

Council Meeting

MINUTES OF MEETING NO. 13/09

Meeting Date: Tuesday 11 August 2009
Location: Council Chambers, Level 6
Time: 7.30pm

Councillors Present: The Mayor, Councillor Tagg and Councillors Butterworth, Etmekdjian, Li, Maggio, O'Donnell, Petch, Perram, Pickering, Salvestro-Martin and Yedelian OAM.

Apologies: Councillor Campbell - request for leave of absence granted for the meeting of 11 August 2009;

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, Manager Risk & Audit, Manager Human Resources, Media & Community Relations Officer 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 Butterworth)

That the Minutes of the Ordinary Meeting No. 12/09 held on 28 July 2009 be confirmed.

Record of Voting:

For the Motion: Unanimous.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

Minutes of the Council Meeting No. 13/09, dated 11 August 2009.

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Petch and Perram)

That Standing Orders be suspended to allow the General Manager to present the Mayor and Councillors with the Local Government Award for Best Practice for Ryde River Walk and Planning for Active Living, on behalf of the Local Government Association and the Heart Foundation, the time being 7.36pm.

Record of Voting:

For the Motion: Unanimous

The General Manager made the presentation of the Local Government Award for Best Practice for Ryde River Walk and Planning for Active Living to the Mayor, Councillor Tagg.

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Petch and Perram)

That standing orders be resumed, the time being 7.38pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council.

MAYORAL MINUTE**APPOINTMENT OF PROVIDER FOR RECRUITMENT OF SENIOR STAFF**

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

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

Record of Voting:

For the Motion: Unanimous.

Minutes of the Council Meeting No. 13/09, dated 11 August 2009.

MINUTES OF THE DEVELOPMENT COMMITTEE NO. 07/09

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That Part A of the Development Committee Report No. 07/09 be dealt with seriatim and Part B be noted as dealt with under delegated authority.

Record of Voting:

For the Motion: Unanimous.

PART A – ITEMS TO BE DETERMINED BY COUNCIL

- 2 2 CLANWILLIAM ST, EASTWOOD. LOT: 8 DP: 5088. Application for modification of consent for approved villa development - involving changes to landscaping and retention (instead of replacement) of fencing. LDA2007/0592. (Section 96 No. MOD2009/0041).**

RESOLUTION: (Moved by Councillors Pickering and Perram)

- (a) That the Section 96 application No. MOD2009/0041 to modify Local Development Application No. 2007/592 at 2 Clanwilliam St, Eastwood, being LOT: 8 DP: 5088, be approved in the following manner:
- **Condition 1** is amended by adding Landscaping Plan No L01/1-R12415 dated 5 July 07 (received by Council 14 April 2009) to the list of approved plans.

NOTES:

1. That a row of evergreen screen trees of not less than 1.2 metres in height be planted on the eastern boundary to the satisfaction of Council.
- **ALL** other conditions remain unaltered and must be complied with.
- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous.

Minutes of the Council Meeting No. 13/09, dated 11 August 2009.

- 3 40 TRELAWNEY STREET, EASTWOOD. LOT: 34 DP: 16433.**
Application to amend the approved alterations and additions to rear of dwelling including garage, storage area, kitchen, lounge, bedroom and deck LDA No. 2003/1268. Section 96 Ref MOD2009/0051.

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

- (a) That the Section 96 application to modify Local Development Application No. MOD2009/0051 at 40 Trelawney St Eastwood being Lot 34 DP 16433 be approved subject to the modification of Condition 1 as follows:

1. Development is to be carried out in accordance with Drawing No's 1 to 7 date plotted 02.07.09, prepared by Pragmatic Designers Pty Ltd and support information submitted to Council.

All other conditions remain unaltered and must be complied with.

- (b) That the persons who made submissions be advised of Council's decision.

Record of Voting:

For the Motion: Unanimous.

MINUTES OF PUBLIC FACILITIES & SERVICES COMMITTEE REPORT NO. 10/09

RESOLUTION: (Moved by Councillors Perram and Pickering)

That Part A of the Public Facilities & Services Committee Report No. 10/09 be dealt with seriatim and Part B be noted as dealt with under delegated authority.

Record of Voting:

For the Motion: Unanimous.

2 REMOVAL OF TWO CONIFERS - Ryedale Road

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

- (a) That the report of the Manager - Parks, dated 30/06/2009 on REMOVAL OF TWO CONIFERS - Ryedale Road, be received and noted.
- (b) That permission to remove the two *Chamaecyprus obtusa* 'Crippsii' (Golden Hinoki Cypress) located at 18 Ryedale Road be granted with a condition requiring replacement planting of two native plants with an ultimate height of not less than 5 metres.

Record of Voting:

For the Motion: Unanimous.

GENERAL MANAGER'S REPORTS

1 REGISTERS - Common Seal

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

That the report of the Executive Assistant - General Manager, dated 5 August 2009 on REGISTERS - Common Seal , be received and noted.

Record of Voting:

For the Motion: Unanimous.

2 COUNCILLOR WORKSHOPS

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

That the report of the Group Manager - Corporate Services, dated 29 July 2009 on COUNCILLOR WORKSHOPS, be received and noted.

Record of Voting:

For the Motion: Unanimous.

3 CHANGES TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - Plan Making

RESOLUTION: (Moved by Councillors Petch and Perram)

That the report of the Strategic Planner, dated 9 July 2009 on CHANGES TO THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 - Plan Making, be received and noted.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM.

4 TENDER EVALUATION REPORT - COR-RFT-07/09 - Shrimptons Creek Rehabilitation, Santa Rosa Park

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

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.

5 STRANGERS CREEK REHABILITATION - Status Report

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

- (a) That the report of the Senior Civil Engineer, dated 24/07/2009 on STRANGERS CREEK REHABILITATION - Status Report, be received and noted.
- (b) That Council approves the concept rehabilitation options for Strangers Creek recommended in this report for implementation in line with the priorities identified by the local community.

Record of Voting:

For the Motion: Unanimous.

6 RYDE COMMUNITY & SPORTS CENTRE (ELS HALL PARK) - Greenstar Rating

Motion: (Moved by Councillors Petch and Maggio)

- (a) That the report of the Group Manager - Public Works, dated 5 August 2009 on RYDE COMMUNITY & SPORTS CENTRE (ELS HALL PARK) - Greenstar Rating, be received and noted.
- (b) That the additional initiatives as listed in the consultant's report be considered in the design of the building.

Record of Voting:

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

Against the Motion: Councillors Butterworth and Yedelian OAM.

7 ADVICE ON COURT ACTIONS

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

That the report of the General Counsel, dated 5/08/2009 on ADVICE ON COURT ACTIONS, be received and noted.

Record of Voting:

For the Motion: Unanimous.

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There are no Precis of Correspondence for Consideration.

NOTICES OF MOTION**1 NO PIGEON FEEDING AWARENESS CAMPAIGN - Eastwood Plaza - Councillor Li**

Motion: (Moved by Councillors Li and Petch)

That the City of Ryde reinforce the no pigeon feeding message by conducting a 2 week awareness campaign at Eastwood Plaza. Measures should include distributing small posters for display in shop windows, publishing information on Council's website and City View, and verbal warnings to offenders.

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

- (a) That the City of Ryde reinforce the no pigeon feeding message by conducting a 2 week awareness campaign at Eastwood Plaza. Measures should include distributing small posters for display in shop windows, distributing information to school Principals and publishing information on Council's website and City View, and verbal warnings to offenders.
- (b) That the General Manager provide a report to Council on the longer term initiatives to address the eradication of the problems being experienced with pigeons in Eastwood Plaza.

Record of Voting:

For the Motion: Unanimous.

2 CITIZENSHIP CEREMONY - Councillor Pickering

That the City of Ryde Council invite all official State and Federal Members of Parliament to join with the Mayor in personally congratulating all Australian citizenship recipients at Ryde Citizenship ceremonies. This would involve the presentation of the citizenship certificate by the Mayor, the Australian Flag by a designated Councillor, followed by personal congratulations from the Federal Member and State MPs.

Motion: (Moved by Councillors Pickering and Yedelian OAM)

That on a trial basis, for a period of six months, the City of Ryde Council invite all official State and Federal Members of Parliament to join with the Mayor in personally congratulating all Australian citizenship recipients at Ryde Citizenship ceremonies. This would involve the presentation of the citizenship certificate by the Mayor, the Australian Flag by a designated Councillor, followed by personal congratulations from the Federal Member and State MPs.

Amendment: (Moved by Councillors Perram and Salvestro-Martin)

That this matter be deferred and that the General Manager prepare a report to Council on Citizenship Ceremonies on how the proceedings can be streamlined.

Record of Voting:

For the Motion: The Mayor, Councillor Tagg and Councillors Butterworth, Li, O'Donnell, Perram, Petch and Salvestro-Martin.

Against the Motion: Councillors Maggio, Etmekdjian, Pickering, Yedelian OAM.

ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED CARRIED

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

That this matter be deferred and that the General Manager prepare a report to Council on Citizenship Ceremonies on how the proceedings can be streamlined.

Record of Voting:

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

Against the Motion: Councillors Etmekdjian, Pickering and Yedelian OAM.

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.

Minutes of the Council Meeting No. 13/09, dated 11 August 2009.

CLOSED SESSION**MAYORAL MINUTE – Appointment of Provider for recruitment of Senior Staff****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) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND
- (d) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

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 4 – TENDER EVALUATION REPORT – Shrimptons Creek Rehabilitation – Status Report**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) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND
- (d) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

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 O'Donnell)

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 9.17pm. The public and media left the chamber.

4 TENDER EVALUATION REPORT - COR-RFT-07/09 - Shrimptons Creek Rehabilitation, Santa Rosa Park

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

- (a) That the report of the Senior Civil Engineer, dated 23/07/2009 on TENDER EVALUATION REPORT - COR-RFT-07/09 - Shrimptons Creek Rehabilitation, Santa Rosa Park, be received and noted.
- (b) That the Tender submitted by ESD Landscape Contractors Pty Ltd for the rehabilitation of Shrimptons Creek within Santa Rosa Park for the Lump Sum amount of \$826,504.18 (excl GST) be accepted.
- (c) That the successful and unsuccessful Tenderers be advised of Council's decision.

Record of Voting:

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

Against the Motion: Councillor Maggio.

MAYORAL MINUTE

APPOINTMENT OF PROVIDER FOR RECRUITMENT OF SENIOR STAFF.

At this time, being 9.25pm, Council staff left the Chamber with the exception of the General Manager, Manager Human Resources and Manager Risk & Audit.

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

Minutes of the Council Meeting No. 13/09, dated 11 August 2009.

- (a) That the Mayoral Minute dated 11 August 2009 and its attachment, as submitted to Council on 11 August 2009, be received and noted.
- (b) That the preferred recruitment provider, IPA, as recommended within the attached evaluation report, be appointed to facilitate recruitment of the General Manager.
- (c) That IPA also be appointed to facilitate recruitment of the Group Manager - Community Life.
- (d) That all unsuccessful recruitment providers be notified of the outcome of the process.
- (e) That the Manager Human Resources and Manager Risk & Audit be authorised to engage IPA as the preferred provider and work with the provider in facilitating the recruitment process for the above roles, in conjunction with the whole of Council.

Record of Voting:

For the Motion: Unanimous.

OPEN SESSION

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous.

Note: Open Council resumed at 9.35pm.

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

RESOLUTION: (Moved by Councillors Petch and Etmekdjian)

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.

Minutes of the Council Meeting No. 13/09, dated 11 August 2009.

NATIONAL ANTHEM

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

The meeting closed at 9.36pm.

CONFIRMED THIS 25TH DAY OF AUGUST 2009

Chairperson

Minutes of the Council Meeting No. 13/09, dated 11 August 2009.

General Manager

Mayor