

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 8 SEPTEMBER 2009

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

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.

Councillor Jennifer Anderson declared a less than significant non-pecuniary interest to Item NM.1 - Independent Assessment of Council's Development Control Plan (Town Centres) and to Item NM.2 - Commence Negotiations to acquire 12 Woonona Avenue, Wahroonga (had met with owners of 12 & 14 Woonona Avenue, Wahroonga not known prior to being elected as a Councillor).

Councillor Ian Cross declared a less than significant non-pecuniary interest to Item NM.2 - Commence Negotiations to acquire 12 Woonona Avenue, Wahroonga and Item GB.8 - 12 Woonona Avenue, Wahroonga - Potential Property Purchase (has met owner of 'The Briars', 12 Woonona Avenue, Wahroonga)

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.8 - 12 Woonona Avenue, Wahroonga - Potential Property Purchase** - Report by Director Strategy & Environment & Manager Strategic Assets & Property Management dated 3 September 2009 with the following Attachments:
- Attachment A: Previous Report to Council
(General Committee of 28 April 2009)
Attachment D: Previous Report to Council of 7 July 2009
Attachment E: Malcolm Garder Pty Ltd e-mail response
Attachment F: E-mail from Manager Strategic Assets & Services
Attachment I: Assessment of Property
- Refer GB.9 - Heritage Seminar - 'Does Heritage Still Matter?'** - Report by Senior Governance Officer & General Manager dated 8 September 2009 with attachment.

- Late Confidential Agenda Attachments:** **Refer GB.8 - 12 Woonona Avenue, Wahroonga - Potential Property Purchase** - Attachments as follows:
- Attachment B: BEM Valuation
Attachment C: Owner's Letter of Offer
Attachment G: Garder Valuation
Attachment H: HillPDA Valuation
Attachment J: Letter from Owner

CONFIRMATION OF MINUTES

165 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 11 August 2009
Minutes numbered 145 to 164

Resolved:

(Moved: Councillors Cross/McDonald)

That Minutes numbered 145 to 164 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

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

File: S02110

Meeting held 20 August 2009
Minutes numbered KTC11 to KTC12

166 General Matter Items under Delegated Authority

File: S02738

Vide Minute No KTC11

Advice on matters considered under Delegated Authority.

Resolved:

(Moved: Councillors Keays/Hall)

That the information regarding traffic facilities approved during July 2009 to August 2009 be noted.

CARRIED UNANIMOUSLY

167 Wahroonga On-Street Parking Changes

File: S03125/TM11

Ward: Comenarra
Electorate: Ku-ring-gai
Vide Minute No KTC12

To consider on-street parking restrictions near Wahroonga shopping centre and Wahroonga Park.

Resolved:

(Moved: Councillors Keays/Hall)

- A. That Council note the responses received to advertising of proposed on-street parking changes in streets around Wahroonga village.
- B. That in view of the recommendations made by the Arup Study report and responses received to recent advertising that the changes to parking restrictions proposed in Sketch Plan No. WahroongaParking/ KTC/08/09 be approved.

- C. That to discourage abuse of the car park, that under Section 650 of the Local Government Act, conditions of use of the Coonanbarra Road Car Park (C.P. 26) be altered, to allow parking for only one period per day.
- D. That parking conditions in Wahroonga be monitored after approved changes are implemented.

CARRIED UNANIMOUSLY

MAYOR'S COMMENTS

At this point, the Mayor, Councillor Elaine Malicki commented on her term as Mayor and on the activities and achievements of the Council during that time.

GENERAL BUSINESS

*Standing Orders were suspended to deal
with GB.1 & GB.2 after a Motion
moved by Councillors Cross & Anderson
was CARRIED UNANIMOUSLY*

The Mayor, Councillor Elaine Malicki vacated the Chair

168

Election of Mayor for the 2009/2010 Mayoral Term

File: S03662

To elect the Mayor for the period 2009/2010.

Resolved:

[Moved: Councillors Szatow/Keays]

That the Council elect the Mayor for the period 2009/2010 using the ordinary ballot method.

CARRIED UNANIMOUSLY

The General Manager announced that there were two (2) nominations for the position of Mayor.

Councillors Anderson & Cross were nominated & accepted nomination.

Two (2) members of the public were invited to act as scrutineers for the election. The General Manager conducted the ballot in the manner resolved.

The ballot resulted in 5 votes being received for both Councillors Anderson & Cross.

In accordance with the Regulations, a draw was conducted as Councillors Anderson & Cross had an equal number of votes.

Councillor Cross's name was drawn.

Councillor Cross was duly elected to the position of Mayor for the 2009/2010 Mayoral Term.

169 **Election of Deputy Mayor for the 2009/2010 Term**

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File: S03662

To elect the Deputy Mayor for the period 2009/2010.

Resolved:

(Moved: Councillors Szatow/Keays)

That the Council elect the Deputy Mayor for the period 2009/2010 using the same election method as was used for the election of the Mayor.

CARRIED UNANIMOUSLY

The General Manager announced that there were 2 nominations for the position of Deputy Mayor.

Councillors Anderson & Keays were nominated & accepted nomination.

Two (2) members of the public were invited to act as scrutineers for the election. The General Manager conducted the ballot in the manner resolved.

The ballot resulted in 5 votes being received for both Councillors Anderson & Keays.

In accordance with the Regulations, a draw was conducted as Councillors Anderson & Keays had an equal number of votes.

Councillor Anderson's name was drawn.

Councillor Anderson was duly elected to the position of Deputy Mayor for the September 2009/2010 Term.

The Mayor, Councillor Cross acknowledged Councillor Malicki's term in office as Mayor & congratulated Councillor Anderson on being elected Deputy Mayor.

170 **Audited General Purpose & Special Purpose Financial Reports for year ended 30 June 2009 & Auditor's Report**

File: FY00259/1

To present to Council the Annual Financial Statements and audit reports from Council's external auditor, Spencer Steer Chartered Accountants for the year ended 30 June 2009, to provide a summary of Council's financial performance and financial position at 30 June 2009 and seek approval to carry over budgets to fund the incomplete works at 30 June 2009.

Resolved:

(Moved: Councillors Duncombe/Holland)

- A. That Council receives the audited Financial Statements and the report of Council's external auditor, Spencer Steer Chartered Accountants.
- B. That the schedule of carry over requests which are funded totalling \$9,070,000 be approved, the funds voted for expenditure and the estimates for 2008/09 be adjusted accordingly.

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

Against the Resolution: Councillor Hall

171 **Geographical Information System Tender**

File: S06960

To report on the results of the public tender for the replacement of Council's Geographical Information System (GIS) and to seek approval to accept the tender from the preferred tenderer.

Resolved:

(Moved: Councillors Duncombe/Anderson)

- A. That Council accept the tender from ESRI Australia for the replacement of Council's Geographical Information System (GIS).
- B. That the execution of all documents relating to the tender be delegated to the Mayor and General Manager.
- C. That the Common Seal be affixed to any necessary documents.

CARRIED UNANIMOUSLY

172 **General Committee**

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File: S06952

To consider the continued operation of the General Committee.

Resolved:

(Moved: Councillors Malicki/Keays)

- A. That the General Committee be, and is hereby, dissolved.
- B. That the scheduled General Committee Meetings for the remainder of the year be replaced with Council Meetings.
- C. That, to undertake informal consideration of matters and receive presentations from Staff, Council makes use of a Committee of the Whole during Council meetings as well as briefing sessions/workshops as and when required.

CARRIED UNANIMOUSLY

173 **Acquisition & Divestment of Land Policy**

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File: S05399

For Council to adopt the draft Acquisition and Divestment of Land Policy.

Resolved:

(Moved: Councillors Holland/Malicki)

That Council adopt the draft Acquisition & Divestment of Land Policy.

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

Against the Resolution: Councillors Keays, Anderson, Hall & Hardwick

174 **5 Suakin Street/ 986 Pacific Highway, Pymble Network Alliance Request for Short-Term Lease**

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File: S07252

To seek Council's approval for a short term lease to Network Alliance over the vacant land at 5 Suakin Street / 986 Pacific Highway, Pymble.

Resolved:

(Moved: Councillors Malicki/Holland)

- A. That Council approve a six (6) month lease (with a monthly holdover clause) over part of 5 Suakin/986 Pacific Highway, Pymble to Network Alliance.
- B. That Council authorises the Mayor and General Manager to execute all documentation associated with the lease.
- C. That Council authorises the affixing of the Common Seal of Council to the lease documentation.
- D. That the lease includes details of the location of significant vegetation that needs to be protected in accordance with the flora and fauna study prepared for the site.

CARRIED UNANIMOUSLY

*Standing Orders were suspended to deal with
Item NM.1 after a
Motion moved by Councillors Keays & Anderson
was CARRIED UNANIMOUSLY*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

175 **Independent Assessment of Council's Development Control Plan
(Town Centre)**

File: CY00054

The following member of the public addressed the Council:

C Berlioz

Notice of Motion from Councillor E Keays dated 25 August 2009

I move:

"That the General Manager undertakes to bring to Council a list of Town Planners, independent of Ku-ring-gai (who have not worked in Ku-ring-gai), from which Councillors will choose an assessor of the Ku-ring-gai DCP.

The assessment would assure residents, developers/applicants that we have done all we can to deliver the best outcome for Ku-ring-gai."

Resolved:

(Moved: Councillors Keays/Szatow)

That the above Notice of Motion as printed be adopted.

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

Against the Resolution: Councillors Duncombe, Hall, Hardwick & Malicki

*Standing Orders were suspended to deal with
Item NM.2 after a
Motion moved by Councillors Hall & Anderson
was CARRIED UNANIMOUSLY*

176

Commence Negotiations to Acquire 12 Woonona Avenue, Wahroonga

File: S07257

Notice of Motion from Councillor J Anderson dated 31 August 2009

I move:

- "A. That Council commence negotiations to acquire 12 Woonona Avenue, Wahroonga for open space in the terms discussed.
- B. That Section 94 funds be used for the purchase.
- C. That Council engage the services of an experienced independent agent to immediately commence acquisition negotiations within the determined price range and that costs for the agent be included in the Section 94 budget for the acquisition.
- D. That the General Manager continue investigations with the National Trust, and others, to establish a tax deductible fund for public donations to assist Council to benefit from appropriate philanthropic gestures.
- E. That if negotiations result in a purchase price, the Mayor and General Manager be delegated authority to execute all documentation associated with the purchase of 12 Woonona Avenue, Wahroonga."

***Council adjourned into Closed Session for discussion only
(Commercial In Confidence) after a Motion moved by
Councillors Anderson & Szatow***

*For the Closure: The Mayor, Councillor I Cross, Councillors
Holland, Keays, Szatow, Anderson, Duncombe &
McDonald*

Against the Closure: Councillors Hall, Hardwick & Malicki

To Open Council**Resolved:**

(Moved: Councillors Anderson/Szatow)

That the above Notice of Motion as printed be adopted.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Keays, Szatow, Anderson, Duncombe &
McDonald*

Against the Resolution: Councillors Hall, Hardwick & Malicki

177 Heritage Seminar

File: S03247

To seek Council's approval for any Councillor wishing to attend a Heritage Seminar.

Resolved:

(Moved: Councillors Keays/Anderson)

That Councillor Cheryl Szatow attend the Heritage Seminar - 'Does Heritage Still Matter?' on 17 September 2009.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Keays, Szatow, Anderson, Duncombe,
Hall, Hardwick & McDonald*

Against the Resolution: Councillor Malicki

178 12 Woonona Avenue, Wahroonga - Potential Property Purchase

File: S07257

To respond to a Notice of Motion of 28 July 2009, regarding investigation into the potential acquisition of 12 Woonona Avenue, Wahroonga.

Resolved:

(Moved: Councillors Anderson/Duncombe)

That the report be received and noted.

For the Resolution: *The Mayor, Councillor I Cross, Councillors
Holland, Keays, Szatow, Anderson, Duncombe &
McDonald*

Against the Resolution: *Councillors Hall, Hardwick & Malicki*

QUESTIONS WITHOUT NOTICE

179 **Identification of Rental Properties owned by Council**

File: S03671

Question Without Notice from Councillor T Hall

Would the General Manager provide details to Councillors of all rented properties owned by Council and rents received which was shown in the Financial Statement of the Council's annual accounts for the year 2009 to be three million dollars in the attached balance sheet?

Answer by the General Manager

I will be happy to do that Councillor Hall, yes.

180 **2 Marian Street, Killara**

File: DA0185/09

Question Without Notice from Councillor T Hall

I refer to DA185/09 to undertake improvements to Marian Street Theatre to be considered by the Ku-ring-gai Planning Panel on 9 September 2009 and I ask the following:

- a. As a second public exhibition was notified on 29 July 2009 for the proposal, wasn't an amended DA lodged?
- b. If so, would the 90-day period not have been reached that has allowed a Council-owned property to be determined by a Government-appointed Panel?

and if this is the case, would the General Manager withdraw the DA from the Agenda of the Planning Panel for Council's determination please?

Answer by the Director Development & Regulation

I will have to check the notification and take that on notice.

NOTE:

During the meeting, the General Manager informed the Council that a Notice of Rescission had been received in relation to NM.2 - Commence Negotiations to Acquire 12 Woonona Avenue, Wahroonga.

The Meeting closed at 9.30pm

The Minutes of the Ordinary Meeting of Council held on 8 September 2009 (Pages 1 - 12) were confirmed as a full and accurate record of proceedings on 22 September 2009.

General Manager

Mayor / Chairperson