

## Council Meeting

MINUTES OF MEETING NO. 11/09

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**Meeting Date:** Tuesday 23 June 2009  
**Location:** Council Chambers, Level 6  
**Time:** 7.30pm

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**Councillors Present:** The Mayor, Councillor V Tagg and Councillors N Campbell, A Etmekdjian, J Li, R Maggio, G O'Donnell, I Petch, W Pickering, J Salvestro-Martin and S Yedelian OAM.

**Apologies:** Councillors T Perram and M Butterworth.

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

### **PRAYER**

Pastor Robyn Peebles of the Church of the Good Shepherd was present and offered 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. 10/09 held on 9 June 2009 be confirmed.

### **Record of Voting:**

For the Motion: Unanimous.

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Minutes of the Council Meeting No. 11/09, dated 23 June 2009.

**DISCLOSURES OF INTEREST**

Councillor Li disclosed a pecuniary interest in Item 5 – KOTARA PARK – Granting of a Five (5) Year Licence Agreement to 3GIS Pty Limited - of the General Manager's Report No. 11/09, for the reason that his employer is acting for the potential licensee.

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

The following persons addressed the Council:-

| <b>Name</b>   | <b>Topic</b>                |
|---------------|-----------------------------|
| Mr P. Guilano | NOM 2 – RYDE DRAFT LEP 2008 |

**ADJOURNMENT OF MEETING**

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

That the Council Meeting be adjourned in order to convene the Finance and Audit Committee Meeting, the time being 7.35pm.

**RESUMPTION OF MEETING**

The meeting resumed at 7.47pm. At the time of resumption the attendance was as follows:

**Councillors Present:** The Mayor, Councillor V Tagg and Councillors N Campbell, A Etmekdjian, J Li, R Maggio, G O'Donnell, I Petch, W Pickering, J Salvestro-Martin and S Yedelian OAM.

**MAYORAL MINUTES****1 PROVISION OF VACATION CARE SERVICES**

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

- (a) That Council waive the fee of \$34 per day for Vacation Care for the nominated child during the July School Holidays.
- (b) That Council Officers investigate other avenues of support, in particular transport options, for this family.

**Record of Voting:**

For the Motion: Unanimous.

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**MINUTES OF THE DEVELOPMENT COMMITTEE NO. 05/09 – PART A – ITEMS TO BE DETERMINED BY COUNCIL**

- 2 41 BUENA VISTA AVENUE, DENISTONE. LOT: 82 DP: 16433. - Local Development Application for First Floor Addition and New Detached Double Garage. LDA2008/0004.**

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

Note: Councillor Salvestro-Martin tabled a petition from residents in relation to this item and a copy is ON FILE.

That consideration of Local Development Application No. 2008/4 at 41 Buena Vista Avenue, Denistone being LOT: 82 DP: 16433 be deferred to the next Council Meeting on 28 July 2009 to allow for Council to facilitate mediation between the immediate neighbour (39 Buena Vista Avenue) and the applicant.

**Record of Voting:**

For the Motion: Unanimous.

**MINUTES OF THE PUBLIC FACILITIES AND SERVICES COMMITTEE NO. 08/09 – PART A – ITEMS TO BE DETERMINED BY COUNCIL**

- 6 FIELD OF MARS PLAN OF MANAGEMENT - Adoption by Council**

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

That consideration of the Field of Mars draft Plan of Management (dated May 2009) be deferred to the Committee of the Whole Meeting to be held on Tuesday, 21 July 2009.

**Record of Voting:**

For the Motion: Unanimous.

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

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

That the report of the Executive Assistant - General Manager, dated 16/06/2009 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 Salvestro-Martin and Petch)

That the report of the Manager Assessment, dated 16/06/2009 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 Petch and Pickering)

That the report of the Group Manager - Corporate Services, dated 18 June 2009 on COUNCILLOR WORKSHOPS, be received and noted.

**Record of Voting:**

For the Motion: Unanimous.

**4 INVESTMENT REPORT - May 2009**

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

That the report of the Chief Financial Officer, dated 18/06/2009 on INVESTMENT REPORT - May 2009, be received and noted.

**Record of Voting:**

For the Motion: Unanimous.

**5 KOTARA PARK - Granting a Five (5) Year Licence Agreement to 3GIS Pty Limited**

Councillor Li having disclosed a pecuniary interest in this item left the Chamber, the time being 8.16pm, taking no part in debate or voting on this matter.

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

That this matter be dealt with seriatim

**Record of Voting**

For the Motion: Unanimous.

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

- (a) That the report of the Property Manager, dated 12/06/2009 on KOTARA PARK - Granting a Five (5) Year Licence Agreement to 3GIS Pty Limited, be received and noted.

**Record of Voting:**

For the Motion: The Mayor, Councillor Tagg, Councillors O'Donnell, Maggio, Etmekdjian, Pickering, Petch and Salvestro-Martin.

Against the Motion: Councillors Campbell and Yedelian OAM

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

- (b) That Council grant a five (5) year licence agreement to 3GIS Pty Limited commencing on 1 July 2009 on the terms and conditions as outlined in this report.

**Record of Voting:**

For the Motion: The Mayor, Councillor Tagg, Councillors O'Donnell, Maggio, Etmekdjian, Pickering, Petch and Salvestro-Martin.

Against the Motion: Councillors Campbell and Yedelian OAM

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

- (c) That the matter of the revenue stream that is obtained from this 5 year license be referred for discussion at the September Budget review.

**Record of Voting:**

For the Motion: Councillors Yedelian OAM, Pickering and Etmekdjian

Against the Motion: The Mayor, Councillor Tagg, Councillors O'Donnell, Maggio, Campbell, Petch and Salvestro-Martin.

**RESOLUTION:**

- (a) That the report of the Property Manager, dated 12/06/2009 on KOTARA PARK - Granting a Five (5) Year Licence Agreement to 3GIS Pty Limited, be received and noted.
- (b) That Council grant a five (5) year licence agreement to 3GIS Pty Limited commencing on 1 July 2009 on the terms and conditions as outlined in this report.

Councillor Li returned to the Chamber, the time being 8.23pm

**6 192 BALACLAVA ROAD, MACQUARIE PARK. MACQUARIE UNIVERSITY- REPORT ON FIRE SAFETY INSPECTION CARRIED OUT BY THE NEW SOUTH WALES FIRE BRIGADES.**

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

That the report of the Executive Building Surveyor, dated 25/05/2009 on 192 Balaclava Road, Macquarie Park. Macquarie University – Report on Fire Safety Inspection carried out by the New South Wales Fire Brigades be received and noted.

**Record of Voting:**

For the Motion: Unanimous.

**7 JOINT REGIONAL PLANNING PANELS - Request by the Minister for Planning for nominations of Council representatives**

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

- (a) That Council refuse to nominate a representative.
- (b) That the General Manager informs the Minister for Planning of this decision

**AMENDMENT:** (Moved by Councillors O'Donnell and Salvestro-Martin)

- (a) That Council formally nominate the Mayor (and Councillor Campbell as an alternate) and the General Manager (and Group Manager Public Works as an alternate) as members of the Joint Regional Planning Panel (JRPP),
- (b) That the General Manager informs the Minister for Planning of the nominations.

**ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED CARRIED THEREBY BECOMING THE MOTION.**

**Record of Voting:**

For the Amendment: The Mayor, Councillor Tagg, Salvestro-Martin, Li, O'Donnell, Etmekdjian and Campbell.

Against the Amendment: Councillors Petch, Pickering, Maggio and Yedelian OAM.

**FURTHER AMENDMENT:** (Moved by Councillors Petch and Pickering)

- (a) That Council formally nominate two senior staff members the General Manager and Group Manager Public Works (or their nominees) as members of the Joint Regional Planning Panel (JRPP),
- (b) That the General Manager informs the Minister for Planning of the nominations.

**ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED CARRIED THEREBY BECOMING THE MOTION**

For the Amendment: Councillors Li, Etmekdjian, Pickering, Petch, Yedelian OAM and Maggio.

Against the Amendment: Councillors O'Donnell, Salvestro-Martin, Campbell and The Mayor, Councillor Tagg.

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

- (a) That Council formally nominate two senior staff members the General Manager and Group Manager Public Works (or their nominees) as members of the Joint Regional Planning Panel (JRPP),
- (b) That the General Manager informs the Minister for Planning of the nominations.

**Record of Voting:**

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

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

## **8 TEMPORARY PARKING AT EASTWOOD - Update Regarding Potential Sites**

**RESOLUTION:** (Moved by Councillors O'Donnell and Salvestro-Martin)

That the report of the Place Manager Major Centres, dated 12/06/2009 on TEMPORARY PARKING AT EASTWOOD - Update Regarding Potential Sites, be received and noted.

**Record of Voting:**

For the Motion: Unanimous.

## **9 COMMUNITY FACILITIES PLAN AND LICENSING POLICY**

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

- (a) That the report of the Manager - Major Projects, dated 21/05/2009 on COMMUNITY FACILITIES PLAN AND LICENSING POLICY, be received and noted.
- (b) That Council place the draft Community Facilities Plan and draft Community Facilities Licensing Policy on public exhibition for a period of four weeks, commencing 30 June 2009.

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- (c) That Council receive a further report detailing comments received through the public exhibition period.
- (d) That the staff responsible for preparing the draft Community Facilities Plan and draft Community Facilities Licensing Policy be formally acknowledged as part of their performance reviews.

**Record of Voting:**

For the Motion: Unanimous.

**10 DRAFT PARENTAL LEAVE POLICY**

**RESOLUTION:** (Moved by Councillors Campbell and Yedelian OAM)

- (a) That the report of the Manager Human Resources, dated 18/06/2009 on PARENTAL LEAVE POLICY, be received and noted.
- (b) That Council endorse the attached Parental Leave Policy and its attachments for implementation within City of Ryde, effective immediately, subject to the deletion of:
  - Last paragraph on page 99
  - Paragraph (ii) of Clause 1.19.

**Record of Voting:**

For the Motion: Unanimous.

Note: It was noted that if there is any action by the Commonwealth, State Government or Local Government Award which may have an impact on this policy then these impacts would be reported to Council as soon as possible.

**11 ADVICE ON COURT ACTIONS**

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

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.

**12 PROVISION OF ADVERTISING SERVICES AND PRINTING AND DISTRIBUTION OF COMMUNITY NEWSLETTER FOR THE CITY OF RYDE**

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

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 Precises of Correspondence for Consideration

**NOTICES OF MOTION****1 RYDE-ING OUT THE RECESSION BANNER - Councillor Salvestro-Martin**

**Motion:** (Moved by Councillors Salvestro-Martin and O'Donnell)

That the General Manager investigate and report on the design, siting and cost of a banner to be located in appropriate Civic locations with the positive community message: "Ryde-ing out the recession - Backing our local community"

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

That the General Manager investigate and report on the design, siting and cost of a banner to be located in appropriate Civic locations with a positive community message and that the report include strategies on how Council can engage with local business and community organisations.

**Record of Voting:**

For the Motion: Unanimous.

**2 RYDE DRAFT LEP 2008 - Councillor Petch**

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

That in light of the Global Financial Economic Crisis and its implication for housing affordability, the Minister for Planning be requested, in the section 68 report on Ryde Draft Local Environmental Plan 2008, to amend clause 2.6 2(a) to allow the strata subdivision and subdivision of dual occupancy (attached) in the zone R2 - Low Density Residential.

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

That the General Manager provide a report to the Committee of the Whole Meeting on 21 July 2009, supporting the intent of the Notice Of Motion: RYDE DRAFT LEP 2008, for Council's consideration.

**Record of Voting:**

For the Motion: Unanimous.

**3 STATUS OF WOMEN ADVISORY COMMITTEE - Councillor Campbell**

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

That Ryde Council establishes as soon as practicable a Status of Women Advisory Committee with the following objectives:

- To promote the Status of Women in Ryde LGA;
- To encourage a 'sense of place' for women in the Ryde LGA;
- To foster active participation from women in the Ryde LGA to develop a centralised local networking hub;
- To hold events and support other organised women's events by external groups throughout each year including International Women's Day, that provide a forum for women to voice their concerns and discuss local issues.
- This new Advisory Committee to have the same standard operational Terms of Reference as all other existing Advisory Committees.

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

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- (a) That Ryde Council establishes as soon as practicable a Status of Women Advisory Committee with the following objectives:
- To promote the Status of Women in Ryde LGA;
  - To encourage a 'sense of place' for women in the Ryde LGA;
  - To foster active participation from women in the Ryde LGA to develop a centralised local networking hub;
  - To hold events and support other organised women's events by external groups throughout each year including International Women's Day, that provide a forum for women to voice their concerns and discuss local issues.
  - This new Advisory Committee to have the same standard operational Terms of Reference as all other existing Advisory Committees.
- (b) That Council call for interested parties to nominate for the Advisory Committee and that nominations be presented to a Councillor Workshop for consideration.

**Record of Voting:**

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

Against the Motion: Councillors Pickering, Yedelian OAM and Etmekdjian

**4 COMPANION CARD PROGRAM - Councillor Campbell**

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

That in line with a growing number of NSW Councils, Ryde Council becomes an affiliate to the NSW Government's "Companion Card" program. The Companion Card is an initiative that ensures people with a profound disability, who require attendant care, can participate in community activities without discrimination.

**Record of Voting:**

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

Against the Motion: The Mayor, Councillor Tagg

**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 11 - 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.

**ITEM 12 – PROVISION OF ADVERTISING SERVICES AND PRINTING AND DISTRIBUTION OF COMMUNITY NEWSLETTER FOR THE CITY OF RYDE**

**Confidential**

This item is classified CONFIDENTIAL under Section 10A(2)(d) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (d) commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it; or
- (ii) confer a commercial advantage on a competitor of the council; or
- (iii) reveal a trade secret.

This matter is classified confidential because it contains commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the persons who supplied it.

It is not in the public interest to reveal all details of this matter as it could affect Council's ability to secure the best outcome.

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

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 10.39pm. The public and media left the chamber.

**11 ADVICE ON COURT ACTIONS**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Etmekdjian)

That the report of the General Counsel, dated 16/6/09 on ADVICE ON COURT ACTIONS be received and noted.

**Record of Voting:**

For the Motion: Unanimous.

**12 PROVISION OF ADVERTISING SERVICES AND PRINTING AND DISTRIBUTION OF COMMUNITY NEWSLETTER FOR THE CITY OF RYDE**

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

Note: A Confidential Memorandum from the Group Manager, Community Life correcting the evaluation criteria raw scores included in this Item was tabled and a copy is ON FILE.

- (a) That the report of the Manager – Community relations and events dated 16 June 2009 to the Finance and Audit Committee on PROVISION OF ADVERTISING SERVICES AND PRINTING AND DISTRIBUTION OF COMMUNITY NEWSLETTER FOR THE CITY OF RYDE, be received and noted.
- (b) That no tenders be accepted on the following grounds: the Cumberland Newspaper Group and The Weekly Times submissions exceed Council's allocated budget, and the Neon Creative submission was a non conforming tender.
- (c) That the General Manager be delegated authority to enter into negotiations with Cumberland Newspaper Group and The Weekly Times with a view to the execution of a formal contract agreement.
- (d) That the General Manager be delegated authority to amend the contract on matters which are in the best interests of Council.
- (e) That the contract stipulates conditions on timeliness and quality of printed publications.
- (f) That a further report be provided to Council on the outcomes of the negotiations.
- (g) That the contract with the existing service provider Cumberland Newspaper Group be extended until Council appoints its preferred service provider.

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- (h) That all companies who lodged a tender for the provision of Advertising Services and Printing and Distribution of Community Newsletter to the City Of Ryde be advised of Council's decision.

**Record of Voting:**

For the Motion: Unanimous.

**GENERAL MANAGER'S REPORT (CONTINUED)**

**OPEN SESSION**

**RESOLUTION:** (Moved by Councillors O'Donnell and Salvestro-Martin )

That Council resolve itself into open Council.

**Record of Voting**

For the Motion: Unanimous.

Note: Open Council resumed at 10.56pm.

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

**RECOMMENDATION:** (Moved by Councillors O'Donnell and Salvestro-Martin)

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.

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The meeting closed at 10.58pm.

CONFIRMED THIS 28<sup>th</sup> DAY OF JULY 2009

Chairperson

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General Manager

Mayor