

Council Meeting

MINUTES OF MEETING NO. 12/09

Meeting Date: Tuesday 28 July 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, Media & Community Relations Officer and Senior Administration Co-ordinator.

PRAYER

Reverend Sue Willis of St Anne's Anglican Church was present and offered prayer prior to the commencement of the meeting.

CONFIRMATION OF MINUTES

RESOLUTION: (Moved by Councillors Butterworth and Petch)

That the Minutes of the Ordinary Meeting No. 11/09 held on 23 June 2009 be confirmed.

Record of Voting:

For the Motion: Unanimous.

DISCLOSURES OF INTEREST

The Mayor, Councillor Tagg disclosed a non-pecuniary interest in Item 8 - Request from Rotary Club Gladesville for support of Aquatic Festival - of the General

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Manager's Report No. 12/09, due to his involvement in the Rotary Club of Gladesville as well as being Chairman of Ryde Hunters Hill Life Education.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

No.	Name	Address	Topic
1	Mr Ian Stevenson	Resident of Gladesville	Notice of Motion 1 – Removal of Destructive Weeds at Monash Park

MAYORAL MINUTES

1 AUSTRALIAN COUNCIL OF LOCAL GOVERNMENT

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

That the Mayoral Minute be received and noted and letters be sent to the Prime Minister, The Hon. Kevin Rudd MP and The Hon. Maxine McKew, Member for Bennelong, extending our thanks for the grant allocation for local infrastructure works.

Record of Voting:

For the Motion: Unanimous.

MINUTES OF THE DEVELOPMENT COMMITTEE NO. 06/09

RESOLUTION: (Moved by Councillors Pickering and Butterworth)

That Part A of the Development Committee Report No. 06/09 be dealt with seriatim and Part B be noted as dealt with under delegated authority.

Record of Voting:

For the Motion: Unanimous.

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**2 6A FAIRYLAND AVENUE, CHATSWOOD WEST. LOT: 1 DP: 849609.
Building Certificate No. 2009/7.**

RESOLUTION: (Moved by Councillors Pickering and Butterworth)

That Building Certificate application BCT2009/7 be approved.

Record of Voting:

For the Motion: Unanimous.

**3 52-78 ROWE STREET & 20 FIRST AVENUE, EASTWOOD. Local
Development Application for Demolition of Existing Buildings and
Construction of a Mixed-Use Retail / Commercial / Residential Complex.
LDA2008/0744.**

RESOLUTION: (Moved by Councillors Pickering and Butterworth)

- (a) That Local Development Application No. 744/08 at 52-78 Rowe Street and 20 First Avenue Eastwood being Lots 1 and 2 DP 214786, Lot 9 DP 3962, Lots 1 and 2 DP 395709, Lot B DP 371880 and Lot 25 DP 660052 be approved as a deferred commencement consent subject to the conditions as detailed on pages 2 – 32 of the Development Committee Minutes;

Record of Voting:

For the Motion: Unanimous.

**MINUTES OF PUBLIC FACILITIES & SERVICES COMMITTEE REPORT NO.
09/09**

RESOLUTION: (Moved by Councillors Perram and Petch)

That Part A of the Public Facilities & Services Committee Report No. 09/09 be dealt with seriatim and Part B be noted as dealt with under delegated authority.

Record of Voting:

For the Motion: Unanimous.

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2 RYDE TRAFFIC COMMITTEE - Minutes of Meeting held 25 June 2009**RESOLUTION:** (Moved by Councillors Perram and Petch)

That the report of the Traffic Engineer, dated 26 June 2009 on RYDE TRAFFIC COMMITTEE - Minutes of Meeting held 25 June 2009, be received and adopted as resolutions of Council with the following amendments:

(a) MIN No. 109 (7) NORTH RYDE & WILLOW CRESCENT, RYDE Intersection Safety

That the item be referred back to the Traffic Committee to consider the matter in conjunction with information contained in the North Road (Blaxland Road and Quarry Road) Ryde Traffic Management Options Paper.

(b) MIN No 118 (16) BAY DRIVE, MEADOWBANK & WEST RYDE UNDERPASS – Cycleway Improvements

- (a) A curb blister be installed at the exit of the bicycle ramp at Bay Drive, Meadowbank, with the three car parking spaces retained.
- (b) That signage be installed to require cyclists to dismount before the crossing across Ryedale Road, West Ryde.
- (c) That Council implements the remaining bicycle measures as detailed in the body of this report, as part of the 2009-2010 Cycleway Funding Program.

(c) MIN 122 (20) MARSFIELD & MACQUARIE PARK PARKING Parking Controls at Cul-de-sacs

- (a) That Council approves the installation of parking signs stipulating “90° parking – front to kerb” along the cul-de-sacs at the end of Libya Place, Rogal Place, Crimea Road, Leisure Place and Tasman Place to facilitate additional on-street parking.
- (b) That parking bays be painted on the roadway, as per AS2890.5 – “On-Street Parking Code”.
- (c) That Council approve No Parking restrictions at the cul-de-sacs of Bareena Place and Shipway Street from 5am to 11am on the waste collection day of the week.

Record of Voting:

For the Motion: Unanimous.

3 DRAFT MORRISON BAY PARK PLAN OF MANAGEMENT - Permission to Proceed to Public Exhibition

RESOLUTION: (Moved by Councillors Perram and Petch)

- (a) That the report of the Open Space Planner, dated 25 May 2009 on DRAFT MORRISON BAY PARK PLAN OF MANAGEMENT - Permission to Proceed to Public Exhibition, be received and noted.
- (b) That consideration of this matter be deferred to allow further consultation, particularly with East Ward Councillors.

Record of Voting

For the Motion: Unanimous.

5 CAMPHOR LAURELS

RESOLUTION: (Moved by Councillor Perram and Petch)

- (a) That the report of the Manager - Parks, dated 7/05/2009 on CAMPHOR LAURELS, be received and noted.
- (b) That Council consider the establishment of a budget for the removal of Camphor Laurel trees in its budget considerations for 2010/11.
- (c) That Part 2 of the Weed Management Plan (Camphor Laurel) be amended to read as follows:

Any plant 5 metres or greater in height must be programmed for removal or destruction (unless deemed by Council to have significant heritage or landscape value), with timing of removal subject to:

- Council's priority schedule; and
- Available funding.

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 21/07/2009 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 Pickering)

That the report of the Manager Assessment, dated 21 July 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 Salvestro-Martin and Campbell)

That the report of the Group Manager - Corporate Services, dated 23/06/2009 on COUNCILLOR WORKSHOPS, be received and noted.

Record of Voting:

For the Motion: Unanimous.

4 COUNCILLOR INFORMATION SEMINARS - Report on Attendance by City of Ryde Councillors in 2008

MOTION: (Moved by Councillors Petch and Pickering)

- (a) That the report of the Acting Manager Councillor Services, dated 23/06/2009 on COUNCILLOR INFORMATION SEMINARS - Report on Attendance by City of Ryde Councillors in 2008, be received and noted,

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- (b) That instead of the Department of Local Government conducting Induction Seminars, each individual Council conduct its own Induction Program for their Councillors and advise the Department of Local Government of the attendance of all Councillors.
- (c) That the Department of Local Government be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous.

Note: The Council noted that Councillor Petch was ill during the period when the Seminars were scheduled and was therefore unable to attend.

5 91 WHARF ROAD, MELROSE PARK-LAND CLASSIFICATION

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

- (a) That the report of the Property Manager - Development, dated 15/07/2009 on 91 WHARF ROAD, MELROSE PARK-LAND CLASSIFICATION, be received and noted.
- (b) That, in accordance with Section 31(2) of the Local Government Act 1993, the property referred to in this report be classified as operational land.

Record of Voting:

For the Motion: Unanimous.

6 INVESTMENT REPORT - June 2009

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That the report of the Chief Financial Officer, dated 17/07/2009 on INVESTMENT REPORT - June 2009, be received and endorsed.

Record of Voting:

For the Motion: Unanimous.

7 INAUGURAL MEETING OF THE SCHOOL PRINCIPAL'S LIAISON COMMITTEE-JUNE 2009

RESOLUTION: (Moved by Councillors Butterworth and Maggio)

- (a) That the report of the Manager - Community and Culture, dated 20/07/2009 on INAUGURAL MEETING OF THE SCHOOL PRINCIPAL'S LIAISON COMMITTEE-JUNE 2009, be received and noted.
- (b) That the Minutes of the School Principals' Liaison Committee meeting held on 25 June 2009 be received and noted
- (c) That Ryde 2030 be a standing item on each meeting of the Committee.
- (d) That Councillors' attendance at these meetings be on the basis of observer only.

Record of Voting:

For the Motion: Unanimous.

8 REQUEST FROM ROTARY CLUB GLADESVILLE FOR SUPPORT OF AQUATIC FESTIVAL

The Mayor, Councillor Tagg declared a non-pecuniary interest in this item, vacated the Chair and left the Chamber, taking no part in debate or voting on the matter.

The Deputy Mayor, Councillor Yedelian OAM took the Chair, the time being 8.14pm.

MOTION: (Moved by Councillors Petch and Li)

- (a) That the report of the Manager - Community Relations and Events, dated 24/07/2009 on REQUEST FROM ROTARY CLUB GLADESVILLE FOR SUPPORT OF AQUATIC FESTIVAL, be received and noted.
- (b) That Council supports the Ryde Aquatic Festival providing access and use of Kissing Point Park, Putney at no charge.
- (c) That Council provide at no charge the supply and removal of waste facilities.
- (d) That Council provide at no charge the supply of traffic management equipment as required.

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- (e) That Council sponsor two Corporate teams in the Dragon Boat Challenge.
- (f) That Ryde Council receive appropriate recognition and branding of the City of Ryde at this event.

Record of Voting:

For the Motion: Unanimous.

The Mayor, Councillor Tagg returned to the Chamber, the time being 8.20pm and took the Chair.

9 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

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

1 LETTER FROM STATE MEMBER FOR LANE COVE, MR ANTHONY ROBERTS MP - Funding through Community Building Partnership Fund

RESOLUTION: (Moved by Councillors Petch and Pickering)

- (a) That the correspondence be received.
- (b) That an appropriate letter of thanks be sent to the Premier and the local Member for Lane Cove regarding this funding.

Record of Voting:

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

Against the Motion: Councillor Maggio

NOTICES OF MOTION**1 REMOVAL OF DESTRUCTIVE WEEDS AT MONASH PARK - Councillor Maggio****Motion:**

That the General Manager prepare a report for the removal of all destructive weeds (Camphor Trees) at Monash Park and provide a report for the replacement of the picket fence.

The report to stipulate:

- a. A replacement tree policy.
- b. Residents of Eltham Street Gladesville to be consulted.
- c. Costings for the replacement of the picket fence to steel similar to Ryde & Eastwood Oval.
- d. All Users of Monash Park to be contacted in relation to any contribution (funding) towards the new fence.

WITH THE CONCURRENCE OF THE MOVER THE MOTION WAS AMENDED TO READ AS FOLLOWS:

Motion: (Moved by Councillors Maggio and Yedelian OAM)

That the General Manager prepare a report for the removal of Camphor Laurel Trees at Monash Park and provide a report for the replacement of the picket fence.

The report to stipulate:

- a. A replacement tree policy.
- b. Residents of Eltham Street Gladesville to be consulted.
- c. Costings for the replacement of the picket fence to steel similar to Ryde & Eastwood Oval.
- d. All Users of Monash Park to be contacted in relation to any contribution (funding) towards the new fence.
- e. That Council remove the fence in the 2009/2010 Management Plan to allow for open space.

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Councillor Yedelian OAM withdrew as seconder of the Motion and the matter was now AT LARGE.

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

That the General Manager prepare a report for the removal of Camphor Laurel Trees at Monash Park and provide a report on the safety issues and the replacement of the picket fence.

Record of Voting:

For the Motion: Unanimous.

2 ACCESSIBLE ARTS SMALL GRANTS - Councillor Campbell

Motion:

That, to complement Council's Arts Strategy, Council submits an application for an Accessible Arts Small Grants to assist City of Ryde in creating high quality arts events. This grant funding is available as part of the 2009 Don't DIS my ABILITY campaign.

RESOLUTION: (Moved by Councillors Campbell and Butterworth)

That, to complement Council's Arts Strategy, Council submits an application for an Accessible Arts Small Grants to assist City of Ryde in creating high quality arts events. This grant funding is available as part of the 2009 Don't DIS my ABILITY campaign.

Record of Voting:

For the Motion: Unanimous.

3 GREENSTAR RATING - Councillor Campbell

Motion: (Moved by Councillors Campbell and Yedelian OAM)

That the General Manager prepare a report to Council on the ability to allow:

1. Consistency with Council's previously stated in principle support of adopting a minimum 4 Greenstar rating as a benchmark for new commercial developments within the City of Ryde, that Council shows leadership in working to achieve an equivalent rating of a minimum 4 Greenstars in the proposed ELS Hall Park Indoor Sports Stadium.

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2. Council notes that a minimum 4 Greenstar rating (a score of 45-59) equates to “Best Practice in environmentally sustainable design and/or construction”. That Council notes the most appropriate Greenstar tool to assess the ELS Hall Park Indoor Sports Stadium against would be the Greenstar Convention Centre pilot tool.
3. Council management instructs the ELS Hall Park Stadium project team (in consultation with Council’s Manager Environment), to undertake an immediate assessment of the sustainable design initiatives proposed for the ELS Hall Park Indoor Sports Stadium against each of the nine categories in the Greenstar Convention Centre Pilot tool:
 - Management
 - Indoor Environment Quality
 - Energy
 - Transport
 - Water
 - Materials
 - Land Use & Ecology
 - Emissions
 - Innovation
4. That in the event the proposed building design and/or fitout of the ELS Hall Park Indoor Sports Stadium is found to be less than an equivalent four Greenstar rating, the report is to include details of additional design elements (and the costs) required to bring the proposed building up to an equivalent minimum 4 Greenstar rating for Council’s consideration.

Amendment: (Moved by Councillors Perram and Maggio)

That the General Manager prepare a report to Council to detail the possibility of constructing an equivalent 4 Greenstar rating building for the proposed ELS Hall Park Indoor Sports Stadium.

Record of Voting:

For the Motion: The Mayor, Councillor Tagg and Councillors Perram, Etmekdjian, Pickering, Li, and Maggio

Against the Motion: Councillors Butterworth, Campbell, O’Donnell, Petch, Salvestro-Martin and Yedelian OAM

On being put to the meeting, the voting was 6-all and the Mayor gave his CASTING VOTE FOR THE AMENDMENT AND IT WAS DECLARED CARRIED.

RESOLUTION: (Moved by Councillors Perram and Maggio)

That the General Manager prepare a report to Council to detail the possibility of constructing an equivalent 4 Greenstar rating building for the proposed ELS Hall Park Indoor Sports Stadium.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

NOTICES OF RESCISSION**1 JOINT REGIONAL PLANNING PANELS - Request by the Minister for Planning for nominations of Council representatives - The Mayor, Councillor Tagg and Councillors Butterworth and Salvestro- Martin**

NOTE: An item of correspondence, undated, from The Hon. Kristina Keneally MP was tabled regarding this matter and IS ON FILE.

That Council rescind the previous resolution in relation to Item 7, passed at the Council Meeting held on 23 June 2009, namely:

- "(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."*

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

That Council rescind the previous resolution in relation to Item 7, passed at the Council Meeting held on 23 June 2009, namely:

- "(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: The Mayor, Councillor Tagg and Councillors Butterworth, Campbell, O'Donnell and Salvestro-Martin

Against the Motion: Councillors Etmekdjian, Li, Maggio, Perram, Petch, Pickering and Yedelian OAM

As the voting was 5 FOR the Notice of Rescission and 7 AGAINST, the Notice of Rescission was declared LOST.

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 9 - 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 Perram and Yedelian OAM)

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

Record of Voting:

For the Motion: Unanimous.

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Note: The Council closed the meeting at 9.25pm. The public and media left the chamber.

9 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Butterworth and Maggio)

That the report of the General Counsel, dated 21/07/2009 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 Etmekdjian)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous.

Note: Open Council resumed at 9.30pm.

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

RESOLUTION: (Moved by Councillors Butterworth and Maggio)

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.

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NATIONAL ANTHEM

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

The meeting closed at 9.31pm.

CONFIRMED THIS 11TH DAY OF AUGUST 2009

Chairperson