

**MINUTES OF ORDINARY MEETING OF COUNCIL
HELD ON TUESDAY, 14 DECEMBER 2010**

Present: The Mayor, Councillor I Cross (Chairperson) (Wahroonga Ward)
Councillors S Holland & E Malicki (Comenarra Ward)
Councillor C Szatow (Gordon Ward)
Councillors J Anderson & R Duncombe (Roseville Ward)
Councillors T Hall & C Hardwick (St Ives Ward)
Councillor D McDonald (Wahroonga Ward)

Staff Present: Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Director Operations (Greg Piconi)
Director Strategy & Environment (Andrew Watson)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Director Strategy & Environment's PA (Kim Thomas)

The Meeting commenced at 7.00pm

The Mayor offered the Prayer

410 **APOLOGIES**

File: S02194

Councillor Elise Keays tendered an apology for non-attendance [family commitment] and requested leave of absence.

NOTE: The General Manager, John McKee tendered apologies for non-attendance.

Resolved:

(Moved: Councillors Anderson/Szatow)

That the apology by Councillor Elise Keays for non-attendance be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

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.

Councillor Jennifer Anderson declared a less than significant non-pecuniary of interest in GB.7 - Proposal for The Glade Sportsground (daughter did attend Abbotsleigh but has left school).

Councillor Duncan McDonald declared a less than significant non-pecuniary of interest in GB.7 - Proposal for The Glade Sportsground (family members have attended Knox Grammar School).

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

File: S02499

Resolved:

(Moved: Councillors Szatow/Duncombe)

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

GB.5 Sustainability Reference Committee - Notes of Meeting held 29 November 2010 & Recommendation for New Members

Attachment 2: Notification Forms for Proposed New Members

GB.7 Proposal for The Glade Sportsground

Attachment 3: Letter from Knox & Abbotsleigh regarding upgrade proposal
Attachment 4: Athletics Options at The Glade

GB.9 Networks Alliance Request for Short-Term Licence - Bradley Reserve, South Turramurra

Attachment F: Heads of Agreement

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

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

R Hicks
D Adermann
B Stinson
S Ralli
A Hicks
F Breuer
E Alfris

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: Minutes of Ordinary Meeting of Council held 7 December 2010

Refer GB.14 - Mahratta Curtilage Park - Proposal to Install a Fence and Open the Park for use - Report by Director Strategy & Environment dated 8 December 2010.

Refer GB.15 - Assignment of Air-bridge Leases - Gordon - Report by Director Strategy & Environment dated 8 December 2010.

Memorandums: Refer GB.6 - Special Rate Variation for a Second Environmental Levy - Memorandum by Director Strategy & Environment dated 6 December 2010 to Councillors, General Manager & Directors only with an attached A3 colour version of Attachment 2 to the report.

Refer GB.8 - Future use of Water Street Reserve - Lot 1, 134 to 136 Eastern Road, Wahroonga - Memorandum by Director Strategy & Environment dated 6 December 2010 to Councillors, General Manager & Directors only with an attached A3 colour version of the attachment to the report.

Refer GB.10 - Amendment to Categorisation of Certain Community Land - Memorandum by Manager Urban & Heritage Planning dated 14 December 2010 to Mayor, Councillors, General Manager & Directors only with an updated Map 1 [LMU43] of Attachment 2 advising of the inaccuracy at the bottom of the map as a proposed change to natural area and advising that no change is proposed in the location.

Refer GB.11 - Ku-ring-gai Principal Local Environmental Plan Gateway Determination & Revised Timeline - Memorandum by Manager Urban & Heritage Planning dated 7 December 2010 to Mayor, Councillors, General Manager & Directors only with an attached A3 copy of Attachment 4 to the report.

CONFIRMATION OF MINUTES

412 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 7 December 2010
Minutes numbered 399 to 409

Resolved:

(Moved: Councillors McDonald/Hall)

That Minutes numbered 399 to 409 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting with exception of Minute No 403 - Christmas/New Year Recess Delegations.

CARRIED UNANIMOUSLY

413 **Christmas/New Year Recess Delegations**

File: CY00259/3
Vide Minute No 403

To grant appropriate Delegations during the Christmas/New Year recess period.

Resolved:

(Moved: Councillors Malicki/Holland)

That Minute Number 403 be adopted as printed.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Malicki, Szatow, Anderson, Duncombe,
Hardwick and McDonald*

Against the Resolution: Councillor Hall

PETITIONS**414 Petition against Mountain Bike Complex surrounding Lovers Jump Creek, Wahroonga - (Six Hundred & Forty-Nine [649] Signatures)**

File: S02590

Petition presented by Councillor Duncan McDonald:

"The beautiful bushland surrounding Lovers Jump Creek should remain a shared passive recreation area - including walking, running and cycling - to be enjoyed by the entire community. An "international" standard mountain bike complex would dominate and alienate the area and cause serious problems for the neighbouring urban community, not the least of which would be traffic, congestion and parking problems in an already restricted, narrow ridge community. It would destroy the amenity of the area and, therefore, we the undersigned residents oppose such a development."

Resolved:

(Moved: Councillor McDonald/Mayor, Councillor Cross)

That the Petition be received and referred to the appropriate officer of Council for attention.

CARRIED UNANIMOUSLY

GENERAL BUSINESS**415 26 Carnarvon Road, Roseville - Alterations & Additions to Existing Dwelling**

File: DA0806/10

Ward: Roseville

Applicant: BR Building Service

Owners: Mr Liang Yong Zhou and Mrs Jenny Hong Huan Wang

To determine Development Application No.0806/10, which is for alterations and additions to an existing dwelling house.

Resolved:

(Moved: Councillors McDonald/Anderson)

That Council, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No.1 – Development Standards to clause 60C of the Ku-ring-gai Planning Scheme Ordinance in respect of the built upon area development standard is well founded. Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.

AND

That Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA0806/10 is consistent with the aims of the Policy, grants development consent to DA0806/10 for alterations and additions to the existing dwelling at 26 Carnarvon Road, Roseville, for a period of five (5) 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 (alterations and additions)

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:

Plan no.	Drawn by	Dated
DRW 1/7 Site & site Analysis Plan and Concept Stormwater Plan	BR Building Service Pty Ltd	07.10.10
DRW 3/7 Proposed Floor Plan	BR Building Service Pty Ltd	07.10.10
DRW 4/7 South & North Elevations	BR Building Service Pty Ltd	07.10.10
DRW 5/7 East & West Elevations	BR Building Service Pty Ltd	07.10.10
DRW 6/7 Section A-A	BR Building Service Pty Ltd	07.10.10
DRW 7/7 Soil and Water Management Plan	BR Building Service Pty Ltd	07.10.10

Document(s) Dated	
Schedule of Materials and Finishes prepared by BR Building Service Pty Ltd	Received by Council 3 November 2010

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. **Road opening permit**

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

Reason: Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

5. **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.

6. **Sediment controls**

Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

Reason: To preserve and enhance the natural environment.

7. **Canopy replenishment trees to be planted**

Two (2) canopy replenishment trees representative of the Sydney Turpentine

Ironbark Forest such as a *Angophora costata* (Sydney Redgum) or *Syncarpia glomulifera* (Turpentine) shall be provided within the front setback. The trees shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. If the trees are found faulty, damaged, dying or dead it shall be replaced with the same species.

Reason: To maintain the treed character of the area.

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

8. 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.

9. 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.

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

10. 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:

11. 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.

12. Hours of work

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 noon 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 (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by the RTA from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities 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 to 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.

13. 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.

14. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard

AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

15. 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 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.

16. 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.

17. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: To facilitate recycling of materials.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. On site retention of waste docket

All demolition, excavation and construction waste docket are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
- This information is to be made available at the request of an Authorised Officer of Council.

Reason: To protect the environment.

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

25. 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. A98394 and dated 31 October 2010 have been complied with.

Reason: Statutory requirement.

26. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the planting of canopy trees within the front setback, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

27. 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.

CARRIED UNANIMOUSLY

416 Companion Animal Management Plan 2006 to 2011 Annual Review

File: S02452

To review implementation of Ku-ring-gai's Companion Animal Management Plan 2006-2011. The review provides updated statistics on each key area within the Plan, identifies the implementation status of each strategic action within the Plan and makes recommendations for any necessary modifications to the Management Plan.

Resolved:

(Moved: Councillors McDonald/Hardwick)

That Council continue to implement the Companion Animal Management Plan in accordance with its established strategies, goals and timeframes.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Malicki, Szatow, Anderson, Duncombe,
Hardwick and McDonald*

Against the Resolution: Councillor Hall

417 Networks Alliance Request for Short-Term Licence - Bradley Reserve, South Turramurra

File: S02776/2

To seek Council's approval for a short term licence to Networks Alliance over a portion of Council bushland known as Bradley Reserve, South Turramurra.

Resolved:

(Moved: Councillors McDonald/Malicki)

- A. That Council approves a six (6) month licence (with a monthly holdover clause) over a portion of Lot1 DP217243 and Lot 2 DP18318 – AKA Bradley Reserve, South Turramurra, to Networks Alliance.
- B. That Public notification of the licence agreement is undertaken in accordance with Section 47A *Local Government Act, 1993*.
- C. That Council authorises the Mayor and General Manager to execute all documentation associated with the licence.
- D. That Council authorises the affixing of the Common Seal of Council to the licence documentation.
- E. That the land must be restored as nearly as possible to the condition that it was in at the time the licence is granted at the expense of Networks Alliance.

CARRIED UNANIMOUSLY

418

Amendment to Categorisation of Certain Community Lands

File: S03671

To allow Council to consider varying the categorisation of a number of community land sites under the Local Government Act, 1993.

Resolved:

(Moved: Councillors McDonald/Malicki)

- A. That Council note the boundary re-alignment between community land categories for the 11 sites listed below:
 - i. Ku-ring-gai Creek Reserve/ Warrimoo Oval, St Ives Chase;
 - ii. Acron Oval and Douglas Street Reserve St Ives;
 - iii. Kissing Point Road Sports Field South Turramurra (within Sir David Martin Reserve);
 - iv. William Lewis Park and Bush, Fox Valley Road, Wahroonga;
 - v. Turramurra Park Oval, Upper Lovers Jump Creek, and Karuah Oval Turramurra;
 - vi. Mitchell Crescent Reserve, Warrawee;
 - vii. Rofe Park, Kate Street Turramurra;
 - viii. Reading Avenue Reserve, and Warrington Reserve, East Killara;
 - ix. Seven Little Australians Park, Slade Avenue, Lindfield;
 - x. Fiddens Wharf Oval in National Park, Lindfield; and
 - xi. Upper Bicentennial Park, West Pymble Chase.
- B. That Council prepare amendments to the relevant plans of management during the 2011/2012 financial year, to amend the community land categories of the following sites, in their entirety, to natural area (bushland):

- i. Aleta End (20 Morona Avenue, Wahroonga) (LMU 337);
 - ii. Florey Avenue Reserve, Pymble (LMU 75);
 - iii. Founders Way, St Ives (LMU122); and
 - iv. Holt Avenue Reserve, North Wahroonga (LMU709).
- C. i. That Council note the boundary re-alignment between community land categories for Auluba Oval and Sir David Martin Reserve.

CARRIED UNANIMOUSLY

419 **Ku-ring-gai Principal Local Environmental Plan Gateway Determination & Revised Timeline**

File: S06413

To present to Council the gateway determination for the Ku-ring-gai Principal Local Environmental Plan (LEP) and for Council to consider a revised timeline for its completion.

Resolved:

(Moved: Councillors McDonald/Malicki)

- A. That Council note the gateway determination issued by the Department of Planning for the Principal Local Environmental Plan.
- B. That Council submit to the Department of Planning the revised work program and timetable as outlined in this report, which satisfies the requirements of the overall timeframe contained in the gateway determination.

CARRIED UNANIMOUSLY

420 **Neighbourhood Centres Public Domain Improvement Program - Review of Capital Works Priorities**

File: S08329

To assess the 16 neighbourhood centres within the Ku-ring-gai Local Government Area (LGA) to determine the priority projects for public domain capital works for the years 2012-2014.

Resolved:

(Moved: Councillors McDonald/Malicki)

- A. That Council undertake construction of Princes Street utilising \$130,000 from the Business Centre Program funds year 2011/2012 and \$70,000 Business Centre Program funds from year 2012/2013.
- B. That Council undertake the design and community consultation work for Wellington Road, East Lindfield; Warrimoo Avenue, St Ives Chase; Duneba Avenue, West Gordon in 2012/2013 utilising Business Centre Program funds from year 2012/2013.
- C. That Council undertake the construction of the pedestrian areas at St Ives North neighbourhood centre, Warrimoo Avenue and West Gordon neighbourhood centre, Duneba Road with a completion date of September 2013 utilising Business Centre Program funds from year 2012/2013 and 2013/2014.
- D. That Council undertake the construction of the pedestrian areas at West Lindfield neighbourhood centre, Wellington Road with a completion date of September 2014 utilising Business Centre Program funds from year 2014/2015.

CARRIED UNANIMOUSLY

421

Consideration of the Concept Design Plan for Upgrade Works to Philip Mall, West Pymble Neighbourhood Centre

File: S08239

To seek Council's endorsement of the concept design plan for Philip Mall to allow Strategy and Environment staff to commence preparation of tender documentation and specifications.

Resolved:

(Moved: Councillors McDonald/Malicki)

- A. That Council endorse the developed design concept plan for Philip Mall, West Pymble as the basis on which staff prepare construction documentation including plans, details and sections.
- B. That Council undertake construction of Philip Mall, West Pymble by utilising the Annual Budget Remaining as of November 2010 and \$162,000 from the Business Centre Program funds from year 2011/2012.

CARRIED UNANIMOUSLY

422 **Assignment of Air-Bridge Leases - Gordon**

File: S07252

To obtain Council consent for the assignment of leases for the pedestrian air-bridge linking the Gordon Centre and Gordon Village Arcade over the Pacific Highway and the pedestrian air-bridge, connecting the Gordon Village Arcade to Wade Lane Car Park.

Resolved:

(Moved: Councillors McDonald/Malicki)

- A. That Council approve the assignment of the Lease for the pedestrian air-bridge above Pacific Highway that extends between The Gordon Centre (being 802 to 808 Pacific Highway, Gordon) and the Gordon Village Arcade (being 767 to 771 Pacific Highway, Gordon) to Charter Hall Retail REIT, or an entity fully owned by Charter Hall Retail REIT.
- B. That Council approve the assignment of the Lease for the pedestrian air-bridge above Wade Lane that extends between the Gordon Village Arcade to Wade Lane Car Park, Gordon, to Charter Hall Retail REIT, or an entity fully owned by Charter Hall Retail REIT.
- C. That the Mayor and General Manager be authorised to execute all documents associated with the lease assignment.
- D. That Council authorise the affixing of the Common Seal of Council to lease assignment documents.

CARRIED UNANIMOUSLY

Standing Orders were suspended to deal with items where there are speakers first after a Motion moved by Councillors Duncombe & Anderson was CARRIED UNANIMOUSLY

423 **Proposal for The Glade Sportsground**

File: S02670

The following members of the public addressed Council:

J Weeks
J Poole

For Council to consider an offer to assist with the funding of an athletics track at The Glade Oval, Wahroonga.

Resolved:

(Moved: Councillors Anderson/Duncombe)

- A. That Council request written clarification from Abbotsleigh, Knox, Ku-ring-gai Little Athletics and any other party interested in an all-weather synthetic athletics facility in Ku-ring-gai, detailing their level of interest in making a financial contribution towards this facility specifying their preferred location.
- B. That this information be referred to the Budget Review Working Group.

CARRIED UNANIMOUSLY

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

(Moved: Councillors Hall/Hardwick)

That the matter be deferred for a further report on The Glade proposal and the question of notifying residents of the development proposal should be part of the proposal during the recess period.

424 **Investment Report as at 30 November 2010**

File: S05273

To present to Council investment allocations and returns on investments for November 2010.

Resolved:

(Moved: Councillors Duncombe/McDonald)

- A. That the summary of investments and performance for November 2010 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Malicki, Szatow, Anderson, Duncombe,
Hardwick and McDonald*

Against the Resolution: Councillor Hall

425 **Ku-ring-gai Council's Draft Asset Management Improvement Strategy**

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File: S06232

For Council to adopt the draft Asset Management Improvement Strategy for public exhibition.

Resolved:

(Moved: Councillors Anderson/McDonald)

- A. That Council adopt the draft Asset Management Improvement Strategy for public exhibition.
- B. That a further report be presented to Council following the public exhibition process.

CARRIED UNANIMOUSLY

426 **Sustainability Reference Committee - Notes of Meeting held 29 November 2010 & Recommendation for New Members**

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File: S07619

To bring to the attention of Council the proceedings of the Sustainability Reference Committee meeting held on 29 November 2010 and recommend four new members to the Committee.

Resolved:

(Moved: Councillors Malicki/Anderson)

- A. That the notes and attachments of the Sustainability Reference Committee meeting held on 29 November 2010 be received and noted.
- B. That the Director Operations prepares a report to Council on the introduction of a regular electronic waste collection service in the 2011/15 Operational Plan and Delivery Program subject to the program of the National Television and Computer Product Stewardship scheme for consideration by Council in February 2011.
- C. That Troy Daly, Carolyn Pettigrew, Peter Tuft and Martin Tuktens be appointed to the Sustainability Reference Committee.
- D. That the Sustainability Reference Committee consider changing the role of the

Bicycle Committee from a Sub-Committee to an Advisory Committee in its own right.

For the Resolution: The Mayor, Councillor I Cross, Councillors Holland, Malicki, Szatow, Anderson, Duncombe and McDonald

Against the Resolution: Councillors Hall and Hardwick

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

(Moved: Councillors Cross/Hall/Hardwick)

- A. That the notes and attachments of the Sustainability Reference Committee meeting held on 29 November 2010 be received and noted.*
- B. That the Director Operations prepares a report to Council on the introduction of a regular electronic waste collection service in the 2011/15 Operational Plan and Delivery Program subject to the program of the National Television and Computer Product Stewardship scheme for consideration by Council in February 2011.*
- C. That Troy Daly, Carolyn Pettigrew, Peter Tuft and Martin Tuktens be appointed to the Sustainability Reference Committee.*

427

Special Rate Variation for a Second Environmental Levy

File: S08441

To seek Council's support for the development of a special rate variation for a continuation of the Environmental Levy.

Resolved:

(Moved: Councillors Anderson/Duncombe)

- A. That Council resolve to prepare a Special Rate Variation application for an Environmental Levy under section 508(A) of the Local Government Act 1993 for seven years at a rate of five per cent above the ordinary rate commencing 1 July 2012.
- B. That this Special Rate Variation application be formed on the basis of the environmental and sustainability projects identified in Option 2 as outlined in this report, with the exception of the two proposed wind farms.
- C. That Council notify the Independent Pricing and Regulatory Tribunal of its intention to apply for a special rate variation under section 508(A) of the Local Government Act 1993 by 28 January 2011.

- D. That Council conduct further community consultation in relation to the support of the special rate for environmental and sustainability projects.
- E. That a report be prepared for Council, following feedback from IPART in relation to the Special Rate Variation application and prior to the consideration of the draft Operational Plan and Delivery Program.
- F. That the development of the draft Operational Plan and Delivery Program for 2011-15 and long term financial plan incorporate the income and delivery of projects to be funded by the special rate.
- G. That 2 million dollars be allocated in scenario 2 toward an environmental and cultural centre at the Wildflower Garden and that staff provide further information to Council on alternative funding towards the project to enable consideration for inclusion in the Long Term Financial Plan.
- H. That the information in G be referred to the Budget Review Working Group.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Malicki, Szatow, Anderson, Duncombe
and McDonald*

Against the Resolution: Councillors Hall and Hardwick

428 **Future use of Water Street Reserve - Lot 1, 134 to 136 Eastern Road, Wahroonga**

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File: S06476

To report to Council the funding options to enable the future use of the Water Street Reserve at Lot 1, 134 to 136 Eastern Road, Wahroonga.

*The Mayor declared that the item
lapsed for want of a Motion and would be submitted
to a future meeting*

429 **Mahratta Curtilage Park - Proposal to Install a Fence and Open the Park for Use**

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File: S08217

To advise Council of the proposed installation of a dividing fence between Council land at 1536 Pacific Highway, Wahroonga, and the adjoining State Listed heritage property Mahratta, with consideration to the vista through the Moon Gate.

Resolved:

(Moved: Councillors Anderson/Szatow)

- A. That Council seeks with the adjoining owners of Mahratta to engage a qualified heritage consultant to update the 1989 Conservation Management Plan for Mahratta and its curtilage.
- B. That upon receipt of an updated Conservation Management Plan, Council finalise design plans for boundary fencing at 1536 Pacific Highway, Wahroonga together with any required approvals from the Heritage Council to enable calling quotes/ tenders for the erection of a sustainable side boundary fence to facilitate the opening of the park for public use.

For the Resolution: Councillors Holland, Szatow, Anderson, Hall and Hardwick

Against the Resolution: The Mayor, Councillor I Cross, Councillors Malicki, Duncombe and McDonald

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

(Moved: Councillors Malicki/Hall)

- A. That Council finalise design plans for boundary fencing at 1536 Pacific Highway, Wahroonga together with any required approvals from the Heritage Council to enable calling quotes/tenders for the erection of a suitable side boundary fence to facilitate the opening of the park for public use.*
- B. That Council seeks with the adjoining owners of Mahratta to engage a qualified heritage consultant to update the 1989 Conservation Management Plan for Mahratta and its curtilage.*

QUESTIONS WITHOUT NOTICE430 **Friars Field, Pymble - Public Toilets**

File: S05304

Question Without Notice from Councillor T Hall

At the Open Space Reference Committee last night, a Soccer representative expressed the urgent need for public toilet facilities at Friars Field, Pymble and I ask that this community facility be incorporated in the Works Program for 2010/2011, please?

Answer by the Director Operations

There would have to be a consideration for a Notice of Motion essentially those type of items would have to be put through that way for Council Officers to look at as to how those things could be built and done and budgetted.

431 **St Ives Cowan Road/Village Green Parade Reclassification/Subdivision**

File: S07624/2

Question Without Notice from Councillor T Hall

I ask the Director Strategy what delay will be occasioned by Council's resolution to subdivide this site on which reclassification was rejected recently?

What use has the Shopping Centre of this land under the current covenants and trusts classified as community which if reclassified would permit Council more flexibility to increase community facilities in this location?

Answer by the Mayor

Mr Watson, I think that's several questions which are really not allowed that you may answer.

Answer by the Director Strategy & Environment

Correct Mr Mayor, that was several questions and I will take them all on notice.

432 **Cowan Road, St Ives Subdivision**

File: S07624/2

Question Without Notice from Councillor D McDonald

Can I please have confirmed by the Director Strategy that the subdivision that Council resolved to do at Cowan Road is being done in such a way as to not cut off the access to the Cowan Road lots from the Village Green Parade?

Answer by the Director Strategy & Environment

When we discussed this last week, what I said I would do was extend that narrow strip that heads down towards the Library, all the way through to Cowan Road and that is all that I am doing.

What I will do though is that I will add that into the Village Green Parade and the balance into one of the existing titles so that I am not creating new lots. I am cutting one lot, adding a part into another lot and part into another lot so that there will be a reduction in one lot there all up.

433 **Lot 1, 134 to 136 Eastern Road, Wahroonga - Future Use of Water Street Reserve**

File: S06476

Question Without Notice from Councillor D McDonald

Can the Director of Strategy please advise what the rate per square metre Council used to determine the cost of the embellishment of that Park being recommended?

Answer by the Director Strategy & Environment

I'll take that on notice.

434 **Mahratta Curtilage Park**

File: S08217

Question Without Notice from Councillor E Malicki

Can we ensure that Council has access to its land adjacent to Mahratta at all times?

Can we ensure that we control any locks and that Mahratta approaches us for access across our land?

Answer by the Mayor

We will look into it.

435 **Cowan Road, St Ives Subdivision**

File: S07624/2

Question Without Notice from Councillor C Szatow

Does the handle of land subdivided at St Ives recently enable access from Cowan Road or cut off access?

Answer by the Director Strategy & Environment

Given that there are 5 blocks there I think, and they all have access to Cowan Road.

I haven't cut off any access to Cowan Road. There would be 200 hundred plus metres of frontage to Cowan Road, so I physically haven't cut access to Cowan Road. No.

The Meeting closed at 10.05pm

The Minutes of the Ordinary Meeting of Council held on 14 December 2010 (Pages 1 - 26) were confirmed as a full and accurate record of proceedings on 1 February 2011.

General Manager

Mayor / Chairperson