

Council Meeting

MINUTES OF MEETING NO. 07/09

Meeting Date: Tuesday 12 May 2009
Location: Council Chambers, Level 6
Time: 7.30pm

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

Apologies: Apologies were received and accepted from Councillors Butterworth and Salvestro-Martin

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

PRAYER

Reverend Phillip Wheeler of Christ Church Gladesville was present and offered prayer prior to the commencement of the meeting.

CONFIRMATION OF MINUTES

RESOLUTION: (Moved by Councillors Petch and Li)

That the Minutes of the Ordinary Meeting No. 06/09 held on 28 April 2009 be confirmed subject to Item 10 KOTARA PARK – Granting a Five (5) Year Licence Agreement to 3GIS Pty Ltd record of voting on page 12 of the Minutes being amended by removing Councillor Li from the vote for the Motion, as he had disclosed a pecuniary interest in this item and had left the Chamber and took no part in debate or voting on this matter.

Record of Voting:

For the Motion: Unanimous.

Minutes of the Council Meeting No. 7/09, dated 12 May 2009.

DISCLOSURES OF INTEREST

Councillor Li disclosed a pecuniary interest in Item 7 - ADVICE ON COURT ACTION of the General Manager's Report No. 07/09, for the reason that his employer is acting in one of the matters under consideration.

Councillor Yedelian OAM disclosed a non-pecuniary interest in the Notice of Rescission – 16 Donnelly Street, Putney of the General Manager's Report No. 07/09, for the reason that he is an acquaintance of the objector.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

3 minute limit. Warning bell after 2 minutes. No discussion on confidential items

No.	Name	Address	Topic
1	Mr Peter Olsen	Designer/installer of traffic signs	Late Item – Notice of Motion 3 Installation of traffic signs on private premises near Schools
2	Mr Victor Dominello	Member for Ryde	Late Item – Notice of Motion 3 Installation of traffic signs on private premises near Schools

MAYORAL MINUTES

There are no Mayoral Minutes

MINUTES OF PUBLIC FACILITIES AND SERVICES COMMITTEE 05/09

RESOLUTION: (Moved by Councillors Perram and Campbell)

That the Public Facilities and Services Committee 05/09 of 05 May 2009 be received, noting that all matters were dealt with under delegated authority

Record of Voting:

For the Motion: Unanimous.

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GENERAL MANAGER'S REPORT**1 REGISTERS - Power of Attorney and Common Seal**

RESOLUTION: (Moved by Councillors Petch and Perram)

That the report of the Executive Assistant - General Manager, dated 7/05/2009 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 Yedelian OAM and Petch)

That the report of the Group Manager - Corporate Services, dated 6/05/2009 on COUNCILLOR WORKSHOPS, be received and noted.

Record of Voting:

For the Motion: Unanimous.

3 MANAGEMENT PLAN IMPLEMENTATION – 1 JANUARY - 31 MARCH 2009

RESOLUTION: (Moved by Councillors Yedelian OAM and Li)

- (a) That the report of the Senior Management Accountant and Chief Financial Officer, dated 30/04/2009 on MANAGEMENT PLAN IMPLEMENTATION - 1 JANUARY - 31 MARCH 2009, be endorsed and the adjustments to Council's 2008/2009 Budget as detailed in the report be adopted.
- (b) That the Certificate of the Responsible Accounting Officer attached to the report of the Senior Management Accountant and Chief Financial Officer dated 7 April 2009 be noted.
- (c) That the proposed carryovers included in this report totalling \$6.9 million be adopted and included in the 2009/2010 Budget.
- (d) That Council staff be congratulated on this result.

Record of Voting:

For the Motion: Unanimous.

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4 GOOD NEIGHBOUR PAMPHLET

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That the report of the Manager - Major Projects, dated 16/04/2009 on GOOD NEIGHBOUR PAMPHLET, be received and noted.
- (b) That Council design the Good Neighbour pamphlet printing of 42,000 copies for insertion in the 1 July 2009 rates notice and distribution to residents who are non rate payers through Council venues, offices and events.
- (c) That funding for this initiative be considered as part of the 4th quarter Budget Review.
- (d) That a further report on the support for national Neighbour Day be provided which would detail options and costs for development and delivery of any initiatives including the concept of a Good Neighbour Award.

Record of Voting:

For the Motion: Unanimous.

5 KOTARA PARK TENNIS COURTS - Court Hire Fee Increase

RESOLUTION: (Moved by Councillors Maggio and Pickering)

- (a) That the report of the Property Manager, dated 01 May 2009 on KOTARA PARK TENNIS COURTS – Court Hire Fee Increase, be received and noted.
- (b) That Council accept the proposed fee increase to the night time court hiring fees at Kotara park tennis complex to be charged by the Eastwood Thornleigh District Tennis Association to its members.

Record of Voting:

For the Motion: Unanimous.

6 REGISTERS - State Environmental Planning Policy No. 1

RESOLUTION: (Moved by Councillors Petch and Campbell)

That the report of the Manager Assessment, dated 8 May 2009 on REGISTERS

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- State Environmental Planning Policy No. 1, be received and noted.

Record of Voting:

For the Motion: Unanimous.

7 ADVICE ON COURT ACTIONS

Councillor Li declared a pecuniary interest in this item.

RESOLUTION: (Moved by Councillors Perram and Maggio)

That consideration of this matter be dealt with in Closed Session at the end of the meeting.

Record of Voting:

For the Motion: Unanimous.

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There are no Precis of Correspondence for Consideration

NOTICES OF MOTION**1 ACTIONS TO REDUCE JUNK MAIL - Councillor Campbell****Motion:**

That to address the growing problem of paper waste litter in Ryde that Council immediately implements an action plan to reduce unsolicited distribution of commercial junk mail within Ryde. Strategies should include (but not be limited to):

- Distribution of the free **No Advertising Material** stickers via Council's libraries, Customer Service Centre and in Council rates notices (these stickers are available for free from the Distribution Standards Board).
- A public awareness campaign for residents communicated via City View, Council's website and the Mayoral column advising:
 - o contact details for the Distribution Standards Board (ph:1800 676 136), for reporting offenders for irresponsible distribution of commercial junk mail (i.e. shopping catalogues, fast food pamphlets/coupons, supermarket ads, miscellaneous flyers for

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goods and services etc);

- information to assist residents in registering their details on the **Consumer Do Not Contact Opt Out Service** which will ensure they are not contacted by 500 members of the Australian Direct Marketing Association (including banks, insurance companies, publishers, catalogue and mail order companies and charities who contact consumers via: mail, telephone, direct response television, the internet and mobile phones).
- Information to support residents in registering with online catalogue portals such as Catalogue Central to receive only the advertising material they want to receive
- Information for residents in terms of reducing paper waste at home.

RESOLUTION: (Moved by Councillors Campbell and Yedelian OAM)

That to address the growing problem of paper waste litter in Ryde that Council immediately implements an action plan to reduce unsolicited distribution of commercial junk mail within Ryde. Strategies should include (but not be limited to):

- Distribution of the free **No Advertising Material** stickers via Council's libraries, Customer Service Centre and in Council rates notices (these stickers are available for free from the Distribution Standards Board).
- A public awareness campaign for residents communicated via City View, Council's website and the Mayoral column advising:
 - contact details for the Distribution Standards Board (ph:1800 676 136), for reporting offenders for irresponsible distribution of commercial junk mail (i.e. shopping catalogues, fast food pamphlets/coupons, supermarket ads, miscellaneous flyers for goods and services etc);
 - information to assist residents in registering their details on the **Consumer Do Not Contact Opt Out Service** which will ensure they are not contacted by 500 members of the Australian Direct Marketing Association (including banks, insurance companies, publishers, catalogue and mail order companies and charities who contact consumers via: mail, telephone, direct response television, the internet and mobile phones).
 - Information to support residents in registering with online catalogue portals such as Catalogue Central to receive only the

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advertising material they want to receive

- Information for residents in terms of reducing paper waste at home.

Record of Voting:

For the Motion: Councillors Campbell, Li, O'Donnell, Petch, Perram and Yedelian OAM

Against the Motion: The Mayor, Councillor Tagg and Councillors Etmekdjian, Maggio and Pickering

2 WORKSHOP: Managing through turbulent times - Councillor Salvestro-Martin

Motion:

1. That, as an adjunct to the very effective Federal Government Financial Stimulus package and as a means of further assisting local business cope with the Global Economic Crisis, the General Manager arrange with the NSW Government Department of State and Regional Development (DSRD) to conduct the Workshop "Managing through Turbulent Times" at Ryde.
2. That the General Manager present to Council for its consideration, a list of other DSRD workshops that might equally be of assistance to local business.

RESOLUTION: (Moved by Councillors Petch and Campbell)

That due to the absence of Councillor Salvestro-Martin the matter be deferred to the Council meeting of 26 May 2009.

Record of Voting:

For the Motion: Unanimous.

LATE ITEM – NOTICE OF MOTION

3 INSTALLATION OF TRAFFIC SIGNS ON PRIVATE PREMISES NEAR SCHOOLS - Councillor Pickering

Motion: (Moved by Councillors Pickering and Yedelian OAM)

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That the City of Ryde Council endorses the installation of traffic signs on private premises in the vicinity of schools and notes that the traffic signs are an exempt item provided that they are for the benefit of a public body and that the City of Ryde Council is that body for the purposes of this resolution.

Amendment: (Moved by Councillors O'Donnell and Campbell)

- (a) That the City of Ryde Council endorses the installation of traffic signs on private premises in the vicinity of schools and notes that the traffic signs are an exempt item provided that they are for the benefit of a public body and that the City of Ryde Council is that body for the purposes of this resolution.
- (b) That the General Manager prepare a further report on associated costs and the priorities of installing such lights.

Record of Voting:

For the Amendment: Councillors O'Donnell and Campbell

Against the Amendment: The Mayor, Councillor Tagg and Councillors Etmekdjian, Li, Maggio, Petch, Perram, Pickering and Yedelian OAM

ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED LOST

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

- (a) That the City of Ryde Council endorses the installation of traffic signs on private premises in the vicinity of schools and notes that the traffic signs are an exempt item provided that they are for the benefit of a public body and that the City of Ryde Council is that body for the purposes of this resolution.
- (b) That the RTA be advised of Council's resolution.

Record of Voting:

For the Motion: Unanimous.

NOTICES OF RESCISSION

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1 NOTICE OF RESCISSION - Councillor Petch, Councillor Perram, Councillor Li

Councillor Yedelian OAM declared a non pecuniary interest in this item and left the Chamber taking no part in debate or voting on this matter.

The Notice of Rescission Motion was **WITHDRAWN**.

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**LATE ITEM – URGENT BUSINESS - STAFF MATTER****Confidential**

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

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.

ITEM 7 - 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:

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- (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 Petch and Etmekdjian)

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 8:55pm. The public and media left the chamber. All staff except the General Manager and General Counsel left the meeting at this time.

Note: Councillor Li, having declared a pecuniary interest in Item 7, left the Chamber at 8.55pm taking no further part in the proceedings.

Note: The General Manager left the meeting at 10.00pm.

URGENT BUSINESS

Note: A rescission motion in respect of Committee of the Whole's resolution regarding the Mayoral Minute – Staff Matter at its meeting of 05 May 2009 in the names of Councillors Yedelian OAM, Perram and Petch, was handed to the Minute Clerk at 7.29pm prior to the commencement of the Council meeting.

Councillor Petch moved a motion without notice seconded by Councillor Perram:

That business not on the agenda be transacted at the meeting.

The business to be transacted is a rescission motion as follows:-

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That the resolution of the Council adopted at the Committee of the Whole Meeting 5 May 2009 in relation to the item entitled "Mayoral Minute – Staff Matter" be rescinded.

The Chairperson ruled the Motion out of order

MOTION OF DISSENT

RESOLUTION: (Moved by Councillors Perram and Petch)

That there be a dissent on the ruling of the Chairperson.

Record of Voting

For the Motion: Councillors O'Donnell, Yedelian OAM, Campbell, Etmekdjian, Perram and Petch

Against the Motion: The Mayor, Councillor Tagg, Councillors Maggio and Pickering

Upon the Motion of Dissent being **CARRIED**, the motion to transact URGENT BUSINESS was put to the meeting:

Record of Voting

For the Motion: Councillors O'Donnell, Yedelian OAM, Campbell, Etmekdjian, Perram and Petch

Against the Motion: The Mayor, Councillor Tagg, Councillors Maggio and Pickering

The Motion to transact URGENT BUSINESS was declared **CARRIED**.

RESCISSION MOTION

The rescission motion was put to the meeting:

That the resolution of the Council adopted at the Committee of the Whole Meeting 5 May 2009 in relation to the item entitled "Mayoral Minute – Staff Matter" be rescinded.

Record of Voting

For the Motion: Councillors O'Donnell, Yedelian OAM, Campbell, Etmekdjian, Perram and Petch

Against the Motion: The Mayor, Councillor Tagg, Councillors Maggio and Pickering

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The Rescission Motion was **CARRIED** and the matter was now **AT LARGE**.

STAFF MATTER

As the matter was now **AT LARGE**, Councillor Petch moved a motion seconded by Councillor Perram:

That the resolution provided in the document entitled "Staff Matter" and dated 12 May 2009 be adopted as a resolution of Council.

RESOLUTION: (Moved by Councillors Petch and Perram)

That the proposed resolution as provided in the document entitled "Staff Matter", signed and dated 12 May 2009 by the General Counsel, be adopted as a resolution of Council.

Record of Voting

For the Motion: Councillors O'Donnell, Yedelian OAM, Campbell, Etmekdjian, Perram and Petch

Against the Motion: The Mayor, Councillor Tagg, Councillors Maggio and Pickering

7 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Perram and Petch)

That the report of the General Counsel, dated 06 May 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 Campbell and O'Donnel)

That Council resolve itself into open Council.

Record of Voting:

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For the Motion: Unanimous.

Note: Open Council resumed at 10.38pm.

On resuming business in Open Council all Councillors were present in the Chamber with the exception of Councillors Butterworth, Salvestro-Martin and Li.

The Mayor formally reported the business transacted in Closed Session.

RESOLUTION: (Moved by Councillors Petch and Perram)

That the Mayor'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 10.40 pm.

CONFIRMED THIS 26TH DAY OF MAY 2009

Chairperson

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General Manager

Mayor