

Council Meeting

MINUTES OF MEETING NO. 1/11

Meeting Date: Tuesday 8 February 2011
Location: Council Chambers, Level 6
Time: 7.30pm

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

Apologies: Councillor Campbell

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager – Governance and Senior Administration Co-ordinator.

PRAYER

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

DISCLOSURES OF INTEREST

There were no disclosures of interest.

PRESENTATION - Suspension Of Standing Orders

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That Standing Orders be suspended to make a presentation to the Mayor, the time being 7.36pm.

Record of Voting:

For the Motion: Unanimous.

Councillor Petch presented the Mayor with a gift for the City of Ryde, that he had received on his behalf, from the Ryde Lunar New Year Celebration Organising Committee.

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Standing orders be resumed.

Record of Voting:

For the Motion: Unanimous.

Standing Orders were resumed, the time being 7.39pm.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

No.	Name	Address	Topic
1	Dr Moses Lui	Eastwood	Notices of Rescission 1 - PROPOSED ROUNDABOUT AT SHAFTSBURY RD AND GLEN ST EASTWOOD - Councillor Petch, Councillor Tagg, Councillor Li
2	Prof. Hosen Kiat		Notices of Rescission 1 - PROPOSED ROUNDABOUT AT SHAFTSBURY RD AND GLEN ST EASTWOOD - Councillor Petch, Councillor Tagg, Councillor Li
3	Mr Aaron Currie	Eastwood	Notices of Rescission 1 - PROPOSED ROUNDABOUT AT SHAFTSBURY RD AND GLEN ST EASTWOOD - Councillor Petch, Councillor Tagg, Councillor Li

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS**1 CONFIRMATION OF MINUTES - Council Meeting held on 14 December 2010**

RESOLUTION: (Moved by Councillors Petch and Perram)

That the Minutes of the Council Meeting 19/10, held on Tuesday 14 December 2010, be confirmed subject to following amendment:

In respect of Item 3 of the report of the Planning & Environment Committee 09/10 – 7 BLUNDELL STREET, MARSFIELD on page 7 of the Minutes, Councillor Maggio's name be amended to be recorded as having voted FOR the Motion.

Record of Voting:

For the Motion: Unanimous.

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE 01/11 - Meeting held on 01 February 2011

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That Council receive the attached Minutes, noting that all items were dealt with under delegated authority.

Record of Voting:

For the Motion: Unanimous.

3 REPORT OF THE WORKS & COMMUNITY COMMITTEE 01/11 - Meeting held on Tuesday 01 February 2011

RESOLUTION: (Moved by Councillors Maggio and Petch)

That Part A of the Works and Community Committee Report No. 01/11 held on 01 February 2011, be dealt with in seriatim and Part B be noted as dealt with under delegated authority.

Record of Voting:

For the Motion: Unanimous.

2 PROPOSED STAIR ACCESS IN CLARE STREET ROAD RESERVE, GLADESVILLE.

RESOLUTION (Moved by Councillors Maggio and Tagg)

That Council not approve the construction of the proposed stair access to Clare Street Road Reserve, Gladesville.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Tagg, Petch, Li, Pickering, Yedelian OAM and Maggio

Against the Motion: Councillors Butterworth, O'Donnell, Perram and Salvestro-Martin

4 MOTIONS PUT WITHOUT DEBATE**RESOLUTION** (Moved by Councillors Petch and Tagg)

That the recommendations in respect of items 5 to 7 inclusive, and Item 8 (Confidential item) as submitted to Council Meeting 01/11, be dealt with in seriatim.

Record of Voting:

For the Motion: Unanimous.

ORDER OF BUSINESS – Suspension of Standing Orders**RESOLUTION:** (Moved By Councillors Li and Yedelian OAM)

That Council suspend Standing Orders, the time being 8.35pm, to consider Notice of Rescission Motion 1 – Proposed Roundabout at Shaftsbury Rd and Glen St, Eastwood.

Record of Voting:

For the Motion: Unanimous

1 PROPOSED ROUNDABOUT AT SHAFTSBURY RD AND GLEN ST EASTWOOD - Councillor Petch, Councillor Tagg, Councillor Li

The Rescission Motion was formally **WITHDRAWN** by Councillor Petch.

ORDER OF BUSINESS – Continuation of Suspension of Standing Orders**RESOLUTION:** (Moved by Councillors Yedelian OAM and Maggio)

That Standing Orders continue to be suspended in order that Notice of Motion 3 be brought forward and dealt with in conjunction with Item 5 – 20 Goulding Road, Ryde, on the agenda, the time being 9.05pm.

Record of Voting:

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

Against the Motion: Councillors Tagg and Salvestro-Martin

5 20 GOULDING ROAD, RYDE. Part Lot 5 DP 443866. - Local Development Application for subdivision of the site into two lots. Lot 1 will be used for 'residential purposes'. Lot 2 will be retained by Sydney Water Corporation. LDA2010/0079

NOTICE OF MOTION 3: SYDNEY WATER SITE AT 20 GOULDING ROAD, RYDE - Councillor Pickering

Motion: (Moved by Councillors Pickering and Yedelian OAM)

1. That Ryde Council Write to the Minister for Planning requesting that he address the recommendation of the JRPP in regard to the 2RRR transmitter remaining onsite which has not been included in his report before council can consider this matter.
2. That the Minister also be advised that due to the community belief that the JRRP recommendations would be accepted, that his direction will also now require that further community consultation take place to allow an opportunity for true democratic expression before council can consider this matter.
3. That the City of Ryde write to the Ombudsman requesting intervention in this matter on the basis of the lack of procedural fairness, the overturning of the recommendations of the JRPP, and the lack of community consultation that has been undertaken on this matter.
4. That the City of Ryde write to the Anti-discrimination Board seeking their support to delay the direction of the Planning Minister given the possible impact his decision has on members of the Ryde community.
5. That Council produce a media release for general distribution to all local and metropolitan media outlets, ethnic media, and in the Mayoral Column and City View, related to council's approach to this matter with the Mayor as the spokesperson.
6. That Council seek a judicial review of the Minister's decision as provided in Section 123 of the Environmental Planning and Assessment Act.
7. That Council write to all State and Federal members and candidates in the State Election, to express Council's concerns in relation to the State Planning Minister's decision on the forced relocation of 2RRR to 20 Goulding Road, Ryde

Amendment: (Moved by Councillors Butterworth and Tagg)

1. That Ryde Council Write to the Minister for Planning requesting that he address the recommendation of the JRPP in regard to the 2RRR transmitter remaining onsite which has not been included in his report before Council can consider this matter.
2. That the Minister also be advised that due to the community belief that the JRPP recommendations would be accepted, that his direction will also now require that further community consultation take place to allow an opportunity for true democratic expression before Council can consider this matter.
3. That the City of Ryde write to the Ombudsman requesting intervention in this matter on the basis of the lack of procedural fairness, the overturning of the recommendations of the JRPP, and the lack of community consultation that has been undertaken on this matter.
4. That the City of Ryde write to the Anti-discrimination Board seeking their support to delay the direction of the Planning Minister given the possible impact his decision has on members of the Ryde community.
5. That Council produce a media release for general distribution to all local and metropolitan media outlets, ethnic media, and in the Mayoral Column and City View, related to Council's approach to this matter with the Mayor as the spokesperson.
6. That Council seek a judicial review of the Minister's decision as provided in Section 123 of the Environmental Planning and Assessment Act.
7. That Council write to all State and Federal members and candidates in the State Election, to express Council's concerns in relation to the State Planning Minister's decision on the forced relocation of 2RRR to 20 Goulding Road, Ryde.
8. That Council write to all current local State members and all candidates in the coming State Election seeking their position on the corporatization or sale of Sydney Water.

Record of Voting:

For the Amendment: Councillors Butterworth, Perram, Salvestro-Martin and Tagg

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Li, Maggio, O'Donnell, Petch, Pickering and Yedelian OAM

On being put to the Meeting the AMENDMENT was declared **LOST** with four (4) votes for and seven (7) against.

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

1. That the City of Ryde investigate alternate sites such as Byron Park for the relocation of 2RRR to Council owned land.
2. That Sydney Water be requested to provide a minimum contribution of \$35,000 to assist in the relocation.
3. That 2RRR be granted licence to operate from Council land in accordance with Council's Licensing Policy.

Record of Voting:

For the Further Amendment: Councillors Butterworth, O'Donnell, Salvestro-Martin and Tagg

Against the Further Amendment: The Mayor, Councillor Etmekdjian and Councillors Li, Maggio, Perram, Petch, Pickering and Yedelian OAM

On being put to the Meeting the Further AMENDMENT was declared **LOST** with four (4) votes for and seven (7) against.

The MOTION was then put and **CARRIED** with eight (8) votes for and three (3) votes against.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

1. That Ryde Council Write to the Minister for Planning requesting that he address the recommendation of the JRPP in regard to the 2RRR transmitter remaining onsite which has not been included in his report before council can consider this matter.
2. That the Minister also be advised that due to the community belief that the JRPP recommendations would be accepted, that his direction will also now require that further community consultation take place to allow an opportunity for true democratic expression before council can consider this matter.
3. That the City of Ryde write to the Ombudsman requesting intervention in this matter on the basis of the lack of procedural fairness, the overturning of the recommendations of the JRPP, and the lack of community consultation that has been undertaken on this matter.
4. That the City of Ryde write to the Anti-discrimination Board seeking their support to delay the direction of the Planning Minister given the possible impact his decision has on members of the Ryde community.

5. That Council produce a media release for general distribution to all local and metropolitan media outlets, ethnic media, and in the Mayoral Column and City View, related to council's approach to this matter with the Mayor as the spokesperson.
6. That Council seek a judicial review of the Minister's decision as provided in Section 123 of the Environmental Planning and Assessment Act.
7. That Council write to all State and Federal members and candidates in the State Election, to express council's concerns in relation to the State Planning Minister's decision on the forced relocation of 2RRR to 20 Goulding Road, Ryde.

Record of Voting:

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

Against the Motion: Councillor Butterworth, O'Donnell and Salvestro-Martin

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

That Standing orders be resumed.

Record of Voting:

For the Motion: Unanimous.

Standing Orders were resumed, the time being 10.00pm

6 INVESTMENT REPORT - November - December 2010

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

That the report of the Chief Financial Officer, dated 7/01/2011 on INVESTMENT REPORT – November & December 2010, be endorsed.

Record of Voting:

For the Motion: Unanimous.

7 7th ANNUAL AUSTRALIAN ROADS SUMMIT - 9-10 March 2011

RESOLUTION: (Moved by Councillors Li and Tagg)

That Councillor Tagg attend the 7th Annual Australian Road Summit being held in Brisbane from 9 March to 10 March 2011.

Record of Voting:

For the Motion: Councillors Butterworth, Li, O'Donnell, Petch, Salvestro-Martin and Tagg

Against the Motion: The Mayor, Councillor Etmekdjian and Councillors Maggio, Pickering, Perram and Yedelian OAM

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There were no Precis of Correspondence for Consideration.

NOTICES OF MOTION

1 CODE OF CONDUCT REPORT - Councillor Yedelian OAM

RESOLUTION:(Moved by Councillors Yedelian OAM and Petch)

That Councillor Pickering's response to the Code of Conduct matter provided several weeks ago be recorded as a satisfactory response, and that no further action is required.

Record of Voting:

For the Motion: Unanimous.

2 PUBLIC ART IN THE CITY OF RYDE - Councillor Perram

RESOLUTION: (Moved by Councillors Perram and Petch)

That to remove any cause for doubt, Council reaffirms its request that where public art is proposed to be installed on Council land or where Council is the proponent for public art in the City of Ryde, the General Manager obtain the approval of Council for the concept design before any commitment is entered into that would result in detailed design or construction.

Record of Voting:

For the Motion: Unanimous.

3 SYDNEY WATER SITE AT 20 GOULDING ROAD, RYDE - Councillor Pickering

This matter was dealt with earlier in the Meeting as detailed in these Minutes and in conjunction with Item 5 – 20 GOULDING ROAD, RYDE.

4 BUFFALO CREEK CROSSING - Councillor Vic Tagg

RESOLUTION: (Moved by Councillors Tagg and Butterworth)

That the General Manager provide a report on the crossing of Buffalo Creek between Pidding Road and Malvena Street, Ryde.

Record of Voting:

For the Motion: Unanimous.

5 RYDE PLANNING AND BUSINESS CENTRE - Councillor O'Donnell

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

That the General Manager prepare a report on the full costs of establishing the new Planning and Business Centre in the Top Ryde City complex. Such report is to include the costs for the fitout as well as marketing strategies and staffing costs.

Record of Voting:

For the Motion: Unanimous.

6 OPTIONS FOR USE OF CIVIC CENTRE LIBRARY SPACE - Councillor O'Donnell

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

That the General Manager prepare a report to Council on the options for the use of the library space on the Civic Centre site once the new library has opened. All options are to include financial implications.

Record of Voting:

For the Motion: Unanimous.

NOTICES OF RESCISSION**1 PROPOSED ROUNDABOUT AT SHAFTSBURY RD AND GLEN ST EASTWOOD - Councillor Petch, Councillor Tagg, Councillor Li**

This item was dealt with earlier in the meeting as detailed in these Minutes

QUESTIONS BY COUNCILLORS AS PER POLICY

There were no Questions by Councillors as per Policy

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

NIL

CLOSED SESSION**ITEM 8 - ADVICE ON COURT ACTIONS****Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) 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 Maggio)

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 10.37pm. The public and media left the Chamber.

8 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Petch and Tagg)

That the report of the General Counsel be endorsed.

Record of Voting:

For the Motion: Unanimous.

OPEN SESSION

RESOLUTION: (Moved by Councillors Petch and Tagg)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous.

Note: Open Council resumed at 10.43pm.

RESOLUTION: (Moved by Councillors Petch and Tagg)

That 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 10.45pm.

CONFIRMED THIS 22ND DAY OF FEBRUARY 2011

Chairperson