

**Council Meeting****MINUTES OF MEETING NO. 3/11**

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

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

**Apologies:** Nil

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

**PRAYER**

Rev Richard Quadrio of Macquarie Chapel Presbyterian Church was present and offered prayer prior to the commencement of the meeting.

**DISCLOSURES OF INTEREST**

There were no disclosures of interest.

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

The following persons addressed the Council:-

<b>No.</b>	<b>Name</b>	<b>Topic</b>
1	Steve Ahern – 2RRR 88.5FM	Precis of Correspondence – Sydney Water Crown Development Application for 20 Goulding Road, Ryde (LDA2010/0079)

**MAYORAL MINUTES**

There were no Mayoral Minutes.

**COUNCIL REPORTS****1 CONFIRMATION OF MINUTES - Council Meeting held on 22 February 2011****RESOLUTION:** (Moved by Councillors Petch and Yedelian OAM)

That the Minutes of the Council Meeting 2/11, held on Tuesday 22 February 2011, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**2 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 3/11 held on 1 March 2011****RESOLUTION:** (Moved by Councillors Maggio and Tagg)

That Council determine Items 2 and 3 of the Works and Community Committee report, noting that Item 1 was dealt with by the Committee under delegated authority.

**Record of Voting:**

For the Motion: Unanimous

**Item 2: RECOGNITION OF BUSINESSES, ORGANISATIONS AND COMPANIES THAT HAVE BEEN IN LONG TERM SERVICE IN THE CITY OF RYDE****MOTION:** (Moved by Councillors Maggio and Tagg)

- (a) That when Council is approached by community organisations including not for profit organisations, churches, sporting/leisure groups, for the celebration of either 50, 75 or 100 year anniversaries Council provide a plaque recognising the services provided to the community which includes the groups name, the celebration occasion and the names of the Mayor, 11 Councillors and the General Manager.
- (b) That community organisations are invited to attend a Council meeting to receive the recognition plaque.
- (c) That a further report be provided regarding the opportunity for local businesses and clubs to be recognised for their services.

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

- (a) That when Council is approached by community organisations including not for profit organisations, churches, sporting/leisure groups,

for the celebration of either 50, 75 or 100 year anniversaries Council provide a plaque recognising the services provided to the community which includes the groups name, the celebration occasion and the names of the Mayor, 11 Councillors and the General Manager.

- (b) That community organisations are invited to attend a Council meeting to receive the recognition plaque.

**Record of Voting:**

For the Amendment: The Mayor, Councillor Etmekdjian and Councillors Maggio, Pickering and Yedelian OAM

Against the Amendment: Councillors Butterworth, Campbell, Li, O'Donnell, Perram, Petch, Salvestro-Martin and Tagg

The AMENDMENT was declared **LOST**, with four (4) votes for and eight (8) votes against.

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

- (a) That when Council is approached by community organisations including not for profit organisations, churches, sporting/leisure groups, for the celebration of either 50, 75 or 100 year anniversaries Council provide a plaque recognising the services provided to the community which includes the groups name, the celebration occasion and the names of the Mayor, 11 Councillors and the General Manager.
- (b) That community organisations are invited to attend a Council meeting to receive the recognition plaque.
- (c) That a further report be provided regarding the opportunity for local businesses and clubs to be recognised for their services.

**Record of Voting:**

For the Motion: Unanimous

**Item 3 ESTABLISHMENT OF MARKET IN CHURCH STREET TOP RYDE**

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

- (a) That Council include the establishment of a market/fair in Church Street Top Ryde, on a trial basis, for consideration in the 2011/12 Management Plan and that Council staff to begin assisting the Chamber of Commerce in developing a project plan for the logistics to commence conducting the market/fair.
- (b) That the Project Plan be reported back to Council.

- (c) That the Project Plan be reported to the Economic Development and Advisory Committee for comment prior to the report being provided back to Council.

**Record of Voting:**

For the Motion: Unanimous

**3 RYDE PLANNING AND BUSINESS CENTRE AND OPTIONS FOR EXISTING RYDE LIBRARY**

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

- (a) That the information provided in this report relating to the full costs of establishing the new Planning and Business Centre in the Top Ryde City complex be noted.
- (b) That Council endorse the proposed works as detailed in this report, for the existing Ryde library following the opening of new library at the Top Ryde City shopping centre later this year.

**Record of Voting:**

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

Against the Motion: Councillors Butterworth and Perram

**4 2011 NATIONAL GENERAL ASSEMBLY - 19-22 June**

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

- (a) That the Mayor, Councillor Petch and the General Manager (or his nominee) be authorised to attend the National General Assembly of Local Government to be held in Canberra from Sunday, 19 June to Wednesday, 22 June 2011.
- (b) That if the Australian Council of Local Government meeting is scheduled to be held, the Mayor be authorised to attend.
- (c) That a further report be prepared for the Council meeting on 12 April 2011, for the consideration of any proposed motions to be included on the National General Assembly business paper.

**Record of Voting:**

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

O'Donnell, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM

Against the Motion: Councillors Butterworth, Campbell and Perram

**5 CONSTITUTIONAL RECOGNITION OF LOCAL GOVERNMENT - Request by the Australian Local Government Association**

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

- a) That the City of Ryde Council declares its support for financial recognition of local government in the Australian Constitution, so that the Federal Government has the power to fund local government directly and also for inclusion of local government in any new Preamble to the Constitution if one is proposed and calls on all political parties to support a referendum by 2013 to change the Constitution to achieve this recognition.
- b) That Council write to the Prime Minister, The Hon. Julia Gillard MP, the Leader of the Opposition, The Hon. Tony Abbott MP and all local Federal Members of Parliament advising them of Council's resolution and seeking their support.

**Record of Voting:**

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

Against the Motion: Councillors Butterworth, Campbell and O'Donnell

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

**1 SYDNEY WATER CROWN DEVELOPMENT APPLICATION FOR 20 GOULDING ROAD, RYDE - LDA2010/0079**

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

That this Item be considered in conjunction with Item 7 – Advice on Court Actions - Confidential Items.

**Record of Voting:**

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

Against the Motion: Councillors Maggio and Pickering

**NOTICES OF MOTION****1 AFFORDABLE HOUSING - Councillor Gabrielle O'Donnell**

**MOTION:** (Moved by Councillors O'Donnell and Campbell)

- (a) That the General Manager report to Council on the affordable housing strategy being successfully pursued by Canada Bay Council.
- (b) In any future VPA affordable housing options be considered.

**AMENDMENT:** (Moved by Councillors Perram and Yedelian OAM)

- (a) That the General Manager report to Council on the affordable housing strategy being successfully pursued by Canada Bay Council.
- (b) That this report also outline measures to directly involve local community consultation including those groups actively involved in housing and planning issues in the Ryde community, including MARS, CAPO and RAID.

**Record of Voting:**

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

Against the Amendment: Councillors Butterworth, Campbell, O'Donnell, Salvestro-Martin and Tagg

The AMENDMENT was put and **CARRIED**, with seven (7) votes for and five (5) votes against. The AMENDMENT therefore became the MOTION which was put and **CARRIED**.

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

- (a) That the General Manager report to Council on the affordable housing strategy being successfully pursued by Canada Bay Council.
- (b) That this report also outline measures to directly involve local community consultation including those groups actively involved in housing and planning issues in the Ryde community, including MARS, CAPO and RAID.

**Record of Voting**

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

Against the Motion: Councillors Salvestro-Martin and Tagg

**2 NO STOPPING SIGN - CHARLES STREET - Councillor Roy Maggio**

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

That Council write to the RTA requesting that due consideration be given to re-evaluating the need to extend the existing No Stopping Sign along the western side of Charles Street on the exit side of the intersection at Morrison Road by approximately 13 metres further north, on grounds of community and commercial needs.

**Record of Voting:**

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

Against the Motion: Councillors Butterworth, Campbell and Salvestro-Martin

**NOTICES OF RESCISSION**

There were no Notices of Rescission.

**QUESTIONS BY COUNCILLORS AS PER POLICY**

**TOURS AT BRUSH FARM HOUSE - Councillor Ivan Petch**

Question:

Has Council terminated organising the tours of Brush Farm House hosted by Brush Farm Historic Society? If so why and is this contrary to the lease arrangements with the Society?

Answer:

Council has not terminated the tours as per the licence between the City of Ryde and Brush Farm Historical Society (BFHS) made on 2 July 2008, Brush Farm Historical Society agreed (verbatim) that:

“The Licensee shall:

- Conduct tours on four (4) public open days at Brush Farm House each year of this Agreement as agreed with Council”

The tours were a condition of the Licence to provide an opportunity for local residents and other interested parties to view the House after it had been restored. The tours were intended for the duration of the Licence.

The end of Brush Farm Historical Society's obligation under the Licence Agreement to provide the open days expired on the 31 January 2010, however, the tours can continue.

**Question:**

What is the Status of the lease with Brush Farm Historical Society?

**Answer:**

The Licence Agreement ran out on the 31 January 2010. Until this is reviewed, the Licensee can continue to occupy the premises after the termination date on a day to day basis.

The licence agreement has not been renewed as on 8 June 2010 Council resolved:

**“BRUSH FARM HOUSE - MARKET ANALYSIS FOR USE**

- (a) That a market analysis of potential uses for Brush Farm House be undertaken to identify potential options for the future use of the property.
- (b) That no further capital expenditure, after the marquee and toilet block, be incurred until the market analysis has been further considered.
- (c) That the Economic Development Advisory Committee be involved in the process.”

The licence agreement has not been renewed pending the outcome of the market analysis , however the Brush Farm Historical Society's tenure is not under threat.

**PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA**

No addresses were made to Council.

**CLOSED SESSION****ITEM 7 - 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 Butterworth)

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

**Record of Voting:**

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

Against the Motion: Councillors Pickering and Yedelian OAM

Note: The Council closed the meeting at 9.15pm. The public and media left the chamber.

## 7 **ADVICE ON COURT ACTIONS**

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

- (a) That the report of the General Counsel be received.
- (b) That in respect of 20 Goulding Road, Ryde, Council not proceed with the Judicial review of the decision of the Minister of Planning pursuant to S.123 of the Environment Planning and Assessment Act.

**Record of Voting:**

For the Motion: Unanimous

## **PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

### 1 **SYDNEY WATER CROWN DEVELOPMENT APPLICATION FOR 20 GOULDING ROAD, RYDE - LDA2010/0079**

Note: Steve Ahern from 2RRR 88.5FM had addressed Council on this Item earlier in the Meeting.

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

- (a) That the correspondence be received.
- (b) That Council write to both the current Ministers and Shadow Ministers for Water, and Planning, seeking their commitment to direct Sydney Water to retain the 2RRR transmitter at 20 Goulding Road, Ryde, in accordance with the recommendation of the Joint Regional Planning Panel.

- (c) That Council reaffirm its position not to accommodate any such telecommunication facilities in Byron Park due to previous significant community opposition to mobile phone facilities in Byron Park.
- (d) That Council write to the local State Members of Parliament seeking their support of this resolution and bringing it to the attention of the Shadow Cabinet.
- (e) That this resolution of Council be made publicly available and an appropriate article be included in the Ryde City View.

**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 9.59pm.

**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 10.01 pm.

CONFIRMED THIS 22<sup>nd</sup> DAY OF MARCH 2011

Chairperson