

**Meeting Date:** Tuesday 25 February 2014  
**Location:** Council Chambers, Level 6  
**Time:** 7.30pm

**Councillors Present:** The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Simon and Yedelian OAM.

**Apologies:** Councillor Pickering.

**Leave of Absence:** Councillors Petch and Salvestro-Martin.

**Staff Present:** Acting General Manager, Acting Group Manager – Community Life, Acting Group Manager – Corporate Services, Group Manager – Environment and Planning, Group Manager – Public Works, Chief Financial Officer, Manager – Communications and Media, Manager – Urban Planning, Planning Consultant - Creative Planning Solutions, Coordinator Digital Communications and Meeting Support Coordinator.

### **PRAYER**

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

### **LEAVE OF ABSENCE**

Councillor Perram advised Council that Councillor Petch had requested a Leave of Absence for tonight's Council Meeting, 25 February 2014.

The Mayor, Councillor Maggio advised Council that Councillor Salvestro-Martin had a requested a Leave of Absence from tonight, 25 February 2014 to 6 March 2014.

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

- (a) That Council approve a Leave of Absence for Councillor Petch for tonight's Council Meeting, 25 February 2014.
- (b) That Council approve a Leave of Absence for Councillor Salvestro-Martin from tonight, 25 February 2014 to 6 March 2014.

**Record of Voting:**

For the Motion: Unanimous

**DISCLOSURES OF INTEREST**

Councillor Simon disclosed a Pecuniary Interest in Item 8 – Part 3A Shepherds Bay Urban Renewal - Submission on proposed amendments, for the reason that he owns a property in Shepherds Bay and development may impact the value. He left the meeting and was not present for consideration or voting on this Item.

Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in Item 2(3) - 191 Waterloo Road, Marsfield – LDA2013/0311, for the reason that he uses the park often and knows some people who live alongside the park.

Council's Manager – Communications and Media, Angela Jones-Blayney disclosed a Less than Significant Non-Pecuniary Interest in Item 3(3) – Pedestrian Safety - St Therese's Primary School, Denistone for the reason that her son attends the school. She left the meeting and was not present during consideration and voting on this Item.

**TABLING OF DOCUMENTATION**

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

That all documentation and submissions be tabled and considered in conjunction with the relevant Items.

**Record of Voting:**

For the Motion: Unanimous

**ORDER OF BUSINESS**

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

That Public Participation on Items Listed on the Agenda commence with persons addressing Council on Item 4 - Proposed Licence Consultation Results – Minimbah, followed by consideration of that Item, the time being 7.38pm.

**Record of Voting:**

For the Motion: Unanimous

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

The following persons addressed the Council:

Claire Barnsley	<b>Item 4</b> – Proposed Licence Consultation Results – Minimbah
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Eva Gleeson	<b>Item 4</b> – Proposed Licence Consultation Results – Minimbah
Con Grigoriadis	<b>Item 4</b> – Proposed Licence Consultation Results – Minimbah
Andrew Parry	<b>Item 4</b> – Proposed Licence Consultation Results – Minimbah
Ping Kang	<b>Item 4</b> – Proposed Licence Consultation Results – Minimbah
John Boyle	<b>Item 4</b> – Proposed Licence Consultation Results – Minimbah
Audrey Chan	<b>Item 4</b> – Proposed Licence Consultation Results – Minimbah
Phillip Kelly	<b>Item 4</b> – Proposed Licence Consultation Results – Minimbah
Murray Debus	<b>Item 4</b> – Proposed Licence Consultation Results – Minimbah
Joy Barret (on behalf of the Minimbah Challenge Inc.)	<b>Item 4</b> – Proposed Licence Consultation Results – Minimbah
Marilyn and Richard Jones (on behalf of the Minimbah Challenge Inc.)	<b>Item 4</b> – Proposed Licence Consultation Results – Minimbah
Richard Clarke (on behalf of the Minimbah Challenge Inc.)	<b>Item 4</b> – Proposed Licence Consultation Results – Minimbah
David Peachy (on behalf of the Minimbah Challenge Inc.)	<b>Item 4</b> – Proposed Licence Consultation Results – Minimbah

## **COUNCIL REPORT**

### **4 PROPOSED LICENCE CONSULTATION RESULTS - Minimbah**

Note: Claire Barnsley, Eva Gleeson, Con Grigoriadis, Andrew Parry, Ping Kang, John Boyle, Audrey Chan, Phillip Kelly, Murray Debus, Joy Barret (on behalf of the Minimbah Challenge Inc.), Marilyn and Richard Jones (on behalf of the Minimbah Challenge Inc.), Richard Clarke (on behalf of the Minimbah Challenge Inc.), David Peachy (on behalf of the Minimbah Challenge Inc.) addressed the meeting in relation to this Item.

Note: Correspondence from Paul Horder dated 18 January 2014 was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That Council note the objections and support letters received and provided in **ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL**, regarding the proposed Minimbah licence.

- (b) That Council refer the matter to the Minister for Local Government for consideration, as required under the Section 47 of the *Local Government Act (1993)*.
- (c) That Council recommend to the Minister that the licence of 22 Salter Crescent, Denistone East, be approved to Minimbah as it is in the public interest.
- (d) That any future Development Application for this purpose address the following:
- provision of public access to the proposed gardens;
  - access to the facility for casual public hire after hours and on weekends;
  - traffic management arrangements which ensure a minimum of conflict with existing peak hour and school traffic volumes, with onsite pick up and drop off.
- (e) That a public meeting be conducted as part of the Development Application exhibition process.

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

- (a) That this matter be reported back to Council with considerations for other options for the site giving particular regard to the expectations of the local residents.
- (b) That staff report back with options for alternative sites for Minimbah following consultation with Ryde State and Federal members.

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

**Record of Voting:**

For the Amendment: Councillors Etmekdjian, Pendleton, Perram and Yedelian OAM

Against the Amendment: The Mayor, Councillor Maggio and Councillors Chung, Laxale, Li and Simon

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

- (a) That Council note the objections and support letters received and provided in **ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL**, regarding the proposed Minimbah licence.

- (b) That Council refer the matter to the Minister for Local Government for consideration, as required under the Section 47 of the *Local Government Act (1993)*.
- (c) That Council recommend to the Minister that the licence of 22 Salter Crescent, Denistone East, be approved to Minimbah as it is in the public interest.
- (d) That any future Development Application for this purpose address the following:
- provision of public access to the proposed gardens;
  - access to the facility for casual public hire after hours and on weekends;
  - traffic management arrangements which ensure a minimum of conflict with existing peak hour and school traffic volumes, with onsite pick up and drop off.
- (e) That a public meeting be conducted as part of the Development Application exhibition process.

**Record of Voting:**

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

Against the Motion: Councillor Perram

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

Note: Councillor Chung left the meeting at 9.24pm and was not present for voting on this Item.

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

That those speakers who submitted late requests to address Council and those speakers who submitted requests to address Council on Item 2(3) – 191 Waterloo Road, Marsfield – Development Application for Installation of Playing Field Lighting at Waterloo Park – LDA2013/0311 and Item 3(3) – Pedestrian Safety - St Therese's Primary School, Denistone, be allowed to address the meeting, the time being 9.25pm.

**Record of Voting:**

For the Motion: Unanimous

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

The following persons then addressed the Council:

<b>Name</b>	<b>Topic</b>
Marie Sillars (on behalf of the Ivanhoe Estate Tenant Group)	<b>NOM 3</b> – Legislative Council Select Committee on Social, Public and Affordable Housing
Vicki Newstead (on behalf of the Ivanhoe Estate Housing, IETG)	<b>NOM 3</b> – Legislative Council Select Committee on Social, Public and Affordable Housing
Graeme Cordiner	<b>Item 9</b> – Citizen Engagement Advisory Committee Report to Council
Phillip Peake	<b>Item 9</b> – Citizen Engagement Advisory Committee Report to Council
Lee Cummings	<b>Item 9</b> – Citizen Engagement Advisory Committee Report to Council
James Harrison (on behalf of JBA)	<b>Item 6</b> – Planning Proposal - 20 Waterview Street, Putney
Peter Ireland (on behalf of Allen Jack & Cottier Architects)	<b>Item 6</b> – Planning Proposal - 20 Waterview Street, Putney
Ben Hendriks (on behalf of Dresol Pty Ltd)	<b>Item 7</b> – Planning Proposal - 2-14 Tennyson Road Gladesville
Mihalo Cvetojevic	<b>Item 2(3)</b> - 191 Waterloo Rd, Marsfield – Development Application for Installation of Playing Field Lighting at Waterloo Park. LDA2013/0311.
Craig Blayney (on behalf of St Therese's Catholic Primary School)	<b>Item 3(3)</b> - Pedestrian Safety - St Therese's Primary School, Denistone
Melissa Blanks	<b>Item 2(3)</b> - 191 Waterloo Rd, Marsfield – Development Application for Installation of Playing Field Lighting at Waterloo Park. LDA2013/0311.
Jun Guo	<b>Item 2(3)</b> - 191 Waterloo Rd, Marsfield – Development Application for Installation of Playing Field Lighting at Waterloo Park. LDA2013/0311.
Penny Pedersen	<b>NOM 3</b> – Legislative Council Select Committee on Social, Public and Affordable Housing

Note: Bianca McDermott and Jessica Li were called to address Council, however were not present in the Chamber.

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

The following persons addressed the Council:

<b>Name</b>	<b>Topic</b>
Diane Erickson	Would like to know when the community can expect an answer on when the Civic Centre will be rezoned back to community zoning

Note: Suzanna Marks, Barbara Poulter, Kevin Page and Ping Tan were called to address Council, however were not present in the Chamber.

### **ORDER OF BUSINESS**

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

That Council now consider the following Items, the time being 10.06pm:

- Item 2(3) – 191 Waterloo Rd, Marsfield – Development Application for Installation of Playing Field Lighting at Waterloo Park. LDA2013/0311.
- Item 3(3) – Pedestrian Safety - St Therese's Primary School, Denistone
- Item 6 – Planning Proposal - 20 Waterview Street, Putney
- Item 7 – Planning Proposal - 2-14 Tennyson Road, Gladesville
- Item 8 – Part 3A Shepherds Bay Urban Renewal - Submission on proposed amendments
- Item 9 – Citizen Engagement Advisory Committee Report to Council
- Notice of Motion 3 – Legislative Council Select Committee on Social, Public and Affordable Housing
- Item 10 - December 2013 Quarterly Review Report - Delivery Plan 2013-2017 and 2013/2014 Operation Plan

### **Record of Voting:**

For the Motion: Unanimous

### **COUNCIL REPORTS**

#### **2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 2/14 held on 18 February 2014**

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

That Council determine Item 3 of the Planning and Environment Committee report 2/14 held on 18 February 2014, noting that Items 1 and 2 were dealt with by the Committee within its delegated powers.

### **Record of Voting:**

For the Motion: Unanimous



**3 191 WATERLOO ROAD, MARSFIELD - LOT 1 DP574519, LOT 1 DP574518, LOT 1 DP575331. Development Application for Installation of Playing Field Lighting at Waterloo Park. LDA2013/0311.**

Note: Mihalo Cvetojevic, Melissa Blanks and Jun Guo addressed the meeting in relation to this Item.

Note: Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he uses the park often and knows some people who live alongside the park.

Note: A Memorandum from the Group Manager – Environment and Planning dated 24 February 2014 was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from the Gladesville-Hornsby Football Association dated 24 February 2014 was tabled in relation to this Item and a copy is ON FILE.

Note: Various submissions and a petition were tabled in relation to this Item and a copy is ON FILE.

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

- (a) That LDA2013/0311 at 191 Waterloo Road, Marsfield being LOT 1 DP574519, LOT 1 DP574518 and LOT 1 DP575331 be approved subject to the following conditions:

**GENERAL**

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Waterloo Park Light Pole Location Plan	Undated	Sheet 1 of 1

2. **Operating hours and use of the sports field.** The lighting to illuminate the sports field at Waterloo Park shall be restricted to no later than:

- (a) Operating hours of Monday to Thursday 4.00pm to 9.30pm during the winter season (April – August) for social sport and training;



- (b) Allowance for up to five (5) competition games throughout the winter season during the operating hours identified above;
  - (c) Operating hours up to 6.00pm on Saturdays and Sundays for late finishing soccer competition games during the winter season;
  - (d) Operating hours of Tuesday to Thursday 6.00pm to 9.00pm during the summer season (September to March) for social sport and training.
3. **Curfew switches.** Curfew switches are to be installed, along with manual off switches, to each tower set, to ensure that the sports field lighting use does not extend beyond the approved times of use in *Condition 2*.
4. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
5. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.

This includes Certification by a Structural Engineer that the proposed method of anchorage of the light poles is structurally adequate having regard to their size, type and location.

6. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
7. **Hoardings.**
  - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
  - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
8. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
9. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.

10. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

#### **PRIOR TO CONSTRUCTION CERTIFICATE**

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

11. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards; this includes but is not limited to Australian Standard 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
12. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other building with no delivery of bricks or concrete or machine excavation)
13. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy

## PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

### 14. **Site Sign**

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
  - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
  - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
  - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

15. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

## DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

16. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
17. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.

**18. Site Facilities**

The following facilities must be provided on the site:

- (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
- (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.

**19. Site maintenance**

The applicant must ensure that:

- (a) approved sediment and erosion control measures are installed and maintained during the construction period;
- (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
- (c) the site is clear of waste and debris at the completion of the works.

**PRIOR TO OCCUPATION CERTIFICATE**

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

**20. Light Spillage – Impacts on Macquarie University Observatory.**

The approved Playing Field Lighting shall be designed and constructed to ensure compliance with the following requirements:

- (a) The vertical spill light at the observatory boundary must have a maximum of 0.09 lux.
- (b) Glare shields shall be provided to the light towers to minimise direct light source output towards the Macquarie University Observatory.

- (c) Compliance with the recommendations of the report by Gary Roberts and Associated dated 14 August 2013 (submitted with the development application).
- (d) All luminaries, including attachments, must have NATA Laboratory photometric certification to demonstrate compliance with the above requirements.

A copy of the NATA Laboratory photometric certification for the luminaries must be submitted to the Development Manager from Macquarie University and the Principal Certifying Authority for their records prior to the operation of the luminaries.

21. **Noise Management Policy.** A noise management policy is to be prepared for all sporting organisations utilising the illuminated sports field at Waterloo Park to adopt. The objective of this noise management policy is to minimise sounds emitted from the illuminated sports field at Waterloo Park and minimise any adverse impacts on surrounding residents.

The completed Noise Management Policy is to be submitted to Council's Group Manager Environment & Planning for approval prior to the illuminated use of the sports field, and shall incorporate the following matters.

- (a) Incorporate components of the player, parents, spectator and officials code of conduct into the noise management policy to limit noise generating behaviour such as excessive shouting, swearing, whistle blowing, and any other noise generating activities; and
  - (b) Methods to be put in place on how to respond to noise complaints, including but not limited to advising nearby residents of the contact details for which complaints can be addressed, measures to ensure prompt action can be taken to deal with any complaints and minimise recurring noise issues.
22. **Spectator exclusion zone.** Establishment of a roped off spectator exclusion zone from goalpost to goalpost around the eastern half of the sports field during night soccer games/matches during the winter weekday season.
23. **Prohibition on public address systems.** Prohibition of any amplification equipment for personal address announcements, music, sirens, or other purposes.
24. **Limited number of competition games.** No more than 5 competition games to be held at Waterloo Park throughout the winter season.

25. **Light Spill.** The light spill at the adjoining residential boundaries to comply with the requirements of *AS 4282 – Control of the obtrusive effects of outdoor lighting*. A report from an appropriately qualified and experienced lighting consultant to confirm that the proposed lighting design complies with the appropriate Australian Standards shall be submitted prior to the issuing of any **Occupation Certificate**.

If required to ensure compliance with AS4282, after initial testing but before the issuing of any **Occupation Certificate**, the approved lighting shall incorporate suitably designed light shields. Any such light shields that may be required shall be installed prior to the issuing of any **Occupation Certificate**.

26. **Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
27. **Noise from users.** All spectators and participants to be encouraged to leave the premises quickly and quietly after training/games to mitigate possible nuisance noise.
28. **Provision of contact details to neighbours.** Residents within a 100m radius of the site are to be provided with contact details in writing (eg via a "letterbox drop") of a designated contact person for each participant sporting club (including a current mobile telephone number), and Council's Customer Service Centre, who can be contacted in the event of any noise disturbances arising from weeknight use of the Waterloo Park sports fields.

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

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

That determination of LDA2013/0311 at 191 Waterloo Road, Marsfield being LOT 1 DP574519, LOT 1 DP574518 and LOT 1 DP575331 be deferred, and that a further report be provided to the Planning and Environment Committee.

On being put to the Meeting, the voting on the Amendment was two (2) 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 Li and Perram

Against the Amendment: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Laxale, Pendleton, Simon and Yedelian OAM

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

- (a) That LDA2013/0311 at 191 Waterloo Road, Marsfield being LOT 1 DP574519, LOT 1 DP574518 and LOT 1 DP575331 be approved subject to the following conditions:

**GENERAL**

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Date	Plan No/Reference
Waterloo Park Light Pole Location Plan	Undated	Sheet 1 of 1

2. **Operating hours and use of the sports field.** The lighting to illuminate the sports field at Waterloo Park shall be restricted to no later than:
- (a) Operating hours of Monday to Thursday 4.00pm to 9.30pm during the winter season (April – August) for social sport and training;
  - (b) Allowance for up to five (5) competition games throughout the winter season during the operating hours identified above;
  - (c) Operating hours up to 6.00pm on Saturdays and Sundays for late finishing soccer competition games during the winter season;
  - (d) Operating hours of Tuesday to Thursday 6.00pm to 9.00pm during the summer season (September to March) for social sport and training.
3. **Curfew switches.** Curfew switches are to be installed, along with manual off switches, to each tower set, to ensure that the sports field lighting use does not extend beyond the approved times of use in *Condition 2*.
4. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
5. **Structural Certification.** The applicant must engage a qualified practising structural engineer to provide structural certification in accordance with relevant BCA requirements prior to the release of the **Construction Certificate**.



- This includes Certification by a Structural Engineer that the proposed method of anchorage of the light poles is structurally adequate having regard to their size, type and location.
6. **Hours of work.** Building activities (including demolition) may only be carried out between 7.00am and 7.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.
  7. **Hoardings.**
    - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
    - (b) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
  8. **Illumination of public place.** Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
  9. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
  10. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.

#### **PRIOR TO CONSTRUCTION CERTIFICATE**

A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

11. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards; this includes but is not limited to Australian Standard 4282-1997: Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
12. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other building with no delivery of bricks or concrete or machine excavation)
13. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
  - (a) Infrastructure Restoration and Administration Fee
  - (b) Enforcement Levy

#### **PRIOR TO COMMENCEMENT OF CONSTRUCTION**

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

14. **Site Sign**
  - (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
    - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
    - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
    - (iii) stating that unauthorised entry to the work site is prohibited.
  - (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
15. **Safety fencing.** The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

## DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

16. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
17. **Sediment/dust control.** No sediment, dust, soil or similar material shall leave the site during construction work.
18. **Site Facilities**  
The following facilities must be provided on the site:
  - (a) toilet facilities in accordance with WorkCover NSW requirements, at a ratio of one toilet per every 20 employees, and
  - (b) a garbage receptacle for food scraps and papers, with a tight fitting lid.
19. **Site maintenance**  
The applicant must ensure that:
  - (a) approved sediment and erosion control measures are installed and maintained during the construction period;
  - (b) building materials and equipment are stored wholly within the work site unless an approval to store them elsewhere is held;
  - (c) the site is clear of waste and debris at the completion of the works.

## PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

20. **Light Spillage – Impacts on Macquarie University Observatory.**

The approved Playing Field Lighting shall be designed and constructed to ensure compliance with the following requirements:

- (a) The vertical spill light at the observatory boundary must have a maximum of 0.09 lux.
- (b) Glare shields shall be provided to the light towers to minimise direct light source output towards the Macquarie University Observatory.
- (c) Compliance with the recommendations of the report by Gary Roberts and Associated dated 14 August 2013 (submitted with the development application).
- (d) All luminaries, including attachments, must have NATA Laboratory photometric certification to demonstrate compliance with the above requirements.

A copy of the NATA Laboratory photometric certification for the luminaries must be submitted to the Development Manager from Macquarie University and the Principal Certifying Authority for their records prior to the operation of the luminaries.

21. **Noise Management Policy.** A noise management policy is to be prepared for all sporting organisations utilising the illuminated sports field at Waterloo Park to adopt. The objective of this noise management policy is to minimise sounds emitted from the illuminated sports field at Waterloo Park and minimise any adverse impacts on surrounding residents.

The completed Noise Management Policy is to be submitted to Council's Group Manager Environment & Planning for approval prior to the illuminated use of the sports field, and shall incorporate the following matters.

- (a) Incorporate components of the player, parents, spectator and officials code of conduct into the noise management policy to limit noise generating behaviour such as excessive shouting, swearing, whistle blowing, and any other noise generating activities; and

- (b) Methods to be put in place on how to respond to noise complaints, including but not limited to advising nearby residents of the contact details for which complaints can be addressed, measures to ensure prompt action can be taken to deal with any complaints and minimise recurring noise issues.
22. **Spectator exclusion zone.** Establishment of a roped off spectator exclusion zone from goalpost to goalpost around the eastern half of the sports field during night soccer games/matches during the winter weekday season.
23. **Prohibition on public address systems.** Prohibition of any amplification equipment for personal address announcements, music, sirens, or other purposes.
24. **Limited number of competition games.** No more than 5 competition games to be held at Waterloo Park throughout the winter season.
25. **Light Spill.** The light spill at the adjoining residential boundaries to comply with the requirements of *AS 4282 – Control of the obtrusive effects of outdoor lighting*. A report from an appropriately qualified and experienced lighting consultant to confirm that the proposed lighting design complies with the appropriate Australian Standards shall be submitted prior to the issuing of any **Occupation Certificate**.
- If required to ensure compliance with AS4282, after initial testing but before the issuing of any **Occupation Certificate**, the approved lighting shall incorporate suitably designed light shields. Any such light shields that may be required shall be installed prior to the issuing of any **Occupation Certificate**.
26. **Offensive noise.** The use of the premises must not cause the emission of 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997*.
27. **Noise from users.** All spectators and participants to be encouraged to leave the premises quickly and quietly after training/games to mitigate possible nuisance noise.
28. **Provision of contact details to neighbours.** Residents within a 100m radius of the site are to be provided with contact details in writing (eg via a "letterbox drop") of a designated contact person for each participant sporting club (including a current mobile telephone number), and Council's Customer Service Centre, who can be contacted in the event of any noise disturbances arising from weeknight use of the Waterloo Park sports fields.

(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 Chung, Etmekdjian, Laxale, Pendleton, Simon and Yedelian OAM

Against the Motion: Councillors Li and Perram

**ORDER OF BUSINESS**

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

That Council now consider the following Items, the time being 10.54pm:

- Item 3(3) – Pedestrian Safety - St Therese's Primary School, Denistone
- Item 6 – Planning Proposal - 20 Waterview Street, Putney
- Item 8 – Part 3A Shepherds Bay Urban Renewal - Submission on proposed amendments

**Record of Voting:**

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

Against the Motion: Councillor Pendleton

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 1/14 held on 18 February 2014**

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

That Council determine Item 3 of the Works and Community Committee report 1/14 held on 18 February 2014, noting that Items 1, 2, 4 and 5 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**3 PEDESTRIAN SAFETY - St Therese's Primary School, Denistone**

Note: Council's Manager – Communications and Media, Angela Jones-Blayney disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that her son attends the school. She left the meeting at 10.55pm and was not present during discussion and voting on this Item.

Note: Craig Blayney (on behalf of St Therese's Catholic Primary School) addressed the meeting in relation to this Item.

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

- (a) That Council commits to the installation of pedestrian safety fencing along the western side of Terry Road near St Therese's Primary School.
- (b) That the works be scheduled for June/July as specified in the report to the Works and Community Committee and that Council completes its investigations with utilities and the Roads and Maritime Services to meet this schedule.

**Record of Voting:**

For the Motion: Unanimous

Note: Council's Manager – Communications and Media, Angela Jones-Blayney returned to the meeting at 11.01pm.

### **ORDER OF BUSINESS**

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

That Council now consider the following Items, the time being 11.02pm:

- Item 6 – Planning Proposal - 20 Waterview Street, Putney
- Item 7 – Planning Proposal - 2-14 Tennyson Road Gladesville
- Item 8 – Part 3A Shepherds Bay Urban Renewal - Submission on proposed amendments
- Item 9 – Citizen Engagement Advisory Committee Report to Council
- Notice of Motion 3 – Legislative Council Select Committee on Social, Public and Affordable Housing

**Record of Voting:**

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

Against the Motion: Councillor Perram



**6 PLANNING PROPOSAL - 20 Waterview Street, Putney**

Note: James Harrison (on behalf of JBA) and Peter Ireland (on behalf of Allen Jack & Cottier Architects) addressed the meeting in relation to this Item.

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

- (a) That Council advise the applicant to explore a planning proposal that gives consideration to the following:
- i. Proposes additional employment-related land uses and is generally consistent with the Master Plan adopted by the Director General Planning (dated 2010),
  - ii. Is compatible with the objectives of the Ryde Local Environmental Plan IN4 Working Waterfront land use zone
  - iii. Demonstrates; under the provisions of SEPP 55 to council's satisfaction; that remediation for the proposed land uses can be undertaken
- (b) That Council advise the Department of Planning and Infrastructure of its decision in response to the planning proposal in respect of the Department's notification letter of 31 January regarding the pre-gateway review.

**Record of Voting:**

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

Against the Motion: Councillor Li

**7 PLANNING PROPOSAL - 2-14 Tennyson Road Gladesville**

Note: Ben Hendriks (on behalf of Dresol Pty Ltd) addressed the meeting in relation to this Item.

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

- (a) That Council does not support the Planning Proposal for 2 – 14 Tennyson Road Gladesville proceeding to a Gateway determination on the grounds that:
- The planning proposal is inconsistent with strategic direction of the Ryde Local Planning Strategy 2010, Ryde Draft LEP 2011 and Draft Subregional Strategy in relation to retention of industrial lands.
  - The planning proposal is inconsistent with the Draft Metropolitan Strategy and does not meet the criteria under the Industrial Lands Strategic Assessment Checklist for rezoning of existing industrial land to other uses.

- The planning proposal is inconsistent with s117 Direction 1.1 – Business and Industrial zones and 7.1 – Implementation of the Metropolitan Plan for Sydney 2036.
- The planning proposal will result in traffic impacts to Tennyson Road and the surrounding local road network associated with:-
- Increases in delays - Tennyson/Victoria Road intersection and roads within the vicinity of the site.
- Substantially reduced intersection performance – Tennyson/Victoria Road.
- Unacceptable levels of queuing in Tennyson Road.
- Adverse impacts on adjacent residential areas.
- The planning proposal will lead to adverse impacts on the amenity of the surrounding locality as a result of inappropriate density of development and height.

**Record of Voting:**

For the Motion: Unanimous

**8 PART 3A SHEPHERDS BAY URBAN RENEWAL - Submission on proposed amendments**

Note: Councillor Simon disclosed a Pecuniary Interest in this Item for the reason that he owns a property in Shepherds Bay and development may impact the value. He left the meeting at 11.11pm and was not present for consideration and voting on this Item.

Note: Documentation from City Plan Services was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That Council endorse the submission as attached which recommends the refusal of the 75W Modification Application on the basis of excessive density, poor amenity and uncertainty created by the proposed conditions.
- (b) That a copy of the submission be forwarded to the Department of Planning and Infrastructure.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Simon returned to the meeting at 11.13pm.

## 9 CITIZEN ENGAGEMENT ADVISORY COMMITTEE REPORT TO COUNCIL

Note: Graeme Cordiner, Phillip Peake and Lee Cummings (on behalf of the Citizen Engagement Advisory Committee) addressed the meeting in relation to this Item.

Note: Correspondence dated 24 February 2014 from Cathy Merchant from the Ryde Hunter's Hill Flora and Fauna Preservation Society was tabled in relation to this Item and a copy is ON FILE.

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

That Council endorse the following Citizen Engagement Advisory Committee Recommendations:

- (a) That Council endorse the new Council initiative to develop an on-line platform to provide transparency regarding all Council projects that involve Community Consultation as set out in this report.
- (b) That all Advisory Committees be required to amend their Terms of Reference to include the development of an Action Plan drawn from Council's adopted Delivery Plan, setting out time specific deliverables at the commencement of their term, to increase the effectiveness of the Committees.
- (c) That all current Advisory Committees be required to develop an Action Plan drawn from Council's adopted Delivery Plan, inclusive of time specific deliverables within the next six months and that these plans are to be provided to Council through the Councillor Information Bulletin.
- (d) That the revised Terms of Reference provide that Advisory Committees are required to report to Council outlining their achievements against their Action Plan at the end of their term.
- (e) That a meeting of Councillors and all Advisory Committees be held annually, with the focus of the meeting to be the engagement and effectiveness of Council's Advisory Committee structure and opportunities for Advisory Committees to add value to Council's decision making processes.
- (f) That Council develop a model for the establishment of ad-hoc community working parties to support community engagement on place-based or emergent issues to ensure that feedback can be sought from the community and to ensure they are engaged in local decision making.
- (g) That a further report be provided to Council setting out a revised Community Engagement framework for ongoing engagement with the community.
- (h) That the new Communications and Engagement Strategy be reviewed to include mechanisms for engaging with hard to reach communities.

- (i) That consideration be given to redesigning the Council Chambers to facilitate the Mayor and Councillors facing the gallery.
- (j) That the Code of Meeting Practice be reviewed to provide a greater timeframe between the publication of Council reports and their consideration by Council.
- (k) That Council acknowledges the contribution of existing Advisory Committees and their members.

That Council endorse the following staff recommendation:

- (l) That a further report be provided to Council reviewing the existing Advisory Committee structure with a focus on consolidation and alignment of Committees with similar functions.

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

That a further report be provided to Council reviewing the recommendations of the Citizens Engagement Advisory Committee and the practical implications of implementing each recommendation.

On being put to the Meeting, the voting on the Amendment was four (4) votes For and five (5) 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 and Yedelian OAM

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

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

That this Item be dealt with in Seriatim.

**Record of Voting:**

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

Against the Motion: Councillors Laxale and Simon

Note: The Item was then dealt with in Seriatim.

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

That Council endorse the following Citizen Engagement Advisory Committee Recommendations:

- (a) That Council endorse the new Council initiative to develop an on-line platform to provide transparency regarding all Council projects that involve Community Consultation as set out in this report.

**Record of Voting:**

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

Against the Motion: Councillors Chung and Yedelian OAM

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

- (b) That all Advisory Committees be required to amend their Terms of Reference to include the development of an Action Plan drawn from Council's adopted Delivery Plan, setting out time specific deliverables at the commencement of their term, to increase the effectiveness of the Committees.

On being put to the Meeting, the voting on the Motion was four (4) For and five (5) Against. The Motion was **LOST**.

**Record of Voting:**

For the Motion: Councillors Laxale, Li, Pendleton and Simon

Against the Motion: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Perram and Yedelian OAM

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

- (c) That all current Advisory Committees be required to develop an Action Plan drawn from Council's adopted Delivery Plan, inclusive of time specific deliverables within the next six months and that these plans are to be provided to Council through the Councillor Information Bulletin.

On being put to the Meeting, the voting on the Motion was four (4) For and five (5) Against. The Motion was **LOST**.

For the Motion: Councillors Laxale, Li, Pendleton and Simon

Against the Motion: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Perram and Yedelian OAM

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

- (d) That the revised Terms of Reference provide that Advisory Committees are required to report to Council outlining their achievements against their Action Plan at the end of their term.

On being put to the Meeting, the voting on the Motion was four (4) For and five (5) Against. The Motion was **LOST**.

For the Motion: Councillors Laxale, Li, Pendleton and Simon

Against the Motion: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Perram and Yedelian OAM

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

- (e) That a meeting of Councillors and all Advisory Committees be held annually, with the focus of the meeting to be the engagement and effectiveness of Council's Advisory Committee structure and opportunities for Advisory Committees to add value to Council's decision making processes.

**Record of Voting:**

For the Motion: Councillors Etmekdjian, Laxale, Li, Pendleton, Perram and Simon

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

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

- (f) That Council develop a model for the establishment of ad-hoc community working parties to support community engagement on place-based or emergent issues to ensure that feedback can be sought from the community and to ensure they are engaged in local decision making.

On being put to the Meeting, the voting on the Motion was four (4) For and five (5) Against. The Motion was **LOST**.

For the Motion: Councillors Laxale, Li, Pendleton and Simon

Against the Motion: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Perram and Yedelian OAM

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

- (g) That a further report be provided to Council setting out a revised Community Engagement framework for ongoing engagement with the community.

**Record of Voting:**

For the Motion: Unanimous

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

- (h) That the new Communications and Engagement Strategy be reviewed to include mechanisms for engaging with hard to reach communities.

**Record of Voting:**

For the Motion: Unanimous

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

- (i) That consideration be given to redesigning the Council Chambers to facilitate the Mayor and Councillors facing the gallery.

**Record of Voting:**

For the Motion: Councillors Chung, Laxale, Li, Pendleton, Simon and Yedelian OAM

Against the Motion: The Mayor, Councillor Maggio and Councillors Etmekdjian and Perram

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

- (j) That the Code of Meeting Practice be reviewed to provide a greater timeframe between the publication of Council reports and their consideration by Council.

**Record of Voting:**

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

Against the Motion: Yedelian OAM



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

- (k) That Council acknowledges the contribution of existing Advisory Committees and their members.

**Record of Voting:**

For the Motion: Unanimous

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

That Council endorse the following staff recommendation:

- (l) That Council establish as soon as possible a Bushcare and Environment Committee and that a further report be provided to Council reviewing the existing Advisory Committee structure in 2016 in preparation for the next term of Council.

**Record of Voting:**

For the Motion: Unanimous

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

That Council endorse the following Citizen Engagement Advisory Committee Recommendations:

- (a) That Council endorse the new Council initiative to develop an on-line platform to provide transparency regarding all Council projects that involve Community Consultation as set out in this report.
- (b) That a meeting of Councillors and all Advisory Committees be held annually, with the focus of the meeting to be the engagement and effectiveness of Council's Advisory Committee structure and opportunities for Advisory Committees to add value to Council's decision making processes.
- (c) That a further report be provided to Council setting out a revised Community Engagement framework for ongoing engagement with the community.
- (d) That the new Communications and Engagement Strategy be reviewed to include mechanisms for engaging with hard to reach communities.
- (e) That consideration be given to redesigning the Council Chambers to facilitate the Mayor and Councillors facing the gallery.

- (f) That the Code of Meeting Practice be reviewed to provide a greater timeframe between the publication of Council reports and their consideration by Council.
- (g) That Council acknowledges the contribution of existing Advisory Committees and their members.

That Council endorse the following staff recommendation:

- (h) That Council establish as soon as possible a Bushcare and Environment Committee and that a further report be provided to Council reviewing the existing Advisory Committee structure in 2016 in preparation for the next term of Council.

### **NOTICE OF MOTION**

#### **3 LEGISLATIVE COUNCIL SELECT COMMITTEE ON SOCIAL, PUBLIC AND AFFORDABLE HOUSING - Councillor Jerome Laxale**

Note: Marie Sillars (on behalf of the Ivanhoe Estate Tenant Group) and Vicki Newstead (on behalf of the Ivanhoe Estate Housing, IETG) addressed the meeting in relation to this Item.

Note: Councillor Laxale tabled correspondence from Madeleine Foley from the Legislative Council dated 19 February 2014 in relation to this Item and a copy is ON FILE.

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

1. That the General Manager arrange for a submission to be lodged to the Legislative Council Select Committee on Social, Public and Affordable Housing.
2. That the submission be circulated in the Councillor Information Bulletin prior to lodgement.
3. That the submission make particular mention of the following:
  - the benefits of Social, Public and Affordable Housing to the City of Ryde;
  - the rich heritage of Social, Public and Affordable Housing that the City of Ryde has; and
  - the need for more social housing in our City to meet ever-growing demand.

**Record of Voting:**

For the Motion: Unanimous

**ADJOURNMENT**

The Mayor, Councillor Maggio adjourned this meeting to Tuesday, 4 March 2014, to commence at 7.30pm in the Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde, the time being 11.55pm.

**The following Councillors were present:** The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Simon and Yedelian OAM.

**Apologies:** Councillor Pickering.

**Leave of Absence:** Councillors Petch and Salvestro-Martin.

**MEETING RECONVENED**

The Meeting reconvened at 7.30pm on Tuesday, 4 March 2014 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

**The following Councillors were present:** The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Petch, Pickering, Simon and Yedelian OAM

**Note:** Councillor Petch left the meeting at 9.26pm and did not return. He was not present for consideration of Items 21, 22, 23 and 11 which were considered in Closed Session.

**Apologies:** Nil.

**Leave of Absence:** Councillor Salvestro-Martin.

**Staff Present:** Acting General Manager, Acting Group Manager – Community Life, Acting Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, Chief Financial Officer, Manager – Communications and Media, Project Manager and Section Manager – Governance.

**DISCLOSURES OF INTEREST**

There were no further disclosures of interest.

## **COUNCIL REPORTS**

### **1 CONFIRMATION OF MINUTES - Council Meeting held on 11 February 2014**

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

That the Minutes of the Council Meeting 1/14, held on 11 February 2014 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

### **2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 2/14 held on 18 February 2014**

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

### **3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 1/14 held on 18 February 2014**

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

### **4 PROPOSED LICENCE CONSULTATION RESULTS - Minimbah**

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

### **5 PROPOSED LICENCE CONSULTATION RESULTS - Children's House Montessori School**

Note: Correspondence dated 24 February 2014 from Cathy Merchant from the Ryde Hunter's Hill Flora and Fauna Preservation Society was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That Council note the one objection (**ATTACHMENT 1 – UNDER SEPARATE COVER – CONFIDENTIAL**) and two support letters (**ATTACHMENTS 2 AND 3 – UNDER SEPARATE COVER – CONFIDENTIAL**) regarding the proposed Children's House Montessori School licence.
- (b) That Council resolve the licence to be in the public interest and to approve the Acting General Manager under delegation to licence Children's House Montessori School in accordance with Council's previous resolution on 23 July 2013, including the following key terms:

- Location: 109 Cressy Road, North Ryde (within Pryor Park)
- Category: 6 (fee to be negotiated)
- Licence Fee: \$32,500 p.a. plus LGCI increase from 2015
- Transition Period: N/A
- Designated Use: Childcare centre and kindergarten
- Licence Hours: 7am – 10pm, every day
- Responsibilities: Standard (as per Community Buildings Licensing Policy Appendix A)
- Length of the lease is five years.

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

- (a) That Council allow Sydney Montessori Society to continue to occupy the licensed premises under temporary arrangements to a maximum of five years in accordance with the licence conditions as detailed in part (b), until Sydney Montessori Society secures alternative accommodation.
- (b) That Council resolve the licence to be in the public interest and to approve the Acting General Manager under delegation to licence Children's House Montessori School in accordance with Council's previous resolution on 23 July 2013, including the following key terms:
- Location: 109 Cressy Road, North Ryde (within Pryor Park)
  - Category: 6 (fee to be negotiated)
  - Licence Fee: \$32,500 p.a. plus LGCI increase from 2015
  - Transition Period: N/A
  - Designated Use: Childcare centre and kindergarten
  - Licence Hours: 7am – 10pm, every day
  - Responsibilities: Standard (as per Community Buildings Licensing Policy Appendix A)

On being put to the Meeting, the voting on the Amendment was three (3) For and eight (8) Against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

**Record of Voting:**

For the Amendment: Councillors Pendleton, Perram and Petch

Against the Amendment: The Mayor, Councillor Maggio and Councillors Chung, Etmekdjian, Laxale, Li, Pickering, Simon and Yedelian OAM

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

- (a) That Council note the one objection (**ATTACHMENT 1 – UNDER SEPARATE COVER – CONFIDENTIAL**) and two support letters (**ATTACHMENTS 2 AND 3 – UNDER SEPARATE COVER – CONFIDENTIAL**) regarding the proposed Children's House Montessori School licence.

- (b) That Council resolve the licence to be in the public interest and to approve the Acting General Manager under delegation to licence Children's House Montessori School in accordance with Council's previous resolution on 23 July 2013, including the following key terms:
- Location: 109 Cressy Road, North Ryde (within Pryor Park)
  - Category: 6 (fee to be negotiated)
  - Licence Fee: \$32,500 p.a. plus LGCI increase from 2015
  - Transition Period: N/A
  - Designated Use: Childcare centre and kindergarten
  - Licence Hours: 7am – 10pm, every day
  - Responsibilities: Standard (as per Community Buildings Licensing Policy Appendix A)
  - Length of the lease is five years.

**Record of Voting:**

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

Against the Motion: Councillor Perram

**6 PLANNING PROPOSAL – 20 Waterview Street, Putney**

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

**7 PLANNING PROPOSAL – 2-14 Tennyson Road, Gladesville**

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

**8 PART 3A SHEPHERDS BAY URBAN RENEWAL – Submission on proposed amendments**

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

**9 CITIZEN ENGAGEMENT ADVISORY COMMITTEE REPORT TO COUNCIL**

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

**10 DECEMBER 2013 QUARTERLY REVIEW REPORT - DELIVERY PLAN 2013-2017 AND 2013/2014 OPERATION PLAN****RESOLUTION:** (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That the report of the Chief Financial Officer dated 7 February 2014 on the *Quarterly Review Report. Four Year Delivery Plan 2013-2017 and One Year Operational Plan 2013/2014, Quarter Two, October – December 2013* be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in a net increase of \$0.25 million in Council's Working Capital, to a projected balance as at 30 June 2014 of \$3.80 million, be endorsed and included in the 2013/2014 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 \$2.36 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer dated 12 February 2014 be endorsed.
- (e) That Council endorse the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over as detailed in the Report.

**Record of Voting:**For the Motion: Unanimous**11 CITY OF RYDE'S FINANCIAL FUTURE - PROPOSED COMMUNITY ENGAGEMENT PROCESS**

Note: Correspondence dated 24 February 2014 from Peter Brown on behalf of Friends of Darval Park-West Ryde, Brush Farm Park Preservation Group-Eastwood and West Ryde, Brush Farm Park Bushcare Group-Eastwood, Pryor Park Bushcare Group, Portius Park Bushcare Group, Bundara Reserve Volunteer Group, Waterloo Park Volunteer group, Greenwood Park Volunteer Group, Representatives of Terry's Creek Bushcare Groups, Pryor Park Bushcare Group, Portius Park Bushcare Group was tabled in relation to this Item and a copy is ON FILE.

Note: A Memorandum from the Acting General Manager dated 3 March 2014 containing confidential supplementary information was tabled in relation to this Item and a copy is ON FILE - CONFIDENTIAL.

Note: Councillor Laxale left the meeting at 9.04pm and was not present for voting on this Item.



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

That this matter be considered in Confidential Session at the end of the meeting.

**Record of Voting:**

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

Against the Motion: Councillor Simon

Note: Councillor Laxale returned to the meeting at 9.05pm.

## 12 RYDE YOUTH COUNCIL - Youth Summit 2014

Note: Councillor Li left the meeting at 9.05pm and was not present for consideration or voting on this Item.

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

That Council endorse the Youth Summit program as outlined in the body of this report, for the young people of the City of Ryde.

**Record of Voting:**

For the Motion: Unanimous

## 13 ACKNOWLEDGING BENNELONG IN THE CITY OF RYDE

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

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

That Council promote Finding Bennelong to schools and the general public as a way of recognising the contribution of Bennelong and his connection to the City of Ryde.

**Record of Voting:**

For the Motion: Unanimous

**14 SWIMMING POOL BARRIER INSPECTION PROGRAM 2014**

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

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

- (a) That Council adopts the Swimming Pool Barrier Inspection Program 2014.
- (b) That those that made written submissions during the exhibition process be informed of Council decision.
- (c) That Council staff develop factual information sheets to be placed on the City of Ryde website that raises community awareness and explains the Swimming Pool Barrier Inspection Program 2014 and its related benefits and how the Program will be delivered.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Li returned to the meeting at 9.07pm.

**15 INVESTMENT REPORT - January 2014**

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

That Council endorse the report of the Chief Financial Officer dated 11 February 2014 on Investment Report – January 2014.

**Record of Voting:**

For the Motion: Unanimous

**16 LOCAL GOVERNMENT ACT FOR NSW DISCUSSION PAPER - DRAFT SUBMISSION**

Note: A Memorandum from the Acting General Manager dated 3 March 2014 and a letter from the Mayor of Holroyd Council, Councillor Nasr Kafrouni dated 25 February 2014 were tabled in relation to this Item and copies are ON FILE.

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

- (a) That Council endorse the **ATTACHED** submission to be provided to the Division of Local Government.

- (b) That a copy of Council's submission be forwarded to the Hon. Anthony Roberts MP and the Hon. Victor Dominello MP for their information.

**Record of Voting:**

For the Motion: Unanimous

**17 REVITALISING LOCAL GOVERNMENT - DRAFT SUBMISSION**

Note: A Memorandum from the Acting General Manager dated 3 March 2014 was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That Council endorse the submission as **ATTACHED** to this report and for it to be provided to the Independent Local Government Review Panel.
- (b) That a copy of Council's submission be placed on Council's website and a press release be prepared outlining the key aspects of Council's submission.
- (c) That a copy of Council's submission be forwarded to the Hon. Victor Dominello MP (Member for Ryde) and the Hon. Anthony Roberts MP (Member for Lane Cove) and that a meeting be requested with the local Member to allow the Mayor and Councillors to present the City of Ryde's position in regard to this matter.
- (d) That Council return the amount of \$13,531 to working capital previously allocated to undertaking a desktop review of the Panel's recommendations and that the amount also be consolidated into the next Quarterly Review.
- (e) That a copy of Council's submission be forwarded to the Mayors and General Managers of Holroyd, Parramatta and Auburn Councils, as well as Local Government NSW.

**Record of Voting:**

For the Motion: Unanimous

**18 CODE OF MEETING PRACTICE**

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

- (a) That Council adopt the draft City of Ryde Code of Meeting Practice as **ATTACHED (Under Separate Cover)** to this report noting that in accordance with Section 362 of the Local Government Act, 1993 the changes are not considered substantive.

- (b) That a copy of the adopted Code and this report be forwarded to the Division of Local Government for their information, including a letter from the Acting General Manager in appreciation of their feedback.
- (c) That a trial commence as soon as practicable for Business Papers to be distributed to the Mayor, Councillors and public on Thursday, one week earlier than the current practice (ie. 12 days) prior to Council and Committee Meetings taking place, noting that the deadline for the submission of Notices of Motion is to be 5.00pm on Wednesday, one week earlier than the current practice (ie. 13 days) prior to a Council Meeting.
- (d) That Practice point number 2 on page 12 of the Draft Code of Meeting Practice be amended to read as follows:

The Mayor and Councillors will be provided with business papers at the same time through BoardVantage (Council's online document system), noting that Councillors will have the option to be provided with a hard copy version of the business papers.

**Record of Voting:**

For the Motion: Unanimous

**19 PRIVACY MANAGEMENT PLAN**

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

That Council adopt the **ATTACHED (Under Separate Cover)** Privacy Management Plan and forward a copy to the Office of the Information and Privacy Commission.

**Record of Voting:**

For the Motion: Unanimous

**20 REPORTS DUE TO COUNCIL**

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

That the report on Outstanding Council Reports be endorsed.

**Record of Voting:**

For the Motion: Unanimous

**NOTICES OF MOTION****1 BUSH REGENERATION ACTIVITIES - Councillor Terry Perram****RESOLUTION:** (Moved by Councillors Perram and Petch)

That the General Manager provide a status report to the Works and Community Committee on bush regeneration activities on Council land within the City of Ryde. The report should include details of paid and volunteer work during the last 12 months, the current condition of bushland subject to active regeneration and plans for the future.

**Record of Voting:**

For the Motion: Unanimous

**2 PUBLIC LIABILITY COVER FOR SMALL INCORPORATED GROUPS - Councillor Denise Pendleton****RESOLUTION:** (Moved by Councillors Pendleton and Petch)

That the Acting General Manager review the mandatory requirement for public liability insurance cover, for hire of Council's halls and meetings rooms as it relates to small incorporated groups, particularly when the use of facilities is for low risk activities.

**Record of Voting:**

For the Motion: Unanimous

**3 LEGISLATIVE COUNCIL SELECT COMMITTEE ON SOCIAL, PUBLIC AND AFFORDABLE HOUSING – Councillor Jerome Laxale**

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

**CLOSED SESSION****ITEM 21 - COR-RFT-19/13 ELS HALL - Amenities Building Refurbishment and Repair Works****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 22 - COR-RFT-22/12 Banking Services****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) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the Council.

**ITEM 23 - PROCUREMENT REVIEW - FORMAL OUTCOMES OF HIGH LEVEL REVIEW AND PROPOSALS FOR STAGE 2****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) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the Council.

**ITEM 11 – CITY OF RYDE’S FINANCIAL FUTURE – PROPOSED COMMUNITY ENGAGEMENT PROCESS****Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (a) personnel matters concerning particular individuals (other than Councillors).

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

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

**Record of Voting:**

For the Motion: Unanimous

Note: The Council closed the meeting at 9.26pm. The public and media left the chamber.

Note: Councillor Petch left the meeting at 9.26pm and did not return.

**21 COR-RFT-19/13 ELS HALL - Amenities Building Refurbishment and Repair Works**

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

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

- (a) That Council accept the evaluation panel's recommendation to negotiate the contract and scope of work for best value to meet allocated budget and outcome.
- (b) That Council advise all respondents of Council's decision.
- (c) That the Acting General Manager be delegated the authority to execute all relevant documents for the ELS Hall Park Amenities Building Refurbishment works following the negotiation process.

**Record of Voting:**

For the Motion: Unanimous

**22 COR-RFT-22/12 Banking Services**

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

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

- (a) That Council accept the tender from Westpac Banking Corporation for the Banking Services (excluding BPay services and Investments) to the estimated amount of \$16,000 p.a. as recommended in the Tender Evaluation Report.
- (b) That Council accept the tender from National Australia Bank for BPay services to the estimated amount of \$59,000 p.a. as recommended in the Tender Evaluation Report.
- (c) That Council advise all the respondents of Council's decision.

**Record of Voting:**

For the Motion: Unanimous



**23 PROCUREMENT REVIEW - FORMAL OUTCOMES OF HIGH LEVEL REVIEW AND PROPOSALS FOR STAGE 2**

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

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

- (a) That Council endorse the Procurement 'Health Check' Review undertaken by Ernst & Young.
- (b) That Council endorse Option 2 for Stage 2 – Phase 1 of this Procurement Review, by engaging Ernst & Young at a cost of \$91,000.
- (c) The cost of this engagement be funded from Council's Asset Replacement Reserve (\$67,500) and the reallocation of \$23,500 from Automating the Procurement Framework in the 2013/2014 Budget.
- (d) That the details in Part (c) be incorporated in the March Quarterly Review.

**Record of Voting:**

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

Against the Motion: Councillor Li

**11 CITY OF RYDE'S FINANCIAL FUTURE - PROPOSED COMMUNITY ENGAGEMENT PROCESS**

Note: Correspondence dated 24 February 2014 from Peter Brown on behalf of Friends of Darval Park-West Ryde, Brush Farm Park Preservation Group-Eastwood and West Ryde, Brush Farm Park Bushcare Group-Eastwood, Pryor Park Bushcare Group, Portius Park Bushcare Group, Bundara Reserve Volunteer Group, Waterloo Park Volunteer group, Greenwood Park Volunteer Group, Representatives of Terry's Creek Bushcare Groups, Pryor Park Bushcare Group, Portius Park Bushcare Group was tabled in relation to this Item and a copy is ON FILE.

Note: A Memorandum from the Acting General Manager dated 3 March 2014 containing confidential supplementary information was tabled in relation to this Item and a copy is ON FILE - CONFIDENTIAL.

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

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

- (a) That the Acting General Manager provide a report to Council regarding short, medium and long term propositions with regards to the City of Ryde's financial future. Councillors are to provide input and feedback to the Acting General Manager by 18 March 2014.

- (b) That the Acting General Manager also provide a report to Council outlining a proposed Community Engagement Strategy to engage the community once Council determines its position.
- (c) That this matter be reported to Council in April 2014.

**Record of Voting:**

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

Against the Motion: Councillor Laxale

**OPEN SESSION**

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

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 10.03pm.

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

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 10.05pm on 4 March 2014.

CONFIRMED THIS 11TH DAY OF MARCH 2014

Chairperson