

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 21 SEPTEMBER 2010

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

Staff Present: General Manager (John McKee)  
Director Corporate (John Clark)  
Acting Director Development & Regulation (Corrie Swanepoel)  
Director Operations (Greg Piconi)  
Strategic Traffic Engineer (Joseph Piccoli)  
Director Strategy & Environment (Andrew Watson)  
Manager Urban & Heritage Planning (Antony Fabbro)  
Director Community (Janice Bevan)  
Governance & Records Consultant (David Linnert)  
Director Operations PA (Judy Edwards)

*The Meeting commenced at 7.02pm*

*The Mayor offered the Prayer*

### **APOLOGIES**

File: S02194

**NOTE:** The Director Development and Regulation, Michael Miocic tendered an apology for non-attendance.

296

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

File: S02499

#### **Resolved:**

(Moved: Councillors Malicki/McDonald)

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 Assignment of Waste Contract**

#### **C.2 Bridge Street & Council Chambers - Property Acquisition & Accommodation Review**

**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.

## ADDRESS THE COUNCIL

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

A Brittan  
M Bond  
A Lloyd-Jones  
J Storaker  
C Jordan  
H Braben

## 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:**           **Minutes of Ordinary Meeting of Council**  
Meeting held 14 September 2010  
Minutes numbered 285 to 295

**Memorandum:**   **Refer NM.1 - Memorial in UK to Ku-ring-gai Resident - FI/Sgt L W Lean of Lindfield and his Crew** - Memorandum by Director Corporate dated 21 September 2010 advising of corrections to Minute No 292 of Ordinary Meeting of Council held 14 September 2010.

## CONFIRMATION OF MINUTES

297   **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 14 September 2010  
Minute number 292

### **Resolved:**

(Moved: Councillors Hall/Anderson)

That Minute No 292 of Ordinary Meeting of Council held 14 September 2010 be amended to read as follows and, as amended, be taken as read and confirmed as an accurate record of the proceedings of the Meeting for Minute No 292:

### **Memorial in UK to Ku-ring-gai Resident - Fl/Sgt L W Lean of Lindfield and his Crew**

File: S03603

#### **Notice of Motion from Councillor Tony Hall dated 30 August 2010**

A request published in the NORTH SHORE TIMES of 25 August 2010 seeks information about relatives of an Australian pilot, Flt/Sgt Leonard Wentworth Lean of Lindfield who was killed with his crew on April 10, 1943 when his Lancaster bomber crashed near the village of Halam, Nottinghamshire, England. The UK contact is [chris.denyer@virgin.net](mailto:chris.denyer@virgin.net).

I move:

- "1. That Council undertake enquiries as to the whereabouts of the relatives of this brave pilot from within its own records that might assist the residents of Halam who seek to build a memorial to this former Ku-ring-gai resident, Flt Sgt Leonard Wentworth Lean of Lindfield and his crew.
2. That Council make contact with the RAAF Association missing relatives' Committee to assist these enquiries to pass on to the organiser in Halam, Chris Denyer, email [chris.denyer@virgin.net](mailto:chris.denyer@virgin.net); and
3. That Council support such a memorial in memory of this pilot, one of many Ku-ring-gai residents who served their country in WWII in the RAAF overseas.
4. That the Mayor be authorised to make contact with Mr Denyer to offer assistance on behalf of the people of Ku-ring-gai and advise Council in due course.
5. That Council Officers seek the assistance of the Ku-ring-gai Historical Society, in particular, the family history section."

#### **Resolved:**

(Moved: Councillors Hall/Szatow)

1. That Council undertake enquiries as to the whereabouts of the relatives of this brave pilot from within its own records that might assist the residents of Halam who seek to build a memorial to this former Ku-ring-gai resident, Flt Sgt Leonard Wentworth Lean of Lindfield and his crew.
2. That Council make contact with the RAAF Association missing relatives' Committee to assist these enquiries to pass on to the organiser in Halam, Chris Denyer, email [chris.denyer@virgin.net](mailto:chris.denyer@virgin.net); and

3. That Council support such a memorial in memory of this pilot, one of many Ku-ring-gai residents who served their country in WWII in the RAAF overseas.
4. That the Mayor be authorised to make contact with Mr Denyer to offer assistance on behalf of the people of Ku-ring-gai and advise Council in due course.
5. That Council Officers seek the assistance of the Ku-ring-gai Historical Society, in particular, the family history section."

*For the Resolution:                   The Mayor, Councillor I Cross, Councillors  
Holland, Szatow, Anderson, Duncombe, Hall,  
Hardwick and McDonald*

*Against the Resolution:       Councillors Malicki and Keays*

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

*(Moved: Councillors Malicki/Holland)*

*That Council refers the matter to the Ku-ring-gai Historical Society and Roseville RSL for a report back to Council on their findings.*

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

*(Moved: Councillors Szatow/Keays)*

- A. *That Council undertake enquiries as to the whereabouts of the relatives of this brave pilot from within its own records that might assist the residents of Halam who seek to build a memorial to this former Ku-ring-gai resident, Flt Sgt Leonard Wentworth Lean of Lindfield and his crew.*
- B. *That Council make contact with the RAAF Association missing relatives' Committee to assist these enquiries to pass on to the organiser in Halam, Chris Denyer, email [chris.denyer@virgin.net](mailto:chris.denyer@virgin.net); and*
- C. *That Council support the establishment of a memorial in memory of this pilot without offering financial assistance, for one of many Ku-ring-gai residents who served their country in WWII in the RAAF overseas.*
- D. *That the Mayor be authorised to make contact with Mr Denyer to offer such research and documentary assistance as may be required to assist in the location of relatives in the Ku-ring-gai local government area.*
- E. *That Council Officers seek the assistance of the Ku-ring-gai Historical Society in particular the family history section and Roseville RSL.*

298 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 14 September 2010  
Minutes numbered 285 to 291 and 293 to 295

**Resolved:**

(Moved: Councillors Malicki/Duncombe)

That Minutes numbered 285 to 291 and 293 to 295 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting for those Minutes.

**CARRIED UNANIMOUSLY**

**PETITIONS**299 **Objection to Proposed Alterations and Additions to Property, 46 to 48 Hampden Avenue, Wahroonga - (Sixteen [16] Signatures)**

File: DA0581/10

**The following Petition was presented by Councillor Malicki:**

"We, the undersigned, object to the proposed extension/expansion of La Zana Restaurant in the shopping centre."

**Resolved:**

(Moved: Councillors Malicki/McDonald)

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

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS****Councillor Hall withdrew**300 **Investment Report as at 31 August 2010**.  
File: S05273

To present to Council investment allocations and returns on investments for August 2010.

**Resolved:**

(Moved: Councillors McDonald/Duncombe)

- A. That the summary of investments and performance for August 2010 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

**CARRIED UNANIMOUSLY by those present**301 **Heritage Reference Committee - Notes of Meeting held 19 July 2010**.  
File: S07620

To advise Council of the notes of the Heritage Reference Committee meeting held 19 July 2010.

**Resolved:**

(Moved: Councillors McDonald/Anderson)

That Council receive and note the Heritage Reference Committee Meeting notes of the 19 July 2010 meeting.

**CARRIED UNANIMOUSLY****Councillor Hall returned**

302 **Delegation of Authority - Mayor & Deputy Mayor - 2010/2011**

File: CY00259/3

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

**Resolved:**

(Moved: Councillors McDonald/Duncombe)

That the Delegations of Authority as set out in **Attachment A** be granted to the Mayor and to the Deputy Mayor as set out in **Attachment B**.

**CARRIED UNANIMOUSLY**

303 **Annual NSROC Tender - Supply & Delivery of Asphaltic Concrete**

File: S08372

To advise Council of an amendment to the report regarding the NSROC tender for the schedule of rates for supply, delivery and laying of asphaltic concrete, including associated road profiling and heavy patching and other work items for the period 2010/2011.

**Resolved:**

(Moved: Councillors McDonald/Malicki)

- A. That the tender of Stateline Asphalt be accepted.
- B. That Stateline Asphalt be added to the list of preferred contractors for heavy patching works.
- C. That authority be given to the Mayor and General Manager to affix the Common Seal of the Council to the instrument for the contract with Stateline Asphalt.

**CARRIED UNANIMOUSLY**

304 **RTA Program Funding Nominations - 2011 to 2012**

File: S02388

To have Council consider nominations for the Roads and Traffic Authority Program Funding 2011 to 2012.

**Resolved:**

(Moved: Councillors McDonald/Malicki)

That Council nominate the projects contained in the report for grants from the RTA for 2011/2012.

**CARRIED UNANIMOUSLY**

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**305 **Traffic Study for 35 Water Street, Wahroonga - Proposed Development**

File: DA1333/07

**Notice of Motion from Councillor D McDonald dated 6 September 2010**

Council is in receipt of a number of letters from residents and local school representatives regarding their concerns about the likely traffic and parking impacts that the development at 35 Water Street, Wahroonga will have on the local community.

In order to justify whether the claims by the community about traffic and parking are genuine, an independent traffic and parking study needs to be carried out which looks at both the construction traffic issues particularly with the local schools and the narrow roads in this area and also the long term parking needs as Council may have to regulate parking around the entire area in order to manage the possible shortfall in the proposed parking on the site.

I move:

- "1. That Council commission an independent traffic and parking study for the proposed private hospital at 35 Water Street Wahroonga and that the study include construction and post development issues and also examine the surrounding traffic issues associated with local schools.



2. That on completion of the study, a report be brought back to Council on the findings and recommendations."

**Resolved:**

(Moved: Councillor McDonald/Mayor, Councillor I Cross)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS** (Cont)306 **Assignment of Waste Contract**

File: S02294

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 should be 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 contractual matters.

It is not in the public interest to release this information as it is considered to contain commercial in confidence information about private companies.

Report by Director Operations dated 31 August 2010.

**Resolved:**

(Moved: Councillors Malicki/McDonald)

That Council advise Veolia Environmental Services Pty Ltd that approval is not given to the assignment of the waste collection contract to Remondis Pty Ltd.

**CARRIED UNANIMOUSLY**

307 **Bridge Street & Council Chambers - Property Acquisition & Accommodation Review**

File: S08130

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 and disposal 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.

Report by Director Strategy & Environment dated 18 August 2010.

**Resolved:**

(Moved: Councillors Malicki/McDonald)

That Council proceed with Option 2 as the preferred option as outlined in the report.

**CARRIED UNANIMOUSLY**

308 **Election of Chairpersons/Deputy Chairpersons - 2010 to 2011 Reference & Advisory Committees**

Files: S02080, S02110, S06952, S07618, S07619, S07620, S07621

For Council to give consideration to the election of the Chairpersons/Deputy Chairpersons for Council's Reference and Advisory Committees.

**Resolved:**

- A. That the following Councillors be elected to the Sustainability, Heritage, Community & Open Space Reference Committees:

**Sustainability Reference Committee**

(Moved: Councillors Keays/Anderson)

Chairperson: Councillor Holland

**CARRIED UNANIMOUSLY**

(Moved: Councillors Keays/McDonald)

Deputy Chairperson

Nominations for the position of Deputy Chairperson were received for Councillor Szatow (nominated by Councillors Keays and Anderson) and Councillor Malicki (nominated by Councillors Keays and McDonald) and as such a ballot was conducted resulting as follows:

*For Councillor Szatow: Councillors Holland, Keays, Szatow, Hall and McDonald*

*For Councillor Malicki: The Mayor, Councillor I Cross, Councillors Malicki, Anderson, Duncombe and Hardwick*

The voting was 5 all. Councillor Malicki then withdraw her candidacy.

Councillor Szatow was duly elected as Deputy Chairperson of the Sustainability Reference Committee.

**Heritage Reference Committee**

(Moved: Councillors Hall/Szatow)

Chairperson: Councillor Anderson

(Moved: Councillors Anderson/Hall)

Deputy Chairperson: Councillor Szatow

**Community Reference Committee**

(Moved: Councillors Hall/McDonald)

Chairperson: Councillor Malicki

(Moved: Councillor Anderson/Mayor, Councillor I Cross)

Deputy Chairperson: Councillor Anderson

**Open Space Reference Committee**

(Moved: Councillors Szatow/McDonald)

Chairperson: Councillor Keays

(Moved: Councillors Hardwick/Szatow)

Deputy Chairperson: Councillor Hall

(Moved: Mayor, Councillor I Cross/Councillor Szatow)

- B. That Councillor Keays be elected as Chairperson of the Ku-ring-gai Traffic Committee.

(Moved: Councillors Malicki/Anderson)

- C. That the Ku-ring-gai Access Consultative Committee's current situation remain as being absorbed into the Community Reference Committee.

**CARRIED UNANIMOUSLY**

309

**Representation on Community Committees/Organisations**

File: S02355

For Council to make appointments to community committees/organisations for 2010/2011.

**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 Anderson/Hardwick)

Councillor Anderson

**Ku-ring-gai Meals on Wheels**

(Moved: Councillors Malicki/McDonald)

The Mayor, Councillor Cross

(Moved: Councillor Szatow/Mayor, Councillor I Cross)

Alternate: Councillor Keays

**Eryldene Trust**

(Moved: Councillors Szatow/Keays)

Councillor Anderson

(Moved: Councillors Anderson/Keays)

Alternate: Councillor Szatow

**Hornsby/Ku-ring-gai Bushfire Management Committee**

(Moved: Councillors Hardwick/McDonald)

Councillor Hall

**Metropolitan Public Libraries Association**

(Moved: Councillors Szatow/McDonald)

Councillor Anderson

**Rural Fire Service District Liaison Committee**

No Nominations were voted on.

**Hawkesbury/Nepean Local Government Advisory Group**

(Moved: Councillors Anderson/McDonald)

Councillor Rakesh Duncombe

(Moved: Councillors Hall/Duncombe)

Alternative: Councillor Tony Hall

**Northern Sydney Regional Organisation of Councils (NSROC)**

Mayor, Councillor Cross (automatic appointment)

**Resolved:**

(Moved: Councillor Malicki/Mayor, Councillor I Cross)

That Councillors Anderson and Szatow be Council's alternate and second delegates to the Northern Sydney Regional Organisation of Councils (NSROC) and they each have half of the year as the alternate delegate and half of the year as the second delegate.

**CARRIED UNANIMOUSLY**

*The above was subject to a Motion which was put but not voted on because the Amendment was CARRIED. The Motion was:*

*(Moved: Councillors Keays/McDonald)*

*That Councillor Malicki be elected as second delegate and Councillor Szatow as Alternate to the Northern Sydney Regional Organisation of Councils (NSROC).*

**Ku-ring-gai Youth Development Service Inc Management Committee**

(Moved: Councillors Duncombe/McDonald)

Councillor Anderson

**Sydney Adventist Hospital, Wahroonga Community Reference Group**

(Moved: Mayor, Councillor I Cross/Councillor Keays)

Councillor Holland  
Councillor Malicki

**Rosedale Road Steering Committee**

(Moved: Councillors Keays/Anderson)

Councillor Szatow

**KOPWA (Ku-ring-gai Old Peoples Welfare Association)**

(Moved: Councillors Szatow/Anderson)

Councillor Keays

(Moved: Councillors Szatow/Anderson)

- B. That the community committees/organisations be informed of Council's representatives.

**CARRIED UNANIMOUSLY**

310 **Planning Committee Meeting - Minutes of 17 August 2010**

File: S07629

To present to Council for adoption the minutes of the Planning Committee meeting held on 17 August 2010.

**Resolved:**

(Moved: Councillors Malicki/McDonald)

- A. That the Planning Committee minutes of 17 August 2010 be received and noted.
- B. That a further briefing be provided to Councillors on the amended draft Ku-ring-gai Town Centres Public Domain Plan 2010 with options for paving other than granite and stainless steel as an alternative for street furniture, prior to the matter being reported back to Council.
- C. That the draft Ku-ring-gai Town Centres Parking Management Plan 2010 be adopted with the following changes to be incorporated into the final document:
- i. That more than 1 stay per day in high utilisation public car parks be discouraged.
  - ii. That Council encourage the provision of preferential parking for parents with prams in private car parks.
  - iii. That the taxi rank and the 'kiss and drive' locations be exchanged on the western side of Turramurra Station and referred to the Ku-ring-gai Traffic Committee.
  - iv. That recommendation 3.9 of Attachment B - Ku-ring-gai Town Centres Parking Management Plan 2010 relating to shared parking not be accepted.
  - v. That parking restrictions in major shopping centres, in particular, St Ives be referred for further investigation as to appropriate parking restriction times and be referred to Ku-ring-gai Traffic Committee, if necessary.

- D. That the criteria outlining reduced car parking rates for business and office development be included in the 12 month review of the Ku-ring-gai Development Control Plan (Town Centres) 2010.

**CARRIED UNANIMOUSLY**

## **QUESTIONS WITHOUT NOTICE**

311 **Former Passionist Monastery, St Ives**

Files: MOD0076/10, S08190

Question Without Notice from Councillor T Hall

It is noted that in his letter to the North Shore Times this week, St Ives resident, Mr Michael Lane, accused current Councillors of failing to stand up to the Department for adequate off-street car parking in the 132 to 138 Killeaton Street site subject by a Part 3A Development Application to the consent authority, the Minister for Planning.

Would the Mayor offer a reply to this letter outlining the implications of the Government's Part 3A Controls over such as this proposal including onsite car parking and its requirements under SEPP (Infrastructure) 2007 Schedule 3 please and circulate it to Councillors?

### **Answer by the Mayor**

Yes, we will.

*The Meeting closed at 8.20pm*

The Minutes of the Ordinary Meeting of Council held on 21 September 2010 (Pages 1 - 16) were confirmed as a full and accurate record of proceedings on 12 October 2010.

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General Manager

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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 Ian Cross 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 Delivery Program and Operational 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 Delivery Program and Operational 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.