

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

Meeting Date: Tuesday 2 August 2011
Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

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

Councillor Li arrived at 8.33pm and was not present for the consideration of items 2 and 3.

Councillor Salvestro-Martin arrived at the meeting at 9.08pm and was not present for the consideration of items 1 to 7, the Matter of Urgency – Assisting the Eastwood Community After the Fire and the Notice of Motion on Deferred Notice Of Motion: Issues Associated With Traffic Bypassing The Southern End Of Wharf Road, Melrose Park

Apologies: Councillor Pickering

Leave of Absence: Councillor Campbell

Staff Present: General Manager, Group Manager – Community Life, Group Manager –Corporate Services, Group Manager – Environment & Planning, Group Manager – Public Works, Manager – Urban Planning, Centre Manager – Ryde Aquatic Leisure Centre, Social Policy & Planning Coordinator, Media & Community Relations Officer and Councillor Support Coordinator.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

No.	Name	Topic
1	Mr Sinclair Howard	Deferred Notice of Motion – ISSUES ASSOCIATED WITH TRAFFIC BYPASSING THE SOUTHERN END OF WHARF ROAD, MELROSE PARK

No.	Name	Topic
2	Mr Barry O'Grady	Deferred Notice of Motion – ISSUES ASSOCIATED WITH TRAFFIC BYPASSING THE SOUTHERN END OF WHARF ROAD, MELROSE PARK

SUSPENSION OF STANDING ORDERS – COMMITTEE OF THE WHOLE

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

That Standing Orders be suspended in order for Council to consider Item 2 - COMMITTEE OF THE WHOLE - Consideration of Items on Agenda in Committee of the Whole.

Record of Voting:

For the Motion: Unanimous

2 COMMITTEE OF THE WHOLE - Consideration of Items on Agenda in Committee of the Whole

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

- (a) That Council resolve into Committee of the Whole to consider Items 3 to 7 listed on the Agenda.
- (b) That Council note that any recommendations from the Committee of the Whole must be reported back to the Council meeting for adoption in becoming resolutions of Council.

Record of Voting:

For the Motion: Unanimous

The Meeting then moved into Committee of the Whole.

MAYORAL MINUTE

This matter was dealt with later in the meeting as detailed in these Minutes.

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 26 July 2011

This matter was dealt with later in the meeting as detailed in these Minutes.

2 COMMITTEE OF THE WHOLE - Consideration of Items on Agenda in Committee of the Whole

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

3 DEFERRED REPORT: REPORT ON OUTSTANDING RESOLUTIONS**RECOMMENDATION:** (Moved by Councillors Petch and Yedelian OAM)

That the report on Outstanding Resolutions be endorsed.

Record of Voting:

For the Motion: Unanimous

4 PUBLIC DOMAIN UPGRADES

Note: The Mayor, Councillor Etmekdjian left the meeting at 8.20pm during consideration of this item. Councillor Petch assumed the Chair as the Chairperson of the meeting. The Mayor, Councillor Etmekdjian returned to the meeting at 8.27pm and resumed as Chairperson.

Note: Councillor Li arrived at the meeting during consideration of this item.

RECOMMENDATION: (Moved by Councillors Petch and Yedelian OAM)

- (a) That the study '*Centres – public domain upgrades*' be adopted by Council.
- (b) That the public domain upgrade construction of Church Street Ryde (stage 1) and Rowe Street (east) Eastwood be funded from the town centre upgrade budget in the 4 year period from 2011/12 to 2014/15.
- (c) That the public domain upgrade of small and neighbourhood centres for the 4 year period from 2011/12 to 2014/15 commence with Boronia Park shopping centre and then rotate as follows: Agincourt Road, Quarry Road, Sager Place, Allars Street, Watts Road, Callaghan Street, Meadowbank Station (west).
- (d) That a detailed costing be provided to Council on the replacement of the two poles with two smart poles in front of the proposed second hotel in Eastwood, at the same time that the development is undertaken.
- (e) That a further report be provided to Council on this matter after consultation with shop owners in Church Street.

Record of Voting:

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

Against the Motion: Councillor Butterworth

5 CITY OF RYDE DEVELOPMENT CONTROL PLAN 2010 - Update on the review of Part 9.6: Tree Preservation

Note: Councillor Butterworth left the meeting at 8.41pm and was not present for the voting on this item.

RECOMMENDATION: (Moved by Councillors Petch and Yedelian OAM)

That a Workshop be conducted with Councillors on Tuesday, 9 August 2011 commencing at 5.30pm on the review of the City of Ryde Development Control Plan Part 9.6: Tree Preservation.

Record of Voting:

For the Motion: Unanimous

6 WEST RYDE COMMUNITY CENTRE- Establishment of a Framework for Contribution to Costs by Community Tenants

Note: Councillor Butterworth was not present for this item.

RECOMMENDATION: (Moved by Councillors Petch and Yedelian OAM)

- (a) That Council adopt - a category based framework as presented in the report, and agreed to by community tenants, for determining the contribution towards Council's West Ryde Community Centre operation and maintenance costs, by the community tenants (West Ryde Neighbourhood Children's Centre (\$24,474), Christian Community Aid-Family Day Care (\$12,677), West Ryde Early Childhood Health Centre (\$9,817) and Ryde Family Support Service (\$7,377)) in the West Ryde Community Centre.
- (b) That the tenancies be executed based on Council's Standard License Agreement, subject to annual CPI indexation and a five year review.
- (c) That the West Ryde Neighbourhood Childcare Centre be given a two year transitional period before paying the full contribution to cost, with 25% of the full amount to be paid in the first year and 75% of the full amount in the second year, in acknowledgement of the organisation's establishment and operational costs in transitioning to doubling enrolment capacity.

Record of Voting:

For the Motion: Unanimous

7 BIKE FUTURES CONFERENCE - Melbourne - 12 to 14 October 2011

Note: Councillor Butterworth was not present for this item.

RECOMMENDATION: (Moved by Councillors Yedelian OAM and Petch)

That Councillor Perram and Maggio attend the 2011 Bike Futures Conference being held at the Etihad Stadium, Melbourne from 12 to 14 October 2011.

Record of Voting:

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

Against the Motion: Councillor Li

RESUMPTION OF STANDING ORDERS – COUNCIL SESSION

Note: Councillor Butterworth was not present for this item.

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

That Council resolve out of Committee of the Whole and back into the Council Meeting for Council to adopt the recommendations from the Committee of the Whole and Councillors not be required to stand to address the Council Meeting.

Record of Voting:

For the Motion: Unanimous

ADOPTION OF ITEMS CONSIDERED IN COMMITTEE OF THE WHOLE

Note: Councillor Butterworth was not present for this item.

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

That the recommendations from Items 3 to 7 as listed below and detailed in the minutes be adopted as resolutions of Council;

Item 3 - DEFERRED REPORT: REPORT ON OUTSTANDING RESOLUTIONS

Item 4 - PUBLIC DOMAIN UPGRADES

Item 5 - CITY OF RYDE DEVELOPMENT CONTROL PLAN 2010 - Update on the review of Part 9.6: Tree Preservation

Item 6 - WEST RYDE COMMUNITY CENTRE- Establishment of a Framework for Contribution to Costs by Community Tenants

Item 7 - BIKE FUTURES CONFERENCE - Melbourne - 12 to 14 October 2011

Record of Voting:

For the Motion: Unanimous

1 CONFIRMATION OF MINUTES - Council Meeting held on 26 July 2011

Note: Councillor Butterworth returned to the meeting at 8.49pm during consideration of this item.

RESOLUTION: (Moved by Councillors Petch and Perram)

That the Minutes of the Council Meeting 10/11, held on Tuesday 26 July 2011, be confirmed.

Record of Voting:

For the Motion: Unanimous

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Li and Yedelian OAM)

That Standing Orders be suspended to allow consideration of a Matter of Urgency relating to assisting the Eastwood Community After The Fire, the time being 8.47pm.

Record of Voting:

For the Motion: Unanimous

MATTER OF URGENCY – ASSISTING THE EASTWOOD COMMUNITY AFTER THE FIRE

RESOLUTION: (Moved by Councillors Li and Petch)

That Council urgently:

1. Work with the RTA through the Traffic Committee to consider options to improve ease of access into Eastwood Shopping Centre through the West Parade vehicular entrance, including the option of temporarily allowing cars to turn right into West Parade from Rutledge Street and erecting any new signage.
2. Reinforce the message through the website, the Mayoral Column and the CityView that the Eastwood shopping district has reopened for business and community activities after last week's fire.

Record of Voting:

For the Motion: Unanimous

RESUMPTION OF STANDING ORDERS

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

That Standing Orders be resumed, the time being 8.55pm.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTE

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

That the Mayoral Minute be considered in Closed Session at the end of this meeting.

Record of Voting:

For the Motion: Unanimous

This Item is listed under Confidential Items later in these minutes.

PRECIS OF CORRESPONDENCE FOR CONSIDERATION**1 DEFERRED PRECIS OF CORRESPONDENCE: ROYAL REHABILITATION CENTRE - SYDNEY SITE**

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

That the correspondence be received.

Record of Voting:

For the Motion: Unanimous

2 DEFERRED PRECIS OF CORRESPONDENCE: QUEENSLAND PREMIER'S DISASTER RELIEF APPEAL

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

That the correspondence be received.

Record of Voting:

For the Motion: Unanimous

3 NSW HOUSING - NATION BUILDING AND ECONOMIC STIMULUS PLAN - Concrete Footpaths for residential sites within the City of Ryde

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

That the correspondence be received.

Record of Voting:

For the Motion: Unanimous

NOTICES OF MOTION

1 DEFERRED NOTICE OF MOTION: ISSUES ASSOCIATED WITH TRAFFIC BYPASSING THE SOUTHERN END OF WHARF ROAD, MELROSE PARK - Councillor Terry Perram

Note: Mr Sinclair Howard and Mr Barry O'Grady addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Perram and Petch)

- (a) That Council investigate issues associated with through traffic that currently bypasses the southern end of Wharf Road Melrose Park, particularly at times when a 40 kph speed limit applies outside Melrose Park Public School by using either Taylor Avenue and Cobham Avenue or Lancaster Avenue and report on measures to encourage through traffic to remain on the collector road system in this area.
- (b) That before any action is taken in this matter, consultation be undertaken with residents in the affected area.

Record of Voting:

For the Motion: Unanimous

NOTICES OF RESCISSION

1 DEFERRED NOTICE OF RESCISSION: DEFERRED NOTICE OF MOTION 1 - BOARDING HOUSES / SOCIAL HOUSING - Councillor Michael Butterworth, Councillor Victor Tagg, Councillor Ivan Petch

Note: Councillor Salvestro-Martin arrived at the meeting at 9.08pm during consideration of this item.

RESOLUTION: (Moved by Councillors Butterworth and Petch)

That Council rescind the previous resolution in relation to Deferred Notice of Motion 1 – Boarding Houses/Social Housing, passed at the Council Meeting held on 28 June 2011, namely:

DEFERRED NOTICE OF MOTION: BOARDING HOUSES / SOCIAL HOUSING – Councillor Bill Pickering

“That the City of Ryde Council immediately engage with the local community to obtain their involvement in establishing a planning framework suitable to our community related to boarding houses and social housing. This framework should reflect elements of ‘character’ of existing dwellings, and the suitability/controls on boarding/social housing developments in low-density R2 zones, high density zones and industrial/commercial areas.”

On being put to the meeting the Rescission Motion was **CARRIED** there being six (6) votes For and four (4) votes Against.

Record of Voting:

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

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

2 CONSIDERATION OF HERITAGE ISSUES - Public Works - Councillor Ivan Petch, Councillor Jeff Salvestro-Martin, Councillor Victor Tagg

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That Council rescind the previous resolution in relation to ITEM 3 (Item 4) – Report of the Works and Community Committee Meeting 9/11 held on 21 June 2011, passed at the Council Meeting held on 28 June 2011, namely:

4 CONSIDERATION OF HERITAGE ISSUES – Public Works

That no action be taken in relation to this Item.

Record of Voting:

For the Motion: Unanimous

FURTHER MOTION – CONSIDERATION OF HERITAGE ISSUES – Public Works

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That this matter, including a copy of the previous report be referred to the Works and Community Committee for further consideration.

Record of Voting:

For the Motion: Unanimous.

- 3 36 HERRING ROAD, NORTH RYDE. LOTS 1&2 SP 51324. Local Development Application for alterations and change of use of existing dual occupancy to a boarding house containing nine (9) bedrooms. LDA2010/0506. - Councillor Victor Tagg, Councillor Ivan Petch, Councillor Jeff Salvestro-Martin**

MOTION: (Moved by Councillors Tagg and Butterworth)

That Council rescind the previous resolution in relation to ITEM 2 (Item 2) – Report of the Planning and Environment Committee Meeting 9/11 held on 19 July 2011, passed at the Council Meeting held on 26 July 2011, namely:

- 2 36 HERRING ROAD, NORTH RYDE. LOTS 1&2 SP 51324. Local Development Application for alterations and change of use of existing dual occupancy to a boarding house containing nine (9) bedrooms. LDA2010/0506.**

- (a) That Local Development Application No. 2010/506 at 36 Herring Road, Marsfield being LOT 1 and 2 SP 51324 be refused as per the reasons provided by the Chairperson of the Planning and Environment Committee at its meeting held on 19 July 2011:-
- (i) This application is not in the public interest.
 - (ii) Inappropriate development in a suburban area.
 - (iii) Commercial development in a residential area.
 - (iv) Issues with noise, amenity and parking.
 - (v) Community opposition of this development.
 - (vi) The number of occupants is inconsistent with the neighbouring area.
- (b) That the persons who made submissions be advised of Council's decision.

On being put to the Meeting, the voting on the Rescission Motion was five (5) all. The Mayor used his casting vote Against the Rescission Motion. The Rescission Motion was **LOST**.

Record of Voting

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

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

QUESTIONS BY COUNCILLORS AS PER POLICY**1 QUESTIONS WITH NOTICE - Councillor Jeff Salvestro-Martin****RESOLUTION:** (Moved by Councillors Perram and Yedelian OAM)

That the following Questions with Notice and Answers be received and noted.

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

Question 1: **How was the invitation to Federal Member for Bennelong's Community engagement at Café Bon – Danes Coffee Shop in Eastwood on 22 July communicated to Council?**

Answer 1: An email was sent to the Executive Assistant to the Mayor advising of the event.

Question 2: **Did the communication with Council specifically request Council staff attendance and please describe the process by which City of Ryde staff were then allocated to the event?**

Answer 2: The communication did not specifically request Council staff. There was a description of a similar event in Hornsby and it was noted that the attendance of staff had assisted community members present in understanding Council's program of events. The email was forwarded to the Group Manager of Public Works and the Acting General Manager. The Group Manager of Public Works nominated three staff which included the Place Manager for Eastwood, and the Managers responsible for drainage and roads. The Acting General Manager nominated the Manager Urban Planning to cover planning and development matters.

Question 3: **Why was such a large contingent of staff required for this event; what was the total time spent at the event and how much did this cost City of Ryde?**

Answer 3: The staff numbers were based on the topics that were expected to be discussed. The approximate cost (in staff time) was \$320.

Question 4: **Was staff attendance encouraged by an individual within Council?**

Answer 4: No.

Question 5: **Why was the Mayor's Secretary appointed as co-ordinator for the event and by whom?**

Answer 5: The Executive Assistant to the Mayor and Councillors was the contact point as she had received the original correspondence. She was not the coordinator of the event.

The invitation to all Councillors to attend was sent via the Councillor HelpDesk as is normal practice.

The Councillor HelpDesk sits within the Governance Unit and the role of Executive Assistant to the Mayor and Councillors is part of the Governance Unit team.

CLOSED SESSION

MAYORAL MINUTE

MM08/11 – INVESTIGATION TO IDENTIFY THE SOURCE OF MALICIOUS COMPLAINTS

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: (a) personnel matters concerning particular individuals (other than councillors); AND (f) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property.

ITEM 8 - SURF ATTRACTION PROPOSAL FOR THE RYDE AQUATIC LEISURE CENTRE

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: (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) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it; AND (d) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council; AND (d) (iii) information that would, if disclosed, reveal a trade secret.

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

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

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

Note: Council closed the meeting at 9.49pm. The public and media left the chamber.

MAYORAL MINUTE

MM 08/11 INVESTIGATION TO IDENTIFY THE SOURCE OF MALICIOUS COMPLAINTS

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

- (a) That Council note my determination to take no further action in this matter as detailed in the report.
- (b) That Council initiate a forensic investigation for the purposes of identifying and lawfully restraining the source of the complaints in compliance with Council's obligations as a responsible employer.
- (c) That the result of the investigation be reported back to Council.

Record of Voting:

For the Motion: Unanimous

8 SURF ATTRACTION PROPOSAL FOR THE RYDE AQUATIC LEISURE CENTRE

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

- (a) That Council endorse the installation of a surf attraction feature and additional facilities at the Ryde Aquatic Leisure Centre.
- (b) That the General Manager reports on the options available to sourcing the required funds from either an external bank loan or internally from reserves.
- (c) That Council call for tenders for the supply and installation of a surf attraction feature for the Ryde Aquatic Leisure Centre.

AMENDMENT: (Moved by Councillors Yedelian OAM and Butterworth)

- (a) That Council call for expressions of interests to seek public private partnership for the full development capital cost of this proposal and its operations.
- (b) That this matter be reported back to Council following the evaluation of the expressions of interests received.

The Amendment was put and **LOST** there being four (4) votes for and six (6) votes against. The Motion was then put and **CARRIED**.

Record of Voting

For the Amendment: Councillors Butterworth, Li, Perram and Yedelian OAM

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Petch, Salvestro-Martin and Tagg

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

- (a) That Council endorse the installation of a surf attraction feature and additional facilities at the Ryde Aquatic Leisure Centre.
- (b) That the General Manager reports on the options available to sourcing the required funds from either an external bank loan or internally from reserves.
- (c) That Council call for tenders for the supply and installation of a surf attraction feature for the Ryde Aquatic Leisure Centre.

On being put to the Meeting, the voting on the Motion was five (5) all. The Mayor used his casting vote For the Motion. The Motion was **CARRIED**.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Petch and Salvestro-Martin

Against the Motion: Councillors Butterworth, Li, Perram, Tagg and Yedelian OAM

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 10.42pm.

RESOLUTION: (Moved by Councillors Petch and Tagg)

That the business transacted in Closed Session be received and adopted as resolutions of Council without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

The meeting closed at 10.43pm.

CONFIRMED THIS 9TH DAY OF AUGUST 2011

Chairperson