

Meeting Date: Tuesday 14 August 2012
Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde
Time: Meeting opened at 10.03pm (after the conclusion of the reconvened Council meeting of 24 July 2012)

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

Apologies: Councillors Butterworth, Li and Salvestro-Martin.

Staff Present: General Manager, Group Manager – Community Life, Acting Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Service Unit Manager – Assessment, Manager – Strategy and Organisational Development, Communications and Media Manager, Manager – Community Relations & Events, Service Unit Manager - Governance and Acting Section Manager - Governance.

PRAYER

The General Manager, John Neish was present and offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

There were no disclosures of interest.

TABLING OF PETITIONS

Councillor Petch tabled a petition signed by residents of Ryde seeking *'the City of Ryde to provide Free admission for all Pensioner Concession card or Commonwealth Health Card holders to the Sauna and Spa facilities at the Ryde Aquatic Leisure Centre'*, the time being 10.07pm.

Note: The petition was tabled and a copy is ON FILE.

PRESENTATION OF KEEP AUSTRALIA BEAUTIFUL – OVERALL SUSTAINABLE COUNCIL AWARD

Dominic Johnson, Group Manager – Environment & Planning presented the Mayor, Councillor Etmekdjian with the Overall Sustainable Council (runner-up) Award by Keep Australia Beautiful. The award was the most prestigious of a series of Sustainable Cities Awards and was won for the 'Sustainable Lifestyle and Opportunities at your Doorstep' environmental plan submission.

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Denise Pendleton (representing Residents for Ryde)	Item 6 – NSW Planning System Review: Issue Paper for a New Planning System for NSW
Jill Hartley	Item 6 – NSW Planning System Review: Issue Paper for a New Planning System for NSW
Lee Cummings	Notice of Rescission 1 – Mayoral Minute MM06/12 – Staff Matter

RESOLUTION: (Moved by Councillors Campbell and Maggio)

That the members of the public who had requested to address Council on Items Not Listed on the Agenda be allowed to address the meeting, at this time.

Record of Voting:

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

Against the Motion: Councillor O'Donnell

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

The following person addressed the Council:-

Name	Topic
Mrs Rose Lavery	Letter of reply received from Ryde Council

ORDER OF BUSINESS

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

That the following Items be considered at the start of the meeting:

- Notice of Rescission 1 – Mayoral Minute MM06/12 – Staff Matter
- Item 6 – NSW Planning System Review: Issue Paper for a New Planning System for NSW

Record of Voting:

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

Against the Motion: Councillors Perram, Petch and Tagg

Councillors Petch, Perram and Tagg left the meeting at 10.24pm. Due to a lack of a quorum, the meeting was adjourned.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian adjourned the Council Meeting as a quorum was not present, the time being 10.24pm. The Council Meeting was adjourned to:

Tuesday, 21 August 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde to commence at the conclusion of the Extraordinary Council Meeting of 21 August 2012.

The following Councillors were present: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

The following Councillors were not present: Councillors Perram, Petch and Tagg.

Apologies had been received from Councillors Butterworth, Li and Salvestro-Martin.

MEETING RECONVENED

The Meeting reconvened at 9.20pm on Tuesday, 21 August 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, Maggio, O'Donnell, Petch, Perram, Pickering and Yedelian OAM.

Apologies had been received from Councillors Butterworth, Salvestro-Martin and Tagg.

Staff Present: General Manager, Group Manager – Community Life, Acting Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager - Communications and Media, Manager – Strategy and Organisational Development , Service Unit Manager – Assessment, Team Leader – Building & Development Advisory Service, Service Unit Manager - Governance and Acting Section Manager - Governance.

NOTICES OF RESCISSION

- 1 NOTICE OF RESCISSION: MAYORAL MINUTE MM06/12 - STAFF MATTER - Councillor Nicole Campbell, Councillor Gabrielle O'Donnell, Councillor Roy Maggio**

Note: Lee Cummings addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Yedelian OAM and Petch)

That this matter be deferred until the next Council term when the investigation has come to its conclusion.

Note: This Motion was not voted on by the meeting.

Councillors Li, Perram and Petch left the meeting at 9.26pm. Due to a lack of a quorum, the meeting was adjourned.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian adjourned the Council Meeting as a quorum was not present, the time being 9.26pm. The Council Meeting was adjourned to:

Tuesday, 28 August 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde to commence at 7.30pm.

The following Councillors were present: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

The following Councillors were not present: Councillors Li, Perram and Petch.

Apologies had been received from Councillors Butterworth, Salvestro-Martin and Tagg.

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 28 August 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Petch, Pickering, Tagg and Yedelian OAM.

Apologies had been received from Councillors Butterworth, Li, Perram and Salvestro-Martin.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Chief Financial Officer, Manager – Communications and Media, Manager – Strategy and Organisational Development, Service Unit Manager – Assessment, Team Leader – Building & Development Advisory Service, Service Unit Manager – Governance and Acting Section Manager – Governance.

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors O'Donnell and Yedelian OAM)

That Notice of Rescission 1 – Mayoral Minute MM06/12 – Staff Matter be deferred to the end of the Agenda.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Petch, Tagg and Yedelian OAM.

Against the Motion: Councillor Pickering

6 NSW PLANNING SYSTEM REVIEW: ISSUE PAPER FOR A NEW PLANNING SYSTEM FOR NSW

Note: Denise Pendleton (representing Residents for Ryde) and Jill Hartley addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Campbell)

That Council receive and note the report and endorse this submission to be made on the Green Paper on behalf of the City of Ryde to the NSW Government.

Record of Voting:

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

Against the Motion: Councillor Tagg

MAYORAL MINUTES

MM07/12 GENERAL MANAGERS PERFORMANCE REVIEW 2012

RESOLUTION: (Moved by Councillors Petch and Yedelian OAM)

That consideration of the Mayoral Minute be deferred to Closed Session at the end of the meeting.

Record of Voting:

For the Motion: Unanimous

COUNCIL REPORTS

1 CONFIRMATION OF MINUTES - Extraordinary Council Meeting held on 23 July 2012

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

That the Minutes of the Extraordinary Council Meeting 12/12, held on 23 July 2012 be confirmed.

Record of Voting:

For the Motion: Unanimous

2 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 10/12 held on 7 August 2012

RESOLUTION: (Moved by Councillors Pickering and Campbell)

That Council determine Items 3, 4 and 5 of the Planning and Environment Committee report, noting that Items 1 and 2 were dealt with by the Committee within its delegated powers.

Record of Voting:

For the Motion: Unanimous

3 498 BLAXLAND ROAD, DENISTONE. Application under Section 82A of the EP&A Act, 1979, to review Council's determination of LDA2011/0257 for construction of affordable rental housing (under the Affordable Rental Housing SEPP) on the site. APL2012/0002

RESOLUTION: (Moved by Councillors Pickering and Petch)

(a) That Local Development Application No. 2011/0257 for 498 Blaxland Road, Denistone be refused for the following reasons:-

1. The development as proposed will be detrimental to the character of the area having regard to the proposed density in terms of number of units as it is inconsistent with the multi-dwelling housing density provisions under Clause 4.5B of the LEP 2010.
2. The proposed two storeys for the front two dwellings is inconsistent with the character of the locality and contrary to the height control for multi-housing developments contained under Council's DCP 2010.
3. The form of proposed development contradicts Council's Policy on the design, character and density of multi-dwelling housing.

4. The development is an overdevelopment of the site and provides insufficient parking including no parking for visitors to the site especially given the location of the site on Blaxland Road.
5. The development is not in the public interest as evident by the submissions made.

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

Record of Voting:

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

Against the Motion: Councillors Campbell and O'Donnell

4 252 QUARRY ROAD, RYDE. LOT 2 DP 701738. Local Development Application for Demolition and Erection of an Attached Dual Occupancy. LDA2010/439

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

(a) That Local Development Application No 2010/439 to demolish the existing dwelling house and to erect a 2 storey attached duplex at 252 Quarry Road, Ryde, being Lot 2 DP701738, be approved subject to the conditions in **ATTACHMENT 1** with condition number 23 to read as follows:-

23. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate:**

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$4,015.95
Open Space & Recreation Facilities	\$9,886.42
Civic & Urban Improvements	\$3,362.46
Roads & Traffic Management Facilities	\$458.57
Cycleways	\$286.50
Stormwater Management Facilities	\$910.31
Plan Administration	\$77.25
The total contribution is	\$18,997.45

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the

contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

- (b) That the person who made a submission be advised of Council's decision.

AMENDMENT: (Moved by Councillors Petch and Tagg)

That this matter be deferred for further investigation of the flooding issues and a report back to Council.

On being put to the Meeting, the voting on the Amendment was two (2) votes For and six (6) votes Against. The Amendment was LOST. The Motion was then put and CARRIED.

Record of Voting:

For the Amendment: Councillors Petch and Tagg

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM

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

- (a) That Local Development Application No 2010/439 to demolish the existing dwelling house and to erect a 2 storey attached duplex at 252 Quarry Road, Ryde, being Lot 2 DP701738, be approved subject to the conditions in **ATTACHMENT 1** with condition number 23 to read as follows:-

23. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate:**

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The total contribution is	\$18,997.45

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The above amounts are current at the date of this consent, and are subject to **quarterly** adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website <http://www.ryde.nsw.gov.au>.

- (b) That the person who made a submission be advised of Council's decision.

Record of Voting:

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

Against the Motion: Councillors Petch and Tagg

Note: A Notice of Rescission signed by Councillors Petch, Tagg and Salvestro-Martin was received on 30 August 2012 in relation to this Item and will be considered by Council at its meeting to be held on 9 October 2012.

Note: The reconvened meeting on 4 September 2012 was advised that in respect of the Notice of Rescission lodged regarding 252 Quarry Road Ryde, all the signatories had withdrawn their names. Councillor Tagg withdrew his name at 8.33pm on 3 September 2012, Councillor Salvestro-Martin withdrew his name at 9.04am on 4 September 2012 and Councillor Petch withdrew his name at 3.34pm on 4 September 2012.

Accordingly the Notice of Rescission is **WITHDRAWN**.

5 64 PELLISIER ROAD, PUTNEY. LOT 102 DP 866280. Local Development Application for alterations and additions to the existing dwelling and new cabana. LDA2011/493

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

- (a) That Council resolve to seek amended plans in relation to Local Development Application No. LDA2011/493 for alterations and additions to the existing dwelling and construction of a cabana at No. 64 Pellisier Road, Putney. The amended plans and supporting information shall incorporate the following details:

- i. **Reduction of balcony/terrace.** The Ground Floor balcony/terrace immediately adjoining the family and dining room shall be reduced by a minimum of 4 metres from the rear and the surplus area be replaced with roofing material to the lower ground floor level below and is not to be accessible.
 - ii. **Setback of proposed additions from northern boundary.** The proposed additions must be stepped back to be in line with the existing kitchen and dining room side wall (this will equate to a setback of about 1 metre from the northern (side) boundary).
 - iii. **Tree Management Plan – adjoining Fig Tree:**

The submission of a report and plans from a suitably qualified practicing Arborist which provides details of management of impacts on the adjoining Fig Tree. The report shall include details of the following matters:

 - Details (including a site plan and photographs) regarding investigation to determine the location of the structural roots of the adjoining Fig Tree.
 - Structural Plans of columns of the proposed additions in relation to the structural roots of the adjoining Fig Tree (based on the investigations above) – which minimises construction impacts on the Fig Tree.
 - Structural Plans – cabana: The cabana is to be constructed with pier and beam or other construction methods which minimises impacts within the Tree Protection Zone of the Fig Tree. Subfloor infill walling is not acceptable.
 - Proposed physical management of the Fig Tree before, during and post construction, to ensure its longevity.
 - That any proposed pruning of the Fig Tree be limited to 10% of the tree canopy as supervised by an arborist.
- (b) Upon submission of satisfactory details to Council regarding the above matters, the Group Manager Environment & Planning be delegated authority to determine the DA by approval subject to appropriate conditions.
- (c) That the persons who made submissions be notified of Council's decision.

Record of Voting:

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

Against the Motion: Councillors Petch and Tagg

Note: A Notice of Rescission signed by Councillors Petch, Tagg and Salvestro-Martin was received on 30 August 2012 in relation to this Item and will be considered by Council at its meeting to be held on 9 October 2012.

3 REPORT OF THE WORKS AND COMMUNITY COMMITTEE MEETING 10/12 held on 7 August 2012

RESOLUTION: (Moved by Councillors Maggio and Campbell)

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

Record of Voting:

For the Motion: Unanimous

3 NOTICE OF MOTION – EASTWOOD FLOODING – Hillview Lane Stormwater Canal

MOTION: (Moved by Councillors Tagg and Petch)

- (a) That the Committee recommend that Council allocate \$100,000 immediately from the Stormwater Levy reserve and adjust at the quarterly review for the investigation, design and costing of the Eastwood Town Centre Drainage Augmentation Project.
- (b) That a further report (stage 2) be provided to the Works and Community Committee regarding residential flooding in the vicinity of Jim Walsh Park and the intersection of Shaftesbury Road and Glen Street Eastwood.

AMENDMENT: (Moved by Councillors Campbell and Pickering)

That the Committee recommend that Council allocate \$100,000 from the Stormwater Levy reserve and adjust at the quarterly review for the investigation, design and costing of the Eastwood Town Centre Drainage Augmentation Project.

On being put to the Meeting, the voting on the Amendment was five (5) votes For and three (3) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

For the Amendment: The Mayor, Councillor Etmekdjian and Councillors Campbell, O'Donnell, Pickering and Yedelian OAM

Against the Amendment: Councillors Maggio, Petch and Tagg

RESOLUTION: (Moved by Councillors Campbell and Pickering)

That the Committee recommend that Council allocate \$100,000 from the Stormwater Levy reserve and adjust at the quarterly review for the investigation,

design and costing of the Eastwood Town Centre Drainage Augmentation Project.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillors Campbell, O'Donnell, Pickering and Yedelian OAM

Against the Motion: Councillors Maggio, Petch and Tagg

Note: A Notice of Rescission signed by Councillors Petch, Tagg and Salvestro-Martin was received on 30 August 2012 in relation to this Item and will be considered by Council at its meeting to be held on 9 October 2012.

Note: The reconvened meeting on 4 September 2012 was advised that in respect of the Notice of Rescission lodged regarding Notice of Motion – Eastwood Flooding – Hillview Lane Stormwater Canal all the signatories had withdrawn their names. Councillor Tagg withdrew his name at 8.33pm on 3 September 2012, Councillor Salvestro-Martin withdrew his name at 9.04am on 4 September 2012 and Councillor Petch withdrew his name at 3.34pm on 4 September 2012.

Accordingly the Notice of Rescission is **WITHDRAWN**.

4 URBAN ACTIVATION PRECINCT PROGRAM

RESOLUTION: (Moved by Councillors Yedelian OAM and Campbell)

That Council endorse the nomination of Herring Road Macquarie Park as an Urban Activation Precinct in the NSW Government's Urban Activation Precinct Program.

Record of Voting:

For the Motion: Unanimous

5 INDEPENDENT MEMBERS OF COUNCILS AUDIT AND RISK COMMITTEE

RESOLUTION: (Moved by Councillors Campbell and Pickering)

That Council endorse the extension of the engagement of the current Independent members of the Audit Committee for a further one year period

Record of Voting:

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

Against the Motion: Councillor Yedelian OAM

6 NSW PLANNING SYSTEM REVIEW: ISSUE PAPER FOR A NEW PLANNING SYSTEM FOR NSW

Note: This Item was considered earlier in the Meeting as detailed in these Minutes.

7 2012 LOCAL GOVERNMENT ASSOCIATION CONFERENCE - Dubbo 28-31 October 2012

RESOLUTION: (Moved by Councillors Pickering and Campbell)

- (a) That Council confirm attendance at the 2012 Local Government Association Conference noting five voting Councillor delegates (of which the Mayor of the day will be one) and one Councillor to be nominated to attend the Conference as an observer following the 2012 Local Government Election.
- (b) That Council endorse the Motion for inclusion on the 2012 Local Government Association Conference business paper as set out in Attachment 4 of the Report.
- (c) That information regarding the Yes and No Vote for the One Association be forwarded to all Councillors.

Record of Voting:

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

Against the Motion: Councillors Maggio and Yedelian OAM

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

1 PERSONAL WATERCRAFT EXCLUSION ZONE ON SYDNEY HARBOUR

RESOLUTION: (Moved by Councillors Yedelian OAM and Campbell)

- (a) That the correspondence be received and noted.
- (b) That this information be conveyed in the standard Council advertisement.

Record of Voting:

For the Motion: Unanimous

2 MACQUARIE PARK TASKFORCE

RESOLUTION: (Moved by Councillors Maggio and Yedelian OAM)

- (a) That the correspondence be received and noted.
- (b) That Council write to the Minister of Finance and Services and Local Member, the Honourable Victor Dominello reaffirming its request that Councillors from the City of Ryde and representatives from the Ivanhoe Estate Tenant Group be involved in deliberations of the Macquarie Park Taskforce.

Record of Voting:

For the Motion: Unanimous

3 STATE LIBRARY NSW

RESOLUTION: (Moved by Councillors Pickering and Petch)

- (a) That the correspondence be received and noted.
- (b) That Council congratulate Manager, Library Services and the library staff on the diversity of programs and activities undertaken throughout the City of Ryde library service.

Record of Voting:

For the Motion: Unanimous

4 CARBON TAX

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

That the letter from E J Greening be received and noted.

Record of Voting:

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

Against the Motion: Councillors Campbell and O'Donnell

5 2011 LOCAL GOVERNMENT ASSOCIATION CONFERENCE

RESOLUTION: (Moved by Councillors Petch and Campbell)

That the correspondence be received and noted.

Record of Voting:

For the Motion: Unanimous

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: MAYORAL MINUTE MM06/12 - STAFF MATTER - Councillor Nicole Campbell, Councillor Gabrielle O'Donnell, Councillor Roy Maggio

Note: Lee Cummings addressed the meeting in relation to this Item.

MOTION: (Moved by Councillors Campbell and Pickering)

That Council rescind the previous resolution in relation to Mayoral Minute MM06/12 – STAFF MATTER, passed at the Extraordinary Council Meeting held on 23 July 2012, namely:-

1. *The Council's contract with John Neish dated 14 October 2009 be terminated with immediate effect, pursuant to clauses 10.3.5 and 11.3 and Schedule C thereof, and that John Neish be thereby removed from the position of General Manager with immediate effect.*
2. *Pursuant to s336(1) of the Local Government Act 1993, Roy Newsome's appointment to act in the position of General Manager be extended, pending appointment of a new General Manager pursuant to s334 of the Act.*
3. (a) *Pursuant to clause 11.4 of his contract with the Council dated 14 October 2009, John Neish's entitlements under clause 11.3 of that contract be calculated and paid to him forthwith by direct payment to his bank account, and that payment in accordance with this resolution be delegated to the acting General Manager and that the acting General Manager be directed to implement this resolution with all deliberate speed and in any event by close of business on Wednesday, 25 July 2012.*

(b) *The acting General Manager be further directed to prepare and deliver to Mr Neish, either in hard copy or by email, all necessary papers and documentation required by law by close of business on Wednesday, 25 July 2012.*

Note: This Motion was not voted on by the meeting.

Councillors Petch and Tagg left the meeting at 10.05pm. Due to a lack of a quorum, the meeting was adjourned.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian adjourned the Council Meeting as a quorum was not present, the time being 10.05pm. The Council Meeting was adjourned to:

Tuesday, 4 September 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde to commence at 7.30pm.

The following Councillors were present: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.

The following Councillors were not present: Councillors Petch and Tagg.

Apologies had been received from Councillors Butterworth, Li, Perram and Salvestro-Martin.

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 4 September 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Etmekdjian and Councillors Campbell, O'Donnell, Pickering and Yedelian OAM.

The following Councillor was not present: Councillor Maggio.

Apologies had been received from Councillors Butterworth, Li, Petch, Perram, Salvestro-Martin and Tagg.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Chief Financial Officer, Manager – Communications and Media, Manager – Strategy and Organisational Development , Service Unit Manager – Governance and Acting Section Manager – Governance.

ADJOURNMENT

In accordance with Clause 4.2.4 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian adjourned the Council Meeting as a quorum was not present, the time being 7.35pm. The Council Meeting was adjourned to:

Tuesday, 9 October 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde to commence at 7.30pm.

The following Councillors were present: The Mayor, Councillor Etmekdjian and Councillors Campbell, O'Donnell, Pickering and Yedelian OAM.

The following Councillor was not present: Councillor Maggio.

Apologies had been received from Councillors Butterworth, Li, Petch, Perram, Salvestro-Martin and Tagg.

MEETING RECONVENED

The Meeting reconvened at 7.30pm on Tuesday, 9 October 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Note: Councillor Salvestro-Martin arrived at 7.37pm during discussion regarding the adjournment of the meeting.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager – Communications and Media, Manager – Strategy and Organisational Development, Team Leader – Major Development, Service Unit Manager – Governance, Media and Community Relations Officer and Acting Section Manager – Governance.

ADJOURNMENT

RESOLUTION: (Moved by Councillors Perram and Yedelian OAM)

That this meeting stand adjourned until the completion of both meetings of 9 October and 28 August 2012, the time being 7.43pm.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Salvestro-Martin, Simon and Yedelian OAM

Against the Motion: Councillor Pickering

The following Councillors were present: The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Note: Due to Council not completing the Agenda of 28 August 2012, this meeting stands adjourned to Tuesday, 16 October 2012 to commence following the completion of the Extraordinary Council Meeting and the Adjourned Meeting of 28 August 2012.

MEETING RECONVENED

The Meeting reconvened at 10.09pm on Tuesday, 16 October 2012 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.

The following Councillors were present:

The Mayor, Councillor Petch and Councillors Chung, Etmekdjian, Laxale, Li, Maggio, Pendleton, Perram, Pickering, Salvestro-Martin, Simon and Yedelian OAM.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, General Counsel, Manager – Communications and Media, Service Unit Manager – Governance and Acting Section Manager – Governance.

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: MAYORAL MINUTE MM06/12 - STAFF MATTER - Councillor Nicole Campbell, Councillor Gabrielle O'Donnell, Councillor Roy Maggio

Note: Lee Cummings addressed the meeting in relation to this Item.

Note: Councillor Salvestro-Martin left the meeting at 10.13pm and did not vote on this Item.

RESOLUTION: (Moved by Councillors Maggio and Perram)

That the Notice of Rescission be deferred to Closed Session to the exclusion of press, public and all staff with the exception of General Counsel and the Acting Section Manager – Governance, the time being 10.14pm.

Record of Voting:

For the Motion: Unanimous

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Mrs Rose Lavery addressed the meeting in relation to Items not Listed on the Agenda earlier in the Meeting as detailed in these Minutes.

CLOSED SESSION

NOTICE OF RESCISSION: MAYORAL MINUTE MM06/12 - STAFF MATTER

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: (a) personnel matters concerning particular individuals (other than councillors).

MAYORAL MINUTE MM07/12 – GENERAL MANAGER’S PERFORMANCE REVIEW 2012

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: (a) personnel matters concerning particular individuals (other than councillors).

Note: Councillor Salvestro-Martin was not present for consideration of this Item.

RESOLUTION: (Moved by Councillors Maggio and Perram)

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 10.14pm. The public and media left the chamber.

Note: All staff with the exception of the General Counsel and Acting Section Manager – Governance, left the meeting the time being 10.14pm.

Note: Councillor Salvestro-Martin returned to the meeting at 10.15pm.

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: MAYORAL MINUTE MM06/12 - STAFF MATTER - Councillor Nicole Campbell, Councillor Gabrielle O’Donnell, Councillor Roy Maggio

Note: Council in Closed Session clarified the legal position with respect to the Rescission Motion, having regard to Council’s undertaking given to the Court not to terminate the employment of the General Manager until notified by the Independent Commission Against Corruption that its investigations have been concluded.

Note: Councillor Salvestro-Martin left the meeting at 11.13pm and did not return.

MAYORAL MINUTE

MM07/12 GENERAL MANAGERS PERFORMANCE REVIEW 2012

Note: Council considered this Item in Seriatim.

RECOMMENDATION: (Moved by Councillors Perram and Simon)

- (a) That Council note the Performance Appraisal letter from Chadwick and Associates as **ATTACHED**.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Li left the meeting at 11.21pm and did not vote on part (b) of the Item.

RECOMMENDATION: (Moved by Councillors Perram and Simon)

- (b) That Council determines that it will not make a discretionary increase to the General Manager's Annual Total Remuneration Package.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Chung, Laxale, Maggio, Pendleton, Perram and Simon

Against the Motion: Councillors Etmekdjian, Pickering and Yedelian OAM

Note: Councillor Yedelian OAM abstained from voting on part (b) of this Item and accordingly his vote is recorded Against the Motion.

RECOMMENDATION: (Moved by Councillors Perram and Simon)

- (a) That Council note the Performance Appraisal letter from Chadwick and Associates as **ATTACHED**.
- (b) That Council determines that it will not make a discretionary increase to the General Manager's Annual Total Remuneration Package.

OPEN SESSION

RESOLUTION: (Moved by Councillors Simon and Laxale)

That Council resolve itself into open Council.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.23pm.

Note: Councillor Li returned to the meeting at 11.24pm.

NOTICES OF RESCISSION

1 NOTICE OF RESCISSION: MAYORAL MINUTE MM06/12 - STAFF MATTER - Councillor Nicole Campbell, Councillor Gabrielle O'Donnell, Councillor Roy Maggio

Note: Lee Cummings addressed the meeting in relation to this Item.

Note: Council considered this Item in Seriatim.

RESOLUTION: (Moved by Councillors Pendleton and Councillor Maggio)

- (a) That the Rescission Motion be deferred until such time Council is notified in writing by the Independent Commission Against Corruption that the Commission has concluded its investigations number E12/1191 and E12/1627.

Record of Voting:

For the Motion: Unanimous

RESOLUTION: (Moved by Councillors Pendleton and Councillor Maggio)

- (b) That the Mayor be authorised to seek independent legal advice relating to the General Manager's ongoing employment in light of the undertaking given by Council to the Court and report back to Council.

Record of Voting:

For the Motion: The Mayor, Councillor Petch and Councillors Laxale, Li, Maggio, Pendleton, Perram and Simon

Against the Motion: Councillors Chung, Etmekdjian, Pickering and Yedelian
OAM

RESOLUTION: (Moved by Councillors Pendleton and Councillor Maggio)

- (a) That the Rescission Motion be deferred until such time Council is notified in writing by the Independent Commission Against Corruption that the Commission has concluded its investigations number E12/1191 and E12/1627.
- (b) That the Mayor be authorised to seek independent legal advice relating to the General Manager's ongoing employment in light of the undertaking given by Council to the Court and report back to Council.

RESOLUTION: (Moved by Councillors Maggio and Etmekdjian)

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 11.29pm on 16 October 2012.

CONFIRMED THIS 23RD DAY OF OCTOBER 2012

Chairperson