

## Council Meeting

MINUTES OF MEETING NO. 2/11

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**Meeting Date:** Tuesday 22 February 2011  
**Location:** Council Chambers, Level 6  
**Time:** 7.30pm

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

**Apologies:** Councillor Yedelian OAM

**Staff Present:** General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, Chief Financial Officer, General Counsel, Media & Community Relations Officer and Senior Administration Co-ordinator.

### **PRAYER**

Ms Mobini-Kesheh of the Spiritual Assembly of the Baha'is of Ryde was present and offered prayer prior to the commencement of the meeting.

### **DISCLOSURES OF INTEREST**

There were no disclosures of interest.

### **PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

No addresses were made to Council.

### **MAYORAL MINUTES**

There are no Mayoral Minutes

**COUNCIL REPORTS****1 CONFIRMATION OF MINUTES - Council Meeting held on 8 February 2011**

**RESOLUTION:** (Moved by Councillors Petch and Pickering)

That the Minutes of the Council Meeting 1/11, held on Tuesday 8 February 2011, be confirmed.

**Record of Voting:**

For the Motion: Unanimous.

**2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE MEETING 2/11 held on 15 February 2011**

**RESOLUTION:** (Moved by Councillors Pickering and Maggio)

That Council determine Item 4 – 1 Keiley Street, Marsfield, of the Planning and Environment Committee report, noting that all other items were dealt with under delegated authority.

**Record of Voting:**

For the Motion: Unanimous.

**Item 4: 1 KEILEY STREET, MARSFIELD. LOT 1 DP 227851. Local Development Application to Conduct a Day Program for Intellectually Disabled Persons. LDA 2010/0528**

**RESOLUTION:** (Moved by Councillors Pickering and Petch)

- (a) That LDA 2010/0528 to conduct a day program for intellectually disabled persons at 1 Keiley Street, Marsfield, being Lot 1 in DP227851 be approved subject to the **ATTACHED** conditions (Attachment 1).
- (b) That the persons who made submissions be advised of Council's decision.

**Record of Voting:**

For the Motion: Unanimous.

**3 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 2/11 held on 15 February 2011**

**RESOLUTION:** (Moved by Councillors Maggio and Petch)

That Council determine Items 2, 3, 4 ,5, 6(a) and 6(e), noting that all other items were dealt with under delegated authority.

**Record of Voting:**

For the Motion: Unanimous.

**Item 2: MOTIONS PUT WITHOUT DEBATE**

**RESOLUTION:** (Moved by Councillors Maggio and Petch)

That this item no longer appear in the agenda and that the Code of Meeting Practice be amended accordingly.

**Record of Voting:**

For the Motion: Unanimous.

**Item 3: MEADOWBANK PARK - Review of tree removal request**

**RESOLUTION:** (Moved by Councillors Maggio and Petch)

That the *Casuarina glauca* located within Meadowbank Park be removed and replaced with an appropriate species as recommended by Council staff.

**Record of Voting:**

For the Motion: Unanimous.

**Item 4: TREE MANAGEMENT REVIEW - 27 Federal Road (REV2010/8) West Ryde**

**RESOLUTION:** (Moved by Councillors Maggio and Petch)

That the *Hymenosporum flavum* (Native Frangipani) located on the property of 27 Federal Road, West Ryde be removed and replaced with a suitable species of 1.5 metres in height at time of planting and attains a minimum mature height of 8 metres.

**Record of Voting:**

For the Motion: Unanimous.

**Item 5: TREE MANAGEMENT REVIEW - 201 Waterloo Road, Marsfield****RESOLUTION:** (Moved by Councillors Maggio and Petch)

- a) That Trees 1 to 7 be removed and replaced with a suitable species.
- b) That the Body Corporate liaise with Council staff to select appropriate replacement species.

**Record of Voting:**For the Motion: Unanimous.**Item 6: TRAFFIC & PARKING MATTERS PROPOSED FOR IMPLEMENTATION AS AGREED BY LOCAL TRAFFIC COMMITTEE**Matter 1: Mars Lane and Kennedy Lane, Gladesville – Improved Access**Motion:** (Moved by Councillors Maggio and Tagg)

- (a) That Council do not implement the No Parking restrictions on the eastern side of Mars Lane and the northern side of Kennedy Lane, west of Mars Lane where property owners indicate they have access problems, and the “No Stopping” on the northern side of Mars Lane and Kennedy Lane intersection.

**Amendment:** (Moved by Councillors Petch and Campbell)

- (a) That Council implement No Parking restrictions on the western side of Mars Lane and the northern side of Kennedy Lane, west of Mars Lane where property owners indicate they have access problems, and “No Stopping” on the northern side of Mars Lane and Kennedy Lane intersection.

**Record of Voting:**For the Amendment: Councillor Campbell and PetchAgainst the Amendment: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Li, Maggio, O’Donnell, Perram, Pickering, Salvestro-Martin and Tagg

The Amendment was declared **LOST**, with two (2) votes for and nine (9) votes against.

**Further Amendment:** (Moved by Councillors Perram and Petch)

- (a) That Council does not implement the No Parking restrictions on the eastern side of Mars Lane
- (b) That signs be erected to indicate 'No stopping' within 10 metres of Mars Lane and Kennedy Lane intersection.

**Record of Voting:**

For the Amendment: Councillors Perram and Petch

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

The FURTHER AMENDMENT was declared **LOST** with two (2) votes for and nine (9) votes against. The MOTION was then put and **CARRIED**.

**RESOLUTION:** (Moved by Councillors Maggio and Tagg)

- (a) That Council do not implement the No Parking restrictions on the eastern side of Mars Lane and the northern side of Kennedy Lane, west of Mars Lane where property owners indicate they have access problems, and the "No Stopping" on the northern side of Mars Lane and Kennedy Lane intersection.

**Record of Voting:**

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

Against the Motion: Councillors Campbell and Petch

**Matter 6. Andrew Street, Melrose Park – Preferred Option****RESOLUTION** (Moved by Councillors Maggio and Tagg)

- 6(e) (i) That the matter be deferred pending further consultation with the affected residents and the outcome reported back to Council.
- (ii) That Council staff communicate this outcome to residents of Andrew Street, Melrose Park.

**Record of Voting:**

For the Motion: Unanimous.

#### 4 PARRAMATTA RIVER - RYDE SUBCATCHMENTS FLOOD STUDY AND FLOODPLAIN RISK MANAGEMENT STUDY AND PLAN

**RESOLUTION:** (Moved by Councillors Maggio and Petch)

- (a) That the formation of the Parramatta River - Ryde Floodplain Risk Management Committee to oversee and guide the preparation of the *Parramatta River - Ryde Floodplain Risk Management Study & Plan* be endorsed comprising of the following members:
- Up to four (4) members of the local community, following call for expressions of interest;
  - Up to four (4) elected members of the City of Ryde, to be nominated by the Council;
  - A representative from the Department of Natural Resources;
  - Representatives from the State Emergency Service;
  - A representative from the National Parks & Wildlife Service;
  - A representative from the Department of Planning;
  - Members of the Council's Public Works and Environmental Planning Departments, being the Group Manager Public Works (Chairperson), the Manager Stormwater & Park Assets (Deputy Chairperson), and the Senior Drainage Engineer; and
  - Specialist consultants as engaged.
- (b) That the calling for tenders from suitably qualified consultants to undertake the *Parramatta River - Ryde Subcatchments Flood Study and Floodplain Risk Management Study & Plan* be endorsed.
- (c) That Council now determine the Councillor representation on the Parramatta River - Ryde Floodplain Risk Management Committee.
- (d) That Councillors Maggio, Perram, Petch and Tagg be the elected members from City of Ryde on the Parramatta River - Ryde Floodplain Risk Management Committee.

**Record of Voting:**

For the Motion: Unanimous.

#### 5 DECEMBER 2010 QUARTERLY REVIEW REPORT 2010-2014 MANAGEMENT PLAN

**Motion:** (Moved by Councillors Petch and Maggio)

- (a) That the report of the Chief Financial Officer, dated 10 February 2011 on DECEMBER 2010 QUARTERLY REVIEW REPORT 2010-2014 MANAGEMENT PLAN, be received and endorsed.
- (b) That the proposed budget adjustments included in this report totalling \$0.49 million be endorsed and included in the 2010/2011 Budget.

- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Reserves of \$0.448 million be adopted.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 10 February 2011 be endorsed.

**Amendment:** (Moved by Councillors Campbell and Salvestro-Martin)

- a) That the report of the Chief Financial Officer, dated 10 February 2011 on DECEMBER 2010 QUARTERLY REVIEW REPORT 2010-2014 MANAGEMENT PLAN, be received and endorsed.
- (b) That the proposed budget adjustments included in this report totalling \$0.49 million be endorsed and included in the 2010/2011 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Reserves of \$0.448 million be adopted.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 10 February 2011 be endorsed.
- (e) That the specific issues raised by Councillors in relation to the Quarterly Review be noted by staff and advice provided back to Councillors through the Councillors' Information Bulletin.
- (f) That a visual presentation with regard to future Quarterly Reports be provided to Council at the relevant Council meeting.

**Record of Voting:**

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

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

The AMENDMENT was PUT and **CARRIED**, with six (6) votes for and five (5) votes against. The AMENDMENT therefore became the MOTION, which was then PUT and **CARRIED**.

**RESOLUTION:** (Moved by Councillors Campbell and Salvestro-Martin)

- a) That the report of the Chief Financial Officer, dated 10 February 2011 on DECEMBER 2010 QUARTERLY REVIEW REPORT 2010-2014 MANAGEMENT PLAN, be received and endorsed.
- (b) That the proposed budget adjustments included in this report totalling \$0.49 million be endorsed and included in the 2010/2011 Budget.

- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Reserves of \$0.448 million be adopted.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 10 February 2011 be endorsed.
- (e) That the specific issues raised by Councillors in relation to the Quarterly Review be noted by staff and advice provided back to Councillors through the Councillors' Information Bulletin.
- (f) That a visual presentation with regard to future Quarterly Reports be provided to Council at the relevant Council meeting.

**Record of Voting:**

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

Against the Motion: Councillor Pickering

**6 INVESTMENT REPORT - January 2011**

**RESOLUTION:** (Moved by Councillors Petch and Maggio)

- (a) That the report of the Chief Financial Officer, dated 10/02/2011 on INVESTMENT REPORT – January 2011, be endorsed.
- (b) That Council tender for its Investment Advisory Service for a three year period from 1<sup>st</sup> July 2011, on the basis of one year with two one year options for renewal.

**Record of Voting:**

For the Motion: Unanimous.

**7 REPORT ON OUTSTANDING RESOLUTIONS**

**RESOLUTION:** (Moved by Councillors Petch and Pickering)

That the report on Outstanding Resolutions be endorsed.

**Record of Voting:**

For the Motion: Unanimous.



**8 CREATION OF A RYDE TRUST****RESOLUTION:** (Moved by Councillors Petch and Salvestro-Martin)

That consideration of this matter be dealt with in Closed Session at the end of the meeting.

**Record of Voting:**

For the Motion: Unanimous.

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

There are no Precises of Correspondence for Consideration

**NOTICES OF MOTION****1 TRANSFATS - Councillor Perram****RESOLUTION:** (Moved by Councillors Perram and Maggio)

That the General Manager report to Council on measures Council can take to urge commercial food preparation premises in the City of Ryde to avoid use of trans fats and to increase community awareness of trans fats in commercially prepared food.

**Record of Voting:**

For the Motion: Unanimous.

**2 GLOBAL CENTENARY OF INTERNATIONAL WOMEN'S DAY -  
8 March 2011 - Councillor Campbell****Motion:** (Moved by Councillors Campbell and Petch)

That Council recognises the significance of the Global Centenary of International Women's Day on 8 March 2011 through promotion in the Mayoral Column, on the Council website and via media release. International Women's Day is celebrated by women, men and children in countries all over the world and highlights the economic, political and social achievements of women past, present and future. On the 100th Anniversary of International Women's Day it is fitting that Council re-affirms its strong commitment to continue to work together as a community to eliminate barriers to women's participation in our society and through Council's example, work to embody the principles of gender equity into all facets of our community. In thinking globally and acting locally Council will take a leadership role in ensuring a fair, safe, bright and rewarding future for women and girls.

**Amendment:** (Moved by Councillors Perram and Pickering)

That Council recognises the significance of the Global Centenary of International Women's Day on 8 March 2011 through promotion in the Mayoral Column, on the Council website and via media release.

**Record of Voting:**

For the Amendment: The Mayor, Councillor Etmekdjian and Councillors Perram, Pickering and Maggio

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

The AMENDMENT was **LOST** with four (4) votes for and seven (7) against.

The MOTION was then PUT and **CARRIED**.

**RESOLUTION:** (Moved by Councillors Campbell and Petch)

That Council recognises the significance of the Global Centenary of International Women's Day on 8 March 2011 through promotion in the Mayoral Column, on the Council website and via media release. International Women's Day is celebrated by women, men and children in countries all over the world and highlights the economic, political and social achievements of women past, present and future. On the 100th Anniversary of International Women's Day it is fitting that Council re-affirms its strong commitment to continue to work together as a community to eliminate barriers to women's participation in our society and through Council's example, work to embody the principles of gender equity into all facets of our community. In thinking globally and acting locally Council will take a leadership role in ensuring a fair, safe, bright and rewarding future for women and girls.

**Record of Voting:**

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

Against the Motion: Councillor Pickering

### 3 INCREASES IN RATES, ENERGY AND ELECTRICITY CHARGES - Councillor Petch

**Motion:** (Moved by Councillors Petch and Pickering)

1. That Council write to the Director of IPART suggesting that in a similar manner to their edict that Councils require the support of ratepayers before any rate increase be approved, that all increases in energy and electricity charges also receive the support of consumers prior to any increased charges being implemented.
2. That the support of local members of Parliament be sought to remove the authority of IPART to regulate Council rates .

**Record of Voting:**

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

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

### RECOMMITTAL OF ITEM

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

That Notice of Motion 3 – Increases in Rates, Energy And Electricity Charges, be recommitted.

**Record of Voting:**

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

Against the Motion: The Mayor, Councillor Etmekdjian and Councillors Li, Maggio, Perram, Petch and Pickering

The MOTION for RECOMMITTAL of Notice of Motion 3 was **LOST** with five (5) votes for and six (6) votes against.

**RESOLUTION:** (Moved by Councillors Petch and Pickering)

1. That Council write to the Director of IPART suggesting that in a similar manner to their edict that Councils require the support of ratepayers before any rate increase be approved, that all increases in energy and electricity charges also receive the support of consumers prior to any increased charges being implemented.
2. That the support of local members of Parliament be sought to remove the authority of IPART to regulate Council rates .

**Record of Voting:**

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

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

Note: Councillor Salvestro-Martin left the meeting at 10.05pm, and took no further part in the proceedings of the meeting.

**NOTICES OF RESCISSION**

There are no Notices of Rescission

**QUESTIONS BY COUNCILLORS AS PER POLICY****1 QUESTIONS WITH NOTICE - - Councillor Butterworth**Question:

1. When was the bitumen laid in Mars Lane Gladesville?

Answer:

The two coat flush seal bitumen was laid in Mars Lane in February 2003.

Question:

2. On whose request or authority was the work undertaken?

Answer:

The work was undertaken following the Resolution of Council at its meeting on 11 June 2002

*" that a two coat flush seal be applied in Mars Lane from Kennedy Lane to part way across the rear of No.15 Kennedy Street, Gladesville, at an estimated cost of \$7,000 to be funded from the Roads Maintenance Vote"*

Question:

3. When was approval for this work sought from all Councillors?

Answer:

Dr Scoppa requested surfacing of Mars Lane at an interview with the Public Facilities and Services Committee on 21 May 2002. The Committee inspected the location on 4 June 2002 and the matter was considered by all Councillors at the Council Meeting on 11 June 2002

Question:

4. What was the total cost?

Answer:

The cost of the work was \$7,000.

**PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA**

No addresses were made to Council.

**CLOSED SESSION****ITEM 8 - CREATION OF A RYDE 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: (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.

**RESOLUTION:** (Moved by Councillors Perram and Petch)

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, Campbell, Li, Maggio, Perram, Petch, Pickering and Tagg

Against the Motion: Councillor O'Donnell

Note: The Council closed the meeting at 10.12pm. The public and media left the chamber.

**8 CREATION OF A RYDE TRUST**

**Motion:** (Moved by Councillors Petch and Pickering)

- (a) That Council notes the progress of the Property Trust Project and 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 Ryde Property Trust.
- (b) That once legal costs are known to establish the property trust (which will depend on the number of willing local government partners) a further report be brought to Council seeking their agreement to proceed.

- (c) That the General Manager be given delegated authority to call on expressions of interest and select a suitably qualified consultant to undertake an assessment of our current commercial assets with the view to estimate this highest and best use and rate of return to Council utilising funds from the investment property reserve.
- (d) That once all investigations have been completed this matter be referred to a Councillor workshop for consideration, prior to the report being submitted to Council for determination.

**Amendment:** (Moved by Councillors Tagg and Butterworth)

That this matter be deferred and resubmitted to Council following the State Government election.

**Record of Voting:**

For the Amendment: Councillors Butterworth, Campbell, Li, O'Donnell, Perram and Tagg

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Maggio, Petch and Pickering

The AMENDMENT was **CARRIED** with six (6) votes for and four (4) votes against. The MOTION was then PUT and **CARRIED**.

**RESOLUTION:** (Moved by Councillors Tagg and Butterworth)

That this matter be deferred and resubmitted to Council following the State Government election.

**Record of Voting:**

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

Against the Motion: Councillor Perram and Pickering

**OPEN SESSION**

**RESOLUTION:** (Moved by Councillors Butterworth and Tagg)

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous.

Note: Open Council resumed at 10.47pm.

**RESOLUTION:** (Moved by Councillors Tagg and Butterworth)

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.

**NATIONAL ANTHEM**

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

The meeting closed at 10.48pm.

CONFIRMED THIS 8<sup>TH</sup> DAY OF MARCH 2011

Chairperson