

**Meeting Date:** Tuesday 28 February 2012  
**Meeting opened on Tuesday, 6 March 2012**  
**(Meeting was rescheduled to Tuesday, 6 March 2012 as a result of the meeting of 14 February 2012 not being completed until 11.40pm on 28 February 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, Petch, Perram, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.

**Apologies:** Nil

**Staff Present:** General Manager, Group Manager – Community Life, Group Manager - Corporate Services, Group Manager – Environment & Planning, Acting Group Manager - Public Works, General Counsel, Chief Financial Officer, Media & Community Relations Officer and Acting Manager - Governance.

### **PRAYER**

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

### **DISCLOSURES OF INTEREST**

There were no disclosures of interest.

### **RECOGNITION OF DIAMOND JUBILEE OF QUEEN ELIZABETH II**

As resolved by Council at its meeting of 13 December 2011, The Mayor, Councillor Etmekdjian formally acknowledged and congratulated Queen Elizabeth II on her Diamond Jubilee (60<sup>th</sup> anniversary) of her accession to the throne on 6 February 1952.

### **PUBLIC PARTICIPATION ON ITEMS LISTED ON THE AGENDA**

The following persons addressed the Council:-

<b>No.</b>	<b>Name</b>	<b>Topic</b>
1	Ms Denise Pendleton	<b>ITEM 4</b> – Report of the Civic Precinct Committee Meeting 1/12 held on 21 February 2012
2	Ms Lyn Slatter	<b>ITEM 4</b> – Report of the Civic Precinct Committee Meeting 1/12 held on 21 February 2012

3	Ms Neita Matthews OAM	<b>NOTICE OF MOTION 1</b> – Recognition of Ryde Citizens of the Year
4	Mr Noel Plumb (on behalf of the Ryde Environment Group and Ryde Community Alliance)	<b>ITEM 8</b> – Managing the Urban Forest and Review of DCP 2010 Part 9.6 Tree Preservation and <b>ITEM 18</b> Best Value Review – Sportground Allocation and Management
5	Ms Jennie Minifie (on behalf of the Ryde Environment Group)	<b>ITEM 8</b> – Managing the Urban Forest and Review of DCP 2010 Part 9.6 Tree Preservation and <b>ITEM 18</b> Best Value Review – Sportground Allocation and Management
6	Mr Andrew O’Neill	<b>ITEM 18</b> Best Value Review – Sportground Allocation and Management

### **MAYORAL MINUTES**

There were no Mayoral Minutes.

### **SUSPENSION OF STANDING ORDERS**

**RESOLUTION:** (Moved by Councillors Li and Tagg)

That Standing Orders be suspended to allow Items 4, 8, 18 and Notice of Motion 1 to be brought forward for consideration by Council. The time being 8.13pm.

### **Record of Voting:**

For the Motion: Unanimous

### **COUNCIL REPORTS**

#### **4 REPORT OF THE CIVIC PRECINCT COMMITTEE MEETING 1/12 held on 21 February 2012**

Note: Ms Denise Pendleton, Ms Lyn Slatter addressed the meeting in relation to this Item.

**RESOLUTION:** (Moved by Councillors Campbell and O’Donnell)

That Council determine Items 1 and 2 of the Civic Precinct Committee report in accordance with the delegations set out in the Code of Meeting Practice relating to Charters, functions and powers of Committees.

### **Record of Voting:**

For the Motion: Unanimous

## **1 CONFIRMATION OF MINUTES – Civic Precinct Committee Meeting held on 11 May 2011**

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

That the Minutes of the Civic Precinct Committee Meeting 1/11, held on Wednesday, 11 May 2011 be confirmed.

### **Record of Voting:**

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

Against the Motion: Councillors Butterworth and Salvestro-Martin

## **2 RYDE CIVIC PRECINCT REDEVELOPMENT STAGE 3 STATUS UPDATE**

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

- (a) That the Ryde Civic Precinct Redevelopment Stage 3 Status report be received and noted.
- (b) That the tender documents be made available to Councillors via the Councillor portal.

### **Record of Voting:**

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

Against the Motion: Councillor Butterworth

## **8 MANAGING THE URBAN FOREST AND REVIEW OF DCP 2010 PART 9.6 TREE PRESERVATION**

Note: Mr Noel Plumb (on behalf of the Ryde Environment Group) and Ms Jennie Minifie (on behalf of the Ryde Environment Group) addressed the meeting in relation to this Item.

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

- (a) That Council authorise the public exhibition of the draft Development Control Plan (DCP) 2010 Part 9.6 Tree Preservation and its associated Technical Manual in accordance with the requirements of the Environmental; Planning and Assessment Act 1979.

- (b) That Council authorise the public exhibition of the draft Urban Forest Policy.
- (c) That following the exhibition period of draft DCP 2010 Part 9.6 Tree Preservation a report be prepared for Council consideration.

**AMENDMENT:** (Moved by Councillors Perram and Petch)

- (a) That Council authorise the public exhibition of the draft Development Control Plan (DCP) 2010 Part 9.6 Tree Preservation and its associated Technical Manual in accordance with the requirements of the Environmental; Planning and Assessment Act 1979 subject to the following amendment:-.

That the Draft be amended to refer to the Works and Community Committee any tree permit that the Tree Review Committee recommends for refusal.

- (b) That Council authorise the public exhibition of the draft Urban Forest Policy.
- (c) That following the exhibition period of draft DCP 2010 Part 9.6 Tree Preservation a report be prepared for Council consideration.

On being put to the meeting, the Amendment was **LOST** there being five (5) votes For and Seven (7) votes Against. The Motion was then put and **CARRIED**.

**Record of Voting:**

For the Amendment: Councillors Butterworth, Li, Petch, Perram and Tagg

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

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

- (a) That Council authorise the public exhibition of the draft Development Control Plan (DCP) 2010 Part 9.6 Tree Preservation and its associated Technical Manual in accordance with the requirements of the Environmental; Planning and Assessment Act 1979.
- (b) That Council authorise the public exhibition of the draft Urban Forest Policy.
- (c) That following the exhibition period of draft DCP 2010 Part 9.6 Tree Preservation a report be prepared for Council consideration.

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 Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM

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

**LATE ITEM**

**18 BEST VALUE REVIEW - SPORTGROUND ALLOCATION AND MANAGEMENT**

Note: Mr Noel Plumb (on behalf of the Ryde Community Alliance), Ms Jennie Minifie (on behalf of the Ryde Environment Group) and Mr Andrew O'Neill addressed the meeting in relation to this Item.

**MOTION:** (Moved by Councillors Maggio and O'Donnell)

- (a) That Council authorise the release of the Best Value Review – Sportsground Allocation and Management for community comment including distribution to the sporting clubs of the City of Ryde.
- (b) That following community comment a report be prepared from the Sports and Recreation Advisory Committee that includes a detailed action plan for the implementation of the Best Value Review recommendations.
- (c) That Council endorse the increase in fees and charges of 21% above the IPART determination for inclusion in the draft fees and charges for Councils consideration in formulating the Operation Plan for 2012/13
- (d) That Council endorse the increase in staffing to the Unit as detailed in this report, to be funded by savings and increased income to Council from the leasing and hire of sports facilities
- (e) That Council endorse the year one implementation plan (to June 2012) of:
  - (A) The recruitment of vacant positions
  - (B) The development of a Pricing and Equity Policy
  - (C) A detailed review of the Fees and Charges including categories and charging structure.
  - (D) Open Space undertake the development of Service Level Agreements between Open Space and Public Works to define the maintenance requirements of the fields, informed by the hierarchy provided in the Integrated Open Space Plan.

- (f) That Council nominate the commencement of the Summer 2012 season as the commencement of the changes in procedure nominated in the Best Value Review and that a detailed information session be held with clubs and associations ahead of the commencement of season to ensure the community is informed.
- (g) That the survey conducted as part of this review be repeated in March 2013 to benchmark Councils efforts in improving their service to the community and the sports sector.

**AMENDMENT:** (Moved by Councillors Perram and Butterworth)

- (a) That Council authorise the release of the Best Value Review – Sportsground Allocation and Management for community comment including distribution to the sporting clubs of the City of Ryde.
- (b) That following community comment a report be prepared from the Sports and Recreation Advisory Committee that includes a detailed action plan for the implementation of the Best Value Review recommendations.
- (c) That Council endorse the increase in fees and charges of 21% above the IPART determination for inclusion in the draft fees and charges for Councils consideration in formulating the Operation Plan for 2012/13.
- (d) That regular users of sportsgrounds receive a letter of explanation of the increase during the exhibition of the draft Delivery Plan to allow them to make a submission if necessary.

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 and **CARRIED**.

**Record of Voting:**

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

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

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

- (a) That Council authorise the release of the Best Value Review – Sportsground Allocation and Management for community comment including distribution to the sporting clubs of the City of Ryde.
- (b) That following community comment a report be prepared from the Sports and Recreation Advisory Committee that includes a detailed action plan for the implementation of the Best Value Review recommendations.

- (c) That Council endorse the increase in fees and charges of 21% above the IPART determination for inclusion in the draft fees and charges for Councils consideration in formulating the Operation Plan for 2012/13
- (d) That Council endorse the increase in staffing to the Unit as detailed in this report, to be funded by savings and increased income to Council from the leasing and hire of sports facilities
- (e) That Council endorse the year one implementation plan (to June 2012) of:
  - (A) The recruitment of vacant positions
  - (B) The development of a Pricing and Equity Policy
  - (C) A detailed review of the Fees and Charges including categories and charging structure.
  - (D) Open Space undertake the development of Service Level Agreements between Open Space and Public Works to define the maintenance requirements of the fields , informed by the hierarchy provided in the Integrated Open Space Plan.
- (f) That Council nominate the commencement of the Summer 2012 season as the commencement of the changes in procedure nominated in the Best Value Review and that a detailed information session be held with clubs and associations ahead of the commencement of season to ensure the community is informed.
- (g) That the survey conducted as part of this review be repeated in March 2013 to benchmark Councils efforts in improving their service to the community and the sports sector.

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 Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM

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

## **NOTICE OF MOTION**

### **1 RECOGNITION OF RYDE CITIZENS OF THE YEAR - Councillor Justin Li**

Note: Ms Neita Matthews OAM addressed the meeting in relation to this Item.

**RESOLUTION:** (Moved by Councillors Li and Butterworth)

- (a) That the City of Ryde recognises all previous Ryde Citizens of the Year and Young Ryde Citizens of the Year by providing each recipient with an appropriate badge and recording their names on a board displayed in the Civic Centre (to be updated each year).
- (b) That the City of Ryde maintain a written record with biographical details and photographs.

**Record of Voting:**

For the Motion: Unanimous

## **COUNCIL REPORTS**

### **1 CONFIRMATION OF MINUTES - Council Meeting held on 13 December 2011**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Campbell)

That the Minutes of the Council Meeting 21/11, held on 13 December 2011, be confirmed.

**Record of Voting:**

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

Against the Motion: Councillor Tagg

### **2 CONFIRMATION OF MINUTES - Council Meeting held on 14 February 2012**

Note: The Minutes from the Council Meeting held on 14 February 2012 was tabled in relation to this Item and a copy is ON FILE.

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Petch)

That the Minutes of the Council Meeting 1/12, held on 14 February 2012 be confirmed.



**Record of Voting:**

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

Against the Motion: Councillor Tagg

**3 REPORT OF THE PLANNING AND ENVIRONMENT COMMITTEE MEETING 2/12 held on 21 February 2012**

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

That Council note that Items 1, 2 and 3 of the Planning and Environment Committee report were dealt with by the Committee within its delegated powers

**Record of Voting:**

For the Motion: Unanimous

**4 REPORT OF THE CIVIC PRECINCT COMMITTEE MEETING 1/12 held on 21 February 2012**

This Item was considered earlier in the meeting as set out in these Minutes.

**5 DECEMBER 2011 QUARTERLY REVIEW REPORT - 2011/2015 DELIVERY PLAN AND 2011/2012 OPERATIONAL PLAN**

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

- (a) That the report of the Chief Financial Officer, dated 2 November 2011 on DECEMBER 2011 QUARTERLY REVIEW REPORT - 2011/2015 DELIVERY PLAN AND 2011/2012 OPERATIONAL PLAN be received and endorsed.
- (b) That the proposed budget adjustments included in this report, with no net change, be endorsed and included in the 2011/2012 Budget.
- (c) That the proposed transfers to and from Reserves as detailed in the report, and included as budget adjustments, totalling a net increase in Transfers from Reserves of \$0.09 million be endorsed.
- (d) That the Certificate of the Responsible Accounting Officer attached to the report of the Chief Financial Officer dated 17 February 2012 be endorsed.

**Record of Voting:**

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

Against the Motion: Councillor Butterworth

**6 INVESTMENT REPORT - January 2012**

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

That Council endorse the report of the Chief Financial Officer dated 7 February 2012 on Investment Report – January 2012.

**Record of Voting:**

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

Against the Motion: Councillors Butterworth, Li, Petch and Tagg

**7 CIVIC CENTRE URGENT SEWER WORKS**

Note: Councillor Butterworth left the meeting at 10.09pm and did not vote on this Item.

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

That Council endorse the urgent works to be undertaken at the Civic Centre at an estimated cost of \$150,000 funded from the Investment Property Reserve.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Butterworth returned to the meeting at 10.11pm

**8 MANAGING THE URBAN FOREST AND REVIEW OF DCP 2010 PART 9.6 TREE PRESERVATION**

This Item was considered earlier in the meeting as set out in these Minutes.

**9 TENDER - PROVISION OF TOP RYDER COMMUNITY BUS SERVICE AND ANCILLARY SERVICES FOR CITY OF RYDE**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Petch)

That the tender from I Love Oz Pty Ltd be accepted for the period 1 April 2012 to 30 June 2013 for the total cost of \$230,330 ex GST, being \$45,410 for remainder of 2011/12 and \$184,920 for 2012/13.

**Record of Voting:**

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

Against the Motion: Councillors Butterworth and Tagg

**10 TENDER - PROVISION OF SMARTFORMS**

Note: A Memorandum from the Group Manager – Community Life dated 2 March 2012 was tabled in relation to this Item and a copy is ON FILE.

**RESOLUTION:** (Moved by Councillors Petch and Campbell)

- (a) That Council rejects all tenders and advise the tenderers of Council's decision.
- (b) That the General Manager be given delegation to enter into negotiations with tenderers to formulate a solution for the development of Stage 1 of the Smartform project within the nominated budget.
- (c) That the General Manager provide Council with a report on the results of his negotiations.

**Record of Voting:**

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

Against the Motion: Councillor Butterworth

**11 TENDER - PROVISION OF CLEANING SERVICES TO THE RYDE AQUATIC LEISURE CENTRE**

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

- (a) That Council accept the tender submitted by Xtremely Clean Pty Ltd for the contract COR-RFT-15/11 be accepted subject to a three (3) month probationary period.
- (b) That Council advise the tenderers of Council's decision.
- (c) That Council create an eligibility list.

**Record of Voting:**

For the Motion: Unanimous

**12 LEGAL ACTION – LGFS Rembrandt Investment - Update**

**RESOLUTION:** (Moved by Councillors Butterworth and Petch)

That this matter be considered in Closed Session to discuss the update and advice from Council's lawyer.

**Record of Voting:**

For the Motion: Unanimous

This Item was considered later in the meeting in Closed Session as set out in these Minutes.

**13 ESTABLISHMENT OF WHEELED SPORTS ADVISORY COMMITTEE**

**RESOLUTION:** (Moved by Councillors Yedelian OAM and Campbell)

- (a) That Council endorse the ATTACHED Terms of Reference for the Wheeled Sports Advisory Committee.
- (b) That Council proceed to the establishment of the Wheeled Sports Advisory Committee.

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 Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM

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

#### **14 ADVISORY COMMITTEE MINUTES - Status of Women**

Note: Councillor Yedelian OAM left the meeting at 10.34pm and did not vote on this Item.

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

- a) That Council endorse collection of gold-coin donations at the International Women's Day Art Exhibition 2012.
- b) That Council endorse the recommendation of the Advisory Committee that the funds raised be provided to Erin's Place, a local women's service.

**Record of Voting:**

For the Motion: Unanimous

Note: Councillor Yedelian OAM returned to the meeting at 10.44pm

#### **15 RENEWAL OF THE JOINT LIBRARY SERVICE AGREEMENT**

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

- (a) That Council endorse the renewal of the current agreement with Hunters Hill Council for one year from 1 July 2012, with a further five year agreement to be developed before July 2013 including an updated cost schedule.
- (b) That Council requests the General Manager to develop a Memorandum of Understanding between the Councils to address the strategic direction for Gladesville Library and address the potential redevelopment of key sites in Gladesville for Councils consideration.

**Record of Voting:**

For the Motion: Unanimous

#### **16 REPORTS DUE TO COUNCIL**

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

That the report on Outstanding Council Reports be endorsed.

**Record of Voting:**

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

Against the Motion: Councillor Tagg

**LATE ITEMS**

**18 BEST VALUE REVIEW – SPORTGROUND ALLOCATION AND MANAGEMENT**

This Item was considered earlier in the meeting as set out in these Minutes.

**PRECIS OF CORRESPONDENCE FOR CONSIDERATION**

**1 STATE PROPERTY AUTHORITY - 3A AND 3B SMALLS ROAD, RYDE**

**RESOLUTION:** (Moved by Councillors Campbell and Petch)

- (a) That the correspondence be received.
- (b) That Council seek the support of the Honourable Mr Dominello MP, Local Member for Ryde to secure the open space at 3A and 3B Smalls Road, Ryde.

**Record of Voting:**

For the Motion: Unanimous

**NOTICES OF MOTION**

**1 RECOGNITION OF RYDE CITIZENS OF THE YEAR – Councillor Justin Li**

This Notice of Motion was considered earlier in the meeting as set out in these Minutes.

**2 JOINT STATE/COUNCIL PUBLIC AWARENESS CAMPAIGN TO HIGHLIGHT ANTI-LITTERING - Councillor Roy Maggio**

**RESOLUTION:** (Moved by Councillors Maggio and Yedelian OAM)

That the City of Ryde write to the Minister of Ports, the Hon. Duncan Gay and the Minister for the Environment, the Hon. Robyn Porter, to request resources for a joint State/Council public awareness campaign to highlight anti-littering messages at local wharves for the purpose of protecting public health and amenity for residents, commuters and visitors.

**Record of Voting:**

For the Motion: Unanimous

**COMPLETION OF BUSINESS**

**RESOLUTION:** (Moved by Councillors Campbell and Pickering)

That the meeting time be extended to 11.30pm to allow completion of all remaining items on the Agenda. The time being 11.00pm.

**Record of Voting:**

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

Against the Motion: Councillor Yedelian OAM

**NOTICE OF RESCISSION**

**1 NOTICE OF RESCISSION - TENDER FOR THE PROVISION OF ADVERTISING SERVICES - Councillor Nicole Campbell, Councillor Gabrielle O'Donnell, Councillor Bill Pickering**

**RESOLUTION:** (Moved by Councillors Salvestro-Martin and Tagg)

That this matter be discussed in Closed Session to consider the Confidential Tender Evaluation Panel's Report.

**Record of Voting:**

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

Against the Motion: Councillors O'Donnell and Yedelian OAM

This Notice of Rescission was considered later in the meeting in Open Session as set out in these Minutes.

**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 12 - LEGAL ACTION - LGFS Rembrandt Investment - Update**

#### **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: (c) information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business; AND (d) (i) commercial information of a confidential nature that would, if disclosed prejudice the commercial position of the person who supplied it.

### **ITEM 17 - 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 Tagg)

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

#### **Record of Voting:**

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

Against the Motion: Councillor O'Donnell and Yedelian OAM

Note: The Council closed the meeting at 11.10pm. The public and media left the chamber.



## **12 LEGAL ACTION - LGFS Rembrandt Investment - Update**

Note: The Group Manager – Corporate Services provided Council with a further update regarding the Legal Action – LGFS Rembrandt Investment.

**RECOMMENDATION:** (Moved by Councillors Petch and Campbell)

That Council note the update and advice from Council's lawyers Piper Alderman, in this matter.

### **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

## **NOTICE OF RESCISSION**

### **1 NOTICE OF RESCISSION - TENDER FOR THE PROVISION OF ADVERTISING SERVICES - Councillor Nicole Campbell, Councillor Gabrielle O'Donnell, Councillor Bill Pickering**

This matter, including the Confidential Tender Evaluation Panel's Report was discussed in Closed Session.

The Notice of Rescission was then considered later in the meeting in Open Session as set out in these Minutes.

## **COMPLETION OF BUSINESS**

**RESOLUTION:** (Moved by Councillors Campbell and Tagg)

That the meeting time be extended to allow completion of the Notice of Rescission. The time being 11.30pm.

### **Record of Voting:**

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

Against the Motion: Councillor Yedelian OAM

## 17 ADVICE ON COURT ACTIONS

Note: This Item was deferred to the Council Meeting to be held on 13 March 2012.

### OPEN SESSION

**RESOLUTION:** (Moved by Councillors Petch and Campbell)

That Council Committee resolve itself into open Council.

**Record of Voting:**

For the Motion: Unanimous

Note: Open Council resumed at 11.51pm.

### NOTICE OF RESCISSION

**1 NOTICE OF RESCISSION - TENDER FOR THE PROVISION OF ADVERTISING SERVICES - Councillor Nicole Campbell, Councillor Gabrielle O'Donnell, Councillor Bill Pickering**

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

That Council rescind the previous resolution in relation to ITEM 17, passed at the Council Meeting of 13 December 2011, namely:

- (a) *That Council reject all tenders.*
- (b) *That both tenderers present their submissions at a Councillor workshop.*
- (c) *That a further report be presented to Council on the outcome of the workshop.*

**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

The Rescission Motion was CARRIED. The matter was then AT LARGE.

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

- (a) That Council accept the tender from Newslocal a Division of Nationwide News Pty Limited (Northern District Times) for the provision of Advertising Services for the period 1 January 2012 till 31 December 2012 with a provision to extend a further 12 months if performance is deemed satisfactory.
- (b) That all companies who lodged a tender for the provision of Advertising Services be advised of Council's decision.

**AMENDMENT:** (Moved by Councillors Petch and Salvestro-Martin)

- (a) That Council reject all tenders.
- (b) That the matter be referred to the General Manager to enter negotiations with the tenders for the purposes of achieving a greater financial benefit to Council.
- (c) That the General Manager report back to Council.

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 and **CARRIED**.

**Record of Voting:**

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

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

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

- a) That Council accept the tender from Newslocal a Division of Nationwide News Pty Limited (Northern District Times) for the provision of Advertising Services for the period 1 January 2012 till 31 December 2012 with a provision to extend a further 12 months if performance is deemed satisfactory.
- (b) That all companies who lodged a tender for the provision of Advertising Services be advised of Council's decision.

**Record of Voting:**

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

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

**RECOMMITTAL OF ITEM**

**RESOLUTION:** (Moved by Councillors Butterworth and Campbell)

That Notice of Rescission 1: Tender for the Provision of Advertising Services be recommitted.

**Record of Voting:**

For the Motion: Unanimous

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

- a) That Council accept the tender from Newslocal a Division of Nationwide News Pty Limited (Northern District Times) for the provision of Advertising Services for the period 1 January 2012 till 31 December 2012 with a provision to extend a further 12 months if performance is deemed satisfactory.
- (b) That all companies who lodged a tender for the provision of Advertising Services be advised of Council's decision.

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 Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM

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

**RESOLUTION:** (Moved by Councillors Petch and Campbell)

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.

Note: The following Item listed on the Agenda for Council Meeting 2/12 was not considered at this Meeting and will be listed on the Agenda for Council Meeting 3/12 to be held on Tuesday, 13 March 2012

17 ADVICE ON COURT ACTIONS (CONFIDENTIAL).

The meeting closed at 12.05am on Wednesday, 7 March 2012.

CONFIRMED THIS 13TH DAY OF MARCH 2012

Chairperson