

Meeting Date: Tuesday 23 February 2021
Location: Online Audio Visual Meeting
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 Yedelian OAM left the meeting at 11.17pm and did not return. He was not present for voting on Confidential Items 12, 13, 14 and 17.

Note: Councillor Kim left the meeting at 12.10am during discussion on Confidential Item 17 and did not return. He was not present for voting on Confidential Item 17.

Note: Councillor Maggio left the meeting at 12.10am during discussion on Confidential Item 17 and did not return. He was not present for voting on Confidential Item 17.

Apologies: Nil.

Staff Present: General Manager, Director – Customer and Community Services, Acting Director – Corporate Services, Director – City Planning and Environment, Director – City Works, General Counsel, Chief Financial Officer, Manager – Parks, Manager – Community and Ranger Services, Manager – Urban Strategy, Manager – Project Development, Development Contributions Coordinator, Senior Coordinator – Risk and Insurance, Senior Coordinator – Community Engagement, Civic Services Manager, System Support Officer and Civic Support Officer.

PRAYER

Reverend Brendan Handel of the Ryde Baptist 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 Kim disclosed a Less than Significant Non-Pecuniary Interest in Notice of Motion 7 – Heritage Listing and Protection of Brush Park Bowling Club and Confidential Item 17 – Property Acquisition – Eastwood for the reason that he is an ex-member of the Brush Park Bowling Club and he also resides near the Club.

TABLING OF PETITIONS

Councillor Yedelian OAM tabled a petition with over 130 signatures in relation to a proposal by the City of Ryde to introduce timed parking restrictions at 79 Falconer Street, West Ryde.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons made a written submission to Council:-

Name	Topic
Sarah Horsfield (representing Urbis)	Item 6 – Planning Proposal Macquarie Ice Rink Heritage Item – Outcomes of Exhibition
Mark Krywienko	Item 6 – Planning Proposal Macquarie Ice Rink Heritage Item – Outcomes of Exhibition
Diane Turner	Item 6 – Planning Proposal Macquarie Ice Rink Heritage Item – Outcomes of Exhibition
Theodor Marcu	Item 6 – Planning Proposal Macquarie Ice Rink Heritage Item – Outcomes of Exhibition

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No written submissions were made to Council.

MAYORAL MINUTES

MM21/1 RACISM NOT WELCOME AND WELCOMING CITIES CAMPAIGNS

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

- (a) That Council endorse and become a member of the “racism not welcome” campaign and continue to encourage advocacy and promotion of the campaign in the local area.
- (b) That Council endorse and become a member of the “welcoming cities” project.
- (c) That should funding be required to implement membership, events, advocacy and promotion of either campaign, that a report of action be brought back to council for consideration within three months.

Record for the Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 ITEMS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

That Council adopt Item 3, Item 4, Item 6, Item 7, Precis of Correspondence 1, Precis of Correspondence 2 and Item 11 on the Council Agenda as per the recommendations in the reports.

Record for the Voting:

For the Motion: Unanimous

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 1/21 held on 9 February 2021

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

That Council determine Item 4 of the Works and Community Committee report 1/21, held on 9 February 2021 noting that Items 1, 2, 3, 5 and 6 were dealt with by the Committee within its delegated powers.

Record for the Voting:

For the Motion: Unanimous

4 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING 1/21 held on 9 February 2021

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

That Council determine Items 4 and 5 of the Finance and Governance Committee report 1/21, held on 9 February 2021 noting that Items 1, 2, 3 and 6 were dealt with by the Committee within its delegated powers.

Record for the Voting:

For the Motion: Unanimous

**6 PLANNING PROPOSAL MACQUARIE ICE RINK HERITAGE ITEM -
Outcomes of Exhibition**

Note: Sarah Horsfield (representing Urbis), Mark Krywienko, Diane Turner and Theodor Marcu made a written submission in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

- (a) That Council supports the updating of the wording of the Planning Proposal Macquarie Ice Rink Heritage Item to state that the proposed heritage listing applies to that part of Lot 100 DP 1190494 on which the ice rink is situated.
- (b) That Council supports the finalisation of the Planning Proposal Macquarie Ice Rink Heritage Item as updated.
- (c) That Council endorse amending *Ryde Local Environmental Plan 2014* as it relates to the Macquarie Ice Rink, located within Macquarie Shopping Centre at 197-223 Herring Road, Macquarie Park (Part of Lot 100 DP 1190494), by:
 - Amending *Schedule 5 Environmental Heritage* to list the Macquarie Ice Rink as an item of environmental heritage as per the wording in the updated Planning Proposal; and
 - Amending the Ryde Local Environmental Plan 2014 Heritage Map to include the property.
- (d) That Council forward the updated Planning Proposal to Parliamentary Counsel and the Department of Planning, Environment and Industry for legal drafting and in accordance with local plan-making delegation that the General Manager finalise the plan.
- (e) That the property owner and all who made submissions be advised of Council's decision.

Record for the Voting:

For the Motion: Unanimous

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

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

That the report on the Clause 4.6 variations 1 January 2018 to 31 March 2018 be received and noted.

Record for the Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE

1 RESPONSE BY PRIME MINISTER'S OFFICE - HOSTILITIES IN NAGORNO KARABAKH

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

That the correspondence be received and noted.

Record for the Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE

2 REPOSE BY MINISTER FOR FAMILIES AND SOCIAL SERVICES TO LETTER REGARDING DOMESTIC VIOLENCE

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

That the correspondence be received and noted.

Record for the Voting:

For the Motion: Unanimous

11 REQUEST FOR TENDER - COR-RFT-11/20 - PROVISION OF PLANT HIRE

RESOLUTION: (Moved by Councillors Maggio and Pedersen)

- (a) That the tenders for hiring of plant from 1 March 2021 for a period of 24 months with an option to extend for a period of 12 months from the following tenderers be accepted on an “as required” basis for the indicated category of plant:

Tenderer	Category of Plant
Acclaimed Excavations Pty Ltd	Excavators & Skid Steers
Hickys Earthmoving Pty Ltd	Excavators
Matthews Contracting Pty Ltd	Excavators & Skid Steers
Mikcon Pty Ltd	Excavators & Skid Steers
Onrail Plant Hire Pty Ltd	Excavators & Skid Steers
Raygal Pty Ltd	Excavators & Skid Steers
Trimcon Pty Ltd	Excavators & Skid Steers

- (b) That Council delegate to the General Manager the authority to enter into a contract with the recommended contractors on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advise all the respondents of Council’s decision.

Record for the Voting:

For the Motion: Unanimous

2 CONFIRMATION OF MINUTES - Council Meeting held on 8 December 2020

RESOLUTION: (Moved by Councillors Purcell and Clifton)

That the Minutes of the Council Meeting 14/20, held on 8 December 2020 be confirmed.

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

**3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 1/21
held on 9 February 2021**

**4 NOMINATIONS FOR MEMBERSHIP OF THE RECONCILIATION
ACTION WORKING GROUP**

MOTION: (Moved by Councillors Purcell and Clifton)

- (a) That Council endorse the nominations of Ms. Jessica Herder, Ms. Kylie Tarleton, Ms. Michelle Lawrence, Ms. Lillian Hong, Ms. Alison Salt and Mr. Gaurav Patni for a position on the Reconciliation Action Working Group.
- (b) That Council writes to the six nominees officially welcoming them, as members of the Reconciliation Action Working Group and that staff continue to seek nominations from Indigenous citizens willing to participate.

AMENDMENT: (Moved by Councillors Brown and Kim)

- (a) That the name of the Committee be changed to “The Aboriginal Voice to the City of Ryde Council”.
- (b) That the Membership of the Committee be restricted to Indigenous Australians who reside in the City of Ryde.

On being put to the meeting, the voting on the Amendment was four (4) For and eight (8) Against. The Amendment was **LOST**.

Record of the Voting:

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

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

FURTHER AMENDMENT: (Moved by Councillors Lane and Kim)

- (a) That Council delegate staff to develop a report and action plan be developed to allow for a ‘First Nation’s Voice’ to Council constituting at least 50% First Nations membership.
- (b) That Council request the report be brought back to Council within six (6) months following extensive consultation with First Nations stakeholders.

On being put to the meeting, the voting on the Further Amendment was four (4) For and eight (8) Against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record of the Voting:

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

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

Note: Councillor Moujalli left the meeting at 8.03pm and was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Purcell and Clifton)

- (a) That Council endorse the nominations of Ms. Jessica Herder, Ms. Kylie Tarleton, Ms. Michelle Lawrence, Ms. Lillian Hong, Ms. Alison Salt and Mr. Gaurav Patni for a position on the Reconciliation Action Working Group.
- (b) That Council writes to the six nominees officially welcoming them, as members of the Reconciliation Action Working Group and that staff continue to seek nominations from Indigenous citizens willing to participate.

Record of the Voting:

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

Against the Motion: Councillors Brown and Kim

**4 REPORT OF THE FINANCE AND GOVERNANCE COMMITTEE MEETING
1/21 held on 9 February 2021**

4 INVESTMENT REPORT AS AT 31 DECEMBER 2020

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

RESOLUTION: (Moved by Councillors Clifton and Purcell)

That Council endorse the Investment Report as at 31 December 2020.

Record of the Voting:

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

Against the Motion: Councillor Lane

5 2021 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA) NSW ANNUAL CONFERENCE - 18 TO 20 MARCH 2021

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

RESOLUTION: (Moved by Councillors Clifton and Purcell)

That Council endorse the Mayor, Councillor Laxale, Councillor Pedersen and Councillor Purcell's request to attend the 2021 Australian Local Government Women's Association (ALGWA) NSW Annual Conference, including attendance fees, travel and other associated expenses.

Record of the Voting:

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

Against the Motion: Councillors Kim and Lane

5 DECEMBER QUARTERLY REVIEW REPORT - FOUR YEAR DELIVERY PLAN 2020-2024 AND 2020/2021 OPERATIONAL PLAN

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

MOTION: (Moved by Councillors Clifton and Pedersen)

- (a) That the report of the December 2020 Quarterly Review Statement - Four Year Delivery Plan 2020 - 2024 and One Year 2020/21 Operational Plan, *Quarter Two, October– December 2020* be received and endorsed by Council.
- (b) That the proposed budget adjustments and project changes summarised in **ATTACHMENT 1** to the report, resulting in no net impact on Council's projected Working Capital position of \$4.50 million (as at 30 June 2021) be endorsed by Council.

AMENDMENT: (Moved by Councillors Maggio and Kim)

- (a) That the report of the December 2020 Quarterly Review Statement - Four Year Delivery Plan 2020 - 2024 and One Year 2020/21 Operational Plan, *Quarter Two, October– December 2020* be received and endorsed by Council.
- (b) That the proposed budget adjustments and project changes summarised in **ATTACHMENT 1** to the report, resulting in no net impact on Council's projected Working Capital position of \$4.50 million (as at 30 June 2021) be endorsed by Council.
- (c) That further detail in relation to parking control income noted on page 49 to be presented to the March Council Meeting.
- (d) That a further COVID-19 detailed forecast financial report be presented to the March Council Meeting.

On being put to the meeting, the voting on the Amendment was five (5) For and six (6) Against. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record for the Voting:

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

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

RESOLUTION: (Moved by Councillors Clifton and Pedersen)

- (a) That the report of the December 2020 Quarterly Review Statement - Four Year Delivery Plan 2020 - 2024 and One Year 2020/21 Operational Plan, *Quarter Two, October– December 2020* be received and endorsed by Council.
- (b) That the proposed budget adjustments and project changes summarised in **ATTACHMENT 1** to the report, resulting in no net impact on Council's projected Working Capital position of \$4.50 million (as at 30 June 2021) be endorsed by Council.

Record for the Voting:

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

Against the Motion: Councillors Kim, Maggio and Yedelian OAM

**6 PLANNING PROPOSAL MACQUARIE ICE RINK HERITAGE ITEM -
Outcomes of Exhibition**

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

**7 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.

**8 NATIONAL GENERAL ASSEMBLY OF LOCAL GOVERNMENT - Canberra -
20 to 23 June 2021**

Note: Councillor Moujalli returned to the meeting at 8.40pm.

MOTION: (Moved by Councillors Pedersen and Clifton)

- (a) That Council endorse the attendance of the Mayor, Councillor Laxale, Councillor Purcell, Councillor Gordon and Councillor Clifton in addition to the General Manager (and/or his delegates) to attend the National General Assembly of Local Government held in Canberra on Sunday, 20 June 2021 to Wednesday, 23 June 2021 and that should additional budget be required that it be sourced from Base Budget savings.
- (b) That Council nominate the Mayor to be the voting delegate to represent the City of Ryde during debates on Motions presented to the Assembly.
- (c) That the Council Meeting scheduled for 22 June 2021 be moved to 29 June 2021 due to attendance at the National General Assembly 2021.
- (d) That Council endorses the following Motion to be submitted to the 2021 National General Assembly of Local Government:

That ALGA:-

- (a) Write to all Energy companies currently proposing fracking in the Northern Territory:-
 - (i) Noting that many Councils in Australia have Power Purchase Agreements with them.
 - (ii) Noting that many Councils have endorsed and must uphold - among other things: Climate Emergency Declarations, Net zero emissions targets, resolutions to divest from Fossil fuels and developed Reconciliation Action Plans.

- (iii) Expressing our support for the traditional owners and communities in the Northern Territory, who have expressed their strong opposition to fracking due to the threat it poses to the climate, to their lands, waters, and rights.
- (iv) Requesting that Energy companies cease all plans to conduct fracking in the Northern Territory and due to its impact on climate, communities, water, and environment and that they commit to further investment in environmentally sustainable renewable energy projects.

AMENDMENT: (Moved by Councillors Lane and Yedelian OAM)

- (a) That Council endorse the attendance of the Mayor, Councillor Laxale, Councillor Purcell, Councillor Gordon and Councillor Clifton in addition to the General Manager (and/or his delegates) to attend the National General Assembly of Local Government held in Canberra on Sunday, 20 June 2021 to Wednesday, 23 June 2021 and that should additional budget be required that it be sourced from Base Budget savings.
- (b) That Council nominate the Mayor to be the voting delegate to represent the City of Ryde during debates on Motions presented to the Assembly.
- (c) That the Council Meeting scheduled for 22 June 2021 be moved to 29 June 2021 due to attendance at the National General Assembly 2021.
- (d) That all Councillor attendees provide a written re-count and summary from the Conference to be delivered via the Councillor Information Bulletin.

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

Record for the Voting:

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

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

FURTHER AMENDMENT: (Moved by Councillors Kim and Maggio)

- (a) That Council endorse the attendance of the Mayor in addition to the General Manager to attend the National General Assembly of Local Government held in Canberra on Sunday, 20 June 2021 to Wednesday, 23 June 2021 and that should there be remaining funds in the Councillor Conference Budget, that they be donated to a local charity by the staff.
- (b) That Council nominate the Mayor to be the voting delegate to represent the City of Ryde during debates on Motions presented to the Assembly.
- (c) That the Council Meeting scheduled for 22 June 2021 be moved to 29 June 2021 due to attendance at the National General Assembly 2021.
- (d) That all Councillor attendees provide a written re-count and summary from the conference to be delivered via Precis of Correspondence to the July 2021 Council Meeting.

On being put to the meeting, the voting on the Further Amendment was six (6) All. The Mayor, Councillor Laxale used his casting vote Against the Amendment. The Amendment was **LOST**. The Motion was then put and **CARRIED**.

Record for the Voting:

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

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

RESOLUTION: (Moved by Councillors Pedersen and Clifton)

- (a) That Council endorse the attendance of the Mayor, Councillor Laxale, Councillor Purcell, Councillor Gordon and Councillor Clifton in addition to the General Manager (and/or his delegates) to attend the National General Assembly of Local Government held in Canberra on Sunday, 20 June 2021 to Wednesday, 23 June 2021 and that should additional budget be required that it be sourced from Base Budget savings.
- (b) That Council nominate the Mayor to be the voting delegate to represent the City of Ryde during debates on Motions presented to the Assembly.
- (c) That the Council Meeting scheduled for 22 June 2021 be moved to 29 June 2021 due to attendance at the National General Assembly 2021.

- (d) That Council endorses the following Motion to be submitted to the 2021 National General Assembly of Local Government:

That ALGA:-

- (a) Write to all Energy companies currently proposing fracking in the Northern Territory:-
- (i) Noting that many Councils in Australia have Power Purchase Agreements with them.
 - (ii) Noting that many Councils have endorsed and must uphold - among other things: Climate Emergency Declarations, Net zero emissions targets, resolutions to divest from Fossil fuels and developed Reconciliation Action Plans.
 - (iii) Expressing our support for the traditional owners and communities in the Northern Territory, who have expressed their strong opposition to fracking due to the threat it poses to the climate, to their lands, waters, and rights.
 - (iv) Requesting that Energy companies cease all plans to conduct fracking in the Northern Territory and due to its impact on climate, communities, water, and environment and that they commit to further investment in environmentally sustainable renewable energy projects.

On being put to the meeting, the voting on the Motion was six (6) All. The Mayor, Councillor Laxale used his casting vote For the Motion. The Motion was **CARRIED**.

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, Lane, Maggio, Moujalli and Yedelian OAM

INFORMATION REPORTS

9 REPORT FOR THE INFORMATION OF COUNCIL - EXCLUSION OF ITEMS OF BUSINESS FROM THE COUNCIL MEETING HELD ON 8 DECEMBER 2020

NOTE: An Information Report was presented to Council.

15 REPORT FOR THE INFORMATION OF COUNCIL – DEFERRAL OF TWO (2) NOTICES OF MOTION FROM THE COUNCIL MEETING HELD ON 23 FEBRUARY 2021

NOTE: An Information Report was presented to Council.

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 RESPONSE BY PRIME MINISTER'S OFFICE - HOSTILITIES IN NAGORNO KARABAKH

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

2 REPONSE BY MINISTER FOR FAMILIES AND SOCIAL SERVICES TO LETTER REGARDING DOMESTIC VIOLENCE

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

NOTICES OF MOTION

1 DEFERRED NOTICE OF MOTION: POLICY REGISTER - Councillor Dr Peter Kim

Note: A Memorandum from the Director – Corporate Services dated 24 November 2020 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Kim and Maggio)

That Council direct the General Manager to update the outdated Policies in the City of Ryde's Council Policy Register.

Record for the Voting:

For the Motion: Unanimous

**2 DEFERRED NOTICE OF MOTION: IMPROVE INFRASTRUCTURE -
Councillor Dr Peter Kim**

MOTION: (Moved by Councillors Kim and Maggio)

- (a) That the General Manager provide a report to the Council on strategy to improve the infrastructure to meet the development demands in the City of Ryde now and into the future.
- (b) That the report be prepared within 3 months.

AMENDMENT: (Moved by Councillors Purcell and Gordon)

- (a) That Council note that current and future infrastructure needs for the City of Ryde are detailed in plans such as the Community Strategic Plan, Delivery Plan, Resources Strategy, Community Halls Strategy, Open Space Strategy, Sports and Recreation Strategy, Section 7.11 and Section 7.12 plans and the Integrated Transport Strategy that have all been worked on or adopted in this term of the Council, for the benefit of our local community.
- (b) That Council note that these strategies are updated on a regular basis as development continues to occur.
- (c) That upon request, the General Manager provide all Councillors with the appropriate website links to all the plans adopted by Council, as noted but not limited to the above, that will assist in meeting the Council's infrastructure development demands now and into the future.

On being put to the Meeting the voting on the Amendment was six (6) All. The Mayor, Councillor Laxale used his casting vote For the Amendment. The Amendment was **CARRIED** and then became the Motion.

Record for the Voting:

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

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

RESOLUTION: (Moved by Councillors Purcell and Gordon)

- (a) That Council note that current and future infrastructure needs for the City of Ryde are detailed in plans such as the Community Strategic Plan, Delivery Plan, Resources Strategy, Community Halls Strategy, Open Space Strategy, Sports and Recreation Strategy, Section 7.11 and Section 7.12 plans and the Integrated Transport Strategy that have all been worked on or adopted in this term of the Council, for the benefit of our local community.
- (b) That Council note that these strategies are updated on a regular basis as development continues to occur.
- (c) That upon request, the General Manager provide all Councillors with the appropriate website links to all the plans adopted by Council, as noted but not limited to the above, that will assist in meeting the Council's infrastructure development demands now and into the future.

On being put to the Meeting the voting on the Motion was six (6) All. The Mayor, Councillor Laxale used his casting vote For the Motion. The Motion was **CARRIED**.

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, Lane, Maggio, Moujalli and Yedelian OAM

3 DEFERRED NOTICE OF MOTION: LITTER OVERFLOWING FROM BINS ALONG PARRAMATTA RIVER - Councillor Penny Pedersen

RESOLUTION: (Moved by Councillors Pedersen and Gordon)

- (a) That Council notes that great effort is made by staff to prevent litter from the City of Ryde reaching the Parramatta River and that many Gross Pollutant Traps have been installed, at great expense, to prevent litter reaching the river in stormwater. Unfortunately, on some occasions, the waste that is deposited by the public on Sundays and Public holidays fills the bins to capacity. This is waste left by picnickers, boat crews, organised sport and sometimes excess domestic waste. The waste is disrupted by wind, wildlife and domestic pets causing it to be spread to the beaches and the river.

(b) That Council staff:-

1. Provide extra bins or larger bins at collection points where capacity is not currently sufficient - particularly on those collection points closest to Parramatta River and its tributaries with particular focus on the bins within the vicinity of the City of Ryde endorsed events.
2. Bring back a report that includes:-
 - (i) a map showing where all public bin collection points are located and the capacity of each of those bins.
 - (ii) what days and how often on those days the bins are emptied.
 - (iii) the potential to install bin capacity sensors and monitoring app to optimize collection management.
 - (iv) the suitability, potential costs and available grants needed to install a solar compacting bin at collection points where overflowing bins risk allowing litter to blow into the river.

- (c) That council explore an opportunity to partner with City of Parramatta on a trial of sensors on Gross pollutant trap which is being led by the CSIRO.

Record for the Voting:

For the Motion: Unanimous

4 DEFERRED NOTICE OF MOTION: CONSULTATION PROCESS - Councillor Roy Maggio

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

- (a) That Council note community and Councillor feedback in regards to the requirement for a new strategic approach towards Council Communications and Engagement.
- (b) That the General Manager arrange a review of Council's Communications and Engagement Strategy with a view for all engagement and communications going through the Communications and Engagement Department.
- (c) That a new or reviewed Communications and Engagement Policy be brought to Council for adoption.

Record for the Voting:

For the Motion: Unanimous

PROCEDURAL MOTION

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

(a) That Council now consider the following Items, the time being 10.02pm:-

- Notice of Motion 7 – Heritage Listing and Protection of Brush Park Bowling Club.
- Notice of Motion 10 – 2021 Winter Sportsground Allocations.
- Confidential Item 10 – Offer to Enter into a Voluntary Planning Agreement from Mecone on behalf of Lasalle Investment Management and the Trust Company Limited atf Lav Australia Sub Trust 5 (the proponent and owner) in accordance with Clause 6.9 of the Ryde Local Environmental Plan 2014 for the site known as 40-52 Talavera Road, Macquarie Park.
- Confidential Item 12 – Request for Tender – COR-RFT-13/20 – Meadowbank Park: Construction Services for New Amenities Building, Regional Playground Car Park Adjustment and Associated Works.
- Confidential Item 13 – Request for Tender – COR-RFT-12/20 – Ryedale Road (West Ryde) Public Domain Upgrade.
- Confidential Item 14 – Advice on Court Actions.
- Confidential Item 16 – General Managers Performance Review 2019-2020.
- Confidential Item 17 – Property Acquisition – Eastwood.

(b) That Notice of Motion 6 be withdrawn due to a lack of a Mover and a Seconder.

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

MATTER OF URGENCY

Councillor Maggio advised the meeting that he wished to raise a Matter of Urgency regarding the proposal by the City of Ryde to put in more seating which would impact parking spaces at the Putney Shops.

The Mayor, Councillor Laxale did not accept this matter as an Urgent Item.

MATTER OF URGENCY

Councillor Lane advised the meeting that he wished to raise a Matter of Urgency regarding Council urgently reviewing all current instances of herbicide spraying on Council land, and adopt an ongoing policy that requires the installation of prominent and widespread signage before, during and after the spraying of surface areas until such time as no herbicide traces remain in the vicinity.

The Mayor, Councillor Laxale did not accept this matter as an Urgent Item.

NOTICES OF MOTION

7 HERITAGE LISTING AND PROTECTION OF BRUSH PARK BOWLING CLUB - Councillor Dr Peter Kim

Note: Councillor Kim disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is an ex-member of the Brush Park Bowling Club and he resides near the Club.

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

That having regard to the need to protect existing green spaces in our City, the General Manager investigate the heritage listing of the site – Brush Park Bowling Club, Eastwood.

Record for the Voting:

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

Against the Motion: Councillor Moujalli

10 2021 WINTER SPORTSGROUND ALLOCATIONS – Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Lane)

- (a) That staff ensure that allocations for winter and summer sports at Christie Park prioritise, regardless of gender, local clubs and elite teams.

- (b) That these guiding principles be used to determine allocations for training and matches effective immediately.
- (c) All clubs be invited to participate in a discussion at a future Sports Advisory Committee Meeting to discuss and provide feedback on sports grounds allocations.

Record for the Voting:

For the Motion: Unanimous

CLOSED SESSION

ITEM 10 - OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT FROM MECONE ON BEHALF OF LASALLE INVESTMENT MANAGEMENT AND THE TRUST COMPANY LIMITED ATF LAV AUSTRALIA SUB TRUST 5 (THE PROPONENT AND OWNER) IN ACCORDANCE WITH CLAUSE 6.9 OF RYDE LOCAL ENVIRONMENTAL PLAN 2014 FOR THE SITE KNOWN AS 40-52 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: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

ITEM 12 – REQUEST FOR TENDER - COR-RFT-13/20 - MEADOWBANK PARK: CONSTRUCTION SERVICES FOR NEW AMENITIES BUILDING, REGIONAL PLAYGROUND, CAR PARK ADJUSTMENT AND ASSOCIATED WORKS

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

ITEM 13 – REQUEST FOR TENDER - COR-RFT-12/20 RYEDALE ROAD (WEST RYDE) PUBLIC DOMAIN UPGRADE

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

ITEM 14 - 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 16 – GENERAL MANAGERS PERFORMANCE REVIEW 2019-2020

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (a) personnel matters concerning particular individuals (other than councillors).

ITEM 17 – PROPERTY ACQUISITION - 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: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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

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, Maggio, Moujalli, Pedersen, Purcell, Yedelian OAM and Zhou

Against the Motion: Councillor Lane

Note: The Council closed the meeting at 10.38pm. The public and media left the Webcast.

10 OFFER TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT FROM MECONE ON BEHALF OF LASALLE INVESTMENT MANAGEMENT AND THE TRUST COMPANY LIMITED ATF LAV AUSTRALIA SUB TRUST 5 (THE PROPONENT AND OWNER) IN ACCORDANCE WITH CLAUSE 6.9 OF RYDE LOCAL ENVIRONMENTAL PLAN 2014 FOR THE SITE KNOWN AS 40-52 TALAVERA ROAD, MACQUARIE PARK

RECOMMENDATION: (Moved by Councillors Purcell and Gordon)

- (a) That Council accept the letter of offer as provided in **ATTACHMENT 1** dated 14 October 2020 from Mecone on behalf of LaSalle Investment Management and The Trust Company Limited atf LAV Australia Sub Trust 5 (**Developer**) to enter into a Voluntary Planning Agreement, in relation to a proposed Development Application for development at Lot 56 DP771511, being 40-52 Talavera Road, Macquarie Park. The Voluntary Planning Agreement will require the Applicant to provide public benefits over and above Council's Section 7.11 Developer Contributions Plan 2020 as summarised below:
- i) Pay a Monetary Contribution to Council to the amount of \$3,391,419.14 (subject to CPI) in accordance with Council's Incentive Contribution Scheme under Clause 6.9 of Ryde Local Environmental Plan 2014 limited to the Development;
 - ii) Exclude Section 7.11 from the Development Consent such that the normal Section 7.11 amount be payable under the VPA instead, to the total amount of \$1,460,206.38 (subject to CPI) limited to the Development.

- (b) That Council delegate authority to the General Manager to negotiate the specific terms of the Voluntary Planning Agreement as provided in **ATTACHMENT 1** by the Developer, 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 Mecone 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 Brown, Clifton, Gordon, Moujalli, Pedersen, Purcell and Zhou

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

11 REQUEST FOR TENDER - COR-RFT-11/20 - PROVISION OF PLANT HIRE

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

EXTENSION OF TIME

Note: Councillor Yedelian OAM left the meeting at 11.17pm and did not return. He was not present for voting or consideration of this Item.

RESOLUTION: (Moved by Councillors Maggio and Purcell)

- (a) That the meeting time be extended to allow consideration of Confidential Items 12, 13, 14, 16 and 17 on the Council Agenda, the time being 11.17pm.
- (b) That all remaining Items be deferred to the next Ordinary Council Meeting, to be held on Tuesday, 23 March 2021.

Record for the Voting:

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

Against the Motion: Councillors Lane, Kim and Maggio

12 REQUEST FOR TENDER - COR-RFT-13/20 - MEADOWBANK PARK: CONSTRUCTION SERVICES FOR NEW AMENITIES BUILDING, REGIONAL PLAYGROUND, CAR PARK ADJUSTMENT AND ASSOCIATED WORKS

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

RECOMMENDATION: (Moved by Councillors Purcell and Clifton)

- (a) That pursuant to Clause 178(1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Glascott Landscape and Civil Pty Ltd for COR-RFT-13/20 as detailed in the report.
- (b) That Council advise all the respondents 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 Brown, Clifton, Gordon, Lane, Maggio, Moujalli, Pedersen, Purcell and Zhou

Against the Motion: Councillor Kim

13 REQUEST FOR TENDER - COR-RFT-12/20 RYEDALE ROAD (WEST RYDE) PUBLIC DOMAIN UPGRADE

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

RECOMMENDATION: (Moved by Councillors Purcell and Clifton)

- (a) That pursuant to Clause 178(1)(a) of the Local Government (General) Regulations 2005, Council accepts the tender from Ferrycarrig Construction Pty Ltd as detailed in the report.
- (b) That Council advise all the respondents 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 Brown, Clifton, Gordon, Lane, Maggio, Moujalli, Pedersen, Purcell and Zhou

Against the Motion: Councillor Kim

14 ADVICE ON COURT ACTIONS

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

RECOMMENDATION: (Moved by Councillors Purcell and Clifton)

That the report of the General Counsel be received.

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 Brown, Clifton, Gordon, Moujalli, Pedersen, Purcell and Zhou

Against the Motion: Councillors Kim, Lane and Maggio

Note: The Mayor, Councillor Laxale advised the meeting that Confidential Item 17 – Property Acquisition - Eastwood would now be considered by Council.

CONFIDENTIAL LATE REPORT

17 PROPERTY ACQUISITION - EASTWOOD

Note: Councillor Kim disclosed a Less than Significant Non-Pecuniary Interest in this Item for the reason that he is an ex-member of the Brush Park Bowling Club and he resides near the Club.

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

Note: Councillor Kim left the meeting at 12.10am during discussion on this Item and did not return. He was not present for voting on this Item.

Note: Councillor Maggio left the meeting at 12.10am during discussion on this Item and did not return. He was not present for voting on this Item.

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

- (a) That should Council determine that it wishes to acquire this property at the imminent auction, then this should only be pursued on the condition that the Contract for Sale is amended in accordance with the terms identified in this report in order to protect Council's commercial and legal interests.
- (b) That should the requested amendments be agreed by the Vendor prior to auction, then Council endorses bidding at auction for the proposed acquisition of the subject property generally in line with the recommendations and substance of this report.
- (c) That Council delegates authority to the General Manager to negotiate the acquisition of the property under the terms identified in (a) above and if successful, to bid at the auction on behalf of Council as specified in this report and to subsequently execute all documentation to effect the purchase of the property should Council successfully bid for the property.
- (d) That should the requested amendments identified in (a) above not be agreed by the Vendor prior to auction, then Council does not bid at auction.
- (e) That should Council purchase the property, then Council publishes a notice pursuant to Section 34 of the Local Government Act that it proposes to classify the property as 'Operational Land' under the Local Government Act.
- (f) That Council endorses the proposed acquisition funding strategy and that an associated budget adjustment is made at the next Quarterly Budget Review.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

Note: Councillor Clifton left the meeting at 12.19am and did not return. She was not present for consideration or voting on this Item.

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

- (a) That the Council resolve itself into open Council.

- (b) That the recommendations of Items considered in Closed Session be received and adopted as a resolution of Council without any alteration or amendment thereto.
- (c) That Confidential Item 16 – General Managers Performance Review 2019-2020 be deferred for consideration to the March Council Meeting to be held on Tuesday, 23 March 2021 due to the lateness of the hour.

Record for the Voting:

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

Against the Motion: Councillors Lane

Note: Open Council resumed at 12.20am.

NOTICES OF MOTION

5 DEFERRED NOTICE OF MOTION: MAINTENANCE POLICY FOR TREES PLANTED ON NATURE STRIPS AND COUNCIL OWNED LAND - Councillor Roy Maggio

Note: This Item was deferred and will be dealt with at the Council Meeting on 23 March 2021.

6 DEFERRED NOTICE OF MOTION: REMOVE AND REPLACE MAYORAL NEWS COLUMN - Councillor Dr Peter Kim

Note: A Councillor Information Bulletin Item dated 15 December 2020 regarding the City of Ryde Media Policy and Mayor's Message was tabled in relation to this Item and a copy is ON FILE.

Note: This Motion was withdrawn due to a lack of a Mover and a Seconder.

7 HERITAGE LISTING AND PROTECTION OF BRUSH PARK BOWLING CLUB - Councillor Dr Peter Kim

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

8 PROVISION OF CHILDCARE – Councillor Edwina Clifton

Note: This Item was deferred and will be dealt with at the Council Meeting on 23 March 2021.

9 MEADOWBANK TRAFFIC AND TRANSPORT STUDY – Councillor Jordan Lane

Note: This Item was deferred and will be dealt with at the Council Meeting on 23 March 2021.

10 2021 WINTER SPORTSGROUND ALLOCATIONS – Councillor Roy Maggio

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

CONFIDENTIAL LATE REPORT

16 GENERAL MANAGERS PERFORMANCE REVIEW 2019-2020

Note: This Item was deferred and will be dealt with at the Council Meeting on 23 March 2021.

The meeting closed at 12.20am on Wednesday, 24 February 2021.

CONFIRMED THIS 23RD DAY OF MARCH 2021

Chairperson