

## Council Meeting

MINUTES OF MEETING NO. 10/09

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**Meeting Date:** Tuesday 9 June 2009  
**Location:** Council Chambers, Level 6  
**Time:** 7.30pm

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

**Apologies:** Nil

**Staff Present:** Acting General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Chief Financial Officer, Media & Community Relations Officer, Manager Human Resources and Senior Administration Co-ordinator.

### **PRAYER**

Reverend Robert Aiken of the Ryde Congregational Church was present and offered a prayer prior to the commencement of the meeting.

### **CONFIRMATION OF MINUTES**

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

That the Minutes of the Ordinary Meeting No. 8/09 held on 26 May 2009 and the Minutes of the Extraordinary Council Meeting No. 9/09 held on 2 June 2009 be confirmed.

### **Record of Voting:**

For the Motion: Unanimous.

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Minutes of the Council Meeting No. 10/09, dated 9 June 2009.

**DISCLOSURES OF INTEREST**

Councillor Li disclosed a pecuniary interest in Item 10 – ADVICE ON COURT ACTIONS - of the Acting General Manager's Report No. 10/09, 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.

**SUSPENSION OF STANDING ORDERS**

**RESOLUTION:** (Moved by The Mayor, Councillor Tagg and Councillor Maggio)

That Standing Orders be suspended for Public Participation on items not listed on the Agenda to be brought forward.

**Record of Voting:**

For the Motion: Unanimous.

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

The following person addressed the Council:-

| <b>Name</b>   | <b>Address</b>                | <b>Topic</b>                       |
|---------------|-------------------------------|------------------------------------|
| Mr Jimmy Shaw | Resident of Nanbaree Rd, Ryde | Community Gardens and Solar Energy |

**MAYORAL MINUTES**

The Mayor provided a verbal report in respect of a Staff Matter.

**RESOLUTION:** (Moved by The Mayor, Councillor Tagg and Councillor Pickering)

That, as the matter related to a staff matter, this matter be dealt with in Closed Session at a later stage of the meeting.

**Record of Voting:**

For the Motion: Unanimous.

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**MINUTES OF THE DEVELOPMENT COMMITTEE NO.04/09 –  
PART A - ITEMS TO BE DETERMINED BY COUNCIL**

- 2 29 DEVLIN STREET, RYDE. LOTS: 5 & 6 in DP: 83504. Local Development Application for proposed 47 room motel with basement levels for car parking. Vehicular access to be provided from Belmore Lane. LDA2008/0618.**

Note: An item of correspondence dated 05/06/09 from Mike Macaulay Associates Architect was tabled regarding this matter and IS ON FILE.

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

That LDA No 2008/0618 at 29 Devlin Street, Ryde be approved as a deferred commencement consent in accordance with the recommendation in the report of the Senior Town Planner, dated 21 May 2009, Development Committee Agenda No 04/09 on pages 32 to 55.

**Record of Voting:**

For the Motion: Unanimous.

**MINUTES OF THE PUBLIC FACILITIES & SERVICES COMMITTEE NO.07/09 –  
PART A - ITEMS TO BE DETERMINED BY COUNCIL**

- 3 FIRE BRIGADES REPORT - Rutledge Street**

**RESOLUTION:** (Moved by Councillors Perram and Petch)

- (a) That the report of the Manager - Parks, dated 20/05/2009 on FIRE BRIGADES REPORT - Rutledge Street, be received and noted.
- (b) That the concerned residents be provided with a copy of the NSW Fire Brigades Report

**Record of Voting:**

For the Motion: Unanimous.

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

**RESOLUTION:** (Moved by Councillors Butterworth and Campbell)

That the report of the Executive Assistant - General Manager, dated 2 June 2009 on REGISTERS - Power of Attorney and Common Seal, be received and noted.

**Record of Voting:**

For the Motion: Unanimous.

**2 REGISTERS - State Environmental Planning Policy No. 1.**

**RESOLUTION:** (Moved by Councillors Butterworth and Salvestro-Martin)

That the report of the Manager Assessment, dated 1 June 2009 on REGISTERS - State Environmental Planning Policy No. 1., be received and noted.

**Record of Voting:**

For the Motion: Unanimous.

**3 COUNCILLOR WORKSHOPS**

**RESOLUTION:** (Moved by Councillors Butterworth and Salvestro-Martin)

That the report of the Group Manager - Corporate Services, dated 2/06/2009 on COUNCILLOR WORKSHOPS, be received and noted.

**Record of Voting:**

For the Motion: Unanimous.

#### 4 COUNCILLOR FEES AND MAYORAL FEE - Determination of the Local Government Remuneration Tribunal

**Motion:** (Moved by Councillors Perram and Campbell)

- (a) That the report of the Group Manager - Corporate Services, dated 26 May 2009 on COUNCILLOR FEES AND MAYORAL FEE - Determination of the Local Government Remuneration Tribunal, be received and noted.
- (b) That Council endorse Option 3, to adopt the full fee increase.

**Amendment:** (Moved by Councillors Yedelian OAM and Salvestro-Martin)

- (a) That the report of the Group Manager - Corporate Services, dated 26 May 2009 on COUNCILLOR FEES AND MAYORAL FEE - Determination of the Local Government Remuneration Tribunal, be received and noted.
- (b) That Council endorse Option 1, to not apply the fee increase.

ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED LOST.

**Record of Voting:**

For the Amendment: Councillors Li, Perram, Salvestro-Martin and Yedelian OAM

Against the Amendment: The Mayor, Councillor Tagg and Councillors Butterworth, Campbell, Etmekdjian, Maggio, O'Donnell, Petch and Pickering,

**RESOLUTION:** (Moved by Councillors Perram and Campbell)

- (a) That the report of the Group Manager - Corporate Services, dated 26 May 2009 on COUNCILLOR FEES AND MAYORAL FEE - Determination of the Local Government Remuneration Tribunal, be received and noted.
- (b) That Council endorse Option 3, to adopt the full fee increase.

**Record of Voting:**

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

Against the Motion: Councillors Li, Salvestro-Martin and Yedelian OAM

**5 TENDER EVALUATION REPORT - COR-RFT-01/09 - Stormwater Drainage and Creek Rehabilitation, 50 Higginbotham Road, Gladesville**

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

- (a) That the report of the Senior Civil Engineer, dated 27/05/2009 on TENDER EVALUATION REPORT - COR-RFT-01/09 - Stormwater Drainage and Creek Rehabilitation, 50 Higginbotham Road, Gladesville, be received and noted.
- (b) That the Tender for both Separable Part 1 and Separable Part 2 submitted by T.E. Peck Excavations Pty Ltd for the stormwater drainage and creek rehabilitation at the Tendered amount of \$648,617 (excl GST) be accepted.
- (c) That the successful and unsuccessful Tenderers be advised of Council's decision.

**Record of Voting:**

For the Motion: Unanimous.

**6 CLOTHING BINS - Public Notice Request for Submissions**

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

- (a) That the report of the Manager - Waste & Fleet, dated 2/06/2009 on CLOTHING BINS - Public Notice Request for Submissions, be received and noted.
- (b) That Council request submissions via public notice from charitable organisations who are also members of the National Association of Charitable Recycling Organisation (N.A.C.R.O) for the supply of initially 20 clothing bins within the city at pre-approved sites in a joint initiative with Council under a 5 year licensing agreement.

**Record of Voting:**

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

Against the Motion: Councillor Butterworth

**7 COUNCIL WASTE INITIATIVES - Portable Shopping Trolleys**

**RESOLUTION:** (Moved by Councillors Perram and Pickering)

- (a) That the report of the Manager - Waste & Fleet, dated 2/06/2009 on COUNCIL WASTE INITIATIVES - Portable Shopping Trolleys , be received and noted.
- (b) That Council does not proceed with the purchase of the Portable Shopping Trolleys.

**Record of Voting:**

For the Motion: Unanimous.

**8 REQUEST FOR FEE WAIVER - UTS Northern Suburbs Athletic Club**

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

- (a) That the report of the Manager - Parks, dated 29/05/2009 on REQUEST FOR FEE WAIVER - UTS Northern Suburbs Athletic Club, be received and noted.
- (b) The application for waiver of the fee for the use of UTS Athletic Club on 13 June 2009 for a cross country event be approved and a bond of \$500 be imposed.
- (c) That the City of Ryde be acknowledged on the day for the waiver of the fee and in any promotion of the event by UTS Northern Suburbs Athletic Club.

**Record of Voting:**

For the Motion: Unanimous.

**9 COUNCIL'S INVESTMENT PORTFOLIO**

**RESOLUTION:** (Moved by Councillors Perram and Campbell)

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.

**10 ADVICE ON COURT ACTIONS**

**RESOLUTION:** (Moved by Councillors Perram and Campbell)

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.

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

There are no Precis of Correspondence for Consideration

**NOTICES OF MOTION****1 ERECTION OF TRAFFIC WARNING LIGHTS IN SCHOOL ZONES -  
Councillor Pickering**

**Motion:** (Moved by Councillors Pickering and Yedelian OAM)

That Council write to the Member for Ryde, Victor Dominello, congratulating him on his initiative to support the community and school P & C Associations in the erection of traffic warning lights in school zones in Ryde. The Member for Ryde should be thanked for taking up the challenge to address the failure of the State Government to provide funding for the highly expensive RTA warning lights that are a critical measure for the safety of our school children.

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

- (a) That Council thank the Member for Ryde, Victor Dominello, for his initiative

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in supporting the community and school P & C Associations in the erection of traffic warning lights in school zones in Ryde

(b) That the P & C Associations be advised of Council's decision.

**Record of Voting:**

For the Motion: The Mayor, Councillor Tagg and Councillors Butterworth, Etmekdjian, Li, Maggio, Petch, Perram, Pickering, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillors Campbell and O'Donnell

**2 NSW POLICE ASSOCIATION CAMPAIGN - Councillor Pickering**

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

That the City of Ryde support the campaign by the NSW Police Association and State MPs, Victor Dominello, Anthony Roberts and Greg Smith, for better policing and conditions at Gladesville and Eastwood, by writing to the NSW Government to express Council's concerns at cost-cutting measures that will reduce police numbers in our LGA and the support conditions for injured policemen and women.

**Record of Voting:**

For the Motion: The Mayor, Councillor Tagg and Councillors Butterworth, Campbell, Etmekdjian, Li, Maggio, Petch, Pickering and Yedelian OAM

Against the Motion: Councillors Perram, O'Donnell and Salvestro-Martin

**NOTICES OF RESCISSION**

There are no Notices of Rescission

**QUESTIONS BY COUNCILLORS AS PER POLICY**

There are no Questions by Councillors as per Policy

**CLOSED SESSION****ITEM 9 - COUNCIL'S INVESTMENT PORTFOLIO****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.

**ITEM 10 - 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.

**MAYORAL MINUTE – STAFF MATTER****Confidential**

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

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

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

**Record of Voting:**

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

Against the Motion: Councillors Butterworth

Note: The Council moved into closed session at 8.50pm. The public and media left the chamber.

**9 COUNCIL'S INVESTMENT PORTFOLIO**

**Motion:** (Moved by Councillors Butterworth and Salvestro-Martin)

- (a) That the report of the Chief Financial Officer, dated 4/06/2009 on COUNCIL'S INVESTMENT PORTFOLIO, be received and noted.
- (b) That Option 1 be adopted by Council.

**Record of Voting:**

For the Motion: The Mayor, Councillor Tagg and Councillors Butterworth, Campbell, Salvestro-Martin and Maggio

Against the Motion: Councillors Etmekdjian, Li, O'Donnell, Petch, Perram, Pickering and Yedelian OAM

The MOTION was defeated 5 to 7 and the item was then AT LARGE.

A further MOTION was moved by Councillors Pickering and Etmekdjian.

**RESOLUTION:** (Moved by Councillors Pickering and Etmekdjian)

- (a) That the report of the Chief Financial Officer, dated 4/06/2009 on COUNCIL'S INVESTMENT PORTFOLIO, be received and noted.
- (b) That Option 4 be adopted by Council.

**Record of Voting:**

For the Motion: Councillors Etmekdjian, Li, Maggio, O'Donnell, Petch, Perram, Pickering and Yedelian OAM

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Against the Motion: The Mayor, Councillor Tagg and Councillors Butterworth, Campbell and Salvestro-Martin

## 10 ADVICE ON COURT ACTIONS

Councillor Li, having disclosed a pecuniary interest in this item left the Chamber, the time being 9.40pm, taking no part in debate or voting on this matter.

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

That the report of the General Counsel, dated 4 June 2009 on ADVICE ON COURT ACTIONS, be received and noted.

**Record of Voting:**

For the Motion: Unanimous.

Councillor Li returned to the Chamber, the time being 9.43pm.

## MAYORAL MINUTE – STAFF MATTER

At this time, being 9.44pm, the Acting General Manager and staff left the Chamber with the exception of the Manager, Human Resources.

Council had a discussion on this matter.

## ACTING GENERAL MANAGER'S REPORT (CONTINUED)

### OPEN SESSION

**RESOLUTION:** (Moved by Councillors Butterworth and Petch)

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous.

Note: Open Council resumed at 9.57pm.

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

**RESOLUTION:** (Moved by Councillors Butterworth and Petch)

That the Mayor and the Acting 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 10.00pm.

CONFIRMED THIS 23<sup>RD</sup> DAY OF JUNE 2009

Chairperson

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General Manager

Mayor