

Council Meeting

MINUTES OF MEETING NO. 16/11

Meeting Date: Tuesday 11 October 2011
Location: Council Chambers, Level 6
Time: 7.30pm

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

Councillor Butterworth left the meeting at 11.35pm and did not return.

Councillor Tagg left the meeting at 11.35pm and did not return.

Apologies: Councillors Campbell and Maggio.

Staff Present: General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Acting Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager – Strategy and Organisational Developments, Manager – Governance, Manager – Urban Planning, Acting Manager – Community & Culture, Section Manager – Buildings, Chief Financial Officer, Consultant Town Planner, Environmental Engineer – Waste, Revenue Officer, Corporate Attendance, Insurance Claims Officer, Media & Community Relations Officer and Meeting Support Coordinator.

PRAYER

Reverend Michael Smith of Eastwood Anglican Church was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Tagg disclosed a less than significant non-pecuniary interest in Item 4 of the Council Meeting Report No. 16/11, for the reason that he is a member of the Ryde-Eastwood Leagues Club.

PRESENTATION OF THE PERPETUAL SHIELD FOR THE CORPORATE GLOBAL CHALLENGE

The Mayor, Councillor Etmekdjian presented the Perpetual Shield for the Corporate Global Challenge to the members of the Ryde Stryders team.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person addressed the Council:-

No.	Name	Topic
1	Mr Chris McCarthy	ITEM 4 – PLANNING PROPOSAL RESULTS OF COMMUNITY CONSULTATION – 9-19 Second Avenue and part 14-18 Third Avenue, Eastwood

MAYORAL MINUTES**MM14/11 GENERAL MANAGER'S PERFORMANCE REVIEW 2011**

RESOLUTION: (Moved by Councillors Petch and Pickering)

That Council consider the **ATTACHED** Confidential reports in Closed Session and make a determination in accordance with those reports.

Record of Voting:

For the Motion: Unanimous

Note: This Item was not considered at the meeting and will be listed on the Agenda for the Council Meeting No. 18/11 to be held on Tuesday, 8 November 2011.

COUNCIL REPORTS**1 CONFIRMATION OF MINUTES - Council Meeting held on 27 September 2011**

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That the Minutes of the Council Meeting 15/11, held on Tuesday 27 September 2011, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE MEETING 12/11 held on 4 October 2011

RESOLUTION: (Moved by Councillors Pickering and Perram)

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 15 DORA STREET, MARSFIELD. LOT 91 DP 36459. Application pursuant to Section 96(2) of the EP&A Act, 1979 to amend approved use of building as two boarding houses by division of both third bedrooms into two rooms. LDA NO. 2009/0721. Section 96 No. MOD2011/0033

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council refuse the application and that the applicant be required to return the premises to the design as approved by the Land and Environment Court.
- (b) If the applicant fails to effect these design changes within a reasonable timeframe, Council commence legal action against the applicant.
- (c) That the persons who made submissions be advised of Council's decision.

Record of Voting:

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

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

Note: The General Counsel advised Council that if this matter is contested in the Land and Environment Court, the General Counsel will engage suitable external advisors to defend the Council's decision.

The reasons for refusal are as follows:-

- i. That the applicant did not comply with the Land and Environment Court's Development Consent by the addition of two rooms without prior Council consent.
- ii. That the applicant undertook illegal works without any Council approval.
- iii. That students may speed in the street.

RECOMMITTAL OF ITEM

RESOLUTION: (Moved by Councillors Petch and Pickering)

That Item 2 Part 3: 15 Dora Street, Marsfield be recommitted to confirm the reasons for Council refusing this application.

Record of Voting:

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

Against the Motion: Councillors Butterworth and O'Donnell

Item 3 was therefore recommitted.

3 15 DORA STREET, MARSFIELD. LOT 91 DP 36459. Application pursuant to Section 96(2) of the EP&A Act, 1979 to amend approved use of building as two boarding houses by division of both third bedrooms into two rooms. LDA NO. 2009/0721. Section 96 No. MOD2011/0033

RESOLUTION: (Moved by Perram and Yedelian OAM)

That the reasons for refusal be dealt with in seriatim.

Record of Voting:

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

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

The reasons for refusal were then dealt with in seriatim.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

- i. That the applicant did not comply with the Land and Environment Court's Development Consent by the addition of two rooms without prior Council consent.

Record of Voting:

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

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

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

- ii. That the applicant undertook illegal works without any Council approval.

Record of Voting:

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

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

MOTION: (Moved by Councillors Pickering and Yedelian OAM)

- iii. That students may speed in the street.

The Motion was put and **LOST**, there being three (3) votes for and seven (7) votes against.

Record of Voting:

For the Motion: Councillors Butterworth, Salvestro-Martin and Tagg

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

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council refuse the application and that the applicant be required to return the premises to the design as approved by the Land and Environment Court.

The reasons for refusal are as follows:-

- i. That the applicant did not comply with the Land and Environment Court's Development Consent by the addition of two rooms without prior Council consent.
 - ii. That the applicant undertook illegal works without any Council approval.
- (b) If the applicant fails to effect these design changes within a reasonable timeframe, Council commence legal action against the applicant.
 - (c) That the persons who made submissions be advised of Council's decision.

Note: The General Counsel advised Council that if this matter is contested in the Land and Environment Court, the General Counsel will engage suitable external advisors to defend the Council's decision.

3 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 14/11 held on 4 October 2011

RESOLUTION: (Moved by Councillors Perram and Petch)

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

Record of Voting:

For the Motion: Unanimous

3 ADOPTION OF THE PUTNEY PARK PLAN OF MANAGEMENT

RESOLUTION: (Moved by Councillors Perram and Petch)

- (a) That the Revised Putney Park Plan of Management (dated September 2011) be adopted and that the listings for Putney Park in the Generic Plan of Management be removed).
- (b) That a further report be provided to Council regarding a plan of action addressing the following matters:
 - to improve the site from Pellisier Road to the punt (relocation of gates);
 - the upgrading and remediation of the triangular park;
 - the improvement to the sea wall;
 - the removal of the Camphor Laurel trees;
 - the pruning of trees throughout the park to improve the security;
 - the development of the perimeter track; and
 - the exploration of provision of accessible equipment in the southern playground.
- (c) That all community members and organisations that made a submission be advised of the outcome.

Record of Voting:

For the Motion: Unanimous

4 PLANNING PROPOSAL RESULTS OF COMMUNITY CONSULTATION - 9-19 Second Avenue and part 14-18 Third Avenue, Eastwood

Note: Councillor Tagg disclosed a less than significant non-pecuniary interest in the Item for the reason that he is a member of the Ryde-Eastwood Leagues Club.

Note: Mr Chris McCarthy addressed the meeting in relation to this Item.

Note: A memorandum dated 11 October 2011 from the Acting Group Manager – Environment & Planning to all Councillors was tabled in relation to this Item and a copy is ON FILE.

MOTION: (Moved by Councillors Tagg and Pickering)

- (a) That the Planning Proposal for the rezoning of the 9-19 Second Avenue and part 14-18 Third Avenue, Eastwood (being LOT 1 in DP 455457; LOT A in DP 386523; LOTS 77, 78 and 79 in DP 4684; LOT B in DP 342511; LOT B in DP 341289; LOT B in 365296) from RE2 Private Recreation to R2 Low Density Residential under Ryde Local Environmental Plan 2010 be approved and submitted to the Director-General of the Department of Planning and Infrastructure requesting to bring the amending plan into effect.

- (b) That Council enter into a Deed of Agreement with the Ryde-Eastwood Leagues Club Limited to require a master plan to be prepared for the site(s) in the event of the land being developed for housing. Such a plan is to allocate 400 square metres to be publicly accessible open space. The Deed of Agreement is to be registered against the land title of all the following parcels of land:
- LOT 1 in DP 455457;
 - LOT A in DP 386523;
 - LOTS 77, 78 and 79 in DP 4684;
 - LOT B in DP 342511;
 - LOT B in DP 341289; and
 - LOT B in DP 365296.

AMENDMENT: (Moved by Councillors O'Donnell and Yedelian OAM)

- (a) That the Planning Proposal for the rezoning of the 9-19 Second Avenue and part 14-18 Third Avenue, Eastwood (being LOT 1 in DP 455457; LOT A in DP 386523; LOTS 77, 78 and 79 in DP 4684; LOT B in DP 342511; LOT B in DP 341289; LOT B in 365296) from RE2 Private Recreation to R2 Low Density Residential under Ryde Local Environmental Plan 2010 be approved and submitted to the Director-General of the Department of Planning and Infrastructure requesting to bring the amending plan into effect.
- (b) That Council enter into a Deed of Agreement with the Ryde-Eastwood Leagues Club Limited to require a master plan to be prepared for the site(s) in the event of the land being developed for housing. Such a plan is to allocate 10% of the total site area to be publicly accessible open space. The Deed of Agreement is to be registered against the land title of all the following parcels of land:
- LOT 1 in DP 455457;
 - LOT A in DP 386523;
 - LOTS 77, 78 and 79 in DP 4684;
 - LOT B in DP 342511;
 - LOT B in DP 341289; and
 - LOT B in DP 365296.

The Amendment was put and **CARRIED** with six (6) votes For and four (4) votes Against, thereby becoming the Motion.

Record of Voting:

For the Amendment: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Perram, Pickering, O'Donnell and Yedelian OAM

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

RESOLUTION: (Moved by Councillors O'Donnell and Yedelian OAM)

- (a) That the Planning Proposal for the rezoning of the 9-19 Second Avenue and part 14-18 Third Avenue, Eastwood (being LOT 1 in DP 455457; LOT A in DP 386523; LOTS 77, 78 and 79 in DP 4684; LOT B in DP 342511; LOT B in DP 341289; LOT B in 365296) from RE2 Private Recreation to R2 Low Density Residential under Ryde Local Environmental Plan 2010 be approved and submitted to the Director-General of the Department of Planning and Infrastructure requesting to bring the amending plan into effect.
- (b) That Council enter into a Deed of Agreement with the Ryde-Eastwood Leagues Club Limited to require a master plan to be prepared for the site(s) in the event of the land being developed for housing. Such a plan is to allocate 10% of the total site area to be publicly accessible open space. The Deed of Agreement is to be registered against the land title of all the following parcels of land:
- LOT 1 in DP 455457;
 - LOT A in DP 386523;
 - LOTS 77, 78 and 79 in DP 4684;
 - LOT B in DP 342511;
 - LOT B in DP 341289; and
 - LOT B in DP 365296.

Record of Voting:

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

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

5 HERITAGE REFERRALS - COUNCIL'S INTERPRETATION OF 'WITHIN THE VICINITY' OF A HERITAGE ITEM**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council's definition of 'within the vicinity' of a heritage item is to be based on the "Extended adjoining land" as defined by Figure 2.1.02 in Part 2.1 of the Notification of Ryde Development Control Plan 2010, and
- (b) That Exceptions as defined in this report of the Heritage / Strategic Planner dated 13 September 2011 be applied together with the definition (a) above when considering an impact of the proposed development on a Heritage Item or Conservation Area, and
- (c) That an internal Council policy is prepared to document the information contained within this report and to ensure a transparent procedural process is established.

Record of Voting:

For the Motion: Unanimous

6 SANTA ROSA PARK AND ELS HALL PARK - Outcomes of the Re-Categorisation Public Hearings

RESOLUTION: (Moved by Councillors Yedelian OAM and O'Donnell)

- (a) That the portion of Santa Rosa Park as identified on Page 3 of the Lantz Marshall Public Hearing Report (as attached) be re-categorised as "General Community Use" for the purpose of supporting a community nursery.
- (b) That the portion of ELS Hall Park as identified on Page 6 of the Lantz Marshall Public Hearing Report (as attached) be re-categorised as "General Community Use" for the purpose of supporting the Ryde Indoor Sports Centre.
- (c) That the community nursery at Santa Rosa Park be permitted to commence as soon as possible.

Record of Voting:

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

Against the Motion: Councillor Butterworth

7 DISCLOSURE OF INTEREST RETURNS - 2010-2011

RESOLUTION: (Moved by Councillors Pickering and Petch)

- (a) That the Register of Pecuniary Interest Returns lodged as required under Section 450A of the Local Government Act be tabled.
- (b) That the Division of Local Government, Department of Premier and Cabinet be advised on this matter and provided with a copy of this report.

Record of Voting:

For the Motion: Unanimous

8 DRAFT 2010/2011 FINANCIAL STATEMENTS

RESOLUTION: (Moved by Councillors Petch and Pickering)

- (a) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that it has prepared General Purpose Financial Statements for the 2010/2011 financial year ending 30 June 2011 and has formed an opinion, based on the advice of Council officers, that these reports:
- i. Have been prepared in accordance with:
 - The Local Government Act 1993 (as amended) and the Regulations made thereunder;
 - The Australian Accounting Standards and professional pronouncements;
 - The Local Government Code of Accounting Practice and Financial Reporting.
 - ii. Present fairly the operating result and financial position of the City of Ryde for the year ended 30 June 2011.
 - iii. Accords with Council's accounting and other records and policies.
- (b) That the Special Purpose Financial Statements have been drawn up in accordance with the Local Government Code of Accounting Practice and Financial Reporting.
- (c) That the General and Special Purpose Financial Statements be certified by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer (Chief Financial Officer) in accordance with section 413 (2)(c) of the Local Government Act 1993.
- (d) That pursuant to the provisions of Section 413 of the Local Government Act 1993, Council hereby declares that the Financial Statements (including General Purpose and Special Purpose Reports) for the year ending 30 June 2011 be referred for audit.
- (e) That Tuesday, 8 November 2011 be fixed for the date for the public meeting to present the audited financial statements and auditor's report for the year ended 30 June 2011 as required by section 419 of the Local Government Act 1993 and that the Council's external auditors be present.
- (f) That the following additional amounts be transferred to their respective reserves:
- Employee Leave Entitlement Reserve - \$1,057,356
 - Asset Replacement Reserve - \$2,200,000

Record of Voting:

For the Motion: Unanimous

9 POLICY - EXPENSES RELATING TO THE GENERAL MANAGER AND SENIOR STAFF

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

That the **ATTACHED** Expenses Relating to the General Manager and Senior Staff Policy be adopted.

AMENDMENT: (Moved by Councillors Butterworth and Pickering)

- (a) That the **ATTACHED** Expenses Relating to the General Manager and Senior Staff Policy be adopted.
- (b) That on a six monthly basis the expenses under this Policy be reported to Council.
- (c) That any reference to business class travel be removed from the Policy and accordingly amend Clause 4 in the section on Conferences.

Amendment to be considered in Seriatim

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That the Amendment be dealt with in seriatim.

Record of Voting:

For the Motion: Unanimous

The Amendment was then dealt with in seriatim.

AMENDMENT: (Moved by Councillors Butterworth and Pickering)

- (a) That the **ATTACHED** Expenses Relating to the General Manager and Senior Staff Policy be adopted.

Record of Voting:

For the Amendment: Unanimous

AMENDMENT: (Moved by Councillors Butterworth and Pickering)

- (b) That on a six monthly basis the expenses under this Policy be reported to Council.

Record of Voting:

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

Against the Amendment: Councillor O'Donnell

AMENDMENT: (Moved by Councillors Butterworth and Pickering)

- (c) That any reference to business class travel be removed from the Policy and accordingly amend Clause 4 in the section on Conferences.

Record of Voting:

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

Against the Amendment: Councillor Petch

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

Motion to be considered in Seriatim

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That the Motion be dealt with in seriatim.

Record of Voting:

For the Motion: Unanimous

The Motion was then dealt with in seriatim.

RESOLUTION: (Moved by Councillors Butterworth and Pickering)

- (a) That the **ATTACHED** Expenses Relating to the General Manager and Senior Staff Policy be adopted.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Butterworth and Pickering)

- (b) That on a six monthly basis the expenses under this Policy be reported to Council.

Record of Voting:

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

Against the Motion: Councillor O'Donnell

RESOLUTION: (Moved by Councillors Butterworth and Pickering)

- (c) That any reference to business class travel be removed from the Policy and accordingly amend Clause 4 in the section on Conferences.

Record of Voting:

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

Against the Motion: Councillor Petch

RESOLUTION: (Moved by Councillors Butterworth and Pickering)

- (a) That the **ATTACHED** Expenses Relating to the General Manager and Senior Staff Policy be adopted.
- (b) That on a six monthly basis the expenses under this Policy be reported to Council.
- (c) That any reference to business class travel be removed from the Policy and accordingly amend Clause 4 in the section on Conferences.

10 POLICY - FACILITY OPENING AND PLAQUES

MOTION: (Moved by Councillors O'Donnell and Yedelian OAM)

That the **ATTACHED** policy and procedures for Facility Opening and Plaques be adopted.

AMENDMENT: (Moved by Councillors Petch and Tagg)

That the **ATTACHED** policy and procedures for Facility Opening and Plaques be adopted, subject to all Councillors names being included on plaques.

The Amendment was put and **CARRIED** with six (6) votes For and four (4) votes Against, thereby becoming the Motion.

Record of Voting:

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

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

RESOLUTION: (Moved by Councillors Petch and Tagg)

That the **ATTACHED** policy and procedures for Facility Opening and Plaques be adopted, subject to all Councillors names being included on plaques.

Record of Voting:

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

Against the Motion: Councillors Pickering, O'Donnell and Yedelian OAM

11 WEST RYDE VILLAGE SQUARE - Public Art

RESOLUTION: (Moved by Councillors Li and Yedelian OAM)

That Council endorses the public art proposal for the West Ryde Village Square as submitted by Coles Group Property Development.

Record of Voting:

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

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

12 UPDATE ON THE ESTABLISHMENT OF MARKET/FAIR IN RYDE BY CHAMBER OF COMMERCE

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

That a further report, including a Project Plan, be provided to Council following receipt of a formal proposal from the Chamber of Commerce as set out in this report.

Record of Voting:

For the Motion: Unanimous

COMPLETION OF BUSINESS

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That the meeting time be extended for a period of 30 minutes, the time being 11.00pm.

Record of Voting:

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

Against the Motion: Councillor O'Donnell

13 OVERVIEW OF CONDITION OF CORPORATE BUILDINGS AND ESSENTIAL WORKS - Civic Centre and Argyle Centre

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

- (a) That Council endorse the allocation of \$690,000 from the Investment Property Reserve for essential and urgent works at the Civic Centre and Argyle Centre.
- (b) That in respect of the replacement of the air conditioning equipment, Council exercise the exemption under Section 55 of the Local Government Act not to call tenders due to extenuating circumstances and the urgency of rectifying Council's system prior to the coming summer period to ensure the equipment is installed as soon as possible.

AMENDMENT: (Moved by Councillors Perram and Butterworth)

- (a) That Council endorse the allocation of \$500,000 from the Investment Property Reserve for essential and urgent works at the Civic Centre and Argyle Centre.
- (b) That in respect of the replacement of the air conditioning equipment, Council exercise the exemption under Section 55 of the Local Government Act not to call tenders due to extenuating circumstances and the urgency of rectifying Council's system prior to the coming summer period to ensure the equipment is installed as soon as possible.

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 Tagg

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

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

- (a) That Council endorse the allocation of \$690,000 from the Investment Property Reserve for essential and urgent works at the Civic Centre and Argyle Centre.

- (b) That in respect of the replacement of the air conditioning equipment, Council exercise the exemption under Section 55 of the Local Government Act not to call tenders due to extenuating circumstances and the urgency of rectifying Council's system prior to the coming summer period to ensure the equipment is installed as soon as possible.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There were no Precis of Correspondence for Consideration.

NOTICES OF MOTION

There were no Notices of Motion.

NOTICES OF RESCISSION

There were no Notices of Rescission.

QUESTIONS BY COUNCILLORS AS PER POLICY

There were no Questions by Councillors as per Policy.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

No addresses were made to Council.

CLOSED SESSION

ITEM 14 - DEVELOPMENT OF A SHARED PARTNERSHIP FOR A CORPORATE REPORTING PERFORMANCE SYSTEM

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.

ITEM 15 - POTENTIAL DEVELOPMENT PARTNERSHIP ARRANGEMENT FOR COULTER STREET CAR PARK

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.

ITEM 16 - TENDER FOR CARTAGE & DISPOSAL OF FILL MATERIAL - COR-RFT-11/11

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.

ITEM 17 - 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.

ITEM 18 - RECRUITMENT OF GROUP MANAGER – COMMUNITY LIFE

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).

MAYORAL MINUTE - MM14/11 GENERAL MANAGER'S PERFORMANCE REVIEW 2011

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).

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, Li, Perram, Petch, Pickering, Salvestro-Martin and Tagg

Against the Motion: Councillors O'Donnell and Yedelian OAM

Note: The Council closed the meeting at 11.25pm. The public and media left the chamber.

COMPLETION OF BUSINESS

RESOLUTION: (Moved by Councillors Petch and Tagg)

That the meeting time be extended for Council to consider Items 14 and 18, the time being 11.25pm.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

14 DEVELOPMENT OF A SHARED PARTNERSHIP FOR A CORPORATE REPORTING PERFORMANCE SYSTEM

RECOMMENDATION: (Moved by Councillors Butterworth and Petch)

- (a) That the General Manager be authorised to enter into contractual arrangements and execute the negotiated contract with LG Corporate Solutions Pty Ltd ACN: 105 930 069 ABN: 30 105 930 069.
- (b) That approval be obtained from the Minister of Local Government to enter into a public private partnership with LG Corporate Solutions Pty Ltd ACN: 105 930 069 ABN: 30 105 930 069.

Record of Voting:

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

Against the Motion: Councillor Perram

15 POTENTIAL DEVELOPMENT PARTNERSHIP ARRANGEMENT FOR COULTER STREET CAR PARK

Note: This Item was not considered at the meeting and will be listed on the Agenda for the Council Meeting No. 18/11 to be held on Tuesday, 8 November 2011.

16 TENDER FOR CARTAGE & DISPOSAL OF FILL MATERIAL – COR-RFT-11/11

Note: This Item was not considered at the meeting and will be listed on the Agenda for the Council Meeting No. 18/11 to be held on Tuesday, 8 November 2011.

17 ADVICE ON COURT ACTIONS

Note: This Item was not considered at the meeting and will be listed on the Agenda for the Council Meeting No. 18/11 to be held on Tuesday, 8 November 2011.

18 RECRUITMENT OF GROUP MANAGER – COMMUNITY LIFE

RECOMMENDATION: (Moved by Councillors Petch and Butterworth)

- (a) That Council note the appointment of the selected candidate in accordance with Sections 335 and 337 of the Local Government Act.
- (b) That Council agree to meet with the selected candidate for dinner at the next convenient opportunity.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

MAYORAL MINUTES**MM14/11 GENERAL MANAGER'S PERFORMANCE REVIEW 2011**

Note: This Item was not considered at the meeting and will be listed on the Agenda for the Council Meeting No. 18/11 to be held on Tuesday, 8 November 2011.

OPEN SESSION

Note: Councillors Butterworth and Tagg left the meeting at 11.35pm and did not vote on the remaining Items.

RESOLUTION: (Moved by Councillors Pickering and Petch)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.36pm.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

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.

Note: The following Items listed on the Agenda for the Council Meeting 16/11 were not considered at this Meeting and will be listed on the Agenda for Council Meeting 18/11 to be held on Tuesday, 8 November 2011:

- 15 POTENTIAL DEVELOPMENT PARTNERSHIP ARRANGEMENT FOR COULTER STREET CAR PARK (CONFIDENTIAL)
- 16 TENDER FOR CARTAGE & DISPOSAL OF FILL MATERIAL – COR-RFT-11/11 (CONFIDENTIAL)
- 17 ADVICE ON COURT ACTIONS (CONFIDENTIAL)

MAYORAL MINUTE

- 14/11 GENERAL MANAGER'S PERFORMANCE REVIEW 2011 (CONFIDENTIAL)

The meeting closed at 11.40pm.

CONFIRMED THIS 8TH DAY OF NOVEMBER 2011

Chairperson