

Committee of the Whole

MINUTES OF MEETING NO. 12/10

Meeting Date: Tuesday 17 August 2010

Location: Committee Room 2, Level 5, Civic Centre, 1 Devlin Street, Ryde

Time: 7.37pm

Councillors Present: The Mayor, Councillor Butterworth and Councillors Campbell, Etmekdjian, 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, Group Manager - Public Works, General Counsel, Manager Assessment, Team Leader Development Engineers, Consultant Planner, Senior Town Planner, Media & Community Relations Officer Team Leander Strategic Planning, and Councillor Services Co-ordinator.

DISCLOSURES OF INTEREST

Councillor Maggio disclosed a significant non-pecuniary interest in Item 8 – COMMUNITY HARMONY ADVISORY COMMITTEE – MINUTES 27 MAY 2010 – of the Committee's Report No. 12/10, for the reason that he is affiliated with organisations mentioned in the report.

Councillor Pickering disclosed a less than significant non-pecuniary interest in Item 5 – DRAFT HERITAGE STUDY 2010 – of the Committee's Report No. 12/10, for the reason that his company has previously provided pro-bono support to the community group opposing the residential overdevelopment.

1 CONFIRMATION OF MINUTES - Meeting held on 03 August 2010

RESOLUTION: (Moved by Councillors Pickering and Tagg)

That the Minutes of the Committee of the Whole Meeting 11/10, held on Tuesday 3 August 2010, be confirmed.

Record of Voting:

For the Motion: Unanimous

SUSPENSION OF STANDING ORDERS

RESOLUTION: (Moved by Councillors Petch and Tagg)

That Standing Orders be suspended as a Matter of great Urgency to be raised to consider Councillor delegates to the 2010 LGA Conference, the time being 7.38pm.

The Mayor ruled this motion to be of great urgency.

The Motion was put and **CARRIED** there being eleven (11) votes for and one (1) vote against.

Record of Voting

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

Against the Motion: Councillor Perram.

MATTER OF URGENCY – 2010 LGA CONFERENCE ATTENDANCE

MOTION (Moved by Councillors Salvestro-Martin and Tagg)

That Councillor Campbell replace Councillor Maggio as a voting delegate to the 2010 LGA Conference and that Councillor O'Donnell replace Campbell as the alternate in addition to the other voting delegates: Councillors Petch, Etmekdjian and Yedelian OAM.

AMENDMENT (Moved by Councillors Yedelian OAM and Pickering)

That Councillor Petch be replaced by Councillor Campbell and that Councillor Petch be the non-voting delegate to the 2010 LGA Conference.

The Amendment was put and **LOST** there being five (5) votes for and seven (7) votes against.

Record of Voting

For the Amendment: Councillors Etmekdjian, Maggio, Perram, Pickering and Yedelian OAM.

Against the Amendment: The Mayor, Councillor Butterworth and Councillors Campbell, Li, O'Donnell, Petch, Salvestro-Martin and Tagg.

At this stage of the meeting, the General Manager was requested to advise the Committee on the validity of this motion.

The General Manager advised the meeting that the motion was a motion to alter a previous resolution of Council and that this can be done without the need of a

rescission motion. The General Manager advised that this matter can be considered by the Committee in accordance with Clause 3.7.3 of Council's Code of Meeting Practice through the Suspension of Standing Orders to have the business transacted at the meeting and the matter being ruled by the Chairperson to be of great urgency.

Note: Councillor Pickering left the meeting at 8.11pm and was not present for the voting on the Motion.

The Motion now became the Substantive Motion and was put and **CARRIED** there being six (6) votes for and five (5) votes against.

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

That Councillor Campbell replace Councillor Maggio as a voting delegate to the 2010 LGA Conference and that Councillor O'Donnell replace Campbell as the alternate in addition to the other voting delegates, Councillors Petch, Etmekdjian and Yedelian OAM.

Record of Voting

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

Against the Motion: Councillors Etmekdjian, Li, Maggio, Perram and Yedelian OAM.

RESUMPTION OF STANDING ORDERS

Note: Councillor Pickering returned to the meeting at 8.13pm.

RESOLUTION: (Moved by Councillors Maggio and Petch)

That Standing Orders be resumed the time being 8.17pm.

Record of Voting

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

Against the Motion: Councillor Yedelian OAM.

2 MOTIONS PUT WITHOUT DEBATE

RESOLUTION: (Moved by Councillors Tagg and Pickering)

That the items be dealt with in seriatim.

Record of Voting:

For the Motion: Unanimous.

3 20 GOULDING RD, RYDE. Part Lot 5 DP 443866. Development Application for subdivision of the site into two lots. Lot 1 will be used for 'residential purposes'. Lot 2 will be retained by Sydney Water Corporation. LDA2010/0079.

Note: Geoff Fitzimmons was available to answer questions of the Committee.

RESOLUTION: (Moved by Councillors Campbell and Tagg)

That Council defer this application and make representations to the State Government for Sydney Water to withdraw this application and to dedicate the land earmarked for residential use as open space, retaining the 2RRR's transmitter.

Record of Voting:

For the Motion: Unanimous

4 22 HENRY ST, RYDE. Lot 2 DP 602362. Development Application for subdivision of the site (Cudal Reserve) into two lots. Lot 21 is proposed to be dedicated to Council for use as open space. Lot 22 will be used for 'residential purposes'. LDA2010/0078.

Note: Steve Ahern, Tonia Amy, Andrew Wilson, Wayne Jackson and Katherine Clark addressed the Committee on this Item.

RESOLUTION: (Moved by Councillors Petch and Pickering)

- a) That Council defer this application and make representations to the State Government for Sydney Water to withdraw this application and to dedicate the land earmarked for residential use as open space.
- b) That three (3) representatives from Friends of Cudal Reserve and the Group Manager, Environment and Planning meet with Sydney Water to highlight the concerns of residents and that the Group Manager, Environment and Planning report on the outcome of this meeting back to Council.

Record of Voting:

For the Motion: Unanimous

5 DRAFT HERITAGE STUDY 2010

Note: Councillor Pickering disclosed a less than significant non-pecuniary interest in this item for the reason that his company has previously provided pro-bono support to the community group opposing the residential overdevelopment.

Note: A MEMO dated 16 August 2010 from the Group Manager, Environment and Planning was circulated at the meeting and a copy is ON FILE.

Note: Ms Susan Hissey, Mr David Hamley, Ms Louise Cullen, Ms Anne Marie Scott and Mr William Cardiff addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Petch and Tagg)

- (a) That properties identified in Table 2 as circulated by Memo and tabled at the meeting (dated 16 August 2010 from Group Manager Environment and Planning) be included in the Draft Ryde Comprehensive Local Environmental Plan 2011 Environmental Heritage Schedule 5 and maps.
- (b) The boundary of the Maxim Street Heritage Conservation Area be amended as shown on the plan attached to the report of the Heritage Officer dated 26 July 2010 and be included in the Draft Ryde Comprehensive Local Environmental Plan 2011 Environmental Heritage Schedule 5 and maps.
- (c) That four Heritage Items identified in Table 3 be deleted from the Draft Ryde Comprehensive Local Environmental Plan 2011 Environmental Heritage Schedule 5 and maps.
- (d) That the property descriptions and information of fifteen listed heritage items identified in Tables 4, 5 and 6 be updated and amended in the Draft Ryde Comprehensive Local Environmental Plan 2011 Environmental Heritage Schedule 5.
- (e) That a report be attached to the Heritage Study that outlines the results of the consultation process and outcomes (including Council's resolutions).
- (f) That the properties that have been rejected from this process not be considered by Council in any future heritage studies.
- (g) That the proposed Heritage Study in the Management Plan for 2011-2012 be discontinued and be removed from the 2011-2012 Plan.
- (h) That Council not pursue compulsory heritage listing of any property unless the land owner of the property applies for a heritage listing of the property.

Record of Voting:

For the Motion: Unanimous

6 REQUEST TO CONTINUE AN ALCOHOL FREE ZONE AT EASTWOOD TOWN CENTRE DURING THE GRANNY SMITH FESTIVAL FOR A PERIOD OF THREE YEARS**RESOLUTION:** (Moved by Councillors Tagg and Petch)

- (a) That public consultation (including licensed premises) be undertaken in relation to the proposed Alcohol Free Zone between the hours of 6.00am and 12 midnight, for three (3) consecutive years on the day of the Granny Smith Festival commencing Saturday 16 October 2010, in the section of the Eastwood Town Centre bordered by Rutledge Street, Shaftsbury Road, Glen Street,

Lakeside Road, Wingate Avenue and West Parade.

- (b) That if no adverse public comment is received on the proposal, the Alcohol Free Zone outlined in (a) above be adopted.
- (c) That a further report be prepared for Council's consideration if adverse public comment is received on the proposal.

Record of Voting:

For the Motion: Unanimous

7 MEDIA POLICY

MOTION: (Moved by Councillors Tagg and Salvestro-Martin)

That the Draft Media Policy (August 2010) be adopted subject to:

- a) Clause 4 in the section headed "Councillors and the Media" being removed from the draft policy.
- b) The reference to Councillors in Part 7, 8 and 10 of "Dealing with the Media" being deleted.

AMENDMENT (Moved by Councillors Perram and Etmekdjian)

That consideration of this proposed Media Policy be deferred to refocus the policy on Council staff and give clarity to the role of the Mayor and the Mayor's ability to delegate to other Councillors.

The Amendment was put and **CARRIED** there being nine (9) votes for and three (3) votes against. The Amendment then became the Motion.

Record of Voting

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

Against the Amendment: Councillors Salvestro-Martin, Maggio and Tagg.

RESOLUTION: (Moved by Councillors Perram and Etmekdjian)

That consideration of this proposed Media Policy be deferred to refocus the policy on Council staff and give clarity to the role of the Mayor and the Mayor's ability to delegate to other Councillors.

Record of Voting

For the Motion: The Mayor, Councillor Butterworth and Councillors Campbell,

Etmekdjian, Li, Maggio, O'Donnell, Petch, Perram, Pickering and Yedelian OAM.

Against the Motion: Councillors Salvestro-Martin and Tagg

8 COMMUNITY HARMONY ADVISORY COMMITTEE - MINUTES 27 MAY 2010

Note: Councillor Maggio disclosed a significant non-pecuniary interest in this item for the reason that he is affiliated with organisations mentioned in the report.

Note: Mr Alan Patrick, Mr Mike Hilder and Mr Bruce Taylor addressed the meeting in relation to this Item.

RESOLUTION: (Moved by Councillors Yedelian OAM and Petch)

That Council Celebrate Harmony Day 2011 on 20 March 2011 with “all the colours of Ryde festival”.

Record of Voting:

For the Motion: Unanimous

COMPLETION OF BUSINESS

RESOLUTION: (Moved by Councillors Li and Yedelian OAM)

That the remaining items on the Agenda, excluding Confidential Item 14 – 15 DORA STREET BOARDING HOUSE DA – be deferred and referred to the next Council Meeting on Tuesday, 24 August 2010.

Accordingly, the following items will be referred to Council's meeting on Tuesday, 24 August 2010.

- 9 EXTENSION OF TOP RYDER COMMUNITY BUS SERVICE
- 10 CRIME PREVENTION APPROACH - GLEN RESERVE, EASTWOOD
- 11 TRANSPORT STUDY FOR COMPREHENSIVE LEP NEW
- 12 160-162 WICKS ROAD - Request for rezoning in conjunction with draft Ryde LEP 2011
- 13 Confidential Item - PROVISION OF SERVICES OF A DEVELOPMENT DIRECTOR - Civic Precinct Project - COR-RFT-05/10

Record of Voting:

For the Motion: Unanimous.

9 EXTENSION OF TOP RYDER COMMUNITY BUS SERVICE

This Item was referred to the next Council meeting scheduled to be held on Tuesday, 24 August 2010.

10 CRIME PREVENTION APPROACH - GLEN RESERVE, EASTWOOD

This Item was referred to the next Council meeting scheduled to be held on Tuesday, 24 August 2010.

11 TRANSPORT STUDY FOR COMPREHENSIVE LEP NEW

This Item was referred to the next Council meeting scheduled to be held on Tuesday, 24 August 2010.

12 160-162 WICKS ROAD - Request for rezoning in conjunction with draft Ryde LEP 2011

This Item was referred to the next Council meeting scheduled to be held on Tuesday, 24 August 2010.

CLOSED SESSION**ITEM 13 - PROVISION OF SERVICES OF A DEVELOPMENT DIRECTOR - Civic Precinct Project - COR-RFT-05/10****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.

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. Furthermore, it is considered that discussion of this item in open meeting would, on balance, be contrary to the public interest as it would unduly affect Council's ability to award the Tender.

13 PROVISION OF SERVICES OF A DEVELOPMENT DIRECTOR - Civic Precinct Project - COR-RFT-05/10

This Item was referred to the next Council meeting scheduled to be held on Tuesday, 24 August 2010.

ITEM 14 - 15 DORA STREET BOARDING HOUSE DA**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 Etmekdjian and Pickering)

That the Committee resolve into Closed Session to consider Item 14 – 15 Dora Street Boarding House DA.

Record of Voting:

For the Motion: Unanimous.

Note: The Council closed the meeting at 11.05pm. The public and media left the chamber.

14 15 DORA STEET, BOARDING HOUSE DA

RESOLUTION: (Moved by Councillors Etmekdjian and Pickering)

That Council refuse the development application for the reasons as detailed in the report.

The Motion was put and **CARRIED** there being seven (7) votes for and five (5) votes against.

Record of Voting

For the Motion: Councillors Etmekdjian, Li, Maggio, Perram, Petch, Pickering and Yedelian OAM.

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

OPEN SESSION

RESOLUTION: (Moved by Councillors Etmekdjian and Campbell)

That Council resolve itself into open Committee.

Record of Voting:

For the Motion: Unanimous

Note: Open Council resumed at 11.21pm.

RESOLUTION: (Moved by Councillors Tagg and Petch)

That the business transacted in Closed Session be received and adopted as a resolution of Council without any alteration or amendment thereto.

Record of Voting:

For the Motion: Unanimous.

The meeting closed at 11.24pm.

CONFIRMED THIS 7th DAY OF SEPTEMBER 2010.

Chairperson