

Meeting Date: Tuesday 27 February 2018
Location: Council Chambers, Level 1A, 1 Pope Street, Ryde
Time: 7.00pm

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

Note: Councillor Brown left the meeting at 10.46pm and did not return. He was not present for consideration or voting on Confidential Items 6(8), 15, 16 and 17.

Apologies: Nil.

Leave of Absence: Nil.

Staff Present: General Manager, Acting Director – Customer and Community Services, 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, Manager – City Planning, Manager – Community Services, Manager – Parks, Development Contributions Coordinator, Senior Coordinator – Communications, Senior Coordinator – Community Engagement, Communications Coordinator, Digital Communications Coordinator, Senior Coordinator – Governance, Executive Assistant to the General Manager and Administration Officer – Councillor Support.

PRAYER

Reverend Fergus Semler of the Macquarie Anglican Church was present and 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

Councillor Moujalli disclosed a Less than Significant Non-Pecuniary Interest in Item 3(4) – Planning Proposal –176 Blaxland Road, Ryde and Draft Development Control Plan – 176 – 186 Blaxland Road, Ryde – Outcome of Exhibition for the reason that he has known and been friends with the nephew of the sole Director of Sasco Developments.

Councillor Pedersen disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 16 – Donation and Placement of Artwork ‘Illuminatrope’ for the reason that the artist who is donating the artwork is an old friend of 20 years.

Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 18 – Section 75W to increase height limit applicable to 155 – 157 Church Street – Council Submission for reason that two of the speakers are known to him. One speaker served on the Joint Planning Panel with him and the other speaker was on his ticket at the last Council election.

Councillor Zhou disclosed a Less than Significant Non-Pecuniary Interest in Item 16 – Yuhu Property (Australia) Pty Ltd letter of offer to enter into a Voluntary Planning Agreement in association with development application LDA2016/378 for mixed use residential commercial redevelopment of Eastwood Shopping Centre at 142-186 Rowe Street, Eastwood for the reason that he knows the owner of Yuhu Group and he was a member in a few Chinese Community organisations where the owner of the Yuhu Group chairs.

TABLING OF PETITIONS

Councillor Lane tabled a petition in relation to Notice of Motion 12 – Chauvel Street Christmas Lights. The petition contains signatures from community members who support the Chauval Street residents request to install ‘No Stopping’ signs on either side of Chauval Street during peak Christmas periods.

Councillor Lane tabled a petition in relation to Notice of Motion 13 – Financial Decisions. The petition contains signatures from community members who call on the Mayor, Councillor Jerome Laxale to reject making financial decisions with ratepayers money that are not firstly supported by professional advice.

Councillor Pedersen tabled a petition in relation to Notice of Motion 17 – Bus Services through the East Ward of Ryde. The petition contains signatures from community members who feel that a bus through East Ryde, Badajoz Road etc. is urgently required.

PRESENTATION OF PLAQUE IN RECOGNITION OF THE CITY OF RYDE AND THE SMITH FAMILY REACH MILESTONE

Mr Peter Lombardo, Operations Manager from The Smith Family presented the Mayor, Councillor Laxale with a plaque in recognition of the City of Ryde and The Smith Family’s ongoing relationship, with more than one million kilograms of material donated via charity clothing bins located in the City of Ryde.

PRESENTATION OF CERTRIFICATES TO COMMUNITY STRATEGIC PLAN ‘MY VISION 2028’ WINNERS

The Mayor, Councillor Laxale presented Certificates to the winners of the ‘My Ryde Vision 2028’ competition winners, which were conducted as part of the community consultation for Council’s Community Strategic Plan.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Sarah Horsfield (representing AMP Capital)	Item 7 - Planning Proposal – 197 – 223 Herring Road, Macquarie Park – Macquarie Shopping Centre (sign)
Joanne Gartside (representing Ryde Public School P & C)	Notice of Motion 1 – Ryde Public School
Rhett Prado	Notice of Motion 3 – Youth unemployment in the City of Ryde
John Byrnes	Notice of Motion 6 – Flag Poles Kissing Point Park
Larry Dunne (representing Lions Club of Epping Eastwood)	Notice of Motion 8 – Recognition of Epping Eastwood Lions Club – 60 Years
Janine Ligato (representing Gladesville Ravens)	Notice of Motion 10 – Westminster Oval – Urgent Maintenance
Vicki Colmer Ridge (representing Chauvel Street residents)	Notice of Motion 12 – Chauvel Street Christmas Lights
Philip Ridge	Notice of Motion 12 – Chauvel Street Christmas Lights
Peter Small	Notice of Motion 13 – Financial Decisions
Craig Chung	Notice of Motion 13 – Financial Decisions
David Furlong (representing Holdmark Consultant)	Notice of Motion 18 – Section 75W to increase height limit applicable to 155 – 157 Church Street – Council Submission
Gavin Carrier (representing Holdmark)	Notice of Motion 18 – Section 75W to increase height limit applicable to 155 – 157 Church Street – Council Submission
Toni Courtelis	Notice of Motion 18 – Section 75W to increase height limit applicable to 155 – 157 Church Street – Council Submission
Sue Mifsud	Notice of Motion 18 – Section 75W to increase height limit applicable to 155 – 157 Church Street – Council Submission
Emma Taylor	Notice of Motion 21 – Movable Soccer Goals
David Hashimoto	Notice of Motion 16 – Donation and Placement of Artwork ‘Illuminatrope’

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

Note: Councillors Lane and Moujalli left the meeting at 7.57pm and were not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

That the speakers who submitted Requests to Address Council on Items Listed on the Agenda on an Item previously considered by the Planning and Environment Committee Meeting 1/18 held on 13 February 2018 and 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 7.59pm.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Lane returned to the meeting at 8.01pm.

Note: Councillor Moujalli returned to the meeting at 8.02pm.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons then addressed the Council:-

Name	Topic
Philip Peake	Item 3(4) – Planning Proposal – 176 Blaxland Road, Ryde and Draft Development Control Plan – 176 – 186 Blaxland Road, Ryde – Outcome of Exhibition.
Andrew Martin (representing the applicant)	Item 3(4) – Planning Proposal – 176 Blaxland Road, Ryde and Draft Development Control Plan – 176 – 186 Blaxland Road, Ryde – Outcome of Exhibition.
Doriana Donnelly	Notice of Motion 18 – Section 75W to increase height limit applicable to 155 – 157 Church Street – Council Submission
Tim Thorne	Notice of Motion 9 – Provision of Indoor Sporting Facilities in the City of Ryde
Sammy D'Arrigo	Notice of Motion 7 – Recognition of North Ryde Hawks Rugby League Club – 60 Years

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Victor Taffa	Darvall Road Footpath
Paul Azizi (representing Raymond Azizi)	Blenheim Park Expansion
Stuart Madeley	Development Applications process improvement – Openness and clarity

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Maggio and Brown)

That Council now consider the following Items, the time being 8.23pm:-

- Item 7 – Planning Proposal – 197 – 223 Herring Road, Macquarie Park – Macquarie Shopping Centre (Sign)
- Notice of Motion 1 – Ryde Public School
- Notice of Motion 3 – Youth Unemployment in the City of Ryde
- Notice of Motion 6 – Flag Poles Kissing Point
- Notice of Motion 8 – Recognition of Epping Eastwood Lions Club – 60 years
- Notice of Motion 10 – Westminster Oval – Urgent Maintenance
- Notice of Motion 12 – Chauvel Street Christmas Lights
- Notice of Motion 13 – Financial Decisions
- Notice of Motion 16 – Donation and Placement of Artwork ‘Illuminatrope’
- Notice of Motion 18 – Section 75W to increase height limit applicable to 155 – 157 Church Street – Council Submission
- Notice of Motion 21 – Movable Soccer Goals
- Item 3(4) – Planning Proposal – 176 Blaxland Road, Ryde and Draft Development Control Plan – 176 – 186 Blaxland Road, Ryde – Outcome of Exhibition
- Notice of Motion 9 – Provision of Indoor Sporting Facilities in the City of Ryde

- Notice of Motion 7 – Recognition of North Ryde Hawks Rugby League Club – 60 years
- Item 6 – Report of the Finance and Governance Committee Meeting
- Item 8 – Review of Council’s Code of Meeting Practice – including Review of Council’s Committee Structure and other related matters
- Item 13 – Audit, Risk and Improvement Committee
- Item 14 – Position of Chief Financial Officer – Senior Staff Position

Record for the Voting:

For the Motion: Unanimous

COUNCIL REPORT

7 PLANNING PROPOSAL - 197-223 HERRING ROAD, MACQUARIE PARK - MACQUARIE SHOPPING CENTRE (SIGN)

Note: Sarah Horsfield (representing AMP Capital) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Purcell and Gordon)

- (a) That Council delegate the General Manager to:
 - i. amend Ryde Local Environmental Plan 2014 Schedule 1 Additional Permitted Uses to permit *one advertising structure* as an additional permitted use at the Macquarie Shopping Centre (Lot 100 in DP1190494), and
 - ii. arrange notification of the amendment on the NSW legislation website (Government Gazette).
- (b) That Council adopt the *Content Management Plan: Digital Signage Display Located at the Waterloo Road Frontage of Macquarie Shopping Centre Prepared by Urban Concepts for AMP Capital February 2017* to govern the content and operation of the sign referred to in (a).
- (c) That Council write to the proponent, AMP Capital, advising of its decision and to provide 10% of the digital display as community messaging as detailed in the Content Management Plan.

Record for the Voting:

For the Motion: Unanimous

NOTICES OF MOTION**1 RYDE PUBLIC SCHOOL - Councillor Bernard Purcell**

Note: Joanne Gartside (representing Ryde Public School) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Purcell and Maggio)

To improve pedestrian and vehicle safety along Pope Street and Tucker Street, that Council implements the following:

- (a) That additional RMS pedestrian fencing be installed on the eastern side of Pope Street between the intersection with Smith Street and access driveway to Top Ryde Early Learning Centre.
- (b) That line marking be revised to delineate the pedestrian activated signals on Tucker Street.
- (c) That the General Manager make the necessary financial adjustment to the traffic calming devices budget, at the third quarterly review to enable works to be undertaken in the fourth quarter.
- (d) That Council supports an investigation by staff to extend the crossing durations during drop off and pick up times at the intersection of Pope and Smith Street Ryde, and that any recommendations that may arise regarding the traffic light phasing be referred to the Ryde Traffic Committee for consideration.

Record for the Voting:

For the Motion: Unanimous

3 YOUTH UNEMPLOYMENT IN THE CITY OF RYDE - Councillor Peter Kim

Note: Rhett Prado addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Kim and Yedelian OAM)

- (a) That the General Manager prepares a report to Council investigating opportunities for an expanded intern program to be established which assists local graduates and apprentices gain work experience to highlight their capabilities, and so respond to youth unemployment in the City of Ryde.
- (b) That details be provided on the current intern placements within Council and that opportunities to expand placements be explored in areas like, but not limited to; legal, IT, engineering, planning, design, finance, customer service, libraries and other.

- (c) That the intern program be facilitated by Council's Economic Development Coordinator to the broader business community within the City of Ryde.

AMENDMENT: (Moved by Councillors Moujalli and Lane)

- (a) That the General Manager prepares a report to Council investigating opportunities for an expanded intern program to be established which assists local graduates and apprentices gain work experience to highlight their capabilities, and so respond to youth unemployment in the City of Ryde.
- (b) That details be provided on the current intern placements within Council and that opportunities to expand placements be explored in areas like, but not limited to; legal, IT, engineering, planning, design, finance, customer service, libraries and other.
- (c) That the report include opportunities to engage with the broader business community of Ryde.

On being put to the Meeting, the voting on the Amendment was five (5) For and seven (7) Against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record for the Voting:

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

Against the Amendment: The Mayor, Councillor Laxale, and Councillors Clifton, Gordon, Kim, Maggio, Pedersen and Purcell

RESOLUTION: (Moved by Councillors Kim and Yedelian OAM)

- (a) That the General Manager prepares a report to Council investigating opportunities for an expanded intern program to be established which assists local graduates and apprentices gain work experience to highlight their capabilities, and so respond to youth unemployment in the City of Ryde.
- (b) That details be provided on the current intern placements within Council and that opportunities to expand placements be explored in areas like, but not limited to; legal, IT, engineering, planning, design, finance, customer service, libraries and other.
- (c) That the intern program be facilitated by Council's Economic Development Coordinator to the broader business community within the City of Ryde.

Record for the Voting:

For the Motion: Unanimous

6 FLAG POLES KISSING POINT PARK - Councillor Roy Maggio

Note: John Byrnes addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Gordon)

- (a) That Council install flag poles as required to fly the Australian and Aboriginal Flags at a suitable site at Kissing Point Park Putney.
- (b) That a formal flag raising ceremony be organised by Council after installation.
- (c) That the General Manager write to The Hon. Anthony Roberts MP and The Hon. John Alexander MP to seek their support for funding and the provision of flags in accordance with the Australian Government's 6.8 Constituents Request Program (Department of Finance – Senator's and Member's Entitlements).
- (d) That funds be allocated and made available in the next quarterly budget review for a new pole and lighting as is expected of official flag poles.

Record for the Voting:

For the Motion: Unanimous

8 RECOGNITION OF EPPING EASTWOOD LIONS CLUB - 60 YEARS - Councillor Roy Maggio

Note: Larry Dunne (representing Lions Club of Epping Eastwood) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Lane)

That the City of Ryde, at the next available Council Meeting, provide a commemorative plaque recognising 60 years of the Epping Eastwood Lions Club and that the President (Mr Larry Dunne) be invited to attend the Council Meeting to collect the plaque.

Record for the Voting:

For the Motion: Unanimous

10 WESTMINSTER OVAL - URGENT MAINTENANCE - Councillor Roy Maggio

Note: Janine Ligato (representing Gladesville Ravens) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the General Manager urgently arrange for maintenance works to be undertaken prior to the 2018 football season and list Westminster Oval in the 2019/2020 Sporting Fields Capital Renewal Program and investigate possible options for a synthetic surface.

Record for the Voting:

For the Motion: Unanimous

12 CHAUVEL STREET CHRISTMAS LIGHTS - Councillor Jordan Lane

Note: Vicki Colmer Ridge (representing Chauvel Street residents) and Philip Ridge addressed the meeting in relation to this Item.

Note: Councillor Lane tabled a petition in relation to this Item earlier in the Meeting.

RESOLUTION: (Moved by Councillors Lane and Yedelian OAM)

- (a) That Council congratulates the residents of Chauvel Street, North Ryde for another successful Christmas light display in 2017.
- (b) That Council recognises the importance of Council supporting grass-roots community led events.
- (c) That Council acknowledges the increased risk for pedestrian and vehicle safety as this event expands and grows.
- (d) That Council immediately investigates requests for 'No Stopping' signs to be temporarily installed on both sides of Chauvel Street, effective only during peak Christmas periods (two weeks preceding 25 December) between the hours of 8.30pm and 10.00pm, as well as any other potential safety improvements.
- (e) That Council report back to residents, Councillors and the Traffic Committee before 30 June 2018 with findings and a proposed installation timeline and process.
- (f) That Council consult with residents of other prominent areas that display Christmas lights.

Record for the Voting:

For the Motion: Unanimous

13 FINANCIAL DECISIONS - Councillor Jordan Lane

Note: Peter Small and Craig Chung addressed the meeting in relation to this Item.

Note: Councillor Lane tabled a petition in relation to this Item earlier in the Meeting.

MOTION: (Moved by Councillors Lane and Yedelian OAM)

- (a) That Council affirm that all of its financial decisions are evidence based.
- (b) That any future changes to Council's Investment Policy, be the subject of a Council Officer's report to Council, accompanied by Council's independent investment advice.

AMENDMENT: (Moved by Councillors Purcell and Pedersen)

- (a) That the City of Ryde acknowledges the financial expertise and independence of our accounting staff, headed by Director of Corporate and Organisational Support Services, Mr Roy Newsome and Chief Financial Officer, Steven Kludass.
- (b) That the City of Ryde acknowledges Councillors' role in providing leadership and policy guidance to the General Manager in relation to all matters.
- (c) That the General Manager prepare a presentation on Councillors' responsibilities and functions of office as soon as practicable.

On being put to the Meeting, the voting on the Amendment was eight (8) for and four (4) against. The Amendment was **CARRIED** and then became the Motion.

Record for the Voting:

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

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

Note: Councillor Zhou left the meeting at 9.43pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Purcell and Pedersen)

- (a) That the City of Ryde acknowledges the financial expertise and independence of our accounting staff, headed by Director of Corporate and Organisational Support Services, Mr Roy Newsome and Chief Financial Officer, Steven Kludass.
- (b) That the City of Ryde acknowledges Councillors' role in providing leadership and policy guidance to the General Manager in relation to all matters.
- (c) That the General Manager prepare a presentation on Councillors' responsibilities and functions of office as soon as practicable.

Record for the Voting:

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

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

Note: Councillor Zhou returned to the meeting at 9.44pm.

**16 DONATION AND PLACEMENT OF ART WORK 'ILLUMINATROPE' -
Councillor Penny Pedersen**

Note: Councillor Pedersen disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that the artist who is donating the artwork is an old friend of 20 years.

Note: Councillors Kim and Yedelian OAM left the meeting at 9.45pm and were not present for consideration or voting on this Item.

Note: David Hashimoto addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Pedersen and Maggio)

- (a) That Council officially thank the artists Gabrielle Bates and Ryde local, Korean artist, David Hashimoto for their offer to donate their sculpture, titled 'Illuminatrope'.
- (b) That Council accept the recommendation of the Arts Committee to have the City of Ryde officially accept the donation.

- (c) That Council moves that staff check the sculpture meets safety requirements for public display and compile a list of suitable sites in the LGA to erect the sculpture and the list be submitted to the Arts Committee to recommend the preferred site.

Record for the Voting:

For the Motion: Unanimous

Note: Councillor Kim returned to the meeting at 9.52pm.

Note: Councillor Brown left the meeting at 9.53pm.

18 SECTION 75W TO INCREASE HEIGHT LIMIT APPLICABLE TO 155-157 CHURCH STREET - COUNCIL SUBMISSION - Councillor Bernard Purcell

Note: Councillor Yedelian OAM disclosed a Less than Significant Non-Pecuniary Interest in this Item for reason that two of the speakers are known to him. One speaker served on the Joint Planning Panel with him and the other speaker was on his ticket at the last Council election. He was not present for consideration or voting on this Item.

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

Note: David Furlong (Holdmark Consultant), Gavin Carrier (representing Holdmark), Toni Courtelis, Sue Mifsud and Doriana Donnelly addressed the meeting in relation to this Item.

Note: A document from David Furlong regarding Shepherds Bay – Stage A was tabled in relation to this Item and a copy in ON FILE.

RESOLUTION: (Moved by Councillors Purcell and Gordon)

- (a) That the General Manager prepare a submission to the Planning and Assessment Commission objecting to any further increase in height at 155-157 Church Street, Ryde.
- (b) That the Mayor writes to the Hon. Anthony Roberts MP, Minister for Planning, and the Hon. Victor Dominello, Member for Ryde, stating clearly and categorically:
 - i. That Council continues its objection to overdevelopment and the erosion of public amenity in Ryde and of its strong objection to any further increase in height above 10 stories of the Stage A Building at 155-157 Church Street, Ryde; and

- ii. That Council reinforces its concern that any further increase in the height controls would be detrimental to community confidence in the planning process, and the considered determination of the Planning Assessment Commission that resulted in the current 10 storey height limit should be upheld.
 - iii. That Council seeks the support of the Ministers to Council's position detailed in parts (i) and (ii) above.
- (c) That Council commits to not selling the Meadowbank Operations Centre to developers, and that the General Manager work with the State Government to ensure that both the Operations Centre and the Meadowbank Public School site remain in public hands.

Record for the Voting:

For the Motion: Unanimous

Note: Councillors Brown and Yedelian OAM returned to the meeting at 9.56pm.

21 MOVABLE SOCCER GOALS - Councillor Christopher Moujalli

Note: Emma Taylor addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Moujalli and Lane)

- (a) That Council in conjunction with local football clubs and the Gladesville Hornsby Football Association (GHFA), immediately undertake a safety audit of all movable soccer goals at parks within the City of Ryde Local Government Area (LGA).
 - (i) That the audit be completed before the commencement of the 2018 football season on 7 April 2018.
- (b) That Council work with the GHFA and football clubs within the City of Ryde LGA to ensure the safe securing of portable goals at all times, when stored and in use in accordance with Mandatory Australian Standard AS4866.1-2007.

AMENDMENT: (Moved by Councillors Maggio and Kim)

- (a) That Council officers inspect the current movable goal posts at parks at Morrison Bay Park, Pidding Park and Waterloo Park and ensure that safety standards are met, and that this inspection is undertaken within two weeks.

- (b) That Council continue the goal post replacement and maintenance program.

On being put to the Meeting, the voting on the Amendment was seven (7) for and five (5) against. The Amendment was **CARRIED** and then became the Motion.

Record for the Voting:

For the Amendment: The Mayor, Councillor Laxale, Councillors Gordon, Kim, Maggio, Pedersen, Purcell and Zhou.

Against the Amendment: Councillor Brown, Clifton, Lane, Moujalli and Yedelian OAM.

RESOLUTION: (Moved by Councillors Maggio and Kim)

- (a) That Council officers inspect the current movable goal posts at parks at Morrison Bay Park, Pidding Park and Waterloo Park and ensure that safety standards are met, and that this inspection is undertaken within two weeks.
- (b) That Council continue the goal post replacement and maintenance program.

On being put to the Meeting, the voting on the Motion was seven (7) for and five (5) against. Councillor Moujalli abstained from voting and accordingly his vote was recorded Against the Motion.

Record for the Voting:

For the Motion: The Mayor, Councillor Laxale, Councillors, Brown, Kim, Maggio, Pedersen, Purcell and Zhou

Against the Motion: Councillors Clifton, Gordon, Lane, Moujalli and Yedelian OAM

COUNCIL REPORT

3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 1/18 held on 13 February 2018

4 PLANNING PROPOSAL - 176 BLAXLAND ROAD, RYDE AND DRAFT DEVELOPMENT CONTROL PLAN - 176 - 186 BLAXLAND ROAD, RYDE - OUTCOME OF EXHIBITION

Note: Councillor Moujalli disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he has known and been friends with the nephew of the sole Director of Sasco Developments.

Note: Councillor Brown left the meeting at 10.11pm and was not present for consideration or voting on this item.

Note: Philip Peake and Andrew Martin (representing the applicant) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Purcell and Kim)

(a) That Council endorse that Ryde Local Environmental Plan 2014 be amended as it relates to 176 Blaxland Road, Ryde being LOTS 22 and 23 in DP 6046 by:

- Amending Ryde Local Environmental Plan 2014 Land Zoning Map from SP2 Infrastructure - Place of Public Worship to R4 High Density Residential;
- Amending Ryde Local Environmental Plan 2014 Height of Buildings Map to include a maximum building height of 11.5 metres; and
- Amending Ryde Local Environmental Plan 2014 Floor Space Ratio (FSR) Map to include an FSR control of 1:1.
- Amending Ryde Local Environmental Plan 2014 Lot Size Map to include a Minimum Lot Size of 580m².

(b) That Council, endorse the planning proposal for 176 Blaxland Road, Ryde being forwarded to the Department of Planning and Environment with a request that the Plan be published on the NSW Legislation website.

(c) That Council endorse Draft DCP Part 6.6 176-186 Blaxland Road and that a public notice of Council's decisions is placed in a local newspaper advising that the Plan comes into effect upon the publication of the Local Environmental Plan on the NSW legislation website.

(d) That Council endorse notifying all community members who made a submission regarding this planning proposal and amendments to Ryde DCP 2014.

(e) That Council acknowledges the commitment by the applicant to comply with Council's Affordable Housing Policy at the development application stage.

Record for the Voting:

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

Against the Motion: Councillors Clifton and Gordon

NOTICES OF MOTION

9 PROVISION OF INDOOR SPORTING FACILITIES IN THE CITY OF RYDE - Councillor Roy Maggio

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

Note: Tim Thorne addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Purcell)

- (a) That the General Manager undertakes an audit of all tennis court facilities in the City of Ryde to identify those courts that may currently be underutilised.
- (b) That a report be prepared to look at the replacement of underutilised tennis courts only with indoor sporting facilities that can accommodate a number of sports including football, netball, basketball, badminton, tennis, table tennis and other to be operated by the City of Ryde.
- (c) That the report is also to provide indicative costs and options.

Record for the Voting:

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

Against the Motion: Councillor Yedelian OAM

7 RECOGNITION OF NORTH RYDE HAWKS RUGBY LEAGUE CLUB - 60 YEARS - Councillor Roy Maggio

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

Note: Sammy D'Arrigo addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Purcell)

That the City of Ryde, at the next available Council Meeting, provide a commemorative plaque recognising 60 years of the North Ryde Hawks Rugby League Club and that the President (Mr Glenn Hillier) be invited to attend the Council Meeting to collect the plaque.

Record for the Voting:

For the Motion: Unanimous

Note: Councillor Brown returned to the meeting at 10.19pm.

COUNCIL REPORTS

6 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 1/18 held on 20 February 2018

RESOLUTION: (Moved by Councillors Kim and Maggio)

That Council determine Items 1, 2, 3, 4, 5, 6, 7 and 8 of the Finance and Governance Committee Meeting 1/18, held on 20 February 2018 in accordance with the Finance and Governance Committee Terms of Reference.

Record for the Voting:

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

Against the Motion: Councillor Yedelian OAM

1 CONFIRMATION OF MINUTES - Finance and Governance Committee Meeting held on 21 November 2017

RESOLUTION: (Moved by Councillors Kim and Maggio)

That the Minutes of the Finance and Governance Committee 9/17, held on 21 November 2017, be confirmed.

Record for the Voting:

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

Against the Motion: Councillor Yedelian OAM

2 INVESTMENT REPORT AS AT 30 NOVEMBER 2017

RESOLUTION: (Moved by Councillors Kim and Maggio)

That Council endorse the Investment Report as at 30 November 2017.

Record for the Voting:

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

Against the Motion: Councillor Yedelian OAM

3 INVESTMENT REPORT AS AT 31 DECEMBER 2017

RESOLUTION: (Moved by Councillors Kim and Maggio)

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

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

Against the Motion: Councillor Yedelian OAM

4 INVESTMENT REPORT AS AT 31 JANUARY 2018

RESOLUTION: (Moved by Councillors Kim and Maggio)

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

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

Against the Motion: Councillor Yedelian OAM

5 DECEMBER QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PLAN 2017-2021 AND 2017/2018 OPERATIONAL PLAN

RESOLUTION: (Moved by Councillors Kim and Maggio)

- a) That the report of the Chief Financial Officer dated 31 December 2017 on the December Quarterly Review Report - Four Year Delivery Plan 2017-2021 and One Year Operational Plan 2017/2018, *Quarter Two, October – December 2017* be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in a net reduction of \$1.04 million to Council's Working Capital for a projected balance as at 30 June 2018 of \$4.61 million be endorsed and included in the 2017/2018 Budget.
- (c) That the proposed \$5.46 million transfers from the following Internal Reserves and Working Capital to the Ryde Central Reserve be noted and endorsed:
 - \$3.74 million from Merger and Transition Reserve to be transferred to Ryde Central Reserve.
 - \$1.5 million from Working Capital
 - \$0.20 million from Porters Creek Reserve to be transferred to Ryde Central Reserve;
 - \$0.02 million from Stockland Creche Contribution Reserve to be transferred to Ryde Central Reserve;

- (d) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Transfers to Reserves of \$0.80 million be noted and endorsed.
- (e) That the Certificate of the Responsible Accounting Officer dated 31 January 2018 be endorsed.
- (f) That the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over as detailed in the Report be noted and endorsed.

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

Against the Motion: Councillor Yedelian OAM

6 REQUEST FOR TENDER - EXPRESSION OF INTEREST - COR-EOI-04/17- REGISTER FOR PRE-QUALIFIED SUPPLIERS FOR LANDSCAPE ARCHITECTURAL DESIGN SERVICES

RESOLUTION: (Moved by Councillors Kim and Maggio)

- (a) That Council accept the Expression of Interest submissions from the shortlisted consultants for “Pre-Qualified Suppliers for Landscape Architectural Design Services” – Category A – Landscape Design Services as recommended in the Expression of Interest Evaluation Report.
- (b) That Council accept the Expression of Interest submissions from the shortlisted consultants for “Pre-Qualified Suppliers for Landscape Architectural Design Services” – Category B – Urban Design Services as recommended in the Expression of Interest Evaluation Report.
- (c) That Council advise all the respondents of Council’s decision.

Record for the Voting:

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

Against the Motion: Councillor Yedelian OAM

7 REQUEST FOR TENDER - COR-RFT-18/17- DESIGN AND CONSTRUCTION - RYDE OUTDOOR YOUTH AND FAMILY RECREATION SPACE

RESOLUTION: (Moved by Councillors Kim and Maggio)

- (a) That in accordance with S178(b) of the Local Government (General) Regulation 2005, Council decline to accept the tender submitted by Convic Pty Ltd for the Design and Construction of the Ryde Outdoor Youth and Family Recreation Space, due to the minimal number of responses received and the resultant difficulties in the ability to adequately test the market.
- (b) That in accordance with S178(3)(e), Council enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the Design and Construction of the Ryde Outdoor Youth and Family Recreation Space, on terms contained within the tender.
- (c) That in accordance with part (b) above, the General Manager be delegated the authority to enter into negotiations for the Design and Construction of the Ryde Outdoor Youth and Family Recreation Space, on terms contained within the tender and allocated budget.
- (d) That Council delegate to the General Manager the authority to;
 - enter into a contract with the successful contractor(s) on the terms contained within the tender.
 - approve minor amendments to the contract documents that are not of a material nature.

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

Against the Motion: Councillor Yedelian OAM

8 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Kim and Maggio)

That this Item be deferred to Closed Confidential Session for consideration.

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

Against the Motion: Councillor Yedelian OAM

8 REVIEW OF COUNCIL'S CODE OF MEETING PRACTICE - INCLUDING REVIEW OF COUNCIL'S COMMITTEE STRUCTURE AND OTHER RELATED MATTERS

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council endorse the proposed changes to Council's Code of Meeting Practice, including the changes to Council's Committee Meeting Structure and other matters as detailed in this report and in **ATTACHMENT 1 – CIRCULATED UNDER SEPARATE COVER**, to be placed on public exhibition for community feedback for at least 28 days from 28 February 2018 to 27 March 2018.
- (b) That a further report be presented back to Council's Meeting on 27 March 2018 to consider any community feedback and to consider the introduction of the proposed Committee Meeting Structure changes from 2 April 2018.
- (c) That Council extend the General Manager's delegations to include the acceptance of tenders up to a value of \$150,000 (excluding GST) consistent and in accordance with the recent changes to the Local Government Act.

Record for the Voting:

For the Motion: Unanimous

13 AUDIT, RISK AND IMPROVEMENT COMMITTEE

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

- (a) That Council endorse the expansion of the number of independent members of Audit and Risk Committee from two to three.
- (b) That subject to part (a) Council endorse the appointment of its independent members as detailed in the report, in accordance with the Terms of Reference of the Committee.
- (c) That Council endorse the change in name from the Audit and Risk Committee to the Audit, Risk and Improvement Committee and that the Terms of Reference be updated in accordance with this change.

Record for the Voting:

For the Motion: Unanimous

14 POSITION OF CHIEF FINANCIAL OFFICER - SENIOR STAFF POSITION

RESOLUTION: (Moved by Councillors Maggio and Kim)

That Council endorse the addition of the position of Chief Financial Officer as a designated Senior Staff position.

Record for the Voting:

For the Motion: Unanimous

1 CONFIRMATION OF MINUTES - Council Meeting held on 12 December 2017

Note: Councillor Brown left the meeting at 10.31pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Maggio and Kim)

That the Minutes of the Council Meeting 11/17, held on 12 December 2017 be confirmed.

Record for the Voting:

For the Motion: Unanimous

2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 30 January 2018

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

RESOLUTION: (Moved by Councillors Maggio and Kim)

That the Minutes of the Extraordinary Council Meeting 1/18, held on 30 January 2018 be confirmed.

Record for the Voting:

For the Motion: Unanimous

4 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 1/18 held on 13 February 2018

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

RESOLUTION: (Moved by Councillors Maggio and Kim)

That Council determine Items 1 and 2 of the Ryde Civic Hub Committee Meeting 1/18, held on 13 February 2018 in accordance with the Ryde Civic Hub Committee Terms of Reference.

Record for the Voting:

For the Motion: Unanimous

1 CONFIRMATION OF MINUTES - Ryde Central Committee Meeting held on 14 November 2017

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

RESOLUTION: (Moved by Councillors Maggio and Kim)

That the Minutes of the Ryde Central Committee 8/17, held on 14 November 2017, be confirmed.

Record for the Voting:

For the Motion: Unanimous

2 REPORT TO THE RYDE CENTRAL COMMITTEE

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

RESOLUTION: (Moved by Councillors Maggio and Kim)

That the Committee receive and note this Status Report.

Record for the Voting:

For the Motion: Unanimous

9 DISCLOSURE OF PECUNIARY INTERESTS RETURNS FROM RECENTLY ELECTED COUNCILLORS

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

RESOLUTION: (Moved by Councillors Maggio and Kim)

That Disclosure of Pecuniary Interest Returns for newly elected Councillors are tabled, as required under *Section 450A of the Local Government Act 1993*.

Record for the Voting:

For the Motion: Unanimous

11 PROPOSED COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT GUIDELINES - COUNCIL SUBMISSION

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

RESOLUTION: (Moved by Councillors Maggio and Kim)

That Council endorse a submission being made to the Office of Local Government on the proposed Councillor Induction and Professional Development Guidelines, that includes the matters as detailed within this report.

Record for the Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 GENERAL ASSEMBLY OF LOCAL GOVERNMENT

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

RESOLUTION: (Moved by Councillors Maggio and Kim)

That the correspondence be received and noted.

Record for the Voting:

For the Motion: Unanimous

3 FIT FOR THE FUTURE

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

RESOLUTION: (Moved by Councillors Maggio and Kim)

- (a) That the correspondence be received and noted.
- (b) That Council maintain the Fit for the Future financial benchmarks, as part of Council's financial indicators to be reported on annually, in conjunction with the annual Financial Statements.

Record for the Voting:

For the Motion: Unanimous

CLOSED SESSION

ITEM 6(8) - 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 15 - LETTER OF OFFER FROM MACQUARIE UNIVERSITY TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT TO FUND A SHARED PATHWAY ADJACENT EPPING ROAD, MACQUARIE PARK

Confidential

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

ITEM 16 - YUHU PROPERTY (AUSTRALIA) PTY LTD LETTER OF OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT IN ASSOCIATION WITH DEVELOPMENT APPLICATION LDA2016/378 FOR MIXED USE RESIDENTIALCOMMERCIAL REDEVELOPMENT OF EASTWOOD SHOPPING CENTRE AT 152-186 ROWE STREET, EASTWOOD

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 17 - 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.

Note: Councillor Brown returned to the meeting at 10.32pm.

RESOLUTION: (Moved by Councillors Maggio and Purcell)

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

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

Record for the Voting:

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

Against the Motion: Councillor Lane

Note: The Council closed the meeting at 10.33pm. The public and media left the chamber.

CONFIDENTIAL COUNCIL REPORTS

6 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 1/18 held on 20 February 2018

8 ADVICE ON COURT ACTIONS

Note: Councillor Brown left the meeting at 10.46pm and did not return. He was not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Gordon and Kim)

- (a) That the report of the General Counsel be received.
- (b) That Council endorse the actions on the matters as discussed in closed session.

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

Record for the Voting:

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

Against the Motion: Councillor Maggio

15 LETTER OF OFFER FROM MACQUARIE UNIVERSITY TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT TO FUND A SHARED PATHWAY ADJACENT EPPING ROAD, MACQUARIE PARK

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

RECOMMENDATION: (Moved by Councillors Purcell and Yedelian OAM)

- (a) That Council accept the letter of offer as detailed in **ATTACHMENT 1** dated 2 November 2017 from Macquarie University to enter into a Voluntary Planning Agreement in relation to a modification to Major Project No. 06_0016 for the development of Macquarie University. The Voluntary Planning Agreement will require the Applicant to provide a public benefit as summarised below:
 - i. Payment of a monetary amount of \$825,000 towards shared pathway being constructed by Council on Southern side of Epping Road in accordance with Grant Application Funding Agreement from RMS.
 - ii. Payment of monetary amount is to be made upon execution of the VPA.

- (b) That Council delegate authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement as outlined in **ATTACHMENT 1** by Macquarie University, and to subsequently exhibit a draft of the Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979;
- (c) 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.
- (d) That Macquarie University be informed of Council's decision.

Record for the Voting:

For the Motion: Unanimous

16 YUHU PROPERTY (AUSTRALIA) PTY LTD LETTER OF OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT IN ASSOCIATION WITH DEVELOPMENT APPLICATION LDA2016/378 FOR MIXED USE RESIDENTIALCOMMERCIAL REDEVELOPMENT OF EASTWOOD SHOPPING CENTRE AT 152-186 ROWE STREET, EASTWOOD

Note: Councillor Zhou disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he knows the owner of Yuhu Group and he was a member in a few Chinese Community organisations where the owner of the Yuhu Group chairs. He left the meeting at 10.56pm and was not present for consideration or voting on this Item.

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

RECOMMENDATION: (Moved by Councillors Maggio and Pedersen)

- (a) That Council accept the letter of offer as detailed in Attachments 2, 3 and 4 dated 13 January 2018 from YUHU Property (Australia) Pty Ltd to enter into a Voluntary Planning Agreement in relation to development application LDA2016/378 at 152-186 Rowe Street, Eastwood. The Voluntary Planning Agreement will require the Applicant to provide, at a minimum, the public benefits summarised below:
 - i. Rowe Street Mall Upgrade Works to value of no less than \$5,060,587 and to an agreed scope of works generally in accordance with the concept plans provided in Attachment 3 to this report.

- ii. 5 x 1 bedroom Affordable Housing Apartments to a value of no less than \$3,900,000 with the location of the apartments to be agreed between the parties.
 - iii. Civic and Urban Improvement as Works-in-Kind in surrounding streets (other than Eastwood Mall) to a value of no less than \$4,225,091 as per works detailed in Attachment 4 of this report.
- (b) That Council delegate authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement as outlined in Attachments 2, 3 and 4 by YUHU Property (Australia) Pty Ltd, including but not limited to:
- i. Scope of works for Rowe Street Mall Upgrade, including design, materials, furniture, landscape elements and plant species.
 - ii. Sufficient security over Public Benefits offered in case of other party default; and to subsequently exhibit a draft of the Voluntary Planning Agreement in accordance with the relevant provisions of the Environmental Planning and Assessment Act 1979 in:
 - Have your say – website with ability to provide feedback
 - Hand out/mail out flyers/letters to business and residents in Eastwood
 - Promotion on Social media
 - Information Drop-In Sessions in Eastwood.
- (c) That the Voluntary Planning Agreement be publicly exhibited for a minimum period of 28 days and the results of the public exhibition period be reported back to Council before any Voluntary Planning Agreement is entered into.
- (d) That YUHU Property (Australia) Pty Ltd via Urbis be informed of Council's decision.

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

Record for the Voting:

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

Against the Motion: Councillor Lane, Moujalli and Yedelian OAM

Note: Councillor Zhou returned to the meeting at 11.29pm.

17 PROPERTY MATTER

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

RECOMMENDATION: (Moved by Councillors Maggio and Purcell)

- (a) That the General Manager confirms Council's intent to negotiate commercial terms on the proposal as outlined in the body of this report.
- (b) That the General Manager be delegated the authority to negotiate, execute and implement the terms of appropriate agreements as outlined in the body of this report.
- (c) That, subject to the outcomes of (b), funding requirements as detailed in the body of this report to be included in the appropriate future Delivery Plan.
- (d) That the General Manager be delegated the authority to facilitate the preparation and lodgment of any required Development Application for associated works.
- (e) That a report be prepared for Council should there be significant community concerns raised based on merit during the community consultation process.

Record for the Voting:

For the Motion: Unanimous

OPEN SESSION

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

RESOLUTION: (Moved by Councillors Maggio and Purcell)

That Council resolve itself into open Council.

Record for the Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.30pm.

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

RESOLUTION: (Moved by Councillors Maggio and Kim)

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

Record for the Voting:

For the Motion: Unanimous

ADJOURNMENT

In accordance with Clause 4.2.5 of the Code of Meeting Practice, The Mayor, Councillor Laxale adjourned the Council Meeting, the time being 11.31pm. The Council Meeting was adjourned to:

Tuesday, 6 March 2018 at 8.00pm in the Council Chambers, Level 1A, 1 Pope Street, Ryde.

The following Councillors were present:

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

Councillor Brown was not present.

MEETING RECONVENED

The Meeting reconvened at 8.00pm on Tuesday, 6 March 2018 in the Council Chambers, Level 1A Pope Street, Ryde.

The following Councillors were present:

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

Note: Councillor Yedelian OAM arrived at the meeting at 10.28pm during discussion on Notice of Motion 17. He was not present for consideration or voting on Items 3, 3(3), 5, 5(6), 10, 12, Precs of Correspondence 2, Precs of Correspondence 4 and Notice of Motion 2, Notice of Motion 4, Notice of Motion 5, Notice of Motion 11, Notice of Motion 14 and Notice of Motion 15.

Note: Councillor Kim left the meeting at 10.56pm and was not present for consideration or voting on the Matter of Urgency, Notice of Rescission 1 and the Verbal Mayoral Minute 1/18.

Staff Present: General Manager, Acting Director – Customer and Community Services, Director – Corporate and Organisational Support Services, Acting Director – City Planning and Development, Acting Director – City Works and Infrastructure, General Counsel, Manager – Community Services, Manager – Parks, Senior Coordinator – Communications, Communications Coordinator, Senior Coordinator – Governance and Administration Officer – Councillor Support.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

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

RESOLUTION: (Moved by Councillors Maggio and Lane)

That the speaker who submitted a Request to Address Council on Items not listed on the Agenda be allowed to address the meeting, the time being 8.01pm.

Record for the Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
David Germanos	Concerns about Council actions regarding parking and parking rangers

MATTER OF URGENCY

Councillor Maggio advised the meeting that he wished to raise a Matter of Urgency regarding Mr Germanos's address to Council, concerning parking in Suttor Avenue and other related matters.

The Mayor, Councillor Laxale accepted this matter as an Urgent Item.

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

RESOLUTION: (Moved by Councillors Maggio and Lane)

That Council consider a Matter of Urgency raised by Councillor Maggio regarding parking in Suttor Avenue and other related matters, the time being 8.08pm.

Record for the Voting:

For the Motion: Unanimous

MATTER OF URGENCY – PARKING IN SUTTOR AVENUE AND OTHER RELATED MATTERS

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

RESOLUTION: (Moved by Councillors Maggio and Lane)

That Council staff meet with Mr Germanos this week to discuss parking in Suttor Avenue and other related matters.

Record for the Voting:

For the Motion: Unanimous

COUNCIL REPORTS

3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 1/18 held on 13 February 2018

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

Note: Councillor Brown left the meeting at 8.10pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Purcell and Kim)

That Council determine Item 3 of the Planning and Environment Committee report 1/18, held on 13 February 2018 noting that Items 1, 2, 5 and 6 were dealt with by the Committee within its delegated powers and Item 4 was determined earlier in the Meeting.

Record for the Voting:

For the Motion: Unanimous

3 93-97 BALACLAVA ROAD, EASTWOOD. LOT 5, 6 and 7 DP 35226. Local Development Application for boundary adjustment of three existing lots and construction of two dual occupancy developments, a single dwelling house and front fencing. LDA2017/0070.

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

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

RESOLUTION: (Moved by Councillors Purcell and Clifton)

- (a) That Local Development Application No. 2017/70 at No. 93-97 Balaclava Road, Eastwood being LOT 5, 6 and 7 DP 35226 be approved subject to the **ATTACHED** conditions of consent (**ATTACHMENT 2**), subject to the amendment of condition 1 to read as follows:

The above architectural and landscaping plans are to be amended to incorporate the following:

- (a) The flat roof on dwelling one (1) on proposed LOT 5 is to be amended to a pitched roof. This amendment is not to result in any increase to the wall height of the void area.
- (b) That the landscape plan is to be amended to incorporate a new Jacaranda at the rear of LOT 7. This tree is to be a mature specimen at the time of planting.

The Construction Certificate plans are to be amended to reflect the above changes.

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

Record for the Voting:

For the Motion: Unanimous

Note: Councillor Brown returned to the meeting at 8.13pm.

5 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 1/18 held on 20 February 2018

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

RESOLUTION: (Moved by Councillors Pedersen and Maggio)

That Council determine Item 6 of the Works and Community Committee report 1/18, held on 20 February 2018 noting that Items 1, 2, 3, 4, 5 and 7 were dealt with by the Committee within its delegated powers.

Record for the Voting:

For the Motion: Unanimous

6 REVIEW OF COMMUNITY GRANTS POLICY AND GUIDELINES

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

RESOLUTION: (Moved by Councillors Pedersen and Maggio)

- (a) That Council endorse the Community Grants 2018 Policy, Application Guidelines and the amendments as detailed in this report.
- (b) To minimise the impact on existing applications, that Council endorse that for the financial year 2017/18, the Community Grants 2018 Policy and Application Guidelines run concurrently with the Community Grants 2014 Policy and Guidelines.
- (c) That effective from financial year 2018/19, the existing Community Grants 2014 Policy and Guidelines are superseded by the 2018 Community Grants Policy and Guidelines.

Record for the Voting:

For the Motion: Unanimous

10 PROPOSED MODEL CODE OF MEETING PRACTICE - COUNCIL SUBMISSION

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

RESOLUTION: (Moved by Councillors Maggio and Purcell)

That Council endorse a submission being made to the Office of Local Government on the proposed Draft Model Code of Meeting Practice, that includes the matters as detailed within this report, subject to the exclusion of Item 2 as detailed in the report.

Record for the Voting:

For the Motion: Unanimous

12 CITIES 4.0 SUMMIT CONFERENCE - 20 TO 22 MARCH 2018 - MELBOURNE

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

RESOLUTION: (Moved by Councillors Purcell and Maggio)

- (a) That Council endorse The Mayor, Councillor Laxale's request to attend this Summit, including attendance fees, accommodation, travel and other associated expenses.
- (b) That Council endorse an additional allocation of \$12,500 for the Mayor and Councillor Conference budget to be included in the March Quarterly Budget Review which will be offset by savings from the Councillor Induction Program Budget.

Record for the Voting:

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

Against the Motion: Councillors Lane and Zhou

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

2 IMPLEMENTATION OF IMPROVEMENTS TO THE MACQUARIE PARK TO HURSTVILLE VIA BURWOOD BUS CORRIDOR ROUTE M41 - BUS STOP CHANGES

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

RESOLUTION: (Moved by Councillors Purcell and Clifton)

- (a) That the correspondence from Angus Sturrock, Director Busway Programs – Easting Sydney Congestions Program Office, Roads and Maritime Services be received and noted.
- (b) That the City of Ryde does not support the removal of the following bus stops on the M41 route:
 - Stops 3 and 4 on Culloden and Taranto Roads, Marsfield
 - Stop 26 on Lane Cove Road and Trevitt Road, North Ryde
 - Stop 47 Church and Junction Streets, Ryde
- (c) That the City of Ryde does not support the privatisation of bus services in Ryde.

Record for the Voting:

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

Against the Motion: Councillors Brown, Lane and Moujalli

4 EASTWOOD CARPARK - LETTER FROM TfNSW

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

RESOLUTION: (Moved by Councillors Maggio and Brown)

- (a) That the correspondence be received and noted.
- (b) That the General Manager contact the RMS seeking confirmation of traffic signals approval on either side of the Eastwood Mall and funding for these signals to be confirmed by the RMS.

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

Record for the Voting:

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

Against the Motion: Councillor Gordon

NOTICES OF MOTION

2 EXTRAORDINARY COUNCIL MEETINGS TO CONSIDER MAJOR PLANNING / LEGAL ISSUES - Councillor Sarkis Yedelian OAM

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

RESOLUTION: (Moved by Councillors Brown and Lane)

That consideration of this Item be deferred to the end of the Meeting.

Record for the Voting:

For the Motion: Unanimous

4 LANCASTER AVENUE, MELROSE PARK - Councillor Peter Kim

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

RESOLUTION: (Moved by Councillors Kim and Clifton)

- (a) That, noting local residents' concerns, Council undertake an investigation of the vehicle volume and speed along Lancaster Avenue, Melrose Park.
- (b) That an onsite meeting be facilitated with local residents and interested Councillors around Lancaster Avenue to obtain direct input on these concerns.
- (c) That on completion of the investigation, appropriate recommendations be made to the Ryde Traffic Committee for consideration and subsequent report to Council.

Record for the Voting:

For the Motion: Unanimous

5 EASTWOOD TOWN CENTRE FINE GRAIN FLOOD STUDY AND FLOODPLAIN MANAGEMENT PLAN - Councillor Peter Kim

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

RESOLUTION: (Moved by Councillors Kim and Purcell)

- (a) That, giving consideration to the history of flooding in the Eastwood Town Centre, Council undertake a comprehensive fine-grain flood investigation study to identify options to reduce the risk of flooding in the Eastwood Town Centre.
- (b) That funding in the order of \$150,000 be included in the 2018-2022 Delivery Plan to undertake the study, funded from Section 94 funds or any other appropriate funding sources as indicated by the General Manager.
- (c) That on completion of the study, a report be presented to Council with the results and recommendations on suitable options for inclusion in future Delivery Plans.

Record for the Voting:

For the Motion: Unanimous

11 AUSTRALIA DAY - 26 JANUARY - Councillor Trenton Brown

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

MOTION: (Moved by Councillors Brown and Moujalli)

That the City of Ryde re-affirm its support for:-

- (a) Australia Day being held on 26 January.
- (b) Citizenship Ceremonies to continue being held on Australia Day.
- (c) The Ryde Citizen and Young Citizen of the Year being announced on the eve of Australia Day in a separate celebratory event.

RESOLUTION: (Moved by Councillors Purcell and Maggio)

That this Item be dealt with in Seriatim.

Record of Voting:

For the Motion: Unanimous

Note: This Item was then dealt with in Seriatim.

RESOLUTION: (Moved by Councillors Brown and Moujalli)

- (a) Australia Day being held on 26 January.

Record for the Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Brown and Moujalli)

- (b) Citizenship Ceremonies to continue being held on Australia Day.

Record for the Voting:

For the Motion: Unanimous

MOTION: (Moved by Councillors Brown and Moujalli)

- (c) The Ryde Citizen and Young Citizen of the Year being announced on the eve of Australia Day in a separate celebratory event.

On being put to the Meeting, the voting on the Motion was one (1) for and ten against (10). Councillor Lane abstained from voting and accordingly his vote was recorded Against the Motion. The Motion was **LOST**.

Record for the Voting:

For the Motion: Councillor Brown

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

RESOLUTION: (Moved by Councillors Brown and Moujalli)

- (a) Australia Day being held on 26 January.
- (b) Citizenship Ceremonies to continue being held on Australia Day.

14 AUSTRALIAN NATIONAL FLAG - Councillor Jordan Lane

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

RESOLUTION: (Moved by Councillors Lane and Moujalli)

- (a) That Council affirms its commitment to always flying the Australian National flag with pride.
- (b) That Council acknowledges that a damaged or weathered flag should be replaced as soon as practicable.
- (c) That Council adopts an ongoing policy of ensuring that spare Australian National flags of all sizes are stored at Council offices for the immediate replacement of existing flags that are reported damaged or weathered.
- (d) That former Councillor Ryan be congratulated by the Mayor and Councillors at a suitable day by unveiling a plaque in Eastwood Plaza.
- (e) That the General Manager request that the Federal Member for Bennelong supply a number of flags in different sizes at no cost to the Council and that the General Manager find storage for them at Council offices.

Record for the Voting:

For the Motion: Unanimous

15 PEDESTRIAN SAFETY ON PITTWATER ROAD, EAST RYDE - Councillor Penny Pedersen

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

RESOLUTION: (Moved by Councillors Pedersen and Maggio)

That Council moves that the General Manager prepare a report for the Works Committee outlining options to complete a footway along the City of Ryde side of Pittwater Road between Rene Street and the Field of Mars car park in East Ryde, to be funded and constructed in 2018/2019 and to therefore be included in the 2018-2020 Delivery Plan.

Record for the Voting:

For the Motion: Unanimous

17 BUS SERVICES THROUGH THE EAST WARD OF RYDE - Councillor Penny Pedersen

Note: Councillor Pedersen tabled a petition in relation to this Item earlier in the Meeting.

Note: Councillor Yedelian OAM arrived at the meeting at 10.28pm during discussion on this Item.

MOTION: (Moved by Councillors Pedersen and Purcell)

That Council moves that the Mayor write to the Transport Minister, The Hon. Andrew Constance and the State Member for Lane Cove, The Hon. Anthony Roberts, requesting the State Government consider a public bus route linking East Ryde, Boronia Park to Top Ryde and extend the route to connect with North Ryde station.

AMENDMENT: (Moved by Councillors Lane and Brown)

That Council moves that the Mayor write to the Transport Minister, The Hon. Andrew Constance and the State Member for Lane Cove, The Hon. Anthony Roberts, requesting the State Government explore a public bus route linking East Ryde, Boronia Park to Top Ryde based on Opal Card and demographic data that supports the extension of the route to connect with North Ryde station.

On being put to the Meeting, the voting on the Amendment was four (4) for and eight against (8). The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record for the Voting:

For the Amendment: Councillors Brown, Lane, Moujalli and Yedelian OAM

Against the Amendment: The Mayor, Councillor Laxale and Councillors Clifton, Gordon, Kim, Maggio, Pedersen, Purcell and Zhou

RESOLUTION: (Moved by Councillors Pedersen and Purcell)

That Council moves that the Mayor write to the Transport Minister, The Hon. Andrew Constance and the State Member for Lane Cove, The Hon. Anthony Roberts, requesting the State Government consider a public bus route linking East Ryde, Boronia Park to Top Ryde and extend the route to connect with North Ryde station.

Record for the Voting:

For the Motion: Unanimous

19 OPENING OF COUNCIL BUILT FACILITIES - Councillor Trenton Brown

RESOLUTION: (Moved by Councillors Brown and Lane)

That the City of Ryde Council invite, and where possible select dates in co-ordination with the State and Federal Member of Parliament as applicable, to jointly open all Council built facilities that have been funded or co-funded by grants from the NSW and/or Federal Government, including the Elouera Reserve, Wilga Park and associated works in the Shrimptons Creek corridor.

Record for the Voting:

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

Against the Motion: Councillor Maggio

20 EPPING TO PARRAMATTA METRO LINE - Councillor Trenton Brown**RESOLUTION:** (Moved by Councillors Brown and Moujalli)

That the City of Ryde support a commitment to improve public transport between Ryde, the Sydney CBD and Parramatta with the view of exploring Metro rail, bus and other forms of transport.

Record for the Voting:

For the Motion: Unanimous

2 EXTRAORDINARY COUNCIL MEETINGS TO CONSIDER MAJOR PLANNING / LEGAL ISSUES - Councillor Sarkis Yedelian OAM**MOTION:** (Moved by Councillors Yedelian OAM and Lane)

That Council require the General Manager to call an Extraordinary Meeting of Council as required, on the first Tuesday of the month, to consider major items that include Voluntary Planning Agreements, Planning Proposals, legal matters or any other major matter as determined by the General Manager.

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

Record for the Voting:

For the Motion: Councillors Brown, Clifton, Kim, Lane, Moujalli and Yedelian OAM

Against the Motion: The Mayor, Councillor Laxale and Councillors Gordon, Maggio, Pedersen, Purcell and Zhou

MATTER OF URGENCY

Councillor Purcell advised the meeting that he wished to raise a Matter of Urgency regarding rescinding a previous resolution of the Works and Community Committee Meeting 1/18 held on 20 February 2018, being Item 4 – West Denistone Park – Future of Playgrounds.

The Mayor, Councillor Laxale accepted this matter as an Urgent Item.

Note: Councillor Kim left the meeting at 10.56pm and did not return. He was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Purcell and Brown)

That Council consider a Matter of Urgency raised by Councillor Purcell regarding rescinding a previous resolution of the Works and Community Committee Meeting 1/18 held on 20 February 2018, being Item 4 – West Denistone Park – Future of Playgrounds, the time being 10.56pm.

Record of Voting:

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

Against the Motion: Councillor Moujalli

Note: A Notice of Rescission signed by Councillors Purcell, Kim and Brown was then lodged and considered in relation to this Item.

NOTICE OF RESCISSION

1 WEST DENISTONE PARK – Future of Playgrounds - Councillor Purcell, Councillor Kim and Councillor Brown

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

RESOLUTION: (Moved by Councillors Purcell and Brown)

That Council rescind the previous resolution in relation to Item 4 – WEST DENISTONE PARK – Future of Playgrounds, passed at the Works and Community Committee Meeting held on 20 February 2018, namely:-

4 WEST DENISTONE PARK – Future of Playgrounds

(a) *That Council endorse Option A as outlined in this report.*

(b) *That Council write to participants in the consultation thanking them for their submissions and notifying them of this resolution.*

Record of Voting:

For the Motion: Unanimous

On being put to the Meeting, the Rescission Motion was **CARRIED**. The matter was then **AT LARGE**.

RESOLUTION: (Moved by Councillors Purcell and Brown)

- (a) That Council endorse Option B as outlined in this report, to upgrade the northern playground and leave the southern playground until the end of its serviceable life.
- (b) That Council write to participants in the consultation thanking them for their submissions and notifying them of this resolution.

Record of Voting:

For the Motion: Unanimous

VERBAL MAYORAL MINUTE

1/18 WORKS AND COMMUNITY COMMITTEE MEMBERSHIP – The Mayor, Councillor Laxale

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

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

That Council endorse Councillor Brown as a member of the Works and Community Committee.

Record for the Voting:

For the Motion: Unanimous

The meeting closed at 11.06pm on Tuesday, 6 March 2018.

CONFIRMED THIS 27TH DAY OF MARCH 2018

Chairperson