

Council Meeting

MINUTES OF MEETING NO. 1/10

Meeting Date: Tuesday 9 February 2010
Location: Council Chambers, Level 6
Time: 7.30pm

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

Apologies: Councillors Perram and Campbell

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

PRAYER

The General Manager offered prayer prior to the commencement of the meeting.

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Li and Tagg)

That Standing Orders be suspended to accept a petition from residents of Eastwood regarding proposed hotel development at 20 West Parade, Eastwood, the time being 7.31pm.

Record of Voting:

For the Motion: Unanimous.

As a result, the Petition from Councillor Li was tabled and referred to the General Manager.

CONFIRMATION OF MINUTES

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That the Minutes of the Ordinary Meeting No. 21/09 held on 8 December 2009 be confirmed.

Record of Voting:

For the Motion: Unanimous.

DISCLOSURES OF INTEREST

Councillor Maggio declared a non-pecuniary interest in Item 7 – Request for Fee Waiver for Charity Cricket Match at Ryde Park, from the Works & Community Committee Report 01/10.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

| No. | Name | Address | Topic |
|------------------------------------|------|---------|-------|
| No addresses were made to Council. | | | |

MAYORAL MINUTES**MM02/10. ALGWA NATIONAL CONFERENCE**

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

That:

- (a) This Mayoral Minute (MM02/10) be received and noted; and
- (b) The staff responsible for preparing the City of Ryde Expression of Interest be congratulated.
- (c) Councillor Campbell be thanked for her contribution as a member of the LGWA Executive

Record of Voting:

For the Motion: Unanimous.

MINUTES OF THE PLANNING AND ENVIRONMENT COMMITTEE NO. 01/10

RESOLUTION: (Moved by Councillors Pickering and Petch):

That Part A of the Planning and Environment Committee Report No. 01/10 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

- 3 14 DONNELLY STREET, PUTNEY. LOT: 20 DP: 35543. - Local Development Application for awnings over existing decks at ground & first floor level at rear of dwelling. LDA2009/0567.**

INSPECTED & INTERVIEW

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That consideration of the application be deferred and a meeting be facilitated by the Group Manager – Environment & Planning between the applicant and the owners of 16 Donnelly Street, Putney within 2 weeks to seek to mediate an agreed outcome.
- (b) That a further report be referred to Committee of the Whole.

Record of Voting:

For the Motion: Unanimous.

- 4 213-217 MORRISON ROAD, PUTNEY. LOT: 2 DP: 615158. Local Development Application for re-location of existing advertising sign and associated lighting. LDA2009/0376.**

INSPECTED

Motion: (Moved by Councillors Pickering and Tagg)

- (a) That Council formally resolve to grant owner's consent to the lodgement of the subject Development Application, which is required because the proposal involves the use of the airspace over Council's footpath.
- (b) That Local Development Application No. LDA2009/376 at 213-217 Morrison Rd Putney being Lot 2 DP 615158 be approved as a "Deferred Commencement" consent subject to the conditions as detailed on pages 2 to 6 of the Minutes of Planning & Environment Committee 01/10

Amendment: (Moved by Councillors Petch and Yedelian OAM)

- (a) That Council formally resolve to grant owner's consent to the lodgement of the subject Development Application, which is required because the proposal involves the use of the airspace over Council's footpath.
- (b) That Local Development Application No. LDA2009/376 at 213-217 Morrison Rd Putney being Lot 2 DP 615158 be approved as a "Deferred Commencement" consent subject to the conditions as detailed on pages 2 to 6 of the Minutes of Planning & Environment Committee 01/10 subject to the following:.
 - i. That the sign be flush mounted and that no illumination of the sign be undertaken.

Record of Voting:

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

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

On being put to the meeting, the voting was 5-all and the Mayor gave his **CASTING VOTE AGAINST THE MOTION AND IT WAS DECLARED LOST.**

Further Amendment

A Further Amendment was moved by Councillors Maggio and Yedelian OAM)

That the matter be deferred for further discussion with the Council officers and the applicant, APN.

Record of Voting:

For the Amendment: Councillors Petch, Li, Pickering, Etmekdjian, Yedelian OAM, Maggio, and O'Donnell

Against the Amendment: The Mayor, Councillor Butterworth and Councillors Tagg and Salvestro-Martin

ON BEING PUT TO THE MEETING THE AMENDMENT WAS DECLARED CARRIED

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That the matter be deferred for further discussion with the Council officers and the applicant, APN.

Record of Voting:

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

Against the Motion: The Mayor, Councillor Butterworth and Councillor Tagg

MINUTES OF WORKS AND COMMUNITY COMMITTEE REPORT NO. 01/10

Note: Councillor Maggio declared a non-pecuniary interest in Item 7 – Request for Fee Waiver for Charity Cricket Match at Ryde Park.

RESOLUTION: (Moved by Councillors Tagg and Petch)

That Part A of the Works and Community Committee Report No. 01/10 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 MEADOWBANK PARK - Unstructured Recreation Opportunities**

RESOLUTION: (Moved by Councillors Tagg and Petch)

- (a) That Council keep the existing arrangement with the limited time off-leash area at field 13 at Meadowbank Park.
- (b) That this matter be considered through Management Plan discussions to allow further consideration of the provision of off leash areas through the local government area (including benchmarking against other local government areas.)
- (c) That this issue be considered in conjunction with the Community Engagement Framework and Strategy.
- (d) That the Companion Animals Advisory Committee be consulted in relation to this issue.
- (e) That Open Space Recreational pursuits be considered in the future Plan of Management process.

Record of Voting:

For the Motion: Unanimous.

5 GRAFFITI MANAGEMENT STRATEGY

RESOLUTION (Moved by Councillors Tagg and Petch)

That this matter be referred to the Crime Prevention Advisory Committee for further consideration.

Record of Voting:

For the Motion: Unanimous.

COUNCIL REPORTS

1 ITEMS DETERMINED BY EXCEPTION METHOD

RESOLUTION: (Moved by Councillors Maggio and Li)

That items **2** – Registers: Common Seal and **4** – Councillor Workshops, be adopted in accordance with the recommendations.

Record of Voting:

For the Motion: Unanimous.

2 REGISTERS – Common Seal

RESOLUTION: (Moved by Councillors Maggio and Li)

That the report of the Executive Assistant – General manager, dated 26 January 2010 on REGISTERS – Common Seal, be endorsed.

Record of Voting:

For the Motion: Unanimous.

(This matter was adopted under Item 1 – Items Determined By Exception Method)

3 REGISTERS - State Environmental Planning Policy No. 1

RESOLUTION: (Moved by Councillors Petch and Etmekdjian)

That the report of the Manager Assessment dated 28 January 2010 on REGISTERS - State Environmental Planning Policy No. 1 be endorsed.

Record of Voting:

For the Motion: Unanimous.

4 COUNCILLOR WORKSHOPS

RESOLUTION: (Moved by Councillors Maggio and Li)

That the report of the Group Manager – Corporate Services, dated 10/12/2009 on COUNCILLOR WORKSHOPS detailing the topics discussed at the workshops be endorsed.

Record of Voting:

For the Motion: Unanimous.

(This matter was adopted under Item 1 – Items Determined By Exception Method)

5 AUDIO RECORDING OF MEETINGS

RESOLUTION: (Moved by Councillors Petch and Pickering)

- (a) That Council continue to undertake audio recording of Council and Committee of the Whole meetings for the purpose of verifying the accuracy of the Minutes, excluding closed and confidential sessions.
- (b) That audio recordings of meetings be destroyed after three months in accordance with the State Records Act.

Record of Voting:

For the Motion: Unanimous.

6 INVESTMENT REPORT - NOVEMBER - DECEMBER 2009

RESOLUTION:(Moved by Councillors Etmekdjian and Yedelian OAM)

That the report of the Chief Financial Officer, dated 8/01/2010 on INVESTMENT REPORT - NOVEMBER - DECEMBER 2009, be endorsed.

Record of Voting:

For the Motion: Unanimous.

7 SALE OF LAND

RESOLUTION: (Moved by Councillors Petch and Pickering)

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

Record of Voting:

For the Motion: Unanimous.

8 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Petch and Pickering)

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 Precis of Correspondence for Consideration

NOTICES OF MOTION

1 LOST ANIMALS - Councillor Pickering

That City of Ryde Council introduce a 'Low Kill' policy that restricts the use of euthanasia to lost animals who are injured or dangerous, and allows lost animals to be held at the Blacktown Animal Holding Facility beyond the statutory time period (currently only seven days) to 14 days to allow the animals a greater chance of being found by their owners or adopted.

RESOLUTION: (Moved by Councillors Pickering and Li)

- (a) That City of Ryde Council introduce a 'Low Kill' policy that restricts the use of euthanasia to lost animals who are injured or dangerous, and allows lost animals to be held at the Blacktown Animal Holding Facility beyond the statutory time period (currently only seven days) to 14 days to allow the animals a greater chance of being found by their owners or adopted.
- (b) That animal owners be advised that they must register their animals in the City of Ryde.

Record of Voting:

For the Motion: Unanimous.

2 SWIMMING POOL SAFETY - Councillor Campbell

That Council undertakes a public awareness campaign to highlight the changes to the Swimming Pool Act to improve safety that came into effect in December 2009. This public awareness campaign to include information on Council's website, the mayoral column, City View and a media release for local papers and any other relevant mechanisms.

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

That Council undertakes a public awareness campaign to highlight the changes to the Swimming Pool Act to improve safety that came into effect in December 2009. This public awareness campaign to include information on Council's website, the mayoral column, City View and a media release for local papers and any other relevant mechanisms.

Record of Voting:

For the Motion: Unanimous.

3 SOCIAL HOUSING PROJECTS - Councillor Pickering**Motion:**

1. That City of Ryde Council write to the NSW Premier, Kristina Kenneally and the Minister for Housing, David Borger, expressing council's concern about the density, lack of car parking and general lack of amenity of social housing projects planned for the Ryde LGA. Specifically, this communication should outline concerns including:
 - (a) Lack of compliance with density restrictions (that would be required under council's DCP) and inappropriate character of these developments in Ryde's low-density suburbs.
 - (b) Grossly inadequate provision of onsite parking (that would be required under the council's DCP) and the impact on local streets.
 - (c) Lack of consultation with affected local residents and consideration of their concerns. This should highlight the notification was provided by letter only to next-door neighbours of the intended developments and not other residents in the affected streets in front, behind and in the development locations. It should also indicate concerns with the timing of the notification (just before Christmas), limited time for residents to respond (21 days), lack of public display of the intended developments, and general dismissal of all public concerns anyway.
 - (d) Lack of notification and formal input from Council and Councillors on these intended developments to ensure these developments were appropriate in terms of local development standards and their actual location.
 - (e) The publicly implied suggestion by Housing NSW that Ryde Council had been engaged in these development approvals. This should specifically respond to assertions made in a letter published in the Northern District Times on Tuesday, February 27, from Housing NSW CEO, Mike Allen.

2. That the City of Ryde Council write to the Member for Bennelong, Maxine McKew, to express concerns about the Federal Government's funding of many of these social housing projects for the reasons already stated. Further, that Ms McKew be requested to seek from the Federal Government an immediate halt to funding of these developments until community and council concerns can be appropriately addressed.
3. That the City of Ryde's position in relation to these developments be publicly notified in the:
 - (a) City View (including advice that letters have/would be sent to the Premier, Housing Minister, and Member for Bennelong).
 - (b) Mayoral Column (including advice that letters have/would be sent to the Premier, Housing Minister, and Member for Bennelong).
 - (c) On the City of Ryde website with this website also to contain actual copies of the letters sent to the NSW Premier, Housing Minister and Member for Bennelong.
 - (d) That a City of Ryde media release be prepared stating council's position, and issued to local and metropolitan media as well as placed on the website under media releases.

The Notice of Motion was **WITHDRAWN**.

4 FILLING CASUAL VACANCIES - Councillor O'Donnell

Motion:

That the General Manager review the terms of reference for advisory committees to include a provision for the filling of casual vacancies.

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

That the General Manager review the terms of reference for advisory committees to include a provision for the filling of casual vacancies

Record of Voting:

For the Motion: Unanimous.

5 PLAQUES IN PUBLIC PLACES - Councillor O'Donnell**Motion:**

That Council develop a policy on plaques in public places.

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

That Council develop a policy on plaques in public places.

Record of Voting:

For the Motion: Unanimous.

NOTICES OF RESCISSION

There are no Notices of Rescission

QUESTIONS BY COUNCILLORS AS PER POLICY

There are 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 7 - SALE OF LAND****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) (ii) information that would, if disclosed, confer a commercial advantage on a competitor of the council.

ITEM 8 - 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 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 9.15pm. The public and media left the chamber.

7 SALE OF LAND

RESOLUTION: (Moved by Councillors Maggio and Petch)

That Council approve the immediate sale of the property by auction as outlined in this report, and the income be deposited into the General Fund.
That Council delegate to the General Manager and the Manager Buildings and Property to set the confidential reserve immediately prior to auction.

Record of Voting:

For the Motion: Unanimous.

8 ADVICE ON COURT ACTIONS

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

That the report of the General Counsel, dated 03 February 2010, on ADVICE ON COURT ACTIONS, be endorsed.

Record of Voting:

For the Motion: Unanimous.

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 9.21pm.

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

RESOLUTION: (Moved by Councillors Petch and Pickering)

That the General Manager'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.

NATIONAL ANTHEM

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

The meeting closed at 9.22pm.

CONFIRMED THIS 23RD DAY OF FEBRUARY 2010

Chairperson