

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 22 JUNE 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)  
Acting Director Corporate (Tino Caltabiano)  
Director Development & Regulation (Michael Miocic)  
Director Operations (Greg Piconi)  
Director Strategy & Environment (Andrew Watson)  
Director Community (Janice Bevan)  
Senior Governance Officer (Geoff O'Rourke)  
Director Strategy & Environment's PA (Kim Thomas)

*The Meeting commenced at 7.02pm*

*The Mayor offered the Prayer*

### APOLOGIES

File: S02194

**NOTE:** The Director Corporate, John Clark tendered apologies for non-attendance.

### 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.

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

File: S02499

#### **Resolved:**

(Moved: Councillors Keays/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 Proposal to Acquire Open Space - St Ives**

**CARRIED UNANIMOUSLY**

**ADDRESS THE COUNCIL**

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

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 MM.1 - Queen's Birthday Honours 2010**

**Refer GB.5 - Mapping & Assessment of Key Vegetation Communities across the Ku-ring-gai Local Government Area -** Memorandum by Acting Director Strategy & Environment dated 16 June 2010 with Attachment C comprising of 4 maps in relation to vegetation communities and mapping.

**Refer NM.1 - Extension of Council's Smoke Free Policy -** Background Information to Notice of Motion.

**Memorandum: Refer GB.15 - Updated Rural Fire District Service Agreement & Rural Fire Service Zoning Agreement -** Memorandum by Director Operations dated 22 June 2010 in relation to a change in the Officer's Recommendations in the report along with a new attachment to the report - Attachment 3: Councillor representation to Rural Fire Service District Liaison Committee

**CONFIRMATION OF MINUTES**

169 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 8 June 2010  
Minutes numbered 154 to 167

**Resolved:**

(Moved: Councillors Szatow/Holland)

That Minutes numbered 154 to 167 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**170 **Queen's Birthday Honours 2010**

File: S02767

I am pleased to inform you that nine Ku-ring-gai citizens, through their outstanding achievements and services to the community, have been awarded 2010 Queen's Birthday Honours.

We are very proud to have these dedicated and talented Australians as members of the Ku-ring-gai community.

I would like to read to you the names of these special Ku-ring-gai citizens and, on behalf of Council, congratulate them on their excellent contributions to Australian society.

- \* **Diana Mary CARMODY** of Roseville, for service to the community, particularly through the provision of support for children undergoing liver and renal treatment, and their families.
- \* **Roland George CHAMBERS** of Turramurra, for service to medicine as a general practitioner.
- \* **Herbert Edward CLIFFORD** of Wahroonga, for service to hospital administration, and to clinical practice at the Sydney Adventist Hospital.
- \* **Merril Elizabeth COULTON** of Roseville, for service to the community through volunteer roles at St Vincent's Private Hospital.
- \* **Jill Mary FORREST** of Wahroonga, for service to medicine as an academic, researcher and educator, and to music as a composer and carillon recitalist.
- \* **Ian Frederick STANWELL** of Killara, for service to business, particularly the insurance industry, through executive roles with a range of organisations, to professional development, and to ex-service, youth and aged care groups.
- \* **Robert Lyndsay SUTHERLAND** of Lindfield, for distinguished service to medicine as an international contributor to the research of cancer, the development of Australia's research capacity and through leadership roles in advisory bodies.
- \* **Michael William TRAILL** of Roseville, for service to not-for-profit organisations through the development and implementation of effective financial systems and mentoring, and as a facilitator for social change.
- \* **Richard Whittingham WHITE** of Warrawee, for service to the community, particularly through the Australian Rotary Health Research Fund.

On behalf of Council, I congratulate all these award winners on their outstanding achievements.

Ku-ring-gai should be proud that it has so many citizens being recognised at the highest levels for their selfless dedication, commitment and contribution to local, national and international communities.

**Resolved:**

- A. That Council acknowledge the outstanding contribution made by these recipients of 2010 Queen's Birthday Honours to the Ku-ring-gai community and to the well-being of our society.
- B. That the Mayor, on behalf of Council, write to the recipients to congratulate them.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

171 **Licence to Easy Care Gardening Inc, Turramurra**

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File: S07507

To seek a resolution to grant Easy Care Gardening Inc a 5 year licence agreement.

**Resolved:**

(Moved: Councillors Duncombe/Malicki)

- A. Council resolve to grant Easy Care Gardening Inc a 5 year licence.
- B. Under their delegation powers, the Mayor and General Manager sign and affix Council's Seal to the Licence Agreement for execution.

**CARRIED UNANIMOUSLY**

172 **Clothing Exchange Event 2010**

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File: S08235

To advise Council of a community Clothing Exchange event to be held on Saturday, 21 August 2010 at the Ku-ring-gai Town Hall, Pymble.

**Resolved:**

(Moved: Councillors Duncombe/Malicki)

That Council support the community Clothing Exchange event to be held on Saturday, 21 August 2010 at the Ku-ring-gai Town Hall, Pymble.

**CARRIED UNANIMOUSLY**

173

**Environmental Levy Small Grants Scheme - Round Ten**

File: S04553

To seek Council's support to fund the tenth round of the Community Small Grants Scheme funded by the Environmental Levy.

**Resolved:**

(Moved: Councillors Duncombe/Keays)

That Council supports the following applications for funding under round ten of the community small grant scheme:

1. Granny Springs Bushcare Group	\$5,000
2. Mashman's Quarry Reserve Streetcare Group	\$10,000
3. Moores Creek Bushcare Group	\$3,289
4. The University of Sydney	\$2,054
5. Bike North Incorporated	\$5,000
6. Lane Cove National Park	\$5,000
7. Pymble Turramurra Kindergarten	\$10,000
<b>TOTAL</b>	<b>\$40,343</b>

**CARRIED UNANIMOUSLY**

174

**Draft Climate Change Adaptation Strategy**

File: S06055

To present to Council for exhibition a draft Climate Change Adaptation Strategy.

**Resolved:**

(Moved: Councillors Duncombe/McDonald)

- A. That the draft *Climate Change Adaptation Strategy* be exhibited for a period of 28 days with a further 14 days for public comment.

- B. That notification of the public exhibition period be advertised in the North Shore Times.
- C. That a further report be presented to Council following the public consultation process, incorporating comments received during the public exhibition period.

**CARRIED UNANIMOUSLY**

175 **Emergency Access over Community Land [Du Faur Reserve, North Turrumurra]**

File: S02804

To obtain Council approval to impose a Positive Covenant over privately owned land known as Lot 1 DP858405, in order to effect a Land and Environment Court condition of consent.

**Resolved:**

(Moved: Councillors Duncombe/McDonald)

- A. That Council impose a Positive Covenant on privately owned land known as Lot 1 DP858405, in order to effect a Land and Environment Court condition of consent Order No.10973 of 2001.
- B. That Council authorise the General Manager to execute the Positive Covenant over Lot 1 DP 858405, known as 440 Bobbin Head Road, North Turrumurra.

**CARRIED UNANIMOUSLY**

176 **Heritage Reference Committee - Notes of Meeting held 19 April 2010**

File: S07620

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

**Resolved:**

(Moved: Councillors Duncombe/Anderson)

That Council receive and note the Heritage Reference Committee Meeting Notes of 19 April 2010.

**CARRIED UNANIMOUSLY**

**177 Acceptance of Tender T21/2010 - Haulage of Works Depot Waste**

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File: S08205

For Council to consider the tenders for the haulage of works depot waste and accept the preferred tender.

**Resolved:**

(Moved: Councillors Duncombe/Keays)

- A. That Council accepts the tender from DATS Environmental Services Pty Ltd for a three (3) year contract with a two (2) year option to transport Council's Depot waste.
- B. That the Mayor and General Manager be delegated authority to sign the contract and affix Council's Seal.
- C. That the remaining tenderers be advised of Council's decision.

**CARRIED UNANIMOUSLY**

**178 Federal Nation Building Black Spot Projects 2010 to 2011**

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File: S06118/4

To seek acceptance of the 2010/11 Federal Nation Building Black Spot Grant for the upgrade to the intersection of Junction Road and Grosvenor Street, Wahroonga.

**Resolved:**

(Moved: Councillors Duncombe/McDonald)

That the Roads and Traffic Authority be advised of Council's acceptance of the grant of \$80,000 for traffic facilities improvements at the intersection of Junction Road and Grosvenor Street, Wahroonga.

**CARRIED UNANIMOUSLY**

**179 Updated Rural Fire District Service Agreement & Rural Fire Service Zoning Agreement**

.  
File: S02542

To advise on the updated Service Agreement and Zoning Agreement with the NSW Rural Fire Service.

**Resolved:**

(Moved: Councillors Duncombe/Keays)

- A. That the General Manager be given delegated authority to sign the new Hornsby Ku-ring-gai Rural Fire District Service Agreement and the Hornsby/Ku-ring-gai District Rural Fire Service Zoning Agreement prior to submitting it to the Commissioner of the NSW Rural Fire Service.
- B. That Authority be given to affix the Common Seal of Council to Hornsby Ku-ring-gai Rural Fire District Service Agreement and the Hornsby/Ku-ring-gai District Rural Fire Service Zoning Agreement as required.
- C. That the General Manager be given delegated authority to negotiate and approve a Council agreement with Hornsby Council for sharing of costs associated with the district under Section 14 of the Hornsby/Ku-ring-gai Rural Fire Service Zoning Agreement.

**CARRIED UNANIMOUSLY**

180

**Funding Request from Turramurra Rotary for Graffiti Removal**

File: FY00271

For Council to consider a request from Turramurra Rotary Club for additional funding to assist their graffiti removal program in the Turramurra area.

**Resolved:**

(Moved: Councillors Duncombe/McDonald)

- A. That approval is given to provide additional funding of \$4000 for the ongoing support of graffiti removal in the Turramurra area.
- B. That funding be provided from the recurrent budget for building maintenance.

**CARRIED UNANIMOUSLY**

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

181

**Extension of Council's Smoke Free Policy**

File: S03433

**Notice of Motion from Councillor Cheryl Szatow dated 4 June 2010**

To protect the safety and amenity of our community and to extend the Council Resolution Minute Number 512 of Ordinary Meeting of Council, 19 October 2004, which delineated certain areas in Ku-ring-gai as smoke-free zones.



I move:

That a report be prepared on implementing a ban on smoking in the following areas:

- smoking in all Council owned buildings and within 10 metres of Council owned or managed buildings and gardens including balconies or covered areas of those buildings and gardens.
- a ban in all alfresco dining areas on public land.
- a ban on smoking in all covered bus shelters and taxi ranks.

**Resolved:**

(Moved: Councillors Duncombe/Szatow)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS** (cont)

*Standing Orders were suspended to deal with items where  
there are speakers first which was moved by  
Councillors Keays & Szatow  
& was CARRIED UNANIMOUSLY*

182

**Mapping & Assessment of Key Vegetation Communities across the  
Ku-ring-gai Local Government Area**

File: S06345

**The following member of the public addressed Council:**

**J Harwood**

To provide Council with the final report on the mapping and assessment of key vegetation communities across Ku-ring-gai.

**Councillor Hall withdrew during debate**

**Resolved:**

(Moved: Councillors Malicki/Keays)

- A. That Council receive and adopt the report and maps associated with the Mapping and Assessment of Key Vegetation Communities across the Ku-ring-gai Local Government Area.
- B. That the report and associated mapping be made available to the public through Council's website.
- C. That Council consider the funding for the update of this mapping as part of a future capital works project in 2015.

**CARRIED UNANIMOUSLY by those present**

183     **Draft Ecologically Sensitive Lands Policy**

File: S06560

**The following member of the public addressed Council:**

**J Harwood**

**Councillor Hall returned during Address**

To present to Council a policy for the protection and management of ecologically sensitive lands within Ku-ring-gai.

**Councillor Hall withdrew during debate**

**Resolved:**

(Moved: Councillors Malicki/Hardwick)

That Council receive and adopt the draft *Ecologically Sensitive Lands Policy* with the addition of a preamble which indicates the strength of Council's commitment to the Ecologically Sensitive Lands of our area and to biodiversity in general.

**CARRIED UNANIMOUSLY by those present**

184     **St Ives Showground & Precinct Options Paper & Expression of Interest**

File: S02673/2

**The following members of the public addressed Council:**

**B Ashcroft  
A Fredericks**

**Councillor Hall returned during Address**

***Council adjourned during the discussion of this item,  
for a short interval at 7.50pm after a Motion moved by  
Councillors Anderson & Szatow was CARRIED,  
The Mayor ruled accordingly.***

***The Meeting resumed at 8.00pm***

*Those present were:*

Mayor, Councillor I Cross  
Councillor J Anderson  
Councillor R Duncombe  
Councillor T Hall  
Councillor C Hardwick  
Councillor S Holland  
Councillor E Keays  
Councillor E Malicki  
Councillor D McDonald  
Councillor C Szatow

To seek Council endorsement of the draft Options Paper for the St Ives Showground and Precinct and approval to commence preparation of a draft Plan of Management for the Precinct incorporating the adopted preferred options for the sites.

*During debate, a Motion by Councillors Malicki & Hall  
to put the matter to the vote was CARRIED*

*For the Motion:*                      *The Mayor, Councillor I Cross, Councillors Malicki,  
Keays, Szatow, Duncombe, Hall, Hardwick &  
McDonald*

*Against the Motion:*              *Councillors Holland & Anderson*

### **Resolved:**

- A. That Council endorse the preferred options in the St Ives Showground and Precinct Draft Options Paper with the amendments as outlined in the report:
- B. That Council, in conjunction with the NSW LPMA commence preparation of a draft Plan of Management incorporating the St Ives Showground, Council Nursery site, Ku-ring-gai Wildflower Garden, Greenwaste tip site, and HART leased site, based on the adopted options paper for the precinct.
- C. That Council write to all persons and groups who made a submission during the public exhibition and expression of interest period to inform them that their comments have been considered by Council and thank them for their submission.
- D. That Council write to all organisations who responded to the call for expressions of interest to thank them for their submissions and inform them of

the next steps, that being the preparation of a plan of management to facilitate the range of options adopted by Council for the future use of the sites.

- E. That a report be brought back to Council, following adoption of the draft Plan of Management by the LPMA, seeking approval to tender for public and / or private partners to help Council deliver specific components of the site.

*For the Resolution:                      The Mayor, Councillor I Cross, Councillors  
Holland, Malicki, Keays, Duncombe, Hall,  
Hardwick & McDonald*

*Against the Resolution:              Councillors Szatow & Anderson*

*The above Resolution was CARRIED as a Foreshadowed Amendment to the Original Motion & a LOST Amendment.*

*The Original Motion was:*

*(Moved: Councillors Anderson/Szatow)*

- A. *That Council endorse the preferred options in the St Ives Showground and Precinct Draft Options Paper with the amendments as outlined in the report: with the exception of:*

- \* page 329, dot point 12,*
- \* page 330, dot points 1-8,*
- \* page 335 dot point 1 words "at the site" to be replaced by "in the precinct",*
- \* page 335 dot point 6 to be replaced by "undertake a full and comprehensive Aboriginal Heritage Assessment as recommended by the Aboriginal Heritage Office and a report be provided to Council".*

- B. *That Council seek an assessment of the Showground and Precinct Lands as a Cultural Landscape.*

- C. *That Council includes the option of eco-camping at the Nursery site for investigation by way of a feasibility study and business plan as suggested by NSW Industry and Investment.*

- D. *That the successful Economic Development tenderer review opportunities for the Precinct and advise Council accordingly.*

- E. *That Council, in conjunction with the NSW LPMA commence preparation of a draft Plan of Management incorporating the St Ives Showground, Council Nursery site, Ku-ring-gai Wildflower Garden, Greenwaste tip site, and HART leased site, based on the adopted options paper for the precinct.*

- F. *That Council write to all persons and groups who made a submission during the public exhibition and expression of interest period to inform*

*them that their comments have been considered by Council and thank them for their submission.*

- G. *That Council write to all organisations who responded to the call for expressions of interest to thank them for their submissions and inform them of the next steps, that being the preparation of a plan of management to facilitate the range of options adopted by Council for the future use of the sites.*
- H. *That a report be brought back to Council, following adoption of the draft Plan of Management by the LPMA, seeking approval to tender for public and / or private partners to help Council deliver specific components of the site.*

*The LOST Amendment was:*

*(Moved: Councillors Hall/Anderson)*

*That consideration of the matter be deferred for further investigation into the infrastructure costs associated with the proposed Plan of Management.*

185     **8th Tourism Futures National Conference**

File: S08278

To advise Council of the 8th Tourism Futures National Conference.

**Resolved:**

(Moved: Councillors Keays/Hall)

That Councillor Anderson be Council's delegate to the 8th Tourism Futures National Conference.

*For the Resolution:                      Councillors Holland, Keays, Szatow, Anderson,  
Duncombe & Hall*

*Against the Resolution:                The Mayor, Councillor I Cross, Councillors Malicki,  
Hardwick & McDonald*

186     **Investment Report as at 31 May 2010**

File: S05273

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

**Councillor Hardwick withdrew during debate**

**Resolved:**

(Moved: Councillors Holland/McDonald)

- A. That the summary of investments and performance for May 2010 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 I Cross, Councillors  
Holland, Malicki, Keays, Szatow, Anderson,  
Duncombe & McDonald*

*Against the Resolution:              Councillor Hall*

187      **Status Report on Section 94E Direction by the Minister for Planning dated  
4 June 2010**

File: S05878

The purpose of the report is to provide Council with such information as is available on the recent decision by the Minister for Planning to cap all local development contributions to a maximum of \$20,000 per dwelling authorised by any consent.

**Councillor Hardwick returned during debate**

**Resolved:**

(Moved: Councillors McDonald/Duncombe)

- A. That the report be received and noted.
- B. That staff continue to seek clarity on this matter and keep Councillors informed as concrete information is obtained.

**CARRIED UNANIMOUSLY**

**QUESTIONS WITHOUT NOTICE**

188      **Ecologically Sensitive Land & Training Strategy**

File: S06560

Question Without Notice from Councillor E Malicki

Can the Councillors see the Ecologically Sensitive Land & Training Strategy please?

**Answer by the General Manager**

Happy to provide that.

**189 Community Reference Committee Agendas**

File: S07621

Question Without Notice from Councillor E Malicki

Can a check be carried out to ensure that all Community Reference Committees do not stray from their Charters when adding agenda items please?

**Answer by the General Manager**

Where possible, the Directors and I will review draft agendas to ensure that they accord with the relevant charters.

**190 Northern Eruv - St Ives**

File: DA0331/10

Question Without Notice from Councillor T Hall

Would the Director Development & Regulation confirm that an extension of the notification period that ended yesterday has been granted on my personal representations?

What period has been granted please?

**Answer by the Director Development & Regulation**

The extension has been granted.

***Council resolved itself into Closed Meeting  
with the Press & Public excluded to deal with the following item  
moved by Councillors Duncombe & Keays  
and was CARRIED UNANIMOUSLY***

191 **Proposal to Acquire Open Space - St Ives**

File: S07257

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 acquire this and other property on appropriate terms and conditions.

Report by Acting Director Strategy & Environment, Manager Strategic Assets & Property Services & Strategic Property Advisor dated 7 June 2010.

**Resolved:**

(Moved: Councillors Malicki/Holland)

That Council resolve to acquire property in St Ives for local open space as outlined in the report.

*For the Resolution:*                      *The Mayor, Councillor I Cross, Councillors  
Holland, Malicki, Keays, Szatow, Duncombe, Hall,  
Hardwick & McDonald*

*Against the Resolution:*              *Councillor Anderson*

***To Open Council***



The General Manager adverted to the consideration of the matter referred to in Minute numbered 191, and to the resolution contained in such Minute.

*The Meeting closed at 10.24pm*

The Minutes of the Ordinary Meeting of Council held on 22 June 2010 (Pages 1 - 17) were confirmed as a full and accurate record of proceedings on 20 July 2010.

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General Manager

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Mayor / Chairperson