

## Council Meeting

MINUTES OF MEETING NO. 15/11

---

**Meeting Date:** Tuesday 27 September 2011  
**Location:** Council Chambers, Level 6  
**Time:** 7.30pm

---

**Councillors Present:** The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Maggio, O'Donnell, Perram, Petch, Tagg and Yedelian OAM.

Councillor Petch arrived at the meeting at 7.38pm and was not present for consideration or voting on Councillor Pickering's Leave of Absence.

**Apologies:** Councillors Li and Salvestro-Martin.

**Staff Present:** General Manager, Acting Group Manager – Community Life, Group Manager - Corporate Services, Acting Group Manager – Environment and Planning, Group Manager - Public Works, Manager – Governance, Manager – Urban Planning, Manager – Risk and Audit, Chief Financial Officer, Strategic Planner, Team Leader – Assessment, Media & Community Relations Officer and Meeting Support Coordinator.

### **LEAVE OF ABSENCE**

Note: Councillor Petch was not present for this item.

Councillor Pickering requested a leave of absence from 27 September 2011 to 8 October 2011.

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

That Council note Councillor Pickering's leave of absence for the period from 27 September 2011 to 8 October 2011.

### **Record of Voting:**

For the Motion: Unanimous

### **PRAYER**

Reverend Richard Quadrio of the Macquarie Chapel Presbyterian Church was present and offered prayer prior to the commencement of the meeting.

**DISCLOSURES OF INTEREST**

Councillor Tagg disclosed a significant non-pecuniary interest in Item 12 for the reason that he is a Director of the Ryde Ex-Services Club. Councillor Tagg left the meeting during discussion of this Item and did not vote on this Item.

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

The following persons addressed the Council:-

No.	Name	Topic
1	Ms Sheryl Barton	<b>ITEM 12</b> – City of Ryde Draft Development Control Plan 2011
2	Mr Noel Plumb representing the Ryde Environment Group	<b>ITEM 11</b> – Draft Ryde Local Environmental Plan 2011 - Exhibition

**MAYORAL MINUTES****MM11/11 ATTENDANCE AT NATIONAL ECONOMIC DEVELOPMENT CONFERENCE 2011**

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

That Council confirm the attendance of The Mayor and Councillor Yedelian OAM at the National Economic Development Conference 2011 being held in Adelaide from 4 – 6 October 2011 due to its relevance to their roles as Chair and Deputy Chair of the Economic Development Advisory Committee.

**Record of Voting:**

For the Motion: Unanimous

**MM12/11 KOREAN FLAG RAISING EVENT**

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

That Council host a small scale flag raising event on Friday, 7 October 2011 to mark Korean Week.

**Record of Voting:**

For the Motion: Unanimous

**MM13/11 LOCAL GOVERNMENT CONSTITUTIONAL RECOGNITION – EXPERT PANEL**

**MOTION:** (Moved by The Mayor, Councillor Etmekdjian and Councillor Yedelian OAM)

- (a) That Council consider attendance at the Expert Panel on Local Government Constitutional recognition to be held in Dubbo on Friday, 30 September 2011.
- (b) That Council nominate a Councillor to attend at the Expert Panel on the Local Government Constitutional recognition to be held in Dubbo on Friday, 30 September 2011 and any Councillor wishing to attend advise Council staff.
- (c) That Council make a submission that is circulated to all Councillors prior to the submission being lodged.

Motion be considered in Seriatim

**RESOLUTION:** (Moved by Councillors Maggio and Yedelian OAM)

That the motion be dealt with in seriatim.

**Record of Voting:**

For the Motion: Unanimous

The matter was then dealt with in seriatim.

**RESOLUTION:** (Moved by The Mayor, Councillor Etmekdjian and Councillor Yedelian OAM)

- (a) That Council consider attendance at the Expert Panel on Local Government Constitutional recognition to be held in Dubbo on Friday, 30 September 2011.

**Record of Voting:**

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Perram Petch and Tagg

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

**MOTION:** (Moved by The Mayor, Councillor Etmekdjian and Councillor Yedelian OAM)

- (b) That Council nominate a Councillor to attend at the Expert Panel on the Local Government Constitutional recognition to be held in Dubbo on Friday, 30 September 2011 and any Councillor wishing to attend advise Council staff.

The Motion was put and **LOST**, there being three (3) votes for and six (6) votes against.

**Record of Voting:**

For the Motion: Councillors Campbell, Petch and Tagg

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

**RESOLUTION:** (Moved by The Mayor, Councillor Etmekdjian and Councillor Yedelian OAM)

- (c) That Council make a submission that is circulated to all Councillors prior to the submission being lodged.

**Record of Voting:**

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

Against the Motion: Councillor Butterworth

**RESOLUTION:** (Moved by The Mayor, Councillor Etmekdjian and Councillor Yedelian OAM)

- (a) That Council consider attendance at the Expert Panel on Local Government Constitutional recognition to be held in Dubbo on Friday, 30 September 2011.
- (b) That Council make a submission that is circulated to all Councillors prior to the submission being lodged.

**COUNCIL REPORTS**

**1 CONFIRMATION OF MINUTES - Council Meeting held on 13 September 2011**

**RESOLUTION:** (Moved by Councillors Petch and Yedelian OAM)

That the Minutes of the Council Meeting 14/11, held on Tuesday 13 September 2011, be confirmed.

**Record of Voting:**

For the Motion: Unanimous

**2 REPORT OF PLANNING AND ENVIRONMENT COMMITTEE MEETING 11/11 held on 6 September 2011**

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

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

**Record of Voting:**

For the Motion: Unanimous

**2 14 HERRING ROAD, MARSFIELD. LOT 1 DP 616168. Local Development Application for alterations and change of use of existing dwelling to a boarding house containing six (6) bedrooms. LDA2011/4.**

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

(a) That Local Development Application No. 2011/4 at 14 Herring Road, Marsfield being LOT 1 DP 616168 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: Councillors Butterworth, Campbell, O'Donnell, Petch and Tagg

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

**3 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 12/11 held on 6 September 2011**

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

That Council determine Items 2, 3(1), 3(11) and 4 of the Works and Community Committee report, noting that Items 1, 3(2), 3(3), 3(4), 3(5), 3(6), 3(7), 3(8), 3(9) and 3(10) were dealt with by the Committee within its delegated powers.

**Record of Voting:**

For the Motion: Unanimous

## **2 ROAD HEIRARCHY**

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

That Council designate all roads in the City of Ryde as shared user paths (SUPs) as outlined in the report, subject to consideration being made by the Ryde Local Traffic Committee and compliance with their technical advice.

**Record of Voting:**

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

Against the Motion: Councillor Butterworth

## **3 TRAFFIC & PARKING MATTERS PRESENTED TO RYDE TRAFFIC COMMITTEE MEETING held on 11 August 2011**

### **ITEM 1 CRESSY ROAD, RYDE – Resident Parking Scheme**

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

- (a) That Council install a 2P (8.00am – 6pm, Mon – Fri) zone 9 Resident Parking Scheme along both sides of Cressy Road between Buffalo Road and Higginbotham Road.
- (b) That this item be referred to the Ryde Traffic Committee to consider other options in regard to traffic safety (speed).

**Record of Voting:**

For the Motion: Unanimous

### **ITEM 11 PARKING AT MEADOWBANK TAFE**

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

- (a) That Council take no further action in relation to this matter as there is an existing No Parking zone in Railway Parade with supplementary signs as “Kiss and Ride” for three car spaces and it be for a trial period of five (5) months in order to assess other impacts.
- (b) That Council investigate the opportunity to install a Loading Zone in close proximity to the shops.
- (c) That Council investigate a further “Kiss and Ride” on the west bound side of Constitution Road / Railway Parade.

**Record of Voting:**

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

Against the Motion: Councillor Yedelian OAM

**4 CINEMA IN THE PLAZA**

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

- (a) That Council endorse the staging of Cinema in the Plaza at Eastwood on Friday, 28 October in place of the scheduled screening in February/March 2012.
- (b) That following this, a further report be presented to Council detailing the effectiveness of this proposal.

**Record of Voting:**

For the Motion: Unanimous

**4 REPORT OF WORKS AND COMMUNITY COMMITTEE MEETING 13/11 held on 20 September 2011**

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

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

**Record of Voting:**

For the Motion: Unanimous

**5 TIDY SUBURBS**

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

- (a) That Council continue with the current practices for dealing with private properties and nature strips where residents or owners are not undertaking maintenance.
- (b) That Council raise awareness of the importance of maintaining tidy neighbourhoods through the City View, the Website and other promotional means.
- (c) That a Councillor workshop be conducted to identify other options which can be implemented to discourage kerb side dumping and ill-kept yards.

**Record of Voting:**

For the Motion: Unanimous

**5 CODE OF MEETING PRACTICE**

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

- (a) That Council adopt the draft Code of Meeting Practice as attached to this report, for public exhibition for a period of not less than 28 days.
- (b) That a copy of the draft Code of Meeting Practice be provided to the Division of Local Government for comment.
- (c) That public submissions be invited on the draft Code of Meeting Practice and that these submissions be accepted for a period of not less than 42 days.
- (d) That once the public submission period has closed a further report be provided to Council to consider adoption of the draft Code of Meeting Practice.

**Record of Voting:**

For the Motion: Unanimous

Note: This Item was recommitted later in the meeting.

**6 CODE OF CONDUCT POLICY AND ANNUAL REPORT**

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

- (a) That Council note the General Manager's report on Code of Conduct complaints received for the period October 2010 to September 2011.
- (b) That Council adopted the draft Code of Conduct as **ATTACHED**.

**Record of Voting:**

For the Motion: Unanimous

**RECOMMITTAL OF ITEM**

**RESOLUTION:** (Moved by Councillors Perram and Yedelian OAM)

That Item 5: Code of Meeting Practice be recommitted.

**Record of Voting:**

For the Motion: Unanimous

## 5 CODE OF MEETING PRACTICE

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

- (a) That Council adopt the draft Code of Meeting Practice as attached to this report, for public exhibition for a period of not less than 28 days, subject to part (e).
- (b) That a copy of the draft Code of Meeting Practice be provided to the Division of Local Government for comment.
- (c) That public submissions be invited on the draft Code of Meeting Practice and that these submissions be accepted for a period of not less than 42 days.
- (d) That once the public submission period has closed a further report be provided to Council to consider adoption of the draft Code of Meeting Practice.
- (e) That the draft Code of Meeting Practice to be placed on exhibition be amended to reflect the due time for Notices of Motion as 5.00pm on Wednesday, noting that it may be necessary to distribute some Notices of Motion in loose format with the Agenda.

**Record of Voting:**

For the Motion: Unanimous

## 7 PUBLIC INTEREST DISCLOSURES ACT - INTERNAL REPORTING POLICY

**RESOLUTION:** (Moved by Councillors Butterworth and Yedelian OAM)

That Council adopt the draft Public Interest Disclosures Internal Reporting Policy as **ATTACHED** in this report

**Record of Voting:**

For the Motion: Unanimous

## 8 PUBLIC EXHIBITION OF PAYMENT OF EXPENSES AND PROVISION OF FACILITIES FOR THE MAYOR AND OTHER COUNCILLORS POLICY

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

- (a) That Council endorse the public exhibition of the revised Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy for a period of at least 28 days, subject to Part (5), of Clause 1 being removed.

- (b) That after the exhibition period of the draft policy, a further report be provided to Council seeking the adoption of the draft Payment of Expenses and Provision of Facilities for the Mayor and Other Councillors Policy and detailing any submissions received.

**Record of Voting:**

For the Motion: Unanimous

**9 2012 LOCAL GOVERNMENT ELECTIONS**

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

- (a) That Council take no further action with regards to abolishing wards.
- (b) That Council take no further action with regards to reducing the number of Councillors.
- (c) That four seminars be conducted, prior to the 2012 local government elections as set out in this report with one seminar to be conducted in each ward and the first seminar being specifically for women.

**Record of Voting:**

For the Motion: Unanimous

**10 INVESTMENT REPORT - August 2011**

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

That the report of the Chief Financial Officer, dated 6 September 2011 on INVESTMENT REPORT – August 2011, be endorsed.

**Record of Voting:**

For the Motion: Unanimous

**11 DRAFT RYDE LOCAL ENVIRONMENTAL PLAN 2011 - EXHIBITION**

Note: Mr Noel Plumb representing the Ryde Environment Group addressed the meeting in relation to this item.

Note: A letter dated 27 September 2011 from the Ryde-Hunter's Hill Flora and Fauna Preservation Society was tabled in relation to this Item and a copy is ON FILE.

Note: A3 copies of maps were distributed to all Councillors by the Manager – Urban Planning and a copy is ON FILE.

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Maggio)

- (a) That this matter be deferred for a Councillor workshop to be held prior to resubmission back to the Department of Planning and Infrastructure to seek a reissuing of the Section 65 Certificate to allow the exhibition of the Plan.
- (b) That the Integrated Open Space Planning Working Party be invited to attend the workshop.

**Record of Voting:**

For the Motion: Unanimous

## 12 CITY OF RYDE DRAFT DEVELOPMENT CONTROL PLAN 2011

Note: Councillor Tagg disclosed a significant non-pecuniary interest in this Item for the reason that he is a Director of the Ryde Ex-Services Club. Councillor Tagg left the meeting at 9.32pm during discussion on this matter and did not vote on this Item.

Note: Ms Sheryl Barton addressed the meeting in relation to this item.

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

That this matter be deferred to the Councillor workshop in respect of the Ryde Draft Local Environmental Plan 2011.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Tagg returned to the meeting at 9.37pm.

## 13 NSROC TENDER FOR THE SUPPLY, SUPPLY AND DELIVERY AND SUPPLY, DELIVER AND LAYING OF TURF

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Petch)

That Council accepts the submissions of Grech's Turf Supplies, Hi Quality Turf and Qualturf Pty Ltd and enters into Preferred Supplier Agreements through NSROC.

**Record of Voting:**

For the Motion: Unanimous

**14 FEE ADJUSTMENT - LODGEMENT OF CERTIFICATE**

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

- (a) That the fee for the lodgement of Part 4A Certificates in the amount of \$36 be publicly exhibited for a period of not less than 28 days from 3 October 2011 to 31 October 2011.
- (b) That a further report be presented to Council for consideration after the advertising period addressing any submissions made.

**Record of Voting:**

For the Motion: Unanimous

**15 2011/2012 CHRISTMAS / NEW YEAR ARRANGEMENTS - Business Operations**

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

- (a) That the changes to normal City of Ryde business operations over the 2011/2012 Christmas / New Year period, as outlined in the report be endorsed.
- (b) That the changes to normal business operations referred to in (a) above, be advertised in the Mayor's Column, the Ryde City View, on Council's website and by way of notice at the front of the Civic Centre, Council's branch libraries and the Ryde Aquatic Leisure Centre.
- (c) That Council endorse the staff Christmas Party being held at the Civic Hall on Friday, 23 December 2011.

**Record of Voting:**

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

Against the Motion: Councillor Butterworth

**16 REPORT ON OUTSTANDING RESOLUTIONS**

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

That the report on Outstanding Resolutions be endorsed.

**Record of Voting:**

For the Motion: Unanimous

**RECOMMITTAL OF ITEM**

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

That Item 16: Report on Outstanding Resolutions be recommitted.

**Record of Voting:**

For the Motion: Unanimous

**16 REPORT ON OUTSTANDING RESOLUTIONS**

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

That the report on Outstanding Resolutions be endorsed and the dates for the Public Domain Upgrades Item be reviewed.

**Record of Voting:**

For the Motion: Unanimous

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION****1 ELECTRICITY PRICE INCREASES ANNOUNCED BY THE INDEPENDENT PRICING AND REGULATORY TRIBUNAL (IPART)**

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

That the correspondence be received and noted.

**Record of Voting:**

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

Against the Motion: Councillor Butterworth

**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 17 - ADDINGTON - Update and Status on Lease and Asset Condition****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 18 - 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 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 9.56pm. The public and media left the chamber.

**17 ADDINGTON - Update and Status on Lease and Asset Condition**

**MOTION:** (Moved by Councillors O'Donnell and Tagg)

- (a) That Council approve the allocation of \$204,500 for the total repair/rectification works on Addington, funded from the Asset Replacement Reserve, to be incorporated in the September Quarterly Budget Review.
- (b) That Council undertake discussions with the current tenant to reach agreement in making a variation to the current lease that would define and clarify:
  - (i) The tenants existing responsibility to maintain the premises as detailed in the report from Tanner Architects as attached – under separate cover to this report.
  - (ii) Public access / utilisation obligations.

**AMENDMENT:** (Moved by Councillors Butterworth and Perram)

- (a) That Council approve the allocation of \$150,000 for the total repair/rectification works on Addington, funded from the Asset Replacement Reserve, to be incorporated in the September Quarterly Budget Review.
- (b) That Council undertake discussions with the current tenant to reach agreement in making a variation to the current lease that would define and clarify:
  - (i) The tenants existing responsibility to maintain the premises as detailed in the report from Tanner Architects as attached – under separate cover to this report.
  - (ii) Public access / utilisation obligations.

The Amendment was put and **LOST** there being two (2) votes for and seven (7) votes against. The Motion was then put and **CARRIED**.

**Record of Voting:**

For the Amendment: Councillors Butterworth and Perram

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

**RECOMMENDATION:** (Moved by Councillors O'Donnell and Tagg)

- (a) That Council approve the allocation of \$204,500 for the total repair/rectification works on Addington, funded from the Asset Replacement Reserve, to be incorporated in the September Quarterly Budget Review.
- (b) That Council undertake discussions with the current tenant to reach agreement in making a variation to the current lease that would define and clarify:
  - (i) The tenants existing responsibility to maintain the premises as detailed in the report from Tanner Architects as attached – under separate cover to this report.
  - (ii) Public access / utilisation obligations.

**Record of Voting:**

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

Against the Motion: Councillors Butterworth and Perram

**18 ADVICE ON COURT ACTIONS****RECOMMENDATION:** (Moved by Councillors Butterworth and Petch)

That the report of the General Counsel be received.

**Record of Voting:**

For the Motion: Unanimous

**OPEN SESSION****RESOLUTION:** (Moved by Councillors Butterworth and Petch)

That Council resolve itself into open Council.

**Record of Voting:**

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

Against the Motion: Councillor Yedelian OAM

Note: Open Council resumed at 10.37pm.

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

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 10.40pm.

CONFIRMED THIS 11TH DAY OF OCTOBER 2011

Chairperson