

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 12 DECEMBER 2006

Present: The Mayor, Councillor N Ebbeck (Chairperson) (Wahroonga Ward)  
Councillors A Andrew & E Malicki (Comenarra Ward)  
Councillors L Bennett & T Hall (St Ives Ward)  
Councillor I Cross (Wahroonga Ward)  
Councillors M Lane & A Ryan (Gordon Ward)  
Councillors M Shelley & J Anderson (Roseville Ward)

Staff Present: General Manager (John McKee)  
Acting Director Finance & Business (John Clark)  
Director Development & Regulation (Michael Miocic)  
Manager Development Assessment Services (Matthew Prendergast)  
Director Technical Services (Greg Piconi)  
Director Open Space & Planning (Steven Head)  
Manager Urban Planning (Antony Fabbro)  
Director Community Services (Janice Bevan)  
Senior Governance Officer (Geoff O'Rourke)  
Minutes Secretary (Christina Randall-Smith)

*The Meeting commenced at 7.03pm*

*The Mayor offered the Prayer*

### DECLARATIONS OF INTEREST

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

The Mayor, Councillor Ebbeck, Councillors Andrew, Cross, Lane & Malicki declared Pecuniary Interests to GB.22 - Draft Bushfire Prone Land Map (2007) as their properties are in the Bushfire Prone Land Zone.

Councillor Lane also declared a possible Pecuniary Interest in GB.12 - Draft Bushland Encroachment Policy.

The General Manager then withdrew Item GB.22 from the Agenda due to the lack of a quorum to consider the matter. Council is awaiting exemption from the Department of Local Government to allow all Councillors to vote on the matter.

503 **CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

File: S02499

**Resolved:**

(Moved: Councillors Hall/Cross)

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

- C.1 **Sale of 1 to 7 Carlotta Avenue, Gordon - Council Depot Site -**  
*(Section 10A(2)(c) - Information that would confer a commercial advantage) -*  
Report by Director Technical Services & Commercial Services Co-ordinator dated 27 November 2006.

**CARRIED UNANIMOUSLY**

**ADDRESS THE COUNCIL**

The following members of the public addressed Council on items not on the Agenda:

J Langley  
D Parsons  
M Capozzi  
M Inglis

**DOCUMENTS CIRCULATED TO COUNCILLORS**

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Late Items: Ordinary Meeting of Council held 5 December 2006 -  
Confirmation of Minutes numbered 479 to 502.

Extraordinary Meeting of Council - Commemorative held  
8 December 2006 - Confirmation of Minutes numbered EMC.16 to  
EMC.21.

Refer GB.12 - Draft Bushland Encroachment Policy - Attachments  
1 to 4 to the report.

Refer GB.22 - Draft Bushfire Prone Land Map (2007) -  
Replacements of Attachments 3, 4 & 14 to the report.

Refer GB.26 - New Item - Turramurra Railway Station - Proposed  
Pedestrian Overbridge - Report & attachments by Acting Director  
Finance & Business & Director Open Space & Planning

Agenda: Corrected copy showing Extraordinary Minutes of Council held 8  
December 2006.

Memorandums: Refer GB.1 - 9 Wanganella Road, St Ives - Alterations & Additions  
& a New Garage - Memorandum by Director Development &  
Regulation dated 11 December 2006 re illustration of proposed  
garage in relation to front setback.

Refer GB.7 - Firs Estate Cottage, Roseville Park - Memorandum by  
Commercial Services Co-ordinator dated 11 December 2006.

Refer GB.13 - Ku-ring-gai's Sustainability Plan - Memorandum by  
Director Open Space & Planning dated 12 December 2006 re  
clarification of timetable relating to the implementation of the plan  
as outlined in the report.

Memorandum by Director Development & Regulation dated 12  
December 2006 regarding a response to a Question Without Notice  
on Allegation by Legal Brothel by Councillor Anderson at the  
Ordinary Meeting of Council held on 28 November 2006.

## **CONFIRMATION OF MINUTES**

504 **Minutes of Ordinary Meeting of Council**  
File: S02131  
Meeting held 5 December 2006  
Minutes numbered 479 to 502

### **Resolved:**

(Moved: Councillors Ryan/Lane)

That Minutes numbered 479 to 502 circulated to Councillors were taken as read and  
confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

505 **Minutes of Extraordinary Meeting of Council - Commemorative**

File: S02131

Meeting held 8 December 2006

Minutes numbered EMC.16 to EMC.21

**Resolved:**

(Moved: Councillors Shelley/Lane)

That Minutes numbered EMC.16 to EMC.21 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

**MINUTES FROM THE MAYOR**506 **Council's Centenary Year**

File: S02646

It gives me great pleasure, as Mayor at the conclusion of Council's Centenary Year, to sincerely congratulate and thank all those who have contributed to the success of our celebrations throughout the year.

At this point I would also like to acknowledge the important role that Cr Malicki played as Mayor during the first part of our Centenary year.

In particular, I would like to congratulate the Councillors who have chaired the Centenary Working Party throughout the year, Cr Tony Hall and Cr Maureen Shelley and the valuable members of the Centenary Working Party, who have overseen the planning and implementation of an extensive program of events.

The committee members, along with Crs Hall and Shelley were Cr Jennifer Anderson, Cr Ian Cross, Cr Elaine Malicki, and community representatives Stuart Doyle, Jo Harris, Kevin Callinan, Chris Clifford, Damor Nambiar, and Don Durie.

I would also like to congratulate the staff who fully committed to the delivery of our Centenary Year program, by performing well above all expectations. The people I refer to are Martine Brieger, Juan Perez, Danny Houseas, Matthew Drago, Joan Rowland, and Erica Kubizniak.

The success of the Centenary Year would not have been possible without the support and guidance of our General Manager, John McKee and the incredible and most dedicated work by our Community Services Director Janice Bevan.

One of our major achievements, I am sure you will agree, has been the publication of "Under the Canopy", our official history book which details every facet of Ku-ring-gai life over the last 100 years. We were honored to have the company of Her Excellency, the Governor of NSW, Professor Marie Bashir to officially launch this publication which was a fitting finale to our centenary year.

We have also presented a broad program of events, including the Centenary grants program, the Mayoral Awards, a Centenary Dinner, the launch of the RAAF Memorial sculpture in Bradfield Park, and a Centenary themed Festival on the Green. In addition and most fitting for Ku-ring-gai we have undertaken numerous tree plantings throughout the year and a special acknowledgement of Margie McCrae and the Marian Street Theatre for Young People, for their wonderful contribution at our Centenary Meeting.

Councillors, I trust you would join me in congratulating all those who participated in the planning and implementation of these wonderful events which will go down in history as celebrations which we can be proud of for the next 100 years.

**Resolved:**

That the Mayoral Minute be received and noted.

**CARRIED UNANIMOUSLY**

**REPORTS FROM COMMITTEES**

**Minutes of Ku-ring-gai Traffic Committee**

File: S02110  
Meeting held 23 November 2006  
Minutes numbered KTC21 to KTC24

507

**General Matter Items under Delegated Authority**

File: S02738  
*Vide KTC21*

Advice on matters considered under the Delegated Authority.

**Resolved:**

(Moved: Councillors Lane/Cross)

That the information regarding traffic facilities approved in September, October and November 2006 be noted.

**CARRIED UNANIMOUSLY**

508 **Meeting Dates 2007**

File: S02110  
*Vide KTC22*

To determine Ku-ring-gai Traffic Committee meeting dates for 2007.

**Resolved:**

(Moved: Councillors Lane/Cross)

That the Ku-ring-gai Traffic Committee meetings in 2007 be scheduled for the dates shown below:

8 February  
22 March  
19 April  
24 May  
21 June  
19 July  
23 August  
20 September  
25 October  
22 November

**CARRIED UNANIMOUSLY**

509 **Traffic & Transport Policy**

File: S02527  
*Vide KTC23*

To consider further changes to Council's *Traffic and Transport Policy* and proposed programs regarding school road safety.

**Resolved:**

(Moved: Councillors Lane/Cross)

1. That the proposed changes to Council's *Traffic and Transport Policy*, as indicated in this report, be adopted.

2. That the behavioural programs being undertaken by Council's Road Safety Officer be received and noted.

**CARRIED UNANIMOUSLY**

510 **Canoon Road, Turramurra**

File: 88/05243/03  
*Vide KTC24*

Ward: Comenarra  
Electorate: Ku-ring-gai

To review the parking restrictions installed in Canoon Road and Field of Mars Avenue for the 2006 netball season.

**Resolved:**

(Moved: Councillors Lane/Cross)

1. That the existing *No Parking 7.00 am – 5.00 pm, Saturdays, 15 March to September* restrictions on the southern side of Canoon Road and in Field of Mars Avenue, imposed prior to the 2006 netball season, be made permanent.
2. That residents previously consulted about the restrictions and the Netball Association be informed of Council's decision.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

511 **Commonwealth Department of Families, Community Services & Indigenous Affairs - Deed of Funding Agreement – Affixing of Common Seal of Council**

File: S02733

To advise Council of Ku-ring-gai Family Day Care Long Form Funding Agreement and Confidentiality Deed Poll by the Commonwealth Department of Families, Community Services and Indigenous Affairs (CDFCSIA) and to seek approval to affix the Common Seal of Council on relevant documents.

**Resolved:**

(Moved: Councillors Ryan/Shelley)

That authority be granted to affix the Common Seal of Council to the Commonwealth Department of Families, Community Services and Indigenous Affairs Long Form Funding Agreement and associated documents.

**CARRIED UNANIMOUSLY**

512 **Policy on the Payment of Expenses & Provision of Facilities to Councillors**

.  
File: S03779

To consider an amended policy on Councillors' Expenses and Facilities.

**Resolved:**

(Moved: Councillors Ryan/Shelley)

That the amended Policy for the Payment of Expenses and Provision of Facilities for Councillors be endorsed for placing on public exhibition.

**CARRIED UNANIMOUSLY**

513 **Internet, Email & Workplace Surveillance Policy**

.  
File: S03881

To present to Council two policies on Internet and Email Usage and Workplace Surveillance for consideration and adoption.

**Resolved:**

(Moved: Councillors Ryan/Shelley)

That Council adopts the Internet and Email Usage Policy and Workplace Surveillance Policy, as amended.

**CARRIED UNANIMOUSLY**

514 **Old Headmaster's Cottage - 175 Rosedale Road, St Ives**

File: P64463

Ward: St Ives

To advise Council of the results of the Expression of Interest for the lease of the Old Headmaster's Cottage at 175 Rosedale Road, St Ives, and the need for essential building maintenance works.

**Resolved:**

(Moved: Councillors Ryan/Lane)

- A. That the results of the inviting of Expressions of Interest for a lease of the Old Headmaster's Cottage be received and noted.
- B. That the General Manager or his delegate be authorised to enter into negotiations with proponents 1 and 2 with a view to granting a lease to one of the proponents for five years in accordance with the terms generally set out in the report.
- C. That, subject to satisfactory compliance with the provisions of Section 47A of the Local Government Act, a lease be granted to the successful proponent.
- D. That the execution of all documents relating to the lease be delegated to the Mayor and General Manager
- E. That the Common Seal of Council be affixed to the lease documents.
- F. That should negotiations with proponents 1 and 2 not be successful, the General Manager be authorised to enter into negotiations with the other proponents and report back to Council.
- G. That \$8,600 be allocated for essential building maintenance work on the Old Headmaster's Cottage from the building maintenance program.

**CARRIED UNANIMOUSLY**

515 **Draft Pesticide Notification Plan**

File: S02790

To place the draft Pesticide Notification Plan on public exhibition.

**Resolved:**

(Moved: Councillors Ryan/Lane)

- A. That the draft Pesticide Notification Plan be exhibited for a period commencing Monday, 18 December 2006 to Friday, 12 January 2007, during which public comment will be sought.
- B. Provided that no significant changes to the draft Pesticide Notification Plan arise following public exhibition, that the Plan come into effect as of 1 February. Should significant issues arise with the draft plan, the matter be returned to Council for formal consideration.

**CARRIED UNANIMOUSLY**

516

**Bushland, Catchments & Natural Areas Reference Group – Minutes of Meetings of 16 October & 20 November 2006**

File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meetings held on Monday, 16 October & Monday, 20 November 2006.

**Resolved:**

(Moved: Councillors Andrew/Ryan)

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group Meetings of Monday, 16 October & Monday, 20 November 2006 and attachments be received and noted.

**CARRIED UNANIMOUSLY**

**Councillor Lane declared a possible pecuniary interest  
in respect of the following item -  
GB.12 - Draft Bushland Encroachment Policy  
and withdrew from the Chamber taking no part  
in discussion and voting on the item**

517

**Draft Bushland Encroachment Policy**

File: S04801

To place the draft Bushland Encroachment Policy on public exhibition.

**Resolved:**

(Moved: Councillors Ryan/Hall)

- A. That the draft Bushland Encroachment Policy be exhibited for a minimum period of 40 days during which public comment will be sought.
- B. A copy of the draft Policy be referred to the Department of Lands and Department of Local Government for comment.
- C. That a final report be prepared to Council following public consultation.

**CARRIED UNANIMOUSLY**

**Councillor Lane returned**

518 **Energy Performance Contract**

File: S05551

For Council to award a contract for an energy and water performance contractor.

**Resolved:**

(Moved: Councillors Ryan/Shelley)

- A. That Council appoint Energy Conservation Systems (ECS) to undertake a detailed Feasibility Study.
- B. Council enters into an Energy Performance Contract with Energy Conservation Systems (ECS) based on the detailed Feasibility Study.
- C. That \$665,299 be allocated from Council's New Facilities Reserve to fund the implementation of the contract.
- D. Any savings over and above the 6% rate of return be reinvested into the Revolving Energy Fund for future energy and water savings projects.
- E. That the Mayor and General Manager be authorised to execute all necessary documentation in relation to the contract.
- F. The Common Seal of Council be affixed to all necessary documents.
- G. That the tenderers be advised in writing of Council's decisions.
- H. that implementation of this contract be reported to Council annually.

**CARRIED UNANIMOUSLY**

519 **Heritage Advisory Committee - Minutes from Meetings of 26 June 2006 & 28 August 2006**

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File: S03816

For Council to receive and note the minutes from the Heritage Advisory Committee meeting held on 26 June 2006 and 28 August 2006.

**Resolved:**

(Moved: Councillors Anderson/Ryan)

That Council receive and note the minutes from the Heritage Advisory Committee Meeting held on 26 June 2006 and 28 August 2006

**CARRIED UNANIMOUSLY**

520 **Development Control Plan No 28 - Advertising Signs - Draft Amendments**

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File: S02367

To seek Council's endorsement to exhibit proposed amendments to Development Control Plan No 28 (DCP 28) - Advertising Signs.

**Resolved:**

(Moved: Councillors Ryan/Lane)

- A. That Council exhibits an amendment to Draft Development Control Plan No 28 – Advertising Signs as outlined in this report for a period of 28 days in accordance with the provisions of clause 18 of the Environmental Planning and Assessment Regulation 2000.
- B. That Chambers of Commerce be notified of the exhibition.
- C. That a report be brought to Council following the exhibition.

**CARRIED UNANIMOUSLY**

521 **Temporary Relocation of the Ku-ring-gai State Emergency Services Headquarters**

File: S02541

To update Council on the current condition of the Ku-ring-gai State Emergency Services Headquarters and seek approval for funding of the relocation costs.

**Resolved:**

(Moved: Councillors Ryan/Lane)

- A. That Council endorses the relocation of the SES operations into demountable buildings within the former garbage depot building at Carlotta Avenue, Gordon.
- B. That Council approves a budget of \$90,000 to be funded from the Council's Contingency Reserve with any funds from the resale of the buildings to be transferred back to this Reserve.
- C. That the General Manager write to all residents in those streets immediately surrounding the current depot site and inform them of the temporary relocation plans for the SES facility including estimated timeframes.

**CARRIED UNANIMOUSLY**

522 **Capital Works Program for Stormwater Drainage for 2006 to 2007**

File: S02773

To seek Council's approval of a Capital Works Program for Stormwater Drainage for 2006-2007.

**Resolved:**

(Moved: Councillors Ryan/Hall)

That Council adopts the 2006-2007 Stormwater Drainage Program as **attached**.

*For the Resolution:*      *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Malicki, Ryan, Shelley & Anderson*

*Against the Resolution:*      *Councillor Bennett*

523 **Proposed Boundary Variation for the Sydney Ku-ring-gai Fire District**

File: S02542

To consider a proposal to vary the boundaries between the Sydney Fire District and Ku-ring-gai Rural Fire District.

**Resolved:**

(Moved: Councillors Ryan/Lane)

- A. That Council advises the Sydney Fire District and the Ku-ring-gai Rural Fire District of its agreement to the revised boundaries.
- B. That Council authorises the General Manager to sign the Master Map Number 037/06/1 showing the revised boundaries.

**CARRIED UNANIMOUSLY**

524 **PABX Tender**

File: S04826

To provide information on Council's tender for the provision of a PABX telephone system and associated equipment and the tender for fixed line call costs and data services.

**Resolved:**

(Moved: Councillors Ryan/Shelley)

- A. That Council accept the tender from Optus for the supply of a PABX, fixed line call costs and data services.
- B. That the execution of all documents relating to the tender be delegated to the Mayor and General Manager.
- C. That the Common Seal be affixed to any necessary documents.

**CARRIED UNANIMOUSLY**

525 **35 Water Street & 64 Billyard Avenue, Wahroonga - Restoration of Existing Heritage Item & Construction of 78 Units within 8 Buildings & other Associated Works**

File: DA0855/06

Ward: Wahroonga

Applicant: Mr Ben McGibbon - Murlan Consulting Pty Ltd

To determine development application No.855/06, which seeks consent for restoration of existing heritage item and construction of 78 units within 8 buildings and other associated works.

**Resolved:**

(Moved: Councillor Cross/Mayor, Councillor Ebbeck)

**Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979**

THAT Council, as the consent authority, refuse development consent to Development Application No. 855/06 for restoration and re-use of existing heritage item and construction of 78 Seniors living units within 8 buildings, basement car-parking and landscape works on land at 35 Water Street and 64 Billyard Avenue, Wahroonga for the following reasons:

Heritage

1. The development will have a significant detrimental impact on both the natural and built heritage values of the site. These impacts are contrary to the provisions of cl.31(b) Neighbourhood Amenity and Streetscape of State Environmental Planning Policy (Seniors Living) 2004, cl.9 Context of State Environmental Planning Policy No. 65 Design Quality of Residential Flat Development and cl.61D(2) of Ku-ring-gai Planning Scheme Ordinance.

Bulk and scale

2. The development does not comply with the maximum building height and floor space ratio requirements. As a result, the development is excessive in scale and bulk, which is out of character and inappropriate contrary to the provisions of cl.31(a),(ciii) and cl.81(a),(b) of State Environmental Planning Policy (Seniors Living) 2004 and cl.10, 12 of State Environmental Planning Policy No.65 Design Quality of Residential Flat Development

Context, siting and character

3. The development is out of context, inappropriately sited and is out of character with the surrounding low density residential area. As a result, the development is contrary to the provisions of cl.31(a), (ci) and (d) of State Environmental Planning Policy (Seniors Living) 2004, cl.9 and 11 of State Environmental Planning Policy No.65 Design Quality of Residential Flat Development.

Blue Gum High Forest - Endangered Ecological Community (BGHF-EEC)

4. The development will have a significant detrimental impact on the BGHF-EEC, the development is a key threatening process and is contrary to cl.5A(2) of the Environmental Planning and Assessment Act, 1979.

Amenity

5. The development will have a significant detrimental privacy impact between the within and external to the development which is contrary cl.32(a) of State Environmental Planning Policy (Seniors Living) 2004 and cl.15 of State Environmental Planning Policy No.65 Design Quality of Residential Flat Development.

**CARRIED UNANIMOUSLY**

526

**9 Wanganella Road, St Ives – Alterations, Additions & New Double Garage**

File: DA0524/06

Ward: St Ives

Applicant: Peter Tunks

Owners: Danielle and Peter Tunks

**The following member of the public addressed Council:**

**P Tunks**

To determine development application No 524/06, which seeks consent for additions and alterations and a new double garage. This matter has been called to Council by Councillor Hall.

**Resolved:**

(Moved: Councillors Malicki/Bennett)

THAT Council, as the consent authority, grant development consent to Development Application No. 524/06 for additions and alterations and a new garage on land at 9 Wanganella Place, St Ives, as shown on plans drawn by Architectural Design Service, titled Amended Plan for Council Requirements Oct: 06/1, dated April 2006, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**GENERAL**

1. The development to be in accordance with Development Application No *524/06* and Development Application plans prepared by *Architectural Design Service*, titled *Amended Plan for Council Requirements Oct: 06/1*, dated *April 2006*, and lodged with Council on *6 October 2006*.

2. In order to maintain the amenity of the streetscape, the proposed garage is to be set back a further 600mm so as to be a minimum of 5.7m from the front boundary of Wanganella Road as indicated in red on the approved plans. Revised plans shall be submitted to the satisfaction of the Principal Certifying Authority prior to release of the Construction Certificate.
3. The proposed car parking bay is to be deleted from the plan. Revised plans shall be submitted to the satisfaction of the Principal Certifying Authority prior to release of the Construction Certificate.
4. All building works shall comply with the Building Code of Australia.
5. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
6. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
7. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
8. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the 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.
9. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.  
  
Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that

unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
14. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
15. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
16. External materials, finishes and colours for the approved additions and alterations shall be sympathetic to the existing dwelling. All external finishes and materials shall be completed to the satisfaction of the Principle Certifying Authority.
17. Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:  
  
Tree/Location  
*Brachychiton acerifolius, north-east boundary, front setback*  
Tree Works  
*Minor pruning only of lower limb to provide clearance for garage roof*
18. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:  
  
Tree/Location  
*Brachychiton acerifolius, north-east boundary, front setback*  
Tree Works  
*Minor pruning only of lower limb to provide clearance for garage roof*
19. If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced

Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

20. No mechanical excavation for the approved garage shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:
- | Tree/Location                                                       | Radius From Trunk |
|---------------------------------------------------------------------|-------------------|
| <i>Brachychiton acerifolius, north-east boundary, front setback</i> | 3m                |
21. The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
22. 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.
23. Stormwater runoff collected from all new impervious areas and subsoil drainage systems must be discharged via the existing site drainage system prior to direct connection to the existing stormwater drainage easement. The installation of any new drainage system 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.
24. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
25. 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 at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
26. 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 and plant 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.**

27. The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities 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.
28. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".

#### **PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE**

29. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

30. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal 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 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work 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).
31. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any

earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

32. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
  - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
  
33. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
  
34. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, written certification from a licensed plumber relating to the placement of additional runoff into the existing site drainage system. The certification must be based on an inspection of the existing site drainage system and must declare:
  - a) The satisfactory operating condition of the existing system and satisfactory capacity for additional runoff generated by the development, and

- b) Acknowledgment that, based on their professional experience, there will be no deleterious effect on the existing, adjacent or downstream properties as a result of the continued use of the existing system.

The inspecting plumber must also include with the certification a sketch plan of the point and method of discharge for the existing stormwater drainage system. Where the existing site drainage system is found to be unsatisfactory for continued use, the applicant is to submit plans and specifications for an upgraded stormwater disposal system, for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47.

### **PRIOR TO WORK COMMENCING**

35. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
36. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

| Tree/Location                                                       | Radius in Metres |
|---------------------------------------------------------------------|------------------|
| <i>Brachychiton acerifolius, north-east boundary, front setback</i> | 2m               |

37. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
38. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

### **PRIOR TO OCCUPATION**

39. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

40. Prior to issue of the Occupation Certificate any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.
41. Prior to issue of the Occupation Certificate the applicant must submit certification from the installing plumbing contractor to the Principal Certifying Authority that:
  - a) The components of the new drainage system have been installed by a licensed contractor in accordance with the *National Plumbing and Drainage code AS3500.3* (2003) and the *Building Code of Australia*, and
  - b) The stormwater drainage works have been completed in accordance with the approved Construction Certificate approved drainage plans and Ku-ring-gai Council Water Management DCP 47.

A qualified civil/hydraulic engineer may provide this certification in lieu of the installing contractor.

*For the Resolution:            The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Lane, Malicki, Ryan & Shelley*

*Against the Resolution:    Councillors Bennett, Hall & Anderson*

The above Resolution was CARRIED as an Amendment to the Original Motion. The Original Motion was:

(Moved: Councillors Hall/Shelley)

*Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979.*

*THAT Council, as the consent authority, grant development consent to Development Application No. 524/06 for additions and alterations and a new garage on land at 9 Wanganella Place, St Ives, as shown on plans drawn by Architectural Design Service, titled Amended Plan for Council Requirements Oct: 06/1, dated April 2006, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:*

#### **GENERAL**

1. *The development to be in accordance with Development Application No 524/06 and Development Application plans prepared by Architectural Design Service, titled Amended Plan for Council Requirements Oct: 06/1, dated April 2006, and lodged with Council on 6 October 2006.*

3. *The proposed car parking bay is to be deleted from the plan. Revised plans shall be submitted to the satisfaction of the Principal Certifying Authority prior to release of the Construction Certificate.*
4. *All building works shall comply with the Building Code of Australia.*
5. *The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.*
6. *The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.*
7. *For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.*
8. *For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the 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.*
9. *HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.*

*Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.*
10. *For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.*

11. *A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.*
12. *The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.*
13. *The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.*
14. *Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.*
15. *For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.*
16. *External materials, finishes and colours for the approved additions and alterations shall be sympathetic to the existing dwelling. All external finishes and materials shall be completed to the satisfaction of the Principle Certifying Authority.*
17. *Approval is given under this development consent for the following tree works to be undertaken to trees within the subject property:*

*Tree/Location*  
*Brachychiton acerifolius, north-east boundary, front setback*  
*Tree Works*  
*Minor pruning only of lower limb to provide clearance for garage roof*
18. *Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:*

*Tree/Location*  
*Brachychiton acerifolius, north-east boundary, front setback*  
*Tree Works*  
*Minor pruning only of lower limb to provide clearance for garage roof*
19. *If tree roots are required to be severed for the purposes of constructing the approved works they shall be cut cleanly by hand, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.*

20. *No mechanical excavation for the approved garage shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:*

| <i>Tree/Location</i>                                                | <i>Radius from Trunk</i> |
|---------------------------------------------------------------------|--------------------------|
| <i>Brachychiton acerifolius, north-east boundary, front setback</i> | <i>3m</i>                |

21. *The applicant shall ensure that at all times during the site works no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.*
22. *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.*
23. *Stormwater runoff collected from all new impervious areas and subsoil drainage systems must be discharged via the existing site drainage system prior to direct connection to the existing stormwater drainage easement. The installation of any new drainage system 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.*
24. *To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.*
25. *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 at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.*
26. *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 and plant 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.***

27. *The provision of temporary sediment and erosion control facilities and measures must be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities 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.*
28. *Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".*

#### ***PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE***

29. *The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.*

*Note: Required if cost of works exceed \$25,000.00.*

30. *It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Council or other Principal 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 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the Home Building Act 1989. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work 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).*

31. *The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.*
32. *Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:*
  - a. *A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.*
  - b. *A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.*
  - c. *Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.*
  - d. *Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.*
33. *Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "Managing Urban Stormwater – Soils and Construction, Volume 1" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.*
34. *Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, written certification from a licensed plumber relating to the placement of additional runoff into*

*the existing site drainage system. The certification must be based on an inspection of the existing site drainage system and must declare:*

- a) The satisfactory operating condition of the existing system and satisfactory capacity for additional runoff generated by the development, and*
- b) Acknowledgment that, based on their professional experience, there will be no deleterious effect on the existing, adjacent or downstream properties as a result of the continued use of the existing system.*

*The inspecting plumber must also include with the certification a sketch plan of the point and method of discharge for the existing stormwater drainage system. Where the existing site drainage system is found to be unsatisfactory for continued use, the applicant is to submit plans and specifications for an upgraded stormwater disposal system, for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47.*

#### **PRIOR TO WORK COMMENCING**

- 35. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.*
- 36. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.*

| <i>Tree/Location</i>                                                | <i>Radius in Metres</i> |
|---------------------------------------------------------------------|-------------------------|
| <i>Brachychiton acerifolius, north-east boundary, front setback</i> | <i>2m</i>               |

- 37. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.*
- 38. Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.*

***PRIOR TO OCCUPATION***

39. *Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.*
40. *Prior to issue of the Occupation Certificate any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.*
41. *Prior to issue of the Occupation Certificate the applicant must submit certification from the installing plumbing contractor to the Principal Certifying Authority that:*
- a) *The components of the new drainage system have been installed by a licensed contractor in accordance with the National Plumbing and Drainage code AS3500.3 (2003) and the Building Code of Australia, and*
  - b) *The stormwater drainage works have been completed in accordance with the approved Construction Certificate approved drainage plans and Ku-ring-gai Council Water Management DCP 47.*

*A qualified civil/hydraulic engineer may provide this certification in lieu of the installing contractor.*

527

**Companion Animals Committee - Minutes of 22 November 2006**

File: S03449

**The following members of the public addressed Council:**

**B Pavletich**  
**G Bode**

To submit Minutes of the Companion Animals Advisory Committee meeting of 22 November 2006 for the information of Council and to forward the Committee's support for Acron Oval to become an off-leash area.

**Resolved:**

(Moved: Councillors Hall/Bennett)

- A. That the minutes of the Companion Animals Advisory Committee meeting held on 22 November 2006 be received and noted.
- B.
  - i. That Council resolve to trial Acron Oval as a leash free area for a period of six months when not being formally used as a sportsground.
  - ii. That following the trial a further report be presented to Council to consider feedback relating to the trial period.
  - iii. Should the area be formally resolved as a leash free area, funding be considered in the 2006/2007 Budget to fence and undertake other ancillary works as required under the companion animals act for Acron Oval.

*For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Bennett, Cross, Hall, Shelley & Anderson*

*Against the Resolution: Councillors Andrew, Lane, Malicki & Ryan*

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

(Moved: Councillors Ryan/Malicki)

- A. *That the minutes of the Companion Animals Advisory Committee meeting held on 22 November 2006 be received and noted.*
- B. *That the Companion Animals Advisory Committee strongly supports the nomination of Acron Oval as a leash free area except for those times when the ground is under formal hire.*

528 **"Working Together" Draft Strategic Plan for Historic House Museums**

File: S03668

**The following member of the public addressed Council:****H Whitsed Davies**

To present to Council "Working Together", the draft Historic House Museums Strategic Plan.

**Councillor Bennett withdrew during discussion**

**Resolved:**

(Moved: Councillors Anderson/Shelley)

- A. That “Working Together”, the draft Historic House Museums Strategic Plan, as amended, be placed on public exhibition for a period of 40 days and that any comments on the plan be reported to Council.
- B. That at present Council does not anticipate any additional costs by the addition of Rose Seidler Cottage to the group.

**CARRIED UNANIMOUSLY**

**Councillor Bennett returned**

529

**Marian Street Theatre - Proposed Use & Building Upgrades**

File: P51074

**The following members of the public addressed Council:**

**W Blaxland  
C Neville**

To advise Council of the potential issues surrounding the short term use of Marian Street Theatre (MST), and impacts on current and future usage in relation to the building’s condition.

**Resolved:**

(Moved: Councillors Malicki/Cross)

- A. That Council commence an expression of interest process with those groups who have formally registered their interest to use the Theatre, to enter into a short term lease with priority given to Marian Street Theatre for Young People.
- B. If Council resolves to proceed with A. above, that \$95,650 is required to be allocated from 2006/2007 budget towards the high priority works identified in the Tyrell’s Property Inspection Report.
- C. That the expression of interest be undertaken during January-February 2007, with a report brought back to Council detailing the results.
- D. That Council research the concept of an Australian Children’s Theatre and that a report be brought to Council by June 2007 modelling how it could be funded and how Council may assist in the establishment of such a body.

**CARRIED UNANIMOUSLY**

*The above Resolution was CARRIED as a Foreshadowed Amendment to the Original Motion and a LOST Amendment:*

*The Original Motion was:*

(Moved: Councillors Shelley/Hall)

- A. *That Council commence an expression of interest process with those groups who have formally registered their interest to use the Theatre, to enter into a short term lease.*
- B. *If Council resolves to proceed with A. above, that \$95,650 is required to be allocated from 2006/2007 budget towards the high priority works identified in the Tyrell's Property Inspection Report.*
- C. *That the expression of interest be undertaken during January-February 2007, with a report brought back to Council detailing the results.*
- D. *That Council research the concept of an Australian Children's Theatre and that a report be brought to Council by June 2007 modelling how it could be funded and how Council may assist in the establishment of such a body.*

*The LOST Amendment was:*

(Moved: Councillors Malicki/Cross)

- A. *That Council confirm Marian Street Theatre for Young People as a future licensee of the theatre premises, subject to the requirements of the Local Government Act and satisfactory agreement being reached.*
- B. *That the terms include a 3 year license term.*
- C. *That other groups be invited to express interest to the extent that they are able to co-exist with Marian Street Theatre for Young People.*
- D. *If Council resolves to proceed with A. & C above, that \$95,650 is required to be allocated from 2006/2007 budget towards the high priority works identified in the Tyrell's Property Inspection Report.*
- E. *That Council research the concept of an Australian Children's Theatre and that a report be brought to Council by June 2007 modelling how it could be funded with particular emphasis to external grants, etc and how Council may assist in the establishment of such a body.*

During debate on the above item, Councillor Malicki sought a ruling from the Mayor as to whether or not Councillor Hall had committed an act of disorder as a result of his constant comments during the meeting.

The Mayor put the matter to the vote which was LOST.

*For the Motion*                      *Councillors Bennett, Cross, Malicki & Ryan*

*Against the Motion:*            *The Mayor, Councillor N Ebbeck, Councillors Andrew, Hall, Lane, Shelley & Anderson*

530    **Motion of Dissent**

File: P51074

During debate on the previous item, a Motion of Dissent was moved by Councillor Malicki in relation to the Mayor ruling her Foreshadowed Amendment out of order.

When put to the vote, the Motion of Dissent was CARRIED.

*For the Motion of Dissent:*        *Councillors Andrew, Bennett, Cross, Malicki, Ryan & Shelley*

*Against the Motion of Dissent:*    *The Mayor, Councillor N Ebbeck, Councillors Hall, Lane & Anderson*

Councillor Malicki moved the Foreshadowed Amendment

**Councillor Cross departed**

531    **Firs Estate Cottage, Roseville Park - Outcome of Expression of Interest**

File: S05467

Ward: Roseville

To report on the results of the calling of Expressions of Interest (EOI) for the use of the Firs Estate Cottage and to recommend that Council enter into a lease for a period of five (5) years with the preferred proponent.

**Resolved:**

(Moved: Councillors Shelley/Anderson)

- A. That the submissions from My Friends and I Pty Ltd and Sous le Soleil in respect of Firs Estate Cottage, be received and noted and the proponents be thanked for their submissions.

- B. That it be noted that following assessment of the submissions against the relevant criteria, Sous le Soleil is Council's preferred proponent to lease Firs Estate Cottage.
- C. That Council enter into a lease agreement for five (5) years with Sous le Soleil, subject to DA approval.
- D. That the execution of all documents relating to the development application and the lease be delegated to the Mayor and General Manager.
- E. That Council affix the Common Seal to any necessary documents.
- F. That public notification of the proposed lease is to be undertaken in accordance with Section 47A of the Local Government Act 1993.

**CARRIED UNANIMOUSLY**

532 **Ku-ring-gai's Sustainability Plan**

File: S05592

To inform Council of the research, design, direction, objectives, content and implementation of the Sustainability Plan for Ku-ring-gai.

**Resolved:**

(Moved: Councillors Shelley/Lane)

- A. That Council adopts the timetable and program for the research and implementation of the Sustainability Plan.
- B. That Council adopts the Global Reporting Initiative as part of the framework for the Sustainability Plan.

*For the Resolution:           The Mayor, Councillor N Ebbeck, Councillors  
Andrew, Hall, Lane, Malicki, Ryan, Shelley &  
Anderson*

*Against the Resolution:   Councillor Bennett*

533 **Tree Preservation Order Review**

File: S02052

To advise Council of the status of the Tree Preservation Order (TPO) Review, following the public exhibition of the draft Order, and guidelines for tree assessment and tree replenishment and to make recommendations concerning the finalisation of the draft order.

**Resolved**

(Moved: Councillors Shelley/Lane)

- A. That Council note the information provided in regard to the community consultation, changes to the order and exhibition of the draft Tree Preservation Order and draft guidelines for tree assessment and tree replenishment provided in this report.
- B. That Council adopt the Tree Preservation Order, as included in Attachment 2 to this report.
- C. That Council give notice of making the Tree Preservation Order in the Government Gazette and the North Shore Times.
- D. That Council adopt the Tree Assessment and Replenishment Guidelines as included in Attachments 3 and 4 to this report.

*For the Resolution:           The Mayor, Councillor N Ebbeck, Councillors  
Andrew, Bennett, Lane, Malicki, Ryan, Shelley &  
Anderson*

*Against the Resolution:   Councillor Hall*

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

(Moved: Councillors Hall/Anderson)

*That the matter stand deferred for advice on the appeal rights available to  
residents, subject to the TPO.*

534   **10 Year Financial Model**

File: S04708

To present to Council the 10 Year Financial Model 2007 to 2016 incorporating financial planning, capital works funding, debt reduction and depreciation funding strategies.

**Resolved:**

(Moved: Councillors Ryan/Shelley)

That Council's 2007/2008 budget incorporate the following:

- A. Reductions in debt servicing costs are restricted to Works of Direct Community Benefit. This amounts to \$1,927,050.
- B. Interest earned on Council's depreciation reserves is restricted back to those reserves. This amounts to \$2.7 million.
- C. 0.5% of general rate revenue is transferred to Council's contingency (working fund) reserve to fund unforeseen or emergency expenditure requirements. This reserve to be capped at \$2 million.
- D. The allocation of Council's depreciation liability be transferred as follows:

|                         |                    |
|-------------------------|--------------------|
| New Facilities          | \$550,502          |
| Footpath reserve        | \$209,715          |
| Drainage reserve        | \$209,715          |
| Sportsfield Improvement | \$214,958          |
| <b>Total Allocation</b> | <b>\$1,184,890</b> |

- E. Net debt repayments of \$856,786.
- F. Indicative capital works program to include:

|                                    |                     |
|------------------------------------|---------------------|
| Road Rehabilitation                | \$4,545,485         |
| Planning Projects                  | \$262,526           |
| Business Centre Improvements       | \$194,269           |
| Golf Course Improvements           | \$262,526           |
| IT Initiatives                     | \$105,011           |
| Drainage Works                     | \$319,652           |
| Footpath Works                     | \$397,150           |
| Traffic Facilities                 | \$154,470           |
| Parks Development                  | \$210,021           |
| Sportsfield Refurbishment          | \$336,034           |
| Playground Refurbishment           | \$157,516           |
| Tree Planting                      | \$126,013           |
| Catchment Analysis                 | \$105,011           |
| Catchment Management               | \$157,516           |
| Swimming Pool Refurbishment        | \$300,000           |
| Tennis/Netball Court Refurbishment | \$341,600           |
| Depot Relocation                   | \$10,000,000        |
| Plant & Fleet Replacement          | \$1,050,000         |
| <b>Total</b>                       | <b>\$19,024,800</b> |

- G. The capital works program identified in 'F' above will be subject to refinement by Council in February 2007 as outlined in this report.
- H. That 'windfall gains' continue to be allocated to Council's depreciation reserves at each quarterly budget review.
- I. That operational savings identified by Technical Services and Open Space be restricted at year end to fund Capital Works in those departments.
- J. That all Capital Works Programs are indexed by CPI annually.
- K. That examination of the debt repayment programme of the last 3 to 5 years of the ten year model be undertaken before the Workshop in February 2007.

*For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Hall, Lane, Malicki, Ryan, Shelley & Anderson*

*Against the Resolution: Councillor Bennett*

535 **Draft Volunteer Ku-ring-gai (VK) Policy & Strategy for Public Exhibition**

File: S05083

To present a draft Volunteer Ku-ring-gai Policy and Strategy to Council.

**Resolved:**

(Moved: Councillors Ryan/Malicki)

That the draft Volunteer Ku-ring-gai (VK) Policy & strategy be referred to the next Policy Review Committee meeting.

**CARRIED UNANIMOUSLY**

536 **Turrumurra Railway Station - Proposed Pedestrian Overbridge**

File: S04038

Ward: Comenarra

To inform Council of RailCorp's latest proposals to widen the pedestrian overbridge at Turrumurra railway station and recommend an appropriate option and funding strategy.

**Resolved:**

(Moved: Councillors Malicki/Shelley)

- A. That Council advise RailCorp of its commitment of \$517,445 towards the construction of a 5.5 metre wide pedestrian overbridge at Turrumurra railway station.
- B. That Council's contribution towards the project of \$517,445 be funded from the relevant section 94 plans.
- C. That the execution of all documents in relation to a Deed of Agreement between RailCorp and Ku-ring-gai Council be delegated to the General Manager

- D. That the Common Seal be affixed to any necessary documents
- E. That further reporting to Council indicate final details regarding the agreement including the staging of payments and construction timetable.

*For the Resolution:           The Mayor, Councillor N Ebbeck, Councillors  
Andrew, Hall, Lane, Malicki, Ryan, Shelley &  
Anderson*

*Against the Resolution:   Councillor Bennett*

### **BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION**

537   **Lindfield Heights Estate**

File: P36245

#### **Business without Notice by Councillor M Shelley dated 12 December 2006**

Councillor Shelley stated that the Chatswood LAC advise that New Year is the most likely time for malicious damage and Lindfield has been targeted during the past three Christmas/New Year periods with hundreds of thousands of dollars of damage being reported.

There are no other Council meetings before this period that the matter could be referred to. There seems imminent and likely danger of further damage to homes in Lindfield Heights through arson attack or other malicious damage.

*The following was dealt with after a Motion moved by  
Councillors Shelley & Anderson  
to deal with the matter  
and the Chairperson ruled urgency*

*For the Motion:           The Mayor, Councillor N Ebbeck, Councillors  
Andrew, Bennett, Hall, Lane, Ryan, Shelley &  
Anderson*

*Against the Motion:       Councillor Malicki*

#### **Resolved:**

(Moved: Councillors Shelley/Anderson)

- C. That Council officers be authorised to issue temporary occupation certificates to residents wishing to move into their homes prior to landscaping being completed to allow casual surveillance of properties to commence as soon as houses are habitable in Lindfield Heights Estate.

*For the Resolution:           The Mayor, Councillor N Ebbeck, Councillors  
Andrew, Bennett, Hall, Ryan, Shelley & Anderson*

*Against the Resolution:   Councillors Lane and Malicki*

*Parts A & B of the Original Motion when put to the vote were LOST. The LOST Part A is:*

- A. *That Council provide \$10, 000 in reward to be paid to the person who gives information which leads to the successful prosecution of the perpetrator with such a reward being funded from the contingency reserve.*

*The LOST Part B is:*

- B. *That Council fund the instalment by Energy Australia of 400 watt spotlights in Lindfield Heights Estate at a cost of \$700 per street light from now until March 2007.*

**At 11.48pm a Motion moved by Councillors Lane & Andrew  
to extend the meeting until all business is completed  
was put to the vote and CARRIED UNANIMOUSLY**

## **QUESTIONS WITHOUT NOTICE**

### 538 **Road Accident - outside Roseville Public School**

File: 88/05061/03

Question Without Notice from Councillor M Shelley

Would the Director Technical Services ask the RTA whether the accident outside Roseville Public School this morning, involving police, ambulance and fire brigade, was as a result of driver error or as a result of modifications to the traffic calming measures implemented by Council recently?

If the latter, could the matter be referred to the Traffic Committee for consideration?

#### **Answer by the Director Technical Services**

I will take it on notice and have it investigated.

539 **Cnr Archbold & Carnarvon Road, Roseville, opposite Clanville Road - Rumour of Land purchased by Developer - Permissible Zoning**

File: S05602

Question Without Notice from Councillor M Shelley

Would the relevant Director advise whether the rumour rife amongst residents that a developer has purchased 8 blocks of land in Archbold Road from the corner of Carnarvon Road and opposite Clanville Road for multi-storey development has any basis in fact and, if so, under what zoning would such a development be permissible?

**Answer by the General Manager**

I'd have to check that. Even if we did have the information, I don't know whether we can release that information because of privacy.

540 **10 to 16 Marian Street, Killara - Mirvac Development**

File: DA1388/04-12

Question Without Notice from Councillor A Ryan

Could the Director Development & Regulation please inform Councillors, in writing, of possible action that can be taken by Council in relation to the Mirvac Development, 10 to 16 Marian Street, Killara as requested by Mr Inglis in his general address to Council this evening?

**Answer by the Director Development & Regulation**

I will take that on notice.

541 **Marian Street Theatre - Request Legal Advice regarding Legality of Staff seeking Expressions of Interest**

File: P51074

Question Without Notice from Councillor A Ryan

In relation to Council's resolution on GB.25, Marian Street Theatre, could the General Manager please seek advice on the legality of staff seeking expressions of interest when a preferred user has already been identified?

**Answer by the General Manager**

I'd be happy to get legal advice but I don't think there is anything that precludes it.

542 **Acron Oval - Council Sign**

File: S03014

Question Without Notice from Councillor T Hall

In view of the Council's decision tonight to trial Acron Oval as an off-leash dog area except under formal hire, I request the General Manager to instruct staff to forthwith remove the recently installed 'Dogs Off-Leash' prohibition sign in the car park, please?

**Answer by the Director Open Space & Planning**

Yes, I will send instructions tomorrow morning for the sign to be removed & an appropriate sign advising of the trials being installed.

*Council resolved itself into Closed Meeting  
with the Press and Public Excluded to deal with the following item:*

543 **Sale of 1 to 7 Carlotta Avenue, Gordon - Council Depot Site**  
*(Section 10A(2)(c) - Information that would confer a commercial advantage)*

File: S04550

Report by Director Technical Services & Commercial Services Co-ordinator dated 27 November 2006.

**Resolved:**

(Moved: Councillors Ryan/Malicki)

That Council proceed with the negotiations for sale of the existing Depot Site at 1 to 7 Carlotta Avenue, Gordon, with the preferred tenderer and that the Mayor and General Manager be delegated Authority to negotiate with the preferred tenderer and sign the contract of sale on Council's behalf and affix the Seal of Council.

*For the Resolution:           The Mayor, Councillor N Ebbeck, Councillors  
Andrew, Hall, Lane, Malicki, Ryan, Shelley &  
Anderson*

*Against the Resolution:   Councillor Bennett*

*To Open Council*

The General Manager adverted to the consideration of the matter referred to in the Minute numbered 543, and to the resolution contained in such Minute.

### **Christmas Good Wishes to Staff**

On behalf of Councillors, Councillor Hall expressed appreciation for the hard work and dedication given to us throughout this Centenary year to the General Manager, his Directors, Managers and all staff of Ku-ring-gai Council.

At the same time, he extended best wishes for a Joyous Christmas and Healthy New Year.

*The Meeting closed at 12.16am*

The Minutes of the Ordinary Meeting of Council held on 12 December 2006 (Pages 1 - 43) were confirmed as a full and accurate record of proceedings on 6 February 2007.

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General Manager

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Mayor / Chairperson

## STORMWATER DRAINAGE CAPITAL WORKS PROGRAM 2006-2007

| STREET          | SECTION FROM                                                                                          | STRATEGY                          | SUBURB      | WARD      | ESTIMATED COST |
|-----------------|-------------------------------------------------------------------------------------------------------|-----------------------------------|-------------|-----------|----------------|
| KILLEATON ST    | NEAR NO 91                                                                                            | INSTALLATION OF 1050 MM DIA. PIPE | ST IVES     | ST IVES   | 65,000         |
| CARCOOLA RD     | NEAR NOS 11 & 16                                                                                      | 1 NEW 2.4 M GRATED INLET          | ST IVES     | ST IVES   | 10,000         |
| GRIFFITH AV     | NEAR NO 25                                                                                            | 2 NEW 2.4 M GRATED INLETS         | ROSEVILLE   | ROSEVILLE | 10,000         |
| HIGHFIELD RD    | NEAR NO 125A                                                                                          | 2 NEW 2.4 M GRATED INLETS         | LINDFIELD   | ROSEVILLE | 12,000         |
| BEAUMONT RD     | NEAR NO 8                                                                                             | 1 NEW 2.4 M GRATED INLET          | E LINDFIELD | ROSEVILLE | 6,000          |
| CHARLES ST      | NEAR NO 18                                                                                            | 1 NEW 2.4 M GRATED INLET          | E LINDFIELD | ROSEVILLE | 6,000          |
| KENDALL ST      | NEAR NO 64                                                                                            | 2 NEW 2.4 M GRATED INLETS         | E LINDFIELD | ROSEVILLE | 12,000         |
| VALE ST         | NEAR NO 18                                                                                            | 1 NEW 2.4 M GRATED INLET          | GORDON      | GORDON    | 6,000          |
| BEACONSFIELD PD | NEAR NO 30                                                                                            | 1 NEW 2.4 M GRATED INLET          | LINDFIELD   | ROSEVILLE | 12,000         |
| SHADDOCK AV     | NEAR NO 7                                                                                             | 1 NEW 2.4 M GRATED INLET          | W PYMBLE    | GORDON    | 6,000          |
| SHADDOCK AV     | NEAR NO 6                                                                                             | 2 NEW 2.4 M GRATED INLETS         | W PYMBLE    | GORDON    | 6,000          |
| BINALONG ST     | NEAR NO 16                                                                                            | 2 NEW 2.4 M GRATED INLETS         | W PYMBLE    | GORDON    | 6,000          |
| BINALONG ST     | NEAR NO 15                                                                                            | 2 NEW 2.4 M GRATED INLETS         | W PYMBLE    | GORDON    | 6,000          |
| CHARLES ST      | NEAR NO 33                                                                                            | REDIRECT FLOW TO EASEMENT         | E LINDFIELD | ROSEVILLE | 6,000          |
| BOBBIN HEAD RD  | K&G AND PIPING TO CONTROL FLOODING AT EDEN RIDGE & SCHOOL AND CREATE STORMWATER HARVESTING FOR RE-USE |                                   | N TURRA     | WAHROONGA | 70,000         |
| BUSHLANDS AV    | NEAR NO 50                                                                                            | 1 NEW 2.4 M GRATED INLET          | GORDON      | GORDON    | 6,000          |
| MEMORIAL AVE    | NEAR NO 55                                                                                            | INCREASE INLET CAPACITY           | ST IVES     | ST IVES   | 60,000         |
| BRISTOL AV      | NEAR NO 15                                                                                            | NEW INLET PITS                    | PYMBLE      | GORDON    | 10,000         |
|                 |                                                                                                       |                                   |             |           | <b>315,000</b> |