

Council Meeting

MINUTES OF MEETING NO. 13/10

Meeting Date: Tuesday 24 August 2010
Location: Council Chambers, Level 6
Time: 7.30pm

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

Apologies: Nil

Staff Present: General Manager, General Counsel, Group Manager – Community Life, Group Manager – Environment & Planning, Acting Group Manager - Public Works, Manager Environment, Manager Buildings and Property, Manager Finance, Manager Governance, Media & Community Relations Officer and Councillor Support Co-ordinator.

PRAYER

Reverend Steve Hales of West Ryde Baptist Church was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Tagg declared a less than significant non-pecuniary interest in Item 19 – RYDE CITY BOWLING CLUB CO-OPERATIVE LIMITED (IN LIQUIDATION) for the reason that he used to be a member of Ryde Bowling Club.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following person addressed the Council:-

No.	Name	Item
1	Doris Carrall	4 – Extension of Top Ryder Community Bus Service

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS**1 CONFIRMATION OF MINUTES - Council meeting of 10 August 2010**

RESOLUTION: (Moved by Councillors Petch and Etmekdjian)

That the Minutes of the Council Meeting 12/10, held on Tuesday 10 August 2010, be confirmed.

Record of Voting

For the Motion: Unanimous

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That Standing Orders be suspended, the time being 7.41pm, to allow Councillor Yedelian OAM to move a Matter of Urgency.

Record of Voting:

For the Motion: Unanimous.

MATTER OF URGENCY – FEDERAL MEMBER FOR BENNELONG

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

That Council write to the newly elected Federal Member for Bennelong, The Hon. Mr John Alexander, MP, congratulating him on his election and also to Ms Maxine McKew thanking her for her service as Federal Member for Bennelong.

Record of Voting:

For the Motion: Unanimous.

RESUMPTION OF STANDING ORDERS

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

That Standing Orders be resumed the time being 7.42pm.

Record of Voting:

For the Motion: Unanimous.

2 CONFIRMATION OF MINUTES - Works & Community Committee Meeting held on 17 August 2010

RESOLUTION: (Moved by Councillors Tagg and Petch)

That Part A of the Works and Community Committee Report No. 07/10, held on 17 August 2010, be dealt with in seriatim and Part B be noted as dealt with under delegated authority.

Record of Voting:

For the Motion: Unanimous.

MINUTES OF THE WORKS AND COMMUNITY COMMITTEE NO. 07/10**4 PEDESTRIAN CROSSING**

RESOLUTION: (Moved by Councillors Tagg and Petch)

- a) That Council staff liaise with Replas Pty Ltd to obtain a suitable quotation for the supply and installation of a pedestrian bridge at Buffalo Creek in Barton Reserve.
- (b) A further report be prepared for the Committee's consideration following receipt of the quotation.

Record of Voting:

For the Motion: Unanimous.

5 DEEBLE STREET – Landscaping Works

RESOLUTION: (Moved by Councillors Tagg and Petch)

- a) That this matter be deferred to allow for negotiations between Council and the owner of 70A Champion Road with the view to leasing the road area, and that following these negotiations a further report be prepared for the Works & Community Committee's consideration.
- (b) That the owners of 70 Champion Road be advised that Council will defer consideration of their request until the matter at 70A Champion road is determined.

Record of Voting:

For the Motion: Unanimous.

6 COMMUNITY GARDENS**RESOLUTION:** (Moved by Councillors Tagg and Yedelian OAM)

- a) That Council reaffirms its bottom up approach to the establishment of any new community gardens by offering support to interested community groups.
- b) That Council endorse the establishment of the community garden at Macquarie Hospital and approve the community endemic plant nursery at Santa Rosa Park.
- c) That provision for community gardens be included in a future Plan of Management for Neighbourhood Parks.
- d) That the draft Community Gardens policy be revised and submitted for the Committee's consideration within the next three (3) months.

Record of Voting:For the Motion: Unanimous.**7 REQUEST FOR WAIVER OF FEES FOR YOUTH COMMUNITY EVENT AT TUCKWELL PARK****RESOLUTION:** (Moved by Councillors Tagg and Petch)

- (a) That as a special circumstance the request by Rock 180 for the waiver of fees equalling \$337 for ground hire of Tuckwell Park and additional waste bins on Saturday 4 September be approved.
- (b) That a refundable bond of \$1,000 be charged to cover any additional costs that could be incurred as a result of the hire.
- (c) That Rock 180 be advised that in future they are required to apply to the City of Ryde Council through the Grants Program.

Record of Voting:For the Motion: Unanimous.**8 RYDE TRAFFIC COMMITTEE - Minutes of Meeting held 5 August 2010****RESOLUTION:** (Moved by Councillors Tagg and Perram)

- (a) That recommendations No. 1 to No. 19 inclusive, contained in the Minutes of the Ryde Traffic Committee Meeting held on 5 August 2010, be endorsed and adopted as resolutions of Council with the amendments below, which were considered in seriatim.

- (b) There is a financial impact associated with the construction of a pedestrian refuge along Princes Street, at the Blaxland Road intersection (Refer Item 13 of the Ryde Traffic Committee Minutes). The estimated construction cost is \$20,000 and will be funded through Council's 2010/2011 Capital Works Program under the category "Traffic Facilities Construction – Pedestrian Refuge Islands".

Record of Voting:

For the Motion: Unanimous.

**1 PAUL STREET, MCGREGOR STREET, DAVID AVENUE, NORTH RYDE
Request for one (1) hour parking.**

Motion: (Moved by Councillors Tagg and Perram)

That no action be taken.

Amendment: (Moved by Councillors Campbell and Yedelian OAM)

That Council trial for one year, one (1) hour parking in Paul Street, McGregor Street and David Avenue as recommended in the consultant's report.

The Amendment was put and **LOST** with five (5) votes for and seven (7) votes against.

Record of Voting

For the Amendment: The Mayor, Councillor Butterworth and Councillors Campbell, Li, Salvestro-Martin and Yedelian OAM

Against the Amendment: Councillors Etmekdjian, Maggio, O'Donnell, Perram, Petch, Pickering and Tagg

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

RESOLUTION: (Moved by Councillors Tagg and Perram)

That no action be taken.

Record of Voting

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

Against the Motion: Councillors Campbell, Li, Salvestro-Martin and Yedelian OAM

2 WATERVIEW STREET, PUTNEY – Trailer Parking at Kissing Point Park and Bennelong Park, Putney.

RESOLUTION: (Moved by Councillors Tagg and Petch)

That Council install sign posting within the trailer parking area advising of “Car plus Trailer Parking only” and notify trailer owners accordingly.

Record of Voting:

For the Motion: Unanimous.

11 PITTWATER ROAD, GLADESVILLE – Request for a Pedestrian Crossing – Marked or Signalised.

RESOLUTION: (Moved by Councillors Tagg and Petch)

- (i) That Council take no action to install a “marked” pedestrian crossing or pedestrian actuated signalised pedestrian crossing in Pittwater Road, between Harvard Street and Venus Street, Gladesville.
- (ii) That Council advise Hunters Hill Council that Ryde Traffic Committee doesn’t support the provision of a “marked” pedestrian crossing or pedestrian actuated signalised pedestrian crossing in Pittwater Road, between Harvard Street and Venus Street, Gladesville, as the RTA warrants are not met.
- (iii) That a further review be undertaken and a report provided for the Committee’s consideration in 6 months.

Record of Voting:

For the Motion: Unanimous.

12 ANDREW STREET, MELROSE PARK – Angled Slow Points.

RESOLUTION: (Moved by Councillors Tagg and Petch)

- (i) That Council investigate new traffic management options along Andrew Street, between Adelaide Street and Macintosh Street, with at least one option considering the following:
 - Raised thresholds.
 - A physical barrier to stop vehicles ‘cutting’ the inside corner along Andrew Street, in the vicinity of the residence at No. 20 Andrew Street.
 - “Local Traffic Only” and/or “3T Load Limit” signage.
 - Raised pavement markers.
 - Resurfacing of sections of Andrew Street.
 - Provision for safe cycling
- (ii) The NSW Police to undertake an intensive enforcement program in

the area to mitigate the incidence of speeding.

Record of Voting:

For the Motion: Unanimous.

13 PRINCES STREET, RYDE – Pedestrian Refuge.

RESOLUTION: (Moved by Councillors Tagg and Petch)

- (i) That Council does not install pedestrian crossing in Princes Street due to lack of warrants set by the RTA.
- (ii) That Council approve modified pedestrian refuge with kerb blisters on Princes Street at Blaxland Road intersection as detailed in the Report with bollards installed at the adjacent kerb ramps.
- (iii) That the residents be advised of Council's decision.
- (iv) That a further report be prepared for the Committee's consideration in 6 months.

Record of Voting

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

Against the Motion: Councillor Pickering

16 MACQUARIE PARK CBD – Additional Bus Zones, Macquarie Park.

RESOLUTION: (Moved by Councillors Tagg and Petch)

- (i) That Council note that Council's staff, Sydney Buses (State Transit Authority) and the ComfortDelgro CabCharge (Hillsbus & Westbus) are working together on the details to settle on suitable bus zone locations within Macquarie Park.
- (ii) That the request for additional bus zones be re-tabled at the next meeting of the Ryde Traffic Committee to be held on 16 September 2010.
- (iii) That a further report be prepared for the Committee's consideration.

Record of Voting:

For the Motion: Unanimous.

11 EASTWOOD WOMENS REST CENTRE, HILLVIEW ROAD - Country Women's Association Licence Agreement

RESOLUTION: (Moved by Councillors Tagg and Petch)

- (a) That Council grant a licence to the Eastwood Epping Branch of the Country Women's Association of NSW, over the premises at Eastwood, for a period of 5 years, commencing 1 July 2010, on the terms and conditions outlined in this report.
- (b) That the licence be notified as per S 47A of the *Local Government Act, 1993*.

Record of Voting:

For the Motion: Unanimous.

COUNCIL REPORTS

3 MOTIONS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Petch and Tagg)

That the Items be considered in seriatim.

Record of Voting:

For the Motion: Unanimous.

4 EXTENSION OF TOP RYDER COMMUNITY BUS SERVICE

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

- (a) That Council approve an extension of the Top Ryder Community Bus Service until the end of the 2010/2011 financial year under current operating conditions.
- (b) That Council actively pursue sponsorship and advertising opportunities to cap Council's costs in operating the service at \$100,000 per annum in 2011/12 and beyond.
- (c) A further report come to Council during the 2011/12 budget deliberations regarding the success in securing sponsorship/advertising deals to inform future decisions regarding the extension or cessation of the service.

Record of Voting:

For the Motion: Unanimous.

5 CRIME PREVENTION APPROACH - GLEN RESERVE, EASTWOOD

Motion: (Moved by Councillors Li and Yedelian OAM)

- (a) That Council officers approach businesses, community groups and the Chamber of Commerce to seek contributions for new lighting and other works in Glen Reserve.
- (b) That a further report on total costing for new lighting and other works be provided to Council after discussions with businesses and the Chamber of Commerce.
- (c) That the issue of anti-social behaviour in other reserves be considered and dealt with a part of the Crime Prevention Plan and the Integrated Open Space Strategy.

Amendment: (Moved by Councillors Maggio and Pickering)

- (a) That Council officers approach businesses, community groups and the Chamber of Commerce to seek a 60/40 contribution (60% being from Council) for new lighting and other works in Glen Reserve.
- (b) That a further report on total costing for new lighting and other works be provided to Council after discussions with businesses and the Chamber of Commerce.
- (d) That the issue of anti-social behaviour in other reserves be considered and dealt with a part of the Crime Prevention Plan and the Integrated Open Space Strategy.

The Amendment was put and **LOST** with ten (10) votes for and two (2) votes against.

Record of Voting

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

Against the Motion: Councillors Maggio and Pickering

RESOLUTION: (Moved by Councillors Li and Yedelian OAM)

- (a) That Council officers approach businesses, community groups and the Chamber of Commerce to seek contributions for new lighting and other works in Glen Reserve.
- (b) That a further report on total costing for new lighting and other works be provided to Council after discussions with businesses and the Chamber of Commerce.

- (c) That the issue of anti-social behaviour in other reserves be considered and dealt with a part of the Crime Prevention Plan and the Integrated Open Space Strategy.

Record of Voting:

For the Motion: Unanimous.

6 TRANSPORT STUDY FOR COMPREHENSIVE LEP NEW

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

- (a) That the draft Transport Study be endorsed for targeted consultation with the relevant CoR Advisory Committees and Working Groups.
- (b) That following targeted consultation, a further report be submitted to Council prior to the Transport Study being publicly exhibited together with the Draft Local Environment Plan 2011.
- (c) That the recommendations of the Transport Study be incorporated into the draft Comprehensive LEP 2011 and draft DCP 2011 prior to the draft plan being circulated for consultation with the Government agencies (under S62 of the Environmental Planning and Assessment Act).

Record of Voting:

For the Motion: Unanimous.

7 160-162 WICKS ROAD - Request for rezoning in conjunction with draft Ryde LEP 2011

RESOLUTION: (Moved by Councillors Tagg and Petch)

- (a) That land at 160-162 Wicks Road being Lots 1, 2 & 3 DP1078026, Lots 14 & 15 DP841065, and Lot 2 DP 527058 be considered for rezoning to "IN2 Light Industrial".
- (b) That the draft Ryde Local Environmental Plan (LEP) 2011 be amended prior to the Section 62 consultation under the *Environmental Planning and Assessment Act* 1979 to reflect the new zoning in (a) above.
- (c) That Subject to (a), that a Master Plan for the Porters Creek site, incorporating the existing and proposed functions, activities and uses outlined in this report, be further developed.
- (d) That the community be informed through the Mayor's Column of Council's intentions with regard to Porters Creek.

Record of Voting

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

Against the Motion: The Mayor, Councillor Butterworth

8 RECRUITMENT OF GROUP MANAGER PUBLIC WORKS

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

That Council agree to meet with the short listed candidate at a Councillor dinner at the Committee of the Whole meeting on the 7 September 2010 to fulfil the requirements of Section 337 of the Local Government Act relating to the appointment of senior staff.

Record of Voting:

For the Motion: Unanimous.

9 REPORT ON OUTSTANDING RESOLUTIONS

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

That the report on Outstanding Resolutions be endorsed.

Record of Voting:

For the Motion: Unanimous.

**10 RYDE 2030 COMMUNITY STRATEGIC PLAN & PROGRAM DEVELOPMENT
- Time period, draft outcomes and programs**

RESOLUTION: (Moved by Councillors Tagg and Campbell)

- (a) That the time frame of the Ryde Community Strategic Plan be reduced from 20 years to 10 years to ensure it is realistic, whereby becoming the Ryde 2021 Community Strategic Plan.
- (b) That Council adopt the draft seven outcomes for the Ryde Community Strategic Plan for targeted consultation with the Theme Committees and previous participants who have requested further participation.
- (c) That the proposed 21 programs outlined in this report be the basis for future 4 year Delivery Programs and associated budgets.

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

Against the Motion: Councillor Maggio

11 INVESTMENT REPORT - July 2010

Note: Councillor Campbell left the meeting at 9.23pm and was not present for consideration of this Item. Councillor Campbell returned at 9.25pm.

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

- (a) That the report of the Chief Financial Officer, dated 06/08/2010 on INVESTMENT REPORT – July 2010, be endorsed.
- (b) That the proceeds from the sale of the Flinders CDO be transferred to the Financial Security Reserve.

Record of Voting:

For the Motion: Unanimous.

12 REGISTERS - State Environmental Planning Policy No. 1

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

That the report of the Manager Assessment dated 10 August 2010 on REGISTERS - State Environmental Planning Policy No. 1 be endorsed by Council.

Record of Voting:

For the Motion: Unanimous.

13 JOINT REGIONAL PLANNING PANEL - UPDATE - Nomination of Members

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

- (a) Pursuant to clause 9(1)(d) of Schedule 4 to the Act, Council revokes the office of Mr Kim Woodbury as a member of the Panel.
- (b) Pursuant to clause 2(4) of Schedule 4 to the Act, Council nominates Mr Barry Hodge as a member of the Panel.
- (c) That the person employed in the position of Group Manager - Public Works be appointed as a member of the Panel in place of Mr Hodge at such time as the new manager commences employment with Council.
- (d) That Council delegate to Mr Hodge the authority to, in accordance with clause 8 of Schedule 4 to the Act, appoint alternate members to the Panel and revoke any such appointments for such period as Mr Hodge is a member of the Panel.

Record of Voting:

For the Motion: Unanimous.

14 2010 BIKE FUTURES CONFERENCE - Melbourne 14-15 October 2010

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That Council endorse Councillors Maggio and Perram's attendance at the 2010 Bike Futures Conference being held at the Etihad Stadium, Melbourne from Thursday 14 October to Friday 15 October 2010.

Record of Voting:

For the Motion: Unanimous.

15 JUNE 2010 QUARTERLY REVIEW REPORT 2009-2013 MANAGEMENT PLAN

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

- (a) That the report of the Chief Financial Officer, dated 13/08/2010 on JUNE 2010 QUARTERLY REVIEW REPORT 2009-2013 MANAGEMENT PLAN, be received and endorsed.
- (b) That the proposed carry overs included in this report totalling \$6.63 million be endorsed and included in the 2010/2011 Budget.
- (c) That the proposed transfers to Reserves as detailed in the report totalling \$1.55 million be adopted.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 13 August 2010 be endorsed.
- (e) That Councillors acknowledge the hard work of the General Manager and the Executive team towards achieving the results outlined in this report.

Record of Voting:

For the Motion: Unanimous.

16 CODE OF CONDUCT REPORT

Motion: (Moved by Councillors Petch and Perram)

That Council ask Councillor Pickering to apologise and, if he does so, that no further action be taken.

Amendment: (Moved by Councillors Salvestro-Martin and Campbell)

- (a) That Council determines that Councillor Pickering has breached the Code of Conduct;
- (b) That Council censure Councillor Pickering for misbehaviour in respect of the conduct in question; and
- (c) That Council require Councillor Pickering to apologise at the meeting to Councillor Tagg in respect of the remarks made.

The Amendment was put and **LOST** with five (5) votes for and seven (7) votes against.

Record of Voting

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

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

Further Amendment: previously foreshadowed as an amendment. (Moved by Councillors Yedelian OAM and Etmekdjian)

That Council receive and note the Code of Conduct report.

The Further Amendment was put and **LOST** with four (4) votes for and eight (8) votes against.

Record of Voting

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

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

The Motion was then put.

On being put, the voting on the Motion was six (6) all. The Mayor used his casting vote for the Motion and the Motion was declared **CARRIED**.

RESOLUTION: (Moved by Councillors Petch and Perram)

That Council ask Councillor Pickering to apologise and if he does so, that no further action be taken.

Record of Voting

For the Motion: The Mayor, Councillor Butterworth and Councillors Li,

O'Donnell, Perram, Petch and Tagg

Against the Motion: Councillors Campbell, Etmekdjian, Maggio, Pickering, Salvestro-Martin and Yedelian OAM

Note: At this stage of the meeting, the Chair requested that Councillor Pickering provide the apology in accordance with the resolution of Council.

Councillor Pickering declined and stated that he would be obtaining legal advice in relation to this matter.

EXTENSION OF TIME

RESOLUTION: (Moved by Councillors Petch and Campbell)

That there be an extension of time to allow Council to consider the remaining Items on the Agenda, the time being 11.03pm.

Record of Voting:

For the Motion: Unanimous.

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

- 1 JOINT STANDING COMMITTEE ON ELECTORAL MATTERS - Report on 2008 Local Government Elections**
- 2 JOINT REGIONAL PLANNING PANEL**

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

That consideration of the two Precis of Correspondence Items be deferred to ensure all Councillors are provided with the Items.

Record of Voting:

For the Motion: Unanimous.

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.

ITEM 17 - 312 VICTORIA ROAD - Advice on Prospects**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 18 - PROVISION OF SERVICES OF A DEVELOPMENT DIRECTOR - Civic Precinct Project - COR-RFT-05/10**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 award the Tender.

ITEM 19 - RYDE CITY BOWLING CLUB CO-OPERATIVE LIMITED (IN LIQUIDATION) - Proposed Assignment of Lease**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..

ITEM 20 - 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.

CLOSED SESSION

RESOLUTION: (Moved by Councillors Petch and Etmekdjian)

That Council resolve into Closed Session to consider the above matters.

Record of Voting:

For the Motion: Unanimous.

Note: The Council closed the meeting at 11.13pm. The public and media left the chamber.

17 312 VICTORIA ROAD - Advice on Prospects

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

That Council determine that Option 2 as identified in the report should be followed with the subject appeal.

Record of Voting

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

Against the Motion: Councillor Pickering

18 PROVISION OF SERVICES OF A DEVELOPMENT DIRECTOR - Civic Precinct Project - COR-RFT-05/10

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

- (a) That the tender from Creative Solutions (NSW) Pty Ltd be accepted for the Provision of Services of a Development Director – Civic Precinct Project for a period of up to four (4) years and to a value of up to \$701,325.
- (b) That the General Manager be delegated authority to enter into a contract with Creative Solutions (NSW) Pty Ltd on the terms contained within the tender documents and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That all unsuccessful tenderers be notified of Council's decision in this matter.

Record of Voting

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

Against the Motion: Councillor Pickering

19 RYDE CITY BOWLING CLUB CO-OPERATIVE LIMITED (IN LIQUIDATION) - Proposed Assignment of Lease

Note: Councillor Tagg declared a less than significant non-pecuniary interest in this Item for the reason that he used to be a member of Ryde Bowling Club.

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

- (a) That Council agrees to the assignment of the lease from Ryde City Bowling Club Co-operative Limited (In Liquidation) to the Camperdown Bowling Club on the terms outlined in this report, subject to approval from the Minister for Lands and the liquidators.
- (b) That the General Manager be authorised to finalise the assignment documentation and make minor alterations that are not of a material nature.

Record of Voting

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

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

Note: A Rescission Motion in respect of this Item, signed by Councillors Perram, Etmekdjian, Maggio and Pickering was lodged following the end of the meeting. The Motion was subsequently withdrawn.

20 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Petch and Tagg)

That the report of the General Counsel 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 11.35pm.

RESOLUTION: (Moved by Councillors Petch and Tagg)

That 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.

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NATIONAL ANTHEM

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

The meeting closed at 11.36 pm.

CONFIRMED THIS 28th DAY OF SEPTEMBER 2010

Chairperson