

**Meeting Date:** Tuesday 10 December 2013  
**Location:** Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 7.30pm

**Councillors Present:** The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Petch, Pickering, Salvestro-Martin and Yedelian OAM.

Note: Councillor Salvestro-Martin arrived at the meeting at 7.36pm during the presentation of the Mayor's Bushfire Appeal cheque.

Note: Councillor Petch arrived at the meeting at 7.39pm during the presentation of the Excellence in the Environment Award. He left the meeting at 9.35pm during consideration of Item 6 and was not present for voting on Items 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, Precis of Correspondence 1, Precis of Correspondence 2 and Precis of Correspondence 3.

**Apologies:** Nil.

**Leave of Absence:** Councillor Simon.

**Staff Present:** Acting General Manager, Acting Group Manager – Community Life, Acting Group Manager – Corporate Services, Group Manager – Environment and Planning, Group Manager – Public Works, General Counsel, Manager – Urban Planning, Manager – Environment, Manager – Communications and Media, Project Manager, Environmental Engineer, Coordinator – Digital Communications and Section Manager – Governance.

### **PRAYER**

Major Topher Holland of The Salvation Army was present and offered prayer prior to the commencement of the meeting.

### **LEAVE OF ABSENCE**

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

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

That Council approve a Leave of Absence for Councillor Simon for tonight's Council Meeting, 10 December 2013.

**Record of Voting:**

For the Motion: Unanimous

### **DISCLOSURES OF INTEREST**

The Mayor, Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Item 11 – Code of Conduct - Status Report for the reason that the matter is about himself.

The Mayor, Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in Item 4 – Second Avenue, Eastwood Draft Site Specific DCP - Outcomes of Consultation for the reason that he is a member of the Ryde Eastwood Leagues Club.

Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in Item 2(2) – 58-60 Falconer Street, West Ryde – LDA2012/0124, for the reason that he resides in Falconer Street, West Ryde.

Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in Item 4 – Second Avenue, Eastwood Draft Site Specific DCP - Outcomes of Consultation for the reason that he is a patron member of the Ryde Eastwood Leagues Club.

Councillor Perram disclosed a Less than Significant Non-Pecuniary Interest in Item 4 – Second Avenue, Eastwood Draft Site Specific DCP - Outcomes of Consultation for the reason that he is a member of the Ryde Eastwood Leagues Club.

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Item 4 – Second Avenue, Eastwood Draft Site Specific DCP - Outcomes of Consultation for the reason that he is an ordinary member of the Ryde Eastwood Leagues Club.

### **PRESENTATION - MAYOR'S BUSHFIRE APPEAL**

The Mayor, Councillor Maggio presented Major Topher Holland from The Salvation Army with a cheque in the amount of \$7,610.63 for the Blue Mountains and Central Coast communities affected by the bushfires. The Mayor, Councillor Maggio also advised that a further \$1,000 has been pledged by Ryde Carlile Swimming Club.

### **PRESENTATION - EXCELLENCE IN THE ENVIRONMENT AWARD**

Council's Manager - Environment, Sam Cappelli presented the Mayor, Councillor Maggio with the 2013 NSW Excellence in the Environment 'Communication, Education and Empowerment Award' received from the Local Government NSW for the River to River Corridors Project.

### **PRESENTATION - SES WOW DAY**

The Mayor, Councillor Maggio presented Councillor Yedelian OAM, on behalf of the City of Ryde, with a thank you Certificate from the NSW State Emergency Service & NRMA Insurance for participation in Wear Orange to Work Day.

**PRESENTATION - RYDE ROLLER COASTER RUN**

The Mayor, Councillor Maggio presented a Certificate of Appreciation to the City of Ryde for their support and sponsorship for the 2013 Ryde Roller coaster Run.

**TABLING OF PETITIONS**

No Petitions were tabled.

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

The following persons addressed the Council:

<b>Name</b>	<b>Topic</b>
Vic Tagg (on behalf of the Eastwood Chamber of Commerce)	Item 5 – Eastwood Town Centre Masterplan
Kenny Lee	Item 5 – Eastwood Town Centre Masterplan
Chris McCarthy (on behalf of the Ryde Eastwood Leagues Club)	Item 4 - Second Avenue, Eastwood Draft Site Specific DCP - Outcomes Of Consultation
Grant Mayer	MM39/13 – Investigation of Options – NRL West Tigers

**SUSPENSION OF STANDING ORDERS**

Note: Councillor Salvestro-Martin left the meeting at 7.54pm and was not present for consideration or voting on this Item.

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

That Standing Orders be Suspended in order to recognise Council's General Counsel, the time being 7.54pm.

**Record of Voting:**

For the Motion: Unanimous

**RECOGNITION OF COUNCIL'S GENERAL COUNSEL**

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

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

That Council recognises the contribution made by Bruce McCann in his role as General Counsel and wishes him all the best for his future endeavours.

**Record of Voting:**

For the Motion: Unanimous

**ORDER OF BUSINESS**

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

That Council now consider the following Items, the time being 7.58pm:

- Mayoral Minute 39/13 - Investigation of Options - NRL West Tigers.
- Item 4 - Second Avenue, Eastwood Draft Site Specific DCP - Outcomes of Consultation.
- Item 5 - Eastwood Town Centre Master Plan.
- Notice of Motion 1 - Centenary of Anzac and Commemoration of WW1 Committee Funding Options

Note: Councillor Salvestro-Martin returned to the meeting at 7.59pm.

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

That Council now consider the following Items, the time being 7.59pm:

- Mayoral Minute 39/13 - Investigation of Options - NRL West Tigers.
- Item 4 - Second Avenue, Eastwood Draft Site Specific DCP - Outcomes of Consultation.
- Item 5 - Eastwood Town Centre Master Plan.
- Notice of Motion 1 - Centenary of Anzac and Commemoration of WW1 Committee Funding Options
- Item 11 - Code of Conduct - Status Report

On being put to the Meeting, the voting on the Amendment was four (4) votes For and seven (7) votes Against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

**Record of Voting:**

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

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

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

That Council now consider the following Items, time being 8.00pm:

- Mayoral Minute 39/13 - Investigation of Options - NRL West Tigers.
- Item 4 - Second Avenue, Eastwood Draft Site Specific DCP - Outcomes of Consultation.
- Item 5 - Eastwood Town Centre Master Plan.
- Notice of Motion 1 - Centenary of Anzac and Commemoration of WW1 Committee Funding Options

**Record of Voting:**

For the Motion: Unanimous

**MAYORAL MINUTES**

**39/13 INVESTIGATION OF OPTIONS - NRL WEST TIGERS - The Mayor, Councillor Roy Maggio**

Note: Grant Mayer addressed the meeting in relation to this Item.

**RESOLUTION:** (Moved by The Mayor, Councillor Maggio and Councillor Salvestro-Martin)

- (a) That Council support the investigation into the feasibility of the West Tigers Football Club being relocated to the ELS Hall Park and Indoor Sports Centre.
- (b) That Council note that these investigations will be undertaken at minimal cost to Council, with any additional costs being reported to Council in the March Quarterly Review.
- (c) That a further report be provided to Council in March 2014 on the results of the investigations undertaken.
- (d) That all users of ELS Hall Park be advised of this proposal.

**Record of Voting:**

For the Motion: Unanimous

## **COUNCIL REPORTS**

### **4 SECOND AVENUE, EASTWOOD DRAFT SITE SPECIFIC DCP - Outcomes of Consultation**

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

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

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

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Item 4 – Second Avenue, Eastwood Draft Site Specific DCP - Outcomes of Consultation for the reason that he is an ordinary member of the Ryde Eastwood Leagues Club.

Note: Chris McCarthy (on behalf of the Ryde Eastwood Leagues Club) addressed the meeting in relation to this Item.

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

- (a) That Council adopt the Draft *Ryde Development Control Plan Part 6.7 Second Avenue (9-19) Eastwood* as amended in response to submissions and included as **ATTACHMENT 2** and issues outlined in this report.
- (b) That Council place a public notice in the local newspaper in accordance with the *Environmental Planning and Assessment Regulation 2000* to bring into effect the *Ryde Development Control Plan 2010 Part 6.7 Second Avenue (9-19) Eastwood*.
- (c) That Council provides the Director-General with a copy of the *Ryde Development Control Plan Part 6.7 Second Avenue (9-19) Eastwood* amendment to Ryde DCP 2010 as adopted, within 28 days of the making of the plan in accordance with the *Environmental Planning and Assessment Regulation 2000*.
- (d) That Council endorse consideration of a variation to the site area dwelling control under Clause 4.5A Density controls for Zone R2 Low Density Residential to allow a maximum of 31 dwellings on the land the subject of *Ryde Development Control Plan Part 6.7 Second Avenue (9-19) Eastwood*, subject to the submission of a development application which:

- Includes a request for variation providing the relevant justification under Clause 4.6 Exceptions to Development Standards of LEP 2010.
- Demonstrates compliance in particular with:
  - A maximum FSR of 0.5:1 as required under Council's LEP;
  - A maximum site coverage of 40%;
  - Minimum open space area requirements identified in the Draft DCP attached to this report and implementing Council's resolution of 11 October 2011;
  - Minimum side and rear setbacks identified in the draft DCP attached to this report (that exceed existing multi dwelling housing setbacks); and
  - Minimum car parking requirements identified in the Draft DCP attached to this report.

(e) That Council advise the proponent and all those who made submissions of Council's decision.

**Record of Voting:**

For the Motion: Unanimous

**5 EASTWOOD TOWN CENTRE MASTER PLAN**

Note: A Memorandum from the Group Manager - Environment and Planning dated 6 December 2013 and Feasibility Report was tabled in relation to this Item and a copy is ON FILE.

Note: Vic Tagg (on behalf of the Eastwood Chamber of Commerce) and Kenny Lee addressed the meeting in relation to this Item.

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

That the Eastwood Town Centre Master Plan be placed on public exhibition for a period of at least six weeks, commencing in February 2014, and that following the public exhibition period, a further report be presented to Council.

**Record of Voting:**

For the Motion: Unanimous

## **NOTICE OF MOTION**

### **1 CENTENARY OF ANZAC AND COMMEMORATION OF WW1 COMMITTEE FUNDING OPTIONS - Councillor Jerome Laxale**

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

- (a) That the Acting General Manager consult with the Ryde Centenary of Anzac and Commemoration of WW1 Committee and staff in regards to the "Ryde Remembers" commemorative programme of projects from 2014 and beyond.
- (b) That the Acting General Manager report back on internal and external funding opportunities for projects identified as a priority by the Committee.

**Record of Voting:**

For the Motion: Unanimous

## **MAYORAL MINUTES**

### **34/13 MAYOR'S BUSHFIRE APPEAL - The Mayor, Councillor Roy Maggio**

Note: Councillor Li left the meeting at 8.46pm and was not present for consideration or voting on this Item.

Note: The Mayor, Councillor Maggio presented Major Topher Holland from The Salvation Army with a cheque in the amount of \$7,610.63 for the Blue Mountains and Central Coast communities affected by the bushfires earlier in the meeting as outlined in these Minutes.

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

- (a) That as Mayor, I present the cheque, totalling \$7,610.63 of the funds raised by the Mayor's Bushfire Appeal, to the Salvation Army Bushfire Appeal.
- (b) That Council endorse hosting a Twenty20 cricket match between Hornsby Shire Council and Ryde City Council in February 2014 with all donations being presented to the Salvation Army Bushfire Appeal and that the Acting General Manager be delegated authority to make all necessary arrangements to organise this event.
- (c) That Council promote the event in conjunction with Hornsby Shire Council and advertise through local newspapers, the Mayor's Community Message and social media.
- (d) That the City of Ryde thank Hornsby Shire Council, the City of Ryde staff and the community for their support of this Appeal.



**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Li returned to the meeting at 8.48pm.

**35/13 VOLUNTEER READING PROGRAM - The Mayor, Councillor Roy Maggio**

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

That Council staff prepare a brief report regarding the feasibility of running a trial program in one of Council's Libraries involving a seniors volunteer or other volunteer, reading to children who are in the care of the Library concerned. The report is to be completed in six months.

**Record of Voting:**

For the Motion: Unanimous

**36/13 OFFICIAL OPENING OF WEST RYDE CARPARK - The Mayor, Councillor Roy Maggio**

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

- (a) That Council support and endorse a community event on Saturday, 14 December 2013 from 10.00am – 1.00pm to celebrate the official opening of Council's public car park at West Ryde.
- (b) That the community event and official opening of the public car park be advertised through Council's normal media channels including the Mayor's Community Message.
- (c) That Council congratulate the Acting General Manager, Mr Roy Newsome and relevant staff for their efforts in relation to this matter.

**Record of Voting:**

For the Motion: Unanimous

**37/13 APPOINTMENT OF ACTING GENERAL MANAGER - The Mayor, Councillor Roy Maggio**

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

- (a) That Council appoint Mr Dominic Johnson to act in the role of Acting General Manager from 21 December 2013 to 14 January 2014.
- (b) That upon the return of Mr Newsome on 14 January 2014, Mr Newsome is to continue in the role of Acting General Manager.

**Record of Voting:**

For the Motion: Unanimous

**38/13 RYDE RIVERWALK - RECEIPT OF FUNDING - The Mayor, Councillor Roy Maggio**

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

- (a) That Council note the correspondence received from our local Federal Member for Bennelong, Mr John Alexander OAM MP.
- (b) That Council thank Mr Alexander and Mr Truss for their efforts in securing federal funding for the Ryde River Walk and other projects listed on the attached correspondence.
- (c) That staff prepare a report on the implications of the receipt of the federal funding.
- (d) That details of the federal funding of the Ryde River Walk be advertised extensively in the local community through press, Mayor's Community Message and social media.

**Record of Voting:**

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

Against the Motion: Councillors Petch and Salvestro-Martin

**39/13 INVESTIGATION OF OPTIONS - NRL WEST TIGERS - The Mayor, Councillor Roy Maggio**

Note: This matter was dealt with earlier in the meeting as outlined in these Minutes.

**40/13 LIVVIS PLACE - PEOPLES CHOICE AWARD - The Mayor, Councillor Roy Maggio**

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

- (a) That Council acknowledge the receipt of the Sydney Morning Herald Premier's People's Choice award for a new public space recently awarded to Livvi's Place in Yamble Reserve.
- (b) That an appropriate event be held in 2014 to celebrate the receipt of this award.

**Record of Voting:**

For the Motion: Unanimous

**COUNCIL REPORTS**

**1 CONFIRMATION OF MINUTES - Council Meeting held on 26 November 2013**

Note: Councillor Salvestro-Martin left the meeting at 8.55pm and was not present for consideration or voting on this Item.

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

That the Minutes of the Council Meeting 24/13, held on 26 November 2013 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 18/13 held 3 December 2013**

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

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

That Council determine Item 2 of the Planning and Environment Committee report 18/13 held on 3 December 2013, noting that Items 1 and 3 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**2 58 - 60 FALCONER STREET, WEST RYDE. LOT 1 DP 953646 and LOT 2 DP102049. Demolition of 2 dwellings and construction of infill development under the Affordable Housing State Environmental Planning Policy - 10 strata titled town houses - LDA2012/0124.**

Note: Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he resides in Falconer Street, West Ryde.

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

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

(a) That Local Development Application No. 2012/0124 at 58 - 60 Falconer Street, West Ryde, being LOT 1 of Deposited Plan 953646 and LOT 2 of Deposited Plan 102049 be **REFUSED** for the following reasons:

1. The proposal is contrary to Section 79C(1)(a)(i) of the *Environmental Planning and Assessment Act 1979* as it fails to meet the objectives of the R2 Low Density Residential Zone in the Ryde Local Environmental Plan 2010.

**Particulars**

- a) The proposal does not ensure that *"the general low density nature of the zone is retained and that development for the purposes of dual occupancy (attached) and multi dwelling housing (attached) do not significantly alter the character of a location or neighbourhood"*.
- b) The proposal does not ensure that *"new development complements or enhances the local streetscape."*

2. The proposal is contrary to Section 79C(1)(a)(ii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the provisions of the Draft Ryde Local Environmental Plan 2011.

**Particulars**

- a) The *proposal* is contrary to Clause 4.3(2C) Height of Buildings in Zone R2.
3. The proposal is contrary to Section 79C(1)(a)(iii) of the *Environmental Planning and Assessment Act 1979* as it fails to satisfy the requirements of the Ryde Development Control Plan 2010.

### Particulars

- a) The proposal is contrary to the objectives of Part 3.5 - Multi Dwelling Housing (attached) within the Low Density Residential Zone of the RDCP as it will:
    - Not complement existing development and streetscape
    - Result in a housing development that is not designed to a high aesthetic standard
    - Adversely affect the amenity of occupants of adjoining land and
    - Result in a multi dwelling housing (attached) development of a scale that is not related to the character of the area
  - b) The proposal does not comply with the minimum floor to ceiling height requirement of Part 3.5 of the RDCP.
  - c) The proposal does not comply with the rear setback and second street frontage setback requirements of Part 3.5 of the RDCP.
  - d) The garage and car parking layout dominates the development and is contrary to the provisions of Part 3.5 of the RDCP.
  - e) The proposal has not demonstrated compliance with the accessibility requirements of Parts 3.5 or 9.2 of the RDCP.
  - f) The proposal is unsatisfactory with regard to the Building Form requirements of Part 3.5 of the RDCP.
4. Pursuant to Section 79C(1)(b) of the *Environmental Planning and Assessment Act 1979*, the cumulative impacts of the proposed development's failure to comply with the provisions and requirements of State Environmental Planning Policy (Affordable Rental Housing) 2009, Ryde LEP 2010 and Ryde DCP 2010 will result in a development whose scale, form, density and design is inconsistent with existing development in the area and detract from the character and the amenity of the locality.
  5. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest as the development is inconsistent with the scale and intensity of development that the community can reasonably expect to be provided on this site.
  6. Pursuant to Section 79C(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest, pertaining to the number of objections that have been received in relation to the proposal.
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: The Mayor, Councillor Maggio and Councillors Etmekdjian, Laxale, Li, Pendleton, Perram, Petch and Pickering

Against the Motion: Councillors Chung and Yedelian OAM

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 17/13 held on 3 December 2013**

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

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

That Council determine Item 4(d) of the Works and Community Committee report 18/13 held on 3 December 2013, noting that Items 1, 2, 3 and 4(a), 4(b), 4(c), 4(e), 4(f), 4(g), 4(h), 4(i), 4(j), 4(k), 4(l), 4(m), 4(n) and 4(o) were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**4 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE held on 21 November 2013**

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

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

- (d) (i) That Council investigate the “option” of allowing the waste trucks to undertake a three (3) point turn at the eastern end of Amiens Street by utilising the two (2) existing driveways that directly face each other.
- (ii) That Council seek agreement from the residents who are directly affected.
- (iii) That Council, subject to parts (i) and (ii) being agreed to, undertake the necessary engineering works to facilitate the waste truck three (3) point turn in Amiens Street to be funded from Council’s domestic waste reserve.

**Record of Voting:**

For the Motion: Unanimous

**4 SECOND AVENUE, EASTWOOD DRAFT SITE SPECIFIC DCP - Outcomes of Consultation**

Note: This matter was dealt with earlier in the meeting as outlined in these Minutes.

**5 EASTWOOD TOWN CENTRE MASTER PLAN**

Note: This matter was dealt with earlier in the meeting as outlined in these Minutes.

Note: Councillor Salvestro-Martin returned to the meeting at 9.28pm.

**6 PROPOSED VOLUNTARY PLANNING AGREEMENT FOR A MIXED USE DEVELOPMENT. LOT 1 and 2 in DP437223, LOT in DP445440, LOT 2 in DP9135 and plan SP34035, 136-140 Victoria and 2-10 Wharf Roads, Gladesville.**

Note: Councillor Petch left the meeting at 9.35pm during consideration of this matter and did not return. He was not present for voting on this Item.

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

- (a) That if the Joint Regional Planning Panel resolves to approve Local Development Application 2013/0220 at 2-10 Wharf Road, Gladesville & 134-140 Victoria Road, Gladesville then Council give 'in principle' support to the Voluntary Planning Agreement made by Hindmarsh Development Australia Pty Limited as prepared by Sparke Helmore Lawyers.
- (b) That the above be communicated to the Joint Regional Planning Panel at the time of determination of the application, and
- (c) That the Group Manager Environment and Planning be delegated to finalise the Voluntary Planning Agreement with Hindmarsh Development Australia Pty Limited in accordance with the submitted Voluntary Planning Agreement and the applicable legal requirements under the *Environmental Planning and Assessment Act 1979*;

**Record of Voting:**

For the Motion: Unanimous

**7 COUNCIL CONSIDERATION OF FOUR RECOMMENDATIONS MADE BY THE HERITAGE ADVISORY COMMITTEE**

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

**RESOLUTION:** (Moved by Councillors Salvestro-Martin and Perram)

- (a) That Council congratulate Council Staff and consultants Tanner and Associates Architects for undertaking the Stage 1 Conservation works on Addington House.
- (b) That Council as part of the ongoing maintenance program remove the two tree stumps in the front garden of Addington House and replant the area with lawn.
- (c) That Council gives the members of the Heritage Advisory Committee in-kind support for a series of events celebrating the 150<sup>th</sup> anniversary of the birth of Banjo Patterson to be held commencing February 2014.
- (d) That Council notes the value of archaeological mapping and will give due consideration to such a project should funding become available.

**Record of Voting:**

For the Motion: Unanimous

**8 2013/2014 CHRISTMAS NEW YEAR ARRANGEMENTS - DELEGATIONS TO THE MAYOR AND ACTING GENERAL MANAGER**

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

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

- (a) That during the period 11 December 2013 to 4 February 2014, the Mayor and Acting General Manager be delegated any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act provided the functions are exercised in compliance with the relevant Council policy and where no such policy exists with all due caution.
- (b) That all decisions made by the Mayor and Acting General Manager under this resolution, be communicated to all Councillors as soon as practicable via email.

**Record of Voting:**

For the Motion: Unanimous



## 9 PUBLIC INTEREST DISCLOSURES

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

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

That Council adopt the **ATTACHED** 'Public Interest Disclosures Internal Reporting Policy' and Procedure.

**Record of Voting:**

For the Motion: Unanimous

## 10 ACCESS ADVISORY COMMITTEE - MINUTES OF 20 NOVEMBER MEETING

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

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

- (a) That Council endorse nomination of Seaja Chang, Community Services Coordinator, Catholic Community Services, for a position on this Advisory Committee.
- (b) That Council write to the State Minister for Transport, The Hon. Gladys Berejiklian MP, supporting an increase in the financial support available to eligible people under the NSW Taxi Transport Subsidy Scheme, indicating Council's support for the Spinal Cord Injury Australia's campaign.
- (c) That Council write to local Members of Parliament requesting that they make representations to the State Minister for Transport, The Hon. Gladys Berejiklian MP, on behalf of City of Ryde residents seeking an increase in the financial support available to eligible people under the NSW Taxi Transport Subsidy Scheme and indicating Council's support for the Spinal Cord Injury Australia's campaign.

**Record of Voting:**

For the Motion: Unanimous

## 11 CODE OF CONDUCT - STATUS REPORT

Note: The Mayor, Councillor Maggio disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that the matter is about himself.

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

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

- (a) That Council note the actions taken as detailed in this report.
- (b) That Councillor Maggio now provide verbal apologies to both Councillors and Council staff in accordance with Council's resolution.

**Record of Voting:**

For the Motion: Unanimous

Note: The Mayor, Councillor Maggio provided verbal apologies to both Councillors and staff in accordance with Council's resolution, the time being 9.45pm.

## **LATE ITEMS**

### **15 ENFORCEMENT OF PARKING POLICY - REVIEW OF STATE DEBT RECOVERY OFFICE ADMINISTRATIVE SERVICE AND COUNCIL'S INTERNAL REVIEW PROCEDURE**

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

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

- (a) That Council renew the 'Premium' Service Level Agreement with the State Debt Recovery Office for the provision of administrative services for processing penalty notices issued by Council's Rangers.
- (b) That Council continue to provide an internal procedure for appealing infringement notices comprising of a technical review (by Council's Adjudication Officer) in accordance with the State Debt Recovery Office and the Attorney General's guidelines.
- (c) That Council undertake regular surveys of recipients of parking fines that are referred to and assessed by Council's Adjudication Officer in order to gain feedback regarding their customer service experience and the results be provided in the Councillor Information Bulletin on a quarterly basis.

**AMENDMENT:** (Moved by Councillors Pickering and Pendleton)

- (a) That Council renew the 'Premium' Service Level Agreement with the State Debt Recovery Office for the provision of administrative services for processing penalty notices issued by Council's Rangers.
- (b) That Council continue to provide an internal procedure for appealing infringement notices comprising of a technical review (by Council's Adjudication Officer) in accordance with the State Debt Recovery Office and the Attorney General's guidelines.

- (c) That as part of the current annual survey, qualitative feedback be collected with regards to the customer service experience and process involved with the issuance of fines including views on parking regulations and potential improvements.

On being put to the Meeting, the voting on the Amendment was seven (7) votes For and three (3) votes Against. The Amendment then became the Motion.

**Record of Voting:**

For the Amendment: Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram and Pickering

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

**FURTHER AMENDMENT:** (Moved by Councillors Salvestro-Martin and Yedelian OAM)

- (a) That Council renew the 'Premium' Service Level Agreement with the State Debt Recovery Office for the provision of administrative services for processing penalty notices issued by Council's Rangers.
- (b) That Council continue to provide an internal procedure for appealing infringement notices comprising of a technical review (by Council's Adjudication Officer) in accordance with the State Debt Recovery Office and the Attorney General's guidelines.
- (c) That Council undertake a survey of all City of Ryde residents to be issued with the next rates notice regarding Parking Management and Policy in the City of Ryde.

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

**Record of Voting:**

For the Amendment: The Mayor, Councillor Maggio and Councillors Li, Salvestro-Martin and Yedelian OAM

Against the Amendment: Councillors Chung, Etmekdjian, Laxale, Pendleton, Perram and Pickering

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

- (a) That Council renew the 'Premium' Service Level Agreement with the State Debt Recovery Office for the provision of administrative services for processing penalty notices issued by Council's Rangers.

- (b) That Council continue to provide an internal procedure for appealing infringement notices comprising of a technical review (by Council's Adjudication Officer) in accordance with the State Debt Recovery Office and the Attorney General's guidelines.
- (c) That as part of the current annual survey, qualitative feedback be collected with regards to the customer service experience and process involved with the issuance of fines including views on parking regulations and potential improvements.

**Record of Voting:**

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

Against the Motion: The Mayor, Councillor Maggio

**16 WEST RYDE DEVELOPMENT - COLES REVISED CAR PARK MANAGEMENT PLAN**

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

Note: Councillor Salvestro-Martin left the meeting at 10.28pm and was not present for consideration or voting on this Item.

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

- (a) That Council adopt the revised Car Park Management Plan forming **ATTACHMENT 2** to this report, subject to Coles obtaining any other required statutory approvals, and
- (b) That Council delegate to the Acting General Manager the authority to finalise and execute the revised Car Park Management Plan, noting that further changes may be necessary.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Salvestro-Martin returned to the meeting at 10.30pm.

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

**1 CROWN LANDS AMENDMENT BILL**

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

Note: Councillor Etmekdjian left the meeting at 10.30pm and was not present for consideration or voting on this Item.

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**2 CLARIFICATION REGARDING CLAUSES 4.21 AND 4.23 OF THE CODE OF CONDUCT**

Note: Councillors Etmekdjian and Petch were not present for consideration or voting on this Item.

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Etmekdjian returned to the meeting at 10.35pm.

**3 RYDE LOCAL AREA COMMAND - SUPERINTENDANT JOHN DUNCAN**

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

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

That this correspondence be received and noted.

**Record of Voting:**

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

Against the Motion: Councillors Laxale and Salvestro-Martin

**NOTICE OF MOTION**

**1 CENTENARY OF ANZAC AND COMMEMORATION OF WW1 COMMITTEE FUNDING OPTIONS - Councillor Jerome Laxale**

Note: This matter was dealt with earlier in the meeting as outlined in these Minutes.

**CLOSED SESSION**

**ITEM 12 - SUPPLY OF SOIL AND AGGREGATE SCREENING PLANT: COR-RFT-17/13**

**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 13 - REQUEST FOR TENDER - RALC SURF ATTRACTION - TENSILE MEMBRANE (SHADE) STRUCTURE - COR-RFT-04/13**

**Confidential**

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

**ITEM 14 - 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.

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

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

**Record of Voting:**

For the Motion: Unanimous

Note: Council closed the meeting at 10.36pm. The public and media left the chamber.

**12 SUPPLY OF SOIL AND AGGREGATE SCREENING PLANT: COR-RFT-17/13**

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

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

- (a) That Council accept the tender from Jaws Crushers for the Screencat 5030 Track Screen to the amount of \$169,000 as recommended in the Tender Evaluation Report.
- (b) That Council advise all the respondents of Council's decision.

**Record of Voting:**

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

Against the Motion: Councillor Salvestro-Martin

**13 REQUEST FOR TENDER - RALC SURF ATTRACTION - TENSILE MEMBRANE (SHADE) STRUCTURE - COR-RFT-04/13**

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

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

- (a) That Council accept the tender from Mak Max Pty Ltd for the sum of \$408,817 ex GST as recommended in the Tender Evaluation report
- (b) That Council delegate to the General Manager the authority to enter into a contract with Mak Max Pty Ltd for the sum of \$408,817 ex GST 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.

**Record of Voting:**

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

Against the Motion: Councillor Salvestro-Martin

**14 ADVICE ON COURT ACTIONS**

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

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

That the report of the General Counsel be received.

**Record of Voting:**

For the Motion: Unanimous

**OPEN SESSION**

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

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 10.53pm.

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

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

**Record of Voting:**

For the Motion: Unanimous

**NATIONAL ANTHEM**

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

The meeting closed at 10.55pm.

CONFIRMED THIS 11TH DAY OF FEBRUARY 2014

Chairperson