

Council Meeting

MINUTES OF MEETING NO. 6/11

Meeting Date: Tuesday 10 May 2011
Location: Council Chambers, Level 6
Time: 7.30pm

Councillors Present: The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Perram, Pickering and Yedelian OAM.

Apologies: Councillors Butterworth, Campbell, Li, Petch, Salvestro-Martin and Tagg.

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

PRAYER

Reverend Mal York of the West Ryde Anglican Church was present and offered prayer prior to the commencement of the meeting.

ADJOURNMENT

In accordance with Clause 2.5.1 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian adjourned the Council Meeting as a quorum was not present, the time being 7.45pm. The Council Meeting was adjourned to:

Tuesday, 17 May 2011 at 7.30pm in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Perram, Pickering and Yedelian OAM.

Apologies had been received from Councillors Butterworth, Campbell, Li, Petch, Salvestro-Martin and Tagg.

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 17 May 2011 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

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

Apologies had been received from Councillor Perram.

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 Tom Geroulas	Notice of Motion 4 - REVIEW OF STATE ENVIRONMENT PLANNING POLICY ON BOARDING HOUSES
2	Mr Douglas Sun	Notice of Motion 4 - REVIEW OF STATE ENVIRONMENT PLANNING POLICY ON BOARDING HOUSES
3	Mr Alan Patrick	Notice of Motion 4 - REVIEW OF STATE ENVIRONMENT PLANNING POLICY ON BOARDING HOUSES Notice of Motion 5 – DEVELOPMENT OF A WEB PAGE TO DISPLAY DETAILS OF PREMISES CONFIRMED TO BE OPERATING AS ILLEGAL BOARDING HOUSES
4	Mr James Yuen	Notice of Motion 4 - REVIEW OF STATE ENVIRONMENT PLANNING POLICY ON BOARDING HOUSES Notice of Motion 5 – DEVELOPMENT OF A WEB PAGE TO DISPLAY DETAILS OF PREMISES CONFIRMED TO BE OPERATING AS ILLEGAL BOARDING HOUSES
5	Mr Ryan Ho	Rescission Motion – BOARDING HOUSE ENFORCEMENT AND EDUCATION PROJECT

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Standing Orders be suspended to allow consideration of a Matter of Urgency relating to Development Applications by Utilities, the time being 7.54pm.

Record of Voting:

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

Against the Motion: Councillors Petch, Salvestro-Martin and Tagg

MATTER OF URGENCY – DEVELOPMENT APPLICATIONS BY UTILITIES

Note: Mr Ian Zaknich addressed the meeting in relation to this Matter of Urgency.

Note: Councillor Maggio tabled a petition signed by 8 residents in relation to this Matter of Urgency.

RESOLUTION: (Moved by Councillors Maggio and Petch)

- (a) That all referral notifications by utilities be reported to Councillors through the Councillors Information Bulletin.
- (b) That Council write to Ausgrid expressing concern regarding the lack of appropriate community consultation in respect to the substation in Watson Street, Putney.
- (c) That Council organise a mediation meeting between Ausgrid and the residents of Watson Street with regard to the proposed substation.
- (d) That Council write to the Minister of Energy and Resources requesting a review of the consultation process.

Record of Voting:

For the Motion: Unanimous

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That Standing Orders be resumed, the time being 8.19pm.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS**1 CONFIRMATION OF MINUTES - Council Meeting held on 12 April 2011**

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That the Minutes of the Council Meeting 5/11, held on Tuesday 12 April 2011, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE - Meeting 5/11 held on 3 May 2011

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That Council determine Item 3 of the Planning and Environment Committee report, noting that Items 1, 2 and 4 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

- 3 76 EPPING ROAD, NORTH RYDE. LOT 2 DP 505422. Local Development Application for alterations and change of use of existing dwelling house to a boarding house containing eight (8) bedrooms. LDA2010/0112.**

MOTION: (Moved by Councillors Yedelian OAM and Maggio)

That this application be refused on the basis of the following reasons:

1. The applicant has a history of failing to comply with Council directions in relation to the erection of numerous illegal structures.
2. The current illegal structure contains additional rooms (and residents) beyond that even acceptable to the SEPP that most likely will be reconstituted if approval is forced on Council by the Land and Environment Court (particularly given the character and contempt already shown to Council by the landlord).
3. Slum-like conditions prevail in this boarding house, and there exists a history of failure to keep the premises including a swimming pool, in a clean and fit state for human use or habitation. *Rusted Real Estate signs are even used as awnings.

4. Council is concerned for the safety of tenants given the makeshift arrangements in place, and given that Council has limited ability to properly police such premises.
5. This boarding house will/is having a major negative impact on the amenity of the local area with reports by at least one neighbour of vermin breeding on the property and escaping into neighbouring residences, and problems with noise, smell, and general upkeep.
6. This boarding house is totally inconsistent with the character of the locality in a low density, family suburb.
7. This boarding house facility fronts a major road and has limited on-site parking except for the front yard which further destroys the amenity of the neighbourhood with several vehicles already regularly parking on site.
8. This boarding house would never have been approved under Council's previous DCP conditions, prior to the SEPP imposed on Local Government by the former NSW Government.
9. The Land and Environment Court has previously rejected boarding house applications similar to this application (HBM Cronulla Pty Ltd v Sutherland Shire Council [2009] NSWLEC 1011 (15 January 2009)) on the basis of lack of car parking, impact on local residential amenity and Council DCP regulations.
10. Approval of the proposed boarding house and rewarding the complete disregard shown by the applicant towards Council is not in the public interest.

The Motion was put and LOST there being five (5) votes For and six (6) votes Against.

Record of Voting:

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

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

The Matter was then AT LARGE.

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

- (a) That Local Development Application No. 2010/112 at 76 Epping Road North Ryde being Lot 2 DP 505422 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That this matter be referred to Manager Health & Building for appropriate enforcement action regarding the illegal internal

alterations to the premises.

- (c) That the persons who made submissions be advised of Council's decision.

The Motion was put and CARRIED there being six (6) votes For and five (5) votes Against.

Record of Voting:

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

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

Note: A Rescission Motion signed by Councillors Maggio, Pickering and Yedelian OAM was lodged after the meeting in relation to this Item and will be considered at the Council meeting to be held on 24 May 2011.

3 REPORT OF WORKS AND COMMUNITY COMMITTEE - Meeting 6/11 held on 19 April 2011

RESOLUTION: (Moved by Councillors Maggio and Petch)

That Council determine Items 2, 3, 4, 5 and 7 of the Works and Community Committee report, noting that Items 1 and 6 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

2 TREE MANAGEMENT REVIEW - 69 Ford Street, North Ryde

RESOLUTION: (Moved by Councillors Maggio and Petch)

That the one (1) *Eucalyptus saligna* (Sydney Blue Gum) located on the property of 69 Ford Street, North Ryde be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of 1 tree of a similar species that is 1.5 metres at the time of planting and will reach a minimal height of 8 metres at maturity.

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 and Campbell

3 TREE MANAGEMENT REVIEW - 2-8 Belmore Street, Ryde**RESOLUTION:** (Moved by Councillors Maggio and Petch)

That the twelve (12) *Casuarina cunninghamiana* (River She-oak), seven (7) *Callistemon viminalis* (Bottlebrush), one (1) *Celtis australis* (European Hackberry/Nettle Tree) and one (1) *Pittosporum undulatum* (Sweet Pittosporum) located on the property of 2-8 Belmore Street, Ryde be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of 10 trees that are 1.5 metres at the time of planting and will reach a minimal height of 8 metres at maturity.

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 and Campbell

4 TREE MANAGEMENT REVIEW - 124 Ryde Road, Gladesville**RESOLUTION:** (Moved by Councillors Maggio and Petch)

That the one (1) *Corymbia maculata* (Spotted Gum) located on the property of 124 Ryde Road, Gladesville be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of 1 tree that is 1.5 metres at the time of planting and will reach a minimal height of 8 metres at maturity.

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 and Campbell

5 TREE MANAGEMENT REVIEW - 3 Zanco Road, Marsfield**RESOLUTION:** (Moved by Councillors Maggio and Petch)

That the one (1) *Eucalyptus elata* (River Peppermint) located on the property of 3 Zanco Road, Marsfield be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of 1 tree that is 1.5 metres at the time of planting and will reach a minimal height of 8 metres at maturity.

Record of Voting:

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

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

7 PUBLIC PRIVATE PARTNERSHIP - Bevillesta & City of Ryde - Signage Rights, Southern Pedestrian Bridge, North Face - Status Report.

RESOLUTION: (Moved by Councillors Petch and Tagg)

That a further report be submitted to Council once the Expression of Interest process has been completed.

Record of Voting:

For the Motion: Unanimous

4 REPORT OF WORKS AND COMMUNITY COMMITTEE - Meeting 7/11 held on 3 May 2011

RESOLUTION: (Moved by Councillors Maggio and Petch)

That Council determine Items 2 and 5 of the Works and Community Committee report, noting that Items 1, 3, 4 and 6 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

2 TREE MANAGEMENT REVIEW - 43 Cecil Street, Denistone East

RESOLUTION: (Moved by Councillors Maggio and Petch)

That the application to remove one (1) *Eucalyptus saligna* (Sydney Blue Gum) located on the property of 43 Cecil Street, Denistone East be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of 1 tree that is 1.5 metres at the time of planting and will reach a minimal height of 8 metres at maturity.

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 and Campbell

5 TREE MANAGEMENT REVIEW - 27 Wood Street, Eastwood

RESOLUTION: (Moved by Councillors Maggio and Petch)

That the application to remove one (1) *Washingtonia filifera* (Cotton Palm) located on the property of 27 Wood Street, Eastwood be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of 1 tree that is 1.5 metres at the time of planting and will reach a minimal height of 8 metres at maturity.

Record of Voting:

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

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

5 REGISTERS - State Environmental Planning Policy No. 1 & Variations Under Clause 4.6 (LEP 2010)

RESOLUTION: (Moved by Councillors Maggio and Butterworth)

That the report of the Manager Assessment dated 30 March 2011 on REGISTERS - State Environmental Planning Policy No. 1 & Variations under Clause 4.6 (LEP 2010) be received and noted.

Record of Voting:

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

Against the Motion: Councillor O'Donnell

6 ENDORSEMENT OF THE OUR HARBOUR AGREEMENT

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

- (a) That Council endorse in principle the revised Our Harbour Agreement as attached to this report.
- (b) That a copy of Council's resolution endorsing the revised Our Harbour Agreement be forwarded to Sydney Harbour Councils.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

7 PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS POLICY - REVIEW AND PUBLIC EXHIBITION

RESOLUTION: (Moved by Councillors Petch and Campbell)

- (a) That Council endorse the public exhibition of the revised Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy for a period of at least 28 days.
- (b) That after the exhibition period of the draft policy, a further report be provided to Council seeking the adoption of the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and detailing any submissions received.
- (c) That recommendations (a) and (b) be endorsed subject to the following addenda to part (a):
 - (i) That Clause 23 (c) be amended to allow business cards to be provided in a format as agreed by each individual Councillor.
 - (ii) That Clause 32 (a) be amended to allow business cards to be provided in a format as agreed by the Mayor.

Record of Voting:

For the Motion: Unanimous

8 REPORT ON OUTSTANDING RESOLUTIONS

RESOLUTION: (Moved by Councillors Salvestro-Martin and Yedelian OAM)

That the report on Outstanding Resolutions be endorsed.

Record of Voting:

For the Motion: Unanimous

9 TENDER EVALUATION REPORT FOR COR-RFT-05/11 - SUPPLY OF GAS TO THE RYDE AQUATIC LEISURE CENTRE

RESOLUTION: (Moved by Councillors Petch and Campbell)

That Council declines to accept the offer submitted by TRUenergy Pty Ltd and delegates authority to Council's General Manager to enter into negotiations with any person (whether or not the person was a tenderer) with a view to entering into a contract in relation to the subject matter of the tender.

Record of Voting:

For the Motion: Unanimous

10 CREATION OF A CITY OF RYDE PROPERTY TRUST

11 GLADESVILLE TOWN CENTRE – Possible Road Closure and Sale

12 ADVICE ON COURT ACTIONS

Note: Items 10, 11 and 12 were considered by Council during Closed Session.

SUPPLEMENTARY ITEMS

13 ADVISORY COMMITTEE - Crime Prevention Advisory Committee 21 April 2011

RESOLUTION: (Moved by Councillors Maggio and Li)

- (a) That Council write to NSW Police requesting advice on possible CCTV in Eastwood and a statistical context for Eastwood (including crime trends and comparison data on town centres where CCTV has been installed). The letter will also request the introduction of bilingual English/Korean speaking police officers at the station.
- (b) That Council write to the Rotary Club of Ryde requesting an update on the Graffiti Free Zone (Ryde) initiative.

Record of Voting:

For the Motion: Unanimous

14 PLANNING FOR COMMUNITY OUTCOMES CONFERENCE - 2 June 2011

RESOLUTION: (Moved by Councillors Petch and Maggio)

That Councillors wishing to attend the Planning for Community Outcomes Conference: A Results Based Accountability 1 Day Conference with Mark Friedman held on 2 June 2011 express their interest to the General Manager.

Record of Voting:

For the Motion: Unanimous

RECOMMITTAL OF ITEM 14

RESOLUTION: (Moved by Councillors Petch and Maggio)

That Item 14 – PLANNING FOR COMMUNITY OUTCOMES CONFERENCE - 2 June 2011 be recommitted and the matter be considered in seriatim.

Record of Voting:

For the Motion: Unanimous

14 PLANNING FOR COMMUNITY OUTCOMES CONFERENCE - 2 June 2011

RESOLUTION: (Moved by Councillors Petch and Maggio)

- (a) That Councillors wishing to attend the Planning for Community Outcomes Conference: A Results Based Accountability 1 Day Conference with Mark Friedman held on 2 June 2011 express their interest to the General Manager.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Petch and Tagg)

- (b) That Council endorse Councillor Campbell's attendance at the 2011 National General Assembly in addition to the other delegates from Council.

Record of Voting:

For the Motion: Unanimous

15 PROJECTED COSTS FOR THE REPLACEMENT OF AIR HANDLING UNITS AT THE RYDE AQUATIC LEISURE CENTRE**RESOLUTION:** (Moved by Councillors Salvestro-Martin and Li)

- (a) That Council notes the costs as detailed in the report.
- (b) That Council tenders for the supply only of the preferred air handling units and project manage the installation of the units internally.

Record of Voting:For the Motion: Unanimous**16 PARKING DEVELOPMENT CONTROL PLAN REVIEW****RESOLUTION:** (Moved by Councillors Li and Petch)

That this matter be deferred to allow the conduct of a Workshop regarding the draft Development Control Plan.

Record of Voting:For the Motion: Unanimous**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

There were no Precis of Correspondence for Consideration

ORDER OF BUSINESS

Note: Councillor Salvestro-Martin left the meeting at 10.01pm and was not present for consideration of this Item.

RESOLUTION: (Moved By Councillors Petch and Tagg)

That Council now consider Rescission Motion 1 - BOARDING HOUSE ENFORCEMENT AND EDUCATION PROJECT - Item 8, Committee of the Whole 3 May 2011, the time being 10.03pm.

Record of Voting:

For the Motion: Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Petch, Pickering, Tagg and Yedelian OAM

Against the Motion: The Mayor, Councillor Etmekdjian.

Note: Councillor Salvestro-Martin returned to the meeting at 10.04pm.

NOTICES OF RESCISSION**1 BOARDING HOUSE ENFORCEMENT AND EDUCATION PROJECT - Item 8, Committee of the Whole 3 May 2011 - Councillor Sarkis Yedelian OAM, Councillor Roy Maggio, Councillor Bill Pickering**

Note: Mr Ryan Ho addressed the meeting in relation to this item.

MOTION: (Moved by Councillors Pickering and Yedelian OAM)

That Council rescind the previous resolution in relation to Item 8, passed at the Committee of the Whole Meeting held on 3 May 2011, namely:

8 DEFERRED REPORT - BOARDING HOUSE - ENFORCEMENT AND EDUCATION PROJECT

- (a) That Council note the report "City of Ryde Integrated Enforcement Project – Boarding Houses" (**attached**) prepared by Ethics and Integrity Research.
- (b) That Council staff develop a factual information sheet targeting students, landlords, developers and residents on what constitutes an unauthorised boarding house. The information sheet be placed on the City of Ryde's website. The information be written in Cantonese, Mandarin, Korean and English.
- (c) That Council work with the University to pursue adequate provision of on-site student accommodation and that the University accepts a duty of care in terms of the accommodation choices made by it's international students.
- (d) That Council staff continue to work with Government agencies in the regulation of boarding houses as required.
- (e) That Council works with the Local Member to strengthen the ability to regulate illegal boarding houses and ensure legal boarding houses match the existing neighbourhood character.
- (f) That Council staff develop a Ryde Boarding House Policy which:
 - 1. Defines what a boarding house is in Ryde; and
 - 2. Identifies development controls for the assessment of boarding houses in keeping with relevant legislation; and
 - 3. Mandates Plans of Management for boarding houses; and
 - 4. Introduces mandatory inspection of approved boarding houses on a fee-for-service basis; and
 - 5. Provides clarity for the enforcement process of illegal boarding houses; and

6. Ensures Council observes its duty of care to the tenants of illegal boarding houses.
 - (g) That the General Manager report to Council regarding the development of a webpage to display details of premises that have been confirmed to be operating as illegal boarding houses or have illegal internal modifications consistent with that use. The webpage is to show the address of the property and the name and address of the registered owner with all entries to remain for at least a 12 month period.
 - (h) That the General Manager investigate any breach of confidential material relating to this matter and that a confidential report be provided back to Council on the findings of this investigation.

On being put to the meeting the Rescission Motion was LOST there being four (4) votes For and seven (7) votes Against.

Record of Voting:

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

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

NOTICES OF MOTION

1 NATIONAL WALK TO SCHOOL DAY - 20 MAY 2011 - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That Council, for 2012, in partnership with the Pedestrian Council of Australia and the Ryde Hornsby Health Promotion Unit, encourage local schools, P&C and local business to participate in walk to school safely programs. That Council also approach the Ryde school principal's liaison committee to seek their endorsement for promoting the National Walk to School Day, at our local primary schools. This will further build on Council's current support for Go Active to School Initiatives in which 6 Ryde based primary schools participate.
- (b) That to support this initiative the Council seeks the school principal's agreement to host a healthy breakfast (utilising their P&C's and local sponsors) at each participating school at their expense for National Walk to School Day for 2012.
- (c) That Council promotes the benefits of walking to school and healthy eating

in our media outlets such as the Mayor's column and the City View as part of our on going commitment to becoming a city of wellbeing.

Record of Voting:

For the Motion: Unanimous

2 SPEED CAMERAS IN THE CITY OF RYDE - Councillor Roy Maggio

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That Council write to the NSW Premier, Barry O'Farrell, MP, endorsing the initiatives of the current State Government in relation to the review of the placement of speed cameras.

Record of Voting:

For the Motion: Unanimous

3 CHARGES FOR FACILITY HIRE FOR "NOT FOR PROFIT" COMMUNITY GROUPS - Councillor Jeff Salvestro-Martin

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

That the General Manager investigate and report the availability of CoR owned facility space for "Not for Profit" Community Groups. That the report review current charges for facility hire and make recommendations in respect of potential for facilitating the availability of space for Community Groups that can provide acceptable proof of their "Not for Profit" status.

Record of Voting:

For the Motion: Unanimous

4 REVIEW OF STATE ENVIRONMENT PLANNING POLICY ON BOARDING HOUSES - Councillor Bill Pickering

Note: Mr Tom Geroulas, Mr Douglas Sun, Mr Alan Patrick and Mr James Yuen addressed the meeting in relation to this item.

RESOLUTION: (Moved by Councillors Pickering and Li)

That the City of Ryde Council immediately write to the NSW Premier, Barry O'Farrell, and the NSW Minister for Planning, Brad Hazzard, requesting an urgent review of the State Environment Planning Policy (SEPP) on boarding houses and social housing that has overridden local development controls previously in place in Ryde's low density suburbs.

Record of Voting:

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

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

COMPLETION OF BUSINESS

RESOLUTION: (Moved By Councillors Yedelian OAM and Petch)

That the meeting time be extended thirty minutes to allow Council to complete the business on the agenda, the time being 10.58pm.

Record of Voting:

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

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

5 DEVELOPMENT OF A WEB PAGE TO DISPLAY DETAILS OF PREMISES CONFIRMED TO BE OPERATING AS ILLEGAL BOARDING HOUSES - Councillor Terry Perram

Note: Mr Alan Patrick and Mr James Yuen addressed the meeting in relation to this item.

The Chair, upon advice from the General Manager, determined that this matter was out of order.

In accordance with Clause 3.24.1 of the Code of Meeting Practice (Section 372 of the Local Government Act) if a motion to rescind a resolution has been negated no similar motion may be brought forward within 3 months.

This Notice of Motion was identical to part (g) of Rescission Motion 1 - BOARDING HOUSE ENFORCEMENT AND EDUCATION PROJECT - Item 8, Committee of the Whole 3 May 2011 which was negated earlier in the meeting.

6 CONSIDERATION OF HERITAGE ISSUES - Councillor Ivan Petch**RESOLUTION:** (Moved by Councillors Petch and Butterworth)

That the General Manager report to Council on the process/procedures and consideration of heritage issues that the Public Works Group implements when undertaking works such as erection of bollards, constructing kerb/guttering and maintenance of vegetation in Heritage Conservation Areas.

Record of Voting:

For the Motion: Unanimous

CLOSED SESSION**ITEM 10 - CREATION OF A CITY OF RYDE PROPERTY TRUST****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 (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 11 - GLADESVILLE TOWN CENTRE - Possible Road Closure and Sale**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.

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 12 - 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 Butterworth and Petch)

That 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, Petch, Pickering, Salvestro-Martin and Tagg

Against the Motion: Councillor Yedelian OAM

Note: The Council closed the meeting at 11.14pm. The public and media left the chamber.

10 CREATION OF A CITY OF RYDE PROPERTY TRUST

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

- (a) That Council authorises the General Manager to seek other local government partners to complete investigations into the most appropriate legal model and share costs for the creation of a Property Trust which would be suitable for the City of Ryde's Property Trust.
- (b) That Council authorise the General Manager to develop a model for a Property Trust (with costs shared by other participating Councils) with

Council's component to be funded by the investment property reserve.

- (c) That the General Manager be delegated authority to call on expressions of interest and select a suitably qualified consultant to undertake an assessment of our current suitable operational assets, with the view to estimating the highest and best use and rate of return to Council, utilising funds from the investment property reserve.
- (d) That once recommendations (2) and (3) are implemented, a full report with a costed feasibility study for operating a City of Ryde Property Trust, be submitted to Council prior to proceeding to Phase (D) Operations: Running the Model.

Record of Voting:

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

Against the Motion: Councillors Butterworth and Li

11 GLADESVILLE TOWN CENTRE - Possible Road Closure and Sale

MOTION: (Moved by Councillors Petch and Maggio)

- (a) That Council enter into a non-binding Memorandum of Understanding with Dragon Eye Properties Limited, Jade Developments Pty Ltd and Xcel Pty Ltd and delegate authority to the General Manager to execute the MOU on behalf of Council.
- (b) That Council enter the Deed of Put and Call Option with Dragon Eye Properties Limited (ACN 137849382) and Jade Developments Pty Ltd (ACN 147 677 307) for the conditional sale of land at 136 – 140 Victoria Road and 2 – 10 Wharf Road, Gladesville being lots 1 & 2 in Deposited Plan 445440, Lot 2 in Deposited Plan 9135, Lot 1 in Deposited Plan 437223 and Lots 1 & 2 in Strata Plan 34035.
- (c) That Council enter the Deed of Put and Call Option with Xcel Pty Limited (ACN 146 533 842) for the conditional sale of land described as and depicted in the Road Closure Plan issue B1-21-09-10 attached to the Deed and being areas C,D,E,F,H and J, adjacent to 1-3 Wharf Road, Gladesville.
- (d) That the Mayor and General Manager be authorised to affix the Seal of Council to the Deeds of Put and Call Option and, upon exercise of the option, the associated Contracts for Sale of Land referred to in (b) and (c) above.
- (e) That Dragon Eye Properties Limited, Jade Developments Pty Ltd and Xcel Pty Ltd be required to undertake full consultation with the community and

all stakeholders, at their cost and to Council's satisfaction, on the concept of this development prior to the lodgement of any Development Application.

AMENDMENT: (Moved by Councillors Tagg and Li)

That this matter be deferred to allow further consultation with residents regarding the potential sale of the land through local papers seeking public comment.

The Amendment was put and CARRIED, there being six (6) votes For and five (5) votes Against.

Record of Voting:

For the Amendment: Councillors Butterworth, Campbell, Li, Petch, Tagg and Yedelian OAM

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

RECOMMITTAL OF ITEM

RESOLUTION: (Moved by Councillors Petch and Maggio)

That the Amendment in relation Item 11 - GLADESVILLE TOWN CENTRE - Possible Road Closure and Sale be recommitted.

The Motion was put and CARRIED, there being six (6) votes For and five (5) votes Against.

Record of Voting:

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

Against the Motion: Councillors Butterworth, Li, Petch, Salvestro-Martin and Tagg

AMENDMENT: (Moved by Councillors Tagg and Li)

That this matter be deferred to allow further consultation with residents regarding the potential sale of the land through local papers seeking public comment.

The Amendment was put and LOST, there being five (5) For and six (6) votes. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Butterworth, Campbell, Li, Petch and Tagg

Against the Amendment The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Pickering, Salvestro-Martin and Yedelian OAM

RESOLUTION: (Moved by Councillors Petch and Maggio)

- (a) That Council enter into a non-binding Memorandum of Understanding with Dragon Eye Properties Limited, Jade Developments Pty Ltd and Xcel Pty Ltd and delegate authority to the General Manager to execute the MOU on behalf of Council.
- (b) That Council enter the Deed of Put and Call Option with Dragon Eye Properties Limited (ACN 137849382) and Jade Developments Pty Ltd (ACN 147 677 307) for the conditional sale of land at 136 – 140 Victoria Road and 2 – 10 Wharf Road, Gladesville being lots 1 & 2 in Deposited Plan 445440, Lot 2 in Deposited Plan 9135, Lot 1 in Deposited Plan 437223 and Lots 1 & 2 in Strata Plan 34035.
- (c) That Council enter the Deed of Put and Call Option with Xcel Pty Limited (ACN 146 533 842) for the conditional sale of land described as and depicted in the Road Closure Plan issue B1-21-09-10 attached to the Deed and being areas C,D,E,F,H and J, adjacent to 1-3 Wharf Road, Gladesville.
- (d) That the Mayor and General Manager be authorised to affix the Seal of Council to the Deeds of Put and Call Option and, upon exercise of the option, the associated Contracts for Sale of Land referred to in (b) and (c) above.
- (e) That Dragon Eye Properties Limited, Jade Developments Pty Ltd and Xcel Pty Ltd be required to undertake full consultation with the community and all stakeholders, at their cost and to Council's satisfaction, on the concept of this development prior to the lodgement of any Development Application.

Record of Voting:

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

Against the Motion Councillors Butterworth, Campbell, Li, Petch and Tagg

12 ADVICE ON COURT ACTIONS

Note: This matter will be considered at the Council Meeting to be held 24 May 2011.

OPEN SESSION

RESOLUTION: (Moved by Councillors Petch and Maggio)

That Council resolve itself into open Council.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

Note: Open Council resumed at 11.54pm.

RESOLUTION: (Moved by Councillors Petch and Maggio)

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

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Mr Ian Zaknich addressed the meeting in relation to the Kiosk Substation at 2 Watson Street, Putney which was considered as a Matter of Urgency earlier in the meeting.

NATIONAL ANTHEM

The National Anthem was sung at the conclusion of the meeting.

The meeting closed at 11.55 pm.

CONFIRMED THIS 24TH DAY OF MAY 2011

Chairperson