

**Meeting Date:** Tuesday 12 November 2019  
**Location:** Council Chambers, Level 1A, 1 Pope Street, Ryde  
**Time:** 7.30pm

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

**Apologies:** Nil.

**Leave of Absence:** Nil.

**Staff Present:** General Manager, Director – Customer and Community Services, Director – Corporate Services, Director – City Planning and Environment, Director – City Works, General Counsel, Executive Manager – Strategy and Innovation, Manager – Communications and Engagement, Manager, Corporate Governance, Manager – Community and Ranger Services, Senior Coordinator – Communications, Senior Coordinator – Community Engagement, Communications Coordinator, Civic Services Manager and Civic Support Officer.

### **PRAYER**

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

### **NATIONAL ANTHEM**

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

### **DISCLOSURES OF INTEREST**

Councillor Zhou disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 1 – Eastwood Shopping Centre for the reason that he knows the landowner, Mr Huang of the Eastwood Centre (may be former owner).

### **ONE MINUTE SILENCE**

Councillor Kim requested that Council observe a one minute silence as a mark of respect for the bush firefighters enduring catastrophic conditions today.

Note: A one minute silence was then observed.

### **TABLING OF PETITIONS**

No Petitions were tabled.

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

The following persons addressed the Council:-

<b>Name</b>	<b>Topic</b>
Eunice Dumas (representing NoIRE)	<b>Notice of Motion 1</b> – Eastwood Shopping Centre
Lucy Lauria	<b>Notice of Motion 1</b> – Eastwood Shopping Centre
Timothy Pinzone	<b>Notice of Motion 1</b> – Eastwood Shopping Centre

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

The following persons addressed the Council:-

<b>Name</b>	<b>Topic</b>
Paul Margereson (representing Denistone Conservation Action Group)	I would like to demonstrate support for the Chatham Road and Darvall Park HCA's with reasoning, from someone who has been part of the community for over 40 years and who does not want the area to be downgraded by Duplexes and other large buildings
Giri Ramachandran	Supporting Heritage Conservation Proposal by Ryde Council. As a long term owner of property at 66 Chatham Road, Denistone we want to preserve the heritage conservation street scape and character of the area. We recently developed complete sympathetic street scape and character
Philip Brown	The Heritage Conservation Area specifically the Chatham Area, Denistone
Elisha James	Wish to address the matter of the Denistone Character Area and HCA plan. I am pro conservation, pro heritage and my family and myself are residents of Denistone and are directly affected by the changes in the area
Faye Lin (representing proposed Wharf Road HCA)	Heritage Area – In relation to proposed Wharf Road HCA, Heritage Planning 2019, local residents have done a petition and a survey within the area, we would like to present it to Councillors
Tom Tsihlis	Speaking in support of the Heritage Conservation Areas proposed by Ryde Council as part of the Heritage Review 2019
David Hamley (representing the West Ryde Hotel)	Proposed Heritage Listings in the Ryde Council area, specifically the West Ryde Hotel
Jenny Steel	Support for the Heritage Review 2019, especially Darvall and Chatham Estates. HCA recognises their highly intact nature and historical significance to Ryde. My home is heritage listed. HCA has many benefits, allowing sympathetic property modifications while providing Council with certainty to protect the distinctive neighbourhood character

Name	Topic
Dr Felix Lo (representing City of Ryde Chinese Community)	Community Appraisal of the Public Office of Deputy Mayor, Councillor Simon Zhou, working with Senior Citizens, Heritage Review 2019, access to services, misfortunes of the Yang Family from 2018 fire, Eastwood Neighbourhood Security Watch and Eastwood Lunar New Year Festival

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

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

That the speaker who submitted a Request to Address Council on an Item after the midday deadline be allowed to address the meeting, the time being 8.25pm.

**Record of Voting:**

For the Motion: Unanimous

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

The following person addressed the Council:-

Name	Topic
Frank Rayner	<b>Notice of Motion 1</b> – Eastwood Shopping Centre

Note: Frank Rayner circulated a document to all Councillors and a copy is ON FILE.

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

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

That an additional speaker who submitted a Request to Address Council on an Item after the midday deadline be allowed to address the meeting, the time being 8.31pm.

**Record of Voting:**

For the Motion: Unanimous

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

The following person addressed the Council:-

Name	Topic
George Wu	<b>Notice of Motion 1</b> – Eastwood Shopping Centre

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

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

Note: Councillor Lane left the meeting at 8.40pm and was not present for voting on this Item.

That a further speaker who submitted a Request to Address Council on an Item after the midday deadline be allowed to address the meeting, the time being 8.40pm.

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

### **Record of Voting:**

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

Against the Motion: Councillors Clifton and Kim

Note: Councillor Lane returned to the meeting at 8.41pm.

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

The following person addressed the Council:-

<b>Name</b>	<b>Topic</b>
Chris DeBruyne	<b>Notice of Motion 1 – Eastwood Shopping Centre</b>

### **NOTICE OF MOTION**

#### **1 EASTWOOD SHOPPING CENTRE - Councillor Trenton Brown, Councillor Jordan Lane**

Note: Councillor Zhou disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he knows the landowner, Mr Huang of the Eastwood Centre (may be former owner).

Note: Eunice Dumas (representing NoIRE), Lucy Lauria, Timothy Pinzone, Frank Rayner, George Wu and Christopher Debruyne addressed the meeting in relation to this Item.

Note: Councillor Lane tabled page 13 of Council's Code of Conduct – Standards of Conduct (April 2019) document in relation to this Item and a copy is ON FILE.

Note: Councillor Lane tabled page 33 of Council's Code of Conduct – Complaints Procedure (April 2019) document in relation to this Item and a copy is ON FILE.

Note: Councillor Lane tabled Council's Code of Conduct – Policy (April 2019) document in relation to this Item and a copy is ON FILE.

Note: Councillor Purcell tabled a brochure outlining Labour's achievements in Ryde and a copy is ON FILE.

**MOTION:** (Moved by Councillors Brown and Lane)

1. That the City of Ryde undertake the following actions:-
  - (a) Refer the allegations in the Australian Financial Review (AFR) of 30 October 2019 to the NSW Independent Commission Against Corruption (ICAC) for their full investigation and advice.
  - (b) Call upon the Mayor and Deputy Mayor to stand down from their positions in the interim, pending this investigation.
  - (c) That the Council co-operate fully with the ICAC and offer all information and assistance possible about the Yuhu Group Development Application for the Eastwood Shopping Centre.
2. That the City of Ryde write to the Northern Sydney Planning Panel and attempt to have the approval of the Eastwood Shopping Centre overturned and that its development be held in abeyance pending an investigation by the NSW ICAC.
3. That the City of Ryde write to State and Federal Governments and seek the assets of the Yuhu Group at the Eastwood Shopping Centre being frozen until such time as the bona fide's of the Development Application process can be ascertained and consent given for this process and approval by the relevant authorities.

**AMENDMENT:** (Moved by Councillors Clifton and Purcell)

1. That the City of Ryde note that this matter has been referred to the NSW ICAC and request that the General Manager do the same.
2. That, should the ICAC decide to investigate, that the General Manager and Council Staff co-operate fully and offer all information and assistance possible about the Yuhu Development Application for the Eastwood Shopping Centre.
3. That the General Manager be delegated authority to undertake any legal action (including legal measures) to correct inaccurate media reports and public statements covering this matter.

4. That the General Manager report media organisations that fail to adequately retract and correct the record, to the Australian Press Council.

On being put to the Meeting, Councillor Kim abstained from voting and accordingly his vote was recorded Against the Amendment. The voting on the Amendment was six (6) all. The Mayor used his casting vote in favour of the Amendment. The Amendment was **CARRIED** and then became the Motion.

**Record of Voting:**

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

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

**FURTHER AMENDMENT:** (Moved by Councillors Lane and Brown)

1. That the City of Ryde undertake the following actions:-
  - (a) Refer the allegations in the Australian Financial Review (AFR) of 30 October 2019 to the NSW Independent Commission Against Corruption (ICAC) for their full investigation and advice.
  - (b) Call upon the Mayor and Deputy Mayor to stand down from their positions in the interim, pending this investigation.
  - (c) That the Council co-operate fully with the ICAC and offer all information and assistance possible about the Yuhu Group Development Application for the Eastwood Shopping Centre.
2. That the City of Ryde write to the Northern Sydney Planning Panel and attempt to have the approval of the Eastwood Shopping Centre overturned and that its development be held in abeyance pending an investigation by the NSW ICAC.
3. That the City of Ryde write to State and Federal Governments and seek the assets of the Yuhu Group at the Eastwood Shopping Centre being frozen until such time as the bona fide's of the Development Application process can be ascertained and consent given for this process and approval by the relevant authorities.
4. That Council write to the President of LGNSW and the Office of Local Government encouraging them to conduct their own investigation and take or recommend appropriate disciplinary action should there be an adverse finding.

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

**Record of Voting:**

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

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

**REQUEST FOR ITEM TO BE DEALT WITH IN SERIATIM**

**MOTION:** (Moved by Councillors Kim and Zhou)

That this Item be dealt with in Seriatim.

On being put to the Meeting, the voting on the Motion was two (2) for and ten (10) against. The Motion was **LOST**.

**Record of Voting:**

For the Motion: Councillors Kim and Zhou

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

**RESOLUTION:** (Moved by Councillors Clifton and Purcell)

1. That the City of Ryde note that this matter has been referred to the NSW ICAC and request that the General Manager do the same.
2. That, should the ICAC decide to investigate that the General Manager and Council Staff co-operate fully and offer all information and assistance possible about the Yuhu Development Application for the Eastwood Shopping Centre.
3. That the General Manager be delegated authority to undertake any legal action (including legal measures) to correct inaccurate media reports and public statements covering this matter.
4. That the General Manager report media organisations that fail to adequately retract and correct the record, to the Australian Press Council.



On being put to the Meeting, Councillor Kim abstained from voting and accordingly his vote was recorded Against the Motion. The voting on the Motion was six (6) all. The Mayor used his casting vote for the Motion. The Motion was **CARRIED**.

**Record of Voting:**

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

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

The meeting closed at 11.54pm.

CONFIRMED THIS 26TH DAY OF NOVEMBER 2019

Chairperson