

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 5 APRIL 2016

Present: The Mayor, Councillor C Szatow (Chairperson) (Gordon Ward)
Councillor E Malicki (Comenarra Ward)
Councillor D Citer (Gordon Ward)
Councillors C Berlioz & D Ossip (St Ives Ward)
Councillors J Anderson & D Armstrong (Roseville Ward)
Councillors C Fornari-Orsmond & D McDonald (Wahroonga Ward)

Staff Present: General Manager (John McKee)
Director Corporate (David Marshall)
Director Development & Regulation (Michael Miocic)
Director Operations (Greg Piconi)
Acting Director Strategy & Environment (Antony Fabbro)
Director Community (Janice Bevan)
Corporate Lawyer (Jamie Taylor)
Manager Corporate Communications (Virginia Leafe)
Manager Integrated Planning, Property & Assets (Deborah Silva)
Manager Community & Recreation Services (Mark Taylor)
Manager Records and Governance (Amber Moloney)
Minutes Secretary (Christine Dunand)

The Meeting commenced at 7:00 pm

The Mayor offered the Prayer

49 **APOLOGIES**

File: S02194

Councillor Pettett tendered an apology for non-attendance (ill health) and requested leave of absence.

Resolved:

(Moved: Councillors Malicki/Armstrong)

That the apology from Councillor Pettett be accepted and leave of absence granted.

CARRIED UNANIMOUSLY

The General Manager tendered an apology from Director Watson and advised that the Manager Urban & Heritage Planning - Antony Fabbro would be Acting Director Strategy & Environment for the meeting.

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.

50

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

Resolved:

(Moved: Councillors Malicki/Armstrong)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

- A. That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of the following Confidential reports and their respective attachments:
 - C.1 **North Turramurra Golf Course - Extension of Contract for Professional Golf**
In accordance with s10A(2)(d)
 - C.2 **Gordon Golf Course - Contract Fee Review**
In accordance with s10A(2)(d)
- B. That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of the confidential attachments to the following General Business items:
 - GB.1 **Tulkiyan Heritage House - Expressions of Interest**
 - Attachment A1:** Historic Houses Combined Files
In accordance with s10A(2)(d)(ii)
 - Attachment A2:** Scorecard Evaluation Worksheet – Tulkiyan
In accordance with s10A(2)(d)(ii)
 - GB.5 **Tender RFT 03-2016 - Gordon Library Lighting Upgrade**
 - Attachment A1:** List of Tenderers for the Gordon Library Lighting Upgrade

In accordance with s10A(2)(c)

**Attachment A2: RFT 03-2016 - Weighted Evaluation Scores
- Gordon Library Lighting Upgrade**

In accordance with s10A(2)(c)

**Attachment A3: Corporate Scorecard Performance and
Financial Assessment**

In accordance with s10A(2)(c)

**Attachment A4: RFT 03-2016 - Weighted Evaluation Scores
- Gordon Library Lighting Upgrade - Full
Form**

In accordance with s10A(d)(i) and s10(d)(ii)

**GB.6 Renewal of road lease - North Shore Synagogue -
Treatts Road, Lindfield**

Attachment A2: Valuation

In accordance with s10A(2)(c)

CARRIED UNANIMOUSLY

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: MM.1 - Vale Douglas Holleley - last World War Two veteran
of the 18th Battalion (Ku-ring-gai Regiment) –**

Report by the Mayor, Councillor Szatow dated 1 April 2016 and attachment.

**Confidential Late
Councillors Agenda
Information:**

GB.7 Right of Way for Stratford Place St Ives

Memo from Manager Integrated Planning Property & Assets dated 5 April 2016.

As advertised in the Council Report, and in observation of the Privacy and Personal Information Protection Act 1998, copies of the individual submissions are attached to the memo.

C.2 Gordon Golf Course – Contract Fee Review

Confidential memo from Director Community dated 5 April 2016 regarding briefing held prior to the Council meeting.

CONFIRMATION OF MINUTES51 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 22 March 2016

Minutes numbered 39 to 48

Resolved:

(Moved: Councillors Malicki/Fornari-Orsmond)

That Minutes numbered 39 to 48 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR52 **Vale Douglas Holleley - last World War Two veteran of the 18th Battalion (Ku-ring-gai Regiment)**

File: CY00455/4

Vide: MM.1

It is my sad duty to advise my Councillor colleagues and the Ku-ring-gai community of the passing of the last surviving member of the 18th Battalion (Ku-ring-gai Regiment) who served in World War Two.

Mr Douglas Holleley was a longstanding resident of Pymble, having settled in Hamilton Parade in 1955 and having lived there with his wife Mary until early this year.

Douglas' connection with the 18th Battalion was forged early in the war, when he enlisted and underwent basic training with the Ku-ring-gai Regiment. Unfortunately he was badly injured during this training, to such an extent that he was hospitalised for around two years. However this did not dim his willingness to serve his country, and he finally began active service with the regiment in 1941 until his demobilisation in 1946. Due to his training accident, Douglas was unable to serve on the front line but performed a valuable and testing task guarding POWs in the Pacific islands north of Papua New Guinea.

After the war, Douglas trained as an accountant with Price Waterhouse, eventually setting up his own accountancy firm which traded successfully until his retirement. Once retired, Douglas devoted himself to keeping the historical memory of the 18th Battalion alive. He was President for 10 years of the Battalion's Association, organising events and researching the history of Battalion members. He was also Patron of the Battalion's Rifle Club.

Douglas worked closely with Ku-ring-gai Council to help preserve the Battalion's historic buildings at St Ives Showground. The Battalion occupied the site for the duration of World War Two and a considerable number of concrete platforms and brick buttresses can still be seen today where wash houses, mess huts and the battalion headquarters once stood. His passing marks the watershed moment in the Battalion's history, made more poignant by the commemoration of the Centenary of ANZAC between 2014 and 2018.

Douglas was a devoted and loving husband to his wife Mary. He sadly passed away on the day of their 68th wedding anniversary. He is lovingly remembered by Mary and his three sons Douglas, David and Robert and their families.

May he rest in peace.

Resolved:

- A. That the Mayoral Minute be received and noted.
- B. That we stand for a minute's silence to honour Douglas Holleley.
- C. That the Mayor write to Mr Holleley's family and encloses a copy of this Mayoral Minute.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

53

Tulkiyan Heritage House - Expressions of Interest

File: S10798

Vide: GB.1

For Council to note the results of the Expressions of Interest process for the management of Tulkiyan Heritage House, and for Council to authorise staff to undertake further negotiations with the Historic Houses Association of Australia Inc.

Resolved:

(Moved: Councillors Berlioz/Armstrong)

- A. That Council note the outcome of the Expressions of Interest process for the management of Tulkiyan Heritage House, and that Council reject the submission from the Historic Houses Association of Australia Inc. and not proceed to tender.
- B. That staff negotiate directly with Historic Houses Association of Australia Inc to determine the best possible management model for Tulkiyan Heritage House in

terms of preservation of the building, improved public access and cost effectiveness to Council.

- C. That a report come to Council providing details of re-negotiated management fees with the Historic Houses Association of Australia Inc., capital works repairs required, the cost of any proposed alterations to the building, and ongoing costs for maintenance of the property and the garden.

CARRIED UNANIMOUSLY

54 **Amendment to Council's Code of Conduct**

File: S06339

Vide: GB.3

To update Council's Code of Conduct following amendments to the Local Government Act 1993.

Resolved:

(Moved: Councillors Berlioz/McDonald)

That Council adopts the amended Code of Conduct.

CARRIED UNANIMOUSLY

55 **Consideration of Submissions on the Planning Proposal to list 28 Cook Road Killara as a heritage item**

File: S10812

Vide: GB.4

For Council to consider the submissions received during the public exhibition of the Planning Proposal to list 28 Cook Road, Killara (formerly known as 'Glen Brae'), as a local heritage item.

Resolved:

(Moved: Councillors Berlioz/Anderson)

- A. That the Planning Proposal to list the property known as 'Glen Brae' at 28 Cook Road, Killara as a local heritage item under the Ku-ring-gai Local Environmental Plan 2015 proceed without variation.
- B. That Council proceed to make the Plan, using its delegated authority, under Section 59(2) of the Environmental Planning & Assessment Act 1979.
- C. That those who made submissions be notified of Council's decision.

CARRIED UNANIMOUSLY

56 **Creation of Right of Way on Council Land at St Ives - Receipt of public submissions**

File: CY00470/3

Vide: GB.7

To advise Council on public submissions made in relation to Council's intention to grant a Right of Way over Council land benefitting a private property at 15 Stratford Place, St Ives.

Resolved:

(Moved: Councillors Berlioz/Fornari-Orsmond)

- A. That Council receive and note the submissions made in respect of the proposed granting of a Right of Way over Council land to benefit 15 Stratford Place, St Ives.
- B. That Council seeks the consent of the Minister for Local Government to grant the Right of Way as required by section 47(5) of the *Local Government Act 1993*.
- C. That, subject to the Minister's consent being obtained, Council grants the Right of Way to benefit 15 Stratford Place, St Ives (Lot 2 DP 525518) Way over Council land (Lot 36 DP226375) for pedestrian and vehicular access purposes on a non-exclusive basis. Compensation assessed by Council's valuer to be paid by the applicant along with other costs incurred by Council including legal, survey and valuation fees.
- D. That Council, subject to securing the Minister's consent, delegate to the Mayor and the General Manager the authority to execute all documentation associated with the Right of Way.
- E. That Council affix the Common Seal to all necessary documents where legally required.

CARRIED UNANIMOUSLY

57 **North Turramurra Golf Course - Extension of Contract for Professional Golf Services**

File: S07446

Vide: C.1

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(d)(i), of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(d) of the Act permits the meeting to be closed to the public for

business relating to commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of Council, or
- (iii) reveal a trade secret.

This matter is classified confidential under section 10A(2)(d)(i) because it deals with tenders. Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence.

It is not in the public interest to reveal details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council's decision.

Report by Director Community dated 21 March 2016

Resolved:

(Moved: Councillors Berlioz/McDonald)

That Council proceed with the recommendations contained in this report.

CARRIED UNANIMOUSLY

*Standing Orders were suspended to deal with items
where there are speakers first after a
Motion moved by Councillors Berlioz and Fornari-Orsmond
was CARRIED UNANIMOUSLY*

58

Gordon Golf Course Draft Masterplan Concept

File: S09625

Vide: GB.8

To report the outcomes of the site inspection for a Regional Park at the Gordon Golf Course.

The following members of the public address Council on this matter:

P Baily

Fr K Dalby

Resolved:

(Moved: Councillors Szatow/Citer)

- A. That Council advise the Gordon Golf Club of its support for the Gordon Golf Course to remain a golf course until the lease option expires in November 2023.
- B. That the Masterplan be deferred and consulted with the community prior to the expiration of the lease for the Gordon Golf Club.
- C. That, following the expiration of the lease, the golf course be converted to a Regional Park in accordance with the adopted Masterplan.
- D. That a further report on a cost breakup of expenditure and income for the two golf courses, Gordon and Turramurra, be brought to Council with a view of identifying potential savings.

For the Resolution:

*The Mayor, Councillor Szatow,
Councillors , Citer, McDonald, Armstrong
and Berlioz*

Against the Resolution:

*Councillors Malicki, Anderson, Fornari-
Orsmond and Ossip*

Councillor Ossip withdrew during discussion
Councillor Ossip returned

59

2016 National General Assembly of Local Government - Nomination of Delegates and Submission of Motions

File: S02133

Vide: GB.2

For Council to determine the voting delegate for the 2016 National General Assembly of Local Government and to confirm that Ku-ring-gai Council will not be submitting any motions for debate.

Resolved:

(Moved: Councillors Malicki/Berlioz)

That:

- A. the Mayor, Councillor Szatow be the one voting delegate for the 2016 National General Assembly of Local Government.
- B. Council submit the following three (3) motions to ALGA:
 - 1. That more technologically advanced Councils, who use, for example, electronically advanced hardware and software computer programs and

apps which provide swift and efficient pathways to service residents' needs, enter into voluntary mentoring relationships with less innovative Councils, assisted by Commonwealth Grants Funding. The focus is to utilise and extend existing solutions in collegiate ways, to the financial and social benefit of both entities: the mentor and the mentored and, ultimately, the Commonwealth.

2. That a rating system for Local Government be levied uniformly, with rates Capping to be abolished across Australia.
 3. That Councils with existing levies in New South Wales, be given the opportunity to extend these levies so that the good work they are doing is not curtailed by the proposal to "freeze" rating increases for the next four years; and
- C. other Councillors interested in attending notify the General Manager by Friday 29 April 2016.

For the Resolution:

*The Mayor, Councillor Szatow,
Councillors , Citer, McDonald, Malicki
and Berlioz*

Against the Resolution:

*Councillors Armstrong, Anderson,
Fornari-Orsmond and Ossip*

60

Tender RFT 03-2016 - Gordon Library Lighting Upgrade

File: S10872

Vide: GB.5

To consider the tenders received for the installation of the Gordon Library lighting upgrade.

Resolved:

(Moved: Councillors Malicki/Szatow)

- A. That Council accept the tender submission from Tenderer 'A' to carry out the installation of the Gordon Library lighting upgrade.
- B. That the Mayor and General Manager be delegated authority to execute all tender documents on Council's behalf in relation to the contract.
- C. That the Seal of Council be affixed to all necessary documents.
- D. That all tenderers be advised of Council's decision in accordance with Clause 178 of the Local Government Tendering Regulation.

CARRIED UNANIMOUSLY

61

Renewal of road lease - North Shore Synagogue - Treatts Road, Lindfield

File: S07457/7

Vide: GB.6

To consider a request from the North Shore Synagogue for the grant of a new lease for its continued occupancy of Council's road reserve along Treatts Road, Lindfield.

Resolved:

(Moved: Councillors Malicki/Citer)

- A. That Council approve of a Deed of Lease between Council and the North Shore Synagogue over a portion of the road reserve in Treatts Road, Lindfield for a term of five (5) years from 1 May 2016. Permitted use of the lease is to be for landscaping, gardens, access and security.
- B. That Public Notice of the proposed lease be given in accordance with the provisions of Section 154 of the *Roads Act 1993*.
- C. That the Mayor and General Manager be authorised to execute all documentation associated with Deed of Lease.
- D. That Council endorse, on an "exception basis", a rental rebate of 50% to apply in line with Council's Policy for the Management of Community and Recreational Land and Facilities in recognition of the Lessee's not-for-profit status and the non-commercial nature of the lease. Council's policy does not specifically incorporate the leasing of road reserves hence the approval on an "exception basis" for this Lease only.
- E. That Council authorise the Common Seal of Council to be affixed to the Lease.

For the Resolution:

*The Mayor, Councillor Szatow,
Councillors , Citer, McDonald, Malicki,
Armstrong, Anderson, Fornari-Orsmond
and Ossip*

Against the Resolution:

Councillor Berlioz

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

(Moved: Councillors Berlioz/Malicki)

- A. *That Council approve of a Deed of Lease between Council and the North Shore Synagogue over a portion of the road reserve in Treatts Road, Lindfield for a term of five (5) years from 1 May 2016. Permitted use of the lease is to be for landscaping, gardens, access and security.*
- B. *That Public Notice of the proposed lease be given in accordance with the*

provisions of Section 154 of the Roads Act 1993.

- C. That the Mayor and General Manager be authorised to execute all documentation associated with Deed of Lease.*
- D. That the property be leased at market value without a 50% rebate.*
- E. That Council authorise the Common Seal of Council to be affixed to the Lease.*

For the Resolution: Councillor Berlitz

*Against the Resolution: The Mayor, Councillor Szatow,
Councillors Citer, McDonald, Malicki,
Armstrong, Anderson, Fornari-Orsmond
and Ossip*

*No decision was taken in respect of the above matter as
the Motion when put to the vote was LOST*

QUESTIONS WITHOUT NOTICE

62

Innovation Business Forum

File: S09436

Vide: QN.1

Question Without Notice from Councillor Duncan McDonald

As an introduction to my question, I would like to commend Council staff on an excellent Innovation Business Forum at CSIRO last Thursday.

I felt the CSIRO facility in Bradfield Road West Lindfield should be considered as a regular venue for these types of meetings, easy to park, plenty of space for holding the event and catering, and CSIRO (if you read the paper) is rather in desperate need to keep their infrastructure together, so they need all the business they can get. How difficult would it be to have or use this venue as a regular venue for these innovation and other business meetings?

Answered by Director Community

The Director Community advised that Council can look into holding the meetings at this venue, but what Council is trying to do with the breakfasts is move them around the local government area. There are one or two planned at different venues for the next few sessions to be held, but can certainly look at using the CSIRO more often.

63 Wahroonga Park Toilet Block

File: S10691

Vide: QN.2

Question Without Notice from Councillor Duncan McDonald

When will the new toilet block be open to the public?

Answered by Director Operations

The Director Operations advised the construction work is finished, the contractor has finished, so we are looking at the possibility of an official opening.

64 St Ives Showground Army Relief Map

File: S10622

Vide: QN.3

Question Without Notice from Councillor Christiane Berlioz

In 2013 the NSW Government allocated \$3,000 towards an interpretive sign and plaque at St Ives Showground to explain the history of a Topographical Relief Map constructed by the army during the Second World War.

When will the works be carried out?

Answered by Director Operations

The Director Operations advised that he would take the question on notice as he had to confer with another council officer.

65 St Ives Precinct - Showground

File: S10646

Vide: QN.4

Question Without Notice from Councillor Christiane Berlioz

When will the nursery site be handed over to the St Ives Showground Precinct?

Answered by Director Community

The Director Community advised that staff are currently in discussions about the process and it should be happening in about 4 – 6 weeks, we are still going through the process, there are a few industrial things do with staff, but it should be doing it rather soon.

66 **Gordon Golf Club Lease**

File: S07447

Vide: QN.5

Question Without Notice from Councillor Jennifer Anderson

The Mayor stated tonight that Council was in an invidious position being restrained by current lease arrangements with Gordon Golf Club.

Are there clauses in the current lease that deal with parties breaking or changing of the lease and, if so, would Council staff please provide those to Councillors?

Answered by Director Community

The Director Community advised there are such clauses within the lease and would take the question on notice and respond to the Councillors tomorrow (Wednesday 6 April 2016).

67 **Support for the Returned and Services League (RSL) during Centenary of ANZAC Commemorations**

File: CY00053/8

Vide: QN.6

Question Without Notice from Councillor Jennifer Anderson

I refer to NSW Government Ministerial Circular entitled *Support for the Returned and Services League (RSL) during Centenary of ANZAC Commemorations*, which urges all councils to support RSLs throughout the State in planning centenary commemorations.

The Government encourages councils to assist in the preparation of the Centenary of ANZAC services and events. Assisting RSL sub-branch representatives with event and traffic management for ANZAC Day and other centenary services throughout the entire centenary period, and to use discretion and remain mindful of the importance of the services when deciding whether or not to impose fees for DAs and traffic management. The circular ends '*It is hoped Councils will see fit to waive any fees that may normally be imposed*'.

How is Council responding to this Circular and informing the local RSL?

Answered by General Manager

The General Manager advised he would take the question on notice because he has a feeling it involves more than one director, and will provide a written response back to Councillors.

*Council resolved itself into Closed Meeting
with the Press and Public Excluded to deal with the following item
after a Motion moved by Councillors Anderson and Armstrong.
was CARRIED UNANIMOUSLY*

68

Gordon Golf Course - Contract Fee Review

File: S07447

Vide: C.2

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(d)(i), of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(d) of the Act permits the meeting to be closed to the public for business relating to commercial information of a confidential nature that would, if disclosed:

- (i) prejudice the commercial position of the person who supplied it, or
- (ii) confer a commercial advantage on a competitor of Council, or
- (iii) reveal a trade secret.

This matter is classified confidential under section 10A(2)(d)(i) because it deals with tenders. Tender details, should they be revealed, may result in commercial disadvantage to parties involved in the tender process. Some information provided to Council by tenderers is provided on the basis that Council will treat it as commercial in confidence.

It is not in the public interest to reveal details of these tenders or the assessment process. Tenderers have provided sensitive information about their operations in the confidence that their details will not be made public by Council. The practice of publication of sensitive information provided by tenderers could result in the withholding of such information by tenderers and reduction in the provision of information relevant to Council's decision.

Report by Director Community dated 23 March 2015

Resolved:

(Moved: Councillors Malicki/McDonald)

That Council proceed with the recommendations contained within this report and the late memorandum circulated to Councillors prior to the meeting - *Late Confidential Memo - Item C2. Gordon Golf Course - Contract Fee Review.*

For the Resolution:

*The Mayor, Councillor Szatow,
Councillors , Citer, McDonald, Malicki,
Armstrong, Berlioz, Fornari-Orsmond
and Ossip*

Against the Resolution:

Councillor Anderson

*Council resolved to return to Open Council
after a Motion moved by Councillors Fornari-Orsmond and McDonald
was CARRIED UNANIMOUSLY*

The General Manager adverted to the consideration of the matter referred to in the Minute numbered 68, and to the resolution contained in such Minute.

The Meeting closed at 8.30 pm

The Minutes of the Ordinary Meeting of Council held on 5 April 2016 (Pages 1 - 16) were confirmed as a full and accurate record of proceedings on 26 April 2016.

General Manager

Mayor / Chairperson