

Meeting Date: Tuesday 27 November 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, Pedersen, Purcell and Zhou.

Note: Councillor Brown arrived at the meeting at 7.22pm.

Note: Councillor Lane left the meeting at 8.59pm and did not return. He was not present for consideration or voting on Item 14.

Apologies: Councillors Maggio and Yedelian OAM.

Leave of Absence: Councillor Moujalli.

Staff Present: General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, Acting Chief Financial Officer, Manager – Communications and Engagement, Manager – Corporate Governance, Manager – Community and Rangers Services, Manager – Urban Strategy, Development Contributions Coordinator, Internal Auditor, Senior Coordinator – Communications, Communications Coordinator, Senior Coordinator – Civic Support and Civic Support Officer.

PRAYER

Reverend Bruce Stanley of St Philip's Anglican Church, Eastwood 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

The Mayor, Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in Item 4(7) – Small Grants – Allocation of Funding November 2018, for the reason that he used to be a member of North Ryde Christian Church.

Councillor Pedersen disclosed a Less than Significant Non-Pecuniary Interest in Item 4(7) – Small Grants – Allocation of Funding November 2018, for the reason that she has recently met with the CEO of C3 Church who runs the reach community outreach initiatives.

Councillor Lane disclosed a Pecuniary Interest in Item 14 – Offer to Enter into a Voluntary Planning Agreement by Macquarie Telcom in relation to a Development Application to extend a data centre at 17 to 23 Talavera Road, Macquarie Park, for the reason that he owns shares in a company that competes with MAQ, and in another company offering competing products in one segment of the business operations.

TABLING OF PETITIONS

No Petitions were tabled.

PRESENTATION TO THE WINNER, SECOND PLACE AND THIRD PLACE IN THE MAYOR'S CHRISTMAS CARD DESIGN COMPETITION

The Mayor, Councillor Laxale presented the winner, Jackson Byak, Year 2 from Holy Spirit Primary School, second place Yehensa Dahanayake, Year 5 from Meadowbank Public School and third place Sivanee Nathan, Year 1 from Denistone East Primary School with a certificate and gift voucher for the Mayor's Christmas Card Design Competition.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
David Wilson (representing Goodman)	Item 13 – Offer to enter into a Voluntary Planning Agreement by Goodman in relation to staged development of 85 to 97 Waterloo Road, Macquarie Park
John Palfreyman (representing Telecom Pty Ltd)	Item 14 – Offer to enter into a Voluntary Planning Agreement by Macquarie Telecom in relation to a development application to extend a data centre at 17 to 23 Talavera Road, Macquarie Park

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

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

RESOLUTION: (Moved by Councillors Purcell and Lane)

That the speaker who submitted a Request to Address Council on Items Listed on the Agenda on an Item previously considered by the Works and Community Committee Meeting 8/18 held on 13 November 2018 be allowed to address the meeting, the time being 7.18pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Joshua Groenestyn (representing North Ryde Christian Church)	Item 4(7) – Small Grants – Allocation of Funding November 2018

Note: Councillor Brown arrived at the meeting at 7.22pm.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Gordon and Kim)

That Council now consider the following Items, the time being 7.24pm:-

- **Item 13** – Offer to enter into a Voluntary Planning Agreement by Goodman in relation to staged development of 85 to 97 Waterloo Road, Macquarie Park
- **Item 14** – Offer to enter into a Voluntary Planning Agreement by Macquarie Telcom in relation to a development application to extend a data centre at 17 to 23 Talavera Road, Macquarie Park
- **Item 4(7)** – Small Grants – Allocation of Funding November 2018
- **Item 7** – 2017/2018 Audited Financial Statements – Presentation by Auditors

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

13 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT BY GOODMAN IN RELATION TO STAGED DEVELOPMENT OF 85 TO 97 WATERLOO ROAD, MACQUARIE PARK

Note: David Wilson (representing Goodman) addressed the Council in relation to this Item.

RESOLUTION: (Moved by Councillors Brown and Lane)

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

Record for the Voting:

For the Motion: Unanimous

14 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT BY MACQUARIE TELECOM IN RELATION TO A DEVELOPMENT APPLICATION TO EXTEND A DATA CENTRE AT 17 TO 23 TALAVERA ROAD, MACQUARIE PARK

Note: John Palfreyman (representing Macquarie Telecom Pty Ltd) addressed the Council in relation to this Item.

Note: Councillor Lane disclosed a Pecuniary Interest in this Item for the reason that he owns shares in a company that competes with MAQ, and in another company offering competing products in one segment of the business operations. He left the meeting at 7.25pm and was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Brown and Pedersen)

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

Record for the Voting:

For the Motion: Unanimous

Note: Councillor Lane returned to the meeting at 7.26pm.

COUNCIL REPORTS

4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 8/18 held on 13 November 2018

7 SMALL GRANTS- ALLOCATION OF FUNDING NOVEMBER 2018

Note: Joshua Groenestyn (representing North Ryde Christian Church) addressed the Council in relation to this Item.

Note: The Mayor, Councillor Laxale disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he used to be a member of North Ryde Christian Church.

Note: Councillor Pedersen disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that she has recently met with the CEO of C3 Church who runs the reach community outreach initiatives.

RESOLUTION: (Moved by Councillors Pedersen and Kim)

- (a) That Council endorse the allocation of The City of Ryde Small Grants Category as follows:

Organisation	Project Name	Amount
The Northern Centre	Sing & Grow @ The Northern Centre	\$2,000
North Ryde Community Aid and Information Centre Inc.	Ryde Leisure Learning Centre	\$2,000
West Ryde Chamber of Commerce	West Ryde Chamber Website Project	\$1,200
Reach Community Initiatives	Building resilience & engaging students with breakfast club & social skills	\$2,000

- (b) That Council endorse the allocation of \$324 to North Ryde Christian Church for their Christmas Carols event in Pindari Park on 18 December 2018, due to their Small Grant application falling outside the endorsed timelines and having met the assessment criteria outlined in the Community Grants Policy 2018.
- (c) That the successful Grant applicants be informed of the outcome of their application.

Record for the Voting:

For the Motion: Unanimous

7 2017/2018 AUDITED FINANCIAL STATEMENTS - PRESENTATION BY AUDITORS

RESOLUTION: (Moved by Councillors Gordon and Kim)

- (a) That in accordance with Section 419 of the Local Government Act 1993, Council receive and note the Auditor's Reports on the 2017/18 Annual Financial Statements for the year ended 30 June 2018.
- (b) That any public submissions on the 2017/18 Financial Reports be referred to Council's auditors, the Audit Office and PricewaterhouseCoopers.
- (c) That Council suspend standing orders to allow a presentation by the Audit Office and PricewaterhouseCoopers, in respect of the 2017/18 Financial Statements including the Auditor's Reports.

Record for the Voting:

For the Motion: Unanimous

Note: A presentation by the Audit Office and PricewaterhouseCoopers was then provided to Council.

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Gordon and Pedersen)

That Standing Orders be Resumed, the time being 7.38pm.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTE

25/18 WORKS AND COMMUNITY COMMITTEE AND FINANCE AND GOVERNANCE COMMITTEE – ADDITION TO COUNCILLOR MEMBERSHIP - Mayor Jerome Laxale

RESOLUTION: (Moved by The Mayor, Councillor Laxale)

That Council endorse Councillor Kim as a member of the Works and Community Committee and Finance and Governance Committee.

Record of the Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 30 October 2018

RESOLUTION: (Moved by Councillors Gordon and Pedersen)

That the Minutes of the Council Meeting 13/18, held on 30 October 2018 be confirmed.

Record for the Voting:

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

Against the Motion: Councillor Lane

2 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 13 November 2018

RESOLUTION: (Moved by Councillors Clifton and Pedersen)

That the Minutes of the Extraordinary Council Meeting 14/18, held on 13 November 2018 be confirmed.

Record for the Voting:

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

Against the Motion: Councillor Lane

3 ITEMS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That Council adopt Items 5(1), 5(4), 5(5) 6, 6(1), 6(3), 8 and 11 on the Council Agenda as per the recommendations in the reports.

Record for the Voting:

For the Motion: Unanimous

**5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE
MEETING 7/18 held on 13 November 2018**

**1 CONFIRMATION OF MINUTES - Finance and Governance
Committee Meeting held on 9 October 2018**

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That the Minutes of the Finance and Governance Committee 6/18, held on 9 October 2018, be confirmed.

Record for the Voting:

For the Motion: Unanimous

4 REQUEST FOR TENDER - COR-RFT 01/18 - PLUMBING

RESOLUTION: (Moved by Councillors Pedersen and Kim)

- (a) That Council accepts the tender from AW Edwards Pty Limited and Roseville Plumbing, for the programmed plumbing maintenance and testing of the Backflow Devices and Thermostatic Mixing Valve equipment within the City of Ryde buildings to the amount of \$45,000 per annum for a 3 year period with an option to extend for a further 2 years as recommended in the Tender Evaluation Report (**ATTACHMENT 1**) and Tender Evaluation Summary (**ATTACHMENT 2**).
- (b) That Council accepts the tenders from Trustee for CW and TW Family Trust trading as Answer Plumbing be engaged as back-up should either of the nominated contractors fail to provide the specified and contracted services and for competitive reactive repairs of the plumbing installations within the City of Ryde buildings.
- (c) That Council delegate to the General Manager the authority to enter into a contract with AW Edwards Pty Limited, Roseville Plumbing and Trustee for CW and TW Family Trust trading as Answer Plumbing on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (d) That Council advise all the respondents of Council's decision.

Record for the Voting:

For the Motion: Unanimous

5 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That the report of the General Counsel be received.

Record for the Voting:

For the Motion: Unanimous

6 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 7/18 held on 13 November 2018

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That Council determine Items 1 and 3 of the Ryde Central Committee Meeting 7/18, held on 13 November 2018 noting that Item 2 – Items Put Without Debate is not required to be considered by Council.

Record for the Voting:

For the Motion: Unanimous

1 CONFIRMATION OF MINUTES - Ryde Central Committee Meeting held on 9 October 2018

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That the Minutes of the Ryde Central Committee Meeting 6/18, held on 9 October 2018, be confirmed.

Record for the Voting:

For the Motion: Unanimous

3 RYDE CENTRAL PROJECT UPDATE

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That the Committee receive and note this report.

Record for the Voting:

For the Motion: Unanimous

8 INVESTMENT REPORT AS AT 31 OCTOBER 2018

RESOLUTION: (Moved by Councillors Pedersen and Kim)

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

Record for the Voting:

For the Motion: Unanimous

11 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF RYDE LOCAL ENVIRONMENT PLAN 2014

RESOLUTION: (Moved by Councillors Pedersen and Kim)

That the report on the Clause 4.6 variations 1 July 2018 to 30 September 2018 be received and noted.

Record for the Voting:

For the Motion: Unanimous

4 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 8/18 held on 13 November 2018

RESOLUTION: (Moved by Councillors Pedersen and Purcell)

That Council determine Item 4 of the Works and Community Committee report 8/18, held on 13 November 2018 noting that Items 1, 2, 3, 5, 6 and 8 were dealt with by the Committee within its delegated powers and Item 7 was dealt with earlier in the meeting as set out in these Minutes.

Record for the Voting:

For the Motion: Unanimous

4 PROVISION OF INDOOR SPORTING FACILITIES IN THE CITY OF RYDE

RESOLUTION: (Moved by Councillors Pedersen and Purcell)

That consideration of this matter be deferred to the Council Meeting on 11 December 2018.

Record for the Voting:

For the Motion: Unanimous

7 SMALL GRANTS- ALLOCATION OF FUNDING NOVEMBER 2018

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

5 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 7/18 held on 13 November 2018

RESOLUTION: (Moved by Councillors Clifton and Gordon)

That Council determine Item 3 of the Finance and Governance Committee Meeting 7/18, held on 13 November 2018 noting that Item 2 – Items Put Without Debate is not required to be considered by Council and Items 1, 4 and 5 were dealt with earlier in the meeting as set out in these Minutes.

Record for the Voting:

For the Motion: Unanimous

1 CONFIRMATION OF MINUTES - Finance and Governance Committee Meeting held on 9 October 2018

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

3 ANNUAL REPORT ON CODE OF CONDUCT COMPLAINT STATISTICS

RESOLUTION: (Moved by Councillors Clifton and Gordon)

(a) That Council note the **ATTACHED** table of Code of Conduct complaints for the period from 1 September 2017 to 31 August 2018.

(b) That Council provide these statistics to the Office of Local Government as required by the Model Code of Conduct – Complaints Procedure.

Record for the Voting:

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

Against the Motion: Councillor Lane

4 REQUEST FOR TENDER - COR-RFT 01/18 - PLUMBING

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

5 ADVICE ON COURT ACTIONS

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

6 REPORT OF THE RYDE CENTRAL COMMITTEE MEETING 7/18 held on 13 November 2018

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

1 CONFIRMATION OF MINUTES - Ryde Central Committee Meeting held on 9 October 2018

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

3 RYDE CENTRAL PROJECT UPDATE

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

7 2017/2018 AUDITED FINANCIAL STATEMENTS - PRESENTATION BY AUDITORS

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

8 INVESTMENT REPORT AS AT 31 OCTOBER 2018

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

9 SEPTEMBER QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PLAN 2018-2022 AND 2018/2019 OPERATIONAL PLAN

RESOLUTION: (Moved by Councillors Gordon and Purcell)

- (a) That the report of the Acting Chief Financial Officer dated 30 September 2018 on the September Quarterly Review Report - Four Year Delivery Plan 2018- 2022 and One Year 2018/19 Operational Plan, *Quarter One, July – September 2018* be received and endorsed.
- (b) That the proposed budget adjustments included in this report resulting in no changes to Council's Working Capital of a projected balance as at 30 June 2019 of \$5.01 million, be endorsed and included in the 2018/2019 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Transfers from Reserves of \$1.64 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer dated 12 November 2018 be endorsed.
- (e) That Council endorse the Projects recommended for cancellation, deferral, being placed on hold or proposed to be carried over, as detailed in the Report.

Record for the Voting:

For the Motion: Unanimous

10 2018/2019 CHRISTMAS NEW YEAR ARRANGEMENTS - DELEGATIONS TO THE MAYOR AND GENERAL MANAGER

MOTION: (Moved by Councillors Gordon and Kim)

- (a) That during the period 12 December 2018 to 12 February 2019, the Mayor and General Manager be delegated any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act provided the functions are exercised in compliance with the relevant Council policy and where no such policy exists with all due caution.
- (b) That all decisions made by the Mayor and General Manager under this resolution, be communicated to all Councillors as soon as reasonably possible, in addition to a Mayoral Minute being submitted to Council's meeting on 26 February 2019, if required.
- (c) That Council endorse Liz Coad, Director – City Planning and Environment to act as General Manager for the period 2 January 2019 to 28 January 2019, while the incumbent General Manager is away on leave.

AMENDMENT: (Moved by Councillors Lane and Brown)

- (a) That during the period 12 December 2018 to 12 February 2019, the Mayor and General Manager be delegated any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act provided the functions are exercised in compliance with the relevant Council policy and where no such policy exists with all due caution.
- (b) That a notice of intent for all decisions made by the Mayor and General Manager under this resolution, be communicated to all Councillors via email or Councillor Information Bulletin prior to enactment.
- (c) That Council endorse Liz Coad, Director – City Planning and Environment to act as General Manager for the period 2 January 2019 to 28 January 2019, while the incumbent General Manager is away on leave.

On being put to the Meeting, the voting on the Amendment was two (2) votes for and seven (7) against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record for the Voting:

For the Amendment: Councillors Lane and Brown

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

RESOLUTION: (Moved by Councillors Gordon and Kim)

- (a) That during the period 12 December 2018 to 12 February 2019, the Mayor and General Manager be delegated any functions of the Council that may lawfully be delegated under Section 377 of the Local Government Act provided the functions are exercised in compliance with the relevant Council policy and where no such policy exists with all due caution.
- (b) That all decisions made by the Mayor and General Manager under this resolution, be communicated to all Councillors as soon as reasonably possible, in addition to a Mayoral Minute being submitted to Council's meeting on 26 February 2019, if required.
- (c) That Council endorse Liz Coad, Director – City Planning and Environment to act as General Manager for the period 2 January 2019 to 28 January 2019, while the incumbent General Manager is away on leave.

Record for the Voting:

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

Against the Motion: Councillor Lane

11 VARIATIONS TO DEVELOPMENT STANDARDS UNDER CLAUSE 4.6 OF RYDE LOCAL ENVIRONMENT PLAN 2014

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

12 ECONOMIC DEVELOPMENT PROGRAM - ANNUAL UPDATE 2017/2018

RESOLUTION: (Moved by Councillors Gordon and Kim)

- (a) That Council endorse the program to update the Economic Development Program including: Consultation mid-2019, Exhibition late 2019 and Completion 2020.
- (b) That development of the new Economic Development Plan explore options to:
- Support small, medium and large local businesses;
 - Address youth employment issues;
 - Promote Inward Investment opportunities; and
 - Continue building capacity with SMEs.
 - deliver support to Culturally and Linguistically Diverse businesses and organisations AND in languages other than English (eg. Korean language to Korean business communities)

Record for the Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 RENEWABLE ENERGY – Councillor Edwina Clifton

RESOLUTION: (Moved by Councillors Clifton and Gordon)

That Council seek a report by the end of June 2019 to demonstrate how a Renewable Energy Target (RET) can be mandated by 30 June 2030, to achieve at least 60% (sixty per cent) of all electricity usage for which Ryde Council is financially responsible, (that is, electricity consumed by the operations and services of Ryde Council and for which it is invoiced and legally obliged to pay). This electricity shall be derived from a recognised renewable energy source including but not limited to solar power, wind power, hydro power and wave power and specifically not be sourced from any electricity that is generated by utilizing coal in any means or methods in the production cycle of such electricity.

Record for the Voting:

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

Against the Motion: Councillors Brown and Lane

QUESTIONS BY COUNCILLORS AS PER POLICY

1 QUESTIONS WITH NOTICE - Councillor Trenton Brown

The below Questions (numbers 1 and 2) relate to 112 Talavera Road, Macquarie Park

Question 1:

Since the November 2017 Council Meeting Confidential Session that approved the development of the Meriton proposal at 112 Talavera Road, Macquarie Park, how many meetings have been held between the proponent and:

1. Staff members of the Council?
2. The Mayor of the City of Ryde?
3. Any Councillor from the City of Ryde?

Please list the meeting dates for all three sections above.

Answer 1:

Please note that the development at 112 Talavera Road, Macquarie Park has not been approved to date. Final authority to approve the proposal rests with the state government.

Meetings held with the proponent:

1. Staff - 9 meetings
2. The Mayor - zero
3. Councillors - this is a matter for individual Councillors

Staff meetings dates with the proponent occurred on:- 1/8/2017, 23/1/2018, 15/3/2018, 12/4/2018, 18/4/2018, 8/8/2018, 23/8/2018, 6/11/2018, 22/11/2018.

Question 2:

What is the projected Net Present Value (NPV) of the 112 Talavera Road, Macquarie Park project and how much of this uplift is being shared with the City of Ryde Council?

Answer 2:

NVP is a time value of money measure, not a value capture measure. Council uses RLV (Residual Land Value - being the value of land after taking development costs into account) to measure value capture from developments.

Current industry practice is to derive 50% of the uplift on RLV noting that this can include local and state infrastructure. Hill PDA and Lindsay Taylor Lawyers have been engaged to assist Council staff in the valuation and preparation of this Voluntary Planning Agreement (VPA) throughout the assessment process.

The offer to City of Ryde in the now exhibited VPA is valued at approximately \$35 million. In addition Meriton have confirmed the NSW State Government will be paid \$12,528 million for State Infrastructure projects as they are required to make "satisfactory arrangements" with the State before the project can proceed. Hill PDA have stated that the value capture should be in the vicinity of \$50 to \$60 million noting however the market has softened in the past 12 months.

These figures do not include standard developer contributions to be paid to City of Ryde under our 7.11 Plan (formally Section 94) which will also be paid by Meriton to be indexed by CPI valued at approximately \$25 million.

The below Questions (numbers 3, 4 and 5) relate to the West Ryde Car Park

Question 3:

When does the car park lease to Wilson Car Parking expire?

Answer 3:

Council resolved at its meeting of December 2013 to accept the revised *Car Park Management Plan- West Ryde Village* which required Coles to enter into a suitable agreement with the car park operator (Wilsons). As such, Council is not party to this commercial agreement and does not hold any information on the term of this agreement.

Question 4:

Is there any community consultation to be undertaken before a new lease is to be undertaken?

Answer 4:

As this agreement is commercial in nature, it is unlikely that Coles would undertake any community consultation prior to extending the current agreement or entering into a new agreement.

Question 5:

How much money (revenue per annum) has this car park generated for the Council over the life of the contract?

Answer 5:

Under the agreement, the net revenue (if a positive number) derived from the use and operation of the car park, after deducting all costs and relevant expenses in relation to any aspect of the car park (which includes Level B1 and B2), will be shared in equal proportions between Council and Coles. To date, Council has not received any revenue from the car park. This should be considered in the context of free parking for the first two hours and thereafter becoming paid parking. The proportion of paid to unpaid parking is likely to be not significant in gross revenue terms - the net result does not generate revenue for sharing. This is being examined with Coles to confirm recent operating results of the car park.

CLOSED SESSION

ITEM 13 - OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT BY GOODMAN IN RELATION TO STAGED DEVELOPMENT OF 85 TO 97 WATERLOO 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 14 - OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT BY MACQUARIE TELECOM IN RELATION TO A DEVELOPMENT APPLICATION TO EXTEND A DATA CENTRE AT 17 TO 23 TALAVERA ROAD, MACQUARIE PARK

Confidential

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

RESOLUTION: (Moved by Councillors Gordon and Kim)

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

Record for the Voting:

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

Against the Motion: Councillor Lane

Note: The Council closed the meeting at 8.36pm. The public and media left the chamber.

13 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT BY GOODMAN IN RELATION TO STAGED DEVELOPMENT OF 85 TO 97 WATERLOO ROAD, MACQUARIE PARK

Note: David Wilson (representing Goodman) addressed the Council in relation to this Item.

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council accept the letter of offer as detailed in **ATTACHMENT 2** dated 11 October 2018 from Goodman to enter into a Voluntary Planning Agreement in relation to Development Application LDA2017/96 for Concept Development at 97 to 85 Waterloo Road, Macquarie Park. The Voluntary Planning Agreement will require the Applicant to provide public benefits as summarised below:
- i. Road Dedication and Construction estimated construction cost at \$5.28M
 - ii. Pedestrian Access Link
 - iv. Monetary contributions to value of \$16,412,782.55 to be indexed over time, minus cost of construction of cost of pedestrian link to be agreed between the parties.
- (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 Goodman, 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 Goodman be informed of Council's decision.

On being put to the Meeting, Councillor Kim 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, Pedersen, Purcell and Zhou

Against the Motion: Councillors Brown, Kim and Lane

14 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT BY MACQUARIE TELECOM IN RELATION TO A DEVELOPMENT APPLICATION TO EXTEND A DATA CENTRE AT 17 TO 23 TALAVERA ROAD, MACQUARIE PARK

Note: John Palfreyman (representing Macquarie Telecom Pty Ltd) addressed the Council in relation to this Item.

Note: Councillor Lane disclosed a Pecuniary Interest in this Item for the reason that he owns shares in a company that competes with MAQ, and in another company offering competing products in one segment of the business operations. He left the meeting at 8.59pm and did not return. He was not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council accept the letter of offer as detailed in **ATTACHMENT 1** dated 8 October 2018 from City Plan on behalf of Macquarie Telecom to enter into a Voluntary Planning Agreement in relation to Development Application LDA2018/322 for Expansion of Existing Macquarie Park Data Centre at 17 to 23 Talavera Road, Macquarie Park. The Voluntary Planning Agreement will require the Applicant to provide public benefits as summarised below:
 - i. Monetary contributions to value of \$795,000 to be indexed over time, and made payable prior to issue of any Construction Certificate, with security for the amount payable to be provided upon execution.
- (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 City Plan Services on behalf of Macquarie Telecom, 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 City Plan Services and Macquarie Telecom be informed of Council's decision.

On being put to the Meeting, Councillor Kim 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, Pedersen, Purcell and Zhou

Against the Motion: Councillors Brown and Kim

OPEN SESSION

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

RESOLUTION: (Moved by Councillors Gordon and Purcell)

That Council resolve itself into open Council.

Record for the Voting:

For the Motion: Unanimous

Note: Open Council resumed at 9.01pm.

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

RESOLUTION: (Moved by Councillors Gordon 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

The meeting closed at 9.02pm.

CONFIRMED THIS 11TH DAY OF DECEMBER 2018

Chairperson