

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 7 APRIL 2009

Present: The Mayor, Councillor E Malicki (Chairperson) (Comenarra Ward)
Councillor S Holland (Comenarra Ward)
Councillors E Keays & C Szatow (Gordon Ward)
Councillor J Anderson (Roseville Ward)
Councillors T Hall & C Hardwick (St Ives Ward)
Councillor I Cross (Wahroonga Ward)

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Director Operations (Greg Piconi)
Director Strategy & Environment (Andrew Watson)
Manager Community & Recreation (Mark Taylor)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.00pm

The Mayor offered the Prayer

62 APOLOGIES

File: S02194

Councillor Rakesh Duncombe tendered an apology for non-attendance [family commitment] and requested leave of absence.

NOTE: The Director Community, Janice Bevan, tendered an apology for non-attendance [annual leave].

Resolved:

(Moved: Councillors Anderson/Cross)

That the apology by Councillor Rakesh Duncombe for non-attendance be accepted and leave of absence be granted.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors
Holland, Keays, Szatow, Anderson & Cross*

Against the Resolution: Councillors Hall & Hardwick

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.

63 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Keays/Cross)

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 Acquisition of Property for Car Parking Purposes - Report by Director Strategy & Manager Strategic Assets & Services dated 2 April 2009.

For the Resolution: *The Mayor, Councillor E Malicki, Councillors Holland, Keays, Szatow, Anderson, Hardwick & Cross*

Against the Resolution: *Councillor Hall*

ADDRESS THE COUNCIL

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

H Willis
M Shelley
J McKenzie
P Deegan
M Vignes
B Anderson

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Late Items: **Refer GB.4 - Prioritising Capital Works** - Memorandum by Director Operations dated 31 March 2009 with replacement pages of original report (Business Paper Pages numbered 95 to 99/Report Pages numbered 17 to 21) & a Full replacement Report.

Memorandums: **Refer GB.1 - Code of Meeting Practice** - Memorandum by Director Corporate dated 7 April 2009 regarding Clause 6.5.3 of the Draft Code.

Refer GB.4 - Prioritising Capital Works - Memorandum by Director Operations dated 7 April 2009 with attachment regarding further proposed amendments to the criteria for Council Buildings & Tree Canopy Replenishment.

Confidential

Late Items: **New Item - Refer C.1 - Acquisition of Property for Car Parking Purposes** - Report by Director Strategy & Manager Strategic Assets & Services dated 2 April 2009 with an attachment.

CONFIRMATION OF MINUTES

64 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 10 March 2009
Minutes numbered 52 to 61

Resolved:

(Moved: Councillors Keays/Cross)

That Minutes numbered 52 to 61 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

65

Shop Local Campaign

File: S02166

Ku-ring-gai is fortunate to have so many high quality small businesses that offer great personal service and are vital parts of our local neighbourhoods.

We have many local shops including butchers, patisseries and hairdressers that have won industry awards and small business awards based on voting by shoppers.

These businesses and others such as newsagents, pharmacies, delicatessens and fruit shops also work together to donate to local sporting and community organisations and help organise local events such as sausage sizzles and charity drives. Without these businesses our local communities would be much poorer.

In the current global financial crisis, businesses the world over are facing tough times. Ku-ring-gai's businesses are of course not immune from this crisis – and I believe Council could play a role in making sure they continue to prosper.

I am proposing that Councillors hold a workshop to discuss ways we could implement a 'Shop Local' campaign to encourage residents to support our local businesses.

A key message of such a campaign would be that shopping locally helps create a more sustainable local community – both economically and environmentally.

It has the twin aims of generating local economic activity and reducing residents' energy consumption and costs.

The campaign could urge residents to leave the car at home and walk or cycle to the local shops, pointing out they would save money on petrol, reduce their carbon footprint, improve their fitness and keep spending within the community.

Such a campaign would be consistent with the objectives of our Draft Climate Change Policy, which Councillors discussed with so much enthusiasm at our first General Committee meeting held on 24 March.

A Councillors' workshop would be the best way to work out how the campaign could be run. Possible options could be media releases, information of Council's website and Councillors visiting and liaising with neighbourhood centres to encourage events such as market days, community events and the like.

Resolved:

That Council hold a workshop to consider cost effective ways to encourage residents to shop locally and support our local businesses.

CARRIED UNANIMOUSLY

PETITIONS**66 West Lindfield Sports & Recreation Club - Support for the Development of Futsal Courts - (Four Hundred & Thirty-Nine [439] Signatures)**

File: S02712

The following petition was extracted from <http://www.gopetition.com.au/online/25921.html> at the request of Councillor Jennifer Anderson on 29 March 2009 by e-mail.

Background (Preamble):

West Lindfield Sport and Recreation Club is dedicated to supporting the community through the provision of sporting and recreation facilities. Currently, there are 1800 playing members of the Lindfield Football Club and no all-weather practice courts in Ku-ring-gai.

By providing futsal courts, Lindfield FC will be able to hold futsal competitions and offer the all-weather facilities to local schools and groups. There are 5000 children attending schools within a 5km radius of the Club in Highfield Road, Lindfield. WLS&RC supports the fitness of children and their families by providing local facilities through a not-for-profit community organisation.

"We, the undersigned, call on Ku-ring-gai Council to support the development of futsal courts at West Lindfield Sport and Recreation Club.

We understand that there may be an increase in usage of the facilities following the development of the futsal courts, however, we believe that the better use of these community facilities and the provision of all-weather sports facilities provides a greater benefit to the local community than to keep the currently unused bowling greens".

Resolved:

(Moved: Councillors Anderson/Hall)

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 12 March 2009
Minutes numbered KTC1 to KTC3

67 **General Matter Items under Delegated Authority**

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File: S02738

Vide Minute No KTC1

Advice on matters considered under Delegated Authority.

Resolved:

(Moved: Councillors Keays/Cross)

That the information regarding traffic facilities approved during November 2008 and February 2009 be noted.

CARRIED UNANIMOUSLY

68 **Proposed MoT Strategic Bus Route 7 using The Comenarra Parkway**

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File: S02027

Vide Minute No KTC2

Ward: Comenarra

Electorate: Ku-ring-gai

To consider approval of Strategic Bus Route 7 and associated bus stops.

Resolved:

(Moved: Councillors Keays/Cross)

- A. That Council note the Ministry of Transport's request for approval of a strategic bus route to include Junction Road, Eastern Road, The Comenarra Parkway and Yanko Road, including new bus stops, but that the Ministry has not undertaken the requested consultations, nor has it identified infrastructure that would be required, nor has it agreed to fund required works.
- B. That the Ministry of Transport's proposed Strategic Bus Route 7 or Shorelink's Route 575 and requested bus stops be approved in principle, subject to the Ministry undertaking a satisfactory audit of its proposed bus stops in Maxwell Street at Turra Street, on The Comenarra Parkway near Evans Street and on Doncaster Avenue at Parker Avenue.
- C. That Director Operations be delegated authority to approve the Ministry's request subject to a satisfactory agreement with the Ministry regarding funding of infrastructure works required at proposed bus stops.

- D. That Council note the letter from the MoT about *Hail and Ride Areas* and that Council seek further clarification from HREOC as to whether *Hail and Ride Areas* need to be DDA compliant.
- E. That Council reiterate its request to the Minister for Transport to reinstate the loop routes that have been removed.

CARRIED UNANIMOUSLY

69 **Traffic & Transport Policy**

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File: S02527
Vide Minute No KTC3

To consider updating Council's Traffic and Transport Policy.

Resolved:

(Moved: Councillors Keays/Cross)

That the updated Traffic & Transport Policy as amended be adopted.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

70 **Code of Meeting Practice**

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File: S02211

To recommend the public exhibition of a revised Code of Meeting Practice.

Resolved:

(Moved: Councillors Keays/Hall)

- A. That clause 6.5.3 of the draft Code of Meeting Practice be amended to read:

A councillor or a member of a council committee who has a non-pecuniary interest in any matter with which the council is concerned and who is present at a meeting of the council or committee at which the matter is being considered must disclose the interest to the meeting as soon as practicable.

In accordance with clause 7.17 of Council's Code of Conduct, if the non-pecuniary interest is significant and the source of the conflict cannot be removed, the councillor or committee member must have no involvement in the matter, by absenting and not taking part in any debate or voting on the issue as if the provisions in section 451(2) of the Act apply.

- B. That the revised draft Code of Meeting Practice as attached and amended by A. above be placed on public exhibition.

CARRIED UNANIMOUSLY

71 **Koola Park, East Killara - Storage Facility Upgrade**

File: S03076

To seek Council's approval for the construction of a storage facility at Koola Park, East Killara to be funded by Lindfield Junior Rugby Club and Newington Preparatory School, Lindfield.

Resolved:

(Moved: Councillors Keays/Szatow)

That Council approve the construction of a storage facility at Koola Park, East Killara as described in the body of this report and funded by Lindfield Junior Rugby Club and Newington Preparatory School, Lindfield, subject to the following conditions:

- A. All building work must comply with the Building Code of Australia.
- B. All structural work shall be inspected and certified by a practising professional structural engineer.
- C. All stormwater drainage work must be carried out in accordance with Australian Standard/New Zealand Standard AS/NZS 3500 Plumbing and Drainage.

CARRIED UNANIMOUSLY

72 **West Pymble Pool Operation - Tender Process**

File: S04066

To seek Council's approval to change the timetable for the tender for the operation of the new aquatic and leisure facility at West Pymble Pool.

Resolved:

(Moved: Councillors Keays/Holland)

- A. That Council defer the selective tender for the operation of the West Pymble Pool until after the construction of the new facility has commenced.
- B. That Council set aside \$1,500 from the existing project budget for the purpose of seeking input on the design process from operators that previously responded to the Expression of Interest.
- C. That, upon commencement of construction, Council use an open tender process for the operation of the facility.
- D. That Council write to the current facility lessees to offer a lease extension to operate the facility for the 2009/10 swimming season.
- E. That a report be brought back to Council as to the extent of the lease with the current operators.
- F. That Council notify the six firms, chosen to proceed to the select tender stage for the operation of the facility, of the new timetable for open tender.

CARRIED UNANIMOUSLY

73

Prioritising Capital Works

File: S05347

The following member of the public addressed Council:**A Gamble**

To update the ranking criteria for Capital Works Projects that is used to develop ongoing programs.

Resolved:

(Moved: Councillors Keays/Hardwick)

That Council adopt the amended updated ranking criteria as detailed in the report.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE**74 Energy Efficient Lighting**

File: S02249

Question Without Notice from Councillor C Hardwick

I have information relating to energy efficient lighting that is being installed in a number of locations.

Can the General Manager investigate the potential savings for Council if it were to install LED lighting in Council's parks & buildings.

Answer by the Director Operations

Happy to look into that and then come back with information relating to that.

75 Investments

File: S05273

Question Without Notice from Councillor T Hall

I ask the General Manager would he provide details of the disposal of \$1,264,565 referred to in GB Item 5 of the General Committee of 24 March 2009 from the Council's Investments Portfolio and identify the accounts used please?

Answer by the General Manager

I recall correctly on the night of the meeting that Councillor Hall has alluded to, that Question was answered on the floor by the Director and was reiterated by the Mayor. I am happy to put out a Memo to reiterate that response. It was not a loss in investments, it was a movement of funds for the month.

76 Legal Costs since 1 July 2008

File: S03295

Question Without Notice from Councillor T Hall

I asked a Question about legal costs on 24 March 2009 seeking the accounts/bills paid to Council's Legal Consultants for the current year to date and have been confronted with a two page email from Council's Legal Officer requesting details I require.

I have made a simple inquiry in proper terms and would appreciate a reply to that Question please at the earliest opportunity.

I seek to view the accounts paid please.

Answer by the Mayor

Was that a Question? That was a statement, Councillor Hall.

Answer by Councillor Hall

No. Seek to view the payments.

Answer by the Mayor

As I said, it wasn't a Question, Councillor Hall.

Answer by the General Manager

Councillor Hall, I understand that you are correct. The Corporate Lawyer has been in contact trying to refine the search so as to minimise the work involved in doing it and you have asked, this afternoon, the Director Corporate for the current Chart of Accounts and that will be provided for use so that we can continue to work on your previous Question.

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

77 Acquisition of Property for Car Parking Purposes

File: S07257

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 acquisition of property.

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

Report by Director Strategy, Manager Strategic Assets & Services & Team Leader
Open Space & Recreation Planning dated 3 April 2009

Resolved:

(Moved: Councillors Hardwick/Keays)

That Council proceed in the manner outlined in the report.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors
Holland, Keays, Szatow, Anderson, Hardwick &
Cross*

Against the Resolution: Councillor Hall

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

(Moved: Councillors Hall/Hardwick)

That a site inspection be conducted before proceeding.

The General Manager adverted to the consideration of the matter referred to in the
Minute numbered 77, and to the resolution contained in such Minute.

The Meeting closed at 8.31pm

The Minutes of the Ordinary Meeting of Council held on 7 April 2009 (Pages 1 - 12) were
confirmed as a full and accurate record of proceedings on 12 May 2009.

Acting General Manager

Mayor / Chairperson