

Meeting Date: Tuesday 28 February 2017
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

Councillors Present: Councillors Stott (Chairperson), Etmekdjian, Laxale, Maggio, Perram and Yedelian OAM.

Apologies: The Mayor, Councillor Pickering and Councillors Li and Simon.

Leave of Absence: Councillors Pendleton and Salvestro-Martin.

Note: In the absence of The Mayor, Councillor Pickering the Deputy Chairperson – Councillor Stott chaired the meeting.

Staff Present: Acting General Manager, Acting Director – Customer and Community Services, Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Director – City Works and Infrastructure, General Counsel, Acting Manager – Communications, Customer Service and Events, Manager – Asset Systems, Acting Manager – City Planning, Team Leader – Traffic Services, Executive Officer – Ryde Civic Hub, Development Contributions Coordinator, Council's Barrister (Mr Geoff Farland), Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

PRAYER

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

OBSERVATION OF ONE MINUTE SILENCE

The Chairperson, Councillor Jane Stott requested that the meeting observe a one minute silence in respect of the passing of the Mayor, Councillor Pickering's son-in-law, Mr Peter Craig and also Councillor Pendleton's father.

LEAVE OF ABSENCE

Councillor Maggio advised the meeting that Councillor Salvestro-Martin had requested a Leave of Absence for tonight's meeting, 28 February 2017.

Councillor Perram requested a Leave of Absence for the period 25 March 2017 to 8 April 2017 inclusive.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Councillor Salvestro-Martin's Leave of Absence for tonight's meeting, 28 February 2017 be approved.

- (b) That Councillor Perram's Leave of Absence for period 25 March 2017 to 8 April 2017 inclusive be approved.

Record of Voting:

For the Motion: Unanimous

DISCLOSURES OF INTEREST

The Acting General Manager, Mr Roy Newsome disclosed a Pecuniary Interest in Item 8 – Offer to Enter into a Voluntary Planning Agreement regarding Development Application 112 Talavera Road, Macquarie Park, for the reason that he is in the process of acquiring a property, in another Local Government Area, from Meriton.

TABLING OF PETITIONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Yedelian OAM and Laxale)

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 1/17 held on 14 February 2017 be allowed to address the meeting, the time being 7.12pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Peter Keegan	Item 2(2) – 12 Emu Street, West Ryde – LDA2015/0217 (MOD2016/0110)
Emile Nader	Item 2(2) – 12 Emu Street, West Ryde – LDA2015/0217 (MOD2016/0110)

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That Council now consider the following Items, the time being 7.19pm:-

- Item 2(2) – 12 Emu Street, West Ryde – LDA2015/0217 (MOD2016/0110).

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORT

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 1/17 held on 14 February 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 Emile Nader addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 21 February 2017 was tabled in relation to this Item and a copy is ON FILE.

Note: An Information Sheet and photographs from Peter Keegan were tabled in relation to this Item and a copy is ON FILE.

MOTION: (Moved by Councillors Laxale and Perram)

- (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:-

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.

AMENDMENT: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That the application be deferred to allow mediation between the applicant and objectors to review the size, use and design of the third storey and the privacy concerns.
- (b) That a further report be presented to the Planning and Environment Committee as soon as practicable after the mediation occurs.

On being put to the Meeting, the voting on the Amendment was four (4) for and two (2) against. The Amendment was **CARRIED** and then became the Motion.

Record of the Voting:

For the Amendment: Councillors Stott, Etmekdjian, Maggio and Yedelian OAM

Against the Amendment: Councillors Laxale and Perram

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That the application be deferred to allow mediation between the applicant and objectors to review the size, use and design of the third storey and the privacy concerns.
- (b) That a further report be presented to the Planning and Environment Committee as soon as practicable after the mediation occurs.

Record of the Voting:

For the Motion: Councillors Stott, Etmekdjian, Maggio and Yedelian OAM

Against the Motion: Councillors Laxale and Perram

MAYORAL MINUTES

1/17 MAX POTENTIAL LEADERSHIP PROGRAM 2017 - The Mayor, Councillor Bill Pickering

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council provide the opportunity for a City of Ryde Service Unit Manager to become a coach in the 2017 Max Potential Program.
- (b) That Council endorse an additional allocation of funding of \$2,195.00 from the existing 2016-2017 staff training budget to fund the coach participation fee.

Record of the Voting:

For the Motion: Unanimous

MATTER OF URGENCY

Councillor Maggio advised that he wished to raise a Matter of Urgency regarding the Meadowbank Two(2) amenities block.

The Chairperson, Councillor Stott accepted this matter as an Urgent Item.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council consider a Matter of Urgency raised by Councillor Maggio regarding the Meadowbank Two (2) amenities block, the time being 7.39pm.

Record of the Voting:

For the Motion: Councillors Stott, Etmekdjian, Maggio and Yedelian OAM

Against the Motion: Councillors Laxale and Perram

MATTER OF URGENCY – MEADOWBANK TWO (2) AMENITIES BLOCK

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That the Acting General Manager facilitate a meeting between the relevant Council staff, the West Ryde Rovers Football Club President, Karen Waud, the Sports Advisory Committee members and any Councillor who would like to participate in the meeting, within five (5) days to discuss the Meadowbank Two (2) amenities block.
- (b) That following this meeting, Council to be presented with written advice from the West Ryde Rovers Football Club for proposed improvements to the Meadowbank Two (2) amenities block and offer to make a financial contribution towards the project, and Council staff to undertake an investigation of the site.
- (c) That the matter be reported to the Works and Community Committee in June 2017, upon finalisation of the investigation and discussions with the Club.

Record of the Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 13 December 2016

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That the Minutes of the Council Meeting 14/16, held on 13 December 2016 be confirmed.

Record of the Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 1/17 held on 14 February 2017

RESOLUTION: (Moved by Councillors Etmekdjian and Laxale)

That Council determine Items 3 and 5 of the Planning and Environment Committee report 1/17, held on 14 February 2017 noting that Items 1, 4 and 6 were dealt with by the Committee within its delegated powers and Item 2 was dealt with earlier in the Meeting.

Record of the Voting:

For the Motion: Unanimous

- 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 earlier in the Meeting, as detailed in these Minutes.

- 3 1139 VICTORIA ROAD, WEST RYDE. LOT 1 DP 34953. Local Development Application for new two storey boarding house development comprising twelve (12) boarding rooms under State Environmental Planning Policy (Affordable Rental Housing) 2009. (APL2016/0003 to LDA2015/0274).**

RESOLUTION: (Moved by Councillors Laxale and Stott)

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

Record of the Voting:

For the Motion: Unanimous

- 5 6 AND 10 CLERMONT AVENUE AND 7, 8 AND 9 JENNIFER STREET, RYDE - LOT Y AND X IN DP 418160 AND LOTS 7, 8 AND 9 DP 28069. Development Application – Demolition including tree removal; staged construction of seniors housing development comprising a residential care facility and in-fill self-care housing over basement parking. LDA2016/0051.**

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

- (a) That Local Development Application No. LDA2016/0051 at 6 and 10 Clermont Avenue and 7, 8 and 9 Jennifer Street, Ryde be approved subject to the **ATTACHED** conditions – see **Attachment 1** with the following amendments:
- i. That the Construction Traffic Management Plan (Condition 64) and Noise Management Plan (Condition 86) are to be made available by the applicant to the local residents on request.
 - ii. That the Construction Traffic Management Plan (Condition 64) is to include a new point IX *“That parking for construction workers is to be provided on site wherever possible throughout the staging of the development and a detailed plan is to be provided”*.

iii. Condition 163 be amended to include:

- That the Applicant is to advise of any changes to telecommunications in Jennifer Street and Clermont Avenue throughout the development to the local residents.

iv. That Condition 7 be amended to reduce the building activities on the site so works cease at 6pm Monday to Friday and 1pm Saturday.

v. That Deferred Commencement Condition No. 2 be amended to read as follows:

Electricity Substation. The electricity substation (presently shown facing Clermont Avenue and located on the western side of the driveway leading to the basement) shall be relocated in an easterly direction to at least 10 metres from the north eastern corner of No 4 Clermont Avenue along the Clermont Avenue frontage. Such relocation shall occur in accordance with the requirements of any Utility Provider (such as Ausgrid, Sydney Water etc). In this regard, full details of the new location of the substation, as well as required landscaping and/or screening of the electricity substation shall be submitted to Council. Details shall include:

- Details clearly showing the new location of the substation;
- Details of the landscaping to be used to screen the substation, including species type, and number to be planted, expected height at maturity, and pot sizes;
- Details of any structure to be erected to provide a physical screen to the substation, including colours and external materials to be used in construction.

vi. That Condition 50 be amended to read as follows:

A – Contribution Type	B – Contribution Amount
<i>Community & Cultural Facilities</i>	\$17,479.99
<i>Open Space & Recreation Facilities</i>	\$43,031.90
<i>Civic & Urban Improvements</i>	\$14,636.01
<i>Roads & Traffic Management Facilities</i>	\$1,996.46
<i>Cycleways</i>	\$1,247.07
<i>Stormwater Management Facilities</i>	\$3,963.85
<i>Plan Administration</i>	\$336.22
The total contribution is	\$82,691.50

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 Interim Update (2014), effective from 10 December 2014.

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

The contribution must be paid **prior to the issue of any Construction Certificate**. Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the **City of Ryde**. Personal or company cheques will not be accepted.

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

- (b) That the persons who made submissions be advised of Council's decision.

Record of the Voting:

For the Motion: Unanimous

3 REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 1/17 held on 14 February 2017

RESOLUTION: (Moved by Councillors Etmekdjian and Stott)

That Council determine all Items 1, 2 and 3 of the Ryde Civic Hub Committee Meeting 1/17, held on 14 February 2017 in accordance with the Ryde Civic Hub Committee Terms of Reference.

Record of the Voting:

For the Motion: Unanimous

1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 6 December 2016

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That the Minutes of the Ryde Civic Hub Committee 10/16, held on 6 December 2016, be confirmed.

Record of the Voting:

For the Motion: Unanimous

2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 15 - FEBRUARY 2017

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

That the Ryde Civic Hub Committee receives and notes the content of this Status Report 15 - February 2017.

Record of the Voting:

For the Motion: Unanimous

3 RYDE CIVIC HUB - SUPPLEMENTARY STATUS REPORT - CIVIC CENTRE DEMOLITION

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

- (a) That consideration of this matter be deferred to the Ryde Civic Hub Committee Meeting to be held in April 2017.
- (b) That a further report be provided to the meeting detailing maintenance issues and exploring alternative options regarding the Ryde Civic Hall.

Record of the Voting:

For the Motion: Unanimous

4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 1/17 held on 21 February 2017

RESOLUTION: (Moved by Councillors Maggio and Laxale)

That Council determine Items 3 and 4 of the Works and Community Committee report 1/17, held on 21 February 2017 noting that Items 1 and 2 were dealt with by the Committee within its delegated powers.

Record of the Voting:

For the Motion: Unanimous

**3 GRANT FUNDING - ROADS AND MARITIME SERVICES -
PEDESTRIAN INFRASTRUCTURE SAFETY AROUND SCHOOLS
PROGRAM**

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council accepts the grant funding from RMS as follows:
 - i. \$100,000 for the 2016/2017 financial year, and
 - ii. \$350,000 for the 2017/2018 financial year.
- (b) That the funding received from the RMS be consolidated as an income and increased program expenditure budget at the next Quarterly Review within the Traffic and Transport Program.

Record of the Voting:

For the Motion: Unanimous

4 PROJECT STATUS REPORT JANUARY 2017

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council receive and note the report.
- (b) That the Morrison Bay Seawall Project presentation which was presented to the Works and Community Committee as part of the Project Status Report be received and noted.
- (c) That arising from the Morrison Bay Seawall Project Presentation, the 2016/2017 Morrison Bay Seawalls Refurbishment Renewal Project scope of works be amended as discussed in option 2.
- (d) That Council's 2017-2021 Draft Delivery Plan Morrison Bay Park Seawalls Refurbishment Renewal Program and budget be amended accordingly to reflect the new scope of works.

Record of the Voting:

For the Motion: Unanimous

**5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
1/17 held on 21 February 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 1/17, held on 21 February 2017 in accordance with the Finance and Governance Committee Terms of Reference.

Record of the Voting:

For the Motion: Unanimous

**1 CONFIRMATION OF MINUTES - Finance and Governance
Committee Meeting held on 13 December 2016**

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That the Minutes of the Finance and Governance Committee 10/16, held on 13 December 2016, be confirmed.

Record of the Voting:

For the Motion: Unanimous

2 INVESTMENT REPORT - December 2016

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That Council endorse the Investment Report – December 2016.

Record of the Voting:

For the Motion: Unanimous

3 INVESTMENT REPORT - January 2017

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That Council endorse the Investment Report – January 2017.

Record of the Voting:

For the Motion: Unanimous

4 DECEMBER QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PLAN 2016-2020 AND 2016/2017 OPERATIONAL PLAN

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

- (a) That the report of the Acting Chief Financial Officer dated 31 December 2016 on the December Quarterly Review Report - Four Year Delivery Plan 2016-2020 and One Year Operational Plan 2016/2017, *Quarter Two, October – December 2016* be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in a net increase of \$0.37 million to Council's Working Capital for a projected balance as at 30 June 2017 of \$4.45 million, be endorsed and included in the 2016/2017 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Transfers to Reserves of \$10.54 million be noted and endorsed.
- (d) That the Certificate of the Responsible Accounting Officer dated 27 January 2017 be endorsed.
- (e) That the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over as detailed in the Report be noted and endorsed.

Record of the Voting:

For the Motion: Unanimous

5 STRENGTHENING RYDE PROGRAM - CITY OF RYDE DRAFT PROPERTY STRATEGY 2016

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

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

Record of the Voting:

For the Motion: Unanimous

6 REQUEST FOR TENDER - COR-RFT-16/16 CONSTRUCTION OF A FOOTBRIDGE AT BURNETT WALK, DARVALL PARK, EASTWOOD

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

- (a) That Council accept the tender from Steelworks Engineering Pty Ltd for the construction of a footbridge to the amount of \$144,325.54 (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 Steelworks Engineering 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 advise all the respondents of Council's decision.

Record of the Voting:

For the Motion: Unanimous

7 REQUEST FOR TENDER - COR-RFT-17/16 PROGRESS AVENUE CULVERT, EASTWOOD: STAGE 2 REPAIRS

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

- (a) That Council accept the tender from Freyssinet Australia Pty Ltd for the Stage 2 remedial works to the amount of \$364,516.00 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 Freyssinet Australia 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 advise all the respondents of Council's decision.

Record of the Voting:

For the Motion: Unanimous

8 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

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

Record of the Voting:

For the Motion: Unanimous

6 LOCAL GOVERNMENT NSW (LGNSW) MAYORS' WEEKEND SEMINAR - 18 AND 19 MARCH 2017

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That Council endorses Councillor Stott's request to attend this program, including attendance fees, travel and other associated expenses.

Record of the Voting:

For the Motion: Unanimous

LATE COUNCIL REPORT

9 TOUCHED BY OLIVIA FOUNDATION – BUTTERFLY BALL 2017

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That consideration of this Item be deferred to the next Council Meeting on 28 March 2017.

Record of the Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 ABANDONMENT OF COUNCIL AMALGAMATIONS - Councillor Jerome Laxale

RESOLUTION: (Moved by Councillors Laxale and Stott)

That consideration of this Item be deferred to the next Council Meeting on 28 March 2017.

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

Record of the Voting:

For the Motion: Councillors Stott, Etmekdjian, Laxale, Perram and Yedelian OAM

Against the Motion: Councillor Maggio

CLOSED SESSION

ITEM 5(8) - 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 2(3) - 1139 VICTORIA ROAD, WEST RYDE. LOT 1 DP 34953. Local Development Application for new two storey boarding house development comprising twelve (12) boarding rooms under State Environmental Planning Policy (Affordable Rental Housing) 2009. (APL2016/0003 to LDA2015/0274).

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(5) - STRENGTHENING RYDE PROGRAM - CITY OF RYDE DRAFT PROPERTY STRATEGY 2016

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.

ITEM 7 - OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT REGARDING PLANNING PROPOSAL FOR 2-6 CHATHAM ROAD, WEST RYDE

Confidential

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

**ITEM 8 - OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT
REGARDING DEVELOPMENT APPLICATION 112 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.

RESOLUTION: (Moved by Councillors Maggio and Laxale)

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

Record of the Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 8.23pm. The public and media left the chamber.

**5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
1/17 held on 21 February 2017**

8 ADVICE ON COURT ACTIONS

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

RECOMMENDATION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That the report of the General Counsel be received.

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

Record of the Voting:

For the Motion: Councillors Stott, Etmekdjian, Laxale, Perram and Yedelian OAM

Against the Motion: Councillor Maggio

**2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING
1/17 held on 14 February 2017**

- 3 1139 VICTORIA ROAD, WEST RYDE. LOT 1 DP 34953. Local Development Application for new two storey boarding house development comprising twelve (12) boarding rooms under State Environmental Planning Policy (Affordable Rental Housing) 2009. (APL2016/0003 to LDA2015/0274).**

RECOMMENDATION: (Moved by Councillors Maggio and Etmekdjian)

That Council reaffirm its previous decision to refuse the boarding house application and the Section 82A application is refused.

Record of the Voting:

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

Against the Motion: Councillor Laxale

**5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
1/17 held on 21 February 2017**

- 5 STRENGTHENING RYDE PROGRAM - CITY OF RYDE DRAFT PROPERTY STRATEGY 2016**

RECOMMENDATION: (Moved by Councillors Etmekdjian and Maggio)

- (a) That Council endorses the draft Property Strategy, including endorsement of the properties listed as Priorities 1 and 2; and
- (b) That the strategic Action Plan contained with the draft Property Strategy be noted and that a further update on the Action Plan be provided to the Finance and Governance Committee in May, 2017.

Record of the Voting:

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

Against the Motion: Councillor Laxale

7 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT REGARDING PLANNING PROPOSAL FOR 2-6 CHATHAM ROAD, WEST RYDE

RECOMMENDATION: (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That Council accept the letter of offer as detailed in **ATTACHMENT 1** dated 21 October 2016, with the exception of the decontamination value being excluded from the VPA total value of the offer, from Peter Rigg, Solicitor and Barrister on behalf of Australian Consulting Architects Pty Ltd to enter into a Voluntary Planning Agreement in relation to a future Development Application for a 7 storey mixed use residential/commercial building at 2-6 Chatham Road, West Ryde (LOTS 24, 25 and 26 DP 8092) as public benefit. The Voluntary Planning Agreement will require the Applicant to provide a public benefit as summarised below:
- i. Dedication of 3 Affordable Housing Units with an estimated construction cost of \$549,750.00.*
 - ii. Road Upgrade Works to Chatham Road spanning entire site as per ATTACHMENT 1, to estimated construction cost of \$296,863.00*
 - iii. Public Domain Works as per ATTACHMENT 1, includes kerbs and gutters, street trees, kerb ramps, vehicle cross overs and driveways, lighting, street furniture and bins, pit lids and signage to estimated construction cost of \$391,732.00*
 - iv. That the offer is above and beyond the normal Section 94 liability for the proposed development, i.e. they are not seeking any full or in-part offsets from S94 Contributions*
 - v. That they will pay all of Council's reasonable legal costs for preparing the VPA*
 - vi. Council's security regime for VPAs under its Policy is generally acceptable.*
- (b) That Council delegate authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement as outlined in **ATTACHMENT 1** 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) That Council delegate authority to the 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 (a) above;
 - II.** Subsequently enter into the Voluntary Planning Agreement on behalf of Council.

- (d) That Peter Rigg, Solicitor and Barrister be informed of Council's decision.
- (e) That upon acquisition of the key worker housing apartments at 2-6 Chatham Road, West Ryde (LOTS 24, 25 and 26 DP 8092), public notification of the intention to classify the land as operational, in accordance with Section 34 of the Local Government Act 1993 be undertaken and subsequently reported to Council.

Record of the Voting:

For the Motion: Councillors Stott, Etmekdjian, Laxale, Maggio, Yedelian OAM

Against the Motion: Councillor Perram

8 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT REGARDING DEVELOPMENT APPLICATION 112 TALAVERA ROAD, MACQUARIE PARK

Note: The Acting General Manager, Mr Roy Newsome disclosed a Pecuniary Interest in this Item for the reason that he is in the process of acquiring a property, in another Local Government Area, from Meriton. He left the Meeting at 9.51pm and was not present for the consideration of this item.

RECOMMENDATION: (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That Council accept the letter of offer as detailed in **ATTACHMENT 1** dated 6 January 2017, from Meriton, to enter into a Voluntary Planning Agreement in relation to a future Development Application for a multi-storey mixed use residential/commercial building at 112 Talavera Road, Macquarie Park (LOT 422 DP 1221081). The Voluntary Planning Agreement will require the Applicant to provide public benefits as summarised below:
 - i. Affordable Housing - 1,758m² of GFA (or approximately 18 units based on an average unit allocation of 100m² of GFA which includes the unit and associated circulation/common space etc), with a market value in the order of \$18 million.
 - ii. Affordable Housing – Council agrees to the registration of a covenant on the title of the dedicated units to ensure they are used for the purposes of affordable rental housing for a minimum of 10 years.
 - iii. Application of Section 94 – VPA will not exclude payment of S94s from the proposed development, other than for the units being dedicated to Council for the purpose of Affordable Housing.
 - iv. Security Provisions – that the VPA contain compulsory acquisition provisions, registration of the final agreement on the relevant titles (excluding lots created under and strata plan) and meeting Council's reasonable cost for drafting the Agreement.

- (b) That Council delegate authority to the Acting Director – City Planning and Development to negotiate the specific terms of the Voluntary Planning Agreement as outlined in **ATTACHMENT 1** 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) That Council delegate authority to the Acting Director – City Planning and Development 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 (a) above;
 - II. Subsequently enter into the Voluntary Planning Agreement on behalf of Council.
- (d) That Meriton be informed of Council's decision.
- (e) That upon dedication of the key worker housing apartments at 112 Talavera Road, Macquarie Park (LOT 422 DP 1221081), public notification of the intention to classify the land as operational, in accordance with Section 34 of the Local Government Act 1993 be undertaken and subsequently reported to Council.

Record of the Voting:

For the Motion: Councillors Stott, Etmekdjian, Laxale, Maggio, Yedelian OAM

Against the Motion: Councillor Perram

Note: The Acting General Manager, Mr Roy Newsome, returned to the meeting at 9.53pm.

OPEN SESSION

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That Council resolve itself into open Council.

Record of the Voting:

For the Motion: Unanimous

Note: Open Council resumed at 9.54pm.

RESOLUTION: (Moved by Councillors Etmekdjian and Maggio)

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

Record of the Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 9.56pm.

CONFIRMED THIS 28TH DAY OF MARCH 2017

Chairperson