



4 OCTOBER 2012

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**NOTICE OF MEETING**

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You are advised of the following meeting:

**TUESDAY 9 OCTOBER 2012.**

**Ordinary Meeting of Council Meeting No. 18/12**

**Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde - 7.30pm**



**Meeting Date:** Tuesday 9 October 2012  
**Location:** Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde  
**Time:** 7.30pm

*Council Meetings will be recorded on audio tape for minute-taking purposes  
as authorised by the Local Government Act 1993.*

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**1 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 25 September 2012**

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**Report prepared by:** Meeting Support Coordinator**File No.:** GRP/12/5/5/5 - BP12/1105

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**REPORT SUMMARY**

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

**RECOMMENDATION:**

That the Minutes of the Extraordinary Council Meeting 17/12, held on 25 September 2012 be confirmed.

**ATTACHMENTS**

- 1 Minutes - Extraordinary Council Meeting - 25 September 2012

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**ITEM 1 (continued)**

**ATTACHMENT 1**

**Extraordinary Council Meeting  
MINUTES OF MEETING NO. 17/12**

**Meeting Date:** Tuesday 25 September 2012

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

**Time:** 7.30pm

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

**Apologies:** Nil.

**Staff Present:** General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Communications and Media Manager, Service Unit Manager – Governance, Media and Community Relations Officer and Acting Section Manager – Governance.

**PRAYER**

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

**DISCLOSURES OF INTEREST**

The Mayor, Councillor Petch disclosed a less than significant non-pecuniary interest in Mayoral Minute 09/12 – Discontinuance of Supreme Court Proceedings No. 2012/249917 for the reason that now that he is subject to the restraint imposed by the Court for voting against a rescission motion.

Councillor Li disclosed a less than significant non-pecuniary interest in Mayoral Minute 09/12 – Discontinuance of Supreme Court Proceedings No. 2012/249917 for the reason that he is party to the proceedings referred to, as a result of being a member of the previous Council.

Councillor Perram disclosed a less than significant non-pecuniary interest in Mayoral Minute 09/12 – Discontinuance of Supreme Court Proceedings No. 2012/249917 for the reason that he is a defendant in these proceedings.

Councillor Salvestro-Martin disclosed a less than significant non-pecuniary interest in Mayoral Minute 09/12 – Discontinuance of Supreme Court Proceedings No. 2012/249917 for the reason that he is a listed party in these proceedings.

**ITEM 1 (continued)**  
**PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

**ATTACHMENT 1**

No addresses were made to Council.

**COUNCIL REPORTS**

**1 ELECTION OF MAYOR FOR ENSUING 12 MONTHS**

At this stage of the meeting, the Mayor, Councillor Etmekdjian, thanked his fellow Councillors and staff for their support over the past 12 months. He then vacated the Chair and the General Manager, as Returning Officer, conducted the election of Mayor.

The General Manager, as Returning Officer, gave an overview of the election process.

The General Manager, as Returning Officer, presented the options on the method of voting for Mayor and requested a motion in respect of this Item.

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

- (a) That the method of voting for the election of Mayor be open voting by show of hands.
- (b) That the General Manager, as Returning Officer, undertake the election of Mayor for the ensuing twelve (12) months by announcing the nominations and then conducting the election.

**Record of Voting:**

For the Motion: Unanimous

As a result, THE METHOD OF VOTING FOR ELECTION OF MAYOR WAS OPEN VOTING BY SHOW OF HANDS.

The General Manager, as Returning Officer, advised that there were two (2) nominations for the Office of Mayor, namely Councillor Pickering and Councillor Petch.

The General Manager invited further nominations. There were no further nominations.

THE ELECTION FOR MAYOR was conducted by the General Manager, as Returning Officer, which resulted in the following voting:

**Councillor Pickering      5 votes**

Voting in favour: Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM

**Councillor Petch              7 votes**

Voting in favour: Councillors Laxale, Li, Pendleton, Perram, Petch, Salvestro-Martin and Simon

**ITEM 1 (continued)**

**ATTACHMENT 1**

As a result of the voting, COUNCILLOR PETCH WAS DULY ELECTED MAYOR FOR THE ENSUING YEAR.

The Mayor, Councillor Petch then assumed the Chair of Mayor, as Chairperson of the meeting.

The Mayor, Councillor Petch then gave a brief acknowledgement following his election.

**2 DETERMINATION OF FEE FOR DEPUTY MAYOR**

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

- (a) That the Deputy Mayor be paid, in addition to the Councillors' fee, a fee equivalent to 10% of the Mayor's annual fee.
- (b) That the amount of the fee be deducted from the Mayor's fee.

**Record of Voting:**

For the Motion: Unanimous

**3 ELECTION OF DEPUTY MAYOR FOR ENSUING 12 MONTHS**

METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR

The General Manager, as Returning Officer, presented the options on the method of voting for Deputy Mayor.

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

- (a) That the method of voting for the election of Deputy Mayor be open voting by show of hands.
- (b) That the General Manager, as Returning Officer, undertake the election of Deputy Mayor for the ensuing twelve (12) months by announcing the nominations and then conducting the election.

**Record of Voting:**

For the Motion: Unanimous

As a result, THE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR WAS OPEN VOTING BY SHOW OF HANDS.

**ITEM 1 (continued)**

**ATTACHMENT 1**

The General Manager, as Returning Officer, advised that there were two (2) nominations for Office of Deputy Mayor, namely Councillor Maggio and Councillor Li.

The General Manager invited further nominations. There were no further nominations.

THE ELECTION FOR DEPUTY MAYOR was conducted by the General Manager, as Returning Officer, which resulted in the following voting:

**Councillor Maggio 5 votes**

Voting in favour: Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM

**Councillor Li 7 votes**

Voting in favour: Councillors Laxale, Li, Pendleton, Perram, Petch, Salvestro-Martin and Simon

As a result of the voting, COUNCILLOR LI WAS DULY ELECTED DEPUTY MAYOR FOR THE ENSUING YEAR.

**4 COUNCIL/COMMITTEE MEETINGS - Schedule and Appointment of Councillor Members to Standing Committees**

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

- (a) That Council endorse its Standing Committees of Planning and Environment, Works and Community and Civic Precinct.
- (b) That Council endorse the attached draft meeting schedule for Committee and Council meetings for the remainder of 2012 and the full calendar year of 2013, noting that the schedule may be amended at any time, subject to one month transition period to allow for public notices to be given.
- (c) That Council endorse the following Councillors as members of the Planning and Environment Committee:
  - Councillor Simon
  - Councillor Salvestro-Martin
  - Councillor Maggio
  - Councillor Pendleton
  - Councillor Yedelian OAM
  - Councillor Chung
- (d) That Council endorse the following Councillors as members of the Works and Community Committee:
  - Councillor Perram
  - Councillor Li
  - Councillor Laxale



**ITEM 1 (continued)**

**ATTACHMENT 1**

- Councillor Etmekdjian
- Councillor Pickering

**Record of Voting:**

For the Motion: Unanimous

**5 ADVISORY AND EXTERNAL COMMITTEES - Appointment of Delegates**

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

- (a) That Council appoint the Mayor, Councillor Petch and Councillor Maggio as the two (2) formal delegates and Councillor Pickering and Councillor Laxale as alternate delegates to NSROC for the 2012/2013 year.

**Record of Voting:**

For the Motion: Unanimous

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

- (b) That no formal Councillor delegate be appointed to the RMS Consultative Forum on the basis that all Councillors will be invited to attend the Forum when it is being held.

**Record of Voting:**

For the Motion: Unanimous

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

- (c) That Council reaffirm Council's General Manager, Mr John Neish and Group Manager – Public Works, Mr Terry Dodds as Council's delegates and Council's General Counsel, Mr Bruce McCann as the alternate to the Joint Regional Planning Panel.

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

- (c) That Council appoint Councillor Simon and Councillor Yedelian OAM as Council's delegates to the Joint Regional Planning Panel.

On being put to the Meeting, the voting on the Amendment was ten (10) votes For and two (2) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

**Record of Voting:**

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

**ITEM 1 (continued)**

**ATTACHMENT 1**

Yedelian OAM

Against the Amendment: Councillors Maggio and Pickering

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

- (c) That Council appoint Councillor Simon and Councillor Yedelian OAM as Council's delegates to the Joint Regional Planning Panel.

**Record of Voting:**

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

Against the Motion: Councillors Maggio and Pickering

Note: Council then considered the appointment of an alternate delegate.

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

That Councillor Perram be appointed as the alternate delegate to the Joint Regional Planning Panel.

**Record of Voting:**

For the Motion: Unanimous

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

- (d) That Council postpone the nomination of Councillors to Advisory Committees and conduct a workshop, noting that a review is currently being undertaken of the Advisory Committee Structure, in accordance with Council's previous resolution, with a further report to be provided back to Council for its consideration by November 2012.

**Record of Voting:**

For the Motion: Unanimous

**RESOLUTION:**

- (a) That Council appoint the Mayor, Councillor Petch and Councillor Maggio as the two (2) formal delegates and Councillor Pickering and Councillor Laxale as alternate delegates to NSROC for the 2012/2013 year.
- (b) That no formal Councillor delegate be appointed to the RMS Consultative Forum on the basis that all Councillors will be invited to attend the Forum when it is being held.

**ITEM 1 (continued)**

**ATTACHMENT 1**

- (c) That Council appoint Councillor Simon and Councillor Yedelian OAM as Council's delegates to the Joint Regional Planning Panel.

That Councillor Perram be appointed as the alternate delegate to the Joint Regional Planning Panel.

- (d) That Council postpone the nomination of Councillors to Advisory Committees and conduct a workshop, noting that a review is currently being undertaken of the Advisory Committee Structure, in accordance with Council's previous resolution, with a further report to be provided back to Council for its consideration by November 2012.

**6 2012 LOCAL GOVERNMENT ASSOCIATION CONFERENCE - Dubbo 28 - 30 October 2012 - Confirmation of Delegates**

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

- (a) That the Mayor, Councillor Petch and Councillors Yedelian OAM, Chung, Pickering and Laxale be confirmed as voting delegates and Councillor Etmekdjian be appointed as an observer for the 2012 Local Government Association Conference in Dubbo from 28 – 30 October 2012.
- (b) That Councillors Perram and Maggio attend the Bike Futures Conference in Melbourne on 17, 18 and 19 October 2012.

**Record of Voting:**

For the Motion: Unanimous

**ADJOURNMENT OF MEETING**

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

That this meeting stand adjourned and be reconvened at 11.30pm on Tuesday, 25 September 2012, the time being 8.20pm.

**Record of Voting:**

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

Against the Motion: Councillors Chung, Etmekdjian and Pickering

The following Councillors were present:

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

**ITEM 1 (continued)**  
**MEETING RECONVENED**

**ATTACHMENT 1**

The Meeting reconvened at 11.36pm on Tuesday, 25 September 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

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

**Staff Present:** General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Media and Communications Manager and Service Unit Manager – Governance.

**EXTENSION OF TIME – COMPLETION OF BUSINESS**

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

That Council extend the meeting closing time to allow the completion of all business, the time being 11.37pm.

**Record of Voting:**

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

Against the Motion: Councillors Chung, Etmekdjian and Pickering

**CLOSED SESSION**

**MAYORAL MINUTE**

**MM09/12 DISCONTINUANCE OF SUPREME COURT PROCEEDINGS NO  
2012/249917**

**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.

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

**ITEM 1 (continued)**

**ATTACHMENT 1**

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

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

**Record of Voting:**

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

Against the Motion: Councillor Pickering

Note: The Council closed the meeting at 11.38pm. The public and media left the chamber.

**MAYORAL MINUTE**

**MM09/12 DISCONTINUANCE OF SUPREME COURT PROCEEDINGS NO  
2012/249917**

Note: The Mayor, Councillor Petch disclosed a less than significant non-pecuniary interest in this Item for the reason that now that he is subject to the restraint imposed by the Court for voting against a rescission motion.

Note: Councillor Li disclosed a less than significant non-pecuniary interest in this Item for the reason that he is party to the proceedings referred to, as a result of being a member of the previous Council.

Note: Councillor Perram disclosed a less than significant non-pecuniary interest in this Item for the reason that he is a defendant in these proceedings.

Note: Councillor Salvestro-Martin disclosed a less than significant non-pecuniary interest in this matter for the reason that he is a listed party in these proceedings.

Note: Council's General Counsel provided confidential legal advice to Council in Closed Session and a copy of this advice is **CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL**.

**ACT OF DISORDER**

Note: Councillor Salvestro-Martin left the meeting, the time being 11.57pm and did not vote on this Item.

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

That Councillor Pickering be ordered to leave the meeting and be required to absent himself from the meeting until he apologises to the Chair.

**Record of Voting:**

**ITEM 1 (continued)**

**ATTACHMENT 1**

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

Against the Motion: Councillors Chung, Etmekdjian, Maggio, Pickering and Yedelian OAM

Note: Councillor Salvestro-Martin returned to the meeting, the time being 12.00am.

Note: Councillor Pickering left the meeting as resolved by Council, the time being 12.00am and did not return to the meeting.

**MAYORAL MINUTE**

**MM09/12 DISCONTINUANCE OF SUPREME COURT PROCEEDINGS NO  
2012/249917**

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

1. That Council resolve, in relation to Supreme Court proceedings 2012/249917:
  - a. to consent to orders:
    - i. that the order, made by her Honour Justice Schmidt on 24 September 2012, extending the orders made on 14 August 2012 be extended pending further of the Court, be discharged; and
    - ii. that Council's amended Notice of Motion dated 24 September 2012, and filed in the Court on that day pursuant to leave granted by her Honour Justice Schmidt, be dismissed with costs reserved; and
  - b. that HWL Ebsworth Lawyers be instructed:
    - i. to seek as a matter of urgency, from the solicitor for the defendants in the proceedings, the consent of the respondents to the said motion to the orders to which Council has resolved to consent; and
    - ii. upon confirmation that such consent is provided by or on behalf of the respondents to the said motion, as a matter of urgency to inform the Associate to her Honour Justice Schmidt that the said motion has settled, and that judgement in respect of the said motion is no longer required, and to take all such steps as her Honour Justice Schmidt may specify, as or may otherwise be necessary or appropriate, to give formal confirmation to the settlement of the said motion.
  - c. to delegate to the Mayor authority to provide, on behalf of Council, all necessary instructions to HWL Ebsworth Lawyers, and to do any other thing that may be necessary or convenient, to give effect to the foregoing resolutions.

**Record of Voting:**

**ITEM 1 (continued)**

**ATTACHMENT 1**

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

Against the Motion: Councillors Chung, Etmekdjian, Maggio and Yedelian OAM

Note: A Rescission Motion in relation to this matter was lodged by Councillors Perram, Li and Pendleton immediately following the above Resolution, the time being 12.06am.

**MATTER OF URGENCY**

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

That the Notice of Rescission – Mayoral Minute 09/12 – Discontinuance of Supreme Court Proceedings No. 2012/249917 be considered as a Matter of Urgency, the time being 12.06am.

**Record of Voting:**

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

Against the Motion: Councillors Etmekdjian, Maggio and Yedelian OAM

**NOTICE OF RESCISSION – MAYORAL MINUTE 09/12 – DISCONTINUANCE OF SUPREME COURT PROCEEDINGS NO. 2012/249917**

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

That Council rescind the previous resolution in relation to MAYORAL MINUTE 09/12 – Discontinuance of Supreme Court Proceedings No. 2012/249917, passed at the Council Meeting held on 25 September 2012, namely:

1. *That Council resolve, in relation to Supreme Court proceedings 2012/249917:*
  - a. *to consent to orders:*
    - ii. *that the order, made by her Honour Justice Schmidt on 24 September 2012, extending the orders made on 14 August 2012 be extended pending further of the Court, be discharged; and*
    - ii. *that Council's amended Notice of Motion dated 24 September 2012, and filed in the Court on that day pursuant to leave granted by her Honour Justice Schmidt, be dismissed with costs reserved; and*
  - b. *that HWL Ebsworth Lawyers be instructed:*
    - i. *to seek as a matter of urgency, from the solicitor for the defendants in the proceedings, the consent of the respondents to the said motion to the orders to which Council has resolved to consent; and*

**ITEM 1 (continued)**

**ATTACHMENT 1**

- iii. *upon confirmation that such consent is provided by or on behalf of the respondents to the said motion, as a matter of urgency to inform the Associate to her Honour Justice Schmidt that the said motion has settled, and that judgement in respect of the said motion is no longer required, and to take all such steps as her Honour Justice Schmidt may specify, as or may otherwise be necessary or appropriate, to give formal confirmation to the settlement of the said motion.*
- c. *to delegate to the Mayor authority to provide, on behalf of Council, all necessary instructions to HWL Ebsworth Lawyers, and to do any other thing that may be necessary or convenient, to give effect to the foregoing resolutions.*

**Record of Voting:**

For the Motion: Councillors Chung, Etmekdjian, Maggio and Yedelian OAM

Against the Motion: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon.

The Rescission Motion was LOST.

Note: A Rescission Motion in relation to Item 5 (Part 2) - City of Ryde Precinct Redevelopment Tender passed at the Council meeting held on 12 June 2012 was lodged at 12.08am signed by Councillors Perram, Li and Pendleton.

**OPEN SESSION**

**RESOLUTION:** (Moved by The Mayor, Councillor Petch and Councillor Etmekdjian )

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 12.11am.

**ADOPTION OF ITEMS CONSIDERED IN CLOSED SESSION**

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

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: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon



**ITEM 1 (continued)**

**ATTACHMENT 1**

Against the Motion: Councillors Maggio and Yedelian OAM

**MATTER OF URGENCY**

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

That the Notice of Rescission – Item 5 (Part 2) - City of Ryde Precinct Redevelopment Tender be considered as a Matter of Urgency, the time being 12.12am.

**Record of Voting:**

For the Motion: The Mayor, Councillor Petch and Councillors Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon.

Against the Motion: Councillors Chung, Maggio, Etmekdjian and Yedelian OAM

**NOTICE OF RESCISSION – ITEM 5 (PART 2) - CITY OF RYDE PRECINCT REDEVELOPMENT TENDER**

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

That Council rescind the previous resolution in relation to ITEM 5 (PART 2) – CITY OF RYDE PRECINCT REDEVELOPMENT TENDER, passed at the Council Meeting held on 12 June 2012, namely:

1. *That Council note the report from the General Manager, and the report from the tender evaluation panel (**ATTACHMENT E – CIRCULATED UNDER SEPARATE COVER – CONFIDENTIAL**), in relation to responses received from Lend Lease Development Pty Limited and Billbergia Pty Limited/Frasers Property Australia Pty Limited to the Request for Tenders.*

*That Council adopts the recommendation from the tender evaluation panel as reviewed and approved by the General Manager and not accept either tender on the basis that whilst the tenders received demonstrated substantial compliance with Council's project objectives of community benefit, revitalisation, design, sustainability, financial viability and traffic, the tenders displayed deficiencies in the following areas:*

- (a) Council's preferred financial objectives were not fully achieved;*
- (b) the proposed risk allocations were not fully in accordance with Council's preferred risk profile;*
- (c) certain elements of Council's performance brief were not fully complied with; and*
- (d) the form of the tenders submitted were not sufficiently legally certain and complete as to enable Council to accept them.*

**ITEM 1 (continued)**

**ATTACHMENT 1**

**And that Council resolves** that having regard to clause 178(1) of the Local Government (General) Regulation 2005 and having regard to the tenders received in response to the Request for Tenders, the recommendations of the General Manager and the recommendations from the tender evaluation panel, no tender be accepted.

2. That Council notes the recommendations of the General Manager and the tender evaluation panel that Council (subject to confirmation of Lend Lease board approval) enter into negotiations with Lend Lease Development Pty Limited with a view to concluding a contract, on the basis of the reasons set out in the confidential report from the tender evaluation panel:

**And that Council resolves** that having regard to clause 178(3)(e) of the Local Government (General) Regulation 2005 and having regard to the recommendations of the General Manager and the tender evaluation panel, to further the procurement process for the selection of an appropriate development partner (subject to confirmation of Lend Lease board approval) by entering into negotiations with Lend Lease Development Pty Limited with a view to entering into a Project Delivery Agreement (and all documents referred to as Project Documents in the Project Delivery Agreement) preferably by August 2012 in relation to the Ryde Civic Redevelopment for the reasons that:

- (a) the tender submitted by Lend Lease Development Pty Limited achieved a superior ranking by the tender evaluation panel and subsequent meetings with both proponents to appreciate areas where negotiations might result in improvements to Council's position confirmed this ranking; and
- (b) other options available to Council such as inviting fresh tenders or fresh applications from other persons or Council implementing one of several options ie: 'Do Nothing' or 'Refurbishment' or carrying out the redevelopment itself would not achieve a more satisfactory result for the following reasons:
  - (i) the procurement process involving an expressions of interest and request for tenders has fully tested the market and any new tender process would be unlikely to produce a better result;
  - (ii) any new tender process would involve Council in substantial additional costs without any certainty of a better result;
  - (iii) any new tender process would involve a reputation risk to Council with tenderers being exposed to the substantial costs of tendering and having potentially lacking confidence in Council's process;
  - (iv) the 'Do Nothing' option would lead to ultimate building failure over the next five to seven years;
  - (v) the 'Refurbishment Option' will incur considerable additional costs to Council over the next ten years which would be significantly greater than the final net cost of proceeding with a Project Delivery Agreement with Lend Lease Development Pty Limited and in doing so would leave Council significantly disadvantaged; and

**ITEM 1 (continued)**

**ATTACHMENT 1**

(vi) *as previously advised to Council, Council does not have the experience, capability, risk appetite or the cash available to undertake the project itself.*

3. *That Council note the recommendations of the General Manager that Council enter into a Project Development Agreement (and all documents referred to as Project Documents in the Project Delivery Agreement) with Lend Lease Development Pty Limited on terms the General Manager approves and is reasonably satisfied are substantially consistent with or more favourable to Council than, the Commercial and Risk Principles set out in Confidential Attachment G.*

***And that Council resolves that Council enter into a Project Delivery Agreement (and all documents referred to as Project Documents in the Project Delivery Agreement) on terms approved by the General Manager and which he is reasonably satisfied are substantially consistent with or more favourable to Council than, the Commercial and Risk Principles set out in ATTACHMENT G - CIRCULATED UNDER SEPARATE COVER - CONFIDENTIAL.***

4. *That Council notes the recommendation that Council delegates to the General Manager the authority to negotiate with Lend Lease Development Pty Limited with a view to finalising and executing the Project Delivery Agreement (and all documents referred to as Project Documents in the Project Delivery Agreement) on terms approved by the General Manager and which he is reasonably satisfied are substantially consistent with or more favourable to Council than, the Commercial and Risk Principles set out in Confidential Attachment G.*

***And that Council resolves that pursuant to section 377(1) of the Local Government Act 1993, Council delegates to the General Manager the authority to finalise and execute the Project Delivery Agreement (and all documents referred to as Project Documents in the Project Delivery Agreement) with Lend Lease Development Pty Limited once he has approved the final form of that documentation and is reasonably satisfied the documentation is substantially consistent with or more favourable to Council than, the Commercial and Risk Principles set out in Confidential Attachment G.***

*That Council notes that a funding option offered by Lend Lease Development Pty Limited provides the best financial return to Council through the delivery of a low cost of capital solution by utilising Council's ability to borrow funds at a much lower levels than Lend Lease's cost of capital.*

***And that Council resolves that it prefers the Lend Lease funding option and authorises the General Manager to undertake a tender process to provide the most advantageous outcome for Council for a \$35 million loan over a six year period, where the principal and interest is guaranteed by Lend Lease to Council and the funding is provided at no net cost to Council, the details of which will form part of the Project Delivery Agreement.***

**ITEM 1 (continued)**

**ATTACHMENT 1**

5. *That Council notes that Stage 3 of the Civic Precinct project will be achieved upon the completion of negotiations with a preferred development partner.*

**And that Council Resolves:**

(a) *to implement Stage 4 in accordance with these recommendations and the indicative program provided in this report and maintain the Civic Precinct development team of contractors/consultants to do so and extend the delegation of the General Manager pursuant to section 377(1) of the Local Government Act 1993, to negotiate extensions of procurement arrangements and execute all relevant documentation with external providers for Stage 4, where Council's commitment to those providers will exceed \$150,000 over all 4 stages of the project; being:*

- (i) *Forbrook Group Pty Ltd;*
- (ii) *Kathy Jones and Associates; and*
- (iii) *Michael Collins and Associates, and*

(b) *that pursuant to section 55(3) of the Local Government Act 1993, that a satisfactory result would not be achieved by inviting tenders for the services to be provided by the external providers (as listed above) because of extenuating circumstances, by reason that a costly tender process to procure new external providers would not achieve a satisfactory result having regard to:*

- (i) *the whole of life costs for the project when taking into account the amount of time, risks and resources that may be required to brief new consultants;*
- (ii) *Council's desire for continuity in the project and the intellectual property held by those external providers in relation to the project; and*
- (iii) *the timetable adopted by Council to progress to Stage 4,*

*and accordingly, that Council will not be inviting tenders for the services to be provided by the external providers (as listed above).*

6. *That Council notes that until such time as Council resolves to proceed with the Civic Precinct redevelopment, or commits to a 'Do Nothing' approach, that Council is unable to integrate the financial models relating to this report into its Four Year Delivery Plan and its Long Term Financial Plan.*

**And that Council Resolves:** *to adjust its Four Year Delivery Plan and its Long Term Financial Plan to reflect the impacts of the Lend Lease funding option as outlined in the confidential attachments to this report and finalised by negotiation with the General Manager.*

7. *That Council enter into a legally enforceable Memorandum of Understanding with Lend Lease Development Pty Limited, consistent with the Project Delivery Agreement referred to in Parts 4 and 5 above, on terms approved*

**ITEM 1 (continued)**

**ATTACHMENT 1**

*by the General Manager, and which he is reasonably satisfied are substantially consistent with, or more favourable to Council than, the Commercial and Risk Principles set out in Confidential Attachment G, and that, pursuant to Section 377(1) of the Local Government Act 1993, Council delegates to the General Manager the authority to finalise and execute that Memorandum of Understanding should the General Manager deem it commercially appropriate to do so.*

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

**Record of Voting:**

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

Against the Motion: Councillors Chung, Etmekdjian, Maggio and Yedelian OAM

The matter was then AT LARGE.

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

That Council declares that it does not intend to proceed with the Civic Precinct Redevelopment project and requests the General Manager to take no further action that would progress the project and that the Mayor immediately make the above declaration and request on behalf of Council.

**Record of Voting**

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

Against the Motion: Councillors Chung, Etmekdjian, Maggio and Yedelian OAM

Note: A Rescission Motion signed by Councillors Perram, Li and Pendleton was lodged in relation to this matter immediately following the above Resolution, the time being 12.25am.

**MATTER OF URGENCY**

Note: The Mayor, Councillor Petch determined that the Rescission Motion was a Matter of Urgency.

**RESCISSION MOTION – CITY OF RYDE PRECINCT REDEVELOPMENT TENDER**

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

That Council rescind the previous resolution in relation to CITY OF RYDE PRECINCT REDEVELOPMENT TENDER, passed at the Council Meeting held on 25 September 2012, namely:

**ITEM 1 (continued)**

**ATTACHMENT 1**

*That Council declares that it does not intend to proceed with the Civic Precinct Redevelopment project and requests the General Manager to take no further action that would progress the project and that the Mayor immediately make the above declaration and request on behalf of Council.*

**Record of Voting:**

For the Motion: Councillors Chung and Etmekdjian

Against the Motion: The Mayor, Councillor Petch and Councillors Laxale, Li, Maggio, Pendleton, Perram, Salvestro-Martin, Simon and Yedelian OAM

The Rescission Motion was LOST.

**NATIONAL ANTHEM**

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

The meeting closed at 12.29am on Wednesday, 26 September 2012.

CONFIRMED THIS 9TH DAY OF OCTOBER 2012

Chairperson

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## **PRECIS OF CORRESPONDENCE**

### **1 MACQUARIE PARK TASKFORCE**

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**Report prepared by:** Executive Assistant to Group Manager  
**File No.:** GRP/09/6/5 - BP12/1050

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### **RECOMMENDATION**

That the correspondence be received and noted.

### **ATTACHMENTS**

- 1 Ivanhoe Estate Macquarie Park - Pru Goward MP - Minister for Family and Community Services, Minister for Women
- 2 Acknowledgement in relation to Letter sent to Hon Pru Goward MP, Minister for Family and Community Services in relation to the Macquarie Park Taskforce

Report Prepared By:

**Sandra Warbrick**  
**Executive Assistant to Group Manager**

Report Approved By:

**Dominic Johnson**  
**Group Manager - Environment & Planning**

### **Correspondence:**

Submitting correspondence from Family and Community Services Housing NSW, dated 27 August 2012, regarding the representation by Councillors, residents and other local stakeholders of Ivanhoe Estate in the reference group and their participation in the Macquarie Park Taskforce.

Further to Council's Resolution of 10 April 2012 stating:

- (a) *That Council writes to our local member, The Honourable Victor Dominello MP and the Ministers for Housing (Honourable Pru Goward) and Finance (Honourable Greg Pearce), in relation to Ivanhoe Estate and request that they provide Council and tenants:*
  - *with timely, honest and comprehensive explanation of their plans.*
  - *assurances that there will be a transparent consultative planning process.*
  - *assurances that no residents will be removed from their homes against their wishes as a result of any redevelopment.*
- (b) *That the redevelopment process (if any) includes tenants as stakeholders and listens to their voices and concerns and takes into account the strong sense of the Community in any decisions taken.*
- (c) *That Council request that the Ivanhoe Estate Tenant Group be represented on the taskforce.*

**ITEM 1 (continued)**

**ATTACHMENT 1**

City of Ryde

ABN 81 621 292 610  
Civic Centre  
1 Devlin Street Ryde  
Locked Bag 2069  
North Ryde NSW 1670  
cityofryde@ryde.nsw.gov.au  
TTY (02) 9952 8470  
Facsimile (02) 9952 8070  
Telephone (02) 9952 8222

The Hon. Pru Goward MP  
Minister for Family and Community Services  
Minister for Women  
Level 34 Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

16 April 2012

D12/26816

Dear Ms Goward

**Ivanhoe Estate, Macquarie Park**

At its meeting of 10 April 2012, Council resolved to write to you as the Minister for Family and Community Services as well as to the Minister for Finance and Services and to the Member for Ryde in relation to the announcement to establish a taskforce to examine the feasibility of redeveloping the Ivanhoe Place Housing Estate in Macquarie Park. In moving forward, Council requests that both it and the tenants of Ivanhoe Estate receive:

- A timely, honest and comprehensive explanation of plans for the Estate; and
- An assurance that there will be a transparent consultative planning process; and
- An assurance that no residents will be removed from their homes against their wishes as a result of any redevelopment.

Further, Council requests that:

- That the redevelopment process (if any) includes tenants as stakeholders and listens to their voices and concerns and takes into account the strong sense of the community in any decisions taken; and
- That the Ivanhoe Estate Tenant Group be represented on the taskforce; and
- That as a major stakeholder, City of Ryde Council be represented by all Central Ward Councillors on the taskforce.

I look forward to your consideration of Council's requests. Should you wish to discuss the matter further, please contact me on 9952 8190.

Yours sincerely

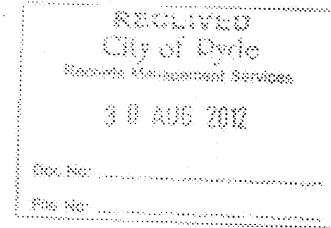


Dominic Johnson  
Group Manager



**ITEM 1 (continued)**

**ATTACHMENT 2**



HOCMS12/629

Mr Dominic Johnson  
Group Manager  
City of Ryde  
Locked Bag 2069  
NORTH RYDE NSW 1670

Dear Mr Johnson

Thank you for your letter to the Hon. Pru Goward MP, Minister for Family and Community Services in relation to the Macquarie Park Taskforce. The Minister has asked me to reply and I apologise for the delay in responding.

I note your concerns regarding representation by the City of Ryde on the Taskforce and understand that you have also raised these concerns with the Hon. Greg Pearce MLC, Minister for Finance and Services, who is responsible for this matter.

The NSW Government is committed to consultation with key stakeholders when determining the feasibility of projects and I am pleased to note that you have been invited to represent the City of Ryde on the Taskforce.

I also note that the Department of Finance and Services has established a Community Reference Group to meet regularly during the term of the Taskforce which is open to all Councillors, residents and other local stakeholders. I believe that the Reference Group has been formally invited to present its views to the Taskforce.

I trust these measures will ensure that the City of Ryde's views, as well as those of residents of the Ivanhoe Estate and other local stakeholders, are well represented during the deliberations of the Taskforce.

Yours sincerely

  
**Leonie King**  
A/Chief Executive

---

223-239 Liverpool Road, Ashfield NSW 2131  
Locked Bag 4001, Ashfield BC 1800  
T (02) 8753 8000 F (02) 8753 8888  
[www.housing.nsw.gov.au](http://www.housing.nsw.gov.au)

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**2 ACCELERATING COMPLETION OF THE ASSESSMENT OF  
TRANSITIONAL PART 3A PROJECTS NOTIFICATION AND FACT SHEET**

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**Report prepared by:** Executive Assistant to Group Manager  
**File No.:** GRP/09/6/5 - BP12/1051

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**RECOMMENDATION**

That the correspondence be received and noted.

**ATTACHMENTS**

- 1** Advice relating to accelerating assessment & determination of transitional Part 3A projects by 30/6/2013, Fact sheet outlining changes to EP&AA Act, Sam Haddad. Relates to projects in MIN containers - Stamford, Whiteside, Meadowbank & Achieve Australia.

Report Prepared By:

**Sandra Warbrick**  
**Executive Assistant to Group Manager**

Report Approved By:

**Dominic Johnson**  
**Group Manager - Environment & Planning**

**Correspondence:**

Submitting correspondence from NSW Department of Planning and Infrastructure, dated 28 August 2012, regarding notification of a change of date in the Environmental Planning and Assessment Act 1979 (E&P Act) to lodge Environmental Assessment reports with the Department for Part 3A projects during the transitional period before the removal of the Part 3A system.

The 'sunset' date has been brought forward from 1 October 2013 to 30 November 2012 for Environmental Assessment Reports to be lodged to the Department so they can proceed with the determination of Part 3A projects.

A fact sheet is also included in the correspondence.

**ITEM 2 (continued)**

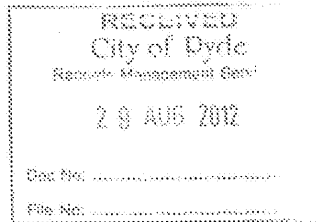
**ATTACHMENT 1**



**Planning &  
Infrastructure**

**Office of the Director General**

Mr John Neish  
Ryde City Council  
Locked Bag 2069  
North Ryde 1670 NSW



12/13694

28 August 2012

Dear **Mr Neish**,

The NSW Government has requested that the Department completes the assessment and determination of all transitional Part 3A projects this financial year. On 24<sup>th</sup> August 2012 an amendment was made to the *Environmental Planning and Assessment Act 1979* (by way of Regulation) in relation to transitional Part 3A projects.

When the NSW Government repealed Part 3A last year it gave proponents until 1 October 2013 to lodge their environmental assessment reports (EAs) for public exhibition. If no EA was lodged by this date, the application was to be removed from the Part 3A system.

The change to the Act brings forward this 'sunset' date to **30 November 2012**. This means that applicants are required to lodge their EA by this date. While the Director-General is able to extend the deadline on a case by case basis, this will be done sparingly, and only where fully justified.

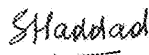
The community's right to comment on an application has not been affected, and there will still be a minimum exhibition period of 30 days for each project (60 days for wind farms). These time periods are extended if the exhibition period falls into a school holiday period.

Time limits have also been imposed on proponents submitting their response to public submissions (30 days) and/or a Preferred Project Report (60 days).

Additional resources have been provided to the Department to help proponents meet these timeframes through speedier assessments, project planning and issues resolution. Measures will also be put in place for early consultation and ongoing engagement with councils and government agencies, and to obtain prompt responses from councils and agencies at key points in the assessment process (including submissions during public exhibition periods and comments on any conditions of approval).

Please find enclosed a Fact Sheet outlining the recent changes aimed at accelerating the assessment of transitional Part 3A projects.

Yours sincerely,

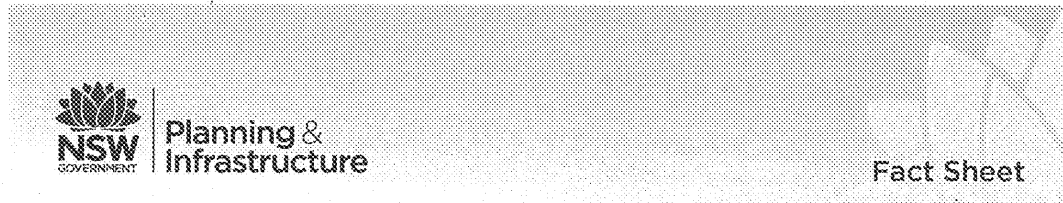


Sam Haddad  
**Director General**

Bridge St Office 23-33 Bridge St Sydney NSW 2000 GPO Box 39 Sydney NSW 2001 DX 22 Sydney  
Telephone: (02) 9228 6111 Facsimile: (02) 9228 6191 Website [planning.nsw.gov.au](http://planning.nsw.gov.au)

**ITEM 2 (continued)**

**ATTACHMENT 1**



August 2012

## Accelerating completion of the assessment of transitional Part 3A projects

### INTRODUCTION

The 2012/13 NSW Budget delivered additional funding to the Department of Planning and Infrastructure to accelerate the assessment of outstanding development applications.

Part of the *Building the State* package, funding will focus on completing the assessment of all remaining transitional Part 3A projects 12 months earlier than scheduled – by 30 June 2013.

The changes will enable the assessment of more than 200 projects and, more importantly, has the potential to deliver an additional 100,000 jobs in NSW. It will also deliver a government commitment to end the use of the Part 3A system.

### 1. WHAT ARE TRANSITIONAL PART 3A PROJECTS?

Last year the NSW Government repealed Part 3A of the *Environmental Planning and Assessment Act 1979*. More than 120 projects were removed from the system as a result. However, existing applications lodged before the last election and which were well-advanced in the assessment process remained in the system as transitional Part 3A projects.

### 2. WHAT IS THE DEPARTMENT DOING TO ACCELERATE THE COMPLETION OF ASSESSMENTS?

Existing assessment teams are being better resourced through:

- the department employing more assessment expertise and establishing panels of consultants (both specialists and assessing planners) that can be readily accessed during periods of peak assessment workloads
- producing a range of assessment support templates, guidelines and standard conditions to allow staff to concentrate on doing individual assessment; and
- allowing a wider range of senior departmental staff the delegated authority to determine non-controversial projects.

An assessment team has been established to assess less complex, uncontroversial projects and modifications faster. A new unit has been established to deal with post approval requirements. This will free up the department's assessment teams to concentrate on completing assessment of the transitional Part 3A projects.

### 3. WILL THE INDEPENDENT PLANNING ASSESSMENT COMMISSION (PAC) STILL DETERMINE TRANSITIONAL PART 3A APPLICATIONS?

Yes, the Minister for Planning and Infrastructure's delegation to the PAC remains unchanged. The PAC will continue to determine applications which are complex or where there is significant community interest. These include projects where there have been 25 or more public submissions by way of objection, where a political donation disclosure has been made by the applicant, or where the local council has made an objection.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**Fact Sheet**

**4. WHAT DOES THIS MEAN FOR APPLICANTS?**

Applicants will be given clear timeframes to complete steps in the assessment process or risk not having their application determined as a transitional Part 3A matter.

When the NSW Government repealed Part 3A last year it gave proponents until 1 October 2013 to lodge their detailed plans (known as environmental assessments) for public exhibition. If no environmental assessment was lodged by this date, the application was to be removed from the Part 3A system.

A decision has been made to bring forward this 'sunset' date by 10 months to 30 November 2012. This means that applicants are required to lodge their environmental assessment by this date. While the Director-General can extend the deadline on a case by case basis, this will be done sparingly and only where justified.

Time limits have also been imposed on responses to public submissions and preferred project reports. These are explained further below.

**5. WHAT IF AN APPLICANT CAN'T LODGE AN ENVIRONMENTAL ASSESSMENT BY 30 NOVEMBER 2012?**

Applications where an environmental assessment has not been lodged by 30 November 2012 will automatically stop being considered as transitional Part 3A projects.

In limited circumstances the Director-General may set a later lodgement date for individual environmental assessments if a compelling justification is made.

**6. WHAT MEASURES ARE IN PLACE TO HELP APPLICANTS LODGE AN ENVIRONMENTAL ASSESSMENT BY THE DUE DATE?**

The department will take a number of steps to help applicants lodge their environmental assessments by 30 November 2012.

The department's Project Delivery Unit will co-ordinate the process and set timelines in consultation with applicants and planners. It will also seek to resolve any outstanding issues with councils, agencies or applicants that are causing delays with the lodgement of an environmental assessment.

The department will no longer automatically send all draft environmental assessments to other state agencies for feedback, before they go on public exhibition. This will avoid duplication in the assessment process, whereby agencies were being consulted multiple times about the same issues. The department will ensure that agencies have the opportunity to raise concerns through the assessment of all applications. The department will also ensure that all relevant issues are thoroughly addressed in its assessment report.

**7. WHAT ABOUT THE COMMUNITY'S RIGHT TO COMMENT ON AN APPLICATION, HAS THIS CHANGED?**

No, the community's right to comment on an application has not been affected. There is still a minimum exhibition period of 30 days for each project (60 days for wind farms). These time periods are extended if the exhibition period falls into a school holiday period.

The department's Major Project Register, <http://majorprojects.planning.nsw.gov.au/page/> shows all projects on exhibition and provides a range of search and notification tools that help you keep track of where each project is up to.

**ITEM 2 (continued)**

**ATTACHMENT 1**

**Fact Sheet**

**8. WHAT HAPPENS IF I DON'T GET MY RESPONSE TO SUBMISSIONS OR PREFERRED PROJECT REPORTS IN ON TIME?**

The Part 3A system allows the department to require applicants to respond to submissions lodged during the public exhibition period and submit a preferred project report showing how the development has changed in response to stakeholder and community feedback.

Additionally, applicants can be required to lodge statements of commitments which are voluntary measures to manage and mitigate the impact of the development.

Newly imposed time limits mean that proponents will have:

- 30 days to prepare and submit a response to submissions; or
- 60 days to prepare and submit a preferred project report and/or revised statement of commitments.

If proponents are experiencing difficulties in delivering these on time, an extension for consideration by the Director-General can be sought by contacting the department. Please note that an extension will not automatically be granted.

**9. CAN THE DEPARTMENT COMPLETE ITS ASSESSMENT WITHOUT A FORMAL RESPONSE TO SUBMISSIONS FROM THE PROPONENT?**

Yes. Changes to the Environmental Planning and Assessment Regulation will make it possible for the Minister (or delegate) to determine the application without having the response to submissions.

In this case the department will consider all submissions made during public exhibition of the proposal and finalise its assessment report.

**10. HOW WILL THE DEPARTMENT WORK WITH AGENCIES AND COUNCILS?**

Project managers will work with agencies and councils to resolve issues that delay assessments. A forum of senior staff from agencies will be set up to overcome assessment delays and resolve disputes as they arise. The department will also be asking agencies and councils to provide information and comments at key points in the project's assessment process in accordance with clear timelines.

**11. WHEN WILL THE CHANGES BEGIN?**

The changes will commence on 24 August 2012. It is the intention that all transitional Part 3A projects will be determined by 30 June 2013.

**FURTHER INFORMATION**

Department of Planning & Infrastructure website:  
[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

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[www.planning.nsw.gov.au](http://www.planning.nsw.gov.au)

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## **NOTICES OF MOTION**

### **1 ARGYLE THEATRE - Councillor Terry Perram**

**File Number:** CLM/12/1/4/6 - BP12/1118

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**Motion:**

That no further action be taken in pursuit of the proposal to establish residential units on the site of the Argyle Theatre.

### **2 PROPERTY TRUST - Councillor Terry Perram**

**File Number:** CLM/12/1/4/6 - BP12/1119

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**Motion:**

That no further action be taken in pursuit of the proposal to establish a property trust.

### **3 RYDE DRAFT LEP 2012 - Councillor Terry Perram**

**File Number:** CLM/12/1/4/6 - BP12/1120

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**Motion:**

That a suitable variations be developed to Ryde draft LEP 2012 for consideration by Council that would alter the zoning restrictions on the Civic precinct and Argyle Theatre sites consistent with these areas of land remaining in Council ownership and on both sites:

- reducing the allowable height of development;
- permitting use of the land for open space, civic purposes or cultural purposes; and
- prohibiting residential uses.

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## **NOTICES OF RESCISSION**

**1 NOTICE OF RESCISSION: 3-5 TRELAWNEY STREET, EASTWOOD.  
LDA2011/0611 - Councillor Roy Maggio, Councillor Victor Tagg,  
Councillor Jeff Salvestro-Martin**

**File Number: CLM/12/1/4/7 - BP12/1039**

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That Council rescind the previous resolution in relation to Item 3 (Part 2) – 3-5 TRELAWNEY STREET, EASTWOOD, LDA2011/0611, passed at the Council Meeting held on 24 July 2012, namely:-

*That this matter be deferred to allow the Group Manager – Environment and Planning to negotiate this development application with particular regard to addressing the following:*

- (a) *an increase in the voluntary planning agreement;*
- (b) *the non-compliances as outlined in the officer's report; and*
- (c) *meeting the needs of both the developer and community with regards to amenity.*

**2 NOTICE OF RESCISSION: 7-9 RUTLEDGE STREET, EASTWOOD.  
LDA2011/0612 - Councillor Roy Maggio, Councillor Victor Tagg,  
Councillor Jeff Salvestro-Martin**

**File Number: CLM/12/1/4/7 - BP12/1040**

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That Council rescind the previous resolution in relation to Item 3 (Part 3) – 7-9 RUTLEDGE STREET, EASTWOOD, LDA2011/0612, passed at the Council Meeting held on 24 July 2012, namely:-

*That this matter be deferred to allow the Group Manager – Environment and Planning to negotiate this development application with particular regard to addressing the following:*

- (a) *an increase in the voluntary planning agreement;*
- (b) *the non-compliances as outlined in the officer's report; and*
- (c) *meeting the needs of both the developer and community with regards to amenity.*



**3 NOTICE OF RESCISSION: 64 PELLISIER ROAD, PUTNEY. LDA2011/493 – The Mayor, Councillor Ivan Petch, Councillor Victor Tagg, Councillor Jeff Salvestro-Martin**

**File Number: CLM/12/1/4/7 - BP12/1042**

That Council rescind the previous resolution in relation to Item 2 (Part 5) – 64 PELLISIER ROAD, PUTNEY, LDA2011/493, passed at the Council Meeting held on 14 August 2012, namely:-

- (a) *That Council resolve to seek amended plans in relation to Local Development Application No. LDA2011/493 for alterations and additions to the existing dwelling and construction of a cabana at No. 64 Pellisier Road, Putney. The amended plans and supporting information shall incorporate the following details:*
- i. **Reduction of balcony/terrace.** The Ground Floor balcony/terrace immediately adjoining the family and dining room shall be reduced by a minimum of 4 metres from the rear and the surplus area be replaced with roofing material to the lower ground floor level below and is not to be accessible.*
  - ii. **Setback of proposed additions from northern boundary.** The proposed additions must be stepped back to be in line with the existing kitchen and dining room side wall (this will equate to a setback of about 1 metre from the northern (side) boundary).*
  - iii. **Tree Management Plan – adjoining Fig Tree:***

*The submission of a report and plans from a suitably qualified practicing Arborist which provides details of management of impacts on the adjoining Fig Tree. The report shall include details of the following matters:*

    - Details (including a site plan and photographs) regarding investigation to determine the location of the structural roots of the adjoining Fig Tree.*
    - Structural Plans of columns of the proposed additions in relation to the structural roots of the adjoining Fig Tree (based on the investigations above) – which minimises construction impacts on the Fig Tree.*
    - Structural Plans – cabana: The cabana is to be constructed with pier and beam or other construction methods which minimises impacts within the Tree Protection Zone of the Fig Tree. Subfloor infill walling is not acceptable.*
    - Proposed physical management of the Fig Tree before, during and post construction, to ensure its longevity.*
    - That any proposed pruning of the Fig Tree be limited to 10% of the tree canopy as supervised by an arborist.*
- (b) *Upon submission of satisfactory details to Council regarding the above matters, the Group Manager Environment & Planning be delegated authority to determine the DA by approval subject to appropriate conditions.*
- (c) *That the persons who made submissions be notified of Council's decision.*