

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 20 OCTOBER 2009

Present: The Mayor, Councillor I Cross (Chairperson) (Wahroonga Ward)
Councillors S Holland & E Malicki (Comenarra Ward)
Councillors E Keays & C Szatow (Gordon Ward)
Councillors J Anderson & R Duncombe (Roseville Ward)
Councillors T Hall & C Hardwick (St Ives Ward)
Councillor D McDonald (Wahroonga Ward)

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Acting Director Development & Regulation (Corrie Swanepoel)
Director Operations (Greg Piconi)
Director Strategy & Environment (Andrew Watson)
Director Community (Janice Bevan)
Governance & Records Consultant (David Linnert)
Director Development & Regulation's PA (Judy Murphy)

The Meeting commenced at 7.02pm

The Mayor offered the Prayer

APOLOGIES

File: S02194

NOTE: The Director Development & Regulation, Michael Miocic, tendered an apology for non attendance.

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.

The Mayor, Councillor Ian Cross declared a pecuniary interest to Item GB.6 - Nominations for and Remuneration of Joint Regional Planning Panel Members (Member of Joint Regional Planning Panel).

Councillor Elise Keays declared a pecuniary interest to Item GB.6 - Nominations for and Remuneration of Joint Regional Planning Panel Members (Alternate Member of Joint Regional Planning Panel).

Councillor Elaine Malicki declared a pecuniary interest to Item GB.6 - Nominations for and Remuneration of Joint Regional Planning Panel Members (Member of Joint Regional Planning Panel).

216 **CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

File: S02499

Resolved:

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.12 - Waste Services - Novation of Contract - Attachment B - Copy of Novation Deed

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:**
- Minutes of Ordinary Meeting of Council** - held 13 October 2009, Minutes numbered 197 to 215
 - Refer GB.13 - Independent Assessment of Council's Development Control Plan (Town Centres)** - Report by Director Strategy & Environment & Manager Urban & Heritage Planning dated 13 October 2009.
 - Refer GB.14 - Asia Pacific Tourism Conference** - Report by Director Corporate dated 20 October 2009 with Conference Program attached.
- Memorandum:**
- Refer GB.13 - Independent Assessment of Council's Development Control Plan (Town Centres)** - Memorandum by Director Strategy & Environment dated 15 October 2009 referring to the late item & attachments - Submissions from Applicants.

CONFIRMATION OF MINUTES217 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 13 October 2009
Minutes numbered 198 to 215

Resolved:

(Moved: Councillors Malicki/McDonald)

That Minutes numbered 198 to 215 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS218 **Opposition to Lights at Killara Lawn Tennis Club - (Twenty-Three [23] Signatures)**

File: DA0492/09

The following Petition was presented by Councillor Elise Keays:

"We, the undersigned, strongly oppose the Development Application by the Killara Lawn Tennis Club to install lighting on four courts and urge the Councillors to reject the application.

Our concerns include:

1. The visual impact of the 8 metre high light poles.
2. The visual impact of the lighting over such a large area.
3. The hours of operation.
4. The noise impact of late night playing.
5. The automatic switching of lights on all courts regardless of play or weather conditions.
6. The late night noise of players and others leaving in their cars from Arnold Street, this includes slamming of doors, turning on radios and engine noise."

Resolved:

(Moved: Councillors Keays/Szatow)

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

CARRIED UNANIMOUSLY

GENERAL BUSINESS219 **Procurement Policy**

File: S04073

To adopt a revised Procurement Policy.

Resolved:

(Moved: Councillors Duncombe/Szatow)

That the Procurement Policy be adopted.

CARRIED UNANIMOUSLY

220 **Investment Report as at 30 September 2009**

File: S05273

To present to Council investment allocations and returns on investments for September 2009.

Resolved:

(Moved: Councillors Duncombe/McDonald)

- A. That the summary of investments and performance for September 2009 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Malicki, Keays, Szatow, Anderson,
Duncombe, Hardwick & McDonald*

Against the Resolution: Councillor Hall

221 **Community Reference Committee - Minutes of Meeting**

File: S07621

To advise Council of the minutes of the Community Reference Committee meeting held on 16 September 2009.

Resolved:

(Moved: Councillors Duncombe/Szatow)

That Council receive and note the Community Reference Committee Meeting Minutes of 16 September 2009.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Malicki, Keays, Szatow, Anderson,
Duncombe, Hardwick & McDonald*

Against the Resolution: Councillor Hall

222 **Draft Miscellaneous Lands Plan of Management**

File: S06604

To recommend adoption of the draft Miscellaneous Lands Plan of Management.

Resolved:

(Moved: Councillors Duncombe/Holland)

- A. That Council adopt the draft *Miscellaneous Lands Plan of Management* with minor amendments (as identified in Attachment1).
- B. That all community members who have participated in the development of the draft *Miscellaneous Lands Plan of Management* be notified that the draft Plan has been adopted by Council.
- C. That a purchase price of \$0.60 per page applies to the sale of copies of the *Miscellaneous Lands Plan of Management*.

CARRIED UNANIMOUSLY

223 **Draft Ku-ring-gai Art Centre Plan of Management**

File: S06604

To recommend adoption of the draft Ku-ring-gai Art Centre Plan of Management.

Resolved:

(Moved: Councillors Duncombe/Holland)

- A. That Council adopt draft *Ku-ring-gai Art Centre Plan of Management* with minor amendments (as identified in Attachment 1).
- B. That all community members who have participated in the development of the draft *Ku-ring-gai Art Centre Plan of Management* be notified that the draft Plan has been adopted by Council.
- C. That a purchase price of \$0.60 per page applies to the sale of copies of the *Ku-ring-gai Art Centre Plan of Management*.

CARRIED UNANIMOUSLY

224 **No 1 Millewa Avenue, Warrawee - Extinguish a Redundant Drainage Easement**

File: SD1

Ward: Wahroonga

To seek approval to extinguish a redundant Council drainage easement at No 1 Millewa Avenue, Warrawee.

Resolved:

(Moved: Councillor McDonald/Mayor, Councillor I Cross)

- A. That Council approves the extinguishment of the drainage easement 1.83 m wide created by Transfer C420767 traversing No 1 Millewa Avenue, Warrawee.
- B. That authority be given to affix the Common Seal of the Council to the appropriate instrument for the extinguishment of easement.
- C. That the cost for extinguishment of the drainage easement and Council's legal costs and disbursements be borne by the applicant.

CARRIED UNANIMOUSLY

225 **Waste Services - Novation of Contract**

File: S07616

To seek approval for authorisation of the Novation of Contract with Kimbriki Environmental Enterprises Pty Ltd for Council's operational waste.

Resolved:

(Moved: Councillors Keays/Holland)

- A. That Council resolves to execute the Novation Deed between Kimbriki Environmental Enterprises Pty Ltd and Ku-ring-gai Council.
- B. That the Mayor and General Manager be delegated authority to sign the Novation Deed and apply the Common Seal of Council.

CARRIED UNANIMOUSLY

226 **National Trust Heritage Festival 2010 - Sponsorship Proposal**

File: S05650

To advise Council of a proposal from the National Trust of Australia for sponsorship for the National Trust Heritage Festival 2010, by placing a half page advertisement in the festival program.

Resolved:

(Moved: Councillors Anderson/Hardwick)

That Council approve the sponsorship proposal from the National Trust of Australia to advertise in the 2010 National Trust Heritage Festival program.

CARRIED UNANIMOUSLY

227 **8 Arnold Street, Killara - Lighting of Tennis Courts**

File: DA0492/09

Ward: Gordon
Applicant: Ken Demlakian
Owner: Killara Lawn Tennis Club

To determine Development Application No 0492/09 which is for lighting of 4 tennis courts. This application was called to full Council for determination by Councillor Keays on 11 August 2009.

Resolved:

(Moved: Councillors Keays/Szatow)

That consideration of DA0492/09 at 8 Arnold Street, Killara be deferred pending a site inspection.

For the Resolution: *The Mayor, Councillor I Cross, Councillors Keays, Szatow, Anderson, Hall, Hardwick & McDonald*

Against the Resolution: *Councillors Holland, Malicki & Duncombe*

The Mayor, Councillor I Cross, Councillors Keays & Malicki declared a pecuniary interest in respect of the following item - Item GB.6 - Nominations for a Remuneration of Joint Regional Planning Panel Members and withdrew from the Chamber taking no part in discussion and voting on the item

The Mayor, Councillor I Cross vacated the Chair and the Deputy Mayor, Councillor J Anderson assumed the Chair

228

Nominations for and Remuneration of Joint Regional Planning Panel Members

File: S04554

To present nominations for council membership of the Sydney West Joint Regional Planning Panel and determine appropriate remuneration rates.

Resolved:

(Moved: Councillors Szatow/Duncombe)

- A. That the Mayor, Councillor Ian Cross and Councillor Elaine Malicki remain as members of the Panel and Councillor Elise Keays as alternate member.
- B. That the Councillors be paid a meeting fee of \$500.

For the Resolution: *Councillors Holland, Szatow, Duncombe & McDonald*

Against the Resolution: *Councillors Anderson, Hall & Hardwick*

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

(Moved: Councillors Hall/Hardwick)

- A. *That Jack Cleaver be appointed to the Panel in lieu of Councillor Malicki.*
- B. *That Mr Cleaver be paid a meeting fee of \$600.*
- C. *That Councillor Cross remain as a member and Councillor Keays remain as an alternate member.*
- D. *That Councillors not be paid a meeting fee.*

**The Mayor, Councillor Cross
returned & assumed the Chair**

Councillors Keays & Malicki returned

229

Draft Ku-ring-gai Bushland Reserves Plan of Management

File: S06604

To recommend adoption of the draft Ku-ring-gai Bushland Reserves Plan of Management.

Resolved:

(Moved: Councillors Keays/Szatow)

- A. That Council adopt the *Ku-ring-gai Bushland Reserves Plan of Management* with minor amendments (as identified in Attachment 1).
- B. That all community members who have participated in the development of the draft *Ku-ring-gai Bushland Reserves Plan of Management* be notified that the draft Plan has been adopted by Council.
- C. That a purchase price of \$0.60 per page applies to the sale of copies of the *Ku-ring-gai Bushland reserves Plan of Management*.
- D. That the associated actions nominate a specific officer in all circumstances and where an action pertains to a number of officers the relevant director/s be nominated.

CARRIED UNANIMOUSLY

The above Resolution was subject to an Amendment which was LOST. The Lost Amendment was:

(Moved: Councillors Hall/Szatow)

- A. *That Council adopt the Ku-ring-gai Bushland Reserves Plan of Management with minor amendments.*

- B. *That all community members who have participated in the development of the draft Ku-ring-gai Bushland Reserves Plan of Management be notified that the draft Plan has been adopted by Council.*
- C. *That a purchase price of \$0.60 per page applies to the sale of copies of the Ku-ring-gai Bushland reserves Plan of Management.*
- D. *That the associated actions nominate a specific officer in all circumstances and where an action pertains to a number of officers the relevant director/s be nominated.*
- E. *That the St Ives showground precinct be allocated a unit number and priority in the bushland reserves under the Bushland Plan of Management.*

230 **Draft Council Chambers Plan of Management**

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File: S06604

To recommend adoption of the draft Council Chambers Plan of Management.

Resolved:

(Moved: Councillors Keays/Holland)

- A. That Council adopt the draft *Council Chambers Plan of Management* with minor amendments (as identified in Attachment 1).
- B. That all community members who have participated in the development of the draft *Council Chambers Plan of Management* be notified that the draft Plan has been adopted by Council.
- C. That a purchase price of \$0.60 per page applies to the sale of copies of the *Council Chambers Plan of Management*.

CARRIED UNANIMOUSLY

231 **Independent Assessment of Council's Development Control Plan (Town Centres)**

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File: CY00054

To provide Councillors with a list of town planning consultants for a potential review of the draft Ku-ring-gai Development Control Plan (Town Centres) 2009.

Resolved:

(Moved: Councillors Keays/Szatow)

- A. That Council staff approach Sue Haertsch Planning, Andrew Neil Urban Design Group, Brett Newbold Urban Planning, PTW Architects and Whelan InSites Pty Ltd providing a broad scope of work to undertake an independent review of the Town Centres DCP within a period not exceeding four weeks.
- B. That an upper limit of \$70,000 be stipulated and agreed to for completion of subject works.
- C. That staff are delegated to appoint their preferred choice of firm, upon satisfaction that all associated criteria are complied with and a written quotation is agreed to which accords with B above.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Keays, Szatow, Anderson, Duncombe &
McDonald*

Against the Resolution: Councillors Malicki, Hall & Hardwick

*The above Resolution was subject to an Amendment which was LOST. The Lost
Amendment was:*

(Moved: Councillors Malicki/Hall)

*That Council not appoint a consultant to undertake a review of the Ku-ring-gai
Development Control Plan (Town Centres) 2009.*

232

Asia Pacific Tourism Conference

File: CY00043

To consider a request from Councillor Anderson to attend the Asia Pacific Tourism Conference.

Resolved:

(Moved: Mayor, Councillor I Cross/Councillor Keays)

That Council meet the cost of Councillor Anderson attending the Asia Pacific Tourism Conference *Global Eco* to be held in Alice Springs on 9 to 11 November 2009 estimated at \$3,500.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE233 **Waste Collection**

File: EM00004/8

Question Without Notice from Councillor C Szatow

Question to Acting Director Development & Regulation:

Why are garbage bins in the street again tonight as I am informed by a resident outside No 32 Marian Street, Killara?

Answer by Acting Director Development & Regulation

I will investigate and advise.

234 **Council-owned Rented Properties**

File: S03671

Question Without Notice from Councillor T Hall

I acknowledge the list of rentals as published in the Council's Business Paper 11/09, amounting to nearly \$3 million per annum in revenue, would the General Manager also provide the list of rented properties owned by Council and the rents received in the last financial year and where may that revenue be found in the Council's annual financial statement for year ending to 30 June 2009, please?

Answer by General Manager

I will be happy to provide that list. What I would say as a preliminary comment is that the grossed-up expenditure figure you will find for rental properties in the Statements includes what would be the market value of all the properties if we were to rent them at commercial rates but a lot of them are discounted with community rebates by 90%.

235 **Private Certifier - Peter Boyce**

File: DA0659/02-9

Question Without Notice from Councillor T Hall

I ask the General Manager, was a decision made by the Building Professional Board to the complaint lodged against Mr Peter Boyce in respect of 317-321 Mona Vale

Road, St Ives (DA Consent 659/02) and what was the outcome, please and is Mr Boyce still practising as a private certifier in this local government area?

Would the General Manager table the State of Decision when received?

Answer by the General Manager

I will have the Director Development & Regulation follow that up and provide written advice to Councillors.

236 **Bushfire Issues**

File: S06833

Question Without Notice from Councillor E Malicki

There were 3 Community Bushfire Risk Information Days last weekend, 2 at North Turramurra and 1 at St Ives.

Are there going to be any such meetings in other areas such as South Turramurra, East Killara and so on as there is a lot of concern about this issue in other parts of Ku-ring-gai?

It's Rural Fire Services.

Answer by Director Strategy & Environment

It was my understanding that there wasn't going to be additional meetings but that doesn't mean that there can't be additional meetings.

Question by Councillor Malicki

Well can I add a supplementary question? If not, can these be organised particularly in South Turramurra?

Answer by Director Strategy & Environment

I will take that one on notice but I think the answer will be yes.

237 **Wahroonga Preparatory School - Commencement of Building Works**

Files: S06306, DA0262/09

Question Without Notice from Councillor D McDonald

Was Council notified at all of the Wahroonga Prep School beginning their building works under the BER Program as at 16 October?

Does the Acting Director know what we can do to put conditions in place? Apparently there are some port-a-loos now sitting out in the street that are causing a hazard?

Answer by Acting Director Development & Regulation

I will have to take that on notice and investigate the matter and report back to the Council.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The Acting Director Development & Regulation, Corrie Swanepoel, will advise the Councillors of a date and time that an Inspections Committee will take place at 8 Arnold Street, Killara.

The Meeting closed at 9.05pm

The Minutes of the Ordinary Meeting of Council held on 20 October 2009 (Pages 1 - 14) were confirmed as a full and accurate record of proceedings on 10 November 2009.

General Manager

Mayor / Chairperson