

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 13 MAY 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)
Councillor 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)
Team Leader Urban Design (Bill Royal)
Sport and Recreation Planner (Roger Faulkner)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.02pm

The Mayor offered the Prayer

139 APOLOGIES

File: S02194

Councillor M Lane tendered an apology for non-attendance [family commitments] and requested leave of absence.

Resolved:

(Moved: Councillors Ryan/Cross)

That the apology by Councillor M Lane 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.

140

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Bennett/Malicki)

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 including the Confidential Report by Director Strategy dated 17 April 2008 in reference to C.1 - Open Space Acquisition Strategy - Identification of Potential Sites for Acquisition by Council but that addresses and information which identifies specific properties for potential acquisition be removed from the report.

CARRIED UNANIMOUSLY

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Late Items: **31 Kissing Point Road, Turramurra - Proposal to Acquire -**
Memorandum by Senior Governance Officer dated 8 May in relation to a correction on the voting of Minute No 138 of Ordinary Meeting of Council held 29 April 2008

Refer NM.1 - Part U of Minute No 92 of Ordinary Meeting of Council held 8 April 2008 - Correction to Notice of Rescission that was bound within Business Paper No 8/08.

Memorandums: **Local Government Leadership and Learning Centre -**
Memorandum by Director Corporate dated 9 May 2008 in answer to a Question Without Notice raised by Councillor Jennifer Anderson at the Ordinary Meeting of Council held on 25 March 2008.

Reservation of Community Land by St Ives Shopping Village for its Employees - Memorandum by Director Operations dated 13 May 2008 in answer to a Question Without Notice raised by Councillor Laura Bennett at the Ordinary Meeting of Council held on 8 April 2008.

Department of Lands Public Records - Memorandum by Director Corporate dated 12 May 2008 in answer to a Question Without Notice raised by Councillor Jennifer Anderson at the Ordinary Meeting of Council held on 29 April 2008.

Refer C.1 - Open Space Acquisition Strategy - Identification of Potential Sites for Acquisition by Council - Memorandum by Director Strategy dated 7 May 2008 regarding coloured copies of confidential attachments.

CONFIRMATION OF MINUTES

141 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 29 April 2008
Minutes numbered 102 to 138

Resolved:

[Moved: Councillors Malicki/Cross]

That Minutes numbered 102 to 138 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting with the exception of Minute No 138.

CARRIED UNANIMOUSLY

142 **31 Kissing Point Road, Turramurra - Proposal to Acquire** *[Section 10A(2)(c) - Information that would confer a commercial advantage]*

File: P48218
Vide Minute No 138

Resolved:

[Moved: Councillors Malicki/Cross]

That the voting for Minute No 138 of Ordinary Meeting of Council held 29 April 2008 be as follows:

For the Motion: *Councillors Malicki and Anderson*

Against the Motion: *The Mayor, Councillor N Ebbeck, Councillors
Bennett, Cross, Hall, Lane and Ryan*

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

143

Fundraising Dinners

File: S05139

An invitation has been received from the Ku-ring-gai Youth Development Service (KYDS), to attend a fundraising dinner at the Avondale Golf Club, Pymble on Saturday, 26 July 2008. Tickets for the dinner are \$130.00 per person or \$1,300.00 for a table of 10 people.

KYDS is a non-profit community based counselling service that provides support for young people at risk on the North Shore. It is a free and confidential service which aims to support young people and families, provide group-work services, both educational and therapeutic, and encourage community involvement.

An invitation has also been received from the Rotary Club of Wahroonga, to attend a fundraising dinner at Miramare Gardens, Terrey Hills on Saturday, 14 June 2008, the Novus Foundation Dinner. Tickets for the dinner are \$125.00 per person or \$1,250.00 for a table of 10 people.

The Novus Foundation supports research on adolescent obesity, carried out at the SAN Hospital and the University of New South Wales. The Foundation is specifically targeting the Upper North Shore, and schools from the Ku-ring-gai area are involved in the research.

I would like to propose that Council reserve a table for 10 people for \$1,300 for the KYDS fundraising dinner, and a table for 10 people for \$1,250 for the Novus Foundation fundraising dinner, and that Councillors and Senior Staff interested in attending the dinners advise me by Friday, 6 June 2008. Should any Councillors' partners wish to attend the dinner, they would be required to pay separately, as per established Council policy and past practice.

Resolved:

- A. That Council reserve a table for 10 people for \$1,300 for the KYDS Fundraising Dinner, and a table for 10 people for \$1,250 for the Novus Foundation Fundraising Dinner, and that Councillors and Senior Staff interested in attending the Dinners, advise the General Manager by Friday, 20 June 2008.
- B. Should any Councillors' partners wish to attend the Dinners, they would be required to pay separately, as per established Council policy and past practice.

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

Against the Resolution: *Councillor Malicki*

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

File: S02110

Meeting held 1 May 2008
Minutes numbered KTC5 to KTC7

144 General Matter Items under Delegated Authority

File: S02738
Vide Minute No KTC5

Advice on matters considered under the Delegated Authority.

Resolved:

[Moved: Councillors Cross/Shelley]

That the information regarding traffic facilities approved during January 2008 to April 2008 be noted.

CARRIED UNANIMOUSLY

145 Bannockburn Road, Pymble

File: 88/05101/03
Vide Minute No KTC6

Ward: Wahroonga
Electorate: Davidson

To reconsider traffic treatments in Bannockburn Road at Selwyn and Rushall Streets.

Resolved:

[Moved: Councillors Cross/Shelley]

- A. That Council seek formal approval from the Roads and Traffic Authority for concept plan Bannockburn/KTC/05/08 (Sheet 1) for the proposed pedestrian refuge facility in Bannockburn Road at Selwyn Street.
- B. That consideration of the proposed treatment in Bannockburn Road north of Rushall Street be deferred for further consultation with Mr and Mrs Carey of 84 Bannockburn Road.

- C. That if approved by the Roads and Traffic Authority, Council construct the pedestrian refuge near Selwyn Street using funds from its 2007/2008 Capital Works Program.
- D. That affected residents in Bannockburn Road at Rushall and Selwyn Streets be informed of Council's decision.

CARRIED UNANIMOUSLY

146 **Fiddens Wharf Road, Killara**

File: 88/05438/03
Vide Minute No KTC7

Ward: Gordon
Electorate: Ku-ring-gai

To reconsider the provision of a pedestrian facility in Fiddens Wharf Road near Coronga Crescent.

Resolved:

(Moved: Councillors Cross/Shelley)

That consideration of traffic treatments in Fiddens Wharf Road be deferred for further site observations and discussion with Mr and Mrs DeCelis of 65 Fiddens Wharf Road.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

*Standing Orders were suspended to hear all speakers in relation to
GB.2 - Parks, Sport & Recreation Reference Group -
Minutes of Meeting held 13 March 2008
after a Motion moved by Councillors Hall and Bennett
was CARRIED UNANIMOUSLY*

147 **Zone Rural Fire Service Agreement & RFS Zoning Agreement**

File: S02542

To consider a Zoning Service Level Agreement and Zoning Agreement with the NSW Rural Fire Service.

Resolved:

(Moved: Councillors Andrew/Cross)

- A. That the General Manager be given delegated authority to sign the new Hornsby Ku-ring-gai Zone Rural Fire Service Agreement and the RFS Zoning Agreement prior to submitting it to the Commissioner of the NSW Rural Fire Service.
- B. That Authority be given to affix the Common Seal of the Council to the RFS Zoning Agreement and the Zone Rural Fire Service Agreement as required.
- C. That Council appoints one Councillor as a member of the Liaison Committee as required under clause 9 of the Contract

CARRIED UNANIMOUSLY

*Standing Orders were suspended to deal with
GB.2 - Parks, Sport & Recreation Reference Group -
Minutes of Meeting held 13 March 2008
first then NM.1 - Part U of Minute No 92 of Ordinary Meeting of Council
held 8 April 2008
after a Motion moved by Councillors Ryan and Cross
was CARRIED UNANIMOUSLY*

148

**Parks Sport & Recreation Reference Group - Minutes of Meeting held
13 March 2008**

File: S03447

*A Motion moved by Councillors Hall and Bennett
to hear all speakers
was CARRIED UNANIMOUSLY*

The following members of the public addressed Council:

**R Davis
M Fonseca
E Fonseca
M Evans
J Bilimorie
D Hubbard
F Freeman
A Fredericks**

To bring to the attention of the Ordinary Meeting of Council, the Minutes from the Parks, Sport and Recreation Reference Group meetings held on Thursday, 1 November 2007 and Thursday, 13 March 2008.

Resolved:

(Moved: Mayor, Councillor Ebbeck/Councillor Ryan)

- A. That the Minutes of the Parks, Sport and Recreation Reference Group held on Thursday, 1 November 2007 and Thursday, 13 March 2008 and be received and noted.
- B. Council notes that the Parks Sport and Recreation Reference Group's recommendation "that Council conduct a feasibility study with a view to optimising the value of the disused South Turramurra B2 freeway corridor land for low density residential housing, with Council's share of the sale proceeds to be allocated solely to the funding of active recreation facility development across the LGA" will be referred to Council with the current feasibility work in conjunction with the Department of Planning is completed.
- C. The Parks Sport and Recreation Reference Group recommends that once the feasibility study is completed, a strategy be developed to provide multiple sports fields (possibly six fields) and complementary passive recreation facilities across the LGA, with a focus on the St Ives Showground precinct Master Plan (as proposed in the draft 2008-2013 Management Plan) including, but not be limited to:
 - i. providing better use of the St Ives Showground, without losing any of the main current Showground activities;
 - ii. enhancing Council's Nursery facilities (this Committee supports that Council maintain its Nursery) in St Ives, including adjoining lands;
 - iii. re-use of the former tree lopping site on Mona Vale Rd, St Ives;
 - iv. enhancing Surgeon White Reserve at St Ives (currently used by Avondale Pony Club);
 - v. considering the possible construction of new netball facilities at sites listed as (i), (ii) & (iii) above at any of these sites, to relieve local traffic congestion caused by Saturday competition netball at South Turramurra.
- D. That the results of the feasibility study be reported back to Council during 2008/09.
- E. That the investigations also include a financial assessment within Council's long term financial model, preliminary community consultation and a review of the implications to the relevant Plan of Management.

*For the Resolution: The Mayor, Councillor N Ebbeck, Councillors
Andrew, Cross, Ryan and Anderson*

Against the Resolution: Councillors Bennett, Hall, Malicki and Shelley

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

(Moved: Councillors Hall/Bennett)

That the Minutes of the Parks, Sport and Recreation Reference Group held on Thursday, 1 November 2007 and Thursday, 13 March 2008 be received and noted.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

149 Part U of Minute No 92 of Ordinary Meeting of Council held 8 April 2008

File: S05094

The following members of the public addressed Council:

**P Moate
C Berlioz**

Notice of Rescission from Councillors A Ryan, T Hall and J Anderson dated 29 April 2008.

We, the undersigned, move that Part U of Minute No. 92 adopted at Council's meeting on 8 April 2008, regarding the proposed land re-classification component from Schedule 4 of Draft Ku-ring-gai Local Environmental Plan (2006) Town Centres:

"U. That Council not proceed with the re-classification for the following land and exclude it from Schedule 4 of Draft Ku-ring-gai Local Environmental Plan [2006] Town Centres:

St Ives Site 2 Memorial Avenue, St Ives being:

Lot A DP 321567
Lot 1 DP 504794
Lot A DP 336206
Lot B DP 336206
Lot B DP 322331
Lot C DP 322331

is hereby rescinded."

Resolved:

(Moved: Councillors Hall/Ryan)

A. That the above Notice of Rescission as printed be adopted.

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

Against the Resolution: *Councillors Andrew, Bennett, Malicki and Shelley*

- B. That Council include the following land in Schedule 4 of draft Ku-ring-gai Local Environmental Plan (2006) Town Centres, for the purpose of undertaking the statutory public hearing process:

St Ives Site 2 Cowan Avenue, St Ives being:

Lot A DP 321567
Lot 1 DP 504794
Lot A DP 336206
Lot B DP 336206

Providing that in any future redevelopment of the land the existing above ground parking is retained for users of the St Ives Village Green.

- C. That Council not proceed with the re-classification for the following land and exclude it from Schedule 4 of draft Ku-ring-gai Local Environmental Plan (2006) Town Centres:

St Ives Site 2 Memorial Avenue, St Ives being:

Lot B DP 322331
Lot C DP 32233

The above Resolution was CARRIED as a Substantive Motion to the Original Motion.

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

Against the Resolution: *Councillors Andrew, Bennett, Malicki and Shelley*

GENERAL BUSINESS (cont)

150

Companion Animals Advisory Committee - Minutes of Meeting held 24 April 2008

File: S02452

To submit the Minutes of the Companion Animals Advisory Committee Meeting of 24 April 2008.

Resolved:

(Moved: Councillors Malicki/Andrew)

- A. That the Minutes of the Companion Animals Advisory Committee Meeting of Thursday, 24 April 2008 be received and noted.
- B. That Council be given the material from Ms Peggy Brown and make a decision on this matter following receipt of that material.
- C. That Officer Dr Paul Hopwood be thanked for his organisational efforts towards Pets Day Out 2008.

CARRIED UNANIMOUSLY

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

(Moved: Councillors Hall/Anderson)

- A. *That the Minutes of the Companion Animals Advisory Committee Meeting of Thursday, 24 April 2008 be received and noted.*
- B. *That Council endorse and host the responsible cat ownership education programme as conducted by Ms Peggy Brown of Animal Welfare League*
- C. *That Officer Dr Paul Hopwood be thanked for his organisational efforts towards Pets Day Out 2008.*

Standing Orders were suspended in order that the following item could be dealt with as a matter of public interest after a Motion moved by Councillors Bennett and Shelley

For the Suspension: The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett, Hall, Malicki, Shelley and Anderson

Against the Suspension: Councillors Cross and Ryan

151

Open Space Acquisition Strategy - Identification of Potential Sites for Acquisition by Council

File: S04601

Report by Director Strategy dated 17 April 2008.

Council adjourned for a short interval at 10.10pm
after a Motion moved by the Mayor, Councillor Ebbeck and Councillor Cross
was CARRIED
and the Chairperson ruled accordingly.

The Meeting resumed at 10.20pm

Those present were:

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

Resolved:

(Moved: Councillors Malicki/Andrew)

- A. That site inspections for councillors be held at a time suitable to a majority of councillors of nominated properties and, that the following sites be included in the site inspection –
 - i. Sites in St Ives - Sites 2d, 2a;
 - ii. Sites, as nominated by Councillors, to the General Manager within 7 days.
- B. That an estimate be provided of the unfunded component of the officer's recommendation.
- C. That Staff consultation include discussion with Council's Heritage Advisor.
- D. That a report be brought back to Council following site inspections.

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

Against the Resolution: Councillors Hall and Ryan

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

(Moved: Councillors Bennett/Shelley)

- A. *That the amended report be placed on exhibition for 28 days.*

- B. That site inspections for councillors be held at a time suitable to a majority of councillors of nominated properties and, that the following sites be included in the site inspection:*
- i. Sites in St Ives - Sites 2d, 2a;*
 - ii. Sites as nominated by Councillors to the General Manager within 7 days*
- C. That an estimate be provided of the unfunded component of the officer's recommendation.*
- D. That Staff consultation include discussion with the Council's Heritage Advisor.*
- E. That a report be brought back to Council following site inspections and exhibition of the report.*

152 **Turramurra Memorial Park & Karuah Park Draft Landscape Masterplan**

File: S05920

To seek Council's approval to place the Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan on public exhibition.

**Councillor Shelley departed
during discussion prior to the Vote**

Resolved:

(Moved: Councillors Malicki/Ryan)

- A. That Council place the Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan on public exhibition for 28 days plus 14 days for public comments prior to final adoption by Council.
- B. That Council inform all individuals, clubs and stakeholders who participated in consultation about the public exhibition of the draft Landscape Masterplan.
- C. That Council consider a report following the period of public exhibition to formally adopt the Turramurra Memorial Park and Karuah Park Draft Landscape Masterplan.
- D. That Option 1 for one off-leash dog area be supported.

CARRIED UNANIMOUSLY

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

(Moved: Councillor Hall/Mayor, Councillor Ebbeck)

- A. *That Council place the Turrumurra Memorial Park and Karuah Park Draft Landscape Masterplan on public exhibition for 28 days plus 14 days for public comments prior to final adoption by Council.*
- B. *That Council inform all individuals, clubs and stakeholders who participated in consultation about the public exhibition of the draft Landscape Masterplan.*
- C. *That Council consider a report following the period of public exhibition to formally adopt the Turrumurra Memorial Park and Karuah Park Draft Landscape Masterplan.*

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

153

Reduction of Councillor Numbers

File: S06203

Business Without Notice from Councillor Adrienne Ryan dated 13 May 2008.

Councillor Ryan explained that new legislation will allow Councils to consider reducing the number of Councillors but the timeframe is tight and consideration should commence to meet the proposed deadline.

*The following item was dealt with after a
Motion moved by Councillors Ryan & Anderson was CARRIED UNANIMOUSLY
and the Chairperson ruled Urgency*

*For the Urgency: The Mayor, Councillor N Ebbeck, Councillors
Andrew, Cross, Ryan and Anderson*

Against the Urgency: Councillors Bennett, Hall and Malicki

Resolved:

(Moved: Councillors Ryan/Anderson)

- A. That Council take the necessary action under the Local Government Act 1993 (the Act) to give public notice of its intention to make application to the Minister to reduce the number of Councillors.

- B. That the public notice of the proposal allow the public to make submissions on the proposal.
- C. That Council consider any such submissions.
- D. That following consideration of any such submissions, Council resolve whether or not to make application to the Minister to reduce the number of Councillors to 5.
- E. That the information given include details of the referendum for popularly elected Mayor which, if successful, would increase the number of Councillors to 6 from year, 2012.

*For the Resolution: The Mayor, Councillor N Ebbeck, Councillors
Andrew, Cross, Ryan and Anderson*

Against the Resolution: Councillors Bennett, Hall and Malicki

**At 11.57pm a Motion moved by Councillors Andrew and Ryan
to extend the meeting until Business completed
was put to the vote**

*For the Motion: The Mayor, Councillor N Ebbeck, Councillors
Andrew, Cross, Hall, Ryan and Anderson*

Against the Motion: Councillors Bennett and Malicki

QUESTIONS WITHOUT NOTICE

154 **St Ives Projected Yields**

File: S06413

Question Without Notice from Councillor T Hall

Would the General Manager correct the views expressed in the April Newsletter of the St Ives Progress Association which asserts the Metropolitan Strategy will provide "4,576 potential dwellings for St Ives" in view of the Director Strategy's report to Councillor Bennett on 29 April 2008, that in fact the Government's Strategy will provide a total of 2,409 dwellings?

Will the General Manager confirm this and write to the Association correcting this inflated figure?

I table both the Newsletter and the Director's memo of 29 April 2008.

Answer by the General Manager

Yes, I am happy to review that document and provide a memo to Councillors of the analysis.

The Meeting closed at 12.04am

The Minutes of the Ordinary Meeting of Council held on 13 May 2008 (Pages 1 - 16) were confirmed as a full and accurate record of proceedings on 27 May 2008.

General Manager

Mayor / Chairperson