

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 29 JUNE 2004

Present: The Mayor, Councillor A Ryan (Chairperson) (Gordon Ward)
Councillors I Cross & N Ebbeck (Wahroonga Ward)
Councillors A Andrew & E Malicki (Comenarra Ward)
Councillors L Bennett & T Hall (St Ives Ward)
Councillors G Innes AM & M Shelley (Roseville Ward)
Councillor M Lane (Gordon Ward)

Staff Present: General Manager (Brian Bell)
Director Environment & Regulatory Services (Michael Miocic)
Manager Development Assessment Services (Matthew Prendergast)
Director Planning & Environment (Leta Webb)
Director Technical Services (Greg Piconi)
Director Open Space (Steven Head)
Director Community Services (Janice Bevan)
Director Finance & Business (John McKee)
Senior Governance Officer (Geoff O'Rourke)
Office Co-ordinator/WP (Casey Locke)

The Meeting commenced at 7.01pm

The Mayor offered the Prayer

DECLARATION OF PECUNIARY INTEREST

The Mayor adverted to the necessity for Councillors and staff to declare a Pecuniary Interest in any item on the Business Paper.

No such interest was declared.

ADDRESS THE COUNCIL

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

T Kaye
P McClennon

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:

Minutes: Inspections Committee held 26 June 2004

Refers GB.6: Draft LEP No 200 – Consideration of Submission and Need for Re-exhibition – Memorandum from Director Planning & Environment dated 29 June 2004

CONFIRMATION OF MINUTES

303 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 22 June 2004

Minutes numbered 283 to 302

Resolved:

(Moved: Councillors Innes/Hall)

That Minutes numbered 283 to 302 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 294.

CARRIED UNANIMOUSLY

Management Plan 2004-2008, Incorporating Budget and Fees & Charges 2004/2005

File: S03096

Vide Minute No 294

Resolved:

(Moved: Councillors Hall/Innes)

That Part L of Minute No 294 be amended to read:

- L. That C.A.R.E.S. be advised that some \$2,500 is still available from the relocation of the Defence Force building to the Mona Vale Road site, and that C.A.R.E.S. site coordinator negotiate with the General Manager to complete the outstanding works as requested in their submission utilising the Council funds currently available.

CARRIED UNANIMOUSLY

REPORTS FROM COMMITTEES

304 Minutes of Inspections Committee

File: S02131

Meeting held 26 June 2004

Minutes numbered INS13 & INS14

Resolved:

(Moved: Councillors Bennett/Cross)

That Minutes numbered INS13 & INS14 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, with an amendment to Item 5 as follows:

5. 17 to 19 Orana Avenue, Pymble - Construction of a Tennis Court, Retaining Walls and Alterations to the Existing Driveway

File: DA1502/03

Ward: St Ives

Applicant: Mr Bo Piotrowski

Owner: Mr & Mrs Sefton

Issues:

1. Built-upon area - Concern was raised as to whether the built-upon area of 58.3% was accurate and whether Council can **legally** require the 50% maximum built-upon area as required by DCP38 rather than the 60% maximum built-upon area as provided by the Ku-ring-gai Planning Scheme Ordinance.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

305 7 Shelby Road, St Ives - Detached Dual Occupancy

File: DA 1061/03

Ward: St Ives

Applicant: Helen Blaxland c/- Champion Home Sales P/L

Owner: Ms Helen Blaxland

To determine Development Application No.1061/03, which seeks consent for a detached dual occupancy.

Resolved:

(Moved: Councillors Bennett/Cross)

- A. That consideration of Development Application No 1061/03 for construction of a new dwelling to create a detached dual occupancy at 7 Shelby Road, St Ives be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

For the Resolution: The Mayor, Councillor A Ryan, Councillors Cross, Andrew, Bennett, Ebbeck, Malicki

Against the Resolution: Councillors Hall, Innes, Lane and Shelley

306

Selection Of Tenderer For Advertising And Non-Advertising Bus Shelters

File: S03338

To report on the results of the public tenders for the design, supply, installation and maintenance of bus shelters, and seek approval to appoint a bus shelter provider for a 15 year period.

Resolved:

(Moved: Councillors Innes/Shelley)

- A. That the tender submitted by Adshel for the design, supply, installation and maintenance of advertising and non-advertising bus shelters for a term of 15 years, including the removal and disposal of existing shelters be accepted.
- B. That the Classic theme by Adshel be accepted as the preferred shelter style.
- C. That the unsuccessful tenderer be informed of Council's decision.
- D. That the Mayor and General Manager be delegated authority to sign the contract forms and affix the seal of Council.
- E. That Council informs JCDecaux for the removal of the trial bus shelter, situated outside 1408 Pacific Highway, Turramurra, with this shelter to be replaced with an Adshel Shelter.
- F. That the installation of advertising and non-advertising bus shelters be undertaken with the first year of the contract.

- G. That a Bus Shelter reserve be established to account for monies received and that these funds be the subject of a further report to Council.
- H. That Council replaces the previous shelter on Warrimoo Avenue near the corner of Milburn Place with a non-advertising shelter and that the cost of the installation be negotiated with the contractor.
- I. That authority be delegated to the General Manager for any variations to the contract and negotiations for any revenue return to council.
- J. That authority be delegated to the General Manager for the upfront payment from the first 3 years, based on the installation within the first year of the contract.
- K. That Council endorses the modification of ASF non-advertising shelters funded by developers to advertising shelters where appropriate.
- L. That a further report be brought back to Council within the next 12 months on the potential locations of additional shelter sites.

CARRIED UNANIMOUSLY

307

Riparian Policy

File: S03491

To present a draft policy that seeks to improve the management of watercourses and riparian zones across Ku-ring-gai.

Resolved:

(Moved: Councillors Innes/Lane)

- A. That Council exhibit the draft policy to seek public and government comment.
- B. That Development Control Plans 47 Water Management, 38 Residential Development and 55 Multi unit housing be reviewed upon adoption of the final policy and incorporated into these planning documents.
- C. That the draft riparian policy, be resubmitted to Council for final adoption following a review of comments arising during the public exhibition process.
- D. That the draft policy replace the draft Water Management Policy as considered by Council in 1999.
- E. That a report be prepared for the consideration of Council on opportunities to find the implementation of the draft policy prior to December 2004.

CARRIED UNANIMOUSLY

308 **To Write Off Doubtful Debts Relating To Telstra Corporation And Optus Vision**

File: S02413

To obtain Council's authority to write off doubtful debts for Telstra Corporation Limited and Optus Vision Pty Limited relating to Section 611 Charges raised under the Local Government Act 1993.

Resolved:

(Moved: Councillors Innes/Shelley)

- A. That Council formally write off debts for Telstra Corporation Limited of \$4,579,300.
- B. That Council formally write off debts for Optus Vision Limited of \$3,663,440.
- C. That the Council minute form part of the financial notes to Council.

CARRIED UNANIMOUSLY

*Standing Orders were suspended to deal with
Business Paper item GB.6 after a Motion moved by
Councillors Shelley and Ebbeck was CARRIED UNANIMOUSLY*

309 **Draft Local Environmental Plan No 200 - Consideration Of Submissions And
Need For Re-Exhibition**

File: S03209

*A motion moved by Councillors Hall and Cross
to hear all speakers was CARRIED UNANIMOUSLY*

**Council adjourned for a short interval at 7.26pm
after a Motion moved by Councillors Cross and Lane was
CARRIED and the Chairperson ruled accordingly.
The Meeting resumed at 7.46pm**

Those present were:

The Mayor, Councillor Ryan
Councillor Andrew
Councillor Bennett
Councillor Cross
Councillor Ebbeck
Councillor Hall

Councillor Innes
Councillor Lane
Councillor Malicki
Councillor Shelley

The following members of the public addressed Council:

**J Smart
B Ferguson
G McClelland
P O'Brien
M Arnett
J O'Brien
S Morony
G Howard
R McDonald
D Hawes
J Currie
V Fries
H Johnston**

To consider Draft Local Environmental Plan No 200 (DLEP200) and the need for its re-exhibition in a revised format to have regard for the gazettal of Local Environmental Plan No 194 (LEP194) on 28 May 2004.

Resolved:

(Moved: Councillors Cross/Bennett)

- A. That Council re-exhibit Draft Local Environmental Plan No 200 in the redrafted format as appended to the memo from the Director, Planning and Environment dated 29 June 2004 and including the exclusion of 3-15 Bundarra Avenue, South Wahroonga.
- B. That the exhibition be in accordance with the Environmental Planning and Assessment Act 1979 and Regulations.
- C. That the re-exhibition include the redrafted versions of the "Detached Dual Occupancies Map" and "Dwelling-house Subdivisions Map" necessary to incorporate Draft LEP 200 as discussed in the Planning report dated 11 June 2004 and zoning map entitled "Land in the vicinity of Pacific Highway / Rail Corridor and St Ives Centre", as modified by amendments necessary to incorporate the Minister's Section 55 Direction.
- D. That the redrafted zoning map provide a 2(d3) zone for all proposed medium density sites excepting 116-118 Rosedale Road, St Ives and 3-15 Bundarra Avenue, South Wahroonga which are to be deleted from the Plan.
- E. That a report be brought to Council following the close of the exhibition period.

- F. That site specific controls be incorporated into DCP 55 for 132-138 Killeaton Street, St Ives.
- G. That a list of reasons for exclusion of 3-15 Bundarra Avenue, South Wahroonga be included with the submission to the Minister.
- H. That legal advice be sought on the Minister's direction during the exhibition period.

CARRIED UNANIMOUSLY

The above Resolution was subject to an Amendment and a Foreshadowed Amendment, both of which were LOST. The Lost Amendment was:

(Moved: Councillors Shelley/Lane)

- A. *That Council re-exhibit Draft Local Environmental Plan No 200 in the redrafted format as appended to the memo from the Director, Planning and Environment dated 29 June 2004.*
- B. *That the exhibition be in accordance with the Environmental Planning and Assessment Act 1979 and Regulations.*
- C. *That the re-exhibition include the redrafted versions of the "Detached Dual Occupancies Map" and "Dwelling-house Subdivisions Map" necessary to incorporate Draft LEP 200 as discussed in the Planning report dated 11 June 2004 and zoning map entitled "Land in the vicinity of Pacific Highway / Rail Corridor and St Ives Centre", as modified by amendments necessary to incorporate the Minister's Section 55 Direction.*
- D. *That the redrafted zoning map provide a 2(d3) zone for all proposed medium density sites excepting 116-118 Rosedale Road, St Ives which is to be deleted from the Plan.*
- E. *That legal advice be sought on the Minister's direction during the exhibition period.*
- F. *That a report be brought to Council following the close of the exhibition period.*
- G. *That site specific controls be incorporated into DCP 55 for 132-138 Killeaton Street, St Ives.*

The Lost Foreshadowed Amendment was:

(Moved: Councillors Innes/Shelley)

- A. *That Council re-exhibit Draft Local Environmental Plan No 200 in the redrafted format as appended to the memo from the Director, Planning and Environment dated 29 June 2004 and the inclusion of all lands from*

1234 Pacific Highway, Pymble to 1274 Pacific Highway Turramurra inclusive, and 1 Beechworth Road, Pymble.

- B. That the exhibition be in accordance with the Environmental Planning and Assessment Act 1979 and Regulations.*
- C. That the re-exhibition include the redrafted versions of the “Detached Dual Occupancies Map” and “Dwelling-house Subdivisions Map” necessary to incorporate Draft LEP 200 as discussed in the Planning report dated 11 June 2004 and zoning map entitled “Land in the vicinity of Pacific Highway / Rail Corridor and St Ives Centre”, as modified by amendments necessary to incorporate the Minister’s Section 55 Direction.*
- D. That the redrafted zoning map provide a 2(d3) zone for all proposed medium density sites excepting 116-118 Rosedale Road, St Ives which is to be deleted from the Plan.*
- E. That the redrafted zoning map provide for the inclusion of all lands from 1234 Pacific Highway, Pymble to 1274 Pacific Highway Turramurra inclusive, and 1 Beechworth Road, Pymble as 2(d3) zone, and that the Department be requested to provide the necessary Section 65 Certificate.*
- F. That legal advice be sought on the Minister’s direction during the exhibition period.*
- G. That a report be brought to Council following the close of the exhibition period.*
- H. That site specific controls be incorporated into DCP 55 for 132-138 Killeaton Street, St Ives.*

Councillors Bennett and Malicki withdrew

310 **Echo Point Park - Plan of Management**

File: S02396

To adopt the Plan of Management for Echo Point Park in accordance with the requirements of the Local Government Act 1993.

Councillor Cross departed during discussion

Resolved:

(Moved: Councillors Shelley/Innes)

- A. That the Draft Plan of Management for Echo Point Park be adopted.

- B. That the following persons be advised of the adoption of the Draft Plan:
- Persons who provided a submission or attended the Public Hearing;
 - Warringah and Willoughby Councils;
 - NSW Waterways Authority Metropolitan Local Aboriginal Land Council.
- C. That notification of adoption of the Plan be provided in terms of Section 40 (2A) of the Local Government Act 1993.
- D. That the following changes be incorporated into the Plan:
- i. insert into Table 6 as a means of achievement relating to point (d) of the objectives

“upon discovery during works of any possible indigenous artefact at the site work is to cease and consultation with MLALC is to be implemented”
 - ii. insert into Table 5 as a means of achievement relating to the provision of equitable access that Council use its best endeavours to achieve access to the waterfront for people with disabilities.

CARRIED UNANIMOUSLY

311 **Implementation Review - Sportsgrounds Generic Plan Of Management**

File: S02182

To review the implementation of the Sportsgrounds Generic Plan of Management.

Councillors Bennett and Malicki returned during discussion

Resolved:

(Moved: Councillors Shelley/Innes)

- A. That Council receive and note this report.
- B. That review of the plan be ongoing and reported through the Parks, Sport & Recreation Reference Group.
- C. That maintenance programs for sportsfields be reviewed as a matter of urgency and thereafter annually.

CARRIED UNANIMOUSLY

BUSINESS WITHOUT NOTICE – SUBJECT TO CLAUSE 14 OF MEETING REGULATION

As the closing date for submissions relating to the Chatswood Transport Interchange Study was today (29 June 2004), Councillor Shelley raised this matter as urgent business.

The following item was dealt with after a Motion moved by Councillors Shelley and Innes to have the matter dealt with at the meeting was CARRIED and the Chairperson ruled urgency

312 Chatswood Transport Interchange Study Submission

File: S03538

Resolved:

(Moved: Councillors Shelley/Innes)

That the General Manager be delegated authority to seek an extension to make a submission in relation to the Chatswood Transport Interchange Study, and that the Mayor, General Manager and Roseville Ward Councillors be delegated authority to develop such a submission on the following matters:

- i. Impact of Traffic from the Chatswood Transport Interchange Study for which submissions close today.
- ii. Whether Ku-ring-gai Council was invited to make a submission to the study.
- iii. Whether the Director of Technical Services has any information regarding the anticipated increase of 1000 cars per hour increase on Boundary Street and the increased bus services from the Northern Beach and North of Ku-ring-gai down the Eastern Arterial Road, Pacific Highway and Boundary Street.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE

313 Festival On The Green - Congratulations To Staff By Mayor

File: S03143

Question Without Notice from Councillor G Innes

I note the very successful Festival on the Green last Sunday and my question is to your Madam Mayor. Have you congratulated the Council staff on the excellent efforts that they made to make that first Festival such a success?

Answer by the Mayor

Thank you for that Councillor Innes and I absolutely agree with that. I think it was a remarkable day and I have actually written to the Directors generally but specifically to Director Community Services, Janice Bevan, and commended her and her staff for all the hard work. Thank you.

314

Broadcasting Council Meetings Over Community Radio

File: S02355, S02211

Question Without Notice from Councillor G Innes

During my recent visit to the United States, I became aware of local councils whose meetings were broadcast on community radio stations. This appeared to me an excellent way to allow broader community awareness of our deliberations.

Would the General Manager report to Council on the feasibility of Ku-ring-gai Council meetings either being broadcast on a local community radio station or on the internet? Such a report should include -

Details of any other Councils whose meetings may be broadcast;

The cost to Council of such broadcast, bearing in mind that Council meetings are already amplified and recorded;

Any legal implications;

Details of direct and indirect benefits, which may be gained both from the broader availability of the Council decision-making process, and the increase in Council's profile in the community.

Answer by the Mayor

I think that is an excellent idea and the General Manager has taken that and will report back.

315

Festival On The Green - Letter Of Congratulations To St Ives Village Management

File: S03143

Question Without Notice from Councillor T Hall

Would the Mayor include a letter of congratulations and appreciation on behalf of Councillors to the St Ives Village Management Company, its directors and staff for its sponsorship of the highly successful Festival on the Green last weekend, please?

Answer by the Mayor

Absolutely, thank you.

316 **Inspection Of Council Files**

File: S03186

Question Without Notice from Councillor T Hall

When I sought to view the DLEP200 administration file tonight, I was advised that such file is on the "TRIM" electronic database.

Will "TRIM" management process deny Councillors authorised access to files on the agenda of Council meetings until we are provided with computer screens or is there a compromise available, please?

Answer by the General Manager

That facility is available, Councillor Hall. We have set up, specifically, a computer in the Chamber for that. Every file discussed on a Council Agenda paper is on that computer.

317 **Targetted Site 1**

File: S02973

Question Without Notice from Councillor E Malicki

1. Is Council submitting an objection to the amended plans for 2 to 12 Avon Road and 3, 5 and 5A Pymble Avenue, Pymble, which is on exhibition until 12 July?
2. Can we please make such a submission?

Answer by Director Planning & Environment

We have only just received it and no-one has actually gone through it, yet.

Answer by Mayor

We will report back to you on that one, Councillor Malicki.

318 **Sites On Pacific Highway Between Beechworth & Warragal Roads, Pymble - Southern Side**

File: S02921

Question Without Notice from Councillor N Ebbeck

Could the General Manager please provide a report to Council in relation to the properties located on the southern side of the Pacific Highway between Beechworth Road and Warragal Road, Pymble and provide information on the potential to re-zone these properties to 2(d3)?

Could you also consider what options are available to Council to allow the applicants to provide the report for re-zoning as part of their application?

Answer by the Mayor

The General Manager will report back.

INSPECTIONS COMMITTEE – SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place on Saturday, 10 July 2004 to view the following property:

7 Shelby Road, St Ives

The Meeting closed at 10.30pm

The Minutes of the Ordinary Meeting of Council held on 29 June 2004 (Pages 1 - 14) were confirmed as a full and accurate record of proceedings on 20 July 2004.

General Manager

Mayor / Chairperson