

## Council Meeting

MINUTES OF MEETING NO. 8/10

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**Meeting Date:** Tuesday 25 May 2010  
**Location:** Council Chambers, Level 6  
**Time:** 7.30pm

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

**Apologies:** Councillor Campbell (Leave of Absence) and Councillor Pickering.

**Staff Present:** General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, Chief Financial Officer, Manager, Community Relations and Events and Manager, Governance.

### **PRAYER**

Pastor Richard Quadrio from Macquarie Chapel Church was present and offered prayer prior to the commencement of the meeting.

### **CONFIRMATION OF MINUTES**

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

That the Minutes of the Ordinary Council Meeting No. 7/10 held on 11 May 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**

No addresses were made to Council.

**MAYORAL MINUTES**

There are no Mayoral Minutes

**COUNCIL REPORTS****1 MOTIONS PUT WITHOUT DEBATE**

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

That all items be dealt with in seriatim.

**Record of Voting**

For the Motion: Unanimous

**2 GOODS AND SERVICES TAX - COMPLIANCE**

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

- (a) That the report of the Finance Manager, dated 14 May 2010 on Goods and Services Tax – Compliance, be received and noted.
- (b) That the Goods and Services Tax Certificate be signed by the Mayor, Deputy Mayor, General Manager and Responsible Accounting Officer.
- (c) That the Goods and Services Tax Certificate be submitted to the Department of Local Government.

**Record of Voting**

For the Motion: Unanimous

**3 INVESTMENT REPORT - April 2010**

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

- (a) That the report of the Chief Financial Officer, dated 8/04/2010 on INVESTMENT REPORT - APRIL 2010, be endorsed.
- (b) That any interest or investments and/or principal payments received from investments that have been impaired/written down as detailed in this report of the Chief Financial Officer, dated 8/04/2010 on INVESTMENT REPORT - APRIL 2010 be paid into the Financial Security Reserve.

**Record of Voting**

For the Motion: Unanimous

**4 MARCH 2010 QUARTERLY REVIEW REPORT 2009-2013 MANAGEMENT PLAN**

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

- (a) That the report of the Chief Financial Officer, dated 7/05/2010 on MARCH 2010 QUARTERLY REVIEW REPORT 2009-2013 MANAGEMENT PLAN, be received and the adjustments to Council's 2009/2010 Budget as detailed in the report be adopted.
- (b) That Council endorse the impairment of Council's investments, as detailed in the report.
- (c) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 14 May 2010 be endorsed.

**Record of Voting**

For the Motion: Unanimous

**5 ACCREDITATION OF COUNCIL BUILDING SURVEYORS**

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

That the Council delegate to the General Manager the authority to assess and recommend the appropriate accreditation level for the City of Ryde's Building Surveyors.

**Record of Voting**

For the Motion: Unanimous

**CONFIDENTIAL ITEMS****CLOSED SESSION**

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

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

**Record of Voting**

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

Against the Motion: Councillor Maggio

Note: The Council closed the meeting at 8.45pm. The public and media left the chamber.

#### **ITEM 6 - PUTNEY PARK- Provision of mobile refreshment services**

##### **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.

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 the license arrangements.

#### **ITEM 7 - PRYOR PARK, 109 CRESSY ROAD, NORTH RYDE - Sydney Montessori Society**

##### **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.

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 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.

**6 PUTNEY PARK- Provision of mobile refreshment services****RESOLUTION:** (Moved by Councillors Petch and O'Donnell)

- (a) That the two quotations received for licensing a site for the provision of mobile refreshment services in Putney Park be rejected.
- (b) That the General Manager be delegated authority to enter into negotiations with both respondents to the RFQ to achieve a result that improves on both the operational and financial outcomes.
- (c) That subject to the outcome of item (b) the General Manager be authorised to enter into a five (5) year licence agreement with the respondent who provides the best outcome to Council.
- (d) That the standard licence agreement of the City of Ryde be used and all legal costs be met by the Licensee.

**Record of Voting**For the Motion: Unanimous**7 PRYOR PARK, 109 CRESSY ROAD, NORTH RYDE - Sydney Montessori Society**Note: A letter from Sydney Montessori Society was tabled and a copy is ON FILE.**RESOLUTION:** (Moved by Councillors Perram and Petch)

- (a) That Council advise Sydney Montessori Society that it is not currently in a position to consider a lease/licence beyond their current lease/licence of the Council community land.
- (b) That Council allow Sydney Montessori Society to continue to occupy the licensed premises under the holdover arrangements until one of the following events/dates occur:
  - Sydney Montessori Society secures alternative accommodation; or
  - The expiration of the lease between Scouts and Council on 28 May 2011.
- (c) That Council write to the Department of Planning reaffirming its position in maintaining this section of Pryor Park's zoning as E2 (Environmental Conservation).

**Record of Voting**For the Motion: The Mayor, Councillor Butterworth, Councillors O'Donnell,

Maggio, Yedelian OAM, Etmekdjian, Perram, Petch, Li and Salvestro-Martin.

Against the Motion: Councillor Tagg

## 8 ADVICE ON COURT ACTIONS

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

That the report of the General Counsel dated 14 May 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: The Mayor, Councillor Butterworth, Councillors Etmekdjian, Li, O'Donnell, Perram, Petch, Salvestro-Martin and Tagg.

Against the Motion: Councillors Maggio and Yedelian OAM

Note: Open Council resumed at 9.17pm.

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

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

That the resolutions 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: The Mayor, Councillor Butterworth, Councillors Etmekdjian, Li, O'Donnell, Perram, Petch, Salvestro-Martin and Tagg.

Against the Motion: Councillors Maggio and Yedelian OAM

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

There are no Precis of Correspondence for Consideration

**NOTICES OF MOTION**

There are no Notices of Motion

**NOTICES OF RESCISSION**

There are no Notices of Rescission

**QUESTIONS BY COUNCILLORS AS PER POLICY****1 QUESTIONS WITH NOTICE - Councillor Salvestro-Martin**

Question 1. That the General Manager advise Council of progress to date of the Development Consent for the Eastwood Shopping Centre which was granted in December, 2008.

Answer: Construction has not yet started. A Section 96 was received on 22 April 2010 to make a number of changes to the proposed development which is currently being assessed.

Question 2. That the General Manager advise Council of the progress with respect to negotiation for rights of access to enable deletion of the current ramp access from the future development.

Answer: We have been advised verbally by the land owner that the negotiations have been completed satisfactorily and will take effect when the development commences.

Question 3. That the General Manager advise how the responses to Q1 and Q2 accord with the undertakings and urgency suggested to the Council with respect to construction commencement dates at the time the Development Consent was approved.

Answer: The consent is valid for five years and it is at the discretion of the landowner when the consent is activated. The landowner has verbally advised that the Global Financial Crisis has caused him to reconsider his commencement timeframes.

Question 4. That the General Manager advise Council of the quantum increase to the property value of the Eastwood Centre delivered by this Development Consent.

Answer: We do not have any data in this respect however we can advise that the value of the works was estimated at \$133,310,650 including GST.

Question 5. That the General Manager advise on what date the current Development Consent expires.

Answer: The consent expires on 3 February 2014.

**PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA**

No addresses were made to Council.

**NATIONAL ANTHEM**

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

The meeting closed at 9.22pm.

CONFIRMED THIS 8<sup>TH</sup> DAY OF June 2010

Chairperson