

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 21 OCTOBER 2008

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

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

The Meeting commenced at 7.01pm

The Mayor offered the Prayer

Councillor Hall arrived

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.

Director Strategy, Andrew Watson declared a Conflict of Interest to Item C.01 - 31 Bridge Street, Pymble - Potential Purchase by Council (property within boundaries of the Town Centres LEP & is working with the Ku-ring-gai Planning Panel on that area).

362 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Ebbeck/Cross)

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 31 Bridge Street, Pymble - Potential Purchase by Council

CARRIED UNANIMOUSLY

363 **PRESENTATION BY LOCAL CONTROLLER OF KU-RING-GAI STATE
EMERGENCY SERVICES UNIT - ANDREW BETTY**

File: S02541

The Controller of the Ku-ring-gai SES Unit reported on the Unit's activities.

Resolved:

(Moved: Councillors Hall/Keays)

That Council thank the Ku-ring-gai State Emergency Services Unit for their fine work in protecting the people of Ku-ring-gai.

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 Item: Presentation by Local Controller of Ku-ring-gai SES Unit -
Memorandum by Senior Governance Officer dated 21 October 2008
advising Councillors of an arrangement made by the Mayor for
Mr Andrew Betty to present his Annual Report to Council.

Minutes of Ordinary Meeting of Council held 14 October 2008

Refer GB.3 - Investment Report as at 30 September 2008 -
Memorandum by Senior Governance Officer dated 21 October 2008
advising of a missing page (No 41) of the report in the Business Paper
Book.

Confidential

**Matter: New Item - C.1 - 31 Bridge Street, Pymble - Potential Purchase by
Council - Report by Director Operations dated 21 October 2008.**

CONFIRMATION OF MINUTES

364 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 14 October 2008
Minutes numbered 337 to 361

Resolved:

(Moved: Councillors Cross/Ebbeck)

That Minutes numbered 337 to 361 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

365 **Delegation of Authority - Mayor & Deputy Mayor - 2008/2009**

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File: S02017

For Council to give consideration to granting Delegations of Authority to Mayor and Deputy Mayor.

Resolved:

(Moved: Councillors Hall/Cross)

That the Delegations of Authority as set out in Attachment A be granted to the Mayor, Councillor E Malicki and to the Deputy Mayor, Councillor J Anderson as set out in Attachment B.

CARRIED UNANIMOUSLY

366 **Northside Riding Club - Licence Renewal for Princess Anne Arena, St Ives Showground**

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File: S02709

For Council to consider the granting of a new licence to Northside Riding Club Inc for a 5 year period.

Resolved:

(Moved: Councillors Hall/Hardwick)

- A. That Council grants to Northside Riding Club Inc. a 5 year licence for up to 70 events per year at the Princess Anne Arena at St Ives Showground.
- B. That the Council Seal be affixed to the Licence.

- C. That the Mayor and General Manager be authorised to execute all necessary licence documents.

CARRIED UNANIMOUSLY

367 **Investment Report as at 30 September 2008**

File: S05273

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

Resolved:

(Moved: Councillors Cross/Szatow)

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

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

Against the Resolution: Councillors Hall & Hardwick

QUESTIONS WITHOUT NOTICE

368 **Traffic Management Reports provided by Developers**

File: CY00018

Question Without Notice from Councillor E Keays

1. Traffic Management Reports provided by Developers - could they form part of the DA so they can be assessed and commented on by both Council Officers and residents, please because I know at this point in time, I believe they don't form part of the DA? If that's not true, I would more than happy to be corrected.

Answer by the Director Development & Regulation

That's correct. At this point in time they don't. They are a matter that is required by a condition of consent and are assessed post the issue of the consent in terms of the details of those traffic management plans. This issue is something that the Staff

within Development and Regulation and Compliance along with our Rangers group are looking at this very time and the intention is either to require that at the DA stage for full assessment even though that would blow-out the assessment times because it will require additional information to be assessed and determined or to deal with it as a deferred commencement consent matter in which case the consent will not operate until such time as the report is satisfactory.

Question Without Notice from Councillor E Keays

2. As per comments raised by the Director in regards to Question 1, when will it become policy?

Answer by the Director Development & Regulation

I propose at this stage that we report the matter to Council based on the two options.

369 **Planning for New Dwellings In Ku-ring-gai**

Files: S04151, S04554

Question Without Notice from Councillor T Hall

Would the General Manager provide advice why the Minister for Planning was informed on 7 November 2007 and again on 8 February 2008 that the Council would be supplying 20,000 new dwellings to 2030, when the real figure was an additional 10,000 dwellings only under the Northern Sub-Region Strategy?

Answer by the General Manager

I am happy to take that on notice and provide a memo back to Councillors on that matter.

370 **Queen's Portrait**

File: P54796

Question Without Notice from Councillor I Cross

Could the General Manager tell us if the siting of the Queen's painting within the Council Chambers was done by resolution and when and whether such a change needs to be also by resolution?

Answer by the General Manager

Councillor Cross, I am happy to look at that. I might be going back a fair way I imagine but I am happy to look into that.

**CONFIDENTIAL BUSINESS TO BE DEALT WITH IN CLOSED MEETING -
PRESS & PUBLIC EXCLUDED**

*Council resolved itself into Closed Session
following a Motion by Councillors Ebbeck & Anderson
with the Press & Public excluded to deal with the following item:*

371 **31 Bridge Street, Pymble - Potential Purchase by Council**

File: S04550

**Council adjourned for a short interval at 7.30pm
after a Motion moved by Councillors Ebbeck & Cross was CARRIED
and the Chairperson ruled accordingly.
The Meeting resumed at 7.37pm**

Those present were:

The Mayor, Councillor E Malicki
Councillor J Anderson
Councillor I Cross
Councillor R Duncombe
Councillor N Ebbeck
Councillor T Hall
Councillor C Hardwick
Councillor S Holland
Councillor E Keays
Councillor C Szatow

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(c) of the Act, and was dealt with in a part of the meeting closed to the public.

Section 10A(2)(c) of the Act permits the meeting to be closed to the public in respect of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

This matter is classified confidential because it deals with the proposed acquisition of property.

It is not in the public interest to release this information as it would prejudice Council's ability to negotiate the appropriate terms and conditions.

To advise Council of the sale of the property at 31 Bridge Street, Pymble adjacent to the Council-owned land at 5 Suakin Street, Pymble.

Councillor Hall departed during discussion

Resolved:

(Moved: Councillors Ebbeck/Keays)

That Council provides delegation to the General Manager to proceed in terms discussed.

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

Against the Resolution: Councillor Anderson

To Open Council

The General Manager adverted to the consideration of the matter referred to in Minute numbered 371, and to the resolution contained in such Minute.

The Meeting closed at 8.38pm

The Minutes of the Ordinary Meeting of Council held on 21 October 2008 (Pages 1 - 7) were confirmed as a full and accurate record of proceedings on 11 November 2008.

General Manager

Mayor / Chairperson

DELEGATION OF AUTHORITY – MAYOR

That, in addition of the role referred to in Section 226 of the Local Government Act 1993 and by authority of Section 377 of the Local Government Act 1993 and subject to compliance with any other requirements of the Local Government Act or Regulations and expressed Policy of the Council or regulations of any public authority concerned other than the Council, the Mayor, Councillor Elaine Malicki be and is hereby authorised to exercise or perform on behalf of the Council, the following powers, authorities, duties and functions, and that such delegations shall remain in force unless otherwise revoked or amended in whole or in part, as Council may from time to time determine:

1. Donations

To approve donations up to the sum of \$250 subject to Council being informed of any such decision, provided that funds are available within the sum voted by Council for donations in the adopted Management Plan.

2. Mayoral Reception

To authorise expenditure for minor civic receptions for visitors up to a maximum of \$500 for any one reception provided that funds are available within the sum voted by Council in the adopted Management Plan.

3. Temporary General Manager during General Manager's Leave

In accordance with Section 351(1)(a) of the Local Government Act, the Mayor be given the authority to appoint, after consultation with the General Manager, a temporary General Manager, during the absence of the General Manager on leave.

4. General Manager – Leave

Authority to approve applications for holidays and leave of absence to the General Manager.

DELEGATION OF AUTHORITY – DEPUTY MAYOR

The Deputy Mayor may exercise any function of the Mayor at the request of the Mayor or if the Mayor is prevented by illness, absence or otherwise from exercising the function or if there is a casual vacancy in the office of Mayor.

That the Deputy Mayor shall exercise the Delegation of Authority of the Mayor in those cases where the General Manager certifies that the matter is of such an urgent nature that it will not wait until the return of the Mayor.