

Meeting Date: Tuesday 25 September 2018
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

Councillors Present: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Lane, Maggio, Moujalli, Pedersen, Purcell, Yedelian OAM and Zhou.

Apologies: Nil.

Leave of Absence: Councillor Kim.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, General Counsel, Manager – Communications and Engagement, Manager – Urban Strategy, Development Contributions Coordinator, Heritage Officer, Executive Officer – Ryde Central, Communications Coordinator, Digital Communications Coordinator, Civic Services Manager and Senior Coordinator – Civic Support.

PRAYER

Councillor Maggio offered prayer prior to the commencement of the meeting.

NATIONAL ANTHEM

The National Anthem was sung prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

The Mayor, Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 3 – Interfaith Morning Tea, for the reason that his wife is on the Prayer Breakfast Taskforce.

TABLING OF PETITIONS

No Petitions were tabled.

PRESENTATION OF HIGHLY COMMENDED AWARD FOR THE 2018 STORMWATER NEW SOUTH WALES AWARDS FOR EXCELLENCE

The General Manager presented the Mayor, Councillor Laxale with the Highly Commended Award for the Stormwater New South Wales Awards for Excellence for the 'Get the Site Right Sediment and Erosion Control Campaign' Project.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
John Court	MM 22/18 – Heritage Protection – 68 Denistone Road, Denistone
John Court (on behalf of William Lloyd)	MM 22/18 – Heritage Protection – 68 Denistone Road, Denistone
Patricia Lloyd	MM 22/18 – Heritage Protection – 68 Denistone Road, Denistone
Ronald McKeown	MM 22/18 – Heritage Protection – 68 Denistone Road, Denistone
Peter Raptis	Item 5 – Planning Proposal – Dunbar Estate Marsfield – Outcomes of Community Consultation
Salomon Omar (representing the Baha'i Community of Ryde)	Notice of Motion 3 – Interfaith Morning Tea
Gil Tabucanon (representing Baha'i Faith)	Notice of Motion 3 – Interfaith Morning Tea
Sara Ahadizadeh	Notice of Motion 3 – Interfaith Morning Tea
Jim Dolan	Notice of Motion 4 – City of Ryde Dog Recreation Needs Strategy - Review
Guy Williamson	Notice of Motion 4 – City of Ryde Dog Recreation Needs Strategy – Review
Kylee Blackwell	Notice of Motion 4 – City of Ryde Dog Recreation Needs Strategy - Review
Peter Watkins (representing St Charles Catholic Primary School)	Notice of Motion 5 – St Charles Catholic Primary School – 160 th Anniversary
Sharon Garrard (representing Street Paws Festival)	Notice of Motion 6 – Street Paws Festival

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Janet McLennan	Request urgent meeting with Ryde Council regarding Cedrus Lebanese Restaurant at 1/100 Belmore Road, Ryde (in Block A of our complex) and associated noise and unapproved use
Alan McKay	Representation on a non-complying development at 5 Walker Street, Putney. Council's complying development response inadequate – DA required

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

PUBLIC PARTICIPATION

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the speakers who submitted late Requests to Address Council on Items listed on the Agenda and Items not listed on the Agenda be allowed to address the Meeting, the time being 7.54pm.

Record of the Voting

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Ben Seale	Notice of Motion 1 – Recreational Fishers – Stop the Lockout Campaign
Clare Brown (representing Buildex Pty Ltd)	Item 14 – Offer to Enter into Voluntary Planning Agreement – 312 Victoria Road, Gladesville

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
David Faulkner (representing the Owners Corporation, 20 Porter Street)	Compliance Issues – Cedrus Restaurant
Javier Greco (representing the Owners Corporation, 100 Belmore Street)	Compliance Issues – Cedrus Restaurant
Abdul Nahi	Noise Complaints regarding apartment building

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Purcell)

That Council now consider the following Items, the time being 8.14pm:-

- **MM 22/18** – Heritage Protection – 68 Denistone Road, Denistone
- **Item 5** – Planning Proposal – Dunbar Estate Marsfield – Outcomes of Community Consultation

- **Notice of Motion 3** – Interfaith Morning Tea
- **Notice of Motion 4** – City of Ryde Dog Recreation Needs Strategy – Review
- **Notice of Motion 5** – St Charles Catholic Primary School – 160th Anniversary
- **Notice of Motion 6** – Street Paws Festival
- **Notice of Motion 2** – The Development of a City of Ryde Reconciliation Action Plan
- **Notice of Motion 1** – Recreational Fishers – Stop the Lockout Campaign

Record of the Voting

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Maggio, Moujalli, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillor Lane

MAYORAL MINUTE

22/18 HERITAGE PROTECTION - 68 DENISTONE ROAD, DENISTONE - Mayor Jerome Laxale

Note: John Court (on behalf of himself and on behalf of William Lloyd), Patricia Lloyd and Ronald McKeon addressed the meeting in relation to this Item.

Note: Correspondence from William Lloyd dated 25 September 2018 was tabled in relation to this Item and a copy is ON FILE.

Note: Correspondence from Patricia Lloyd dated 25 September 2018 was tabled in relation to this Item and a copy is ON FILE.

Note: Undated Correspondence from Catherine Taffa was tabled in relation to this Item and a copy is ON FILE.

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

That Council delegate the General Manager to place an Interim Heritage Order over 68 Denistone Road, Denistone; and

- (i) Prepare a Planning Proposal to list the property as an item of local heritage significance within Schedule 5 Environmental Heritage of Ryde Local Environmental Plan 2014, and

- (ii) That the Planning Proposal seeking heritage listing of 68 Denistone Road, Denistone be forwarded to the Department of Planning and Environment with a request for a Gateway Determination, and
- (iii) That upon receipt of the Gateway Determination, the General Manager place the Planning Proposal on Community Comment, in accordance with the conditions of the Gateway Determination.
- (iv) That a report on the outcomes of community consultation be presented to Council as soon as practicable.

Record of the Voting

For the Motion: Unanimous

COUNCIL REPORT

5 PLANNING PROPOSAL - DUNBAR ESTATE, MARSFIELD - OUTCOMES OF COMMUNITY CONSULTATION

Note: Peter Raptis addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Purcell and Maggio)

- (a) That Council amends the Ryde Local Environmental Plan 2014 as it applies to the Dunbar Estate as defined in Figure 1 of this report by changing the zone from R3 Medium Density Residential to R2 Low Density Residential;
- (b) That Council request the opinion of the Parliamentary Counsel Office on the preparation of a draft Local Environmental Plan;
- (c) That Council make the draft Local Environmental Plan and request that the Department of Planning and the Environment notify the making of the LEP on the NSW Legislation Website; and
- (d) That Council notifies all community members who made a submission regarding the planning proposal of its decision.

Record of the Voting

For the Motion: Unanimous

NOTICES OF MOTION

3 INTERFAITH MORNING TEA - Councillor Roy Maggio

Note: The Mayor, Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that his wife is on the Prayer Breakfast Taskforce.

Note: Salomon Omar (representing the Baha'i Community of Ryde), Gil Tabucanon (representing the Baha'i Faith) and Sara Ahadzadeh addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Maggio and Lane)

- (a) That Council acknowledges multiculturalism and the many religious and spiritual groups in the Ryde Local Government Area.
- (b) That Council invite representatives from all religious denominations and spiritual groups to attend an interfaith morning tea to recognise the important role their groups play in the lives of our communities.
- (c) That Council invite the Mayor and interested Councillors and that the morning tea be hosted in the Mayoral Chambers and be funded from the Mayor's budget.
- (d) That Council staff manage the invitations and event planning.
- (e) That representatives from the many religious groups be invited to lead the prayer at Council meetings.
- (f) That the current prayer breakfast event that is being reviewed under the current Events Strategy, consider to allow many of these interfaith and spiritual groups to participate especially in the taskforce, and to allow suggestions in making it a more united event.

AMENDMENT: (Moved by Councillors Purcell and Clifton)

- (a) That Council acknowledges multiculturalism and the many religious and spiritual groups in the Ryde Local Government Area.
- (b) That the Mayor invite representatives from all religious denominations and spiritual groups to attend an interfaith morning tea to recognise the important role their groups play in the lives of our communities.
- (c) That the Mayor invite interested Councillors and that the morning tea be hosted in the Mayoral Chambers and be funded from the Mayor's budget.

On being put to the Meeting, Councillor Zhou abstained from voting and accordingly his vote was recorded Against the Motion. The voting on the Amendment was six (6) votes for and five (5) against. The Amendment was **CARRIED** and then became the Motion.

Record of the Voting

For the Amendment: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Pedersen, Purcell and Yedelian OAM

Against the Amendment: Councillors Brown, Lane, Maggio, Moujalli and Zhou

RESOLUTION: (Moved by Councillors Purcell and Clifton)

- (a) That Council acknowledges multiculturalism and the many religious and spiritual groups in the Ryde Local Government Area.
- (b) That the Mayor invite representatives from all religious denominations and spiritual groups to attend an interfaith morning tea to recognise the important role their groups play in the lives of our communities.
- (c) That the Mayor invite interested Councillors and that the morning tea be hosted in the Mayoral Chambers and be funded from the Mayor's budget.

Record of the Voting

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Lane, Maggio, Moujalli, Pedersen, Purcell and Zhou

Against the Motion: Councillor Yedelian OAM

4 CITY OF RYDE DOG RECREATION NEEDS STRATEGY - REVIEW - Councillor Roy Maggio

Note: Jim Dolan, Guy Williamson and Kylee Blackwell addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council acknowledges the increasing amount of dog owners in the Ryde Local Government Area.
- (b) That a review of the dog off-leash areas be undertaken by reviewing City of Ryde Dog Recreation Needs Strategy in 2019-2020 and the project be included in the draft 2019/2023 Delivery Plan.

- (c) That as part of the review, community consultation is to be undertaken in respect to all parks becoming a dog off-leash area when not used for organised sport, in particular Monash Park.

AMENDMENT: (Moved by Councillors Purcell and Pedersen)

- (a) That Council acknowledges the increasing amount of dog owners in the Ryde Local Government Area.
- (b) That community consultation, including the Sports Advisory Committee and the Bushland and Environment Advisory Committee, be undertaken in respect to Monash Park becoming a dog off-leash area when not used for organised sport.

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

Record of the Voting

For the Amendment: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Pedersen and Purcell

Against the Amendment: Councillors Brown, Lane, Maggio, Moujalli, Yedelian OAM and Zhou

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council acknowledges the increasing amount of dog owners in the Ryde Local Government Area.
- (b) That a review of the dog off-leash areas be undertaken by reviewing City of Ryde Dog Recreation Needs Strategy in 2019-2020 and the project be included in the draft 2019/2023 Delivery Plan.
- (c) That as part of the review, community consultation is to be undertaken in respect to all parks becoming a dog off-leash area when not used for organised sport, in particular Monash Park.

Record of the Voting

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Lane, Maggio, Moujalli, Yedelian OAM and Zhou

Against the Motion: Councillors Clifton, Gordon, Pedersen and Purcell

**5 ST CHARLES CATHOLIC PRIMARY SCHOOL - 160TH ANNIVERSARY -
Councillor Roy Maggio**

Note: Peter Watkins (representing St Charles Catholic Primary School) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council acknowledge the 160th Anniversary of the opening of St Charles Catholic Primary School Ryde.
- (b) That Council contact the school and invite the Principal, teachers and representatives from the St Charles Parish to the October 2018 Council meeting to present the school with a plaque recognising their contribution to the Catholic education of the Ryde community.
- (c) That a media release be prepared in accordance with Council's media policy, recognising this important milestone.
- (d) That this milestone be advertised through all media channels.
- (e) That a mature tree be donated and planted by Council with a plaque situated nearby highlighting this milestone in consultation with the school.

Record of the Voting

For the Motion: Unanimous

6 STREET PAWS FESTIVAL - Councillor Roy Maggio

Note: Sharon Garrard (representing Street Paws Festival) addressed the meeting in relation to this Item.

Note: Councillor Purcell left the meeting at 9.20pm and was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Lane)

- (a) That Council consider supporting an event similar to the 'Street Paws Festival' recently held at Bungarribee Park, Doonside to celebrate dog lovers, pets and bringing the community together.
- (b) That in respect to part (a) above, Council staff contact the event organiser to discuss such an event being held in the City of Ryde in June/July 2019.
- (c) That the event organiser be encouraged to apply for a Grant through the next Community Grants round to facilitate such an event in the City of Ryde.

Record of the Voting

For the Motion: Unanimous

Note: Councillor Purcell returned to the meeting at 9.23pm.

2 THE DEVELOPMENT OF A CITY OF RYDE RECONCILIATION ACTION PLAN - Councillor Penny Pedersen

RESOLUTION: (Moved by Councillors Pedersen and Gordon)

- (a) That Council in conjunction with Reconciliation Australia (RA), agrees to commence work towards establishing the first City of Ryde 'Reflect' Reconciliation Action Plan.
- (b) That Council staff prepare a report exploring the opportunities and methodology for establishing a Reconciliation Action Plan including associated costs and that this report be presented to the Finance and Governance committee and Social Inclusion Committee in early 2019.
- (c) That upon approval of costs, City of Ryde staff establish a Reconciliation Action Working Group (RAWG) comprising of the following membership:
 - (i) Two elected members (Mayor or Deputy Mayor and one elected member).
 - (ii) General Manager and/or Representative.
 - (iii) Up to four community members (no less than half should be aboriginal members) to assist with the development of the City of Ryde's 'Reflect' Reconciliation Action Plan.
 - (iv) That the General Manager call for nominations from community members via Council's regular communication channels, to be considered for inclusion in the RAWG and following that, nominations/recommendations of members be presented in a report to the Works and Community Committee.

Record of the Voting

For the Motion: Unanimous

1 RECREATIONAL FISHERS - STOP THE LOCKOUT CAMPAIGN - Councillor Roy Maggio

Note: Ben Seale addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council supports those residents of Ryde that are opposing the State Government proposal to lockout recreational fishers from using marine areas previously available for fishing by providing a submission on behalf of the residents of Ryde to support the Stop the Lockout campaign.
- (b) That Council notifies the State Government of its support for the recreational fishers from the City of Ryde in opposing this proposed lockout.
- (c) That a statement is made available on all media channels from the mover of the motion supporting STOP THE LOCKOUT campaign.

AMENDMENT: (Moved by Councillors Pedersen and Purcell)

- (a) The Council notes recent comments by the Premier that indicate the potential for yet another policy backflip. This time on the Government's current position on Marine Sanctuary Policy.
- (b) That the Mayor, Councillor Laxale write to the Premier seeking clarification on policy surrounding recreational fishing.

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

Record of the Voting

For the Amendment: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Pedersen, Purcell and Zhou

Against the Amendment: Councillors Brown, Lane, Maggio, Moujalli and Yedelian OAM

RESOLUTION: (Moved by Councillors Pedersen and Purcell)

- (a) That Council notes recent comments by the Premier that indicate the potential for yet another policy backflip. This time on the Government's current position on Marine Sanctuary Policy.
- (b) That the Mayor, Councillor Laxale write to the Premier seeking clarification on policy surrounding recreational fishing.

Record of the Voting

For the Motion: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Pedersen, Purcell and Zhou

Against the Motion: Councillors Brown, Lane, Maggio, Moujalli and Yedelian OAM

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 28 August 2018

RESOLUTION: (Moved by Councillors Purcell and Gordon)

That the Minutes of the Council Meeting 10/18, held on 28 August 2018 be confirmed.

Record of the Voting

For the Motion: Unanimous

2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 11 September 2018

RESOLUTION: (Moved by Councillors Gordon and Purcell)

That the Minutes of the Extraordinary Council Meeting 11/18, held on 11 September 2018 be confirmed.

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

Record of the Voting

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Pedersen, Purcell and Zhou

Against the Motion: Councillors Lane, Maggio, Moujalli and Yedelian OAM

3 ITEMS PUT WITHOUT DEBATE

RESOLUTION: (Moved by the Mayor, Councillor Laxale and Councillor Gordon)

That Council adopt Items 4, 7, 8, 10, 12 and 16 on the Council Agenda as per the recommendations in the reports.

Record of the Voting

For the Motion: Unanimous

4 INVESTMENT REPORT AS AT 31 AUGUST 2018

RESOLUTION: (Moved by the Mayor, Councillor Laxale and Councillor Gordon)

That Council endorse the Investment Report as at 31 August 2018.

Record of the Voting

For the Motion: Unanimous

7 TRANSFER OF NOMINEE TO SOCIAL INCLUSION ADVISORY COMMITTEE

RESOLUTION: (Moved by the Mayor, Councillor Laxale and Councillor Gordon)

That Council endorses the transfer of Jen Humphrey to a position on the Social Inclusion Advisory Committee.

Record of the Voting

For the Motion: Unanimous

8 RESIGNATIONS AND NOMINATION FOR SOCIAL INCLUSION ADVISORY COMMITTEE

RESOLUTION: (Moved by the Mayor, Councillor Laxale and Councillor Gordon)

- (a) That Council endorses the resignation of Martina Fox and Elizabeth Wilkinson.
- (b) That Council endorses the nomination of Gabriel Van Duinen for a position on the Social Inclusion Advisory Committee.

Record of the Voting

For the Motion: Unanimous

10 REPORTS DUE TO COUNCIL

RESOLUTION: (Moved by the Mayor, Councillor Laxale and Councillor Gordon)

That the report on Outstanding Council Reports be endorsed.

Record of the Voting

For the Motion: Unanimous

12 REQUEST FOR TENDER - COR-RFT- 15/18 WEST RYDE PLAZA PUBLIC DOMAIN UPGRADE: FABRICATION AND INSTALLATION OF ARTISTIC ARCHITECTURAL SHADE STRUCTURE

RESOLUTION: (Moved by the Mayor, Councillor Laxale and Councillor Gordon)

- (a) That Council accepts the tender from TILT Industrial Design Pty Ltd for the West Ryde Plaza Domain Upgrade: Fabrication and Installation of Artistic Architectural Shade Structure for the amount of \$627,000.00 (ex. GST) subject to:
 - i. TILT providing a Bank Guarantee or security deposit for 15-20% of the Contract Amount.
 - ii. Council enter into a supply contract with TILT that confirms ownership of the structure lies with Council.
- (b) That Council delegate to the General Manager the authority to enter into a contract with TILT Industrial Design Pty Ltd for West Ryde Plaza Domain Upgrade: Fabrication and Installation of Artistic Architectural Shade Structure on the terms contained within the tender, subject to point a) i. and ii. above being satisfied, 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 the Voting

For the Motion: Unanimous

16 2018/2019 CHRISTMAS / NEW YEAR ARRANGEMENTS - COUNCIL BUSINESS OPERATIONS

RESOLUTION: (Moved by the Mayor, Councillor Laxale and Councillor Gordon)

- (a) That the Council endorse the changes to normal City of Ryde business operations over the 2018/2019 Christmas and New Year period, as outlined in this report.
- (b) That the Council endorse the end of year staff function, including staff update and Christmas lunch, being held at Next Generation from 12 noon on Friday, 21 December 2018.
- (c) That the changes to normal business operations referred to in (a) above, be advertised in the Mayor's Column, on Council's website, through Social Media and by way of notice at the front of Council's customer service centres, Council's branch libraries and the Ryde Aquatic Leisure Centre.

Record of the Voting

For the Motion: Unanimous

4 INVESTMENT REPORT AS AT 31 AUGUST 2018

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

5 PLANNING PROPOSAL - DUNBAR ESTATE, MARSFIELD - OUTCOMES OF COMMUNITY CONSULTATION

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

6 SHRIMPTONS CREEK PRECINCT ACTIVATION - Public Art in Wilga Park

RESOLUTION: (Moved by Councillors Purcell and Gordon)

That this matter be deferred for consideration at the next Council Meeting to be held on 30 October 2018 and for the statistical data regarding the community consultation be provided.

Record of the Voting

For the Motion: Unanimous

7 TRANSFER OF NOMINEE TO SOCIAL INCLUSION ADVISORY COMMITTEE

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

8 RESIGNATIONS AND NOMINATION FOR SOCIAL INCLUSION ADVISORY COMMITTEE

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

9 TOP RYDE CONSTRUCTION OF A 40KM/H HIGH PEDESTRIAN ACTIVITY AREA (HPAA)

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

- (a) That Council accepts the 100% funding received from RMS for the construction of Top Ryde 40km/h HPAA - \$513,100 which includes the following:
- i. Raised thresholds in Smith and Tucker Streets and three (3) at grade thresholds (gateway treatments) at mid-block locations in Tucker Street and Pope Street in addition to the associated pedestrian safety fences;
 - ii. Road pavement surface '40' patches at the entry points to 40km/h zone in Smith Street and Tucker Street and associated signage;
 - iii. 'LOOK OUT BEFORE YOU STEP OUT' pavement decals all pedestrian crossing locations within the 40km/h HPAA scheme;
 - iv. Undertakes consultation with RMS to add right-turn red arrow phasing as well as increased pedestrian green-time to the existing traffic signals at the intersection of Pope Street and Smith Street.
 - v. Undertakes consultation with RMS to install all direction pedestrian crossing at the intersection of Blaxland, Church and Tucker Street.
 - vi. Undertakes consultation with RMS to install right turn arrow from Blaxland Road into Tucker Street heading west.
- (b) Lighting along Smith Street between Pope Street and Curzon Street be reviewed after the completion of developments at 1-5 Smith Street, 2 Smith Street and 14-16 and 1A Smith Street.
- (c) That Council consolidates the funds as income and allocates them as expenditure at the Quarter 1 Review under the Council programs detailed in part (a) above.

Record of the Voting

For the Motion: Unanimous

10 REPORTS DUE TO COUNCIL

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

LATE ITEM

16 2018/2019 CHRISTMAS / NEW YEAR ARRANGEMENTS - COUNCIL BUSINESS OPERATIONS

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

NOTICES OF MOTION

1 RECREATIONAL FISHERS - STOP THE LOCKOUT CAMPAIGN - Councillor Roy Maggio

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

2 THE DEVELOPMENT OF A CITY OF RYDE RECONCILIATION ACTION PLAN - Councillor Penny Pedersen

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

3 INTERFAITH MORNING TEA - Councillor Roy Maggio

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

4 CITY OF RYDE DOG RECREATION NEEDS STRATEGY - REVIEW - Councillor Roy Maggio

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

5 ST CHARLES CATHOLIC PRIMARY SCHOOL - 160TH ANNIVERSARY - Councillor Roy Maggio

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

6 STREET PAWS FESTIVAL - Councillor Roy Maggio

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

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Roy Maggio

Note: Councillor Moujalli left the meeting at 10.03pm and was not present for voting on this Item.

RESOLUTION: (Moved by the Mayor, Councillor Laxale and Councillor Purcell)

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

Record of the Voting

For the Motion: Unanimous

Question 1:

When did the Council staff move into the North Ryde Office?

Answer 1:

Monday, 16 May 2016

Question 2:

What is the amount of staff that work in the North Ryde Office?

Answer 2:

Approximately 290

Question 3:

What is the current spending of rental from entering the new office till now?

Answer 3:

Between May 2016 and September 2018, Council has spent \$4.09 million on rental costs

CLOSED SESSION**ITEM 11 - 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: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**ITEM 12 – REQUEST FOR TENDER - COR-RFT- 15/18 WEST RYDE PLAZA
PUBLIC DOMAIN UPGRADE: FABRICATION AND INSTALLATION OF ARTISTIC
ARCHITECTURAL SHADE STRUCTURE****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; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**ITEM 13– REQUEST FOR TENDER - COR-RFT -16/18 PIDDING PARK
AMENITIES BLOCK****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 (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

**ITEM 14 - OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT -
312 VICTORIA ROAD, GLADESVILLE****Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

ITEM 15 - 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.

Note: Councillor Moujalli returned to the meeting at 10.08pm.

Note: Councillor Maggio left the meeting at 10.08pm and was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Gordon and Purcell)

That the Council resolve into Closed Session to consider the above matters.

Record of the Voting

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Moujalli, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillor Lane

Note: The Council closed the meeting at 10.10pm. The public and media left the chamber.

Note: Councillor Maggio returned to the meeting at 10.12pm.

11 PROPERTY MATTER

RECOMMENDATION: (Moved by Councillors Gordon and Clifton)

- (a) That Council note the findings outlined in the report.
- (b) That Council approve the proposed action plans outlined in the report, removing – residential apartments.
- (c) That the funding detailed in the report be approved.

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

Record of the Voting

For the Motion: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Moujalli, Pedersen, Purcell and Zhou

Against the Motion: Councillors Brown, Lane, Maggio and Yedelian OAM

12 REQUEST FOR TENDER - COR-RFT- 15/18 WEST RYDE PLAZA PUBLIC DOMAIN UPGRADE: FABRICATION AND INSTALLATION OF ARTISTIC ARCHITECTURAL SHADE STRUCTURE

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

13 REQUEST FOR TENDER - COR-RFT -16/18 PIDDING PARK AMENITIES BLOCK

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

14 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT - 312 VICTORIA ROAD, GLADESVILLE

Note: Clare Brown (representing Buildex Pty Ltd) addressed the meeting in relation to this Item.

Note: A CONFIDENTIAL Councillor e/Workshop presentation was tabled in relation to this Item and a copy is ON FILE – CONFIDENTIAL.

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council accept the letter of offer as detailed in **ATTACHMENT 2** dated 1 March 2018 from Buildex Gladesville Pty Ltd to enter into a Voluntary Planning Agreement in relation to Development Application LDA2017/312 for a Mixed Use Residential Flat Building at 312 Victoria Road, Gladesville. The Voluntary Planning Agreement will require the Applicant to provide a public benefit in stages as summarised below:
- i. Construction of part of Gerard Lane, estimated total construction cost at approx. \$174,926.00
 - ii. Dedication of Land for Part of Gerard Lane, estimated value of \$257,000 if FSR transferred to additional part storey (\$1,030,000 if acquired without FSR transfer)

- iii. Security for Material Public Benefits, 'Staged Bank Guarantee' to be calculated, adjusted from time to time and held by Council until all Material Public Benefits are considered to be practicably complete and dedicated to Council as road reserve.
 - iv. Compulsory acquisition clause to enable Council to acquire proposed land for Material Public Benefits should the developer default.
 - v. 10% of Staged Bank Guarantee to be held for 12 month defects liability period.
 - vi. Caveat able interest lodged on title of land upon execution of VPA in favour of Council whilst Property NSW is land owner.
 - vii. Registration of the Planning Agreement on the Title of Land.
 - ix. The offer by the Applicant does not exclude the payment of Council's Section 7.11 Contributions and 7.11 Contributions will be payable at the usual time, being prior to issue of the relevant Construction Certificate;
- (b) That Council delegate authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement as outlined in **ATTACHMENT 2** by Buildex Gladesville Pty Ltd, and in addition but not limited to:
- i. Security for Material Public Benefits to 100% of their agreed value, in such a form as 'Bank Guarantee' to be held and adjusted from time to time by Council until all Material Public Benefits are considered to be practicably complete and dedicated to Council as road reserve.
 - ii. Compulsory acquisition clause to enable Council to acquire the offered Land for part of Gerard Lane for \$1 should the developer default.
 - iii. 10% of Staged Bank Guarantee to be held for 12 month defects liability period.
 - iv. Caveat able interest lodged on title of land upon execution of VPA in favour of Council.
 - v. Registration of the Planning Agreement on the Title of Land.
 - vi. The offer by the Applicant does not exclude the payment of Council's Section 7.11 Contributions; and Section 7.11 Contributions will be payable at the usual time, being prior to issue of the relevant Construction Certificate;

- (c) That Council delegate authority to the General Manager to subsequently exhibit a draft of the Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979;
- (d) That Council delegate authority to the General Manager to:
 - i. Authorise any minor changes to the draft Voluntary Planning Agreement, following its public exhibition, provided that those changes do not diminish the value or nature of the public benefits to be delivered as identified in (a) above;
 - ii. Subsequently enter into the Voluntary Planning Agreement on behalf of Council.
- (e) That Buildex Gladesville Pty Ltd be informed of Council's decision.

Record of the Voting

For the Motion: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Pedersen, Purcell and Zhou

Against the Motion: Councillors Brown, Lane, Maggio, Moujalli and Yedelian
OAM

13 REQUEST FOR TENDER - COR-RFT -16/18 PIDDING PARK AMENITIES BLOCK

RECOMMENDATION: (Moved by Councillors Maggio and Clifton)

That the matter be deferred for consideration at the next Council Meeting to be held on 30 October 2018.

Record of the Voting

For the Motion: Unanimous

15 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Maggio and Pedersen)

That the report of the General Counsel be received.

Record of the Voting

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Maggio and Purcell)

That Council resolve itself into open Council.

Record of the Voting

For the Motion: Unanimous

Note: Open Council resumed at 11.12pm.

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

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 the Voting

For the Motion: The Mayor, Councillor Laxale and Councillors Brown, Clifton, Gordon, Maggio, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillors Lane and Moujalli

The meeting closed at 11.13pm.

CONFIRMED THIS 30TH DAY OF OCTOBER 2018

Chairperson