD, 29 EPPING ROAD AND 31 - 35 EPPING ROAD MACQUARIE PARK**

Note: Danielle Pinkerton (representing Urbis on behalf of Harvey Norman Group), Laurence Kennedy (representing Harvey Norman Group) and Jim Kooperman (representing Harvey Norman Group) addressed the meeting in relation to this Item.

Note: A series of documents provided by the applicant were tabled in relation to this Item and a copy is ON FILE.

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

- (a) That this matter be deferred to allow for further discussions to be undertaken with Council staff and the applicant.
- (b) That a further report be provided to Council following the outcomes of those discussions.

**Record of Voting:**

For the Motion: Unanimous

**18 EXPRESSION OF INTEREST - 22 Salter Crescent, Denistone East**

Note: David Peachey (representing Minimbah Challenge Inc.) addressed the meeting in relation to this Item.

**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council enter into a 10 year licence with Minimbah, subject to no adverse submissions being received by Council following the statutory advertising of the licence in accordance with Section 47 of the Local Government Act.
- (b) That Council approve the licence with the following key terms:
  - Designated Use: Delivery of disability support and venue hire.
  - Licence Fee: \$18,261 p.a. (50% subsidy on Council's costs)
  - Licence Fee Transition: 1 year transition at 25% of licence fee (\$4,565)
  - Licence Hours: 7am and 10pm everyday.
  - Responsibilities: As per Community Buildings Licensing Policy.
- (c) That asbestos remediation work be funded from re-prioritisation of projects within the existing Community Buildings Renewal budget approved for Community Life Group in 2013-14.

**Record of Voting:**

For the Motion: Unanimous

## **ORDER OF BUSINESS**

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

That Council now consider the following Items, the time being 9.39pm:

- Notice of Motion 2 – Civic and Ceremonial Functions of the Mayoral Office

### **Record of Voting:**

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

Against the Motion: Councillors Perram and Salvestro-Martin

Note: Councillor Salvestro-Martin left the meeting at 10.28pm and did not return.

## **ELECTION OF CHAIRPERSON**

As the Mayor, Councillor Petch had disclosed a Significant Non-Pecuniary Interest in Notice of Motion 2 and indicated that he was going to remove himself from the meeting for voting on this matter, Council was required to undertake an election of a Chairperson.

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

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

### **Record of Voting:**

For the Motion: Unanimous

Note: Councillor Perram assumed the Chair.

## **NOTICE OF MOTION**

### **2 CIVIC AND CEREMONIAL FUNCTIONS OF THE MAYORAL OFFICE - Councillor George Simon**

Note: The Mayor, Councillor Petch disclosed a Significant Non-Pecuniary Interest in this Item for the reason that he is the person referred to as Mayor in part (a) of the Motion and did not participate in voting on this matter.

Note: The Mayor, Councillor Petch left the meeting at 10.46pm and was not present for voting on this Item.

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



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

- (a) That Council request the Mayor, Ivan Petch, to refrain from carrying out the duties of the Mayor as set out in Section 226 of the *Local Government Act NSW* pending the outcomes of the ICAC investigation, Operation Cavill.
- (b) That Council request the New South Wales Minister for Local Government to exercise his powers of intervention at this Council prior to the Mayoral election scheduled for 10 September 2013 in circumstances where a number of potential Mayoral candidates are either under investigation by the ICAC or subject to unresolved complaints under Council's Code of Conduct.

**AMENDMENT:** (Moved by Councillor Etmekdjian and Pickering)

That Council request the Mayor, Ivan Petch, to refrain from carrying out the duties of the Mayor as set out in Section 226 of the *Local Government Act NSW* pending the outcomes of the ICAC investigation, Operation Cavill.

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

**Record of Voting:**

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

Against the Amendment: Councillors Laxale and Simon

**RESOLUTION:** (Moved by Councillor Etmekdjian and Pickering)

That Council request the Mayor, Ivan Petch, to refrain from carrying out the duties of the Mayor as set out in Section 226 of the *Local Government Act NSW* pending the outcomes of the ICAC investigation, Operation Cavill.

**Record of Voting:**

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

Against the Motion: Councillor Perram

Note: The Mayor, Councillor Petch returned to the meeting at 10.48pm.

## **MAYORAL MINUTES**

### **MM20/13 EXTENSION TO TIME LIMIT FOR SUBMITTING COUNCILLOR REIMBURSEMENT CLAIMS – The Mayor, Councillor Ivan Petch**

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

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

- (a) That Council grant The Mayor, Councillor Petch the opportunity to lodge outstanding reimbursement claims from February 2013 until 12 September 2013.
- (b) That Council confirm that the change set out in (a) above is not considered substantive and as a result it is not necessary for the *Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Councillors* to be placed on public exhibition, noting that this Policy will be presented to Council on 24 September 2013 for consideration.

#### **Record of Voting:**

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

Against the Motion: Councillors Laxale and Simon

## **COMPLETION OF BUSINESS – EXTENSION OF TIME**

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

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

That the meeting time be extended until midnight, the time being 11.11pm.

#### **Record of Voting**

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

Against the Motion: The Mayor, Councillor Petch and Councillors Laxale, Perram and Simon

**MM21/13 LOCAL GOVERNMENT REFORM – The Mayor, Councillor Ivan Petch**

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

Note: Councillor Maggio left the meeting at 11.16pm and was not present for consideration or voting on this Item.

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

- (a) That the information in the letter from Clr Malicki be received and noted.
- (b) That a meeting be arranged at the next NSROC meeting to allow all NSROC Mayors to discuss ways in which the level of cooperation between Councils can be increased.

**Record of Voting:**

For the Motion: Unanimous

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

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

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

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

- (a) That the report of the Chief Financial Officer, dated 14 August 2013 on June 2013 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 \$0.36 million in Council's Working Capital, to a projected balance as at 30 June 2013 of \$3.79 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 increase in Transfers to Reserves of \$4.22 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 14 August 2013 be endorsed.

- (e) That Council endorse 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 INVESTMENT REPORT - July 2013**

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

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

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

That Council endorse the report of the Chief Financial Officer dated 13 August 2013 on Investment Report – July 2013.

**Record of Voting:**

For the Motion: Unanimous

**9 INVESTMENT POLICY AND GUIDELINES - Revision - August 2013**

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

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

**RESOLUTION:** (Moved by Councillors Perram and Yedelian OAM)

That Council adopt the revised Investment Policy and Guidelines.

**Record of Voting:**

For the Motion: Unanimous

**10 CORPORATE CREDIT CARD POLICY - Review August 2013**

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

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

**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

- (a) That the report of the Chief Financial Officer, dated 24 July 2013 on Corporate Credit Card Policy – Review August 2013 be received and noted.
- (b) That the revised Corporate Credit Card Policy be adopted by Council.

**Record of Voting:**

For the Motion: Unanimous

### **ORDER OF BUSINESS**

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

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

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

That Council now consider the following Confidential Items, the time being 11.20pm:

- Item 20 - 11 Blaxland Road Ryde Property (Previously Ryde City Bowling Club) - Update
- Item 21 - Expression of Interest - Cor-Eoi-02/13 - General Review of Procurement at the City of Ryde
- Item 22 - NSROC Tender 2012/13 - Road Resurfacing, Patching and Associated Works
- Item 23 - Security Services Tender COR-RFT-20/12
- Item 24 - Outcomes of Independent Investigation Into Parking Fines

On being put to the Meeting, the voting on the Motion was four (4) all. The Mayor used his casting vote Against the Motion. The Motion was LOST.

**Record of Voting:**

For the Motion: Councillors Chung, Etmekdjian, Laxale and Simon

Against the Motion: The Mayor, Councillor Petch and Councillors Perram, Pickering and Yedelian OAM

Note: Councillor Maggio returned to the meeting at 11.22pm.

### **11 ESTABLISHMENT OF MOBILE PLAYGROUP- Follow up report**

Note: Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he may use the service if it is established.

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

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

That Council proceed with the establishment of a mobile playgroup service, based on one of the potentials models previously reported to Council.

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

**Record of Voting:**

For the Motion: Councillors Laxale and Simon

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

**RESOLUTION:** (Moved by Yedelian OAM and Pickering)

- (a) That Council note the report and take no further action at this time, to establish a mobile playgroup service in the City of Ryde due to the associated significant unfunded capital and ongoing costs.
- (b) That Council advise the organisations that participated in the Request for Proposal process that the service will not proceed and thank them for their efforts.

**Record of Voting:**

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

Against the Motion: The Mayor, Councillor Petch and Councillors Laxale and Simon

## 12 TOP RYDER COMMUNITY BUS UPDATE

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

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Etmekdjian)

- (a) That the Council notes the update report on the Top Ryder Community Bus Service and issues raised concerning ongoing funding of the Service
- (b) That a further report be submitted to Council in October 2013 on the research undertaken to fund a continuation of the Top Ryder Community Bus Service and seeking a decision based on the results of the investigation undertaken on whether or not the service should be continued, discontinued or downsized.

**Record of Voting:**

For the Motion: Unanimous

**15 DEVLIN STREET PEDESTRIAN BRIDGES**

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

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Perram)

- (a) That Council formally confirm the proposed Service Levels with the Lessee for the Top Ryde Pedestrian Bridge lifts.
- (b) That the lifts are monitored and reports on compliance or otherwise with the service levels to be included in the monthly Councillor Information Bulletin.
- (c) Due to the inconsistency of the monthly reports, a meeting be called with Top Ryde Shopping Centre Management, the A/General Manager, concerned Councillors and staff to discuss Council's requirements in relation to the accuracy, detail and timing of this reporting.
- (d) That Council reapproach the Roads and Maritime Services requesting the analysis report on the Devlin Street intersection.

**Record of Voting:**

For the Motion: Unanimous

**16 COMPETITIVE NEUTRALITY AND COMPLAINTS HANDLING POLICY -  
Review of policy**

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

**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

That Council adopts the revised Competitive Neutrality and Complaints Handling Policy.

**Record of Voting:**

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

Against the Motion: Councillor Maggio

## 17 COMMUNITY GRANTS POLICY AND ORGANISATIONAL GUIDELINES

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

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

- (a) That Council approves a two-stage approach for the review of community grants policy and administration as outlined in the report.
- (b) That Council approve changes in the Community Grants Policy and Guidelines for implementation in 2013-2014 to achieve the following:
  - Fund projects that specifically address the needs of Ryde residents
  - Fund only one project per organisation under each category
  - Provide recipients of the Historical Grant Categories with a 2 year funding agreement
- (c) That the Council approves the methodology and scope of the comprehensive review as outlined in this report.

**Record of Voting:**

For the Motion: Unanimous

## 19 REPORTS DUE TO COUNCIL

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

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

That the report on Outstanding Council Reports be endorsed.

**Record of Voting:**

For the Motion: Unanimous

## LATE ITEMS

### 25 CONFIRMATION OF MINUTES – Extraordinary Council Meeting held on 21 August 2013

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



**RESOLUTION:** (Moved by Councillors Yedelian OAM and Perram)

That the Minutes of the Extraordinary Council Meeting 17/13, held on 21 August 2013 be confirmed.

**Record of Voting:**

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

Against the Motion: Councillors Maggio

## **COUNCIL REPORTS**

### **1 CONFIRMATION OF MINUTES - Council Meeting held on 23 July 2013**

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

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Laxale)

That the Minutes of the Council Meeting 15/13, held on 23 July 2013 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

### **2 CONFIRMATION OF MINUTES - Council Meeting held on 13 August 2013**

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

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

That the Minutes of the Council Meeting 16/13, held on 13 August 2013 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

### **3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 12/13 held on 20 August 2013**

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

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

That Council note that all Items of the Works and Community Committee meeting 12/13 held on 20 August 2013 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

#### **4 MAYOR'S ROLES AND RESPONSIBILITIES**

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

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Chung)

- (a) That Council endorse the **ATTACHED** Roles and Responsibilities for the Mayor.
- (b) That Council note the advice received from the Division of Local Government with regard to the payment of a fee to the Deputy Mayor.

**Record of Voting:**

For the Motion: Unanimous

#### **5 SANTA ROSA PARK AMENITIES BUILDING**

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

#### **6 LANDSLIP AT 9 AND 11 BRUSH ROAD, EASTWOOD**

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

#### **7 JUNE 2013 QUARTERLY REVIEW REPORT - DELIVERY PLAN 2012-2016 AND 2012/2013 OPERATIONAL PLAN**

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

#### **8 INVESTMENT REPORT - July 2013**

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

**9 INVESTMENT POLICY AND GUIDELINES - Revision - August 2013**

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

**10 CORPORATE CREDIT CARD POLICY - Review August 2013**

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

**11 ESTABLISHMENT OF MOBILE PLAYGROUP- Follow up report**

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

**12 TOP RYDER COMMUNITY BUS UPDATE**

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

**13 DRAFT DEVELOPMENT CONTROL PLAN FOR THE FORMER HAWKES ON SECOND AVENUE BOWLING CLUB**

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

**14 PLANNING PROPOSAL - 111 WICKS ROAD, 29 EPPING ROAD AND 31 - 35 EPPING ROAD MACQUARIE PARK**

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

**15 DEVLIN STREET PEDESTRIAN BRIDGES**

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

**16 COMPETITIVE NEUTRALITY AND COMPLAINTS HANDLING POLICY - Review of policy**

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

**17 COMMUNITY GRANTS POLICY AND ORGANISATIONAL GUIDELINES**

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

**18 EXPRESSION OF INTEREST - 22 Salter Crescent, Denistone East**

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

**19 REPORTS DUE TO COUNCIL**

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

**LATE ITEMS**

**25 CONFIRMATION OF MINUTES – Extraordinary Council Meeting held on 21 August 2013**

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

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

**1 PLANNING PROPOSAL - RYDE CIVIC PRECINCT**

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

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Perram)

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**2 AMENDMENTS TO SECTION 296 OF THE LOCAL GOVERNMENT ACT 1993 RELATING TO THE CONDUCT OF ELECTIONS**

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

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**3 UPDATE ON PLANNING WHITE PAPER - Local Government NSW 16 August 2013**

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

**RESOLUTION:** (Moved by Councillors Perram and Yedelian OAM)

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**NOTICES OF MOTION**

**1 THE ESTABLISHMENT OF A REGISTER OF LOBBYISTS IN RELATION TO DEVELOPMENT APPLICATIONS - Councillor Jerome Laxale**

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

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

- (a) That the General Manager undertake modelling to establish a register of lobbyists in relation to Development Applications.
- (b) That the register be for people, companies or organisations who conduct lobbying activities on behalf of a third-party client or whose employees conduct lobbying activities on behalf of a third-party client.
- (c) That Council report back with preferred operational models for such a register, looking to schemes similar Government Registers for guidance.
- (d) That Council make relevant links available on its website including a link to the Independent Commission Against Corruption website, Lobbyists Register and Council's Ethical Lobbying Policy.

**Record of Voting:**

For the Motion: Unanimous

**2 CIVIC AND CEREMONIAL FUNCTIONS OF THE MAYORAL OFFICE - Councillor George Simon**

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

## **COMPLETION OF BUSINESS – EXTENSION OF TIME**

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

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

That the meeting time be extended to allow Council to complete all Items of business on the Agenda, the time being 11.58pm.

### **Record of Voting**

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

Against the Motion: Councillors Maggio, Simon and Yedelian OAM

## **CLOSED SESSION**

### **ITEM 20 - 11 BLAXLAND ROAD RYDE PROPERTY (previously Ryde City Bowling Club) - Update**

#### **Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (a) personnel matters concerning particular individuals (other than councillors); AND (e) information that would, if disclosed, prejudice the maintenance of law.

### **ITEM 21 - EXPRESSION OF INTEREST - COR-EOI-02/13 - GENERAL REVIEW OF PROCUREMENT AT THE CITY OF RYDE**

#### **Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**ITEM 22 - NSROC TENDER 2012/13 - ROAD RESURFACING, PATCHING AND ASSOCIATED WORKS**

**Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**ITEM 23 - SECURITY SERVICES TENDER COR-RFT-20/12**

**Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (a) personnel matters concerning particular individuals (other than councillors).

**ITEM 24 - OUTCOMES OF INDEPENDENT INVESTIGATION INTO PARKING FINES**

**Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (a) personnel matters concerning particular individuals (other than councillors); AND (b) discussion in relation to the personal hardship of a resident or ratepayer.

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

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

**Record of Voting:**

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

Against the Motion: Councillors Maggio and Yedelian OAM

Note: The Council closed the meeting at 11.58pm. The public and media left the chamber.

**20 11 BLAXLAND ROAD RYDE PROPERTY (previously Ryde City Bowling Club) - Update**

Note: Legal Advice from Marsdens Law Group dated 22 August 2013 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

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

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

- (a) That Council request the Acting General Manager to commence legal proceedings to have the alleged fixed and floating charge declared invalid and removed over the assets within the property at 11 Blaxland Road, Ryde (previously known as Ryde City Bowling Club).
- (b) That Council seek a Declaration from the Court that the ownership of the courts and nets erected on the site has reverted to the Crown and Council as applicable, through the operation of the *Crown Lands Act*.

**Record of Voting:**

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

Against the Motion: Councillor Maggio

**21 EXPRESSION OF INTEREST - COR-EOI-02/13 - GENERAL REVIEW OF PROCUREMENT AT THE CITY OF RYDE**

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

**RECOMMENDATION:** (Moved by Councillors Chung and Perram)

- (a) That in accordance with the Tender Evaluation Report, that Council endorses the engagement of Ernst and Young to conduct the initial stage of the procurement review at a cost of \$80,000 plus GST.
- (b) That the report arising from this review be presented to Council.
- (c) That Council approves the budget of \$80,000 for the purpose of undertaking a General Procurement review to be funded from the Insurance Fluctuation Reserve and that the amount be included in the September Quarterly Review for completeness.

**Record of Voting:**

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

Against the Motion: Councillors Maggio and Yedelian OAM



## 22 NSROC TENDER 2012/13 - ROAD RESURFACING, PATCHING AND ASSOCIATED WORKS

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

**RECOMMENDATION:** (Moved by Councillors Pickering and Perram)

(a) That Council accepts the tenders from the Companies in the following categories:

Category 1: For Supply, Delivery and Laying of Asphaltic Concrete, and Profiling of Road Pavement works (approximately \$1.8M)

- Boral Asphalt as the preferred contractor
- Downer EDI Works Pty Ltd as the alternative contractor

Category 2: For Heavy Patching works (approximately \$530,000)

- AJ Paving Pty Ltd as the preferred contractor
- OzPave Pty Ltd and
- Downer EDI Works Pty Ltd as the alternative contractors

Category 3: For Crack Sealing (approximately \$25,000)

- SRS Roads as the preferred contractor
- Downer EDI Works Pty Ltd as the alternative contractor

Category 4: For the Supply Only of Asphaltic Concrete Products Excluding Cold Mix (approximately \$135,000)

- Downer EDI Works Pty Ltd as the preferred contractor
- Boral Asphalt as the alternative contractor

Category 5: For Supply and Delivery of Asphaltic Concrete Products Excluding Cold Mix (approximately \$38,000)

- Downer EDI Works Pty Ltd as the preferred contractor
- Boral Asphalt as the alternative contractor

Category 6: For Supply and, Supply and Delivery of Cold Mix (approximately \$75,000)

- Boral Asphalt as the preferred contractor
- SRS Roads as the alternative contractor

(b) That the unsuccessful tenderers be advised accordingly.

**Record of Voting:**

For the Motion: Unanimous

## 23 SECURITY SERVICES TENDER COR-RFT-20/12

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

**RECOMMENDATION:** (Moved by Councillors Pickering and Perram)

- (a) That Council receive and note this report.
- (b) That Council endorse the action plan as outlined in the report.

**Record of Voting:**

For the Motion: Unanimous

## 24 OUTCOMES OF INDEPENDENT INVESTIGATION INTO PARKING FINES

Note: A Memorandum from the Acting General Manager dated 27 August 2013 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

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

**RECOMMENDATION:** (Moved by Councillors Perram and Pickering)

- (a) In respect of Mr Stern's matters, that Council receive and note the Internal Audit Bureau of NSW (IAB) reports as attached and implement the following:
  - (i) Mr Stern be reimbursed all reasonable costs associated with the Penalty Infringement Notice issued on 25 January 2013. A list of full costs should be made to the General Counsel who will authorise payment of such costs.
  - (ii) That Council request the Acting General Manager to write to Mr Stern and provide him details of the outcomes of the independent review reports and apologise for any frustration and/or any inconvenience caused in this matter.
- (b) In respect of Mr Peploe's matter, that Council receive and note the Internal Audit Bureau of NSW (IAB) reports as attached and implement the following:
  - (i) Mr Peploe be reimbursed all reasonable costs associated with the Penalty Infringement Notice issued on 17 April 2013. A list of full costs should be made to the General Counsel who will authorise payment of such costs.
  - (ii) That Council request the Acting General Manager to write to Mr Peploe and provide him details of the outcomes of the independent review reports and apologise for any frustration and/or any inconvenience caused in this matter.

- (c) That Council adopt the Enforcement of Parking Policy, to reflect the recommendations of the IAB reports to remove the reference “blatant disregard”.
- (d) That Council acknowledge and support the significant and valuable role provided by Ranger and Parking Services staff to the City of Ryde community.
- (e) That Council request the Acting General Manager to implement the further actions as detailed in this report.

**Record of Voting:**

For the Motion: Unanimous

**OPEN SESSION**

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

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 12.25am on Wednesday, 28 August 2013

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

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

**Record of Voting:**

For the Motion: Unanimous

**NATIONAL ANTHEM**

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

The meeting closed at 12.26am on Wednesday, 28 August 2013

CONFIRMED THIS 10TH DAY OF SEPTEMBER 2013

Chairperson