

Meeting Date: Tuesday 17 July 2012

Location: Council Chambers, Level 6, Civic Centre, 1 Devlin Street, Ryde

Time: 7.30pm

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

Councillor Butterworth arrived at 7.35pm during discussion of the Memorandum from General Manager regarding Notice of Motion lodged on 26 June 2012.

Apologies: Nil.

Staff Present: General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Group Manager - Public Works, Service Unit Manager – Regulatory Services, Communications and Media Manager, Manager – Community Relations & Events and Meeting Support Coordinator.

PRAYER

The General Manager, Mr John Neish offered prayer prior to the commencement of the meeting.

DISCLOSURES OF INTEREST

Councillor O'Donnell disclosed a significant non-pecuniary interest in Precis of Correspondence 2 – Australian Local Government Women's Association (ALGWA NSW) as she is the subject of the correspondence.

MEMORANDUM FROM GENERAL MANAGER REGARDING NOTICE OF MOTION LODGED ON 26 JUNE 2012

Note: The General Manager circulated a Memo regarding a Notice of Motion lodged on 26 June 2012 which advised Council that the Notice of Motion was unlawful. A copy of the Memo is attached to these Minutes.

Note: Councillor Butterworth arrived at 7.35pm during discussion of this Item.

MOTION: (Moved by Councillors Petch and Tagg)

With reference to a Memorandum from the General Manager dated 17 July 2012, that a copy of the legal advice referred to in that Memorandum be made available to Councillors.

On being put to the Meeting, the voting on the Motion was six (6) all. The Mayor used his casting vote Against the Motion. The Motion was LOST.

Record of Voting:

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

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

RESOLUTION: (Moved by Councillors Petch and Tagg)

That this matter be dealt with in Confidential Session at the end of the Meeting.

Record of Voting:

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

Against the Motion: Councillors O'Donnell and Pickering

PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA

The following persons addressed the Council:-

Name	Topic
Peter Sullivan (representing the Eastwood and Ryde Chambers of Commerce)	Item 12 – Deferred Report – REQUEST FOR TENDER – COR-RFT-04/12 – Implement Technology to Assist Transport – Parking Availability and Monitoring
David Tompkins (representing West Ryde Chamber of Commerce)	Item 12 – Deferred Report – REQUEST FOR TENDER – COR-RFT-04/12 – Implement Technology to Assist Transport – Parking Availability and Monitoring
Phil Peake	Notice of Motion 3 – Deferred Notice of Motion: DCP 2011 – Linear Separation for the development of multi unit developments
Denise Pendleton (representing Residents for Ryde)	Item 6 – Deferred Report – Webcasting of Council Meetings
Andrew Wilson	Precis of Correspondence 6 – Deferred Precis of Correspondence: Future Rezoning of Cudal Reserve, Ryde to RE1 Public Recreation

Sherie Barton	Notice of Motion 3 – Deferred Notice of Motion: DCP 2011 – Linear Separation for the development of multi unit developments
Glen Castensen (representing Ryde Hunters Hill Hockey Club)	Notice of Motion 4 – Ryde Hunters Hill Hockey Club
Jill Hartley	Notice of Motion 7 – Resident Complaint regarding the Civic Precinct Development
Diane Erickson	Notice of Motion 7 – Resident Complaint regarding the Civic Precinct Development
Laurie Kennedy	Notice of Motion 7 – Resident Complaint regarding the Civic Precinct Development

Note: The Mayor called on Mr John Cicchini and Mr Warwick Cooper to address the Meeting. Mr Cicchini and Mr Cooper were not present and did not speak.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

RESOLUTION: (Moved by Councillors Campbell and Petch)

That the persons who have requested to address Council on Items Not Listed on the Agenda be allowed to address the meeting.

Record of Voting:

For the Motion: Unanimous

The following person then addressed the Council:-

Name	Topic
Mitchell Ophir	Civic Centre Development

MAYORAL MINUTES

MM5/12 REQUEST FOR EXTRAORDINARY MEETING

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

That Council acknowledge that there will be an Extraordinary Meeting of Council on Monday, 23 July 2012 at 7.30pm to be held in the Council Chamber, Civic Centre, Ryde, to consider the request from two Councillors relating to a staff matter.

Record of Voting:

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

Against the Motion: Councillors Maggio and O'Donnell

ORDER OF BUSINESS

RESOLUTION: (Moved by Councillors Maggio and Campbell)

That Council now consider the following Items in order:-

- Item 6 – Deferred Report: Webcasting of Council Meetings,
- Item 12 – Deferred Report: Request for Tender – COR-RFT-04/12 – Implement Technology to Assist Transport – Parking Availability and Monitoring,
- Precip of Correspondence 6 – Deferred Precip of Correspondence: Future Rezoning of Cudal Reserve, Ryde to RE1 Public Recreation,
- Notice of Motion 3 – Deferred Notice of Motion: DCP 2011 – Linear Separation for the Development of Multi Unit Developments,
- Notice of Motion 4 – Ryde Hunters Hill Hockey Club,
- Notice of Motion 7 – Resident Complaint regarding the Civic Precinct Development.

Record of Voting:

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

Against the Motion: Councillor O'Donnell

6 DEFERRED REPORT: WEBCASTING OF COUNCIL MEETINGS

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

Note: Councillor Li left the meeting at 8.23pm and did not vote on this Item.

Note: Councillor Tagg left the meeting at 8.23pm and did not vote on this Item.

RESOLUTION: (Moved by Councillors Pickering and Campbell)

- (a) That Council commence webcasting of Council and Civic Precinct Committee Meetings on a trial basis for six months, as soon as practicable after 1 July 2012.
- (b) That Council allocate \$20,000 in the 2012/13 Operational Plan for the webcasting project noting ongoing costs of approximately \$1,000 per year.

- (c) That a report be provided to Council following the conduct of the 2012 Local Government Election outlining the outcomes of the trial and recommending appropriate changes to Council's Code of Meeting Practice.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Li returned to the meeting at 8.25pm.

Note: Councillor Tagg returned to the meeting at 8.25pm.

12 DEFERRED REPORT: REQUEST FOR TENDER - COR-RFT-04/12 - Implement Technology to Assist Transport - Parking Availability and Monitoring

Note: Peter Sullivan (representing Eastwood and Ryde Chambers of Commerce) and David Tompkins (representing West Ryde Chamber of Commerce) addressed the meeting in relation to this Item.

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

- (a) That Council accept the tender from Reino International Pty Ltd (trading as Duncan Solutions) for the project "*Implement Technology to Assist Transport - Parking Availability and Monitoring*", to the amount of \$500,000 as recommended in the Tender Evaluation Report.
- (b) That Council delegate to the General Manager the authority to enter into a contract with Reino International Pty Ltd (trading as Duncan Solutions) on the terms contained within the tender and for minor amendments to be made to the contract documents that are not of a material nature.
- (c) That Council advise all the respondents of Council's decision.

AMENDMENT: (Moved by Councillors Perram and Salvestro-Martin)

That this matter be deferred for consideration by the new Council at a meeting after 8 September 2012.

On being put to the Meeting, the voting on the Amendment was eight (8) votes For and four (4) votes Against. The Amendment was CARRIED. The Amendment then became the Motion.

Record of Voting:

For the Amendment: The Mayor, Councillor Etmekdjian and Councillors Butterworth, Li, Perram, Petch, Pickering, Salvestro-Martin and Tagg

Against the Amendment: Councillors Campbell, Maggio, O'Donnell and Yedelian OAM

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

That this matter be deferred for consideration by the new Council at a meeting after 8 September 2012.

Record of Voting:

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

Against the Motion: Councillors Campbell, Maggio, O'Donnell and Yedelian OAM

6 DEFERRED PRECIS OF CORRESPONDENCE: FUTURE REZONING OF CUDAL RESERVE, RYDE TO RE1 PUBLIC RECREATION

Note: Andrew Wilson addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Tagg)

- (a) That the correspondence be received.
- (b) That any negotiations between Council and Sydney Water be reported to Council.

Record of Voting:

For the Motion: Unanimous

3 DEFERRED NOTICE OF MOTION: DCP 2011 - LINEAR SEPARATION FOR THE DEVELOPMENT OF MULTI UNIT DEVELOPMENTS - Councillor Gabrielle O'Donnell

Note: Phil Peake and Sherie Barton addressed the meeting in relation to this Item.

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

That in view of the proposed changes to the DCP 2011 Council advises the assessment team to no longer assess linear separation as a constraint for the development of multi unit developments.

Record of Voting:

For the Motion: Councillors Campbell, and O'Donnell

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

4 RYDE HUNTERS HILL HOCKEY CLUB - Councillor Roy Maggio

Note: Glen Castensen (representing Ryde Hunters Hill Hockey Club) addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Maggio and Tagg)

That the Mayor write to the Minister for Finance, the Honourable Greg Pearce, the Minister for Education, Adrian Piccoli and the Department of Education and Communities with signatures of all Councillors requesting them to extend the current arrangement for the Ryde Hunters Hill Hockey Club.

That the General Manager write to the Premier and the Minister for Education and the Department of Education and Communities on behalf of the organisation requesting to extend the current arrangement for the Ryde Hunters Hill Hockey Club.

And to provide appropriate reasons why an extended arrangement could not be accepted.

That a delegation of the Mayor and Councillor Maggio be made to the Premier to represent the interests of the Ryde Hunters Hill Hockey Club.

Record of Voting:

For the Motion: Unanimous

7 RESIDENT COMPLAINT REGARDING THE CIVIC PRECINCT DEVELOPMENT – Councillor Terry Perram

Note: Jill Hartley, Diane Erickson and Laurie Kennedy addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Perram and Butterworth)

That the General Manager explain to Council why, on 26 June 2012, when replying to a complaint from a resident regarding the Civic Precinct development he copied that reply to Councillors who support his position with regard to the development, but not to any other Councillor.

To clarify the sequence of events:

25 June 2012 – resident sends email to all Councillors and the General Manager complaining about the Civic Precinct development among other things.

26 June 2012 – General Manager replies to the complainant by email and copies of the reply to the six Councillors who have voted in favour of the Civic Precinct development, ignoring other Councillors.

28 June 2012 – resident responds to the General Manager's reply noting that the General Manager has copied the reply "to a select number of Councillors and a staff member instead of all parties that I referred my complaint". Resident copies this reply to all Councillors.

Record of Voting:

For the Motion: The Mayor, Councillor Etmekdjian and Councillor Butterworth, Li, Perram, Petch, Salvestro-Martin and Tagg

Against the Motion: Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM

Note: The General Manager then provided Councillors with an explanation.

COUNCIL REPORTS

1 DEFERRED REPORT: CONFIRMATION OF MINUTES - Council Meeting held on 22 May 2012

RESOLUTION: (Moved by Councillors Petch and Pickering)

That the Minutes of the Council Meeting 8/12, held on 22 May 2012 be confirmed.

Record of Voting:

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

Against the Motion: Councillor O'Donnell

2 DEFERRED REPORT: CONFIRMATION OF MINUTES - Council Meeting held on 12 June 2012

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

That the Minutes of the Council Meeting 9/12, held on 12 June 2012 be confirmed.

Record of Voting:

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

Against the Motion: Councillor Tagg

3 DEFERRED REPORT: PUTNEY PARK PLAN OF MANAGEMENT ACTION PLAN UPDATE

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

- (a) That Council receive and note the information contained in the body of this report.
- (b) That the short term key action to design and construct the foreshore park through to the punt and ferry be undertaken.

Record of Voting:

For the Motion: Unanimous

4 DEFERRED REPORT: ACCUMULATED LIBRARY FINES

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

- (a) That Council request the General Manager to write off as unrecoverable debts \$521,549.16 of library fines and fees registered in the Library Management System from prior to 2006/7 until 30 June 2011.
- (b) That Council promote an amnesty period for the month of August 2012, and that the General Manager, or his delegate, is given authority to waive accumulated fines and fees for 'lost' items returned to the library in good condition.
- (c) That Council commence appropriate external debt recovery procedures in September 2012 for all fines and fees accumulated in and beyond the financial year 2011/12 that remain following (b) and exceed \$50 per library member.

- (d) That Council endorse the exclusion of borrowers who are aged under 18 or over 65 from the debt recovery process.

Record of Voting:

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

Against the Motion: Councillors Butterworth, Salvestro-Martin, Tagg and Yedelian OAM

5 DEFERRED REPORT: PROPOSED SITE FOR HOUSING COUNCIL STAFF AND MOVEMENT OF STAFF TO NEW PREMISES

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

That Council receives and notes this Report.

Record of Voting:

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

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

6 DEFERRED REPORT: WEBCASTING OF COUNCIL MEETINGS

Note: This matter was dealt with earlier in the meeting as set out in these Minutes.

7 DEFERRED REPORT: SUMMARY OF EXPENSES RELATING TO THE GENERAL MANAGER AND SENIOR STAFF

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

That Council note the summary of expenses claimed by the General Manager and Senior Staff for the period between November 2011 and April 2012.

Record of Voting:

For the Motion: Unanimous

8 DEFERRED REPORT: REPORTS DUE TO COUNCIL

Note: Councillor Butterworth left the meeting at 10.15pm and did not vote on this Item.

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

That the report on Outstanding Council Reports be endorsed.

Record of Voting:

For the Motion: Unanimous

Note: Councillor Butterworth returned to the meeting at 10.17pm.

9 DEFERRED REPORT: POLICY FOR THE INTERFACE AND DAY TO DAY OVERSIGHT OF THE GENERAL MANAGER BY THE MAYOR

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

That Council endorse the Policy for the Interface and Day to Day Oversight of the General Manager by the Mayor as **ATTACHED** to this report.

Record of Voting:

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

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

10 DEFERRED REPORT: 2012/2013 CHRISTMAS / NEW YEAR ARRANGEMENTS - Business Operations

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

- (a) That the changes to normal City of Ryde business operations over the 2012/2013 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 the Civic Hall on Friday, 21 December 2012.

Record of Voting:

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

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

11 DEFERRED REPORT: INVESTMENT REPORT - May 2012

RESOLUTION: (Moved by Councillors Petch and Pickering)

- (a) That Council endorse the report of the Chief Financial Officer dated 7 June 2012 on Investment Report – May 2012.
- (b) That Council endorse joining the legal proceedings against the Commonwealth Bank of Australia for the Synthetic Collateralised Debt Obligation as a third party as per the funding agreement provided.

Record of Voting:

For the Motion: Unanimous

12 DEFERRED REPORT: REQUEST FOR TENDER - COR-RFT-04/12 - Implement Technology to Assist Transport - Parking Availability and Monitoring

Note: This matter was dealt with earlier in the meeting as set out in these Minutes.

13 DEFERRED REPORT: DRAFT PART 3.4 MULTI DWELLING HOUSING DCP AND BANKSTOWN CITY COUNCIL BOARDING HOUSE CASES

MOTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council authorise public exhibition of draft Development Control Plan (DCP) 2011 – Part 3.4 Multi Dwelling Housing in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
- (b) That Council receive a further report on the outcomes of the exhibition of draft DCP 2011 - Part 3.4 Multi Dwelling Housing following the exhibition period.
- (c) That Council's DCP 2011 - Part 3.4 Multi Dwelling Housing not include reference to the permissible use of boarding houses in R2/Low Density suburbs until changes are made to the LEP that reflects the zoning definition similar to that in place at Bankstown City Council.

- (d) That Council amend its LEP to reflect the zoning that articulates boarding houses as a 'prohibited land use' in the residential R2(a) land use zone.

AMENDMENT: (Moved by Councillors Petch and Campbell)

- (a) That Council authorise public exhibition of draft Development Control Plan (DCP) 2011 – Part 3.4 Multi Dwelling Housing in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
- (b) That Council receive a further report on the outcomes of the exhibition of draft DCP 2011 - Part 3.4 Multi Dwelling Housing following the exhibition period.
- (c) That at the earliest available opportunity, Councillors be provided with the maps that indicate the potential for villa development.

On being put to the Meeting, the voting on the Amendment was six (6) all. The Mayor used his casting vote Against the Amendment. The Amendment was LOST. The Motion was then put.

Record of Voting:

For the Amendment: Councillors Butterworth, Campbell, O'Donnell, Perram, Petch and Salvestro-Martin

Against the Amendment: The Mayor, Councillor Etmekdjian and Councillors Li, Maggio, Pickering, Tagg and Yedelian OAM

RESOLUTION: (Moved by Councillors Campbell and Petch)

That the Motion be dealt with in Seriatim.

Record of Voting:

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

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

MOTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council authorise public exhibition of draft Development Control Plan (DCP) 2011 – Part 3.4 Multi Dwelling Housing in accordance with the requirements of the Environmental Planning and Assessment Act 1979.

Record of Voting:

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

Against the Motion: Councillors Perram and Salvestro-Martin

MOTION: (Moved by Councillors Pickering and Yedelian OAM)

- (b) That Council receive a further report on the outcomes of the exhibition of draft DCP 2011 - Part 3.4 Multi Dwelling Housing following the exhibition period.

Record of Voting:

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

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

MOTION: (Moved by Councillors Pickering and Yedelian OAM)

- (c) That Council's DCP 2011 - Part 3.4 Multi Dwelling Housing not include reference to the permissible use of boarding houses in R2/Low Density suburbs until changes are made to the LEP that reflects the zoning definition similar to that in place at Bankstown City Council.

On being put to the Meeting, the voting on the Motion was six (6) all. The Mayor used his casting vote For the Motion. The Motion was CARRIED.

Record of Voting:

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

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

MOTION: (Moved by Councillors Pickering and Yedelian OAM)

- (d) That Council amend its LEP to reflect the zoning that articulates boarding houses as a 'prohibited land use' in the residential R2(a) land use zone.

On being put to the Meeting, the voting on the Motion was six (6) all. The Mayor used his casting vote For the Motion. The Motion was CARRIED.

Record of Voting:

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

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

RESOLUTION: (Moved by Councillors Pickering and Yedelian OAM)

- (a) That Council authorise public exhibition of draft Development Control Plan (DCP) 2011 – Part 3.4 Multi Dwelling Housing in accordance with the requirements of the Environmental Planning and Assessment Act 1979.
- (b) That Council receive a further report on the outcomes of the exhibition of draft DCP 2011 - Part 3.4 Multi Dwelling Housing following the exhibition period.
- (c) That Council's DCP 2011 - Part 3.4 Multi Dwelling Housing not include reference to the permissible use of boarding houses in R2/Low Density suburbs until changes are made to the LEP that reflects the zoning definition similar to that in place at Bankstown City Council.
- (d) That Council amend its LEP to reflect the zoning that articulates boarding houses as a 'prohibited land use' in the residential R2(a) land use zone.

Note: A Notice of Rescission relating to Parts (c) and (d) signed by Councillors Campbell, O'Donnell and Petch was received in relation to this Item and will be considered by Council at its meeting to be held on 24 July 2012.

COMPLETION OF BUSINESS

MOTION: (Moved by Councillors Petch and Tagg)

That all remaining Items of Business be considered at an Extraordinary Meeting of Council to be held on 24 July 2012, commencing at 7.00pm.

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

That the meeting time be extended to allow completion of all remaining Items of Business.

On being put to the Meeting, the voting on the Amendment was five (5) votes For and seven (7) votes Against. The Amendment was LOST. The Motion was the put and CARRIED.

Record of Voting:

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

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

RESOLUTION: (Moved by Councillors Petch and Tagg)

That all remaining Items of Business be considered at an Extraordinary Meeting of Council to be held on 24 July 2012, commencing at 7.00pm.

Record of Voting:

For the Motion: Unanimous

Note: A Notice of Rescission signed by Councillors Pickering, Maggio and O'Donnell was received in relation to this Item after the meeting and will be considered by Council at its meeting to be held on 24 July 2012.

PUBLIC PARTICIPATION ON ITEMS NOT LISTED ON THE AGENDA

Mr Mitchell Ophir address the Council regarding the Civic Centre Development earlier in the meeting as set out in these minutes.

NATIONAL ANTHEM

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

Note: The following Items listed on the Agenda for the Extraordinary Council Meeting 11/12 were deferred for consideration at an Extraordinary Council Meeting to be held at 7.00pm on Tuesday, 24 July 2012:

COUNCIL REPORTS

- 14 DEFERRED REPORT: DRAFT DEVELOPMENT CONTROL PLAN 2010 – PART 9.6 TREE PRESERVATION - SUBMISSIONS
- 15 DEFERRED REPORT: CITY OF RYDE – SYDNEY OVER THE NEXT 20 YEARS – DISCUSSION PAPER DRAFT RESPONSE
- 16 DEFERRED REPORT: EMPLOYMENT OPPORTUNITIES FOR PEOPLE WITH A DISABILITY

PRECIS OF CORRESPONDENCE FOR CONSIDERATION

- 1 DEFERRED PRECIS OF CORRESPONDENCE: FUNDING FOR THE POSITION OF ABORIGINAL EDUCATION OFFICER AT MARSDEN HIGH SCHOOL
- 2 DEFERRED PRECIS OF CORRESPONDENCE: AUSTRALIAN LOCAL GOVERNMENT WOMEN'S ASSOCIATION (ALGWA NSW)
- 3 DEFERRED PRECIS OF CORRESPONDENCE – SYDNEY AIRPORT – THE RIGHT FUTURE, STARTING NOW

- 4 DEFERRED PRECIS OF CORRESPONDENCE: 50:50 VISION – COUNCILS FOR GENDER EQUITY PROGRAM
- 5 DEFERRED PRECIS OF CORRESPONDENCE: SYDNEY OVER THE NEXT 20 YEARS
- 7 DEFERRED PRECIS OF CORRESPONDENCE: BOARDING HOUSE TARIFFS FOR RESIDENTIAL RATING AND FEE FOR SECTION 603 CERTIFICATES FOR 2012/13
- 8 DEFERRED PRECIS OF CORRESPONDENCE: CARBON TAX

NOTICES OF MOTION

- 1 DEFERRED NOTICE OF MOTION: GLADESVILLE HORNSBY FOOTBALL ASSOCIATION
- 2 DEFERRED NOTICE OF MOTION: RECOGNITION OF NAIDOC WEEK
- 5 MORRISON BAY PARK
- 6 EASTWOOD FEASIBILITY STUDIES – SCOPE OF WORK

NOTICES OF RESCISSION

- 1 DEFERRED NOTICE OF RESCISSION – CITY OF RYDE PROCUREMENT PROCESSES
- 2 2012 LOCAL GOVERNMENT ELECTION – CARETAKER PROVISIONS AND MEETING SCHEDULE
- 3 COMMUNITY MEMBERSHIP OF THE WHEELED SPORTS ADVISORY COMMITTEE

CONFIDENTIAL ITEMS

- 17 DEFERRED REPORT: ADVICE ON COURT ACTIONS
- 18 DEFERRED REPORT: ADVICE ON COURT ACTIONS
- 19 DEFERRED REPORT: ADVICE ON COURT ACTIONS

The meeting closed at 11.20pm.

CONFIRMED THIS 24TH DAY OF JULY 2012

Chairperson

MEMORANDUM

To: All Councillors
From: General Manager
Date: 17 July 2012
Subject: Notice of Motion lodged 26 June 2012 - D12/53306

This memo is to confirm my formal response to Councillors sent via email on 17 July 2012, that in accordance with clause 240 (2) of the Local Government (General) Regulation 2005, I have determined that the Notice of Motion lodged by six Councillors on 26 June 2012 is unlawful and therefore is not to be included on the agenda of the Extraordinary Council meeting requested for the 17 July 2012.

Councillors will note that Clause 240 (2) of the Regulation states that it is a matter for the General Manager to determine whether a matter is lawful. The Regulation further provides that I must report any such exclusion to the next meeting of Council which I have done with this advice.

As such I advise to Council as follows:

Council is advised that in accordance with Clause 240(2) of the Local Government (General) Regulation 2005, I have determined that the Notice of Motion lodged by Councillors Butterworth, Li, Perram, Petch, Salvestro-Martin and Tagg on 26 June 2012 is unlawful and as such not to be included in the Agenda of the Extraordinary Council Meeting of 17 July 2012.

This determination is based on the fact that the proposed Notice of Motion lodged on 26 June 2012 has the effect of altering Council's resolution relating to Item 5 of 12 June 2012 Council Meeting which was subject to an unsuccessful Rescission Motion on 26 June 2012. Specifically, if the Notice of Motion lodged on 26 June 2012 were to be passed, it would have the effect of altering the time-frame expressly involved in resolution 2 and implied in resolutions 3 and 4, which the Rescission Motion which was lost on 26 June 2012 had failed to do.

Therefore, in accordance with Section 372(5) of the Local Government Act, no similar motion can be brought forward within 3 months.

This advice has been confirmed by Council's lawyers, Clayton Utz and the Hon. Barry O'Keefe AM QC.


John Neish
General Manager