



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 12 AUGUST 2008 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A
**** ** ***

NOTE: For Full Details, See Council's Website –
www.kmc.nsw.gov.au under the link to business papers

APOLOGIES

DECLARATIONS OF INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

NOTE: Persons who address the Council should be aware that their address will be tape recorded.

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 29 July 2008

Minutes numbered 259 to 283

MINUTES FROM THE MAYOR

PETITIONS

REPORTS FROM COMMITTEES

Minutes of Ku-ring-gai Traffic Committee

File: S02110

Meeting held 17 July 2008

Minutes numbered KTC8 to KTC11

GENERAL BUSINESS

- i. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.*
- ii. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation and without debate.*

GB.1 **National Trust of Australia (NSW) - Heritage Advisory Services & Corporate Membership** **1**

.
File: S02792

To advise Council of requests from National Trust of Australia (NSW) for Council to register for Heritage Advisory Services (\$5,000) and/or for Council to purchase Corporate Membership of the National Trust of Australia (\$1,500, \$2,500 or \$3,500).

Recommendation:

For Council's consideration.

GB.2 **Constitutional Referendum** **8**

.
File: S06203

To approve explanatory material for the constitutional referendum.

Recommendation:

That the explanatory information for the constitutional referendum be approved and funds be allocated for newspaper advertisements.

GB.3 15 Merrivale Road, Pymble - Alterations & Additions 12

.
File: DA0553/08

Ward: St Ives

Applicant: Family Home Designers & Builders Pty Ltd

Owner: Mr U T & Mrs R N Mendis

To determine Development Application No 553/08 for alterations and additions to an existing dwelling house.

Recommendation:

Approval.

GB.4 Endangered Ecological Communities - Vegetation Mapping 39

.
File: S06413

To report to Council opportunities to fund the mapping of critically endangered and endangered ecological communities for the preparation of the Local Environment Plan.

Recommendation:

That Council consider this report and make a resolution as to the source of funds to undertake the project as outlined.

GB.5 451 Mona Vale Road, St Ives - Sub-Lease to Honda Australia Motorcycles & Power Equipment Pty Ltd 47

.
File: P52792

To seek Council's approval to enter into a new sub-lease with Honda Australia Motorcycles and Power Equipment Pty Ltd for use of the H.A.R.T facility at 451 Mona Vale Road, St Ives.

Recommendation:

That a further five year term with a five year option to the sub-lease of Lots 2844 and 2845 DP 822242 Mona Vale Road, St Ives be granted to Honda Australia Motorcycles and Power Equipment Pty Ltd for the operation of a road safety and training facility effective 19 August 2008.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

**** ** ** ** ****

**Environmental Planning & Assessment Act 1979
(as amended)**

Section 79C

1. Matters for consideration - general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

a. The provisions of:

- i. any environmental planning instrument, and*
- ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
- iii. any development control plan, and*
- iv. any matters prescribed by the regulations,*

that apply to the land to which the development application relates,

- b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. the suitability of the site for the development,*
- d. any submissions made in accordance with this Act or the regulations,*
- e. the public interest.*

NATIONAL TRUST OF AUSTRALIA (NSW) - HERITAGE ADVISORY SERVICES & CORPORATE MEMBERSHIP

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To advise Council of requests from National Trust of Australia (NSW) for Council to register for Heritage Advisory Services (\$5,000) and/or for Council to purchase Corporate Membership of the National Trust of Australia (\$1,500, \$2,500 or \$3,500).

BACKGROUND:

Council provided \$2,500 from the 2007/2008 Sponsorship budget for advertising in the National Trust Festival Program.

COMMENTS:

The National Trust is seeking \$5,000 annually from Council for Heritage Advisory services and Corporate Membership fees ranging from \$1,500 to \$3,500.

RECOMMENDATION:

For Council's consideration.

PURPOSE OF REPORT

To advise Council of requests from National Trust of Australia (NSW) for Council to register for Heritage Advisory Services (\$5,000) and/or for Council to purchase Corporate Membership of the National Trust of Australia (\$1,500, \$2,500 or \$3,500).

BACKGROUND

Council provided \$2,500 from 2007/2008 Sponsorship Budget for advertising in the National Trust Festival Program.

COMMENTS

Heritage Advisory Services

The National Trust and the Local Government and Shires Association were partners in the recent 'Keep it Local Campaign'. The Trust is now seeking direct funding from local government through an annual retainer of \$5,000 from each Council to "counter the trend of reduced government support for the identification, conservation and improved management of heritage at a local level". (See attachment A)

Corporate Membership

The National Trust offers the following three (3) levels of Corporate Membership with associated benefits. (See attachment B)

- | | |
|------------------------|---------|
| 1. Silver Membership | \$1,500 |
| 2. Gold Membership | \$2,500 |
| 3. Platinum Membership | \$3,500 |

The benefits of membership with the National Trust include:

- Association with Australia's largest conservation charity.
- Exposure in the quarterly National Trust Magazine mailed to 26,000 members in NSW.
- Co-branding to demonstrate alignment with the National Trust and commitment to Australia's heritage.
- Branding on marketing materials for events and projects.
- Special rates and access to national Trust properties.
- Knowing you are making a real contribution to protecting Australia's heritage now and for the future.

CONSULTATION

Not required

FINANCIAL CONSIDERATIONS

The 2008/2009 sponsorship budget is \$10,300. Council has resolved to sponsor the 2008 True Local Business Awards for \$5,000, which leaves a total of \$5,300 for the remainder of the financial year.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Strategy, Development and Regulation and Corporate departments have been consulted in the writing of this report.

SUMMARY

Council has received the following requests for financial support from the National Trust of Australia (NSW).

Heritage Advisory Services	\$5,000
National Trust Corporate Membership	\$1,500 / \$2,500 / \$3,500

There is currently a balance of \$5,300 in the 2008/2009 sponsorship budget.

RECOMMENDATION

That Council consider the sponsorship proposals from the National Trust of Australia for Heritage Advisory Services and for Corporate Membership, and that Council determine the level of sponsorship to be granted, if applicable.

Janice Bevan
Director Community

Attachments: **Attachment A - Letter from The National Trust of Australia (NSW) dated 18 June 2008 - 955339**
 Attachment B - National Trust Corporate Membership Application Form - 966669

18 June 2008

Mr John McKee
General Manager
Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073



WATSON ROAD
OBSERVATORY HILL
SYDNEY NSW 2000

GPO Box 518
SYDNEY NSW 2001

www.nsw.nationaltrust.org.au

T: 02 9258 0123

F: 02 9251 1110

Dear Mr McKee,

The National Trust of Australia (NSW) - Heritage Advocacy

For over sixty years, the National Trust of Australia (NSW) has been the leading environmental heritage organisation in New South Wales. The Trust provides advice, assistance, historical research, assessments of significance and physical descriptions relating to heritage places and heritage management at the local, state and national level.

Since 1946, much of this work has contributed to the compilation of the National Trust Register with now more than 11,000 classified places. This in turn has provided much of the material for the establishment of Councils' own heritage lists, the former Register of the National Estate and State, Commonwealth and National Heritage Lists.

The Trust is often called on by the community to advise and assist when places of potential historic, cultural, scenic or scientific importance are to be changed or affected by proposed development. Funding once received for this local advocacy work has not been provided now for over a decade.

You may be aware that the National Trust receives no recurrent funding from the State or Commonwealth governments in support of the work we do. In this context, recent developments in New South Wales, including the proposed changes to the NSW planning system, changes to the NSW Heritage Act and the removal of the role of the NSW Heritage Office as an independent advisory body to Local Government, have increased the demands on our time and staff resources significantly.

The Trust and the Local Government and Shires Association, partners in the on-going Keep It Local campaign after lengthy discussions have sought a way to continue and even expand this vital work. The Trust is now seeking funding directly from local government through an annual retainer of \$5,000 from each council to counter the trend of reduced government support for the identification, conservation and improved management of heritage at a local level.

The Trust's advocacy role means that it may at times have views which differ from individual councils and will as an independent organisation give advice that is objective, non-partisan and always in the best interests of our collective heritage, irrespective of the receipt of a payment for the advice or information. However, it is generally agreed the Trust's role is an important part of the development process, allowing the community a voice in property development in their locality and generally for public participation and involvement in the planning process (a key aim of the Environmental, Planning and Assessment Act, 1979.)

As a community-based charity we are unable to meet this increased demand without expanding our resources through a secured funding source and the cost-recovery approach has been normal practice in government administration as well as the commercial sector for many years.

In closing we ask for your continued support and enclose a registration form for your urgent consideration.

Yours sincerely,

Steven A White
Acting Executive Director





NATIONAL TRUST

**National Trust of Australia (NSW)
Registration for Heritage Advisory Services**

Council Name: _____

Contact Name: _____

Address: _____

Contact Number: _____

Fax: _____

Email: _____

PAYMENT: \$5,000.00

Payment Type:

CHEQUE (attached) CREDIT CARD (details below) DIRECT PAYMENT

Note: If paying by direct transfer, please attach a remittance advice

Card: **Visa** **MasterCard** **Diners Club** **Amex**

Card Number: _____

Expiry Date: _____

Name on Card: _____

Signature: _____

Thank you.

Please return to:
National Trust of Australia (NSW)
PO Box 518
Sydney NSW 2001

Or fax to:
(02) 9251-1110



9 July 2008

Mr John McKee
General Manager
Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073



You are invited to join a special group of Australian organisations and receive two free tickets to the next Corporate Breakfast.

Dear Mr McKee,

Your organisation has been specifically chosen to join The National Trust of Australia (NSW) as a highly respected Corporate Member who is interested in conserving Australia's environment and rich heritage.

This is a unique opportunity to align your organisation with Australia's leading conservation charity.

The National Trust is recognised as one of the most successful and prestigious heritage organisations in the world. In NSW the Trust has approximately 26,000 members and has a retrospective of more than 60 years of management and conservation of much of the heritage we admire today.

The National Trust's mission is to continually protect and conserve our treasured heritage today and for all future generations. Through donations, bequests, sponsorship, fundraising and memberships the Trust maintains and operates 37 house museums, gardens and sanctuaries in NSW, undertakes research, school and community education and is constantly engaged in advocacy on all types of heritage issues. This includes consulting and working behind the scenes with government, councils, developers and other community organisations.

The Trust oversees places as diverse as the enchanting native bushland in Blackwood Sanctuary, the oldest public building in Australia, Old Government House Parramatta, and the charming Norman Lindsay Gallery in Faulconbridge - the original home of one of Australia's most fascinating artists and now his unique art collection. Places of significance that the Trust has been instrumental in saving include Queen Victoria's Building (QVB), Hyde Park Barracks, the Rocks and Glebe precincts, Montague Island, Jervis Bay, Myall Lakes, and the Blue Gum High Forest at St Ives.

You will become part of a select group of organisations committed to working together to conserve Australia's built, natural and cultural heritage. **In addition to having positive networking opportunities with leading industry specialists, you are entitled to a unique list of worthwhile benefits, which can**

Cont...

contribute to reaching the objectives of your organisation.

Primary benefits include:

- 5 individual memberships for your organization to reward directors or staff giving free entry to over 800 National Trust properties world-wide
- Free subscription to the National Trust Magazine and access to the National Trust Wine Service
- Acknowledgment as a Silver Corporate Member on the National Trust website, Annual Report and National Trust magazine reaching 26,000 members
- Networking opportunities through exclusive invitations to events such as corporate lunches, the Corporate Breakfast Series, Exhibition Openings and the Heritage Lectures
- Signage at National Trust corporate events such as the Corporate Breakfast Series and Annual Heritage Lecture, including acknowledgement on tables or displays
- Certificate of Recognition for display, use of the National Trust logo on your website and promotional material.

Special Offer – 2 FREE tickets to a Corporate Breakfast

If you join before 29 July 2008 you will also receive 2 free tickets, worth \$80 each, to the next National Trust corporate Breakfast at The Tea Room, Queen Victoria Building Sydney. See enclosed for details.

Further membership details including a complete updated list of benefits and the 3 levels of membership, Platinum, Gold and Silver are enclosed along with a membership form. If you have any questions about membership or would like to explore corporate sponsorship opportunities please call me on 9258 0182.

We look forward to welcoming you soon as a Corporate Member and enjoying the unique ongoing benefits of membership with the National Trust of Australia (NSW).

Yours sincerely



Steven A. White
Acting Executive Director
National Trust of Australia (NSW)

PS Corporate Membership not only provides excellent business benefits and networking it also recognises your organisation's commitment to Australia's rich heritage today and for all future generations to come.

PPS To receive your 2 FREE tickets to the next Corporate Breakfast you must join before 29 July 2008. On 5th August 2008, our guest speaker will be Clover Moore MP, Lord Mayor of Sydney.

CLOVER MOORE MP

Clover Moore MP is the first popularly elected female Lord Mayor of Sydney. An Independent, she was elected in March 2004 for a four-year term. Ms Moore is also an Independent Member of the NSW Parliament, now serving her sixth term in the Legislative Assembly.

The Lord Mayor's vision for Sydney includes building on its international reputation as one of the world's most liveable cities, while ensuring that it also becomes a leading sustainable city and a preferred location for regional business headquarters.

As Australia's only global city, and a world-class tourist destination, Sydney plays a key national and international role, as the economic engine-room for the nation, and Australia's face to the world.

In support of those roles, Ms Moore is committed to working with her colleagues in Australia's capital cities to ensure that governments give sufficient priority to the future needs of cities, particularly to the need for better urban infrastructure.

The Lord Mayor is responsible for the City of Sydney Local Government Area which is the fastest-growing in NSW. It covers 26 sq km and includes the central business district which is the commercial, retail and tourism capital of Australia. Ms Moore is conscious of balancing the expectations, needs and interests of all constituencies, maintaining the greater business focus in the CBD along with the pride and ownership all Sydneysiders have in Australia's premier city.

Ms Moore is Chair of the Sydney Festival Board and of the Central Sydney Planning Committee, and she is Vice-President of the Australia Day Council of New South Wales.

Clover will be speaking on...

"The Sustainable Sydney 2030 Vision for Sydney's future".

*The National Trust
is Australia's largest
conservation charity,
protecting and conserving
Australia's natural
and cultural heritage*



**For information about membership,
corporate membership and corporate
partnerships, please contact the
National Trust on (02) 9258 0156**

The National Trust of Australia (NSW)
GPO Box 518
Sydney NSW 2001

Phone (02) 9258 0123 / Fax (02) 9252 1264
www.nsw.nationaltrust.org.au

2008 NATIONAL TRUST CORPORATE BREAKFAST SERIES



**CLOVER MOORE MP
LORD MAYOR OF SYDNEY**

Help update our database!

In order to help us conserve our costs and keep our records up-to-date, please fill in your details below and fax this form to 9252 1264 or send an email to ngross@nsw.nationaltrust.org.au

☐ **Yes**, I wish to remain on your mailing list and receive invitations and information material from the National Trust by mail or by email.

☐ **No**, I don't want any further mailings or invitations from the National Trust and I wish my details to be removed from your mailing list.

Title: _____

First Name: _____

Surname: _____

Company: _____

Position Title: _____

Address: _____

Suburb/Town: _____

State: _____ Postcode: _____

Phone: _____

Fax: _____

Mobile: _____

Email: _____

**Thank you for your time.
We look forward to seeing you at our next event!**

2008 National Trust Corporate Breakfast Series

Guest speaker

Clover Moore MP

Lord Mayor of Sydney

Date: 5th August 2008

Time: 7.30am - 9.00am

The Tea Room
Third Floor North End
Queen Victoria Building Sydney



THE TEA ROOM

Queen Victoria Building



REGISTRATION FORM

I would like to attend the Corporate Breakfast with
Clover Moore MP on **5 August 2008 at 7.30am**

_____ Ticket(s) @ **\$80 per person** (inc. GST)
_____ Ticket(s) for **NT Members @ \$60** (inc. GST)
_____ Table(s) @ **\$600 per table of 10** (inc. GST)

Name: _____

Member No. _____

(if applicable): _____

Company: _____

Address: _____

State: _____ Postcode: _____

Email: _____

Phone: _____

Fax: _____

GUEST NAMES

TAX INVOICE ABN: 82 491 958 802

I have attached a cheque for \$ _____ (inc. GST)

Payable to: National Trust of Australia (NSW)
GPO Box 518 Sydney NSW 2001

Please charge my _____
* VISA * MasterCard
* Bankcard * AMEX

Expiry Date ____ / ____ Total \$ _____ (inc. GST)

Name on Card _____

Signature _____

On completion of this form & inclusion of amount paid,
this becomes a tax invoice.

**RSVP by 29 July 2008 to (02) 9258 0181
OR fax bookings to (02) 9252 1264**



CORPORATE MEMBERSHIP APPLICATION FORM

Name of Organisation/Company: _____

Address: _____

Contact for membership: ☐ Mr ☐ Mrs ☐ Ms ☐ Miss

Name: _____

Daytime phone number: _____

E-Mail address: _____

Corporate Membership Fee

☐ Platinum \$3,500 plus GST

☐ Gold \$2,500 plus GST

☐ Silver \$1,500 plus GST

Total: \$ _____

Payment Method

☐ I enclose a cheque/money order made payable to the National Trust of Australia (NSW) for \$ _____

or

Please debit my:

☐ MasterCard ☐ Visa ☐ Amex ☐ Diners Club

Card number:

□□□□ □□□□ □□□□ □□□□ □

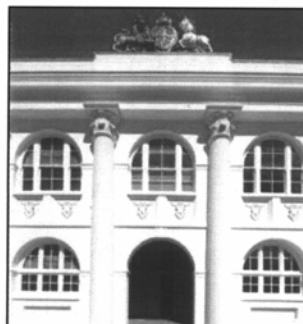
Expiry date: □□/□□

Name on Card: _____

Cardholder's signature: _____

Please fax this form to (02) 9252 1264 or mail to:
Membership, National Trust (NSW), GPO Box 518, Sydney 2001

JOIN THE NATIONAL TRUST NOW



Become a Corporate Member today to enjoy all the benefits of membership.

Complete the Membership Application Form and post to:

Membership
National Trust of Australia (NSW)
GPO Box 518
Sydney NSW 2001

or fax: (02) 9252 1264

or phone: (02) 9258 0123 / (02) 0258 0156
(during business hours)

or visit
www.nsw.nationaltrust.org.au



National Trust of Australia (NSW)

National Trust

Corporate Membership



NATIONAL TRUST CORPORATE MEMBERSHIP PROGRAM

ABOUT THE NATIONAL TRUST

The National Trust of Australia (NSW) is a non-government, not-for-profit charity that was established in 1945. Since this time, the Trust has worked with the community to protect and care for our rich built, environmental and cultural heritage so that it may be enjoyed and appreciated now, and by future generations.

Through its management and promotion of historical properties, bush regeneration, galleries and conservation works, the Trust aims to raise awareness and appreciation of our unique heritage.

Help conserve Australia's environment and heritage and enjoy many special benefits when you become a Corporate Member of the National Trust.

The Trust enjoys working with its Corporate Members to develop programs and events which help companies reach their objectives while promoting the Trust's conservation mission.



BENEFITS

- Association with Australia's largest conservation charity
- Exposure in the quarterly National Trust Magazine, mailed to 26,000 members in NSW
- Co-branding, to demonstrate your alignment with the National Trust and commitment to Australia's heritage
- Branding on marketing materials for events and projects
- Special rates and access to National Trust properties to entertain your clients and staff
- Knowing that you are making a real contribution to protecting Australia's heritage now and for the future.

There are three levels of membership:

SILVER MEMBERSHIP \$1,500

This includes:

- 5 individual memberships for your organisation to reward directors or staff
- Acknowledgement on the Trust website, in the Annual Report and in the National Trust Magazine
- Networking opportunities through invitations to corporate events such as Conservation Workshops, the Corporate Breakfast Series, Exhibition Openings and Heritage Lectures
- Acknowledgement as Corporate Member on tables or displays at events
- Certificate of Recognition for display
- Access to the Trust archives at a 25% discount rate.

GOLD MEMBERSHIP \$2,500

This includes all the benefits a *Silver Membership* provides, plus:

- A total of 10 individual memberships
- Use of National Trust logo on website and promotional material
- Access to expert advice on conservation and related issues
- 25% discount on the hire of selected Trust properties for 2 functions each year (subject to availability)
- Corporate Member pricing (10% discount) for function on-site catering where available.



PLATINUM MEMBERSHIP \$3,500

This includes all the benefits a *Gold Membership* provides, plus:

- A total of 15 individual memberships
- Signage at National Trust Corporate events
- Free guest invitation to each Corporate Breakfast
- 50% discount on the hire of selected Trust properties for 2 functions each year (subject to availability)
- Offers to staff for team building activities e.g. bush regeneration, restoration.



"Our heritage is a vital part of what makes up our national identity and protecting it ensures it is there for us and future generations to enjoy - and to learn from. EnergyAustralia is delighted to be a partner of the National Trust."

- Paul Broad, Managing Director, EnergyAustralia



CONSTITUTIONAL REFERENDUM

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To approve explanatory material for the constitutional referendum.

BACKGROUND:

Council at its meeting on 29 July 2008 approved a constitutional referendum question.

COMMENTS:

Council resolved that explanatory material for the electors on the question to be asked be considered by Council at the next meeting.

RECOMMENDATION:

That the explanatory information for the constitutional referendum be approved and funds be allocated for newspaper advertisements.

PURPOSE OF REPORT

To approve explanatory material for the constitutional referendum.

BACKGROUND

Council at its meeting on 29 July 2008 approved a constitutional referendum question.

COMMENTS

Council resolved that explanatory material for the electors on the question to be asked be considered by Council at the next meeting.

Explanatory material has been prepared and is **attached**.

This material was prepared having regard to material prepared in the past by Byron, Griffith, Hornsby and Warringah Councils.

CONSULTATION

None required or undertaken.

FINANCIAL CONSIDERATIONS

It is suggested that this information be made available to the public by:

- Inclusion on Council's website
- Information in Council's regular newspaper advertisements drawing attention to the availability of the document on Council's website
- Half page advertisements in the North Shore Times on Fridays 5 and 12 September costing approximately \$2,400 for each advertisement.

The Electoral Commission advises that it is not permissible to have the document provided to electors within each polling place on polling day.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

None

SUMMARY

Explanatory information for the constitutional referendum has been prepared for Council's approval.

RECOMMENDATION

- A. That the explanatory information for the constitutional referendum be approved.
- B. That the information be made available to the public by:
 - Inclusion on Council's website.
 - Information in Council's regular newspaper advertisements drawing attention to the availability of the document on Council's website.
 - Half page advertisements in the North Shore Times on Fridays, 5 and 12 September.
- C. That the cost of the newspaper advertisements of \$4,800 be charged against the election cost.

John McKee
General Manager

Tino Caltabiano
Acting Director Corporate

Attachments: **Explanatory information for the constitutional referendum - 978195**

IMPORTANT ELECTORAL INFORMATION

Ku-ring-gai Council Constitutional Referendum Election of Mayor by the Electors

Background

Ku-ring-gai Council has ten Councillors representing electors in five wards with two Councillors for each ward. The Mayor of Ku-ring-gai Council is elected each year by the Councillors.

Electors may directly elect the Mayor only if a change in the method of election is approved at a constitutional referendum. The number of Councillors on the Council can change only if approved at a constitutional referendum.

In conjunction with the Council elections on **Saturday 13 September 2008**, a constitutional referendum will be conducted on the method of electing the Mayor. This necessitates a change in the number of Councillors.

Referendum question

Electors will be given a separate voting paper and asked the following question:

The Mayor of Ku-ring-gai Council is currently elected by the Councillors. Do you approve of the method of electing the Mayor of Ku-ring-gai Council being changed to the method of election by the electors, and of the number of Councillors on the Council being increased to 11?

There is a second part to the question involving a consequential change in the number of Councillors because a Mayor elected by the electors is an additional Councillor. There must continue to be an equal number of Councillors for each ward in addition to a Mayor elected by the electors. As such there is an interdependency between the two parts of the question. If two separate questions were to be asked it may produce a conflicting result and an unworkable situation.

The question requires a YES or NO answer. Voting is compulsory.

If approved at this constitutional referendum the change in the method of election of the Mayor will apply from the next local government elections in September 2012.

There are many arguments for and against the election of the Mayor by the electors. The following are some of the main arguments that may assist you to decide how to vote.

The YES case for election of the Mayor by the electors

- Electors should be able to vote for who they want to be Mayor
- It provides a greater level of involvement and participation by the electors
- There will be more direct accountability to the electorate by the Mayor
- The Mayor is chosen for personal attributes rather than alliances with other Councillors

- There will be continuous leadership of the Council for the four year term
- The Mayor will have an opportunity to influence planning and policy decisions in the longer term
- The settling in time for the Mayor is restricted to just once every four years
- It avoids any politicking amongst Councillors prior to the annual election of Mayor
- An odd number of Councillors will reduce the frequency of a tied vote - currently needs to be broken by a second (casting) vote of the Mayor
- The consequential increase in the number of Councillors provides electors with greater representation

The NO case for election of the Mayor by the electors

- Councillors need to be able to determine who should be the Mayor based on an assessment of individual capabilities
- Just because a Councillor is popular with the electors doesn't necessarily mean that the Councillor will be a suitable Mayor
- Councillors should assess the performance of the Mayor annually
- A Mayor elected by the electors may not have the support of the other Councillors and will be in that position for four years
- Other Councillors should have an opportunity to lead the Council during the four year term
- Positions such as Prime Minister and Premier are not directly elected by the electors
- By having election of the Mayor by the electors potential candidates without political or financial backing may be prevented from standing because of the cost and the area they will have to cover
- Electors already receive appropriate representation without the need for the consequential additional Councillor
- There will be costs associated with having another Councillor
- The trend in NSW local government is for a reduction in the number of Councillors

This explanatory information was approved by Ku-ring-gai Council at its meeting held on 12 August 2008. Authorised by John McKee, General Manager, Ku-ring-gai Council, 818 Pacific Highway, Gordon.

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	15 MERRIVALE ROAD, PYMBLE - ALTERATIONS AND ADDITIONS
WARD:	St Ives
DEVELOPMENT APPLICATION N^o:	553/08
SUBJECT LAND:	15 Merrivale Road, Pymble
APPLICANT:	Family Home Designers & Builders Pty Ltd
OWNER:	Mr U T & Mrs R N Mendis
DESIGNER:	Family Home Designers & Builders Pty Ltd
PRESENT USE:	Residential
ZONING:	Residential 2(c)
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Ku-ring-gai Planning Scheme Ordinance, DCP No. 38 - Residential Design Manual, DCP No. 40 - Waste Management, DCP No. 43 - Car parking, DCP No. 47 - Water Management, DCP No. 56 - Notification
COMPLIANCE WITH CODES/POLICIES:	Yes
GOVERNMENT POLICIES APPLICABLE:	SEPP 2004 (BASIX), SEPP No. 55 – Remediation of land, SREP No. 20 – Hawkesbury-Nepean River
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	12 June 2008
40 DAY PERIOD EXPIRED:	22 July 2008
PROPOSAL:	Alterations and additions
RECOMMENDATION:	Approval.

DEVELOPMENT APPLICATION N^o 553/08
PREMISES: 15 MERRIVALE ROAD, PYMBLE
PROPOSAL: ALTERATIONS AND ADDITIONS
APPLICANT: FAMILY HOME DESIGNERS & BUILDERS
PTY LTD
OWNER: MR U T & MRS R N MENDIS
DESIGNER: FAMILY HOME DESIGNERS & BUILDERS
PTY LTD

PURPOSE FOR REPORT

To determine Development Application No 553/08 for alterations and additions to an existing dwelling house.

This matter has been called by Councillor Hall.

EXECUTIVE SUMMARY

Issues:	Roof design
Submissions:	One (1) submission received
Land & Environment Court Appeal:	N/A
Recommendation:	Approval

HISTORY

Site history:

The site has historically been used for residential purposes.

Development application history:

- The application was lodged on 12 June 2008.
- The application was notified from 17 June 2008 to 1 July 2008. One (1) submission was received.
- A briefing was requested by Councillor Hall on 29 June 2008 and Councillor Cross on 2 July 2008.
- An email detailing the issues raised in the submission was sent to Councillors Hall and Cross on 9 July 2008.
- Council staff advised the applicant via letter, dated 22 July 2008, of design concerns regarding the proposed roof form.
- The application was called to Council by Councillor Hall on 24 July 2008.
- A meeting was held with the applicant concerning the amendments requested by Council officers on 28 July 2008. The applicant agreed for Council staff to condition any amendment to the carport although objected to any alteration or increase to the

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setback of the first floor roof design. The applicant stated that the proposed design is preferable for aesthetic reasons and to allow light into the theatre room.

THE SITE AND SURROUNDING AREA

The site

Zoning:	Residential 2(c)
Visual Character Study Category:	1920-1945
Lot Number:	1
DP Number:	7993
Area:	818.9m ²
Side of Street:	Eastern
Cross Fall:	North-western to South-eastern
Stormwater Drainage:	Drainage to existing system
Heritage Affected:	No
Required Setback:	9 metres (min)
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	Yes – Blue Gum High Forest (no impacts)
Urban Bushland:	No
Contaminated Land:	No

Site Description:

The site is located on the southern side of Merrivale Road. The site is irregular in shape, with a width of 16 metres and average depth of 50.2 metres. The site has an area of 818.9m². The site is situated on the low side of the street.

Development currently on site comprises a single storey dwelling house.

Surrounding development:

The adjoining property to the south-west is known as No. 11 Merrivale Road and contains a two (2) storey dwelling. The adjoining property to the north-east is known as No. 17 Merrivale Road and contains a single storey dwelling.

A heritage property known as No. 26A Merrivale Road is located on the other side of Merrivale Road, diagonally opposite the subject site.

THE PROPOSAL

The proposal involves alterations and additions to the existing dwelling as follows:

- reconfiguration of the existing ground floor, including conversion of Bedroom 3 into a dining room and conversion of the existing dining room into a stair room
- construction of a single carport in the eastern side setback
- construction of a roofed deck to the rear (south) of the dwelling
- construction of a first floor addition comprising a gallery, theatre, master bedroom with

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ensuite, walk-in-robe, study and rear balcony.

The proposed additions would be constructed in timber frame and painted weatherboard with a tiled roof.

CONSULTATION - COMMUNITY

In accordance with Development Control Plan No. 56, owners of surrounding properties were given notice of the application. In response, a submission from the following was received:

1. *Mr J. Hutcheson – No. 17 Merrivale Road, Pymble*

The submission raised the following issues:

privacy impacts from ground and first floor windows

The proposed addition features a small watercloset window at ground floor level (600mm x 800mm). The watercloset window is a modest, awning-style window with a sill height of 1.5 metres above finished floor level. As such, the window will not result in any adverse privacy impacts to the adjoining property.

The proposal also includes a double hung ensuite window at first floor level facing No. 17 Merrivale Road. To ensure the proposed window does not result in any adverse privacy impacts, it is recommended that the consent be conditioned to require provision of translucent glass and fixing of the lower sash ***(Condition 8)***.

privacy impacts from ground and first floor balconies

The proposed ground floor level deck is set back 2.79 metres from the north-eastern side boundary and complies with Council's side setback requirements. The deck will be suspended 0.7m to 1 m above ground level. There is disparate vegetation adjacent to the north-eastern side boundary on the subject site. To further enhance privacy, it is recommended that the consent be conditioned to require the provision of additional screen planting adjacent to the ground floor deck ***(Condition 9)***.

The proposed first floor level balcony is set back 6 metres from the north-eastern side boundary and complies with Council's side setback requirements. The balcony services a bedroom, which is a low usage room and will not result in any unreasonable privacy impacts.

noise impacts from ground and first floor windows and balconies

The proposed ground floor deck complies with Council's side setback requirements and will not result in any unreasonable noise impacts.

The proposed first floor balcony complies with Council's side setback requirements. In addition, the balcony adjoins a bedroom, which is a low usage room. As such, the proposed balcony is unlikely to generate any unreasonable noise impacts.

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visual bulk

The proposed development complies with Council's requirements for building setbacks, floor space ratio, first floor area, building height and building height plane. The proposed dwelling is of an appropriate scale and form and will not result in any unacceptable visual bulk impacts to the streetscape or adjoining properties.

heritage impacts due to proposed materials

The existing dwelling is not heritage listed and is not situated in an Urban Conservation Area. Nonetheless, Council's Heritage Advisor has not raised any objection to the proposed materials. The streetscape is of mixed character and comprises dwellings of various forms and styles. Subject to modifications proposed by Council's Heritage Advisor (*Conditions 6 and 7*), the proposal will have no impact on the heritage item at No. 26A Merrivale Road. The proposed additions do not detract from the character of the street and are acceptable.

solar access impacts to private open space

The subject site is located to the south-west of No. 17 Merrivale Road and will have no impact on the solar access to this property.

CONSULTATION - WITHIN COUNCIL

Landscaping

Council's Landscaping Team Leader, Ian Francis, has no objection to the proposed development, subject to the inclusion of standard landscaping conditions (*Conditions 26 and 27*).

Engineering

Council's Engineering Assessment Team Leader, Kathy Hawken, has no objection to the proposed development, subject to the inclusion of standard conditions (*Conditions 12-13, 22-25 and 29*).

Heritage

Council's Heritage Advisor, Paul Dignam, has commented on the proposed development as follows:

Heritage status

The site is not identified as having a heritage item or potential heritage item. The site is opposite a listed item at No. 26A Merrivale Road.

Clause 61E of the KPSO requires Council to make an assessment of the proposed works on the heritage significance of the nearby heritage item.

The site is not included in a Heritage Conservation Area or National Trust UCA.

Proposed works

This application is for additions and alterations including a new first floor with balcony at rear, rear deck, internal alterations and new single carport to the side of the house.

Comments

The house is a good representative example of a Federation period brick cottage and has retained most of its original detail although the face brickwork has been painted. The heritage item located on the opposite side of the road is a good example of a large house from the Federation period and there is a complementary relationship between the properties and other similar Federation period houses in the immediate streetscape.

The application largely retains the front façade but continues the roof plane over the carport and proposes a "pop top" roof addition to the main hipped roof form.

From a design point of view, the extension of the roof plane over the carport is considered inappropriate and produces an unbalanced form. It is recommended to break the roof plane with any new roof below the line of the eaves with a reduced pitch – about 15% consistent with the minimum pitch for tiled roofs. Alternatively a simple flat or low pitched metal clad roof would be appropriate. The location of the carport in line with the façade of the building is otherwise considered appropriate.

The first floor addition is set back from the front elevation with the bulk of new development to the rear of the house. This conflicts with the traditional form of housing from the Federation period which sets the formal rooms at the front under the main pitched roof and service areas at the rear under a simple skillion roof form. The proposed first floor should be set back behind the existing ridge so that the intact façade and its visual relationship with the adjoining heritage item is retained. Additional skylights could be installed to provide daylight to the proposed theatre room. Amendment to the proposed layout such as reversal of the stair would result in a reduced first floor gallery and the size of the theatre room could be retained if necessary.

Conclusions and recommendations

As proposed, the application should be modified to retain the existing complementary relationship with the near by heritage item. It is recommended that the following amendments should be undertaken:

- set the roof over the carport below the eave/gutter line of the existing house and reduce the pitch to the minimum recommended for a tiled roof (between 15 – 20% depending on manufacturer's specifications) or replace with a simple flat or low pitched metal roof*
- set the first floor addition back by 2 metres so that it is behind the ridge to retain the integrity of the existing facade and the visual relationship with the*

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nearby heritage item and other similar Federation period houses in the streetscape.

These design alterations are addressed via *Conditions 6 and 7*.

PROVISIONS OF RELEVANT LEGISLATION

STATUTORY PROVISIONS

State Environmental Planning Policy No. 55 - Remediation of Land

The provisions of SEPP 55 require Council to consider the potential for a site to be contaminated. The subject site has a history of residential use and as such, it is unlikely to contain any contamination and further investigation is not warranted in this case.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River

SREP 20 applies to land within the catchment of the Hawkesbury Nepean River. The general aim of the plan is to ensure that development and future land uses within the catchment are considered in a regional context. The Plan includes strategies for the assessment of development in relation to water quality and quantity, scenic quality, aquaculture, recreation and tourism. The proposed development is considered to achieve the relevant aims under this policy.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A valid BASIX certificate has been submitted. The certificate demonstrates compliance with the provisions of the SEPP.

Ku-ring-gai Planning Scheme Ordinance

Part A: Development standards

Development standard	Proposed	Complies
Site area: 818.9m ²		
Building height 8m (max)	5.56m	YES
Built upon areas 60%(491.34m ²)(max)	47% (383.5m ²)	YES

Part B: Aims and objectives for residential zones:

The development: (i) provides satisfactory levels of solar access & privacy to surrounding properties; (ii) is of a bulk, scale and design, characteristic of the area; (iii) maintains adequate levels of soft landscaping; (iv) provides suitable egress/ingress for vehicles; and (v) maintains the landscape quality of the municipality. Consequently, the aims and objectives for residential development as outlined by Schedule 9 have been satisfied.

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POLICY PROVISIONS

Development Control Plan No. 38 - Ku-ring-gai Residential Design Manual

Development Control	Proposed	Complies
4.1 Streetscape:		
Building setbacks (s.4.1.3) Front setback: 11 metres (Ave) - 75% front elevation 9 metres (min) - 25% front elevation Side setback: Ground floor: 2 metres (min) 1 st floor: 15% site width = 2.4 metres (min) Rear setback: 25% site depth = 12.55 metres (min)	unchanged unchanged 2.79 metres (eastern boundary) & 3.1 metres (western boundary) 2.79 metres (eastern boundary) & 3.1 metres (western boundary) 19 metres (to deck)	YES YES YES YES YES
4.2 Building form:		
FSR (s.4.2.1) 0.37:1 - 0.4:1	0.33:1	YES
Height of building (s.4.2.2) two (2) storey (max) and 7 metres (site <20° slope)	two (2) storey & 5.56 metres	YES YES
Building height plane (s.4.2.3) 45° from horizontal at any point 3 metres above boundary	complies	YES
First floor (s.4.2.4) FSR: < 40% total FSR	32.7%	YES
Roof Line (s.4.2.6) Roof height (5m - single storey) (3m - two+ storey) Roof pitch 35° (max)	1.416 metres 30°	YES YES
Built-upon area (s.4.2.7) 56% (458.84m ²) (max)	47% (383.5m ²)	YES
Unrelieved wall length (s.4.2.8) 12 metres for walls less than 4m in height 8 metres for walls more than 4m in height	No increase in unrelieved wall length is proposed	YES

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Development Control	Proposed	Complies
Solar access (4.2.11) Four (4) hours solar access to adjoining properties between 9am to 3pm	four (4) hours to all adjoining properties	YES
4.3 Open space & landscaping:		
Soft landscaping area (4.3.3) 44% (360.316m ²) (min)	53% (435.4m ²)	YES
Landscaping cut & fill (4.3.7) max cut or fill 500mm relative to natural ground	No cut or fill for landscaping purposes is proposed.	YES
no cut & fill within 2 metres of boundary		YES
Useable open space (s.4.3.8) Min depth 5 metres and min area 50m ²	Depth 19.4 metres Area 310.4m ²	YES YES
4.4 Privacy & security:		
Refer discussion in Consultation section of this report.		
4.5 Access & parking:		
No. of car parking spaces (s.4.5.1) Two (2) spaces provided	Two (2) car parking spaces provided - one (1) covered & one (1) uncovered	YES
Size of car parking space (s.4.5.2) 2.7 metres x 5.4 metres	2.85 metres wide x 5.5 metres long	YES
Design of Carports and Garages (s.4.5.3) Where forward of the building line, front setback complies with s.4.1.3 and/or the building line	setback of 6 metres complies with existing building line	YES
Driveway width (s.4.5.6) 3.5 metres	3.32 metres	YES

LIKELY IMPACTS

The proposed development will not result in any adverse impacts with regard to streetscape, privacy, solar access or visual bulk.

The site is not within a wilderness area, nor an area of critical habit. The proposal will not have any significant impact on the environment, landscape or scenic quality of the locality, threatened

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species, populations or ecological communities or their habitats or any other protected fauna or protected native plants.

SUITABILITY OF THE SITE

The site is zoned for residential purposes and is suitable for the proposed development, being residential alterations and additions.

ANY SUBMISSIONS

One (1) submission has been received. The submission has been considered in the assessment of this application.

PUBLIC INTEREST

The approval of the application is considered to be in the public interest.

CONCLUSION

Having regard to the provisions of section 79C of the Environmental Planning and Assessment Act 1979, the proposed development is considered to be satisfactory. Therefore, it is recommended that the application be approved, subject to conditions.

RECOMMENDATION

THAT the Council, as the consent authority, grant development consent to DA0553/08 for alterations and additions on land at No. 15 Merrivale Road Pymble, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
0806 sheet 00 issue B	Family Home Designers & Builders	11 June 2008
0806 sheet 01 issue B	Family Home Designers & Builders	11 June 2008
0806 sheet 02 issue B	Family Home Designers & Builders	11 June 2008
0806 sheet 02-a issue B	Family Home Designers & Builders	11 June 2008
0806 sheet 03 issue B	Family Home Designers & Builders	11 June 2008
0806 sheet 04 issue B	Family Home Designers & Builders	11 June 2008
0806 sheet 05 issue B	Family Home Designers & Builders	11 June 2008
0806 sheet 06 issue B	Family Home Designers & Builders	11 June 2008
0806 sheet 07 issue B	Family Home Designers & Builders	11 June 2008
0806 sheet 08 issue B	Family Home Designers & Builders	11 June 2008
0806 sheet 09 issue B	Family Home Designers & Builders	11 June 2008

Reason: To ensure that the development is in accordance with the determination.

2. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Reason: To ensure that the development is in accordance with the determination.

3. No demolition of extra fabric

Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

Reason: To ensure compliance with the development consent.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:

4. Notice of commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

5. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:

6. Carport roof

The roof of the proposed carport is to be set below the eave/gutter line of the existing house and reduced in pitch to the minimum recommended by the manufacturer's specifications. Details are to be shown to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To maintain streetscape character and neighbour amenity.

7. Setback of first floor addition from north-western (front) boundary

The hipped roof form of the existing dwelling is to be retained by increasing the setback of the first floor addition and associated theatre room from the front boundary by 2 metres. Details are to be shown to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To maintain the integrity of the existing façade.

8. First floor ensuite window

The first floor ensuite window on the north-eastern side elevation is to be of translucent glazing and its lower sash is to be fixed. Details are to be shown to the satisfaction of the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: To maintain privacy to the adjoining property, No. 17 Merrivale Road.

9. Screen planting to north-eastern side boundary

A plan detailing screen planting of the north-eastern side setback adjacent to the ground floor deck (for the full length of the deck) is to be submitted to and approved by the Principal Certifying Authority prior to release of the Construction Certificate. The plan shall incorporate species of a type suitable for the site conditions and location on site, with dense foliage and capable of growing to a mature height of 3 metres.

Reason: To maintain privacy to the adjoining property, No. 17 Merrivale Road.

10. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

11. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement.

12. Driveway crossing levels

Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

This development consent is for works wholly within the property. Development consent does not imply approval of footpath or driveway levels, materials or location within the road reserve, regardless of whether this information is shown on the development application plans. The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the required alignment levels fixed by Council may impact upon these levels.

The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):

13. Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:

14. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

Reason: To ensure that the development is in accordance with the determination.

15. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

16. Demolition, excavation and construction work hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 7.30am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon and 1.00pm.

Where it is necessary for works to occur outside of these hours (i.e. concrete pours and standing of plant), approval for such will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

17. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of

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- informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

18. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

Reason: To protect the environment and amenity of surrounding properties.

19. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

20. Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: To ensure public safety.

21. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

22. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: To ensure safe public footways and roadways during construction.

23. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

24. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation.

25. Drainage to existing system

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in accordance with AS3500.3 (Plumbing Code) and the BCA. No stormwater runoff is to be placed into the Sydney Water sewer system. If an illegal sewer connection is found during construction, the drainage system must be rectified to the satisfaction of Council and Sydney Water.

Reason: To protect the environment.

26. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

27. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Reason: To protect the environment.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

28. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. A36725 have been complied with.

Reason: Statutory requirement.

29. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

B Pendlebury
Development Assessment Officer

R Kinninmont
Team Leader
Development Assessment - Central

C Swanepoel
Manager
Development Assessment Services

M Miocic
Director
Development & Regulation

Attachments:
Location sketch - 977952
Zoning extract - 977952
Site plan - 977954
Floor plans - 977955
Elevation - 977956
Shadow diagram (June) – 977957

15 Merrivale Road, PYMBLE
DEVELOPMENT APPLICATION No 0553/07



04-08-2008



Zoning Extract

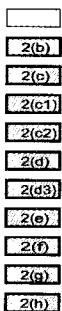
15 MERRIVALE RD PYMBLE DA 0553/07



ZONES

2. RESIDENTIAL

- (a) RESIDENTIAL A
- (b) RESIDENTIAL B
- (c) RESIDENTIAL C
- (c1) RESIDENTIAL C1
- (c2) RESIDENTIAL C2
- (d) RESIDENTIAL D
- (d3) RESIDENTIAL D3
- (e) RESIDENTIAL E
- (f) RESIDENTIAL F
- (g) RESIDENTIAL G
- (h) RESIDENTIAL H



3. BUSINESS

- (a) RETAIL SERVICES

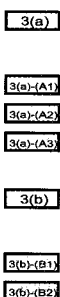
FLOOR SPACE RATIOS

- A1 2.0:1
- A2 1.0:1
- A3 0.75:1

- (b) COMMERCIAL SERVICES

FLOOR SPACE RATIOS

- B1 1.0:1
- B2 1.0:1



5. SPECIAL USES

- (a) SPECIAL USES A (Schools etc)
- (a1) SPECIAL USES A1
- (b) SPECIAL USES (Railway)

6. OPEN SPACE

- (a) RECREATION EXISTING
- (b) RECREATION PRIVATE
- (c) RECREATION PROPOSED



RESERVATIONS

OPEN SPACE

- (a) OPEN SPACE (Public Parks & Recreation)
- (b) COUNTY OPEN SPACE

SPECIAL USES

- SPECIAL USES (Parking etc)

ROADS

- (a) COUNTY ROAD PROPOSED
- (b) COUNTY ROAD WIDENING
- (c) LOCAL ROAD PROPOSED
- (d) LOCAL ROAD WIDENING

GENERAL

EXISTING COUNTY ROAD

OTHER PLANNING INSTRUMENTS



Scale:1:2500

Date:04-08-2008

proposed ground floor plan

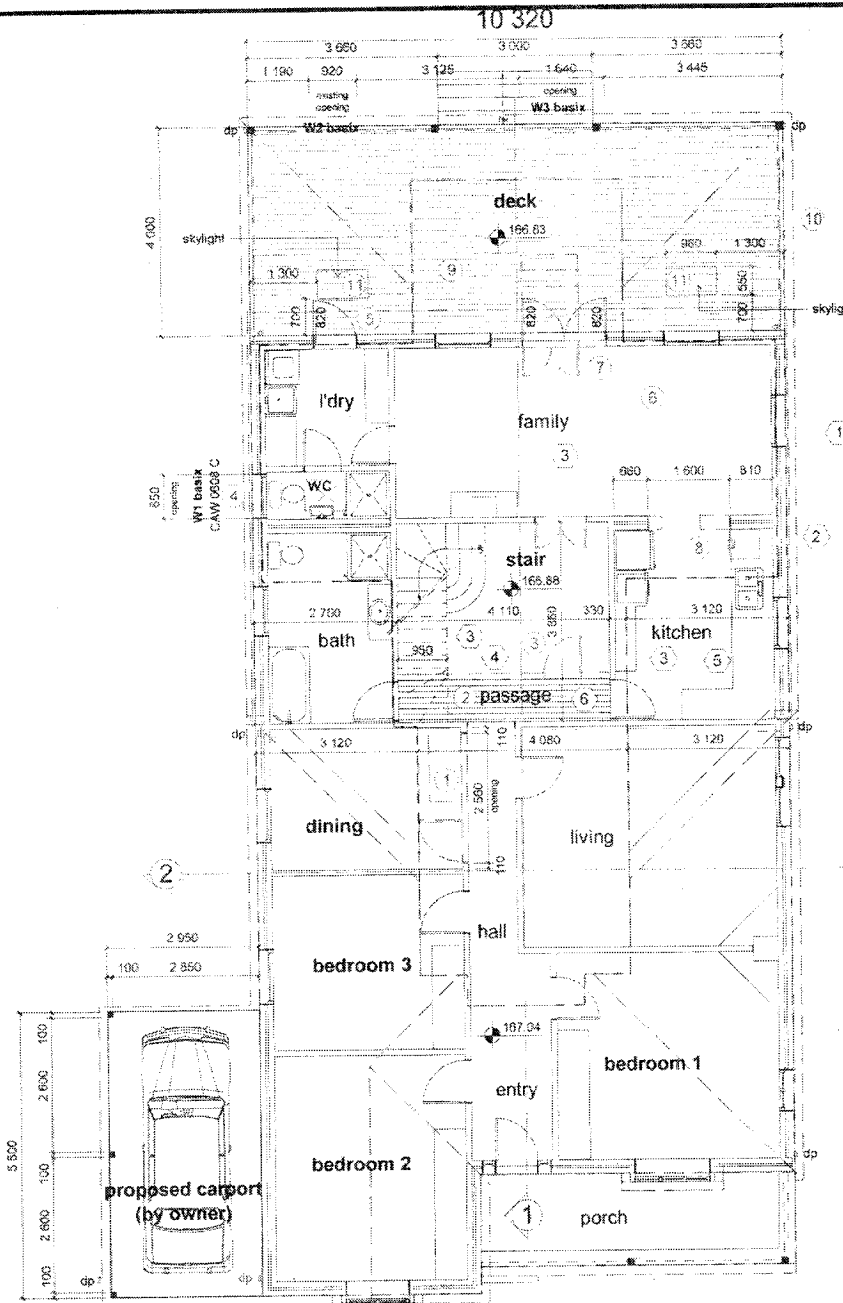
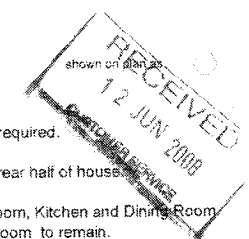
Scope of Alterations

shown on plan as

1. Make opening between new Dining Room and hallway 2500 high x 2560 wide with timber reveals. Make good wall finishes.
2. Provide new section of flooring to match flooring in Stair Room as closely as possible.
3. Make good flooring and walls where wall removed. Build up walls around Stair Room to 3000 high. Provide new ceiling to Stair Room with 90mm ornate cornice.
4. Build in new Cedar Awning window to Powder room 600 high x 800 wide. Make good wall finishes. Remove existing skylight to Powder room. Make good ceiling lining boards.
5. Remove existing Laundry window and build in new cedar glazed door with colonial bars. New door to fit in existing opening.
6. Build up walls in Family Room to 3000 high, with rendered finish. Provide new ceiling to Family Room with 90 mm ornate cornice.
7. Remove existing French doors. Make wider opening to accommodate 2 x 820 cedar glazed doors with colonial bars. Make good wall finishes.
8. Build up walls to Kitchen to 3000 high with rendered finish. Provide new ceiling to Kitchen with 90mm ornate cornice. Make full height opening 1600 mm wide between Kitchen & Family Room. New Kitchen cupboards and fixtures by Owner.
9. Build new hardwood decking on timber frame. Build new roof supported on treated pine posts and beams as indicated. Provide flat ceiling to underside of roof. Provide treated pine steps as indicated. Provide timber handrail with vertical battens around deck & steps.
10. Roof over Deck to be extended to match into existing tiled roof at front of house.
11. Provide skylights to deck on either sides of second storey balcony.

Scope of Demolition

1. Disconnect plumbing and electrics as required.
2. Demolish existing skillion roofing over rear half of house.
3. Demolish existing ceilings to Family Room, Kitchen and Dining Room. Existing ceilings to Laundry, and Bathroom to remain.
4. Demolish 3 m section of existing brick wall between Dining Room & Passage.
5. Kitchen cupboards to be replaced by Owner.
6. Remove existing flooring in passageway.



Frame & glass type

timber or uPVC, single clear or U-value: 5.71, SHGC: 0.66
timber or uPVC, single clear or U-value: 5.71, SHGC: 0.66
timber or uPVC, single clear or U-value: 5.71, SHGC: 0.66
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timber or uPVC, single clear or U-value: 5.71, SHGC: 0.66
timber or uPVC, single clear or U-value: 5.71, SHGC: 0.66

timber, doubleleaf III (or U-value: 4.3, SHGC: 0.5)
timber, doubleleaf III (or U-value: 4.3, SHGC: 0.5)

Shading device

none
eave/verandah/pergola/balcony >= 900 mm
eave/verandah/pergola/balcony >= 900 mm
eave/verandah/pergola/balcony >= 450 mm
eave/verandah/pergola/balcony >= 450 mm
eave/verandah/pergola/balcony >= 900 mm
eave/verandah/pergola/balcony >= 900 mm
eave/verandah/pergola/balcony >= 900 mm
eave/verandah/pergola/balcony >= 900 mm
eave/verandah/pergola/balcony >= 450 mm
eave/verandah/pergola/balcony >= 450 mm
eave/verandah/pergola/balcony >= 450 mm

no shading
no shading

Distance

3
10
10
10
6
6
6
6
6
2.5
10

Overhanging Height

15
10
10
10
2
14
13
13
13
14
14
15

No

W1
W2
W3
W4
W5
W6
W7
W8
W9
W10
W11

Orientation

NE
SE
SE
NE
SE
SE
SE
SE
SE
SW
NW

Area of glass

0.5
0.8
2.4
1
1
3.4
3.4
3.4
3.4
1
1
0.75

Skylights

S1
S2

0.55
0.55



Family Home
Designers & Builders P/L

14 Boundary Road
Wahroonga 2076
Fax: 9487 4599
9489 7558

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B	11.06.08	To Council - DA ser	R.Bozic	B.Bozic	Proposed:	Alterations & additions	Job No:	0806
A	14.05.08	To Contracts	R.Bozic	B.Bozic	At:	15 Merrivale Road	Sheet:	02
						Pymble	Scale:	1 : 100
Issue	Date	Description	Drawn	Chkd	For:	Upul & Rapti Mendis	Issue:	B

proposed first floor plan

Notes

- Provide acoustic batts and soundchek plasterboard to walls of Theatre.
Provide acoustic batts under Theatre floor.
- Reuse 3 x existing doors to Bed 1, Study and Theatre.
- Provide plain door access into roof space from Study. Lay 3 x 3 m floor sheets.

BASIX requirements:

Fixtures and systems

The applicant must ensure:

- a minimum of 40% of new or altered light fixtures are fitted with fluorescent, compact fluorescent or light-emitting diode lamps
- new or altered showerheads have a flow rate no greater than 9 L/min or a 3 star water rating
- new or altered toilets have a flow rate no greater than 4 L/average flush or min 3 star water rating
- new or altered taps have a flow rate no greater than 8 L/min or min 3 star water rating

Construction

The applicant must construct the new or altered construction (floors, walls & ceilings/roofs) in accordance with the specifications listed in the table below, except that:
a) additional insulation is not required where the area of new construction is less than 2 m²
b) insulation specified is not required for parts of altered construction where insulation already exists

floor above existing dwelling or building (insulation - nil)
external wall (framed weatherboard, fibre, metal clad) (insulation R 1.3 or R 1.7 including construction)
flat ceiling, pitched roof (insulation R 2.5 up for ceiling, fell/sarking for roof, medium solar absorbance < 0.475-0.70)
raised ceiling, pitched/skillion roof (insulation R 2.5 up for ceiling, fell/sarking for roof, medium solar absorbance < 0.475-0.70)

Glazing requirements

The applicant must install the windows, glazed doors & shading devices, in accordance with the specifications listed in table below. Relevant overshadowing specifications must be satisfied for each window and glazed door.

For projections described in mm, the leading edge of each eave, pergola, verandah, balcony or awning must be no more than 500 mm above the head of the window or glazed door and no more than 2400 mm above the sill.

Overshadowing buildings or vegetation must be of the height and distance from the centre and the base of the window and glazed door, as specified in the 'overshadowing' column in the table below.

Windows and glazed doors glazing requirements

No	Orientation	Area of glass	Overshadowing Height	Distance	Shading device	Frame & glass type
W1	NE	0.5	15	3	none	timber or uPVC, single clear, or U-value: 5.71, SHGC 0.66
W2	SE	1.8	10	10	eave/verandah/pergola/balcony >= 900 mm	timber or uPVC, single clear, or U-value: 5.71, SHGC 0.66
W3	SE	3.4	10	10	eave/verandah/pergola/balcony >= 900 mm	timber or uPVC, single clear, or U-value: 5.71, SHGC 0.66
W4	NE	1	2	6	eave/verandah/pergola/balcony >= 450 mm	timber or uPVC, single clear, or U-value: 5.71, SHGC 0.66
W5	SE	1	14	6	eave/verandah/pergola/balcony >= 450 mm	timber or uPVC, single clear, or U-value: 5.71, SHGC 0.66
W6	SE	1	13	6	eave/verandah/pergola/balcony >= 900 mm	timber or uPVC, single clear, or U-value: 5.71, SHGC 0.66
W7	SE	3.4	13	6	eave/verandah/pergola/balcony >= 900 mm	timber or uPVC, single clear, or U-value: 5.71, SHGC 0.66
W8	SE	1	13	6	eave/verandah/pergola/balcony >= 900 mm	timber or uPVC, single clear, or U-value: 5.71, SHGC 0.66
W9	SE	1	14	6	eave/verandah/pergola/balcony >= 450 mm	timber or uPVC, single clear, or U-value: 5.71, SHGC 0.66
W10	SW	1	5.5	2.5	eave/verandah/pergola/balcony >= 450 mm	timber or uPVC, single clear, or U-value: 5.71, SHGC 0.66
W11	NW	0.75	15	10	eave/verandah/pergola/balcony >= 450 mm	timber or uPVC, single clear, or U-value: 5.71, SHGC 0.66
Skylights						
S1		0.55			no shading	timber, double/air fill (or U-value: 4.3, SHGC 0.5)
S2		0.55			no shading	timber, double/air fill (or U-value: 4.3, SHGC 0.5)

Proposed: Alterations & additions

At: 15 Merrivale Road

Pymble

For: Upul & Rapti Mendis

Job No: 0806

Sheet: 03

Scale: 1:100

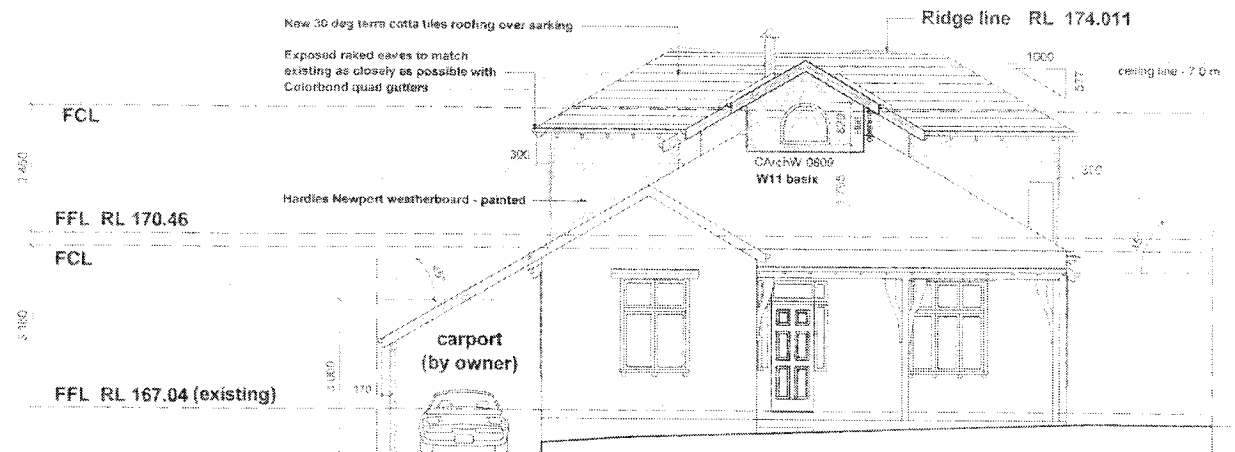
Issue: B

Family Home
Designers & Builders P/L

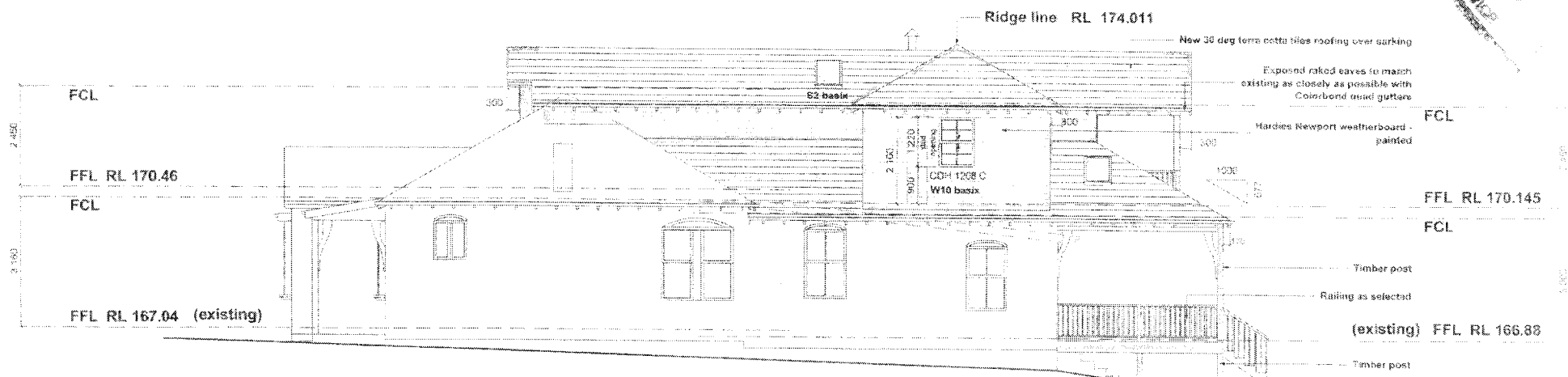
14 Boundary Road
Wahroonga 2076
Fax: 9487 4399
9489 7558

B 11.06.08 To Council - DA set
A 14.05.08 To Contracts

R.Bozic B.Bozic
R.Bozic B.Bozic
Drawn Chkd



north/west elevation



south/west elevation



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Designers & Builders P/L

14 Boundary Road
Wahroonga 2076
Fax: 9487 4599
9489 7558

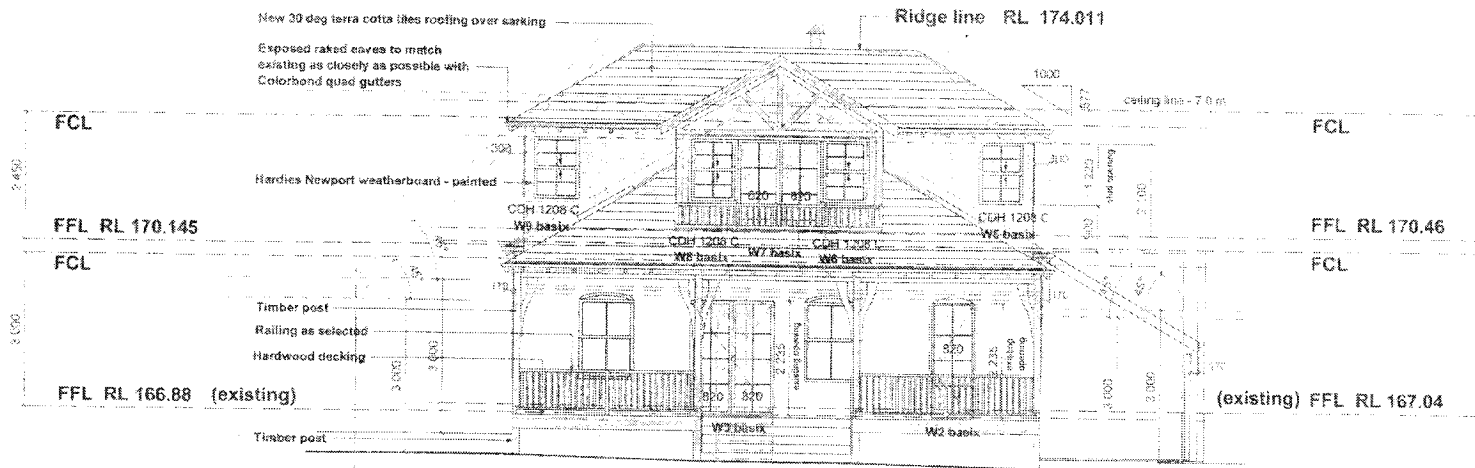
Issue	Date	Description
B	11.06.08	To Council - DA set
A	14.05.08	To Contracts

R.Bozic	B.Bozic
R.Bozic	B.Bozic
Drwn	Chkd

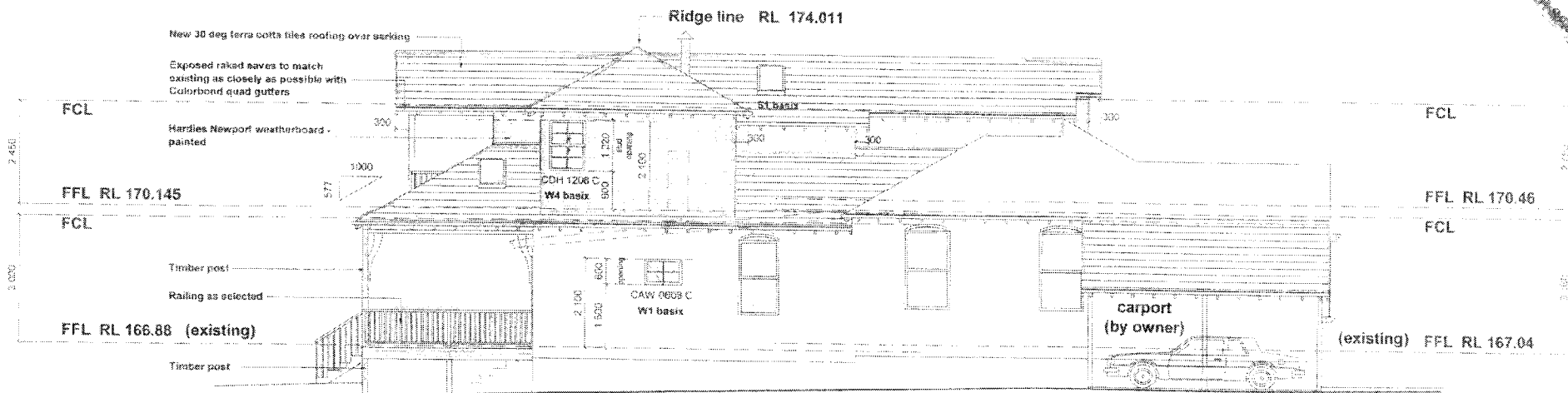
Proposed: Alterations & additions
At: 15 Merrivale Road
Pymble
For: Upul & Rapti Mendis

Job No	0806
Sheet	05
Scale	1:100
Topic	B

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south/east elevation



north/east elevation

RECEIVED
12 JUN 2008



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14 Bonbrandy Road
Wahroonga 2076
Fax: 9487 4599
9489 7558

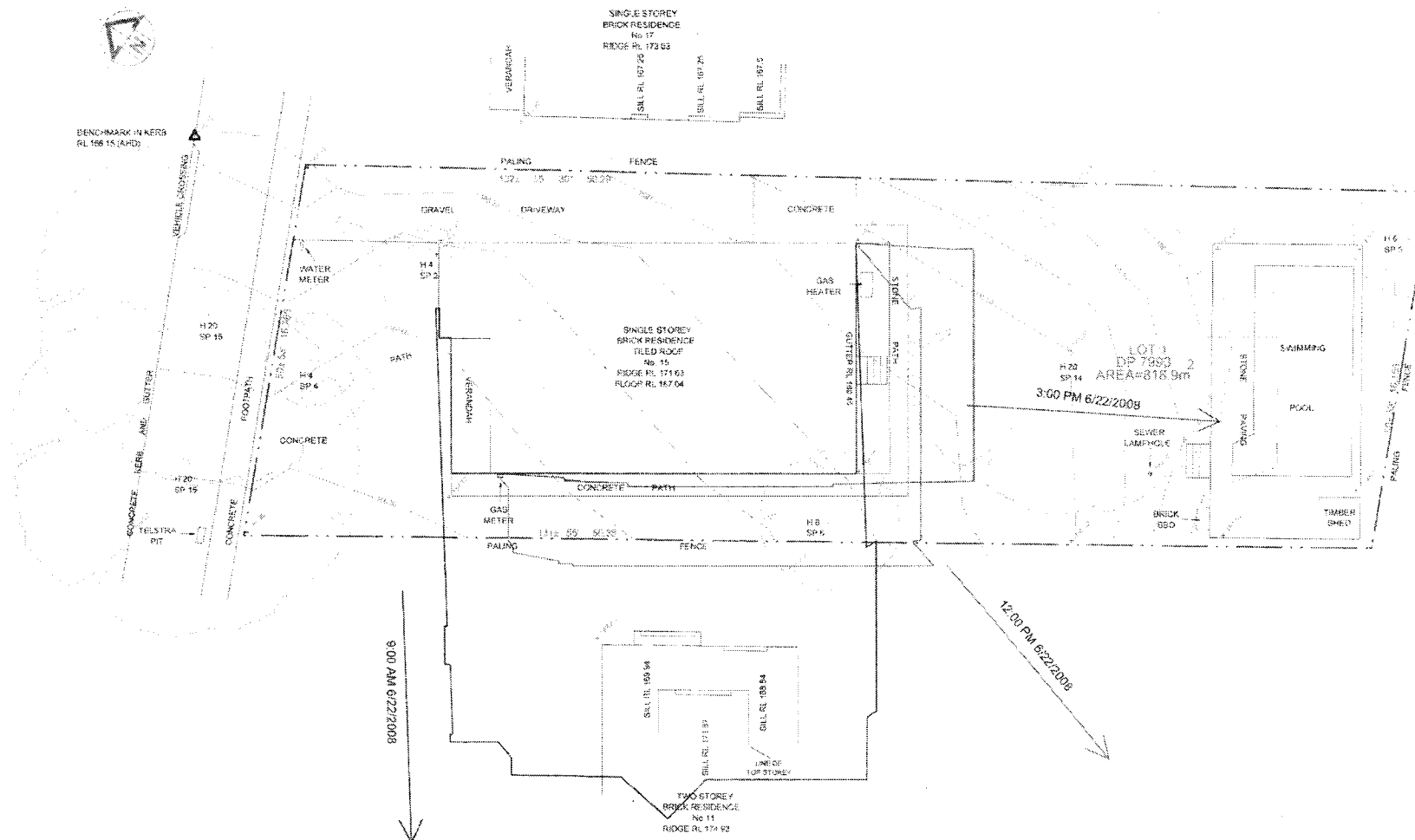
B	11.06.08	To Council - DA set	R. Bozic	B. Bozic
A	14.05.08	To Contracts	R. Bozic	B. Bozic
Issue	Date	Description	Drawn	Chkd

Proposed: Alterations & additions
At: 15 Merrivale Road
Pymble
For: Upul & Rapti Mendis

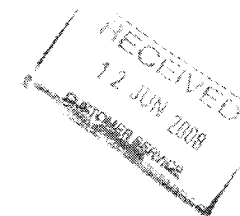
Project No: **0806**
Sheet: **06**
Scale: **1:100**
Title: **B**

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existing



shadow diagrams on 22 june at 9 am and 12 & 3 pm



Family Home
Designers & Builders P/L

14 Bonnlare Road
Wahroonga 2076
Fax: 9487 4599
9489 7558

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B	11.06.08	To Council - DA set	R.Bozic	B.Bozic
A	14.05.08	To Contracts	R.Bozic	B.Bozic
Issue	Date	Description	Drawn	Chkd

Proposed: Alterations & additions
At: 15 Merrivale Road
Pymble
For: Upul & Rapti Mendis

Job No: 0806
Sheet: 07
Scale: 1:200
Issued: B

ENDANGERED ECOLOGICAL COMMUNITIES - VEGETATION MAPPING

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report to Council opportunities to fund the mapping of critically endangered and endangered ecological communities for the preparation of the Local Environment Plan.
BACKGROUND:	At the Ordinary Meeting of Council on 29 July 2008, Council considered a report on the mapping of critically endangered and endangered ecological communities as part of the preparation of the Principal Local Environment Plan (LEP). Council resolved to investigate further funding opportunities to enable the vegetation mapping to continue in order to meet the timetable for the preparation of the Local Environment Study (LES) as part of the LEP process.
COMMENTS:	To meet the timeframes imposed by the Department of Planning for the preparation of a Local Environment Study, it will be necessary for Council to rely on a combination of permanent and casual staff, consultants and the Sydney metropolitan Catchment Management Authority's vegetation mapping undertaken by the Department of Environment and Climate Change. To provide a robust vegetation mapping data set, it is recommended that targeted validation be undertaken for the Sydney Metropolitan area and comprehensive validation be undertaken for Hawkesbury Nepean catchment area. This has an estimated cost of \$236,037. This is not funded within the 2008/09 budget and if an internal reserve is to be used it would require a specific resolution of Council.
RECOMMENDATION:	That Council consider this report and make a resolution as to the source of funds to undertake the project as outlined.

PURPOSE OF REPORT

To report to Council opportunities to fund the mapping of critically endangered and endangered ecological communities for the preparation of the Local Environment Plan.

BACKGROUND

At the ordinary meeting of Council on 29 July 2008, Council considered a report titled 'Local Environment Study, natural environment and indigenous heritage update'. The purpose of this report was to provide an update on aspects of the local environment plan and to seek Council's direction as to their scope and timing. At this meeting it was resolved:

- A. *That Council receive and note the update report on the progress of the Local Environment Study for the Principal Local Environmental Plan in relation to the natural environment and indigenous heritage, in particular in the areas under the control of the Planning Panel.*
- B. *That Council approve a re-allocation of \$60,000 from the Environmental Levy Aerial Mapping Project line item, to assist in the vegetation mapping.*
- C. *That Council support the re-allocation to the vegetation mapping project of 2 staff members funded by the Environment Levy for 2 days a week, each for 6 months from July 2008.*
- D. *That Council allocate \$40,000 from the Contingency Reserve from the 2007/2008 budget, subject to end of financial year review. If funds are not available, they be allocated at the first quarter (2008/2009) budget review.*
- E. *That the General Manager provide an urgent report at the next Council meeting on how the balance of the funding for the vegetation mapping could be sourced.*
- F. *That a report be submitted before the end of this Council on the Panel's timetable and the financial implications of this for the comprehensive LEP.*

This report addresses resolution E.

COMMENTS

In the report considered by Council on this matter on 29 July 2008 the process for mapping vegetation across the two major catchment areas (Sydney Metropolitan and Hawkesbury Nepean), were discussed. In the report it was outlined that vegetation mapping is currently underway by the Department of Environment and Climate Change (DECC) on behalf of the Sydney Metropolitan Catchment Management Authority (SMCMA). This mapping involves the compilation and review of existing mapping products over the catchment management authority's area, as well as undertaking additional survey quadrats, creation of a canopy map (incorporating areas > 0.1ha) through the use of image recognition software (*Definiens Developer 7.0*), modelling presence of vegetation communities and assigning attributes to canopy mapping.

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30 July 2008

This mapping will provide the necessary information to enable a conservation significance assessment that is critical to the Local Environment Study that in turn will inform the preparation of the Local Environment Plan. To supplement this information, it is recommended that Council undertake a validation of key areas following the current method. It is envisaged that this will focus on approximately 14 tiles and will cost \$107,000 (refer to **Attachment 1**). Selection of the key areas would turn on potential corridor links, town centre areas and areas of known ecological significance.

The focus of the largest part of the additional funding relates to the mapping within the Hawkesbury Nepean catchment area. In the report presented on 29 July 2008 it was noted that in order to meet the timeframes to complete the work for this catchment (then 11 weeks) a number of consultants and contract staff would need to be engaged with an estimated cost of \$229,037.

A summary of the financial position is:

Cost

Validate areas within Sydney Metropolitan area = \$107,000

Map and validate Hawkesbury Nepean catchment area = \$229,037

Income, as resolved by Council on 29 July 2008

Environmental levy \$60,000

Allocation from the Contingency Reserve (from the 2007/2008 budget - subject to end of financial year review = \$40,000

Balance of funds required \$236,037

Noting the above there are a number of concerns that have the potential to effect the completion of the mapping within the timetable set by the Department of Planning for the Local Environment Study.

1. Availability of consultants and other skilled staff. It is foreseeable that access to consultants or recruitment of part time or casual staff with the necessary vegetation identification and/ or GIS skills will impact on the cost estimates for this project. The current estimate has assumed an extension to the contract of three casual staff. As this project has a short timeframe and the terms of their employment are linked to the Local Government Award, there are no guarantees that these people can be bound to complete the project. The alternative is to appoint them as contractors however this will significantly add to the cost of the project as the costs have been calculated on hourly rates, with contractors being significantly higher than those employed by Council.
2. Data transfer from DECC. Canopy mapping within the Hawkesbury Nepean catchment is beyond the current scope of contract the DECC has with the Sydney Metropolitan Catchment Management Authority. As such provision of data from DECC is dependent on their completion of parts of the Sydney Metropolitan area mapping process before they can move to the Hawkesbury Nepean area. Council has and will continue to have discussion with DECC on this matter as both parties recognise the mutual benefits and time constraints.
3. Shale Sandstone Transition Forest (SSTF). This is another endangered ecological community listed under the *Threatened Species Conservation Act 1995*. This community has recently been identified and recognised within the local government area (LGA). Its

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30 July 2008

existence has been validated by both DECC and Council. There are a number of issues that arise from this identification including how this community is differentiated from Sydney Turpentine Ironbark Forest (STIF) within the Shale / Sandstone transition. While the mapping of this vegetation community will continue, its impact on regional scale vegetation conservation and recovery and the preparation of Local Environmental Study remains unknown.

4. Modifications to the species lists that define the three vegetation communities (Blue Gum High Forest (BGHF), STIF and SSTF) are likely to change as a result of Council's and DECC mapping. This will require ongoing consultation and may require a review of the determination by the NSW Scientific Committee.
5. Data validation and quality control. The accuracy of Council's data systems must undergo a quality assurance process. This is necessary to ensure that the data collected is as accurate and consistent as possible within and between the work by Council and the DECC. It is anticipated that this will be carried out by Council staff (within current ordinary budget allocation), though the extent of the work will mean some data validation is likely to fall outside the timing set by the Department of Planning timeframe, that in turn may reduce the reliability of some data .
6. Compatibility of Council's GIS system with the technical needs of the mapping process. Council has currently committed to a upgrading of the GIS system within this financial year. This is a significant project that may require a tender process. To date the GIS data entry has relied on the use of a trial software product. This will expire in coming weeks. Should an extension to this trial software not be given, it is foreseeable that there will be a delay in the data entry and subsequent interpretation.
7. The timeframes have not allowed for wet weather and other variables that can impact on the collection of field based information.

Notwithstanding the above, it is important to recognise that the mapping process has brought together various data sets that are able to inform to a lesser degree the existence and location of various vegetation communities across the LGA. These include:

- Tozer, M. (2003) The native vegetation of the Cumberland Plain, western Sydney: systematic classification and field identification of communities. *Cunninghamia* 8(1): 1-75
- Tozer, M. G., Turner, K., Simpson, C., Keith, D.A., Beukers, P., MacKenzie, B., Tindall, D and Pennay, C. Native vegetation of southeast NSW: a revised classification and map for the coast and eastern tablelands. Version 1.0 (SCIVI) Published by Department of Environment and Climate Change and Department of Natural Resources
- NSW Maritime and Sydney Metro CMA (2008) Sydney Harbour Foreshore and Estuarine Mapping.

Each of these will be able to inform at some level an assessment of the vegetation characteristics of Ku-ring-gai.

A timetable for the completion of the Ku-ring-gai Planning Panel LEP was adopted on 30 July 2008. The timetable includes completion of detailed vegetation mapping and environmental assessments to address environmental protection issues within the six Ku-ring-gai Planning Panel Town Centre boundaries. The timetable proposes the exhibition of a draft LEP in November/ December 2008.

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30 July 2008

In addition, Council adopted on 29 April 2008 an indicative timeframe for the completion of the Ku-ring-gai Principal LEP by 2010. This incorporated various studies including vegetation mapping. These will be linked to the initial work undertaken for the Ku-ring-gai Planning Panel (KPP) Boundaries.

CONSULTATION

Given the urgent nature of this report, no community consultation has been undertaken in preparation of this report.

FINANCIAL CONSIDERATIONS

As the 2007/08 Financial Statements are still being prepared it is recommended that the additional funding required for the project comes from Council's internal reserves rather than Working Capital.

At the time of writing this report Council's internal reserve balances were:

2007/2008						
Reserve	Balance at 1/7/07	Income	Expenditure	Balance	Interest Allocation	Balance at 30/6/08
INTERNALLY RESTRICTED RESERVES						
Employee Leave Entitlements	1,350,193	20,000	-	1,370,193		1,370,193
Drainage	225,857	210,000	359,744	76,113	5,043	81,156
Footpath	270,665	210,000	210,000	270,665	9,040	279,705
Sportsfield Improvement	281,282	215,000	138,969	357,313	10,664	367,977
Facilities	6,319,595	819,000	1,221,639	5,916,956	204,341	6,121,297
Infrastructure Restoration	299,412	709,581	325,800	683,193		683,193
Street Furniture	283,161	223,751	2,101	504,812		504,812
Loan Reduction - WODCB	1,015,837	1,797,000	1,713,229	1,099,608		1,099,608
Election	382,700	70,000	-	452,700		452,700
Kindergarten	7,000	-	7,000	-		-
Plant Replacement	108,779	350,000	400,000	58,779		58,779
Library	9,000	-	9,000	-		-
Gordon Parking Fund	159,770	-	66,500	93,271		93,271
Wahroonga Parking Fund	161,487	-	-	161,487		161,487
Ryde Road Parking Fund	286,285	-	-	286,285		286,285
Roseville Parking Fund	36,436	-	-	36,436		36,436
Lindfield Parking Fund	18,614	-	-	18,614		18,614
Insurance	163,826	-	-	163,826		163,826
Contribution To Works	297,346	2,365,454	2,351,155	311,645		311,645
Golf Course Levy	1,098,365	235,505	17,700	1,316,170		1,316,170
Golf Course Upgrade	35,000	-	-	35,000		35,000
Playground	50,642	-	-	50,642		50,642
Tree Planting	35,000	-	35,000	-		-
Natural Environment Reserve	32,500	-	32,500	-		-
Swimming Pool Reserve	108,600	-	26,355	82,245		82,245
Parks	25,000	-	-	25,000		25,000
Superannuation Reserve	1,000,000	-	-	1,000,000		1,000,000
Bonds & Deposits	525,000	125,000	-	650,000		650,000
Contingency	207,440	8,000	40,000	175,440		175,440
St Ives Showground (Environmental Remediation)	19,301	-	-	19,301		19,301
St Ives Showground	150,000	-	150,000	-		-
Revolving Energy Fund	20,519	-	-	20,519		20,519
Telco	5,543	-	5,543	-		-
Catchment Management	150,000	-	-	150,000		150,000
Tennis Court	120,000	132,000	-	252,000		252,000
Revenue Fund Carry Forward works	515,200	-	497,484	17,716		17,716
SUB-TOTAL INTERNAL	15,775,355	7,490,290	7,609,718	15,655,928	229,088	15,885,017

Item 4

S06413
30 July 2008

It should be noted that end of year procedures and postings are still being finalised and the above figures are not finalised until the 2007/08 Financial Statements are audited and adopted by Council.

The definition for what internal reserves can be used for is included in Council's 2008-2012 Management Plan and are as follows:

Reserve	Use
Bond/security reserve	To facilitate the refund of bonds held by Council Target: 20% of deposits, retentions and bonds liability.
Catchment management	To fund new capital and renewal works relating to catchment management.
Contingency reserve	To make allowance for unforeseen, unplanned, non-discretionary costs that may arise during the financial period that are not included in Council's budget Target: Maintain 0.5% of net rates
Contribution to works	To restrict external contributions received for specific works, particularly when contributions are received late in the financial year
Election reserve	To amortise the cost of holding a Council election over the four year term of the Council
Employee leave entitlements	To fund a minimum of 15% of the total employee leave entitlements liability. This is in addition to amounts budgeted annually to cover expected commitments in the current financial year
Golf course levy	To fund capital and renewal works at Council's golf courses
Infrastructure and facilities reserve	To fund infrastructure programs and other asset renewal works. Additionally, to purchase associated land or land deemed to be environmentally sensitive
Insurance reserve	To fund unplanned increases in the cost of Council's insurances
Parking funds	To fund capital projects relating to the provision of car parking facilities
Plant replacement reserve	To fund the replacement of Council's passenger and operational fleet
Revenue fund carried forward works	To fund revenue funded carry-over works from a previous financial year
Revolving energy fund	Funds set aside to fund future energy initiatives to further reduce electricity consumption within Council
St Ives Showground environmental remediation reserve	To fund environmental remediation at St Ives Showground funded from car parking charges

Item 4

S06413
30 July 2008

Reserve	Use
Superannuation reserve	To fund the anticipated resumption of full employer contributions to the Local Government Superannuation Scheme
Swimming pool reserve	To fund the future replacement and renewal of Council's swimming pool
Tennis court reserve	To fund new capital and renewal works relating to tennis courts

In relation to the Contingency Reserve, it is anticipated that these funds will be required for the cost of the Planning Panel and legal costs associated with the court proceedings in relation to the Panel. On the basis of the definitions and balances above it is suggested that the Infrastructure and Facilities Reserve could be used to fund the project. Although the scope of the project does not fall within the use outlined in the above table, Council has the discretion to allocate funds from internal reserves at anytime.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This report has been prepared in consultation with Strategy and Corporate Departments

SUMMARY

The vegetation mapping project is a significant initiative for Ku-ring-gai Council. The scope of the project and particularly the field validation subsequent to the aerial photography interpolation is a resource intensive process. The proposal outlined in this report seeks to rely on the mapping being undertaken by the Department of Environment and Climate Change for the Sydney Metropolitan Catchment Management Authority coupled with some specific validation within key area. For the Hawkesbury Nepean Catchment this will include validating the whole catchment within the local government area less land within National Park estate. To undertake this exercise, it is anticipated that this will cost \$236,037. Funding for this is available within various reserves. However these reserves are restricted for specific purposes and would require a separate resolution to enable their use for an operational project as proposed.

RECOMMENDATION


That Council consider this report and make a resolution as to the source of funds to undertake the project as outlined.

Peter Davies
Manager Corporate Planning & Sustainability





Tino Caltabiano
Acting Director Corporate

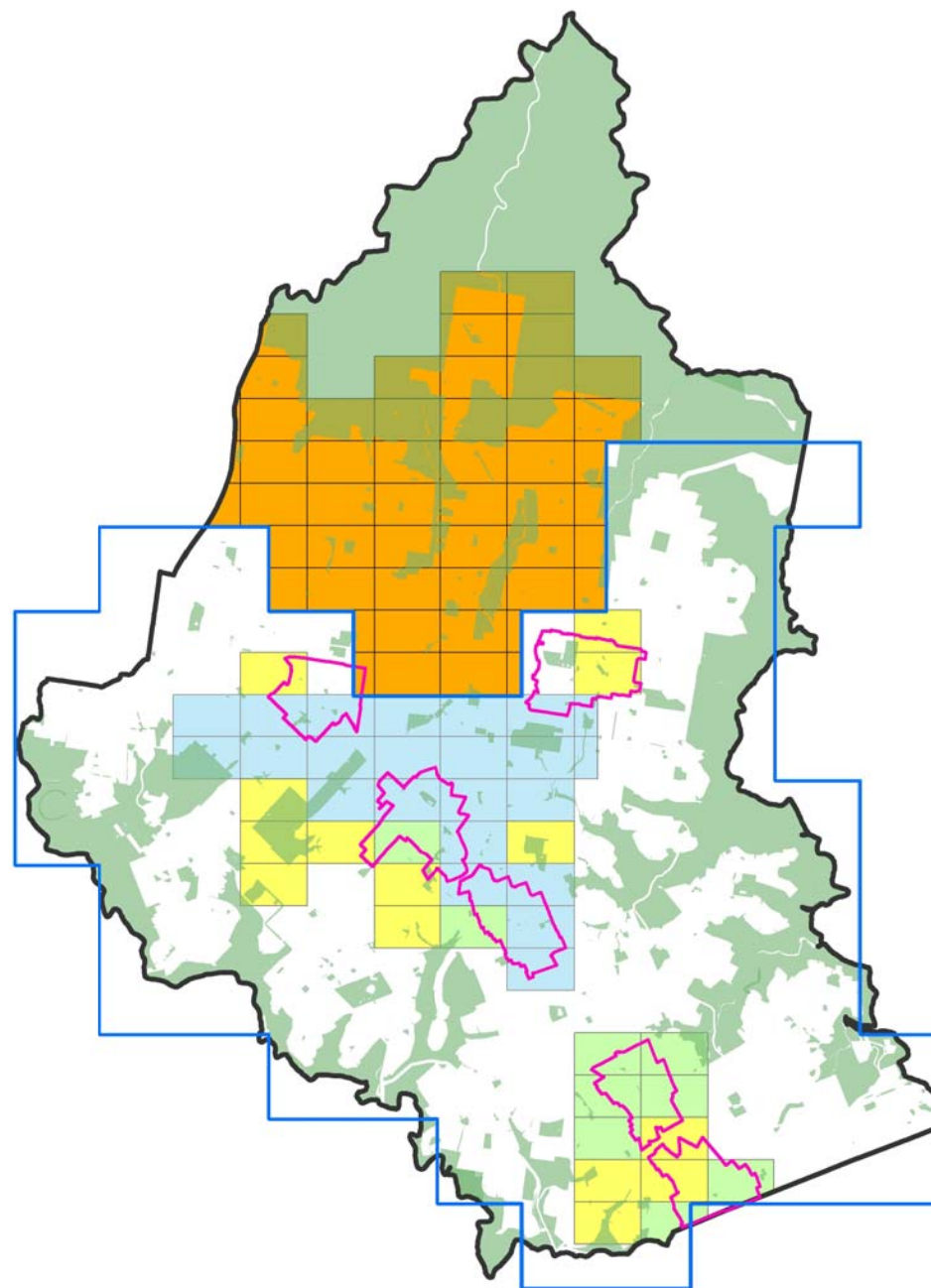
Attachments: Map of Threatened Ecological Community Mapping Status - 978086

Legend

-  LGA
-  Sydney Metro CMA area: DECC Polygons supplied
-  LEP Town Centers
-  Lands excluded from mapping - DECC Estate and Council Managed Lands

Mapping Status

-  Field Validated, Post Field GIS undertaken, Quality Control underway
-  Hawkesbury Nepean CMA area to be mapped: DECC Polygons yet to be supplied
-  Planned Field Validation - starting 5th August
-  Example of Key Areas within Sydney Metro CMA – areas to be mapped whilst awaiting provision of Hawkesbury Nepean CMA data



MAPPING WILL:

- Cover KMC PREDICT EECs & Cumberland Plain 2001 EECs (not shown)
- Exclude DECC Estate and Council Managed Lands

This will be undertaken square by square

1 0.5 0 1 Kilometers



Threatened Ecological Community Mapping Status

Date: 4 August 2008

451 MONA VALE ROAD, ST IVES - SUB-LEASE TO HONDA AUSTRALIA MOTORCYCLES & POWER EQUIPMENT PTY LTD

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To seek Council's approval to enter into a new sub-lease with Honda Australia Motorcycles and Power Equipment Pty Ltd for use of the H.A.R.T facility at 451 Mona Vale Road, St Ives.

BACKGROUND:

The site is owned by the Crown and leased to Council until 10 July 2019. Honda Australia Pty Ltd have sub-leased the site since 1998.

COMMENTS:

Both Honda Australia Pty Ltd and Honda Australia Motorcycles and Power Equipment Pty Ltd (MPE) have submitted written requests advising of the change in management and requesting a transfer of the new sub-lease.

RECOMMENDATION:

That a further five year term with a five year option to the sub-lease of Lots 2844 and 2845 DP 822242 Mona Vale Road, St Ives be granted to Honda Australia Motorcycles and Power Equipment Pty Ltd for the operation of a road safety and training facility effective 19 August 2008.

PURPOSE OF REPORT

To seek Council's approval to enter into a new sub-lease with Honda Australia Motorcycles and Power Equipment Pty Ltd for use of the H.A.R.T facility at 451 Mona Vale Road, St Ives.

BACKGROUND

The site is owned by the Crown and leased to Council until 10 July 2019. Honda Australia Pty Ltd has sub-leased the site since 1998 with the current sub-lease expiring on 18 August 2008. The site is used for the operation of a road safety and training facility known as Honda Australia Roadcraft Training (H.A.R.T).

On 24 April 2007, Council resolved:

- A. *That a further five year term with a five year option to the sub-lease of lots 2844 and 2845 DP 822242 Mona Vale Road be granted to Honda Australia Pty Ltd for the operation of a road safety and training facility effective 19 August 2008, and subject to:*
 - i. *consent of the Department of Lands*
 - ii. *a review of commercial terms and conditions of the new sub-lease*
- B. *That the Mayor and General Manager be authorised to sign the sub-lease documentation.*
- C. *That the Common Seal of Council be affixed to all necessary documents associated with the lease renewal.*

Since that time, representatives from Honda Australia Pty Ltd have approached Council to discuss the transfer of the management of the H.A.R.T facility from Honda Australia Pty Ltd to Honda Australia Motorcycles and Power Equipment Pty Ltd (Honda MPE) and in doing so any new sub-lease will be issued to Honda MPE.

COMMENTS

H.A.R.T is one of only three dedicated road safety and training facilities in Australia. The other two are located in Brisbane and Perth. The centre is used for both commercial and community based driver training programs. H.A.R.T holds commercial contracts with Australia Post and the Roads and Traffic Authority. Income from these contracts is used to offset the cost of providing community based programs. The community based programs conducted at the facility are:

Group Course/Usage

- | | |
|-------------------------------|--|
| • High School students | RYDA program (\$13,000 per annum) |
| • Primary School students | CARES (\$5,000 per annum) |
| • Learner drivers & P-Platers | Low cost Learner & Defensive driving courses |
| • Senior citizens | Probus Mature Aged Driver seminars |

Item 5

P52792
1 August 2008

- Manly Warringah Cycle Club Circuit used for training
- District Scouts Circuit is used for their billycart derby
- Youth off the Streets Driver training for under-privileged youths
- Traffic Offenders Program

Both Honda Australia Pty Ltd and Honda MPE have submitted a written request seeking a transfer the new sub-lease (**Attachment 1**). This request is to ensure that commercial contracts for motorcycle and road training will be secured into the future.

Additionally, Honda MPE have provided further information regarding their organisational structure and financial capability to take over the management of the H.A.R.T facility (**Attachment 2**). Important to note is that Honda has assured their commitment to community based programs and activities undertaken at the facility will not alter.

On the 24 July 2008, the Department of Lands advised as follows;

"Council has the approval of the Department of Lands to commence private treaty sub-lease negotiations with Honda Australia [Honda MPE] for the purpose and the term nominated."

Council's solicitors have reviewed both the head-lease between Council and the Department along with the current sub-lease to ensure that any future sub-lease does not contravene the head-lease. This will ensure that any future sub-lease incorporates commercial terms and conditions not previously considered.

Valuers have been engaged to determine the market rental for the new sub-lease term. The firm chosen has previously worked for the State Valuation Office and are familiar with determining values for State and Local Government sites.

Given that there is now an opportunity to review the terms and conditions of a new sub-lease the valuers have been requested to provide a market rental range that would reflect the operations of the facility based on community and commercial occupancy. This range will form the basis for negotiations with Honda MPE.

CONSULTATION

Prior to entering into negotiations for the new sub-lease, consultation has been undertaken with Department of Lands, Council's solicitors and valuers.

Council staff will negotiate the Heads of Agreement within the determined rental range based on the level of provision of ongoing community based activities while taking into consideration the actual commercial development of the new management structure.

Council's solicitors will prepare all sub-lease documentation for submission to The Department of Lands. The Department of Lands then has the responsibility to obtain Ministerial approval on the final sub-lease documentation.

FINANCIAL CONSIDERATIONS

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)(c) of the Act, and was dealt with as part of the meeting closed to the public.

Section 10A(2)(c) of the Act permits the meeting to be closed to the public in respect of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

This matter is classified confidential. It deals with the proposed commercial leasing negotiations of property.

It is not in the public interest to release this information as it would prejudice Council's ability to conduct negotiations with the tenant on the appropriate terms and conditions.

The Valuer has determined the market rental (**Confidential Attachment 3**) for the new sub-lease term to provide a range which would enable negotiations that would balance community based and commercially based operations at the facility.

Honda MPE have provided information regarding the company structure and financial capability. This confirms their capacity to meet the obligations of a new sub-lease.

Confidential Attachment 4 provides details of the current head-lease and sub-lease arrangements.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Staff within the Strategy Department have provided input into this report.

SUMMARY

In 2007, Council resolved to enter into a new sub-lease for a further five year term with a five year option to Honda Australia Pty Ltd, effective 19 August 2008.

Honda Australia Pty Ltd is now requesting that the new sub-lease be transferred to Honda MPE due to the change in management at the H.A.R.T facility. This will ensure that commercial contracts for motorcycle and road training will be secured into the future.

Council staff have liaised with the Department of Lands and received in principle, agreement to negotiate the new sub-lease with Honda MPE.

The new sub-lease will be developed to ensure that it does not contravene the head-lease. It will incorporate commercial terms and conditions, along with a new rental amount negotiated within the determined range. Importantly all negotiations will ensure that the sub-lease documentation embodies the lessee's commitment to the development of ongoing community programs.

RECOMMENDATION

- A. That a further five year term with a five year option to the sub-lease of lots 2844 and 2845 DP 822242 Mona Vale Road St Ives be granted to Honda Australia Motorcycles and Power Equipment Pty Ltd for the operation of a road safety and training facility effective 19 August 2008, and subject to:
 - i. a new sub-lease reflecting commercial terms and conditions
 - ii. the new rental be negotiated within the determined range
 - iii. Ministerial approval of the terms and conditions of the new sub-lease.
- B. That the Mayor and General Manager be authorised to sign the sub-lease documentation.
- C. That the Common Seal of Council be affixed to all necessary documents associated with the sub-lease renewal.
- D. That Council be advised of the outcome of negotiations via formal memo.

Deborah Silva
Manager Strategic Assets & Services

Peter Davies
Acting Director Strategy

Attachments:

- 1. Correspondence from Honda - 947151
- 2. Correspondence from Honda MPE - 947012
- 3. Valuations - Confidential - circulated under separate cover
- 4. Financials - Confidential - circulated under separate cover

HONDA

Honda Australia Pty. Ltd.

ACN 004 759 611 ABN 66 004 759 611
95 Sharps Road Tullamarine VIC 3043
Locked Bag 95 Tullamarine VIC 3043
Telephone (61 3) 9285 5555
Facsimile (61 3) 9285 5500
honda.com.au



Ms Deborah Silva
Manager Strategic Assets & Service
Ku-ring-gai Council
Locked Bag 1056,
PYMBLE NSW 2073

30 May 2008

Dear Deborah

RE: Transfer of HART St Ives Management from Honda Australia Pty Ltd to Honda Australia Motorcycle & Power Equipment Pty Ltd

Further to our meeting on 26th November 2007 between Honda and Ku-ring-gai Council and subsequent correspondence, please accept this letter as formal notification of the change of operational management of HART St Ives from Honda Australia Pty Ltd (Honda Australia) to Honda Australia Motorcycle & Power Equipment Pty Ltd (Honda MPE).

As you aware, Honda MPE is a fully owned subsidiary of Honda Australia and the change to HART St Ives will be in management form only with no material changes to the operations of the centre.

The management change will take effect on 19th August 2008.

The current lease for 451 Mona Vale Road, St Ives between Honda Australia and Ku-ring-gai Council expires on 18th August 2008. Honda MPE will enter into the new lease for the centre from 19th August 2008.

Both Honda Australia and Honda MPE understand the requirement and importance of ensuring the on-going provision of community based activities and is fully committed to the provision of such.

Stuart Strickland, Managing Director of Honda MPE provides separately to council information on Honda MPE's operations in Australia and confirmation of its financial position.

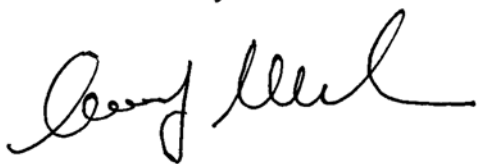


Certified
Environmental
Management
CEM20368
SAI Global

Deborah, thank you for your assistance and support on this matter and also for your previous support to HART St Ives in general.

Please contact me on 03 9285 5521 should you require any further clarification on the above.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carolyn McMahon', written in a cursive style.

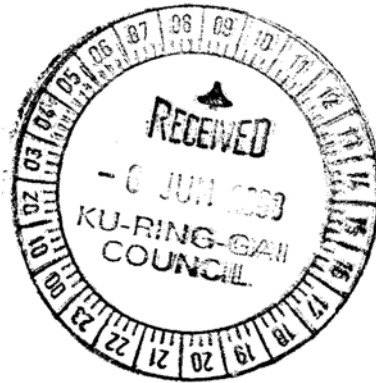
Carolyn McMahon
General Manager Business Services
Honda Australia Pty Ltd

cc : Stuart Strickland – Managing Director, Honda Australia Motorcycles & Power Equipment Pty Ltd

HONDA

Honda Australia Motorcycle and Power Equipment Pty. Ltd.
ABN 96 006 662 862

1954-1956 Hume Hwy, Campbellfield, VIC 3061
Private Bag No 19 Somerton, VIC 3062
Ph: (03) 9270 1111
Fax: (03) 9270 1133 (Admin) Fax: (03) 9270 1122 (Sales)
www.hondampe.com.au



3 June, 2008

Ku-ring-gai Council
Locked Bag 1056
Pymble NSW 2073

Attention: Ms Deborah Silva / Manager Strategic Assets and Services

Dear Ms Silva,

RE: Transfer of HART St Ives Management from Honda Australia Pty to Honda Australia Motorcycle and Power Equipment Pty Ltd

As indicated in the enclosed letter provided by Carolyn McMahon, General Manager Business Services, Honda Australia (the company), it is the company's intention to transfer the operational management of HART St Ives to Honda Australia Motorcycles and Power Equipment Pty Ltd., effective 19 August, 2008.

As per your requirements, I am pleased to offer you the following background information and financial summary to assist with a smooth transition of the lease arrangements. Please also note we would like to secure a 5 + 5 year arrangement.

Honda Australia Motorcycles and Power Equipment Pty Ltd., is a fully owned subsidiary of Honda Australia which is a wholly owned subsidiary of Honda Motor Co Pty Ltd. Although we are aligned corporately, we operate independently of each other; however, we also operate under the same guiding principles.

Honda is committed to supplying high quality, competitively priced, automotive, motorcycle, power equipment and marine products to satisfy Australian customers.

Honda is the leader in the Australian Motorcycle market and follows Honda's philosophy in providing rider training for motorcyclists. The safety of people utilizing powered two wheelers in the community is extremely important to Honda.

We provide high level, accredited training and public education for motorcycle riders through our two Honda HART facilities in Victoria and are in the process of opening a rider training centre in Brisbane. We have an Australian manager controlling our rider training sites and we will be appointing a manager for the St Ives site.

We have always been closely associated with Honda Australia Automotive in their operation of the St Ives facility. As you are aware a significant proportion of the training conducted at the site is motorcycle related. It is our intention to operate the site in the same manner as our automotive company did and to continue a professional working relationship with Ku-ring-gai Council. Automotive training will continue and Honda Australia Automotive will continue to be involved in the strategic direction behind vehicle training at the St Ives site.

Honda Australia Motorcycle and Power Equipment Pty Ltd (MPE) was established in 1991 at which time the motorcycle and power equipment business was separated from Honda's automotive business. Honda "MPE" has operated successfully since this date, as the Australian distributor of all Honda's products with the exception of motor vehicles. The company is financially sound as is evidenced by information listed below.

Statement of Financial Position 2007/2008
(Apr 07 - Mar 08 Japanese Financial Year)

	(\$,000)
Sales	350,360
GP	<u>74,653</u>
Total Expense	<u>49,854</u>
Operating Profit	<u>24,799</u>
Other Income/Expense	<u>6,315</u>
Net Profit before Tax	<u><u>31,114</u></u>

Statement of Financial Position - March 08

	(\$,000)
Current Assets	142,644
Non-Current Assets	<u>12,670</u>
Total Assets	<u>155,314</u>
Current Liabilities	31,818
Non- Current Liabilities	<u>1,413</u>
Total Liabilities	<u>33,231</u>
Net Assets	<u><u>122,083</u></u>
Shareholders Equity	<u><u>122,083</u></u>

I hope the information provided in this letter is satisfactory and I look forward to an opportunity in the near future to meet with members of the Council. We will retain the open door policy practised by Honda Australia and we will welcome members of the Council to visit the site at any time. We would also like to schedule formal meetings each quarter to explain our activities.

If you have any additional questions please feel free to contact me. I have enclosed under a separate advice the contact details of myself and my fellow directors.

Yours faithfully,

Honda Australia Motorcycle and Power Equipment Pty Ltd

A handwritten signature in black ink, appearing to read 'Stuart Strickland', with a long horizontal flourish extending to the right.

Stuart Strickland
Managing Director

NOTICE OF RESCISSION

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON 29 JULY 2008

**Notice of Rescission from Councillors Anita Andrew, Laura Bennett & Elaine Malicki
dated 12 August 2008**

We move:

"That the approval of the Minutes from the Ordinary Meeting of Council held on 29 July 2008 be hereby rescinded."

RECOMMENDATION

That the above Notice of Rescission as printed be adopted.

Councillor Elaine Malicki
Councillor for Comenarra Ward

Councillor Anita Andrew
Councillor for Comenarra Ward

Councillor Laura Bennett
Councillor for St Ives Ward