

## MINUTES OF EXTRAORDINARY MEETING HELD ON TUESDAY, 8 OCTOBER 2024

Present: Councillors M Devlin & J Pettett (Comenarra Ward)  
Councillors I Balachandran & B Ward (Gordon Ward)  
Councillors S Ngai & A Taylor (Roseville Ward)  
Councillors C Kay & M Smith (St Ives Ward)  
Councillors C Spencer & K Wheatley (Wahroonga Ward)

Staff Present: General Manager (David Marshall)  
Director Community (Janice Bevan)  
Director Corporate (Angela Apostol)  
Director Development & Regulation (Michael Miocic)  
Director Operations (Peter Lichaa)  
Director Strategy & Environment (Andrew Watson)  
Corporate Lawyer (Jamie Taylor)  
Manager Corporate Communications (Virginia Leafe)  
Manager Governance and Corporate Strategy (Christopher M Jones)  
Governance Support Officer (Eliza Gilbank-Heim)

*The Meeting commenced at 7:00PM*

*The General Manager offered the Acknowledgement of Country*

### **APOLOGIES**

File: S02194

Nil

### **DECLARATIONS OF INTEREST**

The General Manager 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.

### **DOCUMENTS CIRCULATED TO COUNCILLORS**

Nil

**CONFIRMATION OF MINUTES**180 **Minutes of Ordinary Meeting of Council**

File: EM00043/7

Meeting held 13 August 2024

Minutes numbered 162 to 171

**Resolved:**

*(Moved: Councillors Smith/Ngai)*

That Minutes numbered 162 to 171 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**181 **Oath/ Affirmation of Office by Councillors**

File: S13912

*Vide: GB.1*

To provide for the oath or affirmation of office to be taken or made by each Councillor at the commencement of the first meeting of Council for this term.

**Resolved:**

*(Moved: Councillors Ward/Pettett)*

That Council receive and note this report and all Councillors now take the oath/affirmation.

**CARRIED UNANIMOUSLY**

*In accordance with section 233A of the Local Government Act 1993, all elected Councillors must take an oath or make an affirmation of office at or before the first meeting of Council.*

*The following Councillors took an Oath or Affirmation at this Ordinary Meeting of Council:*

*Councillor Devlin*

*Councillor Pettett*

*Councillor Balachandran*

*Councillor Ward*

*Councillor Ngai*

*Councillor Taylor*

*Councillor Kay*

*Councillor Smith*

*Councillor Spencer  
Councillor Wheatley*

182 **Election of the Mayor for the 2024 - 2026 Term**

File: S13912  
*Vide: GB.2*

To elect the Mayor for the October 2024 to September 2026 term.

**Resolved:**

*(Moved: Councillors Spencer/Ward)*

That Council:

- A. Determine that the method of voting for the position of Mayor is to proceed by open voting.
- B. Elect the Mayor for the October 2024 to September 2026 Mayoral term.

**CARRIED UNANIMOUSLY**

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

*Councillors Kay and Smith were nominated and duly accepted the nomination.*

The open voting resulted in six (6) votes for Councillor Kay:  
*Councillors Balachandran, Kay, Ngai, Pettett, Spencer and Taylor*

The open voting resulted in four (4) votes for Councillor Smith:  
*Councillors Devlin, Smith, Ward and Wheatley*

*Councillor Kay was duly elected to the position of Mayor for the 2024 – 2026 mayoral term.*

*The Mayor, Councillor Kay assumed the Chair*

183 **Election of Deputy Mayor for the 2024 - 2026 Mayoral Term**

File: S13912  
*Vide: GB.3*

To elect the Deputy Mayor for the October 2024 to September 2025 Mayoral term.

**Resolved:**

*(Moved: Councillors Spencer/Pettett)*

That Council:

- A. Determine that the method of voting for the position of Deputy Mayor is to proceed by open voting.
- B. Determine to elect the Deputy Mayor for the October 2024 to September 2025 Mayoral term.
- C. Elect the Deputy Mayor for the agreed term.

**CARRIED UNANIMOUSLY**

*The General Manager assumed the Chair*

*The General Manager called for nominations and announced there were two (2) nominations for the position of Deputy Mayor.*

*Councillors Ward and Wheatley were nominated. Councillor Ward withdrew her nomination. Councillor Wheatley duly accepted the nomination.*

*Councillor Wheatley was duly elected to the position of Deputy Mayor for the 2024 – 2025 mayoral term.*

*The Mayor, Councillor Kay assumed the Chair*

184

## **Appointments to Council Advisory and Reference Committees**

File: S13912

*Vide: GB.4*

For Council to make appointments to Council's Advisory and Reference Committees.

### **Resolved:**

*(Moved: Councillors Taylor/Wheatley)*

That Council:

- A. confirm that all advisory and reference committees will continue for the 2024-28 Council term, except for the Sustainable Recreation Advisory Group and the Active Transport Reference Committee. These two committees will be placed on hold and adjourned while a report is prepared and brought back to Council by December 2024 with draft terms of reference to broaden the scope of the Sustainable Recreation Advisory Group into an Environment Committee, and to broaden the scope of the Active Transport Reference Committee into a Net Zero Communities Committee. Councillors are to be consulted in development of the draft terms of reference.

- B. appoint a Chairperson and Deputy Chairperson to each advisory and reference committee for the 2024-26 Mayoral term via election by show of hands (except for the Sustainable Recreation Advisory Group and the Active Transport Reference Committee – refer to part A above).
- C. reappoint community members to the following committees for the 2024-28 Council term: Arts and Culture Advisory Committee and the Status of Women’s Advisory Committee.
- D. note that community membership of the following committees will be reviewed and recommendations brought back to Council by 8 April 2025: Flood Risk Management Committee; Heritage Reference Committee; Multicultural Advisory Committee
- E. staff make any required changes to the Advisory and Reference Committee Guidelines.

### **CARRIED UNANIMOUSLY**

#### **Arts and Culture Advisory Committee**

Councillor Balachandran was nominated by Councillor Devlin/Pettett for the position of Chair. As there was only 1 nomination, Councillor Balachandran was appointed as Chair of the Arts and Culture Advisory Committee.

Councillor Ward was nominated by Councillor Ngai/Taylor for the position of Deputy Chair. As there was only 1 nomination, Councillor Ward was appointed as Deputy Chair of the Arts and Culture Advisory Committee.

#### **Flood Risk and Management Committee**

Councillor Devlin was nominated by Councillor Balachandran/Taylor for the position of Chair. As there was only 1 nomination, Councillor Devlin was appointed as Chair of the Flood Risk and Management Committee.

Councillor Ward was nominated by Councillor Devlin/Balachandran for the position of Deputy Chair. As there was only 1 nomination, Councillor Ward was appointed as Deputy Chair of the Flood Risk and Management Committee.

#### **Heritage Reference Committee**

Councillor Wheatley was nominated by Councillor Devlin/Smith for the position of Chair. As there was only 1 nomination, Councillor Wheatley was appointed as Chair of the Heritage Reference Committee.

Councillor Ngai was nominated by Councillor Ward/Taylor and Councillor Balachandran was nominated by Councillor Devlin/Wheatley for the position of Deputy Chair. As there were 2 candidates, voting was conducted.

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

*Councillors Balachandran, Devlin, Kay, Spencer and Wheatley*

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

*Councillors Ngai, Pettett, Smith, Taylor and Ward*

As there was an equality of votes, the Mayor exercised her casting vote in favour of Councillor Balachandran. Councillor Balachandran was therefore appointed as Deputy Chair of the Heritage Reference Committee.

**Ku-ring-gai Traffic Committee**

Councillor Devlin was nominated by Councillor Smith/Balachandran and Councillor Spencer was nominated by Councillor Pettett/Ngai for the position of Chair. As there were 2 candidates, voting was conducted.

The open voting resulted in six (6) votes for Councillor Devlin:

*Councillors Balachandran, Devlin, Smith, Taylor, Ward and Wheatley*

The open voting resulted in four (4) votes for Councillor Spencer:

*Councillors Kay, Ngai, Pettett and Spencer,*

Councillor Devlin was therefore appointed as the Chair on the Ku-ring-gai Traffic Committee.

Councillor Smith was nominated by Councillors Wheatley/Taylor. As there was only 1 nomination, Councillor Smith was appointed as Alternate Chair of the Ku-ring-gai Traffic Committee.

**Multicultural Advisory Committee**

Councillor Ward was nominated by Councillor Devlin/Wheatley for the position of Chair. As there was only 1 nomination, Councillor Ward was appointed as Chair of the Multicultural Advisory Committee.

Councillor Balachandran was nominated by Councillor Devlin/Ward for the position of Deputy Chair. As there was only 1 nomination, Councillor Balachandran was appointed as Deputy Chair of the Multicultural Advisory Committee.

**Status of Women's Advisory Committee**

The Mayor Councillor Kay was nominated by Councillor Taylor/Devlin for the position of Chair. As there was only 1 nomination, the Mayor Councillor Kay was appointed as Chair of the Status of Women's Advisory Committee.

Councillor Ward was nominated by Councillor Smith/Ngai and Councillor Balachandran was nominated by the Mayor Councillor Kay/Devlin for the position of Deputy Chair. As there were 2 candidates, voting was conducted.

The open voting resulted in six (6) votes for Councillor Balachandran:

*Councillors Balachandran, Devlin, Kay, Pettett, Spencer and Taylor*

The open voting resulted in four (4) votes for Councillor Ward:

*Councillors Ngai, Smith, Ward and Wheatley*

Councillor Balachandran was therefore appointed as the Deputy Chair of the Status of Women's Advisory Committee.

185 **Councillor appointment to the Audit, Risk and Improvement Committee (ARIC)**

File: S13912

*Vide: GB.5*

For Council to appoint a Councillor to the Audit, Risk and Improvement Committee (ARIC).

**Resolved:**

*(Moved: Councillors Taylor/Ward)*

That Council appoint a Councillor (other than the Mayor) and alternate(s) who meet the eligibility criteria under the *Guidelines for Risk Management and Internal Audit for Local Government in NSW* as a non-voting member to the Audit, Risk and Improvement Committee (ARIC) for the 2024-28 Council term.

**CARRIED UNANIMOUSLY**

Councillor Taylor was nominated by Councillor Ward/Ngai for the position of non-voting member. As there was only 1 nomination, Councillor Taylor was appointed as the non-voting member on the ARIC.

Councillor Wheatley was nominated by Councillor Devlin/Taylor for the position of alternate non-voting member. As there was only 1 nomination, Councillor Wheatley was appointed as the alternate non-voting member on the ARIC.

186 **Representation on External Committees and Organisations (including the Sydney North Planning Panel)**

File: S13912

*Vide: GB.6*

For Council to appoint its representatives to external committees and organisations for the 2024-26 Mayoral term, and whether any changes are required to Councillor appointments to the Sydney North Planning Panel (SNPP) following the 2024 Local Government elections.

**Resolved:**

*(Moved: Councillors Spencer/Wheatley)*

That Council:

- A. appoint Councillors to external committees and organisations for the 2024-26 Mayoral term
- B. confirm that current Councillors remain on the Sydney North Planning Panel
- C. inform the external committees and organisations of Council's nominated representatives.

**CARRIED UNANIMOUSLY****North Sydney Regional Organisation of Councils (NSROC)**

Councillor Ward was nominated by Councillor Devlin/Smith, Councillor Balachandran was nominated by the Mayor Councillor Kay/Wheatley and Councillor Ngai was nominated by Councillor Ward/Taylor for the position of Delegate. As there were 3 candidates, voting was conducted.

The open voting resulted in four (4) votes for Councillor Balachandran:  
*Councillors Balachandran, Kay, Pettett and Spencer*

The open voting resulted in six (6) votes for Councillor Ward:  
*Councillors Devlin, Ngai, Smith, Taylor, Ward and Wheatley*

The open voting resulted in zero (0) votes for Councillor Ngai.

Councillor Ward was therefore appointed as Delegate for the NSROC.

Councillor Balachandran and Councillor Ngai were nominated by Councillor Devlin/Smith for the two positions of Alternate Delegate. As there were only 2 nominations, Councillor Balachandran and Councillor Ngai were appointed as Alternate Delegates of the NSROC.

**North Shore Police Area Command Community Safety Precinct Committee  
Lindfield-North Sydney**

Councillor Ngai was nominated by Councillor Taylor/Wheatley for the position of Delegate. As there was only 1 nomination, Councillor Ngai was appointed as Delegate of the North Shore Police Area Command Community Safety Precinct Lindfield-North Sydney.

**North Shore Police Area Command Community Safety Precinct Committee  
Lindfield-Brooklyn**

Councillor Wheatley was nominated by Councillor Devlin/Ward for the position of Delegate. As there was only 1 nomination, Councillor Wheatley was appointed as Delegate of the North Shore Police Area Command Community Safety Precinct Lindfield-Brooklyn.

**Ku-ring-gai Youth Development Service (KYDS) Inc. Management Committee**

Councillor Taylor was nominated by Councillor Ward/Balachandran for the position of Delegate. As there was only 1 nomination, Councillor Taylor was appointed as Delegate of the KYDS Management Committee.

Councillor Ward was nominated by Councillor Taylor/Smith for the position of Alternate Delegate. As there was only 1 nomination, Councillor Ward was appointed as Alternate Delegate of the KYDS Management Committee.

**Hornsby/Ku-ring-gai PCYC Community Engagement Committee**

Councillor Ward was nominated by Councillor Ngai/Smith for the position of Delegate. As there was only 1 nomination, Councillor Ward was appointed as Delegate of the Hornsby/Ku-ring-gai PCYC Community Engagement Committee.

Councillor Devlin was nominated by Councillor Taylor/Pettett for the position of



Alternate Delegate. As there was only 1 nomination, Councillor Devlin was appointed as Alternate Delegate of the Hornsby/Ku-ring-gai PCYC Community Engagement Committee.

#### **Eryldene Trust Committee**

Councillor Wheatley was nominated by Councillor Smith/Pettett for the position of Delegate. As there was only 1 nomination, Councillor Wheatley was appointed as Delegate of the Eryldene Trust Committee.

#### **NSW Public Libraries Association (NSWPLA)**

The Mayor Councillor Kay was nominated by Councillor Taylor/Devlin for the position of Delegate. As there was only 1 nomination, The Mayor Councillor Kay was appointed as Delegate of the NSWPLA.

#### **Hornsby/Ku ring gai Rural Fire Service District Liaison Committee**

Councillor Devlin was nominated by Councillor Wheatley/Smith for the position of Delegate. As there was only 1 nomination, Councillor Devlin was appointed as Delegate of the Hornsby/Ku ring gai Rural Fire Service District Liaison Committee.

Councillor Smith was nominated by Councillor Ward/Devlin for the position of Alternate Delegate. As there was only 1 nomination, Councillor Smith was appointed as Alternate Delegate of the Hornsby/Ku ring gai Rural Fire Service District Liaison Committee.

#### **Hornsby/Ku ring gai Bush Fire Management Committee (BFMC)**

Councillor Devlin was nominated by Councillor Smith/Ward for the position of Delegate. As there was only 1 nomination, Councillor Devlin was appointed as Delegate of the Hornsby/Ku ring gai BFMC.

Councillor Smith was nominated by Councillor Devlin/Ward for the position of Alternate Delegate. As there was only 1 nomination, Councillor Smith was appointed as Alternate Delegate of the Hornsby/Ku ring gai BFMC.

187

### **Filling Casual Vacancies within 18 months after the Election Date**

File: S13912

*Vide: GB.7*

To confirm how Council will fill any casual vacancies that arise within 18 months of the ordinary election of Councillors.

#### **Motion:**

*(Moved: The Mayor Councillor Kay/Pettett)*

That Council

- A. fill a casual vacancy within 18 months of the ordinary election of Councillors

by by-election.

**Amendment:**

*(Moved: Councillors Ngai/Smith)*

That Council,

- A. determine to fill a casual vacancy within 18 months of the ordinary election of Councillors by countback.
- B. if by countback election, then pursuant to section 291A(1)(b) of the Local Government Act 1993 (the Act), Ku-ring-gai Council declares that casual vacancies occurring in the office of a Councillor within 18 months after the last ordinary election of Councillors for the Council on 14 September 2024 are to be filled by a countback of votes cast at that election for the office in accordance with section 291A of the Act. The Council also directs the General Manager to notify the NSW Electoral Commission of Council's decision within 7 days.

*For the Amendment: Councillors Ngai, Smith, Taylor and Wheatley*

*Against the Amendment: Councillors Balachandran, Devlin, Kay, Pettett, Spencer and Ward*

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

Debate resumed on the Motion.

**Resolved:**

*(Moved: The Mayor Councillor Kay/Pettett)*

That Council determine to fill a casual vacancy within 18 months of the ordinary election of Councillors by by-election.

**CARRIED UNANIMOUSLY**

*The Meeting closed at 8:01pm*

The Minutes of the Extraordinary Meeting held on 8 October 2024 (Pages 1 - 10) were confirmed as a full and accurate record of proceedings on Tuesday 26 November.

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General Manager

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Mayor / Chairperson