

**Meeting Date:** Tuesday 24 September 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, Simon and Yedelian OAM.

**Apologies:** Councillor Salvestro-Martin

Note: Councillor Pickering arrived at 7.33 pm during this discussion of Leave of Absence requests.

**Staff Present:** Acting General Manager, Acting Group Manager – Community Life, Acting Group Manager - Corporate Services, Acting Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager – Communications and Media, Chief Financial Officer, Acting Manager - Urban Planning, Development Contributions Coordinator, Client Manager, Coordinator Digital Communications, Governance Support Coordinator, Meeting Support Coordinator

### **PRAYER**

Reverend Chris Burgess of the Eastwood Anglican Church was present and offered prayer prior to the commencement of the meeting.

### **LEAVE OF ABSENCE**

Councillor Laxale requested a Leave of Absence for the period of 7 October 2013 to 13 October 2013 inclusive.

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

That Council approve a Leave of Absence for Councillor Laxale for the period of 7 October 2013 to 13 October 2013 inclusive.

### **Record of Voting:**

For the Motion: Unanimous

### **DISCLOSURES OF INTEREST**

The Mayor, Councillor Maggio disclosed a Significant Non-Pecuniary Interest in Item 18 – Code of Conduct for the reason that he is the subject of the Code of Conduct report and was not present for consideration of voting on this Item.

Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 3 – Santa Rosa Park Toilet Facility for the reason that he is a frequent user of the facility.

Councillor Simon disclosed a Less than Significant Non-Pecuniary Interest in Item 2(3) – 92 Constitution Road West, Meadowbank. LDA2013/0046 for the reason that he is an acquaintance of the applicant's father.

### **TABLING OF PETITIONS**

Councillor Simon tabled a petition in relation to Notice of Motion 3 – Santa Rosa Park Toilet Facility.

### **PRESENTATION OF PLAQUE**

The Mayor, Councillor Maggio presented the Acting General Manager, Roy Newsome with a plaque from the Eastwood Ryde Netball Association.

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

The following persons addressed the Council:

<b>Name</b>	<b>Topic</b>
Jeremy Quek	<b>Item 6</b> - Planning Proposal - 10 Monash Road and 2 College Street, Gladesville
Kathryn Wicks	<b>Notice of Motion 2</b> – Racism it Stops With Me
Garry Sommerville	<b>Notice of Motion 3</b> – Santa Rosa Park Toilet Facility
Rodney Toombes	<b>Notice of Motion 3</b> – Santa Rosa Park Toilet Facility
Peter Newman	<b>Notice of Motion 3</b> – Santa Rosa Park Toilet Facility
Craig Burwood	<b>Mayoral Minute 23/13</b> – Restoration Of Beach Access For Non Motorized Craft At Kissing Point Park

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

That those speakers who submitted late requests to address Council on Items Listed on the Agenda be allowed to address the meeting, the time being 7.54 pm.

### **Record of Voting:**

For the Motion: Unanimous

The following person addressed the Council:

Geoff Driscoll (representing the GHFA)	<b>Notice of Motion 3</b> – Santa Rosa Park Toilet Facility
Geoffrey Lee	<b>Notice of Motion 2</b> – Racism it Stops With Me

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

The following persons addressed the Council:

<b>Name</b>	<b>Topic</b>
Rose Lavery	Book of Remembrance, Ryde City View and Top Ryder Bus Service

## **ORDER OF BUSINESS**

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

That Council now consider the following Items on which there had been public participation, the time being 8.06 pm:

- Notice of Motion 2 – Racism it Stops With Me;
- Notice of Motion 3 – Santa Rosa Park Toilet Facility;
- Item 6 - Planning Proposal - 10 Monash Road and 2 College Street, Gladesville; and
- Mayoral Minute 23/13 – Restoration Of Beach Access For Non Motorized Craft At Kissing Point Park

### **Record of Voting:**

For the Motion: Unanimous

## **NOTICES OF MOTION**

### **2 RACISM IT STOPS WITH ME - Councillor Jerome Laxale**

Note: Kathryn Wicks and Geoffrey Lee addressed the meeting in relation to this Item.

Note: Councillor Laxale tabled a letter dated 20 September 2013 from the Australian Human Rights Commission in relation to this Item and a copy is ON FILE.

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

- (a) That, in light of recent examples of racism in the City of Ryde, the Acting General Manager meets with representatives of the Australian Human Rights Commission to become a supporter of the "Racism. It stops with me" campaign.
- (b) That, upon formalising the agreement:
  1. Ryde Council hosts a "Racism. It stops with me" BBQ, inviting local community groups, churches and representatives of the Australian Human Rights Commission to officially launch Council's campaign; and

2. Ryde Council in consultation with the Community Harmony Advisory Committee actively promote the campaign through regular events, the City of Ryde website, the Mayoral Community Message, a flyer with Rates Notices and any other means.

**Record of Voting:**

For the Motion: Unanimous

**3 SANTA ROSA PARK TOILET FACILITY - Councillor George Simon**

Note: Garry Sommerville, Rodney Toombes, Peter Newman and Geoff Driscoll (representing the GHFA) addressed the meeting in relation to this Item.

Note: Councillor Chung disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a frequent user of the facility.

Note: A petition was tabled by Councillor Simon in relation to this Item and a copy is ON FILE.

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

- (a) That the Santa Rosa Park toilet facility construction be referred to the Works and Community committee for urgent attention, including a site inspection for all Councillors.
- (b) If possible, the construction of a facility be completed in preparation for the beginning of the next winter season of the sports competition.
- (c) That the Gladesville Local Area Command be consulted as part of the decision making process.

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

- (a) That Council staff prepare a report on the feasibility of the current Air League building at the Bridge Road end of Santa Rosa Park being converted to a change room/amenities block for all park users.
- (b) The report is to be prepared for Councillors consideration and to be tabled at the Council meeting set down for 22 October 2013.
- (c) The report is to include the following:
  - (i) A report from the NSW Police Gladesville Local Area command in regards to the location meeting all of the factors police require for such buildings.
  - (ii) A Hydraulic surface drainage analysis for the prevention of flooding in a 1 in 5 year, 1 in 20 year and 1 in 100 year event be prepared, along with pricing for such recommendations, for the area around the Air League building, so that the current building can be renovated for the proposed new usage.

- (iii) Council staff provide an estimate for the proposed Air League Building modification. This estimate is to be priced around a similar design to the current amenities building situated at Gannon Park, Ryde.

On being put to the Meeting, the voting on the Amendment was five (5) votes For and six (6) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

**Record of Voting:**

For the Amendment: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Pickering, and Yedelian OAM

Against the Amendment: Councillors Laxale, Li, Pendleton, Perram, Petch and Simon

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

- (a) That the Santa Rosa Park toilet facility construction be referred to the Works and Community committee for urgent attention, including a site inspection for all Councillors.
- (b) If possible, the construction of a facility be completed in preparation for the beginning of the next winter season of the sports competition.
- (c) That the Gladesville Local Area Command be consulted as part of the decision making process.

**Record of Voting:**

For the Motion: Unanimous

**COUNCIL REPORTS**

**6 PLANNING PROPOSAL - 10 MONASH ROAD AND 2 COLLEGE STREET, GLADESVILLE**

Note: Jeremy Quek addressed the Council in relation to this Item.

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

- (a) That Council note the Planning Proposal for 10 Monash Road and 2 College Street Gladesville
- (b) That Council forward the planning proposal for 10 Monash Road and 2 College Street Gladesville to receive a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.

- (c) That, in the event of a gateway determination being issued pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*, the planning proposal be placed on public exhibition and a further report be presented to Council following the completion of the community consultation advising of the outcomes and next steps.
- (d) That Council's consideration of the planning proposal, following exhibition, is deferred until the traffic study for the area is completed.
- (e) That a site specific addition to the Ryde Development Control Plan 2010 be prepared for 10 Monash Road and 2 College Street Gladesville and that it is publicly exhibited together with the planning proposal.

**Record of Voting:**

For the Motion: Unanimous

**MAYORAL MINUTES**

**MM23/13 RESTORATION OF BEACH ACCESS FOR NON MOTORIZED CRAFT AT KISSING POINT PARK - The Mayor, Councillor Roy Maggio**

Note: Craig Burwood addressed the meeting in relation to this Item.

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

That this matter be referred for the Acting General Manager to investigate and provide a report to the Works and Community Committee.

**Record of Voting:**

For the Motion: Unanimous

**MM22/13 ELECTION OF FEDERAL MEMBER FOR BENNELONG - The Mayor, Councillor Roy Maggio**

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

- (a) That Council forward a letter to Mr John Alexander OAM MP, congratulating him on his recent re-election to the Federal seat of Bennelong.
- (b) That Council forward a letter to The Hon Tony Abbott MP, congratulating him and the Coalition on their recent election result.

**Record of Voting:**

For the Motion: Unanimous

**MM23/13 RESTORATION OF BEACH ACCESS FOR NON MOTORIZED CRAFT  
AT KISSING POINT PARK - The Mayor, Councillor Roy Maggio**

Note: This matter was considered earlier in the Meeting as detailed in these minutes.

**COUNCIL REPORTS**

**1 CONFIRMATION OF MINUTES - Council Meeting held on 10 September 2013**

Note: Councillor Pickering left the meeting at 9.14 pm and was not present for voting on this Item.

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

That the Minutes of the Council Meeting 19/13, held on 10 September 2013 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Pickering returned to the meeting at 9.16 pm.

**2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING  
13/13 held on 3 September 2013**

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

That Council determine Items 2 and 3 of the Planning and Environment Committee report, noting that Item 1 was dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**2 32 KEPPEL ROAD, RYDE - LOT 225 DP 12999. Development  
Application for the construction of a double garage within the front  
setback of the dwelling and an awning to the side of the dwelling.  
LDA2013/0131.**

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

- (a) That LDA2013/0131 at 32 Keppel Road, Ryde being LOT 225 DP 12999 be deferred for the Acting Group Manager – Environment and Planning to undertake a mediation with the applicant and objectors to look at solutions to provide onsite car parking in closer compliance with Council policy and addressing the issues of vehicular and pedestrian safety.

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

**Record of Voting:**

For the Motion: Unanimous

**3 92 CONSTITUTION ROAD WEST, MEADOWBANK. LOT 2 DP 12059. Local Development Application to demolish laundry and construct new outbuilding/garage at the rear of the property. LDA2013/0046.**

Note: Councillor Simon declared a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is an acquaintance of the father of the applicant.

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

- (a) That Local Development Application No. LDA2013/46 at 92 Constitution Road West, Meadowbank, being LOT 2 DP 12059 be approved without further modification, subject to the conditions contained in **Attachment 2** with the deletion of Part 1 - Condition 1, which required a reduction of the floor area of the outbuilding/garage to 56m<sup>2</sup>.
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Unanimous

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

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

That Council determine Item 3 of the Works and Community Committee report, noting that Items 1 and 2 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**3 FITNESS EQUIPMENT IN OPEN SPACE AREAS**

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

- (a) That Council upgrade the existing fitness equipment at Waterloo Park from the 2013/14 Playground Renewal budget.



- (b) That Council consider future expansion of outdoor fitness equipment assets as part of the development of the long term financial and asset management plans.
- (c) That a further report be submitted to the Works and Community Committee on options for reprioritisation of funds for renewal of existing outdoor community gyms.

**Record of Voting:**

For the Motion: Unanimous

**4 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 14/13 held on 17 September 2013**

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

That Council note that all Items of the Planning and Environment Committee Meeting 14/13 held on 17 September 2013 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 14/13 held on 17 September 2013**

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

That Council determine Items 3, 4 and 5 of the Works and Community Committee report, noting that Items 1, 2 and were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**3 GRAFFITI HOTSPOT PROGRAM IN THE 2013/14 OPERATIONAL PLAN**

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

That Council allocate the amount of \$100,000 from grant funding for the purpose of the Putney Park Graffiti Hotspot project and that the amount is also consolidated into the next Quarterly Review for completeness.

**Record of Voting:**

For the Motion: Unanimous

#### **4 CRICKET PRACTICE FACILITIES IN THE CITY OF RYDE**

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

- (a) That Council endorse the construction of cricket practice facilities at Marsfield Park and Gannan Park as part of the 2013/14 Open Space, Sport and Recreation Capital Works Program.
- (b) That the existing Morrison Bay Park cricket practice facilities fees and charges be applied for new facilities at Marsfield Park and Gannan Park.
- (c) That the new cricket practice facilities be made available for general community use at all times.

**Record of Voting:**

For the Motion: Unanimous

#### **5 TRAFFIC FACILITIES AND BICYCLE GRANT FUNDING 2013/2014**

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

That Council accepts the grant funds offered by the Roads and Maritime Services under the following programs and makes the necessary financial adjustments to the Traffic and Transport Program and the Paths and Cycleways Program at the 2013/2014 first quarter budget review:

- (a) Nation Building Black Spot Program: raised threshold, painted medians and pedestrian fencing at the existing crossing located on Constitution Road and Railway Road, Meadowbank (\$51,000).
- (b) State Black Spot Program: raised threshold at pedestrian crossing and pedestrian fencing at Blenheim Road and Coxs Road, North Ryde (\$30,000).
- (c) State Black Spot Program: raised threshold, intersection upgrade (from give-way to stop) and parking lanes with kerb blisters at Argyle Avenue and Princes Street (\$16,000).
- (d) State Bicycle and Pedestrian Programs: 155 metres of shared path construction on Blaxland Road, Ryde for stage 3 (\$69,000).

**Record of Voting:**

For the Motion: Unanimous

**6 PLANNING PROPOSAL - 10 MONASH ROAD AND 2 COLLEGE STREET, GLADESVILLE**

Note: This matter was considered earlier in the Meeting as detailed in these minutes.

**7 PROPOSED VOLUNTARY PLANNING AGREEMENT FOR A COMMERCIAL DEVELOPMENT AT LOT 1 DP 582794 - 8 KHARTOUM ROAD, MACQUARIE PARK. LDA2013/106**

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

- (a) That Council enter into the Voluntary Planning Agreement (VPA) made by Goodman Property Services (Australia) P/L as part of the Development Application LDA2013/106.
- (b) That Council's agreement to enter into the VPA be communicated to the Sydney East Joint Regional Planning Panel when LDA2013/106 is presented to it for determination.

**Record of Voting:**

For the Motion: Unanimous

**8 CITY OF RYDE DEVELOPMENT CONTRIBUTIONS PLAN**

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

- (a) That Council endorses a Section 94A variable rate development contributions plan based upon Option 2C with the lowest contribution threshold set at a construction cost of \$350,000 as defined by the Environment Planning and Assessment Regulation 2000, Clause 25J – Section 94A
- (b) That Council delegates authority to the Acting General Manager to renegotiate and extend the appointment of SGS Economics and Planning and Lindsay Taylor Law (SGS/LTL) to carry out Phases 2 and 3 of the Contribution Plan project.
- (c) That Council allocate the amount of \$130,000 from the S94 Plan Administration reserve for the purpose of preparing and implementing a S94A development contributions plan for the City of Ryde.
- (d) That Council endorse the preparation of a new draft S94A variable rate development contributions plan.

**Record of Voting:**

For the Motion: Unanimous

**9 PROPOSED NEW ROAD NAME IN MACQUARIE PARK - SAUNDERS CLOSE****RESOLUTION:** (Moved by Councillors Etmekdjian and Perram)

- (a) That the Council approve that the new road to be dedicated on land currently identified as Lots 12 & 16 DP 1163232 be named Saunders Close.
- (b) That Council endorse that consultation be undertaken with the Aboriginal Heritage Office on the appropriateness of using the name for this purpose.
- (c) That Council endorse that notice of the name be given in accordance with the Roads Regulation 2008 and if no specific objection is received, the new name be sent for gazettal.

**Record of Voting:**For the Motion: Unanimous**10 NEW ROAD NAMES FOR PUTNEY HILL ESTATE AND FOR ROYAL REHABILITATION CENTRE SYDNEY SITE****RESOLUTION:** (Moved by Councillors Etmekdjian and Simon)

- (a) That the Council approve that the new roads to be dedicated on land currently identified as Lots 1,2 & 3 DP 1129793 (600 & 600A Victoria Road and 55A Charles Street, Ryde) be named as follows:
  - (i) Road 4 as Bennelong Way
  - (ii) Road 5 as Putney Hill Drive
  - (iii) Road 8 as Colebee Street
  - (iv) Road 16 as Wallumai Place
  - (v) Road 12 as Bowe Lane
- (b) That Council endorse that consultation be undertaken with the Aboriginal Heritage Office on the appropriateness of using the names of indigenous origin for this purpose.
- (c) That the Council endorse that the new road to be constructed on land currently identified as Lot 5 DP 1129793 (235-245 Morrison Road, Ryde and 59 Charles Street, Ryde) as follows:
  - (i) Roads 1, Part 2 & Part 6 as Schardt Circuit
- (d) That Council endorse that Notice of the names be given in accordance with the Roads Regulation 2008 and if no specific objections are received, the new names be sent for gazettal.

- (e) That the Mayor, Councillor Maggio and Acting General Manager make representations to the Minister for Roads the Hon Duncan Gay with regards to access onto Victoria Road as a result of the Royal Rehabilitation Centre, Sydney site, and clearways on Lane Cove Road

**Record of Voting:**

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

Against the Motion: Councillor Pickering

**11 DRAFT 2012/2013 FINANCIAL STATEMENTS**

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

- (a) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that it has prepared General Purpose Financial Statements for the 2012/2013 financial year ending 30 June 2013 and has formed an opinion, based on the advice of Council officers, that these reports:
- (i) Have been prepared in accordance with:
    - The Local Government Act 1993 (as amended) and the Regulations made thereunder
    - The Australian Accounting Standards and professional pronouncements
    - The Local Government Code of Accounting Practice and Financial Reporting.
  - (ii) Present fairly the operating result and financial position of the City of Ryde for the year ended 30 June 2013
  - (iii) Accords with Council's accounting and other records and policies
- (b) That the Special Purpose Financial Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting.
- (c) That the General and Special Purpose Financial Statements be certified by the Mayor, Deputy Mayor, Acting General Manager and Responsible Accounting Officer (Chief Financial Officer) in accordance with section 413 (2)(c) of the Local Government Act 1993.
- (d) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that the Financial Statements (including General Purpose and Special Purpose Reports) for the year ending 30 June 2013 be referred for audit.

- (e) That Tuesday, 22 October 2013 be fixed for the date for the public meeting to present the audited financial statements and auditor's report for the year ended 30 June 2013 as required by section 419 of the Local Government Act 1993 and that the Council's external auditors be present.
- (f) That the following additional amounts be transferred to their respective reserves:
- Employee Leave Entitlement Reserve - \$210,032
  - Asset Replacement Reserve - \$4,800,000

**Record of Voting:**

For the Motion: Unanimous

**12 INVESTMENT REPORT - August 2013**

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

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

**Record of Voting:**

For the Motion: Unanimous

**13 REVIEW OF OPERATION HUNTERS HILL RYDE MEN'S SHED**

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

- (a) That Council congratulate members of the Hunters Hill Ryde Men's Shed and Hunters Hill Ryde Community Services on their success in establishing the Shed and for the thoughtful way in which they are including residents of Ryde and Hunters Hill.
- (b) That Council commends the Marist Fathers on their generosity in supporting the Men's Shed through the provision of their building at Mary Street, Hunters Hill.
- (c) That Council continues to support the Hunters Hill Ryde Men's Shed through Council staff attending meetings of the Men's Shed Executive Committee.
- (d) That Council continues to monitor the Men's Shed to ensure it is meeting the needs of men in the City of Ryde.

**Record of Voting:**

For the Motion: Unanimous

## 14 POLICY ON THE PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS

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

- (a) That Council endorse the public exhibition of the revised Policy on the Payment of Expenses and Provision of Facilities, for the Mayor and Other Councillors, as **ATTACHED** for a period of at least 28 days, with the following amendments:
  - Clause 4.2 (7) – Provision for up to three meals per day to a maximum of \$100 a day.
  - Clauses 4.2 (12) and 4.3.1 (c) - Council shall not reimburse for travel within the Ryde Local Government area. Travel on Council related business outside the Ryde Local Government area shall be reimbursed.
  - Clause 6.2.2 - That Councillors also be provided the option of being provided, or reimbursed for, information technology equipment and/or software to an amount of \$4,000 (to commence following the conduct of the 2016 Local Government election).
- (b) That the draft policy be sent to the Division of Local Government seeking their feedback by the close of the exhibition period.
- (c) That after the exhibition period of the draft policy, a further report be provided to Council detailing any submissions received, and seeking the adoption of the draft Policy on the Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors.

### **Record of Voting:**

For the Motion: Unanimous

## 15 GIFTS AND BENEFITS POLICY

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

- (a) That Council adopt the **ATTACHED** revised Gifts and Benefits Policy.
- (b) That the Policy be promoted through the City of Ryde Website, Media Release and the Mayoral Column as set out in this report.
- (c) That a copy of the Policy be provided to the NSW Ombudsman and Division of Local Government for their information.
- (d) That a brief report be provided to Council at the next Council meeting outlining recent training for Councillors regarding the Code of Conduct, Disclosures of Interest etc. and attendance at this training.

### **Record of Voting:**

For the Motion: Unanimous

## 16 MONTHLY REPORTING

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

That Council endorse quarterly reporting of the key management areas outlined in this report through the Councillor Information Bulletin, noting that a monthly report will continue to be provided to Council regarding legal matters.

**Record of Voting:**

For the Motion: Unanimous

## 17 REPORTS DUE TO COUNCIL

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

That the report on Outstanding Council Reports be endorsed.

**Record of Voting:**

For the Motion: Unanimous

## 18 CODE OF CONDUCT

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

That this Item be considered in Closed Session, following Item 19.

**Record of Voting:**

For the Motion: Unanimous

## PRECIS OF CORRESPONDENCE FOR CONSIDERATION

### 1 PLANNING ASSESSMENT COMMISSION APPROVAL CONCEPT PLAN AND STAGE 1 PROJECT APPLICATION FOR THE MEADOWBANK EMPLOYMENT AREA

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous



**2 PART 3A MEADOWBANK CONCEPT PLAN AND PROJECT APPLICATION**

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**3 LETTER OF THANKS - BreastScreen NSW**

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

**NOTICES OF MOTION**

**1 WEST RYDE URBAN VILLAGE DEVELOPMENT: THREE MISSING PEDESTRIAN CROSSINGS - The Mayor, Councillor Maggio, Councillor Salvestro-Martin, Councillor Yedelian OAM**

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

- (a) That the City of Ryde Council calls for the prompt installation of West Ryde Urban Village Pedestrian Crossings and due to safety concerns strongly communicates this request to the RMS and through the Ryde Traffic Committee.
- (b) That Council writes to the State Member and relevant Minister to urge support for the prompt installation of pedestrian crossings at the West Ryde Urban Village on noting the potential impact on resident and pedestrian safety.

The pedestrian crossings are:

- Explicitly shown on the approved plans (**highlighted yellow** on attached extract) and referred to in the amended condition number 150, as part of the development consent (modified Section 96 Consent dated 20 October 2009); and explicitly shown on the plans (schedule 5) in the variation to the associated 2009 Voluntary Planning Agreement between council and the developer.

- A pedestrian crossing over the western end of Betts Street (and associated footpath widening).
- A pedestrian crossing over Chatham Road just south of the intersection with Betts Street. (The existing mid-road traffic-island just south of the intended crossing location is not an acceptable substitute.)
- A pedestrian crossing over Market Street on the southern side of the town square area.

**Record of Voting:**

For the Motion: Unanimous

**2 RACISM IT STOPS WITH ME - Councillor Jerome Laxale**

Note: This matter was considered earlier in the Meeting as detailed in these minutes.

**3 SANTA ROSA PARK TOILET FACILITY - Councillor George Simon**

Note: This matter was considered earlier in the Meeting as detailed in these minutes.

**QUESTIONS BY COUNCILLORS AS PER POLICY**

**1 QUESTIONS WITH NOTICE - Deputy Mayor, Councillor Justin Li**

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

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

**Record of Voting:**

For the Motion: Unanimous

**1. Why is the car park at the eastern side of Rowe St regularly dug up and closed to the public?**

Answer 1:

The carpark land is owned by RailCorp and made available to Council at a nominal rental subject to RailCorp retaining rights of access and use for rail purposes.

Works are completed as quickly as possible and carparks etc. are returned to normal use.

**2. Who pays for repair of the car park lot after works are finished each time?**

Answer 2:

RailCorp must reinstate all pavements and carpark surfaces at its cost.

**3. How can Council better coordinate with other State agencies to reduce wastage and disruption to the public from regularly digging up the car park?**

Answer 3:

Council has many long term leases on RailCorp land dating back to the 1920s. Rather than restrict use of its land, RailCorp practice is to offer it to Council for a peppercorn rent but with the condition that it retains access and use for rail purposes at any time. While there is no requirement for RailCorp to provide Council with a minimum period of notice, RailCorp is notifying Council but the notice is often insufficient for affected parties, like users and businesses in the area.

RailCorp is also not clear on who its correct contact person is within Council.

On that basis the Properties Section have been directed to contact its counterparts at RailCorp and negotiate a Memorandum of Understanding in regards to the 29 leases currently held with RailCorp so that lines of communication, notification requirements, notification times, Council and RailCorp staff contact phone numbers and restoration standards are clear and communicated to all affected staff.

Council staff will update their procedures to ensure that when RailCorp undertakes work on its land, timely advice is provided to affected users and businesses.

**CLOSED SESSION**

**ITEM 19 - NORTH RYDE STATION PRECINCT - Urban Activation Precinct Task Force**

**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 18 – CODE OF CONDUCT**

### **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 this Item as it relates to a code of conduct matter, the *Local Government Act 1993* Section 10A(2)(i) now provides for code of conduct matters to be considered in the Closed Session of Council.

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

That the Council resolve into Closed Session to consider Item 19 - North Ryde Station Precinct - Urban Activation Precinct Task Force followed by Item 18 – Code of Conduct.

### **Record of Voting:**

For the Motion: Unanimous

Note: The Council closed the meeting at 10.01 pm. The public and media left the chambers.

## **19 NORTH RYDE STATION PRECINCT - Urban Activation Precinct Task Force**

Note: Councillor Yedelian OAM left the meeting at 10.01 pm and was not present for voting on this Item.

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

That Council not proceed with the Urban Activation Precinct Taskforce on the grounds that the Friends of North Ryde have withdrawn their involvement and Council on 13 August 2013 resolved to terminate the contract with the provider appointed to advocate on behalf of the Taskforce.

### **Record of Voting:**

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

Against the Motion: Councillor Laxale

Note: Councillor Yedelian OAM returned to the meeting at 10.04 pm.

## 18 CODE OF CONDUCT

Note: The Mayor, Councillor Maggio disclosed a Significant Non-Pecuniary interest in this Item for the reason that he is the subject of the Code of Conduct report.

Note: The Mayor, Councillor Maggio provided a verbal apology to the Council in respect of this matter and gave a commitment to accept the decision of Council on this matter.

Note: The Mayor, Councillor Maggio left the meeting at 10.06 pm and was not present for consideration or voting on this Item.

Note: All staff, with the exception of the Acting General Manager, General Counsel and the Minute Taker left the meeting at 10.06 pm.

Note: In the absence of the Mayor, Councillor Maggio, the Deputy Mayor, Councillor Li assumed the Chair.

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

- (a) That Council endorse the recommendations as detailed in the Conduct Reviewers report on pages 13-14, with the following amendments to points:
- 2.1.4 on page 13, taking out the words “or non-pecuniary interest”
  - 2.1.14 on page 14, deleting the second sentence “This includes any communication with Group Managers and the General Manager”, for the reason that Councillor Maggio is now the Mayor.
- (b) The Mayor, Councillor Maggio be requested to provide written apologies to affected parties.
- (c) That all Councillors be provided with the opportunity to undertake Code of Conduct training.
- (d) That Council address the review of the processes to ensure timely investigation and reporting of complaints.
- (e) That a Status Report be submitted to Council at the Council Meeting on 22 October 2013.

### **Record of Voting:**

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

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

Note: A Rescission Motion in relation to this matter was lodged by Councillors Simon, Laxale and Pendleton at 1.03 pm on Wednesday 25 September 2013.

## **OPEN SESSION**

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

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 11.52 pm.

Note: Councillor Simon moved a Motion to make all deliberations in Closed Session public. The Acting General Manager and General Counsel confirmed that, in respect of Item 18, this would be unlawful to make known the deliberations that were undertaken in Confidential Session. Councillor Simon then withdrew his motion.

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

That the business transacted in Closed Session be received and adopted as a resolution of Council without any alteration or amendment thereto.

**Record of Voting:**

For the Motion: Unanimous

## **NATIONAL ANTHEM**

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

The meeting closed at 12.02 am on Wednesday 25 September 2013.

CONFIRMED THIS 8TH DAY OF OCTOBER 2013

Chairperson