

Council Meeting

MINUTES OF MEETING NO. 12/11

Meeting Date: Tuesday 9 August 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.

Councillor Yedelian OAM left the meeting at 9.45pm during consideration of Item 4 and did not return to the meeting.

Apologies: Nil.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, Manager – Governance, Section Manager – Projects Delivery and Meeting Support Coordinator.

PRAYER

Senior Chaplain Lyndsay Smith of The Salvation Army 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

No addresses were made to Council.

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS**1 CONFIRMATION OF MINUTES - Council Meeting held on 2 August 2011**

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

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

Record of Voting:

For the Motion: Unanimous

2 UPGRADE OF PITTWATER ROAD (HIGH STREET TO EPPING ROAD) - Review of Environmental Factors and Community Consultation

MOTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council endorse the Concept Plan prepared by Council and Draft Review of Environmental Factors prepared by Cardno, to be placed on exhibition for public comment for a period of twenty one (21) days.
- (b) That, following public exhibition, a further report be prepared and submitted to Council for its meeting to be held on 27 September 2011.

AMENDMENT: (Moved by Councillors Butterworth and Salvestro-Martin)

- (a) That this matter be deferred to allow for a Councillor workshop and for the consultants to be in attendance (to discuss the four stages of this project).
- (b) That the community groups consulted in the community engagement process be invited to address Council when the matter is reported back to Council.

The Amendment was put and **CARRIED**, thereby becoming the Motion.

Record of Voting:

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

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

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

- (a) That this matter be deferred to allow for a Councillor workshop and for the consultants to be in attendance (to discuss the four stages of this project).

- (b) That the community groups consulted in the community engagement process be invited to address Council when the matter is reported back to Council.

Record of Voting:

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

Against the Motion: Councillors Pickering and Perram

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There were no Precis of Correspondence for Consideration.

NOTICES OF MOTION

1 INTERNATIONAL DAY OF PEOPLE WITH DISABILITY - Councillor Terry Perram

RESOLUTION: (Moved by Councillors Perram and Maggio)

- (a) That the General Manager report to Council on the possibility of Council and other similar organisations in the City of Ryde, partnering with Side by Side Advocacy in its plan to host a function to celebrate International Day of People with Disability at Brush Farm House on 2 December 2011.
- (b) That in preparing the report, the Access Committee be consulted on this matter.

Record of Voting:

For the Motion: Unanimous

2 PLANTING A REPLACEMENT TREE OR SHRUB ON A NATURE STRIP OR PUBLIC PARKLAND - Councillor Terry Perram

RESOLUTION: (Moved by Councillors Perram and Petch)

- (a) That whenever Council removes a tree from a nature strip or from public parkland, a suitable replacement tree or shrub be planted in the same or nearby location, if practicable.
- (b) That in the future this matter be reviewed as part of the development of the Urban Forest Management Policy and the Street Tree Master Plan.

Record of Voting:

For the Motion: Unanimous

3 DEPARTMENT OF PLANNING'S REJECTION OF COUNCIL'S REQUEST FOR CHARACTER AREAS IN RYDE TO BE EXEMPTED FROM SEPP (Exempt and Complying Development Codes) 2008 - Councillor Terry Perram

RESOLUTION: (Moved by Councillors Perram and Pickering)

That Council seek the support of the member for Ryde, Mr Victor Dominello, to request the Minister for Planning to reconsider the Department of Planning's rejection of Council's request for character areas in Ryde, such as the Denistone Character Area, to be exempted from SEPP (Exempt and Complying Development Codes) 2008.

Record of Voting:

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

Against the Motion: Councillors Butterworth, Campbell and Tagg

NOTICES OF RESCISSION

There were no Notices of Rescission.

QUESTIONS BY COUNCILLORS AS PER POLICY

This Item was considered by Council later in the Meeting under Confidential Items in Closed Session as detailed in these Minutes.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

QUESTIONS BY COUNCILLORS AS PER POLICY – CONFIDENTIAL

1 QUESTIONS WITH NOTICE

CONFIDENTIAL ITEMS

3 RESULTS OF COUNCIL REQUESTED INVESTIGATIONS

4 ADVICE ON COURT ACTIONS

MOTION: (Moved by Councillors Petch and Pickering)

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

On being put to the Meeting, the voting on the Motion was five (5) votes For and seven (7) votes Against. The Motion was **LOST**.

Record of Voting:

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

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

FURTHER MOTION

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

That the component in Item 3 relating to Part (a) be dealt with in Open Council with the balance of Items being dealt with in Closed Session.

Record of Voting:

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

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

3 RESULTS OF COUNCIL REQUESTED INVESTIGATIONS

Note: Part (b) of this Item was considered later in the Meeting under Confidential Items in Closed Session as detailed in these Minutes.

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

- (a) That the Council does not establish a webpage that displays details of properties confirmed as operating as illegal boarding houses on the basis of legal advice as it would expose Council to litigation.

Record of Voting:

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

Against the Motion: The Mayor, Councillor Etmekdjian and Councillor Pickering

Note: As a result of the earlier Motion, the Council closed the meeting at 9.20pm to go into Confidential Closed Session of the Council meeting. The public and media left the chamber.

CLOSED SESSION**QUESTIONS BY COUNCILLORS AS PER POLICY - CONFIDENTIAL****ITEM 1 - QUESTIONS WITH NOTICE****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.

ITEM 3 - RESULTS OF COUNCIL REQUESTED INVESTIGATIONS**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: (f) details of systems and/or arrangements that have been implemented to protect council, councillors, staff and Council property; AND (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 4 – 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.

QUESTIONS BY COUNCILLORS AS PER POLICY - CONFIDENTIAL

1 QUESTIONS WITH NOTICE - Councillor Jeff Salvestro-Martin

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

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

Record of Voting:

For the Motion: Unanimous

CONFIDENTIAL ITEMS

3 RESULTS OF COUNCIL REQUESTED INVESTIGATIONS

Note: Councillor Li left the meeting at 9.27pm and was not present for the voting on this Item.

Note: Part (a) of this Item was considered earlier in the Meeting in Open Council as detailed in these Minutes.

RECOMMENDATION: (Moved by Councillors Butterworth and Campbell)

- (b) That Councillors and staff reconfirm their commitment to the appropriate handling of confidential information.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Li returned to the meeting at 9.29pm.

4 ADVICE ON COURT ACTIONS

Note: Councillor Yedelian OAM left the meeting at 9.45pm during consideration of this Item and did not return to the meeting.

RECOMMENDATION: (Moved by Councillors Butterworth and Tagg)

- (a) That the report of the General Counsel be received.

- (b) That in respect of 297-307 Victoria Road Gladesville, Council endorse the action to be taken by Council's General Counsel as discussed in Closed Session.

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: Councillor Pickering

OPEN SESSION

RESOLUTION: (Moved by Councillors Butterworth and Campbell)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 9.52pm.

RESOLUTION: (Moved by Councillors Butterworth and Campbell)

That the recommendations of Items considered in Closed Session be received and adopted as resolutions 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 9.55pm.

CONFIRMED THIS 23RD DAY OF AUGUST 2011

Chairperson