

Meeting Date: Tuesday 28 May 2019
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.03pm

Councillors Present: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Lane, Maggio, Moujalli, Pedersen, Purcell, Yedelian OAM and Zhou.

Apologies: Nil.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, General Counsel, Chief Financial Officer, Manager – Communications and Engagement, Manager – Community and Ranger Services, Manager – Urban Strategy, Manager – Parks, Manager – Strategic Property, Senior Coordinator – Ranger and Parking Services, Senior Coordinator – Communications, Development Contributions Coordinator, Executive Officer – Ryde Central, Property Delivery Project Manager, Communications Coordinator, Civic Services Manager, Civic Support Officer and Civic Support Assistant.

PRAYER

Reverend Mal York from the West Ryde Anglican Church was present and offered prayer prior to the commencement of the meeting.

NATIONAL ANTHEM

The National Anthem was sung prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Pedersen disclosed a Significant Non-Pecuniary Interest in Notice of Motion 1 – New Nominee for the Bicycle Advisory Committee for the reason that the new nominee for the Committee is a friend that she socialises with.

Councillor Zhou disclosed a Less than Significant Non-Pecuniary Interest in Item 12 – YUHU Voluntary Planning Agreement incorporating Eastwood Plaza Upgrade, 5 Affordable Housing Apartments and Public Domain Upgrades – Post Exhibition Report for the reason that he knows Mr Xiangmo Huang as a Chinese Community Leader, who is believed to be a family member of the current owner of YUHU Group.

TABLING OF PETITIONS

Councillor Maggio tabled a petition containing 45 signatures from the Wattle Street residents regarding the new Anzac Park Playground location and a copy is ON FILE.

PRESENTATION FOR BUY A BALE

The General Manager of Rural Aid, Mr Wayne Thomson made a presentation to Council to express his charity's appreciation for the generosity of the Ryde Community.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Alison Pryor (representing Bike North, Ryde Workgroup)	Mayoral Minute 11/19 – Installation of Safety Mirror on shared path in Symons Reserve
Denise Pendleton	Item 5 – Report of the Ryde Central Committee Meeting
Murray Donaldson (representing Yuhu Property Australia Pty Ltd)	Item 12 – Yuhu Voluntary Planning Agreement incorporating Eastwood Plaza upgrade, 5 Affordable Housing Apartments and Public Domain Upgrades – Post Exhibition Report
Pamela Reeves	Notice of Motion 2 – Climate Emergency Declaration
Peter Watkins (representing St Charles Catholic Primary School, Ryde)	Notice of Motion 5 – Our Lady, Queen of Peace Primary School
Bev Debrincat (representing Habitat Network)	Notice of Rescission 1 – Request for Removal of Trees
Phil Lester	Notice of Rescission 1 – Request for Removal of Trees

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Laurence Heffernan	The noise associated with Meadowbank skate park in the evenings, reverberating throughout the homes of residents in close proximity to the park along Constitution Road
Lyndal Evatt (representing Wattle Street Seniors Residents' Group)	Anzac Park Playground location. Querying Council's process for petitions and related motions carried. Inclusion for disabled and aged in park. 22-25 May consultation sessions facing Anzac Avenue and weekend telephone contact from Council's staff.

Note: Mr Heffernan circulated a document to Councillors and a copy is ON FILE.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That the speakers who submitted Requests to Address Council on Items Listed on the Agenda after the midday deadline be allowed to address the meeting, the time being 7.41pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Phillip Shin (representing Federation of Korean Society of Oceania Inc.)	Notice of Motion 3 – Senior Citizen’s Community Project
Youn Kyuong Lee (representing Harmony Group, West Ryde)	Notice of Motion 3 – Senior Citizen’s Community Project

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

That Council now consider the following Items, the time being 7.47pm:-

- Mayoral Minute 11/19 – Installation of Safety Mirror on shared path in Symons Reserve
- Item 5 – Report of the Ryde Central Committee Meeting
- Item 12 – YUHU Voluntary Planning Agreement incorporating Eastwood Plaza Upgrade, 5 Affordable Housing Apartments and Public Domain Upgrades – Post Exhibition Report
- Notice of Motion 2 – Climate Emergency Declaration
- Notice of Motion 5 – Our Lady, Queen of Peace Primary School
- Notice of Rescission 1 – Request for Removal of Trees
- Notice of Motion 3 – Senior Citizen’s Community Project

Record of the Voting:

For the Motion: Unanimous

MAYORAL MINUTE

11/19 INSTALLATION OF SAFETY MIRROR ON SHARED PATH IN SYMONS RESERVE - Mayor, Councillor Jerome Laxale

Note: Alison Pryor (representing Bike North, Ryde Workgroup) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by The Mayor, Councillor Jerome Laxale)

- (a) That Council install a convex mirror at the site of the blind corner on the Symons Reserve shared path.
- (b) That the General Manager fund this project through General Revenue, or any other appropriate funding source.

Record of the Voting:

For the Motion: Unanimous

COUNCIL REPORTS

5 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 4/19 held on 14 May 2019

RESOLUTION: (Moved by Councillors Gordon and Clifton)

That Council determine Items 1 and 3 of the Ryde Central Committee Meeting 4/19, held on 14 May 2019 noting that Item 2 – Items Put Without Debate is not required to be considered by Council.

Record for the Voting:

For the Motion: Unanimous

1 CONFIRMATION OF MINUTES - Ryde Central Committee Meeting held on 9 April 2019

RESOLUTION: (Moved by Councillors Gordon and Purcell)

That the Minutes of the Ryde Central Committee Meeting 3/19, held on 9 April 2019, be confirmed.

Record for the Voting:

For the Motion: Unanimous

3 RYDE CENTRAL PROJECT UPDATE

Note: Denise Pendleton addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Gordon and Purcell)

That Council receives and notes this report.

Record for the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Lane, Moujalli, Maggio, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillor Brown

12 YUHU VOLUNTARY PLANNING AGREEMENT INCORPORATING EASTWOOD PLAZA UPGRADE, 5 AFFORDABLE HOUSING APARTMENTS AND PUBLIC DOMAIN UPGRADES - POST EXHIBITION REPORT

Note: Murray Donaldson (representing YUHU Property Australia Pty Ltd) addressed the meeting in relation to this Item.

Note: Councillor Zhou disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he knows Mr Xiangmo Huang as a Chinese Community Leader, who is believed to be a family member of the current owner of YUHU Group. He left the meeting at 7.56pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Gordon)

- (a) That Council accept the Voluntary Planning Agreement detailed in **ATTACHMENTS 3 to 9** as agreed with YUHU Property (Australia) Pty Ltd, being made in accordance with their Letter of offer dated 13 January 2018 in relation to Development Application LDA2016/378 at 152-186 Rowe Street and 3-5 Rutledge Street, Eastwood.
- (b) That Council delegate authority to the General Manager to:
 - (i) Negotiate and authorise any changes to the Voluntary Planning Agreement (including the Functional Brief) resulting from its public exhibition, provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in the Planning Agreement and a larger water feature.

- (ii) Subsequently enter into the Voluntary Planning Agreement on behalf of Council.
- (c) That upon transfer of ownership to Council of the key worker housing apartments at 152-186 Rowe Street and 3-5 Rutledge Street, Eastwood, public notification of the intention to classify the land as operational, in accordance with Section 34 of the Local Government Act 1993 be undertaken.
- (d) That the key worker housing apartments at 152-186 Rowe Street and 3-5 Rutledge Street, Eastwood, be classified as operational land, subject to no objecting submissions during the notification period.
- (e) That the detailed design be provided to Council for endorsement prior to its finalisation.
- (f) That YUHU Property (Australia) Pty Ltd be informed of Council's decision.

Record of the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Maggio, Pedersen and Purcell

Against the Motion: Councillors Brown, Lane, Moujalli and Yedelian OAM

Note: Councillor Zhou returned to the meeting at 8.11pm.

NOTICES OF MOTION

2 CLIMATE EMERGENCY DECLARATION - Councillor Christopher Gordon

Note: Pamela Reeves addressed the meeting in relation to this Item.

Note: Councillor Zhou left the meeting at 8.45pm and was not present for consideration or voting on this Item.

MOTION: (Moved by Councillors Gordon and Clifton)

- (a) That Council publicly acknowledges that we are in a state of climate emergency that requires urgent action by all levels of government; that human induced climate change represents one of the greatest threats to humanity, civilisation and other species; and that it is still possible to prevent the most catastrophic outcomes if societies, including local councils, take emergency action.
- (b) That a report be brought back to Council which examines how Council plans, policies and works programs can address the climate emergency, and ensure this is embedded into future Council strategic plans.

AMENDMENT: (Moved by Councillors Lane and Yedelian OAM)

- (a) That Council publicly acknowledges that we are in a state of climate emergency that requires urgent action by all levels of government; that human induced climate change represents one of the greatest threats to humanity, civilisation and other species; and that it is still possible to prevent the most catastrophic outcomes if societies, including local councils, take emergency action.
- (b) That Council acknowledges the re-election of the Federal Coalition Government means the continuation of the Communities Environment Program, a \$22 million program that in 2019-20 will deliver a wide range of on-ground projects that conserve, protect and sustainably manage our environment.
- (c) That Council expresses regret for not working collaboratively with the local Federal member of Parliament to apply for up to \$150,000 in grant funding for waste and litter reduction; protecting native animals, including our threatened species; addressing weeds and pest animals; restoring and improving coasts, wetlands, riverbanks and waterways; and greening parks and urban areas.
- (d) That in addition to committing to continuous improvement within all facets of Council operations to address the climate emergency, and ensure this is embedded into future Council strategic plans, that the General Manager report back to Council on how the organisation will work more collaboratively with the State and Federal Government's to address climate change, specifically by putting politics aside, and formally expressing interest in the Communities Environment Program, or similar initiatives.

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 the Voting:

For the Amendment: Councillors Brown, Lane and Yedelian OAM

Against the Amendment: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Maggio, Moujalli, Pedersen and Purcell

RESOLUTION: (Moved by Councillors Gordon and Clifton)

- (a) That Council publicly acknowledges that we are in a state of climate emergency that requires urgent action by all levels of government; that human induced climate change represents one of the greatest threats to humanity, civilisation and other species; and that it is still possible to prevent the most catastrophic outcomes if societies, including local councils, take emergency action.

- (b) That a report be brought back to Council which examines how Council plans, policies and works programs can address the climate emergency, and ensure this is embedded into future Council strategic plans.

Record of the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Maggio, Pedersen, Purcell and Yedelian OAM

Against the Motion: Councillors Lane and Moujalli

Note: Councillor Zhou returned to the meeting at 8.50pm.

5 OUR LADY, QUEEN OF PEACE PRIMARY SCHOOL – Councillor Roy Maggio

Note: Peter Watkins (representing St Charles Catholic Primary School, Ryde) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Purcell)

- (a) That Council request Roads and Maritime Services to investigate incorporating pedestrian facilities into the traffic signals at the intersection of Victoria Road and Westminster Road that will allow for safe pedestrian movement across Westminster Road for school pupils from Our Lady Queen of Peace Primary School and others.
- (b) That Council staff liaise with the school and advise them as to the process and fees for the installation of bow tie line marking across the driveway to the School on Westminster Road to ensure unrestricted access for delivery vehicles to the school.
- (c) That Council request the RMS undertake investigations as soon as possible.
- (d) That Council waive the bow tie line marking fee and fund it from an appropriate funding source.

Record of the Voting:

For the Motion: Unanimous

NOTICE OF RESCISSION

1 NOTICE OF RESCISSION: REQUEST FOR REMOVAL OF TREES - Councillor Roy Maggio, Councillor Trenton Brown, Councillor Sarkis Yedelian OAM

Note: Bev Debrincat (representing Habitat Network) and Phil Lester addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council rescind the previous resolution in relation to Item 10 – REQUEST FOR REMOVAL OF TREES, passed at the Works and Community Committee Meeting held on 9 April 2019, namely:-

10 REQUEST FOR REMOVAL OF TREES

- (a) *That Council support the retention of the Eucalyptus Saligna (Sydney Blue Gum located on the nature strip verge at the front of 32 Osborne Avenue, Putney.*
- (b) *That a bi-annual inspection of the tree be undertaken by a Council arborist and all necessary pruning works be undertaken as required and in accordance with the relevant Australian Standards.*

On being put to the meeting, the voting on the Motion was five (5) for and seven (7) against. The Motion was **LOST**.

Record of the Voting:

For the Motion: Councillors Brown, Lane, Maggio, Moujalli and Yedelian OAM

Against the Motion: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Pedersen, Purcell and Zhou

NOTICE OF MOTION

3 SENIOR CITIZEN'S COMMUNITY PROJECT - Councillor Dr Peter Kim

Note: Phillip Shin (representing Federation of Korean Society of Oceania Inc.) and Youn Kyuon Lee (representing Harmony Group, West Ryde) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Kim and Purcell)

- (a) That Council considers supporting the 'Federation of Korean Societies of Oceania Inc' in delivering a Community Project which works towards building a cohesive and connected community based on the principles of inclusion, enhancing community wellbeing and cultural capacity building.

- (b) That with respect to part (a) above, that Council staff contact the 'Federation of Korean Societies of Oceania Inc' to discuss this Community Project to be held in October 2019.
- (c) That the 'Federation of Korean Societies of Oceania Inc' be invited to apply for a Grant through the Community Grants process, noting that this application would fall outside of the existing grant rounds.
- (d) That subject to the grant application complying with assessment criteria outlined in the Community Grants Policy 2019, Community Projects category, Council allocate \$5,000 for the project from the 2019/20 Community Grants budget.

Record of the Voting:

For the Motion: Unanimous

MAYORAL MINUTES

10/19 FEDERAL ELECTION - SEAT OF BENNELONG - Mayor, Councillor Jerome Laxale

RESOLUTION: (Moved by the Mayor, Councillor Jerome Laxale and Councillor Yedelian OAM)

That Council endorse the messages of congratulations written by Mayor Laxale to Prime Minister Morrison and the Member for Bennelong - Mr Alexander OAM on their re-election to Parliament.

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

Record of the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Maggio, Lane, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillor Moujalli

11/19 INSTALLATION OF SAFETY MIRROR ON SHARED PATH IN SYMONS RESERVE - Mayor, Councillor Jerome Laxale

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

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 30 April 2019

RESOLUTION: (Moved by Councillors Lane and Brown)

That consideration of this Item be deferred until the next Council Meeting to be held on 25 June 2019.

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

Record of the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Lane, Maggio, Moujalli, Pedersen, Purcell and Zhou

Against the Motion: Councillor Yedelian OAM

2 ITEMS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Kim and Purcell)

That Council adopts Items 3, 3(6), 4, 4(1), 4(3), 4(4), 4(5), 6, 7, 10, Notice of Motion 4, Notice of Motion 8, Notice of Motion 9 and Item 15 on the Council Agenda as per the recommendations in the reports.

Record for the Voting:

For the Motion: Unanimous

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/19 held on 14 May 2019

RESOLUTION: (Moved by Councillors Kim and Purcell)

That Council determine Item 6 of the Works and Community Committee report 4/19, held on 14 May 2019 noting that Items 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12 and 13 were dealt with by the Committee within its delegated powers.

Record for the Voting:

For the Motion: Unanimous

6 ELS HALL PARK, GREENWOOD PARK AND BOOTH RESERVE MASTERPLAN

RESOLUTION: (Moved by Councillors Kim and Purcell)

- (a) That Council endorses the ELS Hall Park, Greenwood Park and Booth Reserve Masterplan and associated Masterplan Report.
- (b) That Council amends the draft Four Year Delivery plan (2019 – 2023) to add \$170,000 for the detailed design of the upper amenities building at ELS Hall Park in 2019/20.
- (c) That Council writes to all members of the public that made a submission on the project notifying them of this resolution and thanking them for their participation in the project.
- (d) That Council staff write to the relevant agencies of the NSW Government to determine the feasibility of incorporating the land immediately adjacent to ELS Hall Park and Booth Reserve into the park for community use.

Record for the Voting:

For the Motion: Unanimous

4 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 4/19 held on 14 May 2019

RESOLUTION: (Moved by Councillors Kim and Purcell)

That Council determine Items 1, 3, 4, 5 and 6 of the Finance and Governance Committee Meeting 4/19, held on 14 May 2019 noting that Item 2 – Items Put Without Debate is not required to be considered by Council.

Record for the Voting:

For the Motion: Unanimous

**1 CONFIRMATION OF MINUTES - Finance and Governance
Committee Meeting held on 9 April 2019**

RESOLUTION: (Moved by Councillors Kim and Purcell)

That the Minutes of the Finance and Governance Committee 3/19, held on 9 April 2019, be confirmed.

Record for the Voting:

For the Motion: Unanimous

3 DEBT RECOVERY POLICY AND PAYMENT OPTIONS

RESOLUTION: (Moved by Councillors Kim and Purcell)

That Council endorses the Rates Debt Recovery Policy and Non Rates Debtors Debt Recovery Policy.

Record for the Voting:

For the Motion: Unanimous

**4 LOCAL GOVERNMENT REMUNERATION TRIBUNAL
DETERMINATION – Councillors and Mayoral Fees for
2019/2020**

RESOLUTION: (Moved by Councillors Kim and Purcell)

That Council adopt the following increases to Councillor and Mayoral fees effective from 1 July 2019:

- (a) 2.5% increase to Councillor fees from \$25,160 to \$25,790 per annum.
- (b) 2.5% increase to Mayoral fees from \$66,860 to \$68,530 per annum; in addition to the Councillor fees.

Record for the Voting:

For the Motion: Unanimous

5 REQUEST FOR TENDER - COR-RFP-01/19 - HERITAGE SERVICES TO CITY OF RYDE

RESOLUTION: (Moved by Councillors Kim and Purcell)

- (a) That Council accept the tender from Edwards Planning to provide heritage services to City of Ryde for \$90/hour for a minimum of 15 hours per week capped at 22.5 hours per week for a 2 year appointment with 2 options to extend the contract for 1 year each (a total of four years) as recommended in the Tender Evaluation Report.
- (b) That Council advise all the respondents of the outcome of the tender.

Record for the Voting:

For the Motion: Unanimous

6 INVESTMENT REPORT AS AT 30 APRIL 2019

RESOLUTION: (Moved by Councillors Kim and Purcell)

That Council endorse the Investment Report as at 30 April 2019.

Record of the Voting:

For the Motion: Unanimous

7 MARCH QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PLAN 2018-2022 AND 2018/2019 OPERATIONAL PLAN

RESOLUTION: (Moved by Councillors Kim and Purcell)

- (a) That the report of the March 2019 Quarterly Review Statement - Four Year Delivery Plan 2018 - 2022 and One Year 2018/19 Operational Plan, *Quarter Three, January – March 2019* be received and endorsed by Council.
- (b) That the proposed budget adjustments (including reserve movements) resulting in no net impact on Council's projected Working Capital position of \$5.01 million (as at 30 June 2019) be endorsed by Council.

- (c) That Council endorse the Projects recommended for cancellation, deferral, being placed on hold, or proposed to be carried over as outlined in this report.

Record of the Voting:

For the Motion: Unanimous

10 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF RYDE LOCAL ENVIRONMENT PLAN 2014

RESOLUTION: (Moved by Councillors Kim and Purcell)

That the report on the Clause 4.6 variations 1 January to 31 March 2019 be received and noted.

Record of the Voting:

For the Motion: Unanimous

NOTICES OF MOTION

4 INVESTIGATION OF TICKETED PARKING SCHEME GLEN STREET CAR PARK EASTWOOD – Councillor Simon Zhou

RESOLUTION: (Moved by Councillors Kim and Purcell)

That the General Manager prepare a report for Council which investigates the cost and feasibility of installation and management of a ticketed parking scheme at Eastwood's Glen Street/Lakeside Road Car Park which allows motorists the opportunity to park for a specified period of time in the car park in addition to the current 2-3 hours free parking.

Record of the Voting:

For the Motion: Unanimous

8 INVESTIGATE WATER AMENITIES AT NORTH RYDE COMMON – Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Kim and Purcell)

That Council investigates the cost and feasibility of installing an appropriate water station at North Ryde Common for use by all users including pets.

Record of the Voting:

For the Motion: Unanimous

9 BUNNINGS COUNCIL ENGAGEMENT – COMMUNITY AND SUSTAINABILITY INITIATIVES – Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Kim and Purcell)

That Council contact Bunnings – Gladesville to explore any mutually beneficial waste education and community environmental awareness raising opportunities for patrons that could be undertaken at this site and the results be reported back to Council.

Record of the Voting:

For the Motion: Unanimous

COUNCIL REPORT

15 PROPERTY MATTER

RESOLUTION: (Moved by Councillors Kim and Purcell)

- (a) That Council endorses the proposed purchase of the subject property, generally in line with the recommendations and substance of this report.
- (b) That Council authorises the General Manager to negotiate the acquisition (generally in line with the substance of this report) and execute such documents for the proposed purchase of the property (including the attachment of Council's seal to any document, should it be required).
- (c) That Council notes the requirement to publish a notice of a proposed resolution to classify land, as required under Section 34 of the Local Government Act.
- (d) That should Council purchase the property, then those lands forming the title to the property be classified as "Operational Land" in accordance with the terms of the Local Government Act.
- (e) That Council allocates the required acquisition amount from the appropriate reserve funding account(s) for the purpose of purchasing the property and that amount is brought to account in an appropriate Quarterly Review.

- (f) That Council approves the “*Future Actions*” contained within this report and delegates authority to the General Manager to advance, finalise and deliver those “*Future Actions*.”
- (g) That staff investigates and/or sources possible grant funding from NSW Government agencies in respect of this property.

Record of the Voting:

For the Motion: Unanimous

**4 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
4/19 held on 14 May 2019**

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

**1 CONFIRMATION OF MINUTES - Finance and Governance
Committee Meeting held on 9 April 2019**

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

3 DEBT RECOVERY POLICY AND PAYMENT OPTIONS

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

**4 LOCAL GOVERNMENT REMUNERATION TRIBUNAL
DETERMINATION – Councillors and Mayoral Fees for 2019/2020**

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

**5 REQUEST FOR TENDER - COR-RFP-01/19 - HERITAGE
SERVICES TO CITY OF RYDE**

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

6 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Clifton and Kim)

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

Record for the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Moujalli, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillors Lane and Maggio

5 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 4/19 held on 14 May 2019

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

1 CONFIRMATION OF MINUTES - Ryde Central Committee Meeting held on 9 April 2019

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

3 RYDE CENTRAL PROJECT UPDATE

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

6 INVESTMENT REPORT AS AT 30 APRIL 2019

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

7 MARCH QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PLAN 2018-2022 AND 2018/2019 OPERATIONAL PLAN

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

8 REVIEW OF COUNCIL'S CODE OF MEETING PRACTICE - OUTCOMES OF PUBLIC EXHIBITION

MOTION: (Moved by Councillors Purcell and Kim)

(a) That Council adopt the Code of Meeting Practice (March 2019) subject to the following amendment to Clause 3.21 to read as follows:-

3.21 A Councillor may lodge a maximum of three (3) Notices of Motion per Ordinary Council meeting.

(b) That in accordance with Section 362(2) of the Local Government Act, 1993 as Council is of the opinion that the amendment is not considered substantial, no further exhibition period is required.

AMENDMENT: (Moved by Councillors Lane and Brown)

That Council adopt the Code of Meeting Practice (March 2019).

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 the Voting:

For the Amendment: Councillor Brown, Gordon, Lane, Maggio, Moujalli, Yedelian OAM and Zhou

Against the Amendment: The Mayor, Councillor Laxale and Councillors Clifton, Kim, Pedersen and Purcell

RESOLUTION: (Moved by Councillors Lane and Brown)

That Council adopt the Code of Meeting Practice (March 2019).

Record of the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Lane, Maggio, Moujalli, Yedelian OAM and Zhou

Against the Motion: Councillors Kim, Pedersen and Purcell

9 2019/20 EMERGENCY SERVICE LEVY

MOTION: (Moved by Councillors Pedersen and Purcell)

A That Council notes:

- (a) That last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers.
- (b) That in many areas of NSW, fire services are made up of elected and staff members of local government, and that local government strongly support this expanded works compensation scheme.
- (c) That as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy, without consultation.
- (d) That the expected increase in costs to local government will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019/2020 budgets.
- (e) That Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable.

B That this Council supports Local Government NSW's calls for:

- (a) The NSW Government to cover the initial additional \$19m increase to local governments for the first year; and
- (b) The NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future.

C That Council requests that the General Manager liaise with Local Government NSW to provide information on:

- (a) The impact on Councils' budgets; and
- (b) Council advocacy actions undertaken

D That Council requests that the Mayor:

- (a) Write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state member/s to:

- i) Call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated
 - ii) Explain how this sudden increase will impact council services/ the local community.
 - iii) Highlight that Councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018.
 - iv) Explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector.
 - v) Ask the Government to work with the local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.
- (b) That a copy of this letter also be forwarded to Local Government NSW.

AMENDMENT: (Moved by Councillors Lane and Yedelian OAM)

That Council notes the financial implications of the Emergency Services Levy increase and includes the additional \$180K in the 2019/20 Budget when presented to Council in June 2019 for adoption.

On being put to the Meeting, the voting on the Amendment was six (6) all. The Mayor used his casting vote against the Amendment. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of the Voting:

For the Amendment: Councillors Brown, Lane, Maggio, Moujalli, Yedelian OAM and Zhou

Against the Amendment: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Pedersen and Purcell

RESOLUTION: (Moved by Councillors Pedersen and Purcell)

A That Council notes:

- (a) That last December, the NSW Government enacted laws to provide better workers compensation coverage for firefighters who are diagnosed with one of twelve specific work-related cancers.

- (b) That in many areas of NSW, fire services are made up of elected and staff members of local government, and that local government strongly support this expanded works compensation scheme.
 - (c) That as a result of these changes, the State Government has decided to implement the new scheme by charging local governments an increased Emergency Services Levy, without consultation.
 - (d) That the expected increase in costs to local government will be \$19m in the first year alone, and that there is little or no time to enshrine this charge in Council's 2019/2020 budgets.
 - (e) That Local Government NSW has long advocated for the Emergency Services Levy to be significantly modified to ensure it is transparent, equitable and accountable.
- B That this Council supports Local Government NSW's calls for:
- (a) The NSW Government to cover the initial additional \$19m increase to local governments for the first year; and
 - (b) The NSW Government to work with NSW local governments to redesign the funding mechanism for the scheme to ensure fairness into the future.
- C That Council requests that the General Manager liaise with Local Government NSW to provide information on:
- (a) The impact on Councils' budgets; and
 - (b) Council advocacy actions undertaken
- D That Council requests that the Mayor:
- (a) Write to the NSW Premier and NSW Interim Opposition Leader, NSW Minister for Customer Services, NSW Minister for Emergency Services, Minister for Local Government and Shadow Minister for Local Government, and local state member/s to:
 - i) Call upon the NSW Government to fund the 12 months of this extra cost rather than requiring councils to find the funds at short notice when budgets have already been allocated
 - ii) Explain how this sudden increase will impact council services/ the local community.
 - iii) Highlight that Councils were not warned of the increased cost until May 2019, despite the new laws being passed in November 2018.

- iv) Explain that the poor planning and implementation of the increase is inconsistent with the Government's commitment to work in partnership with the sector.
- v) Ask the Government to work with the local governments to redesign the implementation of the scheme to ensure it is fairer for councils and communities into the future.

(b) That a copy of this letter also be forwarded to Local Government NSW.

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

Record of the Voting:

For the Motion: The Mayor, Councillors Laxale and Councillors Clifton, Gordon, Kim, Pedersen, Purcell and Yedelian OAM

Against the Motion: Councillors Brown, Lane, Maggio, Moujalli and Zhou

10 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF RYDE LOCAL ENVIRONMENT PLAN 2014

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

11 ADDITIONAL ITEM FOR INCLUSION IN THE 2019/2020 FEES AND CHARGES - DEVELOPMENT ASSESSMENT

RESOLUTION: (Moved by Councillors Pedersen and Purcell)

Note: Councillor Brown left the meeting at 10.20pm and was not present for consideration of voting on this Item.

- (a) That the Proposed Schedule of Fees and Charges for 2019/2020 be revised to include the fee split for Concept Development Application and subsequent staged application as follows:
 - Stage 1 Concept Development Application: 60% fee applied;
 - Stage 2 Detailed Development Applications: 40% fee applied;
- (b) That the above changes be publicly exhibited for a period of not less than 28 days from 29 May 2019 to 25 June 2019.

- (c) That following the public exhibition period detailed in part (b), Council consider all public submissions received up until publication of Council report at its meeting to be held on Tuesday, 25 June 2019 prior to formally adopting the One-Year Operational Plan 2019/2020 including the Proposed Fees and Charges.
- (d) That should any further community feedback on the proposed fee be received after the publication of Council report, it shall be circulated to the Councillors as an amended attachment.

Record of the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Maggio, Pedersen, Purcell and Zhou

Against the Motion: Councillors Lane, Moujalli and Yedelian OAM

Note: Councillor Brown returned to the meeting at 10.29pm.

12 YUHU VOLUNTARY PLANNING AGREEMENT INCORPORATING EASTWOOD PLAZA UPGRADE, 5 AFFORDABLE HOUSING APARTMENTS AND PUBLIC DOMAIN UPGRADES - POST EXHIBITION REPORT

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

CLOSED SESSION

ITEM 13 - ASSET MANAGEMENT POLICY

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: (f) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property. Asset Management Policy that needs to be adopted by Council prior to being made public.

ITEM 14 - PROPERTY MATTER

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 15 - PROPERTY MATTER

Confidential

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

ITEM 16 - NSW PARKING FINES REDUCTION 2019 - UPDATE

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: (e) information that would, if disclosed, prejudice the maintenance of law; AND (f) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

ITEM 4(6) - ADVICE ON COURT ACTIONS

Confidential

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

RESOLUTION: (Moved by Councillors Purcell and Kim)

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

Record of the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Maggio, Pedersen, Purcell and Zhou

Against the Motion: Councillors Lane, Moujalli and Yedelian OAM

Note: The Council closed the meeting at 10.31pm. The public and media left the chamber.

CONFIDENTIAL COUNCIL REPORTS

13 ASSET MANAGEMENT POLICY

Note: Councillor Maggio left the meeting at 10.33pm and was not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Kim and Lane)

That Council adopt the Asset Management Policy.

Record of the Voting

For the Motion: Unanimous

Note: Councillor Maggio returned to the meeting at 10.37pm.

14 PROPERTY MATTER

RECOMMENDATION: (Moved by Councillors Gordon and Purcell)

- (a) That Council endorse the Preliminary Business Case.
- (b) That Council approve the Proposed Action Plan, as outlined in this report.

AMENDMENT: (Moved by Councillors Moujalli and Lane)

- (a) That Council place the preferred scenario as outlined in the Preliminary Business Case on community consultation.
- (b) That Council amend the indicative time frame on the Proposed Action Plan, as outlined in this report, extending Council endorsement and all other actions back one month.

On being put to the Meeting, Councillor Yedelian OAM abstained from voting and accordingly his vote was recorded Against the Amendment. The voting on the Amendment was four (4) for and eight (8) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of the Voting:

For the Amendment: Councillors Brown, Lane, Maggio and Moujalli

Against the Amendment: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Pedersen, Purcell, Yedelian OAM and Zhou

RECOMMENDATION: (Moved by Councillors Gordon and Purcell)

- (a) That Council endorse the Preliminary Business Case.
- (b) That Council approve the Proposed Action Plan, as outlined in this report.

Record of the Voting

For the Motion: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Pedersen, Purcell and Zhou

Against the Motion: Councillors Brown, Lane, Maggio, Moujalli and Yedelian OAM

EXTENSION OF TIME

RESOLUTION: (Moved by the Mayor, Councillor Laxale and Councillor Purcell)

That the Meeting be extended to allow consideration of Items 16 and 4(6) listed on the Agenda and that Notice of Motion 1, Notice of Motion 6 and Notice of Motion 7 be deferred to the next Council Meeting to be held on 25 June 2019, the time being 11.24pm.

Record of the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillors Lane, Maggio and Moujalli

LATE CONFIDENTIAL COUNCIL REPORT

16 NSW PARKING FINES REDUCTION 2019 - UPDATE

RECOMMENDATION: (Moved by Councillors Gordon and Kim)

That Council proceeds with Option 1 of this report to not opt in to reduce level 2 parking fines noting that 82% of all level 2 fines issued in the City of Ryde are issued to non-residents.

AMENDMENT: (Moved by Councillors Maggio and Brown)

That Council proceeds with opting in to the reduction of fines.

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

Record of the Voting:

For the Amendment: Councillors Brown, Lane, Maggio, Moujalli and Yedelian OAM

Against the Amendment: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Pedersen, Purcell and Zhou

RECOMMENDATION: (Moved by Councillors Gordon and Kim)

That Council proceeds with Option 1 of this report to not opt in to reduce level 2 parking fines noting that 82% of all level 2 fines issued in the City of Ryde are issued to non-residents.

Record for the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Pedersen, Purcell and Zhou

Against the Motion: Councillors Brown, Lane, Maggio, Moujalli and Yedelian OAM

**4 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
4/19 held on 14 May 2019**

6 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

That the report of the General Counsel be received.

Record for the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Lane, Moujalli, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillor Maggio

OPEN SESSION

RESOLUTION: (Moved by Councillors Gordon and Kim)

That Council resolve itself into open Council.

Record of the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Lane, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillors Maggio and Moujalli

Note: Open Council resumed at 12.00pm.

RESOLUTION: (Moved by Councillors Gordon and Kim)

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

Record of the Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Kim, Lane, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillors Maggio and Moujalli

NOTICES OF MOTION

1 NEW NOMINEE FOR THE BICYCLE ADVISORY COMMITTEE - Councillor Bernard Purcell

Note: This Item has been deferred to the next Council Meeting to be held on 25 June 2019.

2 CLIMATE EMERGENCY DECLARATION - Councillor Christopher Gordon

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

3 SENIOR CITIZEN'S COMMUNITY PROJECT - Councillor Dr Peter Kim

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

4 INVESTIGATION OF TICKETED PARKING SCHEME GLEN STREET CAR PARK EASTWOOD – Councillor Simon Zhou

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

5 OUR LADY, QUEEN OF PEACE PRIMARY SCHOOL – Councillor Roy Maggio

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

6 WORK HEALTH AND SAFETY CONCERNS AT COUNCIL MEETINGS – Councillor Roy Maggio

Note: This Item has been deferred to the next Council Meeting to be held on 25 June 2019.

7 CITY OF RYDE CORK AND FORK EVENT – Councillor Roy Maggio

Note: This Item has been deferred to the next Council Meeting to be held on 25 June 2019.

8 INVESTIGATE WATER AMENITIES AT NORTH RYDE COMMON – Councillor Roy Maggio

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

9 BUNNINGS COUNCIL ENGAGEMENT – COMMUNITY AND SUSTAINABILITY INITIATIVES – Councillor Roy Maggio

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

NOTICE OF RESCISSION

1 NOTICE OF RESCISSION: REQUEST FOR REMOVAL OF TREES - Councillor Roy Maggio, Councillor Trenton Brown, Councillor Sarkis Yedelian OAM

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

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Roy Maggio

Question 1:

How many tree applications have been received by this Council in the last 5 years?

Answer 1:

Year	Total applications received**
2014	688
2015	668
2016	602
2017	507
2018	422

** Includes applications for pruning and/or removal.

Question 2:

How many of the tree applications submitted in the last 5 years have been approved for removal?

Answer 2:

	Approved for Removal	Partial approval *	Approved for Pruning	Comments
2014	289	64	325	6 Applications withdrawn/ cancelled
2015	286	59	316	5 Applications cancelled
2016	290	46	257	1 Application withdrawn / 4 cancelled
2017	251	42	205	8 Applications cancelled / 1 withdrawn
2018	176	38	175	3 Applications cancelled

*Where application was for 2 or more trees.

To note:- In 2018 of the 422 applications made, 16 requests were received to have the determination by Council's arborist reviewed by an alternate arborist. All 16 applicants were satisfied with the outcome of the review.

Question 3:

How many tree applications have been approved for removal due to being deemed as dangerous?

Answer 3:

Council's existing processes allow residents to complete an *Urgent Tree Management Application TMA*). The reason for requesting removal may be for a variety of reasons including, imminent constructions works, damage to structures etc.

Year	Urgent TMA's	Standard TMA's*
2014	6 Applications – 5 approved for removal	0 Applications
2015	17 Applications – 15 approved for removal	1 Application – 1 approved
2016	5 Applications – 4 approved for removal	1 Application – 1 approved
2017	18 Applications – 17 approved for removal	0 Applications
2018	15 Applications – 9 approved for removal, 4 partial approval**	1 Application – 1 approved

*Where applicant identified reason for removal request as dangerous

** Where application was for 2 or more trees.

Question 4:

Does Council have public liability available when amenities of residents are destroyed by dangerous trees?

Answer 4:

Council's Risk and Insurance Officer has confirmed that the City of Ryde has a \$600 million public liability insurance policy that would extend to any damage to property caused by a Council Asset (including a tree).

Residents are able to make a claim against this policy. Insurance claims are paid only if the City of Ryde has been negligent, therefore liability is established. If the City of Ryde has acted within the resources it has available and has demonstrated a reasonable duty of care in the specific situation, then the organisation is not negligent therefore not liable.

CONFIDENTIAL COUNCIL REPORTS

13 ASSET MANAGEMENT POLICY

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

14 PROPERTY MATTER

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

15 PROPERTY MATTER

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

16 NSW PARKING FINES REDUCTION 2019 - UPDATE

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

**4 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
4/19 held on 14 May 2019**

6 ADVICE ON COURT ACTIONS

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

The meeting closed at 12.02am on Wednesday 29 May 2019.

CONFIRMED THIS 25TH DAY OF JUNE 2019

Chairperson