

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 9 JUNE 2009

Present: The Mayor, Councillor E Malicki (Chairperson) (Comenarra Ward)
Councillor S Holland (Comenarra Ward)
Councillors E Keays & C Szatow (Gordon Ward)
Councillors J Anderson & 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)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Executive Assessment Officer (David Hoy)
Director Operations (Greg Piconi)
Director Strategy & Environment (Andrew Watson)
Manager Urban & Heritage Planning (Antony Fabbro)
Senior Urban Planner (Terri Southwell)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.00pm

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.

ADDRESS THE COUNCIL

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

M Inglis

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 - Councillor Duncan McDonald**

Refer MM.2 - Section 94 Exemption

Refer GB.1 - Draft Ku-ring-gai Development Control Plan (Town Centres) 2009 Timetable - Memorandum by Director Strategy & Environment dated 9 June 2009 re conducting 2 community briefing sessions during formal exhibition of draft Town Centres DCP.

Refer GB.7 - Management Plan 2009 to 2012 - Memorandum & attachments from Director Strategy & Environment dated 9 June 2009 re additional submissions.

Refer GB10 - Sydney Adventist Hospital Wahroonga Submission to Part 3A Application (now known as Wahroonga Estate Development not including Development of the SAN Hospital) - Report by Director Development & Regulation dated 26 May 2009 with attachments.

Memorandums: **Refer GB.5 - Council Nominations for Joint Regional Planning Panel** - Memorandum by General Manager dated 9 June 2009.

Refer GB.6 - Sustainability One-Stop-Shop - Memorandum by Manager Corporate Planning & Sustainability dated 9 June 2009

Refer GB.6 - Sustainability One-Stop-Shop - Confidential Memorandum by Manager Corporate Planning & Sustainability dated 9 June 2009.

Refer GB.7 - Management Plan 2009 to 2012 - Memorandum by Director Corporate dated 9 June 2009.

Refer GB.8 - Bushfire Issues in Ku-ring-gai - Memorandum by Director Operations dated 9 June 2009.

Business Without Notice: **Refer BN.1 - Staff Matter - Affix Common Seal to General Manager's Contract** - Business Without Notice from the Mayor, Councillor Elaine Malicki dated 9 June 2009

Councillors Information: **Tulkiyan** - Memorandum by Director Community in response to a Question Without Notice raised by Councillor Elise Keays at the General Committee meeting of 26 May 2009.

CONFIRMATION OF MINUTES94 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 12 May 2009
Minutes numbered 78 to 93

Resolved:

(Moved: Councillors Cross/Holland)

That Minutes numbered 78 to 82, 84 to 91 & 93 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting with the exception of Minutes numbered 83 and 92.

CARRIED UNANIMOUSLY

95 **Marian Street Footpath Pavement Upgrading - (Three Hundred & Ten [310] Signatures)**

File: 88/05752/01
Refer Minute No 83

Resolved:

(Moved: Councillors Szatow/Keays)

That Minute No 83 be confirmed as accurate with it being noted that the Petition was presented to Council by Councillor Elise Keays.

CARRIED UNANIMOUSLY

96 **Proposed Open Space Acquisition - Wahroonga**

File: S07257
Refer Minute No 92

Resolved:

(Moved: Councillors Keays/Cross)

That the Minute No 92 be adopted as printed.

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

Against the Resolution: Councillors Hall & Hardwick

MINUTES FROM THE MAYOR**97 Councillor Duncan McDonald**

File: S07228

I would like to formally welcome Ku-ring-gai's newest Councillor, Duncan McDonald, who joins us tonight for his first meeting.

I also congratulate Councillor McDonald on his comprehensive victory in the Wahroonga Ward By-election on 30 May.

From all reports it was a smoothly-run and problem-free By-election, and I would like to commend the Returning Officer, Trevor Magrath, for his good work in achieving this.

Councillor McDonald joins the Council at a very important time in Ku-ring-gai's history as we deal with large-scale changes to our built environment and planning to re-shape the future of our six town centres.

I would now like to briefly introduce Councillor McDonald and let you know what skills and experience he brings to Council.

A long-term Wahroonga resident, he is married with five children. He holds a degree in food science and an MBA and has been involved in senior business management for over 20 years.

Currently he runs his own business in management, marketing and business development. Councillor McDonald is also a member of the National Trust.

I am sure Councillor McDonald will find his new role both challenging and stimulating. Becoming a Councillor for the first time is undoubtedly a big learning curve but there is always great support from fellow Councillors and Council's Staff.

I am sure we will all enjoy working with Councillor McDonald – and I extend a very warm welcome to him on behalf of everyone at Ku-ring-gai Council.

Resolved:

That the Mayoral Minute be received and noted.

CARRIED UNANIMOUSLY

98

Section 94 Exemption

File: S06347

We received the very welcome news last week that Planning Minister Kristina Keneally has exempted Ku-ring-gai from the Government's limit on Section 94 levies.

This great win for our community will result in up to \$47 million in extra Section 94 revenue over the next 22 years.

One of the positive aspects about the new housing we're being forced to accept is the development levies we will get to help us cater for up to 20,000 new residents over the next 25 to 30 years.

It's only fair that the developments bringing in these new residents pay their proper share of the cost of new facilities.

In effect, the Minister's decision recognises this very important principle.

Just to recap briefly, in December the NSW Government restricted councils' Section 94 levies to a maximum of \$20,000 per dwelling. Councils wanting higher levies needed to get special approval from the Minister.

Ms Keneally's approval of Council's bid means Ku-ring-gai's average Section 94 levy will be around \$28,000 – with the amount varying according to the size and location of each development.

Council sought this approval on a number of grounds including:

- the high cost of acquiring land in Ku-ring-gai for new parks.
- the need to expand a number of community facilities such as libraries to cater for additional future users
- the high cost of providing quality upgrades to town centres including pavement improvements and new street furniture.

This exemption was hard to obtain and underwent close scrutiny by the Government.

Exemptions are granted only when they're absolutely necessary – so our success indicates we had a very strong and valid case.

Our application was very professional and detailed, so Council staff are to be congratulated on this great result.

Council is continuing its work consolidating its two existing Section 94 plans into a comprehensive new one.

The first plan covers 2004 to 2009, while the second one, the *Town Centres Contributions Plan*, was approved last year and details \$135 million in capital works over the 22 years.

Around 51 per cent of this plan will be funded from Section 94 levies, with the remainder coming from other sources.

Section 94 levies can only be used to benefit new residents. As many of the planned facilities will also support existing residents, they can't be funded entirely from the levies.

In her decision, Ms Keneally has required Council, as part of its review of the two Section 94 plans, to:

- Assess existing and proposed levels of open space as well as the apportionment of new development
- Review the apportionment of public domain works within the town centres, and
- Develop a business plan to justify continued contributions for additional community infrastructure.

I have written to Ms Keneally thanking her for approving our exemption and also asking her to listen to the concerns of our residents and amend the Ku-ring-gai Planning Panel's Town Centres plan to reduce its negative impacts.

Resolved:

That the Mayoral Minute be received and noted.

CARRIED UNANIMOUSLY

99

Queen's Birthday Honours 2009

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File: S02767

I am pleased to inform you that five Ku-ring-gai citizens, through their outstanding achievements and services to the community, have been awarded 2009 Queen's Birthday Honours.

We are very proud to have these dedicated and talented Australians as members of the Ku-ring-gai community.

I would like to read to you the names of these special Ku-ring-gai citizens and, on behalf of Council, congratulate them on their excellent contributions to Australian society.

- * **Bruce Mansfield** of Gordon, for service to education and as an administrator and academic in the fields of theology and history.

- * **Jennifer Thomas** of St Ives, for service to the community of North Sydney, particularly through charitable and service groups.
- * **Judith White** of Turramurra, for service to the community through the Nepal Reconstructive Surgery Project and the Zonta Club of the Northern Beaches.
- * **Neil Inall** of Roseville, for service to farming and the rural sector, particularly in the field of communication.
- * **David Richards** of Roseville, for service to medicine in the field of cardiology, and to the community through the Sydney City to Surf fun run.

On behalf of Council, I congratulate all these award winners on their outstanding achievements.

Ku-ring-gai should be proud that it has so many citizens being recognised at the highest levels for their selfless dedication, commitment and contribution to local, national and international communities.

Resolved:

- A. That Council acknowledge the outstanding contribution made by these recipients of 2009 Queen's Birthday Honours to the Ku-ring-gai community and to the well-being of our society.
- B. That the Mayor, on behalf of Council, write to the recipients to congratulate them.

CARRIED UNANIMOUSLY

PETITIONS

100 **Handley Avenue, Turramurra - Petition for Construction of Footpath - (One Hundred & Seventy-Four [174] Signatures)**

File: 88/05520/01

The following Petition was presented by Councillor I Cross:

Handley Avenue desperately needs properly constructed footpaths in the street so that children, parents, residents and visitors to Handley Avenue can have safe and easy access along the street. The Council is not supporting this need, so we need your signature to help convince the Council that footpaths are mandatory.

We, the undersigned, request:

'Ku-ring-gai Council, we need your commitment in constructing safe footpaths in Handley Avenue as soon as possible.'

Resolved:

(Moved: Councillors Cross/McDonald)

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 21 May 2009

Minutes numbered KTC4 to KTC6

101 **General Matter Items under Delegated Authority**

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File: S02738

Vide Minute No KTC4

Advice on matters considered under Delegated Authority.

Resolved:

(Moved: Councillors Keays/Szatow)

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

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

Against the Resolution: Councillors Hall & Hardwick

102 **Resident Parking Schemes**

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Files: S02859, S02527, S06051

Vide Minute No KTC5

To consider the use of resident parking schemes in Ku-ring-gai.

Resolved:

(Moved: Councillors Keays/Szatow)

That unless RTA eligibility criteria change, resident parking schemes not be introduced into Ku-ring-gai, but that the needs of residents and other stakeholders continue to be considered on their merit through the Ku-ring-gai Traffic Committee.

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

Against the Resolution: *Councillors Hall & Hardwick*

103

General Matter - Knox Garden Day 2009

File: S02250

Ward: Wahroonga
Electorate: Ku-ring-gai
Vide Minute No KTC6

To consider a request from Knox Grammar Senior School Mothers' Group to hold the 50th Anniversary of Knox Garden Day in Borambil Street, Heydon Avenue and Yosefa Avenue on Friday, 11 September 2009.

Resolved:

(Moved: Councillors Keays/Szatow)

That approval be given to Knox Grammar Senior School Mothers' Group to close Borambil Street, Heydon Avenue and Yosefa Avenue between 8.30am and 3.00pm to conduct the 50th Anniversary Knox Garden Day on Friday, 11 September 2009, subject to the following conditions:

- A. The Roads and Traffic Authority approving the amended Traffic Management Plan submitted by Council on behalf of the Knox Grammar Senior School Mothers' Group.
- B. 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.
- C. The event organiser arranging to place temporary portable and clip-on 'No Parking' signs in Borambil Street and Heydon Avenue as shown on the attached Sketch Plan No. Knox Garden Day/KTC/05/09 (Sheet 2), to discourage commuter parking.
- D. Residents of Borambil Street, Heydon Avenue, Yosefa Avenue, Eulbertie Avenue 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.

- E. 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.
- F. 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.
- G. The Local Area Commander Kuring-gai be requested to patrol the area and monitor traffic conditions during the event.
- H. Knox Grammar Senior School Mothers' Group supplying 20 million dollars Public Liability insurance cover, naming Ku-ring-gai Council as principal. A certificate of currency is to be sighted by Council's Director Operations before the event is approved.
- I. That a Regulatory Officer visits the site throughout the day to monitor traffic conditions to ensure Council's conditions of approval are being observed. The Ranger is to report any traffic congestion or other safety issues to Council's Director Operations within 30 days of the event.
- J. The Knox Grammar Senior School Mothers' Group responding in writing to Council by 28 August 2009, confirming its acceptance of Council's decision for conducting the 2009 Knox Garden Day.

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

Against the Resolution: Councillors Hall & Hardwick

*Standing Orders were suspended to deal with the
GB.10 - Wahroonga Estate Development not including Development of the SAN Hospital after
GB.1 - Draft Ku-ring-gai Development Control Plan (Town Centres) 2009 Timetable
after a Motion moved by Councillors Anderson & Keays
was CARRIED UNANIMOUSLY*

GENERAL BUSINESS

- 104 **Draft Ku-ring-gai Development Control Plan (Town Centres) 2009 Timetable**
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 File: CY00054

The following members of the public addressed Council:

K Cowley
C Berlio

To have Council consider and endorse the timetable for finalisation of the draft

Ku-ring-gai Development Control Plan (Town Centres) 2009, henceforth referred to as the draft DCP.

Resolved:

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

- A. That Council adopt the timeline for the draft Ku-ring-gai Development Control Plan (Town Centres) 2009.
- B. That the Department of Planning be notified of Council's decision.
- C. That Council submit the DCP timetable to the Dept of Planning, reinforcing that Council be given reasonable time to make changes to site specific controls in the DCP, responding to any associated changes to the LEP, when gazetted.

CARRIED UNANIMOUSLY

The above Resolution was CARRIED as an Amendment to the Original Motion and a LOST Amendment.

The Original Motion was:

(Moved: Councillors Hall/Hardwick)

- A. *That Council adopt the timeline for the draft Ku-ring-gai Development Control Plan (Town Centres) 2009.*
- B. *That Council receive and note the timelines for the consolidated contributions plan, re-classification, public domain plan and parking management plan.*
- C. *That the Department of Planning be notified of Council's decision.*

The LOST Amendment was:

(Moved: Councillors Hall/Hardwick)

That all matters dealing with the Town Centres be referred to the Planning Committee for its consideration and recommendations to the Council.

105

Wahroonga Estate Development not including Development of the SAN Hospital

File: S05913

Ward: Comenarra

The following member of the public addressed Council:

B Tomkinson

To provide a submission on the proposed development of the Wahroonga Estate not including re-development of the Sydney Adventist Hospital (SAN), Fox Valley Road, Wahroonga.

Resolved:

(Moved: Councillors Keays/Cross)

- A. That Council adopt the report as the basis for a submission to the Department of Planning.
- B. That the Ecological consultant's report assessing the ecology assessment and its conclusions be included with the submission.
- C. That the final submission be submitted to the Department of Planning prior to 19 June 2009.
- D. That the submission be released on Council's website, to enable the public to use it as a basis for their own submissions.
- E. That the DECC and DEWHA be asked to look more carefully at this submission in terms of ecologically endangered species contained within the site.
- F. That the submission includes information relating to infrastructure deficiencies for the area, particularly water and sewage services and also impacts relating to the possible introduction of dedicated bus lanes on Ryde Road and Pennant Hills Road.

CARRIED UNANIMOUSLY

106

Code of Meeting Practice

File: S02211

To recommend the adoption of the Code of Meeting Practice.

Resolved:

(Moved: Councillors Cross/Anderson)

That the Code of Meeting Practice be adopted.

Councillor Szatow withdrew during discussion

For the Resolution:

The Mayor, Councillor E Malicki, Councillors Holland, Keays, Anderson, Duncombe, Hardwick, Cross & McDonald

Against the Resolution:

Councillor Hall

107 **Sponsorship Proposal - North Shore Times & Hornsby Advocate 2009 Business Achiever Awards**

File: S05650

Councillor Szatow returned

To advise Council of a sponsorship proposal request from Cumberland Newspapers for the 2009 Business Achiever Awards Program.

Resolved:

(Moved: Councillors Anderson/Duncombe)

That Council adopt the proposal from Cumberland Newspapers to sponsor the North Shore Times 2009 Business Achiever Awards program - total of \$3,600.

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

Against the Resolution: Councillors Hall, Hardwick & Cross

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

The Original Motion was:

(Moved: Councillors Keays/Hall)

That Council adopt the proposal from Cumberland Newspapers to sponsor the North Shore Times 2009 Business Achiever Awards program and the Hornsby Advocate 2009 Business Achiever Awards program for \$3,600 each, total \$7,200.

108 **Introduction of Library Overdue Fees**

File: S02130

To obtain Council's approval for the introduction of fees and charges for overdue library materials.

Resolved:

(Moved: Councillors Keays/Cross)

That this matter be referred to the Community Committee for comment and report back to Council.

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

Against the Resolution: Councillors Duncombe, 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 approve the introduction of fees for overdue library items at 20c per day per item with an upper limit of \$12.00 per item.*
- B. That the fees and charges for overdue library materials be placed on public exhibition for a period of 28 days.*
- C. That if submissions objecting to the fees and charges are received during the exhibition period, a report come to Council including the submissions.*
- D. That if no objecting submissions are received during the exhibition period, the abovementioned fees and charges be introduced by 30 September 2009.*

109

Council Nominations for Joint Regional Planning Panel

File: S04554

To present nominations for Council membership of the Sydney Metro West Joint Regional Planning Panel.

Resolved:

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

- A. That Council appoint two Council representatives for membership of the Sydney Metro West Joint Regional Planning Panel, being the Mayor, Councillor Elaine Malicki and Councillor Ian Cross, for a period of six months, together with Councillor Elise Keays as alternate.*
- B. That during the six months period, nominations shall be sought from the Ku-ring-gai Community, with those nominations to be formally assessed by Councillors and determined by Council.*

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

Against the Resolution: Councillors Szatow, Anderson, 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 does not nominate representatives to the Joint Regional Planning Panels until such time as guidelines and codes of conduct are made available to Councils and issues relating to conflicts of interest have been resolved; and*
- B. *That Council seek an extension of time for Council nominations and the commencement date of the Joint Regional Planning Panels.*

110 **Sustainability One-Stop-Shop**

File: S07052

For Council to endorse the combined tender for the One-Stop-Shop residential sustainability program.

Resolved:

(Moved: Councillors Cross/Keays)

- A. That Council accept the recommended tenderers for the provision of the following companies against the five criteria as below:
 - * **Solar hot water systems:** Endless Solar Operations Pty Ltd, Eco living Centre Pty Ltd, Rheem Australia Pty Ltd.
 - * **Rainwater tanks:** Roseville Plumbing, Bluescope Water Pty Ltd, Nu-tech Group Pty Ltd (T/A Coastal Water Tanks).
 - * **Photovoltaic systems:** Green Solar Australia Pty Ltd, Solar Shop Australia Pty Ltd, Australia Wide Solar Pty Ltd.
 - * **Heat pump services:** Eco living Centre Pty Ltd, Envirocare and Savers Pty Ltd.
 - * **Green power:** Jack Green Energy and Origin Energy.
- B. That Council notifies Willoughby City Council of its support and inclusion in the project subject to review of the scheme at the end of the 12 month period.

- C. That a further report be brought to Council dealing with the tender for Greenpower.
- D. That a report be provided to Councillors as to the progress of the program against its aims.

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

Against the Resolution: Councillors Hall & Hardwick

111 **Management Plan 2009 to 2012**

File: FY00019

For Council to adopt the Management Plan 2009-2012, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to Minister's Approval) and Fees and Charges for 2009-2010.

Resolved:

(Moved: Councillors Duncombe/Holland)

- A. That Council adopt the Management Plan 2009-2012, incorporating the Budget, Capital Works Program, Special Rate Variation (Subject to the Minister's approval) and Fees and Charges for 2009-2010 as amended.
- B. That should the Minister for Local Government approve Council's application for a special variation for the New Facilities Special Rate:
 - 1. An ordinary rate in the dollar of \$0.00170770 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2009 to 30 June 2010.
 - 2. An ordinary rate in the dollar of \$0.00525710 on the unimproved capital value of all rateable land categorised as business in the Council area be made for the period of 1 July 2009 to 30 June 2010.
 - 3. An environmental special rate in the dollar of \$0.00010346 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a zero base amount, be made for the period of 1 July 2009 to 30 June 2010.
 - 4. An infrastructure special rate in the dollar of \$0.00015755 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a \$65 base amount for an infrastructure category, be made for the period of 1 July 2009 to 30 June 2010.

5. A new facilities special rate in the dollar of \$0.00010677 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a zero base amount, be made for the period of 1 July 2009 to 30 June 2010.
 6. The minimum rate for both residential and business be set at \$419.00 for the period 1 July 2009 to 30 June 2010.
 7. The voluntary pensioner rebate be granted to all eligible pensioners as a flat percentage of 12.5% of the total pensioner's rates and charges for 2009/10.
 8. The General Manager and Director Corporate be delegated to negotiate and establish Council's new loan account of \$6,250,000 and the Common Seal be affixed to all required documents.
- C. That should the Minister for Local Government not approve Council's application for a special variation for the New Facilities Special Rate:
1. An ordinary rate in the dollar of \$0.00170770 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2009 to 30 June 2010.
 2. An ordinary rate in the dollar of \$0.00525710 on the unimproved capital value of all rateable land categorised as business in the Council area be made for the period of 1 July 2009 to 30 June 2010.
 3. An environmental special rate in the dollar of \$0.00010346 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a zero base amount, be made for the period of 1 July 2009 to 30 June 2010.
 4. An infrastructure special rate in the dollar of \$0.00015755 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a \$65 base amount for an infrastructure category, be made for the period of 1 July 2009 to 30 June 2010.
 5. The minimum rate for both residential and business be set at \$419.00 for the period 1 July 2009 to 30 June 2010.
 6. The voluntary pensioner rebate be granted to all eligible pensioners as a flat percentage of 9% of the total pensioners rates and charges for 2009/10.
- D. That in those cases where, after provision of the combined pensioner rebate to a maximum of \$250.00, the pensioner/owner satisfies Council of an inability to pay the remainder, either in whole or in part, the remainder be allowed to accrue with interest payable on arrears, as a charge against the land until such

time as there is a change in either circumstances or ownership, for a period of no greater than twenty (20) years from the date of application.

- E. That the charge for the Domestic Waste Management service be set at \$290.00 per residential property per annum excluding flats and home units.
- F. That the charge for Domestic Waste Management service be set at \$270.00 per residential property per annum for flats and home units.
- G. That the charge for Domestic Waste Management base service without green waste be set at \$205.00 per annum.
- H. That the charge for an additional green waste service be set at \$95.00 per container, per annum.
- I. That the charge for a 240 litre waste bin with green waste be set at \$395.00 per annum excluding flats and home units.
- J. That the charge for a 240 litre waste container without green waste be set at \$310.00 per annum, excluding flats and home units.
- K. That the charge for a 240 litre waste container for flats and home units be set at \$395.00 per annum.
- L. That the charge for the provision of an additional 120 litre waste bin, per bin, per annum be set at \$105.00.
- M. That the charge for Domestic Waste Management on vacant land be charged at \$140.00 per annum, per residential property.
- N. That the charge for Non-domestic Waste Management services be set at \$210.00 per unit of occupancy per annum. In the case of a single business occupying the whole of the building with more than one storey, the rate will be applied per storey of the building.
- O. That the Stormwater Management Charge be set as follows:

*	Strata / Company titled residential units:	\$12.50 per unit
*	Strata / Company titled business units:	\$12.50 per unit
*	Other residential property:	\$25.00 per rateable property
*	Business rateable property:	\$25.00 per 350 square metres of Land area (a maximum charge of \$1,500 applies to land area greater than 21,000 square metres).
- P. That the total budget for interest on investments, in the Management Plan 2009-2012, be adjusted from \$1,800,900 to \$1,518,800.

- Q. That Council acknowledge the formal submissions made on the Management Plan and respond to the authors with the outcomes.

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

Against the Resolution: Councillors Hall & Hardwick

112 **Bushfire Issues in Ku-ring-gai**

File: S06373

To advise Council of the preparedness of agencies to manage a major bushfire in the Ku-ring-gai area.

Resolved:

(Moved: Councillors Cross/McDonald)

- A. That the report be received and noted.
- B. That Council write to the NSW Fire Brigade seeking its representation on the Hornsby / Ku-ring-gai Fuel Management Sub-Committee.

CARRIED UNANIMOUSLY

113 **Acceptance of Tender T05/2009 - Sir David Martin Reserve & Lofberg Oval Sports Oval Upgrade, Stormwater Harvesting & Associated Works**

File: S07036

To seek Council's approval to appoint a Contractor to carryout the work of refurbishment of Sir David Martin Playing fields and Lofberg Oval, stormwater harvesting and water quality improvement and all associated landscape works at both sites.

Resolved:

(Moved: Councillors Holland/Anderson)

- A. That Council accept the tender from Statewide Civil Pty Ltd to carry out the works of reconstruction of Sir David Martin Reserve sports ovals 1, 2 and 3 and reconstruction of Lofberg Oval including storm water harvesting works.
- B. That Council approves the carry forward of available funding from the 2008/2009 Open Space Capital Works Program and Environmental Levy.

- C. That the Mayor and General Manager be delegated authority to execute all tender documentation on Council's behalf in relation to the contract.
- E. That the Seal of Council be affixed to all necessary documents.
- F. That all tenderers be advised of Council's decision.
- G. That Council formally acknowledges and thanks the Kissing Point Sports Club for their contribution towards the refurbishment and improvement of the Sir David Martin sports facilities.

CARRIED UNANIMOUSLY

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

Councillor Szatow advised that she would now be able to attend the National General Assembly of Local Government 2009 and sought Council's approval to attend.

*The following item was dealt with after a
Motion moved by Councillors Szatow & Hall
to have the matter dealt with at the meeting was
CARRIED UNANIMOUSLY and the
Mayor ruled urgency*

114 **2009 National General Assembly of Local Government**

File: S03788

Resolved:

(Moved: Councillors Szatow/Cross)

That Councillor Szatow be granted approval to attend the National General Assembly of Local Government from 21 to 24 June 2009 in Canberra.

CARRIED UNANIMOUSLY

*Standing Orders were suspended
to deal with Questions Without Notice first
after a Motion moved by Councillors Anderson & Cross
was CARRIED UNANIMOUSLY*

QUESTIONS WITHOUT NOTICE

115 **Councillor DCP Briefings - Open to Public**

File: CY00054

Question Without Notice from Councillor E Keays

Could all major community groups that made submissions in regards to the draft LEP for our town centres be notified that our Councillor DCP Briefings are now open to the public and give the relevant dates?

Answer by the General Manager

Councillor Keays, I will arrange for Director Watson and Strategy Staff do that for you.

116 **Expulsion of Councillor Hall, 12 May 2009**

Files: S02211, S03158

Question Without Notice from Councillor T Hall

General Manager - As the Minutes of the Ordinary Meeting of Council held on 12 May 2009 were passed tonight and are now evidentiary, would you please investigate whether my expulsion on the Mayor's procedural motion under Minute No 92/09 as recorded in those Minutes, was in accord with Council's Code of Meeting Practice and the provisions of the Regulation (2005) and if found to be contrary, would you report to the next meeting what action should be taken to address any inconsistencies resolved by Council against me?

Answer by the General Manager

Councillor Hall, I am happy to look into that.

117 **Loss of Section 94 Developer Contributions**

File: S06347

Question Without Notice from Councillor T Hall

Would the relevant Directors inform Council how many developments have ceased construction in the LEP 194/200 zones due to cash flow problems and what Section 94 Development Contribution fees required to be paid up front, have been deferred and how much in dollar terms as of this date?

Answer by the Mayor

Councillor Hall, that Question will require a Notice of Motion. It requires considerable work of our Staff and, as you know, the Code of Meeting Practice states that a Question Without Notice may not substitute for a Notice of Motion.

MOTION OF DISSENT

Following the Mayor's answer to the above Question Without Notice, a Motion of Dissent was moved by Councillor Hall on the Mayor's response to the Question:

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

For the Motion of Dissent: *Councillors Hall & Hardwick*

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

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

The Mayor advised the Council that the General Manager has agreed to the terms resolved by Council at its meeting of 12 May 2009. Until the Common Seal of Council is affixed to the Contract, the Contract renewal cannot be activated

*The following item was dealt with after a Motion moved by
Councillors Cross & Anderson to have the matter dealt with at the
meeting was CARRIED & the
Chairperson ruled urgency*

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

Against the Urgency: *Councillor Hall*

**The General Manager declared a pecuniary interest
in respect of the following item -
Staff Matter - Affix Common Seal to
General Manager's Contract
and departed from the Chamber**

*Council resolved itself into Closed Meeting
with Press & Public Excluded after a Motion
moved by Councillors Anderson & Cross*

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

Against the Motion: *Councillor Hall*

Councillor Hall departed

To Open Council

118 **Staff Matter - Affix Common Seal to General Manager's Contract**

File: S03655

Resolved:

(Moved: Councillors Cross/Anderson)

That pursuant to Council's previous resolution of 12 May 2009 in relation to the General Manager's Contract, Council resolve to affix the Common Seal of the Council to the said document.

CARRIED UNANIMOUSLY

The Meeting closed at 10.26pm

The Minutes of the Ordinary Meeting of Council held on 9 June 2009 (Pages 1 - 23) were confirmed as a full and accurate record of proceedings on 7 July 2009.

General Manager

Mayor / Chairperson