

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 26 AUGUST 2008

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)
Councillors M Lane & A Ryan (Gordon Ward)
Councillor 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 (Andrew Watson)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.02pm

The Mayor offered the Prayer

298 **APOLOGIES**

File: S02194

Councillor M Shelley tendered an apology for non-attendance [family illness] and requested leave of absence.

Resolved:

(Moved: Councillors Hall/Cross)

That the apology by Councillor M Shelley for non-attendance be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

The Mayor adverted to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

No Interest was declared.

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:

Memorandums: **Refer GB.10 - 2008 to 2009 RTA Funding** - Memorandum by Director Operations dated 20 August 2008 advising an amendment to the Recommendations A & D of the Officer's report.

**Councillors Late
Additional Agenda
Information:** **Refer GB.6 - Management Plan 2007 to 2011 -
4th Quarter Review** - Memorandum by Director Strategy dated 20 August 2008 enclosing a full version of Attachment 1 - Principal Activity Progress Report ended 30 June 2008 to replace the one attached to the Officer's report within the Business Paper.

**Refer GB.6 - Management Plan 2007 to 2011 -
4th Quarter Review** - Attachment 2 - Executive Summary of Consultation Survey - stated in Officer's report as circulated separately.

**Councillors
Information:** **328 Kissing Point Road, Turramurra** - Memorandum by the Director Development & Regulation dated 20 August 2008 in response to a Question Without Notice raised by Councillor Tony Hall at the Ordinary Meeting of Council held 12 August 2008.

Interest on Investments - Memorandum by Director Corporate dated 25 August 2008 in response to a Question Without Notice raised by Councillor Laura Bennett at the Ordinary Meeting of Council held 29 July 2008.

Illegal Signs in Roseville - Memorandum by Director Development & Regulation dated 22 August 2008 in response to a Question Without Notice raised by Councillor Maureen Shelley at the Ordinary Meeting of Council held 29 July 2008.

Late Memorandums: **Refer GB.3 - Investment Report as at 31 July 2008** - Memorandum by Director Corporate dated 25 August 2008 advising of a change in the column "Performance since Purchase/Inception (%)" of the Funds Performance against the UBS Bank Bill Index table on page 26 of the Business Paper.

CONFIRMATION OF MINUTES299 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 12 August 2008
Minutes numbered 284 to 297

Resolved:

(Moved: Councillors Ryan/Lane)

That Minutes numbered 284 to 297 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

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

Against the Resolution: *Councillor Hall*

GENERAL BUSINESS300 **44 Braeside Street, Wahroonga - Modification of Consent to DA0756/07 -
Deletion of Condition 2**

File: MOD0085/08

Ward: Wahroonga
Owner: Mrs Nicola Mary Bevan

To determine Section 96 application MOD 0232/08 for deletion of Condition No. 2,
which requires a 12m front setback.

Resolved:

(Moved: Councillors Ryan/Cross)

- A. That consideration of the deletion of Condition No 2 which requires a 12m front setback of DA0756/07 at 44 Braeside Street, Wahroonga be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

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

Against the Resolution: *Councillors Bennett & Malicki*

301 **The Ian Ramage Memorial - Wahroonga Park**

File: S03066

Ward: Wahroonga

To seek Council's approval to the placement of a Memorial in Wahroonga Park and assistance with the installation of the Memorial.

Resolved:

(Moved: Councillor Andrew/Mayor, Councillor Ebbeck)

That approval be given to the installation of a Memorial stone and plaques in Wahroonga Park and Council to assist with the installation of the concrete base and traffic control, with funding to be provided from the recurrent budget for park maintenance.

CARRIED UNANIMOUSLY

302 **Investment Report as at 31 July 2008**

File: S05273

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

Resolved:

(Moved: Councillors Ryan/Cross)

- A. That the summary of investments and performance for July 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 N Ebbeck, Councillors
Andrew, Cross, Lane, Ryan & Anderson*

Against the Resolution: Councillors Bennett, Hall & Malicki

303 **Management Plan 2007 to 2011 - 4th Quarter Review**

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File: S05708

To report to Council on progress against the Key Performance Indicators as contained in Council's 2007 to 2011 Management Plan.

Resolved:

(Moved: Councillors Ryan/Cross)

That the report on the progress of the Key Performance Indicators contained in the 2007 to 2011 Management Plan for the 4th quarter of the Plan, be received and noted.

CARRIED UNANIMOUSLY

304 **Sustainability Reference Group Meeting - Minutes of 21 July 2008**

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File: S05396

To bring to the attention of Council the proceedings of the Sustainability Reference Group Meeting held on Monday, 21 July 2008.

Resolved:

(Moved: Councillors Ryan/Malicki)

That the Minutes of the Sustainability Reference Group Meeting held on Monday, 21 July 2008 and attachments be received and noted.

CARRIED UNANIMOUSLY

305 **Parks, Sport & Recreation Reference Group Meeting – Minutes of 24 July 2008**

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File: S03447

To bring to the attention of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday, 24 July 2008.

Resolved:

(Moved: Councillors Ryan/Malicki)

That the Minutes of the Parks Sport and Recreation Reference Group meeting held on Thursday, 24 July 2008 be received and noted.

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

Against the Resolution: *Councillor Bennett*

306 **2008 to 2009 RTA Program Funding**

File: S02585

To approve Council's allocation of the 2008 - 2009 Roads and Traffic Authority Program Funding and to accept the Block Grant for 2008 - 2009.

Resolved:

(Moved: Councillors Ryan/Andrew)

- A. That Council accepts the grant offer of \$100,000 for the shared path on Lady Game Drive and the \$13,000 for the pedestrian fencing on Koola Avenue under the Traffic Management and Footpath Program.
- B. That Council accepts the grant of \$52,500 under the Road Safety Program.
- C. That Council accepts the grant of \$250,000 from the Roads and Traffic Authority under the 2008-2009 REPAIR Program for pavement rehabilitation of Bobbin Head Road between Burns Road and Allara Avenue and Junction Road from Grosvenor Road to Wahroonga Avenue.
- D. That Council accepts the Roads component of \$193,000 and the Supplementary Road Component of \$82,000 of the Regional Roads Block Grant for 2008 to 2009.
- E. That Council not accept the Traffic Facilities component of the Regional Road Block Grant for 2008-2009 and continues to use RTA resources to carry out traffic facilities work.

CARRIED UNANIMOUSLY

307 **2007 to 2008 Budget Review, 4th Quarter ended June 2008**

File: S05708

To report on the review of actual expenditure and income against the budget, as revised at three previous quarters for the year ended 30 June 2008 and seek approval to carry over budgets to fund the incomplete works at 30 June 2008.

Resolved:

(Moved: Councillors Ryan/Hall)

- A. That the Budget Review report as at 30 June 2008 be adopted.
- B. That the schedule of carry over requests which are funded totalling \$3,027,200 be approved, the funds voted for expenditure and the estimates for 2008/09 be adjusted accordingly.
- C. That the revenue funded carry over works of \$332,400 be deferred pending completion of 2007/08 Financial Statements.

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

Against the Resolution: Councillor Bennett

308 **Turramurra Railway Station Pedestrian Overbridge**

File: S04038

To advise Council on the funding impacts regarding the contributions to the payment of the completed pedestrian overbridge at Turramurra railway.

Resolved:

(Moved: Councillors Andrew/Ryan)

- A. That a total of \$517,445 is borrowed from the Infrastructure and Facilities Reserve to fund Council's contribution to the construction of the Turramurra railway pedestrian overbridge.
- B. That the Infrastructure and Facilities Reserve be repaid from the Town Centres Section 94 Contribution Plan when funds are collected.

- C. That interest is calculated on a monthly basis on the amount outstanding and allocated to the Infrastructure and Facilities Reserve at the rate earned on Council's total investment portfolio.

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Malicki, Ryan and Anderson*

Against the Resolution: *Councillor Bennett*

309

National Trust of Australia (NSW) - Heritage Advocacy Services & Corporate Membership

File: S02792

To advise Council of additional information received from the National Trust of Australia (NSW) with relation to funding for National Trust Heritage Advocacy, also for Council to consider Corporate Membership of the National Trust of Australia.

Resolved:

(Moved: Councillors Bennett/Ryan)

That Council purchase a Corporate membership of \$2,500 and be reviewed after 12 months.

For the Resolution: *Councillors Andrew, Bennett, Cross, Hall, Lane, Malicki & Ryan*

Against the Resolution: *The Mayor, Councillor N Ebbeck & Councillor Anderson*

The above Resolution was CARRIED as an Amendment to the Original Motion and a LOST Amendment.

The Original Motion was:

(Moved: Councillors Hall/Malicki

That the report be received and noted.

The LOST Amendment was:

(Moved: Councillors Andrew/Ryan)

That Council support the National Trust with a \$5,000 Heritage Advisory Grant.

310 **2007 to 2008 Analysis of Land & Environment Court Costs, 4th Quarter**

File: S02466

To provide information in relation to proceedings to which Council is a party in the Land & Environment Court for the quarter ended June 2008, including appeals commenced, costs incurred by Council and outcomes.

Resolved:

(Moved: Councillors Hall/Cross)

That the analysis of Land & Environment Court Costs for the fourth quarter ended June 2008 be received and noted.

CARRIED UNANIMOUSLY

311 **Compliance Audit of Recently Completed Developments**

File: S06446

To report on a representative sample of completed developments to determine the number and type of non-compliances found.

Resolved:

(Moved: Councillors Bennett/Malicki)

- A. That the report be received and the results of the audit are noted.
- B. That future audits focus on Residential Flat Buildings.

CARRIED UNANIMOUSLY

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

(Moved: Councillors Lane/Hall)

That the report be received and the results of the audit are noted.

312 **Wahroonga Traffic & Parking Study**

File: S03125

To consider the Arup consultant's draft report on the Wahroonga Traffic and Parking Study.

Councillor Bennett withdrew during discussion

Resolved:

(Moved: Councillors Cross/Ebbeck)

- A. That the draft Wahroonga Traffic and Parking Study report be placed on public exhibition for 28 days, seeking feedback on the proposals to improve traffic and parking conditions within Wahroonga and that the outcome of that exhibition be reported to Council.
- B. That the report on the exhibition process be brought back to Council when the report and recommendations on the parking measures for the other Town Centres are developed.

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

Against the Resolution: Councillors Hall

Councillor Bennett returned

QUESTIONS WITHOUT NOTICE313 **44 Braeside Street, Wahroonga - Determination**

File: DA0756/07

Question Without Notice from Councillor E Malicki

- 1. Will 44 Braeside Street come to this Council for determination?

Answer by the Director Development & Regulation

No. The next Council meeting is on 2 September. The Agenda is already closed and the matter has been referred to site inspection which is yet to take place.

- 2. If not, can we be assured that 44 Braeside will not be dealt with under Delegated Authority of the Mayor over the Election period, please?

Answer by the Mayor

No, unless the place is on fire & I don't have any thoughts on using them on any other area.

314 Bus Route 582 - Reinstatement of the Barra Brui Loop St Ives

File: S02027

Question Without Notice from Councillor T Hall

I refer to residents concerns and ask that Council make representations to the Ministry of Transport to re-install the Barra Brui Loop St Ives in the new 582 Route of Shorelink and ensure the bus operator can manoeuvre the public vehicles for this to be a safer route for drivers?

Answer by the Director Operations

Will take that on notice and we will include it in part of the submissions but also the suggestion would be that the residents concerned that they should put their own submissions in as well.

315 ABC TV Stateline Program - 15 August 2008 - "The Rape of Ku-ring-gai"

File: S06347

Question Without Notice from Councillor T Hall

I refer to the ABC TV Program on 15 August 2008 and, in particular, to the presentation of a map shown by a resident of the Ministerial Order Areas and the Council's larger Section 94 Development Contribution Map of the Town Centres and table this map which I prepared and loaned to residents of Lindfield.

I ask the General Manager to provide an authorised map of the Section 94 Town Centre Plan approved on 15 July 2008 overlayed by the Planning Minister's Order Maps of 4 March 2008 for the information of residents in the form of 2 maps as per the RDS and 1:20,000 scale? It's quite easy to do, it's just 2 maps.

Answer by the General Manager

We will check through all the maps and if we can't locate that one, we will see if we can do something.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee is planned to take place on Saturday, 6 September 2008 to view the following property:

44 Braeside Street, Wahroonga

NOTE: Time of commencement and other items for inspection are yet to be decided.

The Meeting closed at 8.25pm

The Minutes of the Ordinary Meeting of Council held on 26 August 2008 (Pages 1 - 12) were confirmed as a full and accurate record of proceedings on 2 September 2008.

General Manager

Mayor / Chairperson