

**Council Meeting****MINUTES OF MEETING NO. 10/10**

**Meeting Date:** Tuesday 22 June 2010  
**Location:** Council Chambers, Level 6  
**Time:** 7.30pm

**Councillors Present:** The Mayor, Councillor Butterworth and Councillors Etmekdjian, Li, Maggio, O'Donnell, Perram, Petch, 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, Chief Financial Officer and Councillor Support Co-ordinator.

**PRAYER**

Father Brian O'Sullivan of St Anthony's Catholic Church was present and offered prayer prior to the commencement of the meeting.

**DISCLOSURES OF INTEREST**

Councillor Pickering disclosed a non-pecuniary (less than significant) interest in Notice of Rescission 1 - ROYAL REHABILITATION CENTRE SYDNEY - Deed of Novation, of the Council's Report No. 10/10, for the reason that his company previously provided pro bono services to a community group who oppose the development.

Councillor Tagg disclosed a non-pecuniary (less than significant) interest in Item 14 – RYDE CITY BOWLING CLUB CO-OPERATIVE LIMITED – Future use after voluntary administration of the Council's Report No. 10/10 for the reason that he is a member of Ryde City Bowling Club

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

The following persons addressed the Council:-

No.	Name	Address	Topic
1	Helen Crouch	Cutler Parade, North Ryde	Item 7 - North Ryde Early Childhood Health Centre Relocation
2	Tom Geroulas	Tramway Street, West Ryde	Notice of Motion 3 - Action by Botany Council against Department of Housing – Cllr Petch

No.	Name	Address	Topic
3	Rolf Clapham <i>Coalition Against Private Overdevelopment</i>	Morrison Road, Putney	Notice of Motion 1 - State Government Changes to Infrastructure Funding Rules – Clr Pickering
4	Andrew Wilson	Arnold Street, Ryde	Notice of Rescission - Royal Rehabilitation Centre Sydney – Deed of Novation
5	Peter Mrsnik	Gladstone Avenue, Ryde	Notice of Rescission - Royal Rehabilitation Centre Sydney – Deed of Novation
6	Simone Galvin	Princes Street, Ryde	Notice of Rescission - Royal Rehabilitation Centre Sydney – Deed of Novation
7	Alan Patrick	Zanco Road, Marsfield	Notice of Motion 1 - State Government Changes to Infrastructure Funding Rules – Clr Pickering
8	Stephen Lowndes	Charles Street, Ryde	Notice of Rescission - Royal Rehabilitation Centre Sydney – Deed of Novation And Petition

### **SUSPENSION OF STANDING ORDERS**

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

That Standing Orders be suspended in order for Councillor O'Donnell to table a petition from residents and workers in the Ryde electorate in support of the Deed of Novation regarding Royal Rehabilitation Centre Sydney.

#### **Record of Voting:**

For the Motion: Unanimous.

Note: Councillor O'Donnell tabled the petition.

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

That Suspension of Standing Orders be continued in order for Council to now consider Notice of Rescission Motion 1 - ROYAL REHABILITATION CENTRE SYDNEY - Deed of Novation, on the agenda.

#### **Record of Voting:**

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.

The Motion was declared **CARRIED** with six (6) votes for the Motion and five (5) against.

As a result of the resolution being declared CARRIED, Councillors Etmekdjian, Maggio, Petch and Pickering left the Chamber at 8.02pm, for the reason that the Order of Business was changed in bringing the Notice of Motion of Rescission forward on the Agenda, for the consideration of Council.

Councillor Yedelian OAM, after speaking on this matter, also left the Chamber, the time being 8.05pm.

### **ADJOURNMENT OF MEETING**

In accordance with Section 2.5.1 of Council's Code of Meeting Practice, as there was no quorum of Council present, the Mayor, Councillor Butterworth, adjourned the meeting, the time being 8.06pm.

The Mayor, Councillor Butterworth advised that this meeting would be reconvened on Wednesday, 23 June 2010 commencing at 7:30pm in the Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present in the Chamber at the time the meeting was adjourned: The Mayor, Councillor Butterworth, Li, O'Donnell, Perram, Salvestro-Martin and Tagg.

The following Councillors were not present: Councillors Etmekdjian, Maggio, Petch, Pickering and Councillor Yedelian OAM.

### **MEETING RECONVENED**

The Meeting reconvened at 7.30pm on Wednesday 23 June 2010, in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde. At the time of the reconvening of the meeting the attendance was as follows:

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

#### **Note**

Councillors Etmekdjian, Maggio and Yedelian OAM, were present from 7.34 pm, during the consideration on the Notice of Motion of Rescission as detailed in the Minutes.

Councillors Petch and Pickering were present from 8.30pm, during the consideration of Notice of Motion 2-STATUS OF COUNCIL ROADS as detailed in the Minutes.

Councillor Li left the meeting at 9.10pm, following the consideration of Item 13-Advice on Court Actions in the Confidential Closed Session of the Meeting as detailed in the Minutes.

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

### **NOTICE OF RESCISSION**

**1 ROYAL REHABILITATION CENTRE SYDNEY - Deed of Novation - Councillor Petch, Councillor Etmekdjian, Councillor Yedelian OAM**

Note: Councillors Etmekdjian, Maggio and Yedelian OAM arrived at 7.34pm during the discussion of this item.

Councillor Pickering submitted a disclosure of non-pecuniary interest in this matter following his arrival at the meeting.

**MOTION:** (Moved by Councillors Tagg and Salvestro-Martin)

That Council rescind the previous resolution in relation to Item 7 – ROYAL REHABILITATION CENTRE SYDNEY – Deed of Novation, passed at the Council Meeting held on 08 June 2010, namely:

*"That Council endorse the Deed of Novation "*

**Record of Voting:**

For the Motion: Councillors Etmekdjian, Maggio and Yedelian OAM

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

The Rescission Motion was declared **LOST** with three (3) votes for the Motion and seven (7) votes against the Motion.

### **RESUMPTION OF STANDING ORDERS**

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

That Standing orders be resumed at 7.33pm

**Record of Voting:**

For the Motion: Unanimous.

### **MAYORAL MINUTES**

There are no Mayoral Minutes

**COUNCIL REPORTS****1 CONFIRMATION OF MINUTES - 08 June 2010**

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

That the Minutes of the Council No. 09/10 held on 08 June 2010, be confirmed.

**Record of Voting:**

For the Motion: Unanimous.

**2 MOTIONS PUT WITHOUT DEBATE**

**RESOLUTION:** (Moved by O'Donnell and Perram)

That the Items be considered in seriatim.

**Record of Voting:**

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

Against the Motion: Councillors O'Donnell, Tagg and Salvestro-Martin.

**3 CHARTER OF RESPECT**

**Motion:** (Moved by Councillors Tagg and Perram)

- (a) That Council adopt the Draft Code of RESPECT, between Councillors and the Executive Team as an initial basis in working together.
- (b) That the Draft Code of RESPECT be referred to a Councillor Workshop for further discussion/refinement before being referred back to Council for formal adoption and inclusion in Council's Code of Conduct.
- (c) That Council endorse a follow up workshop being scheduled in six (6) months time to monitor the progress and implementation of the Draft Charter and the other agreed actions from the Workshop.
- (d) That a further Councillor workshop be scheduled in the near future to discuss the development of Council's Strategic Plan and the methodology on how it will be delivered on the ground that will also include the development of key performance indicators and customer satisfaction surveys.

**Record of Voting:**

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

Against the Motion: Councillor Maggio

**4 REGISTERS - State Environmental Planning Policy No. 1**

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

That the report of the Manager Assessment dated 4 June 2010 on REGISTERS - State Environmental Planning Policy No. 1 be endorsed by Council.

**Record of Voting:**

For the Motion: Unanimous.

**5 MEMORIAL PLAQUES & DONATION OF PARK FURNITURE AND TREES POLICY**

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

- a) That the Draft Memorial Plaques & Donation of Park Furniture and Trees Policy (June 2010) be adopted and the applicable fees and charges be included in the 2010-2014 Management Plan.
- b) That the Policy be reviewed in twelve (12) months.

**Record of Voting:**

For the Motion: Unanimous.

**6 NORTH ROAD, EASTWOOD - Proposed Central Concrete Median.**

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

- (a) That Council approve No Stopping restrictions on both sides of the road covering the concrete median and be extended further by 10 metres beyond the northern and southern ends of the median. This will ensure a safe traffic environment whilst meeting the intent of the Condition of the Land & Environment Court.
- (b) That the developer of the Villa development along North Road carry out the construction of the concrete median in North Road to Council's satisfaction with supporting signage, at no cost to Council.

**Record of Voting:**

For the Motion: Unanimous.

**7 NORTH RYDE EARLY CHILDHOOD HEALTH CENTRE RELOCATION**

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

- a) That the 4 Cutler Parade North Ryde refurbishment project continue based on the concept plan and tenders be called immediately, notwithstanding the response received from the Northern Sydney Central Coast Area Health Service.
- b) That Council advise North Ryde Community Aid that they will continue with the refurbishment at 4 Cutler Pde North Ryde.

**Record of Voting:**

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

Against the Motion: Councillor Tagg

Note: This item was Recommitted later in the Meeting as detailed in these Minutes

**8 MANAGEMENT PLAN 2010-2014**

**RESOLUTION:** (Moved by Councillors Salvestro-Martin and Etmekdjian)

- (a) That Council note the public submissions received during the public exhibition period and the responses to the submissions, as detailed in the report.
- (b) That in accordance with Section 406 of the Local Government Act (1993), the Draft Management Plan 2010 - 2014 be adopted as the Management Plan 2010 - 2014, incorporating the amendments described in this report, and all changes consequential thereunto.
- (c) That, in accordance with Sections 534 and 535 of the Local Government Act, 1993, Council make the following rates and charges for every parcel of rateable land within the City of Ryde for the year commencing 1 July 2010 as detailed in the Management Plan 2010 - 2014.
  - (i) A Residential Ordinary Rate of 0.1538384 cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as residential in accordance with Section 516 of the Local Government Act, 1993 subject to a minimum amount of \$429.80.
  - (ii) A Business Ordinary Rate of 0.6764418 cents in the dollar levied on the land value of all rateable land within the City of Ryde categorised as business in accordance with Section 518 of the Local Government Act, 1993, (excepting land sub-categorised as Business – centre of Activity 1 (CoA1) subject to a minimum amount of \$429.80.

- (iii) A Business Centre of Activity 1 Ordinary Rate of 1.03856 cents in the dollar levied on the land value of all rateable land within the City of Ryde sub-categorised as Business Centre of Activity 1 (CoA1) in accordance with Section 529(2)(d).
  - (iv) An Environmental Management Ordinary Rate of 0.0240084 cents in the dollar be levied on the value of all rateable land within the City of Ryde subject to a base amount of \$50.89.
  - (v) A Macquarie Park Corridor Special Rate of 0.1265058 cents in the dollar be levied on the land value of all rateable land categorised as business in accordance with Sections 518 or 529(2)(d) and included in the Macquarie Park Corridor, as identified by the map contained in the 2010-2014 Management Plan.
- (d) That, in accordance with Section 496 (1) of the Local Government Act 1993, the charge for the Domestic Waste Management Service for each rateable residential property be set at \$325.00 per service per annum and the following additional services be provided, on request, to each rateable residential property, for the following annual charges:
- (i) Upgrade from 140 litre to 240 litre service \$237
  - (ii) Additional 140 litre Garbage bin \$247
  - (iii) Additional 240 litre Garbage bin \$485
  - (iv) Additional Recycle bin \$ 39
  - (v) Additional Green bin \$ 39
- (e) That, in accordance with Section 496 (2) of the Local Government Act 1993 the standard charge for the Domestic Waste Management service provided, onrequest, to non-rateable properties be set at \$325.00 per service per annum and the following additional services be provided, on request, to each non-rateable property, for the following annual charges:
- (i) Upgrade from 140 litre to 240 litre Garbage bin \$237
  - (ii) Additional 140 litre Garbage bin \$247
  - (iii) Additional 240 litre Garbage bin \$485
  - (iv) Additional Recycle bin \$ 39
  - (v) Additional Green bin \$ 39
- (f) That in accordance with Section 496A of the Local Government Act 1993, the Stormwater Management Service Charge be levied at the following rates:

- (i) Strata titled residential home units \$12.50 per unit
  - (ii) Other residential property \$25 per rateable property
  - (iii) Business rateable properties \$25 per 350 sq metres of land area
  - (iv) Business rateable Strata Properties \$12.50 per unit
- (g) That, in accordance with Section 611 of the Local Government Act 1993, the following annual charges be made:
- (i) the use of Council land for the vehicle overbridge situated in Herring Road be charged in accordance with the legal agreement between the City of Ryde and the owners of Macquarie Shopping Centre (anticipated income is \$67,375 including GST for 2010/2011).
  - (ii) the use of Council land for the Shell Oil company pipeline in the City of Ryde be charged in accordance with the pricing formula agreed with the Company, (anticipated income is \$56,975 including GST for 2010/2011).
  - (iii) the use of Council land for AGL Gas Mains in the City of Ryde be charged at a rate based on an annual review by KPMG of AGL's revenue (anticipated income is \$49,200 including GST for 2010/2011).
- (h) That the rate of interest payable in respect of rates and charges that remain unpaid after they become due and payable be set at 9 percent per annum.
- (i) That the Schedule of Fees and Charges, annexed to the Draft Management Plan 2010-2014 as amended in terms of this report, be adopted as Council's Fees and Charges for 2010/2011 including the fees and charges adopted by Council at its meeting of 22 June 2010 in respect of Council's Memorial Plaques & Donation of Park Furniture and Trees Policy.

**Record of Voting:**

For the Motion: Unanimous.

**9 INVESTMENT REPORT - May 2010**

**RESOLUTION:** (Moved by Councillors Etmekdjian and Tagg)

That the report of the Chief Financial Officer, dated 8/06/2010 on INVESTMENT REPORT - May 2010, be endorsed.

**Record of Voting:**

For the Motion: Unanimous.

**MOTION OF RECOMMITTAL**

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

That Item 7 - NORTH RYDE EARLY CHILDHOOD HEALTH CENTRE RELOCATION, be recommitted in order to clarify the voting results.

**Record of Voting:**

For the Motion: Unanimous.

**7 NORTH RYDE EARLY CHILDHOOD HEALTH CENTRE RELOCATION**

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

- a) That the 4 Cutler Parade North Ryde refurbishment project continue based on the concept plan and tenders be called immediately, notwithstanding the response received from the Northern Sydney Central Coast Area Health Service.
- b) That Council advise North Ryde Community Aid that they will continue with the refurbishment at 4 Cutler Pde North Ryde.

**Record of Voting:**

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

Against the Motion: Councillor Tagg

**10 COUNCILLOR FEES AND MAYORAL FEE - Determination of the Local Government Remuneration Tribunal**

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

That Council adopt the full fee increase to Councillors' fees and Mayoral fee (noting that 10% is currently paid to the Deputy Mayor).

**Record of Voting:**

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

Against the Motion: Councillor Yedelian OAM

**11 M2 WIDENING - Proposed Declaration of the RTA as Road Authority for the Construction Period.**

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

- (a) That Council support the proposal for the Roads & Traffic (RTA) to take over the "roads authority" role (under the Roads Act 1993) for those local roads within the City of Ryde which would be affected by the works of the M2 Upgrade project, as outlined in this report, for a period of approximately two (2) years.
- (b) That the RTA be requested to advise the affected residents in advance of the construction program and the likely impact on their local roads

**Record of Voting:**

For the Motion: Unanimous.

**12 CO-LOCATION OF THE RYDE BUSINESS FORUM AT THE TOP RYDE CUSTOMER SERVICE CENTRE**

**RESOLUTION:** (Moved by Councillors Etmekdjian and Salvestro-Martin)

- (a) The Council endorse providing up to two staff office spaces in the CoR Development and Customer Service Lounge for the Ryde Business Forum;
- (b) That the provision of the spaces be negotiated by the General Manager as part of a Memorandum of Understanding between the two organisations which will be reported back to Council in due course.

**Record of Voting:**

For the Motion: Unanimous.

**13 ADVICE ON COURT ACTIONS**

**RESOLUTION:** (Moved by Councillors Salvestro-Martin 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.

**14 RYDE CITY BOWLING CLUB CO-OPERATIVE LIMITED - Future use after voluntary administration**

**RESOLUTION:** (Moved by Councillors Salvestro-Martin 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 ROYAL REHABILITATION CENTRE SYDNEY**

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

That the correspondence be received.

**Record of Voting:**

For the Motion: Unanimous.

**NOTICES OF MOTION****1 STATE GOVERNMENT CHANGES TO INFRASTRUCTURE FUNDING RULES - Councillor Pickering**

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

That the item be deferred until the end of this Meeting and prior to the confidential items being considered.

**Record of Voting:**

For the Motion: Councillors Etmekdjian, Li, Maggio, Perram and Yedelian OAM.

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

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

## 2 STATUS OF COUNCIL ROADS - Councillor Yedelian OAM

Note: Councillors Petch and Pickering arrived at 8.30pm during discussion on this item.

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

That General Manager prepares a report on the current status of Ryde roads under Council jurisdiction, in particular if the procedures implemented were according to 'Guide to Codes and Practices for Streets Opening'. It has been reported by many residents that roads dug recently by utility companies were restored in a very poor way. Many streets are scarred and surfaces are unevenly restored causing damage to cars and causing safety concerns with pedestrians. Examples of those streets are Boyce, Quarry, Bridge, Greene, Gardener Avenues and Streets.

### **Record of Voting:**

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

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

The Motion was declared **CARRIED** with eight (8) votes for the Motion and four (4) against the Motion.

## 3 ACTION BY BOTANY COUNCIL AGAINST DEPARTMENT OF HOUSING - Councillor Petch

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

That the General Manager liaise with Botany Council regarding the action Botany Council is taking against the Department of Housing and Report back to Council on any avenues available to the City of Ryde to take a similar action or conjoin Botany Council in this action.

### **Record of Voting:**

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

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

The Motion was declared **CARRIED** with eight (8) votes for the Motion and four (4) against the Motion.

Note- In accordance with Council's earlier decision in this Meeting, Notice of Motion 1- State Government Charges to Infrastructure Funding Rules was now considered by Council.

**1 STATE GOVERNMENT CHANGES TO INFRASTRUCTURE FUNDING RULES - Councillor Pickering**

**MOTION:** (Moved by Councillors Pickering and Yedelian OAM)

1. That the City of Ryde Council writes to the NSW Premier, NSW Minister for Planning and the NSW Minister for Local Government to condemn the State Government's changes to infrastructure funding rules that place an absolute cap on development contributions and prohibits councils from levying for general community infrastructure.
2. Further that the City of Ryde:
  - (a) Condemns the State Labor Government for not consulting on the details of these changes with Local Government prior to their announcement.
  - (b) Condemns the State Labor Government for failing to even put transitional arrangements in place to help councils make these changes.
  - (c) Condemns the State Labor Government for the arrogant manner in which they have treated local government generally in relation to failing to consult on planning decisions including this decision, and decisions on SEPPs for social housing and boarding houses, as well as the inappropriate application of 3A (Sites of State Significance) legislation.
3. That the City of Ryde take action by refusing to consider any major new residential DAs that would attract contributions for parks and other amenities determined by Council that would now be prevented by this new legislation.

**Record of Voting:**

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

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

The Motion was declared **LOST** with five (5) for the Motion and seven (7) against the Motion.

**NOTICES OF RESCISSION****1 ROYAL REHABILITATION CENTRE SYDNEY - Deed of Novation -  
Councillor Petch, Councillor Etmedkjian, Councillor Yedelian OAM**

This item was dealt with earlier as detailed in these Minutes.

**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 13 - 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 14 - RYDE CITY BOWLING CLUB CO-OPERATIVE LIMITED - Future use  
after voluntary administration****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; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

Furthermore, it is considered that discussion of this item in open meeting would, on balance, be contrary to the public interest as it would unduly affect Council's ability to finalise negotiations for the ongoing occupancy of the land.

**Motion:** (Moved by Councillors Petch and Etmekdjian)

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 9.05pm. The public and media left the chamber.

### 13 ADVICE ON COURT ACTIONS

**Motion:** (Moved by Councillors Salvestro-Martin and Campbell)

That the report of the General Counsel dated 16 June 2010 on ADVICE ON COURT ACTIONS be endorsed.

**Record of Voting:**

For the Motion: Unanimous.

Note: Councillor Li left the Chambers at 9.10pm after voting on Item 13 – ADVICE ON COURT ACTIONS, and took no further part in the meeting.

### 14 RYDE CITY BOWLING CLUB CO-OPERATIVE LIMITED - Future use after voluntary administration

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

- (a) That Council advise the Camperdown Bowling Club that it may wish to consider exploring the options available for it to maintain the entity of Ryde City Bowling Club Co-operative Limited, and that Council seek payment of the outstanding rent of \$16,985.86.
- (b) That Council inform the Voluntary Administrators and the Camperdown Bowling Club that due to our legal constraints, Council would not grant a lease of more than 5 years, as the Local Government Act requires that Council go to public tender for a lease/licence period greater than 5 years and any lease/licence would also be subject to the approval of both the Minister for Local Government and the Minister for Lands.

- (c) Should the voluntary administration cease for what ever reason, leading to the liquidation of Ryde City Bowling Club Co-operative Limited and the DOCA not be implemented, Council then take all reasonable steps to licence the premises for a maximum term of 5 years (including any options) by advertising and seeking submissions from the public.
- (d) Any new licence granted to include Council's normal licence conditions together with the requirement that any works associated with removal of hazardous materials, repair and continuing maintenance of retaining walls and upgrade to fire & safety items necessary to make the premises fit for occupation, is to be the responsibility of the future licensee and must be undertaken prior to occupation.

**Record of Voting:**

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

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

**OPEN SESSION**

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

That Council resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous.

Note: Open Council resumed at 9.40pm.

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

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

That the report of the business transacted 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 9.42pm on Wednesday 23 June 2010.

CONFIRMED THIS 27TH DAY OF JULY 2010

Chairperson