

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 21 SEPTEMBER 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 Leafe)
Manager Urban and Heritage Planning (Antony Fabbro)
Manager Finance (Angela Apostol)
Manager Governance & Corporate Strategy (Michael Wearne)
Governance Support Officer/ Minutes Secretary (Rebecca Srbinovska)

The Meeting commenced at 7:00PM

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.

No Interest was declared.

194 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499/9

Resolved:

(Moved: Councillors Szatow/Smith)

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:

GB.7 RFT9-2021 Design and Construct - Stormwater Mitigation and Synthetic Sports Field

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

Attachment 1: RFT9-2021 List of Submitters

Attachment 2: RFT9-2021 Stormwater mitigation and Synthetic Sports field
Norman Griffiths Oval - Negotiation Tender Evaluation report

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES

195 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 17 August 2021
Minutes numbered 165 to 193

Resolved:

(Moved: Councillors Spencer/Pettett)

That Minutes numbered 165 to 193 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

196 **Killara Station**

File: S02261

Vide: MM.1

This Mayoral Minute is to outline the concerns of the Council and our community regarding the upgrade of Killara Station.

Transport for NSW intends to upgrade the station to be more accessible to the public, including those with a disability or limited mobility and parents/carers with young children. Currently, Killara Station is only accessible via stairs.

While we are supportive of this initiative, it is important for the proposed works to recognise and protect Killara Station's heritage significance.

Killara Station is listed on the Registers of the National Estate, The National Trust, Section 170 Register and Schedule 5 of the Ku-ring-gai Local Environmental Plan 2015. The railway station building has aesthetic qualities as an example of early twentieth century railway station design with fabric and details typical of this period and similar to other rail buildings of the late nineteenth and early twentieth century in Sydney.

A series of pathways lead from the surrounding residential areas to the footbridge, a unique feature of this station. Constructed in 1910, the footbridge is one of few

such structures on the North Shore Line that have not had an awning installed. The station contains newel posts featuring a star design as well as original steel balustrades and handrails.

The Killara Station garden is a largely intact typical railway/municipal ornamental garden, one of the most important railway station gardens in the region. It has significance due to its rich collection of historic exotic plants, held in high regard by the local community. The station with its surrounding gardens was featured on the front cover of the Sydney suburban train timetable during the 1960s and was long associated with the formerly prestigious Railway Stations Gardens Competition. This demonstrates the importance of the station and its garden setting to the railways at that time. The garden, in association with the grouping of the station, footbridge and platform evokes a former era of travel and civic pride in railways.

To summarise, Killara Railway Station has great significance at a local and state level. The garden represents the practice of railway station gardening that was once common throughout the network. It is an excellent example of its type due to its integrity and grouping with the original station building, platforms and footbridge and contributes to the overall character of the northern Sydney rail network.

Residents have raised concerns, as has Council, regarding the adverse impacts of the proposed upgrade structures on the integrity of the heritage item. A submission received from Friends of Ku-ring-gai Environment (FOKE) states: *We believe that plans currently proposed are not only a disconnect but are alien to the heritage character of Killara, the Killara Rail Station and gardens and will result in adverse impacts to the integrity of the overall station complex. Whilst we support easier access to the station particularly disability access, we believe there are changes needed to be made to ameliorate the adverse impacts of the proposed structures to go over and within the station complex and ornamental gardens. The upgrade of the station building also presents the opportunity to replace the current poorly designed roof with a more sympathetic roof in keeping with the heritage character of the station.*

As a result, I propose that Council requests an urgent meeting with the Minister for Transport, the Hon Andrew Constance MP, the Member for Davidson Jonathon O'Dea and the Member for Ku-ring-gai Alister Henskens, along with community representatives to discuss the planned upgrade proposals to Killara Station. At this meeting the Council intends to seek support for amendments to the plans to be more in keeping with the heritage character of Killara Station, its gardens and the surrounding residential character of Killara.

Council is fully supportive of the need to improve accessibility to the station. However, Council staff have raised concerns about discrepancies between the drawings and the information provided about the works. Council staff have also provided some solutions to mitigate the effects of the works proposed, as outlined below.

Photomontages supplied by Transport for NSW indicate that the new structures will substantially change the character of the existing railway station. The height and visual dominance of the three lift shafts and the new canopy proposed is exacerbated by the existing topography and diminished vegetation. The positioning

and connectivity of the new footbridge will change the composition of the original footbridge and result in adverse impacts on the visual integrity of the station and its surroundings. The loss of the historic original handrails will affect the symmetry and overall presentation of the overbridge.

The plans indicate the level difference between the Accessible Kiss and Ride on Culworth Avenue and the existing footbridge deck is about 1200mm. The incorporation of a ramp in lieu of a lift to access the bridge from Culworth Avenue may be achievable, greatly reducing the visual impacts of the works at one of the key vantage points. The walkway from the Werona Avenue lift could be minimised so as to cause less intervention with the existing overbridge and composition of the historic handrail. The central lift allowing access to the platform might directly connect to the existing overbridge with the overall need for a full length secondary walkway reduced.

Combined with the other new elements, the potential addition of anti-throw screens would totally conceal the historic station elements from the south and mar its appearance from the north, including from distant views, such as from the Powell Street and Stanhope Road bridges.

It appears that the landscaping has already been compromised recently within the railway corridor, which is contrary to the heritage listing and will make the proposed new structures more visually dominant and incongruous with their surrounding context. Council would encourage the retention of as much vegetation as possible as well as the existing configuration of garden beds formed of sandstone/flagging on the Werona Avenue side of the station.

The arborist report indicates six trees will require removal and that offset planting is required to compensate for the loss of these trees. However, it does not indicate how many nor where these trees would be located. Planting saplings would be inadequate to mitigate the visual impact of the proposed works to the footbridge. Council staff are concerned that the requirements to screen the structures will not be met nor be compatible with the identified significant vegetation.

Resolved:

(Moved: Mayor Anderson)

That:

- A. The Mayor writes to seek a meeting be held as a matter of urgency with Minister Constance, the Member for Davidson, Member for Ku-ring-gai, community representatives and Council Officers to discuss solutions to the problems outlined with proposed works to Killara Station.
- B. A copy of this Mayoral Minute be sent to FOKE.

CARRIED UNANIMOUSLY

GENERAL BUSINESS**197 Draft General and Special Purpose Financial Statements for the year ended 30 June 2021**

File: FY00259/14

Vide: GB.5

To present to Council the Draft Financial Statements for the year ended 30 June 2021 for certification and referral to Council's external auditor, the Audit Office of NSW and report on the budgetary position as at 30 June 2021.

Resolved:

(Moved: Councillors Clarke/Pettett)

That:

- A. Council receive and certify the Draft Financial Statements for the year ended 30 June 2021.
- B. The Draft Financial Statements be referred to Council's external auditor, the Audit Office of NSW to provide an opinion on the Financial Statements ended 30 June 2021 and to report to Council.
- C. The Draft Financial Statements ended 30 June 2021 be certified by the Mayor, Deputy Mayor or one other Councillor, the General Manager and the Responsible Accounting Officer in accordance with Section 413(2)(C) of the Local Government Act 1993 and the Local Government Code of Accounting Practice and Financial Reporting.
- D. 19 October 2021 be fixed as the date for the meeting to present the audited Financial Statements and the audit reports for the year ended 30 June 2021 as required by Section 419 of the Local Government Act 1993.

CARRIED UNANIMOUSLY

198 Investment Report as at 31 August 2021

File: FY00623/4

Vide: GB.6

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

Resolved:

(Moved: Councillors Clarke/Smith)

That:

- A. The summary of investments and performance for August 2021 be received and noted.

- B. The Certificate of the Responsible Accounting Officer be noted and the report adopted.

CARRIED UNANIMOUSLY

199

Heritage Reference Committee Meeting Minutes June 2021

File: CY00413/9

Vide: GB.8

To have Council consider the minutes from previous Heritage Reference Committee ('HRC') meeting held on 24 June 2021.

Resolved:

(Moved: Councillors Clarke/Smith)

That Council receive and note the HRC minutes from 24 June 2021.

CARRIED UNANIMOUSLY

200

Draft Biodiversity Management Policy

File: S04551/16

Vide: GB.9

For Council to consider the review of the *Biodiversity Policy 2016* and to seek endorsement to place the updated policy on public exhibition.

Resolved:

(Moved: Councillors Clarke/Greenfield)

That:

- A. The draft Biodiversity Policy be placed on public exhibition for a period of 28 days.
- B. At the expiration of the public exhibition process, the following action be taken:
- i) Should any submissions be received regarding the draft Biodiversity Policy, a further report be submitted to Council, or
 - ii) Should no submissions be received, Council adopt the draft Biodiversity Policy as per Attachment A1 to this report.

CARRIED UNANIMOUSLY

201 **Water Sensitive City Policy and Strategy**

File: S11145

Vide: GB.10

For Council to consider the updated *Water Sensitive City Policy (2021)* and draft *Ku-ring-gai Water Sensitive City Strategy (2021)* and to seek endorsement to place the new updated policy and draft strategy on public exhibition.

Resolved:

(Moved: Councillors Clarke/Greenfield)

That:

- A. The draft Ku-ring-gai Water Sensitive City Strategy (2021) and updated Water Sensitive City Policy (2021) be placed on public exhibition for a period of 28 days.
- B. Following public exhibition, submissions received for the updated Water Sensitive City Policy (2021) and draft Ku-ring-gai Water Sensitive City Strategy (2021) will be reported back to Council with amended documents for adoption.

CARRIED UNANIMOUSLY

202 **Election of the Mayor for the period of September 2021 to 4 December 2021**

File: S03662

Vide: GB.1

To elect the Mayor for the period from September 2021 to Saturday, 4 December 2021.

The General Manager, Mr John McKee, in accordance with provisions of Clause 1 of Schedule 7 of the Local Government (General) Regulation 2005, acted as Returning Officer for the election of Mayor.

The General Manager sought a motion in relation to the method of voting, noting due to the current COVID-19 situation, the only voting method available is open voting.

Resolved:

(Moved: Councillors Clarke/Spencer)

- A. That the method of voting for the position of Mayor proceed by open voting.
- B. That Council elect the Mayor for the September 2021 – 4 December 2021 period.

CARRIED UNANIMOUSLY

The Returning Officer announced there are two nominations for the position of Mayor.

Councillors Jennifer Anderson and Cedric Spencer were nominated and accepted the nomination. As there were 2 candidates, voting was conducted.

The open voting resulted in five (5) votes for Councillor Anderson:

Councillors Anderson, Clarke, Greenfield, Smith and Szatow.

The open voting resulted in five (5) votes for Councillor Spencer:

Councillors Kay, Kelly, Ngai, Pettett and Spencer.

As the vote was tied, the Returning Officer advised the meeting that the position of Mayor would be drawn by lot in accordance with Clause 12 of Schedule 7 of the Local Government (General) Regulation, 2005.

Due to the current COVID-19 situation and consequent closure of the Council Chambers to the public, the following Councillors and staff members were present to act as scrutineers for the draw by lot:

Councillor Cedric Spencer
Councillor Peter Kelly
Director Corporate, David Marshall
Corporate Lawyer, Jamie Taylor

Councillor Spencer's name was drawn by the Returning Officer.

Councillor Spencer was duly elected to the position of Mayor for the period of September 2021 to 4 December 2021.

The Mayor, Councillor Spencer assumed the Chair.

203

Election of Deputy Mayor for the period from September 2021 to Saturday, 4 December 2021

File: S03662

Vide: GB.2

To elect the Deputy Mayor for the period of September 2021 to Saturday, 4 December 2021.

The General Manager, Mr John McKee, in accordance with provisions of Clause 1 of Schedule 7 of the Local Government (General) Regulation 2005, acted as Returning Officer for the election of Mayor.

The General Manager sought a motion in relation to the method of voting, noting due to the current COVID-19 situation, the only voting method available is open voting.

Resolved:

(Moved: Councillors Greenfield/Kelly)

- A. That the method of voting for the position of Deputy Mayor proceed by open voting.
- B. That Council elect the Deputy Mayor for the September 2021 – 4 December 2021 period.

CARRIED UNANIMOUSLY

The Returning Officer announced there are two nominations for the position of Deputy Mayor.

Councillors Sam Ngai and Martin Smith were nominated and accepted the nomination. As there were 2 candidates, voting was conducted.

The open voting resulted in five (5) votes for Councillor Ngai:

Councillors Kay, Kelly, Ngai, Pettett and Spencer.

The open voting resulted in five (5) votes for Councillor Smith:

Councillors Anderson, Clarke, Greenfield, Smith and Szatow.

As the vote was tied, the Returning Officer advised the meeting that the position of Deputy Mayor would be drawn by lot in accordance with Clause 12 of Schedule 7 of the Local Government (General) Regulation, 2005.

Due to the current COVID-19 situation and consequent closure of the Council Chambers to the public, the following Councillors and staff members were present to act as scrutineers for the draw by lot:

The Mayor, Councillor Cedric Spencer
Councillor Peter Kelly
Director Corporate, David Marshall
Corporate Lawyer, Jamie Taylor

Councillor Ngai's name was drawn by the Returning Officer.

Councillor Ngai was duly elected to the position of Deputy Mayor for the period of September 2021 to 4 December 2021.

204

Election of Chairpersons and Deputy Chairpersons for Reference and Advisory Committees for the period of September 2021 to 4 December 2021

File: S10078
Vide: GB.3

For Council to give consideration to the appointment of the chairpersons and

deputy chairpersons for Council's Reference and Advisory Committees for the period of September 2021 to Saturday, 4 December 2021.

Procedural Motion:

(Moved: Councillors Ngai/ Kelly)

That the election procedure for the Reference and Advisory Committees will be as follows.

Election Procedure:

If there are two or more identical positions to be elected, a separate election should be held for each position.

1 Returning officer

The general manager (or a person appointed by the general manager) is the returning officer.

2 Nomination

A nomination is to be made verbally by 2 or more councillors (one of whom may be the nominee). The nomination is not valid unless the nominee has indicated consent to the nomination.

3 Election

- (a) If only one councillor is nominated, that councillor is elected.
- (b) If more than one councillor is nominated, a vote is to be held by open voting.

4 Count—2 candidates

- (a) If there are only 2 candidates, the candidate with the higher number of votes is elected.
- (b) If there are only 2 candidates and they are tied, the one elected is to be chosen by casting vote.

5 Count—3 or more candidates

- (a) If there are 3 or more candidates, the one with the lowest number of votes is to be excluded.
- (b) If 3 or more candidates then remain, a further vote is to be taken of those candidates and the one with the lowest number of votes from that further vote is to be excluded.
- (c) If, after that, 3 or more candidates still remain, the procedure set out in subclause (b) is to be repeated until only 2 candidates remain.
- (d) A further vote is to be taken of the 2 remaining candidates.
- (e) Clause 4 above then applies to the determination of the election as if the 2 remaining candidates had been the only candidates.
- (f) If at any stage during a count under subclause (a) or (b), 2 or more candidates are tied on the lowest number of votes, the one excluded is to be chosen by casting vote.

For the Resolution:

*The Mayor, Councillor Spencer,
Councillors Kay, Kelly, Ngai and Pettett.*

Against the Resolution:

*Councillors Anderson, Clarke,
Greenfield, Smith and Szatow.*

The voting being equal, the Mayor used his casting vote IN FAVOUR of the Procedural Motion.

Resolved:

(Moved: Councillors Ngai/Kelly)

That Council make appointments to its Reference and Advisory Committees for the period of September 2021 to 4 December 2021 in seriatim.

CARRIED UNANIMOUSLY

Heritage Reference Committee.Chairperson

Councillor Szatow (Moved: Councillors Szatow/ Greenfield) and Councillor Kelly (Moved: Councillors Ngai/Kay) were nominated for the position of Chairperson.

As there were 2 candidates, voting was conducted.

The open voting resulted in five (5) votes for Councillor Kelly:

Councillors Kay, Kelly, Ngai, Pettett and Spencer.

The open voting resulted in five (5) votes for Councillor Szatow:

Councillors Anderson, Clarke, Greenfield, Smith and Szatow.

The voting being equal, the Mayor used his casting vote in favour of the nomination for Councillor Kelly who was therefore appointed as Chairperson of the Heritage Reference Committee.

Deputy Chairperson

Councillor Spencer (Moved: Councillors Ngai/Kay) and Councillor Szatow (Moved: Councillors Anderson/ Clarke) were nominated for the position of Deputy Chairperson.

As there were 2 candidates, voting was conducted.

The open voting resulted in five (5) votes for Mayor Spencer:

Councillors Kay, Kelly, Ngai, Pettett and Spencer.

The open voting resulted in five (5) votes for Councillor Szatow:

Councillors Anderson, Clarke, Greenfield, Smith and Szatow.

The voting being equal, the Mayor used his casting vote in favour of the nomination for himself, Mayor Spencer who was therefore appointed as Deputy Chairperson of the Heritage Reference Committee.

Audit, Risk and Improvement CommitteePosition 1

Councillor Ngai (Moved: Councillors Kay/Kelly) and Councillor Smith (Moved: Councillors Smith/ Greenfield) were nominated for the first position on the Audit, Risk and Improvement Committee.

As there were 2 candidates, voting was conducted.

The open voting resulted in five (5) votes for Councillor Ngai:

Councillors Kay, Kelly, Ngai, Pettett and Spencer.

The open voting resulted in five (5) votes for Councillor Smith:

Councillors Anderson, Clarke, Greenfield, Smith and Szatow.

As the voting was equal, the Mayor used his casting vote in favour of the nomination for Councillor Ngai who was therefore appointed as a member of the Audit, Risk and Improvement Committee.

Position 2

Councillor Smith (Moved: Councillors Anderson/Greenfield) was nominated for the second position on the Audit, Risk and Improvement Committee.

As there was only 1 candidate, Councillor Smith was therefore appointed as a member of the Audit, Risk and Improvement Committee.

Flood Risk Management Reference CommitteeChairperson

Councillor Kelly (Moved: Councillors Ngai/Kay) was nominated for the position of Chairperson.

As there was only 1 candidate, Councillor Kelly was therefore appointed as Chairperson of the Flood Risk Management Reference Committee.

Deputy Chairperson

Councillor Ngai (Moved: Councillors Kelly/Kay) was nominated for the position of Deputy Chairperson.

As there was only 1 candidate, Councillor Ngai was therefore appointed as Deputy Chairperson of the Flood Risk Management Reference Committee.

Ku-ring-gai Traffic CommitteeChairperson

Councillor Spencer (Moved: Councillors Kelly/Ngai) and Councillor Smith (Moved: Councillors Smith/ Anderson) were nominated for the position of Chairperson.

As there were 2 candidates, voting was conducted.

The open voting resulted in five (5) votes for Councillor Smith:

Councillors Anderson, Clarke, Greenfield, Smith and Szatow.

The open voting resulted in five (5) votes for Mayor Spencer:

Councillors Kay, Kelly, Ngai, Pettett and Spencer.

As the voting was equal, the Mayor used his casting vote in favour of the nomination for himself, Mayor Spencer who was therefore appointed as Chairperson of the Ku-ring-gai Traffic Committee.

Deputy Chairperson

Councillor Kelly (Moved: Councillors Kay/Ngai) and Councillor Smith (Moved: Councillors Anderson/ Greenfield) were nominated for the position of Deputy Chairperson.

As there were 2 candidates, voting was conducted.

The open voting resulted in five (5) votes for Councillor Kelly:

Councillors Kay, Kelly, Ngai, Pettett and Spencer.

The open voting resulted in five (5) votes for Councillor Smith:

Councillors Anderson, Clarke, Greenfield, Smith and Szatow.

As the voting was equal, the Mayor used his casting vote in favour of the nomination for Councillor Kelly who was therefore appointed as Deputy Chairperson of the Ku-ring-gai Traffic Committee.

Marian Street Theatre Reference Committee

Deputy Chairperson

Councillor Kelly (Moved: Councillors Kelly/Kay) and Councillor Szatow (Moved: Councillors Smith/ Greenfield) were nominated for the position of Deputy Chairperson.

As there were 2 candidates, voting was conducted.

The open voting resulted in five (5) votes for Councillor Kelly:

Councillors Kay, Kelly, Ngai, Pettett and Spencer.

The open voting resulted in five (5) votes for Councillor Szatow:

Councillors Anderson, Clarke, Greenfield, Smith and Szatow.

As the voting was equal, the Mayor used his casting vote in favour of the nomination for Councillor Kelly who was therefore appointed as Deputy Chairperson of the Marian Street Theatre Reference Committee.

Prior to the conclusion of this item, the Mayor confirmed acceptance of the each appointments as outlined above.

205

Representation on External Committees and Organisations for the period of September 2021 to 4 December 2021

File: S03662

Vide: GB.4

For Council to appoint its representatives to external committees and organisations for the period from September 2021 to Saturday, 4 December 2021.

Procedural Motion:

(Moved: Councillors Ngai/ Kelly)

A. That appointments will be made for the following external committees and organisations.

- Ku-ring-gai Local Area Command [LAC] Community Safety Precinct Committee – Lindfield to North Sydney (Mayor, or 1 delegate)
- Ku-ring-gai Local Area Command [LAC] Community Safety Precinct Committee – Lindfield to Brooklyn (Mayor, or 1 delegate)
- Eryldene Trust (1 delegate)
- Hornsby/Ku-ring-gai Bushfire Management Committee (1 delegate, 1 alternate)
- Metropolitan Public Libraries Association (1 delegate)
- Rural Fire Service District Liaison Committee (1 delegate)
- Northern Sydney Regional Organisation of Councils (NSROC) (Mayor, 1 delegate, 2 alternates)
- Ku-ring-gai Youth Development Service Inc. Management Committee (1 delegate, 1 alternate)
- Hornsby/Ku-ring-gai PCYC Advisory Committee (1 delegate, 1 alternate)
- Sydney North Planning Panel (2 delegates)

- B. That the positions for the External Committees and Organisations will be voted for in a block.

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

Against the Resolution: Councillors Anderson, Greenfield, Smith and Szatow.

MOTION:

(Moved: Councillors Ngai/Kelly)

That:

- A. Council appoint its representatives to external committees and organisations outlined in the table below for the period of 22 September 2021 to 4 December 2021, using the procedure for appointment set out in this report.

Committee/Organisation	Number to be appointed	Representative
Ku-ring-gai Local Area Command [LAC] Community Safety Precinct Committee – Lindfield to North Sydney	Mayor, or 1 delegate	Councillor Ngai
Ku-ring-gai Local Area Command [LAC] Community Safety Precinct Committee – Lindfield to Brooklyn	Mayor, or 1 delegate	Councillor Kay
Eryldene Trust	1 delegate	Councillor Kelly
Hornsby/Ku-ring-gai Bushfire Management Committee	1 delegate 1 alternate	Councillor Kay Councillor Kelly
Metropolitan Public Libraries Association	1 delegate	Councillor Kelly
Rural Fire Service District Liaison Committee	1 delegate	Councillor Kay
Northern Sydney Regional Organisation of Councils (NSROC)	Mayor 1 delegate 2 alternates	Mayor Spencer Councillor Kay Councillors Ngai & Kelly
Ku-ring-gai Youth Development Service Inc. Management Committee	1 delegate 1 alternate	Councillor Ngai Councillor Kay
Hornsby/Ku-ring-gai PCYC Advisory Committee	1 delegate 1 alternate	Councillor Kay Councillor Ngai

Sydney North Planning Panel (SNPP)	2 delegates	Councillor Kelly Mayor Spencer
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and,

- B. The external committees and organisations be informed of Council's nominated representatives.

For the Resolution:

*The Mayor, Councillor Spencer,
Councillors Kay, Kelly and Ngai.*

Against the Resolution:

*Councillors Anderson, Clarke,
Greenfield, Pettett, Smith and Szatow.*

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

206

RFT9-2021 DESIGN AND CONSTRUCT - STORMWATER MITIGATION AND SYNTHETIC SPORTS FIELD

FILE: RFT9-2021/R

VIDE: GB.7

TO CONSIDER THE OUTCOMES OF THE NEGOTIATIONS FOR RFT9-2021 DESIGN AND CONSTRUCT STORMWATER MITIGATION AND SYNTHETIC SPORTS FIELD NORMAN GRIFFITHS OVAL AND TO APPOINT THE PREFERRED CONTRACTOR.

MOTION:

(MOVED: COUNCILLORS KELLY/ KAY)

- A. THAT PURSUANT TO CLAUSE 178(1) OF THE LOCAL GOVERNMENT (GENERAL) REGULATION 2021 ("THE REGULATION"), COUNCIL DECLINES TO ACCEPT ANY OF THE TENDERS.
- B. THAT COUNCIL DEFER THE MATTER UNTIL FEBRUARY 2022 AND IN ACCORDANCE WITH CLAUSE 167 OF THE REGULATION, INVITE FRESH TENDERS.

AMENDMENT:

(MOVED: COUNCILLORS ANDERSON/ SMITH)

THAT:

- A. COUNCIL ACCEPT THE NEGOTIATED TENDER SUBMISSION FROM TENDERER 'A' TO CARRY OUT THE DESIGN AND CONSTRUCT – STORMWATER MITIGATION AND SYNTHETIC SPORTS FIELD NORMAN GRIFFITHS.
- B. COUNCIL APPROVE A BUDGET VARIATION TO THE SUM OF \$409,000 FROM SECTION 7.12 PLAN, PROJECT NUMBER 109068 TO PROJECT 107167 – NORMAN GRIFFITHS OVAL UPGRADE.

C. THE MAYOR AND GENERAL MANAGER BE DELEGATED AUTHORITY TO EXECUTE ALL TENDER DOCUMENTS ON COUNCIL'S BEHALF IN RELATION TO THE CONTRACT.

D. THE SEAL OF COUNCIL BE AFFIXED TO ALL NECESSARY DOCUMENTS.

E. ALL TENDERERS BE ADVISED OF COUNCIL'S DECISION IN ACCORDANCE WITH CLAUSE 178 OF THE LOCAL GOVERNMENT TENDERING REGULATION.

THE AMENDMENT WAS PUT AND DECLARED CARRIED UNANIMOUSLY.

THE AMENDMENT BECAME THE MOTION. THE MOTION WAS PUT AND DECLARED CARRIED.

RESOLVED:

(MOVED: COUNCILLORS ANDERSON/ SMITH)

THAT:

A. COUNCIL ACCEPT THE NEGOTIATED TENDER SUBMISSION FROM TENDERER 'A' TO CARRY OUT THE DESIGN AND CONSTRUCT – STORMWATER MITIGATION AND SYNTHETIC SPORTS FIELD NORMAN GRIFFITHS.

B. COUNCIL APPROVE A BUDGET VARIATION TO THE SUM OF \$409,000 FROM SECTION 7.12 PLAN, PROJECT NUMBER 109068 TO PROJECT 107167 – NORMAN GRIFFITHS OVAL UPGRADE.

C. THE MAYOR AND GENERAL MANAGER BE DELEGATED AUTHORITY TO EXECUTE ALL TENDER DOCUMENTS ON COUNCIL'S BEHALF IN RELATION TO THE CONTRACT.

D. THE SEAL OF COUNCIL BE AFFIXED TO ALL NECESSARY DOCUMENTS.

E. ALL TENDERERS BE ADVISED OF COUNCIL'S DECISION IN ACCORDANCE WITH CLAUSE 178 OF THE LOCAL GOVERNMENT TENDERING REGULATION.

CARRIED UNANIMOUSLY

QUESTIONS WITH NOTICE

When Do We Fence Off Council Buildings?

File: CY00259/13

Vide: QN.1

QUESTION:

Question from Councillor Kelly dated 1 September 2021:

I refer to the erection of a temporary fence at the Council Chamber building in response to an anticipated public protest on 31 August 2021.

I request that the General Manager inform the meeting of the authority under which the decision to erect the fencing was made and the reasons for the decision.

Additionally, I request information as to any previous occasions on which protests have been held in the vicinity of the Council building, and whether fencing of the building was erected on any of those occasions.



RESPONSE:

Response from Director Operations:

The decision to erect temporary fencing was made under the authority of the General Manager as delegated by Council pursuant to s377 of the Local Government Act (1993). Council was advised by Hornsby Police that a protest was anticipated to be held on 31 August 2021 and temporary fencing was erected at the Council Chamber as a safety measure for the prudent protection of a public building. It is noted that the Council Chamber was already closed to the public due to COVID-19.

A search of records indicates that the following protests may have been held in the vicinity of the Council Chamber.

2007 - Discrimination against brothels

2008 - Development

2018 - 9, 15, 17 Dumaresq Street, Gordon

Fencing was not erected for the 2018 event. The records do not address whether fencing was erected for the other protests.

Accountability and Tracing

File: S12198

Vide: QN.2

QUESTION:

Question from Councillor Kelly dated 1 September 2021.

In a recent media release, it was stated that \$2,000,000 had been expended on the Ku-ring-gai draft housing strategy.

Please provide an itemisation of the \$2,000,000 expended on the draft housing strategy, when it was approved and by whom. In addition, please provide the General Business item reference.

RESPONSE:

Response from Director Strategy and Environment.

In terms of expenditure on the draft housing strategy, there is significant overlap with preparation of Council's Local Strategic Planning Statement. Costs for both projects are in the table below:

Cost of Housing Strategy including the LSPS		\$
		2,554,880
Labour costs (Salaries)	Estimate of Urban and Heritage Planning staff resources allocated.	1,843,882
Studies		374,019
<i>Name</i>	<i>Description</i>	
CHROFI ARCHITECTS/CONTEXT URBAN STRATEGISTS	Detailed Urban Design modelling and Advice Turramurra Local Centre	51,345
THE TRUSTEE FOR THE RDD TRUST	St Ives Built Form Study Stage 1 - Baseline Review	83,419
STUDIO GL PTY LTD	St Ives Built Form Study Stage 1 - Baseline Review	62,336
	Gordon & St. Ives Local - Market & Economic Inception Review & Briefing	
AEC GROUP LTD	Market & Economic Feasibility Analysis -for Stage 2 & 3 Prelim Feasibility Assessments	54,500
MATRIX TRAFFIC AND TRANSPORT DATA PTY LTD	Undfield & Turramurra Study	38,730
JONES LANG LASALLE (NSW) PTY LTD	Undfield & Turramurra Study	21,000
ELTON CONSULTING GROUP PTY LTD	Housing Needs Study and Analyses	62,689
Engagement		146,705
ELTON CONSULTING GROUP PTY LTD	Community engagement	146,705
Other Consultants		190,274
A SMIDMORE	Urban Planning/Research	34,408
CONTEXT URBAN STRATEGISTS	Project Management/urban planning/procurement	153,754
MMERTON	Aerial Stock Image Aerial Image	180
LANDS ADVISORY SERVICES PTY LTD	Land Title Information	952
N BROWN	Urban Design	980

In relation to the second part of the Question With Notice in relation to General Business reference numbers, the following OCM references are relevant:

- Planning Study Updates – Annual Budget 18/19 (OMC 260618 GB.3) and 19/20 (OMC250619 GB.5)
- Ku-ring-gai Housing Strategy – December Quarterly Budget Review 18/19 (OMC 260219 GB.4) and Annual Budget 19/20 (OMC250619 GB.5)
- Local Strategic Planning Statement – March Quarterly Budget Review 18/19 (OMC280519GB.3)
- Local Strategic Planning Statement Implementation - March Quarterly Budget Review 19/20 QBR 3 (OMC19052020 GB.5)
- Urban and Heritage Planning (Salaries) – Annual Budget 18/19 (OMC 260618 GB.3) and 19/20 (OMC250619 GB.5)

The General Manager advised everyone present at the meeting that a Notice of Rescission Motion has been submitted for the following item:

GB.3 – Election of Chairpersons and Deputy Chairpersons for Reference and Advisory Committees for the period of September 2021 to 4 December 2021.

The Meeting closed at 8:43pm

The Minutes of the Ordinary Meeting of Council held on 21 September 2021 (Pages 1 - 20) were confirmed as a full and accurate record of proceedings on 19 October 2021.

General Manager

Mayor / Chairperson