

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 24 JUNE 2008

Present: The Mayor, Councillor N Ebbeck (Chairperson) (Wahroonga Ward)  
Councillors A Andrew & E Malicki (Comenarra Ward)  
Councillors L Bennett & T Hall (St Ives Ward)  
Councillor I Cross (Wahroonga 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)  
Director Community (Janice Bevan)  
Governance & Records Consultant (David Linnert)  
Minutes Secretary (Christina Randall-Smith)

*The Meeting commenced at 7.07pm*

*The Mayor offered the Prayer*

### 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.

No Interest was declared.

### 199 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

#### **Resolved:**

(Moved: Councillors Lane/Shelley)

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.10 - West Lindfield Sport & Recreation Club Business Plan** - In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, Attachments 1 and 2 in the above business is of a kind as referred to in section 10A(2)(d) of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(d) of the Act permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of Council, or
- (iii) reveal a trade secret.

This matter is classified confidential under section 10A(2)(d)(ii) because it contains information of a commercially sensitive nature to West Lindfield Sport and Recreation Club Ltd which could potentially be used by a competing organisation.

It is not in the public interest to disclose the information in **Attachments 1 & 2**.

**Refer GB.10 - West Lindfield Sport & Recreation Club Business Plan -**  
Memorandum by Director Strategy dated 19 June 2008 with Enlargements of Attachment 2 - Pages 1 to 4.

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

*Against the Resolution:*              *Councillors Bennett & Hall*

## **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:**                      **Refer GB.11: Waste Service Performance Certificate -**  
Memorandum by Director Operations dated 23 June 2008 with a copy of the response from the Deputy Director General, DECC with regard to its requirements.

**Councillors Information:**              **Council Decision Making Prior to Ordinary Elections -**  
Department of Local Government Circular No 08-37 dated 19 June 2008.

**Council Business Paper Book Covers - Statement of Written Permission -** Memorandum by Director Community dated 23 June 2008 in answer to a Question Without Notice raised by Councillor Maureen Shelley at the Ordinary Meeting of Council held 10 June 2008.

**Representations by Mayor, Councillor Ebbeck** - Memorandum by the Mayor, Councillor Nick Ebbeck dated 23 June 2008 in answer to a Question Without Notice raised by Councillor Tony Hall at the Ordinary Meeting of Council held 27 May 2008.

**Memorandums: Refer GB.1 - Management Plan** - Memorandum by Director Corporate dated 24 June 2008 with attached revised Capital Works & Major Projects Program for 2008 to 2011.

**Refer GB.7 - Hornsby/Ku-ring-gai Subregional Employment Study** - Memorandum by Manager Urban Planning dated 23 June 2008 with an attachment regarding a Hornsby Shire Council Resolution.

**Refer GB.10 - West Lindfield Sports & Recreation Club Business Plan** - Memorandum by Manager Corporate Planning & Sustainability dated 24 June 2008 regarding a revised Officer's Recommendation.

**Councillor Numbers Proposal** - Memorandum by Director Corporate dated 24 June 2008 with attachment - Letter from The Hon Paul Lynch MP, Minister for Local Government & Aboriginal Affairs.

## CONFIRMATION OF MINUTES

### 200 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 10 June 2008  
Minutes numbered 178 to 198

#### **Resolved:**

(Moved: Councillors Lane/Shelley)

That Minutes numbered 178 to 198 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

*For the Resolution:                      The Mayor, Councillor N Ebbeck, Councillors  
Andrew, Bennett, Cross, Lane, Malicki, Ryan,  
Shelley & Anderson*

*Against the Resolution:              Councillor Hall*

*Standing Orders were suspended to hear all speakers  
after a Motion moved by Councillors Ryan & Lane  
was CARRIED UNANIMOUSLY*

## **GENERAL BUSINESS**

### 201 **Ku-ring-gai Access Advisory Committee Meeting - Minutes of 17 April 2008**

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File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 17 April 2008.

#### **Resolved:**

(Moved: Councillors Lane/Shelley)

That the Minutes of the Ku-ring-gai Access Advisory Committee of 13 March 2008 be received and noted.

**CARRIED UNANIMOUSLY**

### 202 **Investment Report as at 31 May 2008**

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File: S05273

To present to Council investment allocations and returns on investments for May 2008.

#### **Resolved:**

(Moved: Councillors Shelley/Ryan)

- A. That the summary of investments and performance for May 2008 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 N Ebbeck, Councillors  
Andrew, Cross, Lane, Ryan, Shelley & Anderson*

*Against the Resolution:                Councillors Bennett, Hall & Malicki*

203 **Privacy Management Plan**

.  
File: S05981

To adopt a revised Privacy Management Plan.

**Resolved:**

[Moved: Councillors Shelley/Lane]

That the revised Privacy Management Plan be adopted.

*For the Resolution:                      The Mayor, Councillor N Ebbeck, Councillors  
Andrew, Bennett, Cross, Lane, Malicki, Ryan,  
Shelley & Anderson*

*Against the Resolution:              Councillor Hall*

204 **Heritage Advisory Committee Meeting - Minutes of 1 April 2008**

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File: S03816

To report to Council the Minutes of the Heritage Advisory Committee Meeting held 1 April 2008.

**Resolved:**

[Moved: Councillors Anderson/Shelley]

That Council receive and note the Minutes of the Heritage Advisory Committee Meeting held Monday, 1 April 2008.

**CARRIED UNANIMOUSLY**

205 **West Lindfield Sport & Recreation Club Business Plan**

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File: S02712

To seek Council's in-principle support for the West Lindfield Sport and Recreation Club to lodge a development application for the construction of an all-weather synthetic court surface for multi-purpose sports use on the two disused bowling greens at the club.

**Resolved:**

(Moved: Councillors Shelley/Lane)

- A. That Council give in principle support for the proposed multi purpose use of West Lindfield Sport & Recreation Club subject to confirmation of a guaranteed funding strategy to be provided prior to the approval of a Development Application.
- B. That subject to recommendation A, Council give its in principle support for the proposed project as owners consent for the Development Application.
- C. That the community be consulted prior to the West Lindfield Sport & Recreation Club lodging a Development Application.
- D. That Council commence to negotiate a new 20 year lease (initial term of 10 years plus an option for a second term of 10 years) with West Lindfield Sport & Recreation Club if a development approval is granted for the proposal.

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

*Against the Resolution:              Councillor Bennett*

206

**Waste Service Performance Certificate**

File: S02294

To advise Council of the amended conditions relating to the change over of bin lids as required by the Department of Environment & Climate Change.

**Resolved:**

(Moved: Councillors Shelley/Lane)

- A. That subject to the conditions within the 2007/2008 Waste Performance Certificate being consistent with the proposed amendments presented to the Minister for the Environment dated 11 June 2008, Council resolves to commit to applying yellow stickers to its mixed recycling bins and blue stickers to its paper recycling bins by April 2009.
- B. That any new bins or replacement bin lids be replaced to comply with the new Australian Standards for bin lid colours.
- C. That by June 2011 all remaining paper bins be fitted with blue lids.

- D That Council conducts a waste composition audit of 260 domestic properties by November 2008.
- E That the Department of Environment and Climate Change be advised of Council's resolution in this matter.

**CARRIED UNANIMOUSLY**

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

207

**Warrawee Park**

File: S04601

**Notice of Motion from Councillor E Malicki dated 5 June 2008.**

There has been a great deal of public support shown for the retention of Warrawee Park as open space, however I noted that on the K Map, Borambil Street actually extends as an unmade road through the park.

I move:

"That to give added future protection to Warrawee Park, Council take steps to close the unmade section of Borambil Street and ensure that the entire current area of park is zoned for Open Space as part of the Comprehensive LEP process."

**Resolved:**

(Moved: Councillors Malicki/Anderson)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

**Councillor Shelley withdrew**

*Standing Orders were suspended to deal with  
GB.6 & to hear all speakers  
after a Motion moved by Councillors Ryan & Lane  
was CARRIED UNANIMOUSLY*

**GENERAL BUSINESS** (cont)**208 8 Arnold Street, Killara - Tennis Court Lighting & Extended Hours of Operation**

File: DA0299/08

Ward: Gordon

Applicant: Killara Lawn Tennis Club

Owner: Killara Lawn Tennis Club Ltd

**The following members of the public addressed Council:**

**Judge P McInerney**

**B Booth**

**M Zazulak**

**J Hickling**

**D Lee**

To assess Development Application No.0299/08 for tennis court lighting and extended hours of operations of the tennis courts. This has been called to full Council for determination by Councillor Ryan.

**Resolved:**

(Moved: Councillors Ryan/Lane)

**Councillor Shelley returned**

Pursuant to section 80(1) of the Environmental Planning and Assessment Act, 1979

**REFUSAL**

THAT Council, as the consent authority, refuse consent Development Application No. 0299/08 for extended hours of operation and the erection of lighting standards and luminaires on each of the six tennis courts on land at 8 Arnold Street, Killara, for the following reasons:

1. The proposed development involves intensification of a non-conforming use under the Ku-ring-gai Planning Scheme Ordinance. The intensification of the existing use within a low density residential area would have an adverse impact on the amenity of surrounding residents, particularly with regard to noise impact, visual impact, indirect illumination and privacy impacts.
2. Noise generated up until 10pm Monday to Saturday and until 8.30pm on Sundays would adversely affect residential amenity and would disrupt the sleeping patterns of surrounding residents.



3. The submitted environmental noise assessment is unsatisfactory as the assessment and conclusions rely on the LAeq (15 minute) noise levels rather than the LAmx noise levels, which are the most appropriate noise descriptors for intermittent noise sources when considering sleep disturbance. As a consequence, the recommended acoustic measures will not adequately limit noise generated directly from the use of the tennis courts.
4. The submitted environmental noise assessment is unsatisfactory as the noise measurements contained in the assessment are insufficiently detailed and underestimate the likely noise impacts of the proposal and consequently understate the extent of required noise mitigating measures.
5. Noise generated by patrons after leaving the premises, including loud conversations, high revving of car engines, slamming of car doors and the like, is likely to adversely affect the amenity of residents in Arnold Street.
6. The lighting proposal and associated extended hours of operation will detract from the visual amenity and the 'peace and quiet' enjoyed by residents, and conflicts with Council's Residential Design Manual and Policy for Tennis Courts, Half Courts, Sports Patios and the like.
7. The submitted lighting report (obtrusive light review) states that that the illuminated courts will be visible from the adjoining dwellings and that a combination of direct and indirect illumination (of up to 13 lux) will affect the rear of adjoining properties in Locksley Street. The combined direct and indirect illumination will have an adverse impact with regard to obtrusive light.
8. For the above reasons, the proposal is not in the public interest.

*For the Resolution:           The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett, Cross, Hall, Lane, Malicki, Ryan & Anderson*

*Against the Resolution:   Councillor Shelley*

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

*(Moved: Councillors Hall/Shelley)*

*That this matter be deferred for consideration at the next Ordinary meeting of Council.*

209

**2008 to 2012 Management Plan incorporating Budget & Fees & Charges for 2008/09**

.  
File: S06351

For Council to adopt the 2008-2012 Management Plan, incorporating the Budget and Fees and Charges for 2008-2009.

**Resolved:**

(Moved: Councillors Shelley/Cross)

- A. That Council adopt the Management Plan 2008-2012, incorporating the Budget and Fees & Charges for 2008/2009 as amended.
- B. That a general rate in the dollar of \$0.00179285 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2008 to 30 June 2009.
- C. That a general rate in the dollar of \$0.004875 on the unimproved capital value of all rateable land categorised as business in the Council area be made for the period of 1 July 2008 to 30 June 2009.
- D. That an environmental levy rate in the dollar of \$0.00009768 on the unimproved capital value of all rateable land categorised as residential or business in the Council area be made for the period of 1 July 2008 to 30 June 2009. That whereby a ratepayer qualifies as of 1 July 2008 for a pensioner concession on ordinary rates, that rate account be subject to a voluntary rebate equal to the environmental levy.
- E. That an infrastructure levy rate in the dollar of \$0.00009552 on the unimproved capital value of all rateable land categorised as residential or business in the Council area be made for the period of 1 July 2008 to 30 June 2009. That whereby a ratepayer qualifies as of 1 July 2008 for a pensioner concession on ordinary rates, that rate account be subject to a voluntary rebate equal to the infrastructure levy.
- F. That the minimum rate for both residential and business be set at \$405.00 for the period 1 July 2008 to 30 June 2009.
- G. That, in those cases where, after provision of the combined pensioner rebate to a maximum of \$250.00, the pensioner/owner satisfies Council of an inability to pay the remainder, either in whole or in part, the remainder be allowed to accrue with interest payable on arrears, as a charge against the land until such time as there is a change in either circumstances or ownership.
- H. That the charge for the Domestic Waste Management service be set at \$265.00 per residential property per annum excluding flats and home units.
- I. That the charge for Domestic Waste Management service be set at \$245.00 per residential property per annum for flats and home units.

- J. That the charge for Domestic Waste Management base service without green waste be set at \$185.00 per annum.
- K. That the charge for an additional green waste service be set at \$95.00 per container, per annum.
- L. That the charge for a 240 litre waste container with green waste be set at \$365.00 per annum excluding flats and home units.
- M. That the charge for a 240 litre waste container without green waste be set at \$285.00 per annum, excluding flats and home units.
- N. That the charge for a 240 litre waste container for flats and home units be set at \$365.00 per annum.
- O. That the charge for the provision of an additional 120 litre waste container, per container, per annum be set at \$135.00.
- P. That the charge for Domestic Waste Management on vacant land be charged at \$115.00 per annum, per residential property.
- Q. That the charge for Non-domestic Waste Management services be set at \$205.00 per unit of occupancy per annum. In the case of a single business occupying the whole of the building with more than one storey, the rate will be applied per storey of the building.
- R. That the General Manager and Director Corporate be delegated to negotiate and establish Council's new loan account of \$1,000,000 and the Common Seal be affixed to all required documents.
- S. That the Stormwater Management Charge be set as follows:
- Strata / Company titled residential units: \$12.50 per unit
  - Strata / Company titled business units: \$12.50 per unit
  - Other residential property: \$25.00 per rateable property
  - Business rateable property: \$25.00 per 350 square metres of Land area (a maximum charge of \$1,500 applies to land area greater than 21,000 square metres).
- T. That Council provides a voluntary pensioner rebate for the Stormwater Management Charge and that the Stormwater Drainage projects (Case 2) be reduced by \$70,000.
- U. That Council acknowledge the formal submissions made on the Management Plan and respond to the authors with the outcomes.
- V. That an operational indicator be included in this year's Management Plan requiring that "all conditions of consent on development and related applications require compliance with landscaping and tree replenishment provisions within Council's planning instrument and development control plans".

- W. That a review of expenditure on regeneration and re-vegetation and funding for an arena roof for the CARES facility be formally considered at the first quarterly budget review.

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

*Against the Resolution: Councillor Malicki*

- X. That in order to help identify community needs, Council obtain and make available via Council's website, the number of recipients of disability and carer's allowances, identifying the nature of the disability.

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

*Against the Resolution: Councillor Malicki*

- Y. That the budget allocation for drought relief of \$5,200 be transferred to KYDS.

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

*Against the Resolution: Councillors Andrew, Bennett & Malicki*

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

*(Moved: Councillors Hall/Bennett)*

- Z. *That the St Ives Showground, Wildflower Garden, Nursery and Tip site be excluded from the Netball Facilities Development Plan.*

*For the Amendment: Councillors Bennett, Hall & Malicki*

*Against the Amendment: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Lane, Ryan, Shelley & Anderson*

210

## **Charters for Forums**

Files: S03595, S03851, S03878

To adopt charters for the Policy, Finance and Planning Forums

### **Resolved:**

(Moved: Councillors Ryan/Shelley)

That the draft charters for the Policy, Finance and Planning Forums be adopted.

**Councillor Bennett withdrew**

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

*Against the Resolution: Councillor Hall*

**Councillor Bennett returned**

211 **Ku-ring-gai & Hornsby Subregional Employment Study**

File: S05049

To present the findings of the Ku-ring-gai and Hornsby Subregional Employment Study and seek endorsement of the Study for public exhibition.

**Resolved:**

(Moved: Councillor Andrew/Mayor Ebbeck)

- A. That Council endorse the draft Ku-ring-gai and Hornsby Subregional Employment Study for public exhibition, jointly with Hornsby Council.
- B. That the Study be exhibited for a minimum period of two months.
- C. That at the conclusion of the exhibition period, the Ku-ring-gai and Hornsby Subregional Employment Study Working party review submissions and prepare a report to Council on the exhibition of the Study.
- D. That Council refer the study to the Planning Panel and draw attention to the implications of the study for the hierarchy of centres adopted by Council and the oversupply in particular centres and the implications of additional development in any of the centres.

*For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett, Cross, Lane, Malicki, Ryan & Shelley*

*Against the Resolution: Councillors Hall and Anderson*

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

*(Moved: Councillors Hall/Anderson)*

- A. That Council endorse the draft Ku-ring-gai and Hornsby Subregional Employment Study for public exhibition, jointly with Hornsby Council.

- B. That the Study be exhibited for a minimum period of two months.*
- C. That at the conclusion of the exhibition period, the Ku-ring-gai and Hornsby Subregional Employment Study Working party review submissions and prepare a report to Council on the exhibition of the Study.*
- D. That the Study review the employment road connections between the centres as they relate to bus services.*
- E. That Council refer the study to the Planning Panel and draw attention to the implications of the study for the hierarchy of centres adopted by Council and the oversupply in particular centres and the implications of additional development in any of the centres.*

212 **Parks, Sport & Recreation Reference Group Meeting - Minutes of 29 May 2008**

.  
File: S03447

To bring to the attention of Council the Minutes from the Parks, Sport and Recreation Reference Group Meeting held on Thursday, 29 May 2008.

**Resolved:**

(Moved: Councillors Hall/Shelley)

That the Minutes of the Parks, Sport and Recreation Reference Group held on Thursday, 29 May 2008, be received and noted by Council.

**CARRIED UNANIMOUSLY**

213 **Providing a Service to Customers Policy**

.  
File: S06023

For Council to consider the draft Providing a Service to Customers Policy.

**Resolved:**

(Moved: Councillors Bennett/Andrew)

- A. That the Draft Providing a Service to Customers Policy and the Service Standards Manual be amended as follows:

**Attachment A: Providing a Service to Customers Policy****6. ACCOUNTABILITY**

- \* **Delete:** "The Mayor: is accountable for Councillor compliance with this policy."
- \* **Replace:** "The Council: is accountable for endorsing and complying with this policy."  
  
with  
  
"The Council: is responsible for monitoring performance and revising this Policy when necessary."
- \* **Replace:** "All: are accountable for and will:"  
  
with  
  
"All Staff: are accountable for and will:"

**Attachment B: Service Standards Manual****4.4 Recording information**

Additional dot point to be added, as follows:

- \* "All work related internal email correspondence will be incorporated into TRIM in accordance with the State Records Act 1998."

**Attachment B: Service Standards Manual****5.2 Identification of staff and Councillors**

- \* **Replace 4th dot point:** "Staff and Councillors who conduct business in a public area will identify themselves to the member/s of the public they are meeting with. This should include the wearing of a name badge or identification tag."  
  
with
  - "Staff who conduct business in a public area will identify themselves to the member/s of the public they are meeting with. This should include the wearing of a name badge or identification tag."

- B. That the draft Providing a Service to Customers Policy and the Service Standards Manual, as amended by A. above, be adopted.

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

*Against the Resolution: Councillor Bennett*

## **MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

214

### **Draft Ku-ring-gai Town Centres Section 94 Development Contributions Plan, Draft Planning Agreements & Draft Amendments to the Adopted 2004 To 2009 Contributions Plan**

File: S04495

### **Notice of Rescission from Councillors T Hall, J Anderson & M Shelley dated 10 June 2008**

We the undersigned, move:

"That Part A of Minute No. 170/08 of 27 May 2008, that refers to the public exhibition of the Maps attached to the draft Ku-ring-gai Town Centres Development Contributions Plan, and the current public exhibition with those Maps, be and is hereby rescinded.

That Part E of Minute No. 170/08 to hold an extraordinary meeting of Council on 15 July 2008 to consider the adoption of this Plan and other consequential amendments thereto, also be and is hereby rescinded."

We further move:

"That the Maps rescinded be replaced by the Maps attached to the Planning Minister's Environmental Planning and Assessment (Ku-ring-gai Planning Panel) Order 2008 dated 29 February 2008 and the draft Ku-ring-gai Town Centres s.94 Developer Contribution Plan with these amended Maps and as depicted by green lines and park shading on the attachments to this Notice of Motion, be re-exhibited for public comment for the statutory period."

We also move:

"That upon the conclusion of the re-exhibition of the draft Ku-ring-gai Town Centres Development Contribution Plan, that Part D of Minute No. 170/08, "a further report to Council; be prepared at the close of the exhibition" be referred to the next available Ordinary Meeting of Council for consideration."

*No decision was taken in respect of the above matter as the Motion lapsed for the want of a Seconder*

**Councillor Hall withdrew**



215 **Retention of Blue Gum High Forest in Ku-ring-gai**

File: S04601

**Notice of Motion from Councillor E Malicki dated 12 June 2008**

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

I move that:

"Council 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."

**Councillor Hall returned**

**Resolved:**

(Moved: Councillors Malicki/Andrew)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

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

*(Moved: Councillors Ryan/Cross)*

*That given the uncertainty around the definition of Blue Gum High Forest arising from the recent decision of the Land and Environment Court in relation to Water Street, Council takes no action to sell or otherwise dispose of, any park or any land zoned for Open Space, until it has completed the vegetation mapping project and a strategic review of all its land holdings, as part of Council's asset management strategy.*

*For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Cross, Hall, Lane & Ryan*

*Against the Resolution: Councillors Andrew, Bennett, Malicki, Shelley & Anderson*

*The voting being EQUAL,  
the Mayor exercised his Casting Vote  
AGAINST the Amendment*

**QUESTIONS WITHOUT NOTICE****216 Warrawee Park - Illegal Parking**

File: S04601

Question Without Notice from Councillor A Andrew

Can staff ensure that illegal parking in Warrawee Park is prevented by placement of physical barriers?

To allow some short-term parking, can some of the un-timed parking spots become restricted?

**Answer by Director Operations**

I will take that on and pass it to the staff concerned.

**217 Mayor's Comments against Hall**

File: S06344

Question Without Notice from Councillor T Hall

I refer the Mayor to his answer to my question (Minute No 176/08) published in this week's Business Paper and where he said and I quote "*I have undertaken no action and have no intention to undertake any action against Councillor Hall although I will not support Councillor Hall in his endeavours for re-election.*"

Why then, Mr Mayor, did you repeat the words of your email that were published in the 18 June Edition of Northside Courier?

**Answer by the Mayor**

I am happy to answer that on the spot, Councillor Hall. I will repeat the fact that I won't be supporting you at the upcoming election and that's not a threat. It's just a simple fact, I won't be supporting you. I am happy to say that again if you need me to or not.

**218 Councillor Attack**

File: S06344

Question Without Notice from Councillor T Hall

Mr Mayor, Councillor Lane wrote to me recently about an alleged incident in my Mayoral term that my wife sought the use of a car and he sent a copy of this allegation to her employer last week.

Are you aware of this 10 year old allegation? Is there a 'dirt' file held on me and on my Council activities over the past 20 years in your office?

**Answer by the Mayor**

Who is the question to? I can't speak on behalf of Councillor Lane. Is the question you are asking, is there a 'dirt' file in my office on you?

**Councillor Hall**

Yes.

**Answer by the Mayor**

No. Does that answer that question.

219 **Highfield Road, Lindfield - Painting Concrete Ridge intersecting Pacific Highway**

File: 88/05541/04

Question Without Notice from Councillor M Shelley

Would the Director Operations consider the practicability of painting white the concrete ridge in Highfield Road near the intersection of Pacific Highway to improve safety for motor cyclists and drivers at night or some other alternative ameliorate methods such as cat's eyes or reflective strips if such methods are considered appropriate?

If such action was taken, could he please write to Ms Phillippa Owens of Lindfield and advise her accordingly?

**Answer by Director Operations**

Yes, I will consider it.

220 **Procedures for Development Application Reports**

File: S02534

Question Without Notice from Councillor M Shelley

Would the Director Development & Regulation consider his requirement that reports on Development Applications prepared by Officers that to be called to Council be on his desk 3 clear working weeks prior to a Council meeting given that in the circumstances of complex DAs, this will in all likelihood take the application over the 90 day period and will therefore have the application determined by the Ku-ring-gai Planning Panel rather than Council?

**Answer by Director Development & Regulation**

I will consider it but it is not necessarily possible in every case. Circumstances vary from case to case, depends on what state the report's in when I get it. It may not be necessarily be in the best state for me to agree to it 3 weeks in advance. May need more work and the more complex, the longer it's going to take.

**Question by Councillor Shelley**

Mr Mayor, could I also ask that the General Manager be part of that consideration rather than simply getting a response.

**Answer by General Manager**

Yes.

221 **Question to Councillor Hall**

File: S06664

Question Without Notice from Councillor M Lane

To Councillor Hall - Councillor Hall has accused me of accusing his wife of demanding a car and driver for herself. This is not true. I ask Councillor Hall to produce this email or withdraw and apologise?

**Question by the Mayor**

Councillor Hall, the question is could you prove the comments that you made about Councillor Lane or withdraw the comments?

**Answer by Councillor Hall**

Do you want me to table the email? Yes, I will table the email next meeting.

222 **Reduction of Councillors - Question to Councillor Hall**

File: S06664

Question Without Notice from Councillor M Lane

Does Councillor Hall's letter published recently in the North Shore Times claiming that if the number of Councillors were reduced to 5 then would require a car to be provided by Council stem from his seeking a car and driver for his wife during his mayoralty as acknowledged in a memo to him from the then General Manager dated 23 September 1999?

**Question by the Mayor to Councillor Hall**

Are you going to answer the question or take it on notice. Are you taking the question on notice?

**Answer by Councillor Hall**

Yes.

**223 Political Tactics in Council Meeting**

File: S06344

Question Without Notice from Councillor L Bennett

Can you, as Chair, take steps to ensure that crude political tactics DO NOT dominate this part of Council's Agenda?

**Answer by the Mayor**

More than happy to look at that, Councillor Bennett. No problem.

**Councillor Shelley departed**

**BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS**

*Standing Orders were suspended in order that the following  
Business Without Notice by the  
Mayor, Councillor N Ebbeck - Letter to Residents  
be dealt with as a matter of Urgency*

*For the Urgency: The Mayor, Councillor N Ebbeck, Councillors Andrew,  
Cross, Lane & Ryan*

*Against the Urgency: Councillors Bennett, Hall, Malicki & Anderson*

**224 Letter to Residents**

File: S06191

The Mayor, Councillor Ebbeck seeks urgency on the matter of a proposed letter to residents re clarification of issues of recent Court Case.

**Resolved:**

(Moved: The Mayor, Councillor Ebbeck/Councillor Ryan)

That a draft letter be submitted with the next rates notice.

*For the Resolution:       The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Lane & Ryan*

*Against the Resolution:   Councillors Bennett, Hall, Malicki & Anderson*

**Councillors Bennett, Hall & Malicki departed**

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

**225 Acquisition of Property**

File: S06191

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/Lane)

That Staff obtain further information and a valuation to assess suitability of the property for acquisition as Open Space.

**CARRIED UNANIMOUSLY by those present**

To Open Council

The Mayor adverted to the consideration of the matters referred to in Minute numbered 225, and to the resolution contained in such Minute.

*The Meeting closed at 11.50pm*

The Minutes of the Ordinary Meeting of Council held on 24 June 2008 (Pages 1 - 23) were confirmed as a full and accurate record of proceedings on 22 July 2008.

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General Manager

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Mayor / Chairperson