

Meeting Date: Wednesday 26 April 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

Councillors Present: The Mayor, Councillor Pickering and Councillors Laxale, Maggio, Pendleton, Perram, Salvestro-Martin, Simon, Stott and Yedelian OAM.

Note: Councillor Maggio arrived at the meeting at 7.40pm. He was not present for the consideration and voting on Public Participation on Items Listed on the Agenda and a Matter of Urgency.

Apologies: Councillor Li.

Staff Present: Acting General Manager, Acting Director – Customer and Community Services, Acting Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Director – City Works and Infrastructure, General Counsel, Acting Chief Financial Officer, Acting Manager – Communications, Customer Service and Events, Manager – Risk, Audit and Governance, Acting Manager – City Planning, Manager – Community Services, Manager – Asset Systems, Acting Manager – Strategic Human Resources, Executive Officer – Ryde Civic Hub, Development Contributions Coordinator, Senior Coordinator – Community Engagement, Senior Coordinator – Governance, Governance, Risk and Audit Coordinator and Administration Officer – Councillor Support.

PRAYER

Reverend Mal York of West Ryde Anglican Church, was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Laxale disclosed a Significant Non-Pecuniary Interest in Item 2 – Report of the Planning and Environment Committee Meeting 3/17 held on 11 April 2017 for the reasons that an objector is known to him.

Councillor Simon disclosed a Significant Non-Pecuniary Interest in Item 2 – Report of the Planning and Environment Committee Meeting 3/17 held on 11 April 2017 for the reasons that he is a friend and party colleague of Penny Pedersen, who was an objector on this matter.

Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Item 3 – Report of the Ryde Civic Hub Committee Meeting 3/17 held on 11 April 2017 for the reason that her continued and consistent opposition to the sale/redevelopment of the Civic Centre public land with the inclusion of high rise residential development, the loss of the bus interchange and internal auditorium and other community amenity is consistent with her core commitment made to the electorate at the 2012 elections.

Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in Item 4(3) – Community Grants Program – Allocation of Funding 2016/2017 for the reason that senior members of the Eastwood St Andrews Football Club and Macquarie Chapel are known to him.

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Item 4(3) – Community Grants Program – Allocation of Funding 2016/2017 for the reason that he is on the Board of one of the organisations applying and knows the son of another organisation.

TABLING OF PETITIONS

No Petitions were tabled.

PRESENTATION OF AWARD – LOCAL GOVERNMENT EXCELLENCE AWARDS, LOCAL GOVERNMENT PROFESSIONALS NSW – “DESIGN OUR RYDE”

The Mayor, Councillor Pickering advised the meeting that at the Local Government Awards Ceremony held on 6 April 2017, the City of Ryde was presented with a Highly Commended Award in the category of “Excellence in Innovation, Leadership and Management” for the “Design Our Ryde” project.

This category recognises innovative projects that demonstrate new ways of leading, facilitating, administering, controlling or ensuring a particular outcome is achieved, and positive changes to the leadership and management of councils, processes, practices and projects are made.

The Mayor, Councillor Pickering thanked all staff involved in the project for their efforts, particularly Council’s Executive Officer – Ryde Civic Hub (Malcolm Harrild) and Council’s Senior Coordinator – Community Engagement (Claudia Micallef).

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Gavin Carrier	ITEM 6 – CONFIDENTIAL – Draft Voluntary Planning Agreement with Holdmark – 66 – 82 Talavera Road, Macquarie Park

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

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

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

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 3/17 held on 11 April 2017 be allowed to address the meeting, the time being 7.20pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons then addressed the Council:-

Name	Topic
Gavin Carrier	ITEM 2(3) – 66 – 82 Talavera Road, Macquarie Park – Amendment to the Gateway Determination
Michael Harrison	ITEM 2(3) – 66 – 82 Talavera Road, Macquarie Park – Amendment to the Gateway Determination

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Name	Topic
Paul Azizi (representing Raymond Azizi)	Blenheim Park Expansion

MATTER OF URGENCY

Councillor Stott advised that she wished to raise a Matter of Urgency regarding Misleading and Damaging Information available on Council Website.

The Mayor, Councillor Pickering accepted this matter as an Urgent Item.

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

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

That Council consider a Matter of Urgency raised by Councillor Stott regarding Misleading and Damaging Information available on Council Website, the time being 7.36pm.

Record of the Voting:

For the Motion: Unanimous

Note: Councillor Maggio arrived to the meeting at 7.40pm.

**MATTER OF URGENCY – MISLEADING AND DAMAGING INFORMATION
AVAILABLE ON COUNCIL WEBSITE**

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

That the speech made by Chris Turner at the Council Meeting held on Tuesday, 28 March 2017 be removed from the Council website until those Councillors who wish to obtain legal advice regarding the statements have had time to have their legal representatives give that advice.

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

Record of the Voting:

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

Against the Motion: Councillors Laxale, Pendleton, Perram and Simon

MATTER OF URGENCY

Councillor Salvestro-Martin advised that he wished to raise a Matter of Urgency regarding matters raised by a speaker, Mr Paul Azizi earlier in the meeting.

The Mayor, Councillor Pickering accepted this matter as an Urgent Item.

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

That Council consider a Matter of Urgency raised by Councillor Salvestro-Martin regarding matters raised by a speaker, Mr Paul Azizi earlier in the meeting, the time being 8.01pm.

Record of the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Maggio, Pendleton, Salvestro-Martin, Stott and Yedelian OAM

Against the Motion: Councillors Laxale, Perram and Simon

**MATTER OF URGENCY – MATTERS RAISED BY A SPEAKER, MR PAUL AZIZI
EARLIER IN THE MEETING**

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

That following the public address by Mr Paul Azizi earlier in the meeting, that the Acting General Manager prepare a report to be presented back to Council regarding the issues raised.

Record of the Voting:

For the Motion: Unanimous

MAYORAL MINUTES

MM5/17 JURDS LANE - The Mayor, Councillor Bill Pickering

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

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.

Record for the Voting:

For the Motion: Unanimous

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Stott and Maggio)

That Council now consider the following Item, the time being 8.14pm:-

- Item 2(3) – 66 – 82 Talavera Road, Macquarie Park – Amendment to the Gateway Determination

Record for the Voting:

For the Motion: Unanimous

COUNCIL REPORTS

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 3/17 held on 11 April 2017

Note: Councillor Laxale disclosed a Significant Non-Pecuniary Interest in this Item for the reasons that an objector is known to him. He left the meeting at 8.15pm and was not present for consideration or voting on this Item.

Note: Councillor Simon disclosed a Significant Non-Pecuniary Interest in this Item for the reasons that he is a friend and party colleague of Penny Pedersen, who was an objector on this matter. He left the meeting at 8.15pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That Council determine Item 3 of the Planning and Environment Committee report 3/17, held on 11 April 2017 noting that Items 1 and 2 were dealt with by the Committee within its delegated powers.

Record for the Voting:

For the Motion: Unanimous

Note: Councillors Laxale and Simon returned to the meeting at 8.16pm.

3 66 - 82 TALAVERA ROAD MACQUARIE PARK - AMENDMENT TO THE GATEWAY DETERMINATION

Note: Gavin Carrier and Michael Harrison addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 24 April 2017 was tabled in relation to this Item and a copy is ON FILE.

Note: An A3 document with photographs from Gavin Carrier was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

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

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Laxale, Maggio, Pendleton, Salvestro-Martin, Simon, Stott and Yedelian OAM

Against the Motion: Councillor Perram

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

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

That Council allow Mr Sarkis Nassif from Holdmark to address the meeting in relation to Item 2(3) – 66-82 Talavera Road, Macquarie Park – Amendment to the Gateway Determination, the time being 8.21pm.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Laxale, Maggio, Pendleton, Salvestro-Martin, Simon, Stott and Yedelian OAM

Against the Motion: Councillor Perram

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person then addressed the Council:-

Name	Topic
Sarkis Nassif	ITEM 2(3) – 66 – 82 Talavera Road, Macquarie Park – Amendment to the Gateway Determination

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 28 March 2017

RESOLUTION: (Moved by Councillors Stott and Maggio)

That the Minutes of the Council Meeting 2/17, held on 28 March 2017 be confirmed.

Record for the Voting:

For the Motion: Unanimous

3 REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 3/17 held on 11 April 2017

Note: Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that her continued and consistent opposition to the sale/redevelopment of the Civic Centre public land with the inclusion of high rise residential development, the loss of the bus interchange and internal auditorium and other community amenity is consistent with her core commitment made to the electorate at the 2012 elections.

RESOLUTION: (Moved by Councillors Stott and Maggio)

That Council determine all Items 1, 2, 3, 4 and 5 of the Ryde Civic Hub Committee Meeting 3/17, held on 11 April 2017 in accordance with the Ryde Civic Hub Committee Terms of Reference.

Record for the Voting:

For the Motion: Unanimous

1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 14 March 2017

RESOLUTION: (Moved by Councillors Stott and Maggio)

That the Minutes of the Ryde Civic Hub Committee 2/17, held on 14 March 2017, be confirmed.

Record for the Voting:

For the Motion: Unanimous

2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 17 - APRIL 2017

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

- (a) That the Committee receives and notes the content of this report.
- (b) That Council endorse the allocation of \$40,000 (including GST) to undertake traffic survey analysis to respond to the Roads and Maritime Service's intention to close one of the right hand turn lanes on Devlin Street into Blaxland Road and Parkes Street for conversion into a northbound traffic lane.
- (c) That the allocation of \$40,000, as per part (b) of this recommendation, be funded from Council's Available Working Capital and included in the March 2017 Quarterly Review.

On being put to the Meeting, Councillor Pendleton abstained from the voting and accordingly her vote was recorded Against the Motion.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Maggio, Perram, Salvestro-Martin, Stott and Yedelian OAM

Against the Motion: Councillors Pendleton, Simon and Laxale

3 RYDE CIVIC HUB - CIVIC HALL MAINTENANCE UPDATE

RESOLUTION: (Moved by Councillors Stott and Maggio)

- (a) That Council note the details of the maintenance options detailed in this report for the Civic Hall.
- (b) That Council allocate \$150,000 as a contingency amount for essential maintenance works for the Civic Hall, including the Civic Hall's roof and floor, as detailed in this report, funded from Council's Asset Replacement Reserve.

Record for the Voting:

For the Motion: Unanimous

4 CONFIDENTIAL - RYDE CIVIC HUB - CIVIC HALL ALTERNATIVE OPTIONS

MOTION: (Moved by Councillors Stott and Salvestro-Martin)

- (a) That Council provide 'in principle' support for the Ryde Bowling Club site to be the preferred site to locate the Civic Hall replacement.
- (b) That the Acting General Manager be authorised to undertake further investigations and meetings with key stakeholders to confirm that this site is viable.
- (c) That an update report be submitted back to the Ryde Civic Hub Committee in July 2017.

AMENDMENT: (Moved by Councillors Perram and Maggio)

- (a) That the Acting General Manager be authorised to undertake further investigations and meetings with key stakeholders to confirm that the Ryde Bowling Club site is viable.
- (b) That an update report be submitted back to the Ryde Civic Hub Committee in July 2017.
- (c) That a redacted version of this report be made publicly available.

On being put to the Meeting, Councillor Stott abstained from the voting and accordingly her vote was recorded Against the Motion.

On being put to the Meeting, the voting on the Amendment was six (6) for and three (3) against. The Amendment was **CARRIED** and then became the Motion.

Record for the Voting:

For the Amendment: Councillors Laxale, Maggio, Pendleton, Perram, Salvestro-Martin and Yedelian OAM

Against the Amendment: The Mayor, Councillor Pickering and Councillors Simon and Stott

RESOLUTION: (Moved by Councillors Perram and Maggio)

- (a) That the Acting General Manager be authorised to undertake further investigations and meetings with key stakeholders to confirm that the Ryde Bowling Club site is viable.
- (b) That an update report be submitted back to the Ryde Civic Hub Committee in July 2017.
- (c) That a redacted version of this report be made publicly available.

On being put to the Meeting, Councillor Stott abstained from the voting and accordingly her vote was recorded Against the Motion.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Laxale, Maggio, Pendleton, Perram, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Stott

5 CONFIDENTIAL - RYDE CIVIC HUB - ECONOMIC ANALYSIS AND VIABILITY OF THE WINNING DESIGN

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

- (a) That Council received and notes the contents of this report.
- (b) That Council note the three (3) viable options, as detailed in this report.
- (c) That Council requests the Acting General Manager to seek a quotation and confirmation from the Beijing Institute of Architectural Design to assess and determine, if the viable options detailed in this report, can be made consistent with their winning design concept.
- (d) That Council note that an approach will now be made to the State Government to explore the opportunity for financial support for the development of this site.

AMENDMENT: (Moved by Councillors Laxale and Simon)

- (a) That Council notes that there is no viable option to build Design 572, noting this was the winning design of the International Design Competition.
- (b) That Council notes that the International Design Competition cost approximately \$1 million.
- (c) That the Mayor, Councillor Pickering release a statement noting the failure of the design competition and he apologies on behalf of the Council for wasting ratepayer funds.

On being put to the Meeting, the voting on the Amendment was four (4) for and five (5) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record for the Voting:

For the Amendment: Councillors Laxale, Simon, Pendleton and Perram

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

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

- (a) That Council received and notes the contents of this report.
- (b) That Council note the three (3) viable options, as detailed in this report.
- (c) That Council requests the Acting General Manager to seek a quotation and confirmation from the Beijing Institute of Architectural Design to assess and determine, if the viable options detailed in this report, can be made consistent with their winning design concept.
- (d) That Council note that an approach will now be made to the State Government to explore the opportunity for financial support for the development of this site.

Record for the Voting:

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

Against the Motion: Councillors Laxale, Pendleton, Perram and Simon

4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 2/17 held on 18 April 2017

Note: Councillor Yedelian OAM left the meeting at 9.22pm and was not present for consideration or voting on this Item.

Note: Councillor Salvestro-Martin left the meeting at 9.22pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

That Council determine Item 3 of the Works and Community Committee report 2/17, held on 18 April 2017 noting that Items 1, 2, 4, 5 and 6 were dealt with by the Committee within its delegated powers.

Record for the Voting:

For the Motion: Unanimous

3 COMMUNITY GRANTS PROGRAM - ALLOCATION OF FUNDING 2016/2017

Note: Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that senior members of the Eastwood St Andrews Football Club and Macquarie Chapel are known to him.

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is on the Board of one of the organisations applying and knows the son of another organisation. He was not present for consideration or voting on this Item.

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

Note: Councillor Simon left the meeting at 9.25pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That Council endorse the allocation of the 2016/2017 City of Ryde Sports and Recreation Community Grant Category as follows:

Organisation	Project Name	Amount \$
Eastwood Ryde Netball Association Inc.	"L" to play Netball	3,500
Gladesville Sharks Football Club	Coaching for Junior Players-Boys & Girls	1,000

Putney Rangers Football Club	Equipment and coaching aids	3,327
Macquarie Combined Sports Club Incorporated – Macquarie Dragons FC	Equipment - noncompetitive football skills development	3,240
Eastwood St Andrews Association Football Club Inc.	Community Inclusion Program	2,000
Ryde Sports Foundation Inc.	Ryde Sports Foundation Personal Development Scholarship	3,500
	Total	16,567

- (b) That Council endorse the allocation of the 2016/2017 City of Ryde Seniors Grant Category as follows:

Organisation	Project Name	Amount \$
Italian Leisure Group	Social Events	2,000
Catholic Healthcare Limited-Korean Day Centre	Special Art and Craft Day	1,752
Italo-Australian Senior Citizens Association	Italo-Australian Senior Citizens Group	2,000
Indonesian Welfare Association Incorporated	2B Active Seniors	2,000
Ryde Multicultural Centre Incorporated	Active and Informed Seniors 2017	2,000
Probus Club Of Ryde	Subsidize Transportation and Excursion Costs	2,000
Italian Women's Group Marsfield	Promotes Health Initiatives	500
	Total	12,252

- (c) That Council endorse the allocation of the 2016/2017 City of Ryde Capacity Building Grant – Event Category as follows:

Organisation	Project Name	Amount \$
Reach Community Initiatives Incorporated	Community Christmas Dinner	3,000
Sydney Latin American Film Festival Inc.	Human Rights in Latin America Film Festival	2,000
Rotary Club of North Ryde Inc.	Seniors Christmas Party	1,250

Rotary Club Of Macquarie Park Incorporated	Light Up East Ryde	3,500
Macquarie Chapel Presbyterian Church	Downtown Bethlehem	2,700
Eastwood Chinese Senior Citizens Inc.	Lunar New Year Celebration Luncheon (Year of Dog)	1,000
Australian Asian Association of Bennelong and Eastwood Chinese Senior Citizens Club	2018 Harmony Soccer Tournament	1,000
Language Festival Association	Ryde Language Festival 2017	1,000
Total		15,450

- (d) That Council endorse the allocation of the 2016/2017 City of Ryde Capacity Building Grant – Emerging/Small Groups Category as follows:

Organisation	Organisation Support	Amount \$
Australia Han In Saenng Myung Line Inc.- Korean Life Line	Need financial assistance to maintain counseling service by telephone for Korean speaking community	3,500
Differently Abled People Association Incorporated- Friends of DAPA	The Friends of DAPA assist the organization to develop a smartphone app that helps disabled people to be independent in Australia	3,500
The Northern Centre - Together We Can	It is a support group for single mums from Korean speaking background	3,500
Total		10,500

- (e) That Council endorse the allocation of the 2016/2017 City of Ryde Capacity Building Grant – General Category as follows:

Organisation	Project Name	Amount \$
Ryde Hunters Hill Community Transport Association Inc.	Future Capability Training	1,129
Australia Korean Art Therapy Association Inc.	Therapist Member Trainings	2,850
SydneySiders Mens Barbershop Chorus Inc.	SydneySiders Express Men's Chorus Open Night	2,600

Friends Of Lane Cove National Park	Capacity building, train the team leaders Friends of Lane Cove National Park	3,480
Artisans Ryde Inc.	Artisans Ryde Classes	2,180
North Ryde Community Aid And Information Centre Inc.	Timebanking	3,500
The Ryde Chinese Carers Support Group	Becoming the most supportive CALD Carers support group	3,000
Total		18,739

- (f) That That Council endorse the allocation of the 2016/2017 City of Ryde Community Projects Grant Category as follows:

Organisation	Project Name	Amount \$
The Shepherd Centre - For Deaf Children	Ready Set Go -- A School Readiness Program for Children from Ryde who are Deaf or Hearing Impaired	3,400
Christian Community Aid - art4connection	art4connection Workshop	2,500
The Northern Centre	Tuning into Kids	4,952
St Andrews Socio Religious Justice, Harmony of FITA Inc.	Community Volunteering Training Project-Environment for Ryde Community	2,000
Buddhist Compassion and Relief Tzu Chi Foundation	Zero waste Ryde	4,000
Sydney Korean Women's Association Inc	Project Helping Hand	2,000
Northside Community Forum Limited	Care Support training for DARTS Bus drivers and DARTS Volunteers	5,000
Armenian Relief Society Araz Chapter	Self-Sustainability	2,500
Multicultural Integration Community Support	Old New Stories from abroad: A film project with aging immigrants	3,300
Taldumande Youth Services	Intensive Family Support Program	5,000
Feng Huang Yuan Spiritual Cultivation Centre Inc.	Restore Ways to Health and Wellness	3,500
Total		38,152

- (g) That the grant applicants be informed in writing of the outcome of their applications.
- (h) That \$38,400 being the remainder of the funding unallocated from current Grant round is transferred into the Community Grant Reserve Fund.

- (i) That the Community Grant Reserve Fund which currently consists of \$35,290 be accumulated to \$73,690, and that this funding is to be utilised in providing Small Grants funding through the year.

Record for the Voting:

For the Motion: Unanimous

Note: Councillor Yedelian OAM returned to the meeting at 9.26pm.

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

Note: Councillors Salvestro-Martin and Simon were not present for consideration or voting on this Item.

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

That Council determine all Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the Finance and Governance Committee Meeting 3/17, held on 18 April 2017 in accordance with the Finance and Governance Committee Terms of Reference.

Record for the Voting:

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

Against the Motion: Councillor Laxale

**1 CONFIRMATION OF MINUTES - Finance and Governance
Committee Meeting held on 21 March 2017**

Note: Councillors Salvestro-Martin and Simon were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Stott)

That the Minutes of the Finance and Governance Committee 2/17, held on 21 March 2017, be confirmed.

Record for the Voting:

For the Motion: Unanimous

Note: Councillor Simon returned to the meeting at 9.28pm.

2 INVESTMENT REPORT - March 2017

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

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council endorse the Investment Report – March 2017.

Record for the Voting:

For the Motion: Unanimous

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

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

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That Council, pursuant to Sections 404 and 405 of the Local Government Act 1993, endorse the document titled "Draft Four-Year Delivery Plan 2017/2021 including One-Year Operational Plan 2017/2018", inclusive of the 2017/2018 Draft Budget, Fees and Charges and Capital Works Program and as detailed in this report.
- (b) That the Draft Four-Year Delivery Plan 2017/2021 including One-Year Operational Plan 2017/2018 be publicly exhibited for a period of not less than 28 days from 2 May 2017 to 30 May 2017.
- (c) That following the public exhibition period detailed in part (b), Council consider all public submissions at its meeting to be held on Tuesday, 20 June 2017 prior to formally adopting its Four-Year Delivery Plan 2017/2021 including the One-Year Operational Plan 2017/2018.

Record for the Voting:

For the Motion: Unanimous

4 COUNCIL'S SUBSIDIES AND DISCOUNTS IN SERVICES AS AT 30 JUNE 2016

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

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council note the current estimated Community Service Obligation (CSO) provided by the City of Ryde through its Fees and Charges is \$11.67 million;
- (b) That Council note the estimated total annual Community Service Obligations (CSOs), including cost shifting costs, CSOs from Fees and Charges and other sponsorships, community grants and subsidies provided by the City of Ryde and as detailed in the report, is estimated at \$20.56 million annually.
- (c) That Council maintain the current level of Community Service Obligations across its operations for the 2017/18 financial year.
- (d) That Council endorse Option 1, as outlined in this report, with respect to improving the level of CSO's as they relate to Council's fee related services.

Record for the Voting:

For the Motion: Unanimous

Note: Councillor Salvestro-Martin returned to the meeting at 9.30pm.

5 STRENGTHENING RYDE - Update March 2017

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That Council note the progress and status of each project within the Strengthening Ryde initiative.
- (b) That Council note any ongoing initiatives will be reported to Council separately.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Maggio, Pendleton, Perram, Salvestro-Martin, Simon, Stott and Yedelian OAM

Against the Motion: Councillor Laxale

6 PAYMENT PORTAL AND PAYMENT GATEWAY eBUSINESS PROJECT - UPDATE ON NEGOTIATIONS AND WAY FORWARD

Note: Councillor Stott left the meeting at 9.31pm and was not present for consideration or voting on this Item.

Note: A Memorandum from the Acting Director – Corporate and Organisational Support Services dated 20 April 2017 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council endorse the Technology One eServices solution as its preferred Payment Portal and Payment Gateway solution; and
- (b) That funding for the licencing and implementation of the Technology One eServices solution be sourced from the \$200,000 Council set aside for this project at its meeting of 24 November 2015.
- (c) That a further report be provided back to council on introducing a direct debit payment facility.

Record for the Voting:

For the Motion: Unanimous

Note: Councillor Stott returned to the meeting at 9.36pm.

7 COR-RFP-11/16 FOR THE MANAGEMENT AND OPERATION OF THE RYDE COMMUNITY AND SPORTS CENTRE

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

- (a) That pursuant to clause 178 (3) (e) of the Local Government (General) Regulation 2005 (**Regulation**):
 - (i) Council does not accept any of the tenders; and
 - (ii) Council enter into negotiations with any person (whether or not the person submitted a proposal) with a view to entering into a contract in relation to the management and operation of the Ryde Community and Sports Centre (RCSC) situated in ELS Hall Park.
- (b) That pursuant to clause 178 (4) of the Regulation, the Council's reasons for declining to invite fresh tenders or applications as referred to in resolution (a) (i) above and to enter into negotiations with any person, for the management and operation of the Ryde Community and Sports Centre are due to the minimal number of responses received and the resultant difficulties in the ability to adequately test the market.

- (c) That, if agreement is reached as a result of the negotiations referred to in resolution (a) (ii) above, the statutory advertising of the lease occur and should any written submissions objecting to the lease be received, a further report is to be provided to Council.
- (d) That subject to the requirements of resolution (c) above and (e) below, the Acting General Manager be delegated authority to enter into the negotiations referred to in resolution (a) (ii) above and to subsequently execute all relevant documents to effect any agreement that is reached with respect to those negotiations.
- (e) That a further report be provided to Council on the options for use of the synthetic turf sports field for community sports programs.
- (f) That all respondents are advised of Council's decision.

Record for the Voting:

For the Motion: Unanimous

8 COR-RFT-01/17 ELOUERA RESERVE PLAYGROUND AND LANDSCAPE WORKS

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That Council accept the tender from Glascott Landscape and Civil for the Elouera Reserve Playground and Landscape Works to the amount of \$1,287,855.45 excluding GST as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with Glascott Landscape and Civil 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 advise all the respondents of Council's decision.

Record for the Voting:

For the Motion: Unanimous

9 PROPERTY MATTER

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That Council endorses the proposal to divest this surplus site;

- (b) That, consistent with the recently adopted City-wide Property Strategy, net funds from this divestment are directed to the new Property Investment Fund (which is being established to support the Property Investment Portfolio); and
- (c) That the General Manager is delegated appropriate authority, as outlined in this report to undertake the divestment of the surplus property.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Maggio, Pendleton, Perram, Salvestro-Martin, Stott and Yedelian OAM

Against the Motion: Councillors Laxale and Simon

10 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That this Item be deferred to Closed Confidential Session for consideration.

Record for the Voting:

For the Motion: Unanimous

11 CITY OF RYDE LOCAL GOVERNMENT ELECTION - 9 SEPTEMBER 2017

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That Council allocate a budget of \$660,000, funded from the Election Reserve, for the conduct of the September 2017 Local Government Election.
- (b) That this adjustment be made as part of the draft 2017/2018 Operational Plan.

Record for the Voting:

For the Motion: Unanimous

LATE ITEMS

8 POSITION OF GENERAL MANAGER

REOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That Council determine its appointment of the Acting General Manager with the following delegation:-

Pursuant to s336(1) of the Local Government Act 1993, George Dedes be appointed to act in the position of General Manager, effective 18 May 2017 for a twelve (12) month period or until the appointment of a General Manager pursuant to s334 of the Local Government Act, whichever occurs first.

Record for the Voting:

For the Motion: Unanimous

10 COUNCIL'S STANDING AND ADVISORY COMMITTEE MEMBERSHIP - DISQUALIFICATION OF FORMER COUNCILLOR ARTIN ETMEKDJIAN

MOTION: (Moved by Councillors Yedelian OAM and Stott)

- (a) That Council note and endorse the proposed approach to be undertaken in relation to its Standing and Advisory Committees in respect of this matter.
- (b) That Council nominate Councillor Yedelian OAM as Chairperson, on the Economic Development Advisory Committee.
- (c) That Council nominate Councillor Maggio as the Deputy Chairperson, on the Economic Development Advisory Committee.

AMENDMENT: (Moved by Councillors Simon and Pendleton)

- (a) That Council note and endorse the proposed approach to be undertaken in relation to its Standing and Advisory Committees in respect of this matter.
- (b) That Council nominate Councillor Laxale as Chairperson, on the Economic Development Advisory Committee.

On being put to the Meeting, the voting on the Amendment was four (4) for and five (5) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record for the Voting:

For the Amendment: Councillors Laxale, Simon, Pendleton and Perram

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

- (a) That Council note and endorse the proposed approach to be undertaken in relation to its Standing and Advisory Committees in respect of this matter.
- (b) That Council nominate Councillor Yedelian OAM as Chairperson, on the Economic Development Advisory Committee.
- (c) That Council nominate Councillor Maggio as the Deputy Chairperson, on the Economic Development Advisory Committee.

On being put to the Meeting, Councillor Pendleton abstained from the voting and accordingly her vote was recorded Against the Motion.

Record for the Voting:

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

Against the Motion: Councillors Laxale, Pendleton, Perram and Simon

11 DISQUALIFICATION OF FORMER COUNCILLOR ETMEKDJIAN – VACANCY IN CIVIC OFFICE

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

That Council endorse applying to the Minister for Local Government, in accordance with Section 294 of the Local Government Act, 1993 to not fill the vacancy in the West Ward as the vacancy is within 18 months before the next ordinary election of Councillors.

AMENDMENT: (Moved by Councillors Simon and Laxale)

- (a) That Council endorse applying to the Minister for Local Government, in accordance with Section 294 of the Local Government Act, 1993 to not fill the vacancy in the West Ward as the vacancy is within 18 months before the next ordinary election of Councillors.

- (b) 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?
- (c) That Council notes former Councillor Etmekdjian's support for an allowance for delegates to Sydney North Planning Panel and that Council moves to immediately cease the payment of this allowance to all Council delegates.
- (d) 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.

On being put to the Meeting, the voting on the Amendment was four (4) for and five (5) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record for the Voting:

For the Amendment: Councillors Laxale, Simon, Pendleton and Perram

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

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

That Council endorse applying to the Minister for Local Government, in accordance with Section 294 of the Local Government Act, 1993 to not fill the vacancy in the West Ward as the vacancy is within 18 months before the next ordinary election of Councillors.

Record for the Voting:

For the Motion: Unanimous

COMPLETION OF BUSINESS

Note: Councillors Laxale and Pendleton left the meeting at 10.59pm and were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Stott)

That the meeting time be extended by 30 minutes to allow the completion of all business relating to this meeting, the time being 11.00pm.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Perram, Salvestro-Martin, Simon, Stott and Yedelian OAM

Against the Motion: Councillor Maggio

Note: Councillor Laxale returned to the meeting at 11.01pm.

LATE PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 LETTER FROM NORTH SYDNEY COUNCIL REGARDING LGNSW

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

RESOLUTION: (Moved by Councillors Maggio and Stott)

That the correspondence be received and noted and no action taken.

Record for the Voting:

For the Motion: Unanimous

Note: Councillor Pendleton returned to the meeting at 11.02pm.

NOTICES OF MOTION

1 FORESHORE LIGHTING IN MEADOWBANK AND MEMORIAL PARK - Councillor Terry Perram

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

- (a) That Council take whatever steps are necessary to ensure that the foreshore lighting in Meadowbank and Memorial parks is operational at the times of day when it is required with a reliability no worse than that of any other safety lighting in the City of Ryde and that this be completed during the 2017/18 financial year.

- (b) That as an interim measure, Council arrange for weekly inspection of the foreshore lighting, approximately 45 minutes before sunrise, with prompt repair as necessary. When three consecutive weekly inspections demonstrate that all installed foreshore lights are operating, the frequency of inspection can be relaxed to monthly until the permanent solution resulting from a) above is operative.
- (c) That the results of each inspection in (b) above, be reported to Councillors through the next Councillors Information Bulletin following the inspection.

Record for the Voting:

For the Motion: Unanimous

2 COUNCILLOR MATTER - Councillor George Simon

MOTION: (Moved by Councillors Simon and Maggio)

- (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 Council notes former Councillor Etmekdjian's support for an allowance for delegates to Sydney North Planning Panel and that Council moves to immediately cease the payment of this allowance to all Council delegates.
- (c) 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.

RESOLUTION: (Moved by Councillors Maggio and Stott)

That the Motion be dealt with in Seriatim.

Record for the Voting:

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

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

Note: The Motion was then dealt with in Seriatim.

RESOLUTION: (Moved by Councillors Simon and Maggio)

- (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?

Record for the Voting:

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

Against the Motion: Councillor Perram

RESOLUTION: (Moved by Councillors Simon and Maggio)

- (b) That Council notes former Councillor Etmekdjian's support for an allowance for delegates to Sydney North Planning Panel and that Council moves to immediately cease the payment of this allowance to all Council delegates.

Record for the Voting:

For the Motion: Councillors Laxale, Pendleton, Perram, Salvestro-Martin and Simon

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

RESOLUTION: (Moved by Councillors Simon and Maggio)

- (c) 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.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Laxale, Maggio, Pendleton, Salvestro-Martin, Simon, Stott and Yedelian OAM

Against the Motion: Councillor Perram

RESOLUTION: (Moved by Councillors Simon and Maggio)

- (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 Council notes former Councillor Etmekdjian's support for an allowance for delegates to Sydney North Planning Panel and that Council moves to immediately cease the payment of this allowance to all Council delegates.
- (c) 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.

CLOSED SESSION

ITEM 6 - DRAFT VOLUNTARY PLANNING AGREEMENT WITH HOLDMARK - 66-82 TALAVERA ROAD, MACQUARIE PARK

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 2(3) – 66-82 TALAVERA ROAD, MACQUARIE PARK – AMENDMENT TO THE GATEWAY DETERMINATION

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 5(10) - ADVICE ON COURT ACTIONS

Confidential

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

ITEM 7 - OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT FROM GREENLAND TO EMBELLISH COMMUNITY FACILITY IN EXCHANGE FOR VEHICULAR ACCESS STRATUM UNDER JARVIS CIRCUIT LINKING LOTS 104 AND 105 IN DP 1224238 LACHLANS LINE, MACQUARIE PARK

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 9 - STAFF MATTERS - SENIOR STAFF CONTRACTS

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).

RESOLUTION: (Moved by Councillors Maggio and Stott)

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

Record for the Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 11.15pm. The public and media left the chamber.

COUNCIL REPORTS - CONFIDENTIAL

6 DRAFT VOLUNTARY PLANNING AGREEMENT WITH HOLDMARK - 66-82 TALAVERA ROAD, MACQUARIE PARK

Note: Gavin Carrier addressed the meeting in relation to this Item.

Note: Council's Solicitor (Chris Drury from Sparke Helmore) addressed the meeting in relation to this Item.

MOTION: (Moved by The Mayor, Councillor Pickering and Councillor Salvestro-Martin)

- (a) That Council delegate authority to the Acting General Manager to negotiate the specific terms of the Voluntary Planning Agreement and subsequently exhibit the draft Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979; and execute the Voluntary Planning Agreement should there be no submissions during the exhibition period.
- (b) That the specific terms of the Voluntary Planning Agreement must include the following additional terms to those accepted by Council in its resolution of 26 July 2016;
 - i. Public Benefits to the value of \$160 million indexed annually (Sydney CPI), justified by valuations undertaken by Quantity Surveyors at Holdmark's cost;

- ii. Sufficient securities as prescribed by Section 93F(3) of the Environmental Planning and Assessment Act 1979.

On being put to the Meeting, the voting on the Motion was two (2) for and seven (7) against. Councillor Stott abstained from the voting and accordingly her vote was recorded Against the Motion. The Motion was **LOST**.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillor Salvestro-Martin

Against the Motion: Councillors Laxale, Maggio, Pendleton, Perram, Simon, Stott and Yedelian OAM

MOTION: (Moved by Councillor Perram and Pendleton)

- (a) That Council delegate authority to the Acting General Manager to negotiate the specific terms of the Voluntary Planning Agreement and subsequently exhibit the draft Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979; and execute the Voluntary Planning Agreement should there be no submissions during the exhibition period.
- (b) That the specific terms of the Voluntary Planning Agreement must include the following additional terms to those accepted by Council in its resolution of 26 July 2016;
 - i. Public Benefits to the value of \$180 million indexed annually (Sydney CPI), being an increase of \$35 million, justified by valuations undertaken by Quantity Surveyors at Holdmark's cost;
 - ii. Sufficient securities as prescribed by Section 93F(3) of the Environmental Planning and Assessment Act 1979.

On being put to the Meeting, the voting on the Motion was four (4) for and five (5) against. Councillor Stott abstained from the voting and accordingly her vote was recorded Against the Motion. The Motion was **LOST**.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Maggio, Pendleton and Perram

Against the Motion: Councillors Laxale, Salvestro-Martin, Simon, Stott and Yedelian OAM

MOTION: (Moved by Councillors Salvestro-Martin and The Mayor, Councillor Pickering)

- (a) That Council delegate authority to the Acting General Manager to negotiate the specific terms of the Voluntary Planning Agreement and subsequently exhibit the draft Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979; and execute the Voluntary Planning Agreement should there be no submissions during the exhibition period.
- (b) That the specific terms of the Voluntary Planning Agreement must include the following additional terms to those accepted by Council in its resolution of 26 July 2016;
 - i. Public Benefits to the value of not less than \$160 million, indexed annually (Sydney CPI), justified by valuations undertaken by Quantity Surveyors at Holdmark's cost;
 - ii. Sufficient securities as prescribed by Section 93F(3) of the Environmental Planning and Assessment Act 1979.

On being put to the Meeting, the voting on the Motion was two (2) for and seven (7) against. Councillors Stott and Yedelian OAM abstained from the voting and accordingly their votes were recorded Against the Motion. The Motion was **LOST**.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillor Salvestro-Martin

Against the Motion: Councillors Laxale, Maggio, Pendleton, Perram, Simon, Stott and Yedelian OAM

Note: Councillor Stott left the meeting at 12.29am and was not present for the consideration or voting on this Item.

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

- (a) That Council delegate authority to the Acting General Manager to negotiate the specific terms of the Voluntary Planning Agreement and subsequently exhibit the draft Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979; and execute the Voluntary Planning Agreement should there be no submissions during the exhibition period.

- (b) That the specific terms of the Voluntary Planning Agreement must include the following additional terms to those accepted by Council in its resolution of 26 July 2016;
- i. Public Benefits to the value of not less than \$180 million, indexed annually (Sydney CPI), justified by valuations undertaken by Quantity Surveyors at Holdmark's cost;
 - ii. Sufficient securities as prescribed by Section 93F(3) of the Environmental Planning and Assessment Act 1979.

On being put to the Meeting, the voting on the Motion was four (4) all. Councillor Yedelian OAM abstained from the voting and accordingly his vote was recorded Against the Motion. The Mayor, Councillor Pickering advised the meeting that he did not wish to use his Casting Vote in relation to this Motion. The Motion was **LOST**.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Maggio, Pendleton and Perram

Against the Motion: Councillors Laxale, Salvestro-Martin, Simon and Yedelian OAM

RECOMMITTAL

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

Note: Councillor Salvestro-Martin left the meeting at 12.34am and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pendleton and Perram)

That the Motion be Recommitted.

On being put to the meeting, Councillor Yedelian OAM abstained from the voting and accordingly his vote was recorded Against the Motion.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Maggio, Pendleton and Perram

Against the Motion: Councillors Laxale, Simon and Yedelian OAM

Note: The Motion was then Recommitted.

Note: Councillors Salvestro-Martin and Stott were not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by The Mayor, Councillor Pickering and Councillor Pendleton)

- (a) That Council delegate authority to the Acting General Manager to negotiate the specific terms of the Voluntary Planning Agreement and subsequently exhibit the draft Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979; and execute the Voluntary Planning Agreement should there be no submissions during the exhibition period.
- (b) That the specific terms of the Voluntary Planning Agreement must include the following additional terms to those accepted by Council in its resolution of 26 July 2016;
 - i. Public Benefits to the value of not less than \$180 million, indexed annually (Sydney CPI), justified by valuations undertaken by Quantity Surveyors at Holdmark's cost;
 - ii. Sufficient securities as prescribed by Section 93F(3) of the Environmental Planning and Assessment Act 1979.

On being put to the meeting, Councillor Yedelian OAM abstained from the voting and accordingly his vote was recorded Against the Motion.

Record for the Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Maggio, Pendleton and Perram

Against the Motion: Councillors Laxale, Simon and Yedelian OAM

Note: This matter was reconsidered by Council later in the Reconvened Council Meeting as detailed later in these Minutes.

Note: Councillor Stott returned to the meeting at 12.36am.

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 3/17 held on 11 April 2017

3 66 - 82 TALAVERA ROAD MACQUARIE PARK - AMENDMENT TO THE GATEWAY DETERMINATION

Note: Gavin Carrier and Michael Harrison addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 24 April 2017 was tabled in relation to this Item and a copy is ON FILE.

Note: An A3 document with photographs from Gavin Carrier was tabled in relation to this Item and a copy is ON FILE.

Note: Councillor Salvestro-Martin returned to the meeting at 12.38am.

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

- (a) That Council request that the Department of Planning and Environment amend the Gateway Determination issued in respect of 66 – 82 Talavera Road Macquarie Park to reflect the Council resolutions of 26 July 2016. Specifically the Gateway Determination conditions are to be amended as follows:

- GFA exclusion of 11,400sqm for affordable housing and a recreation centre.

Amended to;

- GFA exclusion of 8,796sqm for affordable housing and recreation facility.

and;

- Additional exclusion from GFA for 1,030 commercial car park spaces.

- (b) That Council;

- i. does not support the request to further amend the Planning Proposal and the Gateway Determination to exclude from GFA of any wind affected balcony from the calculation of FSR and;
- ii. supports the request to further amend the Planning Proposal and the Gateway Determination to specify a minimum of 20,000sqm of non-residential floor space be delivered on the site.
- iii. Supports the request to further amend the Planning Proposal and the Gateway Determination to increase the maximum height in the centre of the site from 120m to 154m.

- (c) That Council prepare a Development Control Plan for the property 66 – 82 Talavera Road and that a separate report be presented to Council on this matter.

- (d) That Council forward a request to the Department of Planning and Environment to amend the Gateway Determination in accordance with the above resolutions.

On being put to the meeting, the voting on the Motion was three (3) votes for and six (6) votes against. Councillors Pendleton, Salvestro-Martin, Stott and Yedelian OAM abstained from the voting and accordingly their votes were recorded Against the Motion. The Motion was **LOST**.

Record for the Voting:

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

Against the Motion: Councillors Maggio, Pendleton, Perram, Salvestro-Martin, Stott and Yedelian OAM

MOTION: (Moved by the Mayor, Councillor Pickering and Councillor Maggio)

That Council rescind its previous decision in respect of the Voluntary Planning Agreement (ITEM 6 on this Agenda) and defer consideration of the Planning Proposal, pending further advice from the Acting General Manager as to the outcome of further negotiations with Holdmark on both of these matters.

On being put to the meeting, the voting on the Motion was four (4) votes for and five (5) votes against. Councillor Salvestro-Martin abstained from the voting and accordingly his vote was recorded Against the Motion. The Motion was **LOST**.

Record for the Voting:

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

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

Note: The Matter is **AT LARGE**.

OPEN SESSION

MOTION: (Moved by The Mayor Councillor Pickering and Councillor Stott)

That Council resolve itself into open Council.

On being put to the meeting, the voting on the Motion was four (4) votes for and five (5) votes against. Councillor Salvestro-Martin abstained from the voting and accordingly his vote was recorded Against the Motion. The Motion was **LOST**.

Record for the Voting:

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

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

Note: Councillors Maggio, Salvestro-Martin, Stott and Yedelian OAM left the meeting at 12.53am and did not return.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, a quorum was not present, the time being 12.53am on Thursday, 27 April 2017.

The following Councillors were present: The Mayor, Councillor Pickering and Councillors Laxale, Pendleton, Perram and Simon.

The following Councillors were not present: Councillors Maggio, Salvestro-Martin, Stott and Yedelian OAM.

An apology had been received from Councillor Li.

Note: Due to Council not completing the Agenda of 26 April 2017, this meeting stands adjourned. No time and date was formally set for the reconvened meeting and this will be confirmed by Friday, 5 May 2017.

Note: The Mayor, Councillor Pickering adjourned this meeting to Tuesday, 9 May 2017, to commence at the conclusion of the Ryde Civic Hub Committee Meeting in the Council Chambers, Level 1A, 1 Pope Street, Ryde.

MEETING RECONVENED

The Meeting reconvened in Confidential Closed Session at 6.26pm on Tuesday, 9 May 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, Pendleton, Perram, Salvestro-Martin, Stott and Yedelian OAM.

An apology had been received from Councillor Simon.

Note: Councillor Perram left the meeting at 8.50pm and did not return. He was not present for consideration or voting on the Notice of Rescission for Item 6, Item 5(10) and Item 9.

Staff Present: Acting General Manager, Acting Director – Customer and Community Services, Acting Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Director – City Works and Infrastructure, General Counsel, Acting Manager – City Planning, Acting Manager – Strategic Human Resources, Development Contributions Coordinator, Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

ONE MINUTE SILENCE

Councillor Maggio requested that Council observe a one minute silence to acknowledge the passing of Mr Keith Aggett, President of the Ryde Eastwood Leagues Club.

Note: A one minute silence was then observed by the meeting.

LEAVE OF ABSENCE

Councillor Perram requested a Leave of Absence for the period 15 May 2017 to 25 May 2017 inclusive.

RESOLUTION: (Moved by Councillors Perram and Maggio)

That Councillor Perram's Leave of Absence for the period from 15 May 2017 to 25 May 2017 inclusive be approved.

Record for the Voting:

For the Motion: Unanimous

ORDER OF BUSINESS

The Mayor, Councillor Pickering requested the concurrence of Council to alter the Order of Business in Confidential Closed Session to enable Council to consider the remaining Agenda Items in the following order, the time being 6.37pm:-

- ITEM 7 – Offer to Enter into a Voluntary Planning Agreement From Greenland to Embellish Community Facility in Exchange for Vehicular Access Stratum Under Jarvis Circuit linking LOTS 104 and 105 in DP 1224238 Lachlans Line, Macquarie Park
- ITEM 6 - Draft Voluntary Planning Agreement with Holdmark – 66-82 Talavera Road, Macquarie Park
- ITEM 2(3) – 66-82 Talavera Road, Macquarie Park – Amendment to the Gateway Determination

- ITEM 5(1) – Advice on Court Actions
- ITEM 9 – Staff Matters – Senior Staff Contracts

Note: The concurrence of Council was granted.

COUNCIL REPORTS - CONFIDENTIAL

7 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT FROM GREENLAND TO EMBELLISH COMMUNITY FACILITY IN EXCHANGE FOR VEHICULAR ACCESS STRATUM UNDER JARVIS CIRCUIT LINKING LOTS 104 AND 105 IN DP 1224238 LACHLANS LINE, MACQUARIE PARK

Note: A Confidential Memorandum from the Acting Director – City Planning and Development dated 8 May 2017 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

RECOMMENDATION: (Moved by Councillors Maggio and Stott)

- (a) That Council accept, the letter of offer as detailed in **ATTACHMENT 1** dated 24 February 2017, from Urbis on behalf of Greenland (Sydney) Lachlan's Line Macquarie Park Development Pty Ltd (**Greenland**), to enter into a Voluntary Planning Agreement in relation to two (2) Development Applications for a multi-storey mixed use residential/commercial buildings at 25-27 Epping Road on land legally described as LOTS 104 and 105 in DP1224238, subject to the following terms:
 - i. Greenland agreeing to meet all of Council's reasonable costs in regards to the preparation of the Voluntary Planning Agreement;
 - ii. Greenland agreeing to meet all of Council's costs in regards to the transfer of the land for the vehicular access stratum;
 - iii. Greenland agreeing to the provision of sufficient security for the public benefit; and
 - iv. Greenland agreeing to the provision of sufficient security for works in the public domain (Jarvis Circuit) for the construction of the vehicular access tunnels.
- (b) Should Greenland accept the above terms in part (a) of the recommendation, Council delegate authority to the Acting General Manager to negotiate the specific terms of the Voluntary Planning Agreement and to subsequently exhibit a draft of the Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979.

- (c) The Voluntary Planning Agreement delegated to the Acting General Manager to negotiate the specific terms of will require Greenland to:
 - i. Provide public benefit by Works-in-Kind to the value of \$900,000 for construction and fitout of the proposed Community Facility on LOT 104 in DP 1224238. For clarity, the works-in-kind are in addition to the requirements to provide the Community Facility referred to in the Planning Agreement between Council and Landcom (t/a Urban Growth NSW) executed on 20 October 2016.
 - ii. meet all of Council's reasonable costs in regards to the preparation of the Voluntary Planning Agreement;
 - iii. meet all of Council's reasonable costs in regards to the transfer of the land for the vehicular access stratum;
 - iv. provide sufficient security for the public benefit; and
 - v. provide sufficient security for works in public domain (Jarvis Circuit) for the construction of the vehicular access tunnels.
- (d) That Council delegate authority to the Acting General Manager to:
 - i. Authorise any minor changes to the draft Voluntary Planning Agreement, following its public exhibition, provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in (c) above;
 - ii. Subsequently enter into the Voluntary Planning Agreement on behalf of Council.
- (e) That Urbis on behalf of Greenland, be informed of Council's decision.

Record for the Voting:

For the Motion: Unanimous

6 DRAFT VOLUNTARY PLANNING AGREEMENT WITH HOLDMARK - 66-82 TALAVERA ROAD, MACQUARIE PARK

Note: A Confidential Memorandum from the Acting Director – City Planning and Development dated 8 May 2017 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

Note: A Comparison Table prepared by Council staff was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

RECOMMENDATION: (Moved by Councillor Salvestro-Martin and Maggio)

That the Applicant be invited to join the Meeting to answer questions and clarify any issues in respect of this matter, time being 7.24pm.

Record for the Voting:

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

Against the Motion: Councillor Perram

Note: Mr Sarkis Nassif, Mr Gavin Carrier and Ms Sue Tan from Holdmark and Mr Michael Harrison from Architectus Consultants joined the Confidential Closed Session at 7.26pm.

OPEN SESSION

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

That Council resolve itself into open Council.

Record for the Voting:

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

Against the Motion: Councillors Li, Pendleton and Perram

Note: Open Council resumed at 8.12pm.

6 DRAFT VOLUNTARY PLANNING AGREEMENT WITH HOLDMARK - 66-82 TALAVERA ROAD, MACQUARIE PARK

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

- (a) That Council delegate authority to the Acting General Manager to negotiate the specific terms of the Voluntary Planning Agreement and subsequently exhibit a draft Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979; and execute the Voluntary Planning Agreement should there be no submissions during the exhibition period.
- (b) That the specific terms of the Voluntary Planning Agreement must include the following additional terms to those accepted by Council in its resolution of 26 July 2016;
 - i. Public benefits to the value of no less than \$145 million, indexed annually (Sydney CPI), justified by valuations undertaken by Quantity Surveyors at Holdmark's cost and this figure is to exclude Section 94 which is to be paid in full with future Development Applications.

- ii. Sufficient securities as prescribed by Section 93F(3) of the Environmental Planning and Assessment Act 1979.
- (c) That any further negotiations with Holdmark on this matter, be independently facilitated by a third party commercial mediator with costs to be met equally by Holdmark and Council.

Record for the Voting:

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

Against the Motion: Councillors Laxale, Li, Pendleton and Perram

Note: A Rescission Motion in relation to this matter was lodged by Councillors Salvestro-Martin, Stott and Maggio at 8.45pm on Tuesday, 9 May 2017 during the Reconvened Council Meeting of 26 April 2017.

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 3/17 held on 11 April 2017

3 66 - 82 TALAVERA ROAD MACQUARIE PARK - AMENDMENT TO THE GATEWAY DETERMINATION

MOTION: (Moved by Councillors Stott and Maggio)

- (a) That Council request that the Department of Planning and Environment amend the Gateway Determination issued in respect of 66 – 82 Talavera Road Macquarie Park to reflect the Council resolutions of 26 July 2016. Specifically the Gateway Determination conditions are to be amended as follows:
 - GFA exclusion of 11,400sqm for affordable housing and a recreation centre.

Amended to;

 - GFA exclusion of 8,796sqm for affordable housing and recreation facility.

and;

 - Additional exclusion from GFA for 1,030 commercial car park spaces.
- (b) That Council;
 - i) Does not support the request to further amend the Planning Proposal and the Gateway Determination to exclude from GFA of any wind affected balcony from the calculation of FSR; and

- ii) Supports the request to further amend the Planning Proposal and the Gateway Determination to specify a minimum of 20,000sqm of non-residential floor space be delivered on the site.
- iii) Supports the request to further amend the Planning Proposal and the Gateway Determination to increase the maximum height in the centre of the site from 120m to 154m
- (c) That Council acknowledge the Applicant's desire to create a superior design outcome for the use of the wind affected balconies within the development and the consideration on the exclusion of the enclosed wind affected balconies from the GFA, be deferred for consideration at the Development Application stage.
- (d) That Council prepare a Development Control Plan for the property 66 – 82 Talavera Road and that a separate report be presented to Council on this matter.
- (e) That Council forward a request to the Department of Planning and Environment to amend the Gateway Determination in accordance with the above resolutions.

Note: PRIOR TO VOTING ON THIS MATTER, A FURTHER MOTION WAS CONSIDERED BY COUNCIL.

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

That Council allow the Applicant to address the Council in respect of the previous resolution and the current Motion on this matter.

Record for the Voting:

For the Motion: Unanimous

Note: Mr Sarkis Nassif, Mr Gavin Carrier and Ms Sue Tan from Holdmark and Mr Michael Harrison from Architectus Consultants then addressed Council in respect of the previous resolution regarding Item 6 – Draft Voluntary Planning Agreement with Holdmark for 66-82 Talavera Road, Macquarie Park and also on the current Motion before Council in relation to Item 3(2) from the Planning and Environment Committee Meeting 3/17 held on 11 April 2017 – 66-82 Talavera Road, Macquarie Park – Amendment to the Gateway Determination.

RESOLUTION: (Moved by Councillors Stott and Maggio)

- (a) That Council request that the Department of Planning and Environment amend the Gateway Determination issued in respect of 66 – 82 Talavera Road Macquarie Park to reflect the Council resolutions of 26 July 2016. Specifically the Gateway Determination conditions are to be amended as follows:
- GFA exclusion of 11,400sqm for affordable housing and a recreation centre.
- Amended to;
- GFA exclusion of 8,796sqm for affordable housing and recreation facility.
- and;
- Additional exclusion from GFA for 1,030 commercial car park spaces.
- (b) That Council;
- i) Does not support the request to further amend the Planning Proposal and the Gateway Determination to exclude from GFA of any wind affected balcony from the calculation of FSR; and
 - ii) Supports the request to further amend the Planning Proposal and the Gateway Determination to specify a minimum of 20,000sqm of non-residential floor space be delivered on the site.
 - iii) Supports the request to further amend the Planning Proposal and the Gateway Determination to increase the maximum height in the centre of the site from 120m to 154m
- (c) That Council acknowledge the Applicant's desire to create a superior design outcome for the use of the wind affected balconies within the development and the consideration on the exclusion of the enclosed wind affected balconies from the GFA, be deferred for consideration at the Development Application stage.
- (d) That Council prepare a Development Control Plan for the property 66 – 82 Talavera Road and that a separate report be presented to Council on this matter.
- (e) That Council forward a request to the Department of Planning and Environment to amend the Gateway Determination in accordance with the above resolutions.

Record for the Voting:

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

Against the Motion: Councillors Li, Pendleton and Perram

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: ITEM 6 – DRAFT VOLUNTARY PLANNING AGREEMENT WITH HOLDMARK - 66-82 TALAVERA ROAD, MACQUARIE PARK

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

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

That Council rescind the previous resolution in relation to Item 6 – DRAFT VOLUNTARY PLANNING AGREEMENT WITH HOLDMARK – 66-82 TALAVERA ROAD, MACQUARIE PARK, passed on 9 May 2017 during the Reconvened Council Meeting of 26 April 2017, namely:

- (a) *That Council delegate authority to the Acting General Manager to negotiate the specific terms of the Voluntary Planning Agreement and subsequently exhibit a draft Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979; and execute the Voluntary Planning Agreement should there be no submissions during the exhibition period.*
- (b) *That the specific terms of the Voluntary Planning Agreement must include the following additional terms to those accepted by Council in its resolution of 26 July 2016;*
 - i. *Public benefits to the value of no less than \$145 million, indexed annually (Sydney CPI), justified by valuations undertaken by Quantity Surveyors at Holdmark's cost and this figure is to exclude Section 94 which is to be paid in full with future Development Applications.*
 - ii. *Sufficient securities as prescribed by Section 93F(3) of the Environmental Planning and Assessment Act 1979.*
- (c) *That any further negotiations with Holdmark on this matter, be independently facilitated by a third party commercial mediator with costs to be met equally by Holdmark and Council.*

On being put to the Meeting, the voting on the Rescission Motion was seven (7) votes For and one (1) vote Against. The Rescission Motion was **CARRIED**.

Record for the Voting:

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

Against the Motion: Councillor Pendleton

Note: The Matter is therefore **AT LARGE**.

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

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

That Council ratify the resolution of 26 July 2016, specifically;

- (a) That Council accept the irrevocable letters of offer from Holdmark dated 21 and 26 July 2016 to enter into a Voluntary Planning Agreement in accordance with Option 3 from the Council Report from 26 July 2016 on the same matter (set out below);

Item	Option 3 (3.7:1 FSR)
Affordable Housing	5,296sqm, approx. 70 units, being 4% of residential yield \$63 million market value
Land Dedication 10,000sqm for Park and Indoor Recreation Centre	\$15 million (no evidence of valuation provided)
6,000sqm of Open Space Embellishment	\$5 million
Indoor Recreation Centre 3,500sqm with 3 commercial tenancies and 20 car parking spaces	\$45 million plus 2.5 hours of free parking for up to 180 spaces
Pedestrian Over Bridge – Talavera Road	\$10 million
Contribution to Road Works	\$5 million
Pedestrian Matters	4.5m wide footpath along Talavera Road for frontage of site
Section 94 Contributions	\$15 million capped
TOTAL ESTIMATES (NOTE: Estimates do not include S94 Contributions)	\$143 million

- (b) That Council forward, within 7 days, the Planning Proposal to the Department of Planning and Environment for Gateway Determination.

Record for the Voting:

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

Against the Motion: Councillors Li and Pendleton

CLOSED SESSION

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

RESOLUTION: (Moved by Councillors Maggio and Stott)

That the Council resolve into Closed Session.

Record for the Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 9.06pm. The public and media left the chamber.

COUNCIL REPORTS - CONFIDENTIAL

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

10 ADVICE ON COURT ACTIONS

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

RECOMMENDATION: (Moved by Councillors Stott and Laxale)

That the report of the General Counsel be received and that General Counsel is instructed to act as per his advice provided in Confidential Session for the following matter:-

- Principal Healthcare Finance Pty Ltd LEC Proceedings – additions to existing Nursing Home, Mons Avenue and Sherbrook Road, West Ryde.

Record for the Voting:

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

Against the Motion: Councillors Maggio and Yedelian OAM

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

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

That the report of the General Counsel be received and that General Counsel is instructed to act as per his advice provided in Confidential Session for the following matter:-

- 1139 Victoria Road, West Ryde LEC Proceedings

Record for the Voting:

For the Motion: Councillors Laxale, Li, Pendleton, Salvestro-Martin and Stott

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

7 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT FROM GREENLAND TO EMBELLISH COMMUNITY FACILITY IN EXCHANGE FOR VEHICULAR ACCESS STRATUM UNDER JARVIS CIRCUIT LINKING LOTS 104 AND 105 IN DP 1224238 LACHLANS LINE, MACQUARIE PARK

Note: This matter was dealt with earlier in the meeting as detailed in these minutes.

Note: All Staff left the meeting at 9.14pm, with the exception of the Acting General Manager, the Acting Manager Strategic Human Resources and Administration staff.

9 STAFF MATTERS - SENIOR STAFF CONTRACTS

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

RECOMMENDATION: (Moved by Councillors Stott and Maggio)

That Council endorse the Acting General Manager to take the appropriate action in renewing the contracts of the senior staff as detailed in this report.

Record for the Voting:

For the Motion: Unanimous

OPEN SESSION

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

RESOLUTION: (Moved by Councillors Stott and Maggio)

That Council resolve itself into open Council.

Record for the Voting:

For the Motion: Unanimous

Note: Open Council resumed at 9.22pm.

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

RESOLUTION: (Moved by Councillors Maggio and Stott)

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

Record for the Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 9.25pm on Tuesday, 9 May 2017.

CONFIRMED THIS 23RD DAY OF MAY 2017

Chairperson