

Meeting Date: Tuesday 13 March 2012
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: 7.30pm

Councillors Present: Councillors O'Donnell (Chairperson), Butterworth, Campbell, Li, Maggio, Petch, Perram, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.

Councillor Butterworth arrived at 7.37pm during public participation on items listed on the Agenda.

Councillor Salvestro-Martin left the meeting at 11.00pm and did not return to the meeting.

Apologies: The Mayor, Councillor Etmekdjian.

In the absence of the Mayor, Councillor Etmekdjian, Councillor O'Donnell (Deputy Mayor) assumed the Chair.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Service Unit Manager – Urban Planning, Service Unit Manager – Open Space, Section Manager – Traffic, Media & Community Relations Officer and Meeting Support Coordinator.

PRAYER

Pastor Dr Keith Ng of the Evangel Bible Church, Putney was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

Note: Councillor Butterworth arrived at 7.37pm during Public Participation on Items Listed on the Agenda.

The following persons addressed the Council:-

No.	Name	Topic
1	Ms Denise Pendleton	ITEM 4 – Draft Ryde Development Control Plan 2010 – Part 4.4 Ryde Town Centre – Submissions
2	Mrs Beth Kosnik	ITEM 4 – Draft Ryde Development Control Plan 2010 – Part 4.4 Ryde Town Centre – Submissions

3	Mr Philip Peake	ITEM 4 – Draft Ryde Development Control Plan 2010 – Part 4.4 Ryde Town Centre – Submissions
4	Mr Chris Fiore	NOTICE OF MOTION 1 – Road Safety Audit at the Intersection of Osgathorpe and Evan Streets

SUSPENSION OF STANDING ORDERS – PUBLIC PARTICIPATION

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

That Standing Orders be suspended to allow those speakers listed to speak on Items not on the Agenda to address the meeting, the time being 7.50pm.

Record of Voting:

For the Motion: Unanimous

Note: During the completion of the voting on the above Motion, Councillor Petch moved a Matter of Urgency for Council to suspend standing orders and consider the Rescission Motion submitted in respect of Item 18 – Best Value Review – Sportsground Allocation and Management from Council's meeting on 28 February 2012.

The Chairperson did not have an opportunity to respond to this Motion as Councillor Petch moved a Motion of Dissent against the Chairperson's ruling. As the Motion was seconded by Councillor Salvestro-Martin, the Motion of Dissent was required to be voted on by Council.

MOTION OF DISSENT

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

That Council dissent from the Chairperson's ruling.

Record of Voting:

For the Motion: Councillors Butterworth, Li, Petch, Perram, Salvestro-Martin and Tagg

Against the Motion: Councillor O'Donnell (Chairperson) and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM

As the result of the Motion of Dissent was six (6) votes For and five (5) Against, the Motion of Dissent was **CARRIED**.

MATTER OF URGENCY

MOTION: (Moved by Councillor Petch and Perram)

That Council deal with the Rescission Motion regarding Item 18 – Best Value Review – Sportsground Allocation and Management passed at the Council Meeting of 28 February 2012 and that all speakers listed to speak on this matter address the meeting, the time being 7.55pm.

The Chairperson ruled that the matters raised in the Motion were not of great urgency and therefore would not be considered at this meeting.

1 AMENDMENT BY RESOLUTION OF COUNCIL ON 27 MARCH 2012 - CONSIDERED AS PART OF CONFIRMATION OF THESE MINUTES.

RESOLUTION: (Moved by Councillors Petch and Campbell)

That the Minutes of the Council Meeting 3/12, held on 13 March 2012 be confirmed subject to an explanation in the Minutes as detailed below, that explains the procedural ruling of the Chairperson relating to the second Motion of Dissent in determining if a matter was of great urgency.

Additional inclusion in Minutes, to read as follows:

MOTION OF DISSENT

MOTION: (Moved by Councillors Petch and Tagg)

That Council dissent from the Chairperson's ruling.

The Chairperson ruled the Motion out of order for the reason that the Chairperson had not ruled on a Point of Order, but had exercised her legitimate right to determine whether the matter was of great urgency. This determination cannot be challenged by a Motion of Dissent.

Record of Voting:

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

Against the Motion: Councillors Salvestro-Martin and Tagg

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following persons then addressed the Council:-

Name	Topic
Ms Anne Doring (on behalf of Eastwood Ryde Netball Association)	Proposed fee increases for sporting groups hiring/using City of Ryde grounds and facilities

Name	Topic
Mr Buckley Findlay	Proposed fee increases for sporting groups hiring/using City of Ryde grounds and facilities

RESUMPTION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Campbell and Yedelian OAM)

That Council resume Standing Orders, the time being 8.20pm.

Record of Voting:

For the Motion: Unanimous

MAYORAL MINUTES

There were no Mayoral Minutes.

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Council Meeting held on 28 February 2012

RESOLUTION: (Moved by Councillors Campbell and Petch)

That the Minutes of the Council Meeting 2/12, held on 28 February 2012 be confirmed.

Record of Voting:

For the Motion: Councillor O'Donnell (Chairperson) and Councillors Butterworth, Campbell, Li, Maggio, Petch, Perram, Pickering and Yedelian OAM

Against the Motion: Councillors Tagg and Salvestro-Martin

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 3/12 held on 6 March 2012

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

That Council note that all items of the Planning and Environment Committee meeting 3/12 held on 6 March 2012 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Councillor O'Donnell (Chairperson) and Councillors Butterworth, Campbell, Li, Maggio, Petch, Perram, Pickering, Salvestro-Martin and Yedelian OAM

Against the Motion: Councillor Tagg

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 2/12 held on 6 March 2012

RESOLUTION: (Moved by Councillors Perram and Petch)

That Council determine Item 2 of the Works and Community Committee report, noting that Items 1 and 3 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Councillor O'Donnell (Chairperson) and Councillors Butterworth, Campbell, Li, Petch, Perram, Salvestro-Martin and Tagg

Against the Motion: Councillors Maggio, Pickering and Yedelian OAM

2 MULTIFUNCTION POLES AT 20 WEST PARADE, EASTWOOD

RESOLUTION: (Moved by Councillors Perram and Petch)

- (a) That Council install multifunction poles at 20 West Parade in accordance with Council's current Public Domain Manual.
- (b) That funding be allocated from the March Quarterly Review for this project.

Record of Voting:

For the Motion: Councillors Butterworth, Li, Petch, Perram, Salvestro-Martin and Tagg

Against the Motion: Councillor O'Donnell (Chairperson) and Councillors Campbell, Maggio, Pickering and Yedelian OAM

4 DRAFT RYDE DEVELOPMENT CONTROL PLAN 2010 - Part 4.4 Ryde Town Centre - Submissions

Note: Ms Denise Pendleton, Mrs Beth Kosnik and Mr Philip Peake addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Campbell and Pickering)

- (a) That Council authorise that draft Development Control Plan Part 2010 - 4.4 Ryde Town Centre be amended as outlined in this report including Control a. on page 35 to read as follows:-
 - a. Development is to comply with Part 7.1 Energy Smart, Water Wise and in Precinct 1 should achieve a minimum 5.0 Greenstar Rating and in Precinct 2 should achieve a minimum 4.0 Greenstar Rating for commercial premises.

- (b) That Council adopts draft Development Control Plan 2010 - Part 4.4 Ryde Town Centre and that a public notice of Council's decision be placed in a local newspaper under the terms of the Regulations to the Environmental Planning and Assessment Act so the Plan may come into effect.

On being put to the meeting, the Motion was **LOST** there being five (5) votes For and six (6) votes Against. The Matter was then **AT LARGE**.

Record of Voting:

For the Motion: Councillor O'Donnell (Chairperson) and Councillors Campbell, Maggio, Pickering and Yedelian OAM

Against the Motion: Councillors Butterworth, Li, Petch, Perram, Salvestro-Martin and Tagg

FURTHER MOTION: (Moved by Councillors Salvestro-Martin and Li)

That Council receive and note this report and take no further action.

The Further Motion was put and **CARRIED**.

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

That Council receive and note this report and take no further action.

Record of Voting:

For the Motion: Councillors Butterworth, Campbell, Li, Petch, Perram, Salvestro-Martin and Tagg

Against the Motion: Councillor O'Donnell (Chairperson) and Councillors Maggio, Pickering and Yedelian OAM

Note: A Rescission Motion in relation to this Item, signed by Councillors Petch, Salvestro-Martin, Perram and Tagg was lodged during the meeting at 9.07pm and will be considered at the Council meeting to be held on 27 March 2012.

MATTER OF URGENCY

Councillor Tagg attempted to move that the Rescission Motion that he was a signatory lodged at 9.07pm during the meeting be now considered as a Matter of Urgency.

The Chairperson ruled that the matter of the Rescission Motion was not of great urgency and therefore would not be considered at this meeting.

Note: A Rescission Motion in relation to this Item, signed by Councillors Campbell, Yedelian OAM and Maggio was lodged during the meeting at 9.10pm and will be considered at the Council meeting to be held on 27 March 2012.

5 AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (NSW) - 59TH ANNUAL CONFERENCE - 22-24 March 2012

MOTION: (Moved by Councillors Maggio and Campbell)

That Council approve the attendance of Councillor O'Donnell at the Australian Local Government Women's Association (NSW) 59th Annual Conference to be held in Dubbo from 22 to 24 March 2012.

On being put to the meeting, the Motion was **LOST** there being five (5) votes For and six (6) votes Against. The Matter was then **AT LARGE**.

Record of Voting:

For the Motion: Councillor O'Donnell (Chairperson) and Councillors Campbell, Maggio, Pickering and Yedelian OAM

Against the Motion: Councillors Butterworth, Li, Petch, Perram, Salvestro-Martin and Tagg

FURTHER MOTION: (Moved by Councillors Tagg and Perram)

That no Councillors attend the Australian Local Government Women's Association (NSW) 59th Annual Conference to be held in Dubbo from 22 to 24 March 2012.

The Further Motion was put and **CARRIED**.

RESOLUTION: (Moved by Councillors Tagg and Perram)

That no Councillors attend the Australian Local Government Women's Association (NSW) 59th Annual Conference to be held in Dubbo from 22 to 24 March 2012.

Record of Voting:

For the Motion: Councillors Butterworth, Li, Petch, Perram, Salvestro-Martin and Tagg

Against the Motion: Councillor O'Donnell (Chairperson) and Councillors Campbell, Maggio, Pickering and Yedelian OAM

6 FEASIBILITY OF SETTING UP A MEN'S SHED IN THE CITY

RESOLUTION: (Moved by Councillors Yedelian OAM and Campbell)

- (a) That Council support Hunters Hill Ryde Community Services in establishment and operation of their Men's Shed by promoting it to our residents and by attending steering committee meetings.

- (b) That Council endorse the proposed review of the Hunters Hill Ryde Community Services' Men Shed after 12 months in partnership with Hunters Hill Ryde Community Services, to assess further action required to meet the needs of men in the City of Ryde.
- (c) That Council put a notice in the Ryde CityView to notify residents of the opening.

Record of Voting:

For the Motion: Councillor O'Donnell (Chairperson) and Councillors Butterworth, Campbell, Li, Maggio, Petch, Perram, Pickering, Tagg and Yedelian OAM

Against the Motion: Councillor Salvestro-Martin

7 MAGDALA PARK - Amenity Alterations

Note: Councillor Salvestro-Martin left the meeting at 9.39pm and did not vote on this Item.

RESOLUTION: (Moved by Councillors Maggio and Petch)

- (a) That the tender from Build Biz Pty Ltd be accepted for the amenity alterations at Magdala Park, East Ryde.
- (b) That the General Manager be delegated authority to enter into a contract with Build Biz on the terms contained within the tender and for 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 on this matter.

Record of Voting:

For the Motion: Unanimous

8 TENDER REPORT FOR SUPPLY OF SWIMWEAR AND ACCESSORIES AT THE RALC

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council accepts the submission from Zoggs Australia Pty Ltd for supply of swimwear and accessories at the RALC.

- (b) That Council advise the tenderers of Council's decision.

Record of Voting:

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

Against the Motion: Councillor Butterworth

9 REQUEST FOR QUOTATION - RFQ - 3/12 - Waterloo Road Granite Paving - Civil Works

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

Note: Councillor Butterworth left the meeting at 9.57pm and did not vote on this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Pickering)

- (a) That Council endorse the Tender Assessment panel's recommendation as circulated for the Respondents – Waterloo Road Granite Paving – Civil works component.
- (b) That the accepted Respondents provide details of the required insurance (i.e. public Liability and Workers Compensation), and other conforming documents for approval within fourteen (14) days from the date of the acceptance of the tender.
- (c) That all Respondents be advised of the Council decision.

Record of Voting:

For the Motion: Unanimous

10 REQUEST FOR QUOTATION - RFQ - 4/12 - Waterloo Road Granite Paving - Granite Works

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

Note: Councillor Butterworth was not present for consideration or voting on this Item.

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

- (a) That Council endorse the Tender Assessment panel's recommendation as circulated for the Tenderer's – Waterloo Road Granite Paving – Granite works component

- (b) That the accepted Tenderer's provide details of the required insurance (i.e. public Liability and Workers Compensation), and other conforming documents for approval within fourteen (14) days from the date of the acceptance of the tender.
- (c) That all Tenderer's be advised of the Council decision.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Butterworth returned to the meeting at 10.00pm.

Note: Councillor Salvestro-Martin returned to the meeting at 10.00pm.

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

There were no Precis of Correspondence for Consideration.

NOTICES OF MOTION

1 ROAD SAFETY AUDIT AT THE INTERSECTION OF OSGATHORPE AND EVAN STREETS - Councillor Roy Maggio

Note: Mr Chris Fiore addressed the meeting in relation to this Item.

Note: A petition from residents of Osgathorpe Road, Evan Street and Brereton Street was tabled in relation to this Item and a copy is ON FILE.

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

That when Council receives a development application for the Primrose Hill site, that as part of the assessment the applicant be required to provide a Road Safety Audit at the intersection of Osgathorpe Street and Evan Street and all other intersections that identifies risks to both pedestrians and motorists. That a mitigation strategy be developed to minimise the "risks" identified in the Road Safety Audit, that could include the following:

Vehicle Access Restrictions (VAR) in the vicinity of Osgathorpe Road and Evan Street;

The Road Safety Audit Report and Mitigation Strategy be tabled at the future Ryde Local Traffic Committee meeting for consideration/discussion of the audit findings and the potential associated suite of mitigation measures.

Council be advised of the results of the investigation.

Record of Voting:

For the Motion: Unanimous

2 CIVIC PRECINCT PROJECT DOCUMENTATION – Councillor Terry Perram

RESOLUTION: (Moved by Councillors Perram and Petch)

- (a) That in the interests of full transparency, the full EOI invitation documents (comprising Parts 1 and 2) formerly used in relation to the Civic Precinct Project in December 2011 be made available to all Councillors either on the Councillor portal of Council's website or by other suitable means.
- (b) That Council reaffirms its resolution from the meeting of 28 February 2012 that the tender documents for the Civic Precinct proposal be made available to all Councillors by close of business on Friday, 16 March 2012 and remain available for a period of six months.

Record of Voting:

For the Motion: Councillors Butterworth, Li, Petch, Perram, Salvestro-Martin and Tagg

Against the Motion: Councillor O'Donnell (Chairperson) and Councillors Campbell, Maggio, Pickering and Yedelian OAM

Note: A Rescission Motion in relation to this Item, signed by Councillors Campbell, Yedelian OAM and Maggio was lodged during the meeting at 11.02pm and will be considered at the Council meeting to be held on 27 March 2012.

Note: Councillor Salvestro-Martin left the meeting at 11.00pm and did not return to the meeting.

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

Ms Anne Doring (on behalf of Eastwood Ryde Netball Association) and Mr Buckley Findlay addressed the meeting in relation to Items not Listed on the Agenda earlier in the Meeting as detailed in these Minutes.

CLOSED SESSION

ITEM 11 - DEFERRED REPORT: ADVICE ON COURT ACTIONS

Confidential

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

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

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

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

ITEM 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 Butterworth and Petch)

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 11.01pm. The public and media left the chamber.

11 DEFERRED REPORT: ADVICE ON COURT ACTIONS

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Butterworth and Tagg)

That the report of the General Counsel be received.

Record of Voting:

For the Motion: Unanimous

12 ADVICE ON COURT ACTIONS

Note: Councillor Salvestro-Martin was not present for consideration or voting on this Item.

RECOMMENDATION: (Moved by Councillors Petch and Butterworth)

That the report of the General Counsel be received.

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 11.12pm.

RESOLUTION: (Moved by Councillors Petch and Tagg)

That the recommendations of Items considered in Closed Session be received and adopted as resolutions of Council without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous

NATIONAL ANTHEM

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

The meeting closed at 11.15pm.

CONFIRMED THIS 27TH DAY OF MARCH 2012

Chairperson