

Council Meeting

MINUTES OF MEETING NO. 4/09

Meeting Date: Tuesday 24 March 2009
Location: Council Chambers, Level 6
Time: 7.30pm

Councillors Present: The Mayor, Councillor V J Tagg and Councillors M P Butterworth, N B Campbell, A Etmekdjian, J Li, R Maggio, G O'Donnell, I J Petch, T W Perram, W Pickering, J Salvestro-Martin and S Yedelian OAM.

Apologies: Nil

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel and Senior Administration Co-ordinator.

PRAYER

Reverend Chris Ridings of the North Ryde Community Church was present and offered prayer prior to the commencement of the meeting.

CONFIRMATION OF MINUTES

RESOLUTION: (Moved By Councillors Petch and Yedelian OAM)

That the Minutes of the Ordinary Meeting No. 3/09 held on 10 March 2009 be confirmed.

Record of Voting:

For the Motion: Unanimous.

DISCLOSURES OF INTEREST

Councillor Pickering disclosed a non-pecuniary interest in Item 2 of the Mayoral Minutes for the reason that he is one of the Vice Presidents of the Australian War Correspondents and Military Public Affairs Association.

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Councillor Li disclosed a pecuniary interest in Item 18 of the General Manager's Report No. 4/09, for the reason that his employer is acting in one of the matters under consideration.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council.

MAYORAL MINUTES

1 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION - Election of Councillor Campbell to Executive - COUNCILLOR TAGG

Motion:

"That Council note and congratulate Councillor Campbell's appointment to the Executive of the Australian Local Government Women's Association."

RESOLUTION: (Moved By The Mayor, Councillor Tagg and Councillor O'Donnell)

That Council note and congratulate Councillor Campbell's appointment to the Executive of the Australian Local Government Women's Association.

Record of Voting:

For the Motion: Unanimous.

2 REQUEST TO USE TOP RYDER COMMUNITY BUS ON ANZAC DAY April 25, 2009 - from Australian War Correspondents and Military Public Affairs Association - COUNCILLOR TAGG

Note: Councillor Pickering disclosed a non-pecuniary interest in Item 2 of the Mayoral Minutes for the reason that he is the Vice President of the Australian War Correspondents and Military Public Affairs Association.

Motion:

"That Council accede to the request from the Australian War Correspondents and Military Public Affairs Association and make one of the Top Ryder community buses available on ANZAC Day from 12 noon to 2.30pm to transport correspondents and veterans (and their supporters) from the City of Sydney ANZAC day parade to The Rocks, at no cost to the Association or its members."

WITH THE CONCURRENCE OF THE MOVER THE MOTION WAS AMENDED AND IT WAS RESOLVED AS FOLLOWS:

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RESOLUTION: (Moved By The Mayor, Councillor Tagg and Councillor Yedelian OAM)

That Council accede to the request from the Australian War Correspondents and Military Public Affairs Association and make one of the community buses available on ANZAC Day from 12 noon to 2.30pm to transport correspondents and veterans (and their supporters) from the City of Sydney ANZAC day parade to The Rocks, and that the Association meet the cost of the driver.

Record of Voting:

For the Motion: Unanimous.

GENERAL MANAGER'S REPORTS

1 REGISTERS - Power of Attorney and Common Seal

RESOLUTION: (Moved By Councillors Butterworth and Salvestro-Martin)

That the report of the Executive Assistant - General Manager, dated 18 March 2009 on REGISTERS - Power of Attorney and Common Seal, be received and noted.

Record of Voting:

For the Motion: Unanimous.

2 COUNCILLOR WORKSHOPS

RESOLUTION: (Moved By Councillors Butterworth and Salvestro-Martin)

That the report of the Group Manager - Corporate Services, dated 20 March 2009 on COUNCILLOR WORKSHOPS, be received and noted.

Record of Voting:

For the Motion: Unanimous.

3 ESTABLISHMENT OF A STEERING COMMITTEE TO INVESTIGATE ALL OPTIONS FOR DELIVERY OF VACATION CARE SERVICES WITHIN THE CITY OF RYDE (COW 06/08 ITEM 5)

RESOLUTION: (Moved By Councillors Butterworth and Maggio)

- (a) That the report of the Manager – Community & Culture, dated 27/02/2009 on Establishment of a Steering Committee to investigate all options for delivery of Vacation Care Services within the City of Ryde (COW 06/08 Item 5), be received and noted.

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- (b) That establishment of the Vacation Care Services Steering Committee be endorsed.
- (c) That the proposed Terms of Reference for the Vacation Care Services Steering Committee as attached be endorsed.
- (d) That Council appoint Councillor Campbell as Chairperson, and alternate delegates Councillors Maggio and O'Donnell to the membership of the Vacation Care Services Steering Committee.

Record of Voting:

For the Motion: Unanimous.

4 37-39 EPPING ROAD, MACQUARIE PARK. LOT1 DP 10609 - FIRE SAFETY INSPECTION CARRIED OUT BY THE NEW SOUTH WALES FIRE BRIGADES

RESOLUTION: (Moved By Councillors Pickering and Maggio)

- (a) That the report of the Executive Building Surveyor, dated 9/03/2009 on 37-39 EPPING ROAD, MACQUARIE PARK. LOT1 DP 10609 - FIRE SAFETY INSPECTION CARRIED OUT BY THE NEW SOUTH WALES FIRE BRIGADES, be received and noted.
- (b) That the report from the New South Wales Fire Brigades, dated 25 February 2009 relating to 37-39 Epping Road, Macquarie Park be received and noted.

Record of Voting:

For the Motion: Unanimous.

5 EASTWOOD PLAZA - Outdoor Displays of Merchandise

RESOLUTION: (Moved By Councillors Butterworth and Li)

- (a) That the report of the Property Manager, dated 16/03/2009 on EASTWOOD PLAZA - Outdoor Displays of Merchandise, be received and noted.
- (b) That Council confirm the continuation of the authorised outdoor displaying of goods by business owners in Eastwood Plaza.
- (c) That, as set out under Part (c) of the resolution from the Council meeting No. 12/08 held on 22 July 2008 "Goods on Council Property", a further report from the Manager – Environment and Planning on the promotion of retail centres within the City of Ryde be provided in July 2009.

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- (d) That all shopkeepers be informed of Council's decision.

Record of Voting:

For the Motion: Unanimous.

6 VICTORIA BUSHFIRE DISASTER APPEAL

RESOLUTION: (Moved By Councillors Butterworth and Maggio)

- (a) That the report of the Manager - Community Relations and Events, dated 17/03/2009 on VICTORIA BUSHFIRE DISASTER APPEAL, be received and noted.
- (b) That the total amount of \$24,668.20 be donated to the Victoria Bushfire Disaster Appeal.
- (c) That the community be advised of the total donation through the Mayoral Column.

Record of Voting:

For the Motion: Unanimous.

7 MEADOWBANK PARK STORMWATER REUSE - Status Report

Motion: (Moved By Councillors Yedelian OAM and Pickering)

That the report of the Senior Civil Engineer, dated 17/03/2009 on MEADOWBANK PARK STORMWATER REUSE - Status Report, be received and noted.

Amendment: (Moved By Councillors Salvestro-Martin and Pickering)

That the matter be deferred to allow the General Manager to provide life cycle costing and reliability data for the water harvesting system to enable Council to assess the whole of life cost for stages 2 and 3 of the project.

Record of Voting:

For the Amendment: Unanimous.

ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED CARRIED

RESOLUTION: (Moved By Councillors Salvestro-Martin and Pickering)

That the matter be deferred to allow the General Manager to provide life cycle costing and reliability data for the water harvesting system to enable Council to assess the whole of life cost for stages 2 and 3 of the project.

Record of Voting:

For the Motion: Unanimous.

8 WATERLOO PARK - Playground Area and Basketball Court**Motion:** (Moved By Councillors Pickering and Butterworth)

Note: In discussion of this item a Councillor requested legal comment on Council's duty of care in this matter. The General Manager advised that any legal opinion should be considered in closed session. The request was not pursued by Council.

- (a) That the report of the Group Manager - Public Works, dated 18/03/2009 on WATERLOO PARK, Playground Area and Basketball Court, be received and noted.
- (b) That Council install options 3, 4 and 5 as follows:
 - Option 3 Install a 1.2 metre high fence to all playground areas at an approximate cost of \$18,000.
 - Option 4 Installation of a 1.8m high fence on the basketball court side of the path (5 metres in length) at an approximate cost of \$4,000.
 - Option 5 Shade structure for both play areas at an approximate cost of \$22,000.

Amendment: (Moved By Councillors O'Donnell and Perram)

That this matter be deferred to allow for an inspection in a week's time.

Record of Voting

For the Amendment: The Mayor, Councillor Tagg and Councillors Butterworth, Campbell, Etmekdjian, Maggio, O'Donnell, Perram, Petch, Salvestro-Martin and Yedelian OAM

Against the Amendment: Councillors Li and Pickering

ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED CARRIED

RESOLUTION: (Moved by Councillors O'Donnell and Perram)

That this matter be deferred to allow for an inspection in a week's time.

Record of Voting

For the Motion: The Mayor, Councillor Tagg and Councillors Butterworth, Campbell, Etmekdjian, Maggio, O'Donnell, Perram, Petch, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillors Li and Pickering

9 NEW GOVERNANCE REGIME FOR DEVELOPMENT APPLICATION DETERMINATIONS THAT RELY ON STATE ENVIRONMENTAL PLANNING POLICY NO. 1.

RESOLUTION: (Moved By Councillors Etmekdjian and Maggio)

- (a) That the report of the Manager Assessment, dated 11 March 2009 on the implementation of a new governance regime for development application determinations that rely on State Environmental Planning Policy No. 1 be received and noted.
- (b) That Council continue to report its quarterly returns to the Department of Planning as required on variations to development standards using delegations.

Record of Voting:

For the Motion: Unanimous.

10 ECONOMIC DEVELOPMENT STRATEGY - Launch

Note: Councillor Pickering left the Chamber at 8.55pm during discussion of this item and took no part in debate or voting on the matter.

RESOLUTION: (Moved by Councillors Yedelian OAM and Butterworth)

- (a) That City of Ryde hold a launch of the Economic Development Strategy in April 2009.
- (b) That Councillors, Chambers of Commerce and small to medium businesses be invited to attend.
- (c) That further details regarding the venue and timing of the launch be provided in the Councillor Information Bulletin.

Record of Voting:

For the Motion: Unanimous.

11 RYDE TRAFFIC COMMITTEE - Minutes of Meeting held 19 March 2009

Note: Councillor Pickering was out of the Chamber during debate and voting on this item.

Motion: (Moved By Councillors Yedelian OAM and Campbell)

That the report of the Manager - Access, dated 16/03/2009 on RYDE TRAFFIC COMMITTEE - Minutes of Meeting held 19 March 2009, be received and noted.

Amendment: (Moved By Councillors Li and Perram)

- (a) That the report of the Manager – Access, dated 16/03/2009 on RYDE TRAFFIC COMMITTEE – Minutes of Meeting held 19 March 2009, be received and noted, with full report being referred to Public Facilities and Services Committee, excluding Item 34 – Proposed Residential Development 18-22 Ball Avenue, Eastwood, and Item 37 – Trafalgar Place, Marsfield which are endorsed.
- (b) That Item 1 of the report of the Ryde Traffic Committee be referred to a Councillor Workshop
- (c) That Item 34 – Proposed Residential Development at 18-22 Ball Avenue, Eastwood part (a), be amended to show a 2m wide concrete footpath along the full frontage of the development in Doomben Avenue.

Record of Voting:

For the Amendment: Unanimous.

ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED CARRIED

RESOLUTION: (Moved by Councillors Li and Perram)

- (a) That the report of the Manager – Access, dated 16/03/2009 on RYDE TRAFFIC COMMITTEE – Minutes of Meeting held 19 March 2009, be received and noted, with full report being referred to Public Facilities and Services Committee, excluding Item 34 – Proposed Residential Development 18-22 Ball Avenue, Eastwood, and Item 37 – Trafalgar Place, Marsfield which are endorsed.
- (b) That Item 1 of the report of the Ryde Traffic Committee be referred to a Councillor Workshop.

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- (c) That Item 34 – Proposed Residential Development at 18-22 Ball Avenue, Eastwood part (a), be amended to show a 2m wide concrete footpath along the full frontage of the development in Doomben Avenue.

Record of Voting:

For the Motion: Unanimous.

12 BICYCLE ADVISORY COMMITTEE - Minutes of Extra Ordinary Meeting held 9 March 2009

Note: Councillor Pickering was out of the Chamber during debate and voting on this item.

RESOLUTION: (Moved by Councillors Campbell and Maggio)

- (a) That the report of the Manager - Access, dated 16/03/2009 on BICYCLE ADVISORY COMMITTEE - Minutes of Extra Ordinary Meeting held 9 March 2009, be received and noted.
- (b) That, where Council staff have appropriate delegation authority, all relevant actions arising from the Minutes are approved to be undertaken.
- (c) That the projects recommended by the Bicycle Advisory Committee be considered for inclusion in the 2009-2013 Management Plan.

Record of Voting:

For the Motion: Unanimous.

13 ADVISORY COMMITTEE MINUTES - Crime Prevention meeting, held on 26 February 2009

Note: Councillor Pickering was out of the Chamber during debate and voting on this item.

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

- (a) That the report of the Manager - Community and Culture, dated 11 March 2009 on ADVISORY COMMITTEE MINUTES - Crime Prevention meeting, held on 26 February 2009, be received and noted.
- (b) That the Minutes of the Crime Prevention Advisory Committee held on 26 February 2009 be received and noted
- (c) That the Terms of Reference for the Crime Prevention Advisory Committee as attached be endorsed.

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- (d) That the next meeting of the Committee be held on 16 April 2009, with future meetings held on the third Thursday of each month and recorded in the Councillor Information Bulletin.

Record of Voting:

For the Motion: The Mayor, Councillor Tagg, and Councillors Butterworth, Campbell, Etmekdjian, Li, Maggio, O'Donnell Perram, Petch and Yedelian OAM

Against the Motion: Councillor Salvestro-Martin

14 ADVISORY COMMITTEE MINUTES - Ryde Safe Communities, held on 2 March 2009

Note: Councillor Pickering was out of the Chamber during debate and voting on this item.

RESOLUTION: (Moved by Councillors Maggio and Campbell)

- (a) That the report of the Manager - Community and Culture, dated 17 March 2009 on ADVISORY COMMITTEE MINUTES - Ryde Safe Communities, held on 2 March 2009, be received and noted.
- (b) That the Minutes of the Ryde Safe Communities Advisory Committee held on 2 March 2009 be received and noted
- (c) That the Terms of Reference for the Ryde Safe Communities Advisory Committee as attached be endorsed.

Record of Voting:

For the Motion: The Mayor, Councillor Tagg and Councillors Campbell, Etmekdjian, Li, Maggio, O'Donnell, Perram, Petch, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillor Butterworth

15 RYDE 2030 COMMUNITY ENGAGEMENT PLAN

Note: Councillor Pickering was out of the Chamber during debate and voting on this item.

RESOLUTION: (Moved By Councillors O'Donnell and Maggio)

- (a) That the report of the Corporate Planning Co-ordinator, dated 17/03/2009 on RYDE 2030 COMMUNITY ENGAGEMENT PLAN, be received and noted.
- (b) That Council adopt the Ryde 2030 Community Strategic Plan Engagement Plan in principle as CIRCULATED UNDER SEPARATE COVER.

Record of Voting:

For the Motion: Unanimous.

16 INVESTMENT REPORT - February 2009

Note: Councillor Pickering was out of the Chamber during debate and voting on this item.

RESOLUTION: (Moved by Councillors O'Donnell and Maggio)

That the report of the Chief Financial Officer, dated 19/03/2009 on INVESTMENT REPORT - February 2009, be received and noted.

Record of Voting:

For the Motion: The Mayor, Councillor Tagg and Councillors Campbell, Etmekdjian, Li, Maggio, O'Donnell, Perram, Petch, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillor Butterworth

17 GRANNY SMITH FESTIVAL-Children's & Youth Activities

Note: Councillor Pickering returned to the Chamber at 9.15pm during discussion of this item.

RESOLUTION: (Moved by Councillors Maggio and Li)

- (a) That the report of the Manager - Community Relations and Events, dated 12 March 2009 on GRANNY SMITH FESTIVAL-Children's & Youth Activities , be received and noted.

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- (b) That the Ryde Youth Council be consulted in planning the 2009 Granny Smith Festival.

Record of Voting:

For the Motion: Unanimous.

18 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That consideration of this matter be dealt with in Closed Session at a later stage of the meeting.

Record of Voting:

For the Motion: Unanimous.

19 LOCAL GOVERNMENT SUPERANNUATION SCHEME – Changes to Defined Benefit Scheme Employer Contributions

RESOLUTION: (Moved by Councillors Petch and O'Donnell)

- (a) That the report of the Manager Human Resources, dated 24/03/09 on LOCAL GOVERNMENT SUPERANNUATION SCHEME – Changes to Defined Benefit Scheme Employer Contributions, be received and noted.
- (b) That a further report on this matter be provided to Council once further advice is received from the Local Government and Shires Association.
- (c) That the General Manager include in the report, predictive data to forecast Council's position if economic conditions further deteriorate.

Record of Voting:

For the Motion: Unanimous.

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There are no Précis of Correspondence for Consideration

NOTICES OF MOTION

1 DEBT SERVICE RATIO - COUNCILLOR SALVESTRO-MARTIN

Motion:

“That the General Manager prepare a report on the options and strategies available to Council to further reduce Council's Debt Service Ratio.”

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available to Council to further reduce Council's Debt Service Ratio."

RESOLUTION: (Moved by Councillors Salvestro-Martin and Petch)

That the General Manager prepare a report on the options and strategies available to Council to further reduce Council's Debt Service Ratio.

Record of Voting:

For the Motion: Unanimous.

2 BRABYN STREET KISS AND RIDE ZONE - COUNCILLOR LI

Motion: (Moved by Councillors Li and Perram)

"That the General Manager prepares a report to the Committee of the Whole regarding the incident on 20 February 2009 where a penalty notice was issued to at least one driver waiting in the queue of vehicles to enter the kiss and ride zone on Brabyn Street, Denistone East Public School. The report is to include the full details of facts leading up to the issue of the penalty notice and is to be prepared by no later than the end of April 2009."

Amendment: (Moved by Councillors Pickering and Yedelian OAM)

That Council investigate, in consultation with the Principals' Committee, to identify possible solutions in resolving queuing of vehicles in Kiss and Ride Zones at school locations.

Record of Voting:

For the Amendment: Councillors Butterworth, Campbell, Etmekdjian, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin and Yedelian OAM.

Against the Amendment: The Mayor, Councillor Tagg and Councillor Li

ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED CARRIED

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That Council investigate, in consultation with the Principals' Committee, to identify possible solutions in resolving queuing of vehicles in Kiss and Ride Zones at school locations.

For the Motion: Councillors Butterworth, Campbell, Etmekdjian, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin and Yedelian OAM.

Against the Motion: The Mayor, Councillor Tagg and Councillor Li

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NOTICES OF RESCISSION

There are no Notices of Rescission

QUESTIONS BY COUNCILLORS AS PER POLICY

There are no Questions by Councillors as per Policy

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

CLOSED SESSION**ITEM 18 - ADVICE ON COURT ACTIONS****Confidential**

This item is classified CONFIDENTIAL under Section 10A(2)(g) 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.

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

RESOLUTION: (Moved by Councillors Butterworth and Maggio)

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

Record of Voting:

For the Motion: Unanimous.

Note: The Council closed the meeting at 10.05pm. The public and media left the chamber.

18 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That the report of the General Counsel, dated 18/03/2009 on ADVICE ON COURT ACTIONS, be received and noted.

Record of Voting:

For the Motion: Unanimous.

GENERAL MANAGER'S REPORT (CONTINUED)

OPEN SESSION

RESOLUTION: (Moved by Councillors Petch and Perram)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous.

Note: Open Council resumed at 10.15pm.

On resuming business in Open Council, the General Manager formally reported the business transacted in Closed Session.

RESOLUTION: (Moved by Councillors O'Donnell and Petch)

That the General Manager's report of the business transacted in Closed Session be received and adopted as a resolution of Council without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous.

NATIONAL ANTHEM

The National Anthem was sung at the conclusion of the meeting.

The meeting closed at 10.20pm.

CONFIRMED THIS 28TH DAY OF APRIL 2009

Chairperson

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General Manager

Mayor