

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 28 NOVEMBER 2006

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: General Manager (John McKee)
Acting Director Finance & Business (John Clark)
Director Development & Regulation (Michael Miocic)
Director Technical Services (Greg Piconi)
Director Open Space & Planning (Steven Head)
Senior Urban Planner (Bill Royal)
Strategic Planner (Craig Wyse)
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

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 such interest was declared.

463 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Hall/Lane)

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:

Attachment 8 - Confidential Economic Review from Sphere Properties Corporation of GB.1 - Pymble Centre Draft Local Environmental Plan & Draft Development Control Plan & Reclassification of Council Land - Final Report.

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

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

J. Fox
R. Magee
P. Fisher

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.1 - Pymble Centre Draft Local Environmental Plan & Draft Development Control Plan & Reclassification of Council Land - Final Report:

- * Attachment 4 - Final Draft Ku-ring-gai Local Environmental Plan (Town Centres) Amendment No 2 (Gordon & Pymble Centres)
- * Attachment 9 - Revised Yields Table, Pymble

Councillors

Information: NSW Fire Brigade Contribution Levy - Memorandum by Acting Director Finance & Business dated 21 November 2006 with attached letter from Minister for Emergency Services received by Council on 13 November 2006

Motor Vehicle Damage by Council Palm Tree on Nature Strip outside 70 Bancroft Avenue - Memorandum by Director Open Space & Planning dated 22 November 2006 regarding a Question Without Notice by Councillor Shelley from Ordinary Meeting of Council held on 14 November 2006

Refer NM.1 - Bert Oldfield Oval - Email from Andrew Falk, Hon Secretary of Gordon District Cricket Club addressed to the Mayor dated 27 November 2006

Refer GB.1 - Pymble Centre Draft Local Environmental Plan & Draft Development Control Plan & Reclassification of Council Land - Final Report:

- * Email from Leo Smits regarding Precinct J dated 26 November 2006

CONFIRMATION OF MINUTES

464 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 14 November 2006
Minutes numbered 435 to 462

Resolved:

(Moved: Councillors Hall/Cross)

That Minutes numbered 435 to 462 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

465 **Minutes of Extraordinary Meeting of Council**

File: S02131

Meeting held 8 November 2006
Minutes numbered EMC.9 & EMC.10

Resolved:

(Moved: Councillors Hall/Ryan)

That Minutes numbered EMC.9 & EMC.10 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

466 **Minutes of Extraordinary Meeting of Council**

File: S02131

Meeting held 13 November 2006
Minutes numbered EMC.11 to EMC.13

Resolved:

(Moved: Councillors Malicki/Andrew)

That Minutes numbered EMC.11 to EMC.13 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting with the exception of the Lost Amendment in Part K of Minute No EMC.12, which reads as follows:

(Moved: Councillors Malicki/Shelley)

- K. *That in accordance with section 68(5) of the Environmental Planning and Assessment Act, Council resolve to defer the items contained in Schedule 4 of the draft LEP that seeks to reclassify public land in Turrumurra to operational land pending a further report to Council investigating the matters raised in **the recommendations** of the public hearing. This report to be included with the report on the revised precinct controls.*

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

467

Bert Oldfield Oval

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File: S02258

Notice of Motion from Councillor A Ryan dated 13 November 2006.

I move:

- "i. That Council resolve to remove, following finalisation of Part (ii) below, Bert Oldfield Oval at Killara Park from Council's register of Leash Free Areas.
- ii. I further move that Council undertake a study into alternative and more appropriate locations for a Leash Free Area within the immediate catchment".

Resolved:

(Moved: Councillors Ryan/Lane)

That the Notice of Motion be deferred to the Ordinary Meeting of Council to be held on 5 December 2006.

CARRIED UNANIMOUSLY

GENERAL BUSINESS468 **2005 to 2006 Annual Report**

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File: S02015

To present to Council the Statutory Annual Report for 2005/2006 in accordance with Section 428 of the Local Government Act 1993.

Resolved:

(Moved: Councillors Hall/Ryan)

That the Annual Report for the period, 1 July 2005 to 30 June 2006, be received and noted.

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

Against the Resolution: *Councillor Anderson*

469 **Pymble Centre Draft Local Environmental Plan & Draft Development
Control Plan & Reclassification of Council Land - Final Report**

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File: S04291

The following members of the public addressed Council:

**J. Poole
P Dobrijevic
C. Wong
J. Studdert
P. McLean
R. Howard
G. Tabuteau
C. Whitely
N. Hanna
J. Fairlie-Cunningham**

To enable Council to consider the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment 2 as it applies to Pymble and the Draft Ku-ring-gai Development Control Plan Town Centres (Pymble) 2006 and the outcome of the Public Hearing into reclassification of Council owned land and other planning matters following the exhibition period.

Resolved:

(Moved: Councillors Hall/Ryan)

- A. That Council adopt the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 2 as it applies to Pymble as attached to this report including amendments as outlined in this report.
- B. That Council submit a copy of the Draft Local Environmental Plan to the Director General of the Department of Planning in accordance with Section 68 of the Environmental Planning and Assessment Act, requesting that the Plan be made.
- C. That Council adopt amendments to the Draft Ku-ring-gai (Town centres) Development Control Plan (DCP) as they apply to the Pymble Centre, including amendments as outline in this report and as further amended below.
 - i. That the riparian restoration zone indicated in the DCP [Section 2.2.9] for Precinct J be removed.
 - ii. That the wording of 3.2.7 (last dot point) read:

Retain all trees located within the required front setback that are 3 metres or greater in height.
- D. That further corrections to the Draft DCP for drafting inconsistencies, or minor amendments as necessary to ensure consistency with Council's adopted LEP be completed.
- E. That a public notice of Council's decision to adopt the Development Control Plan be placed in the North Shore Times and that the notice identifies that the plan will come into effect from the date of gazettal of Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No 2.
- F. That in accordance with Section 25AB of the Environmental Planning and Assessment Regulation 2000, Council submit a copy of the Plan to the Director-General of the Department of Planning.
- G. That the developer contributions strategy (including section 94 plan) for Pymble and accompanying financial strategy continue to be developed and reported to Council as a draft for exhibition prior to the gazettal of the Local Environmental Plan.
- H. That Council continue to seek support from the State Government for infrastructure investment.
- I. That in relation to the reclassification of land proposed in the Draft LEP for Pymble, sites 1, 6 & 7 be retained as community land and that in accord with

section 68(5) of the Environmental Planning and Assessment Act, Council resolve to defer consideration of sites 2, 4 & 5 in Schedule 4 of the Draft LEP for reclassification to operational land, pending a further report to Council investigating the matters raised in the recommendations of the public hearing.

- J. That all persons who made a submission be notified of Council's decision.

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

Against the Resolution: *Councillor Malicki*

470 **Budget 2006/2007 - 1st Quarter Review as at end September 2006**

File: S04708

To present to Council the quarterly financial review for the 1st quarter ended 30 September 2006.

Resolved:

(Moved: Councillors Shelley/Cross)

That Council adopt the variations contained in the report.

CARRIED UNANIMOUSLY

471 **Investment & Loan Liability as at 31 October 2006**

File: S02722

To present to Council investment allocations, returns on investments and details of loan liabilities for October 2006.

Councillor Malicki withdrew during discussion

Resolved:

(Moved: Councillors Shelley/Cross)

That the summary of investments and loan liabilities for October 2006 be received and noted.

CARRIED UNANIMOUSLY

472 **2006 to 2010 Management Plan, 1st Quarter Review as at 30 September 2006**

File: S04708

To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2006-2010 Management Plan.

Councillor Malicki returned during discussion

Resolved:

(Moved: Councillors Shelley/Cross)

That the report on the progress of the Key Performance Indicators contained in the 2006-2010 Management Plan for the 1st quarter of the Plan, be received and noted.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE

473 **Mulching Service**

File: S05647

Question Without Notice from Councillor T Hall

As summer approaches, I have received a number of enquiries for a Council mulching service & ask the Director Technical Services would he review the introduction of a Council mulching service for residents (perhaps on demand) similar to that exists in Ryde City & other Council areas in Sydney and report on the matter to Council at the earliest opportunity?

Answer by Director Technical Services

We actually did a trial some time back & I did have a report on that & the economics associated with that. I can resurrect that report from sometime back & just give the reports back to.....

Answer by Mayor

I am happy for that report to be circulated to Councillors.

474 Examination of Council Financial Statements by Councillors

File: S04639

Question Without Notice from Councillor T Hall

Would the General Manager review the financial result items on the Council's agenda in future and have these reports referred to the Finance Committee to reduce the amount of questioning on the floor by Councillors?

Answer by the General Manager

Wherever possible we do that. In terms of monthly investments reports, we won't hold the Finance Committee monthly so that there will be some that will go straight to Council. For major items like the 10-year Financial Model which is on the 4th or the Financial Statements, we do endeavour to hold a Finance Committee first but I take that on notice & wherever possible will be incorporated in a Finance Committee.

475 Second Arson Attack at former CSIRO Site - Action by Police

File: P36245

Question Without Notice from Councillor M Shelley

- a. Would the Director Technical Services advise what action the Police are taking following the second arson attack at the former CSIRO site, where a second home under construction was razed to the ground by fire given that their previous advice was that no further action was warranted as the first arson attack was an isolated incident?
- b. Would the Director raise this matter at the Police and Community Safety Committee?

Answer by Director Technical Services

I've actually contacted the Crime Prevention Officer, Matthew Jewel. I've left a message with him. I am waiting for his return phone call.

476 Annual Report

File: S02015

Question Without Notice from Councillor E Malicki

Can the General Manager and Staff be formally congratulated on the new-look user friendly Annual Report, please?

Answer by the General Manager

That's good.

477 Notes from Meeting with David Taubman

Files: S02380, S03001

Question Without Notice from Councillor E Malicki

Have we had any notes on the meeting with David Taubman and do we have any follow-up dates, please?

Answer by the Mayor

Yes, just had a response back from the Deputy Mayor today in relation to confirming what's going out. That will be going out tonight or tomorrow morning.

478 Allegation by Legal Brothel

File: S04405

Question Without Notice from Councillor J Anderson

Could the Staff please investigate the allegation sent to me by mail this week from the legal brothel that the recently closed illegal brothel has re-opened elsewhere in Roseville?

Answer by the Director Development & Regulation

We are in the process of doing that. We will advise.

The Meeting closed at 9.12pm

The Minutes of the Ordinary Meeting of Council held on 28 November 2006 (Pages 1 - 10) were confirmed as a full and accurate record of proceedings on 5 December 2006.

General Manager

Mayor / Chairperson