

Meeting Date: Tuesday 26 July 2016
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.00pm

Councillors Present: The Mayor, Councillor Laxale and Councillors Li, Pendleton, Perram and Simon.

Apologies: Councillors Chung, Etmekdjian, Pickering, Stott and Yedelian OAM.

Absent: Councillors Maggio and Salvestro-Martin.

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, Development Contributions Coordinator, Digital Communications Coordinator, Senior Coordinator – Governance, Governance, Risk and Audit Coordinator and Administration Officer – Councillor Support.

PRAYER

Pastor Stephen Cooper of the Eastwood Baptist Church was present and offered prayer prior to the commencement of the meeting.

ADJOURNMENT

In accordance with Clause 2.5.1 of the Code of Meeting Practice, The Mayor, Councillor Laxale adjourned the Council Meeting as a quorum was not present, the time being 7.02pm. The Council Meeting was adjourned to:

Tuesday, 26 July 2016 at 7.30pm in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Laxale and Councillors Li, Pendleton, Perram and Simon.

Apologies had been received from Councillors Chung, Etmekdjian, Pickering, Stott and Yedelian OAM.

Absent: Councillors Maggio and Salvestro-Martin.

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 26 July 2016 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Laxale and Councillors Li, Pendleton, Perram and Simon.

Apologies had been received from Councillors Chung, Etmekdjian, Pickering, Stott and Yedelian OAM.

Absent: Councillors Maggio and Salvestro-Martin.

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, Development Contributions Coordinator, Digital Communications Coordinator, Senior Coordinator – Governance, Governance, Risk and Audit Coordinator and Administration Officer – Councillor Support.

ADJOURNMENT

In accordance with Clause 2.5.1 of the Code of Meeting Practice, The Mayor, Councillor Laxale adjourned the Council Meeting as a quorum was not present, the time being 7.30pm. The Council Meeting was adjourned to:

Tuesday, 2 August 2016 at 7.00pm in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Laxale and Councillors Li, Pendleton, Perram and Simon.

Apologies had been received from Councillors Chung, Etmekdjian, Pickering, Stott and Yedelian OAM.

Absent: Councillors Maggio and Salvestro-Martin.

MEETING RECONVENED

The Meeting reconvened at 7.00pm on Tuesday, 2 August 2016 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Li, Maggio, Pendleton, Perram, Pickering, Simon, Stott and Yedelian OAM.

Note: Councillor Li arrived at the meeting at 7.05pm during the Message of Condolence. He was not present for consideration or voting on Leave of Absence.

Note: Councillor Maggio left the meeting at 11.13pm and did not return. He was not present for consideration or voting on Items 5 and 6.

Note: Councillor Perram left the meeting at 12.15am and did not return. He was not present for consideration or voting on Item 6.

Apologies had been received from Councillor Salvestro-Martin.

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, Development Contributions Coordinator, Digital Communications Coordinator, Senior Coordinator – Governance, Governance, Risk and Audit Coordinator and Administration Officer – Councillor Support.

LEAVE OF ABSENCE

Councillor Pendleton requested a Leave of Absence for the period 12 September 2016 to 30 September 2016 inclusive.

Councillor Perram requested a Leave of Absence for the period 3 September 2016 to 10 September 2016 inclusive.

Councillor Pickering advised the meeting that Councillor Salvestro-Martin had provided his apologies for tonight's meeting and had also requested a Leave of Absence for the period 2 August 2016 to 30 September 2016 inclusive.

RESOLUTION: (Moved by Councillors Pendleton and Pickering)

- (a) That Councillor Pendleton's Leave of Absence for the period 12 September 2016 to 30 September 2016 inclusive be approved.
- (b) That Councillor Perram's Leave of Absence for the period 3 September 2016 to 10 September 2016 inclusive be approved.
- (c) That Councillor Salvestro-Martin's Leave of Absence for the period 2 August 2016 to 30 September 2016 inclusive be approved.

Record of Voting:

For the Motion: Unanimous

DISCLOSURES OF INTEREST

The Mayor, Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in Mayoral Minute MM12/16 – Opportunity for Use of Ryde Council Chambers, for the reason that he has a personal relationship for Sergeant McIntosh.

Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in Item 2(2) – Morrison Bay Park Plan of Management, for the reason that he is a member of the Putney and Tennyson Bowling and Community Club.

Councillor Stott disclosed a Less than Significant Non-Pecuniary Interest in Item 2(2) – Morrison Bay Park Plan of Management, for the reason that she is a member of the Putney and Tennyson Bowling and Community Club.

Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Item 3(3) – Ryde Civic Hub International Design Competition – Budget Status Report, for the reason that her continued and consistent opposition to the sale/redevelopment of the Civic Centre public land with the inclusion of high rise residential development is consistent with her core commitment made to the electorate at the 2012 elections.

Councillor Pickering disclosed a Significant Non-Pecuniary Interest in Precis of Correspondence 3 – Planning Proposal – Blenheim Park, for the reason that the applicant for this development has engaged a planning company that has worked with his firm on unrelated matters.

TABLING OF PETITIONS

No Petitions were tabled.

MESSAGE OF CONDOLENCE

Note: Councillor Li arrived at the meeting at 7.05pm during this Item.

The Mayor, Councillor Laxale invited Councillor Chung to read a Message of Condolence for Forbes Carlile who passed away today, 2 August 2016.

Note: Following Councillor Chung's Message of Condolence, the meeting then observed a one minute silence.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Sergeant Andrew McIntosh (representing NSW Police Force)	Mayoral Minute 12/16 – Opportunity for use of Ryde Council Chambers
Edmund Jones	Precis of Correspondence 1 - Eastwood Car Park

Name	Topic
Bernard Purcell (Representing Eastwood St Andrews Soccer Club)	Precis of Correspondence 1 - Eastwood Car Park
Leslie Toemoe	Precis of Correspondence 1 - Eastwood Car Park
Coralie Jensen	Precis of Correspondence 1 - Eastwood Car Park
Lyndal Howison	Precis of Correspondence 2 – Yes Campaign - Marriage Plebiscite
Lisa Aynajian	Notice of Rescission – Tree Preservation Review – Results of Exhibition of DCP Amendments
Gavin Carrier	Item 6 (Confidential) – Voluntary Planning Agreement/Planning Proposal – 66-82 Talavera Road, Macquarie Park

Note: Rhiannon Edmonds was called to address Council, however was not present in the Chamber.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Chung and Etmekdjian)

That the speakers who submitted Requests to Address Council on Items Listed on the Agenda after the midday deadline, be allowed to address the meeting, the time being 7.28pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons then addressed the Council:-

Name	Topic
Justyn Ng	Item 4 – Planning Proposal – 87 Bowden Street, Ryde – Outcome of Exhibition

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

MAYORAL MINUTES

12/16 OPPORTUNITY FOR USE OF RYDE COUNCIL CHAMBERS - The Mayor, Councillor Jerome Laxale

Note: The Mayor, Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he has a personal relationship for Sergeant McIntosh.

Note: Sergeant Andrew McIntosh (representing NSW Police Force) addressed the meeting in relation to this Item.

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

That following cessation of the use of the building by Council and its staff and the removal of all items of value and subject to the approvals from the relevant authorities, the Acting General Manager grant approval to the request from the NSW Police Force to use the former Council Chambers (Civic Centre) as a training venue and to conduct a variety of other exercises.

Record of Voting:

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

Against the Motion: Councillor Pendleton

PRECIS OF CORRESPONDENCE

1 EASTWOOD CAR PARK

Note: Edmund Jones, Bernard Purcell (representing Eastwood St Andrews Soccer Club), Leslie Toemoe and Coralie Jensen (representing her husband and other neighbours) addressed the meeting in relation to this Item.

Note: A Confidential Memorandum from the Director – City Works and Infrastructure dated 2 August 2016 was tabled in relation to this Item and a copy is ON FILE - CONFIDENTIAL.

MOTION: (Moved by The Mayor, Councillor Laxale and Councillor Perram)

- (a) That correspondence be received and noted.
- (b) That the General Manager write to Transport for NSW (TfNSW) informing them that Council does not support a car park being built on Eastwood Oval (upper or lower).

- (c) That Council hold a public forum and community consultation on public parking in Eastwood to identify suitable locations for increased short-term and commuter car parking with results being reported back to Council.
- (d) That the General Manager request that TfNSW undertake a traffic and parking study of the Eastwood Town Centre, at their cost, and that the results be made public.

AMENDMENT: (Moved by Councillors Chung and Yedelian OAM)

- (a) That the correspondence be received and noted.
- (b) That Council continue discussions with TfNSW in identifying a suitable location for a commuter car park and a multi-use playing surface in Eastwood.

On being put to the Meeting, the voting on the Amendment was six (6) for and five (5) against. The Amendment was **CARRIED** and then became the Motion.

Record of Voting:

For the Amendment: Councillors Chung, Etmekdjian, Maggio, Pickering, Stott and Yedelian OAM

Against the Amendment: The Mayor, Councillor Laxale and Councillors Li, Pendleton, Perram and Simon

RESOLUTION: (Moved by Councillors Chung and Yedelian OAM)

- (a) That the correspondence be received and noted.
- (b) That Council continue discussions with TfNSW in identifying a suitable location for a commuter car park and a multi-use playing surface in Eastwood.

Record of Voting:

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

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

Note: Councillors Maggio and Yedelian OAM left the meeting at 8.37pm.

ORDER OF BUSINESS

Note: Councillors Maggio and Yedelian OAM were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pickering and Chung)

That Council now consider the following Items, the time being 8.38pm:

- Item 4 – Planning Proposal – 87 Bowden Street, Ryde – Outcome of Exhibition
- Item 6 (Confidential) – Voluntary Planning Agreement/Planning Proposal – 66-82 Talavera Road, Macquarie Park
- Precis of Correspondence 2 – Yes Campaign - Marriage Plebiscite
- Notice of Rescission 1 – Tree Preservation Review – Results of Exhibition of DCP Amendments

Record of Voting:

For the Motion: Unanimous

Note: Councillor Yedelian OAM returned to the meeting at 8.39pm.

COUNCIL REPORTS

4 PLANNING PROPOSAL - 87 BOWDEN STREET, RYDE - OUTCOME OF EXHIBITION

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

Note: Justyn Ng addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Pickering and Chung)

- (a) That Council endorse that Ryde LEP 2014 be amended by including 87 Bowden Street Ryde (Lot 17 DP 663261) in *Schedule 5 Environmental Heritage* as an item of Local heritage significance and amending *Ryde LEP 2014 Heritage Map* to include the property .
- (b) That Council endorse that the Planning Proposal for 87 Bowden Street Ryde be forwarded to the Department of Planning and Environment with a request that the Plan be notified on the NSW Legislation website.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Maggio returned to the meeting at 8.40pm.

**6 VOLUNTARY PLANNING AGREEMENT / PLANNING PROPOSAL - 66-82
TALAVERA ROAD, MACQUARIE PARK**

Note: Gavin Carrier (representing Holdmark Property Group) addressed the meeting in relation to this Item.

Note: Confidential correspondence from Holdmark dated 26 July 2016 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

Note: A Confidential Memorandum from the Acting General Manager dated 2 August 2016 together with attachments was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

Note: Confidential correspondence from HillPDA Consulting dated 25 July 2016 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That Council enter into Committee of the Whole following the completion of Normal Business to discuss this Item.

Record of Voting:

For the Motion: Unanimous

LATE PRECIS OF CORRESPONDENCE

2 YES CAMPAIGN - MARRIAGE PLEBISCITE

Note: Councillor Chung left the meeting at 8.45pm and was not present for consideration or voting on this Item.

Note: Lyndal Howison addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Pickering and Stott)

That the correspondence be received and noted.

AMENDMENT: (Moved by Councillors Simon and The Mayor, Councillor Laxale)

(a) That the correspondence be received and noted.

(b) That Council, in its response to the Inner West Council Administrator, notifies its intention to support a Yes Vote, should that occur.

- (c) That Council use its usual communication channels to promote a Yes Vote in the Marriage Equality Plebiscite.

On being put to the Meeting, the voting on the Amendment was three (3) for and seven (7) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of Voting:

For the Amendment: The Mayor, Councillor Laxale and Councillors Pendleton and Simon

Against the Amendment: Councillors Etmekdjian, Li, Maggio, Perram, Pickering, Stott and Yedelian OAM

RESOLUTION: (Moved by Councillors Pickering and Stott)

That the correspondence be received and noted.

Record of Voting:

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

Against the Motion: Councillor Simon

Note: Councillor Chung returned to the meeting at 9.10pm.

NOTICE OF RESCISSION

1 NOTICE OF RESCISSION: TREE PRESERVATION REVIEW - RESULTS OF EXHIBITION OF DCP AMENDMENTS - Councillor Denise Pendleton, The Mayor, Councillor Jerome Laxale, Councillor George Simon

Note: Lisa Aynajian addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Strategy and Planning dated 13 July 2016 was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from Jennie Minifie (representing Ryde Community Alliance) dated 26 July 2016 was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from Jennie Minifie (representing Ryde Community Alliance) dated 2 August 2016 was tabled in relation to this Item and a copy is ON FILE.

MOTION: (Moved by Councillors Pendleton and Simon)

That Council rescind the previous resolution in relation to Item 2(6) from the Report of the Planning and Environment Committee Meeting 5/16 held on 14 June 2016 – TREE PRESERVATION REVIEW – RESULTS OF EXHIBITION OF DCP AMENDMENTS, passed at the Council Meeting held on 28 June 2016, namely:-

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 5/16 held on 14 June 2016

6 TREE PRESERVATION REVIEW – RESULTS OF EXHIBITION OF DCP AMENDMENTS

- (a) *That Council adopt the amendments to Ryde Development Control Plan 2014 - Part 9.5: Tree Preservation as shown at ATTACHMENT 1.*
- (b) *That Council give public notice in a local newspaper of its decision with respect to the draft amending Ryde Development Control Plan (RDCP) 2014 within 28 days of its decision, and provide the Secretary of the Department of Planning and Environment with a copy of the plan in accordance with the Environmental Planning and Assessment Regulation 2000.*
- (c) *That Council conduct a review of the 4 metre exemption for tree removal 12 months after the RDCP amendments become effective.*

On being put to the Meeting, the voting on the Rescission Motion was five (5) for and six (6) against. The Rescission Motion was **LOST**.

Record of Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Li, Pendleton, Perram and Simon

Against the Motion: Councillors Chung, Etmekdjian, Maggio, Pickering, Stott and Yedelian OAM

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 28 June 2016

RESOLUTION: (Moved by Councillors Simon and Pendleton)

That the Minutes of the Council Meeting 7/16, held on 28 June 2016 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 6/16 held on 19 July 2016

RESOLUTION: (Moved by Councillors Perram and Stott)

That Council determine Item 2 of the Works and Community Committee report 6/16, held on 19 July 2016 noting that Items 1 and 3 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

2 MORRISON BAY PARK PLAN OF MANAGEMENT – ADOPTION OF ADDENDUM 1

Note: Councillor Pickering disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is a member of the Putney and Tennyson Bowling and Community Club.

Note: Councillor Stott disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that she is a member of the Putney and Tennyson Bowling and Community Club.

Note: A Memorandum from the Acting Director – City Strategy and Planning dated 22 July 2016 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Perram and Stott)

- (a) That Council adopt the amended Morrison Bay Park Plan of Management.
- (b) That Council delegate to the General Manager the authority to negotiate the continuation of the previously approved 50% rental reduction of the expired lease to Putney Tennyson Bowling and Community Club Pty Ltd for a period of 6 months.
- (c) That Council officers respond to the resident that provided a submission informing them of the outcomes of this resolution.

Record of Voting:

For the Motion: Unanimous

**3 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
6/16 held on 19 July 2016**

RESOLUTION: (Moved by Councillors Pendleton and Pickering)

That Council determine all Items 1, 2, 3 and 4 of the Finance and Governance Committee Meeting 6/16, held on 19 July 2016 in accordance with the Finance and Governance Committee Terms of Reference.

Record of Voting:

For the Motion: Unanimous

**1 CONFIRMATION OF MINUTES - Finance and Governance
Committee Meeting held on 21 June 2016**

RESOLUTION: (Moved by Councillors Pendleton and Etmekdjian)

That the Minutes of the Finance and Governance Committee 5/16, held on 21 June 2016, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 INVESTMENT REPORT - June 2016

RESOLUTION: (Moved by Councillors Pendleton and Etmekdjian)

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

Record of Voting:

For the Motion: Unanimous

**3 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION -
BUDGET STATUS REPORT**

Note: Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that her continued and consistent opposition to the sale/redevelopment of the Civic Centre public land with the inclusion of high rise residential development is consistent with her core commitment made to the electorate at the 2012 elections.

Note: Councillor Pickering tabled an email and submission from Denise Pendleton dated 20 September 2011 regarding the Ryde Civic Precinct in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Pickering and Stott)

- (a) That Council endorse the report of the Executive Officer, Ryde Civic Hub dated 5 July 2016 on Ryde Civic Hub International Design Competition – Budget Status Report
- (b) That Council endorses the additional allocation of \$200,000 from the Civic Precinct Redevelopment Reserve to the Ryde Civic Hub project, due to the success of this Design Competition in meeting the additional competition prize money and other costs associated with the community consultation.

Record of Voting:

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

Against the Motion: The Mayor, Councillor Laxale and Councillors Li, Pendleton and Simon

4 ADVICE ON COURT ACTIONS

Note: Councillor Li left the meeting at 10.10pm and was not present for the voting on this Item.

RESOLUTION: (Moved by Councillors Pendleton and Pickering)

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

Record of Voting:

For the Motion: Unanimous

Note: Councillor Li returned to the meeting at 10.13pm.

4 PLANNING PROPOSAL - 87 BOWDEN STREET, RYDE - OUTCOME OF EXHIBITION

Note: This Item was dealt with earlier in the meeting as detailed in these Minutes.

NOMINATION OF CHAIRPERSON

RESOLUTION: (Moved by Councillors Simon and Pendleton)

That Council nominate Councillor Perram as Chairperson in the Mayor's absence when Considering Item 5 – Code of Conduct Matter.

Record of Voting:

For the Motion: Unanimous

Note: The Mayor, Councillor Laxale left the meeting at 10.14pm.

Note: Councillor Perram assumed the Chair.

5 CODE OF CONDUCT MATTER

Note: The Mayor, Councillor Laxale was not present for the consideration and voting on this Item.

RESOLUTION: (Moved by Councillors Simon and Pickering)

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

Record of Voting:

For the Motion: Unanimous

Note: The Mayor, Councillor Laxale returned to the meeting at 10.15pm.

Note: The Mayor, Councillor Laxale assumed the Chair.

COMMITTEE OF THE WHOLE

RESOLUTION: (Moved by Councillors Chung and Pickering)

That Council resolve into Committee of the Whole to allow open discussion regarding Item 6 – Voluntary Planning Agreement / Planning Proposal – 66-82 Talavera Road, Macquarie Park, the time being 10.16pm.

Record of Voting:

For the Motion: Unanimous

Note: Open discussion was then held with the applicant being provided the opportunity to answer questions regarding the proposal.

OPEN COUNCIL

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That Committee of the Whole resolve into Open Council, the time being 10.39pm.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE

1 EASTWOOD CAR PARK

Note: This Item was dealt with earlier in the meeting as detailed in these Minutes.

LATE PRECIS OF CORRESPONDENCE

2 YES CAMPAIGN – MARRIAGE PLEBISCITE

Note: This Item was dealt with earlier in the meeting as detailed in these Minutes.

3 PLANNING PROPOSAL – BLENHEIM PARK

Note: Councillor Pickering disclosed a Significant Non-Pecuniary Interest in this Item for the reason that the applicant for this development has engaged a planning company that has worked with his firm on unrelated matters. He left the meeting at 10.44pm and was not present for consideration and voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Simon)

- (a) That the correspondence be received and noted;
- (b) That the Mayor write to the Minister for Planning, reiterating Council's resolutions of 22 March 2016, 26 April 2016 and 28 June 2016, rejecting the Proposal to rezone 86 Blenheim Road, 12A and 14 Epping Road, North Ryde, from R2 (low density) to R4 (high density);
- (c) That the Mayor reiterate Council's unanimous decision to submit a Planning Proposal to rezone the subject land to RE1 and to acquire the subject properties and seek the Minister's urgent intervention to expedite Council's Planning Proposal;

- (d) That Council reaffirm its consistent view that it does not support high rise residential development south of Epping Road.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Pickering returned to the meeting at 10.49pm.

NOTICES OF MOTION

1 DEFERRED NOTICE OF MOTION: CITY OF RYDE SPORTSGROUNDS - Deputy Mayor, Councillor Roy Maggio

Note: This Notice of Motion was deferred from the Council Meetings on 24 May 2016 and 28 June 2016.

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

2 DEFERRED NOTICE OF MOTION: SIGNATURE BANNER POLICY - Deputy Mayor, Councillor Roy Maggio

Note: This Notice of Motion was deferred from the Council Meetings on 24 May 2016 and 28 June 2016.

MOTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That the General Manager gives due consideration in adopting a signature banner policy to ensure consistency in the way in which banners are created, applied and removed in the interests of maintaining equity and fairness across the Council.
- (b) That the General Manager includes as part of the signature banner policy, measures which allow discretion in exempting Councillors from displaying the banner based on reasonable grounds.
- (c) That the General Manager establishes appropriate approval protocols which are underpinned by a collaborative approach, prior to the inclusion of any signature banner that is displayed under Councillors signatures.
- (d) That the General Manager raises this matter at the next Governance Committee meeting.

On being put to the Meeting, the voting on the Motion was five (5) for and six (6) against. The Motion was **LOST**.

Record of Voting:

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

Against the Motion: The Mayor, Councillor Laxale and Councillors Li, Pendleton, Perram, Pickering and Stott

3 DEFERRED NOTICE OF MOTION: PARKING DEMANDS - ELS HALL PARK - Deputy Mayor, Councillor Roy Maggio

Note: This Notice of Motion was deferred from the Council Meetings on 24 May 2016 and 28 June 2016.

RESOLUTION: (Moved by Councillors Maggio and Pickering)

- (a) That Council's traffic management team provide a comprehensive report on the existing demands of parking inside and outside of ELS Hall Park after the installation of synthetic surfaces, and identify the extent of the parking shortage with an appropriate traffic study.
- (b) That Council's traffic management team thoroughly assess the overflow parking area off Adelphi Rd **during peak busy periods of use** to gain an accurate perspective of the problem, including the lighting, paddock conditions and traffic flow from a safety standpoint.
- (c) That Council's traffic management team invite all sporting clubs concerned for a collaborative meeting to address the critical issues and findings, and develop a comprehensive plan with the inclusion of timeframes, that will alleviate the traffic conditions that impedes on the access of a major sporting facility in the City of Ryde.
- (d) That Council includes in the 2016/17 Operational Plan a project titled "Traffic Impact Assessment Review of ELS Hall Park", with an associated budget allocation of \$20,000, to be undertaken once the synthetic surface has been constructed and the facility is operational, to be incorporated into the next Quarterly Budget Review.

Record of Voting:

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

Against the Motion: Councillor Simon

4 DEFERRED NOTICE OF MOTION: FLOOD DAMAGE AT 37 SOBRAON ROAD, MARSFIELD - Councillor Justin Li

Note: This Notice of Motion was deferred from the Council Meeting on 28 June 2016.

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

5 DEFERRED NOTICE OF MOTION: COUNCIL MERGER - PLEBISCITE OF RESIDENTS - Councillor George Simon

Note: This Notice of Motion was deferred from the Council Meeting on 28 June 2016.

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

CLOSED SESSION

ITEM 3(4) – 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 5 – CODE OF CONDUCT MATTER

Confidential

As this matter relates to a Code of Conduct matter, the Local Government Act 1993 section 10A(2)(i) now provides for Code of Conduct matters to be considered in the closed session of Council.

ITEM 6 - VOLUNTARY PLANNING AGREEMENT / PLANNING PROPOSAL - 66-82 TALAVERA ROAD, MACQUARIE PARK

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: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

RESOLUTION: (Moved by Councillors Pickering and Maggio)

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 10.58pm. The public and media left the chamber.

EXTENSION OF TIME – COMPLETION OF BUSINESS

RESOLUTION: (Moved by Councillors Simon and Pickering)

That Council extend the meeting closing time to allow the completion of all business, the time being 10.59pm.

Record of Voting:

For the Motion: Unanimous

3 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 6/16 held on 19 July 2016

4 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Simon and Pendleton)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

NOMINATION OF CHAIRPERSON

MOTION: (Moved by Councillors Yedelian OAM and Maggio)

That Council nominate Councillor Pickering as Chairperson in the Mayor's absence when considering Item 5 – Code of Conduct Matter.

AMENDMENT: (Moved by Councillors Simon and Pendleton)

That Council nominate Councillor Simon as Chairperson in the Mayor's absence when Considering Item 5 – Code of Conduct Matter.

On being put to the Meeting, the voting on the Amendment was five (5) for and six (6) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of Voting:

For the Amendment: The Mayor, Councillor Laxale and Councillors Li, Pendleton, Perram and Simon

Against the Amendment: Councillors Chung, Etmekdjian, Maggio, Pickering, Stott and Yedelian OAM

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That Council nominate Councillor Pickering as Chairperson in the Mayor's absence when considering Item 5 – Code of Conduct Matter.

Record of Voting:

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

Against the Motion: The Mayor, Councillor Laxale and Councillors Pendleton, Perram and Simon

Note: The Mayor, Councillor Laxale left the meeting at 11.05pm.

Note: Councillor Pickering assumed the Chair.

5 CODE OF CONDUCT MATTER

Note: The Mayor, Councillor Laxale was not present for consideration or voting on this Item.

Note: Councillor Maggio addressed the meeting in relation to this Item, following which he left the meeting at 11.13pm and did not return to the meeting. He was not present for consideration and voting on this Item.

MOTION: (Moved by Councillors Simon and Perram)

- (a) That Council resolve for Councillor Maggio to be counselled for sending inappropriate messages and the potential impact of such conduct on the wellbeing of staff and the reputation of Council. The General Manager should determine who the appropriately qualified person is to provide such Counselling. Such counselling should occur within one month of the Council meeting at which this report is tabled.

- (b) That Council resolve for Councillor Maggio to apologise publicly and in writing to Ms Connolly for sending inappropriate messages to her prior to the first Council meeting after the meeting in which this report is tabled. The apology should be made within one month of the Council meeting at which this report is tabled.
- (c) That Council formally censure Councillor Maggio in writing for misconduct as per Section 440G of the Local Government Act 1993, on the grounds identified as Findings 1 to 7 in the Report as detailed below;

Finding 1

Councillor Maggio has breached Section 3.1 of the Code of Conduct (General conduct) in that his sending of inappropriate text messages to Ms Connolly on 17/18 December 2015 constitutes carrying out his functions in a manner that is likely to bring the Council or holders of civic office into disrepute. Specifically, this conduct:

- a) contravenes the Act, associated regulations, Council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a Council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse
- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment.

Finding 2

Councillor Maggio has breached Section 3.3 of the code of Conduct (Treat others with respect) in that by sending inappropriate text messages to Ms Connolly on 17/18 December 2015 he failed to treat Ms Connolly with respect.

Finding 3

Councillor Maggio has breached Section 3.6 of the Code of Conduct (Harassment and discrimination) in that his sending of inappropriate text messages to Ms Connolly on 17/18 December 2015 constituted harassment and discrimination against Ms Connolly on the grounds of sex and potentially the grounds of responsibilities as a carer and or marital status.

Finding 4

Councillor Maggio has breached Section 3.18 of the Code of Conduct (Gender Equity) in that his sending of inappropriate text messages to Ms Connolly on 17/18 December 2015 contravenes the City of Ryde Council Statement of Gender Equity (which provides as follows):

“We will work towards increasing the representation of women in local government, both as elected members and senior managers and professionals.”

We will undertake ongoing reviews of policies and practices to remove barriers to women’s participation and to engender safe, supportive working and decision-making environments that encourage and value a wide range of views”.

Finding 5

Councillor Maggio has breached Section 6.7e of the Code of Conduct (Inappropriate Interactions) in that his sending of inappropriate text messages to Ms Connolly on 17/18 December 2015 constitutes being overbearing or threatening to Council staff.

Finding 6

Councillor Maggio has breached Section 6.8(1) of the Code of Conduct (Enforceable Charter) in that by sending inappropriate text messages to Ms Connolly on 17/18 December 2015 he failed to abide by the Charter which notes that Councillors must:

“Professionally deal with staff and create a non threatening culture by; 1. Debating the issue without denigrating staff (play the ball not the person).”

Finding 7

Councillor Maggio has demonstrated a pattern of behaviour of making inappropriate comments to staff and a history of dismissive comments in respect of existing or potential future Code of Conduct complaints against him.

AMENDMENT: (Moved by Councillors Pickering and Etmekdjian)

- (a) That Council resolve for Councillor Maggio to be counselled for sending inappropriate messages and the potential impact of such conduct on the wellbeing of staff and the reputation of Council. The General Manager should determine who the appropriately qualified person is to provide such Counselling. Such counselling should occur within one month of the Council meeting at which this report is tabled.
- (b) That Council resolve for Councillor Maggio to apologise publicly and in writing to Ms Connolly for sending inappropriate messages to her prior to the first Council meeting after the meeting in which this report is tabled. The apology should be made within one month of the Council meeting at which this report is tabled.

- (c) That Council resolve not to formally censure Councillor Maggio for misconduct as per Section 440G of the Local Government Act 1993, because of the circumstances regarding the leaking of this confidential report into the Code of Conduct to the media, which denied Councillor Maggio the opportunity to address the issue in confidence and to express his position as is accorded to someone as a right to natural justice.
- (d) That Council release the Memo from the Acting General Manager to the public, advising that both the Office of Local Government and the ICAC have been informed about the aforementioned leaking of confidential information to the media.
- (e) That Council staff and Councillors are to cooperate with any investigation into the leaking of confidential information, including by telephone, social media or any other form of communication.

On being put to the Meeting, the voting on the Amendment was two (2) for and six (6) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of Voting:

For the Amendment: Councillors Pickering and Etmekdjian

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

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

That the Motion be dealt with in Seriatim.

Record of Voting:

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

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

Note: The Motion was then dealt with in Seriatim.

RECOMMENDATION: (Moved by Councillors Simon and Perram)

- (a) That Council resolve for Councillor Maggio to be counselled for sending inappropriate messages and the potential impact of such conduct on the wellbeing of staff and the reputation of Council. The General Manager should determine who the appropriately qualified person is to provide such Counselling. Such counselling should occur within one month of the Council meeting at which this report is tabled.

Record of Voting:

For the Motion: Unanimous

RECOMMENDATION: (Moved by Councillors Simon and Perram)

- (b) That Council resolve for Councillor Maggio to apologise publicly and in writing to Ms Connolly for sending inappropriate messages to her prior to the first Council meeting after the meeting in which this report is tabled. The apology should be made within one month of the Council meeting at which this report is tabled.

Record of Voting:

For the Motion: Unanimous

RECOMMENDATION: (Moved by Councillors Simon and Perram)

- (c) That Council formally censure Councillor Maggio in writing for misconduct as per Section 440G of the Local Government Act 1993, on the grounds identified as Findings 1 to 7 in the Report as detailed below;

Finding 1

Councillor Maggio has breached Section 3.1 of the Code of Conduct (General conduct) in that his sending of inappropriate text messages to Ms Connolly on 17/18 December 2015 constitutes carrying out his functions in a manner that is likely to bring the Council or holders of civic office into disrepute. Specifically, this conduct:

- a) contravenes the Act, associated regulations, Council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a Council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse
- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment.

Finding 2

Councillor Maggio has breached Section 3.3 of the code of Conduct (Treat others with respect) in that by sending inappropriate text messages to Ms Connolly on 17/18 December 2015 he failed to treat Ms Connolly with respect.

Finding 3

Councillor Maggio has breached Section 3.6 of the Code of Conduct (Harassment and discrimination) in that his sending of inappropriate text messages to Ms Connolly on 17/18 December 2015 constituted harassment and discrimination against Ms Connolly on the grounds of sex and potentially the grounds of responsibilities as a carer and or marital status.

Finding 4

Councillor Maggio has breached Section 3.18 of the Code of Conduct (Gender Equity) in that his sending of inappropriate text messages to Ms Connolly on 17/18 December 2015 contravenes the City of Ryde Council Statement of Gender Equity (which provides as follows):

“We will work towards increasing the representation of women in local government, both as elected members and senior managers and professionals.”

We will undertake ongoing reviews of policies and practices to remove barriers to women’s participation and to engender safe, supportive working and decision-making environments that encourage and value a wide range of views”.

Finding 5

Councillor Maggio has breached Section 6.7e of the Code of Conduct (Inappropriate Interactions) in that his sending of inappropriate text messages to Ms Connolly on 17/18 December 2015 constitutes being overbearing or threatening to Council staff.

Finding 6

Councillor Maggio has breached Section 6.8(1) of the Code of Conduct (Enforceable Charter) in that by sending inappropriate text messages to Ms Connolly on 17/18 December 2015 he failed to abide by the Charter which notes that Councillors must:

“Professionally deal with staff and create a non threatening culture by; 1. Debating the issue without denigrating staff (play the ball not the person).”

Finding 7

Councillor Maggio has demonstrated a pattern of behaviour of making inappropriate comments to staff and a history of dismissive comments in respect of existing or potential future Code of Conduct complaints against him.

Record of Voting:

For the Motion: Councillors Chung, Li, Pendleton, Perram, Simon, Stott and Yedelian OAM

Against the Motion: Councillors Pickering and Etmekdjian

RECOMMENDATION: (Moved by Councillors Simon and Perram)

- (a) That Council resolve for Councillor Maggio to be counselled for sending inappropriate messages and the potential impact of such conduct on the wellbeing of staff and the reputation of Council. The General Manager should determine who the appropriately qualified person is to provide such Counselling. Such counselling should occur within one month of the Council meeting at which this report is tabled.
- (b) That Council resolve for Councillor Maggio to apologise publicly and in writing to Ms Connolly for sending inappropriate messages to her prior to the first Council meeting after the meeting in which this report is tabled. The apology should be made within one month of the Council meeting at which this report is tabled.
- (c) That Council formally censure Councillor Maggio in writing for misconduct as per Section 440G of the Local Government Act 1993, on the grounds identified as Findings 1 to 7 in the Report as detailed below;

Finding 1

Councillor Maggio has breached Section 3.1 of the Code of Conduct (General conduct) in that his sending of inappropriate text messages to Ms Connolly on 17/18 December 2015 constitutes carrying out his functions in a manner that is likely to bring the Council or holders of civic office into disrepute. Specifically, this conduct:

- a) contravenes the Act, associated regulations, Council's relevant administrative requirements and policies
- b) is detrimental to the pursuit of the charter of a Council
- c) is improper or unethical
- d) is an abuse of power or otherwise amounts to misconduct
- e) causes, comprises or involves intimidation, harassment or verbal abuse
- f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment.

Finding 2

Councillor Maggio has breached Section 3.3 of the code of Conduct (Treat others with respect) in that by sending inappropriate text messages to Ms Connolly on 17/18 December 2015 he failed to treat Ms Connolly with respect.

Finding 3

Councillor Maggio has breached Section 3.6 of the Code of Conduct (Harassment and discrimination) in that his sending of inappropriate text messages to Ms Connolly on 17/18 December 2015 constituted harassment and discrimination against Ms Connolly on the grounds of sex and potentially the grounds of responsibilities as a carer and or marital status.

Finding 4

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“We will work towards increasing the representation of women in local government, both as elected members and senior managers and professionals.”

We will undertake ongoing reviews of policies and practices to remove barriers to women’s participation and to engender safe, supportive working and decision-making environments that encourage and value a wide range of views”.

Finding 5

Councillor Maggio has breached Section 6.7e of the Code of Conduct (Inappropriate Interactions) in that his sending of inappropriate text messages to Ms Connolly on 17/18 December 2015 constitutes being overbearing or threatening to Council staff.

Finding 6

Councillor Maggio has breached Section 6.8(1) of the Code of Conduct (Enforceable Charter) in that by sending inappropriate text messages to Ms Connolly on 17/18 December 2015 he failed to abide by the Charter which notes that Councillors must:

“Professionally deal with staff and create a non threatening culture by; 1. Debating the issue without denigrating staff (play the ball not the person).”

Finding 7

Councillor Maggio has demonstrated a pattern of behaviour of making inappropriate comments to staff and a history of dismissive comments in respect of existing or potential future Code of Conduct complaints against him.

Note: The Mayor, Councillor Laxale returned to the meeting at 12.13am.

Note: The Mayor, Councillor Laxale assumed the Chair.

Note: Councillor Perram left the meeting at 12.15am and did not return.

**6 VOLUNTARY PLANNING AGREEMENT / PLANNING PROPOSAL - 66-82
TALAVERA ROAD, MACQUARIE PARK**

Note: Councillor Maggio was not present for discussion or consideration of this Item.

Note: Councillor Perram was not present for discussion or consideration of this Item.

Note: Gavin Carrier (representing Holdmark Property Group) addressed the meeting in relation to this Item.

Note: Confidential correspondence from Holdmark dated 26 July 2016 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

Note: A Confidential Memorandum from the Acting General Manager dated 2 August 2016 together with attachments was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

Note: Confidential correspondence from HillPDA Consulting dated 25 July 2016 was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

MOTION: (Moved by Councillors Pickering and Etmekdjian)

- (a) That Council invite Holdmark to submit an amended Planning Proposal with a maximum FSR of 3.7:1 and provide a letter of offer to enter into a Planning Agreement under Section 93f of the *Environmental Planning and Assessment Act (1979)*, that provides a community benefit offer with the amended proposal, to a value of \$145 million, subject to the following:-
- i. That the community benefit offer valued at \$145 million from Holdmark be supported by valuations report from a registered valuer and will be peer reviewed by a Council appointed expert at its cost;
 - ii. The community benefit offer is to include a minimum of 200 car parking spaces dedicated to Council to support the community facilities; and
 - iii. The full payment of Section 94 Contributions is to be made in addition to the community benefit offer valued at \$145 million.

- (b) That the General Manager be delegated to forward the amended Planning Proposal and letter of offer from Holdmark to enter into a Planning Agreement to the Department of Planning and Environment for Gateway Determination, provided the amended documents satisfy part (a) above.
- (c) That any further negotiations with Holdmark on this matter be independently facilitated by a third party mediator, with the costs met equally between Holdmark and Council.

AMENDMENT: (Moved by Councillor Chung and The Mayor, Councillor Laxale)

- (a) That Council accept the irrevocable letters of offer from Holdmark dated 21 and 26 July 2016 to enter into a Voluntary Planning Agreement in accordance with Option 3 as outlined in the Report.
- (b) That Council forward, within 7 days, the Planning Proposal to the Department of Planning and Environment for Gateway Determination.

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:

For the Amendment: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Pickering, Simon, Stott and Yedelian OAM

Against the Amendment: Councillors Li and Pendleton

RECOMMENDATION: (Moved by Councillor Chung and The Mayor, Councillor Laxale)

- (a) That Council accept the irrevocable letters of offer from Holdmark dated 21 and 26 July 2016 to enter into a Voluntary Planning Agreement in accordance with Option 3 as outlined in the Report.
- (b) That Council forward, within 7 days, the Planning Proposal to the Department of Planning and Environment for Gateway Determination.

Record of Voting:

For the Motion: The Mayor, Councillor Laxale and Councillors Chung, Etmekdjian, Pickering, Simon, Stott and Yedelian OAM

Against the Motion: Councillors Li and Pendleton

OPEN SESSION

RESOLUTION: (Moved by Councillors Simon and Pickering)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 1.25am.

RESOLUTION: (Moved by Councillors Simon and Pendleton)

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 1.27am on Wednesday, 3 August 2016.

CONFIRMED THIS 23RD DAY OF AUGUST 2016

Chairperson