

Council Meeting

MINUTES OF MEETING NO. 7/10

Meeting Date: Tuesday 11 May 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, Tagg and Yedelian OAM.

Apologies: Councillor Campbell (Leave of Absence)
Councillor Salvestro-Martin (Leave of Absence)

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

PRAYER

Mr Craig Stephens of the Salvation Army 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. 5/10 held on 27 April 2010 and the Minutes of the Extraordinary Council Meeting No. 6/10 held on 29 April 2010 be confirmed.

Record of Voting:

For the Motion: Unanimous.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

No.	Name	Item
1.	Ms Susan MacGregor	4 Royal Rehabilitation Centre Sydney – Deed of Novation
2.	Ms Annette Rhodes	4 Royal Rehabilitation Centre Sydney – Deed of Novation
3.	Mr Rolf Clapham	4 Royal Rehabilitation Centre Sydney – Deed of Novation
4.	Ms Renae Cole	4 Royal Rehabilitation Centre Sydney – Deed of Novation
5.	Mr Tom Geroulas	Precis of Correspondence: 4 Social Housing Projects
6.	Mr Tim Winthrop	Precis of Correspondence: 4 Social Housing Projects
7.	Ms Sue Honeybrook	Precis of Correspondence: 4 Social Housing Projects
8.	Dr Carolyn Cooper	Notice of Motion: 4 Early Child Health Centres
9.	Mr Melinda Emeleus	Notice of Motion: 4 Early Child Health Centres
10.	Mr Tony Gerrard	Notice of Motion: 6 Supply and replacement of Goal Posts
11.	Ms Jeanette Jones	Notice of Motion: 6 Supply and replacement of Goal Posts
12.	Ms Anne Doring	Notice of Motion: 6 Supply and replacement of Goal Posts
13.	Buckley Findlay	Notice of Motion: 6 Supply and replacement of Goal Posts

MAYORAL MINUTES

There are no Mayoral Minutes

MINUTES OF THE PLANNING AND ENVIRONMENT COMMITTEE NO. 03/10

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That the Planning and Environment Committee Report No. 03/10 be noted as dealt with under delegated authority.

Record of Voting:

For the Motion: Unanimous.

COUNCIL MEETING**1 MOTIONS PUT WITHOUT DEBATE**

In accordance with Council's Code of Meeting Practice, Council can determine those matters on the agenda that can be adopted without the need for any discussion.

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That all items be dealt with in seriatim.

Record of Voting:

For the Motion: Unanimous.

2 REGISTERS - State Environmental Planning Policy No. 1

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That the report of the Manager Assessment dated 12 April 2010 on REGISTERS - State Environmental Planning Policy No. 1 be endorsed by Council.

Record of Voting:

For the Motion: Unanimous.

3 DEPARTMENT OF LOCAL GOVERNMENT PROMOTING BETTER PRACTICE REVIEW

RESOLUTION: (Moved by Councillors Tagg and Petch)

- (a) That the final Promoting Better Practice Review report on the City of Ryde, issued by the Department of Local Government, be adopted and the results be reported to the community and staff through the strategies outlined in this report.
- (b) That each of the recommendations made in the Promoting Better Practice Review report be implemented in accordance with the timeline outlined in the report.

Record of Voting:

For the Motion: Unanimous.

4 ROYAL REHABILITATION CENTRE SYDNEY - Deed of Novation

Note: An item of correspondence dated 03/05/10 from Clayton Utz was tabled regarding this matter and IS ON FILE.

RESOLUTION: (Moved by Councillors Petch and Tagg)

That consideration of this matter be dealt with in Closed Session at the end of the meeting for the reason that, in accordance with Section 10A(2)(e) of the Local Government Act 1993: information that would, if disclosed, prejudice the maintenance of law, as it relates to matters concerning legal advice.

Record of Voting:

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

Against the Motion: Councillors Pickering, Yedelian OAM and Maggio

5 DRAFT MANAGEMENT PLAN 2010-2014

RESOLUTION: (Moved by Councillors Petch and Tagg)

- (a) That, pursuant to Section 402 of the Local Government Act 1993, the document titled "Draft Management Plan 2010-2014", inclusive of 2010/2014 Draft Budget, Fees and Charges and the 2010-2014 Capital Works Program be adopted as the Draft Management Plan 2010-2014 of the City of Ryde.
- (b) That the Draft Management Plan 2010-2014 be publicly exhibited for a period of not less than 28 days from 19 May 2010 to 15 June 2010.
- (c) That following the public exhibition period detailed in part (b), Council consider all public submissions at its meeting on Tuesday 22 June 2010 prior to formally adopting its Management Plan 2010-2014.

Record of Voting:

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

Against the Motion: Councillor Pickering

CONFIDENTIAL ITEMS

1 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Petch and Tagg)

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**1 FORMAT FOR 2010 NSW LOCAL GOVERNMENT ASSOCIATION CONFERENCE**

RESOLUTION: (Moved by Councillors Petch And Tagg)

That the correspondence be received.

Record of Voting:

For the Motion: Unanimous.

2 2009 LOCAL GOVERNMENT ASSOCIATION CONFERENCE - MOTION

RESOLUTION: (Moved by Councillors Petch And Tagg)

That the correspondence be received.

Record of Voting:

For the Motion: Unanimous.

3 UPDATE ON ADMINISTRATIVE CHANGES FOR THE DIVISION OF LOCAL GOVERNMENT

RESOLUTION: (Moved by Councillors Petch And Tagg)

That the correspondence be received.

Record of Voting:

For the Motion: Unanimous.

4 SOCIAL HOUSING PROJECTS

Motion: (Moved by Councillors Pickering and Etmekdjian)

- a) That the correspondence be received.
- b) That the Federal Member for Bennelong, Maxine McKew be advised in writing that the City of Ryde is concerned with inaccuracies in her response, and that she be advised that:
 - i) The majority of Councillors are concerned with the inappropriate design and lack of amenity of social housing developments being built in low density zoned suburbs in Ryde. Only three Labor Councillors are recorded as supporting these developments, eight Councillors are opposed. The 'split decision' she refers to is certainly not uniform.

- ii) Council is concerned that costs based on figures released by the Federal Government for these dwellings are excessive and may be considered wasteful of taxpayers' money.
- iii) These dwellings, as accommodation for seniors and the disabled, have major problems with no lift access to the second storey, no on-site parking for carers or services, and little immediately available regular public transport.
- iv) Council has not been provided any additional infrastructure funding to cover the burden of these inappropriate developments.
- v) High density commercial developments approved by Ryde are located in appropriately zoned areas and comply with the DCP for matters such as car parking, FSR, setback and so on. They also have attracted Section 94 contributions from developers to deal with infrastructure needs.
- vi) Council staff in no way supported the plans self-approved by Housing NSW following the eight meetings between the two parties. Further, that advice given by staff in relation to the Ryde DCP was largely ignored and no Councillors were engaged in the consultation process.
- vii) The time allowed for consultation and expression of concerns by both residents and Councillors was woefully inadequate and ignored by Housing NSW.

Record of Voting:

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

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

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.**

MOTION OF RECOMMITTAL

Motion: (Moved by Councillors Pickering and Yedelian OAM)

That Council recommit Precis of Correspondence Item No. 4.

Record of Voting:

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

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

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**.

NOTICES OF MOTION**1 AMENDMENT TO CLAUSE 12 - Payment of Expenses and Provision of Facilities for the Mayor and other Councillors - Councillor Maggio**

Motion: (Moved by Councillors Maggio and Petch)

That Clause 12 Time Limits, in Council's Payment of Expenses and Provision of Facilities for the Mayor and other Councillors Policy , that is currently set at 3 months be amended to 6 months, with this change being effective from September 2009.

Amendment: (Moved by Councillors Perram and Tagg)

That there be a one-off amnesty for all Councillors to the 31st May 2010 to submit outstanding claims for reimbursement of all expenses in accordance with Council's Policy.

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

On being put to the Meeting the AMENDMENT was declared **CARRIED** and therefore became the MOTION.

RESOLUTION: (Moved by Councillors Perram and Tagg)

That there be a one-off amnesty for all Councillors to the 31st May 2010 to submit outstanding claims for reimbursement of all expenses in accordance with Council's Policy.

Record of Voting:

For the Motion: Unanimous.

2 91-93 WHARF ROAD, MELROSE PARK - Councillor Tagg

Motion: (Moved by Councillors Tagg and O'Donnell)

That following Council's resolution to sell 91-93 Wharf Road, Melrose Park, the General Manager provide a report to Council, as soon as practicable, on the development potential of this property, to ensure Council optimises its returns from the sale on a similar basis to that undertaken by Council previously with its development at Norfolk Green.

Record of Voting:

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

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

On being put to the Meeting the MOTION, with four(4) votes for and six (6) votes against, was declared **LOST**.

3 745 VICTORIA ROAD, RYDE - Councillor Tagg**Motion:**

That the General Manager prepare a report for Council's consideration in providing the development options for 745 Victoria Road, Ryde (Ryde Council's commercial property) opposite St Anne's Church, that includes a quality commercial/ residential mixed use development in optimising this property's location and zoning.

WITH THE CONCURRENCE OF THE MOVER THE MOTION WAS AMENDED AND IT WAS RESOLVED AS FOLLOWS:

RESOLUTION: (Moved by Councillors Tagg and Petch)

That the General Manager prepare a report for Council detailing the development options of all Council's investment properties.

Record of Voting:

For the Motion: Unanimous.

4 EARLY CHILD HEALTH CENTRES - Councillor O'Donnell**RESOLUTION:** (Moved by Councillors O'Donnell and Petch)**THAT:**

1. Council notes the importance of the existing Early Child Health Centres within the City of Ryde as a critical support service for mothers and children from the ages of 0 to 5.
2. Council notes with grave concern recent correspondence from the North Sydney Central Coast Area Health Service (8 April 2010) indicating its intention to close the North Ryde ECHC.
3. Council writes to the management of the North Sydney Central Coast Area Health Service, the Minister for Health and the Federal Member for Bennelong expressing our strong objection to the NSCCAHC's intention to close the North Ryde Early Child Health Service in North Ryde and seeking an urgent meeting to discuss retention of this (and all existing ECHCs locations) within the City of Ryde.

Record of Voting:

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

Against the Motion: Councillors Etmekdjian, Perram and Pickering

5 IMPROVING SECURITY AT GLEN RESERVE, EASTWOOD - Councillor Li**Motion:**

That the General Manager prepare a report to examine measures to improve security and prevent anti-social behaviour at Glen Reserve (including better public lighting at night time), particularly behind the building at 20-22 Glen Street. The report is to be initially presented to the Crime Prevention Advisory Committee.

WITH THE CONCURRENCE OF THE MOVER THE MOTION WAS AMENDED AND IT WAS RESOLVED AS FOLLOWS:

RESOLUTION: (Moved by Councillors Li and Tagg)

- a) That the General Manager prepare a report to examine measures to improve security and prevent anti-social behaviour at Glen Reserve (including better public lighting at night time), particularly behind the building at 20-22 Glen Street. The report is to be initially presented to the Crime Prevention Advisory Committee.

- b) That following this report, a further report to Council be provided that examines similar reserves where anti-social behaviour occurs.

Record of Voting:

For the Motion: Unanimous.

6 SUPPLY AND REPLACEMENT OF GOAL POSTS - Councillor Maggio

Motion: (Moved by Councillors Maggio and Tagg)

That the General Manager adopt a goal post replacement and maintenance policy under the current parks on track document where the future supply and replacement of goal posts are the responsibility of the City of Ryde.

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

That the General Manager provide a report to Council on a goal post policy under the current parks on track document that considers the future supply and replacement of goal posts being the responsibility of the City of Ryde

Record of Voting:

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

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

On being put to the Meeting the AMENDMENT, with three (3) votes for and seven (7) against, was declared **LOST**. The MOTION was then put and **CARRIED**.

RESOLUTION: (Moved by Councillors Maggio and Tagg)

That the General Manager adopt a goal post replacement and maintenance policy under the current parks on track document where the future supply and replacement of goal posts are the responsibility of the City of Ryde.

Record of Voting:

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

Against the Motion: Councillors O'Donnell

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**COUNCIL REPORTS****ITEM 4 – ROYAL REHABILITATION CENTRE****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: (e) information that would, if disclosed, prejudice the maintenance of law.

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.

CONFIDENTIAL ITEMS**ITEM 1 - 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 10.12pm. The public and media left the chamber.

COUNCIL REPORTS

4 ROYAL REHABILITATION CENTRE SYDNEY - Deed of Novation

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

- a). That Council defer consideration of the Deed of Novation to allow time for Council to investigate outstanding matters identified in the legal advice.
- b). That a further report outlining the findings of the investigations be provided to Council by no later than 8 June 2010.

Record of Voting:

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

Against the Motion: Councillors O'Donnell

CONFIDENTIAL ITEMS

1 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Pickering and Etmekdjian)

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

Record of Voting:

For the Motion: Unanimous.

OPEN SESSION

RESOLUTION: (Moved by Councillors Petch and Tagg)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous.

Note: Open Council resumed at 10.50pm.

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

RESOLUTION: (Moved by Councillors Etmekdjian and Tagg)

That the resolutions of the items transacted in Closed Session be adopted as resolutions of Council without any alteration or amendment thereto.

Record of Voting:

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

Against the Motion: Councillor Maggio

NATIONAL ANTHEM

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

The meeting closed at 10.55pm

CONFIRMED THIS 25th DAY OF MAY 2010

Chairperson