

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 27 APRIL 2010

Present: The Mayor, Councillor I Cross (Chairperson) (Wahroonga Ward)  
Councillors S Holland & E Malicki (Comenarra Ward)  
Councillors E Keays & C Szatow (Gordon Ward)  
Councillor J Anderson (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)  
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 7.04pm*

*The Mayor offered the Prayer*

99

### **APOLOGIES**

File: S02194

Councillor Rakesh Duncombe tendered an apology for non-attendance (business commitment) and requested leave of absence.

### **Resolved:**

(Moved: Councillors Anderson/Keays)

That the apology by Councillor Rakesh Duncombe 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.

100

**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 Proposal to Acquire Open Space - St Ives**
- C.2 Proposal to Acquire Open Space - Turramurra**
- C.3 Proposal to Acquire Portion of Land - St Ives**

**CARRIED UNANIMOUSLY**

**ADDRESS THE COUNCIL**

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

B Anderson

**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** - Meeting held 20 April 2010 - circulated separately to Councillors via e-mail on 21 April 2010.

**Refer GB.6 - LGMA NSW 2010 Forum** - Report by General Manager & Senior Governance Officer dated 22 April 2010 with attachment.

**Refer GB.7 - Establishment of the Shed in Ku-ring-gai** - Report by Director Community & Manager Community Development dated 22 April 2010 with attachments.

**Councillors Late Agenda Information:**        **Refer to GB.4 - Delivery Program and Operational Plan 2010 to 2014** - Attachments to Report, as follows:  
Attachment A: Delivery Program & Operational Plan 2010-2014.  
Attachment B: Fees & Charges 2010/11 Public Use.

**Councillors Information:** **Removal of Oak Tree** - Memorandum by Director Development & Regulation dated 22 April 2010 in answer to a Question Without Notice raised by Councillor Elise Keays at the Ordinary Meeting of Council held 20 April 2010.

**Men's Shed** - Memorandum by Director Development & Regulation dated 22 April 2010 in answer to a Question Without Notice raised by Councillor Steven Holland at the Ordinary Meeting of Council held 20 April 2010.

**Memorandum:** **Refer to GB.4 - Delivery Program and Operational Plan 2010 to 2014** - Memorandum by Director Community dated 27 April 2010 advising that due to an administrative oversight, the new fees for Library Overdues had been omitted in the Draft 2010/2011 Fees and Charges Schedule (Attachment B to the Officer's report).

## **CONFIRMATION OF MINUTES**

### 101 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 20 April 2010  
Minutes numbered 74 to 98

#### **Resolved:**

(Moved: Councillors Keays/McDonald)

That Minutes numbered 74 to 98 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

## **PETITIONS**

### 102 **Petition to make Friar's Field an Off-Leash Area for Dogs - (One Hundred & Thirty-Two [132] Signatures)**

File: S05304

#### **The following Petition was presented by Councillor Tony Hall:**

"For many years the local community has enjoyed using Friar's Field to exercise their dogs. Recently there was a problem with one dog attacking others and we are relieved that the Council has taken action against that particular animal. However we

also feel that we as responsible owners are disadvantaged as there is not an off leash area in Pymble itself.

We would like the Council to consider making Friar's Field an off leash common area where dogs can play and socialise together. If need be, the off leash hours could be restricted to certain times of the day such as before 9am/after 4pm. We would also understand that if the Field is being used for a sporting event then dogs would need to remain leashed.

We, the petitioners, request that Friar's Field be designated an off leash area."

**Resolved:**

(Moved: Councillors Hall/Hardwick)

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

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

103 **Investment Report as at 31 March 2010**

File: S05273

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

**Resolved:**

(Moved: Councillors Holland/McDonald)

- A. That the summary of investments and performance for March 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,  
Hardwick & McDonald*

*Against the Resolution:              Councillor Hall*

**104 Establishment of The Shed in Ku-ring-gai**

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File: S05268

To provide Council with a progress report on the establishment of The Shed at the St Ives Showground and to confirm Section 94 funding as per previous resolutions of Council.

**Resolved:**

(Moved: Councillors Malicki/McDonald)

- A. That Council support the proposed construction of the Community Workshop The Shed at the St Ives Showground.
- B. That Council allocate \$67,518 from the pre 1993 Section 94 Plan - Community Facilities, to undertake the necessary works.

**CARRIED UNANIMOUSLY**

**105 LGMA NSW 2010 Forum**

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File: S04567

To advise Councillors of the Local Government Managers Australia (NSW) 2010 Forum - Building Communities through Partnerships.

**Resolved:**

(Moved: Councillors Malicki/Hall)

That no further action be taken as there is no money left in the budget for Councillors to attend the Local Government Managers (NSW) 2010 Forum.

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

*Against the Resolution:              Councillors Keays, Szatow & Anderson*

**106 Tulkiyan Management Committee**

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File: S02153

To amend Council's current committee structure to incorporate a Tulkiyan Management Committee under Section 355 of the Local Government Act.

**Resolved:**

(Moved: Councillors Keays/Hall)

- A. That Council amend its current Committee Structure to incorporate a Tulkiyan Management Committee under S355 of the Local Government Act.
- B. 1. That Council nominate Councillor Cheryl Szatow as Chairperson to the Tulkiyan Management Committee.

(Moved: Councillors Malicki/McDonald)

- 2. That Council nominate Councillor Elise Keays as Deputy Chairperson to the Tulkiyan Management Committee.
- C. That nominations be called for Community Representatives for the Tulkiyan Management Committee.

**CARRIED UNANIMOUSLY**

107

**Expressions of Interest - Old School Building, 799 Pacific Highway, Gordon**

File: S07857

To provide recommendations to Council for the future use of 2 rooms in the Old School Building, 799 Pacific Highway, Gordon.

**Resolved:**

(Moved: Councillors Malicki/Hardwick)

That the matter be deferred to allow a meeting of all interested Councillors and relevant staff to discuss the EOI process of the Old School Building at Gordon and the future of Cavalcade.

**CARRIED UNANIMOUSLY**

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

*(Moved: Councillors Szatow/Keays)*

*That the consideration of the matter be deferred until the next Ordinary Meeting of Council.*

*The LOST Amendment was:*

*(Moved: Councillors Malicki/Hardwick)*

- A. That the Ku-ring-gai Council Youth Services (KCYS) be relocated to the existing Gordon Library meeting rooms for a trial period of 6 months.*
- B. That 3 new community meeting rooms be established in the former youth services and training room area for a trial period of 6 months.*
- C. That the new arrangement in A and B be reviewed by Council staff after an operational period of 6 months and Council be advised of recommendations from the review for the future use of the facility.*

108

## **Delivery Program and Operational Plan 2010 to 2014**

File: FY00382

To place Council's draft delivery program and operational plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to Minister's Approval) and Fees and Charges for 2010-2011, on public exhibition.

### **Resolved:**

(Moved: Councillors Hall/Hardwick)

- A. That the report on Council's Delivery Program and Operational Plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to the Minister's approval) and Fees and Charges for 2010-2011 be received and noted.
- B. That Council gives notice of its intention, should the Minister for Local Government approve Council's application for a special variation for the New Facilities Rate to:
  - (i) Make and levy an ordinary rate to comprise a minimum rate and ad valorem rating structure for both Residential and Business categories, make and levy a special rate to comprise an ad valorem with a zero base rate for Environmental and New Facilities categories and make and levy a special rate to comprise an ad valorem with a \$165 base charge for an infrastructure category.
  - (ii) Increase its rate income by the maximum 5.75% approved by the Minister for Local Government.
- C. That Council gives notice of its intention, should the Minister for Local Government not approve Council's application for a special variation for the New Facilities Rate to:

- (i) Make and levy an ordinary rate to comprise a minimum rate and ad valorem rating structure for both Residential and Business categories, make and levy a special rate to comprise an ad valorem with a zero base rate for an Environmental category and make and levy a special rate to comprise an ad valorem with a \$165 base charge for an infrastructure category.
  - (ii) Increase its rate income by the maximum 2.6% approved by the Minister for Local Government.
- D. That pursuant to Sections 405 and 406 of the *Local Government Act, 1993*, delivery program and operational plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to the Minister's approval) and Fees and Charges for 2010-2011, as amended, be endorsed and placed on public exhibition for a period of 28 days commencing 30 April 2010.
- E. That the voluntary pensioner rebate be granted to all eligible pensioners as a flat percentage of 11% of total rates and charges in 2010/2011.
- F. That a copy of resolution to adopt the delivery program and operational plan, including the special variation (subject to Minister's approval), be forwarded to the Minister of Local Government.
- G. That an advertisement be placed in the 'North Shore Times' advising public exhibition details.
- H. That following public exhibition, a further report be submitted to Council on 9 June 2010 for adoption of the Delivery Program and Operational Plan 2010/2014, incorporating the Budget, Capital Works Program, Special Rate Variation (subject to Minister's approval) and Fees and Charges for 2010/2011 to enable consideration of:
  - (i) Any submissions received during the exhibition period referred to D. above; and
  - (ii) Formal adoption of Ku-ring-gai Council's Delivery Program and Operational Plan 2010/2014 and associated policies.
- I. That an Information Technology Reserve be established for the purpose of funding hardware and software purchases relating to information technology.
- J. That Lynbara Avenue, St Ives be brought forward in the Footpath Program in 2010/2011 to replace Walker Avenue which can be deferred to the 2011/2012 Program.

**CARRIED UNANIMOUSLY**



**West Pymble Pool's Redevelopment - Proposed Public Notification of Intention to enter into a Management Agreement**

File: S04066

The above item was withdrawn from the Agenda by the General Manager.

**QUESTIONS WITHOUT NOTICE**

**Councillor Szatow withdrew**

**109 Future of the St Ives Showground**

File: S02673/2

Question Without Notice from Councillor T Hall

Is it true the functions of the St Ives Showground Consultative Committee set up by the Minister for Lands in September 1998 has been taken over by the Council's Open Space Reference Committee according to correspondence from the Lands Management Authority, the successor to the Department of Lands?

Would the General Manager have this advice confirmed please by the LMPA at the earliest opportunity before implementation of Council's relevant Objective on page 40 of the Operational Plan?

**Answer by the General Manager**

I'll follow that up with the Director Strategy & Environment and provide a response to all Councillors.

**110 Maintenance of Stormwater Drains in Residential Areas**

File: S02773

Question Without Notice from Councillor T Hall

Following to downstream property damage in St Ives Ward and the night of 6 February 2010 by allegedly blocked drains in Council's easements, would the Director Operations provide advice on future more regular maintenance of these large Council drains to avoid re-occurrence of this problem, please?

**Answer by the Director Operations**

We are currently preparing a list in regards to proposed actions too and will let Councillors know when we will be doing that and what is the proposed actions.

111 **Council Chamber Microphone Status Board Recording System - Incorrect Spelling of Title and Department Name**

File: S04829

Question Without Notice from Councillor E Malicki

Can we correct the spelling on the new Microphone Status Board, please?

I note that the shortened form of Councillor is 'Cr'.

I note that Mr Watson is the Director Strategy not STRATERGY and there may be other issues.

**Answer by the Director Operations**

I'll take that up with the person who implemented the system.

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

**Councillor Szatow returned**

112 **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 Director Strategy & Environment dated 13 April 2010.

**Resolved:**

(Moved: Councillors Hall/Hardwick)

That the matter stand deferred until the LEP is gazetted.

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

*Against the Resolution:              Councillor Keays*

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

*(Moved: Councillors Malicki/Holland)*

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

113

**Proposal to Acquire Open Space - Turramurra**

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 Director Strategy & Environment dated 13 April 2010.

**Resolved:**

(Moved: Councillors Malicki/Holland)

That Council resolve to acquire the property in Turramurra for local open space and proceed as outlined in the report.

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

*Against the Resolution:*              *Councillors Hall & Hardwick*

114      **Proposal to Acquire Portion of Land - 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 Director Strategy & Environment dated 15 April 2010.

**Resolved:**

(Moved: Councillors Hall/McDonald)

That no further action be undertaken towards purchasing of the land at St Ives described in the report, for open space purposes.

*For the Resolution:*                      *Councillors Holland, Malicki, Keays, Szatow, Hall, Hardwick & McDonald*

*Against the Resolution:*              *The Mayor, Councillor I Cross & Councillor Anderson*

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

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

*That consideration of the matter be deferred pending a site inspection.*

The General Manager adverted to the consideration of the matters referred to in the Minutes numbered 112 to 114, and to resolutions contained in such Minutes.

*The Meeting closed at 8.58pm*

The Minutes of the Ordinary Meeting of Council held on 27 April 2010 (Pages 1 - 13) were confirmed as a full and accurate record of proceedings on 11 May 2010.

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General Manager

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Mayor / Chairperson