

Meeting Date: Tuesday 27 September 2016
Location: Council Chambers, Level 1A Pope Street, Ryde
Time: 7.00pm

*Council Meetings will be recorded on audio tape for minute-taking purposes
as authorised by the Local Government Act 1993. Council Meetings will also be webcast.*

NOTICE OF BUSINESS

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1 CONFIRMATION OF MINUTES - Council Meeting held on 23 August 2016

Report prepared by: Senior Coordinator - Governance

File No.: CLM/16/1/1/2 - BP16/1045

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Council Meeting 9/16, held on 23 August 2016 be confirmed.

ATTACHMENTS

1 MINUTES - Ordinary Council Meeting - 23 August 2016

ITEM 1 (continued)

ATTACHMENT 1

**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.

ITEM 1 (continued)

ATTACHMENT 1

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

Note: 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.

ITEM 1 (continued)

ATTACHMENT 1

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

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

Record of Voting:

For the Motion: Unanimous

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

ITEM 1 (continued)

ATTACHMENT 1

**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:

For the Motion: Unanimous

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:

1. 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.
3. The proposal will have unacceptable impacts on the amenity of residential properties, due to noise impacts and waste disposal arrangements.

ITEM 1 (continued)

ATTACHMENT 1

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:

For the Amendment: 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:

1. 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.
3. 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:

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

Against the Motion: Councillors Li and Simon

ITEM 1 (continued)

ATTACHMENT 1

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:

For the Motion: Unanimous

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.

ITEM 1 (continued)

ATTACHMENT 1

- (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.

ITEM 1 (continued)

ATTACHMENT 1

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).
 - iii. 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)

ITEM 1 (continued)

ATTACHMENT 1

- (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:

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)

- (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

ITEM 1 (continued)

ATTACHMENT 1

**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:

For the Motion: Unanimous

**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

ITEM 1 (continued)

ATTACHMENT 1

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.

ITEM 1 (continued)

ATTACHMENT 1

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

ITEM 1 (continued)

ATTACHMENT 1

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:

For the Motion: 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.

ITEM 1 (continued)

ATTACHMENT 1

**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:

- (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) 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:

For the Amendment: 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:

- (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;

ITEM 1 (continued)

ATTACHMENT 1

- (b) seeking his agreement for the principle that in the City of Ryde, public open space is a vital community resource.

Record of Voting:

For the Motion: 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.

ITEM 1 (continued)

ATTACHMENT 1

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:

For the Motion: Unanimous

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.

ITEM 1 (continued)

ATTACHMENT 1

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:

For the Motion: Unanimous

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

2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 16 September 2016

Report prepared by: Senior Coordinator - Governance
File No.: CLM/16/1/1/2 - BP16/1201

REPORT SUMMARY

In accordance with Council's Code of Meeting Practice, a motion or discussion with respect to such minutes shall not be in order except with regard to their accuracy as a true record of the proceedings.

RECOMMENDATION:

That the Minutes of the Extraordinary Council Meeting 10/16, held on 16 September 2016 be confirmed.

ATTACHMENTS

- 1 MINUTES - Extraordinary Council Meeting - 16 September 2016

ITEM 2 (continued)

ATTACHMENT 1

**Extraordinary Council Meeting
MINUTES OF MEETING NO. 10/16**

Meeting Date: Friday 16 September 2016

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

Time: 6.00pm

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

Apologies: Nil.

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

PRAYER

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

DISCLOSURES OF INTEREST

Councillor Perram disclosed a Significant Non-Pecuniary Interest in Mayoral Minute 14/16 – Investigation undertaken by the Independent Commission Against Corruption (ICAC), for the reason that he is named in the Mayoral Minute as a person whose adverse reference on Council's website would be removed.

Councillor Li disclosed a Significant Non-Pecuniary Interest in Mayoral Minute 14/16 – Investigation undertaken by the Independent Commission Against Corruption (ICAC), for the reason that he is named in the Mayoral Minute.

Councillor Salvestro- Martin disclosed a Less than Significant Non-Pecuniary Interest in Mayoral Minute 14/16 – Investigation undertaken by the Independent Commission Against Corruption (ICAC), for the reason that he is an affected person by nature of the Mayoral Minute.

TABLING OF PETITONS

No Petitions were tabled.

ITEM 2 (continued)

ATTACHMENT 1

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

NOTICE OF MOTION TO ALTER PREVIOUS COUNCIL RESOLUTION

1 NOTICE OF MOTION TO ALTER COUNCIL'S PREVIOUS RESOLUTION FROM 23 AUGUST 2016 IN RESPECT OF ITEM 5(3)(a) - COUNCIL/COMMITTEE MEETINGS - Schedule of Proposed Meeting Dates - Councillor Bill Pickering, Councillor Jane Stott, Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Pickering and Maggio)

That Council alter the previous Resolution in relation to Item 5(3)(a) from the Report of the Finance and Governance Committee Meeting 7/16 held on 16 August 2016 – COUNCIL/COMMITTEE MEETINGS – Schedule of Proposed Meeting Dates, passed at the Council Meeting held on 23 August 2016, namely:-

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

3 COUNCIL/COMMITTEE MEETINGS – Schedule of Proposed Meeting Dates

- (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.*

On being put to the Meeting, the voting on the Notice of Motion to Alter Previous Council Resolution was seven (7) for and five (5) against. The Notice of Motion to Alter Previous Council Resolution was **CARRIED**. The Matter was then **AT LARGE**.

Record of Voting:

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

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

ITEM 2 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Pickering and Maggio)

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

**3 COUNCIL/COMMITTEE MEETINGS – Schedule of Proposed
Meeting Dates**

- (a) (i) *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, subject to excluding the reference to the Mayoral Election to be held on 27 September 2016 as referenced in the Schedule and for Council to hold the Mayoral Election at the Extraordinary Council Meeting, when it determines the Motion to Alter Council's Resolution of 23 August 2016.*
- (ii) *That the Schedule may be amended at any time, subject to one month transition period to allow for public notices to be given.*

Record of Voting:

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

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

As a result of Council altering this Resolution and for completeness, the revised Resolution for Item 5(3) of the Finance and Governance Committee Meeting 7/16 held on 16 August 2016 is now as follows:-

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

**3 COUNCIL/COMMITTEE MEETINGS – Schedule of Proposed
Meeting Dates**

- (a) (i) 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, subject to excluding the reference to the Mayoral Election to be held on 27 September 2016 as referenced in the Schedule and for Council to hold the Mayoral Election at the Extraordinary Council Meeting, when it determines the Motion to Alter Council's Resolution of 23 August 2016.
- (ii) That the Schedule may be amended at any time, subject to one month transition period to allow for public notices to be given.

ITEM 2 (continued)

ATTACHMENT 1

- (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.

As a result of Council's Resolution in respect of the Notice of Motion to Alter Council's Previous Resolution from 23 August 2016 in respect of Item 5(3)(a) – Council/Committee Meetings – Schedule of Proposed Meeting Dates, the remainder of the Items detailed in the Notice of Business for this Meeting were now considered by Council.

COUNCIL REPORTS

2 ELECTION OF MAYOR FOR ENSUING 12 MONTHS

At this stage of the meeting, the Mayor, Councillor Laxale, gave a brief acknowledgement of his term as Mayor. He then vacated the Chair and the Acting General Manager, as Returning Officer, conducted the election of Mayor.

The Acting General Manager, as Returning Officer, gave an overview of the election process.

METHOD OF VOTING FOR ELECTION OF MAYOR

The Acting General Manager, as Returning Officer, presented the options on the method of voting for Mayor.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

- (a) That the method of voting for the election of Mayor be open voting by a show of hands.
- (b) That the Acting General Manager, as Returning Officer, undertake the election of Mayor for the ensuing twelve (12) months by announcing the nominations and then conducting the election.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

As a result of the voting, THE METHOD OF VOTING FOR ELECTION OF MAYOR WAS OPEN VOTING BY A SHOW OF HANDS.

The Acting General Manager, as Returning Officer, advised that there were two (2) nominations for the Office of Mayor, namely Councillor Pickering and Councillor Laxale.

The Acting General Manager invited further nominations. There were no further nominations.

THE ELECTION FOR MAYOR was conducted by the Acting General Manager, as Returning Officer, which resulted in the following voting:

Councillor Pickering 7 votes

Voting in favour: Councillors Chung, Etmekdjian, Maggio, Pickering, Salvestro-Martin, Stott and Yedelian OAM

Councillor Laxale 5 votes

Voting in favour: Councillors Laxale, Li, Pendleton, Perram and Simon

As a result of the voting, COUNCILLOR PICKERING WAS DULY ELECTED MAYOR FOR THE ENSUING YEAR

The Mayor, Councillor Pickering then assumed the Chair of Mayor, as Chairperson of the meeting.

The Mayor, Councillor Pickering gave a brief acknowledgement following his election.

3 DETERMINATION OF OFFICE AND FEE OF DEPUTY MAYOR

RESOLUTION: (Moved by The Mayor, Councillor Pickering and Councillor Stott)

- (a) That Council elect a Deputy Mayor for a one (1) year term.
- (b) That where the Deputy Mayor is to act in the Office of the Mayor, that this is to be done by way of a Council resolution.
- (c) That where there is a Council resolution in accordance with (b) above, the Deputy Mayor is to be paid a fee to undertake the roles and responsibilities of the Office of the Mayor on a pro rata basis, deducted from the Mayoral Fee.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

For the Motion: Unanimous

4 ELECTION OF DEPUTY MAYOR FOR ENSUING 12 MONTHS

METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR

The Acting General Manager, as Returning Officer, presented the options on the method of voting for Deputy Mayor.

RESOLUTION: (Moved by Councillors Etmekdjian and Yedelian OAM)

- (a) That the method of voting for the election of Deputy Mayor be open voting by a show of hands.
- (b) That the Acting General Manager, as Returning Officer, undertake the election of Deputy Mayor for the ensuing twelve (12) months by announcing the nominations and then conducting the election.

Record of Voting:

For the Motion: Unanimous

As a result of the voting, THE METHOD OF VOTING FOR ELECTION OF DEPUTY MAYOR WAS OPEN VOTING BY A SHOW OF HANDS.

The Acting General Manager, as Returning Officer, advised that there was one (1) nomination for the Office of Deputy Mayor, namely Councillor Stott.

The Acting General Manager invited further nominations. There was one (1) further nomination for the Office of Deputy Mayor, namely Councillor Simon.

THE ELECTION FOR DEPUTY MAYOR was conducted by the Acting General Manager, as Returning Officer, which resulted in the following voting:

Councillor Stott 7 votes

Voting in favour: The Mayor, Councillor Pickering and Councillors Chung, Etmekdjian, Maggio, Salvestro-Martin, Stott and Yedelian OAM

Councillor Simon 4 votes

Voting in favour: Councillors Laxale, Li, Pendleton and Simon

Informal Votes 1 vote

As Councillor Perram abstained from voting

As a result of the voting, COUNCILLOR STOTT WAS DULY ELECTED DEPUTY MAYOR FOR THE ENSUING YEAR

ITEM 2 (continued)

ATTACHMENT 1

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by The Mayor, Councillor Pickering and Councillor Maggio)

That Standing Orders be Suspended in order for Council to consider Leave of Absence Requests and also to allow the former Deputy Mayor, Councillor Maggio and newly elected Deputy Mayor, Councillor Stott to give a short speech to Council, the time being 6.35pm.

Record of Voting:

For the Motion: Unanimous

LEAVE OF ABSENCE

Councillor Yedelian OAM requested a Leave of Absence for the period 10 October 2016 to 11 November 2016 inclusive.

Councillor Simon requested a Leave of Absence for the period 26 September 2016 to 30 September 2016 inclusive.

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (a) That Councillor Yedelian OAM's Leave of Absence for the period 10 October 2016 to 11 November 2016 inclusive be approved.
- (b) That Councillor Simon's Leave of Absence for the period 26 September 2016 to 30 September 2016 inclusive be approved.

Record of Voting:

For the Motion: Unanimous

ADDRESS TO COUNCIL

The former Deputy Mayor, Councillor Maggio then gave a brief address to Council.

The newly elected Deputy Mayor, Councillor Stott then gave a brief acknowledgement to Council following her election.

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That Standing Orders be Resumed, the time being 6.41pm.

Record of Voting:

For the Motion: Unanimous

ITEM 2 (continued)

ATTACHMENT 1

MAYORAL MINUTE

MM14/16 INVESTIGATION UNDERTAKEN BY THE INDEPENDENT COMMISSION AGAINST CORRUPTION (ICAC)

Note: Councillor Perram disclosed a Significant Non-Pecuniary Interest in this Item, for the reason that he is named in the Mayoral Minute as a person whose adverse reference on Council's website would be removed. He left the meeting at 6.45pm and did not participate in discussion or voting on this Item.

Note: Councillor Li disclosed a Significant Non-Pecuniary Interest in this Item, for the reason that he is named in the Mayoral Minute. He left the meeting at 6.45pm and did not participate in discussion or voting on this Item.

Note: Councillor Salvestro- Martin disclosed a Less than Significant Non-Pecuniary Interest in this Item, for the reason that he is an affected person by nature of the Mayoral Minute. He left the meeting at 6.45pm and did not participate in discussion or voting on this Item.

RESOLUTION: (Moved by The Mayor, Councillor Pickering and Councillor Maggio)

- (a) That the City of Ryde website in relation to the ICAC investigation against former Mayor Ivan Petch and other external persons, contain only the relevant information in relation to the current situation in regards to outstanding charges and any subsequent proceedings against former Mayor Ivan Petch and any other person.
- (b) That a prominent acknowledgement appear on the front page of Council's website, where the information detailed in part (a) above, be displayed in relation to Councillors Jeff Salvestro-Martin, Justin Li and Terry Perram as follows:

"The City of Ryde acknowledges that three serving Councillors – Councillor Jeff Salvestro-Martin, Councillor Justin Li and Councillor Terry Perram – have been excluded from any charges whatsoever following the ICAC investigation and hearings commenced in 2012.

As Mayor, I wish to personally acknowledge the personal hurt and suffering that has been caused to these three Councillors and their families by the investigation process.

The City of Ryde needs to move on from this short, but dark time in our history. We must look to the future with all Councillors playing their role for the betterment of our City."

Mayor of the City of Ryde, LtCol W.E. Pickering (Retd).

- (c) That this acknowledgement also be included in media statements to the local newspapers, and be included in a Mayoral Column at the earliest opportunity.

ITEM 2 (continued)

ATTACHMENT 1

Record of Voting:

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

Against the Motion: Councillors Laxale and Simon

Note: Councillors Perram, Li and Salvestro-Martin returned to the meeting at 6.59pm.

COUNCIL REPORTS

5 COUNCIL/COMMITTEE MEETINGS - Appointment of Councillor Members to Standing Committees

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

- (a) That Council endorse its Standing Committees of Planning and Environment, Works and Community, Ryde Civic Hub Committee and Finance and Governance Committee.
- (b) That Council endorse the following Councillors as members for the Planning and Environment Committee:-
- Councillor Chung
 - Councillor Etmekdjian
 - Councillor Laxale
 - Councillor Maggio
 - Councillor Pendleton
 - Councillor Simon
 - Councillor Stott
 - Councillor Yedelian OAM
- (c) That Council endorse the following Councillors as members for the Works and Community Committee:-
- Councillor Chung
 - Councillor Etmekdjian
 - Councillor Laxale
 - Councillor Li
 - Councillor Maggio
 - Councillor Pendleton
 - Councillor Perram
 - Councillor Simon
 - Councillor Stott

ITEM 2 (continued)

ATTACHMENT 1

(d) That Council endorse the following Councillors as members for the Finance and Governance Committee:-

- Councillor Chung
- Councillor Etmekdjian
- Councillor Laxale
- Councillor Maggio
- Councillor Pendleton
- Councillor Perram
- Councillor Simon
- Councillor Stott
- Councillor Yedelian OAM

(e) That Council endorse the following Councillors as members for the Ryde Civic Hub Committee:-

- Councillor Chung
- Councillor Etmekdjian
- Councillor Laxale
- Councillor Maggio
- Councillor Pendleton
- Councillor Perram
- Councillor Simon
- Councillor Stott
- Councillor Yedelian OAM

Record of Voting:

For the Motion: Unanimous

5 ADVISORY AND EXTERNAL COMMITTEES - Appointment of Delegates

Note: The Mayor, Councillor Pickering determined that this matter be dealt with in Seriatim.

Note: This matter was then dealt with in Seriatim.

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

(a) That Council endorse the continuation of the following Advisory Committees for a period of twelve (12) months:-

- Access Committee
- Bicycle Advisory Committee
- Bushland and Environment Advisory Committee
- Centenary of ANZAC and Commemoration of World War 1 Committee

ITEM 2 (continued)

ATTACHMENT 1

- Community Harmony Reference Group
- East Ward Events and Promotions Advisory Committee
- Eastwood Events and Promotions Advisory Committee
- Economic Development Advisory Committee
- Heritage Advisory Committee
- Macquarie Park Forum
- Ryde Hunters Hill Joint Library Services Committee
- Ryde Youth Forum (no Councillor Chairperson)
- Sport and Recreation Advisory Committee
- Status of Women Advisory Committee

Record of Voting:

For the Motion: Unanimous

MOTION: (Moved by Councillors Stott and Yedelian OAM)

- (b) That the following Councillors be appointed as Chairs to the Advisory Committees listed in part (a) in accordance with the Terms of Reference, for the ensuing twelve (12) months:-

Advisory Committee	Councillor Delegates
Access Committee	Councillor Stott (Chair)
Bicycle Advisory Committee	Councillor Maggio (Chair)
Bushland and Environment Advisory Committee	Councillor Stott (Chair)
Community Harmony Reference Group	Councillor Yedelian OAM (Chair)
Centenary of ANZAC and Commemoration of World War 1 Committee	Councillor Laxale (Chair)
East Ward Events and Promotions Advisory Committee	Councillor Stott (Chair)
Eastwood and West Ryde Events and Promotions Advisory Committee	Councillor Etmekdjian (Chair)

ITEM 2 (continued)

ATTACHMENT 1

Economic Development Advisory Committee	Councillor Etmekdjian (Chair)
Heritage Advisory Committee	Councillor Stott (Chair)
Macquarie Park Forum	Councillor Etmekdjian (Chair)
Ryde Hunters Hill Joint Library Services Committee (Note: Chairperson is determined at the first Advisory Committee meeting for the ensuing twelve (12) months)	
Ryde Youth Forum (Note: No Councillor Chairperson required)	
Sport and Recreation (including Wheeled Sports) Advisory Committee	Councillor Maggio (Chair)
Status of Women Advisory Committee	Councillor Maggio (Chair)

AMENDMENT: (Moved by Councillors Simon and Laxale)

- (b) That the following Councillors be appointed as Chairs to the Advisory Committees listed in part (a) in accordance with the Terms of Reference, for the ensuing twelve (12) months:-

Advisory Committee	Councillor Delegates
Access Committee	Councillor Stott (Chair)
Bicycle Advisory Committee	Councillor Maggio (Chair)
Bushland and Environment Advisory Committee	Councillor Stott (Chair)
Community Harmony Reference Group	Councillor Yedelian OAM (Chair)
Centenary of ANZAC and Commemoration of World War 1 Committee	Councillor Laxale (Chair)

ITEM 2 (continued)

ATTACHMENT 1

East Ward Events and Promotions Advisory Committee	Councillor Stott (Chair)
Eastwood and West Ryde Events and Promotions Advisory Committee	Councillor Etmekdjian (Chair)
Economic Development Advisory Committee	Councillor Etmekdjian (Chair)
Heritage Advisory Committee	Councillor Stott (Chair)
Macquarie Park Forum	Councillor Etmekdjian (Chair)
Ryde Hunters Hill Joint Library Services Committee (Note: Chairperson is determined at the first Advisory Committee meeting for the ensuing twelve (12) months)	
Ryde Youth Forum (Note: No Councillor Chairperson required)	
Sport and Recreation (including Wheeled Sports) Advisory Committee	Councillor Maggio (Chair)
Status of Women Advisory Committee	Councillor Pendleton (Chair)

Record of Voting:

For the Amendment: Councillors Laxale, Li, Pendleton, Perram, Salvestro-Martin and Simon

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

On being put to the Meeting, the voting on the Amendment was six (6) all. The Mayor used his casting vote Against the Amendment. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

ITEM 2 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

- (b) That the following Councillors be appointed as Chairs to the Advisory Committees listed in part (a) in accordance with the Terms of Reference, for the ensuing twelve (12) months:-

Advisory Committee	Councillor Delegates
Access Committee	Councillor Stott (Chair)
Bicycle Advisory Committee	Councillor Maggio (Chair)
Bushland and Environment Advisory Committee	Councillor Stott (Chair)
Community Harmony Reference Group	Councillor Yedelian OAM (Chair)
Centenary of ANZAC and Commemoration of World War 1 Committee	Councillor Laxale (Chair)
East Ward Events and Promotions Advisory Committee	Councillor Stott (Chair)
Eastwood and West Ryde Events and Promotions Advisory Committee	Councillor Etmekdjian (Chair)
Economic Development Advisory Committee	Councillor Etmekdjian (Chair)
Heritage Advisory Committee	Councillor Stott (Chair)
Macquarie Park Forum	Councillor Etmekdjian (Chair)
Ryde Hunters Hill Joint Library Services Committee (Note: Chairperson is determined at the first Advisory Committee meeting for the ensuing twelve (12) months)	

ITEM 2 (continued)

ATTACHMENT 1

Ryde Youth Forum (Note: No Councillor Chairperson required)	
Sport and Recreation (including Wheeled Sports) Advisory Committee	Councillor Maggio (Chair)
Status of Women Advisory Committee	Councillor Maggio (Chair)

Record of Voting:

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

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

RESOLUTION: (Moved by Councillors Stott and Yedelian OAM)

- (c) That Councillors who wish to be appointed to any of the Advisory Committees listed in part (a) in accordance with the Terms of Reference, for the ensuing twelve (12) months Committees nominate their preference:-

Advisory Committee	Councillor Delegates
Access Committee	Councillor Stott (Chair) Councillor Pendleton
Bicycle Advisory Committee	Councillor Maggio (Chair) Councillor Perram
Bushland and Environment Advisory Committee	Councillor Stott (Chair) Councillor Pendleton Councillor Perram
Community Harmony Reference Group	Councillor Yedelian OAM (Chair) Councillor Etmekdjian Councillor Laxale Councillor Li Councillor Pendleton
Centenary of ANZAC and Commemoration of World War 1 Committee	Councillor Laxale (Chair)

ITEM 2 (continued)

ATTACHMENT 1

East Ward Events and Promotions Advisory Committee	Councillor Stott (Chair) Councillor Chung Councillor Maggio Councillor Simon
Eastwood and West Ryde Events and Promotions Advisory Committee	Councillor Etmekdjian (Chair) Councillor Laxale Councillor Li Councillor Perram
Economic Development Advisory Committee	Councillor Etmekdjian (Chair) Councillor Chung
Heritage Advisory Committee	Councillor Stott (Chair) Councillor Pendleton Councillor Perram
Macquarie Park Forum	Councillor Etmekdjian (Chair) Councillor Chung Councillor Laxale Councillor Maggio Councillor Perram
Ryde Hunters Hill Joint Library Services Committee (Note: Chairperson is determined at the first Advisory Committee meeting for the ensuing twelve (12) months)	Councillor Stott Councillor Chung Councillor Simon
Ryde Youth Forum (Note: No Councillor Chairperson required)	Councillor Chung Councillor Maggio
Sport and Recreation (including Wheeled Sports) Advisory Committee	Councillor Maggio (Chair) Councillor Laxale Councillor Perram
Status of Women Advisory Committee	Councillor Maggio (Chair) Councillor Pendleton

Record of Voting:

For the Motion: Unanimous

ITEM 2 (continued)

ATTACHMENT 1

RESOLUTION: (Moved by Councillors Etmekdjian and Stott)

- (d) That Council appoint Councillor Etmekdjian and Councillor Maggio as members of the Audit and Risk Committee and Councillor Stott and Councillor Salvestro-Martin as the alternate delegates to the Audit and Risk Committee for the ensuing twelve (12) months.

Record of Voting:

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

Against the Motion: Councillors Laxale, Pendleton and Simon

RESOLUTION: (Moved by Councillors Maggio and Stott)

- (e) That Council appoint the following delegates to NSROC:-

- The newly elected Mayor
- Councillor Yedelian OAM as a formal delegate
- Councillors Etmekdjian and Stott as alternate delegates

Record of Voting:

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

Against the Motion: Councillors Laxale and Simon

RESOLUTION: (Moved by Councillors Stott and Maggio)

- (f) That Council appoint Councillor Yedelian OAM and Councillor Maggio as Council's delegates and Councillor Etmekdjian and Councillor Stott as alternate delegates to the Joint Regional Planning Panel.

Record of Voting:

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

Against the Motion: Councillors Laxale, Pendleton and Simon

ITEM 2 (continued)

ATTACHMENT 1

**7 2016 LOCAL GOVERNMENT NSW ANNUAL CONFERENCE - 16 to 18
October 2016 - Confirmation of Delegates**

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

That Council confirm the attendance of Councillor Laxale, Councillor Simon and the Deputy Mayor, Councillor Stott to attend the 2016 Local Government NSW Annual Conference as voting delegates, with the Deputy Mayor, Councillor Stott to confirm her availability to attend the conference as soon as possible.

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 7.25pm.

CONFIRMED THIS 27TH DAY OF SEPTEMBER 2016

Chairperson

**3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING
7/16 held on 13 September 2016**

Report prepared by: Senior Coordinator - Governance
File No.: CLM/16/1/3/2 - BP16/1052

REPORT SUMMARY

Attached are the Minutes of the Planning and Environment Committee Meeting 7/16 held on 13 September 2016. The Minutes will be listed for confirmation at the next Planning and Environment Committee Meeting.

Items 1, 2 and 3 were dealt with by the Committee within its delegated powers.

The following Committee recommendation for Item 4 is submitted to Council for determination in accordance with the delegations set out in Council's Code of Meeting Practice relating to Charters, functions and powers of Committees:

4 DRAFT BIODIVERSITY PLAN FOR RYDE LOCAL GOVERNMENT AREA

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

RECOMMENDATION: (Moved by Councillors Chung and Pickering)

That the consideration of this matter be deferred to Council for determination.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 SEPTEMBER 2016** as substantive changes were made to the published recommendation.

ATTACHMENTS

- 1 MINUTES - Planning and Environment Committee Meeting - 13 September 2016**

ITEM 3 (continued)

ATTACHMENT 1

**Planning and Environment Committee
MINUTES OF MEETING NO. 7/16**

Meeting Date: Tuesday 13 September 2016

Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 5.00pm

Councillors Present: Councillors Pendleton (Chairperson), Chung, Pickering, and Yedelian OAM.

Apologies: Councillors Etmekdjian and Simon.

Note: In the absence of Councillor Simon, the Deputy Chairperson – Councillor Pendleton chaired the meeting.

Note: Councillor Yedelian OAM left the meeting at 5.20pm during the consideration of Item 2 and did not return. He was not present for voting on Items 2, 3 and 4.

Staff Present: Acting Director – City Strategy and Planning, Acting Manager – Assessment, Manager – Environment, Health and Building, Supervisor – Environmental Assessment, Senior Town Planner, Senior Development Engineer, Senior Coordinator – Environment, Governance, Risk and Audit Coordinator and Administration Officer – Councillor Support.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

1 CONFIRMATION OF MINUTES - Meeting held on 9 August 2016

RESOLUTION: (Moved by Councillors Pickering and Pendleton)

That the Minutes of the Planning and Environment Committee 6/16, held on 9 August 2016, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

ITEM 3 (continued)

ATTACHMENT 1

2 27-37 DELHI ROAD, NORTH RYDE. LOT 160 DP1136651. Application for the modification of development consent No. LDA2014/0077 under Section 96(1A) of the EP&A Act, 1979 to allow extended construction hours for approved mixed use development - MOD2016/0094

Note: Kristine Luff (objector), Philip Howe (objector) and Nicholas Limbrey (on behalf of the applicant) addressed the meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Strategy and Planning dated 12 September 2016 was tabled in relation to this Item and a copy is ON FILE.

Note: Photographs provided by Kristine Luff were circulated to Committee members, however copies were not tabled in relation to this Item.

Note: Councillor Yedelian OAM left the meeting at 5.20pm during the consideration of this Item. He was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Chung and Pickering)

- (a) That Section 96 Modification Application No. 2016/0094 at 27-37 Delhi Road, North Ryde, being Lot 160 DP1136651 be refused for the following reasons:
- 1) The proposed modification of condition 7 to allow extended hours of construction work is likely to exceed the noise management level for noise outside standard hours and is likely to have an adversely impact the amenity of nearby residential properties.
 - 2) The reasons provided to justify the proposed extended hours of construction work are not considered sufficient given the potential adverse impact on the amenity of nearby residential properties in terms of increased noise, dust and disturbance. Also the reasons given do not satisfy the circumstances for work outside standard hours specified in the Interim Construction Noise Guidelines (DECC, 2009).
 - 3) The proposal is considered not to be in the public interest.
 - 4) The development does not satisfy the provisions of Section 96(1A)(a) in that the development is not of minimal environmental impact due to the increased noise that will adversely affect the amenity of the adjoining properties.
 - 5) The proposed development is inconsistent with Section 4.6 of Part 8.1 of DCP 2014 in that the extension of construction hours will result in adverse impacts to the residents in the vicinity of the construction site.
 - 6) The proposed modification of condition 7 will allow all construction work to be carried out during the extended hours and not just deliveries and a limited range of construction activities.

ITEM 3 (continued)

ATTACHMENT 1

- 7) Extending the hours of work in this instance would allow other developers to seek similar modifications in the future and make it difficult for Council to justify limiting building work to standard hours.

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

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

3 210-216 VICTORIA ROAD, GLADESVILLE. LOT 1 DP 785339. Local Development Application for demolition and construction of a 6 storey mixed use development containing 7 commercial tenancies, 31 residential apartments and car parking for 61 vehicles. LDA2015/0653

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

Note: Jennifer Bautovich (representing Ansa Investments Pty Ltd – Planner on behalf of the applicant) addressed the meeting in relation to this Item.

Note: Documentation from Jennifer Bautovich from Planning Urban Design was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Chung and Pickering)

- (a) That Local Development Application No. 2015/653 at 210 Victoria Road, Gladesville be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.
- (c) That a copy of the Consent be forwarded to the Roads and Maritime Services for their records.

Record of Voting:

For the Motion: Unanimous

Note: This is now a resolution of Council in accordance with the Committee's delegated powers.

ITEM 3 (continued)

ATTACHMENT 1

4 DRAFT BIODIVERSITY PLAN FOR RYDE LOCAL GOVERNMENT AREA

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

RECOMMENDATION: (Moved by Councillors Chung and Pickering)

That the consideration of this matter be deferred to Council for determination.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 SEPTEMBER 2016** as substantive changes were made to the published recommendation.

The meeting closed at 5.40pm.

CONFIRMED THIS 11TH DAY OF OCTOBER 2016.

Chairperson

4 REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 7/16 held on 13 September 2016

Report prepared by: Senior Coordinator - Governance
File No.: CLM/16/1/4/2 - BP16/1053

REPORT SUMMARY

Attached are the Minutes of the Ryde Civic Hub Committee Meeting 7/16 held on 13 September 2016. The Minutes will be listed for confirmation at the next Ryde Civic Hub Committee Meeting.

The following Committee recommendations for all Items 1 and 2 are submitted to Council for determination in accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees:

1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 9 August 2016

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.

RECOMMENDATION: (Moved by Councillors Pickering and Stott)

That the Minutes of the Ryde Civic Hub Committee 6/16, held on 9 August 2016, be confirmed.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 SEPTEMBER 2016** in accordance with the Ryde Civic Hub Committee Terms of Reference in Council's Code of Meeting Practice.

2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 11 (SEPTEMBER 2016)

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.

ITEM 4 (continued)**RECOMMENDATION:** (Moved by Councillors Stott and Pickering)

- (a) That the Ryde Civic Hub Committee receives and notes the content of this Status Report 11 (September 2016).
- (b) That the Ryde Civic Hub Committee notes that this report forms the basis of a further comprehensive report that will include all appendices to this report and will be circulated separately prior to the Council meeting on 27 September 2016.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 SEPTEMBER 2016** in accordance with the Ryde Civic Hub Committee Terms of Reference in Council's Code of Meeting Practice.

ATTACHMENTS

- 1 MINUTES - Ryde Civic Hub Committee Meeting - 13 September 2016

ITEM 4 (continued)

ATTACHMENT 1

**Ryde Civic Hub Committee
MINUTES OF MEETING NO. 7/16**

Meeting Date: Tuesday 13 September 2016

Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 6.00pm

Councillors Present: Councillors Perram (Chairperson), Pendleton, Pickering and Stott.

Apologies: Councillors Etmekdjian and Simon.

Staff Present: Acting General Manager, Acting Chief Operating Officer, Acting Director – Corporate and Community Services, Acting Director – City Strategy and Planning, 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.

DISCLOSURES OF INTEREST

Councillor Pendleton disclosed a Less than Significant Non-Pecuniary Interest in Item 1 – Confirmation of Minutes – Ryde Civic Hub Committee Meeting held on 9 August 2016 and Item 2 – Ryde Civic Hub International Design Competition Status Report 11 (September 2016) 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.

1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 9 August 2016

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.

RECOMMENDATION: (Moved by Councillors Pickering and Stott)

That the Minutes of the Ryde Civic Hub Committee 6/16, held on 9 August 2016, be confirmed.

Record of Voting:

For the Motion: Unanimous

ITEM 4 (continued)

ATTACHMENT 1

Note: This matter will be dealt with at the Council Meeting to be held on **27 SEPTEMBER 2016** in accordance with the Ryde Civic Hub Committee Terms of Reference in Council's Code of Meeting Practice.

2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 11 (SEPTEMBER 2016)

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.

RECOMMENDATION: (Moved by Councillors Stott and Pickering)

- (a) That the Ryde Civic Hub Committee receives and notes the content of this Status Report 11 (September 2016).
- (b) That the Ryde Civic Hub Committee notes that this report forms the basis of a further comprehensive report that will include all appendices to this report and will be circulated separately prior to the Council meeting on 27 September 2016.

Record of Voting:

For the Motion: Unanimous

Note: This matter will be dealt with at the Council Meeting to be held on **27 SEPTEMBER 2016** in accordance with the Ryde Civic Hub Committee Terms of Reference in Council's Code of Meeting Practice.

The meeting closed at 6.01pm.

CONFIRMED THIS 11TH DAY OF OCTOBER 2016.

Chairperson

**5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 8/16
held on 20 September 2016**

Report prepared by: Senior Coordinator - Governance**File No.:** CLM/16/1/2/2 - BP16/1054

REPORT SUMMARY

The Minutes of the Works and Community Committee Meeting 8/16 held on 20 September 2016 are to be circulated on Thursday, 22 September 2016 after the meeting has been conducted. The Minutes will be listed for confirmation at the next Works and Community Committee Meeting.

A report detailing Items which were dealt with by the Committee within its delegated powers, together with any Committee recommendations will be circulated at the same time as the Minutes on Thursday, 22 September 2016.

**6 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
8/16 held on 20 September 2016**

Report prepared by: Senior Coordinator - Governance
File No.: CLM/16/1/5/2 - BP16/1055

REPORT SUMMARY

The Minutes of the Finance and Governance Committee Meeting 8/16 held on 20 September 2016 are to be circulated on Thursday, 22 September 2016 after the meeting has been conducted. The Minutes will be listed for confirmation at the next Finance and Governance Committee Meeting.

In accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees, a report detailing the Committee recommendations will be circulated at the same time as the Minutes on Thursday, 22 September 2016.

PRECIS OF CORRESPONDENCE

1 JOINT REGIONAL PLANNING PANEL APPOINTMENTS

Report prepared by: Acting Executive Assistant - City Strategy & Planning
File No.: COR2009/1137 - BP16/1121

CORRESPONDENCE:

Submitting correspondence from the Minister for Planning dated 15 August 2016, regarding the Joint Regional Planning Panel Appointments.

The correspondence advises the appointments of State members and alternates to the Sydney East Joint Regional Planning Panels for a period ending on 20 November 2016 (Attached as Annexure A).

RECOMMENDATION:

That the correspondence be received and noted.

ATTACHMENTS

- 1 Correspondence from the Minister for Planning - Joint Regional Appointments - 15 August 2016

Report Prepared By:

Sammie Kwon
Acting Executive Assistant - City Strategy & Planning

Report Approved By:

Liz Coad
Acting Director - City Strategy and Planning

PRECIS OF CORRESPONDENCE 1 (continued)

ATTACHMENT 1



Rob Stokes
Minister for Planning

Ms Gail Connolly
General Manager
Council of the City of Ryde
cityofryde@ryde.nsw.gov.au

16/05929

Dear Ms Connolly,

Joint Regional Planning Panel appointments

I am pleased to advise of the appointments of State members and alternates to the Sydney East Joint Regional Planning Panels for a period ending on 20 November 2016. It is intended that the Sydney Planning Panels will commence on the 21 November 2016. I will write to you again about appointments to those panels in the near future.

I have appointed John Roseth, Sue Francis and Nicole Gurrán as State members to the Sydney East Joint Regional Planning Panel (planning panel). Local Government NSW has endorsed the appointment of John Roseth as the Chair of the planning panel. A table outlining all State members and alternates of the planning panel is attached as Annexure A.

The appointment of Council nominated members to planning panels and the remuneration of those members remains a matter for Council to determine. However, you are reminded that, consistent with the Department of Premier and Cabinet *Guidelines for NSW Board and Committee Members: Appointment and Remuneration*, payments should not be made to council staff or Public Sector employees.

The *NSW Government Boards and Committees Guidelines* require that all members complete an annual Pecuniary Interests Declaration and Undertaking.

The Planning Panels Secretariat manages this process for State appointed panel members. Councillors and council staff members who are required to complete these same annual declarations under the *Local Government Act 1993* need not complete additional declarations for their role on the planning panel. However Council should ensure that the required declarations are obtained for all Council nominated panel members who are not subject to these requirements, such as community members.

In recognition of the importance of maintaining the reputation and integrity of the planning panels it would be appreciated if Council could provide written acknowledgement from its members that they will comply with the requirements of the *Joint Regional Planning Panels Code of Conduct*, as is currently required of the State appointed members.

I would like to take this opportunity to thank you for your Council's ongoing co-operation with, and support for the planning panels.

PRECIS OF CORRESPONDENCE 1 (continued)

ATTACHMENT 1

Should you have any enquiries about this matter, please contact Mr Stuart Withington, Manager, Planning Panels Secretariat at the Department of Planning and Environment, on (02) 9228 2061.

Yours sincerely



Rob Stokes
Minister for Planning

PRECIS OF CORRESPONDENCE 1 (continued)

ATTACHMENT 1

Annexure A

Membership of Sydney East Joint Regional Planning Panel

Chair	Members	Pool of Alternates
John Roseth	Sue Francis Nicole Gurran	Peter Brennan Clare Brown Susan Budd Louise Camenzuli Lindsay Fletcher Abigail Goldberg Mark Grayson Dr John Griffin Dr Andrew Kelly Stuart McDonald Julie Savet Ward

2 366 - 372 LANE COVE ROAD, 124A & 126 EPPING ROAD AND 1 PAUL STREET NORTH RYDE - COUNCIL AS RELEVANT PLANNING AUTHORITY

Report prepared by: Strategic Planner
File No.: LEP2015/1/3 - BP16/1150

CORRESPONDENCE:

Submitting correspondence from Department of Planning and Environment dated 15 June 2016, regarding request for pre-gateway review of Planning Proposal for 366 – 372 Lane Cove Road, 124A & 126 Epping Road and 1 Paul Street North Ryde.



BACKGROUND

Council refused a Planning Proposal (PP) for the subject site on the 28 April 2015 on the grounds of traffic impact, built form, density issues and strategic planning directions. The applicant requested the Department of Planning and Environment (DPE) issue a Gateway Determination.

The DPE by letter dated 15 June 2016 advised that after considering a recommendation by the Joint Regional Planning Panel (JRPP) on the PP it had determined that the PP should proceed to Gateway Determination stage and asked if Council would be the Relevant Planning Authority. The DPE also advised that while members of the JRPP determined the PP should proceed to Gateway the panel members were evenly divided about the amended proposal and should the offer to act as the RPA be accepted the Department would work with Council to address any ongoing concerns with the proposal to achieve an appropriate built form for the site.

Those members of the Panel who voted against the Proposal proceeding to gateway determination were opposed to the height and FSR which in their view had not been adequately reduced in the amended Planning Proposal (see Panel advice at **ATTACHMENT 2**).

PRECIS OF CORRESPONDENCE 2 (continued)

Council in its refusal of the PP and discussion with DPE stated that the proposed built form controls (12 storeys in the original PP and 10 storeys maximum in the amended PP) are not appropriate in the locality and that controls similar to those on the nearby Allengrove development site which has a maximum FSR 1.2:1 and a maximum height of 5 storeys should apply. Council requested on 21 June 2016 that DPE arrange a meeting between Council and the proponent to resolve a negotiated PP to take to a Gateway Determination. A meeting was held with the DPE on the 19 August 2016 however the proponent declined to attend.

The purpose of this report is to resolve the role of Council as the RPA and to press for appropriate built form outcomes on the site.

Council on the 27 May 2014 resolved the following:

That Council declines to be the Relevant Planning Authority for any planning proposal which is the subject of a Pre-Gateway Review determination that is not in accordance with Council's strategic planning position and/or resolutions

Noting that the DPE has determined that the application should proceed to Gateway and has actively tried to assist in a negotiated outcome because of their own and the JRPPs concerns regarding built form proposed it is recommended that Council accept the role of RPA only if the built form controls for the PP do not exceed those of the adjoining Allengrove development ie 1.2:1 and maximum height of 5 storeys.

RECOMMENDATION:

- (a) That the correspondence be received and noted.
- (b) That Council endorse being the relevant planning authority with respect to the Planning Proposal for 366 – 372 Lane Cove Road, 124A & 126 Epping Road and 1 Paul Street North Ryde subject to the PP being conditioned in the Gateway determination to having a maximum FSR of 1.2:1 and a maximum height of 5 storeys; and
- (c) That the Department of Planning and Environment be advised accordingly.

ATTACHMENTS

- 1 366 - 372 Lane Cove Road, 124A & 126 Epping Road and 1 Paul Street, North Ryde - Department of Planning and Environment request for Council to be Relevant Planning Authority
- 2 Joint Regional Planning Panel Advice - 23 March 2016

PRECIS OF CORRESPONDENCE 2 (continued)

Report Prepared By:

Susan Wotton
Strategic Planner

Report Approved By:

Lexie Macdonald
Senior Coordinator - Strategic Planning

Meryl Bishop
Manager - Strategic City

Liz Coad
Acting Director - City Strategy and Planning

PRECIS OF CORRESPONDENCE 2 (continued)

ATTACHMENT 1



Mr Roy Newsome
Acting General Manager
City of Ryde Council
Locked Bag 2069
North Ryde NSW 1670

16/04981

Dear Mr Newsome

Request for pre-Gateway review – PGR_2015_RYDEC_001_00

I refer to the request by Urbis for a pre-Gateway review of zoning and development controls for 366–372 Lane Cove Road and 124A and 126 Epping Road and 1 Paul Street, North Ryde under the *Ryde Local Environmental Plan 2014*.

I have determined the proposal should proceed to Gateway determination stage. In making my decision, I considered the request for a pre-Gateway review, the recommendation of the Sydney East Joint Regional Planning Panel (the Panel) and advice provided by City of Ryde Council. Please find attached a copy of the Panel's review and recommendation for your information.

Council is requested to advise, in writing and within 28 days of this letter, if it would like to be the Relevant Planning Authority (RPA) for this matter. Should Council agree to be the RPA, Council will need to prepare a planning proposal under section 55 of the *Environmental Planning and Assessment Act, 1979* and submit it for Gateway determination within 90 days of the date of this letter.

I note that while all Panel members supported the rezoning, the panel members were evenly divided about the amended proposal and that the panel's recommendation was a result of the chair's casting vote. Two panel members retained concerns about the extent of the proposed floor space ratio and, to varying degrees, the proposed height. In this context reference was made to the scale and height of the proposal being more in keeping with recently approved residential developments in the vicinity of the subject site.

Should this offer to act as the RPA be accepted, the Department will work closely with Council to address any on-going concerns with the proposal and achieve an appropriate built form for the site.

PRECIS OF CORRESPONDENCE 2 (continued)

ATTACHMENT 1

If Council does not wish to progress this matter, an alternative RPA may be appointed to prepare the planning proposal.

If you have any further enquiries about this matter, I have arranged for Ms Karen Armstrong, Director, Sydney East Region at the Department to assist you. Ms Armstrong can be contacted on (02) 9228 6512.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

Encl: Panel Recommendation

15/06/2016

PRECIS OF CORRESPONDENCE 2 (continued)

ATTACHMENT 2

Joint Regional Planning Panel – Pre-Gateway Review

The Sydney East Joint Regional Planning Panel (JRPP) has considered the request for a review of the proposed instrument as detailed below.

The Pre-Gateway Review:

Date of Review:	23 March 2016
Dept. Ref. No:	PGR_2015_RYDEC_001_00
LGA:	Ryde
LEP to be Amended:	Ryde LEP 2014
Address / Location:	366-372 Lane Cove Road and 124A & 126 Epping Road and 1 Paul St, North Ryde
Proposed Instrument:	Ryde LEP 2014
Panel Chair:	John Roseth
Panel Members:	David Furlong, Sue Francis and Craig Chung

Reason for review:	<input checked="" type="checkbox"/>	The council has notified the proponent that the request to prepare a planning proposal has not been supported
	<input type="checkbox"/>	The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal

In considering the request, the JRPP has reviewed all relevant information provided by the proponent as well as the views and position of the Department of Planning and Environment and the relevant local government authority. Based on this review the JRPP recommends the following:

JRPP RECOMMENDATION:	<input checked="" type="checkbox"/>	The proposed instrument should be submitted for a Gateway determination, subject to the matters raised in the recommendation of the Panel
	<input type="checkbox"/>	The proposed instrument should not be submitted for a Gateway determination
Composition of Recommendation:	<input checked="" type="checkbox"/> Unanimous <input checked="" type="checkbox"/> Not unanimous	Comments:

JRPP Advice and Justification for Recommendation:

1. The Panel deferred consideration of this proposal on 3 February 2016 to allow the applicant to submit the following amendments:
 - a. Zoning to be R3 with additional permissible uses being medically related uses;
 - b. The height of the 12-storey tower to be reduced;
 - c. The height of buildings adjoining the existing low density development to be a maximum of three storeys;
 - d. The density of the proposal being reduced to be more compatible with the Whiteside and Allengrove developments;
 - e. The medically-related uses to be a maximum of 1,400 square metres;
 - f. RMS-approved access from Epping Road;
 - g. The publicly available open space to be increased.

PRECIS OF CORRESPONDENCE 2 (continued)

ATTACHMENT 2

2. Following the applicant's submission of an amended proposal, the Panel has considered the Department of Planning and Environment's briefing note, the amendments from the applicant, as well as the views of the Council and of the proponent. Each Panel member is familiar with the site.
3. The majority of the Panel (for: John Roseth, David Furlong and John Roseth's casting vote; against: Sue Francis and Craig Chung) recommends that the matter proceed to Gateway.
4. Sue Francis voted against the majority because she considers the FSR of 1.5:1 too high and the height of Building G to be one storey higher than it should be.
5. Craig Chung believes that the changes made by the proponent do not go far enough and as a consequence, he does not believe the application should go to Gateway for the following reasons:
 - a) The height of the 10 storey building has not be lowered sufficiently in line with other comparable residential sites. 5 storeys is more suitable.
 - b) The FSR is still too high at 1.5:1 – it needs to be further reduced to be more in line with Allengrove or Whiteside.
 - c) The open space is not in a suitable position – it should be in a similar location to that of Allengrove in relation to the site.
 - d) The issues in the original refusal of the Planning Proposal have not be addressed in the latest application.

Endorsed by



John Roseth
Chair
Sydney East Joint Regional Planning Panel
23 March 2015

NOTICES OF MOTION

1 MACQUARIE PARK INNOVATION DISTRICT – Councillor Jerome Laxale

File Number: CLM/16/1/1/6 - BP16/1222

MOTION:

- (a) That Council accepts the invitation to become a member of the Macquarie Park Innovation District (MPID) Group, for a trial period of two (2) years.
- (b) That the Macquarie Park Marketing Plan (PM16_30249), funded by the Macquarie Park Special Levy, and endorsed in the Four Year Delivery Plan be used to fund the membership fee of \$25,000 for the financial years 2016/2017 and 2017/2018.
- (c) That Council's ongoing membership of the Macquarie Park Innovation District (MPID) Group be reviewed in January 2018.