

Council Meeting

MINUTES OF MEETING NO. 4/11

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

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

Councillor Li arrived at 9.00pm and apologised for his late arrival. He was not present for consideration of Items 1, 2, 3 and 4.

Councillor Tagg left the meeting at 10.05pm and did not return. He was not present for consideration of Item 12.

Apologies: Councillor Perram

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

PRAYER

Major Topher Holland of the Salvation Army, Australian Eastern Territory, Ryde Corp was present and offered prayer prior to the commencement of the meeting.

SUSPENSION OF STANDING ORDERS

Presentation to Courtney Long, Events Officer

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

That Standing Orders be suspended to allow the Mayor to make a presentation, the time being 7.34pm.

Record of Voting:

For the Motion: Unanimous

The Mayor, Councillor Etmekdjian, presented Courtney Long with the Macquarie Park Rotary Pride of Workmanship Award.

Observation of a Minute's Silence

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

That Standing Orders continue to be suspended, the time being 7.36pm to allow Council to observe a minute of silence in recognition of the recent tragedy in Japan.

Record of Voting:

For the Motion: Unanimous

A one minute silence was then observed by the Meeting.

MATTER OF URGENCY – West Ryde Town Centre Parking Management Options Paper

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That Standing Orders continue to be suspended to allow Council to consider a Matter of Urgency regarding the West Ryde Town Centre Parking Management Options Paper (TABLED and ON FILE), the time being 7.44pm.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

- (a) That Council receive the report dated 19 March 2011 – West Ryde Town Centre, Parking Management Options Paper (TABLED and ON FILE).
- (b) That Council authorise the implementation of the recommendations contained in the West Ryde Town Centre, Parking Management Options Paper (TABLED and ON FILE).
- (c) That Council re-negotiate the parking arrangements in Anthony Road with particular regard to the hours of operation.
- (d) That this matter be referred to the City of Ryde Traffic Committee for consideration.
- (e) That investigations be undertaken regarding other possible options for parking which may include:

- Ryde Eastwood Leagues Club;
- Ryedale Road; and
- Housing NSW vacant land.

- (f) That Council approach the Roads and Traffic Authority NSW requesting that they suspend the parking restrictions in Victoria Road from 3pm, between Chatham Road and West Parade.

Record of Voting:

For the Motion: Unanimous

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Butterworth and Petch)

That Standing Orders be resumed, the time being 7.55pm

Record of Voting:

For the Motion: Unanimous

DISCLOSURES OF INTEREST

Councillor Salvestro-Martin disclosed a pecuniary interest in Item 4 – 87 NORTH ROAD, RYDE. LOT 3 DP 536708 of the Council Meeting No. 04/11, for the reason that he is a joint owner of the property. He did not take part in the debate of this Item.

Councillor Maggio disclosed a less than significant non pecuniary interest in Items 7 – COMMUNITY GRANTS PROGRAM - Allocation of Funding 2010-11 and 8 – VISIT TO CENTRAL DARLING SHIRE of the Council Meeting No. 04/11 for the reason that he is involved with the organisations.

Councillor Yedelian OAM disclosed a less than significant non pecuniary interest in Item 7 – COMMUNITY GRANTS PROGRAM - Allocation of Funding 2010-11 of the Council Meeting No. 04/11 for the reason that he is a member of the State Emergency Service, North Ryde Rotary and Ryde Multicultural Centre.

Councillor Li disclosed a less than significant non pecuniary interest in Item 7 – COMMUNITY GRANTS PROGRAM - Allocation of Funding 2010-11 of the Council Meeting No. 04/11 for the reason that he is a volunteer with Eastwood Chinese Senior Citizens Club.

Councillors Butterworth, O'Donnell, Campbell and Tagg disclosed non pecuniary interests in Item 4 – 87 NORTH ROAD, RYDE. LOT 3 DP 536708 of the Council Meeting No. 04/11, for the reason that the applicant is a Councillor and a colleague on Council.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council.

MAYORAL MINUTES

There were no Mayoral Minutes.

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

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

That the Minutes of the Council Meeting 3/11, held on Tuesday 8 March 2011, be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE MEETING 3/11 held on 15 March 2011

RESOLUTION: (Moved by Councillors Pickering and Butterworth)

That Council note that Items 1 and 2 of the Planning and Environment Committee Meeting 03/11 held on 15 March 2011 were dealt with by the Committee under delegated authority.

Record of Voting:

For the Motion: Unanimous

3 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 4/11 held on 15 March 2011

RESOLUTION: (Moved by Councillors Maggio and Petch)

That Council determine Items 4, 6, 7 and 8 of the Works and Community Committee report, noting that Items 1, 2, 3 and 5 were dealt with by the Committee under delegated authority.

Record of Voting:

For the Motion: Unanimous

4 SIGNIFICANT TREE REGISTER NOMINATION – Linton Avenue, West Ryde**RESOLUTION:** (Moved by Councillors Campbell and Petch)

That this matter be deferred to the next Works and Community Committee to allow an inspection to be undertaken.

Record of Voting:

For the Motion: Unanimous

6 TREE MANAGEMENT REVIEW - 12 Jeanette Street, East Ryde**RESOLUTION:** (Moved by Councillors Maggio and Yedelian OAM)

That the three *Cupressus sempervirens* (Pencil Pine) be conditionally approved for removal. The condition being that prior commitment is given to include the replacement planting of three trees that are 1.5 Metres at time of planting and will reach a minimal height of 8 Metres at maturity.

Record of Voting:

For the Motion: Unanimous

7 TREE MANAGEMENT REVIEW - 160-186 Balaclava Road, Marsfield**RESOLUTION:** (Moved by Councillors Maggio and Petch)

That the one *Eucalyptus microcorys* (Tallowwood) and two *Eucalyptus* sp. be conditionally approved for removal. The condition being that prior commitment is given to agree with the replacement planting of three trees that are 1.5 metres at time of planting and will reach a minimal height of 8 metres at maturity.

Record of Voting:

For the Motion: Unanimous

8 TREE MANAGEMENT REVIEW - 82 Waring Street, Marsfield**RESOLUTION:** (Moved by Councillors Maggio and Petch)

That the one *Corymbia citriodora* (Lemon Scented Gum) be conditionally approved for removal. The condition being that prior commitment is given to agree with the replacement planting of one tree that is 1.5 Metres in height at time of planting and will reach a minimal height of 8 Metres at maturity.

Record of Voting:

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

Against the Motion: Councillors Butterworth and Campbell

4 87 NORTH ROAD, RYDE. LOT 3 DP 536708. Further report on Local Development Application for internal alterations to existing dwelling and change of use of building to a boarding house containing 8 boarding rooms. LDA2010/615.

Note: Councillor Salvestro-Martin declared a pecuniary interest in this Item. He left the meeting at 8pm and did not participate in consideration of this Item.

Note: Councillors Butterworth, O'Donnell, Campbell and Tagg disclosed non-pecuniary interests in this Item.

Note: Councillor Pickering tabled an article from the Sydney Morning Herald in relation to this matter and a copy is ON FILE.

MOTION: (Moved by Councillors Butterworth and Tagg)

- (a) That the information be noted.
- (b) That Local Development Application No. 2010/615 to carry out alterations to the existing dwelling for purposes to enable its use for an 8 room boarding house for 12 people at 87 North Road Ryde be approved subject to the conditions **ATTACHED** at Attachment 2.
- (c) That the objectors be advised of the decision.

AMENDMENT: (Moved by Councillors Pickering and Yedelian OAM)

That this matter be deferred to the Committee of the Whole Meeting to be held on 5 April 2011.

The AMENDMENT was put and **CARRIED**, with five (5) votes for and four (4) votes against. The AMENDMENT therefore became the MOTION which was put and **CARRIED**.

Record of Voting:

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

Against the Amendment: Councillors Butterworth, Campbell, O'Donnell, and Tagg

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That this matter be deferred to the Committee of the Whole Meeting to be held on 5 April 2011.

Record of Voting:

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

Against the Motion: Councillors Butterworth, Campbell, O'Donnell, and Tagg

Note: Councillor Salvestro-Martin returned to the Meeting, the time being 9.00pm

5 DRAFT FEES & CHARGES - 2011/2012 BUDGET

RESOLUTION: (Moved by Councillors Petch and Pickering)

(a) That the Draft Fees & Charges as circulated be included as the Draft Fees & Charges for the 2011/12 as part of the 4 Year Draft Delivery Plan for Council's consideration at its meeting on 12 April 2011 subject to the following changes:

- Notification fees: Villa and multi-dwelling housing Development Applications (alterations) with a value of less than \$50,000 the fee be reduced to \$150.
- Vacation Care: no increase to fees.
- Commercial Filming in the City: the additional information be amended as follows: "Church groups, not for profit organisations and TAFE students are exempt from this fee, application must be submitted and normal approval process followed."

(b) That Pre-lodgement fees be considered as part of the Best Value Review.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

6 INVESTMENT REPORT - February 2011

RESOLUTION: (Moved by Councillors Pickering and Petch)

That the report of the Chief Financial Officer, dated 04 March 2011 on INVESTMENT REPORT – February 2011, be endorsed.

Record of Voting:

For the Motion: Unanimous

7 COMMUNITY GRANTS PROGRAM – Allocation of Funding 2010-11

Note: Councillors Yedelian, Li and Maggio each declared a non pecuniary interest in this Item

Note: Councillor Butterworth left the meeting at 9.22pm. He was not present for consideration of Items 7 and 8.

RESOLUTION: (Moved by Councillors Li and Petch)

- (a) That the 2010-11 City of Ryde Community Grant, Sport Grant and Cultural Grant categories funds be allocated as listed in the report of the Manager, Community and Culture dated 10 March 2011.
- (b) That the successful and unsuccessful grant applicants be informed in writing of the outcome of their applications.

Record of Voting:

For the Motion: Unanimous

8 VISIT TO CENTRAL DARLING SHIRE

Note: Councillor Maggio declared a non pecuniary interest in this Item.

RESOLUTION: (Moved by Councillors Petch and Pickering)

That Council endorse a visit to Central Darling Shire by the Mayor and General Manager to be funded from the Country Council Partnership budget allocation.

Record of Voting:

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

Against the Motion: Councillor Salvestro-Martin

Note: Councillor Butterworth returned to the meeting at 9.25pm.

9 PARKING METERS MACQUARIE PARK CORRIDOR

RESOLUTION: (Moved by Councillors Petch and Pickering)

That this matter be deferred to allow a feasibility study which includes a meter by meter allocation of income if practicable, to be undertaken regarding the Macquarie Park Parking Meters.

Record of Voting:

For the Motion: Unanimous

10 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

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.

SUSPENSION OF STANDING ORDERS**Recognition of Mr Sam Bietola**

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That Standing Orders be suspended to allow Council to recognise the passing of Mr Sam Bietola, the time being 9.50pm.

Record of Voting:

For the Motion: Unanimous.

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

(a) That Council write to the family of Mr Sam Bietola expressing our condolences.

(b) That Council forward a wreath to the funeral.

Record of Voting:

For the Motion: Unanimous

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That Standing Orders be resumed, the time being 9.52pm.

Record of Voting:

For the Motion: Unanimous

CLOSED SESSION**ITEM 11 - REQUEST FOR TENDER (COR-RFT-04/11) - North Ryde to Macquarie University Bicycle and Pedestrian Shared Path****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: (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

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

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

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

ITEM 12 - ADVICE ON COURT ACTIONS

Confidential

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

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

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

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

RESOLUTION: (Moved by Councillors Petch and Tagg)

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

Record of Voting:

For the Motion: Unanimous

Note: The Council closed the meeting at 9.52pm. The public and media left the chamber.

11 REQUEST FOR TENDER (COR-RFT-04/11) - North Ryde to Macquarie University Bicycle and Pedestrian Shared Path

RESOLUTION: (Moved by Councillors Tagg and Pickering)

- (a) That Council endorse the Tender Assessment Panel's recommendation as circulated for the tender – North Ryde to Macquarie University Bicycle and Pedestrian Shared Path.
- (b) That the accepted tenderers provide details of the required insurance (i.e. Public Liability and Workers' Compensation), and other conforming documents for approval within fourteen (14) days from the date of

acceptance of the Tender.

(c) That all Tenderers be advised of the Council's decision.

Record of Voting:

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

Against the Motion: Councillor Li

12 ADVICE ON COURT ACTIONS

Note: Councillor Tagg left the meeting at 10.05pm and did not return. He was not present for consideration of this Item.

RESOLUTION: (Moved by Councillors Petch and Pickering)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

OPEN SESSION

RESOLUTION: (Moved by Councillors Petch and Butterworth)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 10.06pm.

RESOLUTION: (Moved by Councillors Petch 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 10.08 pm.

CONFIRMED THIS 12th DAY OF APRIL 2011

Chairperson