

Meeting Date: Tuesday 28 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, Li, Maggio, Pendleton, Perram, Salvestro-Martin, Simon and Yedelian OAM.

Note: Councillor Salvestro-Martin arrived at the meeting at 7.39pm during Public Participation on Items Listed on the Agenda.

Apologies: Councillor Laxale.

Leave of Absence: Councillor Etmekdjian.

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 – Governance, Risk and Audit, Manager – Communications and Media, Manager – Human Resources, Manager – Ranger and Parking Services, Section Manager – Waste, Research and Insights Coordinator, Coordinator – Digital Communications and Section Manager – Governance.

PRAYER

The Mayor, Councillor Pickering offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

TABLING OF PETITIONS

No Petitions were tabled.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:

Name	Topic
Stephen Lim	ITEM 2 – Special Rate Variation (SRV) Application including updated information relating to Council's Infrastructure Assets
Vito Ignazzi	ITEM 2 – Special Rate Variation (SRV) Application including updated information relating to Council's Infrastructure Assets

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Li)

That Council now consider the following Items, the time being 7.42pm:

- **Notice of Motion 1** – The Passing of Former Prime Minister - Edward Gough Whitlam.
- **Item 2** – Special Rate Variation (SRV) Application including updated information relating to Council's Infrastructure Assets.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 THE PASSING OF FORMER PRIME MINISTER - EDWARD GOUGH WHITLAM - Councillor George Simon

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

- (a) That Council notes with sadness the recent passing of former Prime Minister, Edward Gough Whitlam.
- (b) That Council notes the important contribution that former Prime Minister Whitlam made to public life, in particular, the decision of his government to provide grants directly to local government for key infrastructure improvements to our cities.
- (c) That Council directs the Mayor, Councillor Pickering to write to the family of the former Prime Minister expressing our deepest condolences for their loss.
- (d) That Council observe a one minutes silence in recognition of the passing of former Prime Minister, Edward Gough Whitlam.

Record of Voting:

For the Motion: Unanimous

Note: A one minutes silence was then observed in accordance with the resolution of Council.

2 SPECIAL RATING VARIATION (SRV) APPLICATION INCLUDING UPDATED INFORMATION RELATING TO COUNCIL'S INFRASTRUCTURE ASSETS

Note: Stephen Lim and Vito Ignazzi addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That Council defer this Item for consideration at the next Council Meeting on 11 November 2014.
- (b) That the Acting General Manager provide a supplementary report to Council detailing:
 - savings already identified and incorporated into the Four Year Delivery Plan;
 - revenue enhancements identified, commenced and incorporated into the Four Year Delivery Plan;
 - further savings identified yet to be incorporated into the Four Year Delivery Plan;
 - forthcoming revenue producing projects, estimated time frames for delivery of the proposed projects and estimated budget outcomes from these projects; and
 - details of the community consultation outcomes.

AMENDMENT: (Moved by Councillors Maggio and Li)

- (a) That the current community consultation outcomes be covered in the report to be received and noted.
- (b) That on the basis of the need to only notify IPART by 12 December with a final application due by 16 February 2015, the assessment of the community consultation including the proposed SRV application to IPART be deferred until the appointment of the new General Manager for the purpose of:-
 - i) Providing opportunity for the General Manager to review the findings and make the assessment on the adequacy of the application based on his/her expertise and field experience.
 - ii) Allowing the General Manager to undertake a review of the current structural and operational expenses to ensure they accompany the application to better reflect an overall productivity and efficient savings to rate payers.

- iii) Allow adequate input into this important Council decision as he/she would be expected to hold significant accountability for the final submission and the overall process.

Note: The Amendment was subsequently **WITHDRAWN**. The Motion was then put and **CARRIED**.

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That Council defer this Item for consideration at the next Council Meeting on 11 November 2014.
- (b) That the Acting General Manager provide a supplementary report to Council detailing:
- savings already identified and incorporated into the Four Year Delivery Plan;
 - revenue enhancements identified, commenced and incorporated into the Four Year Delivery Plan;
 - further savings identified yet to be incorporated into the Four Year Delivery Plan;
 - forthcoming revenue producing projects, estimated time frames for delivery of the proposed projects and estimated budget outcomes from these projects; and
 - details of the community consultation outcomes.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 14 October 2014

RESOLUTION: (Moved by Councillors Simon and Pendleton)

That the Minutes of the Council Meeting 16/14, held on 14 October 2014 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 SPECIAL RATING VARIATION (SRV) APPLICATION INCLUDING UPDATED INFORMATION RELATING TO COUNCIL'S INFRASTRUCTURE ASSETS

Note: This matter was dealt with earlier in the meeting as outlined in these Minutes.

3 SUBMISSION - M2 Site North Ryde Station Precinct

Note: Correspondence received from Ryde – Hunter's Hill Flora and Fauna Preservation Society dated 27 October 2014 was tabled in relation to this Item and a copy is ON FILE.

Note: An email received from Ryde – Hunter's Hill Flora and Fauna Preservation Society dated 28 October 2014 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Pendleton and Simon)

That Council endorse the **ATTACHED** submission on the State Significant Development Application for the M2 Site, and submit the submission to the Department of Planning and Environment, subject to the following additions:-

- (a) Protection of the wetlands from stormwater flows through a range of measures including lot size and pipe infrastructure;
- (b) Consideration of capacities within the schools to accommodate the population of the North Ryde Station Precinct;
- (c) Satisfactory connection from the proposed pedestrian/cycle bridge over Delhi Road to the regional cycle route on the southern side of Epping Road.

Record of Voting:

For the Motion: Unanimous

4 SUBMISSION - SEPP 65 AND RESIDENTIAL FLAT DESIGN CODE REVIEW

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

- (a) That Council endorse the submission to the Exhibition of Draft SEPP 65 Amendment and Draft Apartment Design Guide; and
- (b) That the submission be lodged with the Department of Planning and Environment.

Record of Voting:

For the Motion: Unanimous

5 ADVISORY COMMITTEE MEMBERSHIP

RESOLUTION: (Moved by Councillors Maggio and Chung)

(a) That Council confirm the current membership of the following Advisory Committees:

- Access Advisory Committee
- Bicycle Advisory Committee
- Bushland and Environment Advisory Committee
- Heritage Advisory Committee
- Status of Women Advisory Committee
- Economic Development Committee
- Macquarie Park Forum
- Community Harmony Reference Group
- Sport and Recreation Advisory Committee

(b) That Council endorse the following additional members/organisations:

Member	Committee
Stephen Chang	Economic Development Committee
Attila Yadaei	Community Harmony Reference Group
Rebecca Ho	Access Advisory Committee
Brush Farm Historical Society	Heritage Advisory Committee
Roads and Maritime Services (RMS) and other organisations be reinforced as the members of this committee	Bicycle Advisory Committee

(c) That Council approve the amendment of the Sport and Recreation Advisory Committee to the Sport and Recreation and Wheeled Sports Advisory Committee and that membership for that Committee include Wheeled Sports representation.

Record of Voting:

For the Motion: Unanimous

6 EASTWOOD EVENTS AND PROMOTIONS COMMITTEE

RESOLUTION: (Moved by Councillors Li and Chung)

- (a) That Council adopt the minutes of the August 2014 Eastwood Events and Promotions Committee including draft changes to the Eastwood Events and Promotions Committee Terms of Reference.
- (b) That Council allow all existing members of the committee to continue and advertise for new members to join the Committee and this be reported back to Council for approval.
- (c) That Council advertise for new positions in the committee to include members of the West Ryde Chamber of Commerce and the Meadowbank West Ryde Progress Association and that this matter then be reported back to Council.

Record of Voting:

For the Motion: Unanimous

7 COUNCIL PARKING INFRINGEMENT POLICY

Note: Councillor Yedelian OAM left the meeting at 9.07pm and was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Simon)

- (a) That Council endorse the amendments to the *Enforcement of Parking Policy* and procedures as outlined in this report, subject to the following additional amendments:
 - i) Any reference to General Counsel as the Adjudicating Officer is to be deleted;
 - ii) The proposed grounds in relation to an authorised officer's discretion to issue a caution, as identified at page 131 of this Council report, be amended to include additional grounds relating to whether the discretion should be exercised having regard to public safety, property damage and any impact to members of the public; and
 - iii) The reference to Section 24E of the Fines Act 1996 (Act) at page 132 of this Council report be amended to correctly reflect the effect of Section 24E of the Act, with particular reference to the requirements of Section 24E(2)(d) as to vulnerable persons;
 - iv) That Council staff investigate the options to advise the appellant of the opportunity of appeal to Council through Council's Adjudication Officer and that this process be considered at the point of issue of the fine.

- (b) That the Acting General Manager be granted delegated authority to effect the amendments referred to in (a) above and any other minor amendments.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Yedelian OAM returned to the meeting at 9.08pm.

8 NSROC REGIONAL WASTE STRATEGY

Note: Councillor Salvestro-Martin left the meeting at 9.08pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Pendleton)

That Council adopts the Northern Sydney Regional Waste Strategy 2014-2021.

Record of Voting:

For the Motion: Unanimous

9 POLICY ON EXPENSES AND FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS

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

RESOLUTION: (Moved by Councillors Chung and Simon)

- (a) That Council adopt the **ATTACHED** 'Policy on Expenses and Facilities for the Mayor and other Councillors'.
- (b) That, in accordance with Section 253 of the Local Government Act 1993, a copy of the adopted policy be provided to the Office of Local Government.

Record of Voting:

For the Motion: Unanimous

10 DISCLOSURE OF INTEREST RETURNS: 2013-2014

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

RESOLUTION: (Moved by Councillors Pendleton and Simon)

That the Register of Disclosure of Pecuniary Interest Returns, as required under Section 450A of the *Local Government Act*, is tabled.

Record of Voting:

For the Motion: Unanimous

11 INVESTMENT REPORT - September 2014

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Pendleton)

That Council endorse the report of the Chief Financial Officer dated 2 October 2014 on Investment Report – September 2014.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Salvestro-Martin returned to the meeting at 9.15pm.

12 2014/2015 CHRISTMAS / NEW YEAR ARRANGEMENTS - Business Operations

RESOLUTION: (Moved by Councillors Simon and Chung)

- (a) That the changes to normal City of Ryde business operations over the 2014/2015 Christmas/New Year period, as outlined in the report be endorsed.
- (b) That the changes to normal business operations referred to in (a) above, be advertised in the Mayor's Column, on Council's website, through Social Media and by way of notice at the front of the Civic Centre, Council's branch libraries and the Ryde Aquatic Leisure Centre.
- (c) That Council endorse the staff function, including staff update / Christmas lunch, being held at the Civic Hall from 12 noon on Friday, 19 December 2014.

Record of Voting:

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

Against the Motion: Councillors Maggio and Perram

13 REPORTS DUE TO COUNCIL

RESOLUTION: (Moved by Councillors Yedelian OAM and Simon)

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 RACIAL DISCRIMINATION ACT

RESOLUTION: (Moved by Councillors Yedelian OAM and Chung)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

LATE ITEM - PRECIS OF CORRESPONDENCE FOR CONSIDERATION

2 10/50 VEGETATION CLEARING RULE AND CODE OF PRACTICE (10/50 RULE)

RESOLUTION: (Moved by Councillors Simon and Yedelian OAM)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 THE PASSING OF FORMER PRIME MINISTER - EDWARD GOUGH WHITLAM - Councillor George Simon

Note: This matter was dealt with earlier in the meeting as outlined in these Minutes.

CLOSED SESSION

ITEM 14 - OPPORTUNITIES FOR COMMERCIAL OPERATIONS WITHIN AND AROUND COUNCIL LIBRARIES, SPORTING AREAS AND FORESHORES

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

ITEM 15 - ADVICE ON COURT ACTIONS

Confidential

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

RESOLUTION: (Moved by Councillors Simon and Pendleton)

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

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 9.26pm. The public and media left the chamber.

14 OPPORTUNITIES FOR COMMERCIAL OPERATIONS WITHIN AND AROUND COUNCIL LIBRARIES, SPORTING AREAS AND FORESHORES

MOTION: (Moved by Councillors Perram and Chung)

That Council declines the proposal submitted to establish a fixed Coffee Cart within the area of Eastwood Library.

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

That Council staff proceed to develop guidelines to assist those operators interested in introducing mobile vendors on Council property, roads and foreshores and a manner in which these guidelines and opportunities could be promoted.

On being put to the Meeting, the voting on the Amendment was three (3) votes For and six (6) votes Against. The Amendment was **LOST**. The Motion was then put.

Record of Voting:

For the Amendment: The Mayor, Councillor Pickering and Councillors Maggio and Salvestro-Martin

Against the Amendment: Councillors Chung, Li, Perram, Pendleton, Simon and Yedelian OAM

MOTION: (Moved by Councillors Perram and Chung)

That Council declines the proposal submitted to establish a fixed Coffee Cart within the area of Eastwood Library.

On being put to the Meeting, the voting on the Motion was three (3) votes For and six (6) votes Against. The Motion was **LOST**. A further Motion was then put and **CARRIED**.

Record of Voting:

For the Motion: Councillors Li, Perram and Yedelian OAM

Against the Motion: The Mayor, Councillor Pickering and Councillors Chung, Maggio, Pendleton, Salvestro-Martin and Simon

RECOMMENDATION: (Moved by Councillors Simon and Pendleton)

(a) That Council declines the proposal submitted to establish a fixed Coffee Cart within the area of Eastwood Library.

- (b) That Council staff proceed to develop guidelines to assist those operators interested in introducing mobile vendors on Council property, roads and foreshores and a manner in which these guidelines and opportunities could be promoted.

Record of Voting:

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

Against the Motion: Councillors Maggio and Perram

15 ADVICE ON COURT ACTIONS

RECOMMEDATION: (Moved by Councillors Simon and Chung)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 9.51pm.

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

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 9.54pm.

CONFIRMED THIS 11TH DAY OF NOVEMBER 2014

Chairperson