

## Extraordinary Council Meeting

MINUTES OF MEETING NO. 18/09

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**Meeting Date:** Tuesday 20 October 2009  
**Location:** Council Chambers, Level 6  
**Time:** 7.34pm

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

**Apologies:** Nil

**Staff Present:** General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, Media & Community Relations Officer and Business Services Coordinator.

### **PRAYER**

The General Manager offered a prayer prior to the commencement of the meeting.

### **CONFIRMATION OF MINUTES**

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

That the Minutes of the Ordinary Meeting No. 17/09 held on 13 October 2009 be confirmed.

### **Record of Voting:**

For the Motion: Unanimous.

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**DISCLOSURES OF INTEREST**

Councillor Maggio disclosed a non-pecuniary interest in Item 3: RYDE SPORTS FOUNDATION of the General Manager's Report No. 18/09 for the reason that he is involved in City of Ryde sporting organisations.

Councillor Yedelian OAM disclosed a non-pecuniary interest in Item 8: SES BUILDING of the General Manager's Report No. 18/09, for the reason that he is a volunteer member of the SES.

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

No addresses were made to Council.

**MAYORAL MINUTES****VERBAL MAYORAL MINUTE****1 ACKNOWLEDGEMENT OF GENERAL MANAGER**

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

That, as this was to be the General Manager's last Council Meeting at the City of Ryde, Michael Whittaker's contribution to both Council and the community be acknowledged.

**Record of Voting:**

For the Motion: Unanimous.

**2 REGIONAL AND LOCAL COMMUNITY INFRASTRUCTURE PROGRAM – Round 2**

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

That the Mayoral Minute be received and noted and appropriate projects be considered as part of a workshop to be held on 3 November 2009.

**Record of Voting:**

For the Motion: Unanimous.

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### 3 ACTING GENERAL MANAGER ARRANGEMENTS

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

- (a) That this Mayoral Minute be received and noted.
- (b) That Mr Kim Woodbury be appointed to the role of Acting General Manager for the period 24 October 2009 – 3 January 2010 and be remunerated for acting in higher duties in accordance with the approved Annual Total Remuneration Package in the position.
- (c) That the existing Instrument of Delegation for the General Manager, as resolved by Council on 19 June 2007 (and as attached to the Mayoral Minute), continue to remain in force for the Acting General Manager during this period.

**Record of Voting:**

For the Motion: Unanimous.

### GENERAL MANAGER'S REPORTS

#### 1 COUNCILLOR WORKSHOPS

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

That the report of the Acting Manager Councillor Services, dated 15/10/2009 on COUNCILLOR WORKSHOPS, be received and noted.

**Record of Voting:**

For the Motion: Unanimous.

#### 2 2008-09 DRAFT FINANCIAL REPORTS

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

- (a) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that it has prepared General Purpose Financial Reports for the 2008/2009 financial year ending 30 June 2009 and has formed an opinion, based on the advice of Council officers, that these reports:
  - i. Have been prepared in accordance with:

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- The Local Government Act 1993 (as amended) and the Regulations made thereunder.
  - The Australian Accounting Standards and professional pronouncements
  - The Local Government Code of Accounting Practice and Financial Reporting.
- ii. Present fairly the operating result and financial position of the City of Ryde for the year ended 30 June 2009
- iii. Accords with Council's accounting and other records and policies
- (b) That the Special Purpose Financial Reports have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting.
- (c) That the General and Special Purpose Financial Reports be certified by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer (Chief Financial Officer) in accordance with section 413 (2)(c) of the Local Government Act 1993.
- (d) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that the Financial Reports (including General Purpose and Special Purpose Reports) for the year ending 30 June 2009 be referred for audit.
- (e) That Tuesday, 10 November 2009 be fixed for the date for the public meeting to present the audited financial report and auditor's reports for the year ended 30 June 2009 as required by section 419 of the Local Government Act 1993 and that Council's external auditors be present.

**Record of Voting:**

For the Motion: Unanimous

**3 RYDE SPORTS FOUNDATION - Establishment of a Memorandum of Understanding.**

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

That this matter be deferred for consideration until later in the meeting, as detailed in the Minutes.

**Record of Voting:**

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

Against the Motion: Councillor Maggio.

**4 INVESTMENT REPORT - SEPTEMBER 2009**

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

That the report of the Chief Financial Officer, dated 12/10/2009 on INVESTMENT REPORT - SEPTEMBER 2009, be received and endorsed.

**Record of Voting:**

For the Motion: Unanimous.

**5 AUDIT COMMITTEE CHARTERS AND INITIAL AUDIT COMMITTEE MEETING MINUTES - Audit Committee**

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

- (a) That the report of the Manager Risk and Audit, dated 13/10/2009 on AUDIT COMMITTEE CHARTERS AND INITIAL AUDIT COMMITTEE MEETING MINUTES - Audit Committee, be received and noted.
- (b) That Council endorse the Audit Committee and Internal Audit function charters.

**Record of Voting:**

For the Motion: Unanimous.

**6 CODE OF MEETING PRACTICE**

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

- (a) That the report of the Acting Manager Councillor Services, dated 23/09/2009 on CODE OF MEETING PRACTICE, be received and noted.
- (b) That changes (c) to (m) to the Code of Meeting Practice as outlined in this report be adopted.
- (c) That changes detailed in part (b) of the report be adopted as follows:

3.19.2 Council Officers' reports may be dealt with by the exception method. The items will be called over in the agenda sequence, and those not withdrawn for discussion may be moved for adoption in accordance with the recommendation on the Business Paper.
- (d) That the form (Annexure C) be adopted with the request for a brief outline to be deleted, and for the members of the public to identify whether they are speaking for or against the matter, however, when a member of the public wishes to speak on items not on the agenda they will need to provide an outline/explanation of what they wish to speak about.
- (e) That the draft Code of Meeting Practice be placed on public exhibition for 28 days and any submissions received be reported to Council at the close of the exhibition period.

**Record of Voting:**

For the Motion: Unanimous.

**7 PUBLIC-PRIVATE PARTNERSHIP (PPP) - Bevillesta and Council and City of Ryde - Signage Rights, Southern Pedestrian Bridge, North Face.**

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

- (a) That the report on the PUBLIC-PRIVATE PARTNERSHIP (PPP) - Bevillesta and Council and City of Ryde - Signage Rights, Southern Pedestrian Bridge, North Face. be received and noted.
- (b) That consideration of this matter be deferred and a further report be presented back to Council providing supplementary information and options for Council's consideration.

**Record of Voting:**

For the Motion: Unanimous.

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**8 SES BUILDING - Emergency Access in the Event of a Major Fire in Lane Cove National Park**

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

- (a) That the report of the Manager - Maintenance, dated 12/10/2009 on SES BUILDING - Emergency Access in the Event of a Major Fire in Lane Cove National Park, be received and noted.
- (b) That Council approves the proposal from the Ryde/Hunters Hill Local Emergency Committee as detailed in this report

**Record of Voting:**

For the Motion: Unanimous.

**9 HILLS M2 UPGRADE - NSW Government Announcement**

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

That the report of the Senior Traffic Engineer, dated 13/10/2009 on HILLS M2 UPGRADE - NSW Government Announcement, be received and noted.

**Record of Voting:**

For the Motion: Unanimous.

**10 COUNTRY COUNCIL PARTNERSHIP ADVISORY COMMITTEE - Update and Next Meeting**

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

- (a) That the report of the Group Manager - Corporate Services, dated 13/10/2009 on COUNTRY COUNCIL PARTNERSHIP ADVISORY COMMITTEE - Update and Next Meeting, be received and noted.
- (b) That Council confirm the date for the next Country Council Partnership Advisory Committee Meeting as 26 November 2009 at Shepherds Bay Community Hall.
- (c) That the General Manager be delegated authority to facilitate the visit by Central Darling representatives through travel and accommodation assistance.

- (d) That Council Officers investigate ways to:
- maintain interaction with the Community Representatives; and
  - use video conferencing as an option to facilitate future meetings.

**Record of Voting:**

For the Motion: Unanimous.

**11 LOCAL GOVERNMENT SUPERANNUATION SCHEME - UPDATE ON STATUS OF THE DEFINED BENEFIT FUND**

Note: Councillor Yedelian OAM left the meeting at 8.22pm and was not present for consideration of this item.

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

That the report of the Manager Human Resources, dated 14/10/2009 on LOCAL GOVERNMENT SUPERANNUATION SCHEME - UPDATE ON STATUS OF THE DEFINED BENEFIT FUND, be received and noted.

**Record of Voting:**

For the Motion: Unanimous.

Note: Councillor Yedelian OAM returned to the meeting, the time being 8.24pm.

**12 CITY OF RYDE AND REMO WEST RYDE**

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

- (a) That the report of the General Counsel, dated 15 October 2009 on CITY OF RYDE AND REMO WEST RYDE , be received and noted.
- (b) That Council adopt option one (1) as outlined in the report as follows:
- (i) That Council approve the Application on the basis of the amended plans submitted to Council.
  - (ii) That the recommended conditions prepared by Architectus and included in the Committee of the Whole report of 15 September 2009 attached to the General Manager's report No18/09 on pages 188 to 195 (Attachment 1) become the conditions of consent.

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**Record of Voting:**

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

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

ON BEING PUT TO THE MEETING THE MOTION RECEIVED SEVEN (7) VOTES FOR AND FIVE (5) VOTES AGAINST AND WAS DECLARED **CARRIED.**

**SUSPENSION OF STANDING ORDERS**

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

That standing orders be suspended to allow consideration of Item 3: RYDE SPORTS FOUNDATION.

**Record of Voting:**

For the Motion: Unanimous.

**3 RYDE SPORTS FOUNDATION - Establishment of a Memorandum of Understanding.**

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

- (a) That the report of the Recreation Co-ordinator, dated 9/10/2009 on RYDE SPORTS FOUNDATION - Establishment of a Memorandum of Understanding. be received and noted.
- (b) That the General Manager be authorised to enter into discussions with the Ryde Sports Foundation to develop and negotiate a Memorandum of Understanding, with a total value of \$10,000 through in-kind support.
- (c) That the agreed draft Memorandum Of Understanding be presented back to Council for consideration, following consultation with the Sports and Recreation Advisory Committee and other appropriate Advisory Committees.

**Record of Voting:**

For the Motion: Unanimous.

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**13 NORTH RYDE STATION PRECINCT**

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

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

**Record of Voting:**

Unanimous.

**14 RYDE PARK - New Cafe**

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

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

**Record of Voting:**

Unanimous.

**15 POSSIBLE BREACH OF CONTRACT**

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

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

**Record of Voting:**

Unanimous.

**16 ADVICE ON COURT ACTIONS**

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

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

**Record of Voting:**

Unanimous.

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

There are no Precis of Correspondence for Consideration

**NOTICES OF MOTION****1 DEPARTMENT OF HOUSING DEVELOPMENT - West Ryde - Councillor Pickering**

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

That a media release be prepared immediately for distribution to local newspapers and for information to be included on the City of Ryde website stating Council's opposition to the Department of Housing development at West Ryde including an explanation of where the development contravenes local planning regulations; and highlighting the imposition of 3A legislation and the appeal to the NSW Planning Minister to reject the application.

**Record of Voting:**

For the Motion: Councillors Etmekdjian, Li, Maggio, Petch, Perram, Pickering, Tagg and Yedelian OAM.

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

ON BEING PUT TO THE MEETING THE MOTION RECEIVED EIGHT (8) VOTES FOR AND FOUR (4) VOTES AGAINST AND WAS DECLARED **CARRIED.**

**2 ROYAL REHABILITATION CENTRE SYDNEY - Heritage and historical value of buildings - Councillor Petch**

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

That the City of Ryde immediately commission an independent peer review into all heritage reports and other relevant documents on the heritage and historical value of buildings at the Royal Rehabilitation Centre – Sydney.

This review should provide an assessment and recommendations to be made publicly available on the preservation value specifically of the historical Moorong building, nurses quarters and stables; and trees at the front and leading into the centre, as well as any other historical buildings items or such like at the rehabilitation centre that are cited in the available documentation.

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**Record of Voting:**

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

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

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

**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 13 - NORTH RYDE STATION PRECINCT****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: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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. The report and an attachment include COMMERCIAL-IN-CONFIDENCE Information provided by the Transport Infrastructure Development Corporation September 09.

#### **ITEM 14 - RYDE PARK - New Cafe**

##### **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: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; 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 15 - POSSIBLE BREACH OF CONTRACT**

##### **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: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

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 16 - 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 Petch and Yedelian OAM)

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

**Record of Voting:**

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

Against the Motion: Councillor Maggio

Note: The Council closed the meeting at 10.27pm. The public and media left the chamber.

**13 NORTH RYDE STATION PRECINCT**

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

- (a) That the report of the Team Leader – Urban Planning, dated 9/10/2009 on NORTH RYDE STATION PRECINCT, be received and noted.
- (b) That the General Manager be delegated to write to the Transport Infrastructure Development Corporation requesting discussion and consultation regarding:

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- 1) A Structure Plan that is consistent with the Macquarie Park Development Control Plan North Ryde Station Precinct Controls adopted by Council December 2008;
  - 2) Development quantum and profile that will support rail patronage and facilities and enhance accessibility to the station for existing City of Ryde residents;
  - 3) A Structure Plan that is supported by economic, social, transport and environmental studies and demonstrates triple-bottom-line sustainability;
  - 4) Design and Environmental Excellence including meeting a minimum 5 Greenstar rating for buildings and sustainable water and energy outcomes for the precinct as a whole;
  - 5) Establishment of a working group to promote design excellence drawing representation from organisations such as the NSW Government Architect's Office, Department of Planning and City of Ryde;
  - 6) A Structure Plan that seeks to implement Ryde Council's *Macquarie Park Traffic Study* prepared by Bitzios - and matters addressed in Council's letter of 8 September 2009;
  - 7) A Structure Plan that includes the precinct around the North Ryde Station including the site 27 – 37 Delhi Road with a view to implementing a new road connecting Delhi Road and Pittwater Road;
  - 8) Establishment of a working group drawing representation from TIDC, RTA, Ministry of Transport, Transurban and City of Ryde to develop road infrastructure proposals and further develop a Structure Plan in line with Council's concerns.
- (c) That further master planning work be undertaken by Council Officers which would consider residential use within 400 metres of the North Ryde Railway Station.
- (d) That further discussions take place between TIDC and the City of Ryde with regards to the ownership of the lands called the 'residual M2 lands'.

**Record of Voting:**

For the Motion: Unanimous.

**14 RYDE PARK - New Cafe**

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

- (a) That the report of the Property Manager, dated 14/10/2009 on RYDE PARK - New Cafe, be received and noted.
- (b) That the revised proposal to lease and operate the café by Cheeky2 Cafe, as outlined in this report be accepted.

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- (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 the lease.
- (d) That the staff be congratulated for their work on this matter.

**Record of Voting:**

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

Against the Motion: The Mayor, Councillor Butterworth

**15 POSSIBLE BREACH OF CONTRACT**

**MOTION:** (Moved by Councillors Petch and Tagg)

That the report of the Manager - Community Relations and Events, dated 15 October 2009 on POSSIBLE BREACH OF CONTRACT, be received and noted.

**AMENDMENT:** (Moved by The Mayor, Councillor Butterworth and Councillor Campbell)

1. That the report of the Manager - Community Relations and Events, dated 15 October 2009 on POSSIBLE BREACH OF CONTRACT, be received and noted.
2. Council write to the The Weekly Times (TWT) advising that Council expects all future Ryde City View's to conform with the specification in the advertising contract between Council and the TWT dated 3 September 2009 ("**Contract**").
3. Should the TWT fail to deliver any future Ryde City View in conformity with the Contract the General Manager is authorised to:
  - (a) terminate the Contract;
  - (b) enforce any other remedies available to Council under the Contract; and
  - (c) enter into a new contract with the Northern District Times on terms agreed to during the tender process under which the Contract was awarded.

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4. In relation to resolution 3(c) and for the purposes of section 55 (3) of the *Local Government Act 1993*, the Council resolves that, due to extenuating circumstances (namely, a competitive tender process having already been undertaken (“**Tender**”) and only 2 acceptable bids received), a satisfactory result would not be achieved by inviting tenders once again for the advertising contract, the subject of the Tender.

**Record of Voting:**

For the Amendment: The Mayor, Councillor Butterworth, Councillors O'Donnell, Pickering, Salvestro-Martin, Maggio, Yedelian, Etmekdjian, Perram and Campbell.

Against the Amendment: Councillors Tagg, Petch and Li.

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

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

1. That the report of the Manager - Community Relations and Events, dated 15 October 2009 on POSSIBLE BREACH OF CONTRACT, be received and noted.
2. Council write to the The Weekly Times (TWT) advising that Council expects all future Ryde City View's to conform with the specification in the advertising contract between Council and the TWT dated 3 September 2009 (“**Contract**”).
3. Should the TWT fail to deliver any future Ryde City View in conformity with the Contract the General Manager is authorised to:
  - (a) terminate the Contract;
  - (b) enforce any other remedies available to Council under the Contract; and
  - (c) enter into a new contract with the Northern District Times on terms agreed to during the tender process under which the Contract was awarded.

4. In relation to resolution 3(c) and for the purposes of section 55 (3) of the *Local Government Act 1993*, the Council resolves that, due to extenuating circumstances (namely, a competitive tender process having already been undertaken (“**Tender**”) and only 2 acceptable bids received), a satisfactory result would not be achieved by inviting tenders once again for the advertising contract, the subject of the Tender.

For the Motion: The Mayor, Councillor Butterworth, Councillors O’Donnell, Pickering, Salvestro-Martin, Maggio, Yedelian, Etmekdjian, Perram and Campbell.

Against the Motion: Councillors Tagg, Petch and Li.

## 16 **ADVICE ON COURT ACTIONS**

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

That the report of the General Counsel, dated 15 October 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 Councillors Petch and Tagg)

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous.

Note: Open Council resumed at 10.58pm.

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

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**RESOLUTION:** (Moved Councillors Petch and Tagg)

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.

The meeting closed at 11.00 pm.

CONFIRMED THIS 10<sup>th</sup> DAY OF NOVEMBER 2009

Chairperson