

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 4 SEPTEMBER 2007

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

Staff Present: General Manager (John McKee)  
Director Corporate (John Clark)  
Director Development & Regulation (Michael Miocic)  
Director Operations (Greg Piconi)  
Director Strategy (Steven Head)  
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*

### 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.

*Standing Orders were suspended to deal with  
GB.1 & GB.2 after a Motion moved by  
Councillors Lane & Andrew*

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

*Against the Motion: Councillors Bennett, Malicki & Shelley*

**Councillors Bennett & Malicki withdrew**

**The Mayor, Councillor Ebbeck vacated the Chair**

**GENERAL BUSINESS****338 Election of Mayor for the 2007/2008 Mayoral Term**

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File: S03662

To elect the Mayor for the period 2007/2008.

**Resolved:**

(Moved: Councillors Lane/Hall)

That the Council elect the Mayor for the period 2007/2008 using the ordinary ballot method.

**CARRIED UNANIMOUSLY**

The General Manager announced that there was one (1) nomination for the position of Mayor.

Councillor Ebbeck was nominated and accepted the nomination.

Councillor Ebbeck was duly elected unopposed to the position of Mayor of Ku-ring-gai Council for the September 2007/2008 Mayoral Term.

**339 Election of Deputy Mayor for the 2007/2008 Term**

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File: S03662

To elect the Deputy Mayor for the period 2007/2008.

**Resolved:**

(Moved: Councillors Hall/Lane)

That the Council elect the Deputy Mayor for the period 2007/2008 using the same election method as was used for the election of the Mayor.

**CARRIED UNANIMOUSLY**

The General Manager announced that there was one (1) nomination for the position of Deputy Mayor.

Councillor Andrew was nominated and accepted the nomination.

Councillor Andrew was duly elected unopposed to the position of Deputy Mayor of Ku-ring-gai Council for the September 2007/2008 Term.

**The Mayor, Councillor Ebbeck resumed the Chair**

The Mayor, Councillor Ebbeck congratulated Councillor Andrew on her election as Deputy Mayor again and thanked her for her support over the past 12 months.

**Councillors Bennett & Malicki returned****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: **Minutes of Ordinary Meeting of Council held 28 August 2007.**

**Refer GB.3 - St Ives Showground Service Station (452 Mona Vale Road, St Ives) - Proposed Amendment to Ku-ring-gai Planning Scheme Ordinance** - Report by Commercial Services Co-ordinator, Senior Urban Planner, Manager Urban Planning & Director Strategy dated 31 August 2007 with attachments.

Councillors

Information: **Council Exposure to CDO's** - Memorandum by Director Corporate dated 28 August 2007 in answer to a Question Without Notice raised by Councillor L Bennett at the Ordinary Meeting of Council held on 14 August 2007.

**CONFIRMATION OF MINUTES****340 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 28 August 2007  
Minutes numbered 302 to 337

**Resolved:**

(Moved: Councillors Ryan/Lane)

That Minutes numbered 302 to 337 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

**PETITIONS****341 Petition Against the Sale of Firearms in Roseville Shops - (Two Hundred & Seventeen [217] Signatures)**

File: DA0621/07

**Petition presented by Councillor M Shelley:**

"Petition to the Hon Frank Sartor, MP, Minister for Planning

We, the undersigned, object to the Ku-ring-gai Council issuing a development approval for the storage and sale of Firearms from Shop 19 Babbage Road, Roseville Chase. We, the undersigned, also object to the approval being granted by Council on the basis that no local community or business consultation whatsoever was required or undertaken on the basis that it is not an issue for public consultation. This, we believe, irrespective of what Council rules and by-laws may say, is an infringement of our rights as local and concerned citizens of this community."

**Resolved:**

(Moved: Councillors Shelley/Anderson)

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

**CARRIED UNANIMOUSLY**

**REPORTS FROM COMMITTEES****Minutes of Ku-ring-gai Traffic Committee**

File: S02110

Meeting held 23 August 2007  
Minutes numbered KTC4 to KTC8

**342 General Matter Items under Delegated Authority**

File: S02738  
*Vide Minute No KTC4*

Advice on matters considered under Delegated Authority.

**Resolved:**

(Moved: Councillors Lane/Cross)

That the information regarding traffic facilities approved during February 2007 to July 2007 be noted.

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

*Against the Resolution:   Councillor Shelley*

343

### **General Matter - Sydney Adventist Hospital Fun Run**

File: S02158

*Vide Minute No KTC5*

Ward: Comenarra

Electorate: Ku-ring-gai

To consider a request from the Sydney Adventist Hospital Foundation for a Fun Run on Sunday 21 October 2007.

#### **Resolved:**

(Moved: Councillors Lane/Cross)

- A. That approval be given to Sydney Adventist Hospital Foundation to close Lucinda Avenue between Pacific Highway and Fox Valley Road for three hours in the morning to conduct its annual Fun Run on Sunday, 21 October 2007 following the routes shown on Sketch Plan No. SAH Fun Run/KTC/08/07, subject to the event organisers observing the following conditions:
1. Traffic Management Plan being approved by the RTA.
  2. That closure of Lucinda Avenue being advertised by Council as required by Section 116 of the Roads Act 1993 and no substantial objections to the proposal which cannot be addressed, being received by the closing date of the advertising
  3. That organisers obtain permission from Hornsby Council for the use of streets that are under its control.
  4. That organisers be responsible for the supply/erection of any necessary barriers and road cones at their cost to ensure the safe conduct of the event.
  5. That event organisers ensure participants use footpaths where practicable and at other times to run/walk as near as practicable to the right-hand side of the carriageway, facing on-coming traffic.
  6. That any directions given by the Local Area Command Ku-ring-gai, be promptly obeyed.

7. That any motor vehicle used in conjunction with this event must be driven at the general speed of traffic. When used for relief or supervisory purposes while stationary, such vehicle must be clear of the trafficable portion of the roadway used by moving traffic.
  8. Roads and Traffic Authority accredited marshals are to be provided at appropriate positions as agreed by the Police Service to make motorists aware of the potential danger of runners/walkers in the vicinity.
  9. That all marshals to be in position prior to the commencement of the event and remain until dismissed by the organisers.
  10. That marshals be briefed as to their duties and responsibilities prior to commencement of the event.
  11. The Sydney Adventist Hospital supply 20 million dollars public liability insurance cover, naming Ku-ring-gai Council as principal and the evidence of the Policy should be received by Council one week prior to the event.
  12. That Council's Regulatory Officer visits the site during the event, to ensure Council's conditions of approval are being observed.
- B. That Ms Lorraine Pavitt of the Sydney Adventist Hospital Foundation be notified of Council's decision, and be requested to respond in writing to Council by Friday 5 October 2007, confirming the SAH's acceptance of Council's decision for conducting the Fun Run 2007.

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

*Against the Resolution:      Councillor Shelley*

344

### **General Matter - Knox Garden Day 2007**

File: S02250

*Vide Minute No KTC6*

Ward: Wahroonga

Electorate: Ku-ring-gai

To consider a request from Knox Grammar Senior School Mothers' Group to hold the annual "Knox Garden Day" in the vicinity of Cleveland Street on Friday, 14 September 2007.

#### **Resolved:**

(Moved: Councillors Lane/Cross)

That approval be given to Knox Grammar Senior Mothers' Group to close Cleveland Street and nearby streets to conduct its Knox Garden Day on Friday, 14 September 2007, subject to the following conditions:

1. The following roads will be closed during the period specified in the table below:

Street	Section between	Time
Cleveland Street	Burns Road & Billyard Avenue	10.00am to 2.00pm (full closure)
Cleveland Street	Billyard Avenue & Millewa Avenue	6.00am to 10.00am (southbound movement only)
Cleveland Street	Billyard Avenue & Millewa Avenue	10.00am to 2.00pm (full closure)
Cleveland Street	Billyard Avenue & Millewa Avenue	2.00pm to 5.00pm (southbound movement only)
Stuart Street	Illoura Avenue & Cleveland Street	10.00am to 2.00pm (full closure)
Illoura Avenue	North of Stuart Street	10.00am to 2.00pm (full closure)
Billyard Avenue	Cleveland Street & Sutherland Avenue	10.00am to 2.00pm (full closure)

2. The closures being advertised by Council as required by Section 116 of the Roads Act 1993 and no substantial objections to the proposal which cannot be addressed, being received by the closing date of the advertising.
3. Residents of Cleveland Street and other streets in the vicinity being informed by a letter, via letterbox drop, undertaken by the Knox Grammar Senior School Mothers' Group, of Council's decision.
4. The event organiser providing and maintaining all necessary signs, barricades and all other safety equipment at its expense to properly effect the changed traffic conditions required by the approved Traffic Management Plan.
5. The event organiser provides adequate Roads and Traffic Authority accredited traffic control personnel to control traffic and parking in the event area, as suggested in the traffic study submitted by the applicant.
6. The event organiser liaise with Police about the proposed event, and the Local Area Commander Kuring-gai be requested to patrol the area and monitor traffic conditions during the event.
7. That a Regulatory Officer visits the site throughout the day to monitor traffic conditions to ensure Council's conditions of approval are being observed. They are to report any traffic congestion or other safety issues to Council's Director Operations within 30 days of the event.
8. The Knox Grammar Senior School Mothers' Group responding in writing to Council by 7 September 2007, confirming its acceptance of Council's decision for conducting the 2007 Knox Garden Day.

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

*Against the Resolution:*      *Councillor Shelley*

345

**Horace Street, St Ives**

File: 88/05558/03

*Vide Minute No KTC8*

Ward: St Ives

Electorate: Davidson

To report on a site meeting and to re-consider a request for a pedestrian zebra crossing in Horace Street near Stanley Street.

**Resolved:**

(Moved: Councillors Bennett/Ryan)

That Councillors have a briefing on the matter within 2 weeks.

**CARRIED UNANIMOUSLY**

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

*(Moved: Councillors Hall/Bennett)*

A. *That the matter stand deferred for the following reasons:*

1. *That the Council ask RTA to re-consider a refuge on south side of roundabout.*
2. *That the lighting issue be brought to Council for advice.*
3. *That the Committee's attention be invited as to the extent of increases in population surrounding this roundabout.*

B. *That Mr Gibian be informed of Council's decision.*

346

**General Matter - Auslink Black Spot Program**

File: S06118

*Vide Minute No KTC7*

Ward: Wahroonga

Electorate: Ku-ring-gai

To consider sites for inclusion in the 2008/2009 Federal 'Auslink' Black Spot Program.

**Resolved:**

(Moved: Councillors Lane/Cross)



- A. That a revised application be made for funding allocations under the 'Auslink' Black Spot Program for 2008/2009 for the intersection of Burns Road and Bobbin Head Road, Turramurra.
- B. That the Roads and Traffic Authority be requested to support Council's nomination for two (2) consecutive years (2008/2009 and 2009/2010).

(Moved: Councillors Malicki/Hall)

- C. That alternative treatments at the intersection of Kissing Point Road and Catalpa Crescent (south) be deferred and that the site continue to be monitored.

(Moved: Councillors Malicki/Hall)

- D. That the Committee report back on safety issues at the intersection of Kissing Point Road and Catalpa Crescent (north).

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS** (cont)

347

**St Ives Showground Service Station (452 Mona Vale Road, St Ives) -  
Proposed Amendment to Ku-ring-gai Planning Scheme Ordinance**

File: P52793

To consider an appropriate zoning amendment to enable the continued use of the Service Station site adjoining the St Ives Showground at 452 Mona Vale Road, St Ives as a permissible use.

**Resolved:**

(Moved: Councillors Bennett/Shelley)

- A. That Council advise the Department of Planning of its decision to prepare a draft Local Environmental Plan in accordance with Section 54 of the Environmental Planning and Assessment Act 1979.
- B. That the draft Local Environmental Plan provide for the amendment of the Ku-ring-gai Planning Scheme Ordinance to permit service station use and ancillary commercial / retail purposes for lands known as 452 Mona Vale Road, St Ives at St Ives Showground (being Lot 4 DP628197, part of land in Ms 15786 Sy and Part of Portion 18 in the Parish of Broken Bay).
- C. That upon receipt of formal Department of Planning support, the draft Local Environmental Plan be prepared and consultation with statutory authorities be undertaken in accordance with the provisions of Section 62 of the Environmental Planning and Assessment Act 1979.

- D. That following preparation of the draft Local Environmental Plan it be placed on public exhibition in accordance with statutory requirements.
- E. That a report be brought back to Council following public exhibition for consideration and finalising of the draft Local Environmental Plan.

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

*Against the Resolution:              Councillors Hall, Shelley & Anderson*

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

*(Moved: Councillors Hall/Anderson)*

*That the matter be deferred to ensure that the St Ives Showground Plan of  
Management in relation to the service station site is consistent with the  
recommendation of the staff.*

## **QUESTIONS WITHOUT NOTICE**

348      **Photographs of Children on Council Documents- Statement of Written  
Permission**

File: S05981

Question Without Notice from Councillor M Shelley

Would the General Manager ensure that when photographs of children are used on Council documents, that a statement be included stating that written permission has been given by the parents of all children depicted and provide, at least, to Councillors?

**Answer by the General Manager**

I would be happy to look into that and provide a formal response to Council.

349      **Congratulations to Staff - Mural at Lindfield Railway Underpass**

File: S02337

Question Without Notice from Councillor M Shelley

Would the General Manager please pass on to all relevant staff, particularly the Youth Services Officers, my congratulations for the first stage of the mural at the Lindfield Railway Underpass at Havilah Street, Lindfield?

**Answer by the General Manager**

I will be happy to do that.

350 **Gordon Bowling Club**

File: S03654

Question Without Notice from Councillor A Ryan

Can the Director please look into the concerns raised by C J Smith in Address to Council on 28 August and respond to Councillors in writing with suggestions for any appropriate action?

**Answer by the General Manager**

That's already in hand through Mr Piconi and we will report to Council shortly.

*The Meeting closed at 7.48pm*

The Minutes of the Ordinary Meeting of Council held on 4 September 2007 (Pages 1 - 11) were confirmed as a full and accurate record of proceedings on 25 September 2007.

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General Manager

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Mayor / Chairperson