

Council Meeting MINUTES OF MEETING NO. 9/16

Meeting Date: Tuesday 23 August 2016

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

Time: 7.00pm

Councillors Present: Councillors Maggio (Chairperson), Chung, Etmekdjian, Li,

Perram, Pickering, Simon, Stott and Yedelian OAM.

Apologies: The Mayor, Councillor Laxale and Councillor Pendleton.

Leave of Absence: Councillor Salvestro-Martin.

Note: In the absence of the Mayor, Councillor Laxale, the Deputy Mayor, Councillor

Maggio chaired the meeting.

Staff Present: Acting General Manager, Acting Chief Operating Officer, Acting Director – Corporate and Community Services, Acting Director – City Strategy and Planning, Director – City Works and Infrastructure, General Counsel, Acting Chief Financial Officer, Acting Manager – Communications, Customer Service and Events, Executive Officer – Ryde Civic Hub, Senior Coordinator – Governance, Governance, Risk and Audit Coordinator and Administration Officer – Councillor Support.

PRAYER

Reverend Michael Smith of the Eastwood Anglican Church was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

TABLING OF PETITIONS

Councillor Maggio tabled on behalf of Councillor Pendleton a Petition with 46 signatures objecting to Tom Kerr Motors using the limited parking space around Linton Avenue, Herbert Street and Linton Lane and of the park between Linton Avenue and Linton Lane as an extension of their business.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Lydia Scuglia	Mayoral Minutes 13/16 – The Fusion Foundation
	Fundraising Gala Ball



PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Rose Marie Lavery	Callaghan/Badajoz Road – Proposed development by
	Council

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

That Standing Orders be Suspended in order for Council to receive a presentation from Mr Shaun Carter, Jury Member in relation to the Ryde Civic Hub International Design Competition, the time being 7.11pm.

Record of Voting:

For the Motion: Unanimous

RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION

<u>Note</u>: Mr Shaun Carter provided Council with a presentation regarding the Ryde Civic Hub International Design Competition.

CODE OF CONDUCT MATTER

Councillor Maggio addressed the meeting with regards to the recent Code of Conduct Matter and in accordance with Council's Resolution from its meeting held on 26 July 2016, Councillor Maggio made a public apology to Ms Connolly. Councillor Maggio also tabled his written apology to Ms Gail Connolly dated 22 August 2016 and a copy of this document is ON FILE.

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That Standing Orders be Resumed, the time being 7.34pm.

Record of Voting:



MAYORAL MINUTES

13/16 PARTICIPATION IN THE FUSION FOUNDATION FUNDRAISING GALA BALL - The Mayor, Councillor Jerome Laxale

Note: Lydia Scuglia addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Perram)

- (a) That Council endorse the sponsorship for The Fusion Foundation, by supporting the Silver FUSION Package, at cost of \$2,500, funded from the current Mayor's budget.
- (b) That Council write to Achieve Australia, Alzheimer's Australia NSW and Royal Rehab to advise them of Council's decision.
- (c) That Council, in addition to part (a), provide in-kind support through all normal channels in promoting this important event for The Fusion Foundation.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 26 July 2016

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That the Minutes of the Council Meeting 8/16, held on 26 July 2016 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 6/16 held on 9 August 2016

RESOLUTION: (Moved by Councillors Simon and Pickering)

That Council determine Item 4 of the Planning and Environment Committee report 6/16, held on 9 August 2016 noting that Items 1, 2, 3, 5 and 6 were dealt with by the Committee within its delegated powers.

Record of Voting:



4 1139 VICTORIA ROAD, WEST RYDE. LOT 1 DP 34953. Local Development Application for new two storey boarding house development comprising twelve (12) boarding rooms under State Environmental Planning Policy (Affordable Rental Housing) 2009. LDA2015/0274.

MOTION: (Moved by Councillors Simon and Chung)

- (a) That Local Development Application No. 2015/274 is approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

AMENDMENT: (Moved by Councillors Pickering and Yedelian OAM)

That Local Development Application No. 2015/274 is refused for the following reasons:

- The development is unsatisfactory in terms of traffic and vehicle access arrangements. Specifically, the site is not suitable for the proposed boarding house development given its location on a main road, as safe vehicle access to and from Victoria Road (which is a classified road) cannot be provided.
- 2. The development is unsatisfactory when assessed against the provisions of Ryde DCP 2014. Specifically, the development is unsatisfactory in terms of front and rear setbacks; safety and security (lack of lighting details for common areas); internal building design (communal kitchen and dining areas); clothes drying facilities; details of the boarding house management and details of waste minimisation and management.
- The proposal will have unacceptable impacts on the amenity of residential properties, due to noise impacts and waste disposal arrangements.
- 4. The proposal is not in the public interest due to the number of submissions received from the local community

On being put to the Meeting, the voting on the Amendment was seven (7) for and two (2) against. The Amendment was **CARRIED** and then became the Motion.

Record of Voting:

<u>For the Amendment</u>: Councillors Chung, Etmekdjian, Pickering, Perram, Maggio, Stott and Yedelian OAM

Against the Amendment: Councillors Li and Simon



RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That Local Development Application No. 2015/274 is refused for the following reasons:

- The development is unsatisfactory in terms of traffic and vehicle access arrangements. Specifically, the site is not suitable for the proposed boarding house development given its location on a main road, as safe vehicle access to and from Victoria Road (which is a classified road) cannot be provided.
- 2. The development is unsatisfactory when assessed against the provisions of Ryde DCP 2014. Specifically, the development is unsatisfactory in terms of front and rear setbacks; safety and security (lack of lighting details for common areas); internal building design (communal kitchen and dining areas); clothes drying facilities; details of the boarding house management and details of waste minimisation and management.
- The proposal will have unacceptable impacts on the amenity of residential properties, due to noise impacts and waste disposal arrangements.
- 4. The proposal is not in the public interest due to the number of submissions received from the local community

Record of Voting:

<u>For the Motion</u>: Councillors Chung, Etmekdjian, Pickering, Perram, Maggio, Stott and Yedelian OAM

Against the Motion: Councillors Li and Simon

3 REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 6/16 held on 9 August 2016

RESOLUTION: (Moved by Councillors Perram and Stott)

That Council determine all Items 1 and 2 of the Ryde Civic Hub Committee Meeting 6/16, held on 9 August 2016 in accordance with the Ryde Civic Hub Committee Terms of Reference.

Record of Voting:



1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 14 June 2016

RESOLUTION: (Moved by Councillors Perram and Stott)

That the Minutes of the Ryde Civic Hub Committee 5/16, held on 14 June 2016, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 10 (AUGUST 2016)

Note: A Memorandum from the Acting General Manager dated 23 August 2016 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Pickering and Stott)

- (a) That the Ryde Civic Hub Committee receives and notes the content of this Status Report 10 (August 2016).
- (b) That the Ryde Civic Hub Committee note that it will receive the formal and final report of the Ryde Civic Hub International Design Competition at its meeting in September 2016.
- (c) That the Ryde Civic Hub Committee accepts the offer of Peter Poulet and Shaun Carter, Jury members, to address the Council on 23 August 2016 on the subject of the Ryde Civic Hub International Design Competition.
- (d) That the Ryde Civic Hub Committee accepts the proposal to carry out a public campaign to find the preferred name for the site reflective of the winning design.
- (e) That Council request the Acting General Manager, as a prerequisite to preparing a Planning Proposal, arrange for an independent financial viability analysis of design "RYDE572" titled "Ryde Hub" at an estimated cost of \$95,000, funded from the Civic Centre Redevelopment Reserve, with the results to be reported to the Ryde Civic Hub Committee Meeting in February 2017.
- (f) That subject to part (e) of the recommendation demonstrating that the winning design is financially and commercially viable, Council request the Acting General Manager to prepare either a Planning Proposal or as site specific DCP to reflect the winning design "RYDE572" titled "Ryde Hub" submitted by the Beijing Institute of Architectural Design.



(g) That the Acting General Manager investigate and confirm the estimated costs to demolish the Civic Centre site and that this be reported back to a future Ryde Civic Hub Committee meeting.

Record of Voting:

For the Motion: Councillors Chung, Etmekdjian, Maggio, Pickering, Stott,

Yedelian OAM

Against the Motion: Councillors Li, Perram and Simon

4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 7/16 held on 16 August 2016

Note: Councillor Chung left the meeting at 8.24pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Perram and Stott)

That Council determine Items 2 and 3(a) and 3(b) of the Works and Community Committee report 7/16, held on 16 August 2016 noting that Items 1 and 3(c), (d), (e), (f), (g), (h), (i), (j), (k), (l) and (m) were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

2 GRANT FUNDING APPLICATION APPROVALS - ROADS AND MARITIME SERVICES - 2016/2017

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

RESOLUTION: (Moved by Councillors Perram and Stott)

- (a) That Council accept the funding received from the RMS Australian Government Black Spot Program within Council's Traffic and Transport Program Black Spot Funded works \$285,000 being for the projects:
 - i. Blaxland Road /Dalton Avenue, Denistone Installation of raised islands and associated signage (\$50,000).
 - ii. Ryrie Street /Morshead Street, North Ryde Installation of one lane roundabout and associated signage and line marking (\$144,000).
 - Smalls Road /Zola Avenue, Ryde Installation of mid-block slow point, raised threshold, kerb extensions and new Stop sign (\$91,000).



- (b) That Council accept the funding received from the RMS Safer Roads Cyclist Safety Program within Council's Cycleways Constructions Expansion Program \$126,000 being for the projects:
 - i. Waterloo road /Culloden Road, Marsfield Upgrade traffic island (\$51,000).
 - ii. Balaclava Road / Agincourt Road, Eastwood Upgrade the traffic lights (\$75,000).
- (c) That Council accept the \$115,000 funding received from the RMS Connecting Centres (Cycling) Infrastructure Program within Council's Cycleways Constructions Expansion Program being for the projects.
 - i. Kent Road project Off road shared user path between Adelphi Road and Scott Street Stage 2 (\$60,000 50% funded).
 - ii. Kent Road project Off road shared user path between Adelphi Road and Scott Street Stage 3 (\$55,000 50% funded).
- (d) That Council match the RMS Connecting Centres (Cycling)
 Infrastructure Program funding of \$115,000 funded from the Section 94
 Reserve.
- (e) That Council accept the funding received from the RMS Active Transport Walking Communities Program within Council's Centres and Neighbourhood Program – Pedestrian Accessibility and Mobility Plan -\$67,500 being for the projects
 - i. Ryde Council Area Install pedestrian refuges (\$17,500).
 - ii. Ryde Council Area PAMP Study (\$50,000)
- (f) That Council match the RMS Active Transport Walking Communities Program funding of \$67,500 through
 - i. \$17,500 funded from the Section 94 Reserve.
 - ii. \$50,000 by bringing forward the 2017/18 PAMP study funding allocation in the 2016/2020 Delivery Plan.
- (g) That Council consolidate the funds as income and allocate them as expenditure at the Quarter 1 Review under the Council programs detailed in (a) through (f) above.

Record of Voting:



3 TRAFFIC AND PARKING MATTERS PRESENTED TO THE RYDE TRAFFIC COMMITTEE MEETING HELD ON 21 JULY 2016

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

RESOLUTION: (Moved by Councillors Perram and Stott)

(a) That Council take no further action with regards to the installation of a 'NO PARKING AREA' for the length of Boyd Lane, Gladesville.

Record of Voting:

For the Motion: Unanimous

3 TRAFFIC AND PARKING MATTERS PRESENTED TO THE RYDE TRAFFIC COMMITTEE MEETING HELD ON 21 JULY 2016

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

RESOLUTION: (Moved by Councillors Perram and Stott)

(b) That Council staff further investigate options for additional parking in Hermitage Lane and Herbert Lane, West Ryde, prior to being referred back to the Traffic Committee.

Record of Voting:

For the Motion: Unanimous

5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 7/16 held on 16 August 2016

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

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That Council determine all Items 1, 2, 3, 4, 5 and 6 of the Finance and Governance Committee Meeting 7/16, held on 16 August 2016 in accordance with the Finance and Governance Committee Terms of Reference.

Record of Voting:



1 CONFIRMATION OF MINUTES - Finance and Governance Committee Meeting held on 19 July 2016

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

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That the Minutes of the Finance and Governance Committee 6/16, held on 19 July 2016, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 INVESTMENT REPORT - July 2016

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

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That Council endorse the report of the Acting Chief Financial Officer dated 1 August 2016 on Investment Report – July 2016.

Record of Voting:

For the Motion: Unanimous

3 COUNCIL/COMMITTEE MEETINGS - Schedule of Proposed Meeting Dates

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

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

- (a) That Council endorse the ATTACHED meeting schedule for Committee and Council meetings for the remainder of 2016 and up to the next Local Government Election in 2017, noting that the schedule may be amended at any time, subject to one month transition period to allow for public notices to be given.
- (b) That Council note that the Committee meetings (Works and Community Committee and Finance and Governance Committee) to be held on 18 October 2016 have been cancelled, due to the Councillor attendance at the Local Government NSW Conference on 16 to 18 October 2016.



- (c) That Council note that the Council Meeting to be held on Tuesday, 25 April 2017 has been moved to Wednesday, 26 April 2017 (due to Anzac Day Public Holiday).
- (d) That Council adopt Option 2 for the Council and Committee Meetings scheduled in December 2016 as recommended in this report.

Record of Voting:

For the Motion: Unanimous

4 2016 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - WIN Entertainment Centre, Wollongong - 16 to 18 October 2016

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

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

- (a) That Council nominate The Mayor and Councillors Etmekdjian, Chung, Maggio, Pickering, Stott and Yedelian OAM to attend the 2016 Local Government NSW Annual Conference as voting delegates; noting that the voting delegates will be reconfirmed at the Mayoral Election held on 27 September 2016.
- (b) That Council note that the Acting General Manager will select staff to attend the Conference as appropriate.

Record of Voting:

For the Motion: Unanimous

5 COR-RFT-10/16 SUPPLY AND INSTALL A GROSS POLLUTANT TRAP (GPT) FOR BILL MITCHELL PARK, GLADESVILLE

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

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

- (a) That Council accept the tender from Optimal Harvesting for the "Supply and installation of a Gross Pollutant Trap (GPT) for Bill Mitchell Park, Gladesville" to the amount of \$309,600.00 (excluding GST).
- (b) That Council delegate to the Acting General Manager the authority to enter into a contract with Optimal Stormwater Pty Ltd on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.



(c) That Council advise all the unsuccessful respondents of Council's decision.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Chung returned to the meeting at 8.33pm.

6 ADVICE ON COURT ACTIONS

Note: A Confidential Memorandum from Council's General Counsel dated

22 August 2016 together with architectural plans was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

That this matter be deferred for consideration in Closed Confidential Session.

Record of Voting:

For the Motion: Unanimous

LATE COUNCIL REPORT

6 PROPOSAL TO AMEND NSROC CONSTITUTION

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That Council endorse the proposed amendment to the Constitution of the Northern Sydney Regional Organisation of Councils (NSROC), and direct its representatives on the NSROC Board to support this decision at the upcoming Extraordinary Board Meeting called to consider this matter.

Record of Voting:

<u>For the Motion</u>: Councillors Chung, Etmekdjian, Li, Perram, Pickering, Simon, Stott and Yedelian OAM

Against the Motion: Councillor Maggio



NOTICES OF MOTION

1 REQUEST TO AMEND LOCAL GOVERNMENT ACT - Councillor George Simon

MOTION: (Moved by Councillors Simon and Perram)

That Ryde Council write to the NSW Minister of Local Government and the NSW Premier requesting that the Local Government Act be amended to disallow any person to sit on two local councils at the same time.

On being put to the Meeting, the voting on the Motion was two (2) for and seven (7) against. The Motion was **LOST**.

Record of Voting:

For the Motion: Councillors Perram and Simon

Against the Motion: Councillors Chung, Etmekdjian, Li, Pickering, Maggio,

Stott and Yedelian OAM

2 FOLLOW UP - CODE OF CONDUCT - Councillor George Simon

Note: This Notice of Motion was WITHDRAWN by Councillor Simon and therefore was not considered by Council.

3 LETTER TO THE MEMBER FOR RYDE REGARDING VARIOUS MATTERS - Councillor Terry Perram

MOTION: (Moved by Councillors Perram and Simon)

That Council write to the Member for Ryde, Mr Victor Dominello:

- (a) thanking him for his support in opposing high density development on property adjacent to Blenheim Park that Council has sought to rezone for open space;
- (b) requesting that for consistency, he publicly withdraws his support for consideration of Eastwood Park as a site for a multi-level car park;
- (c) seeking his agreement for the principle that in the City of Ryde, public open space is a vital community resource that should not be diminished by actions of government.

AMENDMENT: (Moved by Councillors Chung and Yedelian OAM)

That Council write to the Member for Ryde, Mr Victor Dominello:



- thanking him for his support in opposing high density development on property adjacent to Blenheim Park that Council has sought to rezone for open space;
- (b) seeking his agreement for the principle that in the City of Ryde, public open space is a vital community resource.

On being put to the Meeting, the voting on the Amendment was six (6) for and three (3) against. The Amendment was **CARRIED** and then became the Motion.

Record of Voting:

<u>For the Amendment</u>: Councillors Chung, Etmekdjian, Maggio, Pickering, Stott and Yedelian OAM

Against the Amendment: Councillors Li, Perram and Simon

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

That Council write to the Member for Ryde, Mr Victor Dominello:

- thanking him for his support in opposing high density development on property adjacent to Blenheim Park that Council has sought to rezone for open space;
- (b) seeking his agreement for the principle that in the City of Ryde, public open space is a vital community resource.

Record of Voting:

<u>For the Motion</u>: Councillors Chung, Etmekdjian, Maggio, Pickering, Stott and Yedelian OAM

Against the Motion: Councillors Li, Perram and Simon

CLOSED SESSION

ITEM 5(6) - 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.



ITEM 7 - REQUEST TO EXTINGUISH CHARGE ON LAND

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: (a) personnel matters concerning particular individuals (other than councillors); AND (b) discussion in relation to the personal hardship of a resident or ratepayer; AND (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 Stott)

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 9.09pm. The public and media left the chamber.

CONFIDENTIAL COUNCIL REPORT

5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 7/16 held on 16 August 2016

6 ADVICE ON COURT ACTIONS

Note: A Confidential Memorandum from Council's General Counsel dated

22 August 2016 together with architectural plans were tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and

Pickering)

That the report of the General Counsel be received.

Record of Voting:



LATE CONFIDENTIAL COUNCIL REPORT

7 REQUEST TO EXTINGUISH CHARGE ON LAND

RECOMMENDATION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council delegate authority to the General Manager to:
 - (i) deal with this matter to his satisfaction, including but not limited to agreeing to the extinguishment of the charge from the title of the subject property, provided that Council's interests are protected; and
 - (ii) execute all necessary documents to effect (i) as he sees fit.
- (b) That Council agree to waive up to a total of \$750 from any costs that it may be entitled to recoup from the owner in relation to this matter in accordance with the terms of the Deed.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Stott and Simon)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 9.31pm.

RESOLUTION: (Moved by Councillors Stott 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:



NATIONAL ANTHEM

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

The meeting closed at 9.33pm.

CONFIRMED THIS 27TH DAY OF SEPTEMBER 2016

Chairperson