

**MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD ON TUESDAY, 19 JUNE 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)  
Councillor M Lane (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 (Steven Head)  
Manager Urban Planning (Antony Fabbro)  
Manager Sustainability & Natural Environments (Peter Davies)  
Director Community (Janice Bevan)  
Senior Governance Officer (Geoff O'Rourke)  
Minutes Secretary (Christina Randall-Smith)

*The Meeting commenced at 7.05pm*

*The Mayor offered the Prayer*

201 **APOLOGIES**

File: S02194

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

**Resolved:**

(Moved: Councillors Lane/Cross)

That the apology by Councillor Ryan 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.

The Mayor, Councillor Nick Ebbeck and Councillors Anita Andrew, Ian Cross, Michael Lane and Elaine Malicki declared a Pecuniary Interest under Section 449(3) of the Act in GB.4 - Draft Bushfire Prone Land Map (2007).

The Minister of Local Government, Paul Lynch, granted all five Councillors dispensation from their pecuniary interest responsibilities in relation to this matter. This allowed a quorum to be maintained and the matter to be dealt with by Council.

202

## 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 **RTA Proposal to Sell Lot 21 DP 538546 adjacent to Kissing Point Oval, South Turrumurra** - *(Section 10A(2)(c) - Information that would confer a commercial advantage)*
- C.2 **Low Impact Telecommunication Installations adjacent to 212 Ryde Road West Pymble** - *(Section 10A(2)(g) - Advice concerning litigation)*

## ADDRESS THE COUNCIL

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

S Wesley  
N Lock

**Councillor Shelley arrived**

**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: Minutes of Ordinary Meeting of Council held 12 June 2007
- Confirmation of Minute No 169 - Council Meeting of 22 May 2007** - Memorandum by Senior Governance Officer dated 14 June 2007 in confirming the accuracy of the Minute.
- GB.6 - Town Centres Development Control Plan - References to Land not covered by the Draft Development Control Plan** - Report by Manager Urban Planning & Director Strategy dated 18 June 2007
- Memorandums: **Planning Committee Meeting 20 June 2007** - Memorandum by Manager Urban Planning, Antony Fabbro dated 19 June 2007 with attachments.
- Council Submission on SEPP (Seniors Living) Amendment 2** - Memorandum by Acting Director Strategy, Antony Fabbro dated 15 June 2007

**CONFIRMATION OF MINUTES**203 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 12 June 2007  
Minutes numbered 181 to 200

**Resolved:**

(Moved: Councillors Hall/Lane)

That Minutes numbered 181 to 200 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

204 **Minutes of Ordinary Meeting of Council**

File: S04325

*Vide Minute No 169*

Meeting held 22 May 2007

**Resolved:**

(Moved: Councillors Lane/Hall)

That Minute No 169, as printed, be confirmed as accurate.

**CARRIED UNANIMOUSLY**

**MINUTES FROM THE MAYOR**205 **102 Rosedale Road, St Ives**

File: DA0393/07

Due to the importance of Blue Gum high forest in our community, particularly as it is now listed as critically endangered species I believe we need to engage an independent ecological consultant to provide a report on the property at 102 Rosedale Road, St Ives.

This report would form part of the assessment for the application for DA 0393/07.

**Resolved:**

- A. That Council resolve to engage an independent ecological consultant, recognised as expert in assessing Blue Gum High Forest, to review the Development Application for 102 Rosedale Road St Ives (DA0393/07).
- B. That the independent ecological consultant be drawn from the following list of recognised experts of Blue Gum High Forest and Blue Gum High Forest ecological community:

Roger Lembit (Gingra Ecological Surveys)

Teresa James (Flora Consultants)

Peter Smith (P&J Smith Ecological Consultants)

**CARRIED UNANIMOUSLY**

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

*(Moved: Councillors Malicki/Andrew)*

- A. *That Council resolve to engage an independent ecological consultant, recognised as expert in assessing Blue Gum High Forest, to review the Development Application for 102 Rosedale Road, St Ives (DA0393/07) and the application for rezoning of the land between Beechworth & Warragul Roads in Draft Local Environmental Plan No 212.*
- B. *That the independent ecological consultant be drawn from the following list of recognised experts of Blue Gum High Forest and Blue Gum High Forest ecological community:*

*Roger Lembit (Gingra Ecological Surveys)*

*Teresa James (Flora Consultants)*

*Peter Smith (P&J Smith Ecological Consultants)*

206

## **Town Centres Planning**

File: S02036

On 13 June 2007, I along with several senior Council staff, met with the Hon Frank Sartor- Minister for Planning, Minister for Redfern- Waterloo, Minister for the Arts, his ministerial staff and senior staff from the Department of Planning.

The purpose of the meeting was to pursue Council's objective of achieving a SEPP 53 exemption via a Dual Occupancy LEP. At the meeting, a range of issues were covered focussing on the progress of the Town Centres LEP. A copy of the notes of that meeting is provided as an attachment to this Mayoral Minute.

In relation to the matter of development of a dual occupancy LEP, correspondence was received by Council from the Director General of the Department of Planning approximately two hours prior to the meeting (see attached). The correspondence reiterated that Council should also address the matter of integrated housing within that LEP.

At the meeting, I reinforced the significant efforts made by Council in reducing development application processing times, reducing legal costs and appeals to the Land & Environment Court.

I also raised an issue with the reference to the Town Centres in the 30 May 2007 letter from the Department of Planning and provided an overview of planned and actual yields to date. I also highlighted the fact that Council has signed off on 14,000

dwellings with net 10,000 dwellings as part of the Metropolitan Strategy and other LEPs to achieve the yields.

Council staff noted that it was still not clear as to what issues the Department has with the Town centres LEP as this has not been communicated since the LEP was submitted to the Department in December 2006.

The Department outlined the following key issues with the Town Centres LEP/DCP:

- sites not included in the LEP that should be included
- reclassification of sites
- references in LEP to minimum site areas
- DCP controls may limit the LEP height and FSR from being achieved
- references in LEP to minimum street frontages
- down zoning of sites where existing uses have not been transferred across in the new LEP
- Turramurra issue of 1335-1337 Pacific Highway - this has been rezoned to residential

I made it clear at that meeting that if the Department has outstanding issues, these should be provided in a detailed list, given they have had the plans for 6 months.

Subsequent to this, I sent a letter to the Department on 14 June 2007 requesting that a detailed update of all outstanding issues be provided to Council. This information will assist us in responding to the matters raised at the meeting.

### **Reclassification**

In relation to the reclassification of Council owned land it was made very clear by the Minister that the reclassification issues must be addressed as failure to do so will prevent any major development in the town centres and therefore density and objectives will not be met.

The Department also advised they had received correspondence from the Department of Local Government in relation to issues with the reclassification process. Ku-ring-gai staff advised they are aware of the issue and have independent QC legal advice that confirms the process Council followed was wholly legal and correct and no re-exhibition would be required.

The Departmental staff and Minister Sartor raised the possibility of a Class IV challenge and indicated the NSW Ombudsman was also involved. At the meeting, Mr Miocic indicated that Class IV challenges could be commenced even if Council repeated the reclassification process.

### **Progressing the Town Centres LEP**

Minister Sartor put forward 4 options to progress the Town Centres LEP, these being:

Option 1     The DoP takes over the entire process.

- Option 2     Use the provisions of SEPP No 53, which permit the DoP & Minister to make any changes.
- Option 3     Appoint an independent panel- with councillor representation and serviced by staff.
- Option 4     The DoP takes over the project as per the Regional Cities example.

I put forward another option that Council resolve the issues raised by the Department and the Minister acknowledged that this was a possible option.

I move the following to make clear to the Minister for Planning, the Department of Planning and the community that Council is clearly focussed on its adopted work programme relating to the town centres, including final consideration of reclassification of Council land as proposed.

**Resolved:**

- A.     That Council acknowledges the Queen's Counsel advice which concludes that the reclassification process has been conducted in a correct and lawful manner.
- B.     That Council continue its adopted work program in relation to the reclassification of land.

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

*Against the Resolution:     Councillors Bennett, Cross & Malicki*

- C.     That the General Manager writes to the Department of Local Government explaining Council's process and provides a copy the legal advice from Queens Counsel.
- D.     That the General Manager writes to the NSW Ombudsman explaining Council's process and provides a copy of the legal advice from Queen's Counsel.
- E.     That the Mayor writes to the Minister for Planning outlining Council's course of action concerning the reclassification process and provides a copy of the legal advice from Queen's Counsel.
- F.     That the Mayor seeks a meeting with the Minister for Planning to clearly articulate Council's resolution, intent and work program.
- G.     That the Mayor, Councillors and the community be updated in relation to the status of this matter.
- H.     That Council provide the Government agencies involved with copies of the Reports of the Public Re-classification Hearings conducted during 2007.

*For Parts A & C to H of the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Shelley & Anderson*

*Against Parts A & C to H of the Resolution: Councillors Bennett & Malicki*

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

*(Moved: Councillors Bennett/Malicki)*

- A. That the General Manager writes to the Department of Local Government explaining Council's process and provides a copy of the legal advice from the Queen's Counsel.*
- B. That the General Manager writes to the NSW Ombudsman explaining Council's process and provides a copy of the legal advice from the Queen's Counsel.*
- C. That the Mayor writes to the Minister for Planning outlining Council's course of action concerning the reclassification process and provides a copy of the legal advice from the Queen's Counsel.*
- D. That Council supply the Minister with the yield table for Council-owned land with an explanation of the significance of public land to the attainment of yields.*

## PETITIONS

207

**Request Council to provide Disabled Access from Miowera Road, North Turramurra to Allara Avenue, North Turramurra - (Four Hundred & Ninety-Three [493] Signatures)**

File: 88/05798/01

**The following Petition was presented by Councillor Ian Cross:**

"We, the undersigned, hereby call on the Council to build disabled access, in the form of a footpath, from Miowera Rd, North Turramurra to Allara Aye, North Turramurra as a safe pedestrian link to Bobbin Head Rd.

In doing so this will enable people like Peter Brown, who recently became a quadriplegic and other residents, including the elderly, parents with prams, those who like to exercise and children to move safely between their homes and North Turramurra. In spite of having use of a motorised wheelchair, Peter Brown will be unable to access the North Turramurra shops and its associated services on his release

from Ryde's Royal Rehabilitation Centre in the middle of this year. Peter is just one resident whose life would be greatly enhanced both physically and psychologically by having access to his community rather than being imprisoned alone in his own home.

At present there is no footpath in Miowera Rd. and the terrain of the nature strip leading to Allara Ave. is undulating and unnavigable. Steps and a dangerous gradient make an approach from Normurra Avenue also impossible. Residents complain that as Miowera Rd's nature strip is so unstable underfoot they often have no choice but to walk on the road itself. It concerns them enormously that their children, although more agile, prefer to walk on the road rather than the nature strip.

As Miowera Road is often used as an alternative route for traffic wishing to avoid school traffic on Bobbin Head Road and the street has been struggling recently with unruly youths using the street as a drag strip, walking or riding on the road is simply not safe. Miowera Road residents believe that because of this problem an accident is inevitable.

As recently reported in the North Shore Times (May 4, 2007) Peter, a university lecturer and former naval officer who has served his country was rendered a quadriplegic in November last year. As a result his wife Cheryl has had to return to work fulltime to support him. After work she visits her husband where he is in rehabilitation and stays with him till 11pm.

In the months leading up to his illness, Peter was a familiar face in North Turramurra, walking daily with, Cheryl and their dog to keep fit. Then a spinal abscess struck virtually overnight leaving him without movement from the neck down.

When approached about Peter's plight by the North Shore Times, Mayor Nick Ebbeck said, while requests for new footpaths needed to be assessed against set criteria such as traffic volumes, proximity to shops, railway lines, schools, hospitals and playing fields, "There is certainly a case for including disabled access in this criteria."

A second North Shore Times article (May 11, 2007) submitted by Defence Minister, Dr Brendon Nelson, strongly supported Peter Brown's needs. Dr Nelson, earlier that week, was present when the Australian Army's Land Commander; Major General Mark Kelly presented a small group of North Shore veterans with the Australian Defence Medal. Peter Brown was one of eight people honoured for services to his country.

Dr Nelson summed up his article by saying, "It seems to me that on the one hand we quite rightly honour a man's military service to his country, but then apparently we can't help with something practical like footpath access. All levels of government have laws, regulations and limited budgets. But given the contribution to us made by Peter perhaps we could give him a bit of concrete to go with his medal."

The approximate length of concrete from Peter's gate at 17 Miowera Rd to where the concrete pathway begins at Allara Ave is .13 of a km. In providing this to him and other residents in the area a link to Bobbin Head Rd, where they would have access to essential services, would be made possible.

The psychological and physical relief this .13 km strip of concrete would bring to Peter and his family in connecting him to the outside is indescribable. He must be able to get to the doctor, dentist and other people in order to lead some kind of life.

Not only would Peter benefit but so would all Miowera Rd residents. In view of the ageing population and the difficulties this will bring to the community in the future a pathway would be an investment.

Your urgent consideration of this matter would be very much appreciated. Thank you."

**Resolved:**

(Moved: Councillor Cross/Mayor, Councillor Ebbeck)

That the Petition be received and referred to the appropriate officer of Council for attention and that Councillors receive a copy of the first two pages of the Petition.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

208

**Submission on Draft State Environmental Planning Policy (Seniors Living) 2004 (Amendment No 2)**

File: S02168

To provide information on a submission on the draft State Environmental Planning Policy (SEPP) (Seniors Living) 2004 (Amendment No.2) and Environmental Planning and Assessment Amendment (Seniors Housing) Regulation 2007.

**Resolved:**

(Moved: Councillors Hall/Cross)

- A. That Council receive and note the report.
- B. That Councillors be updated via the Council's Planning Committee upon gazettal of the final amendments to the draft State Environmental Planning Policy (Seniors Living) 2004 (Amendment No.2) and Environmental Planning and Assessment Amendment (Seniors Housing) Regulation 2007.

**CARRIED UNANIMOUSLY**

209     **Draft Bushfire Prone Land Map (2007)**

File: S04805

To seek Council's approval to exhibit the proposed draft Bushfire Prone Land Map for Ku-ring-gai Local Government Area.

**Resolved:**

(Moved: Councillors Hall/Anderson)

- A. That Council approve the proposed Draft Bushfire Prone Land Map for public exhibition.
- B. That public exhibition take place in the form of four public meetings (two, mid-week daytime meetings and two mid-week evening meetings) where the proposed draft bushfire prone land map (2007) will be displayed and residents given the opportunity to make submissions.
- C. That the consultation period commence 2 July 2007 and conclude 30 July 2007.
- D. That a report be referred to Council following the public exhibition to consider comments prior to final adoption.
- E. That Council write to all property owners who have been identified as having an increase in encumbrances, as a result of the proposed Draft Bushfire Prone Land Map (2007) and those who have registered an interest in the review of the map.
- F. That Council support the proposed amendment to SEPP Seniors Living in relation to the additional exclusion areas.
- G. That the exhibition of the expansion to the Bushfire Risk Evacuation Map occur concurrently with the proposed Draft Bushfire Prone Land Map (2007).

**CARRIED UNANIMOUSLY**

210     **Town Centres Development Control Plan - References to Land not covered by the Draft Development Control Plan**

File: S04151

For Council to consider amendments to Draft Ku-ring-gai Town Centres Development Control Plan document in response to the Department of Planning's letter dated 8 February 2007 and following further communication from the Department.

**Resolved:**

(Moved: Councillors Hall/Lane)

- A. That Council remove all controls applying to land outside the Ku-ring-gai Town Centres Draft Local Environmental Plan for Part 4 of the Ku-ring-gai Town Centres Development Control Plan.
- B. That Council remove all references to potential open space from the strategy diagrams in Part 2 and Part 3 in the Ku-ring-gai Town Centres Development Control Plan for sites outside of the Ku-ring-gai Town Centres Draft Local Environmental Plan area.
- C. That the Development Control Plan documents on Council's website be updated.
- D. That affected residents be notified of Council's decision and a general update be provided on Council's website.

**CARRIED UNANIMOUSLY**

**Councillor Hall withdrew**

211

**Management Plan 2007 to 2011 incorporating Budget & Fees & Charges for 2007/08**

File: S05708

For Council to adopt the 2007-2011 Management Plan, incorporating the Budget and Fees & Charges for 2007-2008.

**Resolved:**

(Moved: Councillors Shelley/Cross)

- A. That Council adopt the Management Plan 2007-2011, incorporating the Budget and Fees & Charges for 2007/2008 as amended.
- B. That surplus funds totalling \$134,000 be maintained as part of Council's projected Working Capital balance.
- C. That a general rate in the dollar of \$0.00174074 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2007 to 30 June 2008.

- D. That a general rate in the dollar of \$0.0047952 on the unimproved capital value of all rateable land categorised as business in the Council area be made for the period of 1 July 2007 to 30 June 2008.
- E. That an environmental levy rate in the dollar of \$0.00009483 on the unimproved capital value of all rateable land categorised as residential or business in the Council area be made for the period of 1 July 2007 to 30 June 2008. That whereby a ratepayer qualifies as of 1 July 2007 for a pensioner concession on ordinary rates, that rate account be subject to a voluntary rebate equal to the environmental levy.
- F. That an infrastructure levy rate in the dollar of \$0.00009273 on the unimproved capital value of all rateable land categorised as residential or business in the Council area be made for the period of 1 July 2007 to 30 June 2008. That whereby a ratepayer qualifies as of 1 July 2007 for a pensioner concession on ordinary rates, that rate account be subject to a voluntary rebate equal to the infrastructure levy.
- G. That the minimum rate for both residential and business be set at \$392.00 for the period 1 July 2007 to 30 June 2008.
- H. That, in those cases where, after provision of the combined pensioner rebate to a maximum of \$250.00, the pensioner/owner satisfies Council of an inability to pay the remainder, either in whole or in part, the remainder be allowed to accrue with interest payable on arrears, as a charge against the land until such time as there is a change in either circumstances or ownership.
- I. That the charge for the Domestic Waste Management service be set at \$250.00 per residential property per annum excluding flats and home units.
- J. That the charge for Domestic Waste Management service be set at \$230.00 per residential property per annum for flats and home units.
- K. That the charge for Domestic Waste Management base service without green waste be set at \$170.00 per annum.
- L. That the charge for an additional green waste service be set at \$80.00 per container, per annum.
- M. That the charge for a 240 litre waste container with green waste be set at **\$350.00 per annum excluding flats and home units.**
- N. That the charge for a 240 litre waste container without green waste be set at \$270.00 per annum, excluding flats and home units.
- O. That the charge for a 240 litre waste container for flats and home units be set at \$350.00 per annum.

- P. That the charge for the provision of an additional 120 litre waste container, per container, per annum be set at \$120.00.
- Q. That the charge for Domestic Waste Management on vacant land be charged at \$100.00 per annum, per residential property.
- R. That the charge for Non-domestic Waste Management services be set at \$200.00 per unit of occupancy per annum. In the case of a single business occupying the whole of the building with more than one storey, the rate will be applied per storey of the building.
- S. That the General Manager and Director Corporate be delegated to negotiate and establish Council's new loan account of \$1,000,000 and the Common Seal be affixed to all required documents.

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

*Against the Resolution:    Councillor Bennett*

212    **Ku-ring-gai Access Advisory Committee - Minutes of 19 April 2007**

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File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 19 April 2007.

**Resolved:**

(Moved: Councillors Lane/Shelley)

That the Minutes of the Ku-ring-gai Access Advisory Committee of 19 April 2007 be received and noted.

**CARRIED UNANIMOUSLY**

213    **Proposal for Allocation of Funding between Assets**

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File: S02135

To present a discussion paper on Council's current funding for the various asset classes and to assess criteria for the allocation of funds between asset classes.

**Resolved:**

(Moved: Councillors Shelley/Lane)

- A. That Council not adopt the methodology for allocating funds to Council's assets as indicated in the report until a review and defined strategy is adopted for each of the asset classes.
- B. That a report be brought back to Council on a review of Council's various property holdings and current leasing arrangements for Council's buildings to identify preferred strategies for asset improvements and ongoing maintenance obligations.
- C. That a report be brought back to Council to consider as part of the budget process the redistributing of funding for business centres beyond 2009/10.
- D. That a report be brought back to Council on preferred strategies for addressing drainage assets which considers the benefits of applying a stormwater levy under Section 496A of the Local Government Act.
- E. That a report be brought back to Council on the various options for funding Council's passenger fleet and operational plant.
- F. That following completion of the reviews of each of the asset classes listed above, a further report be prepared to consider the preferred overall strategy for distributing funds to all the asset classes.

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

*Against the Resolution:    Councillors Bennett & Malicki*

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

(Moved: Councillors Malicki/Andrew)

- A. *That Council not adopt the methodology for allocating funds to Council's assets as indicated in the report until a review and defined strategy is adopted for each of the asset classes.*
- B. *That a report be brought back to Council on a review of Council's various property holdings and current leasing arrangements for Council's buildings to identify preferred strategies for asset improvements and ongoing maintenance obligations.*
- C. *That a report be brought back to Council to consider as part of the budget process the redistributing of funding for business centres beyond 2009/10.*

- D. *That a report be brought back to Council on preferred strategies for addressing drainage assets which considers the benefits of applying a stormwater levy under Section 496A of the Local Government Act.*
- E. *That a report be brought back to Council on the various options for funding Council's passenger fleet and operational plant.*
- F. *That following completion of the reviews of each of the asset classes listed above, a further report be prepared to consider the preferred overall strategy for distributing funds to all the asset classes.*
- G. *That Council receive a report on the stormwater harvesting projects; how much the funding shortfall will be and, from where these funds will be sourced.*

**Councillor Hall returned**

**BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION**

*The following item was dealt with after a Motion moved by  
Councillors Cross & Lane  
to have the matter dealt with at the meeting was  
CARRIED and the Chairperson ruled urgency*

214 **Removal of Vegetation from Council's Nature Strips - Storm Damage**

File: S05253

Removal of vegetation from Council's verges following recent storm damage.

**Resolved:**

(Moved: Councillors Cross/Lane)

That Council's Operations Department assist with the removal of debris from trees on Council's nature strips that are impeding pedestrian access and safety as a result of the recent storms.

**CARRIED UNANIMOUSLY**

*The following item was dealt with after a Motion moved by  
The Mayor, Councillor Ebbeck & Councillor Shelley  
to have the matter dealt with at the meeting was  
CARRIED and the Chairperson ruled urgency*

215 **Request Independent Panel for the UTS Site**

File: P42604

**Resolved:**

(Moved: Councillors Shelley/Anderson)

- A. That Council acknowledge the request from Department of Planning to submit nominations to establish an independent panel for the UTS site, which has been called in by the Minister for Planning as a site of State Significance.
- B. That Council nominate three (3) elected representatives on the panel, namely – The Deputy Mayor-Councillor Andrew, together with the two Roseville Ward representatives, Councillors Shelley & Anderson.
- C. That Council approach (as a minimum) the following groups to provide representation on the panel –
  - Heritage Advisory Committee
  - Rural Fire Service
  - Bushland & Catchment Committee
  - Parks, Sports & Recreation Committee
  - Community Action groups
  - Participants on Council's community feedback register and, community contact data bases
  - Ku-ring-gai Traffic Committee
  - Step Inc
  - UTS Community Reference group
  - UTS Student Body – Alisha Khouri
  - Resident - Mr Ian de Vulder

That, depending on the numbers on the panel, the following groups have first priority in the make up of the panel:

Heritage  
Traffic  
Bushfire  
Environment, including Parks and Facilities

- D. Staff representation on the panel to include the Director Strategy & additional officers as determined by the General Manager.

- E. That the General Manager approach additional representatives for the panel based on correspondence yet to be received from the Department of Planning and/or additional input from Councillors.
- F. That the General Manager provide a draft list of proposed representatives to Councillors for comment, prior to submitting to the Department of Planning.

**CARRIED UNANIMOUSLY**

## **QUESTIONS WITHOUT NOTICE**

### 216 **Investment Funds**

File: S02722

Question Without Notice from Councillor L Bennett

With respect to the investment funds utilised by Council, can the following information be provided:

- a. The nature of the assets held by the fund.
- b. The explanation provided by the rating agency for funds rated below AAA.
- c. The reasons for investing in funds rated below AAA.

#### **Answer by the General Manager**

The Director Corporate will report on that information.

### 217 **Investigation of Fence at 440 Bobbin Head Road, North Turramurra - "The Landings"**

File: DA0807/01-06

Question Without Notice from Councillor L Bennett

Can the legality of the apparently electrified fence between The Landings and the Ku-ring-gai National Park be investigated?

#### **Answer by the General Manager**

The Director Development & Regulation will investigate & report to Council.

218     **21 Archbold Road, Roseville - Fence & Conditions of the Development Application**

Files: P32859, DA0859/06

Question Without Notice from Councillor Maureen Shelley

1.     Is the Director Development & Regulation aware that the fence at 21 Archbold Road that faces Addison Avenue has fallen down?
2.     Will the conditions approved for the Development Application for the Child Care Centre at the site ensure its safe and proper removal?

**Answer by the Director Development & Regulation**

The answer to the first question is No & I have just become aware of it, thank you Councillor and the other is, Yes the standing conditions will cover it but the applicant will then have to lodge a Section 96 if they want to maintain all in that location.

219     **Malicious Damage - Duntroon Avenue & Hill Street Shops, Roseville**

File: S02245

Question Without Notice from Councillor M Shelley

In light of the recent malicious damage attack on the suburb of Roseville commencing in Duntroon and proceeding through to the Hill Street shops, would the relevant Officer advise:

- a.     Has the matter been reported to the Police and Community Committee, and
- b.     If not, could the Officers investigate the matters with shopkeepers and note the number of street and other Council's street signs removed in the attack?

**Answer by the General Manager**

There's no knowledge of it yet but we will investigate & report back.

220     **Residents' Feedback Register**

File: S04779

Question Without Notice from Councillor E Malicki

When are we to get a full report back on the Residents' Feedback Register?

Can we have copies of all questionnaires to date and can we get regular feedback on matters raised to this group?

**Answer by the Director Community**

Just to clarify that, we did do a report some time ago. Do you want that done again with all the questions?

We can certainly get a report out but, I think, the last time we sent, I don't think there has been any other questions since the last report done.

Yes, we can get a report out to you.

221 **Appreciation to Staff - Business Paper Book Cover**

File: S04262

Question Without Notice from Councillor E Malicki

Can my thanks be passed on to Staff who chose the magnificent front page on this week's Business Paper? It was terrific to see so many of our outdoor staff looking so magnificent.

**Answer by the Mayor**

Yes.

**Councillor Hall departed**

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

222 **RTA Proposal to Sell Lot 21 DP 538546 adjacent to Kissing Point Oval,  
South Turramurra**

*(Section 10A(2)(c) - Information that would confer a commercial advantage)*

File: P48402

Report by Director Corporate dated 4 June 2007.

**Councillor Cross departed**

**Resolved:**

(Moved: Councillors Malicki/Andrew)

- A. That Council proceed to acquire the parcel to enable protection of the ecological community on the land;
- B. That Council negotiate with the RTA and other Govt. departments as discussed;
- C. That Councillors be advised of progress in this matter as appropriate.

**CARRIED UNANIMOUSLY**

223

**Low Impact Telecommunication Installations adjacent to 212 Ryde Road, West Pymble**

*(Section 10A(2)(g) - Advice concerning litigation)*

File: 88/06023/01

Report by Director Corporate & Acting Director Strategy, Antony Fabbro dated 12 June 2007.

**Resolved:**

(Moved: Councillors Shelley/Lane)

That Council approve the amended Deed of Agreement as contained in the report.

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

*Against the Resolution:    Councillors Bennett & Malicki*

*To Open Council*

The General Manager adverted to the consideration of the matters referred to in the Minutes numbered 222 & 223, and to resolutions contained in such Minutes.

*The Meeting closed at 10.44pm*

The Minutes of the Ordinary Meeting of Council held on 19 June 2007 (Pages 1 - 21) were confirmed as a full and accurate record of proceedings on 17 July 2007.

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General Manager

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Mayor / Chairperson