

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 10 MARCH 2009

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

Staff Present: General Manager (John McKee)  
Director Corporate (John Clark)  
Director Development & Regulation (Michael Miocic)  
Director Operations (Greg Piconi)  
Director Strategy (Andrew Watson)  
Acting Director Community (Danny Houseas)  
Senior Governance Officer (Geoff O'Rourke)  
Minutes Secretary (Christina Randall-Smith)

*The Meeting commenced at 7.00pm*

*The Mayor offered the Prayer*

### 52 APOLOGIES

File: S02194

Councillor Cheryl Szatow tendered an apology for non-attendance (family matter) and requested leave of absence.

Councillor Jennifer Anderson tendered an apology for non-attendance (conference) and requested leave of absence.

**NOTE:** The Director Community, Janice Bevan, tendered an apology for non-attendance (annual leave).

### **Resolved:**

(Moved: Councillors Cross/Ebbeck)

That the apologies by Councillors Cheryl Szatow and Jennifer Anderson for non-attendance be accepted and leave of absence 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.

No interest was declared.

## 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 Minute No 48 - Council Committees** - Memorandum by Senior Governance Officer dated 9 March 2009 regarding correction to Part E of the Minute of 24 February 2009.

**Councillors Information:**     **Council's Finance & Policy Forums** - Letter by General Manager dated 9 March 2009 to Department of Local Government.

**Essential Services Accommodation in Ku-ring-gai** - Memorandum & Attachment by Director Strategy dated 6 February 2009 in answer to a Question Without Notice raised by Councillor Tony Hall at the Ordinary Meeting of Council held 3 February 2009.

## CONFIRMATION OF MINUTES

### 53     **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 24 February 2009  
Minutes numbered 23 to 51

### **Resolved:**

(Moved: Councillors Ebbeck/Duncombe)

That Minutes numbered 23 to 51 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

54

**Council Committees**

File: S06952

*Vide Minute No 48*

Memorandum by Senior Governance Officer dated 9 March 2009 regarding correction to Part E of the Minute.

**Resolved:**

(Moved: Councillors Ebbeck/Duncombe)

That Minute No 48, as follows, be confirmed as accurate:

- A. That, in accordance with Clause 260 of Local Government (General) Regulation 2005, a General Committee be established with the functions set out in the draft Charter and further that the Charter be adopted, as amended.
- B. That, at the first meeting of the General Committee, the Committee give consideration to the adoption of meeting procedures and whether or not, in the event of an equality of voting, the Chairperson shall have a casting vote in addition to an original vote.
- C. That, in accordance with Section 355 of the Local Government Act 1993, the Committees listed below be established with the functions set out in the draft Charters and further that the Charters be adopted, as amended:
  - 1. Community Reference Committee
  - 2. Planning & Heritage Reference Committee
  - 3. Open Space Reference Committee
  - 4. Sustainability Reference Committee
- D. That the previously adopted Council meeting cycle remain unchanged with the exception of the second meeting of each month being changed to a General Committee meeting.
- E. That Council adopt the General Committee Charter, as amended.
- F. Recruitment for the Reference Committees commence in March 2009 and that a report be returned to Council recommending membership by May 2009.

**CARRIED UNANIMOUSLY**

**MINUTES FROM THE MAYOR**

55

**Victorian Bushfires**

File: S06373

It was with incredible shock and sadness that we witnessed the unfolding of the horrific bushfire disaster in Victoria earlier this month.

These fires caused a massive trail of destruction with a loss of life and property far exceeding any other bushfire disaster in the nation's history.

As we in Ku-ring-gai also live with the constant threat of bushfire, it was truly frightening to see entire townships destroyed by this massive fire.

In recent weeks, the Ku-ring-gai community's thoughts and sympathies have been with the Victorian families who have lost loved ones and property in the tragedy.

These communities now face a long and difficult road to recovery. Rebuilding homes and community infrastructure will take a lot of time and money, and residents will also have to deal with the large emotional toll of what they have experienced.

One of the great things about the Australian spirit is the way we dig deep to help those most in need during times of crisis.

This generosity has come to the fore all around Australia in recent weeks with numerous fundraising activities to help the bushfire victims.

Council staff have organised their own fundraiser, collecting more than \$1,000. There have been generous donations from right across our community to a wide range of appeals including those organised by the Red Cross, the Salvation Army, local service clubs such as Rotary and our own State and Federal MPs.

I would like to take this one step further by proposing to donate \$10,000 of Council funds to the bushfire relief effort.

We are of course in tough economic times, but there is an absolutely compelling need to help these Victorian communities recover from this terrible disaster.

I know how much our community would appreciate such assistance if the tables were turned and we were the ones dealing with such tragedy.

I also believe the donation would be widely supported by our ratepayers – many of whom have contacted Council to inquire about how they can best help the bushfire victims.

I would also like to pay tribute to the fire-fighters – many of them volunteers - who worked in such terrible conditions to bring the Victorian bushfires under control.

Here in Ku-ring-gai, we regularly witness the invaluable role played by fire-fighters in protecting lives and property from bushfire.

The scale of the Victorian disaster would have been even greater without the efforts of the hundreds of fire-fighters who risked their own lives to help others.

**Resolved:**

- A. That Council donates \$10,000 to the Victorian bushfire relief effort.
- B. That Council give consideration to providing further funding for the relief effort from its 2009/10 Budget relating to assisting with rebuilding efforts in future months.
- C. That Council liaise with the NSW Local Government and Shires Association to see what additional aid might be needed.

**CARRIED UNANIMOUSLY**

56

**Queen's Portrait**

File: S06915

Last year Council resolved to consult with residents about a preferred location within Council to hang a portrait of Her Majesty Queen Elizabeth II.

This consultation was done through a Poll Question on Council's website and in the January edition of Ku-ring-gai Update, which is sent to all Ku-ring-gai households.

A total of 256 responses were received as part of this process, or less than half a percent of Ku-ring-gai's eligible voters.

Of these, 223 were in favour of leaving the portrait in its current position in the Chamber behind the Mayor's chair, with 33 wanting it moved.

This equates to 87.2% of respondents wanting the portrait to stay where it is.

After being elected Mayor last September, I had moved the portrait to the Councillors' Board Room to allow Council's logo to be given a place of prominence in the Chamber.

However, as the vast majority of those who took the trouble to respond wished to retain the portrait in its position of prominence, then it shall remain. The logo representing Ku-ring-gai will remain in its position of lesser prominence.

I am completely satisfied that we have now fully consulted our residents on this issue, and I accept that this should have occurred before the portrait was moved. This was an omission on my part.

I am grateful to those who participated in the survey who obviously felt very strongly on the matter. I hope that now it can be put to rest.

**Resolved:**

That Council receive and note this Mayoral Minute.

**CARRIED UNANIMOUSLY**

57 **Report on Bushfire Issues**

File: S06373

The Victorian bushfire disaster is certain to prompt authorities throughout Australia to carefully assess how well they are prepared for bushfires of such magnitude.

Like all communities in bushfire-prone areas, Ku-ring-gai has a detailed disaster plan to prepare for all contingencies and coordinate emergency response operations for bushfires.

Planning is developed through the Hornsby Ku-ring-gai Local Emergency Management Committee which includes a wide range of agencies such as the Rural Fire Service, SES, NSW Police, RTA, public utilities and local councils.

We also have a local Bushfire Management Committee which focuses on reducing bushfire threats, mainly by regular hazard reduction burns.

Both these committees meet several times a year to discuss procedures and debrief on incidents. In fact they each last met the week before the Victorian disaster.

We also have a very capable local Rural Fire Service whose volunteers are second to none in job fighting bushfires.

Council has updated its planning policies to restrict or ban development in bushfire prone areas, but there are many cases where such development has been approved by the NSW Government or the Land and Environment Court.

All these measures are designed to firstly reduce bushfire risks and secondly to protect lives and property in the event of a bushfire occurring.

But the communities in Victoria had in place similar measures yet these were not enough to spare them from the terrible impacts of this massive bushfire.

The Victorian Government has announced a Royal Commission into the disaster and hopefully we will all be able learn from its findings to better protect our communities.

In the interim, I believe it would be worthwhile for Council to review all our policies and operations in relation to bushfires to determine possible areas for improvement.

This Mayoral Minute proposes a report from staff addressing the following questions:

- How well prepared are emergency services and other agencies for a major bushfire disaster in Ku-ring-gai?
- Could co-ordination for bushfire response between the various agencies including Council be further improved?
- Can advice be sought through the Emergency Management Committee on the effectiveness of current operational plans to evacuate residents in the event of a major bushfire?
- How effective are the current measures for controlled hazard reduction burns? Are there any ways this could be improved?
- What educational material is currently provided to residents on how to reduce bushfire risks and prepare for a bushfire emergency? Could this information be improved, expanded or provided in more effective forms?
- How well do our planning policies incorporate bushfire safety and how could this be further improved? In 2007, Council asked the State Government to expand our gazetted bushfire emergency evacuation zones, but no action has yet been taken. Can Council assess which other parts of Ku-ring-gai need to be included in bushfire emergency evacuation zones with a view to submitting a new proposal to the Government?

**Resolved:**

That Council Staff prepare a report addressing the issues outlined in the Mayoral Minute.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

58

**St Ives Showground - Proposed Licence to Heritage Craft Fair Pty Ltd**

File: S02195

For Council, as Reserve Trust Manager for the St Ives Showground, to consider the cessation of the existing operator's licence to the Heritage Craft Fair Pty Ltd and replacing with a licence to Welcome Enterprises Pty Ltd for the continued operation of the Heritage Craft Fair at the St Ives Showground.

**Resolved:**

(Moved: Councillors Ebbeck/Cross)

- A. That Council, as Reserve Trust Manager for the St Ives Showground, grant a licence to Gary Israelsohn of Welcome Enterprises Pty Ltd to continue the current operation of the Heritage Craft Fair under the terms and conditions outlined in this report.
- B. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- C. That the Common Seal of Council be affixed to the licence.
- D. That subsequent to Council approval, the terms and conditions of the licence be submitted to the Department of Lands for the Minister's consent.

*For the Resolution:*                      *The Mayor, Councillor E Malicki, Councillors Holland, Keays, Duncombe, Hardwick, Cross & Ebbeck*

*Against the Resolution:*              *Councillor Hall*

**PETITIONS**

59

**Werona Avenue, Gordon opposite Gordon Railway Station - Traffic Signage - (One Hundred & Thirty-Five [135] Signatures)**

File: 88/06217/03

**The following Petition was presented by Councillor Elise Keays:**

"As local residents and commuters, it has come to our attention that on Werona Avenue, adjacent to Gordon Station it has become chaotic and dangerous to the public, especially school children, during peak hours times.

Currently from 6:30am - 9:30am & 3:30pm - 6:30pm (Monday - Friday), it is illegal to park on the street of Werona Avenue, adjacent to the Station. Nonetheless many commuters use the area to park and drop off their passengers illegally.

We, as local residents, would like to propose that the current no parking zone, from 6:30am - 9:30am & 3:30pm - 6:30pm (Monday - Friday) to be changed to a **2 MINUTE, DROP OFF ZONE.**

This will increase the efficiency of Gordon Station, in an accommodating environment for the many local residents that use Gordon Station."

**Resolved:**

(Moved: Councillors Keays/Hall)

That the Petition be received and referred to the Ku-ring-gai Traffic Committee for review.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS** (cont)60 **2009 Future of Local Government Summit**

File: S02049

To advise Councillors of the 2009 Future of Local Government (FOLG) Summit.

**Resolved:**

(Moved: Councillors Ebbeck/Keays)

That the matter be received & noted.

**CARRIED UNANIMOUSLY**

**BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS**61 **Ku-ring-gai Traffic Committee - Nomination of Chairperson & Representative**

File: S02110

Councillor Cross advised that the Ku-ring-gai Traffic Committee is due to meet on Thursday, 12 March 2009 and, as yet, Council has not nominated a representative or appointed a Chairperson.

*The following matter was dealt with after a  
Motion moved by Councillors Cross & Ebbeck  
to have the matter dealt with at the meeting was CARRIED  
& the Chairperson ruled Urgency*

*For the Urgency:                      The Mayor, Councillor E Malicki, Councillors  
Holland, Keays, Duncombe, Hardwick, Cross &  
Ebbeck*

*Against the Urgency:              Councillor Hall*

**Resolved:**

(Moved: Councillors Keays/Ebbeck)

That Councillor Elise Keays be the Council's nominated representative on the Ku-ring-gai Traffic Committee and be Chairperson of the Committee.

*For the Resolution:                      The Mayor, Councillor E Malicki, Councillors  
Holland, Keays, Duncombe, Hardwick, Cross &  
Ebbeck*

*Against the Resolution:              Councillor Hall*

*The Meeting closed at 7.10pm*

The Minutes of the Ordinary Meeting of Council held on 10 March 2009 (Pages 1 - 10) were confirmed as a full and accurate record of proceedings on 7 April 2009.

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General Manager

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Mayor / Chairperson