

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 27 JULY 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: Acting General Manager (Greg Piconi)  
Director Corporate (John Clark)  
Director Development & Regulation (Michael Miocic)  
Director Strategy & Environment (Andrew Watson)  
Manager Urban & Heritage Planning (Antony Fabbro)  
Acting Director Community (Danny Houseas)  
Senior Governance Officer (Geoff O'Rourke)  
Mayor's PA (Sigrid Banzer)

*The Meeting commenced at 7.01pm*

*The Mayor offered the Prayer*

### 213 APOLOGIES

File: S02194

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

**NOTE:** The General Manager, John McKee and Director Community tendered apologies for non-attendance.

#### **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.

## ADDRESS THE COUNCIL

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

D Mohr  
B Muir

## 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:**           **Confirmation of Ordinary Meeting of Council Minutes -**  
Meeting held on 20 July 2010. Minutes numbered 192 to 212.

**Memorandums:**   **Refer GB.1 - Ku-ring-gai Planning Panel Functions -**  
Memorandum by Manager Urban and Heritage Planning dated  
27 July 2010 with an attachment of a letter from the Department of  
Planning dated 27 July 2010.

## CONFIRMATION OF MINUTES

### 214   **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 20 July 2010  
Minutes numbered 192 to 212

### **Resolved:**

(Moved: Councillors Keays/McDonald)

That Minutes numbered 192 to 212 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

## PETITIONS

### 215   **Lady Game Drive, Killara - Petition for Flashing Lights in 40km School Zone - (Eight Hundred & Sixty-One [861] Signatures)**

Files: S02599/7, S07720

**The following Petition was presented to Council by Councillor Elise Keays:**

"We, the undersigned, petition the Roads and Traffic Authority to install flashing lights at the 40km school zone spanning the Lady Game Drive pedestrian crossing used by children from Beaumont Road Public School.

Drivers on this busy road typically fail to slow down during specified school times, putting the children and their parents at great risk of harm. Flashing lights would increase driver awareness of the need to reduce speed, and improve pedestrian safety."

**Resolved:**

(Moved: Councillors Keays/Szatow)

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

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

216 **Ku-ring-gai Planning Panel Functions**

File: S06347

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

**P Moate**

To have Council consider its position in response to the NSW Minister for Planning's intention to give the Ku-ring-gai Planning Panel the reclassification powers under section 118(3) 9(b) of the Environmental Planning and Assessment Act, 1979.

**Resolved:**

(Moved: Councillors Hall/Szatow)

- A. That Council makes a submission to the Minister for Planning in relation to his letter of 12 July 2010 asking Council to show cause why the Ku-ring-gai Planning Panel's powers should not be expanded to include the reclassification powers under the Local Government Act, 1993 based on the matters outlined in this report under the heading "Show Cause Letter".
- B. That Council notes the Department of Planning's recommendation to return the DA determination role to Council. In regard to the concern over a number of minor applications exceeding 90 days referred to the Ku-ring-gai Planning Panel, it is noted that this amounted to only seven (7) Development Applications during the term of the Ku-ring-gai Planning Panel ie from February 2008 to date. In many instances, the delays were as a result of applicants not providing

additional information to Council in a timely manner. Seven (7) applications in this category represents only 0.2% of the total of 3,280 applications assessed and determined by Council during the term of the Ku-ring-gai Planning Panel. In the context of the Department's own 2008/09 Local Development Performance Monitoring Report which demonstrates not only that Council's DA processing times have improved but that Ku-ring-gai Council, with a median DA turn-around time of 37 days, is the third fastest among the 43 Councils in the Greater Sydney Region.

**CARRIED UNANIMOUSLY**

## **BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS**

Councillor Anderson drew the Council's attention to consideration of urgency for a matter pertaining to the current season of Webers Circus in relation to conditions we have under an existing Policy on animal performances. I believe there are reasons due to it being the current season whereby it should be addressed now, urgently.

*A Motion moved by Councillors Anderson & Szatow  
to have the matter dealt with at the meeting was LOST*

*For the Urgency: Councillors Holland, Keays, Szatow & Anderson*

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

## **QUESTIONS WITHOUT NOTICE**

### **217 Pindone poison**

File: S04668

Question Without Notice from Councillor T Hall

Does this Council use Pindone poison in its public reserves, a poison that was banned by overseas countries against its use near playgrounds?

If so, would the Council please remove the poison from Council resources?

### **Answer by Acting General Manager**

I will take the Question as "Does this Council use Pindone poison?" not in regards to the removal of it and provide Council with advice on the matter.

218 **St Ives Bowling Club Licence**

File: S07453

Question Without Notice from Councillor T Hall

I have been informed there is a rumour circulating that I and my Ward colleague rejected the licence submitted by Council staff for the St Ives Bowling Club at the last meeting of Council.

I ask the Mayor to write to the President of the Club to advise Council has not determined the matter as yet?

**Answer by the Mayor**

It will be done.

*The Meeting closed at 7.36pm*

The Minutes of the Ordinary Meeting of Council held on 27 July 2010 (Pages 1 - 5) were confirmed as a full and accurate record of proceedings on 10 August 2010.

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General Manager

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Mayor / Chairperson