

Council Meeting

MINUTES OF MEETING NO. 15/10

Meeting Date: Tuesday 28 September 2010
Location: Council Chambers, Level 6
Time: 7.30pm

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

Councillor Li left the meeting at 10.53pm and was not present for consideration of Items 16, 17 and 18.

Apologies: Councillor Tagg.

Staff Present: Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Media & Community Relations Officer, Manager, Finance, Manager, The Environment, Manager, Governance and Councillor Support Coordinator.

PRAYER

Roy Newsome, Acting General Manager read the prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor Maggio declared a less than significant non-pecuniary interest in Item 10 – ROTARY CLUB OF RYDE – ROTARY MENTAL HEALTH COMMUNITY FORUM for the reason that he is a member of Gladesville Rotary Club.

The Mayor, Councillor Etmekdjian declared a less than significant non-pecuniary interest in Item 10 – ROTARY CLUB OF RYDE – ROTARY MENTAL HEALTH COMMUNITY FORUM for the reason that he is a member of Ryde Rotary Club.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

No addresses were made to Council.

MAYORAL MINUTES**09/10 KOREAN FLAG RAISING EVENT**

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

- (a) That Council host a small scale flag raising event with the Korean Consulate General on Tuesday, 5 October 2010.
- (b) That the General Manager provide a report to the Council Meeting to be held 12 October outlining a possible program of flag raising events to be held on appropriate national or commemorative days.

Record of Voting:

For the Motion: Unanimous.

SUSPENSION OF STANDING ORDERS**SUSTAINABILITY AWARD**

RESOLUTION: (Moved by The Mayor, Councillor Etmekdjian and Councillor Campbell)

That Council suspend Standing Orders, the time being 7.36pm, to allow Council's Manager, The Environment to present Council with the Sustainability Award awarded to City of Ryde at the NSW Local Government Managers' Association, for the environmental initiative, Our Waters and that the staff involved be congratulated.

Record of Voting:

For the Motion: Unanimous.

Note: The Mayor accepted the Award from Sam Cappelli, Manager Environment, on behalf of Council.

61 MOBBS LANE – PROPOSED MODIFICATION

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

That Council continue suspension of Standing Orders, the time being 7.41pm, to allow Councillor Perram to raise a Matter of Urgency as follows:

- (a) That Council write to the Department of Planning objecting to the proposed modification to the Part 3A development approved for 61 Mobbs Lane, Epping (former Channel 7 site) on the grounds of
 - Increased traffic in Eastwood Shopping Centre
 - Increased demand on short term parking in Eastwood Shopping Centre
 - Increased demand for commuter parking at Eastwood Railway Station

- Increased pressure on Eastwood Public School enrolments as a result of this development
- (b) That Parramatta and Hornsby Councils be advised of Council's resolution in (a) above.
- (c) That Council ascertain whether there has been any provision of funds for Stormwater relief for Eastwood.

Record of Voting

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

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

PRESENTATION – EASTWOOD RYDE NETBALL ASSOCIATION

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

That Council continue suspension of Standing Orders, the time being 8.07pm, to allow Councillor Maggio to present a plaque of appreciation from the Eastwood Ryde Netball Association

Record of Voting:

For the Motion: Unanimous.

Note: The Mayor accepted the Award on behalf of Council.

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Campbell and Petch)

That Standing Orders be resumed, the time being 8.08pm.

Record of Voting:

For the Motion: Unanimous.

COUNCIL REPORTS**1 CONFIRMATION OF MINUTES - Council Meetings held on 24 August and 14 September 2010**

RESOLUTION: (Moved by Councillors Petch and Pickering)

That the Minutes of Council Meeting 13/10, held on Tuesday 24 August 2010, and the Minutes of Council Meeting 14/10, held on Tuesday 14 September 2010, be confirmed.

Record of Voting:

For the Motion: Unanimous.

2 CONFIRMATION OF MINUTES - Planning & Environment Committee Meeting 06/10 held on 07 September 2010

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM.)

That Part A of the Planning & Environment Committee Meeting 06/10 held on Tuesday 07 September 2010, be dealt with in seriatim and Part B be noted as dealt with under delegated authority.

Record of Voting:

For the Motion: Unanimous.

PLANNING AND ENVIRONMENT COMMITTEE MEETING 06/10**3 72 BELMORE STREET, RYDE. Lot 56 DP 11918. - Local Development Application for demolition of an existing shed and construction of church building to rear of the existing dwelling. LDA2009/580.**

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Local Development Application No. LDA2009/580 at 72 Belmore Street being Lot 56 DP 11918 be approved subject to the conditions attached to the report provided at the Planning and Environment Committee Meeting 6/10 (Attachment 1) with an amendment to Condition 87 (Page 46 of the report) as follows:

87. The use of the premises and the number of persons attending shall generally be in accordance with the table below:

Day of week	Time	Activity	Maximum No. of People	Frequency
Sundays	10.00am – 12.00noon	Church Service	72 persons	Weekly
Saturdays	6.00pm – 8.00pm	Vespers	15 persons	Weekly
Weekdays	9.00am – 10.00am	Mothers Meetings	15 persons	One day per week

Easter	6.30pm – 9.00pm 9.00pm – 11.00pm	Easter Mass	72 persons	During Easter
Weddings & Funerals	8.30am – 5.30pm	Funeral or Wedding	72 persons	3 per year

- (b) That the persons who made submissions be advised of Council's decision
- (c) That, if concerns about parking and access are raised within 6 months of an occupation certificate being issued, the matter be referred to the Traffic Committee for resolution.

Record of Voting:

For the Motion: Unanimous.

4 32 FEDERAL ROAD, WEST RYDE. Lot 7A DP 21149. - Local Development Application for new two storey dwelling. LDA2010/0110.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That this matter be deferred to allow the applicant and objectors an opportunity to consider the Architectus overshadowing diagrams.

Record of Voting:

For the Motion: Unanimous.

3 CONFIRMATION OF MINUTES - Planning & Environment Committee Meeting 07/10 held on 21 September 2010

RESOLUTION: (Moved by Councillors Pickering and Perram)

That Part A of the Planning & Environment Committee Meeting 07/10 held on Tuesday 21 September 2010, be dealt with in seriatim and Part B be noted as dealt with under delegated authority.

Record of Voting:

For the Motion: Unanimous.

PLANNING AND ENVIRONMENT COMMITTEE MEETING 07/10

- 4 166 PRINCES STREET, PUTNEY. Lot 239 DP 8902. - Local Development Application for erection of new two storey dwelling with semi basement carparking and pool. LDA2010/0002.**

RESOLUTION: (Moved by Councillors Pickering and Perram)

That this matter be deferred to be considered at the Committee of the Whole Meeting to be held 5 October 2010.

Record of Voting:

For the Motion: Unanimous.

- 4 CONFIRMATION OF MINUTES - Works & Community Committee Meeting held on 07 September 2010**

RESOLUTION: (Moved by Councillors Maggio and Petch)

That the Minutes of the Works & Community Committee Meeting 08/10, held on Tuesday 07 September 2010, be noted as dealt with under delegated authority.

Record of Voting:

For the Motion: Unanimous.

- 5 CONFIRMATION OF MINUTES - Works & Community Committee Meeting held on 21 September 2010**

RESOLUTION: (Moved by Councillors Maggio and Petch)

That Part A of the Minutes of the Works & Community Committee Meeting 09/10, held on Tuesday 21 September 2010, be dealt with in seriatim, and Part B be noted as dealt with under delegated authority.

Record of Voting:

For the Motion: Unanimous.

WORKS AND COMMUNITY COMMITTEE MEETING 09/10**4 MEADOWBANK PARK TENNIS COURTS AND OLYMPIC PARK TENNIS COURTS – Court hire fee increase**

RESOLUTION: (Moved by Councillors Maggio and Petch)

That this matter be deferred to the next Works and Community Committee meeting for further information to be provided about the income statement summary without fee increase.

Record of Voting

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

Against the Motion: Councillor Salvestro-Martin

5 BICYCLE ADVISORY COMMITTEE – Minutes of Meeting held 16 August 2010

RESOLUTION: (Moved by Councillors Maggio and Pickering)

That a Report be prepared to Council to determine funding arrangements relating to CYCLEWAY CAPITAL WORKS PROGRAM – Review of List of Priorities (2010/2011).

Record of Voting

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

Against the Motion: Councillor Butterworth

6 MOTIONS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Petch and Pickering)

That the Items be considered in seriatim.

Record of Voting:

For the Motion: Unanimous.

7 32 FEDERAL ROAD, WEST RYDE. LOT 7A DP 21149. - Local Development Application for new two storey dwelling. LDA2010/0110.

Note: A Memo and correspondence relating to this Item was provided and a copy is ON FILE.

MOTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Local Development Application No 2010/110 at 32 Federal Road West Ryde being Lot 7A DP 21149 be approved via a deferred commencement consent subject to the **ATTACHED** conditions (Attachment 1) with the following additional condition:

Privacy Screen: The architectural plans shall be amended to provide a louvered privacy screen to the ground floor study window. The screen shall contain 45 degree upward-facing louvers to allow natural light to enter the study room, but prevent overlooking of the adjoining villa development from the study room.

- (b) That the persons who made submissions be advised of Council's decision.

AMENDMENT: (Moved by Councillors Campbell and Pickering)

- (a) That Local Development Application No 2010/110 at 32 Federal Road West Ryde being Lot 7A DP 21149 be approved as per the original design with no architectural modifications as considered in the Agenda of the Planning and Environment Committee on 7 September 2010 (the report and plans provided Under Separate Cover).

- (b) That the following condition be included:

Privacy Screen: The architectural plans shall be amended to provide a louvered privacy screen to the ground floor study window. The screen shall contain 45 degree upward-facing louvers to allow natural light to enter the study room, but prevent overlooking of the adjoining villa development from the study room.

- (c) That the persons who made submissions be advised of Council's decision.

The Amendment was put and **LOST** with three (3) votes for and eight (8) votes against.

Record of Voting

For the Amendment: Councillor Butterworth, Campbell and O'Donnell

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Li, Maggio, Perram, Petch, Pickering, Salvestro-Martin and Yedelian OAM

The Motion was then put and **CARRIED** with ten (10) votes for and one (1) vote against.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Local Development Application No 2010/110 at 32 Federal Road West Ryde being Lot 7A DP 21149 be approved via a deferred commencement consent subject to the **ATTACHED** conditions (Attachment 1) with the following addition:

Privacy Screen: The architectural plans shall be amended to provide a louvered privacy screen to the ground floor study window. The screen shall contain 45 degree upward-facing louvers to allow natural light to enter the study room, but prevent overlooking of the adjoining villa development from the study room.

- (b) That the persons who made submissions be advised of Council's decision.

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

Against the Motion: Councillor Campbell

8 CALL FOR TWO (2) COUNCILLORS TO BE MEMBERS OF THE CHALLENGE COMMITTEE FOR THE BEST VALUE REVIEW OF THE DEVELOPMENT ASSESSMENT PROCESS

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

That two (2) Councillors be nominated to be members of the Challenge Committee to challenge and review the "Best Value Review" of the Development Assessment Process as follows:

- Councillor Pickering and;
- Councillor Yedelian OAM

Record of Voting:

For the Motion: Unanimous.

9 MACQUARIE PARK CBD - Additional Bus Zones, Macquarie Park

RESOLUTION: (Moved by Councillors Butterworth and Petch)

- (a) That Council approves the two Bus Terminus locations proposed by Sydney Buses for Macquarie Park CBD as detailed in the body of this report that entails the following bus zone requirements:

Terminus One:

- Waterloo Road (southern side), 41 metres (extended from existing 23 metres) bus zone (east of Lane Cove Road)
- Waterloo Road (northern side), 51 metres (extended from existing 32 metres) bus zone (east of Lane Cove Road)

Terminus Two:

- Waterloo Road (northern side), 40 metres (combined) bus zone (west of Trafalgar Place)

Terminus Three:

- Talavera Road (southern side), 23 metre bus zone (west of Christie Road)
 - Talavera Road (northern side), 18 metres bus zone (west of Christie Road)
- (b) That all costs associated with establishing the Terminuses be met by Sydney Buses (State Transit Authority), which may include any adjustments to Council's existing traffic management facilities.
- (c) That Council work with the STA to develop a long term bus strategy for Macquarie Park.
- (d) That Council write to the Department of Planning asking that consideration be given to allocating the portion of land set out on page 80 (Lot 2 DP 852147 and Lot 7 DP 842855) of the Council report to be allocated as a bus layover area.

Record of Voting:

For the Motion: Unanimous.

10 ROTARY CLUB OF RYDE - ROTARY MENTAL HEALTH COMMUNITY FORUM

RESOLUTION: (Moved by Councillors Yedelian OAM and Maggio)

- (a) That Council provide North Ryde School of Arts Community Centre to The Rotary Club of Ryde to conduct a forum on Mental Health issues free of charge to the value of \$280 in 2010 with the balance to be referred to the Community Grants Program.
- (b) That Council encourage the Rotary Club of Ryde to apply for future support through Council's Community Grants Program.

Record of Voting:

For the Motion: Unanimous.

11 INVESTMENT POLICY - Revised in accordance with DLG Guidelines

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

That the revised Investment Policy be adopted, effective from 29 September 2010.

Record of Voting:

For the Motion: Unanimous.

12 INVESTMENT REPORT - August 2010

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

That the report of the Chief Financial Officer, dated 14/09/2010 on INVESTMENT REPORT – August 2010, be endorsed.

Record of Voting:

For the Motion: Unanimous.

13 2010/2011 CHRISTMAS NEW YEAR ARRANGEMENTS - Business Operations

RESOLUTION: (Moved by Councillors Pickering and Maggio)

- (a) That the changes to normal City of Ryde business operations over the 2010/2011 Christmas/New Year period, as outlined in the report be endorsed.
- (b) That the changes to normal business operations referred to in (a) above, be advertised in the Mayor's Column, the Ryde City View, on Council's website and by way of notice at the front of the Civic Centre, Council's branch libraries and the Ryde Aquatic Leisure Centre.
- (c) That Council endorse the staff Christmas Party being held at a venue to be advised on Friday 24 December 2010.

Record of Voting:

For the Motion: Unanimous.

14 GOVERNANCE POLICIES: Code of Conduct (including Annual Reporting), Protected Disclosures, Gifts and Benefits, Ethical Lobbying and Provision of Expenses and Facilities for Councillors

RESOLUTION: (Moved by Councillors Campbell and Perram)

That this matter be dealt with seriatim

Record of Voting

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

Against the Motion: Councillor Pickering

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

- (a) That Council adopt the revised Code of Conduct as set out in the attachment to this report.

Record of Voting

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

Against the Motion: The Mayor, Councillor Etmekdjian, Councillors Maggio and Pickering.

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

- (b) That Council adopt the revised Gifts and Benefits Policy as set out in the attachment to this report.

Record of Voting

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

Against the Motion: Councillor Maggio.

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

- (c) That Council adopt the revised Protected Disclosures Internal Reporting System Policy as set out in the attachment to this report.

Record of Voting

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

Against the Motion: Councillor Maggio.

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

- (d) That Council adopt the revised Policy on the Payment of Expenses and Facilities for the Mayor and Other Councillors as set out in the attachment to this report

Record of Voting

For the Motion: Councillors Butterworth, Campbell, Li, O'Donnell, Perram, Petch and Yedelian OAM.

Against the Motion: The Mayor, Councillor Etmekdjian, Councillors Maggio, Pickering and Salvestro-Martin.

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

- (e) That Council adopt the Ethical Lobbying Policy as set out in the attachment to this report.

Record of Voting

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

Against the Motion: The Mayor, Councillor Etmekdjian, Councillors Maggio and Pickering.

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

- (f) That Council note the General Manager's report on Code of Conduct complaints received for the period October 2009 to September 2010.

Record of Voting

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

Against the Motion:, Councillors Maggio and Yedelian OAM.

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

- (g) That issues relating to the Charter of Respect be listed as urgent for consideration at a Council Workshop.

Record of Voting

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

Against the Motion:, Councillors Butterworth, Campbell and Pickering.

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

- (h) That the amendments to the proposed reimbursement of communication expenses in the Policy on the Payment of Expenses and Facilities for the Mayor and Other Councillors as set out in the attachment to this report be adopted subject to no change to clause 2(1) of the Policy resulting in the continued provision for Councillors to claim reimbursement of communication expenses through the submission of a Statutory Declaration.

Record of Voting

For the Motion: The Mayor, Councillor Etmekdjian, Councillors Salvestro-Martin, Maggio, Petch, Pickering, Maggio and Yedelian OAM.

Against the Motion: Councillors Li, O'Donnell, Campbell, Butterworth and Perram.

RECOMMITTAL OF ITEM

RESOLUTION: (Moved by Councillors Campbell and Petch)

That Item 14 of the Council Meeting Agenda No 15/10 – GOVERNANCE POLICIES be recommitted.

Record of Voting:

For the Motion: Unanimous.

14 GOVERNANCE POLICIES: Code of Conduct (including Annual Reporting), Protected Disclosures, Gifts and Benefits, Ethical Lobbying and Provision of Expenses and Facilities for Councillors

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

- (a) That Council adopt the revised Code of Conduct as set out in the attachment to this report.
- (b) That Council adopt the revised Gifts and Benefits Policy as set out in the attachment to this report.

- (c) That Council adopt the revised Protected Disclosures Internal Reporting System Policy as set out in the attachment to this report.
- (d) That Council adopt the revised Policy on the Payment of Expenses and Facilities for the Mayor and Other Councillors as set out in the attachment to this report
- (e) That Council adopt the Ethical Lobbying Policy as set out in the attachment to this report.
- (f) That Council note the General Manager's report on Code of Conduct complaints received for the period October 2009 to September 2010.
- (g) That issues relating to the Charter of Respect be listed as urgent for consideration at a Council Workshop.

AMENDMENT: (Moved by Councillors Petch and Pickering)

- (a) That Council adopt the revised Code of Conduct as set out in the attachment to this report.
- (b) That Council adopt the revised Gifts and Benefits Policy as set out in the attachment to this report.
- (c) That Council adopt the revised Protected Disclosures Internal Reporting System Policy as set out in the attachment to this report.
- (d) That the amendments to the proposed reimbursement of communication expenses in the Policy on the Payment of Expenses and Facilities for the Mayor and Other Councillors as set out in the attachment to this report be adopted subject to no change to clause 2(1) of the Policy resulting in the continued provision for Councillors to claim reimbursement of communication expenses through the submission of a Statutory Declaration.
- (e) That Council adopt the Ethical Lobbying Policy as set out in the attachment to this report.
- (f) That Council note the General Manager's report on Code of Conduct complaints received for the period October 2009 to September 2010.
- (g) That issues relating to the Charter of Respect be listed as urgent for consideration at a Council Workshop.

The Amendment was put and **LOST** with five (5) votes for and six (6) votes against.

Record of Voting

For the Amendment: The Mayor, Councillor Etmekdjian and Councillors Maggio, Petch, Pickering and Yedelian OAM.

Against the Amendment: Councillors Campbell, Butterworth, Li, O'Donnell, Perram and Salvestro-Martin.

The Motion was put and **CARRIED** with seven (7) votes for and four (4) vote against.

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

- (a) That Council adopt the revised Code of Conduct as set out in the attachment to this report.
- (b) That Council adopt the revised Gifts and Benefits Policy as set out in the attachment to this report.
- (c) That Council adopt the revised Protected Disclosures Internal Reporting System Policy as set out in the attachment to this report.
- (d) That Council adopt the revised Policy on the Payment of Expenses and Facilities for the Mayor and Other Councillors as set out in the attachment to this report
- (e) That Council adopt the Ethical Lobbying Policy as set out in the attachment to this report.
- (f) That Council note the General Manager's report on Code of Conduct complaints received for the period October 2009 to September 2010.
- (g) That issues relating to the Charter of Respect be listed as urgent for consideration at a Council Workshop.

Record of Voting

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

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

15 REPORT ON OUTSTANDING RESOLUTIONS

Note: Councillor Li left the Chamber at 10pm and was not present for consideration of this Item. He returned at 10.13pm

RESOLUTION: (Moved by Councillors Petch and Perram)

That the Outstanding Resolutions report be endorsed.

Record of Voting

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

Against the Motion: Councillor Maggio.

16 DEPARTMENT OF HOUSING – Major Project at West Parade, West Ryde

RESOLUTION: (Moved by Councillors Perram and Campbell)

That consideration of this matter be dealt with in Closed Session at the end of the meeting.

Record of Voting:

For the Motion: Unanimous.

17 ADVICE – Botany Council and NSW Housing

RESOLUTION: (Moved by Councillors Petch and Perram)

That consideration of this matter be dealt with in Closed Session at the end of the meeting.

Record of Voting:

For the Motion: Unanimous.

18 ADVICE ON COURT ACTIONS

RESOLUTION: (Moved by Councillors Petch and Pickering)

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 JOINT STANDING COMMITTEE ON ELECTORAL MATTERS - Report on 2008 Local Government Elections****RESOLUTION:** (Moved by Councillors Perram and Petch)

That the correspondence be received.

Record of Voting:For the Motion: Unanimous.**2 JOINT REGIONAL PLANNING PANEL****RESOLUTION:** (Moved by Councillors Petch and Perram)

That the correspondence be received.

Record of VotingFor the Motion: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, O'Donnell, Perram, Petch, Pickering and Salvestro-Martin.Against the Motion: Councillors Maggio and Yedelian OAM**NOTICES OF MOTION****1 ALCOHOL FREE ZONE - Eastwood Town Centre - Councillor Li****RESOLUTION:** (Moved by Councillors Li and Perram)

That the General Manager prepare a report in consultation with Eastwood Police and other stakeholders to consider the merits of establishing an ongoing alcohol free zone in the Eastwood Town Centre area.

Record of Voting:For the Motion: Unanimous.

2 RECOGNITION OF BUSINESSES, ORGANISATIONS AND COMPANIES THAT HAVE BEEN IN LONG TERM SERVICE IN RYDE - Councillor Tagg

RESOLUTION: (Moved by The Mayor, Councillor Etmekdjian and Councillors Butterworth)

That on the request of Councillor Tagg this Motion be deferred to the meeting of Council on 12 October 2010.

Record of Voting:

For the Motion: Unanimous.

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.

CLOSED SESSION

ITEM 16 - DEPARTMENT OF HOUSING - Major Project at West Parade, West Ryde

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 17 - ADVICE - Botany Council and NSW Housing**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 - ADVICE ON COURT ACTIONS**Confidential**

This item is classified CONFIDENTIAL under Section 10A(2) of the Local Government Act, 1993, which permits the meeting to be closed to the public for business relating to the following: (g) advice concerning litigation, or advice as comprises a discussion of this matter, that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential because it contains advice concerning legal matters that are:-

- (a) substantial issues relating to a matter to which the Council is involved.
- (b) clearly identified in the advice, and
- (c) fully discussed in that advice.

It is not in the public interest to reveal all details of this matter as it would prejudice Council's position in any court proceedings.

RESOLUTION: (Moved by Councillors Petch and Campbell)

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

Record of Voting:

For the Motion: Unanimous.

Note: The Council closed the meeting at 10.25pm. The public and media left the chamber.

16 DEPARTMENT OF HOUSING - Major Project at West Parade, West Ryde

Note: Councillor Li left the meeting, the time being 10.53pm did not return.

MOTION: (Moved by Councillors Perram and Campbell)

That the report of the General Counsel on the subject project be noted.

AMENDMENT: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That the report of the General Counsel on the subject project be noted.
- (b) That Council seek further legal advice to oppose this development and if necessary challenge it in the Land and Environment Court.

On being put to the Meeting, the Voting on the Amendment was 5 all and the Mayor used his casting vote for the Amendment. The Amendment was declared **CARRIED** and became the Motion.

Record of Voting

For the Amendment: The Mayor, Councillor Etmekdjian, Councillors Maggio, Petch, Pickering and Yedelian OAM.

Against the Amendment: Councillors Butterworth, Campbell, O'Donnell, Perram and Salvestro-Martin.

On being put to the Meeting, the Voting on the Motion was 5 all and the Mayor used his casting vote for the Motion. The Motion was declared **CARRIED**.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That the report of the General Counsel on the subject project be noted.
- (b) That Council seek further legal advice to oppose this development and if necessary challenge it in the Land and Environment Court.

Record of Voting

For the Motion: The Mayor, Councillor Etmekdjian, Councillors Maggio, Petch, Pickering and Yedelian OAM.

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

COMPLETION OF BUSINESS

RESOLUTION: (Moved by Councillors Petch and Perram)

That there be an extension of time to allow Council to complete the remaining items on the Agenda, the time being 11.01pm.

Record of Voting

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

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

17 ADVICE - Botany Council and NSW Housing

RESOLUTION: (Moved by Councillors Petch and Perram)

That the report of the General Counsel be noted.

Record of Voting:

For the Motion: Unanimous.

18 ADVICE ON COURT ACTIONS

Note: A Document in relation to this matter was tabled and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Petch and Pickering)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous.

OPEN SESSION

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous.

Note: Open Council resumed at 11.04pm.

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That the business transacted in Closed Session be received and adopted as resolution 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 11.06 pm.

CONFIRMED THIS 12TH DAY OF OCTOBER 2010

Chairperson