

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 27 MARCH 2007

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)
Councillors M Shelley & J Anderson (Roseville Ward)

Staff Present: Acting General Manager (Steven Head)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Director Technical Services (Greg Piconi)
Manager, Sustainability & Natural Environment (Peter Davies)
Manager Urban Planning (Antony Fabbro)
Director Community Services (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.03pm

The Mayor offered the Prayer

APOLOGIES

File: S02194

NOTE: The General Manager is on Annual Leave until 10 April 2007.

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:

J Harwood
V Harris

PRESENTATION BY COUNCILLOR HALL

Councillor Hall presented the Service of Thanksgiving Program for the life of Dr Bradfield held on the 75th Anniversary of the Opening of the Harbour Bridge for Council's records.

Councillor Hall, who was representing the Mayor, had the Program signed by the three surviving grandsons of Dr Bradfield and those present at the official gathering.

Councillor Shelley arrived

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 GB.3 - Response to Department of Local Government on "A New Direction for Local Government" Position Paper & "Planning for a Sustainable Future" Options Paper - Attachment 3: Response for Department of Local Government.**

Refer GB.9 - Town Centres Work Program - Attachment 2: Town Centre Work Program 2007.

Memorandum: **Refer GB.8 - Draft LEP No 212 - Consideration following Section 62 Consultation with Statutory Authorities -**
Memorandum by Manager Urban Planning dated 27 March 2007 with attachments.

CONFIRMATION OF MINUTES

78 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 13 March 2007
Minutes numbered 53 to 77

Resolved:

(Moved: Councillors Ryan/Lane)

That Minutes numbered 53 to 77 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting with the exception

of Minute No 65 - St Ives Centre Planning - Response to Council Resolution, 27 February 2007 concerning documents attached to a memorandum on meeting notes by Director Open Space & Planning dated 13 March 2007.

CARRIED UNANIMOUSLY

79 **St Ives Centre Planning - Response to Council Resolution, 27 February 2007**

File: S04019

Vide Minute No 65

Resolved:

(Moved: Councillors Bennett/Ryan)

That confirmation of Minute No 65 be deferred until legal advice is received advising whether or not it is legally appropriate to attach the memorandum and its attachments to the Minutes of the Council meeting.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

80 **Bushland, Catchments & Natural Areas Reference Group - Minutes of Meeting held 19 February 2007**

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File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 19 February 2007.

Resolved:

(Moved: Councillors Shelley/Anderson)

- A. That the minutes of the Bushland, Catchments & Natural Areas Reference Group Meeting of Monday, 19 February 2007 be received and noted.
- B. That reporting on implementation of Council's Biodiversity Strategy Outcomes be received and noted.
- C. That the draft Fuel Management Programme for 2007-2008 be received and noted.

CARRIED UNANIMOUSLY

81 **Proposed Drainage Easement over Council Land at 16 Adams Avenue, Turramurra (Irish Town Grove) - Applicant at 23 Murdoch Street, Turramurra**

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File: P53455

For Council to consider granting a drainage easement over Council land known as Irish Town Grove to the applicant at 23 Murdoch Street, Turramurra.

Resolved:

(Moved: Councillors Shelley/Cross)

- A. That Council approve the granting of the proposed drainage easement over Council land at 16 Adams Avenue, Turramurra, known as Irish Town Grove to the Applicant at 23 Murdoch Street, Turramurra, as outlined in this report.
- B. That Council write to the Applicant to advise the terms and conditions for the granting of the easement.
- C. That Council authorise the Mayor and General Manager to sign the documentation associated with the proposed easement.
- D. That Council authorise the affixing of the Common Seal to the documentation associated with the proposed easement.

CARRIED UNANIMOUSLY

82 **Options & Partnerships for the Development of the Abandoned B2 Road Corridor, South Turramurra**

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File: S02846

To seek Council's approval to commence the development of a Memorandum of Understanding with the NSW Department of Planning for the future use of the abandoned B2 road corridor South Turramurra.

Resolved:

(Moved: Councillors Shelley/Malicki)

- A. That Council commence the development of a Memorandum of Understanding with the Department of Planning, with a draft to be brought to Council for consideration and execution

- B. That a detailed study into costs and projected income for the development of the site be undertaken with the Department that incorporates:
- i. low density residential use consistent with the current 2C zoning;
 - ii. low density residential use consistent with the current 2C zoning with a sportsfield and associated infrastructure within the site.
- C. That community consultation be undertaken as outlined in the report to include local residents and the broader Ku-ring-gai community and associated interest groups and the results reported back to Council.

CARRIED UNANIMOUSLY

83 **Town Centres Work Program**

File: S04151

The purpose of this report is twofold:

- * To provide Council with a project program for the finalisation of all outstanding resolutions arising from the Town Centre Planning process that took place through 2005 and 2006.
- * To provide a brief description of the tasks and scope of work involved as well as the key dates.

Resolved:

(Moved: Councillors Shelley/Cross)

That Council adopts the work program and timelines for the Town Centres Program as outlined and attached to the report.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

84 **Private Certifying Authorities - Development Consents**

File: S02465

Notice of Motion from Councillor T Hall dated 19 March 2007.

Following the adoption of the Ku-ring-gai Council's motion by the 2006 LGA conference,

"That the Association call on the Minister for Planning to provide legal protection under the Environmental Planning & Assessment Act or other relevant legislation for those property owners adjoining developments who makes a reasonable complaint pursuant to that Act about the conduct of the private/accredited certifier of that development, when they themselves become the subject of defamation proceedings by the certifier involved when the complaint is dismissed."

I move:

"That a staff report be brought forward as to how Council may consider complaints about Private Certifying Authorities (PCAs), including where amendments in regard to development consents (s.96 DAs) or Orders to demolish etc, for issue under the Environmental Planning & Assessment Act are requested by PCAs."

Resolved:

(Moved: Councillors Hall/Shelley)

That the above Notice of Motion, as amended, be adopted.

CARRIED UNANIMOUSLY

*Standing Orders were suspended to deal with items
where there are speakers first after a
Motion moved by Councillors Andrew & Bennett and was
CARRIED UNANIMOUSLY*

GENERAL BUSINESS (cont)

85

**Greenwood Quarry Feasibility Study & Canoon Road Recreation Area
Plan of Management**

File: S04850

The following members of the public addressed Council:

R Chapman

B Collings

To report to Council on the progress of the Canoon Road Recreation Area Plan of Management and recommendations resulting from the Greenwood Quarry Feasibility Study as an alternative netball facility.

Resolved:

(Moved: Councillors Hall/Lane)

- A. That Council receives and notes the Greenwood Quarry Feasibility Study and not proceed with any further investigation of this area as a netball location.

- B. That Council continue to communicate with Warringah Council and the Department of Lands to explore opportunities for the future use of Greenwood Quarry as a regional sporting facility.
- C. That the preparation of a new Plan of Management for Canoon Road Recreation Area be included in the draft 2007-11 Management Plan.
- D. That the draft Plan of Management for Canoon Road Recreation Area be prepared in conjunction with a development plan for netball in Ku-ring-gai which includes the development of 'satellite' facilities across the LGA, and in consultation with the local community.
- E. That the matter be referred to the Sports Forum and that those involved be notified.

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

Against the Resolution: Councillors Andrew, Bennett & Malicki

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

(Moved: Councillors Malicki/Andrew)

- A. *That Council receives and notes the Greenwood Quarry Feasibility Study; and that Council continue to communicate with Warringah Council and the Department of Lands to explore opportunities for the future use of Greenwood Quarry as a regional sporting facility including netball.*
- B. *That the preparation of a new Plan of Management for Canoon Road Recreation Area be included in the draft 2007-11 Management Plan.*
- C. *That the draft Plan of Management for Canoon Road Recreation Area be prepared in conjunction with a development plan for netball in Ku-ring-gai which includes the development of 'satellite' facilities across the LGA, and in consultation with the local community.*

86

Draft Local Environmental Plan No 212 - Consideration following Section 62 Consultation with Statutory Authorities

File: S05882

The following members of the public addressed Council:

**J Harwood
A Carroll
B Ferguson**

To consider the public exhibition of draft Local Environmental Plan No. 212 (DLEP 212) which has now completed consultation under Section 62 of the Environmental Planning and Assessment Act 1979.

Resolved:

(Moved: Councillors Cross/Hall)

- A. That Council adopt draft Ku-ring-gai Local Environmental Plan No 212 for exhibition.
- B. That Council forward draft Local Environmental Plan No 212 to Parliamentary Counsel seeking advice that the Plan might be legally made.
- C. That draft Local Environmental Plan No 212 be forwarded to the Department of Planning in accordance with the provisions of Section 64 of the Environmental Planning and Assessment Act 1979.
- D. That draft Local Environmental Plan No 212 be placed on Public Exhibition in accordance with Section 66 of the Environmental Planning and Assessment Act 1979.
- E. That a report be brought back to Council at the end of the public exhibition process.
- F. That owners and occupiers of the subject lands be advised of Council's resolution.
- G. That subsequent to any decision by Council to seek the Minister's gazettal of draft Local Environmental Plan 212 new development control plan controls be prepared. Such controls are additional to the provisions of Development Control Plan No 55 to provide specific design objectives and controls for the lands covered by Local Environmental Plan No 212.

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

Against the Resolution: Councillors Andrew, Bennett, Malicki & Anderson

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN (cont)

87 **Bert Oldfield Oval - Off-Leash Facility**

File: S02258

The following members of the public addressed Council:

**B Nerden
D Sibtain
I Carroll**

Notice of Motion from Councillor A Ryan dated 6 March 2007.

I move:

- "1. That Bert Oldfield Oval remain a designated off-leash area, its hours of use to be amended following consultation with dog owners, formal field hirers and interested residents. Consultation is to identify designated hours of use for leash free exercise of dogs of no less than 2 afternoons per week and clearly consider opportunities for casual recreation requiring dogs to be on leash in addition to those times where the field is utilised for formal sporting uses.
2.
 - a. That the General Manager be delegated the authority to undertake this consultation within one month. A site meeting attended by a representative group of all formal and informal users of the park should be held to determine these hours and to advise the outcome to Councillors and the community.
 - b. That a KAFE volunteer be nominated as a point of contact for residents in case of dog owners failing to comply with the regulations.
3. That Council encourages all interested parties to maintain dialogue, and that where possible or necessary Council should facilitate this. Further Council to clearly outline its policy regarding the provision and management of leash free Areas for the community.
4. That new signage be placed at four points around the oval advising residents of their responsibilities under the Companion Animals Act including, but not limited to, the need to maintain effective control of their animal at all times and to clean up and remove dog excrement.
5. That the new signs draw attention to the likely penalty for not removing dog excrement.
6.
 - a. That appropriate, purpose designed, rubbish bins be provided at the north and south ends of the Oval and that they be emptied at least weekly.
 - b. That appropriate, purpose-designed bag dispensers be provided at the north and south ends of the Oval and that their usage (viability) be reviewed after 3 months.
7. That Council through its website, the Mayoral column and other opportunities, seek to educate ratepayers on the need for responsible use of all Council provided leash free facilities by park users.
8. That as part of Council's commitment to education and management of this facility, Council Rangers be directed to attend Bert Oldfield Oval for the purposes of education, monitoring and where necessary enforcement of regulations.

9. That this Notice of Motion removes the need to identify additional leash free areas within the catchment of Killara Park.
10. That during October 2007, Council invite submissions from residents prior to conducting a formal review of the Bert Oldfield off-leash facility. That the outcome be reported to Council before the last Council meeting in 2007.

Resolved:

(Moved: Councillors Ryan/Lane)

That the above Notice of Motion, as amended, be adopted.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Cross, Lane, Ryan & Shelley

Against the Resolution: Councillors Andrew, Bennett, Hall, Malicki & Anderson

*The voting being EQUAL, the Mayor exercised his Casting Vote
IN FAVOUR of the Motion*

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

(Moved: Councillors Hall/Anderson)

That the Notice of Motion be referred to the Companion Animals Advisory Committee for consideration and be reported back to Council and affected persons be notified of the Committee's meetings in respect of this matter.

GENERAL BUSINESS (cont)**88 International Cities, Town Centres & Communities Society Conference**

File: S02812

For Council to determine if it wishes to send delegates to the 8th International Cities, Town Centres & Communities Society Conference.

Resolved:

(Moved: Councillors Shelley/Lane)

- A. That approval be granted for the Acting Director of Open Space & Planning, Steven Head to attend the 8th International Cities, Town Centres & Communities Society Conference.
- B. That interested Councillors (up to four) advise the General Manager within 2 weeks of the date of this meeting, if they wish to attend the 8th International Cities, Town Centres & Communities Society Conference.

CARRIED UNANIMOUSLY

89 **Investment & Loan Liability as at 28 February 2007**

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File: S02722

To present to Council investment allocations, returns on investments and details of loan liabilities for February 2007.

Resolved:

(Moved: Councillors Ryan/Shelley)

That the summary of investments and loan liabilities for February 2007 be received and noted.

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

Against the Resolution: Councillor Bennett

90 **Response to Department of Local Government on "A New Direction For Local Government" Position Paper & "Planning for a Sustainable Future" Options Paper**

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File: S02779

To consider and forward a submission on the Department of Local Government's position paper "A New Direction for Local Government" and options paper "Planning a Sustainable Future" to the Department.

Resolved:

(Moved: Councillors Bennett/Hall)

That submission of the Response be deferred and referred to the Policy Committee.

CARRIED UNANIMOUSLY

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

(Moved: Councillors Shelley/Lane)

That the submission as outlined in Attachment 3 be endorsed and submitted to the Department of Local Government.

QUESTIONS WITHOUT NOTICE**91 Dog Attack - Kissing Point Village Green Off-Leash Area**

File: S04506

Question Without Notice from Councillor E Malicki

On Sunday, 16 July 2006, there was a dog attack at Kissing Point Village Green Off-Leash Area. This resulted in the puppy that was attacked having to be put down.

Can Councillors be informed why Council did not take action against the owner of the dog that was involved in the attack, please?

Answer by the Mayor

The Director will report back.

92 Comments made about Bland Shire in North Shore Times

File: S05745

Question Without Notice from Councillor E Malicki

The comments in last week's North Shore Times gossip column on Bland Shire were derogatory, not only about my role in the Council's Drought Assistance Project but about the people of Bland Shire and I quote: "Bland people in their Bland houses".

As Mayor, are you willing to address this issue with the newspaper rather than allowing this to cause embarrassment to the people suffering severely because of the drought and also allowing Council's project to be treated with derision?

Answer by the Mayor

I am more than happy to write a letter to the Editor of the paper.

93 Recycling of Waste

Files: S03015, S03644

Question Without Notice from Councillor T Hall

As a user of landfill for Council's putrescible waste currently, I ask whether staff might report on a better means of waste disposal such as offered by Global

Renewables of Eastern Creek, NSW which has developed a processing technology that reduces landfill by 90% through efficient sorting of household waste apart from leadership by this Council in this area, the reduction of greenhouse gases may also be achieved?

Answer by the Director Technical Services

Councillors may recall when I put the report up about Waste Disposal that Eastern Creek AWT was not an option for us because they actually were at full capacity with the existing Councils that they were already using that. However, there was a time when we said that we would look at that again in 3 years when the tender would come up as to whether AWT would be available for our use later on.

94

Committees

File: S02355

Question Without Notice from Councillor T Hall

I refer to my Question of 13 March (No 70/07) and ask would the Staff also report on the desirability of restructuring existing Committees under Clause 260 of the Local Government Regulation (2005), please?

Answer by the Acting General Manager

The staff will look into that matter to prepare a report.

The Meeting closed at 10.20pm

The Minutes of the Ordinary Meeting of Council held on 27 March 2007 (Pages 1 - 13) were confirmed as a full and accurate record of proceedings on 3 April 2007.

Acting General Manager

Mayor / Chairperson