MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 14 OCTOBER 2008

Present: The Mayor, Councillor E Malicki (Chairperson) (Comenarra Ward)

Councillor S Holland (Comenarra Ward)

Councillors E Keays & C Szatow (Gordon Ward)

Councillor J Anderson (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)
Director Community (Janice Bevan)

Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.00pm

The Mayor offered the Prayer

337 APOLOGIES

File: S02194

Councillor R Duncombe tendered an apology for non-attendance [business commitments] and requested leave of absence.

Resolved:

(Moved: Councillors Anderson/Ebbeck)

That the apology by Councillor R Duncombe 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.

338 Confirmation of Reports to be Considered in Closed Meeting

File: S02499

Resolved:

(Moved: Councillors Hall/Ebbeck)

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:

C.1 **Salary Increase for Council Staff** - Report by General Manager & Director Corporate dated 1 October 2008.

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

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

K Cowley J	presentation by FOKE of a photographic record of sites & streetscapes
K Pickles)	in Ku-ring-gai, impacted by LEPs 194, 200, 202, 204 & 207 Residential
V Bray)	Development Strategy Stage 1
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.2 - Representation on Community

Committees/Organisations - Memorandum by Senior Governance Officer dated 29 August 2008 supplying information to assist Councillors regarding the meeting days/times & location for the various Committees/Organisations.

Refer GB.5 - Investment Report as at 31 August 2008 -

Memorandum by Director Corporate dated 13 October 2008 advising that the Summary Recommendation on the first page of the report was incorrect but the Officer's Recommendation at the end of the report was correct.

Refer GB.7 - Policy on Private Use of Road Reserve - Memorandum by Director Operations dated 14 October 2008 advising & attaching a revised recommendation.

Refer GB.10 - Local Government Constitutional Summit - A Special National General Assembly 2008 - Report by General Manager & Senior Governance Officer dated 13 October 2008.

Refer GB.11 - Australian Council of Local Government -

Report by Director Corporate dated 14 October 2008.

Memorandums: Council Forums - Memorandum by Director Corporate dated

14 October 2008 with attachments.

Refer C.1 - Salary Increase for Council Staff - Memorandum by General Manager dated 14 October 2008 advising as to why the

Report was to be dealt with in Closed Meeting.

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council 339

File: S02131

Meeting held 30 September 2008 Minutes numbered 332 to 336

Resolved:

(Moved: Councillors Hall/Cross)

That Minutes numbered 332 to 336 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

340 **Ward Summit**

File: S02380

As the newly elected 2008 Council of Ku-ring-gai, our first task is to establish strong links with our community. We must set up communication channels with our residents that will demonstrate our intention to listen to their views and to involve them in our decision-making.

To begin this process, I would like to hold a summit of around 25 people in each Ward within the next 6 weeks, with invited representatives from the local sporting codes, action groups, scouts and guides, Chambers of Commerce and neighbourhood shopping areas, P and C organisations, church leaders, large businesses and other interest groups.

The aim of such a summit would be to ascertain matters of concern in each area, and to discover the priorities and interests specific to each part of our Council area. We

would also canvass Ku-ring-gai-wide issues in the remaining time available. To that extent the summits will mainly involve input from the residents.

Each Ward summit will be jointly chaired by the Mayor and Ward Councillors. Where possible, it should be held within the Ward itself, and matters raised at the summits will be the subject of a further meeting of Councillors and Staff to determine how Council can deal with the issues raised.

The summits will be recorded and notes taken of the proceedings.

Resolved

That Council support the concept of holding these meetings and that the Mayor and the General Manager organise times and dates in accordance with the Mayoral Minute.

CARRIED UNANIMOUSLY

PETITIONS

Objections to Proposed Changes of Bus Route 560 in Gordon & West Pymble - (Seventy-Eight [78] Signatures)

File: S02027

"We, the undersigned, object to the removal of Bus 560 which is being removed through Kiparra, Dunoon, Bandalong, Bolwarra and Wyuna.

It will seriously affect the aged who depend entirely on this service continuing to get to and from medical and shopping and use it daily coming home from Macquarie. People in Wyuna will have to cross 6 lanes of traffic on Ryde Road."

Resolved:

(Moved: Councillors Holland/Ebbeck)

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

CARRIED UNANIMOUSLY

Petition to Retain Bus Route No 571 in South Turramurra - (Two Hundred & Fourteen [214] Signatures)

File: S02027

"We, the undersigned, wish Bus Route 571 to be continued. It is extremely important for us to have a bus which travels to and from Turramurra train station and shops.

Bus Route 571 takes residents to and from South Turramurra and the Southern side of Turramurra to Turramurra shops and train station. The proposed bus Network (Region 12) which will travel from Hornsby to Macquarie University will not meet the needs of the people".

Resolved:

(Moved: Councillors Holland/Ebbeck)

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

CARRIED UNANIMOUSLY

Petition Against Removal of Norfolk Pine Tree - Rear 95 Springdale Road, Killara - (Nineteen [19] Signatures)

File: P58814

The following Petition was presented by Councillor Elise Keays:

"The local residents object to its removal for the following reasons:

- 1. It is a healthy mature tree.
- 2. It is of significant aesthetic value to the area and adds character to the landscape.
- 3. Its removal would be a great loss to our native birds.

Resolved:

(Moved: Councillors Keays/Szatow)

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

CARRIED UNANIMOUSLY

GENERAL BUSINESS

Disclosure of Interests Returns Register

File: S02167

To table Council's Disclosure of Interests Returns Register in accordance with the Local Government Act.

Resolved:

(Moved: Councillors Hall/Ebbeck)

That the tabling of the Disclosure of Interests Returns Register be noted.

CARRIED UNANIMOUSLY

Ku-ring-gai Access Advisory Committee - Minutes of 19 June & 21 August 2008

File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 19 June 2008 and 21 August 2008.

Resolved:

(Moved: Councillors Hall/Ebbeck)

That the Minutes of the Ku-ring-gai Access Advisory Committee of 19 June 2008 and 21 August 2008 be received and noted.

CARRIED UNANIMOUSLY

Draft Financial Statements for year ended 30 June 2008

File: S05983

To present to Council the Draft Financial Statements for the year ended 30 June 2008 for certification and referral to Council's external auditors, Spencer Steer Chartered Accountants.

Resolved:

[Moved: Councillors Hall/Ebbeck]

- A. That Council receive and certify the Draft Financial Statements for the year ended 30 June 2008.
- 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 Forum, the General Manager and the Responsible

Accounting Officer in accordance with Section 413(2)(C) of the Local Government Act 1993.

D. That Tuesday, 11 November 2008 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 2008 as required by Section 419 of the Local Government Act 1993, and that Council's external Auditors be present to answer questions.

CARRIED UNANIMOUSLY

275 Mona Vale Road, St Ives - Modification of Consent to DA0949/03 Seeking Modification of Condition 69 & Deletion of Condition 70

File: MOD0307/08

Ward: St Ives

Applicant: Barry Cotten

Owner: Ezygold Investments Pty Limited

To determine modification application No. MOD0307/08, which seeks deletion of Condition 70 and modification of Condition 69 imposed in the consent to DA0949/03 relating to the southern boundary fence and retaining walls associated with the driveway.

Resolved:

(Moved: Councillors Hall/Hardwick)

THAT Council, as the consent authority, approve MOD0307/08 to modify development consent to DA0949/03 for Demolition of dwelling and construction of a SEPP 5 development on land at No. 275 Mona Vale Road St Ives, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

The following condition is to be amended as follows:

- 69. The plans shall be amended to indicate the following:
 - A lapped and capped timber fence to a height of 1800mm is to be provided along the whole length of the southern boundary. The fence should be stepped in height upon its approach to the front boundary to match the height of the wall along this boundary. The construction of the wall is to be in accordance with the acoustic engineer's recommendation as required in Condition No. 120(a).
 - The waste management facility is to be designed in accordance with Council's DCP 40 and have sufficient space for the quantity of waste generated and to promote source separation of materials (eg recyclables).
 - The garbage collection area shall allow a Council truck to enter the site, access the garbage collection area and leave the site in a forward direction.

- Deletion of the external garbage storage area and provision of soft landscaping including large shrubs or trees capable of attaining a height of between 2-4m at maturity along the front boundary. The soft landscaping shall form part of the common property.
- Protrusion of the lobby entrances further south by 1m.
- Provision of adjustable louvres or awning to east facing window.
- Relocation of the driveway in the position indicated on the master landscape plan submitted to Council on 27 November 2003 and prepared by Peter Glass & Associates.
- Relocation of the rear retaining wall 4.0m from the rear boundary.

Details shall be submitted to the satisfaction of the Principal Certifying Authority prior to issue of the Occupation Certificate.

The following condition is to be deleted:

Condition 70.

The following additional condition is imposed:

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

Acoustic engineer's report

120(a) In order to maintain neighbour amenity, the recommendations stated in the acoustic report by *Far West Consulting Engineers* dated *21 July 2008* are to be completed to the satisfaction of the Principal Certifying Authority, prior to issue of the Occupation Certificate.

Reason: Residential amenity.

Fence construction around trees

120(b) The 1.8 metres high lapped and capped timber fence shall be constructed around the trunks of the 2 *Cupressus species* (Cypress) located within the access handle of No. 273 Mona Vale Road.

Reason: To protect existing trees.

Hand excavation

120(c) All excavation within the specified radius of the trunk(s) of the following tree(s) for fence pier holes shall be hand dug:

Schedule No/Tree/location

Radius from trunk

1 – 6/Camellia sasanqua (Chinese Camellia)/ 2 metres
Towards the western end of the site's southern boundary.

7/*Cupressus species* (Cypress)/Adjacent to the centre of the northern boundary of No. 273 Mona Vale Road's access handle.

3 metres

8 & 9/*Camellia japonica* (Japanese Camellia)/ Adjacent to the northern boundary of the access handle of No. 273 Mona Vale Road. 2 metres

10/*Cupressus macrocarpa 'Brunniana*' (Golden Cypress)

/Adjacent to and near the eastern end of the northern
boundary of the access handle of No. 273 Mona Vale Road.

3 metres

Reason: To protect existing trees.

CARRIED UNANIMOUSLY

Annual Tender 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 2008/09.

Resolved:

(Moved: Councillors Hall/Ebbeck)

- A. That the tender rates submitted by Downer EDi Works for supply, supply and delivery and the supply, delivery and laying of asphaltic concrete and associated road profiling works for 2008/2009 be accepted as the primary supplier and Boral Asphalt as an alternate supplier, if Downer Edi Works is unable to supply or satisfactorily perform.
- B. That the tender rates submitted by A J Paving for heavy patching for 2008/2009 be accepted and Downer EDi Works 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, delivery and Laying of Asphaltic Concrete and associated specifications.

349 Capital Works & Major Project Budget Review

File: S06351

To seek the approval of Council to amend the capital works budget for 1: the purpose of incorporating projects funded by approved external grants, community club contributions and section 94 contributions funding, and 2: including the notification of budget transfers funded from the Environmental Levy.

Resolved:

(Moved: Councillors Hall/Ebbeck)

- A. That Council change the capital works and major projects budget for 2008/09 to reflect the approved grant and section 94 projects and income as listed in the report.
- B. That future variations to variations to budget as a consequence of additional income such as external grants, community club contributions and section 94 funded projects, be reported within the quarterly budget review process, rather than by separate report to Council.
- C. That Council support the recommended transfers of budget funded from the Environmental Levy, as outlined in the report.

CARRIED UNANIMOUSLY

350 Salary Increase for Council Staff

File: S05387

To seek Council's approval for the General Manager to approve a 2008 increase in rates of pay for Council employees.

Resolved:

(Moved: Councillors Ebbeck/Cross)

- A. That the General Manager be given approval to grant a 2008 general increase in pay rates for employees previously covered by the Local Government (State) Award 2004.
- B. That the 2008 general increase in pay rates be 3.2% or a minimum \$22 effective on and from the first full pay period on or after 1 November 2008.

Representation on Community Committees/Organisations

File: S02355

For Council to make appointments to community committees/organisations for 2008/2009.

Resolved:

A. That Council make appointments to community committees/organisations and nominate the following representatives:

The Ku-ring-gai Police and Community Safety Committee

(Moved: Councillors Ebbeck/Keays

Councillor Cheryl Szatow

CARRIED UNANIMOUSLY

Ku-ring-gai Meals on Wheels Inc

(Moved: Councillors Ebbeck/Anderson

Councillor Ian Cross

(Moved: Councillors Cross/Ebbeck)

Alternate: Councillor Elise Keays

CARRIED UNANIMOUSLY

Eryldene Trust

(Moved: Councillors Ebbeck/Cross

Councillor Jennifer Anderson

(Moved: Councillors Holland/Keays)

Councillor Cheryl Szatow

CARRIED UNANIMOUSLY

RTA-Sydney Region Combined Consultative Forum

(Moved: Councillors Hardwick/Ebbeck)

Councillor Tony Hall

Hornsby/Ku-ring-gai Bushfire Management Committee

(Moved: Councillors Szatow/Cross)

Councillor Elise Keays

CARRIED UNANIMOUSLY

(Moved: Councillors Ebbeck/Keays)

Alternate: Councillor Steven Holland

CARRIED UNANIMOUSLY

Metropolitan Public Libraries Association

(Moved: Councillors Hall/Ebbeck)

Councillor Jennifer Anderson

CARRIED UNANIMOUSLY

Rural Fire Service District Liaison Committee

(Moved: Councillors Hall/Holland)

Councillor Elise Keays

CARRIED UNANIMOUSLY

Hawkesbury/Nepean Local Government Advisory Group

(Moved: Councillors Ebbeck/Keays)

Councillor Steven Holland

CARRIED UNANIMOUSLY

Northern Sydney Regional Organisation of Councils (NSROC)

Mayor, Councillor Elaine Malicki (automatic appointment)

(Moved: Councillors Keays/Ebbeck)

Councillor Ian Cross

(Moved: Councillors Ebbeck/Holland)

Alternate: Councillor Jennifer Anderson

CARRIED UNANIMOUSLY

Ku-ring-gai Youth Development Service Inc Management Committee

(Moved: Councillors Ebbeck/Holland)

Councillor Jennifer Anderson

CARRIED UNANIMOUSLY

Sydney Adventist Hospital, Wahroonga Community Reference Group

(Moved: Councillors Ebbeck/Keays)

Councillor Steven Holland

CARRIED UNANIMOUSLY

(Moved: Councillors Holland/Cross)

Mayor, Councillor Elaine Malicki

CARRIED UNANIMOUSLY

Rosedale Road Steering Committee

(Moved: Councillors Hall/Cross

Councillor Carolyne Hardwick

Councillor Tony Hall

CARRIED UNANIMOUSLY

St Ives Showground Consultative Committee

(Moved: Councillors Hardwick/Ebbeck)

Councillor Tony Hall

CARRIED UNANIMOUSLY

(Moved: Councillors Cross/Ebbeck)

Councillor Rakesh Duncombe

(Moved: Councillors Ebbeck/Keays)

Mayor, Councillor Elaine Malicki

CARRIED UNANIMOUSLY

(Moved: Councillors Anderson/Cross

Councillor Jennifer Anderson

CARRIED UNANIMOUSLY

(Moved: Councillors Hall/Szatow)

Councillor Carolyne Hardwick

CARRIED UNANIMOUSLY

(Moved: Councillors Cross/Keays)

Councillor Nick Ebbeck

CARRIED UNANIMOUSLY

(Moved: Councillors Hall/Ebbeck)

B. That all community committees/organisations be notified of the results of these nominations.

CARRIED UNANIMOUSLY

Investment Report as at 31 August 2008

File: S05273

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

Resolved:

(Moved: Councillors Ebbeck/Cross)

- A. That the summary of investments and performance for August 2008 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

Policy on Private Use of Road Reserves & Nature Strips

File: S03467

For Council to adopt the policy for the Private Use of Road Reserves & Nature Strips.

Resolved:

(Moved: Councillors Keays/Szatow)

That the matter be deferred for a briefing to Councillors.

CARRIED UNANIMOUSLY

354 Australian Council of Local Government

File: S06879

To advise Council of the establishment of the Australian Council of Local Government (ACLG) and to authorise the attendance of the Mayor at the inaugural meeting.

Resolved:

(Moved: Councillors Ebbeck/Keays)

- A. That the establishment of the Australian Council of Local Government (ACLG) be noted.
- B. That the Mayor be authorised to attend the inaugural meeting of ACLG in Canberra on 18 November 2008 as well as the welcoming function on the previous night, with Council meeting all reasonable costs for transport, accommodation and meals.

CARRIED UNANIMOUSLY

Local Government Constitutional Summit - A Special National General Assembly 2008

File: S03788

For Council to determine its elected Delegates to the Local Government Constitutional Summit - A Special National General Assembly 2008.

Resolved:

(Moved: Councillors Keays/Hall)

A. That Council's delegates to the Local Government Constitutional Summit 2008 are the Mayor, Councillor Elaine Malicki and Councillors Elise Keasy, Nick Ebbeck, Cheryl Szatow and Jennifer Anderson.

B. That the General Manager or his delegate be permitted to attend the Summit.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Tree Preservation Order - Policy Changes

File: S02052

Notice of Motion from Councillors Tony Hall & Carolyne Hardwick dated 7 October 2008.

A significant number of residents have expressed concerns to us about the restrictive nature of Council's Tree Preservation Policy (TPO) under the KPSO and procedures for assessing tree removals. Whilst we appreciate that the tree canopy of Ku-ring-gai is extremely important to this community, there are some species that are protected under the TPO which could possibly be considered as exempt.

Also there are some procedures that are required to be followed by Council staff in the assessment of TPO applications that have caused stress to our residents applying for tree removals and reiterated in letters published in the local media.

Therefore, we would appreciate that a report be prepared for Council to consider a review of the policy and procedures associated with TPO applications and exemption of some tree species, including Leighton Greens.

We move:

"That Council be provided with a report to amend the current TPO policy and procedures to more sympathetically assess tree removals/pruning and to include a list of trees that are exempt under the policy and could be exempt from that policy. The report is to be provided to a meeting of Council as soon as practicable".

Resolved:

(Moved: Councillors Cross/Keays)

That a workshop be held with all Councillors to allow them to raise their concerns with the TPO prior to a report coming to Council.

CARRIED UNANIMOUSLY

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

(Moved: Councillors Hall/Hardwick)

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

QUESTIONS WITHOUT NOTICE

357 Congratulations to Strategy Staff

File: S02576

Question Without Notice from Councillor J Anderson

Would the General Manager and Director Strategy please pass on my congratulations to staff of the Strategy department for impressive and deserved success in recent awards, namely The Sustainable Water Challenge and the Keep Australia Beautiful program as Winner - Research Projects category; Winner - Planning & Policy category; Highly Commended - Landscaping category; Highly Commended Retrofit category; Commended Gordon West Public School Water Sensitive Urban Design & Highly Commended in Keep Australia Beautiful NSW - Sustainable Cities Awards 2008 for the Ku-ring-gai to Global Sustainability Strategy?

Answer by the General Manager

I would be happy to do that.

358 Invitation to Attend St Ives Rotary Club Meeting

File: S02380

Question Without Notice from Councillor J Anderson

Would the Mayor please consider an invitation to attend the St Ives Rotary meeting tomorrow night at which Rob Carter, one of Australia's pre-eminent scientists on climate change will be speaking at 7.00pm, with further details available from Councillor Duncombe?

Answer by the Mayor

I'm sorry, I won't be able to as I have two engagements.

359 Removal of Queen Elizabeth II Photograph from Chamber

File: P54796

Question Without Notice from Councillor I Cross

Madam Mayor, I notice the photo of the Queen has been removed from the Chamber, should this have required a Council resolution before it was removed?

Answer by the Mayor

I did that. I removed the Queen's Portrait. It is now in a position of great honour in the Councillors' Boardroom. There was no Council resolution but I am more than happy to have any debate on this matter and any Councillor who would like the situation reversed is more than welcome to put a Notice of Motion.

360 Streetscape Killeaton Street, St Ives

File: 88/05627/01

Question Without Notice from Councillor T Hall

I ask the Director Operations what can be done to upgrade the appalling Streetscape of Killeaton Street West between Cowan Road and Warrimoo Avenue, St Ives with unprotected drains and weeds?

Answer by Director Operations

I will look into that issue.

361 Removal of Queen's Portrait from Council Chamber

File: P54796

Question Without Notice from Councillor T Hall

Further to Councillor Cross' Question, I ask whether the Queen's Portrait will be restored to the Chamber during Citizenship Ceremonies in this Chamber as I believe that this a legal requirement under Commonwealth law?

Answer by the Mayor

Absolutely, Councillor Hall. It's also a legal requirement to have the Commonwealth Coat of Arms which does not have a place in our Chamber except during Citizenships. There is a legal requirement and, of course, Her Majesty will be here. She has to be, I believe, on the right-hand side of the person conferring the Citizenship but I will need to check.

The Meeting closed at 8.55pm

The Minutes of the Ordinary Meeting of Council held on 14 October 2008 (Pages 1 - 18) confirmed as a full and accurate record of proceedings on 21 October 2008.		
General Manager	Mayor / Chairperson	