

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

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)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Director Operations (Greg Piconi)
Director Strategy (Andrew Watson)
Manager Corporate Planning & Sustainability (Peter Davies)
Manager Urban Planning (Antony Fabbro)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

Others Present: J Studdert (Deacons)
Mr Shaw (Chairperson of the Code of Conduct Committee)

The Meeting commenced at 7.06pm

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.

The Mayor, Councillor N Ebbeck declared perceived Conflicts of Interest in Item GB.1 - Code of Conduct Matter - Prima Facie Code of Conduct Breach (e-mail to External Parties) and Item GB.2 - Code of Conduct Matter - Prima Facie Code of Conduct Breach (e-mail to Staff).

Councillor T Hall declared Pecuniary Interests in Item GB.1 - Code of Conduct Matter - Prima Facie Code of Conduct Breach (e-mail to External Parties) and Item GB.2 - Code of Conduct Matter - Prima Facie Code of Conduct Breach (e-mail to Staff).

Councillor L Bennett declared perceived Conflicts of Interest in Item GB.1 - Code of Conduct Matter - Prima Facie Code of Conduct Breach (e-mail to External Parties) and Item GB.2 - Code of Conduct Matter - Prima Facie Code of Conduct Breach (e-mail to Staff).

Councillor E Malicki declared a Conflict of Interest in Item GB.14 - Environmental Levy Small Grants Scheme - Round Six (knows one of the applicants).

259 **CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

File: S02499

Resolved:

(Moved: Councillors Cross/Ryan)

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 **Open Space Acquisition - Implementation Strategy** - Report by Director Strategy dated 21 July 2008.
- C.2 **Council Depot Site, Gordon** - Report by Director Operations dated 18 July 2008.

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:

**Confirmation
of Minutes:**

Minutes of Ordinary Meeting of Council held 22 July 2008.

**Councillors
Information:**

St Ives Showground Consultative Committee - Memorandum by Director Strategy dated 8 July 2008 in response to a Question Without Notice raised by Councillor Tony Hall at the Ordinary Meeting of Council held 10 June 2008.

Memorandums:

Refer GB.9 - Facilities Committee Meeting - Minutes of 8 & 14 July 2008 - Memorandum by Director Corporate dated 28 July 2008 in reference to an amendment to the attachment - Minutes of Meeting held 8 & 14 July 2008 recording that Councillor Adrienne Ryan was in attendance at the meeting held on 8 July 2008.

Refer GB.10- Marian Street Theatre Feasibility Study - Memorandum by Director Strategy dated 24 July 2008 with an enlarged Confidential Attachment No 2 for Councillors.

Refer GB.12 - Policy on Integrated Water Management for Ku-ring-gai - Memorandum by Director Strategy dated 24 July 2008 with an attachment of A3 coloured copy of Appendix C - Map of Water Sensitive Urban Design Features.

Refer GB.13 - Ku-ring-gai Council Draft Sustainability Vision Report - Memorandum by Director Strategy dated 24 July 2008 with a bound coloured copy of the Sustainability Vision Report 2008 to 2033.

Refer GB.14 - Environmental Levy Small Grants Scheme - Round Six - Memorandum by Manager Corporate Planning & Sustainability dated 29 July 2008.

Refer GB.15 - Heritage Advisory Committee Meeting - Minutes of 2 June 2008 - Memorandum by Director Strategy dated 29 July 2008 advising that a review of the Heritage Advisory Committee Minutes of 2 June 2008 had revealed an issue with the quorum for the Meeting.

Confidential

Memorandum: **Refer C.2 - Council Depot Site, Gordon** - Memorandum by Senior Governance Officer dated 24 July 2008 regarding first page of Attachment 3 (legal advice) did not print due to a sticky substance on the original document & full attachment attached to Memorandum.

CONFIRMATION OF MINUTES

260 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 22 July 2008
Minutes numbered 231 to 258

Resolved:

(Moved: Councillors Lane/Ryan)

That Minutes numbered 231 to 258 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS

261 **Richmond Avenue & Mona Vale Road, St Ives - Request an Investigation into a Safe Traffic Exit in a Southerly Direction - (One Hundred & Thirty-One [131] Signatures)**

File: 88/05987/03

"Petition presented by Councillor Tony Hall

Residents of Richmond Avenue, St Ives and western side of Mona Vale Road (Nos 402 to 408) north of entrance into Richmond Avenue, request an appropriate

traffic authority to investigate and implement measures that would effectuate exit from Richmond Avenue at the Wildflower Garden and a lot safer to cross Mona Vale Road in a southerly direction."

Resolved:

(Moved: Councillors Hall/Bennett)

That the Petition be received and that the matter be referred to the Ku-ring-gai Traffic Committee for attention.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

262 **Gordon Pre School Lease Renewal - 2A Park Avenue, Gordon**

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File: P55292

To consider the granting of a new 5 year lease to Gordon Pre School located at 2A Park Avenue, Gordon.

Resolved:

(Moved: Councillors Ryan/Lane)

- A. That Council grant a new 5-year Lease to Gordon Pre-School.
- B. That the Mayor and General Manager or their delegate be authorised to execute the necessary documentation.
- C. That Council authorise the affixing of the Common Seal of Council to the Lease Agreement.

CARRIED UNANIMOUSLY

263 **Investment Report as at 30 June 2008**

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File: S05273

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

Resolved:

(Moved: Councillors Shelley/Ryan)

- A. That the summary of investments and performance for June 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
Andrew, Cross, Lane, Ryan, Shelley & Anderson*

Against the Resolution: Councillors Bennett, Hall & Malicki

264

Policy on Integrated Water Management for Ku-ring-gai

File: S03491

To recommend the exhibition of the draft Integrated Water Management Policy and Strategy for a period of 40 days.

Resolved:

(Moved: Councillors Shelley/Ryan)

- A. That Council publicly exhibit the draft Integrated Water Management Policy and Strategy for a period of 40 days.
- B. That during the exhibition period the draft policy and strategy be referred the Bushland, Catchments and Natural Areas Reference Group, and to members of the Parks Sport and Recreation Reference Group and Sustainability Reference Group for comment.
- C. That copies of the document be placed at Council Chambers, Council libraries and on Council's website.
- D. That a further report be presented to Council following the public exhibition process.

CARRIED UNANIMOUSLY

265

Ku-ring-gai Council Draft Sustainability Vision Report

File: S05947

To seek Council's adoption of the revised draft Sustainability Vision Report.

Resolved:

(Moved: Councillors Shelley/Lane)

- A. That Council adopt the final draft Sustainability Vision Report.

- B. That Council adopt the vision that “*Ku-ring-gai will be a creative, healthy and liveable place where people respect each other, conserve the magnificent environment and society for the children and grand children of the future*”.
- C. That the Vision Report and action plan be used in the preparation of subsequent management plans and other strategies and policies of Council.

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

Against the Resolution: *Councillor Malicki*

Councillor Malicki withdrew

266

Environmental Levy Small Grants Scheme - Round Six

File: S04553

To seek Council's support to fund eleven (11) Environmental Levy Small Grant projects.

Resolved:

(Moved: Councillors Shelley/Ryan)

That Council support the following applications for funding under Round Six of the Community Small Grants Scheme:

1.	Noel Bell - Buller Street, South Turramurra- bush regeneration	\$4,000
2.	Margaret Burgman - Mimosa bushcare group Turramurra - weed control	\$4,000
3.	Hugh Lander - Geary's Way, Killara - bushcare weed removal	\$4,000
4.	Bruce Williams - Stage three primary weed treatment – St Ives	\$4,000
5.	Bruce Donnelley - Riparian bush regeneration (Lovers Jump Creek, Turramurra)	\$4,000
6.	Steve Toombs - Lovers Jump Creek, Turramurra community project – weed removal	\$4,000
7.	Carol Parr - Sydney Turpentine Ironbark Forest (STIF) management and natural regeneration in St Ives	\$3,500
8.	Rolf Beck - Protection of ridge top and drainage into Gordon Creek in Gordon	\$1,500
9.	Nancy Pallin - Weed tree removal Paddy Pallin Reserve in Lindfield	\$4,000
10.	Sarah Bryce - St Ives North Primary erosion control	\$3,720
11.	Simon Scott - Identification and mapping of mountain bike Recreation networks	\$3,000
TOTAL		\$39,720

CARRIED UNANIMOUSLY

Councillor Malicki returned

267 **Heritage Advisory Committee Meeting - Minutes of 2 June 2008**

File: S03816

To report to Council the Minutes of the Heritage Advisory Committee Meeting held 2 June 2008.

Resolved:

(Moved: Councillors Shelley/Anderson)

That the Minutes of the Heritage Advisory Committee Meeting held on 2 June 2008 be deferred as a review of the Minutes has revealed an issue with the quorum for the meeting and that a report be brought back to Council.

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

Against the Resolution: Councillors Bennett & Hall

*Standing Orders were suspended to deal with items
Where there are speakers after a
Motion moved by Councillors Shelley & Cross
was CARRIED UNANIMOUSLY*

Councillor Bennett withdrew

**Councillor Hall declared pecuniary interests
in respect of the following items -
GB.1 - Code of Conduct Matter -
Prima Facie Code of Conduct Breach (e-Mail to External Parties)
& GB.2 - Code of Conduct Matter -
Prima Facie Code of Conduct Breach (e-Mail to Staff)
and withdrew from the Chamber,
following the Address to Council in GB.1, taking no part
in discussion and voting on the item**

268 **Code of Conduct Matter - Prima Facie Code of Conduct Breach (e-Mail to External Parties)**

File: S06344

The following member of the public addressed Council:

R Dunn

Councillor Hall withdrew following address

To report to Council the Code of Conduct Committee's findings and recommendations in relation to a complaint lodged against Councillor Tony Hall relating to an e-mail sent on 21 April 2008.

Resolved:

(Moved: Councillor Andrew/Mayor, Councillor Ebbeck)

- A. That Council receive and note the contents of the report.
- B. That as per Clause 10.17 of the Code of Conduct, Councillor Hall be censured by the Council for misbehaviour, in accordance with Section 440G of the Local Government Act.
- C. That Council, under Section 11 of the Code of Conduct, refer the matter to the Department of Local Government seeking the Councillor's suspension due to this being the Councillor's second censure.

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

Against the Resolution: Councillor Shelley

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

(Moved: Councillors Shelley/Anderson)

That the matter be deferred until:

- A. After the hearing of this matter before the Courts; and*
- B. An impartial Chair is in place.*

**During debate on the above Item,
Council adjourned into Closed Session
into the Ante Room for a discussion on legal advice
with Press & Public Excluded
after a Motion moved by Councillors Shelley & Anderson**

*For the Adjournment: Councillors Andrew, Cross, Lane, Shelley &
Anderson*

*Against the Adjournment: The Mayor, Councillor N Ebbeck, Councillors
Malicki & Ryan*

To Open Council

Those present were:

The Mayor, Councillor N Ebbeck
Councillor Anderson
Councillor Andrew
Councillor Cross
Councillor Lane

Councillor Malicki
Councillor Ryan
Councillor Shelley

269

Code of Conduct Matter - Prima Facie Code of Conduct Breach (e-Mail to Staff)

File: S06344

The following member of the public addressed Council:

R Dunn

Councillor Malicki withdrew during discussion

To report to Council the Conduct Committee's findings and recommendations in relation to a complaint lodged against Councillor Tony Hall, relating to an e-mail sent to a staff member on 17 April 2008.

Resolved:

(Moved: Councillors Andrew/Cross)

- A. That Council receive and note the contents of the report.
- B. That as per Clause 10.17 of the Code of Conduct, Councillor Hall be censured by the Council for misbehaviour, in accordance with Section 440G of the Local Government Act.
- C. That Council, under Section 11 of the Code of Conduct, refer the matter to the Department of Local Government seeking the Councillor's suspension due to this being the Councillor's third censure.
- D. That as from today, the Councillor must send all communications for Council Staff or Directors via the General Manager.
- E. That, additionally, the General Manager sends to the Department of Local Government for consideration, under Section 11.6 of the Code of Conduct, the e-mail and subsequent correspondence, that was written by Councillor Hall on Tuesday, 8 July 2008, which was copied to the Department of Planning.

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

Against the Resolution: Councillor Shelley

Councillor Bennett returned

Councillor Malicki returned

Councillor Hall returned

270

Marian Street Theatre Feasibility Study

File: P51074

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

To report to Council on the key recommendations of the Marian Street Theatre Feasibility Study.

Resolved:

(Moved: Councillors Lane/Shelley)

- A. That Council considers the Marian Street Theatre Feasibility Report including the indicative capital and recurrent operational and management budgets.
- B. That Council approve funding of up to \$118,000 from the Infrastructure and Facilities Reserve to fund a POPE upgrade (or equivalent) at the Marian Street Theatre to deliver a facility that can be used for public entertainment and negotiate and enter into an occupancy agreement with MSTYP for the use of the upgraded facility.
- C. That the Mayor and General Manager are delegated authority to execute the occupancy agreement and affix the Seal of Council.
- D. That upon the recommencement of performances at MST, Council commences a fresh EOI process based on undertaking a series of building maintenance works to ascertain whether a prospective lessee is obtainable and that ensures that MSTYP continues to have a designated space within the theatre.
- E. That a further report will be brought back to Council detailing the outcome of the EOI and associated financial negotiations.

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

Against the Resolution: Councillor Hall

271 **St Ives Occasional Care Centre Inc - 261 Mona Vale Road, St Ives -
Renewal of Lease**

File: P52684

To consider the renewal of the lease to St Ives Occasional Care Centre Inc for the premises located at 261 Mona Vale Road, St Ives.

Resolved:

(Moved: Councillors Hall/Bennett)

- A. That a lease be granted to St Ives Occasional Care for a period of 3 years with a 2 year option.
- B. That this approval is subject to the conditions under section 47A of the LGA and that Council issue a public notice as prescribed by the Act.
- C. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- D. That the Council Seal be affixed to the lease agreement.

CARRIED UNANIMOUSLY

272 **Constitutional Referendum on the Election of Mayor**

File: S06203

To consider draft questions for a constitutional referendum.

Resolved:

(Moved: Councillors Shelley/Hall)

- A. That Option A1 be adopted [popular Mayor and 2 Councillors per Ward with 5 Wards].
- B. That the explanatory material for the electors on the question to be asked be considered by Council at the next meeting.

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

Against the Resolution: Councillors Bennett, Malicki & Anderson

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

(Moved: Councillors Cross/Ryan/Lane)

- A. *That Option B2 be adopted [popular Mayor and 2 Councillors per Ward with 4 Wards].*
- B. *That the explanatory material for the electors on the question to be asked be considered by Council at the next meeting.*

273 **Code of Meeting Practice**

File: S02211

To recommend the adoption of a revised Code of Meeting Practice.

Motion:

(Moved: Councillors Hall/Shelley)

That consideration of the matter be deferred for further clarification of Clauses 3.18.2; 3.24.2; 5.6.2 and 6.2.1 and due to the lack of a pre-briefing on the Code.

For the Motion: Councillors Andrew, Bennett, Hall, Shelley & Anderson

Against the Motion: The Mayor, Councillor N Ebbeck, Councillors Cross, Lane, Malicki & Ryan

*The voting being EQUAL,
the Mayor exercised his Casting Vote
AGAINST the Motion*

Councillor Cross withdrew during discussion

Amendment:

(Moved: Councillor Ryan/Mayor, Councillor Ebbeck)

- A. *That the revised Code of Meeting Practice be adopted.*
- B. *That the second sentence of point 11 in Council's Order of Business for Council Meetings be as follows:*

Mayor to invite Councillors to nominate any items on the Agenda that they wish to adopt in accordance with the officer's recommendation allowing for minor changes without debate.

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

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

No decision was made in relation to the above matter as the Amendment and the Motion when put to the vote were LOST.

274 **Policy for the Payment of Expenses & Provision of Facilities to Councillors**

File: S03779

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

Councillor Hall withdrew during discussion

Resolved:

(Moved: Mayor, Councillor Ebbeck/Councillor Lane)

That the revised Policy for the Payment of Expenses and Provision of Facilities to Councillors be adopted.

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

Against the Resolution: *Councillors Bennett & Shelley*

Councillor Hall returned

275 **Facilities Committee Meeting - Minutes of 8 & 14 July 2008**

File: S05043

To report to Council the Minutes of the Facilities Committee.

Resolved:

(Moved: Councillors Malicki/Bennett)

- A. That the Minutes of the Meeting of the Facilities Committee held on 8 July and reconvened on 14 July 2008 be received and noted.

- B. That it be noted that Councillor Ryan attended the Facilities Committee meeting on 8 July 2008.
- C. That it be noted that Councillors Malicki & Bennett did not depart the meeting, but left the meeting at the request of a staff member and they returned.

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

Against the Resolution: *Councillor Hall*

**At 11.40pm
a Motion moved by Councillors Ryan & Lane
to extend the meeting until
all Business was completed
was put to the vote**

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

Against the Extension: *Councillor Hall*

Councillor Hall departed

276

Local Environment Study, Natural Environment & Indigenous Heritage Update

File: S06413

To provide Council with an update on the development of the natural environment and indigenous heritage aspects of the Principal Local Environmental Plan (LEP) and to seek endorsement of the proposed program.

Resolved:

[Moved: Councillors Bennett/Malicki]

- A. That Council receive and note the update report on the progress of the Local Environment Study for the Principal Local Environmental Plan in relation to the natural environment and indigenous heritage, in particular in the areas under the control of the Planning Panel.
- B. That Council approve a re-allocation of \$60,000 from the Environmental Levy Aerial Mapping Project line item, to assist in the vegetation mapping.

- C. That Council support the re-allocation to the vegetation mapping project of 2 staff members funded by the Environment Levy for 2 days a week, each for 6 months from July 2008.
- D. That Council allocate \$40,000 from the Contingency Reserve from the 2007/2008 budget, subject to end of financial year review. If funds are not available, they be allocated at the first quarter (2008/2009) budget review.
- E. That the General Manager provide an urgent report at the next Council meeting on how the balance of the funding for the vegetation mapping could be sourced.
- F. That a report be submitted before the end of this Council on the Panel's timetable and the financial implications of this for the comprehensive LEP.

CARRIED UNANIMOUSLY

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

(Moved: Councillors Shelley/Anderson)

- A. *That Council receive and note the update report on the progress of the Local Environment Study for the Principal Local Environmental Plan in relation to the natural environment and indigenous heritage, in particular in the areas under the control of the Planning Panel.*
- B. *That Council approve a re-allocation of \$60,000 from the Environmental Levy Aerial Mapping Project line item, to assist in the vegetation mapping.*
- C. *That Council support the re-allocation to the vegetation mapping project of 2 staff members funded by the Environment Levy for 2 days a week, each for 6 months from July 2008.*
- D. *That Council allocate \$40,000 from the Contingency Reserve from the 2007/2008 budget, subject to end of financial year review. If funds are not available, they be allocated at the first quarter (2008/2009) budget review.*
- E. *That Council adopt the changes to the vegetation mapping methodology as presented in the report.*
- F. *That a report be submitted before the end of this Council on the Panel's timetable and the financial implications of this for the comprehensive LEP.*

277

Building Maintenance Program 2008/2009

File: S02533

To advise Council of the proposed building maintenance program for 2008/09, the draft 2009/12 building maintenance program and the findings of the second building condition audit 2008.

Resolved:

(Moved: Councillors Shelley/Lane)

That the 2008/09 Building Maintenance Program and the draft 2009/12 Building Maintenance Program be adopted.

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

Against the Resolution: Councillor Bennett

QUESTIONS WITHOUT NOTICE

278 **Bannockburn Oval Redevelopment - Application by Ku-ring-gai Little Athletics
Centre Inc**

File: S02449

Question Without Notice from Councillor E Malicki

Is it true that you have asked Little Athletics to withdraw their application for Bannockburn Oval and have they done so?

Answer by the Mayor

No, I haven't asked them. I have had a meeting today with the Director in relation to the issues that are there. No, I haven't asked them, if that's the simple answer but there are major problems there unfortunately.

The Director is happy to answer the Question, clarify it if you would like.

Additional Question by Councillor Malicki

Does the Director intend to ask Little Athletics to withdraw their application for Bannockburn Oval?

Answer by Director Strategy

Mayor and Councillors, we have.

279 **Illegal Signs in Roseville**

File: S04442

Question Without Notice from Councillor M Shelley

Would the Director Development & Regulation investigate illegal signs in Roseville including but not limited to the one at the intersection of Babbage Road & Boundary Street and take appropriate action?

Answer by the Director Development & Regulation

Will do.

280 **Interest on Investments**

File: S05273

Question Without Notice from Councillor L Bennett

How much interest did Council's investments earn last financial year?

Answer by Director Corporate

I will take that on notice.

281 **Number of Complaints to the Ombudsman**

File: S06344

Question Without Notice from Councillor L Bennett

How many complaints did the Ombudsperson deal with last financial year?

Answer by the General Manager

I will take that on notice & report back.

**Council resolved itself into Closed Meeting
with the Press and Public Excluded
after a Motion moved by Councillors Cross & Anderson
was CARRIED UNANIMOUSLY**

282

Open Space Acquisition - Implementation Strategy

File: S04601

In accordance with the *Local Government Act 1993* and the Local Government (General) *Regulation 2005*, in the opinion of the General Manager, this item contains information that is of a kind referred to in section 10(A) 2(c) of the Act, and should be dealt with in a part of the meeting closed to the media and public.

Section 10(A) 2(c) of the Act permits the meeting to be closed to the public for business relating to:

- (c) Information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business.

It is not in the public interest to release this information as it would prejudice Council's ability to acquire property on appropriate terms and conditions.

Report by Director Strategy dated 21 July 2008.

Councillor Malicki departed during discussion

Resolved:

(Moved: Councillors Ryan/Lane)

- A. That Council adopt the following proposed park locations within Town Centre boundaries (as adopted by Council on the 15 July 2008) as priority open space acquisitions over the next 3 – 5 years:
 - Option 3g, Lindfield;
 - Option 2c, St Ives;
 - Option 4a, St Ives;
 - Option 2a, Turramurra;
 - Option 4c, Gordon; and
 - Option 5a, Gordon.
- B. That the Ku-ring-gai Planning Panel be advised that, on the basis of developer contributions cash flow risk Council is reasonably prepared to accept, that the proposed park locations identified in Recommendation 'A', being within priority open space catchments determined by Council in its Open Space Acquisition Strategy, are expected to be able to be funded by development contributions over the next 3 – 5 years.

For the Resolution:

*The Mayor, Councillor N Ebbeck, Councillors
Andrew, Cross, Lane, Ryan, Shelley & Anderson*

Against the Resolution:

Councillor Bennett

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

(Moved: Councillors Shelley/Anderson)

- A. *That Council adopt the following proposed park locations in town centre boundaries (as adopted by Council on the 15 July 2008) as priority open space acquisitions over the next 3 – 5 years:*
- *Option 3g, Lindfield;*
 - *Option 2c, St Ives;*
 - *Option 4a, St Ives;*
 - *Option 2a, Turramurra;*
 - *Option 4c, Gordon; and*
 - *Option 5a, Gordon.*
- B. *That the Ku-ring-gai Planning Panel be advised that, on the basis of developer contributions cash flow risk Council is reasonably prepared to accept, that the proposed park locations identified in Recommendation 'A', being within priority open space catchments determined by Council in its Open Space Acquisition Strategy, are expected to be able to be funded by development contributions over the next 3 to 5 years.*
- C. *That should Council be in a position whereby all options identified in 'A' above have not been taken up, that further analysis be undertaken with a view to purchasing site 6d in Lindfield, within the next 3 to 5 years.*

283

Council Depot Site, Gordon

File: S04550

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 divestment of property.

It is not in the public interest to release this information as it would prejudice Council's ability to negotiate the appropriate terms and conditions.

Report by Director Operations dated 18 July 2008.

Resolved:

(Moved: Councillors Shelley/Ryan)

- A. That negotiation on the sale of the existing depot site continue with the preferred tenderer to include the potential purchase of Lot 2.
- B. That updated independent valuations be obtained for Lots 1 and 2 of the existing depot site at 1 to 7 Carlotta Avenue, Gordon.
- C. That a further report be brought back to Council after negotiations have concluded and independent valuations have been obtained and updated forecasts of remediation costs.

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

Against the Resolution: Councillor Bennett

To Open Council

The General Manager adverted to the consideration of the matters referred to in the Minutes numbered 282 & 283, and to resolutions contained in such Minutes.

The Meeting closed at 1.20am

The Minutes of the Ordinary Meeting of Council held on 29 July 2008 (Pages 1 - 20) were confirmed as a full and accurate record of proceedings on 12 August 2008.

General Manager

Mayor / Chairperson