

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 18 MAY 2021

Present: The Mayor, Councillor J Anderson (Chairperson)
Councillors J Pettett & C Clarke (Comenarra Ward)
Councillors C Szatow & P Kelly (Gordon Ward)
Councillor S Ngai (Roseville Ward)
Councillors C Kay & M Smith (St Ives Ward)
Councillors D Greenfield & C Spencer (Wahroonga Ward)

Staff Present: General Manager (John McKee)
Director Corporate (David Marshall)
Director Development & Regulation (Michael Miocic)
Director Operations (George Bounassif)
Director Strategy & Environment (Andrew Watson)
Director Community (Janice Bevan)
Corporate Lawyer (Jamie Taylor)
Manager Corporate Communications (Virginia Leafé)
Manager Governance and Corporate Strategy (Michael Wearne)
Governance Support Officer/ Minutes Secretary (Rebecca Srbinovska)
Minutes Secretary (Sigrid Banzer)

The Meeting commenced at 7:02PM

The Mayor offered the Prayer

DECLARATIONS OF INTEREST

The Mayor referred to the necessity for Councillors and staff to declare a Pecuniary Interest/Conflict of Interest in any item on the Business Paper.

Councillor Ngai declared a non-significant pecuniary interest for Item GB.10 – Request for General Manager Delegation – PEERS 3 Electricity Tender as he is an employee for a company that generates and sells electricity, and he will leave the chamber during consideration of the matter.

General Manager McKee and all Directors declared a conflict of interest for Item C.1 – Facilitation of the General Managers Performance Review. The General Manager, Directors and all other staff will leave the chamber during consideration of the matter.

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor referred 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:

Memorandums: GB1 – Marian Street Theatre for Young People – Request for

Funding

Memorandum from Director Community dated 6 May 2021.

GB10 – OMC 18 May 2021 – Request for General Manager Delegation – PEERS 3 Electricity Tender

Memorandum from Director Strategy and Environment dated 10 May 2021.

78

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

Resolved:

(Moved: Councillors Spencer/Greenfield)

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

C.1 Facilitation of the General Manager's Performance Review

In accordance with 10A(2)(a) & 10A(2)(d)(i):

Attachment 1: Local Government Management Solutions – Proposal Letter

Attachment 2: Local Government Management Solutions – Response to Criteria

Attachment 3: McArthur NSW – Proposal Letter

Attachment 4: McArthur NSW – Response to Criteria

Attachment 5: Pinnacle People Solutions – Response to Criteria

Attachment 6: Randstad – Proposal Letter

Attachment 7: Randstad – Response to Criteria

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 confidential attachments to the following General Business reports:

GB.9 RFT7-2021 Supply and Install Suburb and Village Signs

In accordance with 10A(2)(d)(iii):

Attachment 1: RFT7-2020 List of Submitters

Attachment 2: RFT7-2020 Tender Evaluation Report**GB.10 Request for General Manager Delegation – PEERS 3 Electricity Tender**

In accordance with 10A(2)(d)(iii):

Attachment 1: PEERS 3 210330 Council MOU March 2021 FINAL

GB.13 Lindfield Village Living – Project Update

In accordance with 10A(2)(c):

Attachment 1: Valuation Report – Lindfield Village Living

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES**79 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 27 April 2021

Minutes numbered 54 to 77

Resolved:

(Moved: Councillors Smith/Greenfield)

That Minutes numbered 54 to 77 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR**80 Cec Morgan - retiring President of the 416 Group**

File: CY00455/9

Vide: MM.1

This Mayoral Minute is in recognition of a longstanding community member Cec Morgan, on the occasion of his retirement as President of the 416 Group.

The 416 Group was initially set up over 20 years ago with the aim of protecting West Lindfield and West Killara against inappropriate development.

Since that time the group has widened its aims, becoming involved in a range of local issues such as setting up Community Fire Units which continue to this day.

The 416 Group was also active in encouraging membership of local Neighbourhood Watch groups to assist the community in preventing crime.

The following testimonial was presented at the March 416 Group meeting:

Cec Morgan and wife Jenny have been Ku-ring-gai residents since the early 1960s, with the couple being some of the first residents of Albert Drive, Killara. The Morgan children attended the Beaumont Road primary school.

Cec had a successful career in aviation as an aeronautical engineer, but has always displayed a keen interest in the wellbeing of his local community.

For a number of years he was the Secretary of the West Lindfield/West Killara Progress Association, formed to help develop the community centre on the Moore Avenue shops and other facilities servicing the residents of Lindfield and Killara west of Lady Game Drive.

In the 1990s the conservation values of the Lane Cove National Park and its residents were being affected by a range of issues, including the third runway at Sydney airport, the construction of the M2 motorway and the impacts of the 1994 bushfires.

An informal group of residents called The Albert Drive and West Killara Residents Action Group was formed as a result. In 2001 Cec Morgan led the evolution of this group to the next stage with the creation of the 416 Group, its name being derived from the telephone code that was used in the area at that time. The Powerful Owl was chosen as the Group's logo to signify watching over and preserving the environment.

In his role as President Cec Morgan has been responsible for convening meetings and engaging with residents, leading discussion of ideas and policies, writing and distributing the group's newsletter and other correspondence and representing the group in meetings with Councillors and local members of Parliament in Ku-ring-gai, Davidson and Ryde.

During his tenure Cec has maintained a good working relationship with the Mayors and Councillors of Ku-ring-gai. I have found him to be a clear thinker, courteous and hard-working and able to represent the interests of residents in an effective manner. His quiet yet inspirational leadership has led to great respect for Cec Morgan within the local community.

Cec Morgan has now lived in and made a sustained contribution to the local community for more than 50 years. Some of the projects he has led or contributed to include:

- Safety measures on Lady Game Drive
- Supporting residents by making formal submissions to Council on inappropriate development applications
- Bushfire hazard reduction and increasing volunteer participation through Community Fire Units
- Increasing community involvement in Neighbourhood Watch
- Initiating a Memorandum of Understanding between the City of Ryde and Ku-

ring-gai Council for the City of Ryde Council to advise West Lindfield/West Killara residents of any development proposals adjacent to Lane Cove National Park that might affect the environment or the residents

- Increasing community input into the Ku-ring-gai Housing Strategy and the Lindfield Village Hub
- Involving the community in future plans for the CSIRO in Bradfield Road, Lindfield

Cec Morgan is an excellent role model for how community leaders can be effective forces for good and how important residents can be in working with Council to protect the places they love.

On behalf of the Council, I thank him for all his efforts on behalf of the Ku-ring-gai community.

Resolved:

(Moved: Mayor Anderson)

That the:

- A. Mayoral Minute be received and noted.
- B. Mayor write to Cec Morgan enclosing a copy of this Mayoral Minute thanking him for all his efforts on behalf of the Ku-ring-gai community.

CARRIED UNANIMOUSLY

PETITIONS

81

Norman Griffiths Oval Sportsground Development

File: S13191

Vide: PT.1

We request that the Ku-ring-gai Municipal Council halts further work on the Synthetic Turf Resurfacing and Works Project planned for Normal Griffiths Oval in West Pymble until further investigation of alternatives is completed along with a review of the current NSROC policies in relation to synthetic sporting field developments. (1,012 signatures)

Resolved:

(Moved: Councillors Clarke/Greenfield)

That the petition be received and referred to the appropriate Officer of Council for attention.

CARRIED UNANIMOUSLY

GENERAL BUSINESS82 **Draft Community Engagement Policy**

File: S02090

Vide: GB.2

For Council to endorse the draft Community Engagement Policy, and for the draft policy be placed on public exhibition.

Resolved:

(Moved: Councillors Spencer/Greenfield)

That:

- A. Council endorse the draft Community Engagement Policy.
- B. The draft Community Engagement Policy be placed on public exhibition for a period of 28 days, and following the public exhibition period, a report containing comments from the community, be presented to Council.

CARRIED UNANIMOUSLY

83 **2020 - 2021 Budget Review - 3rd Quarter ended March 2021**

File: S09112/9

Vide: GB.4

To inform Council of the results of the third quarter budget review of 2020/21 and proposed adjustments to the annual budget based on the actual financial performance and trend for the period 1 July 2020 to 31 March 2021.

Resolved:

(Moved: Councillors Spencer/Clarke)

That the March 2021 Quarterly Budget Review and the recommended changes be received and noted.

CARRIED UNANIMOUSLY

84 **Investment Report as at 30 April 2021**

File: FY00623/3

Vide: GB.5

To present Council's investment portfolio performance for April 2021.

Resolved:

(Moved: Councillors Spencer/Smith)

That the:

- A. Summary of investments and performance for April 2021 be received and noted.
- B. Certificate of the Responsible Accounting Officer be noted and the report adopted.

CARRIED UNANIMOUSLY

85 **Analysis of Land and Environment Court Costs - 3rd Quarter 2020 to 2021**

File: FY00623/3

Vide: GB.6

To report legal costs in relation to development control matters in the Land and Environment Court for the quarter ended 31 March 2021.

Resolved:

(Moved: Councillors Spencer/Kay)

That the analysis of Land and Environment Court costs for the year ended 31 March 2021 be received and noted.

CARRIED UNANIMOUSLY

86 **Minutes of Audit, Risk & Improvement Committee meeting held on 15 December 2020**

File: CY00458/9

Vide: GB.7

To provide Council with a copy of the Minutes from the Audit, Risk & Improvement Committee meeting held on 15 December 2020.

Resolved:

(Moved: Councillors Spencer/Smith)

That Council receive and note the contents of this report.

CARRIED UNANIMOUSLY

87 **Domestic & Commercial Waste Collection Service**

File: S07231

Vide: GB.8

To advise Council of the execution of the Waste Collection Contract commencing 6th September 2021 and associated changes to the domestic and commercial waste

service.

Resolved:

(Moved: Councillors Spencer/Kelly)

That Council receive and note the changes to the waste service as stipulated in this report.

CARRIED UNANIMOUSLY

88 **RFT7-2021 Supply and Install Suburb and Village Signs**

File: RFT7-2021

Vide: GB.9

To consider the tenders received for RFT7-2021 Supply and Install Suburb and Village Signs and to appoint the preferred tenderer.

Resolved:

(Moved: Councillors Spencer/Pettett)

That:

- A. Council accept the tender submission from Tenderer 'A' to carry out the Supply and Install Suburb and Village Signs.
- B. The Mayor and General Manager be delegated authority to execute all tender documents on Council's behalf in relation to the contract.
- C. The Seal of Council be affixed to all necessary documents.
- D. All tenderers be advised of Council's decision in accordance with Clause 178 of the Local Government Tendering Regulation.

CARRIED UNANIMOUSLY

Having previously declared a conflict of interest in Item GB.10, Councillor Ngai withdrew during consideration of the matter.

89 **Request for General Manager Delegation - PEERS 3 Electricity Tender**

File: S11710

Vide: GB.10

That Council delegates to the General Manager, responsibility for the acceptance of the preferred offer from SSROC's, PEERS 3 electricity tender (PEERS 3 is the SSROC led, *Program for Energy and Environmental Risk Solutions 3*).

Resolved:

(Moved: Councillors Spencer/Szatow)

That Council delegates to the General Manager, responsibility for the acceptance of the preferred offer from SSROC's, PEERS 3 electricity tender.

CARRIED UNANIMOUSLY

Councillor Ngai returned to the Chambers after consideration of the matter concluded.

90 **Natural Areas Plan of Management for public exhibition**

File: S12817

Vide: GB.11

To have Council endorse the *Generic Natural Areas Draft Plan of Management* before submitting to the Department of Planning, Industry & Environment - Crown Lands for approval prior to public exhibition.

Resolved:

(Moved: Councillors Spencer/Greenfield)

That:

- A. Council note that draft advice has been received from its Native Title Manager in relation to the *Generic Natural Areas Draft Plan of Management*.
- B. Council request approval from the Department of Planning, Industry and Environment – Crown Lands to publicly exhibit the attached *Generic Natural Areas Draft Plan of Management*.
- C. Upon receipt of approval from the Department, Council amend the *Generic Natural Areas Draft Plan of Management*, as and if required by the Department, and places it on public exhibition as per Section 38 of the *Local Government Act 1993*.
- D. A further report be brought back to Council after the exhibition process has been completed.

CARRIED UNANIMOUSLY

91 **Ku-ring-gai Flying Fox Reserve Plan of Management for public exhibition**

File: S13085

Vide: GB.12

To have Council endorse the draft *Ku-ring-gai Flying-fox Reserve Draft Plan of Management* (Draft PoM) for public exhibition.

Resolved:

(Moved: Councillors Spencer/Szatow)

That:

A. Council endorse the *Ku-ring-gai Flying-fox Reserve Draft Plan of Management* for public exhibition.

B. Any feedback received during the public exhibition is considered by Council and a final report be brought back to Council for adoption.

CARRIED UNANIMOUSLY

92 **Lindfield Village Living - Project Update**

File: S10468/2

Vide: GB.4

To provide a project progress report as at May 2021.

Resolved:

(Moved: Councillors Spencer/Clarke)

That Council receive and note project updates contained within this report.

CARRIED UNANIMOUSLY

93 **Turrumurra Community Hub**

File: S11467-3

Vide: NM.3

Notice of Motion from Councillor Spencer dated 30 April 2021

On 19 May 2020 Council resolved that the planning and development of the Turrumurra Community Hub be paused for a period of up to 24 months, pending the outcome of Ku-ring-gai Council's comprehensive Local Environmental Plan.

I propose that the pause on the Turrumurra Community Hub project now be removed and that planning work on the project recommence.

At this time no additional funding is required. The unspent funds from 2020/21 and the allocation for 2021/22 is enough to kick start the project again. Once it is up and running, further reports can be provided if additional funding is required.

The planning work in re-commencing the project is likely to include the following tasks:

- Assess opportunities to increase height and density on the site as required to ensure the project is financially viable and is not a burden on ratepayers in the future
- Seek updated advice on market outlook for asset classes (residential/retail/commercial)

- Re-assess the size and standard of all community assets. By reducing the scope of the project, there will be a significant reduction in the cost to build, operate and maintain the assets
- Re-assess the project delivery options

The revitalisation of the Turramurra Town Centre is long overdue and its delivery will require a sustainable new plan that is affordable for our community.

I therefore move:

That Council endorse the recommencement of planning for the Turramurra Community Hub project as outlined in this motion.

Resolved:

(Moved: Councillors Spencer/Greenfield)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

94

Marian Street Theatre for Young People - Request for Funding 2022-2024

File: S10095/8

Vide: GB.1

To advise Councillors of a request from the Marian Street Theatre for Young People for annual Core Funding of \$50,000, plus annual Project Funding of \$20,000, total \$70,000 each year, for the next three years (2022-2024 inclusive).

MOTION:

(Moved: Councillors Szatow/Clarke)

That Council approves the request from the Marian Street Theatre for Young People for annual Core Funding of \$50,000, plus annual Project Funding of \$20,000, total \$70,000 each year, for the next three years (2022-2024 inclusive).

AMENDMENT:

(Moved: Councillors Spencer/ Kay)

That Council approves the request from the Marian Street Theatre for Young People for annual Core Funding of \$50,000, plus annual Project Funding of \$20,000, total \$70,000 for the next year.

The Amendment was put and declared CARRIED:

For the Amendment:

*The Mayor, Councillor Anderson,
Councillors Clarke, Kay, Kelly, Greenfield*

and Spencer.

Against the Amendment: Councillors Ngai, Pettett, Smith and Szatow.

The Amendment became the Motion.

The Foreshadowed Amendment became the Amendment:

AMENDMENT:

(Moved: Councillors Ngai/ Clarke)

That:

- A. Council notes that there has been a history of council supporting the Marian Street Theatre for Young People (MSTYP) by providing the organisation with a home. A recent example of this is the Licence Agreement between Ku-ring-gai Council and MSTYP to provide use of the Marian Street Theatre for a period of 12 months from July 2012 at a rate of \$6,000 pa.
- B. Council notes that when the Marian Street Theatre was closed in December 2013 as a result of significant non-compliance with Building Code standards, MSTYP lost access to its traditional home and had to find locations for its drama classes, theatre performances, and office rental from other organisations at a higher cost. Recent examples of these costs are as follows:

Year	External Rent/Hire
2017	\$46,000
2018	\$47,000
2019	\$53,000
2020	\$95,000

- C. Council notes that it has provided financial assistance to MSTYP through Council resolution since 2015 as follows:

Year	Council Financial Assistance
2015	\$60,000
2016	\$60,000
2017	\$54,000
2018	\$48,000
2019	\$40,000
2020	\$40,000
2021	\$40,000
Total	\$342,000

- D. In the absence of an operational Marian Street Theatre, Council will continue to provide financial assistance to MSTYP of \$60,000 pa. for the next three years. The intention of this financial assistance is to help MSTYP with funding its operations outside its traditional home. If the rebuild of the Marian Street Theatre is completed prior to the end of this three year period, MSTYP will be

able to 'return home' and this financial assistance will cease pro-rata.

- E. During the three year period, Council Staff should also engage MSTYP on a regular basis to identify potentially more cost-effective locations from which to operate.

The Amendment was put and declared LOST:

For the Amendment: *Councillors Ngai, Smith and Szatow.*

Against the Amendment: *The Mayor, Councillor Anderson,
Councillors Clarke, Kay, Kelly,
Greenfield, Pettett and Spencer.*

The Motion was put and declared CARRIED:

Resolved:

(Moved: Councillors Spencer/ Kay)

That Council approves the request from the Marian Street Theatre for Young People for annual Core Funding of \$50,000, plus annual Project Funding of \$20,000, total \$70,000 for the next year.

For the Resolution: *The Mayor, Councillor Anderson,
Councillors Clarke, Kay, Kelly,
Greenfield, Ngai and Spencer.*

Against the Resolution: *Councillors Pettett, Smith and Szatow.*

95

Funding for Major Projects

File: S09112/9

Vide: GB.3

For Council to consider funding for Major Projects.

MOTION:

(Moved: Councillors Szatow/ Greenfield)

That:

- A. Funds from the eventual sale of the Gordon Bowling Club site be sequestered to fund the reconstruction of the Marian Street Theatre.
- B. In the unlikely event that the sale of the Gordon Bowling Club site not be realised in time for construction to proceed smoothly from the tender and detailed design stage, that funding be sought from the NSW Government Low Cost Loan Initiative which assumes principal and interest payments over ten years at 1% and which assumes a 50% interest rate subsidy.

AMENDMENT:

(Moved: Councillors Clarke/ Spencer)

That the report be received and noted.

The Amendment was put and declared CARRIED:

For the Amendment: *The Mayor, Councillor Anderson,
Councillors Clarke, Kay, Kelly,
Greenfield, Ngai, Pettett, Smith and
Spencer.*

Against the Amendment: *Councillor Szatow.*

The Amendment became the Motion. The Motion was put and declared CARRIED:

Resolved:

(Moved: Councillors Clarke/ Spencer)

That the report be received and noted.

For the Resolution: *The Mayor, Councillor Anderson,
Councillors Clarke, Kay, Kelly,
Greenfield, Ngai, Pettett, Smith and
Spencer.*

Against the Resolution: *Councillor Szatow.*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

96

Killara Bowling Club and Killara Lawn Tennis Club

File: S10066

Vide: NM.1

Notice of Motion from Councillor Szatow dated 30 April 2021

It has been brought to Council's attention by members of the Killara community that the level of heritage significance that should be attributed to the Killara Bowling Club and Killara Lawn Tennis Club might be considerably higher than reflected in its mere inclusion within the Springdale Conservation Area. This is an oversight that needs to be investigated further.

Recreation facilities on the site have been in continuous use since mid-1916, having been established with the assistance of the "Father of Killara" JG Edwards, who subdivided the Springdale Estate.

Council was unable to consider placing an Interim Heritage Order over the properties due to their inclusion in the Springdale Conservation Area. Consequently, members of the community approached Heritage NSW directly to ascertain if the Minister would in fact place an IHO on the properties. While the

Minister declined to make an IHO in this instance, Heritage NSW wrote to Council advising, among other things, that "Heritage NSW has undertaken a preliminary review of the Clubs' heritage significance and determined that the Killara Bowling Club and Killara Lawn Tennis Club are not likely to be of state heritage significance, though they may be of local significance." Heritage NSW further advised that they "...encourage Council to consider reviewing Killara Bowling Club and Killara Lawn Tennis Club as part of its review of items within the Springdale Road Heritage Conservation Area and engage with Mr Miller and the community in assessing the sites (sic) local heritage."

I therefore move that:

- A. As a matter of urgency staff carry out a preliminary review of the heritage significance of the Killara Bowling Club and Killara Lawn Tennis Club.
- B. A report be brought back to Council's June meeting outlining the results of the preliminary review of heritage significance with a view to initiating a Planning Proposal to list the properties as heritage items in Council's Local Environmental Plan if appropriate.

MOTION:

Councillor Spencer departed and returned to Chambers during discussion on the Motion.

(Moved: Councillors Szatow/Greenfield)

That the above Notice of Motion as printed be adopted.

AMENDMENT:

(Moved: Councillors Ngai/ Kelly)

That:

- A. Council acknowledges that in recent years there has been a trend for organisations to *propose* and *consider* (but not yet action) consolidating Bowling Club and Tennis sites across the LGA in order to build other assets and deliver other services.
- B. As a matter of urgency staff carry out a preliminary review of the heritage significance of the Gordon Bowling Club (4 Pennant Avenue), Roseville Chase Bowling Club (47 Warrane Road), Lindfield Library and Tennis Site (259-271 Pacific Highway), Killara Bowling Club and Killara Lawn Tennis Club. All of these sites will concurrently undergo preliminary review to assure residents and other affected stakeholders that the same 'measuring stick' for heritage value has been used consistently, not just for assets that Council does not own (Killara) but also for assets that Council does own (Gordon, Roseville Chase, and Lindfield).
- C. A report be brought back to Council's August meeting outlining the results of

the preliminary review of heritage significance with a view to initiating a Planning Proposal to list the properties as heritage items in Council's Local Environmental Plan if appropriate.

Procedural Motion:

(Moved: Councillors Szatow/ Smith)

That the Amendment be now put.

For the Procedural Motion: The Mayor, Councillor Anderson, Councillors Clarke, Greenfield, Smith, Spencer and Szatow.

Against the Procedural Motion: Councillors Ngai, Kay, Kelly and Pettett.

The Amendment was put and declared LOST:

For the Amendment: Councillors Kelly, Ngai and Pettett.

Against the Amendment: The Mayor, Councillor Anderson, Councillors Clarke, Kay, Greenfield, Smith, Spencer and Szatow.

Debate recommenced on the original Motion.

The Motion was put and declared CARRIED:

Resolved:

(Moved: Councillors Szatow/Greenfield)

That the above Notice of Motion as printed be adopted.

For the Resolution: The Mayor, Councillor Anderson, Councillors Clarke, Greenfield, Smith and Szatow.

Against the Resolution: Councillors Kay, Kelly, Ngai, Pettett and Spencer.

*The voting being EQUAL, the Mayor exercised her Casting Vote
IN FAVOUR of the Motion.*

Marian Street Theatre refurbishment

File: S12062

Vide: NM.2

Notice of Motion from Councillor Szatow dated 30 April 2021

The draft (April 2021) Revised Delivery Program 2018-2022 and Operational Plan 2021-2022 – a 103 page document - is currently on exhibition.

Key projects proposed for 2021 and 2022 include, among others, the St Ives Indoor Sports Complex and Marian Street Theatre (page 6).

These projects are given special attention in the Council Agenda Documents for the OMC of 27th April (pages 37-39). However, the Marian Street Theatre project is not included in the 2021/22 draft budget exhibition as there is no funding allocated in that financial year.

The Marian Street Theatre Timeline and Funding graph on page 38 of the papers shows funding in 2021 and 2023 but not in 2022.

The community need to be reassured that work on moving the project to construction phase and tender phase will progress continuously so that when funds become available from asset sales or some other form of revenue, that there will be no further delays.

I therefore move:

That funds quarantined for the Marian Street Theatre refurbishment (from general revenue) in the 2022-2023 financial year be moved to the 2021-2022 financial year, along with any unspent funds carried forward from the 2021-2022 year, as indicated on page 38 of the above mentioned Agenda document.

Resolved:

(Moved: Councillors Szatow/Spencer)

That the above Notice of Motion as printed be adopted.

For the Resolution: *The Mayor, Councillor Anderson,
Councillors Clarke, Kay, Greenfield,
Smith, Spencer and Szatow.*

Against the Resolution: *Councillors Kelly, Ngai and Pettett.*

QUESTIONS WITH NOTICE

Draft Ku-ring-gai Public Domain Plan

File: S12249

Vide: QN.1

QUESTION:

Question from Councillor Ngai dated 16 April 2021

The Draft Ku-ring-gai Public Domain Plan has significant implications to our local centres for the next 10-15 years, and to date I know that some residents have

expressed a mixture of both excitement and concern at various aspects of the plan (new parks, outdoor dining, streetscapes, cycleways, etc.).

I think it's important that all residents who are affected are given the opportunity to consider and respond to the domain plan, however I have spoken to several residents who believe that although they live on an affected street, they have not received a notification letter on this topic. I am also aware that council has extensively reached out to the community via its (cheaper to implement) email mailing lists and social media, however it is not possible to reach all residents through these channels and so this puts some residents at great disadvantage.

The Ku-ring-gai Community Consultation Plan adopted by Council in November 2020 sets out minimum notification requirements when there are proposed development applications or other similar matters connected to our Local Strategic Planning Statement (LSPS) or Development Contribution Plans. The minimum notifications typically require that properties affected by a proposal are contacted via a notification letter.

<https://www.krg.nsw.gov.au/Planning-and-development/Planning-policies-and-guidelines/Community-Participation-Plan>

Similarly, I am aware that council does contact affected residents when there are proposals for changes in local traffic conditions or changes that affect local significant trees.

Given the close connection of the Draft Public Domain Plan to our LSPS and Development Contribution Plans, I feel that the intention of our adopted Community Consultation Plan is that all affected properties should receive a notification letter. Also, given the millions of dollars that are about to be invested in local infrastructure, I would like to know that a few thousand has been spent to ensure that all residents have been made aware and given the opportunity to respond. It is much more cost effective to get the design right in its early stages than to attempt to fix a flawed design post implementation, and I think this is what the public expects us to do.

Can you please confirm whether all households and businesses affected by the Draft Domain Plan have been notified by letter?

And if affected residents and businesses have not yet received a notification letter, can we please consider issuing these letters and extending the consultation due date (currently 19 April) to ensure that all affected residents and businesses have a minimum of 14 or 28 days to respond?

RESPONSE:

Response from Director Strategy & Environment Andrew Watson

The Community Participation Plan cited in the preamble to the questions above does not apply to the preparation of a public domain plan. The Community Participation Plan details how and when Ku-ring-gai Council will engage with the community and how the Ku-ring-gai community can participate with the following planning functions:

- Development Applications.
- Planning Proposals.
- Development Control Plans.
- Contribution Plans.
- Planning Agreements.
- Local Strategic Planning Statements.

In respect of draft Local Strategic Planning Statements, the Community Participation Plan requires notification for 28 days by way of the following:

“Notification on the Council’s website.

Council may undertake additional consultation during the exhibition period as deemed appropriate.”

The Draft Ku-ring-gai Public Domain Plan was exhibited from 5 March to 26 April 2021, which is longer than the 28 days required by the Community Participation Plan for a Local Strategic Planning Statement. In addition to notification on Council’s website, the Draft Ku-ring-gai Public Domain Plan was notified by way of E-newsletters (Ku-ring-gai x2 13,500 subscribers), Business E-news (1,500 Subscribers), Suburb specific e-news (Turramurra, Gordon and Lindfield). This again significantly exceeds the minimum requirements for a draft a Local Strategic Planning Statement.

It is not possible to extend a notification period which closed several weeks ago on 19 April 2021.

In the same way Council conducted detailed consultation in relation to the St Johns Avenue, Gordon streetscape upgrade, detailed elements of the Public Domain Plan would be subject to more intensive specific consultation at the point Council is contemplating funding and implementing such projects, and when detailed concept plans have been considered and approved by Council. This could include mail outs, onsite events and meeting with businesses, social media, online engagement portal and the like.

*Council resolved itself into Closed Meeting
with all Staff, the Press and Public Excluded to deal with the following item
after a Motion moved by Councillors Clarke and Kelly.
was CARRIED UNANIMOUSLY*

98

Facilitation of the General Managers Performance Review

File: S11192-1

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 sections 10A(2)(a) & 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)(a) of the Act permits the meeting to be closed to the public for business relating to personnel matters concerning particular individuals (other than Councillors).

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 Corporate dated 19 April 2021.

Resolved:

(Moved: Councillors Clarke/Kay)

That Council appoint Local Government Management Solutions to facilitate the General Manager's performance review process over the next 4 year period.

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The Mayor adverted to the consideration of the matter referred to in the Minute numbered 98 and to the resolution contained in such Minute.

The Meeting closed at 9.26pm

The Minutes of the Ordinary Meeting of Council held on 18 May 2021 (Pages 1 - 20) were confirmed as a full and accurate record of proceedings on 15 June 2021.

General Manager

Mayor / Chairperson