

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 12 SEPTEMBER 2006

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)
Acting Director Finance & Business (John Clark)
Director Development & Regulation (Michael Miocic)
Director Technical Services (Greg Piconi)
Director Open Space & Planning (Steven Head)
Manager Urban Planning (Antony Fabbro)
Acting Director Community Services (Danny Houseas)
Corporate Lawyer (Jamie Taylor)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.02pm

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 such interest was declared.

*Standing Orders were suspended to deal
with GB.1 & GB.2 after a Motion
moved by the Mayor, Councillor Malicki & Councillor Ebbeck was
CARRIED UNANIMOUSLY*

GENERAL BUSINESS

The Mayor, Councillor Malicki vacated the Chair

339 Election of Mayor for the 2006/2007 Mayoral Term

File: S03662

To elect the Mayor for the period 2006/2007.

Resolved:

(Moved: Councillors Ryan/Lane)

That the Council elect the Mayor for the period 2006/2007 using the ordinary ballot method.

CARRIED UNANIMOUSLY

The General Manager announced that there was one (1) nomination for the position of Mayor.

Councillor Ebbeck was nominated and accepted the nomination.

Councillor Bennett withdrew

Councillor Ebbeck was duly elected unopposed to the position of Mayor of Ku-ring-gai Council for the September 2006/2007 Mayoral Term.

Councillor Bennett returned

340

Election of Deputy Mayor for the 2006/2007 Term

File: S03662

To elect the Deputy Mayor for the period 2006/2007.

Resolved:

(Moved: Councillors Hall/Lane)

That the Council elect the Deputy Mayor for the period 2006/2007 using the same election method as was used for the election of the Mayor.

CARRIED UNANIMOUSLY

The General Manager announced that there were 2 nominations for the position of Deputy Mayor.

Councillors Andrew & Shelley were nominated & accepted nomination.

Two (2) members of the public were invited to act as scrutineers for the election. The General Manager conducted the ballot in the manner resolved.

The ballot resulted in 5 votes being received for both Councillors Andrew & Shelley.

In accordance with the Regulations, a draw was conducted as Councillors Andrew & Shelley had an equal number of votes.

Councillor Andrew's name was drawn.

Councillor Andrew was duly elected to the position of Deputy Mayor for the September 2006/2007 Term.

**Council adjourned for a short interval at 7.17pm
after a Motion moved by
the Mayor, Councillor Ebbeck & Councillor Cross was CARRIED
and the Chairperson ruled accordingly.
The Meeting resumed at 7.30pm**

Those present were:

The Mayor, Councillor Ebbeck
Councillor Anderson
Councillor Andrew
Councillor Bennett
Councillor Cross
Councillor Hall
Councillor Lane
Councillor Malicki
Councillor Ryan
Councillor Shelley

The Mayor, Councillor Ebbeck thanked Council for the opportunity of being the Mayor and congratulated Councillor Andrew on her election as Deputy Mayor.

The Mayor also acknowledged Councillor Malicki's dedication and tireless work for the community for the past 12 months and thanked her on behalf of her fellow Councillors, General Manager, Staff and the wider community.

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

File: S02499

Resolved:

(Moved: Councillors Hall/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:

- C.1 **The Chalet, 12 Winton Avenue, Warrawee** (*Section 10A(2)(c) - Information that would confer a commercial advantage*) - Report by Acting Director Finance & Business dated 4 September 2006

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

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

M. Inglis
D. Parsons
R. Magee
P. Fisher

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 Item: Refer GB.3 - Draft Financial Statements for the year ended 30 June 2006 - Attachment to report

Refer GB.6 Request by National Parks & Wildlife Service to broaden 6a Zone Provisions - Memorandum by Director Open Space & Planning dated 12 September 2006

CONFIRMATION OF MINUTES

342 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 22 August 2006
Minutes numbered 304 to 338

Resolved:

(Moved: Councillors Cross/Ryan)

That Minutes numbered 304 to 338 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting with the exception of Minute Numbers 305 & 326.

CARRIED UNANIMOUSLY

343 **Motion of Dissent**

File: S02921
Vide OMC305

During the debate on Minute No 305, a Motion of Dissent was moved on the Mayor's ruling on a point of order.

Resolved:

(Moved: Councillors Andrew/Lane)

That it be noted in Minute 305 that Cr. Anderson voted for the Motion of Dissent & Cr Andrew voted against dissent.

CARRIED UNANIMOUSLY

344 **Roseville Centre - Draft Local Environmental Plan & Draft Development Control Plan**

File: S04365
Vide OMC326

To have Council consider and adopt the draft Local Environmental Plan (LEP), Draft Development Control Plan (DCP and associated strategies for the Roseville Centre and submit the Draft Plans to the Department of Planning to seek their approval for formal exhibition of the Draft LEP and Draft DCP.

Resolved:

(Moved: Councillors Hall/Cross)

That Part M of the resolution be amended as follows:

- M. That appropriate planning controls be prepared under the Ku-ring-gai comprehensive LEP and DCP to minimise the impact of the areas zoned R4 High density under the draft LEP on the adjoining residential areas.

CARRIED UNANIMOUSLY

REPORTS FROM COMMITTEES**Minutes of Ku-ring-gai Traffic Committee**

File: S02110
Meeting held 24 August 2006
Minutes numbered KTC15 & KTC16

345 **General Matter Items under Delegated Authority**

File: S02738

KTC15

Advice on matters considered under the Delegated Authority.

Resolved:

(Moved: Councillors Lane/Cross)

That the information regarding traffic facilities approved in June, July and August 2006 be noted.

CARRIED UNANIMOUSLY

346

Greengate Lane, Killara

File: 88/05502/03

Ward: Gordon
Electorate: Ku-ring-gai
Vide Minute No KTC16

To consider a proposal for one-way traffic flow in Greengate Lane and Bruce Avenue.

Resolved:

(Moved: Councillors Lane/Cross)

That consideration of Bruce Avenue and Greengate Lane be deferred to the next meeting of the Ku-ring-gai Traffic Committee, for further consideration of the resident responses to the proposal, and the previous traffic study of the Greengate Precinct.

CARRIED UNANIMOUSLY

GENERAL BUSINESS (cont)

347

Draft Financial Statements for the year ended 30 June 2006

File: S04639

To present to Council the Draft Financial Statements for the year ended 30 June 2006 for certification and referral to Council's external auditors, Spencer Steer Chartered Accountants.

Resolved:

(Moved: Councillors Shelley/Ryan)

- A. That Council receive and certify the Draft Financial Statements for the year ended 30 June 2006.

- B. That the Draft Financial Statements be referred to Council's external auditor, Spencer Steer Chartered Accountants to provide an opinion on the Draft Financial Statements and to report to Council.
- C. That the Draft Financial Statements be certified by the Mayor, Deputy Mayor or Chairperson of the Finance Committee, the General Manager and the Responsible Accounting Officer in accordance with Section 413(2)C of the Local Government Act 1993.
- D. That Tuesday, 17 October 2006 be fixed as the date for the public meeting to present the audited Financial Statements and the audit reports for the year ended 30 June 2006 as required by Section 419 of the Local Government Act 1993, and that Council's external auditors be present to answer questions.

CARRIED UNANIMOUSLY

348 **Determination of Annual Remuneration Fees for Mayors & Councillors for 2006/2007**

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File: S03158

For Council to determine the annual remuneration fees for the Mayor and Councillors for 2006/2007.

Resolved:

(Moved: Councillors Shelley/Andrew)

That for 2006/2007 Council fix the Mayoral fee \$30,520 and Councillor fees at \$13,980.

CARRIED UNANIMOUSLY

349 **Bushland Catchments & Natural Areas Reference Group – Minutes of Meeting held 14 August 2006**

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File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 14 August 2006.

Resolved:

(Moved: Councillors Shelley/Andrew)

- A. That the Minutes of the Bushland, Catchments & Natural Areas Reference Group Meeting of Monday, 14 August 2006 and attachments be received and noted.
- B. That the Mayor write to Mark Taylor and Nancy Pallin on behalf of Council thanking them for their presentations to the BC&NA Reference Group.

CARRIED UNANIMOUSLY

350

Request by National Parks & Wildlife Service to broaden 6a Zone Provisions

File: S02464

To consider the submission by Lane Cove National Park on behalf of the National Parks and Wildlife Service to broaden the permitted uses of the Open Space 6(a) zone.

Resolved:

(Moved: Councillors Shelley/Hall)

- A. That the Department of Planning be advised of Council's decision to prepare a draft Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act 1979.
- B. That the draft Local Environmental Plan provide for the inclusion in Column 2 of the table to Clause 23 of the Ku-ring-gai Planning Scheme Ordinance, where it relates to the Open Space 6(a) "Recreation Existing" zone, the words "uses authorised under the National Parks and Wildlife Act 1974", as permissible development.
- C. That Council request the Director General's "written Authorisation to Exercise Delegation" in respect of the preparation and processing of the draft Local Environmental Plan.
- D. That upon receipt of Department of Planning support the draft Local Environmental Plan be prepared and consultation with statutory authorities be undertaken in accordance with the provisions of Section 62 of the Environmental Planning and Assessment Act 1979.
- E. That following Section 62 consultation the draft Local Environmental Plan be placed on public exhibition in accordance with statutory requirements.
- F. That a report be brought back to Council following public exhibition for consideration and finalising of the draft Local Environmental Plan.

CARRIED UNANIMOUSLY

351 **Annual Tenders for Supply, Supply & Delivery and Supply, Delivery & Laying of Asphaltic Concrete**

File: S05465

To seek Council's approval to accept the NSROC tender for the schedule of rates for the supply, supply and delivery and supply, delivery and laying of asphaltic concrete, including the associated road profiling and heavy patching works for the period 2006/2007.

Resolved:

(Moved: Councillors Shelley/Lane)

- A. That the tender rates submitted by Works Infrastructure for supply, supply and delivery and the supply, delivery and laying of asphaltic concrete and associated road profiling works for 2006/2007 be accepted as the primary supplier and Boral Asphalt as an alternate supplier, if Works Infrastructure is unable to supply or satisfactorily perform.
- B. That the tender rates submitted by A J Paving for heavy patching for 2006/2007 be accepted and Works Infrastructure as an alternate contractor, if A J Paving does not meet the performance standard.
- C. That the tenderers be advised of Council's decision.
- D. That authority be given to the Mayor and General Manager to affix the Common Seal of the Council to the instrument for the Contract for the Supply and Laying of Asphaltic Concrete and associated specifications.

CARRIED UNANIMOUSLY

352 **26 Arnold Street, Killara - Relocation of Council Pipe & Easement**

File: DA1336/04

To consider granting approval for the relocation of a Council stormwater pipeline and easement.

Resolved:

(Moved: Councillors Shelley/Ryan)

- A. That Council grants approval for the extinguishment of the existing easement and creation of a new drainage easement 1.52m wide over the new pipeline.

- B. That authority be given to affix the common seal of the Council to the instrument for release and creation of new easements.
- C. That the cost of altering the terms of said Easement for drainage including release and creation and Council's legal costs and disbursements be borne by the applicant.
- D. That Council approves the proposal to modify the stormwater pipelines in accordance with the stormwater plans and details, drawing No.352558/C1, prepared by Appleyard Forrest and subject to the following conditions:
 - 1. The applicant carrying out all drainage works in accordance with the plans and specification approved by Council at no cost to Council.
 - 2. The works are subject to inspections. The applicant or their engineer is to give Council at least 24 hours notice (to allow inspection) at the following stages:
 - i) After completion of excavation and prior to pipe laying commencing.
 - ii) After completion of pipe laying prior to backfilling.
 - iii) On completion of pipeline installation.

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

Against the Resolution: Councillor Bennett

353 **Building Maintenance Program 2006/2007**

File: S02533

To advise Council of the proposed building maintenance program for 2006/2007 and the draft 2007/2010 program.

Resolved:

(Moved: Councillors Shelley/Lane)

That the 2006/2007 Building Maintenance Program and the Draft 2007/2010 Building Maintenance Program be adopted.

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

Against the Resolution: *Councillor Bennett*

Councillor Shelley departed

354 **Proposed Boundary Variation for the Sydney Ku-ring-gai Fire District**

File: S02542

To consider a proposal to vary the boundaries between the Sydney Fire District and Ku-ring-gai Rural Fire District.

Resolved:

(Moved: Councillors Cross/Malicki)

That the matter be deferred for further advice on whether the proposed boundary changes would have any impact on the bushfire-prone land map.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

355 **Community Classified Lands in the Lindfield & Roseville Town Centres**

File: S04365

Notice of Motion from Councillor T Hall dated 1 September 2006.

I move:

"That the General Manager urgently review the reports on the commercial-in-confidence economic feasibility studies accompanying the draft local environmental plans for Lindfield and Roseville Town Centres given the retention of community classification of sites with identified mixed use within both of the centres."

Resolved:

(Moved: Councillors Hall/Ryan)

That the Notice of Motion, as amended, be adopted.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE

356 **Re-Development of St Ives Shopping Village**

File: S04019

Question Without Notice from Councillor L Bennett

Have any discussions been held between Council staff and/or Consultants over whether car parking required by the re-development of the St Ives Shopping Village could be accommodated on or under land currently owned by Council?

Answer by the Mayor

The Director Open Space & Planning will provide a response.

357 **Community Land, St Ives**

File: S04019

Question Without Notice from Councillor L Bennett

In Diagram 4.6.1 of the DCP (St Ives Town Centre) a strip of Council land between the Cowan Road Car Parks and the proposed major entrance to the St Ives Shopping Village is shown as retail (map **attached**).

Is this land wide enough to be developed as stand-alone retail or must it be incorporated & acquired by the Village?

Answer by the Mayor

The Director Open Space & Planning will provide a response.

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

358 **The Chalet, 12 Winton Avenue, Warrawee** (Section 10A(2)(c) - Information that would confer a commercial advantage)

File: P63388

Report by Acting Director Finance & Business dated 4 September 2006.

**Councillors Hall & Ryan withdrew
during discussion**

Resolved:

(Moved: Councillors Malicki/Anderson)

- A. That Council reconsider the temporary relocation of 'The Chalet' to St Ives Showground, and recommend Mandalong as the future location of the heritage item, on the condition that consent is obtained from the relevant Council for the relocation, or evidence that a consent is not required for that relocation from the relevant Council.
- B. That a photographic recording of 'The Chalet' for archival purposes be undertaken prior to relocation.
- C. That in the event Mandalong is no longer a suitable site for the relocation of the heritage item, the applicant provide an alternative location for the heritage item, and confirm that consent is obtained from the relevant Council for the relocation, or evidence that a consent is not required for that relocation from the relevant Council.
- D. That Condition 28 of the existing Consent Orders be expanded upon to require that the Chalet be maintained in good order in its new location.
- E. That the outcome of the deferred commencement proceedings be reported to Council for public record.

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

Against the Resolution: Councillor Bennett

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

(Moved: Councillors Hall/Cross)

- A. *That Council reconsider the temporary relocation of 'The Chalet' to St Ives Showground, and recommend Mandalong as the future location of the heritage item, on the condition that consent is obtained from the relevant Council for the relocation, or evidence that a consent is not required for that relocation from the relevant Council.*
- B. *That a photographic recording of 'The Chalet' for archival purposes be undertaken prior to relocation.*
- C. *That in the event Mandalong is no longer a suitable site for the relocation of the heritage item, the applicant provide an alternative location for the*

heritage item, and confirm that consent is obtained from the relevant Council for the relocation, or evidence that a consent is not required for that relocation from the relevant Council.

- D. That the parties agree that in the event future inspections indicate that the structure cannot be moved due to structural or pest damage, the heritage item be demolished.*
- E. That the outcome of the deferred commencement proceedings be reported to Council for public record.*

The General Manager adverted to the consideration of the matter referred to in Minute numbered 358, and to the resolution contained in such Minute.

The Meeting closed at 8.54pm

The Minutes of the Ordinary Meeting of Council held on 12 September 2006 (Pages 1 - 14) were confirmed as a full and accurate record of proceedings on 26 September 2006.

General Manager

Mayor / Chairperson

ATTACHMENT
(refer to Minute No 357)

