

Council Meeting

MINUTES OF MEETING NO. 21/11

Meeting Date: Tuesday 13 December 2011
Location: Council Chambers, Level 6
Time: 7.30pm

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

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

Leave of Absence: Councillor Petch.

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

PRAYER

Reverend David Yue of St Phillip's 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 7.35pm. The Council Meeting was adjourned to:

Wednesday, 14 December 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 Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

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

A Leave of Absence had been received from Councillor Petch.

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Wednesday, 14 December 2011 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 Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

Apologies had been received from Councillors Perram and Tagg.

A Leave of Absence had been received from Councillor Petch.

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 7.34pm. The Council Meeting was adjourned to:

Wednesday, 14 December 2011 at 8.04pm 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 Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

Apologies had been received from Councillors Perram and Tagg.

A Leave of Absence had been received from Councillor Petch.

MEETING RECONVENED

The Meeting reconvened at 8.04pm on Wednesday, 14 December 2011 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 Butterworth, Campbell, Li, Maggio, O'Donnell, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.

Apologies had been received from Councillor Perram.

A Leave of Absence had been received from Councillor Petch.

The Mayor, Councillor Etmekdjian assumed the Chair.

Staff Present: General Manager, Group Manager – Community Life, Acting Group Manager – Corporate Services, Group Manager – Environment and Planning, Acting Group Manager – Public Works, General Counsel, Manager – Urban Planning, Manager – Customer Service, Manager – Community Relations & Events, Community Engagement & Social Media Manager, Section Manager – Projects Delivery and Meeting 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:-

Name	Topic
Ms Megan Poole (representing the Friends of Crowle Homes Inc.)	NOTICE OF MOTION 1 – Crowle Homes
Ms Angela Penklis (representing the Friends of Crowle Homes Inc.)	
Ms Mary Roberts	
Ms Jenny Rollo (representing the Friends of Crowle Homes Inc.)	
Ms June Madden	
Mrs Rosemary Lavery	ITEM 5 – AMENDED PLANNING PROPOSAL RESULTS OF COMMUNITY CONSULTATION – Ryde Civic Precinct
Ms Jill Hartley	

SUSPENSION OF STANDING ORDERS

Note: Councillor Butterworth left the meeting at 8.29pm and was not present for consideration or voting on the Suspension of Standing Orders.

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

That Standing Orders be suspended to allow all speakers to address Council, with new speakers addressing Council first, followed by speakers that have previously addressed Council, the time being 8.30pm.

Record of Voting:

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

Against the Motion: Councillor Pickering

Note: Councillor Butterworth returned to the meeting at 8.36pm.

RESUMPTION OF PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Mrs Beth Kosnik	ITEM 5 – AMENDED PLANNING PROPOSAL RESULTS OF COMMUNITY CONSULTATION – Ryde Civic Precinct
Mr Roustam Akhmetov	
Ms Sheryl Barton	ITEM 7 – Draft Ryde Local Environmental Plan 2011 – Council Workshop Outcomes
Mr Kevin Page	
Ms Jennie Minifie (representing the Ryde Environment Group and The Friends of Kitty’s Creek)	ITEM 8 – UPGRADE OF PITTWATER ROAD (HIGH STREET TO EPPING ROAD) – Review of Environmental Factors and Community Consultation
Ms Julie Worsley	ITEM 5 – AMENDED PLANNING PROPOSAL RESULTS OF COMMUNITY CONSULTATION – Ryde Civic Precinct
Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance)	
Ms Denise Pendleton (representing the Residents for Ryde)	
Mr Ping Tan	
Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance)	ITEM 7 – Draft Ryde Local Environmental Plan 2011 – Council Workshop Outcomes
Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance)	ITEM 8 – UPGRADE OF PITTWATER ROAD (HIGH STREET TO EPPING ROAD) – Review of Environmental Factors and Community Consultation
Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance)	ITEM 14 – CODE OF MEETING PRACTICE – Results of Public Exhibition
Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance)	NOTICE OF RESCISSION – Creation of a City of Ryde Property Trust

SUSPENSION OF STANDING ORDERS – PUBLIC PARTICIPATION

RESOLUTION: (Moved by Councillors Yedelian OAM and Campbell)

That Standing Orders be suspended to allow the speaker listed to address the meeting on Items not on the Agenda, the time being 9.25pm.

Record of Voting:

For the Motion: Unanimous

Note: Mr Bob Selinger was called to address Council, however was not present in the Chamber.

SUSPENSION OF STANDING ORDERS

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

That Standing Orders be suspended to allow consideration of the Notice of Motion and Items 5, 6, 7, 8, 14 and the Rescission Motion, the time being 9.27pm.

Record of Voting:

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

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

NOTICE OF MOTION

1 CROWLE HOMES - Councillor Sarkis Yedelian OAM

Note: Ms Megan Poole (representing the Friends of Crowle Homes Inc), Ms Angela Penklis (representing the Friends of Crowle Homes Inc), Ms Mary Roberts, Ms Jenny Rollo (representing the Friends of Crowle Homes Inc) and Ms June Madden addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

- (a) That, in response to community concerns, the General Manager write to the CEO of Achieve Australia regarding the proposed Concept Plan for the Crowle Homes site at 76 Belmore Street, Meadowbank currently being assessed by the State Government as a Part 3A Development to identify the future plans for the current residents living in the facilities on the site.
- (b) That the General Manager contact the Minister of Planning and pass the concern of the residents.
- (c) That the General Manager prepare a social impact statement based on the comprehensive social impact assessment prepared by Dr Judith Stubbs on behalf of the Friends of Crowle Homes to submit to the Department of Planning and that the outcome be reported back to Council.
- (d) That any correspondence (in relation to Crowle Homes only) from Achieve Australia to Council be reported to Council.

Record of Voting:

For the Motion: Unanimous

5 AMENDED PLANNING PROPOSAL RESULTS OF COMMUNITY CONSULTATION - Ryde Civic Precinct

Note: Mrs Rosemary Lavery, Ms Jill Hartley, Mrs Beth Kosnik, Mr Roustam Akhmetov, Ms Julie Worsley, Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance), Ms Denise Pendleton (representing the Residents for Ryde) and Mr Ping Tan addressed the meeting in relation to this Item.

Note: A Memorandum from the Group Manager – Environment & Planning dated 14 December 2011 was tabled in relation to this Item and a copy is ON FILE.

MOTION: (Moved by Councillors Yedelian OAM and Campbell)

- (a) That Council approve the amended Planning Proposal for the land known as the Ryde Civic Precinct being 1 and 1A Devlin Street and 150 – 156 Blaxland Road Ryde to:
 - a. Amend the maximum height of buildings allowed to be built on 1 and 1A Devlin Street Ryde from RL91AHD to a maximum height of:
 - 0m for the width of the proposed realignment of Blaxland Road
 - 21.5m along the eastern side of the realigned Blaxland Road and also across the south–western corner and at the northern end of the site
 - RL130 (75m) AHD along Devlin Street frontage to a depth of approximately 45m measured from the eastern Devlin Street frontage; and
 - b. Reduce the total amount of floor space that can be built on the Precinct from 100,000sqm to 60,000sqm.
- (b) That the request for a public hearing under Section 57(5) of the EP&A Act 1979 be denied on the grounds that the concerns raised in the submission have be considered by Council and many of the issues will be addressed through the proposed amendment to the draft DCP for the site.
- (c) That the Director General of the Department of Planning and Environment be request to draft and finalise the legal instrument amending the Ryde LEP 2010 and to forward the LEP to the Minister for the making of the Plan.

AMENDMENT: (Moved by Councillors Li and Tagg)

That Council defer consideration of this Item until Council resumes in February 2012 on the following grounds:-

1. Two Councillors are absent and cannot participate in this critical decision.

2. Submissions received by Council show that 99.8% of residents consulted are opposed to the development.
3. Some residents have been told they could not speak at Council's meeting tonight despite new information being presented from the public consultation.
4. Council's independent consultants have recommended a public hearing but their recommendation has not been followed.

On being put to the meeting, the Amendment was 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, Salvestro-Martin and Tagg

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

RESOLUTION: (Moved by Councillors Yedelian OAM and Campbell)

- (a) That Council approve the amended Planning Proposal for the land known as the Ryde Civic Precinct being 1 and 1A Devlin Street and 150 – 156 Blaxland Road Ryde to:
 - a. Amend the maximum height of buildings allowed to be built on 1 and 1A Devlin Street Ryde from RL91AHD to a maximum height of:
 - 0m for the width of the proposed realignment of Blaxland Road
 - 21.5m along the eastern side of the realigned Blaxland Road and also across the south–western corner and at the northern end of the site
 - RL130 (75m) AHD along Devlin Street frontage to a depth of approximately 45m measured from the eastern Devlin Street frontage; and
 - b. Reduce the total amount of floor space that can be built on the Precinct from 100,000sqm to 60,000sqm.
- (b) That the request for a public hearing under Section 57(5) of the EP&A Act 1979 be denied on the grounds that the concerns raised in the submission have be considered by Council and many of the issues will be addressed through the proposed amendment to the draft DCP for the site.
- (c) That the Director General of the Department of Planning and Environment be request to draft and finalise the legal instrument amending the Ryde LEP 2010 and to forward the LEP to the Minister for the making of the Plan.

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, Salvestro-Martin and Tagg

Note: A Notice of Rescission was lodged during the meeting by Councillors Pickering, O'Donnell and Campbell in relation to this Item. This Notice of Rescission was subsequently withdrawn by Councillors Pickering, O'Donnell and Campbell at 10.21pm on Wednesday, 14 December 2011.

Note: A Notice of Rescission in relation to this Item was received from Councillors Butterworth, Salvestro-Martin, Tagg and Li at 9.05am on Thursday, 15 December 2011 and was dealt with later in the meeting as detailed in these Minutes.

6 DRAFT DEVELOPMENT CONTROL PLAN - Part 4.4 Ryde Town Centre

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

- (a) That draft Development Control Plan (DCP) 2010 - 4.4 Ryde Town Centre be placed on public exhibition in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
- (b) That a report be prepared for Council's consideration following the exhibition period of draft DCP 2010 - 4.4 Ryde Town Centre.

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, Salvestro-Martin and Tagg

Note: A Notice of Rescission was lodged during the meeting by Councillors Campbell, Pickering and O'Donnell in relation to this Item. This Notice of Rescission was subsequently withdrawn by Councillors Campbell, Pickering and O'Donnell at 12.20pm on Tuesday, 10 January 2012.

7 DRAFT RYDE LOCAL ENVIRONMENTAL PLAN 2011 - COUNCIL WORKSHOP OUTCOMES

Note: Ms Sheryl Barton, Mr Kevin Page and Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance) addressed the meeting in relation to this Item.

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

- (a) That the Director General of the Department of Planning and Infrastructure be requested to amend the Section 65 Certificate issued on 5 September 2011 for draft LEP 2011 in accordance with the following:
- i) 158 – 194 Blaxland Road Ryde - Add a new condition reverting the zoning, height and floor space controls for 158 – 194 Blaxland Road Ryde to those that apply under LEP 2010 i.e. zoning 158 – 180 Blaxland Road R2 Low Density Residential and 182 – 194 Blaxland Road R4 High Density Residential.
 - ii) Cudal Reserve - Delete Condition 12 (b) rezoning Cudal Reserve from SP2 to R2 Low Density Residential and that a new condition requiring the rezoning of the land to RE1 Public Recreation.
 - iii) 390 Pittwater Road North Ryde - Delete Condition 12(d) rezoning of 390 Pittwater Road from E2 and R2 to SP2 Classified Road.
- (b) That a submission is made to the Department of Planning and Infrastructure and State Property Authority expressing Council's concern about the possible sale of land associated with Small's Road Ryde School and requesting that the Small's Road Ryde School land be retained either as a school site or dedicated open space.
- (c) That the rezoning of Kitty's Creek Reserve adjacent to 46 Jeanette Street, Ryde from an E2 zone to an R2 zone not proceed.

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, Salvestro-Martin and Tagg

ORDER OF BUSINESS

The Notices of Rescission signed by Councillors Pickering, Campbell and O'Donnell received during the meeting for Items 5 and 6 were considered urgent by the Mayor and he indicated his intention to put them to the meeting.

At this stage of the meeting, Councillors Butterworth, Li, Salvestro-Martin and Tagg left the meeting at 10.20pm. Due to a lack of a quorum, the meeting was adjourned.

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 10.20pm. The Council Meeting was adjourned to:

Tuesday, 20 December 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 Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

The following Councillors were not present: Councillors Butterworth, Li, Salvestro-Martin and Tagg.

Apologies had been received from Councillor Perram.

A Leave of Absence had been received from Councillor Petch.

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 20 December 2011 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 Campbell, Maggio, O'Donnell, Petch, Pickering and Yedelian OAM.

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

The Mayor, Councillor Etmekdjian assumed the Chair.

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

ORDER OF BUSINESS

Councillor Petch attempted to move a Motion for Council to complete the business in order as listed on the Agenda with the Rescission Motions to be considered at the end of the Meeting. However, the Motion lapsed as there was no seconder.

At this stage of the meeting, Councillor Petch left the meeting at 7.39pm. Due to a lack of a quorum, the meeting was adjourned.

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 7.39pm. The Council Meeting was adjourned to:

Tuesday, 17 January 2012 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 Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

The following Councillors were not present: Councillor Petch.

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

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 17 January 2012 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 Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

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

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 7.31pm. The Council Meeting was adjourned to:

Tuesday, 14 February 2012 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 Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

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

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 14 February 2012 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 Butterworth, Campbell, Li, Maggio, O'Donnell, Petch, Perram, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.

The Mayor, Councillor Etmekdjian assumed the Chair.

Councillor Butterworth arrived at 7.39pm and was not present for voting on the Leave of Absence.

Staff Present: General Manager, Group Manager – Community Life, Group Manager – Corporate Services, Group Manager – Environment and Planning, Group Manager – Public Works, Manager – Governance, Manager – Customer Service, Community Engagement & Social Media Manager, Manager – Urban Planning, Chief Financial Officer, General Counsel and Meeting Support Coordinator.

DISCLOSURES OF INTEREST

Councillor Tagg disclosed a less than significant non-pecuniary interest in Item 17 of Council Meeting 21/11 – Tender for the Provision of Advertising Services for the reason that Life Education which he is involved in, advertises with the TWT.

LEAVE OF ABSENCE

Councillor Perram requested a Leave of Absence for the period Friday, 17 February 2012 until Monday, 27 February 2012.

Councillor Li requested a Leave of Absence for the period Wednesday, 15 February 2012 until Thursday, 1 March 2012.

Note: Councillor Butterworth was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Tagg and Campbell)

That Councillor Perram's Leave of Absence for the period from Friday, 17 February 2012 until Monday, 27 February 2012 be approved and that Councillor Li's Leave of Absence for the period Wednesday, 15 February 2012 until Thursday, 1 March 2012 be approved.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTE – MATTER OF URGENCY

MM19/11 CORRESPONDENCE FROM THE DEPARTMENT OF LOCAL GOVERNMENT, DIVISION OF THE DEPARTMENT OF PREMIER AND CABINET

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

- (a) That the correspondence from Mr Ross Woodward, Chief Executive, Local Government, Division of the Department of Premier and Cabinet dated 2 February 2012 be received.
- (b) That Council accordingly advise the Department of Local Government.
- (c) That the document be made publicly available.

Record of Voting:

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

Against the Motion: Councillors Butterworth and Salvestro-Martin

MATTER OF URGENCY - QUESTION

RESOLUTION: (Moved by Councillors Tagg and Butterworth)

That Council consider the following Question as a Matter of Urgency:-

Has the General Manager proceeded with Item 5 from 14 December since the Rescission Motion was sent to Council at 11.30pm by facsimile which we are debating tonight.

Record of Voting:

For the Motion: Unanimous

TABLING OF DOCUMENTATION

RESOLUTION: (Moved by Councillor Tagg and Salvestro-Martin)

That correspondence titled Reclaiming Ryde for Residents: Creating a sustainable and inclusive community dated February 2012 and prepared by Residents for Ryde be tabled.

Record of Voting:

For the Motion: Unanimous

As a result, Councillor Tagg provided correspondence to the General Manager and a copy is ON FILE.

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

Note: Ms Jennie Minifie (representing the Ryde Environment Group and the Friends of Kitty's Creek) and Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Petch and Campbell)

- (a) That Council approves the concept plan and detail design plan for Carramar Avenue to Bronhill Avenue prepared by the Council.
- (b) That Council notes the Review of Environmental Factors and Report prepared by Cardno after exhibition for Public Comment for a period of 21 days.
- (c) That Council approves the construction of Pittwater Road upgrade works south from Carramar Avenue to Bronhill Avenue and also Shared User Path for pedestrian and cyclists. In addition, the necessary drainage works, water quality improvement works including Gross Pollutant Trap (GPT) and landscaping works be completed. The allocated funding for these works is \$947,000.

Record of Voting:

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

Against the Motion: Councillors Butterworth and Salvestro-Martin

14 CODE OF MEETING PRACTICE - Results of Public Exhibition

Note: Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance) addressed the meeting in relation to this Item.

Note: A Memorandum from the Group Manager – Corporate Services dated 13 February 2012 was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Petch and Pickering)

- (a) That Council adopt the **ATTACHED** Code of Meeting Practice including the replacement pages as tabled in the Group Manager, Corporate Services' memo dated 13 February 2012.
- (b) That Council adopt the revised schedule of Meetings for 2012 as **ATTACHED**.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

NOTICE OF RESCISSION

1 NOTICE OF RESCISSION - CREATION OF A CITY OF RYDE PROPERTY TRUST - Councillor Pickering, Councillor Campbell, Councillor Maggio

Note: Mr Noel Plumb (representing the Ryde Environment Group and Ryde Community Alliance) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Campbell and Pickering)

That Council rescind the previous resolution in relation to ITEM 19, passed at the Council Meeting held on 22 November 2011, namely:

That no further action be taken in relation to this matter.

On being put to the Meeting, the voting on the Motion was six (6) 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 Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM

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

MAYORAL MINUTES

**MM17/11 RECOGNITION OF DIAMOND JUBILEE OF QUEEN ELIZABETH II –
The Mayor, Councillor Artin Etmekdjian**

Note: Councillor Butterworth left the meeting at 9.04pm and was not present for voting on this Item.

Note: Councillor Campbell left the meeting at 9.06pm and was not present for voting on this Item.

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

That the Diamond Jubilee of Queen Elizabeth II in February 2012 be celebrated in all four areas as set out in the report.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Campbell returned to the meeting at 9.08pm.

MM18/11 CHARITY GOLF DAY – LIVVI’S PLACE YAMBLE RESERVE – The Mayor, Councillor Artin Etmekdjian

Note: Councillor Butterworth was not present for voting on this Item.

RESOLUTION: (Moved by The Mayor, Councillor Etmekdjian and Councillor O’Donnell)

- (a) That a Charity Golf Day be held at the end of March with proceeds raised going to the Livvi’s Place – Yamble Reserve project.
- (b) That Council promote this event by advertising in the Ryde CityView and Mayor’s Column.
- (c) That Council report to the community regarding the funds raised by providing details on Council’s website, Ryde CityView and the Mayor’s column.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 22 November 2011

Note: Councillor Butterworth was not present for voting on this Item.

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

That the Minutes of the Council Meeting 20/11, held on Tuesday 22 November 2011, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE MEETING 16/11 held on 6 December 2011

Note: Councillor Butterworth was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That Council note that Items 1, 2, 3, 4, 5 and 6 of the Planning and Environment Committee report were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

3 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 18/11 held on 6 December 2011

Note: Councillor Butterworth was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Perram and Petch)

That Council note that Items 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of the Works and Community Committee report were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

4 2011/2012 CHRISTMAS NEW YEAR ARRANGEMENTS - DELEGATIONS TO THE MAYOR AND GENERAL MANAGER

Note: Councillor Butterworth was not present for voting on this Item.

RESOLUTION: (Moved by Councillors Petch and Tagg)

That Council receive and note the report.

Record of Voting:

For the Motion: Unanimous

5 AMENDED PLANNING PROPOSAL RESULTS OF COMMUNITY CONSULTATION – Ryde Civic Precinct

This Item was considered earlier in the meeting as set out in these Minutes.

6 DRAFT DEVELOPMENT CONTROL PLAN – Part 4.4 Ryde Town Centre

This Item was considered earlier in the meeting as set out in these Minutes.

7 DRAFT RYDE LOCAL ENVIRONMENTAL PLAN 2011 – COUNCIL WORKSHOP OUTCOMES

This Item was considered earlier in the meeting as set out in these Minutes.

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

This Item was considered earlier in the meeting as set out in these Minutes.

9 TENDER FOR SURVEYING AND ASSESSMENT OF CITY OF RYDE'S CUSTOMER SERVICES

Note: Councillor Butterworth returned to the meeting at 9.13pm.

RESOLUTION: (Moved by Councillors Butterworth and Yedelian OAM)

- (a) That Council accept no tenders on this matter.
- (b) That Council be provided with a further report exploring online and other options with costs that are available in the market place.

Record of Voting:

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

Against the Motion: Councillor Campbell

10 TENDER - PROVISION OF INFORMATION TECHNOLOGY DISASTER RECOVERY SUPPORT FOR CITY OF RYDE

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

- (a) That the report of the Group Manager Corporate Services dated 2 December 2011 on the Provision of Information Technology Disaster Recovery Support for the City of Ryde be endorsed.
- (b) That the tender from Interactive Pty Ltd be accepted for a 12 month period, then reviewed on an annual basis to ensure the City of Ryde's requirements are being met.

Record of Voting:

For the Motion: Unanimous

11 STATE OF ENVIRONMENT REPORT 2010/11

RESOLUTION: (Moved by Councillors Petch and Campbell)

- (a) That NSROC Regional State Of The Environment Report (supplementary) 2010/11 be received and noted.
- (b) That the Draft 2010/11 State Of The Environment Report Community Newsletter for Ryde be endorsed.
- (c) That the NSROC Regional State of the Environment Report (supplementary) 2010/11 and associated Ryde Community Newsletter be placed on the Ryde website and promoted in the Ryde CityView.
- (d) That Council libraries and all secondary and tertiary educational institutions in the Ryde LGA be provided with two copies of the NSROC RSoE Report (supplementary) 2010/11 for their reference sections.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

12 LEGAL ACTION - LGFS Rembrandt Investment and Funding Agreement

MOTION: (Moved by Councillors Pickering and Campbell)

- (a) That Council endorse the actions to settle this matter as detailed in the report.
- (b) That Council endorse the variation to the IMF (Australia) Ltd funding agreement as detailed in the report.

AMENDMENT: (Moved by Councillors Petch and Butterworth)

- (a) That Council note the actions to settle this matter as detailed in the report.
- (b) That Council endorse the variation to the IMF (Australia) Ltd funding agreement as detailed in the report.
- (c) That an updated report on the settlement discussions be provided to the next Council meeting.

The Amendment was put and **CARRIED** with seven (7) votes For and five (5) votes Against, thereby becoming the Motion.

Record of Voting:

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

Against the Amendment: Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM

RESOLUTION: (Moved by Councillors Petch and Butterworth)

- (a) That Council note the actions to settle this matter as detailed in the report.
- (b) That Council endorse the variation to the IMF (Australia) Ltd funding agreement as detailed in the report.
- (c) That an updated report on the settlement discussions be provided to the next Council meeting.

Record of Voting:

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

Against the Motion: Councillors Maggio and O'Donnell

13 SKATEBOARD CLINICS FOR ALL AGES AND ABILITIES IN THE CITY OF RYDE

RESOLUTION: (Moved by Councillors Petch and Campbell)

- (a) That Council run three skate clinics as outlined in the body of this report, in a venue in the City of Ryde during the school holiday periods of July, September and December 2012.
- (b) That Council fund the costs of running these clinics from an adjustment in the next quarterly review to the maximum of \$19,000 (inc GST).
- (c) Should Council support the recommendation that a fee of \$10/child be placed on public exhibition for 28 days as an addition to the approved Council Fees and Charges to offset Council's costs.
- (d) That if no submissions are received, the fee be implemented as at the next business day of the exhibition period.
- (e) That a further report be presented to Council in February 2013 at the conclusion of the series of skate clinics.

Record of Voting:

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

Against the Motion: Councillors Butterworth and Tagg

14 CODE OF MEETING PRACTICE – Results of Public Exhibition

This Item was considered earlier in the meeting as set out in these Minutes.

15 CONNECTING COMMUNITIES TO EASTWOOD AFTER THE FIRE

RESOLUTION: (Moved by Councillors Li and Tagg)

That Councillors nominate any priority projects that they wish to have considered in the 2012 – 16 delivery plan in a Councillor workshop.

Record of Voting:

For the Motion: Unanimous

16 CYCLEWAY CAPITAL WORKS PROGRAM 2011/2012 - Review of List of Priorities

RESOLUTION: (Moved by Councillors Perram and Campbell)

- (a) That Council accepts the Roads & Maritime Services (RMS) Cycleway Project Grant funding, comprising the 100% funded project of Waterloo Road and the 50:50 funded project for Epping Road Cycleway (missing link), as follows:

Epping Road SUP (Lyon Park Road to the Pedestrian Overbridge at Optus) - \$105,000 (RMS contribution).

- (b) That Council defer the following Capital Cycleway Projects for 2011/2012 as tabulated below, to allow for funds to be reallocated to facilitate the construction of alternative cycleway projects as detailed in (c) below:

- (i) Vimiera Road SUP - \$92,500.
- (ii) Pittwater Road SUP - \$164,000.

- (c) That Council re-allocate the available funds in (b) above, to facilitate the construction of the following cycleway projects (the reallocation of funds does not require Council to increase its current capital works funding contribution):

- (i) Eastwood Bike Locker.
- (ii) Epping Road SUP (Lyon Park Road to the Pedestrian Overbridge at Optus).
- (iii) Marsden Road SUP (Fir Tree Avenue to Cobham Avenue).

Record of Voting:

For the Motion: Unanimous

17 TENDER FOR THE PROVISION OF ADVERTISING SERVICES

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

That this matter be considered in Closed Session to discuss the Confidential Tender Evaluation Panel's Report.

Record of Voting:

For the Motion: Unanimous

This Item was considered later in the meeting in Closed Session as set out in these Minutes.

18 ANNUAL TENDERS - Tender for Hire of Plant

RESOLUTION: (Moved by Councillors Petch and Campbell)

- (a) That the tenders for hiring of plant until 31 December 2012 from the following tenderers be accepted on an "as required " basis for the indicated category of plant:

TENDERER	CATEGORY OF PLANT
A & A Hire Services	1, 4, 6, 7
A & C Plant Hire Pty Ltd	4, 5, 6, 7, 8, 10
Acclaimed Excavations Pty Ltd	1, 3, 4, 5, 6, 7, 8
Action Recovery Services Pty Ltd	12
Allards Plan Hire Pty Ltd	1, 2, 3, 4, 5, 6, 7, 8, 11
AMA Plant Hire	4, 5, 6, 7, 8
Aquarius Transport Group Pty Ltd	5, 8
Australian Grader Hire Pty Ltd	1, 3, 4, 5
Barren Transport Pty Ltd	6, 7, 8
Building NSW Pty Ltd	4, 8
Coates Hire Operations Pty Ltd	11
Compete Hire	11
Conplant Pty Ltd	11
Earthmoving Hire Australia	4
G & RD Chong Pty Ltd	9
Hickeys Earthmoving Pty Ltd	4, 8
Matthews Contracting Pty Ltd	4
MJK Earthmoving Pty Ltd	4, 5

R & K Johnson Excavations	4
Raygal Pty Ltd	5, 6, 7, 8
Stanton Corporation	13
Sullivans Constructions	4, 6, 8
Tutt Bryant Hire	3, 6

- (b) That the preferred contractors be advised that the work will be allocated to them on an “as required” basis, following consideration at the time of the following factors: type of work, price, availability, previous workmanship, relevant expertise, previous service provided to the residents and previous compliance to safety requirements.
- (c) That the non-complying tenderers be advised of the Council’s decision.

Record of Voting:

For the Motion: Unanimous

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Petch and Tagg)

That Standing Orders be suspended to allow Councillor Petch to inform the Council of some sad news. The time being 10.10pm.

Record of Voting

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Petch and Tagg)

- (a) That Council send a letter to the former Mayor of the City of Ryde, Mr Peter Graham expressing Council’s condolences on the passing of his wife.
- (b) That Councillors are advised of any funeral arrangements through the Councillors Information Bulletin.

Record of Voting:

For the Motion: Unanimous

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There were no Precis of Correspondence for Consideration.

NOTICES OF MOTION

1 CROWLE HOMES – Councillor Sarkis Yedelian OAM

This Notice of Motion was considered earlier in the meeting as set out in these Minutes.

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION – CREATION OF A CITY OF RYDE PROPERTY TRUST – Councillor Pickering, Councillor Campbell, Councillor Maggio

This Notice of Rescission was considered earlier in the meeting as set out in these Minutes.

COMPLETION OF BUSINESS

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

That the meeting time be extended to 11.30pm to allow completion of all remaining Items on the Agenda, the time being 11.00pm.

Record of Voting:

For the Motion: Unanimous

2 NOTICE OF RESCISSION - AMENDED PLANNING PROPOSAL RESULTS OF COMMUNITY CONSULTATION - Ryde Civic Precinct – Councillor Butterworth, Councillor Salvestro-Martin, Councillor Tagg, Councillor Li

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

That Council rescind the previous resolution in relation to ITEM 5, passed at the Council Meeting held on 13 December 2011, namely:

- (a) That Council approve the amended Planning Proposal for the land known as the Ryde Civic Precinct being 1 and 1A Devlin Street and 150 – 156 Blaxland Road Ryde to:
 - a. Amend the maximum height of buildings allowed to be built on 1 and 1A Devlin Street Ryde from RL91AHD to a maximum height of:
 - 0m for the width of the proposed realignment of Blaxland Road
 - 21.5m along the eastern side of the realigned Blaxland Road and also across the south–western corner and at the northern end of the site
 - RL130 (75m) AHD along Devlin Street frontage to a depth of approximately 45m measured from the eastern Devlin Street frontage; and

- b. Reduce the total amount of floor space that can be built on the Precinct from 100,000sqm to 60,000sqm.
- (b) That the request for a public hearing under Section 57(5) of the EP&A Act 1979 be denied on the grounds that the concerns raised in the submission have be considered by Council and many of the issues will be addressed through the proposed amendment to the draft DCP for the site.
- (c) That the Director General of the Department of Planning and Environment be request to draft and finalise the legal instrument amending the Ryde LEP 2010 and to forward the LEP to the Minister for the making of the Plan.

On being put to the Meeting, the voting on the Motion was six (6) all. The Mayor used his casting vote Against the Motion. The Motion was **LOST**.

Record of Voting:

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

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

QUESTIONS BY COUNCILLORS AS PER POLICY

There were no Questions by Councillors as per Policy.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Mr Bob Selinger was called to address Council, however was not present in the Chamber.

CLOSED SESSION

ITEM 17 – TENDER FOR THE PROVISION OF ADVERTISING SERVICES

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 19 - ADVICE ON COURT ACTIONS

Confidential

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

RESOLUTION: (Moved by Councillors Petch and Pickering)

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

Record of Voting:

For the Motion: Unanimous

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

COMPLETION OF BUSINESS

RESOLUTION: (Moved by Councillors Campbell and Tagg)

That the meeting time be extended to 11.45pm to allow completion of all remaining items on the Agenda. The time being 11.32pm.

Record of Voting:

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

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

17 TENDER FOR THE PROVISION OF ADVERTISING SERVICES

Note: Councillor Tagg declared a less than significant non-pecuniary interest in this Item for the reason that Life Education which Councillor Tagg is involved in, advertises with the TWT.

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

- (a) That Council accept the tender from Newslocal a Division of Nationwide News Pty Limited (Northern District Times) for the provision of Advertising Services for the period 1 January 2012 till 31 December 2012 with a provision to extend a further 12 months if performance is deemed satisfactory.
- (b) That all companies who lodged a tender for the provision of Advertising Services be advised of Council's decision.

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

- (a) That Council accept the tender from the TWT for the provision of Advertising Services for the period 1 April 2012 till 31 March 2013 with a provision to extend a further 12 months if performance is deemed satisfactory. The reasons for acceptance are as follows:-
 - 1. Cheaper advertising rates.
 - 2. Extensive community engagement initiatives
- (b) That all companies who lodged a tender for the provision of Advertising Services be advised of Council's decision.

On being put to the Meeting, the voting on the Amendment was six (6) all. The Mayor used his casting vote Against the Amendment. The Amendment was **LOST**.

Record of Voting:

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

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

At this stage of the meeting, the General Manager cautioned the Council that it is an irregular practice for Councillors to meet with tenderers and override the recommendation of the Evaluation Panel. Council's General Counsel also recommended that Council reject all tenders and request the Tender Evaluation Panel to interview both tenderers.

FURTHER AMENDMENT: (Moved by Councillors Maggio and Petch)

- (a) That Council reject all tenders.
- (b) That both tenderers present their submissions at a Councillor workshop.
- (c) That a further report be presented to Council on the outcome of the workshop.

The Further Amendment was put and **CARRIED** with seven (7) votes For and five (5) votes Against, thereby becoming the Motion.

Record of Voting:

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

Against the Amendment: Councillors Campbell, O'Donnell, Perram, Pickering and Yedelian OAM

RECOMMENDATION: (Moved by Councillors Maggio and Petch)

- (a) That Council reject all tenders.
- (b) That both tenderers present their submissions at a Councillor workshop.
- (c) That a further report be presented to Council on the outcome of the workshop.

Record of Voting:

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

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

Note: A Notice of Rescission in relation to this Item was lodged at 11.55pm on 14 December 2012 by Councillors Campbell, O'Donnell and Pickering.

19 ADVICE ON COURT ACTIONS

RECOMMENDATION: (Moved by Councillors Pickering and Perram)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Petch and Tagg)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.53pm.

RESOLUTION: (Moved by Councillors Petch and Tagg)

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 11.56pm on 14 February 2012.

CONFIRMED THIS 28TH DAY OF FEBRUARY 2012

Chairperson