

**Meeting Date:** Tuesday 23 February 2016

**Location:** Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde

**Time:** 7.05pm

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

Note: Councillor Simon arrived at the meeting at 7.10pm during Disclosures of Interest.

Note: Councillor Salvestro-Martin arrived at the meeting at 7.55pm during Public Participation on Items Not Listed on the Agenda. He was not present for consideration or voting on Leave of Absence and Public Participation on Items Listed on the Agenda.

Note: Councillor Maggio left the meeting at 11.52pm and did not return. He was not present for voting on Mayoral Minute 3/16.

Note: Councillor Li left at 11.57pm and did not return.

**Apologies:** Nil.

**Staff Present:** General Manager, Acting Chief Operating Officer, Acting Director – Corporate and Community Services, Acting Director – City Strategy and Planning, Director – City Works and Infrastructure, General Counsel, Acting Chief Financial Officer, Manager – Audit, Risk and Governance, Manager – Strategic Human Resources, Manager – Asset Systems, Acting Manager – Communications, Customer Service and Events, Senior Coordinator – Traffic, Transport and Development, Senior Development Engineer, Digital Communications Coordinator, Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

## **PRAYER**

Pastor Stephen Cooper of the Eastwood Baptist Church was present and offered prayer prior to the commencement of the meeting.

## **DISCLOSURES OF INTEREST**

Councillor Li disclosed a Significant Non-Pecuniary Interest in Notice of Motion 3 – Australian Asian Association of Bennelong – Harmony Soccer Tournament, for the reason that he is on the Committee of the Australian Asian Association of Bennelong.

Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in Item 5(6) – 21 Winbourne Street, West Ryde, for the reason that he knows the applicants father through the community.

Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Item 4 – Report of the Ryde Civic Hub Committee Meeting 1/16 held on 9 February 2016, for the reason that her opposition to the redevelopment of the Civic Centre public land with the inclusion of high-rise residential development is consistent with her core commitment made to the electorate at the 2012 elections.

Councillor Simon disclosed a Less than Significant Non-Pecuniary Interest in Item 3(3) – 87 Bowden Street and 2 MacPherson Street, Ryde, for the reason that he plays soccer with one of the objectors.

Councillor Simon disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 4 – Western Sydney Wanderers Football Club Pty Ltd Schools Cup Tournament, for the reason that he is a member of the Western Sydney Wanderers Club.

### **LEAVE OF ABSENCE**

Councillor Perram requested a Leave of Absence for the period 5 March 2016 to 12 March 2016 inclusive.

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

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

That Councillor Perram's Leave of Absence for period 5 March 2016 to 12 March 2016 inclusive be approved.

### **Record of Voting:**

For the Motion: Unanimous

### **TABLING OF PETITIONS**

The Mayor, Councillor Laxale tabled a petition containing approximately 50 signatures in relation to proposed changes to parking in Winbourne Street, West Ryde.

Councillor Chung tabled a petition containing approximately 400 signatures in relation to saving 87 Bowden Street, West Ryde from demolition.

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

The following persons addressed the Council:-

<b>Name</b>	<b>Topic</b>
Phillip Ward (representing Ryde Hunters Hill Flora and Fauna Preservation Society)	<b>MM1/16</b> – 50 <sup>th</sup> Anniversary of Ryde Hunters Hill Flora and Fauna Preservation Society
Justyn Ng	<b>MM2/16</b> – Urgent Review of Items of Local Heritage Significance Not Listed Under the Ryde Local Environmental Plan
Alan Holroyd	<b>MM2/16</b> – Urgent Review of Items of Local Heritage Significance Not Listed Under the Ryde Local Environmental Plan
Kevin Shaw (representing Ryde District Historical Society)	<b>MM2/16</b> – Urgent Review of Items of Local Heritage Significance Not Listed Under the Ryde Local Environmental Plan
Suellen Hazell	<b>MM2/16</b> – Urgent Review of Items of Local Heritage Significance Not Listed Under the Ryde Local Environmental Plan
Louise Haynes	<b>MM2/16</b> – Urgent Review of Items of Local Heritage Significance Not Listed Under the Ryde Local Environmental Plan
Derek Styles	<b>MM2/16</b> – Urgent Review of Items of Local Heritage Significance Not Listed Under the Ryde Local Environmental Plan
Doriana Donnelly	<b>MM2/16</b> – Urgent Review of Items of Local Heritage Significance Not Listed Under the Ryde Local Environmental Plan
Danny Yap (representing Harmony Soccer Competition / Australian Asian Association of Bennelong)	<b>Notice of Motion 3</b> – Australian Asian Association of Bennelong – Harmony Soccer Tournament
Lindsay Donald (representing West Ryde Rovers Football Club)	<b>Notice of Motion 4</b> – Western Sydney Wanderers Football Club Pty Ltd Schools Cup Tournament 2016
Scott Bennison	<b>Notice of Rescission 1</b> – NSW Government Merger Proposal – Hunter's Hill, Lane Cove and City of Ryde Councils

Note: Jennie Minifie (representing Ryde Community Alliance) was called to address Council, however was not present in the Chamber.

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

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

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

That the speakers who submitted a Request to Address Council on Item 3(3) – 87 Bowden Street and 2 MacPherson Street, Ryde from the Planning and Environment Committee Meeting 1/16 held on 9 February 2016 and Item 5(6) – 21 Winbourne Street, West Ryde from the report of the Works and Community Committee Meeting 1/16 held on 16 February 2016, be allowed to address the meeting, the time being 7.43pm.

### **Record of Voting:**

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

Against the Motion: Councillors Pickering and Stott

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

The following persons addressed the Council:-

<b>Name</b>	<b>Topic</b>
Marlicia Travis (representing Marsden High School Parents and Citizens Association)	<b>Item 5(6)</b> – 21 Winbourne Street, West Ryde

Note: Maia Di Costanzo and Michael Di Costanzo were called to address Council, however were not present in the Chamber.

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

Note: Councillor Salvestro-Martin arrived at 7.55pm, during Public Participation on Items not listed on the Agenda.

The following persons addressed the Council:-

<b>Name</b>	<b>Topic</b>
Jason Wraxall (representing Ermington Public School Parents and Citizens Association)	Suggested Childcare Planning Controls to balance Child Safety, amenity and demand for growth in Ryde
Paul Grundy (representing Ermington Public School Parents and Citizens Association)	Pedestrian Safety

Name	Topic
Christine Mueller (representing Ermington Public School Parents and Citizens Association)	The requirement of Councillors to declare interest and where this has not happened

## **ORDER OF BUSINESS**

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

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

- Mayoral Minute 1/16 – 50<sup>th</sup> Anniversary of Ryde Hunters Hill Flora and Fauna Preservation Society.
- Mayoral Minute 2/16 – Urgent Review of Items of Local Heritage Significance Not Listed Under the Ryde Local Environmental Plan.
- Notice of Motion 3 – Australian Asian Association of Bennelong – Harmony Soccer Tournament.
- Notice of Motion 4 – Western Sydney Wanderers Football Club Pty Ltd Schools Cup Tournament 2016.
- Notice of Rescission 1 – NSW Government Merger Proposal – Hunter’s Hill, Lane Cove and City of Ryde Councils.
- Notice of Motion 1 - NSW Government Merger Proposal – Hunter’s Hill, Lane Cove and City of Ryde Councils.
- Item 5(6) – 21 Winbourne Street, West Ryde (from the Report of the Works and Community Committee Meeting 1/16 held on 16 February 2016).

### **Record of Voting:**

For the Motion: Unanimous

## **MAYORAL MINUTES**

### **1/16 50TH ANNIVERSARY OF RYDE HUNTERS HILL FLORA AND FAUNA PRESERVATION SOCIETY - The Mayor, Councillor Jerome Laxale**

Note: Phillip Ward (representing Ryde Hunters Hill Flora and Fauna Preservation Society) addressed the meeting in relation to this Item.

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

- (a) That the work of the Ryde Hunters Hill Flora and Fauna Preservation Society be noted.
- (b) That standing orders be suspended to allow the Mayor to present the Ryde Hunters Hill Flora and Fauna Preservation Society representative with a certificate of appreciation.

**Record of Voting:**

For the Motion: Unanimous

Note: Standing Orders were then Suspended to allow the Mayor to present the Ryde Hunters Hill Flora and Fauna Preservation Society representative with a Certificate of Appreciation.

**PRESENTATION OF CERTIFICATE OF APPRECIATION TO RYDE HUNTERS HILL FLORA AND FAUNA PRESERVATION SOCIETY**

The Mayor, Councillor Laxale presented Phillip Ward and Cathy Merchant, representatives from the Ryde Hunters Hill Flora and Fauna Preservation Society with a Certificate of Appreciation in recognition of the 50<sup>th</sup> Anniversary of Ryde Hunters Hill Flora and Fauna Preservation Society.

**RESUMPTION OF STANDING ORDERS**

Note: Councillor Perram left the meeting at 8.03pm and was not present for consideration or voting on this Item.

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

That Council resume Standing Orders, time being 8.04pm

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Perram returned the meeting at 8.05pm.

**MAYORAL MINUTES**

**2/16 URGENT REVIEW OF ITEMS OF LOCAL HERITAGE SIGNIFICANCE NOT LISTED UNDER THE RYDE LOCAL ENVIRONMENTAL PLAN - The Mayor, Councillor Jerome Laxale**

Note: Justin Ng, Alan Holroyd, Kevin Shaw (representing Ryde District Historical Society), Suellen Hazell, Louise Haynes, Derek Styles and Doriana Donnelly addressed the meeting in relation to this Item.

Note: A document regarding the City of Ryde 2010 Heritage Study / Properties of Significance was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from Planning Ingenuity Pty Ltd dated 22 June 2015 was tabled by Justin Ng in relation to this Item and a copy is ON FILE.

Note: A petition containing approximately 400 signatures was tabled by Councillor Chung in relation to this Item and a copy is ON FILE.

**MOTION:** (Moved by The Mayor, Councillor Laxale and Councillor Simon)

- (a) That Council reverse its 2010 resolution that prevents consideration of previously identified properties for listing and also requires owners consent prior to the listing of any heritage item, and directs/delegates to the General Manager to take immediate action to place an Interim Heritage Order over 87 Bowden Street, Meadowbank and resolve to list the property as an item of local heritage significance within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014.
- (b) That Council as part of its obligations to protect and conserve the heritage of this City review the properties identified in the 2010 Heritage Study that have heritage significance and all related heritage policies and procedures that have been adopted since that time.
- (c) That the General Manager prepare a report to Council before August 2016 that investigates the heritage significance of the properties identified in the 2010 Heritage Study and recommends the listing of heritage items within Ryde Local Environmental Plan 2014.

**AMENDMENT:** (Moved by Councillors Chung and Salvestro-Martin)

- (a) That Council delegate authority to the General Manager to take all necessary action to place an Interim Heritage Order over 87 Bowden Street, Meadowbank.
- (b) That Council resolve to list the property at 87 Bowden Street, Meadowbank as an item of local heritage significance within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014.
- (c) That Council as part of its obligations to protect and conserve the heritage of this City review the properties identified in the 2010 Heritage Study that have heritage significance, inclusive of a review of its previous 2010 resolution that prevents consideration of previously identified properties for listing, requires owners consent prior to the listing of any heritage item and reviews all related heritage policies and procedures that have been adopted since that time.
- (d) That the General Manager prepare a workshop to Council before August 2016 that investigates the heritage significance of the properties identified in the 2010 Heritage Study and recommends the listing of heritage items within Ryde Local Environmental Plan 2014.

**RESOLUTION:** (Moved by Councillors Maggio and Stott)

That Council Suspend Standing Orders and defer consideration of this Item until the end of the meeting in Confidential Closed Session.

**Record of Voting:**

For the Motion: Councillors Etmekdjian, Li, Maggio, Perram, Pickering, Salvestro-Martin and Stott

Against the Motion: The Mayor, Councillor Laxale and Councillors Chung, Pendleton, Simon and Yedelian OAM

### **NOTICES OF MOTION**

#### **3 AUSTRALIAN ASIAN ASSOCIATION OF BENNELONG – HARMONY SOCCER TOURNAMENT - Councillor Roy Maggio**

Note: Danny Yap (representing Harmony Soccer Competition / Australian Asian Association of Bennelong) addressed the meeting in relation to this Item.

Note: Councillor Li disclosed a Significant Non-Pecuniary Interest in this Item, for the reason that he is on the Committee of the Australian Asian Association of Bennelong. He left the meeting at 9.14pm and was not present for the consideration and voting on this Item.

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

- (a) That Council waive the \$131.00 ground hire fee and bond of \$244.00 for the Australian Asian Association of Bennelong for the use of Eastwood Oval on Saturday, 12 March 2016 in support of the Harmony Soccer Tournament during which a team representing the City of Ryde will be competing.
- (b) That the Australian Asian Association of Bennelong be informed in writing, of the Council's goodwill to waive the fee in support of this wonderful event.
- (c) That the City of Ryde promotes the event and the Council's team involvement through all media channels.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Li returned the meeting at 9.16pm.

**4 WESTERN SYDNEY WANDERERS FOOTBALL CLUB PTY LTD SCHOOLS CUP TOURNAMENT 2016 - Councillor Roy Maggio**

Note: Lindsay Donald (representing West Ryde Rovers Football Club) addressed the meeting in relation to this Item.

Note: Councillor Simon disclosed a Less than Significant Non-Pecuniary Interest in this Item, for the reason that he is a member of the Western Sydney Wanderers Club.

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

- (a) That City of Ryde waive the \$1,048.00 ground hire fee for Meadowbank Park (as a one off) for the Western Sydney Wanderers Football Club Pty Ltd Schools Cup tournament 2016 being supported and hosted by West Ryde Rovers Football Club.
- (b) That City of Ryde engages with Western Sydney Wanderers Football Club Pty Ltd Commercial Manager to develop strategic partnership and agreed terms for the future annual competitions in the Local Government Area.
- (c) That the City of Ryde initiate and work in conjunction as a partner with Western Sydney Wanderers Football Club Pty Ltd, West Ryde Rovers Football Club, Gladesville Hornsby Football Association and North West Sydney Women's Football Association on all promotional material to assist in promoting the event to all primary and secondary schools in the Local Government Area.
- (d) That the event be promoted on all City of Ryde media networks.

**Record of Voting:**

For the Motion: Unanimous

**NOTICE OF RESCISSION**

**1 NOTICE OF RESCISSION: NSW GOVERNMENT MERGER PROPOSAL - HUNTER'S HILL, LANE COVE AND CITY OF RYDE COUNCILS - Councillor Bill Pickering, Councillor Jane Stott, Councillor Craig Chung**

Note: Scott Bennison addressed the meeting in relation to this Item.

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

That Council rescind the previous resolution in relation to Item 1 Part (b) – NSW GOVERNMENT MERGER PROPOSAL – HUNTER'S HILL, LANE COVE AND CITY OF RYDE COUNCILS, passed at the Extraordinary Council Meeting held on 27 January 2016, namely:-

**1 NSW GOVERNMENT MERGER PROPOSAL – HUNTER’S HILL, LANE COVE AND CITY OF RYDE COUNCILS**

- (b) *That should the City of Ryde be forcibly amalgamated, City of Ryde’s preference is for a 15 member Council of 3 Wards, represented by 5 Councillors in each Ward. This 15 member Council will elect a Mayor from the Councillors elected, as exists currently with City of Ryde and Lane Cove Councils at present;*

On being put to the Meeting, the voting on the Motion was seven (7) votes For and five (5) votes Against. The Motion was **CARRIED**.

**Record of Voting:**

For the Motion: Councillors Chung, Etmekdjian, Maggio, Pickering, Salvestro-Martin, Stott and Yedelian OAM

Against the Motion: The Mayor, Councillor Laxale and Councillors Li, Pendleton, Perram and Simon

The matter was then **AT LARGE**.

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

- (b) That should the City of Ryde be forcibly amalgamated, City of Ryde’s preference is for a 15 member Council of 5 (five) wards, represented by 3 (three) Councillors in each Ward. This 15 member Council will elect a Mayor from the elected Councillors, as exists currently with City of Ryde and Lane Cove Councils.

**Record of Voting:**

For the Motion: Councillors Chung, Etmekdjian, Maggio, Pickering, Salvestro-Martin, Stott and Yedelian OAM

Against the Motion: The Mayor, Councillor Laxale and Councillors Li, Pendleton, Perram and Simon

**NOTICE OF MOTION**

**1 NSW GOVERNMENT MERGER PROPOSAL - HUNTER'S HILL, LANE COVE AND CITY OF RYDE COUNCILS - Councillor Bill Pickering**

Note: This Item was dealt with in conjunction with the Notice of Rescission 1: NSW Government Merger Proposal – Hunter’s Hill, Lane Cove and City of Ryde Councils as detailed earlier in these Minutes.

**5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 1/16 held on 16 February 2016**

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

That Council determine Item 6 of the Works and Community Committee report 1/16, held on 16 February 2016 noting that Items 1, 3, 4 and 5 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

**2 GRANT PROGRAM – ROADS AND MARITIME SERVICES – ACTIVE TRANSPORT PROGRAM**

Note: This Item was dealt with later in the meeting as detailed in these Minutes.

**6 21 WINBOURNE STREET, WEST RYDE. LDA2013/420 - CHILDCARE CENTRE TRAFFIC MANAGEMENT PLAN PRESENTED TO THE RYDE TRAFFIC COMMITTEE MEETING HELD ON 28 JANUARY 2016**

Note: Marlicia Travis (representing Marsden High School Parents and Citizens Association) addressed the meeting in relation to this Item.

Note: Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in this Item, for the reason that he knows the applicants father through the community.

Note: A petition containing approximately 50 signatures in relation to proposed changes to parking in Winbourne Street, West Ryde was tabled by the Mayor, Councillor Laxale and a copy is ON FILE.

Note: A Memorandum from the Director – City Works and Infrastructure dated 23 February 2016 was tabled in relation to this Item and a copy is ON FILE.

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

That consideration of this matter be deferred to allow further consultation to be undertaken with the applicant and the affected schools and local community and a further report to be presented to the Works and Community Committee as soon as practicable.

**Record of Voting:**

For the Motion: Unanimous

**MAYORAL MINUTE**

**3/16 GENERAL MANAGER'S PERFORMANCE REVIEW - December 2015 -  
The Mayor, Councillor Jerome Laxale**

**RESOLUTION:** (Moved by The Mayor, Councillor Laxale and Councillor Simon)

That Council note this Mayoral Minute and resolve to consider this matter in Closed Session at the end of the Council meeting, with only Councillors, the Manager - Strategic Human Resources and administrative staff present for consideration of this matter.

**Record of Voting:**

For the Motion: Unanimous

**COUNCIL REPORTS**

**1 CONFIRMATION OF MINUTES - Council Meeting held on 15 December 2015**

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

That the Minutes of the Council Meeting 21/15, held on 15 December 2015 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 27 January 2016**

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

That the Minutes of the Extraordinary Council Meeting 1/16, held on 27 January 2016 be confirmed.

**Record of Voting:**

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

Against the Motion: Councillor Maggio

**3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 1/16 held on 9 February 2016**

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

- (a) That Council determine Item 3 of the Planning and Environment Committee report 1/16, held on 9 February 2016 noting that Items 1 and 2 were dealt with by the Committee within its delegated powers.
- (b) That Item 3(3) – 87 Bowden Street and 2 MacPherson Street, Ryde be dealt with in Confidential Closed Session.

**Record of Voting:**

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

Against the Motion: Councillor Chung

**3 87 BOWDEN STREET & 2 MACPHERSON STREET, RYDE - LOT 17 DP663261 AND LOT 1 DP 327005. Development Application for demolition, and construction of a new part three/part-two storey child care centre with basement car park. LDA2015/0283.**

Note: This Item was dealt with later in the meeting in Confidential Closed Session as detailed in these Minutes.

**4 REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 1/16 held on 9 February 2016**

Note: Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in this Item, for the reason that her opposition to the redevelopment of the Civic Centre public land with the inclusion of high-rise residential development is consistent with her core commitment made to the electorate at the 2012 elections.

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

That Council determine all Items 1 and 2 of the Ryde Civic Hub Committee Meeting 1/16, held on 9 February 2016 in accordance with the Ryde Civic Hub Committee Terms of Reference.

**Record of Voting:**

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

Against the Motion: Councillor Perram

**1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 8 December 2015**

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

That the Minutes of the Ryde Civic Hub Committee 6/15, held on 8 December 2015, be confirmed.

**Record of Voting:**

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

Against the Motion: Councillor Perram

**2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION - STATUS REPORT 5 (FEBRUARY 2016)**

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

That the Ryde Civic Hub Committee receives and notes the content of Status Report 5 (February 2016).

**Record of Voting:**

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

Against the Motion: Councillor Perram

**5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 1/16 held on 16 February 2016**

Note: Councillor Stott left the meeting at 10.21pm and was not present for consideration or voting on this Item.

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

That Council determine Item 2 of the Works and Community Committee report 1/16, held on 16 February 2016 noting that Items 1, 3, 4 and 5 were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

## **2 GRANT PROGRAM - ROADS AND MARITIME SERVICES - ACTIVE TRANSPORT PROGRAM**

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

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

- (a) That Council accepts the grant funding from the Roads and Maritime Service (RMS) as follows:
  - i) \$70,000 under their 2015-2016 Active Transport Program
  - ii) \$15,846 under their 2015-2016 Sydney Region Road Safety Program
- (b) That the funding received from the RMS be consolidated as an income and increased program expenditure budget at the next Quarterly Review within the Paths and Cycleways Program – Cycleways Construction Expansion – Hermitage Road, West Ryde – Shared user path \$70,000.
- (c) That matching funding of \$70,000 be approved by Council and allocated from the Paths and Cycleways Program – Shared user path \$70,000.
- (d) That the funding received from the RMS be consolidated as an income and increased program expenditure budget at the next Quarterly Review within the Traffic and Transport Program – Traffic and Pedestrian Study \$15,846.

### **Record of Voting:**

For the Motion: Unanimous

## **6 21 WINBOURNE STREET, WEST RYDE. LDA2013/420 - CHILDCARE CENTRE TRAFFIC MANAGEMENT PLAN PRESENTED TO THE RYDE TRAFFIC COMMITTEE MEETING HELD ON 28 JANUARY 2016**

Note: This Item was dealt with earlier in the meeting as detailed in these Minutes.

**6 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING  
1/16 held on 16 February 2016**

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

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

That Council determine Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 of the Finance and Governance Committee Meeting 1/16, held on 16 February 2016 in accordance with the Finance and Governance Committee Terms of Reference.

**Record of Voting:**

For the Motion: Unanimous

**1 CONFIRMATION OF MINUTES - Finance and Governance  
Committee Meeting held on 15 December 2015**

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

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

That the Minutes of the Finance and Governance Committee 3/15, held on 15 December 2015, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**2 INVESTMENT REPORT - December 2015**

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

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

That Council endorse the report of the Chief Financial Officer dated 18 January 2016 on Investment Report – December 2015.

**Record of Voting:**

For the Motion: Unanimous

### **3 INVESTMENT REPORT - January 2016**

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

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

That Council endorse the report of the Chief Financial Officer dated 18 January 2016 on Investment Report – January 2016.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Stott returned to the meeting at 10.28pm.

### **4 DECEMBER QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PLAN 2015-2019 AND 2015/2016 OPERATIONAL PLAN**

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

- (a) That the report of the Acting Chief Financial Officer dated 31 December 2015 on the December Quarterly Review Report - Four Year Delivery Plan 2015-2019 and One Year Operational Plan 2015/2016, *Quarter Two, October – December 2015* be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in a net increase of \$0.04 million to Council's Working Capital for a projected balance as at 30 June 2016 of \$3.11 million, be endorsed and included in the 2015/2016 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 \$18.42 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer dated 27 January 2016 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: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Li, Perram, Pickering, Salvestro-Martin, Simon, Stott, Yedelian OAM

Against the Motion: Councillors Maggio and Pendleton

## **5 STRENGTHENING RYDE - Quarterly update December 2015**

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

That Council note the progress and status of each project within the Strengthening Ryde initiative.

### **Record of Voting:**

For the Motion: Unanimous

## **6 COUNCIL'S SUBSIDIES AND DISCOUNTS IN SERVICES - PART 2**

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

- (a) That Council note the estimated total annual Community Service Obligations (CSOs), including cost shifting costs, CSOs from Fees and Charges and other sponsorships, community grants and subsidies provided by the City of Ryde and as detailed in the report, is estimated at \$24.56 million annually.
- (b) That Council, as a result of this report, maintain the current level of Community Service Obligations across its operations for the 2016/2017 financial year.
- (c) That the General Manager investigate options on how Council could improve its Community Service Obligations and provide a further report back to Council by September 2016.
- (d) That the General Manager continue to refine Council's calculations of its estimated Community Service Obligations (CSOs) across all of Council's operations.
- (e) That Council endorse the interim principles that underpin the provision of CSOs for the City of Ryde for the 2016/2017 budget process, as detailed in the report.

### **Record of Voting:**

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

Against the Motion: Councillor Maggio

## **7 MORRISON BAY PARK - NEW SPORTS FIELDS LIGHTING FEES AND CHARGES**

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

- (a) That Council place on public exhibition the fee and charge for sports field lighting at Morrison Bay Park as detailed in this report for a period of not less than 28 days.
- (b) That should no submissions opposing the fee implementation be made during the public exhibition process, Council introduce the fee as proposed for the 2016 winter season.
- (c) That Council, consistent with its adopted policy position, charge appropriate fees across all sportsground floodlighting from 1 July 2016, to recover all direct costs and that a further report be presented to Council after six (6) months of operation.

### **Record of Voting:**

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

Against the Motion: Councillor Maggio

## **8 COR-EOI-05/15 FOR THE ESTABLISHMENT OF A PANEL OF CONTRACTORS TO PROVIDE PROFESSIONAL SERVICES**

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

That Council defer consideration of this Item to Confidential Closed Session.

### **Record of Voting:**

For the Motion: Unanimous

## **9 SALE OF LAND FOR UNPAID RATES**

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

That Council defer consideration of this Item to Confidential Closed Session.

### **Record of Voting:**

For the Motion: Unanimous

## **10 ADVICE ON COURT ACTIONS**

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

That Council defer consideration of this Item to Confidential Closed Session.

**Record of Voting:**

For the Motion: Unanimous

## **11 WEEKEND SEMINAR FOR COUNCILLORS: 26-27 FEBRUARY 2016**

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

That Council endorse the attendance of Councillor Stott at the LGNSW *Councillors' Weekend Seminar* on 26-27 February 2016.

**Record of Voting:**

For the Motion: Unanimous

## **12 REVIEW OF LOCAL GOVERNMENT ACT - PHASE 1**

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

That Council endorse the **ATTACHED** draft responses to be provided to the Office of Local Government.

**Record of Voting:**

For the Motion: Unanimous

## **PRECIS OF CORRESPONDENCE**

### **1 HERRING ROAD URBAN ACTIVATION PRECINCT - LETTER FROM THE HON ROB STOKES MP**

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

That the correspondence from the Hon. Rob Stokes MP, dated 29 January 2016, be received and noted.

**Record of Voting:**

For the Motion: Unanimous

## **LATE PRECIS OF CORRESPONDENCE**

### **2 LETTER FROM THE HON. PAUL TOOLE MP REGARDING FIT FOR THE FUTURE**

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

### **3 LETTER FROM DEPARTMENT OF PLANNING AND ENVIRONMENT REGARDING ESTABLISHMENT OF THE GREATER SYDNEY COMMISSION AND APPOINTMENT OF NORTH DISTRICT COMMISSIONER**

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

## **NOTICE OF MOTION**

### **2 PREPARATION OF CONCEPT DESIGN FOR SHARED USER PATHWAY, SHRIMPTONS CREEK TO BLAXLAND ROAD, EASTWOOD**

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

- (a) That Council officers prepare a concept design for the proposed shared user pathway described in the City of Ryde Bicycle Strategy 2014 for the open space land and all connecting roadways located within the County Road easement between the existing Shrimptons Creek path and Blaxland Road, Eastwood.
- (b) That the Concept Design be presented to the Works and Community Committee before the end of August 2016.

**Record of Voting:**

For the Motion: Unanimous

## **CLOSED SESSION**

### **MAYORAL MINUTE 2/16 – URGENT REVIEW OF ITEMS OF THE LOCAL HERITAGE SIGNIFICANCE NOT LISTED UNDER THE RYDE LOCAL ENVIRONMENT PLAN**

#### **Confidential**

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

### **ITEM 3(3) – 87 BOWDEN STREET AND 2 MACPHERSON STREET, RYDE. LDA2015/0283.**

#### **Confidential**

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

### **ITEM 6(8) - COR-EOI-05/15 FOR THE ESTABLISHMENT OF A PANEL OF CONTRACTORS TO PROVIDE PROFESSIONAL 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: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

### **ITEM 6(9) - SALE OF LAND FOR UNPAID RATES**

#### **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).

## **ITEM 6(10) - ADVICE ON COURT ACTIONS**

### **Confidential**

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

## **MAYORAL MINUTE 3/16 – GENERAL MANAGER’S PERFORMANCE REVIEW – DECEMBER 2015**

### **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).

## **ADJOURNMENT**

The Chairperson, Councillor Laxale left the meeting at 10.53pm and the meeting was adjourned.

**Councillors Present:** Councillors Chung, Etmekdjian, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon, Stott and Yedelian OAM.

## **MEETING RECONVENED**

The Mayor, Councillor Laxale returned to the meeting at 10.55pm and the meeting was reconvened.

The following Councillors were present:

The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon, Stott and Yedelian OAM.

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

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 10.55pm. The public and media left the chamber.

### **MAYORAL MINUTES**

#### **2/16 URGENT REVIEW OF ITEMS OF LOCAL HERITAGE SIGNIFICANCE NOT LISTED UNDER THE RYDE LOCAL ENVIRONMENTAL PLAN - The Mayor, Councillor Jerome Laxale**

Note: Justin Ng, Alan Holroyd, Kevin Shaw (representing Ryde District Historical Society), Suellen Hazell, Louise Haynes, Derek Styles and Doriana Donnelly addressed the meeting in relation to this Item.

Note: A document regarding the City of Ryde 2010 Heritage Study / Properties of Significance was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from Planning Ingenuity Pty Ltd dated 22 June 2015 was tabled by Justin Ng in relation to this Item and a copy is ON FILE.

Note: A petition containing approximately 400 signatures was tabled by Councillor Chung in relation to this Item and a copy is ON FILE.

**MOTION:** (Moved by The Mayor, Councillor Laxale and Councillor Simon)

- (a) That Council reverse its 2010 resolution that prevents consideration of previously identified properties for listing and also requires owners consent prior to the listing of any heritage item, and directs/delegates to the General Manager to take immediate action to place an Interim Heritage Order over 87 Bowden Street, Meadowbank and resolve to list the property as an item of local heritage significance within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014.
- (b) That Council as part of its obligations to protect and conserve the heritage of this City review the properties identified in the 2010 Heritage Study that have heritage significance and all related heritage policies and procedures that have been adopted since that time.
- (c) That the General Manager prepare a report to Council before August 2016 that investigates the heritage significance of the properties identified in the 2010 Heritage Study and recommends the listing of heritage items within Ryde Local Environmental Plan 2014.

**AMENDMENT:** (Moved by Councillors Chung and Salvestro-Martin)

- (a) That Council delegate authority to the General Manager to take all necessary action to place an Interim Heritage Order over 87 Bowden Street, Meadowbank.

- (b) That Council resolve to list the property at 87 Bowden Street, Meadowbank as an item of local heritage significance within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014, notwithstanding that owners consent has not been received and that Council had previously resolved to not revisit the heritage significance of the property.
- (c) That Council as part of its obligations to protect and conserve the heritage of this City review the properties identified in the 2010 Heritage Study that have heritage significance, inclusive of a review of its previous 2010 resolution that prevents consideration of previously identified properties for listing, requires owners consent prior to the listing of any heritage item and reviews all related heritage policies and procedures that have been adopted since that time.
- (d) That the General Manager prepare a workshop to Council before August 2016 that investigates the heritage significance of the properties identified in the 2010 Heritage Study and recommends the listing of heritage items within Ryde Local Environmental Plan 2014.

On being put to the Meeting, the voting on the Amendment was seven (7) For and five (5) Against. The Amendment was **CARRIED** and then became the Motion.

**Record of Voting:**

For the Amendment: Councillors Chung, Etmekdjian, Perram, Pickering, Salvestro-Martin, Stott, Yedelian OAM

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

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

That the Motion be dealt with in seriatim.

**Record of Voting:**

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

Against the Motion: The Mayor, Councillor Laxale and Councillors Maggio, Pendleton, Simon and Stott

Note: The Item was then dealt with in Seriatim.

**RECOMMENDATION:** (Moved by Councillors Chung and Salvestro-Martin)

- (a) That Council delegate authority to the General Manager to take all necessary action to place an Interim Heritage Order over 87 Bowden Street, Meadowbank.

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Perram, Pendleton, Salvestro-Martin and Simon

Against the Motion: Councillors Li, Maggio, Pickering, Stott and Yedelian  
OAM

**RECOMMENDATION:** (Moved by Councillors Chung and Salvestro-Martin)

- (b) That Council resolve to list the property at 87 Bowden Street, Meadowbank as an item of local heritage significance within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014, notwithstanding that owners consent has not been received and that Council had previously resolved to not revisit the heritage significance of the property.

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Perram, Pendleton, Salvestro-Martin and Simon

Against the Motion: Councillors Li, Maggio, Pickering, Stott and Yedelian  
OAM

**MOTION:** (Moved by Councillors Chung and Salvestro-Martin)

- (c) That Council as part of its obligations to protect and conserve the heritage of this City review the properties identified in the 2010 Heritage Study that have heritage significance, inclusive of a review of its previous 2010 resolution that prevents consideration of previously identified properties for listing, requires owners consent prior to the listing of any heritage item and reviews all related heritage policies and procedures that have been adopted since that time.

On being put to the Meeting, the voting on the Motion was three (3) For and nine (9) Against. The Motion was **LOST**.

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

Against the Motion: Councillors Chung, Etmekdjian, Li, Maggio, Perram, Pickering, Salvestro-Martin, Stott and Yedelian  
OAM

**MOTION:** (Moved by Councillors Chung and Salvestro-Martin)

- (d) That the General Manager prepare a workshop to Council before August 2016 that investigates the heritage significance of the properties identified in the 2010 Heritage Study and recommends the listing of heritage items within Ryde Local Environmental Plan 2014.

On being put to the Meeting, the voting on the Motion was three (3) For and nine (9) Against. The Motion was **LOST**.

**Record of Voting:**

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

Against the Motion: Councillors Chung, Etmekdjian, Li, Maggio, Perram, Pickering, Salvestro-Martin, Stott and Yedelian OAM

**RECOMMENDATION:** (Moved by Councillors Chung and Salvestro-Martin)

- (a) That Council delegate authority to the General Manager to take all necessary action to place an Interim Heritage Order over 87 Bowden Street, Meadowbank.
- (b) That Council resolve to list the property at 87 Bowden Street, Meadowbank as an item of local heritage significance within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014, notwithstanding that owners consent has not been received and that Council had previously resolved to not revisit the heritage significance of the property.

## **COUNCIL REPORTS**

### **3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 1/16 held on 9 February 2016**

#### **3 87 BOWDEN STREET & 2 MACPHERSON STREET, RYDE - LOT 17 DP663261 AND LOT 1 DP 327005. Development Application for demolition, and construction of a new part three/part-two storey child care centre with basement car park. LDA2015/0283.**

Note: Councillor Simon disclosed a Less than Significant Non-Pecuniary Interest in this Item, for the reason that he plays soccer with one of the objectors.

Note: A petition containing approximately 400 signatures was tabled by Councillor Chung in relation to this Item and a copy is ON FILE.

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

- (a) That LDA2015/283 at 87 Bowden Street and 2 MacPherson Street, Ryde being LOT 17 DP663261 and LOT 1 DP 327005 be refused for the following reasons:
1. Insufficient information has been submitted to enable Council to make a full and proper assessment of the application. Specifically, a Heritage Impact Statement has not been submitted with the application, and therefore Council is unable to make a proper assessment of the impact on nearby heritage items, or on the possible heritage significance of the existing dwelling on the subject site.
  2. The development is unacceptable in terms of non-compliance with Ryde Development Control Plan 2014. Specifically:
    - (a) Signed undertaking regarding compliance with the Childrens Services Regulation 2004 or the requirements of DOCS;
    - (b) Preferred locations for larger centres in residential areas;
    - (c) Crime Prevention through Environmental Design (CPTED) principles;
    - (d) Height requirements in for child care centres in low density residential areas;
    - (e) Built form controls in residential areas:
      - Height
      - Setbacks
      - Acoustic privacy (elevated play areas)
      - Underground parking;
    - (f) Play areas within the front setback;
    - (g) Centre facilities (cot rooms);
    - (h) Waste Management Plan and waste storage arrangements;
  3. The proposal is unacceptable in terms of traffic issues, specifically, traffic generated from the proposed development and also impacts of vehicle movements on the local road network during peak periods.
  4. The proposal is unacceptable in terms of the amount and extent of excavation proposed, specifically regarding the basement level carpark.

5. The proposal is unacceptable in terms of the number of children proposed in the centre, specifically which will lead to unacceptable amenity impacts on neighbouring properties (in particular noise), as well as excessive traffic generation and vehicle movements during peak periods.
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

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

Against the Motion: Councillor Maggio

**6 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING  
1/16 held on 16 February 2016**

**8 COR-EOI-05/15 FOR THE ESTABLISHMENT OF A PANEL OF  
CONTRACTORS TO PROVIDE PROFESSIONAL SERVICES**

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

- (a) That the report for the Establishment of a Panel of Contractors to Provide Professional Services be received and noted.
- (b) That the Panel of Contractors to Provide Professional Services from the contractors outlined in the **Confidential ATTACHMENT** to the report be accepted on an 'as required' basis to undertake minor projects'.
- (c) That the preferred contractors be advised that work will be allocated to them on as on 'as required' basis, following consideration at the time of the type of work, price, availability, relevant areas of expertise.
- (d) That the preferred contractors provide details of the required insurances (i.e. Public Liability, Workers Compensation and Professional Indemnity), and other conforming documents for approval within 14 days from the date of acceptance of the Expression of Interest.
- (e) That Council delegate to the Appropriate Officer, based on level of financial delegation, the authority to enter into a contract with the preferred contractors on the terms contained within the Expression of Interest and for minor amendments to be made to the contract documents that are not of a material nature.
- (f) That Council advise all the respondents of Council's decision.

**Record of Voting:**

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

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

**9 SALE OF LAND FOR UNPAID RATES**

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

- (a) That Council endorse the properties listed in the report and in **ATTACHMENT 1** to progress to be sold at public auction, due to unpaid rates for more than five years.
- (b) That Council endorse the reserve price for each property to be sold for unpaid rates as detailed in **ATTACHMENT 1**.
- (c) That Council grant a Power of Attorney to Council's General Manager, Gail Connolly and General Counsel, Paul Kapetas, specifically for the purpose of signing contracts for the sale of properties for unpaid rates as identified in this report and to affix Council's Seal to both Power of Attorney Instruments.
- (d) That Council delegate to the General Manager the authority to negotiate the sale of any of the properties detailed in part (a) of the recommendation, by private treaty as a result of not being sold at public auction, within the reserve price set by Council.

**Record of Voting:**

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

Against the Motion: Councillors Maggio and Yedelian OAM

## **10 ADVICE ON COURT ACTIONS**

**RECOMMENDATION:** (Moved by Councillors Stott and Simon)

That the report of the General Counsel be received.

### **Record of Voting:**

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

Against the Motion: Councillor Maggio

## **EXTENSION OF TIME – COMPLETION OF BUSINESS**

Note: Councillor Salvestro-Martin left the meeting at 11.42pm and was not present for consideration or voting on this Item.

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

That Council extend the meeting closing time to allow the completion of all business, the time being 11.42pm.

### **Record of Voting:**

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

Against the Motion: Councillor Maggio

## **STAFF PRESENT**

Note: All staff with the exception of the Manager – Strategic Human Resources, Senior Coordinator – Governance (administrative staff) and Governance, Risk and Audit Coordinator (administrative staff), left the meeting the time being 11.44pm.

Note: Councillor Salvestro-Martin returned to the meeting at 11.45pm.

## **MAYORAL MINUTES**

### **3/16 GENERAL MANAGER'S PERFORMANCE REVIEW – December 2015**

Note: Councillor Maggio left the meeting at 11.52pm and did not return. He was not present for voting on this Item.

**RECOMMENDATION:** (Moved by The Mayor, Councillor Laxale and Councillor Simon)

- (a) That Council note the Performance Review Report provided by McArthur and Associates, that includes the assessment made by the Councillors present at the review meeting (as attached to this report).
- (b) That Council acknowledge the Performance Review Rating of “Very Satisfactory” for the General Manager as a result of this performance review, noting that such a rating enables Council to apply a discretionary increase to the General Manager’s Annual Total Remuneration Package (ATRP) as per Clause 8.3 of the General Manager’s Contract of Employment.
- (c) That in view of Part (b) above, Council apply a discretionary increase of 5% to the General Manager’s ATRP, with such an increase to take effect from the commencement of the next pay period on 7 March 2016.

#### **Record of Voting:**

For the Motion: Unanimous

Note: Councillor Li left at 11.57pm and did not return.

## **OPEN SESSION**

Note: Councillors Li and Maggio were not present for the consideration and voting on this Item.

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

That Council resolve itself into open Council.

#### **Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 11.56pm.

Note: Councillors Li and Maggio were not present for the consideration and voting on this Item.

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

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

**Record of Voting:**

For the Motion: Unanimous

**NATIONAL ANTHEM**

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

The meeting closed at 11.58pm.

CONFIRMED THIS 22ND DAY OF MARCH 2016

Chairperson