

**Meeting Date:** Tuesday 27 June 2017  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde  
**Time:** 7.00pm

**Councillors Present:** The Mayor, Councillor Pickering and Councillors Laxale, Li, Maggio, Stott and Yedelian OAM.

**Apologies:** Nil.

**Leave of Absence:** Councillors Pendleton, Perram, Salvestro-Martin and Simon.

**Staff Present:** Acting General Manager, Acting Director – Customer and Community Services, Acting Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Acting Director – City Works and Infrastructure, General Counsel, Chief Financial Officer, Manager – Risk, Audit and Governance, Acting Manager – City Planning, Executive Officer – Ryde Civic Hub, Senior Coordinator – Communications, Senior Coordinator – Community Engagement, Senior Coordinator – Open Space Planning and Development, Open Space Planner, Community Engagement Coordinator, Council’s Barrister (Mr Geoff Farland), Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

### **PRAYER**

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

### **DISCLOSURES OF INTEREST**

Councillor Laxale declared a Significant Non-Pecuniary Interest in relation to Notice of Motion 1 – Membership for the Status of Women Advisory Committee for the reason that one of the new Committee Members is well known to him.

### **TABLING OF PETITIONS**

No Petitions were tabled.

### **LEAVE OF ABSENCE**

**Note:** The Mayor, Councillor Pickering advised the meeting that Councillor Salvestro-Martin had requested a Leave of Absence for tonight’s Council Meeting, 27 June 2017.

**Note:** Councillor Laxale advised the meeting that Councillor Simon had requested a Leave of Absence for tonight’s Council Meeting, 27 June 2017.

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

- (a) That Councillor Salvestro-Martin's Leave of Absence for tonight's Council Meeting, 27 June 2017 be approved.
- (b) That Councillor Simon's Leave of Absence for tonight's Council Meeting, 27 June 2017 be approved.

**Record for the Voting:**

For the Motion: Unanimous

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

The following persons addressed the Council:-

Name	Topic
Lisa Aynajian	<b>Notice of Motion 1</b> – Membership for the Status of Women Advisory Committee

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

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

That the speakers who submitted a Request to Address Council on Items Listed on the Agenda on an Item previously considered by the Planning and Environment Committee Meeting 5/17 held on 13 June 2017 and the Works and Community Committee Meeting 4/17 held on 20 June 2017 be allowed to address the meeting, the time being 7.08pm.

**Record of Voting:**

For the Motion: Unanimous

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

The following persons then addressed the Council:-

Name	Topic
Peter Keegan	<b>ITEM 3(2)</b> – 12 Emu Street, West Ryde – LDA2015/0217. Section 96 No. MOD2016/0110
Richard Reeve	<b>ITEM 3(2)</b> – 12 Emu Street, West Ryde – LDA2015/0217. Section 96 No. MOD2016/0110
Lesley Slender	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space
Ben Drayton	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space

Name	Topic
Nigel Cameron (representing The Sydney Skateboard Association)	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space
Jamey Foxton	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space
Oscar Perlstone	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space
Bernard Cheng	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space
Marco Novati	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space
Andrew Alcorn (representing Ryde Skate Park Working Party)	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space
Tom Emeleus	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space
Jane Montgomery	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space
Jonny Valenta	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space
Elizabeth Lawrence (representing Ryde Council Sports Advisory Committee)	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space
Robert Walsh	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space
Kenrick Thompson	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space
Roy Maggio (representing himself and on behalf of Anne Doring OAM)	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space

Note: David Sheffield was called to address Council, however he was not present in the Chamber.

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

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

That the speaker who submitted a Request to Address Council on Items Listed on the Agenda on an Item previously considered by the Works and Community Committee Meeting 4/17 held on 20 June 2017 and whose request was registered after the midday deadline be allowed to address the meeting, the time being 7.57pm.

### **Record of Voting:**

For the Motion: Unanimous

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

The following person then addressed the Council:-

<b>Name</b>	<b>Topic</b>
Sean Lohan	<b>ITEM 5(3)</b> – Ryde Outdoor Youth and Family Recreation Space

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

The following persons addressed the Council:-

<b>Name</b>	<b>Topic</b>
Jayne Walsh	Points regarding the proposed Opal Residential Care Facility on Sherbrooke and Mons Avenue, West Ryde
Valerie Masterton	Points regarding the proposed Opal Residential Care Facility on Sherbrooke and Mons Avenue, West Ryde
Gideon Reiss	Points regarding the proposed Opal Residential Care Facility on Sherbrooke and Mons Avenue, West Ryde
Craig Chung	Opal Nursing Home development at 8 Sherbrooke Road, West Ryde
Paul Azizi (representing Raymond Azizi)	Blenheim Park Expansion – Update on Progress of Acquisition of 3 Properties

### **ORDER OF BUSINESS**

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

That Council now consider the following Items, the time being 8.15pm:-

- Notice of Motion 1 – Membership for the Status of Women Advisory Committee
- Item 3(2) – 12 Emu Street, West Ryde – LDA2015/0217. Section 96 No. MOD2016/0110
- Item 5(3) – Ryde Outdoor Youth and Family Recreation Space
- MM8/17 – Fernleigh / Opal Residential Care Facility Mons Avenue – Legal Appeal

**Record for the Voting:**

For the Motion: Unanimous

## **NOTICE OF MOTION**

### **1 MEMBERSHIP FOR THE STATUS OF WOMEN ADVISORY COMMITTEE - Councillor Roy Maggio**

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

Note: Councillor Laxale declared a Significant Non-Pecuniary Interest in this Item for the reason that one of the new Committee Members is well known to him.

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

That Council accept these expressions of interest, to join the Status of Women Advisory Committee effective immediately:-

- Angelina Bonifacio – Women’s Network organiser for 3 years.
- Jessica Erickson Thornton – Women’s Network committee member.
- Lisa Aynajian – Primary School teacher and law student.
- Angelika Hollo – Retired teacher, volunteer and active guest of Status of Women Advisory Committee.
- Suzanne Marks – Runs a not for profit Medical Association and active guest of Status of Women Advisory Committee.
- Roseanna Gallo – Order of Australia, led Rotary Club of Macquarie Park, Chairperson of Rotary Carols.
- Penny Pedersen – Local community radio broadcaster and active guest of Status of Women Advisory Committee.

**Record of Voting:**

For the Motion: Unanimous

## **COUNCIL REPORTS**

### **3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 5/17 held on 13 June 2017**

- #### **2 12 EMU STREET, WEST RYDE. LOT 9 DP 27511 and LOT 8 DP 27511. Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to amend the approved demolition, new two-storey dwelling, pavillion, landscaping and fencing. LDA2015/0217. Section 96 No MOD2016/0110.**

Note: Peter Keegan and Richard Reeve addressed the Meeting in relation to this Item.

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

That consideration of this matter be deferred to Closed Confidential Session.

**Record of Voting:**

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

Against the Motion: Councillor Laxale

## **5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/17 held on 20 June 2017**

### **3 RYDE OUTDOOR YOUTH AND FAMILY RECREATION SPACE**

Note: Lesley Slender, Ben Drayton, Nigel Cameron (representing The Sydney Skateboard Association), Jamey Foxtan, Oscar Perlstone, Bernard Cheng, Marco Novati, Andrew Alcorn (representing Ryde Skate Park Working Party), Tom Emeleus, Jane Montgomery, Jonny Valenta, Elizabeth Lawrence (representing Ryde Council Sports Advisory Committee), Robert Walsh, Kenrich Tompson, Roy Maggio (representing himself and on behalf of Anne Doring OAM) and Sean Lohan addressed the Meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 23 June 2017 was tabled in relation to this Item and a copy is ON FILE.

Note: An undated letter addressed to Councillor Maggio from Anne Doring OAM, President of Eastwood Ryde Netball Association was tabled in relation to this Item and a copy is ON FILE.

Note: An email dated 27 June 2017 from Aileen Jaji was tabled in relation to this Item and a copy is ON FILE.

Note: During discussion on this Item, Councillor Stott left the meeting at 8.28pm.

## **ADJOURNMENT**

In accordance with Clause 4.2.4 of the Code of Meeting Practice, a quorum was not present, the time being 8.28pm on Tuesday, 27 June 2017. The Mayor, Councillor Pickering adjourned this meeting for five (5) minutes to commence at 8.33pm on Tuesday, 27 June 2017 in the Council Chambers, Level 1A, 1 Pope Street, Ryde.

The following Councillors were present: The Mayor, Councillor Pickering and Councillors Laxale, Li, Maggio and Yedelian OAM.

The following Councillor was not present: Councillor Stott.

Leave of Absence had been granted to the following Councillors: Councillors Pendleton, Perram, Salvestro-Martin and Simon.

### **MEETING RECONVENED**

The Meeting reconvened in at 8.33pm on Tuesday, 27 June 2017 in the Council Chambers, Level 1A, 1 Pope Street, Ryde.

The following Councillors were present: The Mayor, Councillor Pickering and Councillors Laxale, Li, Maggio, Stott and Yedelian OAM.

Leave of Absence had been granted to the following Councillors: Councillors Pendleton, Perram, Salvestro-Martin and Simon.

**Staff Present:** Acting General Manager, Acting Director – Customer and Community Services, Acting Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Acting Director – City Works and Infrastructure, General Counsel, Chief Financial Officer, Manager – Risk, Audit and Governance, Acting Manager – City Planning, Executive Officer – Ryde Civic Hub, Senior Coordinator – Communications, Senior Coordinator – Community Engagement, Senior Coordinator – Open Space Planning and Development, Open Space Planner, Community Engagement Coordinator, Senior Coordinator – Governance and Governance, Risk and Audit Coordinator.

## **5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/17 held on 20 June 2017**

### **3 RYDE OUTDOOR YOUTH AND FAMILY RECREATION SPACE**

Note: Lesley Slender, Ben Drayton, Nigel Cameron (representing The Sydney Skateboard Association), Jamey Foxton, Oscar Perlstone, Bernard Cheng, Marco Novati, Andrew Alcorn (representing Ryde Skate Park Working Party), Tom Emeleus, Jane Montgomery, Jonny Valenta, Elizabeth Lawrence (representing Ryde Council Sports Advisory Committee), Robert Walsh, Kenrich Tompson, Roy Maggio (representing himself and on behalf of Anne Doring OAM) and Sean Lohan addressed the Meeting in relation to this Item.

Note: A Memorandum from the Acting Director – City Planning and Development dated 23 June 2017 was tabled in relation to this Item and a copy is ON FILE.

Note: An undated letter addressed to Councillor Maggio from Anne Doring OAM, President of Eastwood Ryde Netball Association was tabled in relation to this Item and a copy is ON FILE.



Note: An email dated 27 June 2017 from Aileen Jaji was tabled in relation to this Item and a copy is ON FILE.

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

- (a) In accordance with the results of the community consultation, that Council endorse Meadowbank Park as the location for construction of the Ryde Outdoor Youth and Family Recreation Space, including skate facilities.
- (b) That Council endorse the allocation of an additional \$1.3M for the construction of the Ryde Outdoor Youth and Family Recreation Space at Meadowbank Park. To be funded by Developer Contributions, and to be adjusted in the Four Year Delivery Plan accordingly (adjusting the funding to \$500,000 in 2017/2018 and \$2.3m in 2018/19).
- (c) That Council write to all who took part in the community consultation, including NSW Police, NSW Health and the Skate Park Working Group thanking them for their contributions to the Ryde Outdoor Youth and Family Recreation Space and advising them of the Council's resolution.
- (d) That all residents who addressed Council in relation to this item be invited to future community consultations to progress the concept to construction stage.

**Record of Voting:**

For the Motion: Unanimous

## **MAYORAL MINUTES**

### **8/17 FERNLEIGH / OPAL RESIDENTIAL CARE FACILITY MONS AVENUE – LEGAL APPEAL - The Mayor, Councillor Bill Pickering**

Note: Jayne Walsh, Valerie Masterton, Gideon Reiss and Craig Chung addressed the Meeting in relation to this Item.

Note: A plan with photographs provided by Gideon Reiss was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from Holding Redlich dated 22 June 2017 provided by Gideon Reiss was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from Pikes & Verekers Lawyers dated 12 October 2015 provided by Gideon Reiss was tabled in relation to this Item and a copy is ON FILE.



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

That this matter be deferred to Closed Confidential Session to allow Council's General Counsel to provide an update on legal advice received on this matter.

**Record of Voting:**

For the Motion: Unanimous

**7/17 BOARDING HOUSES - R2 LOW DENSITY RESIDENTIAL ZONE - The Mayor, Councillor Bill Pickering**

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

That Council endorse the Mayor writing to the Minister for Planning, Minister for Housing and Special Minister of State Anthony Roberts MP requesting:-

- An amendment to the Standard Instrument to remove boarding houses as a mandated use permitted with Council consent within the R2 Low Density Zone on the basis that each Council within NSW should be able to determine the suitability of such a use within its particular Council area.
- That the City of Ryde be made exempt from State Environmental Planning Policy (Affordable Rental Housing) 2009 as it applies to boarding houses and the R2 Low Density Zone on the basis of the lack of suitability of such a use in the low density zones within Ryde and the alternate forms of housing currently available in the zone.
- Remind the Minister that the Policy is not working because it is not providing affordable housing to low income earners as evidenced in Randwick and Canada Bay.

**Record of Voting:**

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

Against the Motion: Councillor Laxale

## **COUNCIL REPORTS**

### **1 REQUEST FOR LEAVE OF ABSENCE - Councillor Terry Perram**

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

That Councillor Perram's Leave of Absence for the period from Tuesday, 27 June 2017 to Monday, 24 July 2017 inclusive be approved.

**Record of Voting:**

For the Motion: Unanimous

### **2 CONFIRMATION OF MINUTES - Council Meeting held on 23 May 2017**

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

That the Minutes of the Council Meeting 4/17, held on 23 May 2017 be confirmed.

**Record of Voting:**

For the Motion: Unanimous

### **3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 5/17 held on 13 June 2017**

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

That Council determine Item 2 of the Planning and Environment Committee report 5/17, held on 13 June 2017 noting that Items 1, 3 and 4 were dealt with by the Committee within its delegated powers.

**Record for the Voting:**

For the Motion: Unanimous

- 2 12 EMU STREET, WEST RYDE. LOT 9 DP 27511 and LOT 8 DP 27511. Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to amend the approved demolition, new two-storey dwelling, pavillion, landscaping and fencing. LDA2015/0217. Section 96 No MOD2016/0110.**

Note: This matter was dealt with later in the Meeting as detailed in these Minutes.

**4 REPORT OF THE RYDE CIVIC HUB COMMITTEE MEETING 5/17 held on 13 June 2017**

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

That Council determine all Items 1 and 2 of the Ryde Civic Hub Committee Meeting 5/17, held on 13 June 2017 in accordance with the Ryde Civic Hub Committee Terms of Reference.

**Record for the Voting:**

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

Against the Motion: Councillor Li

**1 CONFIRMATION OF MINUTES - Ryde Civic Hub Committee Meeting held on 9 May 2017**

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

That the Minutes of the Ryde Civic Hub Committee 4/17, held on 9 May 2017, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**2 RYDE CIVIC HUB INTERNATIONAL DESIGN COMPETITION STATUS REPORT 19 - JUNE 2017**

Note: A Supplementary Report from the Acting Director – Corporate and Organisational Support Services dated 23 June 2017 was tabled in relation to this Item and a copy is ON FILE.

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

- (a) That the Committee receives and notes the content of this report.
- (b) That the name of this Committee is changed to the Ryde Central Committee from 1 July 2017, in accordance with the gazettal of the name 'Ryde Central' by the Geographical Names Board.
- (c) That Council informs the community of the change in name of the Ryde Civic Hub site to 'Ryde Central' through a Mayoral Press Release and promoting it through Council's normal communication channels, such as the Mayoral column, Council's website and social media.

- (d) That Council endorse a budget of \$95,000, funded from the Ryde Civic Hub Reserve, to undertake revised concept drawings and associated viability analysis, as detailed in the Supplementary Report.

**Record of Voting:**

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

Against the Motion: Councillors Laxale and Li

**5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 4/17 held on 20 June 2017**

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

That Council determine Items 2 and 4 of the Works and Community Committee report 4/17, held on 20 June 2017 noting that Items 1, 5, 6 and 7 were dealt with by the Committee within its delegated powers and Item 3 was dealt with earlier in the Meeting as detailed in these Minutes.

**Record for the Voting:**

For the Motion: Unanimous

**2 DENISTONE EAST BOWLING CLUB - COMMUNITY CONSULTATION OUTCOMES AND FUTURE USE**

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

- (a) That Council endorse the implementation of passive and active recreation open space (Community Consultation Option 2) on the land known as Denistone Bowling Club and allocate a total of \$2.2 million to be funded by Developer Contributions and be adjusted in the Four Year Delivery Plan accordingly (\$400,000 in 2018/19 and \$1.8M in 2019/20) for this purpose.
- (b) That Council write to all who took part in the community consultation for the Denistone Bowling Club advising of the Council's resolution and thanking them for their time and input.
- (c) That staff investigate the feasibility of including a small scale community facility within the overall design.

**Record of Voting:**

For the Motion: Unanimous

**3 RYDE OUTDOOR YOUTH AND FAMILY RECREATION SPACE**

Note: This matter was dealt with earlier in the Meeting as detailed in these Minutes.

**4 GRANT FUNDING - ROADS AND MARITIME SERVICES - TRAFFIC CONTROL SIGNALS**

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

- (a) That Council accepts the grant funding of \$50,000 from RMS.
- (b) That the funding received from the RMS be consolidated as an income and increased program expenditure budget within the 2017/18 Traffic and Transport Program.

**Record of Voting:**

For the Motion: Unanimous

**6 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 5/17 held on 20 June 2017**

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

That Council determine all Items 1, 2, 3, 4, 5, 6, 7 and 8 of the Finance and Governance Committee Meeting 5/17, held on 20 June 2017 in accordance with the Finance and Governance Committee Terms of Reference.

**Record for the Voting:**

For the Motion: Unanimous

**1 CONFIRMATION OF MINUTES - Finance and Governance Committee Meeting held on 16 May 2017**

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

That the Minutes of the Finance and Governance Committee 4/17, held on 16 May 2017, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

## **2 INVESTMENT REPORT AS AT 31 MAY 2017**

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

That Council endorse the Investment Report as at 31 May 2017.

### **Record of Voting:**

For the Motion: Unanimous

## **3 FOUR YEAR DELIVERY PLAN 2017-2021 INCLUDING ONE YEAR OPERATIONAL PLAN 2017/2018**

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

- (a) That Council note the public submission received during the public exhibition period and the response to the submission, as detailed in this report.
- (b) That in accordance with Sections 404 & 405 of the Local Government Act (1993), the Draft Four Year Delivery Plan 2017-2021 including One Year Operational Plan for 2017/2018 be adopted as the Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018, incorporating the amendments described in this report, and all changes consequential thereunto.
- (c) That, in accordance with Sections 534, 535 and 538 of the Local Government Act, 1993, Council makes the following rates and charges for every parcel of rateable land within the City of Ryde for the year commencing 1 July 2017 as detailed in the Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018.
  - (i) A Residential Ordinary Rate of zero point zero seven nine eight one six (0.079816) cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as residential in accordance with Section 516 of the Local Government Act, 1993 subject to a minimum amount of five hundred and forty dollars and six cents (\$540.06).
  - (ii) A Business Ordinary Rate of zero point five three seven five two two (0.537522) cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as business in accordance with Section 518 of the Local Government Act, 1993, (excepting land sub-categorised as Business - Major Retail Centre - Macquarie Park or sub-categorised as Business - Major Retail Centre - Top Ryde), subject to a minimum amount of five hundred and forty dollars and six cents (\$540.06).

- (iii) A Business - Major Retail Centre - Macquarie Park Ordinary Rate of zero point five nine two six four seven (0.592647) cents in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business - Major Retail Centre - Macquarie Park in accordance with Section 529(2)(d).
  - (iv) A Business - Major Retail Centre - Top Ryde Ordinary Rate of zero point five nine two six four seven (0.592647) in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business - Major Retail Centre – Top Ryde in accordance with Section 529(2)(d).
  - (v) An Environmental Management Rate of zero point zero one four nine seven nine seven (0.0149797) cents in the dollar be levied on the value of all rateable land within the City of Ryde subject to a base amount of fifty six dollars and sixty six cents (\$56.66), which will levy thirty sixty percent (36%) of the total amount raised within this rate.
  - (vi) An Infrastructure Renewal and Maintenance Special Rate of Zero point zero one four two three four four (0.0142344) cents in the dollar be levied on the value of all rateable land within the City of Ryde subject to a base amount of ninety five dollars and seventy two cents (\$95.72), which will levy fifty percent (50%) of the total amount raised within this rate.
  - (vii) A Macquarie Park Corridor Special Rate of zero point zero nine seven three seven zero seven (0.0973707) cents in the dollar be levied on the land value of all rateable land categorised as business in accordance with Sections 495 and included in the Macquarie Park Corridor, as identified by the map contained in the Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018.
  - (viii) That aggregation of parcels of land, subject to a minimum or base amount, be permitted in accordance with Section 548A of the Local Government Act 1993.
- (d) That, in accordance with Section 496 (1) of the Local Government Act 1993, Council makes the charge for the Domestic Waste Management Service for each rateable residential property to be set at:
- Seven hundred and thirty one dollars (\$731.00) per service per annum or on a pro-rata basis for a premium service (includes 240 litre bin)
  - Four hundred and thirty two dollars (\$432.00) per service per annum or on a pro-rata basis for a standard service (includes 140 litre bin)



- Three hundred and seventy dollars (\$370.00) per service per annum or on a pro-rata basis for an Eco-service (includes 80 litre bin) and
  - the following additional services be provided, on request, to each rateable residential property, for the following annual charges or on a pro-rata basis:
 

(i) Additional 80 litre Garbage Bin	\$263.00
(ii) Additional 140 litre Garbage bin	\$328.00
(iii) Additional 240 litre Garbage bin	\$642.00
(iv) Additional Recycle bin	\$ 52.00
(v) Additional Green bin	\$ 52.00
- (e) That, in accordance with Section 496 (2) of the Local Government Act 1993, Council makes the charge for the Domestic Waste Management Service, on request, to Non-rateable residential properties to be set at:
- Seven hundred and thirty one dollars (\$731.00) per service per annum or on a pro-rata basis for a premium service (includes 240 litre bin)
  - Four hundred and thirty two dollars (\$432.00) per service per annum or on a pro-rata basis for a standard service (includes 140 litre bin)
  - Three hundred and seventy dollars (\$370.00) per service per annum or on a pro-rata basis for an Eco-service (includes 80 litre bin) and
  - the following additional services be provided, on request, to each non-rateable residential property, for the following annual charges or on a pro-rata basis:
 

(i) Additional 80 litre Garbage Bin	\$263.00
(ii) Additional 140 litre Garbage bin	\$328.00
(iii) Additional 240 litre Garbage bin	\$642.00
(iv) Additional Recycle bin	\$ 52.00
(v) Additional Green bin	\$ 52.00
- (f) That, in accordance with Section 501 (1) of the Local Government Act 1993, Council makes the standard charge for the Other Waste Management service provided, on request, to non-rateable non-residential properties be set at:

- (i) Seven hundred and thirty one dollars (\$731.00) per service per annum or on a pro-rata basis for a premium service (includes 240 litre bin)
- (ii) Four hundred and thirty two dollars (\$432.00) per service per annum or on a pro-rata basis for a standard service (includes 140 litre bin)
- (iii) Additional 140 litre Garbage bin \$328.00
- (iv) Additional 240 litre Garbage bin \$642.00
- (v) Additional Recycle bin \$ 52.00
- (vi) Additional Green bin \$ 52.00
- (g) That in accordance with Section 496A of the Local Government Act 1993, Council makes the Stormwater Management Service Charge be levied at the following rates:
  - (i) Strata titled residential home units \$12.50 per unit
  - (ii) Other residential property \$25.00 per rateable property
  - (iii) Business rateable properties \$25.00 per 350 sq metres of land area
  - (iv) Strata titled business units \$12.50 per unit
- (h) That, in accordance with Section 611 of the Local Government Act 1993, the following annual charges be made:
  - (i) the use of Council land for the vehicle overbridge situated in Herring Road be charged in accordance with the legal agreement between the City of Ryde and the owners of Macquarie Shopping Centre (anticipated income is \$86,185 including GST for 2017/2018).
  - (ii) the use of Council land for the Shell Oil company pipeline in the City of Ryde be charged in accordance with the pricing formula agreed with the Company, (anticipated income is \$67,870 including GST for 2017/2018).
  - (iii) the use of Council land for Jemena Gas Networks (NSW) Ltd (AGL) Gas Mains in the City of Ryde be charged at a rate based on an annual review by KPMG of AGL's revenue (anticipated income is \$81,610 for 2017/2018).

- (i) That Council sets the rate of interest payable in respect of rates and charges that remain unpaid after they become due and payable be set at seven point five percent (7.5%) per annum.
- (j) That the Schedule of Fees and Charges, annexed to the Draft Four Year Delivery Plan 2017-2021 including One Year Operational Plan 2017/2018 as amended in terms of this report, be made and fixed as Council's Fees and Charges for 2017/2018.

**Record of Voting:**

For the Motion: Unanimous

**4 CARRYOVER FUNDS/PROJECTS 2016/2017 TO 2017/2018**

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

- (a) That Council endorse the proposed carryovers, totalling \$12.52 million and include them in the 2017/2018 Budget, detailed as follows:
  - \$0.05 million for projects that Council has previously approved
  - \$1.13 million for projects that have been delayed due to contract dispute
  - \$1.50 million for projects that will benefit from broader scope for efficiencies
  - \$1.90 million for projects that were substantially commenced, tendered and/or contracts signed
  - \$1.94 million for projects that have been delayed for reasons detailed in this report
  - \$6.00 million for Central Park, Waterloo Road project due to circumstances beyond Council's control
- (b) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Reserves of \$12.43 million be adopted.

**Record of Voting:**

For the Motion: Unanimous

**5 DIRECT DEBIT PAYMENT OPTIONS**

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

- (a) That a direct debit facility not be included as an additional payment method, and

- (b) That the existing Bpay facility be promoted, together with simple guidelines being placed on Council's website and made available at Council's Customer Service Centre, in promoting this payment option to all ratepayers.

**Record of Voting:**

For the Motion: Unanimous

**6 REPORTS DUE TO COUNCIL**

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

That the report on Outstanding Council Reports be endorsed.

**Record of Voting:**

For the Motion: Unanimous

**7 REQUEST FOR TENDER - COR-RFT- 03/17- RYDE AQUATIC LEISURE CENTRE - SOLAR PHOTOVOLTAIC SYSTEM**

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

- (a) That Council accepts the Tender from Solgen Energy Pty Ltd. in the amount of \$494,937.93 (excluding GST) in accordance with their submission, clarifications received and Council's Conditions of Contract.
- (b) That Council delegate to the Acting General Manager the authority to enter into a contract with Solgen Energy 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 advises all the respondents of Council's decision.

**Record of Voting:**

For the Motion: Unanimous

## **8 ADVICE ON COURT ACTIONS**

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

That the report of the General Counsel be received.

**Record of Voting:**

For the Motion: Unanimous

## **7 RELATED PARTY DISCLOSURES**

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

That Council receive and note this report and the accompanying Related Party Disclosures Policy and Guidelines, as detailed in this report.

**Record of Voting:**

For the Motion: Unanimous

## **8 STRENGTHENING PROCEDURES - INTERACTIONS BETWEEN COUNCILLORS AND DEVELOPERS**

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

- (a) That Council amend its Code of Conduct – Standards of Conduct, with new Clauses 3.7 and 3.8, as detailed in this report.
- (b) That Council amend its Voluntary Planning Agreement Policy as detailed in this report and place the amended Policy on public exhibition for 28 days.
- (c) That a further report be provided to Council, only if there are public submissions received from the public exhibition of the Policy.

**Record of Voting:**

For the Motion: Unanimous

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

**1 INDEXATION OF THE FINANCIAL ASSISTANCE GRANT PROGRAM**

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

That the correspondence be received and the information noted.

**Record of Voting:**

For the Motion: Unanimous

**LATE PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

**2 MACQUARIE UNIVERSITY – COMMONWEALTH GOVERNMENT SMART CITIES AND SUBURBS PROGRAM**

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

- (a) That Council provide in principle support for the Acting General Manager to lodge a government application with Macquarie University for a Commonwealth Government up to \$500,000 under the Smart Cities and Suburbs Program Round 1 noting both Council's and Macquarie University would contribute each \$250,000.
- (b) That Council note that a further report will be provided to Council on the result of this grant application and address any adjustment required in its 2017/2021 Delivery Plan.

**Record of Voting:**

For the Motion: Unanimous

**3 HIGH PRIORITY INFRASTRUCTURE AT MACQUARIE PARK**

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

That the correspondence be received and noted.

**Record of Voting:**

For the Motion: Unanimous

## **NOTICES OF MOTION**

### **1 MEMBERSHIP FOR THE STATUS OF WOMEN ADVISORY COMMITTEE - Councillor Roy Maggio**

Note: This matter was dealt with earlier in the Meeting as detailed in these Minutes.

### **2 CITY OF RYDE'S INAUGURAL CORK AND FORK FESTIVAL - Deputy Mayor, Councillor Jane Stott**

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

- (a) That Council formally acknowledge the efforts of the following East Ward Events Advisory Committee Members:-
- Ross Anderson
  - Sandra Donovan
  - Peter Grayson
- (b) That Council formally acknowledge the local residents and visitors for the contribution they made through their attendance at the event.
- (c) That Council formally acknowledge the efforts of the City of Ryde Events Team led by Michelle Carter.
- (d) That Council formally acknowledge the Deputy Mayor, Councillor Jane Stott for her efforts in leading this event.

#### **Record of Voting:**

For the Motion: Unanimous

### **3 GIANT STEPS – SYDNEY TOWER STAIR CHALLENGE - Sunday, 27 August 2017 - Councillor Roy Maggio**

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

- (a) That Council seeks Expressions of Interest from staff and Councillors to participate in the 'Giant Steps Sydney Tower Stair Challenge' on Sunday, 27 August 2017.
- (b) That Council endorse a fundraising event, to cover the \$208 entry cost per team.
- (c) That Council promote this event through the normal channels.



**Record of Voting:**

For the Motion: Unanimous

**QUESTIONS BY COUNCILLORS AS PER POLICY**

**1 QUESTIONS WITH NOTICE - Councillor Jeff Salvestro-Martin**

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

That the following Answers to Questions with Notice be received and noted.

**Record of Voting:**

For the Motion: Unanimous

The below Questions relate to Legal Matters:-

Question 1:

**Please advise how much has been spent on Legal Matters at City of Ryde by Financial Year 2012 to 2016?**

Answer 1:

The total amount spent (with relevant budget) on legal matters is as follows:

2012/2013: \$715,597	(Budget: \$905,732)
2013/2014: \$619,732	(Budget: \$769,654)
2014/2015: \$435,555	(Budget: \$824,110)
2015/2016: \$627,281	(Budget: \$856,710)
2016/2017: \$835,845	(Budget: \$893,340)

NB: Above amounts includes salaries etc for in-house legal staff as those staff also have sole carriage of legal matters.

Question 2:

**Please advise for each Financial Year the proportion of each total at Q1 (as a %) spent on external consultant lawyers?**

Answer 2:

The proportion of each total at Q1 (as a %) spent on external consultant lawyers was as follows:

2012/2013: 68%  
2013/2014: 80%  
2014/2015: 18%  
2015/2016: 44%  
2016/2017: 56%

Question 3:

**Please provide a table detailing the aggregate expenditures at Q2 by company name? Only the details of the top 6 highest earning companies need be listed.**

Answer 3:

<b>Question 3</b>	
Total Expenditure of Top 6 highest earning companies	<b>2012-2017</b>
Maddocks	355,043.00
Sparke Helmore	241,375.00
Storey & Gough	191,617.00
Hall & Wilcox	173,593.00
Marsdens Law Group	131,326.00
HWL Ebsworth Lawyers	118,738.00
	<b>1,211,692.00</b>

Question 4:

**Do all the companies at Q3 sit on City of Ryde preferred supplier list?**

Answer 4:

Yes.

Question 5:

**What is the total value of contracts to non-preferred legal suppliers issued between 2012 and 2016?**

Answer 5:

The total value of contracts to non-preferred legal suppliers issued between 2012 and 2016 is \$438,517.

**CLOSED SESSION**

**VERBAL UPDATE - LEGAL MATTER – Ryde Bowling Club**

**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.

**MAYORAL MINUTE 8/17 – FERNLEIGH / OPAL RESIDENTIAL CARE FACILITY  
MONS AVENUE – LEGAL APPEAL**

**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 3(2) - 12 EMU STREET, WEST RYDE. LOT 9 DP 27511 and LOT 8 DP  
27511. Application pursuant to Section 96(2) of the Environmental Planning and  
Assessment Act, 1979 to amend the approved demolition, new two-storey  
dwelling, pavillion, landscaping and fencing. LDA2015/0217. Section 96 No  
MOD2016/0110**

**Confidential**

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

**ITEM 9 - PROPERTY MATTER**

**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 Yedelian OAM 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 9.42pm. The public and media left the chamber.

### **VERBAL UPDATE - LEGAL MATTER – Ryde Bowling Club**

Note: Council's Barrister, Mr Geoff Farland was present for this Item and provided advice to Council.

**RECOMMENDATION:** (Moved by Councillor Laxale and the Mayor, Councillor Pickering)

- (a) That Council staff provide a confidential email to all Councillors, as soon as possible, providing options for public recreation use of the Ryde Bowling Club.
- (b) That a report on the future of the Ryde Bowling Club be presented to the next Council Meeting.

**Record of Voting:**

For the Motion: Unanimous

### **MAYORAL MINUTE - CONFIDENTIAL**

#### **8/17 FERNLEIGH / OPAL RESIDENTIAL CARE FACILITY MONS AVENUE – LEGAL APPEAL - The Mayor, Councillor Bill Pickering**

Note: Jayne Walsh, Valerie Masterton, Gideon Reiss and Craig Chung addressed the Meeting in relation to this Item.

Note: A plan with photographs provided by Gideon Reiss was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from Holding Redlich dated 22 June 2017 provided by Gideon Reiss was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from Pikes & Verekers Lawyers dated 12 October 2015 provided by Gideon Reiss was tabled in relation to this Item and a copy is ON FILE.

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

That Council proceed with an appeal against the decision of the Land and Environment Court.

**Record of Voting:**

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

Against the Motion: Councillor Li

### **COUNCIL REPORTS - CONFIDENTIAL**

#### **3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 5/17 held on 13 June 2017**

##### **2 12 EMU STREET, WEST RYDE. LOT 9 DP 27511 and LOT 8 DP 27511. Application pursuant to Section 96(2) of the Environmental Planning and Assessment Act, 1979 to amend the approved demolition, new two-storey dwelling, pavillion, landscaping and fencing. LDA2015/0217. Section 96 No MOD2016/0110.**

Note: Peter Keegan and Richard Reeve addressed the Meeting in relation to this Item.

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

(a) That Section 96 application to modify Local Development Application No. MOD2016/0110 at 12 Emu Street, West Ryde being LOT 9 DP 27511 and LOT 8 DP 27511 be refused for the following reasons:-

1. Noncompliance with Ryde Development Control Plan 2014 with regards to Part 3.3 *Dwelling Houses and Dual Occupancy (attached)*:

- *Section 2.1 Desired Future Character* – the addition will result in a dwelling that is not consistent with the desired future character of low scale 2 storey development due to the three storey appearance of the development when viewed from Winbourne Street East.
- *Section 2.8.1 Building Height* – the proposed development exceeds 2 storeys in height when viewed from Winbourne Street East.

2. The adverse impact of the proposal (3 storeys) due to its proximity to dwellings of Heritage Conservation significance in the City of Ryde.
3. The application is not satisfactory for the purposes of Section 79C(1)(e) of the Environmental Planning and Assessment Act 1979 as the proposal is not in the public interest due to the nature and extent of negative amenity objections received from the local community.

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

On being put to the Meeting, the voting on the Motion was three (3) all. The Mayor, Councillor Pickering used his casting vote For the Motion. The Motion was **CARRIED**.

**Record of Voting:**

For the Motion: The Mayor, Councillor Pickering and Councillors Laxale and Yedelian OAM

Against the Motion: Councillors Li, Maggio and Stott

**9 PROPERTY MATTER**

Note: Due to the time being 11.03pm, this Item was not dealt with at this Meeting and accordingly is deferred for consideration at the next Council Meeting on 25 July 2017.

**OPEN SESSION**

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

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 11.04pm.

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

That the recommendations of Items considered in Closed Session be received and adopted as resolutions of Council without any alteration or amendment thereto.

On being put to the Meeting, Councillor Maggio abstained from the voting and accordingly his vote was recorded Against the Motion

**Record of Voting:**

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

Against the Motion: Councillor Maggio

**NATIONAL ANTHEM**

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

The meeting closed at 11.07pm.

CONFIRMED THIS 25TH DAY OF JULY 2017

Chairperson

**DEFERRED ITEMS**

The following Item was not considered at this meeting as detailed in these Minutes and has been deferred consideration at the next Council Meeting to be held on Tuesday, 25 July 2017:-

ITEM 9 PROPERTY MATTER