

Council Meeting

MINUTES OF MEETING NO. 17/09

Meeting Date: Tuesday 13 October 2009
Location: Council Chambers, Level 6
Time: 7.30pm

Councillors Present: The Mayor, Councillor Butterworth and Councillors Etmekdjian, Li, Maggio, Petch, Pickering, Tagg and Yedelian OAM.

Apologies: Councillors Perram, Campbell and O'Donnell;
Councillor Salvestro-Martin requested and was granted leave of absence for the period 12 October to 15 October 2009 inclusive.

Staff Present: General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Acting Group Manager – Environment & Planning, Group Manager - Public Works, Media & Community Relations Officer, Manager Urban Planning 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 Petch and Yedelian OAM)

That the Minutes of the Finance and Audit Committee meeting held on 25 August 2009 and the Minutes of the Ordinary Meeting No 16/09 held on 22 September 2009 be confirmed.

Record of Voting:

For the Motion: Unanimous.

Minutes of the Council Meeting No. 17/09, dated 13 October 2009.

DISCLOSURES OF INTEREST

Councillor Maggio disclosed a non-pecuniary interest in the following Items 8, 9 and 11 of the General Manager's Report No. 17/09 for the reasons that his children play sport in the City of Ryde and he is involved in many sporting organisations in the area as a volunteer.

Item 8 – Community Facilities Plan 2030

Item 9 – Community Facilities Licensing Policy

Item 11 – Playing Field Lighting Program 2009/2010: Proposed Projects

Councillor Yedelian OAM disclosed a non-pecuniary interest in Item 8 –Community Facilities Plan 2030 and Item 9 – Community Facilities Licensing Policy of the General Manager's Report No. 17/09, for the reason that he is involved in an organisation that holds a licence with Council.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

| No. | Name | Address | Topic |
|------------|------------------|------------------------------|--|
| 1 | Mr Warren Price | Vice President of Ryde Rugby | Notice of Rescission 2 – Ryde Park: New Cafe |
| 2 | Mr Marty Rodgers | Anthony Rd, Denistone | Notice of Rescission 2 – Ryde Park: New Cafe |

MAYORAL MINUTES

The Mayor gave a verbal report that he had a Mayoral Minute relating to the General Manager's Recruitment that would be distributed later in the meeting to Councillors.

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

That this matter be discussed in closed session at the end of the meeting.

Record of Voting:

For the Motion: Unanimous.

MINUTES OF THE PLANNING AND ENVIRONMENT COMMITTEE NO. 02/09**RESOLUTION: (Moved by Councillors Pickering and Petch)**

That the Minutes of the Planning and Environment Committee Report No. 2/09 be noted as dealt with under delegated authority.

Record of Voting:

For the Motion: Unanimous.

MINUTES OF WORKS AND COMMUNITY COMMITTEE REPORT NO. 02/09**RECOMMENDATION: (Moved by Councillors Tagg and Maggio)**

That Part A of the Works and Community Committee Report No. 2/09 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 RYDE TRAFFIC COMMITTEE – Minutes of Meeting held on 17 September 2009****RESOLUTION: (Moved by Councillors Tagg and Petch)**

That the report of the Traffic Engineer, dated 11/09/2009 on RYDE TRAFFIC COMMITTEE - Minutes of Meeting held on 17 September 2009, be received and adopted as resolutions of Council with the exception of the following:

MIN NO.184 DRIVEWAY DELINEATION LINES.
Guidelines for the Installation of Driveway Delineation
Lines on Local Roads.

That this item be referred to the Traffic Committee for further consideration.

Record of Voting:

For the Motion: Unanimous.

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4 OUTDOOR DINING FEES - Cox's Road and Eastwood Plaza Precincts

Motion: (Moved by Councillors Tagg and The Mayor, Councillor Butterworth)

- (a) That the report of the Property Manager, dated 11/09/2009 on OUTDOOR DINING FEES - Cox's Road and Eastwood Plaza Precincts, be received and noted.
- (b) That Council publicly notify proposed changes to the current management plan fees for outdoor dining in Cox's Road to \$188 and Eastwood to \$242 (Incl. GST) per square metre until 30 June 2011.
- (c) That Council take into consideration the valuation report when considering the fees to be charged for outdoor dining in Meadowbank, which will be the subject of a further report following expiry of community consultation on 23 September 2009.
- (d) That the valuation and its future updates form the basis for the establishment of all future outdoor dining fees commencing with the Management Plan 2010/2011.
- (e) That any footpath licenses already entered into be renegotiated to the fees outlined in (b) subject to the outcome of the public notification and Council's decision on that notification.

Record of Voting:

For the Motion: Unanimous.

7 CENTRALISED DATABASE - Users of City of Ryde Sportsgrounds and Facilities

RESOLUTION: (Moved by Councillors Tagg and Etmekdjian)

- (a) That the report of the Recreation Co-ordinator, dated 15 September 2009 on CENTRALISED DATABASE - Users of City of Ryde Sportsgrounds and Facilities, be received and noted.
- (b) That this matter be referred to the Sport and Recreation Advisory Committee for further consultation.

Record of Voting:

For the Motion: Unanimous.

9 CAMPHOR LAURELS

RESOLUTION: (Moved by Councillors Tagg and Maggio)

- (a) That the report of the Manager - Open Space, dated 31 July 2009 on CAMPHOR LAURELS, be received and noted.
- (b) That the priority list contained in this report be used as a basis for the consideration of a revised Weed Management Plan for Camphor Laurels, and be updated on a regular basis.
- (c) That the identified mature camphor laurel tree in West Denistone Park be removed as soon as possible.
- (d) That a budget for the program be considered for inclusion in the 2010 -14 Management Plan.

Record of Voting:

For the Motion: Unanimous.

10 REMOVAL OF CAMPHOR LAUREL TREES AT MONASH PARK AND REPLACEMENT OF PICKET FENCE

RESOLUTION: (Moved by Councillors Tagg and Yedelian OAM)

- (a) That the report of the Manager Catchments & Assets, dated 17/08/2009 on REMOVAL OF CAMPHOR LAUREL TREES AT MONASH PARK AND REPLACEMENT OF PICKET FENCE, be received and noted.
- (b) That Council approves to remove the existing fence immediately and replace it with a steel picket fence in 2012-2013 in conjunction with the upgrade of Monash Park.
- (c) The cost for removal of the existing fence be considered as part of the Quarterly Budget Review.
- (d) That consultation be undertaken to establish a priority list for the removal of the designated camphor laurel trees and a further report be provided to Council including appropriate supporting documentation.

Record of Voting:

For the Motion: Unanimous.

11 REQUEST FOR REMOVAL OF STREET TREES - 67 Eastwood Avenue, North Ryde

RESOLUTION: (Moved by Councillors Tagg and Petch)

- (a) That the report of the Manager - Open Space, dated 21/09/2009; REQUEST FOR REMOVAL OF STREET TREES - 67 Eastwood Avenue, North Ryde, be received and noted.
- (b) That this item be deferred to provide for an inspection by the Works and Community Committee.

Record of Voting:

For the Motion: Unanimous.

14 ROUNDABOUT SAFETY - Driver Awareness and Safety

RESOLUTION: (Moved by Councillors TAG and Petch)

- (a) That the report of the Road and Community Safety Projects Officer, dated 1/09/2009 on ROUNDABOUT SAFETY - Driver Awareness and Safety , be received and noted.
- (b) That Council implements the following strategies to increase community awareness and change behaviour relating to roundabout safety:
 - Enhance the current Road Safety program to ensure roundabout safety is included in existing programs
 - Place information and Road and Traffic Authority resources on the Council's website
 - Devise a media release to be sent to local news outlets
 - Place information in the Ryde City View newsletter and Mayoral Column
 - Approach NSW Police regarding enforcement after the community safety program.
- (c) That this matter be referred to the Ryde Community Safety Working Group as part of their Road Safety Campaign.

Record of Voting:

For the Motion: Unanimous.

GENERAL MANAGER'S REPORT**1 REGISTERS - Common Seal**

RESOLUTION: (Moved by Councillors Petch and Pickering)

That the report of the Executive Assistant - General Manager, dated 6 October 2009 on REGISTERS - 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 Petch and Yedelian OAM)

That the report of the Manager Assessment, dated 6/10/2009 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 Tagg)

That the report of the Acting Manager Councillor Services, dated 7/10/2009 on COUNCILLOR WORKSHOPS, be received and noted.

Record of Voting:

For the Motion: Unanimous.

4 PECUNIARY INTEREST RETURNS 2008 2009

RESOLUTION: (Moved by Councillors Petch and Tagg)

- (a) That the report of the Acting Manager Councillor Services, dated 26/06/2009 on PECUNIARY INTEREST RETURNS 2008 2009, be received and noted.

- (b) That the Division of Local Government, Department of Premier and Cabinet be advised on this matter and provided with a copy of this report.

Record of Voting:

For the Motion: Unanimous.

5 2009/2010 CHRISTMAS NEW YEAR ARRANGEMENTS - Business Operations

RESOLUTION: (Moved by Councillors Petch and Pickering)

- (a) That the report of the Manager Human Resources, dated 19/08/2009 on 2009/2010 CHRISTMAS NEW YEAR ARRANGEMENTS - Business Operations, be received and noted.
- (b) That the changes to normal City of Ryde business operations over the 2009/2010 Christmas/New Year period, as outlined in the report be endorsed.
- (c) That the changes to normal business operations referred to in (b) above, be advertised in the Mayor's Column, the Ryde City View, on Council's website and by way of notice at the front of the Civic Centre, Council's branch libraries and the Ryde Aquatic Leisure Centre.
- (d) That Council endorse the staff Christmas Party being held at North Ryde RSL on Thursday 24 December 2009.

Record of Voting:

For the Motion: Unanimous.

6 CITY OF RYDE LOCAL PLANNING STRATEGY - Small Centres Study

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

- a) That the report of the Strategic Planner, dated 30/09/2009 on CITY OF RYDE LOCAL PLANNING STRATEGY - Small Centres Study, be received and noted.
- b) That the recommendations of the Small Centres Study be used to guide the preparation of the City of Ryde comprehensive LEP with regard to the places included in the Study.

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- c) That an urban design based master plan study be undertaken to investigate the potential of Cox's Road, Blenheim Road, Putney village, Boronia Park and Denistone Station.
- d) That small allotments sizes, suitable dwelling types and appropriate locations for these allotments be investigated as part of the Housing Strategy.
- e) That a supplementary study be undertaken to investigate FSR, height and permitted uses for places zoned B1 Neighbourhood Business and for Meadowbank West. This study be reported back to a Councillor Workshop for discussion and direction.
- f) That the master planning process for Cox's Road centre being undertaken by key land owners be endorsed.
- g) That a letter be sent to the land owners funding the Cox's Road master planning process outlining support for the process and requesting that the outcomes of the planning work be able to be used to inform the Centres Strategy and Comprehensive LEP.

Record of Voting:

For the Motion: Unanimous.

7 RYDE 2030 COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM INTEGRATED TIMELINE

RESOLUTION: (Moved by Councillors Petch and Etmekdjian)

- (a) That the report of the Corporate Planning Co-ordinator, dated 29/09/2009 on RYDE 2030 COMMUNITY STRATEGIC PLAN AND DELIVERY PROGRAM INTEGRATED TIMELINE, be received and noted.
- (b) That Council adopts the Ryde 2030 Community Strategic Plan Integrated Timeline and Ryde 2030 Outline Structure in principle as ATTACHED.
- (c) That Council nominates as Group 3 under the Local Government Amendment (Planning and Reporting) Act 2009 and the General Manager writes to the Minister for Local Government accordingly.

Record of Voting:

For the Motion: Unanimous.

8 COMMUNITY FACILITIES PLAN 2030

Note: Councillors Maggio and Yedelian OAM declared non-pecuniary interests in this item and took part in debate and voting on the matter.

Motion: (Moved by Councillors Petch and Yedelian OAM)

- (a) That the report of the Acting Group Manager - Community Life, dated 7/10/2009 on COMMUNITY FACILITIES PLAN 2030, be received and noted.
- (b) That Council adopt the draft Community Facilities Plan 2030.
- (c) That the General Manager be delegated authority to make minor changes to this document as required, without changing the intent of the document.
- (d) That Council advise stakeholders of the adoption of the Community Facilities Plan 2030 and this document be placed on Council's website.

Amendment: (Moved by Councillors Maggio and Pickering)

- (a) That the report of the Acting Group Manager - Community Life, dated 7/10/2009 on COMMUNITY FACILITIES PLAN 2030, be received and noted.
- (b) That the matter be deferred for consultation with sporting groups through the Sport and Recreation Advisory Committee.

Record of Voting:

For the Amendment: The Mayor, Councillor Butterworth and Councillors Etmekdjian, Maggio, Pickering and Tagg

Against the Amendment: Councillors Li, Petch and Yedelian OAM

ON BEING PUT TO THE MEETING THE AMENDMENT, WITH FIVE (5) VOTES FOR AND THREE (3) AGAINST, WAS DECLARED **CARRIED** AND THEREFORE BECAME THE **MOTION**

RESOLUTION: (Moved by Councillors Maggio and Pickering)

- (a) That the report of the Acting Group Manager - Community Life, dated 7/10/2009 on COMMUNITY FACILITIES PLAN 2030, be received and noted.

- (b) That the matter be deferred for consultation with sporting groups through the Sport and Recreation Advisory Committee.

Record of Voting:

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

Against the Motion: Councillors Tagg and Yedelian OAM

9 COMMUNITY FACILITIES LICENSING POLICY

Note: Councillors Maggio and Yedelian OAM declared non-pecuniary interests in this item and took part in debate and voting on the matter.

Motion: (Moved by Councillors Petch and Pickering)

- (a) That the report of the Acting Group Manager - Community Life, dated 7/10/2009 on COMMUNITY FACILITIES LICENSING POLICY be received and noted.
- (b) That the matter be deferred to a Councillor Workshop.

Record of Voting:

For the Motion: Unanimous.

10 MEADOWBANK - Proposed Outdoor Dining Fee

RESOLUTION: (Moved by Councillors Tagg and Li)

- (a) That the report of the Property Manager, dated 24/09/2009 on MEADOWBANK - Proposed Outdoor Dining Fee, be received and noted.
- (b) That Council confirm the proposed outdoor dining fee of \$135 per sq m per annum for the next 12 months at Meadowbank public domain areas currently being upgraded by Council.

Record of Voting:

For the Motion: Unanimous.

11 PLAYING FIELD LIGHTING PROGRAM 2009/2010 - Proposed Projects

Note: Councillor Maggio declared a non-pecuniary interest in this item and took part in debate and voting on the matter.

RESOLUTION: (Moved by Councillors Maggio and Tagg)

- (a) That the report of the Manager Catchments & Assets, dated 1/10/2009 on PLAYING FIELD LIGHTING PROGRAM 2009/2010 - Proposed Projects, be received and noted.
- (b) That Council approve the upgrading of sports lighting at Meadowbank netball courts and Blenheim Park radio car circuit as part of the 2009/2010 Playing Field Lighting Program.
- (c) That Council endorse the lodging of development for playing field lights at Meadowbank Park netball courts, Pidding Park and Blenheim Park radio car circuit, as outlined in the above report.
- (d) That a further report be submitted to Council on Pidding Park, proposed sports lighting once the NSW grant funding is determined.

Record of Voting:

For the Motion: Unanimous.

12 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Etmekdjian and Tagg)

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

Record of Voting:

For the Motion: Unanimous.

13 INCIDENT AT BRUSH FARM HOUSE THURSDAY 1 OCTOBER 2009

RESOLUTION: (Moved by Councillors Etmekdjian and Tagg)

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

Record of Voting:

For the Motion: Unanimous.

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14 PERSONNEL MATTER

RESOLUTION: (Moved by Councillors Etmekdjian and Tagg)

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

There are no Notices of Motion

NOTICES OF RESCISSION**1 WEST RYDE URBAN VILLAGE DEVELOPMENT - Councillors Petch, Salvestro-Martin, O'Donnell and Yedelian OAM**

That Council rescind the previous resolution in relation to Item 2 – West Ryde Urban Village Development: Application under S96 of the Act to Modify Development Consent No LDA2007/559, passed at the Committee of the Whole meeting held on 15 September, namely:

"That proposed modifications under section 96 (2) of the Environmental Planning and Assessment Act 1979 to LDA No. 07/559 be refused for the following reasons:

- (a) The development will not remain substantially the same development.*
- (b) The reduction and alteration in commercial and retail space would reduce public benefits from the development.*
- (c) The likelihood of a single tenancy means smaller shops in the West Ryde commercial area would become less accessible from Council-owned parking spaces."*

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RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That Council rescind the previous resolution in relation to Item 2 – West Ryde Urban Village Development: Application under S96 of the Act to Modify Development Consent No LDA2007/559, passed at the Committee of the Whole meeting held on 15 September, namely:

"That proposed modifications under section 96 (2) of the Environmental Planning and Assessment Act 1979 to LDA No. 07/559 be refused for the following reasons:

- (a) The development will not remain substantially the same development.*
- (b) The reduction and alteration in commercial and retail space would reduce public benefits from the development.*
- (c) The likelihood of a single tenancy means smaller shops in the West Ryde commercial area would become less accessible from Council-owned parking spaces."*

Record of Voting:

For the Motion: Unanimous.

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

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

That, prior to Council formalising its position on this matter, this item be dealt with in Closed Session at the end of the meeting to discuss in conjunction with Item 12 – Advice on Court Actions.

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

That, prior to Council formalising its position on this matter, this item be dealt with in Closed Session at the end of the meeting to discuss in conjunction with Item 12 – Advice on Court Actions.

Record of Voting:

For the Motion: Unanimous.

2 RYDE PARK: NEW CAFE - Councillor Etmedkjian, Councillor Pickering, Councillor Maggio, Councillor Petch, Councillor Yedelian OAM

That Council rescind the previous resolution in relation to Item 11, passed at the Council Meeting held on 22 September 2009, namely:

- “(a) That the report of the Manager - Buildings and Property, dated 12/08/2009 on RYDE PARK - New Cafe, be received and noted.*
- “(b) That the proposal to lease and operate the café by Cheeky2 Café as outlined in this report, be adopted.*
- “(c) That the General Manager be delegated the authority to finalise the commercial arrangements as outlined in this report and to agree to minor amendments that do not impact on the materiality of the proposal and to enter into a lease with the selected operator.”*

Note: An item of correspondence dated 12 October 2009 from Cheeky2 Café Pty Ltd was tabled regarding this matter and IS ON FILE.

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That Council rescind the previous resolution in relation to Item 11, passed at the Council Meeting held on 22 September 2009, namely:

- “(a) That the report of the Manager - Buildings and Property, dated 12/08/2009 on RYDE PARK - New Cafe, be received and noted.*
- “(b) That the proposal to lease and operate the café by Cheeky2 Café as outlined in this report, be adopted.*
- “(c) That the General Manager be delegated the authority to finalise the commercial arrangements as outlined in this report and to agree to minor amendments that do not impact on the materiality of the proposal and to enter into a lease with the selected operator.”*

Record of Voting:

For the Motion: Unanimous.

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

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

- “(a) That the Ryde Park Master Plan and Plan of Management be amended to retain the Harry Anderson Pavilion and this amendment be put on public*

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notification and a further report be provided back to Council at the end of the notification period.

- (b) *That Council rejects all quotations for the Ryde Park New Café, and delegates authority to the General Manager to enter into discussions with all bidders and any other interested parties.*

RESOLUTION: (Moved by Councillors Pickering and Petch)

- (a) That the Ryde Park Master Plan and Plan of Management be amended to retain the Harry Anderson Pavilion and this amendment be put on public notification and a further report be provided back to Council at the end of the notification period.
- (b) That Council rejects all quotations for the Ryde Park New Café, and delegates authority to the General Manager to enter into discussions with all bidders and any other interested parties.

Record of Voting:

For the Motion: Unanimous.

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

That Standing Orders be suspended to deal with a petition from residents of Cheers Street, West Ryde in reference to a request for a pathway on their street, the time being 9.59pm.

Record of Voting:

For the Motion: Unanimous.

Councillor Yedelian OAM submitted the Petition to the General Manager.

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.

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CLOSED SESSION**ITEM 12 - 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 13 - INCIDENT AT BRUSH FARM HOUSE THURSDAY 1 OCTOBER 2009**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: (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 14 - PERSONNEL MATTER**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: (a) personnel matters concerning particular individuals (other than councillors).

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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

1 GENERAL MANAGER'S RECRUITMENT

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).

RESOLUTION: (Moved by Councillors Petch and Pickering)

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 10.00pm. The public and media left the chamber.

12 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Tagg and Maggio)

That the report of the General Counsel, dated 6/10/2009 on ADVICE ON COURT ACTIONS, be received and noted.

Record of Voting:

For the Motion: Unanimous.

13 INCIDENT AT BRUSH FARM HOUSE THURSDAY 1 OCTOBER 2009

Motion: (Moved by Councillors Tagg and Maggio)

- (a) That the report of the Arts and Cultural Development Co-ordinator, dated 6/10/2009 on INCIDENT AT BRUSH FARM HOUSE THURSDAY 1 OCTOBER 2009, be received and noted.
- (b) That Council write to Brush Farm Historical Society expressing its concern over the incident at Brush Farm House and issue a warning that it is in breach of Section 8 (c) of the Licence Agreement.

Amendment: (Moved by Councillors Pickering and Petch)

That the report of the Arts and Cultural Development Co-ordinator, dated 6/10/2009 on INCIDENT AT BRUSH FARM HOUSE THURSDAY 1 OCTOBER 2009, be received and noted.

Record of Voting:

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

Against the Amendment: The Mayor, Councillor Butterworth and Councillors Tagg and Yedelian OAM

ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED
CARRIED AND THEREFORE BECAME THE MOTION

RECOMMITTAL:

RESOLUTION: (Moved by Councillors Tagg and Councillor Pickering)

That Item 13 of the General Manager's Report 17/09 – INCIDENT AT BRUSH FARM HOUSE ON THURSDAY 1 OCTOBER 2009 be recommitted for consideration.

Record of Voting:

For the Motion: Unanimous.

13 INCIDENT AT BRUSH FARM HOUSE THURSDAY 1 OCTOBER 2009

Motion: (Moved by Councillors Tagg and Maggio)

- (a) That the report of the Arts and Cultural Development Co-ordinator, dated 6/10/2009 on INCIDENT AT BRUSH FARM HOUSE THURSDAY 1 OCTOBER 2009, be received and noted.
- (b) That Council write to Brush Farm Historical Society expressing its concern over the incident at Brush Farm House and issue a warning that it is in breach of Section 8 (c) of the Licence Agreement.

Amendment: (Moved by Councillors Pickering and Petch)

- (a) That the report of the Arts and Cultural Development Co-ordinator, dated 6/10/2009 on INCIDENT AT BRUSH FARM HOUSE THURSDAY 1 OCTOBER 2009, be received and noted.

Record of Voting:

For the Amendment: Councillors Etmekdjian, Li, Petch and Pickering

Against the Amendment: The Mayor, Councillor Butterworth and Councillors Maggio, Tagg and Yedelian OAM

On being put to the meeting, the voting was 4-all and the Mayor gave his CASTING VOTE AGAINST THE AMENDMENT AND IT WAS DECLARED LOST.

RESOLUTION: (Moved by Councillors Tagg and Maggio)

- a) That the report of the Arts and Cultural Development Co-ordinator, dated 6/10/2009 on INCIDENT AT BRUSH FARM HOUSE THURSDAY 1 OCTOBER 2009, be received and noted.
- (b) That Council write to Brush Farm Historical Society expressing its concern over the incident at Brush Farm House and issue a warning that it is in breach of Section 8 (c) of the Licence Agreement.

Record of Voting:

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

Against the Motion: Councillors Etmekdjian, Li and Pickering

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14 PERSONNEL MATTER

Note: Mr Newsome, Group Manager – Corporate Services, declared a pecuniary interest in this matter as it related to his employment contract and, left the meeting the time being 10.15pm.

RESOLUTION: (Moved by Councillors Pickering and Li)

- (a) That the report of the General Manager, dated 7 October 2009 on REQUEST FOR RENEWAL OF SENIOR STAFF EMPLOYMENT CONTRACT, be received and noted.
- (b) That all actions contained within the above report be adopted as resolutions of Council.

Record of Voting:

For the Motion: Unanimous.

Note: Mr Newsome, Group Manager – Corporate Services, returned to the meeting, the time being 10.23pm.

MAYORAL MINUTE

1 GENERAL MANAGER'S RECRUITMENT

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).

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

That the Mayoral Minute, dated 13 October 2009 submitted to Council on 13 October 2009, and all actions contained therein, be adopted as resolutions of Council.

Record of Voting:

For the Motion: Unanimous.

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

RESOLUTION: (Moved by Councillors Tagg and Petch)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous.

Note: Open Council resumed at 10.37pm.

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

RECOMMENDATION: (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.

NOTICE OF RESCISSION 1

1 WEST RYDE URBAN VILLAGE DEVELOPMENT - Councillors Petch, Salvestro-Martin, O'Donnell and Yedelian OAM

Note: The officers who have been involved as representatives of the land owner took no part in the discussion on this matter.

RESOLUTION: (Moved by Councillors Petch and Pickering)

(a) That Council defend the legal proceedings taken by Remo West Ryde Pty Ltd with respect to Council's deemed refusal of Remo's Section 96 application for the following reasons:

(1) The development will not remain substantially the same development.

(2) The reduction and alteration in commercial and retail space would reduce public benefits from the development.

Minutes of the Council Meeting No. 17/09, dated 13 October 2009.

- (3) The likelihood of a single tenancy means smaller shops in the West Ryde commercial area would become less accessible from Council-owned parking spaces."
- (b) That Council's legal representatives be authorised to engage in the court's supervised mediation process.

Record of Voting:

For the Motion: Unanimous.

NATIONAL ANTHEM

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

The meeting closed at 10.46pm.

CONFIRMED THIS 20TH DAY OF OCTOBER 2009

Chairperson