

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 29 APRIL 2008

Present: The Mayor, Councillor N Ebbeck (Chairperson) (Wahroonga Ward)
Councillors L Bennett and T Hall (St Ives Ward)
Councillor I Cross (Wahroonga Ward)
Councillors M Lane and A Ryan (Gordon Ward)
Councillor E Malicki (Comenarra Ward)
Councillor J Anderson (Roseville Ward)

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Acting Director Development and Regulation (Anne Seaton)
Director Operations (Greg Piconi)
Director Strategy (Andrew Watson)
Manager Corporate Planning and Sustainability (Peter Davies)
Manager Urban Planning (Antony Fabbro)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.01pm

The Mayor offered the Prayer

102 APOLOGIES

File: S02194

Councillors A Andrew and M Shelley tendered apologies for non-attendance [illness] and requested leave of absence.

NOTE: Director Development and Regulation tendered apologies for non attendance.

Resolved:

(Moved: Councillors Malicki/Lane)

That the apologies by Councillors A Andrew and 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.

103 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Cross/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:

- C.1 **31 Kissing Point Road, Turramurra - Proposal to Acquire**
(Section 10A(2)(c) - Information that would confer a commercial advantage)

CARRIED UNANIMOUSLY

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.1 - Amendment to the Council Meeting Cycle for September 2006** - Memorandum by Senior Governance Officer dated 29 April 2008 in reference to a further Option for the meeting cycle.

Refer GB.2 - Ku-ring-gai Access Advisory Committee - Minutes of 13 March 2008 - Memorandum by Director Community dated 29 April 2008 in reference to an additional action in the Council's Disability Discrimination Act Action Plan 2005-2009.

Refer GB.20 - Principal Local Environmental Plan Work Program and Timetable - Memorandum by Director Strategy dated 29 April 2008 in reference to clarification of projected yields for Ku-ring-gai under the Metropolitan Strategy.

Refer GB.21 - Draft Management Plan 2008 to 2012, Budget, Fees and Charges and 2008/2009 Capital Works Program - Memorandum by Director Corporate dated 29 April 2008 in reference to Stormwater Management Service Charge.

Refer GB.21 - Draft Management Plan 2008 to 2012, Budget, Fees and Charges and 2008/2009 Capital Works Program -
Memorandum by Director Strategy dated 29 April 2008 in reference to an opportunity to develop a KPI to reflect the impact of urban development on the natural environment which was raised by Councillor Malicki.

CONFIRMATION OF MINUTES

104 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 8 April 2008
Minutes numbered 83 to 101

Resolved:

(Moved: Councillors Lane/Cross)

That Minutes numbered 83 to 101 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

105 **State Government's Planning Changes**

File: S04554

Last year the NSW Government outlined its revised Development (Infrastructure) Contributions Framework, which would reduce the amount of funds Councils could collect from developers to help build essential local facilities such as playgrounds, childcare facilities and community centres.

The revised framework would also see the Government:

- limit the types of infrastructure Councils could collect levies for, and
- take control of the developer levies from growth centre Councils, and other Councils on a case by case basis.

In response to strong objections from the LGSA, Councils and the community, the Government has made some concessions regarding the funding of community infrastructure and has advised that it would only take control of the funds from the six growth centre Councils.

Despite this, the amount that can be collected from development levies will still be reduced and the range of facilities to which the funds will be applied will be more restricted.

Further, Councils will no longer have the option to levy Section 94 Contributions in established areas but will have to resort to the more limited contributions under Section 94A.

Developers have been lobbying for the revised framework which if implemented will significantly benefit them through the opportunity for increased profit.

Separately to this, in November last year the Government released its Discussion Paper on the Planning Reform Agenda, outlining 90 recommended changes to the NSW planning system.

The Paper was put on exhibition over the Christmas/ New Year break, which limited the opportunity for response.

Even though 538 submissions were received, Department of Planning officials were given just a week to consider them before the draft legislation was finalised.

Local Government, in its submission, raised a number of concerns with the changes, including:

- An expanded role for private companies (private certifiers);
- The implementation of various panels and arbitrators, controlled by the Minister for Planning, to make local planning decisions; and
- The expansion of exempt and complying development, which would remove the communities' right to have a say over much of the development in their neighbourhood.

These views were shared by many other industry and community bodies.

The Draft Exposure Bills were released on 3 April 2008 and, despite the wide-ranging concerns expressed by Councils, the community and other stakeholders, were not amended to reflect the concerns of relevant stakeholders. The strongly opposed revised developer levies framework was also included in the Bills.

The laws will:

- add more layers of red tape and cost ratepayers millions of dollars to implement;
- take decisions away from local communities; and
- impact on Councils' ability to provide crucial services.

Yet the Government has only exhibited the draft laws for three weeks before it intends to pass them.

These changes are being rushed through with total disregard to the views of communities, Councils and other stakeholders - who will have to live with their many negative impacts.

Resolved:

That Council joins other Councils across NSW in calling for:

- A freeze on the implementation of the State Government's Draft Exposure Bills (Planning Changes); and
- At a minimum, a formal inquiry by the Upper House into the NSW State Government's Draft Exposure Bills regarding the planning changes.
- That Council purchase seven banners from the Local Government and Shires Association at a cost of \$180.00 each.
- That Council write to local State Members of Parliament, together with Members of the Upper House seeking their formal support in this matter.

CARRIED UNANIMOUSLY

PETITIONS

106

Petition requesting Disabled Parking outside 280 Pacific Highway, Lindfield - (Thirty-Two [32] Signatures)

File: 88/05900/03

"We are residents living next door to the Medical Clinic located at 280 Pacific Highway, Lindfield.

We are constantly deprived of ingress and egress to our property due to many different vehicles having to stop to call at the Clinic eg ambulance, blood deliveries, medical supplies, passenger transport vehicles, taxis and hire cars.

It has been noticed that several of these half hour parking spaces located outside at 280 Pacific Highway are used by selfish, irresponsible drivers who park there daily for up to 5 hours.

Some of them work in the office above the Clinic.

Your rangers have tried to help, but their job is made ineffectual by these drivers who defy the guidelines of the Roads and Traffic Act.

Not only do these illegally parked vehicles cause havoc for us, but also cause hardship for seriously ill patients attending the Clinic for specialised treatment on the life saving equipment in this dialysis centre.

We are asking you to consider installing a disabled zone only as well as loading zone only, outside 280 Pacific Highway, Lindfield, to help many people overcome this chaotic situation."

Resolved:

(Moved: Councillors Anderson/Hall)

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

CARRIED UNANIMOUSLY

GENERAL BUSINESS

107 **Amendment to the Council Meeting Cycle for September 2006**

.

File: S02355

To amend the Council Meeting Cycle for September 2008.

Resolved:

(Moved: Councillors Ryan/Hall)

That Council amend its Meeting Cycle for September 2008, as follows:

Option 4	2 September 2008- Ordinary Meeting of Council
	23 September 2008 - Ordinary Meeting of Council

CARRIED UNANIMOUSLY

108 **Ku-ring-gai Access Advisory Committee - Minutes of 13 March 2008**

.

File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 13 March 2008.

Resolved:

(Moved: Councillors Ryan/Lane)

That the Minutes of the Ku-ring-gai Access Advisory Committee of 13 March 2008 be received and noted.

CARRIED UNANIMOUSLY

109 **Northshore Beekeepers Association Renewal of Licence Agreement**

File: S02796

To consider the granting of a five year licence to North Shore Beekeepers Association (NSW) Inc. within the North Turramurra Golf Course site.

Resolved:

(Moved: Councillors Ryan/Cross)

- A. That Council approve the granting of a new five year licence to North Shore Beekeepers Association (NSW) Inc for the use of the site to house their clubhouse building and beekeeping area, subject to conditions of the agreement and those of Section 47A of the Local Government Act.
- B. That the Mayor and General Manager be authorised to execute all documentation.
- C. That the Seal of Council be affixed to all necessary documents.

CARRIED UNANIMOUSLY

110 **Investment Report as at 31 March 2008**

File: S05273

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

Resolved:

(Moved: Councillors Ryan/Lane)

- A. That the summary of investments and performance for March 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
Cross, Hall, Lane, Ryan and Anderson*

Against the Resolution: Councillors Bennett and Malicki

111 Local Government and Shires Association - Request for Contribution

File: S04151

To authorise the payment of a contribution to the Local Government and Shires Association (LGSA) publicity campaign against State Government planning proposals.

Resolved:

(Moved: Councillors Ryan/Anderson)

That Council contribute \$1,776.97 to the LGSA publicity campaign against the State government planning proposals and this amount be charged to Urban Planning – Sundry Expenses.

CARRIED UNANIMOUSLY

112 NSW Food Authority and New Procedures

File: S04406

To provide a summary for Council on the recent legislative changes which have a direct impact on Local Government food surveillance programmes.

Resolved:

(Moved: Councillors Ryan/Hall)

- A. That the impending changes in NSW Food Regulation be noted.
- B. That the General Manager be granted delegated authority to make a nomination to the NSW Food Authority for Ku ring gai Council to be an enforcement agency for the Ku-ring gai Local Government area and to carry out food surveillance work in accordance with Category B responsibilities.
- C. That upon the Council being appointed by the NSW Food Authority as an enforcement agency, Council's Environmental Health Officers be duly authorised as "Authorised Officers under the Food Act 2003".

CARRIED UNANIMOUSLY

113 Bushfire Management Policy (2007) Amendments

File: S05914

To update the Bushfire Management Policy (2007) to reflect recent legislative and government policy changes.

Resolved:

(Moved: Councillors Ryan/Hall)

That Council consider for adoption the amendments made to the Bushfire Management Policy.

CARRIED UNANIMOUSLY

114 **Bushland, Catchments and Natural Areas Reference Group - Minutes of Meeting held 31 March 2008**

.
File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 31 March 2008.

Resolved:

(Moved: Councillors Malicki/Ryan)

- A. That the Minutes of the Bushland, Catchments and Natural Areas Reference Group Meeting of Monday, 31 March 2008, and attachments be received and noted.
- B. That Council review the Road Signage Policy to examine the merits of wildlife signs along key road sites.
- C. That the Bushland, Catchments and Natural Areas Reference Group support the no-mow program at specific sites across the Local Government Association where the outcomes will support the protection of biodiversity objectives while balancing community needs.

CARRIED UNANIMOUSLY

115 **Community Consultation Policy**

.
File: S02090

To exhibit the draft Community Consultation Policy.

Resolved:

(Moved: Councillors Ryan/Lane)

- A. That Council publicly exhibits the draft Community Consultation Policy for a period of 28 days with a further 14 days for public comment.

- B. That during the exhibition period, copies of the draft Community Consultation Policy be placed at Council Chambers, Council Libraries and on Council website.
- C. That a further report be presented to the Council following the public consultation process.

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

Against the Resolution: Councillor Bennett

116 **Replacement of Bus Shelter at Illoura Avenue, Wahroonga with Adshel-type Bus Shelter**

File: S03552

To seek Council approval to replace a vandalised bus shelter situated on Illoura Avenue, Wahroonga, with a single non-advertising bus shelter.

Resolved:

(Moved: Councillor Cross/Mayor, Councillor Ebbeck)

- A. That Council approves the replacement of the existing shelter, situated at Illoura Avenue, Wahroonga with the installation of an Adshel-type, Classic style single 3 bay non-advertising shelter.
- B. That funding for the installation of the replacement advertising shelter be funded from the Street Furniture reserve.

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

Against the Resolution: Councillors Bennett and Malicki

117 **Future Proposed Road Closure - Balfour Lane, Lindfield**

File: S04350

To consider the formal public road closure of Balfour Lane Lindfield, in order to progress discussions with the adjoining property owners to achieve planning proposals inline with the Lindfield Town Centre Development Control Plan.

Resolved:

(Moved: Councillors Anderson/Ryan)

- A. That a formal road closure application for Balfour Lane, Lindfield be submitted to the Department of Lands.
- B. That, upon issuance of the Certificate of Title for the land known as Balfour Lane from the Department of Lands, the land is classified as Operational Land.
- C. That future discussions and negotiations with the property owners of the adjoining commercial development are reported to Council and accord with development outcomes identified in the Town Centres DCP, Lindfield, prior to owners consent being issued in relation to the potential development of Balfour Lane.
- D. That future discussions and negotiations with the property owners of the adjoining commercial development are reported to Council and accord with development outcomes identified in the Town Centres DCP, Lindfield, prior to consideration of the transfer of land in relation to the potential development of Balfour Lane.
- E. That the Ku-ring-gai Planning Panel be advised of Council's decision.

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

Against the Resolution: Councillor Malicki

*Standing Orders were suspended to deal with
GB.15 and GB.21 first and then NM.3 after a
Motion moved by Councillors Ryan and Cross
was CARRIED UNANIMOUSLY*

118

Request to amend Suburb Boundary

File: S04019

The following member of the public addressed Council:

B Nelson

To respond to a petition to have part of Memorial Avenue, St Ives Chase amended to be located within the suburb of St Ives.

Resolved:

(Moved: Councillors Hall/Bennett)

That the request be supported for submission to the Geographical Names Board.

For the Resolution: Councillors Cross, Hall, Lane, Ryan and Anderson

*Against the Resolution: The Mayor, Councillor N Ebbeck, Councillors
Bennett and Malicki*

119 **Draft Management Plan 2008 to 2012, Budget, Fees and Charges and 2008 to 2009 Capital Works Program**

File: S06351

The following member of the public addressed Council:

M Hillman

To place Council's 2008-2012 Draft Management Plan, incorporating the Budget, Fees and Charges and Capital Works for 2008-2009 on public exhibition.

Resolved:

(Moved: Councillor Malicki/Mayor, Councillor Ebbeck)

- A. That report on Council's Draft Management Plan 2008-2012 be received and noted.
- B. That Council gives notice of its intention to:
 - (a) Make and levy an ordinary rate to comprise a minimum rate and ad valorem rating structure for both Residential and Business categories and make and levy a special rate to comprise an ad valorem with a zero base rate for Environmental and Infrastructure categories.
 - (b) Increase its rate income by the maximum 3.2% approved by the Minister for Local Government.
- C. That pursuant to Sections 405 and 406 of the Local Government Act, 1993, the Draft Management Plan 2008-2012 incorporating the Revenue Policy, Budget, Capital Works Programs and Schedule of Fees and Charges for 2008-2009 be endorsed and placed on public exhibition for a period of 28 days commencing 9 May 2008.
- D. That an advertisement be placed in the 'North Shore Times' advising public exhibition details.
- E. That following public exhibition, a further report be submitted to Council on 24 June 2008 for adoption of the 2008-2012 Management Plan, Budget and Fees and Charges to enable consideration of:
 - (a) any submissions received during the exhibition period referred to C above; and
 - (b) formal adoption of Ku-ring-gai Council's Management Plan 2008-2012 and associated policies.
- F. That the Draft Management Plan 2008-2012 and relevant attachments be amended to reflect the additional \$1 million as outlined in the attached schedules.

*For Parts A to F of the Resolution: The Mayor, Councillor N Ebbeck,
Councillors Cross, Hall, Lane, Ryan
and Anderson*

Against Parts A to F of the Resolution: Councillors Bennett and Malicki

- G. That a KPI and Objective be created that ensures policy compliance with landscaping requirements of our DCPs in order to reduce the impact of development control on the natural environment.

This should lead to an increase in canopy, reduction in water issues, satisfaction of our residents with developments approved through screening and tree retention, and increasing numbers of fauna supported within Ku-ring-gai.

CARRIED UNANIMOUSLY

- H. That a provision for the investigation and design for the relocation of the SES building be included in the budget for 2008-2009, together with an identified funding source.

CARRIED UNANIMOUSLY

- J. That the one year Community Development Objective on Page 44 of the Management Plan read: "promote Ku-ring-gai as a destination for cultural, heritage and eco-tourism". That a strategy to achieve this objective be developed.

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

Against the Resolution: Councillor Malicki

- K. That the Council-owned tip site at St Ives be included in the St Ives Showground options paper.

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

Against the Resolution: Councillors Bennett, Hall and Malicki

Part I of the Original Motion when put to the vote was LOST.

The LOST Part I was:

- I. *That the one year Integrated Planning Objective on Page 40 of the Management Plan which reads: "Prepare a precinct master plan for the St Ives Showground, nursery and Wildflower Garden" be removed. Also, "St Ives Showground Reserve" be removed from the list of Reserves on Page 58.*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN120 **SES Headquarters Relocation**

.
File: S02543

Notice of Motion from Councillor E Malicki dated 17 April 2008

I move -

"That a working party be set up to progress the relocation of the SES headquarters to meet the current and future operational needs of the Ku-ring-gai SES Unit.

The working party should consist of interested councillors, the General Manager and/or his nominee(s), the Local Controller of the Ku-ring-gai SES and/or his nominee, as well as Region Representatives or their nominees. The first meeting should be within two weeks."

Resolved:

(Moved: Councillors Malicki/Bennett)

That the above Notice of Motion as amended be adopted.

CARRIED UNANIMOUSLY

GENERAL BUSINESS (cont)121 **Ku-ring-gai Meals on Wheels Extensions**

.
File: S03148

To advise Council of a request from Ku-ring-gai Meals on Wheels Service for financial assistance for extensions to their premises at the Ku-ring-gai Support Services Centre in Turramurra.

Resolved:

(Moved: Councillor Cross/Mayor, Councillor Ebbeck)

- A. That Council support the proposed building works at the Turramurra Community Centre and that Council allocate \$38,500 from the pre 1993 Section 94 Plan to undertake the necessary works at this facility.
- B. That Council's allocation of any grant funding received from the NSW Department of Ageing, Disability and Home Care is returned to the pre 1993 Section 94 Plan reserve.

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

Against the Resolution: Councillor Malicki

122 **Policy for Relief from Rates Hardship resulting from Land Valuation Changes**

File: S06392

To provide rate relief to owners who experience substantial financial hardship as a result of using new land valuations for Rates assessment.

Resolved:

(Moved: Councillors Cross/Lane)

- A. That the relief from Rates hardship resulting from land valuation changes policy be adopted.
- B. That within 12 months of the next re-valuation, a report be provided to Council on implementation of the Policy.

CARRIED UNANIMOUSLY

123 **Policy for the Payment of Expenses and Provision of Facilities to Councillors**

File: S03779

To recommend exhibition of a revised Policy for the Payment of Expenses and Provision of Facilities to Councillors.

Resolved:

(Moved: Councillor Bennett/Mayor, Councillor Ebbeck)

That consideration of the matter be deferred for a further report to Council.

CARRIED UNANIMOUSLY

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

(Moved: Councillors Anderson/Malicki)

That the General Manager check Council's policy in relation to the provision of expenses for spouses and partners at functions and, if necessary, amend to

ensure it provides the same level of benefit as prescribed in the legislation and updated guidelines.

124 **Code of Meeting Practice**

.
File: S02211

To consider a revised draft Code of Meeting Practice.

Councillor Bennett withdrew

Resolved:

(Moved: Councillors Malicki/Ryan)

That the revised Code of Meeting Practice be endorsed for placing on public exhibition.

CARRIED UNANIMOUSLY

125 **Heritage Advisory Committee - Minutes of Meeting held 25 February 2008**

.
File: S03816

To report to Council the minutes of the Heritage Advisory Committee meeting held on 25 February 2008.

Resolved:

(Moved: Councillors Anderson/Ebbeck)

- A. That Council receive and note the Minutes from the Heritage Advisory Committee Meeting held on Monday, 25 February 2008.
- B. That the Heritage Advisory Committee's recommendation to Council of revised plan LI-B "Landscape Plan for HAC Approval" for the playground at Roseville Park in order to relocate the playground laterally, south-east of its current location, ensuring its new position is no closer to the heritage-listed Firs Cottage than is currently the case, be adopted.
- C. That as far as practicable, heritage colours be used on the play equipment to be installed at Roseville Park so as not to detract from the heritage item."

CARRIED UNANIMOUSLY

Councillor Bennett returned

126 **Plans of Management Review**

File: S06604

To present to Council a timetable for the preparation of new and review of existing Plans of Management.

Councillor Cross withdrew during discussion

Resolved:

(Moved: Councillors Malicki/Ryan)

- A. That a miscellaneous plan of management be prepared to cover all community land not presently covered by existing Plans of Management.
- B. That three Plans of Management be reviewed per year as per the amended Table 1.
- C. That Bushland Plan of Management be reviewed in 2008 following the completion of the mapping of the critically endangered and endangered ecological communities.

CARRIED UNANIMOUSLY

Councillor Cross returned

127 **79 to 81 Killeaton Street, St Ives - Relocation of Stormwater Pipeline and Easement**

Files: DA0437/05, DA0442/05

For Council to consider granting approval for the relocation of a Council stormwater pipeline and easement that traverse the proposed development site.

Resolved:

(Moved: Councillors Hall/Lane)

- A. That Council grants approval for the extinguishment of the existing easement and creation of a new drainage easement, 2.44 metres wide over the new pipeline.
- B. That authority be given to affix the common Seal of the Council to the instrument for release and creation of new easements.
- C. That the cost of altering the terms of the said easement for drainage including release and creation and Council's legal costs and disbursements be borne by the applicant.

- D. That Council approves the proposal to modify the stormwater pipelines in accordance with ACOR Appleyard Forrest Drawings 332913 P1 to P6, all Issue 1, dated 3/2008, and subject to the following conditions:
- a. The applicant carrying out all drainage works in accordance with the plans and specifications approved by Council at no cost to Council.
 - b. The redundant section of pipe is to be backfilled or removed upon completion of the new pipeline.
 - c. The works are to be subject to inspections. The applicant or his engineer is to give Council at least 24 hours' notice (to allow inspection) at the following stages:
 - * After completion of excavation and prior to pipelaying commencing.
 - * After completion of pipelaying prior to backfilling.
 - * On completion of pipeline installation.
- E. That prior to construction of the buildings, fencing or a suitable alternative be installed around the easement perimeter, at no cost to Council, to prevent loading by heavy construction machinery on the area directly above the pipeline.
- F. That after the buildings are completed, an inspection of the pipeline by closed circuit television (CCTV) or a suitable alternative be undertaken to verify the structural integrity of the pipeline by the applicant at no cost to Council, prior to issue of the Occupation Certificate.

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

Against the Resolution: *Councillor Bennett*

128

Principal Local Environmental Plan Work Program and Timetable

File: S04541

To provide Council with a revised work program for the development of the Principal Local Environmental Plan (LEP) and to seek a new resolution of Council under Section 54 of the Environmental Planning and Assessment Act (EP&A Act).

Councillor Malicki withdrew during discussion

Resolved:

(Moved: Councillors Malicki/Hall)

- A. That Council resolve under Section 54 of the Environmental Planning and Assessment Act 1979 to prepare a Principal Local Environmental Plan (LEP) consistent with the standard instrument for the entire Ku-ring-gai local government area. The LEP will amend the Town Centres LEP.

- B. That Council endorse the work program as amended, for the preparation of the Principal LEP for submission to the Department of Planning.
- That dot point relating to 'multi activity sites' be re-worded by the Director Strategy.
 - That consolidated housing strategy be developed to bring together all the work done by council to date and the strategy be finalized by council and the planning panel where their strategy relates to their area of jurisdiction.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Councillor Malicki returned

129

Proposed Masterplan for the Gordon Civic and Community Facilities Precinct

File: S05930

Notice of Motion from Councillors A Ryan and M Lane dated 16 April 2008

When considered with Council's existing land holdings at 818 Pacific Highway, 7 Dumaresq and 3 Radford Place, the recent purchase of 9, 15, 17 Dumaresq Street (known as proposed "Dumaresq Street Park") provides Council with a unique opportunity to reconsider the types of facilities and public spaces which can be provided as the heart of the new Gordon Town Centre.

We move:

- "A. That Council prepare a master plan and options report for the area of land defined by 818 Pacific Highway and 3 Radford Place (Council Chambers); and 9, 15 and 17 Dumaresq Street (known as proposed "Dumaresq Street Park"), Gordon which:
- (1) Analyses and reviews the current uses on the site, including Council Chambers, Council Administrative Offices and car parking in terms of current capacity and future Council requirements.
 - (2) Considers Council's long term needs for cultural facilities across the LGA in line with the Community and Cultural Facilities Review (confirm correct study name - currently under preparation).
 - (3) Develops options for -
 - a) Protection and adaptive re-use of the heritage building following preparation of a conservation management plan.

- b) A new urban park (with a minimum size of 3465 square metres).
 - c) Car parking for public and staff to meet Council DCP standards.
 - d) Community and cultural facilities.
 - e) Council Administration Offices.
 - f) Other appropriate uses.
- (4) Is supported by an economic feasibility analysis showing how the redevelopment is to be funded.
- B. That master plan and options report be funded from surpluses in the 2007-2008 Strategy special projects budget, if available."

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, Hall, Lane, Ryan and Anderson*

Against the Resolution: Councillors Bennett and Malicki

**At 11.50pm a Motion
moved by Councillor Lane and the Mayor, Councillor Ebbeck
to extend the meeting until all business was completed
was put to the vote and CARRIED UNANIMOUSLY**

130

Boomerang Street - Planned Removal of Trees

File: 88/05164/04

Notice of Motion from Councillor L Bennett dated 16 April 2008

I move:

"That no tree removals are undertaken on public land in Boomerang Street until a full report has come to Council on such removals and associated road/kerb and gutter works."

Resolved:

(Moved: Councillors Cross/Mayor, Councillor Ebbeck)

- A. That no further action be taken on the removal of trees from Boomerang Street until Staff have consulted with concerned residents at a meeting to be called to

explain what is proposed for Boomerang Street regarding the upgrading of the street and the removal of trees.

- B. That a report comes to Council on such proposed removals and associated road/kerb and gutter works as determined necessary following that consultation meeting.
- C. That where possible, the staging of any proposed removal of trees be undertaken to ensure a suitable avenue of healthy trees remain until the new plantings have matured.

CARRIED UNANIMOUSLY

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

(Moved: Councillors Bennett/Malicki)

That the above Notice of Motion as printed be adopted.

131

Release of Confidential Documents - Rezoning of 452 Mona Vale Road, St Ives under Draft LEP214

File: S05450

Notice of Motion from Councillor T Hall dated 21 April 2008

I move:

"That a legal report be obtained on whether the confidential legal opinion provided by Dr Steven Berveling, Barrister to the Council on 5 April 2007, supporting the expunging of "existing use rights" for a petrol station at 452 Mona Vale Road, St Ives, may be released together with the General Manager's Confidential Briefing Memo to Councillors dated 12 June 2007" for press and public information.

Motion:

(Moved: Councillors Hall/Ryan)

That the above Notice of Motion as amended be adopted.

For the Motion: Councillor Hall

Against the Motion: The Mayor, Councillor N Ebbeck, Councillors Bennett, Cross, Lane, Malicki, Ryan and Anderson

*The above Notice of Motion
when put to the vote was LOST*

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS**132 Masada College - Request for an Elevating Platform Vehicle - 8 May 2008**

File: P49857

Business Without Notice from Councillor T Hall dated 29 April 2008

Councillor Hall advised that Masada College will be celebrating Israel's 60th Birthday with a day of special activities on 8 May 2008 and would like Council's assistance with their planned celebration to be held prior to the next Council meeting.

*The following item was dealt with after a
Motion moved by Councillors Hall & Ryan was CARRIED UNANIMOUSLY
and the Chairperson ruled Urgency*

*For the Urgency: The Mayor, Councillor N Ebbeck, Councillors
Bennett, Cross, Hall, Lane, Ryan and Anderson*

Against the Urgency: Councillor Malicki

Resolved:

(Moved: Councillors Hall/Cross)

That Council make available its Elevating Platform Vehicle to Masada College on Thursday, 8 May 2008 between 11.45am to 12.15pm to assist with the taking of a photograph of the College's planned celebration and that Masada College be requested to acknowledge Ku-ring-gai Council's support and assistance.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE**133 Department of Lands Public Records**

File: S02916

Question Without Notice from Councillor J Anderson

An article appeared in the Sydney Morning Herald of 28 April 2008 by Zoe Pollock. This article raises concerns that public records held in the Lands Department in Queens Square, Sydney might, in future, become inaccessible or less accessible to the public, especially to amateur historians and volunteer researchers. Such changes would adversely impact our local historians who research these records for the official journal of the Ku-ring-gai Historical Society, "The Historian" and family histories utilising this currently free and accessible service.

Would the General Manager please make inquiries of the Lands Department as to its intentions?

Answer by the General Manager

Happy to do that.

134 **Financial Donation to State Library of NSW - Council's Appreciation**

File: S04573

Question Without Notice from Councillor J Anderson

Would the Mayor and General Manager please extend Council's appreciation to Geoffrey and Rachel O'Connor of Springdale Road, Killara for their generous financial contribution to the State Library of NSW enabling the funding of its new on-line collection entitled "Looking North - People and Places"?.

The collection was launched on the State Library's website last week and centres on the early history and development of Ku-ring-gai.

Could Council Staff also explore the possibility of a link to this site from Council's own website?

Answer by the General Manager

We will do that and explore the website. Director Bevan will do that.

135 **Spread of Comprehensive LEP Work Program Reports**

File: S04541

Question Without Notice from Councillor E Malicki

Can the General Manager ensure that the work programme reports for the Comprehensive LEP are spread amongst the available meetings in the months those matters are due?

Answer by the General Manager

Yes, I will try to make sure that all the Business Papers are spread in general but particularly with emphasis on that.

136 **St Ives Showground Consultative Committee**

File: S02866

Question Without Notice from Councillor T Hall

I ask when did the Consultative Committee of the St Ives Showground last meet?

Would the General Manager revisit the matter urgently please to ensure Council meets the reporting requirements of the Plan of Management (Clause 2.2.1 of 9 September 1999)?

Answer by the General Manager

I am happy to follow that up, Councillor Hall and respond to Councillors.

137 **Interface Site Maps**

File: S06347

Question Without Notice from Councillor L Bennett

Could I have a copy of maps showing the interface sites referred to in the LEP report to the Planning Panel?

Answer by Director Strategy

The answer to that is Yes but I don't know that there is a firm settled interface maps yet. What we did was talk about general yields and capacities.

Councillor Bennett

Could I have what has been mapped?

Answer by Director Strategy

Yes.

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

138 **31 Kissing Point Road, Turramurra - Proposal to Acquire**
(Section 10A(2)(c) - Information that would confer a commercial advantage)

File: P48218

Report by Director Strategy dated 9 April 2008.

Motion:

(Moved: Councillors Malicki/Bennett)

That Council pursue the purchase of the land at 31 Kissing Point Road.

For the Motion: Councillors Malicki and Anderson

Against the Motion: The Mayor, Councillor N Ebbeck, Councillors Bennett, Cross, Hall, Lane and Ryan

The above Motion when put to the vote was LOST

To Open Council

The Meeting closed at 1.14am

The Minutes of the Ordinary Meeting of Council held on 29 April 2008 (Pages 1 - 25) were confirmed as a full and accurate record of proceedings on 13 May 2008.

General Manager

Mayor / Chairperson