

Meeting Date: Tuesday 14 October 2014

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

Time: 7.30pm

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

Note: Councillor Maggio left the meeting at 9.32pm and did not return. He was not present for consideration or voting on Item 9.

Apologies: Councillor Yedelian OAM.

Leave of Absence: Councillor Simon.

Absent: Councillor Petch (currently suspended).

Staff Present: Acting General Manager, Acting Group Manager – Community Life, Group Manager – Corporate Services, Acting Group Manager – Environment and Planning, Group Manager – Public Works, General Counsel, Chief Financial Officer, Manager – Communications & Media, Manager – Governance, Risk and Audit, Internal Auditor, Economic Development Manager, Development Contributions Coordinator, Acting Manager – Project Development, Section Manager – Governance and Meeting Support Coordinator.

PRAYER

Councillor Laxale offered prayer prior to the commencement of the meeting.

LEAVE OF ABSENCE

Note: Councillor Simon requested and was granted a Leave of Absence for the period of 10 October to 24 October 2014 inclusive, at the Council Meeting held on 23 September 2014.

Councillor Etmekdjian requested a Leave of Absence for the Council Meeting to be held on 28 October 2014.

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

That Councillor Etmekdjian's Leave of Absence for the Council Meeting to be held on 28 October 2014 be approved.

Record of Voting:

For the Motion: Unanimous

DISCLOSURES OF INTEREST

Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in Item 2(3) - 21 Winbourne Street, West - LDA2013/0420 for the reason that the applicant is known through the Community.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:

| Name | Topic |
|---------------|-------------------------------|
| Lisa Aynajian | Urban Forest Technical Manual |

MAYORAL MINUTES

33/14 NOMINATION OF JANE STOTT TO POSITION ON HERITAGE ADVISORY COMMITTEE

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

That Ms Jane Stott be asked to join the Heritage Advisory Committee.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 23 September 2014

RESOLUTION: (Moved by Councillors Pendleton and Laxale)

That the Minutes of the Council Meeting 15/14, held on 23 September 2014 be confirmed.

Record of Voting:

For the Motion: Unanimous

**2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING
10/14 held on 7 October 2014**

RESOLUTION: (Moved by Councillors Chung and Laxale)

That Council determine Item 3 of the Planning and Environment Committee report 10/14 held on 7 October 2014, noting that Items 1 and 2 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

3 21 WINBOURNE STREET, WEST RYDE. LOT 4 DP 39266. Local Development Application for Alterations and additions and change of use of existing dwelling to a childcare centre for 39 children. LDA2013/0420.

Note: Councillor Etmekdjian disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that the applicant is known through the Community.

MOTION: (Moved by Councillors Chung and Laxale)

- (a) That Local Development Application No. 2013/420 at 21 Winbourne Street, West Ryde, being LOT 4 DP 39266 be deferred for a meeting to be held with the Group Manager – Environment and Planning and the applicant to discuss amendments to address the issues raised in the assessment report.
- (b) That amended plans be submitted to Council and renotified to all adjoining owners and those people who made submissions.
- (c) That a further report be submitted to the Planning and Environment Committee.

AMENDMENT: (Moved by Councillors Perram and Pendleton)

- (a) That Local Development Application No. 2013/420 at 21 Winbourne Street, West Ryde, being LOT 4 DP 39266 be refused for the following reasons:
 1. The proposal will exacerbate existing traffic congestion along Winbourne Street in morning and afternoon peak periods.
 2. A high volume of children traverse Winbourne Street during weekday morning and afternoon peak periods. The number of vehicles that will be associated with the development is not appropriate for the locality and will put the safety of children at risk.
 3. The amenity of surrounding residential properties will be detrimentally impacted - in particular the ability to enter and exit their driveways will be further impeded.

4. The proposal fails to comply with mandatory requirements of the following Regulations and is unacceptable when assessed in terms of the Ryde DCP 2010:
 - Education and Care Services National Regulation 2012: Clause 108(2) Space requirements - outdoor space.
 - Children (Education and Care Services) Supplementary Provisions Regulation 2012: Clause 28(4) Space requirements – centre based education and care services.
 - Ryde DCP 2010 (Part 3.2 - Child Care Centres): Clause 6.2.1 Size/functionality of play spaces (unencumbered outdoor play space).
5. The proposal is unacceptable in terms of streetscape impacts as it involves removal of existing/possible landscaped areas within the front setback area of the existing dwelling and replaces these with hard-surface area associated with the car parking spaces and driveways.
6. The allocation of on-site parking results in the provision of spaces for the drop off / pick up of children failing to achieve compliance with the Ryde DCP 2010(Part 3.2 - Child Care Centres):
 - Clause 5.1(b) Car parking
The layout of parking will result in a high demand for on-street parking by parents / carers along Winbourne Street.
7. In the circumstances of the case, approval of the development is not in the public interest.

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

On being put to the Meeting, the voting on the Amendment was two (2) votes For and seven (7) votes Against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of Voting:

For the Amendment: Councillors Pendleton and Perram

Against the Amendment: The Mayor, Councillor Pickering and Councillors Chung, Etmekdjian, Laxale, Li, Maggio and Salvestro-Martin

RESOLUTION: (Moved by Councillors Chung and Laxale)

- (a) That Local Development Application No. 2013/420 at 21 Winbourne Street, West Ryde, being LOT 4 DP 39266 be deferred for a meeting to be held with the Group Manager – Environment and Planning and the applicant to discuss amendments to address the issues raised in the assessment report.

- (b) That amended plans be submitted to Council and renotified to all adjoining owners and those people who made submissions.
- (c) That a further report be submitted to the Planning and Environment Committee.

Record of Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Chung, Etmekdjian, Laxale, Li, Maggio and Salvestro-Martin

Against the Motion: Councillors Pendleton and Perram

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 11/14 held on 7 October 2014

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That Council determine Items 3 and 5 of the Works and Community Committee report 11/14 held on 7 October 2014, noting that Items 1, 2, 4 and 6 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

3 DEFERRED REPORT: REVIEW OF TREE MANAGEMENT APPLICATION AT 127 HERRING ROAD, MARSFIELD

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

- (a) That Council approve the request for the removal of both the *Jacaranda mimosifolia* (Jacaranda) and the *Eucalyptus pilularis* (Black Butt) located at the front of the property at 127 Herring Road, Marsfield.
- (b) That Council include as part of the condition for consent to remove both the *Jacaranda mimosifolia* (Jacaranda) and the *Eucalyptus pilularis* (Black Butt) that they be replaced with a suitable tree species as per Council's standard condition for tree replacement.

Record of Voting:

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

Against the Motion: Councillors Laxale, Li, Pendleton and Perram

5 STORMWATER CAPITAL WORKS PROGRAM

RESOLUTION: (Moved by Councillors Maggio and Li)

- (a) That Council approve the change in the delivery plan schedule of works in bringing forward East Parade and Delange Road.
- (b) That Council allocate an additional amount \$130,000, from the Stormwater Management Service Charge Reserve for the Stormwater Improvements Works Renewal Program, for funding works brought forward and also the CCTV investigations project.
- (c) That Council allocate an additional amount \$100,000, with \$89,000 from the Stormwater Management Service Charge Reserve and \$11,000 from the Section 94 Stormwater Contributions, for the Stormwater Asset Replacement Renewal Program, for pit replacements.

Record of Voting:

For the Motion: Unanimous

4 2013/2014 FINANCIAL STATEMENTS

RESOLUTION: (Moved by Councillors Etmekdjian and Pendleton)

- (a) That in accordance with Section 419 of the Local Government Act, Council receive and note the Auditors Reports on the 2013/2014 Annual Financial Statements for the year ended 30 June 2014.
- (b) That any public submissions on the 2013/2014 Financial Reports be referred to Council's Auditors, Pricewaterhouse Coopers.
- (c) That Council suspend standing orders to allow a presentation by Council's staff and any comments by or questions of the external auditor, Pricewaterhouse Coopers or members of the Audit Committee, in respect of the 2013/2014 Financial Statements including the Auditor's Reports.

Record of Voting:

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

Against the Motion: Councillors Laxale and Maggio

Note: In accordance with this resolution, Council's Chief Financial Officer, Mr John Todd made a presentation to the meeting in providing an overview of the financial results for the 2013/2014 year.

5 FINANCIAL REVIEW - Sustainability of West Ryde Community Centre**RESOLUTION:** (Moved by Councillors Etmekdjian and Chung)

That Council note the findings of the West Ryde Community Centre financial review.

Record of Voting:

For the Motion: Unanimous

6 ECONOMIC DEVELOPMENT PLAN 2015 - 2019**RESOLUTION:** (Moved by Councillors Etmekdjian and Chung)

- (a) That Council endorse the public exhibition of the DRAFT City of Ryde Economic Development Plan 2015 – 2019.
- (b) That a further report detailing the outcomes of the public exhibition be presented to Council in early 2015.
- (c) That Council acknowledge the efforts of Mr Nathan Pratt, Council's Economic Development Manager.

Record of Voting:

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

Against the Motion: Councillor Perram

7 S94A DEVELOPMENT CONTRIBUTIONS PLAN**RESOLUTION:** (Moved by Councillors Chung and Laxale)

- (a) That Council endorses the S94A Development Contributions Business Plan as provided by SGS Economics and Planning /Lindsay Taylor Law and the Plan is submitted to the Minister for Planning
- (b) That Council endorses the draft S94A Plan for public exhibition undertaken in accordance with the Environmental Planning and Assessment Act 1979.
- (c) That Council provides to the Acting General Manager delegated authority to amend the draft S94A Plan, if required by the Minister for Planning following her consideration and assessment of the S94A Development Contributions Business Plan.

- (d) That Council allocates an amount of \$36,844 including GST from the S94 Plan Administration Reserve for the purpose of funding further services from SGS Economics and Planning /Lindsay Taylor Law to assist in finalising the S94A Plan and its implementation, subject to the extent of work required to comply with the Minister's direction.

Record of Voting:

For the Motion: Unanimous

8 CHRISTMAS LIGHT COMPETITION

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

- (a) That Council endorse Option 1 for a Christmas Light Showcase in 2014 as outlined in the report.
- (b) That Council take the following actions in respect of the Christmas Competition for 2015:
- (i) That Council prepare an EOI for sponsorship for the 2015 City or Ryde Christmas Light Competition.
 - (ii) That Council allocate \$3000 for prizes in its 2015/2016 draft budget.
 - (iii) That Council promote the competition through all its appropriate media channels.
 - (iv) That Councillors provide feedback on the proposal.

RESOLUTION: (Moved by Councillors Pendleton and Etmekdjian)

That this matter be dealt with in Seriatim.

Record of Voting:

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

Against the Motion: Councillors Perram and Salvestro-Martin

Note: This Item was then dealt with in Seriatim.

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

- (a) That Council endorse Option 1 for a Christmas Light Showcase in 2014 as outlined in the report.

Record of Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Chung, Etmekdjian, Laxale, Li, Maggio and Salvestro-Martin

Against the Motion: Councillors Pendleton and Perram

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

- (b) That Council take the following actions in respect of the Christmas Competition for 2015:
 - (i) That Council prepare an EOI for sponsorship for the 2015 City or Ryde Christmas Light Competition.
 - (ii) That Council allocate \$3000 for prizes in its 2015/2016 draft budget.
 - (iii) That Council promote the competition through all its appropriate media channels.
 - (iv) That Councillors provide feedback on the proposal.

Record of Voting:

For the Motion: The Mayor, Councillor Pickering and Councillors Chung, Etmekdjian, Laxale, Li, Maggio and Salvestro-Martin

Against the Motion: Councillors Pendleton and Perram

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

- (a) That Council endorse Option 1 for a Christmas Light Showcase in 2014 as outlined in the report.
- (b) That Council organise the following with regards to the Christmas Competition for 2015:
 - (i) That Council prepare an EOI for sponsorship for the 2015 City or Ryde Christmas Light Competition.
 - (ii) That Council allocate \$3000 for prizes in its 2015/2016 draft budget.
 - (iii) That Council promote the competition through all its appropriate media channels.
 - (iv) That Councillors provide feedback on the proposal.

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 20 WATERVIEW STREET PUTNEY - PLANNING PROPOSAL

Note: Councillor Maggio left the meeting at 9.20pm and was not present for consideration or voting on this Item.

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

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Maggio returned to the meeting at 9.21pm.

LATE PRECIS OF CORRESPONDENCE FOR CONSIDERATION

2 ROADS TO RECOVERY FUNDING 2014 TO 2019

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

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

3 NATIONAL STRONGER REGIONS FUND - AUSTRALIAN GOVERNMENT

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

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

4 FIT FOR THE FUTURE - LETTER FROM HON PAUL TOOLE MP

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

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 NO SMOKING AT EASTWOOD PLAZA - Councillor Justin Li

Note: Councillor Li tabled a petition from 240 regular users of the Eastwood Plaza in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Li and Maggio)

In light of a petition received from 240 regular users of the Eastwood Plaza, Council consults with the Eastwood community and local businesses with a view to create a Smoke Free Zone in the Plaza area between appropriate hours, in order to minimise users and school children being exposed to harmful effects of passive smoking. The outcome of the consultation and recommendations are to be reported to the Council meeting.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

9 COR-RFT-11/14 - PROVISION OF MINOR WORKS AND SERVICES TENDER + PRE-QUALIFICATION FOR LARGE CIVIL AND LANDSCAPE WORKS

Note: Councillor Maggio left the meeting at 9.32pm and was not present for consideration or voting on this Item. He did not return to the meeting.

Note: Councillor Salvestro-Martin left the meeting at 9.32pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Laxale)

- (a) That Council accept the tenders for Provision of Minor Works & Services and Pre-qualification for Large Civil and Landscape Works up until 31 October 2016 from the tenderers outlined in the **CONFIDENTIAL ATTACHMENTS** be accepted on an "as required" basis for the items outlined.
- (b) That Council delegate to the General Manager the authority to execute all contract documents for the Provision of Minor Works & Services Tender and Pre-qualification for Large Civil & Landscape Works.
- (c) That Council advise all the respondents of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Salvestro Martin returned to the meeting at 9.33pm.

NATIONAL ANTHEM

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

The meeting closed at 9.34pm.

CONFIRMED THIS 28TH DAY OF OCTOBER 2014

Chairperson