

Council Meeting

MINUTES OF MEETING NO. 11/10

Meeting Date: Tuesday 27 July 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.

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

PRAYER

Reverend Sue Willis of St Anne's Anglican Church was present and offered prayer prior to the commencement of the meeting.

APOLOGIES: Nil

DISCLOSURES OF INTEREST

Councillor Pickering disclosed a less than significant non-pecuniary interest in Item 10 – RYDE LOCAL ENVIRONMENTAL PLAN 2010 AND RYDE DEVELOPMENT CONTROL PLAN 2010 of the Council Meeting Agenda 11/10 for the reason that a former pro-bono client, community organisation – CAPO, opposes RCC's overdevelopment.

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by The Mayor, Councillor Butterworth and Salvestro-Martin)

That Standing Orders be suspended, the time being 7.35pm, for Council to recognise both the Laureate Award to Linda Shave – Information, Integration and Compliance Manager, City of Ryde, and Council's Award for the Government Category, that were received at the International 2010 Computerworld Honors Program held in Washington DC, USA in June 2010.

Record of Voting:

For the Motion: Unanimous.

The Mayor, Councillor Butterworth, acknowledged Linda Shave, Council's Information, Integration and Compliance Manager, and her outstanding achievement in receiving her Laureate Award, in addition to receiving Council's Award. Linda Shave acknowledged the effort and support she had received from Council, the General Manager and staff.

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Campbell and Etmekdjian)

That Standing orders be resumed at 7.38pm

Record of Voting:

For the Motion: Unanimous.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

No.	Name	Address	Topic
1	Mr Paul Margereson	30 Simla Road, Denistone	Notice of Motion 4 – Affordable Housing
2	Ms Catherine Griffiths	4/2 Crowley Crescent, Melrose Park	Notice of Motion 1 – Community Fitness Initiatives

MAYORAL MINUTES

MM06/10: CANCER COUNCIL: Relay for Life

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

That the Mayor of the day be a local patron for the Cancer Council's Relay for Life event to be held on 25 and 26 September 2010.

Record of Voting:

For the Motion: Unanimous.

COUNCIL REPORTS**1 CONFIRMATION OF MINUTES - Meeting held on 22 June 2010**

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

That the Minutes of the Council No. 10/10 held on 22 June 2010, be confirmed subject to amending the voting in respect of Notice of Motion 3 (page 14) of the minutes to indicate Councillor Pickering voted For the motion and not Against.

Record of Voting:

For the Motion: Unanimous.

2 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 Perram and Petch)

That the items be dealt with in seriatim.

Record of Voting:

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

Against the Motion: The Mayor, Councillor Butterworth and Councillor Salvestro-Martin

3 REQUEST FOR EXPRESSIONS OF INTEREST - MANAGEMENT & OPERATION OF RYDE COMMUNITY SPORTS CENTRE (ELS HALL PARK)

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That the matter be deferred until consultation has been undertaken with the ELS Hall users and the Sport & Recreation Advisory Committee.
- (b) That the concerns raised by the Sport & Recreation Advisory Committee be circulated to all Councillors prior to commencing the consultation process.

Record of Voting:

For the Motion: Unanimous.

4 ALCOHOL FREE ZONES

RESOLUTION: (Moved by Councillors Tagg and Maggio)

- (a) That Council accept the proposal for Alcohol Free Zones (ATTACHED).
- (b) That Council agree to public consultation on the matter, as stated in the Ministerial Guidelines.
- (c) That if no adverse public comments are received on the proposal, the Alcohol Free Zones as outlined in the report be adopted.
- (d) That Council receive a further report on the proposed Alcohol Free Zones if any adverse comment is received during the public consultation.

Record of Voting:

For the Motion: Unanimous.

5 MACQUARIE PARK PARKING STUDY - ADOPTION OF FINAL REPORT

Motion: (Moved by Councillors Yedelian OAM and Petch)

That, subject to the minor revisions to the study identified in ATTACHMENT 1, the Macquarie Park Parking Study Report (circulated under separate cover) be adopted by Council.

Record of Voting:

For the Motion: Unanimous.

6 2010 LOCAL GOVERNMENT ASSOCIATION CONFERENCE - Albury 24-27 October 2010

RESOLUTION: (Moved by Councillors Maggio and Pickering):

- (a) That the Mayor of the day and four (4) Councillors be nominated as voting delegates, and one (1) other Councillor be nominated as an observer to attend the Local Government Association Conference 2010.
- (b) That Council note that the General Manager and/or his delegate/s will attend the Conference.
- (c) That Council endorse the Motions set out in Attachment 3 and the Local Government Association be advised accordingly.

- (d) That Council hold a workshop on 03 August 2010 to discuss the proposed Motions to be submitted to the Local Government Association Conference for consideration at the Committee of the Whole meeting on 03 August 2010.

Record of Voting:

For the Motion: Unanimous.

As a result of Council's resolution, nominations for delegates to the Local Government Association Conference were called.

Nominations were received from:

Councillors Campbell, Etmekdjian, Maggio, O'Donnell, Petch, Pickering and Yedelian OAM.

As a result, a ballot was conducted for four (4) voting delegates (in addition to the Mayor) and one (1) observer. The result of the ballot was:

	Votes
Councillor Petch	11
Councillor Etmekdjian	10
Councillor Maggio	8
Councillor Yedelian OAM	7
Councillor Campbell	7
Councillor Pickering	6
Councillor O'Donnell	6
Councillor Butterworth	4
Informal	1

Councillors Petch, Etmekdjian and Maggio were declared voting delegates for the conference.

As Councillors Yedelian OAM and Campbell were tied at 7-all, a further ballot was undertaken to determine the other voting delegate.

The result of the ballot was:

	Votes
Councillor Yedelian OAM	7
Councillor Campbell	5

As a result, Councillor Yedelian OAM was elected as a voting delegate. Councillor Campbell was elected as the observer.

Summary

Voting Delegates: Mayor of the day and Councillors Petch, Etmekdjian, Maggio and Yedelian OAM

Observer: Councillor Campbell

7 ONE ASSOCIATION CONVENTION - 2010

RESOLUTION: (Moved by Councillors Maggio and Pickering)

That Council nominate Councillor Yedelian OAM to attend the One Association Convention to be held in Sydney on Monday, 16 August and Tuesday 17 August 2010.

Record of Voting:

For the Motion: Unanimous.

8 PITTWATER ROAD - UPGRADE (Status Update)

RESOLUTION: (Moved by Councillors Tagg and Maggio)

- (a) That Council notes the Section 138 (Roads Act) Approval provided by Hunter's Hill Council of the proposed roundabout in Pittwater Road / Buffalo Reserve / Field of Mars (covering the eastern half within the Hunter's Hill Council LGA).
- (b) That Council as the road authority (within the City of Ryde LGA) approves the construction of the roundabout at Pittwater Road / Field of Mars Reserve / Buffalo Creek Reserve under Section 138 of the Roads Act for immediate construction.
- (c) That Council approves further development of the design of Pittwater Road from Carramar Avenue to High Street (excluding the roundabout in (b) above) to fully consider the cumulative environmental effects of all stages, consolidate the community consultation process to one project and to consider suggestions and comments made to date from environmental groups.

Record of Voting:

For the Motion: Unanimous.

9 INVESTMENT REPORT - June 2010

Note: Cllr Li left the Chamber and was not present for voting on this item.

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

That the report of the Chief Financial Officer, dated 13/07/2010 on INVESTMENT REPORT – June 2010, be endorsed.

Record of Voting:

For the Motion: Unanimous.

Note: Councillor Li returned to the Chamber prior to discussion on Item 10, the time being 8.40pm.

10 RYDE LOCAL ENVIRONMENTAL PLAN 2010 AND RYDE DEVELOPMENT CONTROL PLAN 2010

Note: Councillor Pickering declared a less than significant non-pecuniary interest in this item.

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That an administrative advisory note be placed in Ryde Development Control Plan 2010 advising of its status as an amending DCP.

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

11 REPORT ON OUTSTANDING RESOLUTIONS

RESOLUTION: (Moved by Councillors Tagg and Campbell)

That the Outstanding Resolutions report be endorsed.

Record of Voting:

For the Motion: Unanimous.

12 ADVICE ON COURT ACTIONS

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

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 items for Consideration

NOTICES OF MOTION**1 COMMUNITY FITNESS INITIATIVES - Councillor Salvestro-Martin**

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

That the General Manager provide a report on the feasibility of establishing a range of community fitness initiatives across the Ryde LGA to encourage and support increased physical activity, and also highlight the clear community benefits of improved physical activity. This initiative could encompass but not be limited to:

- establishment of a local walking club across the LGA – similar to those established in partnership with the Heart Foundation
- highlighting local walks, parks and fitness activities/exercise equipments, cycling tracks
- establishing strategic partnerships with fitness providers/businesses and promoting community fitness through media and other means
- building upon existing council events to include a fitness component
- establishing a specific 10,000 steps walkathon for Ryde
- Promote this initiative through the Advisory Committees

Record of Voting:

For the Motion: Unanimous.

2 WEST RYDE PRECINCT DEVELOPMENT - Councillor Petch

RESOLUTION: (Moved by Councillors Petch and Tagg)

That this matter be referred to the Closed Session at the end of the meeting to allow Councillors to clarify some legal questions relating to this matter, prior to the Notice of Motion being considered by Council.

Record of Voting:

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

Against the Motion: Councillor O'Donnell

Note: This item was dealt with later in these minutes with the Notice of Motion being withdrawn.

3 AFFORDABLE HOUSING IN RYDE - Councillor Tagg**RESOLUTION:** (Moved by Councillors Tagg and Petch)

That the General Manager bring back a report to Council, from his planning department on the possibility of affordable housing in Ryde.

Record of Voting:

For the Motion: Unanimous.

4 63-77 WEST PARADE, WEST RYDE - Councillor Pickering**RESOLUTION:** (Moved by Councillors Pickering and Yedelian OAM)

That the City of Ryde assess the possibility of undertaking legal proceedings in the Land and Environment Court in relation to the proposed development at 63-77 West Parade at West Ryde as advertised in the Sydney Morning Herald on 21st July 2010. Ryde's case should focus on the reasons given for council's previous rejection of Housing NSW's plans covering this site.

Record of Voting:

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

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

5 OFF-LEASH AREAS FOR DOGS - Councillor Perram**Motion:** (Moved by Councillors Perram and Petch)

That within 6 months of the commencement of the trial off-leash areas for dogs, approved by Council on 20 July 2010, the General Manager submit a report to Council considering:

- (a) the outcome of the trial; and if satisfactory
- (b) the possibility of extending off-leash areas to all parks in Ryde other than specific parks which are nominated by exception.
- (c) That dog owners in the City of Ryde receive educational material that provides information on their responsibilities as a dog owner

Amendment: (Moved by Councillors Tagg and Pickering)

That within 12 months of the commencement of the trial off-leash areas for dogs, approved by Council on 20 July 2010, the General Manager submit a report to Council considering:

- (a) the outcome of the trial; and if satisfactory
- (b) the possibility of extending off-leash areas to all parks in Ryde other than specific parks which are nominated by exception.
- (c) that if dog owners do not remove their animal's waste a fine be imposed.

The AMENDMENT was put and **LOST**, there being three (3) votes for and nine (9) votes against.

Record of Voting:

For the Amendment: Councillors Li, Pickering and Tagg

Against the Amendment: The Mayor, Councillor Butterworth and Councillors Campbell, Etmekdjian, Maggio, O'Donnell, Perram, Petch, Salvestro-Martin and Yedelian OAM

The MOTION was then put and **CARRIED**, there being nine (9) votes for and three (3) votes against.

RESOLUTION: (Moved by Councillors Perram and Petch)

That within 6 months of the commencement of the trial off-leash areas for dogs, approved by Council on 20 July 2010, the General Manager submit a report to Council considering:

- (a) the outcome of the trial; and if satisfactory
- (b) the possibility of extending off-leash areas to all parks in Ryde other than specific parks which are nominated by exception.
- (c) That dog owners in the City of Ryde receive educational material that provides information on their responsibilities as a dog owner

Record of Voting:

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

Against the Motion: Councillors Pickering, Tagg and Li

NOTICES OF RESCISSION**1 NOTICE OF RESCISSION - Councillor Petch, Councillor Perram, Councillor Li**

Motion: (Moved by Councillors Petch and Perram)

That Council rescind the previous resolution in relation to Item 4 – SKATE FACILITIES ACROSS THE CITY OF RYDE – Results from community consultation, passed at the Committee of the Whole 10/10 meeting held on 20 July 2010, namely:

- "(a) That Council commence planning and further community discussion on the provision of a Youth and Unstructured Recreation Precinct at Meadowbank Park;*
- (b) That Council commence planning and further community discussion on the provision of a Skate Spot at Blenheim Park;*
- (c) That Council commence planning and further community discussion on the provision of a Skate path along Shrimpton's Creek;*
- (d) That Council commence planning and further community discussion on the provision of a Skate path along the Ryde River Walk;*
- (e) That Council commence formal negotiations with Macquarie University for a managed facility at the Macquarie University;*
- (f) That Council allocate funding for the preparation of a feasibility study for a skate facility at the RALC;*
- (g) That Council allocate \$100,000 funding in the 2011/12 budget for the development of skate facilities in the City of Ryde."*

Record of Voting:

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

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

The Motion to Rescind was **CARRIED** with seven (7) votes for and five (5) votes against.

The MATTER was then AT LARGE.

Motion: (Moved by Councillors Pickering and Yedelian OAM)

That Council investigate three possible options for the location of a skate park in Ryde including:

- (a) That Council commence formal negotiations with Macquarie University for a managed facility at the Macquarie University;
- (b) That Council allocate funding for the preparation of a feasibility study for a skate facility at the RALC;
- (c) That Council investigate the possibility of a controlled facility at Blenheim Park
- (d) That Council allocate \$100,000 funding in the 2011/12 budget for the development of skate facilities in the City of Ryde."

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

That Council investigate four possible options for the location of a skate park in Ryde including:

- (a) That Council commence formal negotiations with Macquarie University for a managed facility at the Macquarie University;
- (b) That Council allocate funding for the preparation of a feasibility study for a skate facility at the RALC;
- (c) That Council investigate the possibility of a facility at Blenheim Park
- (d) That Council commence planning and further community discussion on the provision of a Skate path along the Ryde River Walk
- (e) That Council allocate \$100,000 funding in the 2011/12 budget for the development of skate facilities in the City of Ryde."

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 O'Donnell, Campbell, Etmekdjian and Salvestro-Martin

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

The MOTION was then put and **CARRIED** with seven (7) votes for and five (5) votes against.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That Council investigate three possible options for the location of a skate park in Ryde including:

- (a) That Council commence formal negotiations with Macquarie University for a managed facility at the Macquarie University;
- (b) That Council allocate funding for the preparation of a feasibility study for a skate facility at the RALC;
- (c) That Council investigate the possibility of a controlled facility at Blenheim Park
- (d) That Council allocate \$100,000 funding in the 2011/12 budget for the development of skate facilities in the City of Ryde."

Record of Voting:

For the Motion: Councillors Li, Maggio, O'Donnell, Petch, Pickering, Tagg and Yedelian OAM

Against the Motion: The Mayor, Councillor Butterworth and Councillors Perram, Campbell, Salvestro-Martin and Etmekdjian

EXTENSION OF TIME

RESOLUTION: (Moved by Councillors Petch and Tagg)

That the meeting time be extended to allow Council to complete the business on the agenda, the time being 10.55pm.

Record of Voting:

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

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

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**NOTICE OF MOTION 2 – WEST RYDE PRECINCT DEVELOPMENT****Confidential**

This item is dealt with in closed session due to Councillors seeking clarification on some legal questions relating to this matter, from the General Manager, prior to considering the Notice of Motion.

ITEM 12 - 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 Yedelian OAM and Etmekdjian)

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

Record of Voting:

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

Against the Motion: Councillor O'Donnell

Note: The Council closed the meeting at 10.58pm. The public and media left the chamber.

Note: Councillor Salvestro-Martin left the meeting at this stage, the time being 10.58pm, and took no further part in debate or voting on the remaining items.

2 WEST RYDE PRECINCT DEVELOPMENT - Councillor Petch

Motion:

That Council seek advice, on the following question, from Price Waterhouse Coopers (who represented Council in negotiating the West Ryde precinct development deed and drafted the deed for execution by Council);

"Is there any legal reason (based on the development deed or otherwise) prohibiting Council from dealings with West Ryde Developments Residential P/L or Adrian Mastronardo in relation to matters affecting the residential component of the West Ryde precinct development project contemplated by DA 559/2007 or MOD 2009/80?"

In relation to this question it is noted that:

(a) Coles will be constructing the retail component of the retail/residential project;

And

(b) West Ryde Developments Residential P/L (a company associated with Adrian Mastronardo) will be constructing the residential component of the project

But

(c) at present, Council officers are not obligated, under the Development Deed with Coles, to deal with West Ryde Developments Residential P/L in relation to the project."

Note: This matter was not formally considered in closed session, however several legal questions were raised by Councillors to the General Manager on this matter. The formal consideration of this Notice of Motion would be dealt with in Open Council..

12 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

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 Pickering)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous.

Note: Open Council resumed at 11.23pm.

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

RESOLUTION: (Moved by Councillors Tagg and Petch)

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

NOTICE OF MOTION

2 WEST RYDE PRECINCT DEVELOPMENT - Councillor Petch

Councillor Petch advised that this Notice of Motion be formally **WITHDRAWN**.

NATIONAL ANTHEM

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

The meeting closed at 11.25pm.

CONFIRMED THIS 10TH DAY OF AUGUST 2010

Chairperson