

Council Meeting

MINUTES OF MEETING NO. 9/10

Meeting Date: Tuesday 8 June 2010
Location: Council Chambers, Level 6
Time: 7.30pm

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

Apologies: Councillor Campbell (Leave of Absence)

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Media & Community Relations Officer and Manager - Governance.

PRAYER

Reverend Chris Ridings of the North Ryde Community Church was present and offered prayer prior to the commencement of the meeting.

CONFIRMATION OF MINUTES

RESOLUTION: (Moved by Councillors Petch and Tagg)

That the Minutes of the Ordinary Council Meeting No. 8/10 held on 25 May 2010 be confirmed.

Record of Voting

For the Motion: Unanimous

SUSPENSION OF STANDING ORDERS

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

That Standing Orders be suspended in order for Matters of Urgency to be raised.
The time being 7.38pm.

Record of Voting

For the Motion: Unanimous

1. Defence Industry Precinct – Capability Hub

RESOLUTION: (Moved by Councillors Salvestro-Martin and Yedelian OAM)

That Council support and promote the systems integration in the proposed development of the Defence Industry Precinct – Capability Hub.

Record of Voting

For the Motion: Unanimous

2. Petition: Eastwood Tyre Service site redevelopment

RESOLUTION: (Moved by Councillors Li and Tagg)

That Councillor Li be permitted to table a petition from the Chinese Women's Group and the Chinese Leisure Learning Centre regarding the proposal to redevelop the Eastwood Tyre Service site into a hotel.

Note: Councillor Li then tabled the petition.

Record of Voting

For the Motion: Unanimous

3. Observation of a Minute Silence

RESOLUTION: (Moved by Councillors Yedelian OAM and Tagg)

That the meeting observe a minutes silence in commemoration of the two Australian soldiers killed today in Afghanistan and all those who serve.

Record of Voting

For the Motion: Unanimous

Note: The Council meeting observed a Minute silence.

4. Petition: 47 Gaza Rd – West Ryde

RESOLUTION: (Moved by Councillors O'Donnell and Salvestro-Martin)

That Councillor O'Donnell be permitted to table a petition from residents/ratepayers in relation to the site known as 47 Gaza Road, West Ryde.

Record of Voting

For the Motion: Unanimous

Note: Councillor O'Donnell then tabled the petition.

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Yedelian OAM and Etmekdjian)

That Standing orders be resumed the time being 7.57pm.

Record of Voting

For the Motion: Unanimous

DISCLOSURES OF INTEREST

Councillor Pickering disclosed a non-pecuniary interest in Item 7- ROYAL REHABILITATION CENTRE SYDNEY – Deed of Novation of the Council's Report No. 09/10, for the reason that a former pro-bono client opposes the development.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

No.	Name	Address	Topic
1	Patricia Poircuitte	Phillip Rd, Putney	Notice of Motion 1 – Bus Shelter
2	Kerry Burgess	Kaluna St, Putney	Notice of Motion 1 – Bus Shelter
3	Mary-Jane Shepherd	Malvina St, Ryde	Notice of Motion 2 – Buffalo Creek Foot Bridge
4	Bruce Pollard	Malvina St, Ryde	Notice of Motion 2 – Buffalo Creek Foot Bridge
5	Bruce Rees	Maxim St, WestRyde	Petition – Asbestos contamination at 47 Gaza Road, West Ryde

MAYORAL MINUTES

There are no Mayoral Minutes

MINUTES OF THE PLANNING AND ENVIRONMENT COMMITTEE NO. 04/10

RESOLUTION: (Moved by Councillors Pickering and Petch)

That Part A of the Planning and Environment Committee Report No. 04/10 be dealt with seriatim and Part B be noted as dealt with under delegated authority.

Record of Voting

For the Motion: Unanimous

3 297 MORRISON ROAD, RYDE. Lot 8 DP 8051. - Local Development Application for demolition of existing dwelling and erection of two-storey and basement duplex. LDA2009/0528.

RESOLUTION: (Moved by Councillors Pickering and Perram)

That this matter be deferred to the next meeting of the Planning and Environment Committee to be held on 20 July 2010 to allow mediation to address the issues of privacy and overshadowing.

Record of Voting

For the Motion: Unanimous

4 15 DORA STREET, MARSFIELD. Lot 91 DP 36459. - Local Development Application for alterations to existing duplex building and change of use of building to contain two Boarding Houses, each containing five bedrooms. LDA2009/0721.

Motion: (Moved by Councillors Pickering and Perram)

That this matter be deferred pending the conduct of two workshops:

- (a) A workshop to address the legal and planning issues associated with development assessment and determination of boarding houses in the City of Ryde;
- (b) A second workshop with key stakeholders.

Amendment: (Moved by Councillors O'Donnell and Salvestro-Martin)

- (a) That Local Development Application No. 2009/0721 at 15 Dora Street, Marsfield being be approved subject to the conditions set out in the report to the Planning and Environment Committee Meeting held on Tuesday, 1 June 2010.
- (b) That the persons who made submissions be advised of Council's decision.

The Amendment was put and **LOST** there being three (3) votes for and eight (8) votes against.

Record of Voting

For the Amendment: The Mayor, Councillor Butterworth and Councillors O'Donnell and Salvestro-Martin

Against the Amendment: Councillors Etmekdjian, Li, Maggio, Perram, Petch, Pickering, Tagg and Yedelian OAM

The Motion was put and **CARRIED** there being eight (8) votes for and three (3)

votes against.

RESOLUTION: (Moved by Councillors Pickering and Perram)

That this matter be deferred pending the conduct of two workshops:

- (a) A workshop to address the legal and planning issues associated with development assessment and determination of boarding houses in the City of Ryde;
- (b) A second workshop with key stakeholders.

Record of Voting

For the Motion: Councillors Etmekdjian, Li, Maggio, Perram, Petch, Pickering, Tagg and Yedelian OAM

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

MINUTES OF WORKS AND COMMUNITY COMMITTEE REPORT NO. 05/10

RESOLUTION: (Moved by Councillors Tagg and Petch)

That Part A of the Works and Community Committee Report No. 05/10 be dealt with seriatim and Part B be noted as dealt with under delegated authority.

Record of Voting

For the Motion: Unanimous

PART A – ITEMS TO BE DETERMINED BY COUNCIL

4 HOLLY AVENUE, RYDE

Motion: (Moved by Councillors Tagg and Petch)

- (a) That Council approves the installation of a Resident Parking Scheme (RPS) along Holly Avenue on two (2) sides.
- (b) That Council staff raise the resident's concerns with the STA in order to identify measures to alleviate parking pressures in the area.

Amendment: (Moved by Councillors Perram and O'Donnell)

- (a) That Council approves the installation of a Resident Parking Scheme (RPS) along Holly Avenue on one (1) side only.
- (b) That Council staff raise the resident's concerns with the STA in order to identify measures to alleviate parking pressures in the area.

The Amendment was put and **LOST** there being four (4) votes for and seven (7) votes against.

Record of Voting

For the Amendment: The Mayor, Councillor Butterworth and Councillors O'Donnell, Perram and Salvestro-Martin

Against the Amendment: Councillors Etmekdjian, Li, Maggio, Petch, Pickering, Tagg and Yedelian OAM

The Motion was then put and **CARRIED**

RESOLUTION: (Moved by Councillors Tagg and Petch)

- (a) That Council approves the installation of a Resident Parking Scheme (RPS) along Holly Avenue on two (2) sides.
- (b) That Council staff raise the resident's concerns with the STA in order to identify measures to alleviate parking pressures in the area.

Record of Voting

For the Motion: Councillors Etmekdjian, Li, Maggio, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM

Against the Motion: The Mayor, Councillor Butterworth and Councillors O'Donnell and Perram

COUNCIL REPORTS

1 MOTIONS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Petch and Pickering)

That the Items be considered in seriatim.

Record of Voting

For the Motion: Unanimous

2 GENERAL MANAGER'S PERFORMANCE OBJECTIVES - Implementation Action Plan

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

That Council adopts the attached performance agreement action plan as required under 7.4 of the General Manager contract.

Amendment: (Moved by Councillors Pickering and Maggio)

That Council defer consideration of this Item pending the conduct of the relevant Councillors Workshop.

The Amendment was put and **LOST** there being five (5) votes for and six (6) votes against.

Record of Voting

For the Amendment: Councillors Etmekdjian, Li, Maggio, Pickering and Yedelian OAM

Against the Amendment: The Mayor, Councillor Butterworth and Councillors O'Donnell, Perram, Petch, Salvestro-Martin and Tagg

The Motion was put and **CARRIED**.

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

That Council adopts the attached performance agreement action plan as required under 7.4 of the General Manager contract.

Record of Voting

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

Against the Motion: Councillor Pickering

3 JOINT REGIONAL PLANNING PANELS - Release of Interim Review of Operation

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

- (a) That Council writes to the Minister for Planning (The Hon. Tony Kelly MP) to advise that Council will accept the delegation of applications from the Regional Panel Chair provided this is done without conditions.
- (b) That Council writes to the Member for Ryde: Mr Victor Dominello, Member for Lane Cove: Mr Anthony Roberts and Member for Epping: Mr Greg Smith restating Council's objection to Joint Regional Planning Panels and requesting that the State Opposition commit to abolishing these panels should it form the Government of NSW in 2011.

Record of Voting

For the Motion: Councillors Etmekdjian, Li, Maggio, Perram, Petch, Pickering, Tagg and Yedelian OAM

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

4 OUTSTANDING RESOLUTIONS REPORT

Councillor Li left the meeting at 9.27pm and was not present for consideration of this Item.

RESOLUTION: (Moved by Councillors Petch and Tagg)

- (a) That the Outstanding Resolutions report be endorsed.
- (b) That Council endorse future reports being provided to Council Meetings on a monthly basis.

Record of Voting

For the Motion: Unanimous

Councillor Li returned to the Meeting at 9.30pm.

5 BRUSH FARM HOUSE - MARKET ANALYSIS FOR USE

Motion: (Moved by Councillors Petch and Tagg)

- (a) That a market analysis of potential uses for Brush Farm House be undertaken to identify potential options for the future use of the property.
- (b) That no further capital expenditure, after the marquee and toilet block, be incurred until the market analysis has been further considered.
- (c) That the Economic Development Advisory Committee be involved in the process.

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

- (a) That a market analysis of potential uses for Brush Farm House be undertaken to identify potential options for the future use of the property.
- (b) That no further capital expenditure be incurred until the market analysis has been further considered.
- (c) That the Economic Development Advisory Committee be consulted once the market analysis has been completed.

The Amendment was put and **CARRIED** there being seven (7) votes for and four (4) votes against. The Amendment then became the Motion.

Record of Voting

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

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

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

- (a) That a market analysis of potential uses for Brush Farm House be undertaken to identify potential options for the future use of the property.
- (b) That no further capital expenditure be incurred until the market analysis has been further considered.
- (c) That the Economic Development Advisory Committee be consulted once the market analysis has been completed.

Record of Voting

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

Against the Motion: Councillor Tagg

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There are no Precises of Correspondence for Consideration

NOTICES OF MOTION

1 BUS SHELTER - Councillor Vic Tagg

Motion: (Moved by Councillors Tagg and Petch)

That the General Manager report back to Council as part of the Management Plan process regarding the possibility of installing a bus shelter in Putney and other areas in Ryde. Because our general contractor can not supply, we out source to other contractors or the like. The report is to also consider the possibility of re-using stock from the Porters Creek site.

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

That the General Manager report back to Council as part of the Management Plan process regarding the possibility of increasing the number of bus shelters in Ryde. Because our general contractor can not supply, we out source to other

contractors or the like. The report is to also consider the possibility of re-using stock from the Porters Creek site.

The Amendment was put and **LOST** there being four (4) votes for and seven (7) votes against.

Record of Voting

For the Amendment: Councillors Etmekdjian, O'Donnell, Perram and Yedelian OAM

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

The Motion was put and **CARRIED**

RESOLUTION: (Moved by Councillors Tagg and Petch)

That the General Manager report back to Council as part of the Management Plan process regarding the possibility of installing a bus shelter in Putney and other areas in Ryde. Because our general contractor can not supply, we out source to other contractors or the like. The report is to also consider the possibility of re-using stock from the Porters Creek site.

Record of Voting

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

Against the Motion: Councillors O'Donnell and Yedelian OAM

2 PEDESTRIAN CROSSING - Buffalo Creek - Councillor Vic Tagg

RESOLUTION: (Moved by Councillors Tagg and Petch)

That Council investigate installing a pedestrian crossing over Buffalo Creek for pedestrians walking through Barton Reserve from Malvina Street to the bus stops in Pidding Street.

Record of Voting

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

Against the Motion: Councillor Salvestro-Martin

NOTICES OF RESCISSION

There are no Notices of Rescission

QUESTIONS BY COUNCILLORS AS PER POLICY

There are no Questions by Councillors as per Policy

CLOSED SESSION**ITEM 6 - ADVICE ON COURT ACTIONS****Confidential**

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

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

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

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

ITEM 7 - ROYAL REHABILITATION CENTRE SYDNEY - Deed of Novation**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 Salvestro-Martin)

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 10.20pm. The public and media left the chamber.

6 ADVICE ON COURT ACTIONS

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

That the report of the General Counsel dated 30 May 2010 on ADVICE ON COURT ACTIONS be endorsed.

Record of Voting

For the Motion: Unanimous

7 ROYAL REHABILITATION CENTRE SYDNEY - Deed of Novation

Note: Correspondence from the Royal Ryde Rehabilitation Centre was tabled and a copy is ON FILE.

Note: Councillor Pickering disclosed a non-pecuniary interest in this Item.

RESOLUTION: (Moved by Councillors O'Donnell and Salvestro-Martin)

That Council endorse the Deed of Novation.

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

Against the Motion: Councillors Etmekdjian, Maggio, Petch, Pickering and Yedelian OAM

Note: A Rescission Motion was lodged signed by Councillors Petch, Etmekdjian and Yedelian in relation to this matter immediately following the meeting.

OPEN SESSION

RESOLUTION: (Moved by Councillors Petch and Pickering)

That Council resolve itself into open Council.

Record of Voting

For the Motion: Unanimous

Note: Open Council resumed at 11.01pm.

On resuming business in Open Council, the Council formally reported the business transacted in Closed Session.

RESOLUTION: (Moved by Councillors Petch and Pickering)

That the Council's report of 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

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

There were no addresses on items not listed on the Agenda.

NATIONAL ANTHEM

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

The meeting closed at 11.02pm.

CONFIRMED THIS 22nd DAY OF 2010

Chairperson