

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 30 OCTOBER 2007

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)
Manager Development Assessment Services (Matthew Prendergast)
Director Operations (Greg Piconi)
Director Strategy (Steven Head)
Manager Urban Planning (Antony Fabbro)
Senior Urban Planner (Bill Royal)
Strategic Planner (Craig Wyse)
Acting Director Community (Danny Houseas)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.04pm

The Mayor offered the Prayer

422 **APOLOGIES**

File: S02194

The Director Development & Regulation, Michael Miotic & Director Community, Janice Bevan tendered apologies for non-attendance [Annual Leave].

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.

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

File: S02499

Resolved:

(Moved: Councillors Cross/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.11: Response to Correspondence from Minister for Planning in relation to Appointment of a Planning Panel - Legal Advice on Appointment of Planning Panel

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

Against the Resolution: Councillor Bennett

MAYORAL PRESENTATION OF CHEQUES - 2007 FINANCIAL ASSISTANCE GRANTS TO COMMUNITY GROUPS

The Mayor, Councillor Ebbeck and Councillor Anderson presented the cheques to the Community groups and thanked them for their combined efforts.

Councillor Malicki arrived during Presentation

ADDRESS THE COUNCIL

The following member of the public addressed Council on items not on the Agenda:

J Harwood

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.8 - Draft Ku-ring-gai Town Centres Section 94 Contribution Plan - Attachment to report.

Refer GB.10 - Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) - Schedule 4 Land Reclassification Component - Report by Director Strategy dated 23 October 2007 & Attachments to the Report.

Refer GB.11 - Response to Correspondence from the Minister for Planning in relation to the Appointment of a Planning Panel - Report by Director Strategy dated 23 October 2007 & Attachments to the Report.

Councillors Information: **Alma Street Car Park - Placement of Signage at Alma Street & Grandview Lane, Pymble** - Memorandum by Director Operations dated 24 October 2007 in reference to a Question Without Notice raised by Councillor Laura Bennett at the Ordinary Meeting of Council meeting held 16 October 2007.

Memorandums: **Refer GB.1 - National General Assembly - Voting Delegates** - Memorandum by Senior Governance Officer & General Manager dated 30 October 2007.

Refer GB.7 - The Swain Gardens Draft Landscape Masterplan - Memorandum by Director Strategy dated 30 October 2007.

Refer GB.8 - Draft Ku-ring-gai Town Centres Section 94 Contributions Plan - Memorandum by Director Strategy dated 30 October 2007.

CONFIRMATION OF MINUTES

424 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 16 October 2007
Minutes numbered 397 to 421

Resolved:

(Moved: Councillors Cross/Andrew)

That Minutes numbered 397 to 421 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS

425

16 Stanhope Road, Killara - Petition to Oppose Demolition & Support the Heritage Listing of "St Helens" - (Fifty-Five [55] Signatures)

File: DA1423/06

Petition presented by Councillor Adrienne Ryan:

"We, the undersigned, strongly oppose the demolition and support the heritage listing of "St Helens", 16 Stanhope Road, Killara for the following reasons:

- "St Helens" has been recommended by two Council heritage experts for heritage listing.
- "St Helens" is significant as a largely externally intact example of the Inter-War Georgian Revival Styles, within the important streetscape of Stanhope Road.
- "St Helens" has social significance for its part in the development of the suburb of Killara and essential to the streetscape of Stanhope Road as the southern entrance to the suburb of Killara. Stanhope Road is considered to be one of Ku-ring-gai's important streetscapes (1987 Heritage Study).
- "St Helens" setbacks, building form and architectural detail reflect the planning instruments and condition of early 20th Century development and the high social standing of the occupants of the houses within this Killara street, eg Doctors and JPs.
- "St Helens" contributes significantly to the established character and feel of the street, as being a street which features substantial intact mansions of quality. "St Helens" is representative of the upper middle class development of Killara during 1890-1930.
- "St Helens" lies in the Killara UCA 10 first identified by the National Trust in 1996 and subsequently studied by Godden MacKay Logan and Perumal Murphy Alessi Pty Ltd. Both reports supported heritage listing "St Helens" and recommended UCA status for Culworth Precinct No10 in which "St Helens" is situated".

Resolved:

(Moved: Councillors Ryan/Lane)

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

CARRIED UNANIMOUSLY

GENERAL BUSINESS426 **National General Assembly of Local Government - Voting Delegates**

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File: S03788

For Council to determine a second voting delegate to the 2007 National General Assembly.

Resolved:

(Moved: Councillors Lane/Ryan)

That Councillor Lane be Council's voting delegate at the 2007 National General Assembly.

CARRIED UNANIMOUSLY

427 **Investment Report as at 30 September 2007**

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File: S05273

To present to Council investment allocations and returns on investments for September 2007.

Resolved:

(Moved: Councillors Lane/Ryan)

- A. That the summary of investments and performance for September 2007 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, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: Councillors Bennett, Cross & Malicki

428 **Road Naming Mount View Place, Wahroonga**

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File: S03211

Ward: Wahroonga

To report on the proposal to name a new road off Grosvenor Street, Wahroonga into the new Mount View Estate, 'Mount View Place.'

Resolved:

(Moved: Councillors Cross/Lane)

- A. That Council names the new street off Grosvenor Street into the Wahroonga sub-division as 'Mount View Place.'
- B. That a notice of the new street name be published in a local newspaper and the NSW Government Gazette.
- C. That Council informs Australia Post, the Registrar General, Surveyor General and the Geographical Names Board of the new street name.

CARRIED UNANIMOUSLY

*Standing Orders were suspended to deal with GB.10 first
as there is a speaker on the item after a
Motion moved by Councillors Cross & Ryan was
CARRIED UNANIMOUSLY*

429 **Draft Ku-ring-gai Local Environment Plan 2006 (Town Centres) –
Schedule 4 Land Re-classification Component**

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File: S05094

The following member of the public addressed Council:**Y Jayawardena**

To update Council of the progress and status of the work program for the re-classification of Council owned land within the town centres.

Resolved:

(Moved: Mayor, Councillor Ebbeck/Councillor Lane)

That in light of uncertainty over planning issues in Ku-ring-gai, the matter of re-classification of Council-owned land referred to in the report be deferred.

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

Against the Resolution: Councillor Shelley

430

Committee Structure

File: S02355

To report on the present structure of Council committees.

Resolved:

(Moved: Councillors Ryan/Lane)

That the existing structure and operation of Council's informal Committees remain unchanged except for the following:

- A. That the Policy & Finance Committees be opened to the public.
- B. That the term 'Committee' be changed to 'Forum'.

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

Against the Resolution: Councillors Cross & Shelley

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

(Moved: Councillors Malicki/Bennett)

- A. *That all Council Committees, informal or community, be open to press and public except for closure conditions of the Local Government Act.*
- B. *That minutes be taken of every Council Committee and placed on Council's website.*
- C. *That minutes be taken of every briefing and circulated to Councillors, particularly to assist Councillors who are unable to attend the briefing.*

431 **Ward Boundary Change**

File: S04536

To report on the public exhibition of the proposed change in the boundary between Wahroonga and Comenarra Wards.

Resolved:

(Moved: Councillors Cross/Ryan)

That Council proceed with the proposed new boundary between Wahroonga and Comenarra Wards.

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

Against the Resolution: Councillors Malicki & Shelley

432 **Completion of Entry Signs**

File: S02425

To advise Council of the cost for the installation of the entry signs and the additional cost to complete the work.

Resolved:

(Moved: Councillor Ryan/Mayor, Councillor Ebbeck)

- A. That Council install one large sign on the Pacific Highway at Wahroonga and that \$35,000 be provided from the bus shelter revenue reserve.
- B. That lighting not be provided to the entry signs.

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

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

*The voting being EQUAL,
the Mayor exercised his Casting Vote
IN FAVOUR of the Motion*

433 **The Swain Gardens Draft Landscape Masterplan**

File: S05919

To report the results of the Councillors' site inspection and, to seek Council approval to place the Swain Gardens draft Landscape Masterplan on public exhibition and name Swain Native Park as The Swain Gardens.

Resolved:

(Moved: Councillors Shelley/Anderson)

- A. That Council resolve to place The Swain Gardens draft Landscape Masterplan on public exhibition for 28 days with a further 14 days for comments to be received prior to final reporting to Council.
- B. That Council make amendments to the draft Landscape Masterplan prior to it being placed on public exhibition to reflect the minutes of the Inspection Committee, as discussed in this report.
- C. That Council include the following objective in the draft Landscape Masterplan prior to it being placed on public exhibition:

Within the existing framework and values of the Gardens, seek to improve accessibility throughout the Gardens to meet AS 1428 Design for Access and Mobility.
- D. That Council apply to the Geographical Names Board to finalise naming of "The Swain Gardens".

CARRIED UNANIMOUSLY

434 **Draft Ku-ring-gai Town Centres Section 94 Contributions Plan**

File: S04495

To have Council consider and adopt for exhibition the Draft Ku-ring-gai Town Centres Section 94 Contributions Plan.

Resolved:

(Moved: Councillor Bennett/Mayor, Councillor Ebbeck)

- A. That further consideration of the draft town Centres Section 94 Plan be deferred to December 2007.

- B. That staff continue to:
- i. Fully integrate Section 94 projects identified within Council's Town Centre Facilities Plan into Council's Long Term Financial Model.
 - ii. Complete demographic analysis and incorporate outcomes from this work into the draft contributions plan.
 - iii. Complete land economic assessment of land for dedication under the Town Centres DCP and incorporate results into the draft contributions.
- C. That further reporting be accompanied by an updated Long Term Financial Plan.
- D. That further report is to consider progression of the Town Centres LEP towards gazettal.

CARRIED UNANIMOUSLY

435

Draft Open Space Acquisition Strategy

File: S04601

For Council to adopt of the Open Space Acquisition Strategy.

Resolved:

(Moved: Councillors Lane/Ryan)

- A. That Council adopt the Open Space Acquisition Strategy with the recommendations made in this report in relation to Resolution Part 3 – analysis of Priority one and two catchments.
- B. That Council undertake an assessment to identify specific possible locations for new and extended parkland in line with recommendations outlined in the adopted Strategy that will justify open space acquisitions within Priority One and Two precincts.
- C. That a report be prepared with recommendations for potential acquisitions within priority catchments areas of Gordon, Lindfield and Roseville, Turramurra, Warrawee and St Ives for consideration by Council in April 2008.
- D. That the report is to also consider an amendment to the Strategy which will outline, specifically how Council will approach non-compulsory acquisition.

- E. That Council adopt a combination of opportunistic and proactive approaches including options as the preferred means of effecting acquisition of local open space.
- F. That Council initiate a programme of awareness and education around Council's preferred means of effecting acquisition of open space.
- G. That Council undertake a review of community attitudes towards Council's acquisition strategy and outcomes and report to Council during December 2008.
- H. That Council acknowledge and thank those who have made submissions and inform them of Council's decision.

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

Against the Resolution: Councillors Bennett, Cross & Malicki

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

(Moved: Councillors Shelley/Bennett)

- A. That Council adopt the Open Space Acquisition Strategy with the
recommendations made in this report in relation to Resolution Part 3 –
analysis of Priority one and two catchments.*
- B. That Council undertake an assessment to identify specific possible
locations for new and extended parkland in line with recommendations
outlined in the adopted Strategy that will justify open space acquisitions
within Priority One and Two precincts.*
- C. That a report be prepared with recommendations for potential
acquisitions within priority catchments areas of Gordon, Lindfield and
Roseville, Turramurra, Warrawee and St Ives for consideration by Council
in April 2008.*
- D. That the report is to also consider an amendment to the Strategy which
will outline, specifically how Council will approach non-compulsory
acquisition.*
- E. That Council adopt a combination of opportunistic and proactive
approaches including options as the preferred means of effecting
acquisition of local open space.*
- F. That Council initiate a programme of awareness and education around
Council's preferred means of effecting acquisition of open space.*
- G. That Council undertake a review of community attitudes towards
Council's acquisition strategy and outcomes and report to Council during
December 2008.*

- H. That Council acknowledge and thank those who have made submissions and inform them of Council's decision.
- I. That Council undertake an analysis of the feasibility of utilising funds identified for acquisition of open space to convert existing Council-owned land for the purposes of providing open space.

436

Response to Correspondence from Minister for Planning in Relation to Appointment of a Planning Panel

File: S04151

To consider correspondence from the Minister for Planning, in respect to the appointment of a planning panel.

A Motion by Councillor Malicki & the Mayor, Councillor Ebbeck to move into Closed Session, in the Ante Room, to discuss the legal advice on the matter with Press & Public excluded was CARRIED UNANIMOUSLY

Open Council resumed**Resolved:**

(Moved: Mayor, Councillor Ebbeck/Councillor Malicki)

- A. That Council reinforce its strenuous opposition to the appointment of a Planning Panel to Ku-ring-gai Council.
- B. That Council adopt the report as the basis of the response to the Minister for Planning's correspondence regarding the appointment of a Panel and a Section 74(F) Direction incorporating the way forward as outlined within the report.
- C. That Council will forward a response to the Minister for Planning and request a meeting with the Minister prior to his making a determination on the matter.
- D. That should the Minister determine to appoint a planning panel, the functions of a panel be restricted to the following only:
 - 1. Consent authority under Part 4 of the E P & A Act for development with an estimated cost of more than \$50 million, but only in relation to land identified within the draft Ku-ring-gai Town Centres LEP.
 - 2. Local Environmental Plan making functions under Part 3 of the EP & A Act only for land identified within the draft Ku-ring-gai Town Centres LEP.
- E. That a covering letter be forwarded to the Minister in the terms discussed.

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

Against the Resolution: Councillors Bennett & Shelley

QUESTIONS WITHOUT NOTICE

437 **Gordon Railway Station Tunnel - Removal of Illegal Posters & Graffiti**

File: S02213

Question Without Notice from Councillor M Shelley

Is it correct that following the success of the art project at the Lindfield tunnel, Council staff are contacting the RTA and Willoughby Council to undertake a similar project at Roseville on Boundary Street?

If so, could consideration be given to including the Gordon Railway tunnel to remove the unsightly illegal posters and graffiti?

Answer by Acting Director Community

We will be approaching Willoughby Council and RTA regarding a joint mural project.

438 **Signage on Pacific Highway, Lindfield - Installation of Traffic Signs by RTA near Holy Family School**

File: 88/05900/03

Question Without Notice from Councillor M Shelley

Would the Director advise whether the RTA has taken any action on installing appropriate signs on Pacific Highway near Holy Family School?

Answer by the Director Operations

I will follow that matter up and report back to Council.

439 **St Ives Village Green**

File: S02620

Question Without Notice from Councillor T Hall

I refer to the heavy sporting and pedestrian usage of the St Ives Village Green and that its Plan of Management of 1998 is now totally out of date. When will a proposed

Landscape Plan be provided for this National Trust identified Public Reserve and a review of the Plan of Management?

Answer by Director Strategy

The beginnings of a concept Masterplan are contained in the DCP for the St Ives Town Centre. We did indicate in that, that prior to any works being undertaken, we would be seeking to do a far more comprehensive project looking at that Landscape Masterplan. We don't yet have timing for that project. I suggest that it will probably happen in conjunction with any proposed works at the shopping centre.

Question by Councillor Hall

And does that involve a non-review of the plan of management as well?

Answer by Director Strategy

Yes, that would be the appropriate time to undertake a plan of management. I do believe that it's actually, and I can't remember the specifics words, but that is contained within one of the resolutions relating to the St Ives Town Centre.

440 **Ku-ring-gai Memorials - Flying the Australian Flag**

File: S02565

Question Without Notice from Councillor T Hall

I ask the General Manager would he arrange for the National Flag to be raised again at the War Memorials where flagpoles are located and seek an explanation for the removal of the flagpole from Peace Park, Pymble, please?

Answer by the General Manager

I'm happy to look into that.

441 **Long Term Financial Modelling**

File: S04708

Question Without Notice from Councillor L Bennett

As the long term financial modelling is refined, can I receive regular (weekly) updates?

Answer by the Director Corporate

Yes, that can be provided.

442 **Wahroonga Shopping Centre - Advised of Future Meetings on Traffic & Other Matters**

File: S03125

Question Without Notice from Councillor E Malicki

Can I please be informed about any planned meetings on traffic and other matters associated with Wahroonga Shopping Centre in future?

Answer by the Director Operations

Yes. All Councillors will be notified of those meetings.

The Meeting closed at 11.50pm

The Minutes of the Ordinary Meeting of Council held on 30 October 2007 (Pages 1 - 15) were confirmed as a full and accurate record of proceedings on 13 November 2007.

General Manager

Mayor / Chairperson