

Meeting Date: Tuesday 13 November 2012
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

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

Note: Councillor Pickering left the meeting at 12.33am and did not return. He was not present for consideration of Item 9.

Note: Councillor Li left the meeting at 12.33am and did not return. He was not present for consideration of Item 9.

Note: Councillor Maggio left the meeting at 12.33am and did not return. He was not present for consideration of Item 9.

Apologies: Nil.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Chief Financial Officer, Service Unit Manager – Governance, Manager – Communications and Media, Service Unit Manager – Urban Planning, Service Unit Manager – Risk and Audit, Internal Auditor, Client Manager, Development Director and Acting Section Manager - Governance.

LEAVE OF ABSENCE

The Mayor, Councillor Petch advised that Councillor Laxale has requested a Leave of Absence for the period Tuesday, 13 November 2012 until Sunday, 25 November 2012 inclusive.

RESOLUTION: (Moved by Yedelian OAM and Salvestro-Martin)

That Councillor Laxale's Leave of Absence for the period from Tuesday, 13 November 2012 until Sunday, 25 November 2012 inclusive be approved.

Record of Voting

For the Motion: Unanimous

Councillor Perram requested a Leave of Absence from Thursday, 22 November 2012 to Monday, 3 December 2012.

Councillor Yedelian OAM requested a Leave of Absence from Tuesday, 20 November 2012 to Sunday, 25 November 2012.

Councillor Salvestro-Martin requested a Leave of Absence from Sunday, 2 December 2012 to Thursday, 20 December 2012.

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

- (a) That Councillor Perram's Leave of Absence for the period from Thursday, 22 November 2012 to Monday, 3 December 2012 be approved.
- (b) That Councillor Yedelian OAM's Leave of Absence for the period from Tuesday, 20 November 2012 to Sunday, 25 November 2012 be approved.
- (c) That Councillor Salvestro-Martin's Leave of Absence for the period from Sunday, 2 December 2012 to Thursday, 20 December 2012 be approved.

Record of Voting:

For the Motion: Unanimous

PRAYER

Pastor Robyn Peebles from the Church of the Good Shepherd, West Ryde was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Pickering disclosed a significant non-pecuniary interest in Item 9 – Proposed Voluntary Planning Agreement for a Residential Development at LOT 2 DP 1163230 – 126-128 Herring Road, Macquarie Park – LDA2012/314, for the reason that submissions were prepared and representations provided by him to an intermediary party to Toga.

Councillor Maggio disclosed a less than significant non-pecuniary interest in Notice of Motion 3 – Fees and Charges at Westminster Oval, Gladesville, for the reason that he is a participant of the Oval.

Councillor Perram disclosed a less than significant non-pecuniary interest in Mayoral Minute No. 18/12 – Seeking Direction of Minister re Discontinuance of Supreme Court Proceedings No. 2012/249917, for the reason that he remains a Defendant in the Supreme Court proceedings which have yet to be discontinued.

Councillor Salvestro-Martin disclosed a less than significant non-pecuniary interest in Mayoral Minute No. 18/12 – Seeking Direction of Minister re Discontinuance of Supreme Court Proceedings No. 2012/249917, for the reason that he is a party referred to in the proceedings.

Councillor Li disclosed a less than significant non-pecuniary interest in Mayoral Minute No. 18/12 – Seeking Direction of Minister re Discontinuance of Supreme Court Proceedings No. 2012/249917, for the reason that he is a party to the proceedings referred to in the Mayoral Minute.

The Mayor, Councillor Petch disclosed a less than significant non-pecuniary interest in Mayoral Minute No. 18/12 – Seeking Direction of Minister re Discontinuance of Supreme Court Proceedings No. 2012/249917, for the reason that he is a person nominated in the proceedings.

TABLING OF PETITIONS

No Petitions were tabled.

PRESENTATION OF PLAQUE TO THE NORTHERN DISTRICT CRICKET ASSOCIATION

The Mayor, Councillor Petch presented the President of the Northern District Cricket Association, Mr John Crane with a Plaque in recognition for achieving 100 seasons of cricket in the City of Ryde.

PRESENTATION OF GENDER EQUITY 50:50 SILVER AWARD

Council's Service Unit Manager – Governance, Ms Shane Sullivan and Council's Manager – Communications and Media, Ms Angela Jones-Blayney presented The Mayor, Councillor Petch with the Silver 50:50 Gender Equity Award, awarded to City of Ryde Council at the Australian Local Government Women's Association Conference in Ipswich on 10 November 2012. City of Ryde is one of the first Councils in Australia to receive this recognition.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Robert Ruggeri	Notice of Motion 6 – Pedestrian Safety throughout the City of Ryde
Sherie Barton	Notice of Motion 5 – Devlin Street Pedestrian Bridges
Darryl Fung	Notice of Rescission 2 – Matter of Urgency – Removal of five shrubs on the nature strip at 163 Morrison Road, Putney

RESOLUTION: (Moved by Councillors Salvestro-Martin and Maggio)

That the late request to address Council on Items Listed on the Agenda and also members of the public who had requested to address Council on Items Not Listed on the Agenda be allowed to address the meeting at this time.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
Noel Plumb (representing Ryde Community Alliance)	Item 13 (CONFIDENTIAL) – Allengrove Major Project – Legal advice received on options to appeal the approval granted

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
Patricia Bloomfield	Farm Street, Gladesville

MATTERS OF URGENCY:-

REFERENCE TO RYDE COUNCIL IN THE SYDNEY MORNING HERALD –
Councillor Pickering

WHITE RIBBON DAY – DOMESTIC VIOLENCE AWARENESS AND PREVENTION
– Councillor Maggio

The Mayor, Councillor Petch raised two Matters of Urgency received from Councillors Pickering and Maggio and did not deem them as urgent. The Mayor sought Council's determination on having these matters confirmed as urgent to be considered at the meeting.

MATTER OF URGENCY – REFERENCE TO RYDE COUNCIL IN THE SYDNEY MORNING HERALD

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That Council consider the Matter of Urgency regarding Reference to Ryde Council in the Sydney Morning Herald, the time being 8.02pm.

Record of voting:

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

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

**MATTER OF URGENCY – WHITE RIBBON DAY – DOMESTIC VIOLENCE
AWARENESS AND PREVENTION**

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That Council consider the Matter of Urgency regarding White Ribbon Day – Domestic Violence Awareness and Prevention, the time being 8.03pm.

Record of voting:

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

Against the Motion: The Mayor, Councillor Petch and Councillor Salvestro-Martin

**MATTER OF URGENCY – REFERENCE TO RYDE COUNCIL IN THE SYDNEY
MORNING HERALD**

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

That the General Manager provide a detailed report to Councillors on the allegations made in the Sydney Morning Herald in relation to Ryde Council's association with Direct Health Solutions and any other company operated by the Obeid family. This report should detail the circumstances and approval processes that operated and provide an explanation (if necessary) on why the normal tendering process allegedly did not take place.

Record of Voting:

For the Motion: Unanimous

**MATTER OF URGENCY – WHITE RIBBON DAY – DOMESTIC VIOLENCE
AWARENESS AND PREVENTION**

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That this Council resolves to:

- (a) Support White Ribbon Day on 25 November 2012 by selling White Ribbons in all City of Ryde Council facilities (such as Council's Customer Services Desk, Libraries and other facilities).
- (b) Donate \$1,000 towards Erins Place Inc Womens' Refuge in recognition of Council's support for supporting victims of domestic violence.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES

**AMENDMENT BY RESOLUTION OF COUNCIL ON 27 NOVEMBER 2012 –
CONSIDERED AT PART OF CONFIRMATION OF THESE MINUTES**

MM14/12 MACQUARIE-RYDE FUTURES PARTNERSHIP

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

- (i) That Council endorse the continuation of the Macquarie Ryde Futures Partnership; and
- (ii) That Council host a reception on 11 December 2012 prior to the commencement of the Council meeting and that Professor Downton and other members of the steering committee be invited to attend.
- (iii) That council receives a brief prior to the dinner on 11 December 2012, that includes an itemised list of projects undertaken and proposed to be undertaken, detailing all Council's costs relating to the partnership.

Record of Voting:

For the Motion: Unanimous

**MM15/12 REVIEW OF POLICIES REGARDING VISITING OVERSEAS
DELEGATIONS AND SISTER CITY RELATIONSHIPS**

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

- (a) That Council reconsider its policy with regard to Visiting Overseas Delegations at a future workshop.
- (b) That the General Manager bring back a report to Council of existing sister city relationships.
- (c) That the General Manager organise a workshop to discuss all aspects of existing sister city relationships.

Record of Voting:

For the Motion: Unanimous

MM16/12 RYDE CIVIC CENTRE

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

That:

- (a) Council staff immediately develop a project plan to expedite the rezoning of the Civic Centre site back to RL91 with a density of 60,000sq metres and to be zoned SP2 community use through a planning proposal.
- (b) Council staff prepare a list of priority maintenance required at the Civic Centre – using the existing building condition reports. This priority list is to be based on Workplace Health and Safety issues. This list is to be considered in the context of the 4 Year Delivery Plan.
- (c) Council staff prepare an outline of the communications program which will be associated with items (a) and (b).
- (d) Items (a) and (b) be developed using in-house expertise. Any involvement of consultants is to be subject to appropriate tendering processes for those services and only undertaken after consideration and direction from Council on the priority action areas.
- (e) That a further report be provided back to Council to update Council on all actions detailed in parts (a) to (d).

Record of Voting:

For the Motion: Unanimous

MM17/12 POTENTIAL DEVELOPMENT OF TENNIS WORLD SITE, NORTH RYDE

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

1. That a delegation of interested Councillors led by the Mayor seek an urgent meeting with the local state member, Mr Victor Dominello MP and the Minister of Planning, Mr Brad Hazzard MP to ensure that the Tennis World site is not redeveloped as part of the North Ryde Station Precinct redevelopment; and
2. That the City of Ryde write to the Minister for Planning, the local state member and the Premier stating that it is the wishes of both Council and the community that the site remain in public ownership for public recreational purposes in perpetuity.

Record of Voting:

For the Motion: Unanimous

MM18/12 SEEKING DIRECTION OF MINISTER RE DISCONTINUANCE OF SUPREME COURT PROCEEDINGS NO. 2012/249917

Note: Councillor Perram disclosed a less than significant non-pecuniary interest in this Item, for the reason that he remains a Defendant in the Supreme Court proceedings which have yet to be discontinued.

Note: Councillor Salvestro-Martin disclosed a less than significant non-pecuniary interest in this Item, for the reason that he is a party referred to in the proceedings.

Note: Councillor Li disclosed a less than significant non-pecuniary interest in this Item, for the reason that he is a party to the proceedings referred to in the Mayoral Minute.

Note: The Mayor, Councillor Petch disclosed a less than significant non-pecuniary interest in this Item, for the reason that he is a person nominated in the proceedings.

RESOLUTION: (Moved by The Mayor, Councillor Petch and Councillor Salvestro-Martin)

That the Marsdens Law Group be appointed to act for Council in the Supreme Court Proceedings 2012/249917.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 23 October 2012

RESOLUTION: (Moved by Councillors Yedelian OAM and Perram)

That the Minutes of the Council Meeting 20/12, held on 23 October 2012 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 12/12 held on 6 November 2012

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

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

Record of Voting:

For the Motion: Unanimous

- 3 16 PUNT ROAD, GLADESVILLE. LOT 502 DP 732745. Local Development Application for alterations and additions to seniors housing (residential care facility): additional facilities including new office, meeting room, change room, and laundry. LDA2012/0015**

RESOLUTION: (Moved by Councillors Simon and Pendleton)

That Local Development Application No. 2012/0015 for 16 Punt Road be deferred for mediation with the Group Manager – Environment & Planning, applicant and objectors in regard to reducing the overshadowing impacts on the adjoining residents to achieve closer compliance with Council's Development Control Plan 2010. That a further report be provided to the Planning & Environment committee within three months.

Record of Voting:

For the Motion: Unanimous

- 3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 13/12 held on 6 November 2012**

Note: Councillor Yedelian OAM left the meeting at 9.01pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Perram and Pickering)

That Council determine Items 5, 9(n) and 9(p) of the Works and Community Committee report, noting that Items 1, 2, 3, 4, 6, 7, 8, 9(a), 9(b), 9(c), 9(d), 9(e), 9(f), 9(g), 9(h), 9(i), 9(j), 9(k), 9(l), 9(m), 9(o), 9(q), 9(r), 9(s), 9(t), 9(u), 9(v) and 9(w) and were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

- 5 AUSTRALIAN BADMINTON ASSOCIATION REQUEST FOR SUPPORT**

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

RESOLUTION: (Moved by Councillors Perram and Pickering)

- (a) That Council waive the \$508 hire fee for the Australian Badminton Academy for the 10 year anniversary celebration at the Ryde Aquatic Leisure Centre.

- (b) That the following resolution of Council from 23 August 2011 be extended to include any fees and charges levied at all facilities (RALC, ELS Hall etc):

That Council does not provide fee reductions or fee waivers for sporting groups or community organisations except in keeping with the adopted Schedule of Fees and Charges in the Delivery Plan

Record of Voting:

For the Motion: Unanimous

9 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 27 September 2012

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

RESOLUTION: (Moved by Councillors Perram and Pickering)

- (n) That Council adopt the following recommendations in relation to the report titled "OSGATHORPE ROAD AND EVAN STREET, GLADESVILLE" - Request for Local Area Traffic Management as follows:
- i. That Council take no action to introduce traffic calming measures in Osgathorpe Road, Evan Street and Brereton Street.
 - ii That '3T' load limit be installed along Osgathorpe Road, Evan Street and Brereton Street subject to RMS concurrence of a suitable Traffic Management Plan (TMP).
 - iii That Council investigate the behaviour of vehicles traversing the bend along Osgathorpe Road as cars have been known to straddle the road.
 - iv That suitable measures be provided to restrict this type of driving behaviour.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Yedelian OAM returned to the meeting at 9.02pm.

9 TRAFFIC AND PARKING MATTERS PRESENTED TO RYDE LOCAL TRAFFIC COMMITTEE MEETING held on 27 September 2012

RESOLUTION: (Moved by Councillors Perram and Simon)

- (p) That Council adopt the following recommendations in relation to the report titled "CULLODEN ROAD AND WATERLOO ROAD, MARSFIELD" - Request for review of marked pedestrian crossing as follows:
- (i) That Council not approve the request for marked pedestrian crossings along Waterloo Road and Culloden Road respectively.
 - (ii) That Council redefine the problem and staff speak to Councillors Perram and Laxale before bringing a further report back to the Traffic Committee.

Record of Voting:

For the Motion: Unanimous

4 STAFF CULTURE SURVEY - RESULTS

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That this matter be deferred to the next Council Meeting on 27 November 2012.

Record of Voting:

For the Motion: Unanimous

5 2011/2012 FINANCIAL STATEMENTS

Note: Council's Chief Financial Officer provided a presentation regarding the 2011/2012 Financial Statements.

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

- (a) That in accordance with Section 419 of the Local Government Act, Council receive and note the Auditors Reports on the 2011/2012 Annual Financial Statements for the year ended 30 June 2012.
- (b) That any public submissions on the 2011/2012 Financial Reports be referred to Council's Auditors, Hill Rogers Spencer Steer, Chartered Accountants.
- (c) That Council suspend standing orders to allow a presentation by Council's staff and any comments by or questions of the external auditor, Hill Rogers Spencer Steer or members of the Audit Committee, in respect of the 2011/2012 Financial Statements including the Auditor's Reports.

Record of Voting:

For the Motion: Unanimous

6 LOCAL INFRASTRUCTURE RENEWAL SCHEME - ROUND TWO

MOTION: (Moved by Councillors Maggio and Etmekdjian)

- (a) That Council make an application under the NSW Local Infrastructure Renewal Scheme – Round Two for Children’s Play areas and equipment, in accordance with the Children’s Play Implementation Plan, at an estimated cost of \$1.5 million.
- (b) That Council endorse a new loan of \$1.5 million to support Council’s application as detailed in part (a) and delegate to the General Manager, the authority to commence the procurement of this loan.
- (c) That the General Manager be requested to provide options to Councillors for the upcoming Budget workshops in 2013, in how Council will meet the debt servicing costs of this new loan.

AMENDMENT: (Moved by Councillors Yedelian OAM and Salvestro-Martin)

That this matter be deferred for a workshop with options to be presented to Council.

On being put to the Meeting, the voting on the Amendment was two (2) votes For and nine (9) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Salvestro-Martin and Yedelian OAM

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

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

- (a) That Council make an application under the NSW Local Infrastructure Renewal Scheme – Round Two for Children’s Play areas and equipment, in accordance with the Children’s Play Implementation Plan, at an estimated cost of \$1.5 million.
- (b) That Council endorse a new loan of \$1.5 million to support Council’s application as detailed in part (a) and delegate to the General Manager, the authority to commence the procurement of this loan.

- (c) That the General Manager be requested to provide options to Councillors for the upcoming Budget workshops in 2013, in how Council will meet the debt servicing costs of this new loan.

Record of Voting:

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

Against the Motion: Councillor Pendleton

7 SUBMISSION ON DRAFT LONG TERM TRANSPORT MASTER PLAN

RESOLUTION: (Moved by Councillors Simon and Etmekdjian)

That Council endorse the submission on the Draft Long Term Transport Master Plan and that this be sent to Transport for NSW.

Record of Voting:

For the Motion: Unanimous

8 ADOPTION OF THE SHRIMPTONS CREEK PARKLANDS PLAN OF MANAGEMENT

RESOLUTION: (Moved by Councillors Maggio and Simon)

- (a) That the Shrimptons Creek Parklands Plan of Management (dated October 2012) be adopted.
- (b) That all community members who made a submission be thanked and advised of the outcome.
- (c) That the General Manager investigate the possibility of installing a pedestrian bridge across Shrimptons Creek at the northern end of Santa Rosa Park and provide an indicative cost for Council's consideration.

Record of Voting:

For the Motion: Unanimous

9 PROPOSED VOLUNTARY PLANNING AGREEMENT FOR A RESIDENTIAL DEVELOPMENT AT LOT 2 DP1163230 - 126-128 HERRING ROAD, MACQUARIE PARK. LDA2012/314

Note: Councillor Pickering disclosed a significant non-pecuniary interest in this Item, for the reason that submissions were prepared and representations provided by him to an intermediary party to Toga.

Note: Councillor Pickering left the meeting at 10.07pm and was not present for discussion or voting on this Item.

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

That this Item be moved to Closed Session for discussion.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Pickering returned to the meeting at 10.14pm.

10 PLANNING PROPOSAL - 461 - 495 VICTORIA ROAD, GLADESVILLE

RESOLUTION: (Moved by Councillors Yedelian OAM and Perram)

- (a) That Council note the Planning Proposal for 461-495 Victoria Road, Gladesville to amend Clause 4 'Use of certain land at 461-495 Victoria Road, Gladesville' of Schedule 1 under Ryde Local Environmental Plan 2010 to include the following land uses, *bulky goods premises, hardware and building supplies* and *garden centre*, and to amend the Height of Building Map (06) under Ryde Local Environmental Plan.
- (b) That Council forward the planning proposal to 461-495 Victoria Road, Gladesville to receive a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*.
- (c) That, in the event of a gateway determination being issued pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*, the proposed be placed on public exhibition and a further report be presented to Council following the completion of the consultation period advising of the outcomes and next steps.
- (d) That Council support a site specific addition to the Ryde Development Control Plan 2010 be prepared for 461-495 Victoria Road, Gladesville and public exhibited together with the planning proposal.

Record of Voting:

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

Against the Motion: Councillors Li, Pendleton and Simon

11 CIVIC PRECINCT COST ANALYSIS REPORT

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

That this matter be deferred to the next meeting of Council to be held on 27 November 2012 and for the General Manager to identify those matters that are commercial in confidence to enable the report with attachments to be included on the public agenda.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

12 REPORTS DUE TO COUNCIL

Note: Councillor Perram left the meeting at 10.40pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Perram)

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Perram returned to the meeting at 10.42pm.

LATE ITEM

14 CITIZEN ENGAGEMENT ADVISORY COMMITTEE – TERMS OF REFERENCE

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

(a) That Council adopt the methodology for selecting the Citizen Engagement Advisory Committee as outlined in the Council report.

- (b) That Council adopt the Draft Terms of Reference for the Citizen Engagement Advisory Committee.
- (c) That Council agrees to work collaboratively with the New Democracy Foundation to help shape our emerging City of Ryde Community Engagement framework.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 DIVISION OF LOCAL GOVERNMENT ON-SITE INFRASTRUCTURE AUDIT

RESOLUTION: (Moved by Councillors Perram and Simon)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

2 DIVISION OF LOCAL GOVERNMENT RESPONSE TO COUNCIL'S REQUEST UNDER SECTION 416 OF THE LOCAL GOVERNMENT ACT 1993 FOR AN EXTENSION OF TIME FOR SUBMISSION OF THE 2011/12 FINANCIAL STATEMENTS

RESOLUTION: (Moved by Councillors Perram and Simon)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 FEEDBACK FROM COUNCILLORS FOR IMPROVEMENTS TO THE LOCAL GOVERNMENT ELECTION PROCESS - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Perram)

That the General Manager seeks feedback from the Councillors for improvements to the Local Government Election process. That this feedback then be collated, presented to Council for consideration of those elements which are to be included in a formal submission to the State Electorate Commission.

Record of Voting:

For the Motion: Unanimous

2 STATE ELECTORAL COMMISSION - Councillor Roy Maggio

Note: This Notice of Motion was withdrawn by Councillor Maggio.

**3 FEES AND CHARGES AT WESTMINSTER OVAL, GLADESVILLE -
Councillor Roy Maggio**

Note: Councillor Maggio disclosed a less than significant non-pecuniary interest in this Item, for the reason that he is a participant of the Oval.

RESOLUTION: (Moved by Councillors Maggio and Simon)

That a report be prepared on the condition of Westminster Oval and referred to the next Works and Community Committee meeting to be held on 20 November 2012 for its consideration.

Record of Voting:

For the Motion: Unanimous

4 CITY OF RYDE PROCUREMENT PROCESSES - Councillor Jeff Salvestro-Martin

RESOLUTION: (Moved by Councillors Salvestro-Martin and Yedelian OAM)

That the General Manager be delegated to conduct an independent review of City of Ryde procurement processes, in general covering all areas.

Record of Voting:

For the Motion: Unanimous

COMPLETION OF BUSINESS – EXTENSION OF TIME

RESOLUTION: (Moved by Councillors Pickering and Pendleton)

That the meeting time be extended to allow Council to complete all Items of business on the Agenda, the time being 11.05pm.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

5 **DEVLIN STREET PEDESTRIAN BRIDGES - Councillor Denise Pendleton**

Note: Sherie Barton addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Pendleton and Yedelian OAM)

Council must take immediate action to ensure pedestrians at Top Ryde have a safe, fully accessible and reliable means of crossing Devlin Street.

1. Council to take **immediate** action to require the west lift (next to the old library building) to be properly ventilated to ensure pedestrian safety, particularly during instances of lift failure in summer.
2. That Council staff provide a report by February 2013 covering:
 - a. Clarification of roles, responsibilities, accountabilities and ownership of the pedestrian bridges:
 - i. By organisation: Council, RMS and shopping centre management
 - ii. Council management.
 - b. The established performance and reliability standards for the pedestrian bridges lifts.
 - c. Response time for repair crews to attend the lifts if they fail – including the minimum and maximum period of delay.
 - d. Standard for emergency response time when a lift fails with someone trapped inside – including the minimum and maximum period.
 - e. Report on the two pedestrian bridges' lift performance:
 - Instances of lifts stoppage (date) and duration
 - Instances of pedestrians trapped inside lifts – number of pedestrians trapped and the duration they were trapped (not average time)
 - Number of complaints received by Council on lift performance and pedestrian safety concerns.

- Number of complaints investigated and closed by Council staff and actions taken.
 - Average response times and maximum delay in response to call out to service lift for reactivation.
- f. What legal options does Council have if the performance of the infrastructure is considered unacceptable e.g. penalties, licence termination etc?
- g. Options for Council's process improvements including establishing new design requirements or standards to be applied to any future pedestrian bridges in the municipality.
3. Council to immediately write to the local Member for Ryde requesting his intervention with the Minister for Roads to achieve an alternative solution for pedestrians at this major intersection. In particular Council to seek a meeting involving all interested Councillors, Council senior staff, the RMS and the centre management to consider options for improved risk assessment, reprioritisation of the pedestrian in the road sharing equation at Devlin Street, and alternative crossing options, including staged crossings, night time safety and timed crossing or other suitable alternatives.
4. Urgent review of Ryde Council's complaint management and risk assessment processes, particularly related to infrastructure and complaints where public safety issues are reported.

Record of Voting:

For the Motion: Unanimous

6 PEDESTRIAN SAFETY THROUGHOUT THE CITY OF RYDE - Councillor Jeff Salvestro-Martin

Note: Robert Ruggeri addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Salvestro-Martin and Yedelian OAM)

That the General Manager conduct an audit of Pedestrian Safety throughout the City of Ryde. That the report include examination of the adequacy of existing pedestrian crossings, refuges and footpaths including the adequacy of disabled and pram access and the inclusion of 40km zones where appropriate. Specific focus should be given to areas where there are:

1. Schools or Early Childhood Centres
2. Community Facilities
3. Public Transport Nodes

4. Commercial Enterprise
5. High Pedestrian Flows
6. An unusual incidence of pedestrian misadventure

The report should inform Council of recent changes to traffic legislation and the obligations and responsibilities of Council to ensure it meets its obligations under the relevant Acts and should include consultation with relevant authorities, City of Ryde Advisory Committees and the Ratepayers of Ryde. The report should specifically detail the estimated costs and solicit input from residents about specific concerns they have with respect to their safety as pedestrians within the City of Ryde.

Record of Voting:

For the Motion: Unanimous

7 COUNCIL PAPERS AND BOARDVANTAGE - Councillor Craig Chung

RESOLUTION: (Moved by Councillors Chung and Maggio)

That the General Manager:

1. Ensure that all Council papers that are submitted to Councillors in hard copy including but not limited to Council & Committee agenda and attachment documents, urgent Notices of Motion, late agenda items are duplicated on BOARDvantage at the same time that hard copies are issued.
2. Cease providing hard copies of Council papers to those Councillors who notify the Governance Unit in writing of their desire to cease receiving Council papers in hard copy.
3. Ensure that no document is removed from BOARDvantage without resolution of Council.
4. Upon request of a Councillor cause a backup copy to be made of all documents loaded to the individual Councillors BOARDvantage account including notations contained on the individual Ipad in a format suitable for reading on PC or Mac.

Record of Voting:

For the Motion: Unanimous

8 COMMUNITY COUNCIL MEETINGS - Councillor Craig Chung

RESOLUTION: (Moved by Councillors Chung and Maggio)

That the General Manager:

1. Investigate and report on the costs associated with conducting 3 Community Council Meetings in 2013 at community facilities within each of the three wards.
2. Make recommendations for 3 dates and locations for Community Council Meetings to be held in 2013.

Record of Voting:

For the Motion: Unanimous

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND OTHER COUNCILLORS - Councillor Jeff Salvestro-Martin, Councillor Sarkis Yedelian OAM, Councillor Craig Chung

RESOLUTION: (Moved by Councillors Salvestro-Martin and Pickering)

That Council rescind the previous resolution in relation to Item 10 – PAYMENT OF EXPENSES AND PROVISION OF FACILITIES TO THE MAYOR AND OTHER COUNCILLORS, passed at the Council Meeting held on 23 October 2012, namely:-

- (a) *That Council endorse the public exhibition of the revised Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy for a period of at least 28 days.*
- (b) *That after the exhibition period of the draft policy, a further report be provided to Council seeking the adoption of the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and detailing any submissions received.*
- (c) *That Council approve the appropriate disposal of the Mayoral vehicle.*
- (d) *That Clause 28 be amended to include access for meeting rooms at the library, as available for the purposes of Councillors meeting with the public during operating hours and free of charge.*

On being put to the Meeting, the voting on the Rescission Motion was ten (10) votes For and one (1) votes Against. The Rescission Motion was CARRIED.

Record of Voting:

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

Against the Motion: Councillor Perram

The Matter was then AT LARGE.

RESOLUTION: (Moved by Councillors Etmekdjian and Simon)

1. (a) That Council endorse the public exhibition of the revised Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy for a period of at least 28 days.
 - (b) That after the exhibition period of the draft policy, a further report be provided to Council seeking the adoption of the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and detailing any submissions received.
 - (c) That Council approve the appropriate disposal of the Mayoral vehicle.
 - (d) That Clause 28 be amended to include access for meeting rooms at the library, as available for the purposes of Councillors meeting with the public during operating hours and free of charge.
2. That Council staff bring a further report to Council detailing options on how Councillors' reimbursement of expenses can be streamlined.

Record of Voting:

For the Motion: Unanimous

2 NOTICE OF RESCISSION: MATTER OF URGENCY - REMOVAL OF FIVE SHRUBS ON THE NATURE STRIP AT 163 MORRISON ROAD, PUTNEY - Councillor George Simon, Councillor Denise Pendleton, Councillor Terry Perram

Note: Darryl Fung addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Simon and Pendleton)

That Council rescind the previous resolution in relation to Matter of Urgency – REMOVAL OF FIVE SHRUBS ON THE NATURE STRIP AT 163 MORRISON ROAD PUTNEY, passed at the Council Meeting held on 23 October 2012, namely:-

That staff remove the five shrubs on the nature strip at 163 Morrison Road, Putney and replace them with low bearing shrubs, in consultation with the local residents.

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

Record of Voting:

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

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

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Roy Maggio

The following Question with Notice and Answer was provided to Council.

Question 1: **What is Council doing in regard to private certifiers that are not performing satisfactorily?**

Answer 1: Council staff investigate all allegations of improper conduct by private certifiers. The majority of these allegations are usually a misunderstanding of the certifiers role, however, there have been a number of examples where a certifier may have acted inappropriately. In these instances, Council staff allow the certifier the opportunity to remedy the situation. If for some reason the certifier fails to remedy the situation, Council staff report the incident to the Building Professionals Board (BPB). The same opportunity is afforded to the public to report incidents to the BPB. Unfortunately, the BPB is under-resourced and the process of reporting an incident is difficult, therefore a number of incidents do not get the attention they deserve. There is currently a New South Wales Government review of the system being undertaken to look at ways of improvement.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Patricia Bloomfield addressed the meeting in relation to Items not Listed on the Agenda earlier in the Meeting as detailed in these Minutes.

CLOSED SESSION

ITEM 13 - ALLENGROVE MAJOR PROJECT - LEGAL ADVICE RECEIVED ON OPTIONS TO APPEAL THE APPROVAL GRANTED

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.

LATE ITEM

ITEM 15 – CAMPERDOWN BOWLING AND RECREATION CLUB - LIQUIDATION

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 9 – PROPOSED VOLUNTARY PLANNING AGREEMENT FOR A RESIDENTIAL DEVELOPMENT AT LOT 2 DP 1163230 – 126-128 HERRING ROAD, MACQUARIE PARK. LDA2012/314

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.

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

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

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

Note: The Council closed the meeting at 12.03am. The public and media left the chamber.

13 ALLENGROVE MAJOR PROJECT - LEGAL ADVICE RECEIVED ON OPTIONS TO APPEAL THE APPROVAL GRANTED

Note: Noel Plumb (representing Ryde Community Alliance) addressed the meeting in relation to this Item.

RECOMMENDATION: (Moved by The Mayor, Councillor Petch and Councillor Pickering)

That this matter be deferred to the next Council meeting to be held on 27 November 2012 to allow the Group Manager – Environment and Planning to have further discussions with the Principal Solicitor from NSW Environmental Defenders Office (EDO) to confirm what options are available to Council with an invitation being extended to the Principal Solicitor to attend a workshop (open to the public) to be held on 27 November 2012 at 7.30pm, noting the Council meeting will commence at the conclusion of the workshop.

Record of Voting:

For the Motion: Unanimous

15 CAMPERDOWN BOWLING AND RECREATION CLUB - LIQUIDATION

RECOMMENDATION: (Moved by Councillors Pickering and Perram)

1. That Council take actions as detailed in the report and as discussed in Closed Session of Council.
2. That Council directly manage the facilities in the interim and does not undertake an Expression of Interest process for the use of the site, until a future plan for the property is approved by Council.
3. That following a careful analysis of likely net operating costs, necessary adjustments be made in the December quarterly review to allow Council to directly manage the facilities in the best interests of the community as an interim arrangement.
4. That Council conducts preliminary discussions with the NSW State Crown Lands Division of the Department of Land and Property Information to seek their views on the future uses for the site.
5. That the future use and zoning of this site be considered as part of the current review of the zoning of the adjacent Council owned land (known as the Argyle Centre site).

Record of Voting:

For the Motion: Unanimous

9 PROPOSED VOLUNTARY PLANNING AGREEMENT FOR A RESIDENTIAL DEVELOPMENT AT LOT 2 DP1163230 - 126-128 HERRING ROAD, MACQUARIE PARK. LDA2012/314

Note: Councillor Pickering disclosed a significant non-pecuniary interest in this Item, for the reason that submissions were prepared and representations provided by him to an intermediary party to Toga.

Note: Councillor Pickering left the meeting at 12.33am and did not return.

Note: Councillor Li left the meeting at 12.33am and did not return.

Note: Councillor Maggio left the meeting at 12.33am and did not return.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Perram)

- (a) That Council enter into the Voluntary Planning Agreement (VPA) made by Toga Macquarie Developments P/L as part of Development Application LDA2012/314.
- (b) That Council's agreement to enter into the VPA be communicated to the Sydney East Joint Regional Planning Panel when LDA2012/314 is presented to it for determination.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 12.38am.

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

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

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 12.40am on 14 November 2012

CONFIRMED THIS 27TH DAY OF NOVEMBER 2012

Chairperson