

Meeting Date: Tuesday 25 July 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

Council Meetings will be recorded on audio tape for minute-taking purposes as authorised by the Local Government Act 1993. Council Meetings will also be webcast.

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1 CONFIRMATION OF MINUTES - Council Meeting held on 27 June 2017

Report prepared by: Senior Coordinator - Governance
File No.: CLM/17/1/1/2 - BP17/722

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Council Meeting 5/17, held on 27 June 2017 be confirmed.

ATTACHMENTS

- 1 MINUTES - Ordinary Council Meeting - 27 June 2017

ITEM 1 (continued)

ATTACHMENT 1

**Council Meeting
MINUTES OF MEETING NO. 5/17**

Meeting Date: Tuesday 27 June 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

Councillors Present: The Mayor, Councillor Pickering and Councillors Laxale, Li, Maggio, Stott and Yedelian OAM.

Apologies: Nil.

Leave of Absence: Councillors Pendleton, Perram, Salvestro-Martin and Simon.

Staff Present: Acting General Manager, Acting Director – Customer and Community Services, Acting Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Acting Director – City Works and Infrastructure, General Counsel, Chief Financial Officer, Manager – Risk, Audit and Governance, Acting Manager – City Planning, Executive Officer – Ryde Civic Hub, Senior Coordinator – Communications, Senior Coordinator – Community Engagement, Senior Coordinator – Open Space Planning and Development, Open Space Planner, Community Engagement Coordinator, Council’s Barrister (Mr Geoff Farland), Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

PRAYER

Pastor Stephen Cooper of the Eastwood Baptist Church was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Laxale declared a Significant Non-Pecuniary Interest in relation to Notice of Motion 1 – Membership for the Status of Women Advisory Committee for the reason that one of the new Committee Members is well known to him.

TABLING OF PETITIONS

No Petitions were tabled.

ITEM 1 (continued)

ATTACHMENT 1

LEAVE OF ABSENCE

Note: The Mayor, Councillor Pickering advised the meeting that Councillor Salvestro-Martin had requested a Leave of Absence for tonight's Council Meeting, 27 June 2017.

Note: Councillor Laxale advised the meeting that Councillor Simon had requested a Leave of Absence for tonight's Council Meeting, 27 June 2017.

RESOLUTION: (Moved by Councillors Laxale and Yedelian OAM)

- (a) That Councillor Salvestro-Martin's Leave of Absence for tonight's Council Meeting, 27 June 2017 be approved.
- (b) That Councillor Simon's Leave of Absence for tonight's Council Meeting, 27 June 2017 be approved.

Record for the Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Lisa Aynajian	Notice of Motion 1 – Membership for the Status of Women Advisory Committee

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Stott and Maggio)

That the speakers who submitted a Request to Address Council on Items Listed on the Agenda on an Item previously considered by the Planning and Environment Committee Meeting 5/17 held on 13 June 2017 and the Works and Community Committee Meeting 4/17 held on 20 June 2017 be allowed to address the meeting, the time being 7.08pm.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons then addressed the Council:-

Name	Topic
Peter Keegan	ITEM 3(2) – 12 Emu Street, West Ryde – LDA2015/0217. Section 96 No. MOD2016/0110
Richard Reeve	ITEM 3(2) – 12 Emu Street, West Ryde – LDA2015/0217. Section 96 No. MOD2016/0110
Lesley Slender	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space
Ben Drayton	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space
Nigel Cameron (representing The Sydney Skateboard Association)	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space
Jamey Foxton	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space
Oscar Perlstone	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space
Bernard Cheng	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space
Marco Novati	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space
Andrew Alcorn (representing Ryde Skate Park Working Party)	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space
Tom Emeleus	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space
Jane Montgomery	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space
Jonny Valenta	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space
Elizabeth Lawrence (representing Ryde Council Sports Advisory Committee)	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space
Robert Walsh	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space
Kenrick Thompson	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space
Roy Maggio (representing himself and on behalf of Anne Doring OAM)	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space

Note: David Sheffield was called to address Council, however he was not present in the Chamber.

ITEM 1 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That the speaker who submitted a Request to Address Council on Items Listed on the Agenda on an Item previously considered by the Works and Community Committee Meeting 4/17 held on 20 June 2017 and whose request was registered after the midday deadline be allowed to address the meeting, the time being 7.57pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person then addressed the Council:-

Name	Topic
Sean Lohan	ITEM 5(3) – Ryde Outdoor Youth and Family Recreation Space

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Jayne Walsh	Points regarding the proposed Opal Residential Care Facility on Sherbrooke and Mons Avenue, West Ryde
Valerie Masterton	Points regarding the proposed Opal Residential Care Facility on Sherbrooke and Mons Avenue, West Ryde
Gideon Reiss	Points regarding the proposed Opal Residential Care Facility on Sherbrooke and Mons Avenue, West Ryde
Craig Chung	Opal Nursing Home development at 8 Sherbrooke Road, West Ryde
Paul Azizi (representing Raymond Azizi)	Blenheim Park Expansion – Update on Progress of Acquisition of 3 Properties

ITEM 1 (continued)

ATTACHMENT 1

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That Council now consider the following Items, the time being 8.15pm:-

- Notice of Motion 1 – Membership for the Status of Women Advisory Committee
- Item 3(2) – 12 Emu Street, West Ryde – LDA2015/0217. Section 96 No. MOD2016/0110
- Item 5(3) – Ryde Outdoor Youth and Family Recreation Space
- MM8/17 – Fernleigh / Opal Residential Care Facility Mons Avenue – Legal Appeal

Record for the Voting:

For the Motion: Unanimous

NOTICE OF MOTION

1 MEMBERSHIP FOR THE STATUS OF WOMEN ADVISORY COMMITTEE - Councillor Roy Maggio

Note: Lisa Aynajian addressed the Meeting in relation to this Item.

Note: Councillor Laxale declared a Significant Non-Pecuniary Interest in this Item for the reason that one of the new Committee Members is well known to him.

RESOLUTION: (Moved by Councillors Maggio and Stott)

That Council accept these expressions of interest, to join the Status of Women Advisory Committee effective immediately:-

- Angelina Bonifacio – Women’s Network organiser for 3 years.
- Jessica Erickson Thornton – Women’s Network committee member.
- Lisa Aynajian – Primary School teacher and law student.
- Angelika Hollo – Retired teacher, volunteer and active guest of Status of Women Advisory Committee.
- Suzanne Marks – Runs a not for profit Medical Association and active guest of Status of Women Advisory Committee.

ITEM 1 (continued)

ATTACHMENT 1

- Roseanna Gallo – Order of Australia, led Rotary Club of Macquarie Park, Chairperson of Rotary Carols.
- Penny Pedersen – Local community radio broadcaster and active guest of Status of Women Advisory Committee.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 5/17 held on 13 June 2017

- 2 12 EMU STREET, WEST RYDE. LOT 9 DP 27511 and LOT 8 DP 27511. Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to amend the approved demolition, new two-storey dwelling, pavillion, landscaping and fencing. LDA2015/0217. Section 96 No MOD2016/0110.**

Note: Peter Keegan and Richard Reeve addressed the Meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That consideration of this matter be deferred to Closed Confidential Session.

Record of Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Li, Maggio, Stott and Yedelian OAM

Against the Motion: Councillor Laxale

5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/17 held on 20 June 2017

3 RYDE OUTDOOR YOUTH AND FAMILY RECREATION SPACE

Note: Lesley Slender, Ben Drayton, Nigel Cameron (representing The Sydney Skateboard Association), Jamey Foxton, Oscar Perlstone, Bernard Cheng, Marco Novati, Andrew Alcorn (representing Ryde Skate Park Working Party), Tom Emeleus, Jane Montgomery, Jonny Valenta, Elizabeth Lawrence (representing Ryde Council Sports Advisory Committee), Robert Walsh, Kenrich Tompson, Roy Maggio (representing himself and on behalf of Anne Doring OAM) and Sean Lohan addressed the Meeting in relation to this Item.

ITEM 1 (continued)

ATTACHMENT 1

Note: A Memorandum from the Acting Director – City Planning and Development dated 23 June 2017 was tabled in relation to this Item and a copy is ON FILE.

Note: An undated letter addressed to Councillor Maggio from Anne Doring OAM, President of Eastwood Ryde Netball Association was tabled in relation to this Item and a copy is ON FILE.

Note: An email dated 27 June 2017 from Aileen Jaji was tabled in relation to this Item and a copy is ON FILE.

Note: During discussion on this Item, Councillor Stott left the meeting at 8.28pm.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, a quorum was not present, the time being 8.28pm on Tuesday, 27 June 2017. The Mayor, Councillor Pickering adjourned this meeting for five (5) minutes to commence at 8.33pm on Tuesday, 27 June 2017 in the Council Chambers, Level 1A, 1 Pope Street, Ryde.

The following Councillors were present: The Mayor, Councillor Pickering and Councillors Laxale, Li, Maggio and Yedelian OAM.

The following Councillor was not present: Councillor Stott.

Leave of Absence had been granted to the following Councillors: Councillors Pendleton, Perram, Salvestro-Martin and Simon.

MEETING RECONVENED

The Meeting reconvened in at 8.33pm on Tuesday, 27 June 2017 in the Council Chambers, Level 1A, 1 Pope Street, Ryde.

The following Councillors were present: The Mayor, Councillor Pickering and Councillors Laxale, Li, Maggio, Stott and Yedelian OAM.

Leave of Absence had been granted to the following Councillors: Councillors Pendleton, Perram, Salvestro-Martin and Simon.

Staff Present: Acting General Manager, Acting Director – Customer and Community Services, Acting Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Acting Director – City Works and Infrastructure, General Counsel, Chief Financial Officer, Manager – Risk, Audit and Governance, Acting Manager – City Planning, Executive Officer – Ryde Civic Hub, Senior Coordinator – Communications, Senior Coordinator – Community Engagement, Senior Coordinator – Open Space Planning and Development, Open Space Planner, Community Engagement Coordinator, Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

ITEM 1 (continued)

ATTACHMENT 1

**5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/17
held on 20 June 2017**

3 RYDE OUTDOOR YOUTH AND FAMILY RECREATION SPACE

Note: Lesley Slender, Ben Drayton, Nigel Cameron (representing The Sydney Skateboard Association), Jamey Foxton, Oscar Perlstone, Bernard Cheng, Marco Novati, Andrew Alcorn (representing Ryde Skate Park Working Party), Tom Emeleus, Jane Montgomery, Jonny Valenta, Elizabeth Lawrence (representing Ryde Council Sports Advisory Committee), Robert Walsh, Kenrich Tompson, Roy Maggio (representing himself and on behalf of Anne Doring OAM) and Sean Lohan addressed the Meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 23 June 2017 was tabled in relation to this Item and a copy is ON FILE.

Note: An undated letter addressed to Councillor Maggio from Anne Doring OAM, President of Eastwood Ryde Netball Association was tabled in relation to this Item and a copy is ON FILE.

Note: An email dated 27 June 2017 from Aileen Jaji was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) In accordance with the results of the community consultation, that Council endorse Meadowbank Park as the location for construction of the Ryde Outdoor Youth and Family Recreation Space, including skate facilities.
- (b) That Council endorse the allocation of an additional \$1.3M for the construction of the Ryde Outdoor Youth and Family Recreation Space at Meadowbank Park. To be funded by Developer Contributions, and to be adjusted in the Four Year Delivery Plan accordingly (adjusting the funding to \$500,000 in 2017/2018 and \$2.3m in 2018/19).
- (c) That Council write to all who took part in the community consultation, including NSW Police, NSW Health and the Skate Park Working Group thanking them for their contributions to the Ryde Outdoor Youth and Family Recreation Space and advising them of the Council's resolution.
- (d) That all residents who addressed Council in relation to this item be invited to future community consultations to progress the concept to construction stage.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

MAYORAL MINUTES

8/17 FERNLEIGH / OPAL RESIDENTIAL CARE FACILITY MONS AVENUE – LEGAL APPEAL - The Mayor, Councillor Bill Pickering

Note: Jayne Walsh, Valerie Masterton, Gideon Reiss and Craig Chung addressed the Meeting in relation to this Item.

Note: A plan with photographs provided by Gideon Reiss was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from Holding Redlich dated 22 June 2017 provided by Gideon Reiss was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from Pikes & Verekers Lawyers dated 12 October 2015 provided by Gideon Reiss was tabled in relation to this Item and a copy is ON FILE.

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

That this matter be deferred to Closed Confidential Session to allow Council's General Counsel to provide an update on legal advice received on this matter.

Record of Voting:

For the Motion: Unanimous

7/17 BOARDING HOUSES - R2 LOW DENSITY RESIDENTIAL ZONE - The Mayor, Councillor Bill Pickering

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

That Council endorse the Mayor writing to the Minister for Planning, Minister for Housing and Special Minister of State Anthony Roberts MP requesting:-

- An amendment to the Standard Instrument to remove boarding houses as a mandated use permitted with Council consent within the R2 Low Density Zone on the basis that each Council within NSW should be able to determine the suitability of such a use within its particular Council area.
- That the City of Ryde be made exempt from State Environmental Planning Policy (Affordable Rental Housing) 2009 as it applies to boarding houses and the R2 Low Density Zone on the basis of the lack of suitability of such a use in the low density zones within Ryde and the alternate forms of housing currently available in the zone.

ITEM 1 (continued)

ATTACHMENT 1

- Remind the Minister that the Policy is not working because it is not providing affordable housing to low income earners as evidenced in Randwick and Canada Bay.

Record of Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Li, Maggio, Stott and Yedelian OAM

Against the Motion: Councillor Laxale

COUNCIL REPORTS

1 REQUEST FOR LEAVE OF ABSENCE - Councillor Terry Perram

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That Councillor Perram's Leave of Absence for the period from Tuesday, 27 June 2017 to Monday, 24 July 2017 inclusive be approved.

Record of Voting:

For the Motion: Unanimous

2 CONFIRMATION OF MINUTES - Council Meeting held on 23 May 2017

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

That the Minutes of the Council Meeting 4/17, held on 23 May 2017 be confirmed.

Record of Voting:

For the Motion: Unanimous

3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 5/17 held on 13 June 2017

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That Council determine Item 2 of the Planning and Environment Committee report 5/17, held on 13 June 2017 noting that Items 1, 3 and 4 were dealt with by the Committee within its delegated powers.

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

- 2 12 EMU STREET, WEST RYDE. LOT 9 DP 27511 and LOT 8 DP 27511. Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to amend the approved demolition, new two-storey dwelling, pavillion, landscaping and fencing. LDA2015/0217. Section 96 No MOD2016/0110.**

Note: This matter was dealt with later in the Meeting as detailed in these Minutes.

4 REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 5/17 held on 13 June 2017

RESOLUTION: (Moved by Councillors Stott and Maggio)

That Council determine all Items 1 and 2 of the Ryde Civic Hub Committee Meeting 5/17, held on 13 June 2017 in accordance with the Ryde Civic Hub Committee Terms of Reference.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Laxale, Maggio, Stott and Yedelian OAM

Against the Motion: Councillor Li

1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 9 May 2017

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

That the Minutes of the Ryde Civic Hub Committee 4/17, held on 9 May 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 19 - JUNE 2017

Note: A Supplementary Report from the Acting Director – Corporate and Organisational Support Services dated 23 June 2017 was tabled in relation to this Item and a copy is ON FILE.

ITEM 1 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Stott and Maggio)

- (a) That the Committee receives and notes the content of this report.
- (b) That the name of this Committee is changed to the Ryde Central Committee from 1 July 2017, in accordance with the gazettal of the name 'Ryde Central' by the Geographical Names Board.
- (c) That Council informs the community of the change in name of the Ryde Civic Hub site to 'Ryde Central' through a Mayoral Press Release and promoting it through Council's normal communication channels, such as the Mayoral column, Council's website and social media.
- (d) That Council endorse a budget of \$95,000, funded from the Ryde Civic Hub Reserve, to undertake revised concept drawings and associated viability analysis, as detailed in the Supplementary Report.

Record of Voting:

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

Against the Motion: Councillors Laxale and Li

5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/17 held on 20 June 2017

RESOLUTION: (Moved by Councillors Maggio and Stott)

That Council determine Items 2 and 4 of the Works and Community Committee report 4/17, held on 20 June 2017 noting that Items 1, 5, 6 and 7 were dealt with by the Committee within its delegated powers and Item 3 was dealt with earlier in the Meeting as detailed in these Minutes.

Record for the Voting:

For the Motion: Unanimous

2 DENISTONE EAST BOWLING CLUB - COMMUNITY CONSULTATION OUTCOMES AND FUTURE USE

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That Council endorse the implementation of passive and active recreation open space (Community Consultation Option 2) on the land known as Denistone Bowling Club and allocate a total of \$2.2 million to be funded by Developer Contributions and be adjusted in the Four Year Delivery Plan accordingly (\$400,000 in 2018/19 and \$1.8M in 2019/20) for this purpose.

ITEM 1 (continued)

ATTACHMENT 1

- (b) That Council write to all who took part in the community consultation for the Denistone Bowling Club advising of the Council's resolution and thanking them for their time and input.
- (c) That staff investigate the feasibility of including a small scale community facility within the overall design.

Record of Voting:

For the Motion: Unanimous

3 RYDE OUTDOOR YOUTH AND FAMILY RECREATION SPACE

Note: This matter was dealt with earlier in the Meeting as detailed in these Minutes.

4 GRANT FUNDING - ROADS AND MARITIME SERVICES - TRAFFIC CONTROL SIGNALS

RESOLUTION: (Moved by Councillors Maggio and Laxale)

- (a) That Council accepts the grant funding of \$50,000 from RMS.
- (b) That the funding received from the RMS be consolidated as an income and increased program expenditure budget within the 2017/18 Traffic and Transport Program.

Record of Voting:

For the Motion: Unanimous

6 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 5/17 held on 20 June 2017

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council determine all Items 1, 2, 3, 4, 5, 6, 7 and 8 of the Finance and Governance Committee Meeting 5/17, held on 20 June 2017 in accordance with the Finance and Governance Committee Terms of Reference.

Record for the Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

**1 CONFIRMATION OF MINUTES - Finance and Governance
Committee Meeting held on 16 May 2017**

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the Minutes of the Finance and Governance Committee 4/17, held on 16 May 2017, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 INVESTMENT REPORT AS AT 31 MAY 2017

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council endorse the Investment Report as at 31 May 2017.

Record of Voting:

For the Motion: Unanimous

**3 FOUR YEAR DELIVERY PLAN 2017-2021 INCLUDING ONE YEAR
OPERATIONAL PLAN 2017/2018**

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council note the public submission received during the public exhibition period and the response to the submission, as detailed in this report.
- (b) That in accordance with Sections 404 & 405 of the Local Government Act (1993), the Draft Four Year Delivery Plan 2017-2021 including One Year Operational Plan for 2017/2018 be adopted as the Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018, incorporating the amendments described in this report, and all changes consequential thereunto.
- (c) That, in accordance with Sections 534, 535 and 538 of the Local Government Act, 1993, Council makes the following rates and charges for every parcel of rateable land within the City of Ryde for the year commencing 1 July 2017 as detailed in the Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018.

ITEM 1 (continued)

ATTACHMENT 1

- (i) A Residential Ordinary Rate of zero point zero seven nine eight one six (0.079816) cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as residential in accordance with Section 516 of the Local Government Act, 1993 subject to a minimum amount of five hundred and forty dollars and six cents (\$540.06).
- (ii) A Business Ordinary Rate of zero point five three seven five two two (0.537522) cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as business in accordance with Section 518 of the Local Government Act, 1993, (excepting land sub-categorised as Business - Major Retail Centre - Macquarie Park or sub-categorised as Business - Major Retail Centre - Top Ryde), subject to a minimum amount of five hundred and forty dollars and six cents (\$540.06).
- (iii) A Business - Major Retail Centre - Macquarie Park Ordinary Rate of zero point five nine two six four seven (0.592647) cents in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business - Major Retail Centre - Macquarie Park in accordance with Section 529(2)(d).
- (iv) A Business - Major Retail Centre - Top Ryde Ordinary Rate of zero point five nine two six four seven (0.592647) in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business - Major Retail Centre – Top Ryde in accordance with Section 529(2)(d).
- (v) An Environmental Management Rate of zero point zero one four nine seven nine seven (0.0149797) cents in the dollar be levied on the value of all rateable land within the City of Ryde subject to a base amount of fifty six dollars and sixty six cents (\$56.66), which will levy thirty six percent (36%) of the total amount raised within this rate.
- (vi) An Infrastructure Renewal and Maintenance Special Rate of Zero point zero one four two three four four (0.0142344) cents in the dollar be levied on the value of all rateable land within the City of Ryde subject to a base amount of ninety five dollars and seventy two cents (\$95.72), which will levy fifty percent (50%) of the total amount raised within this rate.
- (vii) A Macquarie Park Corridor Special Rate of zero point zero nine seven three seven zero seven (0.0973707) cents in the dollar be levied on the land value of all rateable land categorised as business in accordance with Sections 495 and included in the Macquarie Park Corridor, as identified by the map contained in the Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018.

ITEM 1 (continued)

ATTACHMENT 1

- (viii) That aggregation of parcels of land, subject to a minimum or base amount, be permitted in accordance with Section 548A of the Local Government Act 1993.
- (d) That, in accordance with Section 496 (1) of the Local Government Act 1993, Council makes the charge for the Domestic Waste Management Service for each rateable residential property to be set at:
- Seven hundred and thirty one dollars (\$731.00) per service per annum or on a pro-rata basis for a premium service (includes 240 litre bin)
 - Four hundred and thirty two dollars (\$432.00) per service per annum or on a pro-rata basis for a standard service (includes 140 litre bin)
 - Three hundred and seventy dollars (\$370.00) per service per annum or on a pro-rata basis for an Eco-service (includes 80 litre bin) and
 - the following additional services be provided, on request, to each rateable residential property, for the following annual charges or on a pro-rata basis:

(i) Additional 80 litre Garbage Bin	\$263.00
(ii) Additional 140 litre Garbage bin	\$328.00
(iii) Additional 240 litre Garbage bin	\$642.00
(iv) Additional Recycle bin	\$ 52.00
(v) Additional Green bin	\$ 52.00
- (e) That, in accordance with Section 496 (2) of the Local Government Act 1993, Council makes the charge for the Domestic Waste Management Service, on request, to Non-rateable residential properties to be set at:
- Seven hundred and thirty one dollars (\$731.00) per service per annum or on a pro-rata basis for a premium service (includes 240 litre bin)
 - Four hundred and thirty two dollars (\$432.00) per service per annum or on a pro-rata basis for a standard service (includes 140 litre bin)
 - Three hundred and seventy dollars (\$370.00) per service per annum or on a pro-rata basis for an Eco-service (includes 80 litre bin) and
 - the following additional services be provided, on request, to each non-rateable residential property, for the following annual charges or on a pro-rata basis:

ITEM 1 (continued)

ATTACHMENT 1

- | | | |
|-------|---|--|
| (i) | Additional 80 litre Garbage Bin | \$263.00 |
| (ii) | Additional 140 litre Garbage bin | \$328.00 |
| (iii) | Additional 240 litre Garbage bin | \$642.00 |
| (iv) | Additional Recycle bin | \$ 52.00 |
| (v) | Additional Green bin | \$ 52.00 |
| (f) | That, in accordance with Section 501 (1) of the Local Government Act 1993, Council makes the standard charge for the Other Waste Management service provided, on request, to non-rateable non-residential properties be set at: | |
| (i) | Seven hundred and thirty one dollars (\$731.00) per service per annum or on a pro-rata basis for a premium service (includes 240 litre bin) | |
| (ii) | Four hundred and thirty two dollars (\$432.00) per service per annum or on a pro-rata basis for a standard service (includes 140 litre bin) | |
| (iii) | Additional 140 litre Garbage bin | \$328.00 |
| (iv) | Additional 240 litre Garbage bin | \$642.00 |
| (v) | Additional Recycle bin | \$ 52.00 |
| (vi) | Additional Green bin | \$ 52.00 |
| (g) | That in accordance with Section 496A of the Local Government Act 1993, Council makes the Stormwater Management Service Charge be levied at the following rates: | |
| (i) | Strata titled residential home units | \$12.50 per unit |
| (ii) | Other residential property | \$25.00 per rateable property |
| (iii) | Business rateable properties | \$25.00 per 350 sq metres of land area |
| (iv) | Strata titled business units | \$12.50 per unit |

ITEM 1 (continued)

ATTACHMENT 1

- (h) That, in accordance with Section 611 of the Local Government Act 1993, the following annual charges be made:
- (i) the use of Council land for the vehicle overbridge situated in Herring Road be charged in accordance with the legal agreement between the City of Ryde and the owners of Macquarie Shopping Centre (anticipated income is \$86,185 including GST for 2017/2018).
 - (ii) the use of Council land for the Shell Oil company pipeline in the City of Ryde be charged in accordance with the pricing formula agreed with the Company, (anticipated income is \$67,870 including GST for 2017/2018).
 - (iii) the use of Council land for Jemena Gas Networks (NSW) Ltd (AGL) Gas Mains in the City of Ryde be charged at a rate based on an annual review by KPMG of AGL's revenue (anticipated income is \$81,610 for 2017/2018).
- (i) That Council sets the rate of interest payable in respect of rates and charges that remain unpaid after they become due and payable be set at seven point five percent (7.5%) per annum.
- (j) That the Schedule of Fees and Charges, annexed to the Draft Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018 as amended in terms of this report, be made and fixed as Council's Fees and Charges for 2017/2018.

Record of Voting:

For the Motion: Unanimous

4 CARRYOVER FUNDS/PROJECTS 2016/2017 TO 2017/2018

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council endorse the proposed carryovers, totalling \$12.52 million and include them in the 2017/2018 Budget, detailed as follows:
- \$0.05 million for projects that Council has previously approved
 - \$1.13 million for projects that have been delayed due to contract dispute
 - \$1.50 million for projects that will benefit from broader scope for efficiencies
 - \$1.90 million for projects that were substantially commenced, tendered and/or contracts signed

ITEM 1 (continued)

ATTACHMENT 1

- \$1.94 million for projects that have been delayed for reasons detailed in this report
- \$6.00 million for Central Park, Waterloo Road project due to circumstances beyond Council's control

(b) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Reserves of \$12.43 million be adopted.

Record of Voting:

For the Motion: Unanimous

5 DIRECT DEBIT PAYMENT OPTIONS

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That a direct debit facility not be included as an additional payment method, and
- (b) That the existing Bpay facility be promoted, together with simple guidelines being placed on Council's website and made available at Council's Customer Service Centre, in promoting this payment option to all ratepayers.

Record of Voting:

For the Motion: Unanimous

6 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

ITEM 1 (continued)

ATTACHMENT 1

7 REQUEST FOR TENDER - COR-RFT- 03/17- RYDE AQUATIC LEISURE CENTRE - SOLAR PHOTOVOLTAIC SYSTEM

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council accepts the Tender from Solgen Energy Pty Ltd. in the amount of \$494,937.93 (excluding GST) in accordance with their submission, clarifications received and Council's Conditions of Contract.
- (b) That Council delegate to the Acting General Manager the authority to enter into a contract with Solgen Energy Pty Ltd on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advises all the respondents of Council's decision.

Record of Voting:

For the Motion: Unanimous

8 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

7 RELATED PARTY DISCLOSURES

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That Council receive and note this report and the accompanying Related Party Disclosures Policy and Guidelines, as detailed in this report.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

8 STRENGTHENING PROCEDURES - INTERACTIONS BETWEEN COUNCILLORS AND DEVELOPERS

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That Council amend its Code of Conduct – Standards of Conduct, with new Clauses 3.7 and 3.8, as detailed in this report.
- (b) That Council amend its Voluntary Planning Agreement Policy as detailed in this report and place the amended Policy on public exhibition for 28 days.
- (c) That a further report be provided to Council, only if there are public submissions received from the public exhibition of the Policy.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 INDEXATION OF THE FINANCIAL ASSISTANCE GRANT PROGRAM

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

That the correspondence be received and the information noted.

Record of Voting:

For the Motion: Unanimous

LATE PRECIS OF CORRESPONDENCE FOR CONSIDERATION

2 MACQUARIE UNIVERSITY – COMMONWEALTH GOVERNMENT SMART CITIES AND SUBURBS PROGRAM

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

- (a) That Council provide in principle support for the Acting General Manager to lodge a government application with Macquarie University for a Commonwealth Government up to \$500,000 under the Smart Cities and Suburbs Program Round 1 noting both Council's and Macquarie University would contribute each \$250,000.
- (b) That Council note that a further report will be provided to Council on the result of this grant application and address any adjustment required in its 2017/2021 Delivery Plan.

ITEM 1 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

3 HIGH PRIORITY INFRASTRUCTURE AT MACQUARIE PARK

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

**1 MEMBERSHIP FOR THE STATUS OF WOMEN ADVISORY COMMITTEE -
Councillor Roy Maggio**

Note: This matter was dealt with earlier in the Meeting as detailed in these Minutes.

**2 CITY OF RYDE'S INAUGURAL CORK AND FORK FESTIVAL - Deputy
Mayor, Councillor Jane Stott**

RESOLUTION: (Moved by Councillors Stott and Maggio)

(a) That Council formally acknowledge the efforts of the following East Ward Events Advisory Committee Members:-

- Ross Anderson
- Sandra Donovan
- Peter Grayson

(b) That Council formally acknowledge the local residents and visitors for the contribution they made through their attendance at the event.

(c) That Council formally acknowledge the efforts of the City of Ryde Events Team led by Michelle Carter.

(d) That Council formally acknowledge the Deputy Mayor, Councillor Jane Stott for her efforts in leading this event.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

3 GIANT STEPS – SYDNEY TOWER STAIR CHALLENGE - Sunday, 27 August 2017 - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That Council seeks Expressions of Interest from staff and Councillors to participate in the 'Giant Steps Sydney Tower Stair Challenge' on Sunday, 27 August 2017.
- (b) That Council endorse a fundraising event, to cover the \$208 entry cost per team.
- (c) That Council promote this event through the normal channels.

Record of Voting:

For the Motion: Unanimous

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Jeff Salvestro-Martin

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

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

Record of Voting:

For the Motion: Unanimous

The below Questions relate to Legal Matters:-

Question 1:

Please advise how much has been spent on Legal Matters at City of Ryde by Financial Year 2012 to 2016?

Answer 1:

The total amount spent (with relevant budget) on legal matters is as follows:

2012/2013: \$715,597	(Budget: \$905,732)
2013/2014: \$619,732	(Budget: \$769,654)
2014/2015: \$435,555	(Budget: \$824,110)
2015/2016: \$627,281	(Budget: \$856,710)
2016/2017: \$835,845	(Budget: \$893,340)

ITEM 1 (continued)

ATTACHMENT 1

NB: Above amounts includes salaries etc for in-house legal staff as those staff also have sole carriage of legal matters.

Question 2:

Please advise for each Financial Year the proportion of each total at Q1 (as a %) spent on external consultant lawyers?

Answer 2:

The proportion of each total at Q1 (as a %) spent on external consultant lawyers was as follows:

2012/2013:	68%
2013/2014:	80%
2014/2015:	18%
2015/2016:	44%
2016/2017:	56%

Question 3:

Please provide a table detailing the aggregate expenditures at Q2 by company name? Only the details of the top 6 highest earning companies need be listed.

Answer 3:

Question 3	
Total Expenditure of Top 6 highest earning companies	2012-2017
Maddocks	355,043.00
Sparke Helmore	241,375.00
Storey & Gough	191,617.00
Hall & Wilcox	173,593.00
Marsdens Law Group	131,326.00
HWL Ebsworth Lawyers	118,738.00
	1,211,692.00

Question 4:

Do all the companies at Q3 sit on City of Ryde preferred supplier list?

Answer 4:

Yes.

ITEM 1 (continued)

ATTACHMENT 1

Question 5:

What is the total value of contracts to non-preferred legal suppliers issued between 2012 and 2016?

Answer 5:

The total value of contracts to non-preferred legal suppliers issued between 2012 and 2016 is \$438,517.

CLOSED SESSION

VERBAL UPDATE - LEGAL MATTER – Ryde Bowling Club

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

**MAYORAL MINUTE 8/17 – FERNLEIGH / OPAL RESIDENTIAL CARE FACILITY
MONS AVENUE – LEGAL APPEAL**

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

ITEM 3(2) - 12 EMU STREET, WEST RYDE. LOT 9 DP 27511 and LOT 8 DP 27511. Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to amend the approved demolition, new two-storey dwelling, pavillion, landscaping and fencing. LDA2015/0217. Section 96 No MOD2016/0110

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

ITEM 1 (continued)

ATTACHMENT 1

ITEM 9 - PROPERTY MATTER

Confidential

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

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

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 9.42pm. The public and media left the chamber.

VERBAL UPDATE - LEGAL MATTER – Ryde Bowling Club

Note: Council's Barrister, Mr Geoff Farland was present for this Item and provided advice to Council.

RECOMMENDATION: (Moved by Councillor Laxale and the Mayor, Councillor Pickering)

- (a) That Council staff provide a confidential email to all Councillors, as soon as possible, providing options for public recreation use of the Ryde Bowling Club.
- (b) That a report on the future of the Ryde Bowling Club be presented to the next Council Meeting.

Record of Voting:

For the Motion: Unanimous

ITEM 1 (continued)

ATTACHMENT 1

MAYORAL MINUTE - CONFIDENTIAL

**8/17 FERNLEIGH / OPAL RESIDENTIAL CARE FACILITY MONS AVENUE –
LEGAL APPEAL - The Mayor, Councillor Bill Pickering**

Note: Jayne Walsh, Valerie Masterton, Gideon Reiss and Craig Chung addressed the Meeting in relation to this Item.

Note: A plan with photographs provided by Gideon Reiss was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from Holding Redlich dated 22 June 2017 provided by Gideon Reiss was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from Pikes & Verekers Lawyers dated 12 October 2015 provided by Gideon Reiss was tabled in relation to this Item and a copy is ON FILE.

RECOMMENDATION: (Moved by Councillors Maggio and Laxale)

That Council proceed with an appeal against the decision of the Land and Environment Court.

Record of Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Laxale, Maggio, Stott and Yedelian OAM

Against the Motion: Councillor Li

COUNCIL REPORTS - CONFIDENTIAL

**3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING
5/17 held on 13 June 2017**

- 2 12 EMU STREET, WEST RYDE. LOT 9 DP 27511 and LOT 8 DP 27511. Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to amend the approved demolition, new two-storey dwelling, pavillion, landscaping and fencing. LDA2015/0217. Section 96 No MOD2016/0110.**

Note: Peter Keegan and Richard Reeve addressed the Meeting in relation to this Item.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Laxale)

- (a) That Section 96 application to modify Local Development Application No. MOD2016/0110 at 12 Emu Street, West Ryde being LOT 9 DP 27511 and LOT 8 DP 27511 be refused for the following reasons:-

ITEM 1 (continued)

ATTACHMENT 1

1. Noncompliance with Ryde Development Control Plan 2014 with regards to Part 3.3 *Dwelling Houses and Dual Occupancy (attached)*:
 - *Section 2.1 Desired Future Character* – the addition will result in a dwelling that is not consistent with the desired future character of low scale 2 storey development due to the three storey appearance of the development when viewed from Winbourne Street East.
 - *Section 2.8.1 Building Height* – the proposed development exceeds 2 storeys in height when viewed from Winbourne Street East.
 2. The adverse impact of the proposal (3 storeys) due to its proximity to dwellings of Heritage Conservation significance in the City of Ryde.
 3. The application is not satisfactory for the purposes of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as the proposal is not in the public interest due to the nature and extent of negative amenity objections received from the local community.
- (b) That the persons who made submissions be advised of Council's decision.

On being put to the Meeting, the voting on the Motion was three (3) all. The Mayor, Councillor Pickering used his casting vote For the Motion. The Motion was **CARRIED**.

Record of Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Laxale and Yedelian OAM

Against the Motion: Councillors Li, Maggio and Stott

9 PROPERTY MATTER

Note: Due to the time being 11.03pm, this Item was not dealt with at this Meeting and accordingly is deferred for consideration at the next Council Meeting on 25 July 2017.

ITEM 1 (continued)

ATTACHMENT 1

OPEN SESSION

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.04pm.

RESOLUTION: (Moved by Councillors Stott and Li)

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

On being put to the Meeting, Councillor Maggio abstained from the voting and accordingly his vote was recorded Against the Motion

Record of Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Laxale, Li, Stott 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 11.07pm.

CONFIRMED THIS 25TH DAY OF JULY 2017

Chairperson

ITEM 1 (continued)

ATTACHMENT 1

DEFERRED ITEMS

The following Item was not considered at this meeting as detailed in these Minutes and has been deferred consideration at the next Council Meeting to be held on Tuesday, 25 July 2017:-

ITEM 9 PROPERTY MATTER

**2 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 5/17
held on 18 July 2017**

Report prepared by: Senior Coordinator - Governance

File No.: CLM/17/1/2/2 - BP17/726

REPORT SUMMARY

The Minutes of the Works and Community Committee Meeting 5/17 held on 18 July 2017 are to be circulated on Thursday, 20 July 2017 after the meeting has been conducted. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

A report detailing Items which were dealt with by the Committee within its delegated powers, together with any Committee recommendations will be circulated at the same time as the Minutes on Thursday, 20 July 2017.

**3 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
6/17 held on 18 July 2017**

Report prepared by: Senior Coordinator - Governance
File No.: CLM/17/1/5/2 - BP17/727

REPORT SUMMARY

The Minutes of the Finance and Governance Committee Meeting 6/17 held on 18 July 2017 are to be circulated on Thursday, 20 July 2017 after the meeting has been conducted. The Minutes will be listed for confirmation at the next Finance and Governance Committee Meeting.

In accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees, a report detailing the Committee recommendations will be circulated at the same time as the Minutes on Thursday, 20 July 2017.

4 ACQUISITION OF PRIVATE LAND - REQUEST FROM ADJOINING OWNER

Report prepared by: General Counsel

File No.: GRP/09/7/11 - BP17/646

REPORT SUMMARY

This report is provided to Council in response to Council's resolution as a result of a Mayoral Minute, at its meeting on 26 April 2017, when Council resolved;

"That a report, including legal, financial and operational implications, be presented to Council as soon as possible, in identifying all options available to Council in this matter".

The Mayor, in a meeting with the owners of 24 Olive Street, Ryde had been requested for Council to consider acquiring the small parcel of land ('The Land') that is located between their property and 22 Olive Street, Ryde.

As a result, this report details that this small strip of land located between 22 and 24 Olive Street, Ryde, has over a number of years, been incorrectly understood to have been a public lane/road. This land is a private road, owned by a deceased estate, in the name of William Star, that dates back to 1857.

This land was identified in Council's previous review of laneways and when confirmed that it was in private ownership, no further action was taken. It should be noted that there are similar examples and situations across Council's LGA and for Council to pursue this matter would set an undesirable precedent for Council, by Council utilising ratepayers funds to purchase private land with the intent to sell to private landowners. It is considered appropriate that this matter be resolved between the relevant adjoining owners.

This report therefore recommends that due to the land being privately owned, there is no public benefit in Council acquiring the land as a public road due to its inability to enhance the surrounding local road network. The land has limited dimensions and is considered not suitable for community purposes.

Therefore this report recommends to Council to take no further action in this matter as there is no public benefit in Council acquiring the subject land.

RECOMMENDATION:

- (a) That Council takes no further action in this matter as there is no public benefit in acquiring the subject land or seeking its dedication as a Public Road.
- (b) That Council advise the owners of 24 Olive Street, Ryde of Council's decision in this matter.

ITEM 4 (continued)

ATTACHMENTS

There are no attachments for this report.

Report Prepared By:

Paul Kapetas
General Counsel

Report Approved By:

Roy Newsome
Acting Director - Corporate and Organisational Support Services

ITEM 4 (continued)

Council has been requested by the owners of 24 Olive Street, Ryde to consider acquiring the small parcel of land that is located between their property and 22 Olive Street, Ryde ('The Land'). The Land is shown in the image below.



Council at its meeting on 26 April 2017, in considering this matter resolved;

“That a report, including legal, financial and operational implications, be presented to Council as soon as possible, in identifying all options available to Council in this matter”.

The Land has been the subject of a long running dispute between the owners of 22 and 24 Olive Street, Ryde due to building material and other items being placed on the Land that allegedly impinged upon the amenity of the occupants at 24 Olive Street.

It should be noted that for a considerable period of time the land has been considered to be part of Jurds Lane and as such a public road under the control of Council, as the relevant roads authority. However, recent investigations have revealed the following:

- (a) The Land was found to be an old system private subdivision road created in 1857 by subdivision. However, no evidence could be found that this subdivision was ever registered with Land and Property Information (LPI) (formerly known as the Land Titles Office);
- (b) There is no evidence that the Land was ever resumed or dedicated to Council as public road. However, as the Land was provided for in a subdivision prior to the commencement of the Local Government Act 1919, dedication may have occurred outside the control of the LPI. For example by expenditure of public monies or by use of the public;

ITEM 4 (continued)

- (c) The Land was found to form part of a lot that was conveyed to a William Star in 1853.
- (d) A search of the General Register of Deed was conducted against William Star from 1853 to date. The search found that the Land is still in the ownership of William Star.
- (e) Since the Land was conveyed to William Star, two rights of way were created over the Land in 1857.
- (f) The Land in question is therefore still in the ownership of the deceased estate of William Star.

While Council would potentially solve a long term dispute between the owners of 22 and 24 Olive Street Ryde, there is limited value in Council undertaking this action.

As indicated earlier in this report, and in response to the components of Council's resolution, the following points are made;

- Council has no interest in the land as it is privately owned;
- From a financial perspective, if Council was to proceed to acquire this land it would proceed on the basis of potentially recouping its costs of the land acquisition, which would include legal, survey, valuation, conveyancing, genealogy costs, in addition to the purchase price of the land. It would be expected that Council would incur a net cost in this process and would have to allocate a budget for the overall acquisition. No formal valuation has been undertaken for this land to date, and this would be undertaken if Council resolved to proceed with the acquisition.
- While it is acknowledged that operationally Council has acted inconsistently on this matter over a number of years, it is confirmed that as a result of the details in this report, Council has no right to maintain or access this land, as the land is privately owned. Therefore, if Council endorses the recommendation in this report, Council staff will take no further action in respect of this land.

Council has a number of options with respect to the request by the owners of 24 Olive Street, Ryde. Those options are as follows:

Option 1

Undertake further investigations as to whether there are any living successors of William Star and if none, make an application to the Registrar General (subject to compliance with any relevant statutory requirements) to declare the Land as Public Road with Council being the relevant roads authority.

This Option is not recommended.

ITEM 4 (continued)

Option 2

In the event that successors as to title are found, then Council may wish to apply to acquire the Land under private treaty as community / operational land or if necessary take all necessary steps to compulsorily acquire it for the purpose of a Public Road.

If Council was to elect such an option then further investigations would have to be made to determine the market value of the Land.

This Option is not recommended.

Option 3

Council takes no further action on the basis that the land is privately owned and there is no public benefit in acquiring the Land as a public road due to its inability to enhance the functionality of the surrounding local road network. This is due to the land having limited dimensions and it is considered not to be suitable for community purposes.

This Option is recommended.

Financial Implications

There are no financial implications as a result of this report, as it is recommended for Council to take no further action in this matter.

However, in the event that Council resolves to acquire the Land, funding for the acquisition would be required. The intent of this action would be for Council to recoup all costs, ie: land value and all other associated costs with the acquisition costs, from the owners of 22 and 24 Olive Street Ryde, however it is inevitable that Council would not recoup all of its costs. A more detailed budget, including estimated land value and other acquisition costs, would be provided to Council if it resolved to progress with the acquisition of the land.

5 RESULTS OF INTERNAL INVESTIGATION INTO MATTERS RELATING TO COUNCILLOR AND COUNCILS STAFF'S KNOWLEDGE OF COUNCILLOR ETMEKDJIAN'S LEGAL AFFAIRS

Report prepared by: Manager - Risk, Audit and Governance
File No.: GRP/09/5/10 - BP17/714

REPORT SUMMARY

At its meeting on 26 April 2017, Council resolved to conduct an investigation into Councillor and Council staffs' knowledge of the former Councillor Etmekdjian's legal affairs. This investigation covered two components including a focus on the examination of Council's email system and any leakage of relevant material to the media.

The purpose of this report is to advise Council that both components of this investigation have now been completed. As a result of these investigations, no substantive evidence was discovered to suggest that any Councillors or Council staff had any prior knowledge of the former Councillor's legal affairs. An external review of Council's email system relating to senior staff and Councillors also did not indicate the existence of any leakage of relevant material to the media.

This report recommends that Council note the results of this investigation and determine what further action, if any, should be taken.

RECOMMENDATION:

That Council receive and note this report.

ATTACHMENTS

- 1 Centium letter to City of Ryde on Investigation 22 June 2017 – ATTACHED AT THE END OF THIS AGENDA - CONFIDENTIAL

Report Prepared By:

John Schanz
Manager - Risk, Audit and Governance

Report Approved By:

Roy Newsome
Acting Director - Corporate and Organisational Support Services

ITEM 5 (continued)

Discussion

At its meeting on 26 April 2017, Council resolved in part, the following;

- (a) *That the General Manager conduct an internal investigation into matters relating to Councillor and Council staff's knowledge of Councillor Etmekdjian's legal affairs. The investigation should include:*
- *Whether Councillor Etmekdjian made any Councillors or council staff aware of the proceedings against him by the ATO?*
 - *Whether any Councillors or Council staff became aware of the proceedings against Councillor Etmekdjian including his guilty plea on 24 January 2017?*
 - *If any Councillors or Council Staff were aware of proceedings, what actions were taken to as a result of that knowledge?*
- (b) *That a full examination of all emails of Senior Staff and Councillors and City of Ryde Information Technology System/s in relation to this matter, with specific focus on any material that has been leaked to the media*

These investigations were broken down into two components as notified to Councillors in the Councillor Information Bulletin on 16 May 2017. The first component covered part (a) of Council's resolution noting that this part of the investigation would be conducted internally by the Acting General Manager and the Manager Risk, Audit and Governance.

The second component related to part (c) of Council's resolution with Council to engage an external specialist Information Technology consultant - Centium (former Internal Audit Bureau), to conduct this investigation. This investigation would focus primarily on the email accounts of Senior Staff (including the Executive Team, Departmental Managers, Executive Assistants and Senior Governance staff) and Councillors.

The results of these investigations are outlined below;

First Component of Investigation

As previously advised in the CIB of 16 May 2017, this investigation was conducted by the former Acting General Manager (Roy Newsome) and the Manager Risk Audit and Governance (John Schanz).

This investigation focused on questioning of all Councillors (including the former Councillor, Artin Etmekdjian), senior staff (Executive Team) as well as the General Manager's Executive Assistant and senior staff within the Governance section. The questions as outlined in the Council resolution on 26 April 2017 formed the basis of the questioning.

ITEM 5 (continued)

An attempt was made to contact the former Councillor, however this proved to be unsuccessful. All other Councillors were contacted or attempts were made to contact them. Two Councillors could not be contacted at the time of the investigation due to them being overseas.

All Councillors contacted and all staff detailed above, indicated that they had had no prior knowledge of the former Councillors legal affairs and only became aware of the situation once this information became publically available.

Second Component of Investigation

Council's Chief Information Officer engaged Centium to undertake a full examination of all emails of Senior Staff, Councillors and the City of Ryde Information Technology system.

Centium's confidential letter detailing the results of their survey is **CONFIDENTIAL ATTACHMENT 1**.

Centium's advice details that, following an analysis of Council's email logs, they found no communications to the Sydney Morning Herald or other media outlets within the timeframe of 13 April 2017 and 14 April 2017. Centium noted this result is not conclusive due to Council's logs not capturing certain fields.

Centium undertook further searches of Council's emails, however, there were no examples found within the relevant timeframe.

Centium have indicated in their letter, the cost, if Council required a more detailed investigation.

Financial Implications

In addition to staff's time in undertaking a component of this investigation, Council incurred costs of \$6,000 for Centium to complete their initial investigation of Council's system and emails.

Options

Option 1

Council could initiate a more detailed investigation into this matter as detailed on the report.

This Option is not recommended.

ITEM 5 (continued)

Option 2

Council could receive and note the findings of the initial investigations into this matter and given there is no evidence of any knowledge or leakage of documents from Council, that Council receive and note this report.

This Option is recommended.

PRECIS OF CORRESPONDENCE

1 PARRAMATTA RIVER CATCHMENT GROUP - 'GET THE SITE RIGHT' COMPLIANCE CAMPAIGN - MAY 2017

Report prepared by: Governance, Risk and Audit Coordinator
File No.: CLM/17/1/1/11 - BP17/742

CORRESPONDENCE:

Submitting correspondence from the Parramatta River Catchment Group, dated 22 June 2017, regarding Council's recent participation in the 'Get the Site Right' campaign blitz.

The campaign was reported to be highly successful, involving all 11 member councils, the NSW EPA and the Department of Planning and Environment.

The Parramatta River Catchment Group has thanked City of Ryde Council for their contribution to the campaign, noting that City of Ryde Council Compliance Officers inspected 33 sites and issued a total of \$73,000 in fines.

RECOMMENDATION:

- (a) That the correspondence be received and noted.
- (b) That Council acknowledges the considerable efforts of Council's Compliance Officers, in participating in the 'Get the Site Right' campaign.

ATTACHMENTS

- 1 Parramatta River Catchment Group - Letter to Council - Get the Site Right Campaign, May 2017 (Nadia Young, 22 June 2017)
- 2 NEWS RELEASE - \$165,000 in Fines Following Blitz on Parramatta River Construction Sites - EPA and Parramatta River Catchment Group (16 June 2017)

Report Prepared By:

Roxanne Thornton
Governance, Risk and Audit Coordinator

Report Approved By:

George Dedes
Acting General Manager

PRECIS OF CORRESPONDENCE 1 (continued)

ATTACHMENT 1

LET'S MAKE OUR RIVER
SWIMMABLE AGAIN BY
2025



Parramatta River Catchment Group
PO Box 32
Parramatta NSW 2124

Roy Newsome
Acting General Manager
City of Ryde Council
Email: rnewsome@ryde.nsw.gov.au

Cc: Liz Coad: lcoad@ryde.nsw.gov.au
Sam Cappelli: scappelli@ryde.nsw.gov.au
Craig Redfern: credfern@ryde.nsw.gov.au

Thursday, 22 June 2017

Dear Roy,

Re: Council participation in the May 2017 'Get the Site Right' compliance campaign

I am writing on behalf of Sarah Holland Clift, PRCG Coordinator, regarding City of Ryde Council's recent participation in the 'Get the Site Right' compliance blitz.

This campaign was highly successful, involving all 11 member councils, the NSW EPA and Department of Planning and Environment. Throughout May, 439 sites were inspected by 54 officers. A total of fines \$433,140 in fines were issued with only 51% of sites found to be compliant.

Offences ranged from no controls in place at all and unprotected dirt stockpiles in locations where they could be washed away, to minor offences such as ruptured sediment bags and inadequate sweeping of roads and driveways.

We congratulate the staff at City of Ryde Council who were involved in this campaign for their valuable contribution to these outcomes. In particular, we wish to acknowledge the significant effort by compliance officers who inspected 33 sites and issued a total of \$73,000 in fines.

We thank you for your continued support of the PRCG's mission to make the Parramatta River swimmable again by 2025.

Yours sincerely

Nadia Young
Communications Officer
Parramatta River Catchment Group

PRECIS OF CORRESPONDENCE 1 (continued)

ATTACHMENT 2



LET'S MAKE OUR RIVER
SWIMMABLE AGAIN BY
2025



News Release

16 June 2017

\$165,000 in fines following one-day blitz on Parramatta River construction sites

Hundreds of construction sites around the Parramatta River were inspected in a recent blitz on sediment and erosion control, with more than \$165,000 worth of fines issued in one day and almost half of sites found to be non-compliant.

A joint taskforce of 54 compliance officers from the NSW EPA, Department of Planning and Environment and 11 local councils were out in force during a one-day blitz on 24 May, as part of the Parramatta River Catchment Group's month-long 'Get the Site Right' campaign.

The campaign builds on the efforts of the blitz last October, with the taskforce inspecting more than double the number of sites this year. The aim is to highlight the important role that developers play in helping protect the river to make it a clean and safe place to swim.

Inspections were conducted on a range of developments from small home renovations to major road constructions. The area covered the Parramatta River catchment in the local government areas of Blacktown, Burwood, Canada Bay, Canterbury-Bankstown, Cumberland, Hills Shire, Hunters Hill, Inner West, Parramatta, Ryde and Strathfield.

Offences ranged from no controls in place at all, collapsed fencing, ripped and torn sediment bags, and inadequate containment of sediment stockpiles. Regulatory action included verbal directions, formal warnings, prevention notices and financial penalties, totalling more than \$165,000 in fines. Some developers were repeat offenders and were issued fines for water pollution at several of their construction sites.

During the whole month of compliance activities, a total of 439 sites were inspected and \$433,140 in fines were issued, with only 51% of these found to be compliant.

The 49 per cent non-compliance rates indicate that more work is needed to educate developers on best practice sediment and erosion control, and the important role this plays in restoring Parramatta River to a clean and safe swimming area.

Councils, the NSW EPA and Department of Planning and Environment will continue to monitor developments in their area, targeting offending sites and issuing fines to ensure they 'Get the Site Right.' Community members are encouraged to report pollution incidents by calling the Environment Line number 131 555.

Quotes:

NSW EPA Regional Director Metropolitan, Ms Giselle Howard, said sediment run-off continues to be a serious issue for the Parramatta River, which can have a detrimental impact on aquatic plants and animals.

"It's disappointing to see that the compliance rate hasn't improved since the last blitz but we won't stop targeting offenders and working to make the Parramatta River swimmable again," Ms Howard said.

"Ongoing monitoring and education is crucial to help developers and the community understand their role in protecting the Parramatta River"

PRECIS OF CORRESPONDENCE 1 (continued)

ATTACHMENT 2

"We look forward to continuing to work with local councils to raise awareness about the importance of managing soil and erosion control on building sites."

PRCG Chair, Cllr Jerome Laxale, said that the record number of sites inspected is a great achievement and reflects the ongoing commitment by the member authorities of the PRCG to improving compliance rates at construction sites in the Parramatta River catchment area.

"Get the Site Right' is part of a long-term strategy that is working towards delivering a world class, quality river where people can safely swim," Cllr Laxale said.

'Developers and builders should be on notice that councils will continue to target and fine non-compliant sites to reduce the pollution to the river caused by sediment laden run-off.'

Further information

Detailed information on fines issued under the POEO (Protection of the Environment Operations) Act for polluted water offences, can be provided to the public on request.

Photos from the Blitz Day, further interviews and media opportunities can be arranged on request.

– ENDS –

PRCG media enquiries

Nadia Young, PRCG Communications Officer
Phone: 0415 231 339
Email: nyoung@cityofparramatta.nsw.gov.au

EPA media enquiries

Phone: (02) 9995 6415 (24-hour media line)
Email: publicaffairssection@epa.nsw.gov.au

CONFIDENTIAL ITEMS

6 DEFERRED REPORT: PROPERTY MATTER

Confidential

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

Report prepared by: Team Leader - Properties

File No.: CSG/17/1/6/1 - BP17/629

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