

**Meeting Date:** Tuesday 14 April 2015  
**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, Salvestro-Martin, Simon, Stott and Yedelian OAM.

**Apologies:** Nil.

**Staff Present:** General Manager, Acting Group Manager – Community Life, Group Manager – Corporate Services, Group Manager – Environment and Planning, Group Manager – Public Works, General Counsel, Acting Manager – Communications and Media, Manager – Human Resources, Manager – Community and Culture and Section Manager – Governance.

### **PRAYER**

Reverend Nicholas Fried of the Eastwood Uniting Church was present and offered prayer prior to the commencement of the meeting.

### **LEAVE OF ABSENCE**

Councillor Laxale requested a Leave of Absence for the period 16 April 2015 to 26 April 2015 inclusive.

Councillor Li requested a Leave of Absence for the period 18 May 2015 to 28 May 2015 inclusive.

Councillor Pendleton requested a Leave of Absence for the period 16 April 2015 to 23 April 2015.

Councillor Perram requested a Leave of Absence for the period 29 April 2015 to 6 May 2015.

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

- (a) That Councillor Laxale's Leave of Absence for the period 16 April 2015 to 26 April 2015 inclusive be approved.
- (b) That Councillor Li's Leave of Absence for the period 18 May 2015 to 28 May 2015 inclusive be approved.

- (c) That Councillor Pendleton's Leave of Absence for the period 16 April 2015 to 23 April 2015 be approved.
- (d) That Councillor Perram's Leave of Absence for the period 29 April 2015 to 6 May 2015 be approved.

**Record of Voting:**

For the Motion: Unanimous

**DISCLOSURES OF INTEREST**

Councillor Pendleton disclosed a Significant Non-Pecuniary Interest in Notice of Motion 1 – Armenian Genocide Recognition, for the reason that she has close friendships with people of Armenian descent.

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 1 – Armenian Genocide Recognition, for the reason that he is of Armenian ancestry and his grandparents were victims of the Armenian Genocide.

**TABLING OF PETITIONS**

No Petitions were tabled.

**PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

The following persons addressed the Council:-

Name	Topic
Vache Kahramanian (representing the Armenian National Committee of Australia)	<b>Notice of Motion 1</b> – Armenian Genocide Recognition
Areg Grigorian	<b>Notice of Motion 1</b> – Armenian Genocide Recognition
Peter Colthorpe	<b>Item 3</b> – Planning Proposal – Ryde Civic Centre Precinct
Jerry Papikian (representing Ryde Multicultural Centre)	<b>Notice of Motion 1</b> – Armenian Genocide Recognition
Alan Patrick	<b>Item 3</b> – Planning Proposal – Ryde Civic Centre Precinct
Deb Maio (representing Side by Side Advocacy)	<b>Item 5</b> – Social Inclusion Project – Progress Report
Gary Mazlounian	<b>Notice of Motion 1</b> – Armenian Genocide Recognition

Name	Topic
Jimmy Ellender (representing Anne Bryce – CEO Achieve Australia)	<b>Item 5</b> – Social Inclusion Project – Progress Report
Dr Panayiotis Diamadis (representing a Genocide Scholar)	<b>Notice of Motion 1</b> – Armenian Genocide Recognition
Victor Mamourian	<b>Notice of Motion 1</b> – Armenian Genocide Recognition
Arin Makarian (representing Homenetmen Ararat / Hamazkaine Nairi / Armenian Relief Society Araz Chapter)	<b>Notice of Motion 1</b> – Armenian Genocide Recognition
Sheryl Barton	<b>Item 3</b> – Planning Proposal – Ryde Civic Centre Precinct
Diane Erickson	<b>Item 3</b> – Planning Proposal – Ryde Civic Centre Precinct
Jennie Minifie (representing Ryde Community Alliance)	<b>Item 3</b> – Planning Proposal – Ryde Civic Centre Precinct

### **PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

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

That the speakers who submitted requests to address Council after the midday deadline and also an additional speaker on an Item not on the Agenda be allowed to address the meeting, the time being 8.30pm.

### **Record of Voting:**

For the Motion: Unanimous

### **PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

The following persons then addressed the Council:-

Name	Topic
Manoug Demirjian (representing the Armenian 'Nor Serount' (New Generation) Cultural Association)	<b>Notice of Motion 1</b> – Armenian Genocide Recognition
Jill Hartley	<b>Item 3</b> – Planning Proposal – Ryde Civic Centre Precinct

## **PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA**

The following persons addressed the Council:-

<b>Name</b>	<b>Topic</b>
Rose Marie Lavery	Remembrance Book – 100 Years of ANZAC
Jim Piotrowski (representing the TWU)	Council's Waste Collection Contract undertaken by SITA

## **ORDER OF BUSINESS**

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

That Council now consider the following Items, the time being 8.45pm:

- Notice of Motion 1 – Armenian Genocide Recognition.
- Item 5 – Social Inclusion Project – Progress Report.
- Item 3 – Planning Proposal – Ryde Civic Centre Precinct.

### **Record of Voting:**

For the Motion: Unanimous

## **NOTICE OF MOTION**

### **1 ARMENIAN GENOCIDE RECOGNITION - Councillor Sarkis Yedelian OAM**

Note: Vache Kahramanian (representing the Armenian National Committee of Australia), Areg Grigorian, Jerry Papikian (representing Ryde Multicultural Centre), Gary Mazlounian, Dr Panayiotis Diamadis (representing a Genocide Scholar), Victor Mamourian, Arin Makarian (representing Homenetmen Ararat / Hamazkaine Nairi / Armenian Relief Society Araz Chapter) and Manoug Demirjian (representing the Armenian 'Nor Serount' (New Generation) Cultural Association addressed the meeting in relation to this Item.

Note: A photograph was tabled in relation to this Item and a copy is ON FILE.

Note: Councillor Pendleton disclosed a Significant Non-Pecuniary Interest in this Item for the reason that she has close friendships with people of Armenian descent.

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is of Armenian ancestry and his grandparents were victims of the Armenian Genocide.

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

Whereas 2015 marks the 10<sup>th</sup> anniversary of the City of Ryde passing a motion recognising the events of 1915-1923 as the Armenian Genocide, this Council joins with the Armenian-Australian community in marking the centenary of the Armenian Genocide by resolving to:

- (a) *honour the memory of the innocent men, women and children who fell victim to the first modern genocide;*
- (b) *condemn the genocide of the Armenians; and all other acts of genocide as the ultimate act of racial, religious and cultural intolerance;*
- (c) *recognise the importance of remembering and learning from such dark chapters in human history to ensure that such crimes against humanity are not allowed to be repeated;*
- (d) *condemn and prevents all attempts to use the passage of time to deny or distort the historical truth of the genocide of the Armenians and other acts of genocide committed during this century;*
- (e) *recall the testimonies of Australian WWI POWs who lay witness to the genocide of the Armenians;*
- (f) *acknowledge the significant humanitarian contribution made by the people of Australia to the victims and survivors of the Armenian Genocide;*
- (g) *call on the Commonwealth of Australia to recognise and condemn all genocides including the Armenian Genocide.*

**Record of Voting:**

For the Motion: Unanimous

**COUNCIL REPORTS**

**5 SOCIAL INCLUSION PROJECT- Progress Report**

Note: Deb Maio (representing Side by Side Advocacy) and Jimmy Ellender (representing Anne Bryce – CEO Achieve Australia) addressed the meeting in relation to this Item.

**RESOLUTION:** (Moved by Councillors Pendleton and Stott)

- (a) That Council note the outcomes achieved by the Social Inclusion Project, which will be incorporated into the recently launched NSW Disability Inclusion Plan.

- (b) That Council, at this Council meeting, view the 15 minute Celebrate Diversity film titled “Belong – People, Place and Possibilities”.
- (c) That Council make the 15 minute Celebrate Diversity film titled “Belong – People, Place and Possibilities” available to the community on Council’s website and make reference to the film in the new residents pack.

**Record of Voting:**

For the Motion: Unanimous

Note: Council viewed a 15 minute Celebrate Diversity film titled “Belong – People, Place and Possibilities” later in the Meeting as outlined in these Minutes.

**ADJOURNMENT**

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

That the meeting be adjourned to allow a photograph be taken, the time being 9.03pm.

**Record of Voting:**

For the Motion: Unanimous

**MEETING RECONVENED**

The Mayor, Councillor Pickering reconvened the meeting at 9.06pm.

**COUNCIL REPORTS**

**3 PLANNING PROPOSAL - RYDE CIVIC CENTRE PRECINCT**

Note: Peter Colthorpe, Alan Patrick, Sheryl Barton, Diane Erickson, Jennie Minifie (representing Ryde Community Alliance) and Jill Hartley addressed the meeting in relation to this Item.

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

1. That Council not proceed with the current Planning Proposal seeking to re-zone the Ryde Civic Centre site and the General Manager immediately write to the Minister for Planning to formally withdraw the proposal.
2. That pursuant to clause 260 of the Local Government (General) Regulation 2005, Council establish a ‘Ryde Civic Hub’ Committee (a formal Standing Committee of Council) to develop a new vision for the Ryde Civic Centre site.

3. That pursuant to clause 261 of the Local Government (General) Regulation 2005 the General Manager prepare a report to Council detailing the proposed Terms of Reference and functions of the Committee which shall include (amongst others);
  - a. To establish an international architectural design competition to provide an iconic architectural vision for the site, conducted generally in accordance with the NSW Government's Design Excellence Guidelines;
  - b. To prepare a public consultation strategy;
  - c. To prepare a new master plan for the site including a site specific Development Control Plan; and
  - d. To prepare a business case(s) to determine options for how the site could be developed whilst retaining the majority (or all) of the site in Council's ownership.
4. That all costs associated with the establishment and operation of the Ryde Civic Hub Committee be funded from Council's Fit for the Future reserve.

**Record of Voting:**

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

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

**MATTER OF URGENCY**

Councillor Simon advised that he wished to raise a Matter of Urgency regarding Council's Waste Collection Contract with SITA.

Note: The Mayor, Councillor Pickering accepted this Item as an Urgent Item.

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

That Council consider a Matter of Urgency regarding Council's Waste Collection Contract with SITA, the time being 9.29pm.

**Record of Voting:**

For the Motion: Unanimous

## **MATTER OF URGENCY – COUNCIL’S WASTE COLLECTION CONTRACT WITH SITA**

**Note:** Jim Piotrowski (representing the TWU) addressed the meeting in relation to this Item.

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

Council notes with concern the current proposal by SITA to change the working arrangements of their employees to an independent contractor model that would mean less security for employees and potentially a diminished waste collection service for residents.

Council directs the General Manager to write to SITA and outline the following:

- (a) That Council call on SITA to retract any statements made to employees or other parties that Council supports or approves any arrangements to diminish the job security of garbage collectors with respect to the waste collection contract that is to commence on 1 May 2015;
- (b) That Council reaffirms its position that SITA is required to honour all of the terms of the contract including that no substantial changes be implemented to the current employment arrangements of SITA employees that would see their pay, conditions, or job security reduced;
- (c) That Council request a written undertaking from SITA that it will honour all of the terms of the contract as signed with Council when the waste collection services commence on 1 May 2015.
- (d) That Council authorise the General Manager to take any necessary action to ensure that the terms of the contract as signed with Council are enacted on 1 May 2015.

### **Record of Voting:**

For the Motion: Unanimous

## **COUNCIL REPORTS**

### **1 CONFIRMATION OF MINUTES - Council Meeting held on 24 March 2015**

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

That the Minutes of the Council Meeting 5/15, held on 24 March 2015 be confirmed.

### **Record of Voting:**

For the Motion: Unanimous



## **2 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/15 held on 31 March 2015**

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

That Council determine Items 2 and 3 of the Works and Community Committee report 4/15, held on 31 March 2015 noting that Item 1 was dealt with by the Committee within its delegated powers.

### **Record of Voting:**

For the Motion: Unanimous

## **2 REVISED CONCEPT DESIGN - ROWE STREET EAST UPGRADE**

Note: Councillor Simon left the meeting at 9.40pm and was not present for consideration or voting on this Item.

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

- (a) That Council adopt the revised design as outlined in this report and extend works to deliver the upgrades to 100% of the street (estimated cost \$4million). The Committee is to note that additional funding to be from S94 reserve and scope adjusted as per available funds for this option.
- (b) That Council approve the public art gateway design treatment at Blaxland Road.
- (c) That Council approach the Road and Maritime Service and Transport for NSW to develop and fund a Local Area Traffic Management Plan for the Eastwood Town Centre area, incorporating the proposal for the increased capacity commuter car park proposed in Rowe Street (east).
- (d) That the outstanding matters of CCTV, lighting, and Traffic infrastructure be referred to the Eastwood Project Consultative Committee and addressed in future capital works projects to further upgrade Eastwood Town Centre.
- (e) That Council review the provision of loading zones which service the businesses along Rowe Street East.
- (f) That a report be presented to the next Works and Community Committee Meeting regarding the best cycle route from the intersection at the traffic lights of First Avenue and Blaxland Road to Eastwood Station.

### **Record of Voting:**

For the Motion: Unanimous

Note: Councillor Simon returned to the meeting at 9:42pm.

### **3 PITTWATER ROAD - BLACK SPOT PROJECT 2014/15 - ADDITIONAL FUNDING**

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

- (a) That Council accepts the additional \$250,000 from the Roads & Maritime Services (RMS) for the Pittwater Road Black Spot project.
- (b) That Council makes the necessary budget changes to reflect the additional funding and corresponding project expenditure.

**Record of Voting:**

For the Motion: Unanimous

### **3 PLANNING PROPOSAL – RYDE CIVIC CENTRE PRECINCT**

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

### **4 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - 14 to 17 June 2015**

Note: A Memorandum from Council's Group Manager – Corporate Services dated 10 April 2015 containing supplementary information was tabled in relation to this Item and a copy is ON FILE.

Note: Councillor Simon left the meeting at 9.43pm and was not present for consideration or voting on this Item.

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

- (a) That Council approve the attendance of the Mayor, Councillor Pickering and the Deputy Mayor, Councillor Maggio to attend the National General Assembly of Local Government held in Canberra on Sunday, 14 June 2015 to Wednesday, 17 June 2015.
- (b) That Council nominate the Mayor, Councillor Pickering to be the voting delegate to represent the City of Ryde during debates on Motions presented to the Assembly.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Simon returned to the meeting at 9.45pm.

## **5 SOCIAL INCLUSION PROJECT – Progress Report**

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

Note: At this point in the meeting, Council viewed a 15 minute Celebrate Diversity film titled “Belong – People, Place and Possibilities”.

## **6 GENERAL MANAGER'S PERFORMANCE AGREEMENT - Draft Performance Agreement for Consideration of Council**

Note: A document outlining an addition to the General Manager's Performance Agreement in Item 5 of the Agreement was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That subject to part (d), Council endorse the attached Draft Performance Agreement for the General Manager for the period April 2015-April 2016.
- (b) That this document be signed by both Council and the General Manager in accordance with the requirements of Clause 7.1 of the General Manager's contract of employment.
- (c) That upon signature of this document by both parties, the Performance Agreement is used as the basis for assessing the performance of the General Manager at the mid-point of the review period (October 2015) and again at the completion of the review period (April 2016).
- (d) That Council amends the Draft Performance Agreement to remove projects and associated funding to the extent required to avoid impacts on Council's Working Capital and resulting in amendments to the draft Budget and draft Delivery Plan.

### **Record of Voting:**

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

Against the Motion: Councillors Pendleton and Simon

## **PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

### **1 JOINT REGIONAL PLANNING PANEL RE-APPOINTMENTS - SYDNEY EAST**

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

## **NOTICE OF MOTION**

### **1 ARMENIAN GENOCIDE RECOGNITION – Councillor Sarkis Yedelian OAM**

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

## **CLOSED SESSION**

### **ITEM 7 - COR-RFT 01/15 - SUPPLY OF SWIMWEAR AND ACCESSORIES FOR SALE AT THE RYDE AQUATIC LEISURE CENTRE**

#### **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 8 - VERBAL UPDATE - LEGAL MATTER - 55 Blaxland Road, Ryde**

#### **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.

### **ITEM 9 - LEGAL MATTER - 50a Belmore Street, Ryde**

#### **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 Yedelian OAM)

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 10.52pm. The public and media left the chamber.

**7 COR-RFT 01/15 - SUPPLY OF SWIMWEAR AND ACCESSORIES FOR SALE AT THE RYDE AQUATIC LEISURE CENTRE**

**RECOMMENDATION:** (Moved by Councillors Stott and Maggio)

- (a) That Council accepts the submission from Zoggs Australia Pty Ltd for supply of swimwear and accessories at the RALC.
- (b) That Council advise the tenderers of Council's decision.

**Record of Voting:**

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

Against the Motion: Councillor Pendleton

**8 VERBAL UPDATE - LEGAL MATTER - 55 Blaxland Road, Ryde**

Note: A verbal update with respect to the Land and Environment Court proceedings relating to Council's deemed refusal of a Development Application for a boarding house at 55 Blaxland Road, Ryde was provided to Council by Council's General Counsel in Closed Session.

**RECOMMENDATION:** (Moved by Councillors Maggio and Yedelian OAM)

That the Group Manager – Environment and Planning be delegated authority to instruct General Counsel to take action in this matter as endorsed by Council in Closed Session.

**Record of Voting:**

For the Motion: Unanimous

## **9 LEGAL MATTER - 50a Belmore Street, Ryde**

**Note:** A verbal update with respect to the Land and Environment Court proceedings relating to Council's refusal of a building certificate application for unauthorised structures at 50a Belmore Street, Ryde was provided to Council by Council's General Counsel in Closed Session.

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

That the Group Manager – Environment and Planning be delegated authority to instruct General Counsel to take action in this matter as endorsed by Council in Closed Session.

**Record of Voting:**

For the Motion: Unanimous

## **OPEN SESSION**

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

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 11.12pm.

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

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 11.15pm.

CONFIRMED THIS 28TH DAY OF APRIL 2015

Chairperson