

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 10 JUNE 2008

Present: The Mayor, Councillor N Ebbeck (Chairperson) (Wahroonga Ward)
Councillors A Andrew & E Malicki (Comenarra Ward)
Councillor I Cross (Wahroonga Ward)
Councillor T Hall (St Ives Ward)
Councillors M Lane & A Ryan (Gordon Ward)
Councillors M Shelley & J Anderson (Roseville Ward)

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Director Operations (Greg Piconi)
Director Strategy (Andrew Watson)
Manager Community Recreation Property (Mark Taylor)
Sport & Recreation Planner (Roger Faulkner)
Governance & Records Consultant (David Linnert)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.03pm

The Mayor offered the Prayer

178 **APOLOGIES**

File: S02194

Councillor L Bennett tendered an apology for non-attendance [family illness] and requested leave of absence.

Councillor A Andrew requested leave of absence for the Ordinary Meeting of Council to be held on 22 July 2008 as she will be away on business.

NOTE: Director Community tendered apologies for non-attendance.

Resolved:

(Moved: Mayor, Councillor Ebbeck/Councillor Cross)

- A. That the apology by Councillor L Bennett for non-attendance be accepted and leave of absence be granted.
- B. That the request by Councillor A Andrew for non-attendance at the Ordinary Meeting of Council to be held on 22 July 2008 be granted.

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

The Mayor adverted to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

Councillor M Shelley declared a Pecuniary Interest in Item GB.2 - Sponsorship Proposal - North Shore Times 2008 Truelocal Business Awards (due to her place of employment with the owner of North Shore Times).

Councillor M Lane declared a Pecuniary Interest in Item GB.3 - Avondale Horse & Pony Club Inc Licence - Sturgeon White Reserve (resides near the Reserve).

Director Strategy, Andrew Watson declared a Pecuniary Interest to Item GB.6 - Telstra Low Impact Telecommunications Installation - Proposed Deed of Access to Use a Portion of Road Reserve adjacent to 750 to 754 Pacific Highway, Gordon (shareholder in both Telstra Instalment Receipts and Telstra Ordinary Shares).

179

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Mayor, Councillor Ebbeck/Councillor Lane)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

Refer GB.6 - Telstra Low Impact Telecommunications Installation - Proposed Deed of Access to Use a Portion of Road Reserve adjacent to 750 to 754 Pacific Highway, Gordon - Attachment 3.

CARRIED UNANIMOUSLY

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Late Items: **New Item - Refer MM.2 - Queen's Birthday Honours, 2008**

Councillors Information: **St Ives Projected Yields** - Memorandum by General Manager dated 2 June 2008 in relation to a Question Without Notice raised by Councillor Tony Hall at the Ordinary Meeting of Council held 13 May 2008.

CONFIRMATION OF MINUTES180 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 27 May 2008
Minutes numbered 155 to 177

Resolved:

(Moved: Councillors Cross/Ryan)

That Minutes numbered 155 to 177 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR181 **Queen's Birthday Honours 2008**

File: S02767

I am pleased to inform you that thirteen [13] Ku-ring-gai citizens, through their outstanding achievements and services to the community, have been awarded 2008 Queen's Birthday Honours.

We are very proud to have so many dedicated and talented Australians as members of the Ku-ring-gai community.

I would like to read to you the names of these special Ku-ring-gai citizens and, on behalf of Council, congratulate them on their excellent contributions to Australian society.

Richard Hamilton Lane, Pymble

For service to the arts as the author of screenplays, radio and television scripts, and histories of Australian radio drama

Warwick John Vaughan, Gordon

For service to education through the Primary English Teaching Association, contributions to curriculum development and public administration.

Ian Crawford Murray, Lindfield

For service to business, particularly international trade, through executive roles with a range of export-related organisations, and to professional education.

John Philip Rasmussen, Pymble

For service to heritage conservation, particularly through the New South Wales Branch of the national Trust of Australia, and to the arts.

Andrew Gabor **Lang**, Pymble

For service to the law, particularly in the field of property and conveyancing law, as an author and educator, and to the community

Penelope Alice **Seidler**, Killara

For service to the preservation of cultural heritage, particularly through the Australiana Fund, to visual arts organisations, and to architecture.

Joanna Marie **Knott**, Roseville

For service to the community through leadership roles in organisations supporting research into the treatment of spinal cord injury and other conditions.

John Kendall **Knight**, Warrawee

For service to engineering through leadership and innovation in major infrastructure development projects in Australia and internationally, to professional education, and to the community.

Leslie John **Schirato**, Turramurra

For service to the community through philanthropic contributions to health, youth, church and social welfare organisations, and to business.

Katherine Anne **Smith**, Turramurra

For service to the community through fostering peaceful conflict resolution and the promotion of interfaith understanding.

Malcolm Richard **Smith**, Turramurra

For service to the community through fostering peaceful conflict resolution and the promotion of interfaith understanding.

Robyn Elizabeth **Kerr**, St Ives

For service to the Liberal Party of Australia through executive, administrative and fundraising roles.

Kevin Alexander **Meyer**, St Ives

For service to the community through a range of roles in welfare, charitable, sporting and service organisations, and to the banking industry.

On behalf of Council, I congratulate all these award winners on their outstanding achievements.

Ku-ring-gai should be proud that it has so many citizens being recognised at the highest levels for their selfless dedication, commitment and contribution to local, national and international communities.

Resolved:

That Council acknowledge the outstanding contribution made by these recipients of 2008 Queen's Birthday Honours to the Ku-ring-gai community and to the well-being of our society.

CARRIED UNANIMOUSLY

182 **Graffiti in Business Centres**

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File: S04840

Whilst I understand that arrangements have been made to undertake a trial for the removal of graffiti from private property in the Turramurra Business Centres, I am concerned about the amount of graffiti in other centres.

Council previously undertook to get submissions for the removal of graffiti from the business centre areas and it may take some time before the matter is properly addressed.

Resolved:

- A. That a report be brought back to Council in July 2008 on what options are available for Council to undertake the removal of graffiti from all property in each of the business centres, with the exception of Turramurra. Also the report is to identify what possible funding sources are available to undertake this program.
- B. That the report to include options for a litter education programme and details of current service frequency in relation to litter.

CARRIED UNANIMOUSLY

PETITIONS183 **Petition regarding Standard of Facilities at North Turramurra Golf Course - (Fifty-Nine [59] Signatures)**

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File: P35630

Petition presented by Councillor Adrienne Ryan

"We the undersigned golfers and Gordon Golf Club Category C members who pay and play regularly are disappointed with the standard of some facilities currently offered at Turramurra Golf Course.

The summer climate has been kind and the course is in good condition, but we are certain that Council could aim to improve some aspects and repair or replace some of the facilities, such as the practice nets, the practice putting green, and the large fallen tree on the 5th hole. Patrons pay considerable fees for their golf at Turramurra, and can expect a little better.

Many of us have spent thousands of dollars playing competitions there over the last few years. We are aware that the number of persons playing on Saturday mornings has steadily declined and are conscious that this will have led to a decrease in revenue. We consider that some modest proactive marketing could reverse this trend to the benefit of both the Council and Gordon Golf Club. However, to be successful, we consider that the decline in the standard of the facilities will first have to be rectified."

Resolved:

(Moved: Councillors Ryan/Cross)

That the Petition be received and referred to the appropriate officer of Council for attention.

CARRIED UNANIMOUSLY

GENERAL BUSINESS184 **Mayor and Councillor Fees 2008 to 2009**

File: S03779

To determine the Mayor and Councillor fees payable from 1 July 2008.

Resolved:

(Moved: Councillors Ryan/Lane)

That, from 1 July 2008, the Councillor fee be set at \$15,120 and the Mayor's fee be set at \$33,010.

CARRIED UNANIMOUSLY

**Councillor Lane declared a pecuniary interest
in respect of the following item -
GB.3 - Avondale Horse & Pony Club Inc Licence -
Surgeon White Reserve
and withdrew from the Chamber taking no part
in discussion and voting on the item**

185 **Avondale Horse and Pony Club Inc. Licence - Surgeon White Reserve**

File: S02714

That Council, as Reserve Trust Manager of Surgeon White Reserve, consider granting a 5 year licence agreement to Avondale Horse and Pony Club Inc. for the part of the reserve in accordance with the Crown Lands Act 1989.

Resolved:

(Moved: Councillors Hall/Ryan)

- A. That Council approve the granting of a new 5 year licence to the Avondale Horse and Pony Club Inc. for the use of the site for horse and pony activities in

accordance with the Crown lands Act 1989 and, subject to the Minister's consent, in the terms outlined in this report.

- B. That the Mayor and General Manager be authorised to execute all documentation.
- C. That the Seal of Council be affixed to all necessary documents.

CARRIED UNANIMOUSLY

Councillor Lane returned

186 **Education Seminar - Responsible Cat Ownership**

File: S02452

To provide Council with additional information in respect of a proposed educational seminar to be hosted by NSW Animal Welfare League on the topic of responsible cat ownership. This report was called for at Council's meeting of 13 May 2008.

Resolved:

(Moved: Councillors Ryan/Hall)

- A. That Council accept the invitation of Ms Peggy Brown of NSW Animal Welfare League to conduct a two hour seminar presentation for local residents on the topic of responsible cat ownership.
- B. That Council host the presentation in the Gordon Library Meeting Room, on an evening when the room is not utilised by permanent hirer.
- C. That promotion of the event be via the in-house production of posters displayed at local libraries and animal service establishments in the local area, together with promotion on Council's website and within the Mayoral column of the local newspaper.

CARRIED UNANIMOUSLY

187 **Telstra Low Impact Telecommunications Installation - Proposed Deed of Access to Use a Portion of Road Reserve adjacent to 750 to 754 Pacific Highway, Gordon**

File: 88/05901/01

For Council to grant a Deed of Access to Telstra to use a portion of the road reserve for its telecommunications network.

Resolved:

(Moved: Councillors Ryan/Malicki)

- A. That Council grant a Deed of Access to Telstra for the use of a portion of road reserve adjacent to 750-754 Pacific Highway, Gordon for the installation of a low impact telecommunications facility.
- B. That Council authorise the Mayor and General Manager to sign all documentation associated with the Deed.
- C. That the Council Seal be affixed to the agreement.
- D. That Council does not condone, approve or support telecommunications facilities at this location or in general.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Malicki, Ryan, Shelley and Anderson

Against the Resolution: Councillor Lane

188 **Strategic Review of BMX Facilities**

File: S06425

To report to Council the results of the investigation process to select a suitable site for a BMX facility.

Resolved:

(Moved: Councillors Hall/Ryan)

- A. That Council supports the proposal for a combined BMX and skate facility at St Ives Village Green as part of a broader youth precinct, subject to the outcomes of community consultation during preparation of the concept design for the facility and the Landscape Masterplan for St Ives Village Green in 2008/09.

- B. That a concept design for the facility be undertaken in 2008/09 to be funded from the Parks Development component of the capital works program.
- C. That, subject to community support of the facility as part of the St Ives Village Green Landscape Masterplan, construction follow Council adoption of the landscape masterplan, with funding to be allocated from a combination of adopted section 94 Contributions Plan 2004-2009 funding and the 2009/10 Parks Development capital works program.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley and Anderson

Against the Resolution: Councillor Malicki

**Councillor Shelley declared a pecuniary interest
in respect of the following item -
GB.2 - Sponsorship Proposal - North Shore Times 2008
Truelocal Business Awards
and withdrew from the Chamber taking no part
in discussion and voting on the item**

189

Sponsorship Proposal - North Shore Times 2008 Truelocal Business Awards

File: S02091

To advise Council of a sponsorship proposal request from the North Shore Times for the 2008 Truelocal Business Awards.

Resolved:

(Moved: Councillors Ryan/Lane)

That Council support the proposal from the North Shore Times to sponsor the 2008 Truelocal Business Awards Bronze proposal for \$5,000 and that the funding for the sponsorship be taken from the 2008-2009 Community budget.

For the Resolution: Councillors Cross, Hall, Lane, Malicki, Ryan

Against the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew and Anderson

The above Resolution was CARRIED as an Amendment to the Original Motion. The Original Motion was:

(Moved: Councillor Anderson/Mayor, Councillor Ebbeck)

That this matter be deferred pending report to Council on sponsorship opportunities for the coming year.

Councillor Shelley returned

190 **191 Warrimoo Avenue, St Ives - Section 68 Application – Local Government Act 1993**

File: P62434

To respond to issues raised at the Council site inspection and to seek Council's determination of the Section 68 application.

Resolved:

(Moved: Councillor Andrew/Mayor, Councillor Ebbeck)

That in accordance with Section 96 of the Local Government Act, 1993, Council grant a staged approval for a moveable dwelling on land at 191 Warrimoo Avenue, St Ives for a maximum duration of 2 years in accordance with the application and plans attached to a section 68 application, made by Ms Servart Demirjian:

- (a) Part one, of the approval being for 12 months duration, during which time the applicant Ms Servart Demirjian, must demonstrate tangible progress in pursuing the rebuilding of her permanent home. Such progress is to include the submission within 8 months of the date of this approval, of a development application detailing the new home and demonstrating full understanding of Council's development controls. Failure to comply with this Part one will result in the approval lapsing on 11 June 2009.
- (b) Part two of the approval, being for a further period of 12 months, such period however is to be subject to compliance with part one of this staged approval.

Conditions

- (1) The applicant is to maintain and enhance a dense vegetative screen of appropriate species between the moveable dwelling and the property's western and northern boundaries so as to reduce the visual and privacy impacts of the caravan upon the adjoining property. Details of the required enhanced screening are to be provided by the applicant to the satisfaction of Council's Landscape Assessment Officer within 1 month of this approval and planting is to occur within 1 month of the Landscape Assessment Officer's approval of the planting scheme.
- (2) No further temporary structures, shelters, garden sheds or the like shall be added to the site.
- (3) This approval shall lapse on 11 June 2010 unless it lapses earlier due to non-compliance with the terms of Part One (a) above.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Lane, Shelley and Anderson

Against the Resolution: Councillors Hall, Malicki and Ryan

191 **Sustainability Reference Group - Minutes of Meeting held 12 May 2008**

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File: S05396

To bring to the attention of Council the proceedings from the Sustainability Reference Group Meeting held on Monday, 12 May 2008.

Resolved:

(Moved: Councillors Malicki/Andrew)

That the Minutes of the Sustainability Reference Group meeting held on Monday, 12 May 2008 be received and noted

CARRIED UNANIMOUSLY

192 **Policy on Public Use of Road Reserves**

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File: S03467

For Council to consider the draft policy for the private use of road reserves.

Resolved:

(Moved: Councillors Hall/Shelley)

- A. That Council adopt the draft policy for the private use of road reserves, subject to the addition of nature reserves in the definition of road reserves and examples of temporary memorials.
- B. That the draft policy be placed on public exhibition.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN193 **Retention of Blue Gum High Forest in Ku-ring-gai**

.
File: S04601

Notice of Motion from Councillor E Malicki dated 2 June 2008

To allow Council to reaffirm its commitment to protecting Blue Gum High Forest throughout Ku-ring-gai.

I move that:

"Council, as a matter of Policy, resolves not to sell or otherwise dispose of any park or any land zoned for Open Space which is identified as Blue Gum High Forest."

Resolved:

(Moved: Councillors Cross/Ryan)

That Council determines that Warrawee Park, which is open space containing Blue Gum High Forest, not be sold or given away.

For the Resolution: Councillors Andrew, Cross, Hall, Lane, Malicki, Ryan, Shelley and Anderson

Against the Resolution: The Mayor, Councillor N Ebbeck

The above Resolution was CARRIED as an Amendment to the Original Motion. The Original Motion was:

(Moved: Councillors Malicki/Andrew)

That the above Notice of Motion as printed be adopted.

194

Submission to Sydney Airports Corporation Limited regarding Increased Aircraft Noise Exposure to Residents of Ku-ring-gai

File: S02342

Notice of Motion from Councillor E Malicki dated 29 May 2008

The East West Runway at Sydney Airport will close from October 2008 for nearly twenty months to allow the runway to be extended to provide what is known as a runway end safety area. While the need to do this important work to improve airport safety is acknowledged, the impact on the residents of Ku-ring-gai is unreasonable. For areas to the north of the airport, overflights are expected to increase from an average of 104 to 117 per day. All these additional overflights will impact on our residents. The bulk of these flights are expected to be in the evening or at weekends when our residents are trying to enjoy the peace and quiet of their homes.

I move:

"That Council makes a submission to Sydney Airports Corporation Limited requesting a more equitable re-distribution of overflights arising from the temporary closure of the East-West Runway at Sydney Airport or a shorter construction period to minimise the impacts on the residents of Ku-ring-gai."

Councillor Ryan withdrew & returned during discussion

Resolved:

(Moved: Councillors Hall/Ryan)

- A. That Council makes a submission to Sydney Airports Corporation Limited requesting a more equitable re-distribution of overflights arising from the temporary closure of the East-West Runway at Sydney Airport or a shorter construction period to minimise the impacts on the residents of Ku-ring-gai.
- B. That the Federal Member for Bradfield, the Hon. Dr Brendan Nelson, be asked to support this submission.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Cross, Hall, Ryan, Shelley and Anderson

Against the Resolution: Councillors Andrew, Lane and Malicki

The above Resolution was CARRIED as an Amendment to the Original Motion. The Original Motion was:

(Moved: Councillors Malicki/Shelley)

That the above Notice of Motion as printed be adopted.

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

Standing Orders were suspended in order that Business Without Notice by Councillor A Andrew - Acquisition of Property for Open Space could be dealt with at the end of the meeting after the Mayor, Councillor Ebbeck ruled Urgency

For the Urgency: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Lane, Malicki, Ryan, Shelley and Anderson

Against the Urgency: Councillor Hall

QUESTIONS WITHOUT NOTICE

195 **Photographs of Children on Council Business Paper Book Covers - Statement of Written Permission**

File: S05981

Question Without Notice from Councillor M Shelley

Would the General Manager advise whether the parents of the children depicted on the front cover of Council papers have given their permission as per my previous

Question Without Notice of 4 September 2007 and if so, would he include a Statement to this effect in the papers and, if not, why not?

The statement could be included in the General Manager's letter to Council.

Answer by the General Manager

I will take that on notice and follow it up with Director Bevan.

196 **St Ives Showground Consultative Committee**

File: S02866

Question Without Notice from Councillor T Hall

I refer the General Manager to the answer to my Question of 29 April 2008 (Minute No 136/08) that this Committee was disbanded in 2003 and ask the General Manager would he arrange for the reconvening of the Committee before 30 July 2008 as required by Clause 5.2 of the Lands Minister's Management Plan for St Ives Showground Crown Reserve, Mona Vale Road, St Ives and advise Councillors please of the time and date?

Answer by the General Manager

I have spoken to Director Watson who brought it up with me late last week about reconvening a meeting and we will forward a memo to Councillors with a date very shortly.

197 **Meeting with the Hon Tony Kelly, Minister for Lands**

File: S02866

Question Without Notice from Councillor T Hall

I refer the Mayor and General Manager to their meeting with Minister Kelly last month relating to St Ives Showground Crown Reserve and ask that Councillors be given a written report of the topics and issues raised at that meeting, please, as the Mayor said he would?

Answer by the Mayor

They are coming through the staff member, Councillor Hall and I will chase them up tomorrow for you.

*Standing Orders were suspended to deal with the following
Business Paper item after a Motion moved by
the Mayor, Councillor Ebbeck ruled Urgency*

*For the Urgency: The Mayor, Councillor N Ebbeck, Councillors Andrew,
Cross, Lane, Malicki, Ryan, Shelley and Anderson*

Against the Urgency: Councillor Hall

Councillor Hall departed

*Council resolved itself into Closed Meeting
with the Press and Public Excluded to deal with the following item:*

198 **Acquisition of Property for Open Space**

File: S06049

Business Without Notice from Councillor Anita Andrew dated 10 June 2008.

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(c) of the Act, and was dealt with in a part of the meeting closed to the public.

Section 10A(2)(c) of the Act permits the meeting to be closed to the public in respect of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

This matter is classified confidential because it deals with the proposed acquisition of property.

It is not in the public interest to release this information as it would prejudice Council's ability to acquire the property on appropriate terms and conditions.

Resolved:

(Moved: Councillors Andrew/Malicki)

That Council staff approach agents for the property, as discussed, to determine whether the property is still available for sale and if yes, to ascertain the price prior to the next Council meeting.

CARRIED UNANIMOUSLY by those present

To Open Council

The Mayor adverted to the consideration of the matters referred to in Minute numbered 198, and to the resolution contained in such Minute.

The Meeting closed at 8.48pm

The Minutes of the Ordinary Meeting of Council held on 10 June 2008 (Pages 1 - 16) were confirmed as a full and accurate record of proceedings on 24 June 2008.

General Manager

Mayor / Chairperson