

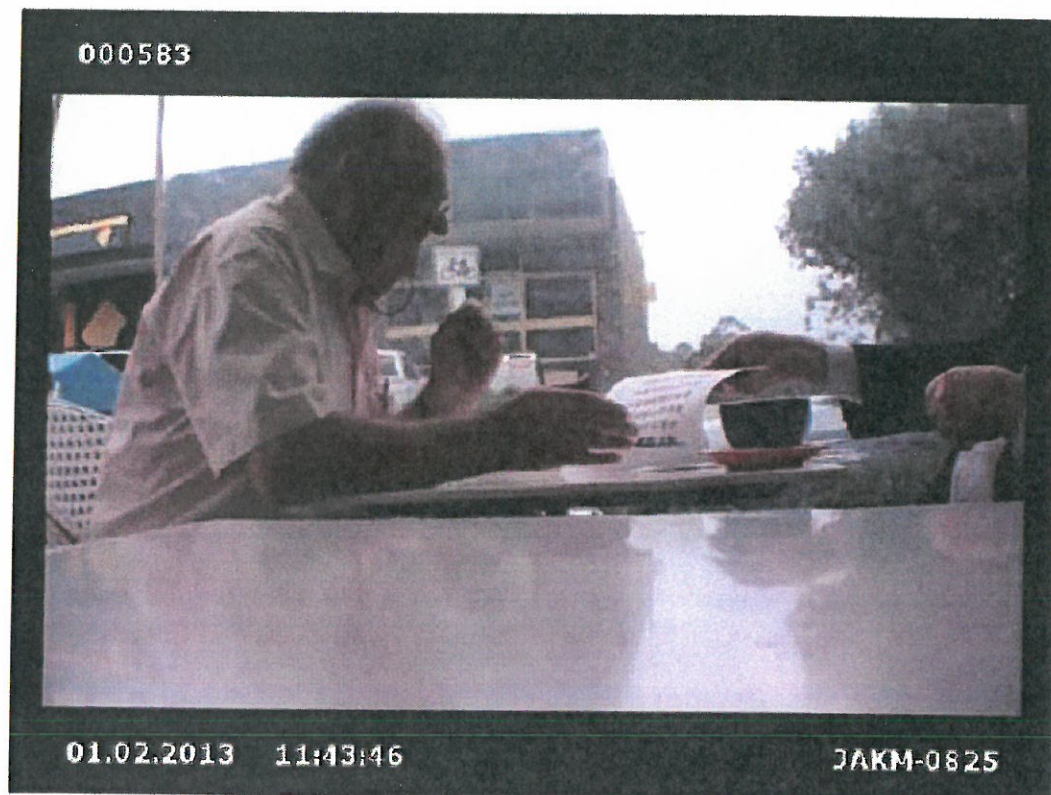
**DOCUMENTS FOR TENDER – JOHN BOOTH**

<b>Description</b>	<b>Page</b>
Surveillance stills meeting between John Booth and Ivan on 1/2/2013	842 and 847
Various Emails	1137-1167
Letter from City of Ryde Council to John Booth regarding his DA at 826 Victoria Road Ryde	1346



INDEPENDENT COMMISSION  
AGAINST CORRUPTION

OPERATION:	CAVILL	ORIGINAL FILE NAME:	JAKM0825_01022013114323.ASF
SUBJECT:	Ivan John PETCH	NARRATIVE:	PETCH and JOHN seated at Delitalia Gourmet Foods, Shop 8/144 Cows Rd NORTH RYDE.
OPERATIVE:	2/2010		
DATE TAKEN:	Friday, 1 February 2013		
TIME TAKEN:	11 : 52 AM PM		



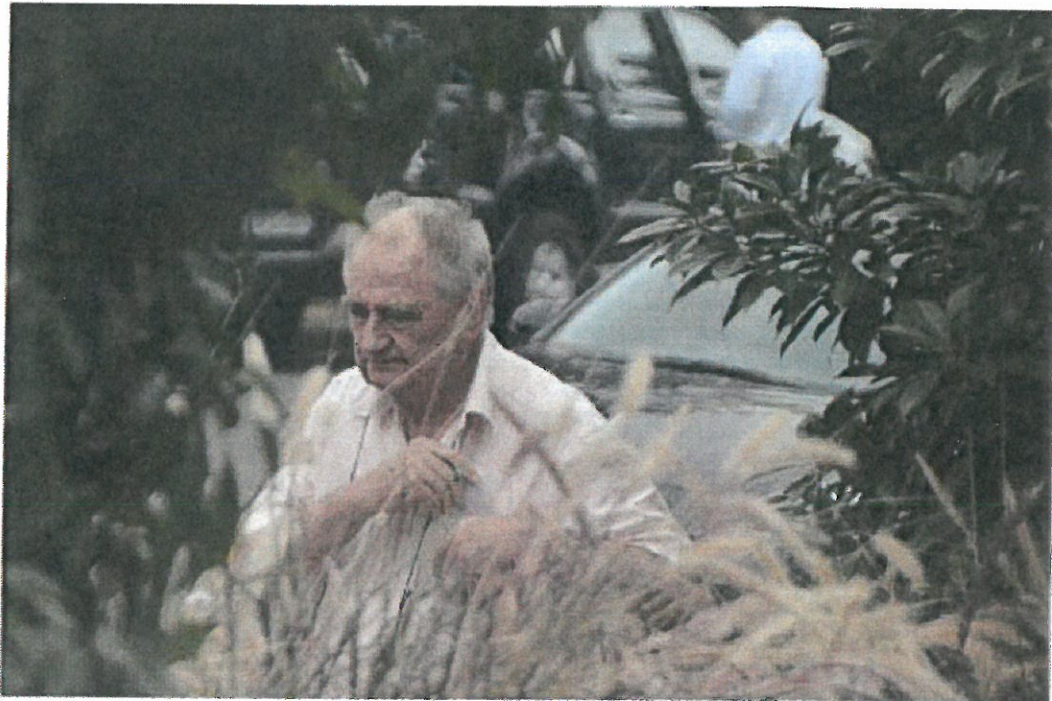
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**NSW ICAC  
EXHIBIT****I·C·A·C****INDEPENDENT COMMISSION  
AGAINST CORRUPTION**

<b>OPERATION:</b>	CAVILL E12-1191	<b>ORIGINAL FILE NAME:</b>	DSC_5580.JPG
<b>SUBJECT:</b>	Ivan PETCH	<b>NARRATIVE:</b>	Unknown male "JOHN" on Cocks Road, NORTH RYDE.
<b>OPERATIVE:</b>	1/2010		
<b>DATE TAKEN:</b>	Friday, 1 February 2013		
<b>TIME TAKEN:</b>	11 : 57 AM PM		



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Fwd: COUNCIL MEETING - 22 FEBRUARY 2011 - NOTICE OF MOTION  
- Councillor Petch

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From: "ivan petch"  
To: johnfb@weeklytimes.com.au  
Date: Fri, 18 Feb 2011 18:02:22 +1100

**NSW ICAC  
EXHIBIT**

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Sent from my iPhone

Begin forwarded message:

From: "Desk Help \Councillors Helpdesk\)" <helpdesk@ryde.nsw.gov.au>  
Date: 18 February 2011 1:07:10 PM AEDT  
To: "DL Councillors" <Councillors@ryde.local>  
Cc: "DL Executive Team" <Executive\_Team@ryde.local>  
Subject: COUNCIL MEETING - 22 FEBRUARY 2011 - NOTICE OF MOTION - Councillor Petch

Good Afternoon Councillors,

Below is a Notice of Motion for Council's consideration at its meeting to be held on 22 February 2011.

The Notice of Motion was received from Councillor Petch on 8 February 2011 and inadvertently left off the business paper.

A copy of the motion will be available on Councillors' Portal and Council's website; and hard-copies will be provided to all Councillors at the meeting.

**INCREASES IN RATES, ENERGY AND ELECTRICITY CHARGES - Councillor Petch**

**Motion:**

1. That Council write to the Director of IPART suggesting that in a similar manner to their edict that Councils require the support of ratepayers before any rate increase be approved that all increases in energy and electricity charges also receive the support of consumers prior to any increased charges being implemented.
2. That the support of local members of Parliament be sought in this issue.

Regards,  
Sharon Chand

for



COUNCILLORS' HELPDESK  
9952 8200

NSW ICAC  
EXHIBIT

FW: Memorandum from the General Manager to all Councillors

NSW ICAC  
EXHIBIT

From: "ivan petch"  
To: johnfb@weeklytimes.com.au  
Date: Sat, 04 Feb 2012 17:07:04 +1100  
Attachments: Letter from Ross Woodward, Chief Executive, Local Government, Division of the Department of Premier and Cabinet.pdf (836.16 kB); Letter from John Neish to Ross Woodward dated 23 December 2011.pdf (4.44 MB)

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**From:** Desk Help (Councillors Helpdesk)  
**Sent:** Fri 3/02/2012 3:22 PM  
**To:** DL Councillors  
**Subject:** Memorandum from the General Manager to all Councillors

Good Afternoon Councillors,

Please find **attached** correspondence from Mr Ross Woodward, Chief Executive, Local Government, Division of the Department of Premier and Cabinet relating to difficulties in conducting Council business due to a lack of a quorum.

As required by Mr Woodward, I am providing a copy of his correspondence to each Councillor and will be tabling this letter at the next Council meeting to be held on 14 February 2012.

I have also **attached** a copy of my original correspondence to Mr Woodward dated 23 December 2011 with attachments.

John Neish  
General Manager



**Premier & Cabinet**  
Division of Local Government

5 O'Keefe Avenue NOWRA NSW 2541  
Locked Bag 3015 NOWRA NSW 2541

**NSW ICAC  
EXHIBIT**

1140

Our Reference: A269719  
Your Reference:  
Contact: Ross Woodward  
Phone: 02 4428 4100

Mr John Neish  
General Manager  
Ryde City Council  
Locked Bag 2069  
NORTH RYDE NSW 1670

*John*

Dear Mr Neish

I refer to your letter of 23 December 2011, regarding difficulties in conducting Council business due to the lack of quorum at recent Council meetings.

I understand that Council has been left inquorate on seven (7) occasions between May and December 2011 with the result that it has been unable to conduct or complete its business, and that this again occurred on 17 January 2012 when Councillors Butterworth, Li, Perram, Petch, Salvestro-Martin and Tagg failed to attend the Council Meeting, which had been previously adjourned on 13, 14 and 20 December 2011.

From the information provided, it appears that, of those occasions where Council has been left without a quorum, only one Councillor's absence was further to a leave of absence granted by Council (Councillor Petch – 13 and 14 December 2011).

I also note that on 8 November 2011 and 14 December 2011 the meetings were adjourned following the departure of Councillors Butterworth, Li, Perram, Petch, Salvestro-Martin and Tagg at 11:06 pm and Councillors Butterworth, Li, Salvestro-Martin and Tagg at 10:20 pm, respectively. I note that apologies had been received from Councillors Perram and Petch and that they were not present at the Meeting of 14 December 2011.

While the circumstances of each Councillor are not known, I observe that only Councillor O'Donnell has been present at all meetings between May and December, and that only Councillors Campbell and Petch have been granted a leave of absence by Council for any meeting held during that period.

Although it does not appear that any Councillor has missed three (3) consecutive meetings, I would remind Councillors of the provisions of section 234(1) of the *Local Government Act 1993*, which provides that if any councillor fails to attend three consecutive ordinary council meetings without leave of the council it is deemed that there is a vacancy in civic office. This happens automatically by operation of that section of the Act.



I would also note that, while councils are free to make provision for the tendering of apologies in their codes of meeting practice, such apologies are not recognised in the Act or in the Local Government (General) Regulation 2005 and do not constitute a leave of absence, which is a formal permission granted by a council to a councillor not to attend a particular meeting(s).

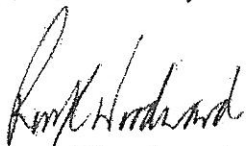
Section 439 of the Act requires that councillors exercise a reasonable degree of care and diligence in carrying out their functions. Absent exceptional circumstances, councillors are expected to attend meetings of councils, and to remain at those meetings to deal with council business in an orderly and timely manner. Furthermore, the community would expect its elected representatives to act responsibly and to demonstrate leadership, particularly with respect to controversial or unpopular proposals or issues.

Council must be able to effect its business in a timely and efficient manner. It is of serious concern that the transaction of Council business appears to have been impeded by the failure of Councillors to either attend or remain at meetings of Council, thereby leaving Council inquorate. The impact of this situation, should it continue, on the reputation of Council in the local community, and on local government more generally, needs to be fully appreciated by each and every Councillor.

I expect an immediate and sustained improvement in Councillor attendance patterns. The Division will closely monitor the situation. In the event that Council continues to be unable to transact its business in a proper and timely manner, or demonstrates an unwillingness to do so, I will provide advice to the Minister on the possible exercise of his powers under section 740 of the Act to call a public inquiry into the operations of Council.

I request that you provide a copy of this letter to the Mayor and each Councillor, and that this letter be tabled at the next available Council meeting.

Yours sincerely

 2/2/12

**Ross Woodward**  
Chief Executive, Local Government  
A Division of the Department of Premier and Cabinet



# City of Ryde

**NSW ICAC  
EXHIBIT**

ABN 81 621 292 610  
Civic Centre  
1 Devlin Street Ryde  
Locked Bag 2069  
North Ryde NSW 1670  
cityofryde@ryde.nsw.gov.au  
www.ryde.nsw.gov.au  
TTY (02) 9952 8470  
Facsimile (02) 9952 8070  
Telephone (02) 9952 8222

Ross Woodward  
Chief Executive  
Division of Local Government  
Department of Premier and Cabinet  
Locked Bag 3015  
Nowra NSW 2541

D11/115050

Dear Ross

**Re: Inability of Council to conduct its business**

Following our recent conversation and with the support of my Mayor Artin Etmekdjian, I wish to formally advise you of our growing concerns that the Council has been unable to function as it should.

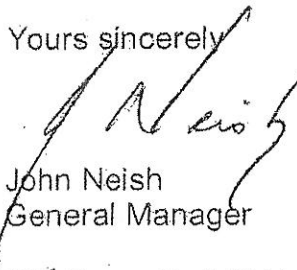
I have attached for your information a summary of attendance and apologies given by Councillors since 10 May 2011.

As you will see from the attached summary, since 10 May 2011 Council has failed to complete its business (due to a quorum being withdrawn) or failed to conduct its business (due to a quorum not being present) on seven (7) occasions.

It is my opinion that this has unduly delayed Council fulfilling its functions in a proper and orderly way. Your advice as to how best to proceed on this matter would be appreciated.

Please do not hesitate to contact me on 9952 8052 should you require further information.

Yours sincerely



John Neish  
General Manager

23<sup>rd</sup> December 2011

**COUNCILLOR ATTENDANCE AT COUNCIL MEETINGS**

<b>Date</b>	<b>Minutes/Attendance</b>
10 May 2011 Council	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Perram, Pickering and Yedelian OAM.</p> <p><b>Apologies:</b> Councillors Butterworth, Campbell, Li, Petch, Salvestro-Martin and Tagg.</p> <p><b>ADJOURNMENT</b> – Meeting Adjourned to Tuesday, 17 May 2011 at 7.30pm.</p> <p>The following Councillors were present: The Mayor, Councillor Etmekdjian and Councillors Maggio, O'Donnell, Perram, Pickering and Yedelian OAM.</p> <p>Apologies had been received from Councillors Butterworth, Campbell, Li, Petch, Salvestro-Martin and Tagg.</p> <p><b>MEETING RECONVENED</b> – Meeting Reconvened on Tuesday, 17 May 2011 at 7.30pm</p> <p>The following Councillors were present: The Mayor, Councillor Etmekdjian, Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM</p> <p>Apologies had been received from Councillor Perram.</p> <p>Meeting Completed on 17 May 2011 at 11.55pm</p>
11 May 2011 Civic Precinct	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Petch, Salvestro-Martin and Yedelian OAM</p> <p><b>Apologies:</b> Councillors Butterworth, Li, Perram, Pickering and Tagg.</p> <p><b>Staff Present:</b> General Manager, Manager – Governance, Development Director – Civic Precinct Project, Project Manager – Ryde Town Centre.</p> <p><b>ADJOURNMENT OF MEETING</b> In accordance with Clause 2.5.1 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian adjourned the Civic Precinct Committee Meeting as a quorum was not present, the time being 7.30pm.</p>

Date	Minutes/Attendance
	<p>The Civic Precinct Committee Meeting was adjourned to: <i>Wednesday, 11 May 2011 at 8.15pm</i> <i>Committee Room 2, Level 5, Civic Centre.</i></p> <p>The following Councillors were present at the time: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Petch and Salvestro-Martin.</p> <p>Apologies had been received from Councillors Butterworth, Li, Perram, Pickering, Tagg and Yedelian OAM.</p> <p><b>MEETING RESUMED</b> Upon the arrival of Councillor Yedelian OAM, the Meeting resumed at 8.22pm in Committee Room 2, Level 5 of the Civic Centre, 1 Devlin Street, Ryde.</p> <p>The following Councillors were present at the time: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Petch, Salvestro-Martin and Yedelian OAM.</p> <p>The meeting closed at 8.25pm.</p>
24 May 2011 Council	<p><b>Councillors Present:</b> Councillor Petch (Chairperson) and Councillors Butterworth, Campbell, Li, O'Donnell and Tagg.</p> <p><b>Apologies:</b> The Mayor, Councillor Etmekdjian and Councillors Maggio, Perram, Pickering, Salvestro-Martin and Yedelian OAM.</p> <p><b>ADJOURNMENT</b> – Meeting adjourned to Tuesday, 24 May 2011 at 8.00pm.</p> <p>The following Councillors were present: Councillors Petch, Butterworth, Campbell, Li, O'Donnell and Tagg.</p> <p>Apologies had been received from: The Mayor, Councillor Etmekdjian and Councillors Maggio, Perram, Pickering, Salvestro-Martin and Yedelian OAM.</p> <p><b>FURTHER ADJOURNMENT</b> – Meeting adjourned to Tuesday, 7 June 2011 at 7.30pm.</p> <p>The following Councillors were present: Councillors Petch, Butterworth, Campbell, Li, O'Donnell and Tagg.</p> <p>Apologies had been received from: The Mayor, Councillor Etmekdjian and Councillors Maggio, Perram, Pickering, Salvestro-Martin and Yedelian OAM.</p>

Date	Minutes/Attendance
	<p><b>MEETING RECONVENED</b> – Meeting reconvened on Tuesday, 7 June 2011 at 7.30pm.</p> <p>The following Councillors were present:</p> <p>The Mayor, Councillor Etmekdjian, Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin, Tagg and Yedellian OAM.</p> <p>No apologies had been received.</p> <p>Meeting completed at 12.15am on Wednesday, 8 June 2011.</p>
14 June 2011 Council	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, Maggio, O'Donnell, Perram, Petch, Salvestro-Martin, Tagg and Yedellian OAM.</p> <p><b>Apologies:</b> Councillors Butterworth and Pickering.</p> <p>Meeting completed on 14 June 2011 at 10.50pm</p>
21 June 2011  Committee of the Whole (meeting type now defunct)	<p><b>Councillors Present:</b> Councillors Butterworth (Chair), Maggio, O'Donnell, Perram, Pickering, Salvestro-Martin, Tagg and Yedellian OAM.</p> <p><b>Apologies:</b> Apologies were received and accepted from The Mayor, Councillor Etmekdjian and Councillors Campbell, Li and Petch.</p> <p>The meeting closed at 9.57pm.</p>
28 June 2011 Council	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Maggio, O'Donnell, Perram, Petch, Pickering, Tagg and Yedellian OAM.</p> <p><b>Apologies:</b> Apologies were received and accepted from Councillors Li and Salvestro-Martin.</p> <p>Meeting completed on 28 June 2011 at 11.10pm</p>
19 July 2011  Committee of the Whole (meeting type now defunct)	<p><b>Councillors Present:</b> Councillor Petch (Chairperson) and Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Perram, Salvestro-Martin and Tagg.</p> <p>Councillor Salvestro-Martin arrived at 8.25pm and was not present for consideration of the Matter of Urgency and Items 1, 2 and 3.</p>



# NSW ICAC EXHIBIT

Date	Minutes/Attendance
	<p><b>Apologies:</b> Apologies were received and accepted from The Mayor, Councillor Etmekdjian and Councillors Pickering and Yedelian OAM.</p> <p>The meeting closed at 10.18pm</p>
26 July 2011 Council	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Butterworth, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.</p> <p><b>Leave of Absence:</b> Councillor Campbell.</p> <p>Meeting completed on 26 July 2011 at 11.55pm</p>
2 August 2011 Council	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Butterworth, Li, Maggio, O'Donnell, Petch, Perram, Salvestro-Martin, Tagg and Yedelian OAM</p> <p>Councillor Li arrived at 8.33pm and was not present for the consideration of items 2 and 3.</p> <p>Councillor Salvestro-Martin arrived at the meeting at 9.08pm and was not present for the consideration of items 1 to 7, the Matter of Urgency – Assisting the Eastwood Community After the Fire and the Notice of Motion on Deferred Notice Of Motion: Issues Associated With Traffic Bypassing The Southern End Of Wharf Road, Melrose Park</p> <p><b>Apologies:</b> Councillor Pickering</p> <p><b>Leave of Absence:</b> Councillor Campbell</p> <p>Meeting completed on 2 August 2011 at 10.43pm</p>
9 August 2011 Council	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Petch, Perram, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.</p> <p>Councillor Yedelian OAM left the meeting at 9.45pm during consideration of Item 4 and did not return to the meeting.</p> <p><b>Apologies:</b> Nil.</p> <p>Meeting completed on 9 August 2011 at 9.55pm.</p>
23 August 2011 Council	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Tagg and Yedelian OAM.</p>

# NSW ICAC EXHIBIT

Date	Minutes/Attendance
	<p><b>Apologies:</b> Councillors Butterworth and Salvestro-Martin.</p> <p>Meeting completed on 23 August 2011 at 11.25pm</p>
13 September 2011 Council	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.</p> <p><b>Apologies:</b> Nil.</p> <p>Meeting completed on 13 September 2011 at 8.45pm</p>
27 September 2011 Council	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Maggio, O'Donnell, Perram, Petch, Tagg and Yedelian OAM.</p> <p>Councillor Petch arrived at the meeting at 7.38pm and was not present for consideration or voting on Councillor Pickering's Leave of Absence.</p> <p><b>Apologies:</b> Councillors Li and Salvestro-Martin.</p> <p>Meeting completed on 27 September 2011 at 10.40pm</p>
11 October 2011 Council	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Butterworth, Li, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.</p> <p>Councillor Butterworth left the meeting at 11.35pm and did not return.</p> <p>Councillor Tagg left the meeting at 11.35pm and did not return.</p> <p><b>Apologies:</b> Councillors Campbell and Maggio.</p> <p>Meeting completed on 11 October 2011 at 11.40pm</p>
18 October 2011 Council (Extra-Ordinary)	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Tagg and Yedelian OAM.</p> <p><b>Apologies:</b> Councillor Salvestro-Martin.</p> <p>Meeting completed on 18 October 2011 at 10.47pm</p>

Date	Minutes/Attendance
27 October 2011 Council (Extra-Ordinary)	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.</p> <p><b>Apologies:</b> Councillors Butterworth, Petch, Perram and Tagg.</p> <p><b>ADJOURNMENT</b> – Meeting adjourned at Thursday, 27 October 2011 at 8.03pm.</p> <p>The following Councillors were present:</p> <p>The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.</p> <p>Apologies had been received from Councillors Butterworth, Petch, Perram, Salvestro-Martin and Tagg. It was noted that an apology was received from Councillor Salvestro-Martin via email at 7.21pm.</p> <p><b>FURTHER ADJOURNMENT</b> – Meeting adjourned Tuesday, 1 November 2011 at 7.30pm.</p> <p>The following Councillors were present:</p> <p>The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.</p> <p>Apologies had been received from Councillors Butterworth, Petch, Perram, Salvestro-Martin and Tagg.</p> <p><b>MEETING RECONVENED</b> – Meeting reconvened on Tuesday, 1 November 2011 at 7.30pm.</p> <p>The following Councillors were present:</p> <p>The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.</p> <p>Meeting completed on 1 November 2011 at 10.46pm</p>
8 November 2011 Council	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.</p> <p>Councillor Li arrived at the meeting at 8.02pm and was not present for Suspension of Standing Orders.</p>

Date	Minutes/Attendance
	<p><b>Apologies:</b> Nil.</p> <p>At this stage of the meeting, Councillors Butterworth, Li, Perram, Petch, Salvestro-Martin and Tagg left the meeting at 11.06pm. Due to a lack of a quorum, the meeting was adjourned.</p> <p><b><u>ADJOURNMENT</u></b></p> <p>In accordance with Clause 2.5.1 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian (Chairperson) adjourned the Council Meeting as a quorum was not present, the time being 11.06pm. The Council Meeting was adjourned to:</p> <p>Tuesday, 15 November 2011 at 7.30pm in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.</p> <p>The following Councillors were present: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.</p> <p>The following Councillors had left the meeting: Councillors Butterworth, Li, Perram, Petch, Salvestro-Martin and Tagg.</p> <p><b><u>MEETING RECONVENED</u></b></p> <p>The Meeting reconvened at 7.30pm on Tuesday, 15 November 2011 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.</p> <p>The following Councillors were present:</p> <p>The Mayor, Councillor Etmekdjian, Councillors Campbell, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.</p> <p><b>Apologies:</b> Councillor Butterworth.</p> <p>Meeting completed on 15 November 2011 at 9.55pm</p>
22 November 2011 Council	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Campbell, Li, Maggio, O'Donnell, Perram, Petch, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.</p> <p>Councillor Petch arrived at 7.49pm and was not present for Suspension of Standing Orders and the Presentation.</p> <p><b>Apologies:</b> Nil.</p>



Date	Minutes/Attendance
	Meeting completed on 23 November 2011 at 12.08am.
13 December 2011 Council	<p><b>Councillors Present:</b> The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.</p> <p><b>Apologies:</b> Councillors Butterworth, Li, Perram, Salvestro-Martin and Tagg.</p> <p><b>Leave of Absence:</b> Councillor Petch.</p> <p><b><u>ADJOURNMENT</u></b></p> <p>Meeting adjourned to Wednesday, 14 December 2011 at 7.30pm.</p> <p>The following Councillors were present:</p> <p>The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.</p> <p>Apologies had been received from Councillors Butterworth, Li, Perram, Salvestro-Martin and Tagg.</p> <p>A Leave of Absence had been received from Councillor Petch.</p> <p><b><u>FURTHER ADJOURNMENT</u></b></p> <p>In accordance with Clause 2.5.1 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian adjourned the Council Meeting as a quorum was not present, the time being 7.34pm. The Council Meeting was adjourned to:</p> <p>Wednesday, 14 December 2011 at 8.04pm in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.</p> <p>The following Councillors were present:</p> <p>The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.</p> <p>Apologies had been received from Councillors Perram and Tagg.</p> <p>A Leave of Absence had been received from Councillor Petch.</p>

# NSW ICAC EXHIBIT

Date	Minutes/Attendance
	<p><b><u>MEETING RECONVENED</u></b></p> <p>The Meeting reconvened at 8.04pm on Wednesday, 14 December 2011 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.</p> <p>The following Councillors were present:</p> <p>The Mayor, Councillor Etmekdjian and Councillors Butterworth, Campbell, Li, Maggio, O'Donnell, Pickering, Salvestro-Martin, Tagg and Yedelian OAM.</p> <p>Apologies had been received from Councillor Perram.</p> <p>A Leave of Absence had been received from Councillor Petch.</p> <p><b><u>ADJOURNMENT</u></b></p> <p>In accordance with Clause 2.5.1 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian adjourned the Council Meeting as a quorum was not present, the time being 10.20pm. The Council Meeting was adjourned to:</p> <p>Tuesday, 20 December 2011 at 7.30pm in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.</p> <p>The following Councillors were present: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.</p> <p>The following Councillors were not present: Councillors Butterworth, Li, Salvestro-Martin and Tagg.</p> <p>Apologies had been received from Councillor Perram.</p> <p>A Leave of Absence had been received from Councillor Petch.</p> <p><b><u>MEETING RECONVENED</u></b></p> <p>The Meeting reconvened at 7.30pm on Tuesday, 20 December 2011 in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.</p> <p>The following Councillors were present:</p> <p>The Mayor, Councillor Etmekdjian and Councillors Campbell,</p>

Date	Minutes/Attendance
	<p>Maggio, O'Donnell, Petch, Pickering and Yedelian OAM.</p> <p>Apologies had been received from Councillors Butterworth, Li, Perram, Salvestro-Martin and Tagg.</p> <p><b><u>FURTHER ADJOURNMENT</u></b></p> <p>In accordance with Clause 2.5.1 of the Code of Meeting Practice, The Mayor, Councillor Etmekdjian adjourned the Council Meeting as a quorum was not present, the time being 7.39pm. The Council Meeting was adjourned to:</p> <p>Tuesday, 17 January 2012 at 7.30pm in the Council Chambers, Level 6 of the Civic Centre, 1 Devlin Street, Ryde.</p> <p>The following Councillors were present: The Mayor, Councillor Etmekdjian and Councillors Campbell, Maggio, O'Donnell, Pickering and Yedelian OAM.</p> <p>The following Councillors were not present: Councillor Petch.</p> <p>Apologies had been received from Councillors Butterworth, Li, Perram, Salvestro-Martin and Tagg.</p>

[illegible]



Fwd: FW:

---

From: "ivan petch"  
To: johnfb@weeklytimes.com.au  
Date: Mon, 09 Jul 2012 14:58:52 +1000  
Attachments: John Neish Civic Centre Legal.docx (17.35 kB); ATT3057693.htm (92 bytes)

---

Sent from my iPhone

Begin forwarded message:

From: "Ivan Petch" <[ivanp@ryde.nsw.gov.au](mailto:ivanp@ryde.nsw.gov.au)>  
Date: 7 July 2012 12:22:00 PM AEST  
To: <[john@mtlawyers.com.au](mailto:john@mtlawyers.com.au)>  
Subject: FW:

Hi John  
This is the mewssage I sent to the General Manager on Wednesday 4th July at 4.35pm  
Regards  
Ivan Petch

---

**From:** Ivan Petch  
**Sent:** Wed 4/07/2012 4:35 PM  
**To:** John Neish  
**Subject:** RE:

Hi John

Further to your correspondence I enclose our legal advice regardin your assumptions.

Regards

Ivan Petch

---

**From:** John Neish  
**Sent:** Tue 3/07/2012 3:40 PM  
**To:** Ivan Petch  
**Cc:** Artin Etmekdjian; Bill Pickering; Gabrielle O'Donnell; Jeff Salvestro-Martin; Justin Li; Michael Butterworth; Nicole Campbell; Roy Maggio; Sarkis Yedelian; Terry Perram; Vic Tagg  
**Subject:** RE:

Hi Ivan

Thank you for your query. The Notice of Motion referred to in your email has no effect at this point in time on the implementation of a resolution of Council so does not in any way hinder the signing of an agreement with Lend Lease. I can confirm however that there has been no agreement yet reached in our negotiations with Lend Lease.

**NSW ICAC  
EXHIBIT**

In accordance with Council's resolution, I need to be reasonably satisfied that hurdles as established by Council in the Commercial and Risk Principles have been met and this is likely to take some time.

I am currently seeking legal advice as to the validity of a Notice of Motion which has the same affect as a previous motion which was subject to a defeated rescission motion. Whilst I, the Group Manager of Corporate Services and our General Counsel believe that the motion is out of order, I have requested an opinion externally to Council to confirm that this is the case.

I will be advising Councillors on this matter in the near future once the legal opinion is received.

Regards

John

--

John Neish | General Manager

P: 9952 8052 | E: [JNeish@ryde.nsw.gov.au](mailto:JNeish@ryde.nsw.gov.au) | [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au)

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-----Original Message-----

From: Ivan Petch

Sent: Tuesday, 3 July 2012 11:10 AM

To: John Neish; Jeff Salvestro-Martin; Terry Perram; Vic Tagg; Justin Li; Michael Butterworth

Subject:

Good Morning John

Could you please confirm that no action will take place relating to the proposed signing of an agreement with Lend Lease until our Notice of Motion is debated and dealt with by council.

Regards

Ivan Petch

Jeff Salvestro Martin

Terry Perrum

Vic Tagg

Justin Li

Michael Butterworth

Sent from my iPhone

By email: [jneish@ryde.nsw.gov.au](mailto:jneish@ryde.nsw.gov.au)

Hi John,

**CIVIC PRECINCT REDEVELOPMENT**

Thank you for your response of 3 July 2012.

Our legal advice is that the Notice of Motion is valid. In particular and without limitation, the Notice of Motion is sufficiently different from the previous Notice of Motion for there not to be an issue as you suggest.

More importantly however it is the view of the six Councillors who have proposed the Notice of Motion, that in circumstances where:

- (a) serious concerns have been raised with respect to the proposed arrangements with Lend Lease;
- (b) the proposed arrangements do not have community support,

it is incumbent on you to recommend to the other six Councillors including the Mayor, that in all the circumstances no further action should be taken by you, despite Council's current resolution, until such time as the Notice of Motion has been determined.

That is even more so the case in circumstances where you are or should be aware that the likely new Council from September this year, will seek to set aside any arrangements that you enter into with Lend Lease prior to those elections.

If all of that were not enough, we also have legal advice that Council did not have the power to delegate authority to you, as contained in the resolution of Council of 12 June 2012.

Accordingly, on behalf of the six Councillors, I am putting you on notice that proper exercise of care, diligence and prudence in this matter requires you to recommend to the Mayor, that all negotiations with Lend Lease be put on hold until such time as the Notice of Motion is dealt with.

In summary, whether or not the Notice of Motion is valid (which we believe it is) the real question is whether you, as General Manager, will exercise due care and diligence so that you will be recommending to the Mayor that negotiations with Lend Lease be stayed until after the next Council elections.

Perhaps, in that respect you should take legal advice as to your personal responsibilities and possible liability in this matter, particularly in light of that contained in this letter.

I look forward to hearing from you shortly.

Kind regards

Ivan Petch

Fwd: Letter from John Neish to Clr Petch

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From: "ivan petch"  
To: johnfb@weeklytimes.com.au, john@mtlawyers.com.au  
Date: Wed, 11 Jul 2012 16:40:33 +1000  
Attachments: Clr Petch letter.pdf (694.84 kB); ATT3337507.htm (140 bytes); COR-email.jpg (14.35 kB); ATT3337508.htm (92 bytes)

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Sent from my iPhone

Begin forwarded message:

From: "Angela Calabrese" <ACalabrese@ryde.nsw.gov.au>  
To: "Ivan Petch" <ivanp@ryde.nsw.gov.au>  
Cc: "DL Councillors" <Councillors@ryde.local>  
Subject: RE: Letter from John Neish to Clr Petch

My apologies, letter not attached to previous email.

Kind regards,

Toni Maher for

--

Angela Calabrese | Executive Assistant to General Manager

P: 9952 8052 | E: [acalabrese@ryde.nsw.gov.au](mailto:acalabrese@ryde.nsw.gov.au) | [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au) <<http://www.ryde.nsw.gov.au/>>

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<outbind:///10-0000000079780CE90344F647828D99AD054DF3DE0700B6F4B28B1ECC9D409732A2238459500

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From: Angela Calabrese  
Sent: Wednesday, 11 July 2012 2:47 PM  
To: Ivan Petch  
Cc: DL Councillors  
Subject: Letter from John Neish to Clr Petch

Dear Councillors

In response to the article in The Weekly Times today, attached is my response to Clr Petch for your information.

Kind regards,

--

Angela Calabrese | Executive Assistant to General Manager

P: 9952 8052 | E: [acalabrese@ryde.nsw.gov.au](mailto:acalabrese@ryde.nsw.gov.au) | [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au) <<http://www.ryde.nsw.gov.au>>

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Councillor Ivan Petch  
3 Jetty Road,  
Putney NSW 2112

11 July 2012

Dear Cllr Petch

**City Precinct Development**

I refer to your letter received by email dated Wednesday 4<sup>th</sup> July 2012 and note the issues that you have raised. I also note today that you have released your email to me to The Weekly Times.

As previously advised to you and all Councillors, I have sought legal advice from Council's Solicitors on the validity of the Notice of Motion submitted by six Councillors on the 26<sup>th</sup> June 2012.

Council has considered and passed resolutions on a number of occasions, including those on 18 October 2011, to proceed with the Ryde Civic Precinct Development.

As a result, a public procurement process has been undertaken in accordance with Council's resolutions, including:

- a Call for Expressions of Interest; and
- a Request for Tenders.

Council has expended very substantial funds in undertaking this procurement process in accordance with the resolutions passed by Council. The private sector has also expended substantial funds in responding to the calls that Council has made.

My responsibilities are to implement the decisions of Council, as evidenced by the resolutions that have been passed.

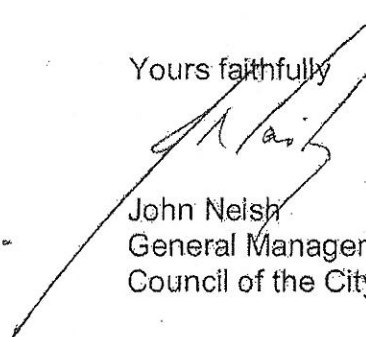
I have relied on probity advice from O'Connor Marsden, legal advice from Clayton Utz, and technical advice from highly respected professionals in the development industry, in relation to all relevant considerations in connection with the procurement process, and the resolutions passed by Council.

I have also received a number of confirmatory written opinions by the Honourable Barry O'Keefe AM QC.

Council and I have relied upon these probity, technical and legal advices, and I am fully satisfied that those advices are correct and meet my requirements for due care and diligence.

The issue of whether the project has community support or not, is a consideration for Council when making their decisions. Once resolutions have been determined by the Council, as the General Manager I must implement the resolutions of Council and cannot speculate on the possible decisions of a future Council.

Yours faithfully



John Neish  
General Manager  
Council of the City of Ryde

Fwd: Petch and Others and Ryde Council

---

From: "ivan petch"  
To: johnfb@weeklytimes.com.au, john@mtlawyers.com.au  
Date: Wed, 11 Jul 2012 17:49:13 +1000

---

Gentlemen  
FYI & CONFIDENTIAL  
Regards  
Ivan Petch

Sent from my iPhone

Begin forwarded message:

From: "Stefano Laface" <Stefano@AJLLegal.com.au>  
Date: 11 July 2012 12:11:21 PM AEST  
To: <ivanp@ryde.nsw.gov.au>  
Subject: Fwd: Petch and Others and Ryde Council

Ivan,

I refer to your phone message.

Please find below the advice of Mr Garsey QC as requested.

Should you require any further assistance, please do not hesitate to contact the writer

Regards,  
Stefano Laface  
AJL Legal  
Level 1, 43 Belgrave Street  
MANLY NSW 2095  
Sent from my iPad

Begin forwarded message:

From: garnsey <garnsey@blackstone.com.au>  
Date: 9 July 2012 1:23:09 PM AEST  
To: Stefano Laface <stefano@ajllegal.com.au>  
Cc: Kyle Oliver <oliver@blackstone.com.au>  
Subject: Petch and Others and Ryde Council

Dear Mr laface,

I refer to our telephone conversation and and to the urgent advice requested.

I understand that you act for Councillor Ivan Petch and various other councillors of

Ryde City Council who wish to give notice of an Extraordinary General Meeting at which will be proposed a resolution to terminate the agreement of the Council with the current General Manager Mr John Neish dated 14 October 2009. The proposed termination is pursuant to clauses 10.3.5 and 11.3 and Schedule C of the agreement.

NSW ICAC  
EXHIBIT

My advice is requested on whether under the agreement Mr Neish's employment can be terminated summarily without cause and whether that will expose the councillors proposing the resolution to any liability in defamation.

I am instructed that the councillors proposing the resolution are acting in good faith, out of concern for Mr Neish's apparent close connection with a developer and support for a proposed development for the reasons outlined in a letter from Mahoney Taren Lawyers received by the Council on 22 June 2012, and for the benefit of the Council and the ratepayers, and feel obliged to propose the resolution notwithstanding the failure of the Council to rescind the resolutions referred to in the letter from Mahoney Taren Lawyers.

Mr Oliver and I have conferred as to the appropriate form of the proposed resolution and he will communicate it to you.

I confirm my advice that, in my opinion, in accordance with clauses 10.3.5 and 11.3 and Schedule C of the agreement with Mr Neish, Mr Neish's employment can be terminated summarily, without cause and without giving Mr Neish notice or affording Mr Neish any opportunity to be heard. In my opinion that is the effect of the agreement on its true construction. Other provisions concern termination for cause, which would involve different considerations. In my opinion, clauses 10.3.5 and 11.3 and Schedule C on their true construction provide a machinery for summary dismissal, taking effect immediately, upon payment of specified compensation.

The resolution proposed, which Mr Oliver has sent to you, is in the following terms:

That:

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 s 336(1) of the Local Government Act 1993, insert name be appointed to act in the vacant position of general manager, pending appointment of a new general manager pursuant to s 334 of the Act.
3. 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.

In my opinion, the content of the resolution is not defamatory, but in any event should attract a defence of qualified privilege (on my instructions the councillors are not acting with malice, for the purposes of the law of defamation) and in any event the councillors may well be protected by section 731 of the Local Government Act 1993 (NSW) in relation to their giving notice of the proposed resolution. The Council would of course be within section 731 in relation to the further publication required by law.

There remains a question whether, if the resolution were passed, the Council would be liable for damages arising out of the manner of termination for breach of an implied obligation of good faith and mutual trust and confidence in Mr Neishâ€™s employment agreement. In the light of the terms of the agreement, it is doubtful whether such an obligation would be implied (see clause 4.6, with clauses 10.3.5 and 11.3 and Schedule C) even if the implication of such an obligation be part of the law of New South Wales and Australia (see the discussion of authorities in *Shaw v State of New South Wales* [2012] NSWCA 102). In any event, in my opinion, it would be unlikely that the councillors and the Council, acting in good faith as I am instructed, would be held to be in breach of the content of the implied obligation. This is, at present, a difficult area of the law, and the opposite view to the one I have expressed is open, although I do not think it correct.

Please let me know if any further advice is desired.

I thank my instructing solicitor for his instructions.

Kind regards,

*John Garnsey*

John Garnsey QC

Blackstone Chambers

[garnsey@blackstone.com.au](mailto:garnsey@blackstone.com.au)

Blackstone Chambers, Level 62 MLC Centre,

Martin Place, Sydney NSW Australia 2000

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Fwd: Councillor Petch: City of Ryde - Governance Advice  
[HWLE-Matter.FID3561797]

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From: "ivan petch"  
To: johnfb@weeklytimes.com.au  
Date: Wed, 08 Aug 2012 15:33:50 +1000  
Attachments: 87276031\_1\_Ltr to Cllr Ivan Petch.pdf (111.25 kB); ATT444175.htm (92 bytes)

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Sent from my iPhone

Begin forwarded message:

From: "Desk Help \(\Councillors Helpdesk\)" <[helpdesk@ryde.nsw.gov.au](mailto:helpdesk@ryde.nsw.gov.au)>  
Date: 8 August 2012 1:50:25 PM AEST  
To: "Ivan Petch" <[ivanp@ryde.nsw.gov.au](mailto:ivanp@ryde.nsw.gov.au)>  
Subject: Councillor Petch: City of Ryde - Governance Advice [HWLE-Matter.FID3561797]

Good Afternoon Councillor

Please find attached urgent correspondence. A hard copy is being provided by courier.

Regards  
Shane Sullivan  
**Sent via Councillor HelpDesk**

**Shane Sullivan | Service Unit Manager Governance**  
P: 9952 8034 | M: 0478 322 132  
Councillor HelpDesk: 9952 8200  
E: [ssullivan@ryde.nsw.gov.au](mailto:ssullivan@ryde.nsw.gov.au) | [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au)

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Our Ref: DJB:MZL:232557

8 August 2012

Clr Ivan Petch  
City of Ryde  
Civic Centre  
1 Devlin Street  
RYDE NSW 2112

Also by email: [ivanp@ryde.nsw.gov.au](mailto:ivanp@ryde.nsw.gov.au)

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Dear Councillor

**CITY OF RYDE  
MOTION TO DISMISS GENERAL MANAGER JOHN NEISH**

We act for City of Ryde ('the Council') on instruction from the Mayor, Councillor Artin Etmekdjian.

**Public Interest Disclosure and Investigation**

The General Manager, Mr John Neish, has made Public Interest Disclosures, pursuant to the *Public Interest Disclosures Act 1994*, to the Mayor and to the Independent Commission Against Corruption concerning alleged corrupt conduct by others within the meaning of Part 3 of the *Independent Commission Against Corruption Act 1988*.

We have been instructed that a number of Councillors are implicated in the allegations.

The alleged corrupt conduct has been reported to the Independent Commission Against Corruption (ICAC) and the Division of Local Government (DLG). Mr Neish has provided consent pursuant to section 22 of the *Public Interest Disclosures Act 1994* to permit the disclosure of the fact that he has made a public interest disclosure.

We are instructed that as a consequence of the disclosures the ICAC has determined to undertake a preliminary investigation.

We have advised the Mayor of the law in relation to reprisal actions. In particular, it is an offence under section 20 of the *Public Interest Disclosures Act 1994* to take "detrimental action against another person that is substantially in reprisal for the other person making a public interest disclosure". This offence carries a penalty of 100 penalty units and/or 2 years of imprisonment.

Brisbane  
Canberra  
Melbourne  
Norwest  
Sydney

8 August 2012

Termination Motion and Rescission Motion on 14 August 2012

On 23 July 2012 at an Extraordinary Council Meeting, Council resolved (6 to 5) to terminate the employment of the General Manager Mr John Neish (**the Termination Motion**). Subsequently, a rescission motion for the Termination Motion was lodged and this is to be dealt with on 14 August 2012 at an Ordinary Council Meeting (**the Rescission Motion**).

In the circumstances where General Manager Mr John Neish has made a public interest disclosure under the *Public Interest Disclosures Act 1994*, we are of the view that the Termination Motion to dismiss the General Manager and any actions by Council giving effect to the Termination Motion, may be characterised as a detrimental action, and may constitute a breach of section 20 of the *Public Interest Disclosures Act 1994*.

For completeness section 20(2) of the *Public Interest Disclosures Act 1994* relevantly states:

In this Act, "detrimental action" means action causing, comprising or involving any of the following:

...

(c) discrimination, disadvantage or *adverse treatment in relation to employment*,

(d) *dismissal from*, or prejudice in, *employment*,

... (*emphasis added*)

Required Undertaking

In the circumstances, the Mayor has instructed us to write to you, to seek the following undertaking:

1. I agree and undertake to refrain from voting against the Rescission Motion on 14 August 2012, pending the report of investigations by the ICAC; and

Council requires a written undertaking from you to the above, or to a similar effect, to be received at this office by **10.00am Friday 10 August 2012**.

In the event Council does not receive your undertaking, the Mayor has instructed us to seek the approval of the Attorney General, and to apply to the Supreme Court for an urgent interlocutory injunction against you, to prevent a contravention of section 20 of the *Public Interest Disclosures Act 1994*.

We look forward to your cooperation and the receipt of the undertaking.

Yours faithfully  
HWL Ebsworth



David Baird  
Partner

Writer: David Baird | (02) 9334 8945 |  
E-mail: [dbaird@hwle.com.au](mailto:dbaird@hwle.com.au)  
Postal: GPO Box 5408 Sydney, New South Wales 2001  
Address: Level 14, Australia Square, 264-278 George Street, Sydney, New South Wales 2000  
Facsimile: 1300 369 656 (Australia) | +61 3 8615 4301 (International)  
DX: DX 129 Sydney

Mr J Booth  
C/- Peter Hall Architects  
PO Box 113  
NORTH RYDE NSW 1670

D13 | 38963

15 May 2013

Dear Sir

**826 Victoria Rd Ryde**  
**Local Development Application No. LDA2012/0288**

I refer to Council's previous letter dated 9 October 2012 regarding the above development application (DA).

Some of the additional information requested in Council's previous letter remains outstanding, namely the requirements of Council's Heritage Officer. Attached for your information is an updated assessment by Council's Heritage Officer which includes a Heritage Assessment of the proposal and details of the additional information required.


In particular, you will note that a Conservation Management Plan (updated) is required. I note that you have previously stated that there has already been a CMP prepared for this site, however that document was prepared in March 2007 and related to a different development than the current multi-dwelling housing proposal. Therefore, this previous CMP is not a satisfactory plan to be used in the current proposal and is outdated being over 5 years old. Accordingly, an updated CMP needs to be prepared by a suitably qualified person/organisation which makes specific reference to the current subject proposal.

Also, you will note that concerns are raised regarding the impacts of the development on the Wallumetta Heritage Item. You are requested to provide a detailed statement in response to this matter (ideally by the same person/organisation as is preparing the updated CMP) as part of the submission of additional information.

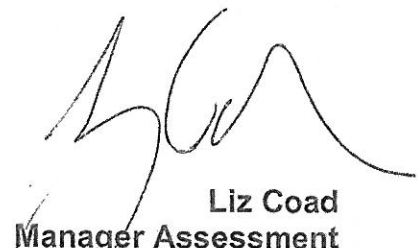
If you wish to have a meeting the Assessing Officer and Council's Heritage Officer to discuss these matters, please contact Mr Chris Young on 9952 8237 to make the necessary arrangements.

Please submit this material within 21 days of the date of this letter. I note that this DA has been called up to a Planning & Environment Committee meeting, and this information is required before a report to the Committee can be prepared.

Yours sincerely



**Chris Young**  
**Team Leader – Assessment**



**Liz Coad**  
**Manager Assessment**