

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

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

Staff Present: General Manager (John McKee)
Acting Director Corporate (Tino Caltabiano)
Director Development & Regulation (Michael Miocic)
Director Operations (Greg Piconi)
Director Strategy & Environment (Andrew Watson)
Manager Corporate Planning & Sustainability (Peter Davies)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.02pm

The Mayor offered the Prayer

PRESENTATION

Ms Anne Cahill and Mr Ron Prussing of the Ku-ring-gai Philharmonic Orchestra presented a plaque to Council in appreciation of its long-term support of the Orchestra.

119 APOLOGIES

File: S02194

Councillor J Anderson tendered an apology for non-attendance [family commitments] and requested leave of absence.

Resolved:

(Moved: Councillors Keays/Duncombe)

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

CARRIED UNANIMOUSLY

Councillor Hardwick arrived

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.

120 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Cross/McDonald)

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:

Refer GB.1 Agenda - Exclusion of Business - Attachment: E-mail dated 29 June 2009 from Deacons to Corporate Lawyer

Refer GB.7 Sewer Mining Project - Gordon Golf Course - Determination of Water Recycling Treatment Technology

Attachment 1: Letter from Henry & Hymas dated 25 June 2009

Attachment 2: Financial Report from GE Water & Process Technologies

Attachment 3: Financial Report from Veolia Water Solutions & Technologies (Aust) Pty Ltd

Refer GB.15 Tender T07/2009 for Plumbing Services & T08/2009 for Electrical Services

Attachment 1: Evaluation Spreadsheet for Plumbing Services

Attachment 2: Evaluation Spreadsheet for Electrical Services

Refer GB.16 - 12 Woonona Avenue, Wahroonga - Potential Property Purchase -

Report by Director Strategy & Environment & Manager Strategic Assets & Services dated 3 July 2009 with the following attachments:

Attachment B: Market Valuation

Attachment D: Correspondence from Property Owner

For the Resolution: The Mayor, Councillor E Malicki, Councillors Holland, Keys, Szatow, Duncombe, Cross & McDonald

Against the Resolution: Councillors Hall & Hardwick

ADDRESS THE COUNCIL

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

M Depangher
M Clarke
J Bolt

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 MM.1 - Excessive Use of Staff Resources**

Refer PT.1 - Support the Development of Futsal Courts at the West Lindfield Sports & Recreation Club - Two Hundred & Ninety-Eight [298] Signatures)

Refer GB.1 - Agenda - Exclusion of Business - Memorandum by General Manager dated 1 July 2009 regarding an error in relation to the date/year that a Notice of Motion was submitted to him.

Refer GB.8 - Draft Acquisition & Divestment of Land Policy- Memorandum by Director Strategy & Environment dated 7 July 2009 regarding a revised recommendation.

Refer GB.16 - 12 Woonona Avenue, Wahroonga - Potential Property Purchase - Report by Director Strategy & Environment & Manager Strategic Assets & Services dated 3 July 2009 with the following attachments:

Attachment A: Report to General Committee held 28 April 2009
Attachment C: NSW Heritage Branch - website funding excerpt

Memorandums: **Refer GB.6 - Delegations of Authority - General Manager** - Memorandum by Acting Director Corporate dated 6 July 2009 regarding amendment wording to Delegation A25 - Strata Title.

Notice of Rescission: **Refer NM.3 - Planning Committee Quorums** - Notice of Rescission by the Mayor, Councillor Elaine Malicki, Councillors Rakesh Duncombe, Duncan McDonald & Elise Keays dated 7 July 2009 regarding rescinding Minute No 88 of Ordinary Meeting of Council held 12 May 2009.

Additional Agenda Information: **Refer NM.2 - St Ives Showground Precinct Draft Options Paper** - Background Information - Resolution of Ordinary Meeting of Council held on 2 December 2008, Minute No 442.

Councillors Information: **Internal Audit Guidelines** - Letter from The Hon Barbara Perry MP, Minister for Local Government dated 14 June 2009 addressed to Mr J O'Dea MP, Member for Davidson tabled at the General Committee meeting of 30 June 2009 by Councillor Tony Hall in conjunction with his Question Without Notice, Minute No GC57.

CONFIRMATION OF MINUTES

121 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 9 June 2009
Minutes numbered 94 to 118

Resolved:

(Moved: Councillors Keays/Cross)

That Minutes numbered 94 to 118 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

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

Against the Resolution: *Councillor Hardwick*

MINUTES FROM THE MAYOR

122 Excessive Use of Staff Resources

File: S02355

During Debate on this Item, Councillor Hall was called to Order for the first time

In recent weeks numerous email requests have been made to staff that:

- are excessive in terms of resources required;
- are unrealistic in terms of deadlines given to provide answers;
- are repetitious.

To demonstrate these concerns I refer to two examples. The first involves a request to the General Manager by a councillor on Sunday 14 June 2009 at 8.23pm in which the

General Manager was given a deadline to respond by 10am the next working day, ie Monday 15 June.

The email contained 16 paragraphs and required input by the General Manager, a majority of Directors and the Corporate Lawyer. Having spent 1.5 hours myself on the matter, and realising the inordinate amount of time being spent by staff in addressing the requests, I formally asked relevant staff to indicate how many working hours they spent on these requests on a given day: Thursday 18 June 2009. The responses showed a minimum of 29.5 hours was spent by staff responding to one Councillor's emails on one working day. This is a disproportionate demand on staff time compared to other Councillors who do not require such an extensive use of staff resources to carry out their duties as elected officials.

The second example involves the General Manager's and Directors' delegation to make a submission seeking exemption from the Section 94 cap legislated by the Minister for Planning Kristina Keneally. The staff submission sought to defend Council's policy direction in this matter, ie, the adopted Section 94 plans of Council. Not only was the staff submission comprehensive but it resulted in Council being granted an exemption, thus protecting \$47 million of future Section 94 contributions which were under threat.

After the exemption was granted, there was a unanimous vote in favour of a Mayoral Minute congratulating the staff on this achievement.

Despite this, a councillor continued to question the General Manager regarding his delegation to make the subject submission. The General Manager has sent numerous responses, the latest of which identifies in chronological order, many previous emails and responses sent between the Councillor and staff on this matter going back some four months.

This is not considered an optimal use of Council staff resources.

This Mayoral Minute does not seek to single out an individual Councillor or deny any Councillor the right to interact with staff to obtain information in good faith that enables them to make informed decisions on Council business.

On the contrary, this Minute is provided for the attention of Council to ensure that all Councillors have equal access to staff resources which, as we all know, are finite. At this point in time, it is even more critical, given that staff are working diligently to ensure the upcoming Best Practice Review for the Department of Local Government is as comprehensive as it can possibly be.

I seek Council's support on this matter.

Resolved:

That the Mayor and General Manager be requested to disregard requests for information which are viewed as:

- excessive or unreasonable in terms of resources required to respond;
- unrealistic or unreasonable in terms of deadlines provided to respond;
- repetitive.

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

Against the Resolution: *Councillor Hall*

PETITIONS

123

Support the Development of Futsal Courts at the West Lindfield Sports & Recreation Club - Two Hundred & Ninety-Eight [298] Signatures)

File: S02712

The following petition was extracted from <http://www.gopetition.com.au/online/25921/signatures.html> at the request of the General Manager upon receiving an e-mail from ex-Councillor Maureen Shelley on 6 July 2009.

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.

Petition

"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 Duncombe/Cross)

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

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

Against the Resolution: *Councillor Hall*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

124

St Ives Showground Precinct - Draft Options Paper

File: S02673

Notice of Motion from Councillor Tony Hall dated 29 June 2009.

I move:

- "1. That the St Ives Showground Precinct Preliminary Draft Options paper considered at the Planning Committee on 1 July 2009 be discontinued in view of financial considerations and possible hardship on the existing community users of the Showground creating uncertainty of their tenancies and also in view of Council's decision of 8 December 2008 (Minute No. 442/08) to adopt Councillor Hall's motion to delete any consideration of the draft AFL/NSW/Act proposal of 1 November 2007.
2. That the General Manager refer all proposals involving the St Ives Showground Reserve to the newly appointed St Ives Showground Consultative Committee for its consideration and recommendations.
3. That all options involving the remaining Crown Reserves identified in the draft Options Paper be discontinued.
4. A separate Plan of Management for the St Ives Wildflower Garden be prepared for Council's consideration within three months.
5. Council's records in respect of the description of the St Ives Showground Management Plan be amended to record that the Plan was adopted by the Minister for Lands on the 9 September 1999 and then concurred in by the Ku-ring-gai Council.

Note: In respect of Clause 5, the Council's adopted Plan of Management of 29 June 1999 was abandoned due to the adoption of the Ministers Plan of 9 September 1999."

Resolved:

(Moved: Councillors Cross/McDonald)

That a site inspection be held at the St Ives Showground with interested Councillors & representatives from each activity that currently participates at the Showground.

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

Against the Resolution: *Councillor Hall*

MOTION OF DISSENT

During debate on the above item, a Motion of Dissent was moved by Councillor Hall on the Mayor's ruling that NM.2 - St Ives Showground Precinct - Draft Options Paper could be dealt with at this stage of the meeting

Prior to the vote, Councillor Hall was called to Order the second time

For the Motion of Dissent: *Councillors Keays, Szatow & Hall*

Against the Motion of Dissent: *The Mayor, Councillor E Malicki, Councillors Holland, Duncombe, Hardwick, Cross & McDonald*

When put to the Vote, the Motion of Dissent was LOST

GENERAL BUSINESS

125 **Code of Conduct Complaints**

File: S06948

To report on Code of Conduct complaints in the period July 2008 to June 2009.

Resolved:

(Moved: Councillors Keays/Holland)

That the report be received and noted.

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

Against the Resolution: *Councillor Hall*

126 **Agenda - Exclusion of Business**

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File: S02499

To report to Council the exclusion of business of which due notice has been given in accordance with Regulation 240(2) of the Local Government (General) Regulation 2005 ("the Regulation").

Resolved:

(Moved: Councillors Keays/McDonald)

That the contents of the report & Memorandum by the General Manager dated 1 July 2009 be received and noted.

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

Against the Resolution: Councillor Hall

127 **Contractual Conditions of Senior Staff**

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File: S03271

To report to Council on the contractual conditions of senior staff in accordance with Section 339 of the Local Government Act 1993.

Resolved:

(Moved: Councillors Keays/Duncombe)

That Council receive and note the report.

CARRIED UNANIMOUSLY

128 **Sewer Mining Project - Gordon Golf Course - Determination of Water Recycling Treatment Technology**

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File: S04265

To advise Council of the selection of a water recycling treatment technology for the Gordon Golf Course Sewer mining project and to recommend reallocation of golf course reserve funding.

Resolved:

(Moved: Councillors Keays/Duncombe)

- A. That Council support the recommendation by Henry and Hymas Consulting Engineers for the selection of GE Water and Process Technologies to provide the infrastructure and ongoing maintenance for the sewer mining project at Gordon Golf Course.
- B. That any unspent funds from 2008/09 be carried forward to 2009/10.
- C. That additional funding of \$750,000 to enable completion of the project be allocated from the Golf Course Reserve which was originally allocated to the North Turramurra Recreation Area project.

CARRIED UNANIMOUSLY

129

Environmental Levy Small Grants Scheme - Round Eight

File: S04553

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

Resolved:

(Moved: Councillors Keays/Duncombe)

That Council support the following applications for funding under round eight of the Community Small Grants Scheme:

| | Organisation | Project | \$ Value |
|---|------------------------------------|--|-----------------|
| 1 | Mr J Curtin & Ms M Reidy | Riparian canopy protection along Lane Cove River through exotic vine control | \$10,000 |
| 2 | Ms Liz Mackay | Bushcare site 399, Lower Blackbutt Creek, Gordon. Primary/secondary weeding of creekside | \$3,650 |
| 3 | Mr Charles Dunn | Site regeneration, silt and water management | \$5,000 |
| 4 | Mrs P J Sainty | Clissold Road - Azalea Gardens neighbourhood weed control | \$2,486 |
| 5 | Ms Noela Jones & Ms Margaret Reidy | Riparian bush regeneration along Quarry Creek | \$2,500 |
| 6 | Mrs Michelle Leishman | Continuing restoration Blue Gum High Forest, Burkes Bush, Warrawee Public School | \$5,000 |
| 7 | Mr Ken Burchell | Robinson Street East Lindfield. Sustaining regeneration after previous hazard reduction burn | \$2,000 |

| | | | |
|--------------|-------------------------------------|--|------------------------|
| 8 | Ms Diana Watson | Permaculture on your balcony - Community Education demonstration. | \$2,000 |
| 9 | Mr Cameron Carmody | Killara High Year 7 Outdoor Learning: Reclaiming our scarce land. | \$2,000 |
| 10 | Mr Eric Tse or Ms Donna Sheppard | Maintain school grounds and increase environmental awareness | \$2,000 |
| 11 | Mr John Dailey | Establishment of a community garden in Ku-ring-gai. | \$ 4,000 |
| TOTAL | | | <u>\$40,636</u> |

CARRIED UNANIMOUSLY

130

Ku-ring-gai Art Centre - Draft Plan of Management

File: S06604

To place the draft Plan of Management - Ku-ring-gai Art Centre on public exhibition in accordance with the requirements of the Local Government Act 1993.

Resolved:

(Moved: Councillors Keays/Duncombe)

- A. That the draft *Plan of Management - Ku-ring-gai Art Centre* be exhibited for a period of 28 days with a further 14 days for public comment, in accordance with the requirements of the *Local Government Act 1993*.
- B. That during the public exhibition period, copies of the draft *Plan of Management - Ku-ring-gai Art Centre* be placed at Council Chambers, Gordon, St Ives, Lindfield and Turramurra libraries, Ku-ring-gai Art Centre and on Council's website.
- C. That Council gives notice of its intention to determine a purchase price of \$0.60 per page for the *Plan of Management - Ku-ring-gai Art Centre* via advertisements in the North Shore Times.
- D. That during the public exhibition and comment period, copies of the draft *Plan of Management - Ku-ring-gai Art Centre* be sent to relevant community interest groups, where known, welcoming their comment and advising the comment deadline.
- E. That a public hearing be held during the exhibition and public comment period in accordance with the requirements of *the Local Government Act 1993*.

- F. That a further report be presented to Council following the public consultation process and incorporating comments received during the public exhibition process.

CARRIED UNANIMOUSLY

131 **Disaster Recovery & Business Continuity Plan**

File: S04241

To seek Council's adoption of Council's Disaster Recovery and Business Continuity Plan.

Resolved:

(Moved: Councillors Keays/McDonald)

That Council adopt the Disaster Recovery and Business Continuity Plan as an interim plan until 31 Bridge Street and the new depot are fully functional.

CARRIED UNANIMOUSLY

132 **Miscellaneous Lands - Draft Generic Plan of Management**

File: S06604

To place the draft generic Plan of Management for Miscellaneous Land on public exhibition in accordance with the requirements of the Local Government Act 1993.

Resolved:

(Moved: Councillors Keays/Cross)

- A. That the draft *Generic Plan of Management for Miscellaneous Land* site be exhibited for a period of 28 days with a further 14 days for public comment, in accordance with the requirements of the *Local Government Act 1993*.
- B. That during the public exhibition period copies of the draft *Generic Plan of Management for Miscellaneous Land* be placed at Council Chambers, Gordon, St Ives, Lindfield and Turramurra libraries and, on Council's website.
- C. That Council give notice of its intention to determine a purchase price of \$0.60 per page for the *Generic Plan of Management for Miscellaneous Land* in the North Shore Times.
- D. That during the public exhibition and comment period, copies of the draft *Generic Plan of Management for Miscellaneous Land* be sent to relevant community

interest groups, where known, welcoming their comment and advising the comment deadline.

- E. That a public hearing be held during the exhibition and public comment period in accordance with the requirements of the *Local Government Act 1993*.
- F. That a further report be presented to Council following the public consultation process and incorporating comments received during the public exhibition process.

CARRIED UNANIMOUSLY

133 **Disposal of Household Clinical Waste**

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File: S02294

To advise on the process of disposal of household clinical waste and to provide a draft policy for Council's consideration.

Resolved:

(Moved: Councillors Hall/Keays)

- A. That Council seeks funding from the NSW Department of Health to assist in providing a sharps disposal service for residents using sharps at home.
- B. That subject to funding being made available, Council seeks voluntary participation from local pharmacies to allow advertising and bins to be placed in their stores.

CARRIED UNANIMOUSLY

134 **Tender T07/2009 for Plumbing Services & T08/2009 for Electrical Services**

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Files: S07274, S07275

To seek approval to appoint a panel list of contractors for plumbing and electrical services to undertake reactive trade maintenance works on Council's building and open space assets.

Resolved:

(Moved: Councillors Hall/Cross)

That Council approves the panel list for the plumbing and electrical services in accordance with the tendered rates received:

Plumbing Services

MT Plumbing Services
Fitzpatrick Plumbing Services Pty Ltd
Sudiro Constructions Pty Ltd
Network Plumbing Services Pty Ltd

Electrical Services

Switchworx Electrical
M E Ward Pty Ltd
Bell Contracting Co. Pty Ltd
All Switched Electrical Pty Ltd

CARRIED UNANIMOUSLY

135

Mayor & Councillor Fees

File: S03158

To determine the Mayor and Councillor fees payable from 1 July 2009.

Resolved:

(Moved: Councillors Hall/Hardwick)

That Councillors fees and the Mayoral fee remained unchanged for the current financial year (2009 to 2010).

For the Resolution: Councillors Holland, Keays, Hall, Hardwick, Cross & McDonald

Against the Resolution: The Mayor, Councillor E Malicki, Councillors Szatow & Duncombe

The above Resolution was subject to 2 LOST Amendments.

The first LOST Amendment was:

(Moved: Councillors Holland/Keays)

That Councillors pool the resources from the proposed increases and if legal, allocate additional funding to a not-for-profit organisation.

The second LOST Amendment was:

(Moved: Councillors Szatow/Duncombe)

That, from 1 July 2009, the Councillor fee be set at \$15,500 and the Mayor's fee be set at \$33,840.

136

Rates & Charges (including Eligible Pensioner Reduction) & Sundry Debtors Recovery Policies

File: S07630

To seek Council approval for Rates and Charges (including eligible pensioner reduction) and Sundry Debtors Recovery Policies.

Resolved:

(Moved: Councillors Cross/Keays)

- A. That Council adopt the Rates and Charges Policy (including Eligible Pensioner Reduction) with *Option C* for eligible pensioners and the Sundry Debtors Recovery Policies attached to the report.
- B. That the current delegation for the General Manager to approve the writing off of irrecoverable bad debts (not including rates or other charges for which the Act, or any other regulation in force under the Act, makes specific provision for writing off those amounts in specified circumstances) under Section 377 of the *Local Government Act 1993* be increased from \$1,000 to the limit of \$10,000.
- C. If *Option C* is adopted, that the delegation to the General Manager under Section 377 of the *Local Government Act 1993* to approve the writing off of irrecoverable bad debts relating to rates and charges be to the limit of \$10,000.
- D. If *Option C* is adopted, that in accordance with Regulation 131 of the Local Government (General) Regulation 2005, the General Manager must advise the Council of rates and charges written off by written order of the General Manager.

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

Against the Resolution: Councillors Hall & Hardwick

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

(Moved: Councillors Hall/Hardwick)

- A. *That Council adopt the Rates and Charges Policy (including Eligible Pensioner Reduction) with Option C for eligible pensioners and the Sundry Debtors Recovery Policies attached to the report.*
- B. *That the current delegation for the General Manager to approve the writing off of irrecoverable bad debts (not including rates or other charges for which the Act, or any other regulation in force under the Act, makes specific provision for writing off those amounts in specified circumstances)*

under Section 377 of the Local Government Act 1993 be increased from \$1,000 to the limit of \$10,000.

- C. If Option C is adopted, that the delegation to the General Manager under Section 377 of the Local Government Act 1993 to approve the writing off of irrecoverable bad debts relating to rates and charges be to the limit of \$10,000.*
- D. If Option C is adopted, that in accordance with Regulation 131 of the Local Government (General) Regulation 2005, the General Manager must advise the Council of rates and charges written off by written order of the General Manager.*
- E. That the General Manager report to Council every 12 months on the previous year's Bad Debts that are written off.*

137

Delegations of Authority - General Manager

File: S02017

Section 380 of the Act states that Council must review all its delegations during the first 12 months of each term of office.

Resolved:

(Moved: Councillors Cross/Holland)

- A. That pursuant to Section 377 of the *Local Government Act 1993* (the Act) and any other Acts and every power thereunto enabling, subject to the direction of the Mayor and the Council and any resolution made from time to time by the Council in relation thereto, John McKee, General Manager, be hereby authorised to exercise the following powers, authorities, duties and functions:
 - 1. To carry on the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with the resolutions of the Council;
 - 2. To give effect to the provisions made by or under the Act and any other Act conferring powers, functions or duties on the Council and to any resolution or policy that has been adopted by the Council;
 - 3. To take such actions and do such acts (not inconsistent with the Act or any other Act conferring powers, functions or duties on the Council or with any resolution or policy that has been adopted by the Council) as deemed necessary to generally manage, control and administer the affairs of the Council.
 - 4. To undertake the specific delegations set out in Attachment A.

- B. That subject to the *Local Government Act 1993* the powers, authorities, duties and functions conferred by this resolution be unlimited as to the period during which they may be exercised.

- C. That Delegation A25 Strata Title be amended as follows:

To approve or refuse applications submitted for Strata Plan, Strata Plan of Subdivision of properties or Community Title of properties and to approve or refuse applications made for alterations to by-laws under the Strata Schemes Management Act 1996 or Community Land Management Act 1989, provided however, that in the event of approval the proposed Strata Plan or Community Title Plan accords with the requirements of the various acts, relating to the circumstances of the case and the public interest and, subject further to signing and issuing of Strata Plan or Strata Plan of Subdivision or Community Title Plan by the General Manager.

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

Against the Resolution: Councillors Hall and Hardwick

The above Resolution was subject to 2 LOST Amendments.

The first LOST Amendment was:

(Moved: Councillors Hall/Hardwick)

- A. *That pursuant to Section 377 of the Local Government Act 1993 (the Act) and any other Acts and every power thereunto enabling, subject to the direction of the Mayor and the Council and any resolution made from time to time by the Council in relation thereto, John McKee, General Manager, be hereby authorised to exercise the following powers, authorities, duties and functions:*
- 1. To carry on the regular services and operations of the Council within the sums voted by the Council for expenditure thereon and in accordance with the resolutions of the Council;*
 - 2. To give effect to the provisions made by or under the Act and any other Act conferring powers, functions or duties on the Council and to any resolution or policy that has been adopted by the Council;*
 - 3. To take such actions and do such acts (not inconsistent with the Act or any other Act conferring powers, functions or duties on the Council or with any resolution or policy that has been adopted by the Council) as deemed necessary to generally manage, control and administer the affairs of the Council.*
 - 4. To undertake the specific delegations set out in Attachment A.*

B. *That subject to the Local Government Act 1993 the powers, authorities, duties and functions conferred by this resolution be unlimited as to the period during which they may be exercised.*

C. *That Delegation A25 Strata Title be amended as follows:*

To approve or refuse applications submitted for Strata Plan, Strata Plan of Subdivision of properties or Community Title of properties and to approve or refuse applications made for alterations to by-laws under the Strata Schemes Management Act 1996 or Community Land Management Act 1989, provided however, that in the event of approval the proposed Strata Plan or Community Title Plan accords with the requirements of the various acts, relating to the circumstances of the case and the public interest and, subject further to signing and issuing of Strata Plan or Strata Plan of Subdivision or Community Title Plan by the General Manager.

D. *That the following clause be inserted as Clause 1(b) in the General Manager's Delegations:*

The Delegation of powers shall not and shall not be deemed to extend to items in respect of which a Council resolution has specifically requested the General Manager in writing to place before Council the determination by Council.

Council resolved into Closed Session with Press & Public Excluded for discussion only after a Motion was moved by the Mayor, Councillor E Malicki & Councillor Cross

To Open Council

During debate on this Item, Councillor Hall was called to Order for a third time

The second LOST Amendment was:

(Moved: Councillors Hall/Hardwick)

That pursuant to the powers of delegation conferred on Council by Sections 377 and 381 of the Local Government Act 1993 and by section 151 of the Environmental Planning and Assessment Act 1979 and pursuant to every other power it hereunto enabling, Ku-ring-gai Council hereby delegates to John McKee, General Manager of the Council, the power to exercise all the functions, powers, duties and authorities conferred upon Council pursuant to –

1. *The Local Government Act 1993; and*

2. *The Environmental Planning and Assessment Act 1979; and*

3. *All other Acts whatsoever under which Council has functions, powers, duties and authorities; and*
4. *All regulations, by-laws, rules and the like made by or under any of the Acts referred to in 1, 2 or 3 above; and*
5. *A Memorandum of Understanding with the Department of Lands to exercise the powers under Section 35 and Section 36 of the Roads Act 1993 on behalf of the Minister.*
6. *Section 12 and Section 18a and Section 18 and Section 19 and Section 20(1) and Section 20(2) and Section 20(3) and Section 28 and Section 29 and Section 30 and Section 32 and Section 36a and Section 41 and Section 456, Section 46 and Section 47 and Section 50 and Section 54 and Section 55 and Section 64 of the Noxious Weeds Act 1993.*

Subject to *any Resolution made from time to time by the said Council and provided always that such delegation of powers shall not and shall not be deemed to extend to:*

1. *Any of the matters expressly reserved to the Council in Section 377 of the Local Government Act 1993;*
2. *The alteration of the meeting cycle of Council;*
3. *The overview and direction of business activities;*
4. *The role of the Mayor as provided for in and determined under Section 226 of the Local Government Act 1993;*
5. *Major unique items where no policy, practice or code of the Council exists;*
6. *Adoption of Local Environmental Plans, Development Control Plans and Section 94 Contribution Plans pursuant to the environmental Planning and Assessment Act 1979;*
7. *Adoption of Council policies and codes;*
8. *Items in respect of which the Mayor or a Council resolution, have specifically requested the General Manager in writing to place before Council for determination by Council;*

and that subject to the provisions of the Local Government Act 1993 and the other Acts referred to above, the functions, powers, duties and authorities hereby delegated by Council to the General Manager pursuant to this resolution be unlimited as to the period during which they may be exercised.

*At 9.00pm during discussion of the above item,
Council adjourned for a short interval after a
Motion moved by Councillors Duncombe & McDonald was
CARRIED UNANIMOUSLY*

The Meeting resumed at 9.15pm

Those Present were:

Mayor, Councillor E Malicki
Councillor I Cross
Councillor R Duncombe
Councillor T Hall
Councillor C Hardwick
Councillor S Holland
Councillor E Keays
Councillor D McDonald
Councillor C Szatow

138 **Draft Acquisition & Divestment of Land Policy**

File: S05399

For Council to adopt the draft Acquisition & Divestment of Land Policy for public exhibition.

Resolved:

(Moved: Councillors Keays/Holland)

- A. That the draft Acquisition & Divestment of Land Policy be exhibited for a period of 28 days with a further 14 days for public comment, in accordance with the requirements of the Local Government Act 1993.
- B. That a further report be presented to Council incorporating comments received during the public exhibition process.
- C. That Part 7.3 under Methods of Acquisition be amended to read, as follows:
 - 7.3 Council's preferred position is not to acquire land through compulsory acquisition. However, Council has an obligation to provide services to the community and if required Council **MAY** consider utilising its powers under the Local Government Act 1993 in respect of "compulsory acquisition".

CARRIED UNANIMOUSLY

139

Council Chambers - Draft Plan of Management

File: S06604

To place the draft Plan of Management - Council Chambers on public exhibition accordance with the requirements of the Local Government Act 1993.

Resolved:

(Moved: Councillors Hall/Hardwick)

- A. That the draft *Plan of Management- Council Chambers* be exhibited for a period of 28 days with a further 14 days for public comment, in accordance with the requirements of the *Local Government Act 1993*.
- B. That during the public exhibition period, copies of the draft *Plan of Management - Council Chambers* be placed at Council Chambers, Gordon, St Ives, Lindfield and Turramurra libraries and, on Council's website.
- C. That Council give notice of its intention to determine a purchase price of \$0.60 per page for the *Plan of Management - Council Chambers* via advertisements in the North Shore Times.
- D. That during the public exhibition and comment period, copies of the draft *Plan of Management - Council Chambers* be sent to relevant community interest groups, where known, welcoming their comment and advising the comment deadline.
- E. That a public hearing be held during the exhibition and public comment period in accordance with the requirements of the *Local Government Act 1993*.
- F. That a further report be presented to Council following the public consultation process and incorporating comments received during the public exhibition process.
- G. That values and issues include an additional point of canopy trees and that the strategic plan be amended to include retention of canopy trees as an issue.

For the Resolution: The Mayor, Councillor E Malicki, Councillors Keays, Szatow, Duncombe, Hall & Hardwick

Against the Resolution: Councillors Holland, Cross & McDonald

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

(Moved: Councillors Cross/McDonald)

- A. *That the draft Plan of Management- Council Chambers be exhibited for a period of 28 days with a further 14 days for public comment, in accordance with the requirements of the Local Government Act 1993.*

- B. That during the public exhibition period, copies of the draft Plan of Management – Council Chambers be placed at Council Chambers, Gordon, St Ives, Lindfield and Turramurra libraries and, on Council’s website.*
- C. That Council give notice of its intention to determine a purchase price of \$0.60 per page for the Plan of Management - Council Chambers via advertisements in the North Shore Times.*
- D. That during the public exhibition and comment period, copies of the draft Plan of Management – Council Chambers be sent to relevant community interest groups, where known, welcoming their comment and advising the comment deadline.*
- E. That a public hearing be held during the exhibition and public comment period in accordance with the requirements of the Local Government Act 1993.*
- F. That a further report be presented to Council following the public consultation process and incorporating comments received during the public exhibition process.*

140

12 Woonona Avenue, Wahroonga - Potential Property Purchase

File: S07257

To respond to a Notice of Motion of 12 May 2009 and a further resolution of Council’s General Committee of 30 June 2009, in relation to 12 Woonona Avenue, Wahroonga.

Resolved:

(Moved: Councillors Keays/Szatow)

That the report be received and noted.

CARRIED UNANIMOUSLY

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

(Moved: Mayor, Councillor E Malicki/Councillor Hall)

That no further action be undertaken towards purchasing for open space purposes the land at 12 Woonona Avenue, Wahroonga being the curtilage of ‘The Briars’.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN (cont)**141 Council Nominations for Joint Regional Planning Panel**

File: S04554

Notice of Rescission from Councillors Tony Hall, Carlyne Hardwick & Jennifer Anderson dated 9 June 2009.

We, the undersigned, move that Council's resolution of 9 June 2009 (Minute No 109) nominating the Mayor & Councillor Cross to the Joint Regional Planning Panel be and is hereby rescinded.

Motion:

(Moved: Councillors Hall/Hardwick)

That the above Notice of Rescission as printed be adopted.

For the Resolution: Councillors Hall and Hardwick

Against the Resolution: The Mayor, Councillor E Malicki, Councillors Holland, Keays, Szatow, Duncombe, Cross and McDonald

The above Motion, when put to the Vote, was LOST

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

The Mayor, Gouncillor E Malicki advised the meeting that the Quorum was lost at the last Planning Committee meeting and a decision was required to change the Quorum for the Planning Committee prior to the next Committee meeting.

The following item as dealt with after a Motion moved by the Mayor, Councillor E Malicki & Councillor Cross to have the matter dealt with was CARRIED and the Mayor ruled Urgency

For the Urgency: The Mayor, Councillor E Malicki, Councillors Holland, Keays, Szatow, Duncombe, Hardwick, Cross & McDonald

Against the Urgency: Councillor Hall

142

Planning Committee Quorums

File: S07629

Notice of Rescission from the Mayor, Councillor E Malicki, Councillors R Duncombe, D McDonald & E Keays dated 7 July 2009

This Rescission Motion and follow up Motion are to seek Council's support to reduce the quorum for Planning Committee meetings from six Councillors to four.

The planning issues we face are absolutely critical, with the continuation of the Government-appointed Planning Panel and a Town Centres Local Environment Plan that is set to change the face of Ku-ring-gai forever.

Therefore it is essential that we have a fully operational Planning Committee to deal with these extremely important issues.

We simply cannot afford for committee meetings to be cancelled due to not having enough Councillors to form a quorum.

Reducing the quorum number from six to four will help to avoid having to abandon or suspend meetings due to one or more Councillors leaving before the agenda is completed.

Last week's Planning Committee meeting provided an example of these problems. One Councillor arrived late, which meant we could not start the meeting on time because there weren't enough Councillors for a quorum.

During the meeting, the same Councillor left temporarily to talk to residents, forcing us to suspend business until he returned.

The Councillor later left the meeting before the final item, which meant we had end the meeting before the agenda was completed.

The work of the Planning Committee is too important for meetings to be affected in this way. Therefore it makes sense to reduce the quorum from six to four, making suspended or cancelled meetings less likely

We, the undersigned Councillors hereby seek to rescind the following resolution of Council at its meeting of 12 May 2009 being -

D. That Council, in accordance with Clause 260 of Local Government (General) Regulation 2005, establish a Planning Committee and that this be established with the functions set out in the draft Charter" (Minute No. 88).

Resolved:

(Moved: Councillors McDonald/Cross)

A. That the above Notice of Rescission, as printed, be adopted.

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

Against the Resolution: Councillor Hall

During Debate on this Item, Councillor Hall was called to Order for the fourth time

(Moved: Councillors Cross/McDonald)

- B. That Council, in accordance with Clause 260 of Local Government (General) Regulation 2005, establish a Planning Committee and that this be established with the functions set out in the draft Charter as amended to include a quorum of four (4).

CARRIED UNANIMOUSLY by those present

During Debate on this Item, Councillor Hall was called to Order for the fifth time

*During Debate on Part B of the Resolution,
Standing Orders were suspended to deal with a Motion
moved by the Mayor, Councillor Elaine Malicki & Councillor Duncombe
that Councillor Hall be excluded from the Meeting*

For the Motion: The Mayor, Councillor E Malicki, Councillors Holland, Keays, Szatow, Duncombe, Cross & McDonald

Against the Motion: Councillors Hall & Hardwick

The Mayor asked Councillor Hall to leave the Meeting

Councillor Hall departed

QUESTIONS WITHOUT NOTICE

143 Customer Service Reporting - Monthly & Year to Date

File: S02841

Question Without Notice from Councillor R Duncombe

Can we please include in monthly reports in our Customer Service standing reporting:

- * Turn-around times, eg 95% in 3 days;
- * Volumes;
- * Complaints;
- * First call Resolutions;
- * Call Centre Reporting;
- * Quality Reporting.

just so as the Councillors are aware of the service levels - where they are moving, how they are tracking etc?

Answer by the Director Community

Yes, we do report quarterly as part of our quarterly report. We keep all of those statistics. We can easily do it every month as well.

144 **Banners**

File: S05159

Question Without Notice from Councillor C Szatow

Do we have a Ku-ring-gai Council banner? Are there plans to have banners?

Answer by the Director Community

We do have our Council logo & we do have a banner. Under the terms of our sponsorship agreement with the KPO, they should actually display our banner with them. It is probably because we haven't given them a banner to use but certainly they should be putting our logo on all the publicity and it's something because that is in the terms of the sponsorship, so what I could do is to get the staff to check on that. Certainly, we could give a banner to them that they could display but I am not aware of them requesting any so maybe we need to be a bit proactive with it and ask them about it.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

An Inspection Committee will be held at the St Ives Showground on Saturday, 25 July 2009 commencing at 11.00am.

The Meeting closed at 10.35pm

The Minutes of the Ordinary Meeting of Council held on 7 July 2009 (Pages 1 - 26) were confirmed as a full and accurate record of proceedings on 11 August 2009.

General Manager

Mayor / Chairperson