

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 2 FEBRUARY 2010

Present: The Mayor, Councillor I Cross (Chairperson) (Wahroonga Ward)
Councillors S Holland & E Malicki (Comenarra Ward)
Councillors E Keays & 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: General Manager (John McKee)
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 Development & Regulation's PA (Judy Murphy)

The Meeting commenced at 7.01pm

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.

Councillor Tony Hall declared a possible conflict of interest to GB.1 - Policy for the Payment of Expenses and Provision of Facilities to Councillors.

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 Item: Mayoral Minute - Australia Day Honours 2010

Correction to Agenda Item - Refer NM.1 - Reclassification of Land - Cowan Road, St Ives and Ray Street, Turramurra Car Parks - corrected incorrect Christian name for Councillor.

Councillors Information:	<p>Council-owned Rental Properties - Memorandum by Director Community dated 8 December 2009 in answer to Councillor Tony Hall's request for additional information.</p> <p>Rippon Grange - John Williams - Memorandum by Director Development & Regulation dated 17 December 2009 in answer to a Question Without Notice raised by Councillor Duncan McDonald at the Ordinary Meeting of Council held on 8 December 2009.</p> <p>"Under the Canopy" - Alleged Misstatement - Memorandum by Director Community dated 12 January 2010 in answer to a Questions Without Notice raised by Councillor Tony Hall at the Ordinary Meeting of Council held 24 November 2009.</p> <p>"Under the Canopy" - Memorandum by Director Community dated 12 January 2010 in answer to a Question Without Notice raised by Councillor Tony Hall at the Ordinary Meeting of Council held 24 November 2009.</p> <p>Section 430 Report - Removed from "Under the Canopy" Publication - Memorandum by Director Community dated 12 January 2010 in answer to a Question Without Notice raised by Councillor Elaine Malicki at the Ordinary Meeting of Council held 8 December 2009.</p> <p>Reporting Variations to Development Standards - September to December 2009 Memorandum by Director Development & Regulation dated 18 January 2010 regarding the NSW Department of Planning request that Councils monitor the use of the Director-General's assumed concurrence under SEPP1 and that Council keeps a register of all development applications with variations in standards under SEPP1.</p>
Late Councillor Information:	<p>Annual Report Legal Contracts for the year 2009 - Memorandum by Council's Corporate Lawyer dated 1 February 2010 in answer to a Question Without Notice raised by Councillor Tony Hall at the Ordinary Meeting of Council held 8 December 2009.</p> <p>"Under the Canopy" - Memorandum by Director Community dated 2 February 2010 with additional information regarding Minute No 277 of Ordinary Meeting of Council held 8 December 2009 in relation to Councillor Elaine Malicki's Question Without Notice on the subject of Section 430 Report - Removed from "Under the Canopy" Publication.</p>

CONFIRMATION OF MINUTES**1 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 8 December 2009
Minutes numbered 293 to 330

Resolved:

(Moved: Councillors Keays/McDonald)

That Minutes numbered 293 to 330 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

2 Addition of Lands into Lane Cove National Park

File: S02464
Vide Minute No 287

Council, at its meeting held on 8 December 2009 in confirming the accuracy of Minute 287 - Part A(ii) resolved:

That confirmation of the accuracy of Minute 287 - Part A(ii) be deferred to allow the tape to be checked.

Minute 287 - Part A(ii) reads:

- A. ii. *That consideration be given to Council's retaining care, control and management of the Canoon Road netball courts and Field of Mars Avenue, South Turramurra;*

The tape has been checked by the Senior Governance Officer and the Minute, as printed, is accurate.

Resolved:

(Moved: Councillors Malicki/Keays)

That Minute numbered 287, Part A (ii) of Ordinary Meeting of Council held 1 December 2009, as printed, be confirmed as accurate.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR**3 2010 Australia Day Honours and Citizen of the Year Awards**

File: S07765/2

I am pleased to inform you that 10 Ku-ring-gai citizens, through their outstanding achievements and services to the community, have been awarded 2010 Australia Day Honours.

We are very proud to have these dedicated and talented Australians as members of the Ku-ring-gai community.

I would like to read to you the names of these special Ku-ring-gai citizens and, on behalf of Council, congratulate them on their excellent contributions to Australian society.

William ANDERSON of Killara, for service to religious education through a range of academic and professional roles, and to the Scripture Union movement

Michael COLLINS of Pymble, for outstanding public service in the field of forensic science, particularly in the development of an international drug profiling program

Robert and Jenny CROSS of Wahroonga, for service to the community as foster carers of babies and children with special needs

Terence HORGAN of St Ives, for service to the community as a fundraiser for Catholic charitable organisations

Constance JONES of Pymble, for service to aged welfare through Baptist Community Services

Marjorie PAWSEY of St Ives, for service to community health as a contributor to the development of health care standards, quality assurance systems and professional accreditation programs, particularly in the area of women's health

John SILK of St Ives, for service to people living with Parkinson's Disease through administrative and support roles

Leslie TAYLOR of St Ives, for services to the financial sector, particularly in the field of banking law and corporate governance, and as a contributor to the development of electronic conveyancing

Robert TONG of Pymble, for service to the Anglican Church through a range of diocesan, national executive and administrative roles, and to the law as a practitioner and as an academic

I also congratulate Ku-ring-gai's Citizen of the Year winners for 2010. They are:

Citizen of the Year: Suzanne SAUNDERS

Young Citizen of the Year: Annika TIERNEY

Outstanding Contribution to the Community Award: James FROST

This year we have introduced new **Mayoral Environmental Awards**, with the inaugural winners being **Hugh LANDERS** and **Greg LODGE**.

On behalf of Council, I congratulate all these award winners on their outstanding achievements.

Ku-ring-gai should be proud that it has so many citizens being recognised at the highest levels for their selfless dedication, commitment and contribution to local, national and international communities.

Resolved:

That Council acknowledge the outstanding contribution made by these recipients of 2010 Australia Day Honours to the Ku-ring-gai community and to the well-being of our society.

CARRIED UNANIMOUSLY

PETITIONS

4 Petition to Erect 'No Through Road' Traffic Sign at Entrance of Newhaven Place, St Ives - (Fifty-Six [56] Signatures)

File: TM9/2

"We, the undersigned, residents of Newhaven Place, St Ives request Ku-ring-gai Council erect a "No Through Road" sign at the entrance of Newhaven Place, St Ives for the following reasons:

- During peak periods traffic builds up from Mona Vale Road to the roundabout of Link Road, Stanley and Horace Streets. Motorists who become frustrated with the lack of movement of traffic turn off Link Road into Newhaven Place thinking they can by-pass the traffic in Link Road.
- As Newhaven Place is not signed "No Through Road", traffic continues to the end of the street thus further increasing their frustration and their speeding back out into Link Road."

Resolved:

(Moved: Councillors Hall/Hardwick)

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

CARRIED UNANIMOUSLY

5 **Hill Street, Roseville - Objections to Proposed Alterations of Parking Restrictions - (Four Hundred & Eighty-One [481] Signatures)**

File: TM8/02

"We, the undersigned, being residents of Roseville and patrons of shops in Hill Street, Roseville, wish to record our objections to the implementation to the proposed no parking restrictions in Hill Street during the period 7.00am to 9.00am and the 5 minute parking restrictions from 3.30pm to 6.30pm Monday to Friday."

Resolved:

(Moved: Councillors Anderson/Duncombe)

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

CARRIED UNANIMOUSLY

GENERAL BUSINESS

6 **48 Richmond Avenue, St Ives - Alterations and Additions**

File: DA0761/09

Ward: St Ives

Applicants: Dr N C Shepherd & Mrs A Macarthur

Owners: Dr N C Shepherd & Mrs A Macarthur

To determine development application No.0761/09 for alterations and additions to the existing dwelling.

Resolved:

(Moved: Councillors Holland/Malicki)

That the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 - Development Standards* to the height

standard in clause 46 of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as:

- the height of the proposed addition is partly attributable to the design of the ceiling, the slope of the land and the height of the existing dwelling
- the proposed addition will not be visible from the street and will have no streetscape impacts
- the proposed addition will not result in any adverse visual, privacy or solar access impacts to adjoining properties

AND

THAT the 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 DA0761/09 is consistent with the aims of the Policy, grant development consent to DA0761/09 for alterations and additions on land at No. 48 Richmond Avenue St Ives, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

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

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
09065-1 Rev A	All Walls P/L	19 November 2009
09065-2	All Walls P/L	15 October 2009

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. Notification of builder's details

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

Reason: Statutory requirement.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:**7. 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.

8. 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.

9. External finishes and materials (alterations and additions)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the existing house and the streetscape.

Note: Details of the colour, finish and substance of all external materials, including schedules and a sample board of materials and colours, are to be submitted to the Certifying Authority.

Reason: To protect the streetscape.

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. 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.

13. Demolition, excavation and construction work hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 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.

14. 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.

15. Dust control

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

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent

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

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

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.

1. Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
2. 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. A67512 have been complied with.

Reason: Statutory requirement.

26. 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.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

27. Rural Fire Service conditions

a) Asset Protection Zones

The intent of measures is to provide sufficient space and maintain reduced fuel loads so as to ensure radiant heat levels of buildings are below critical limits and to prevent direct flame contact with a building.

At the commencement of building works and in perpetuity the entire property shall be managed as an Inner Protection Area (IPA) as outlined within section 4.1.3 and appendix 5 of Planning for Bushfire Protection 2006 and the NSW Rural Fire Service's document 'Standards for asset protection zones.'

b) Design and construction

The intent of measures is that buildings are designed and constructed to withstand the potential impacts of bush fire attack.

- i) New construction shall comply with Australian Standard AS3959-1999 'Construction of new buildings in bush fire prone areas' level 3.
- ii) Roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for fire tests on building materials, components and structures – test for flammability of materials.'
- iii) In accordance with Development Control Services 'Fast Facts 4/08' – 'Glazing in the flame zone,' all windows/door glazing facing the hazard (western and northern elevations) shall have:
 - a) the openable portions screened using a mesh with a maximum aperture of 2mm made of corrosion resistant steel or bronze, and
 - b) the window/door assemblies are protected by a complying bush fire shutter, or
 - c) where window/door systems are not protected by a complying bush fire shutter, the window system shall have an FRL of at least -/30/-.
- iv) Development is determined as being within the flame zone – there is to be no exposed timber to the proposed decks.
- v) Any new fencing shall comply with Development Control Services 'Fast Fact 2/06' for fences or gates in bush fire prone areas.

Any new external doors shall comply with Development Control Services 'Practice Note 3/06' revised November 2007.

Reason: Bushfire safety.

CARRIED UNANIMOUSLY

7 **Heritage Reference Committee - Notes of Meeting held 16 November 2009**

File: S07620

To advise Council of the notes of the Heritage Reference Committee meeting held on 16 November 2009.

Resolved:

(Moved: Councillors Holland/Anderson)

- A. That Council receive and note the Heritage Reference Committee meeting notes of 16 November 2009.
- B. That Council further consider the heritage assessment of the North Shore Railway Line in the Ku-ring-gai Principal LEP planning process.

CARRIED UNANIMOUSLY

8 Sustainable Choice Program

File: S06526

To recommend that Council join the Sustainable Choice program.

Resolved:

(Moved: Councillors Holland/Malicki)

That Council commit to become a member of the Local Government and Shires Associations Sustainable Choice program.

CARRIED UNANIMOUSLY

9 Allan Small Oval Floodlight Proposal

File: S02238

To seek Council approval for the installation of floodlights at Allan Small Oval, East Killara, to be funded by Ku-ring-gai District Soccer Association and Gordon Soccer Club.

Resolved:

(Moved: Councillors Holland/Keays)

- A. That Council approve the installation of floodlights at Allan Small Oval, East Killara, to be fully funded by Ku-ring-gai District Soccer Association and Gordon Soccer Club.
- B. That Council formally recognise the financial contribution of Ku-ring-gai District Soccer Association and Gordon Soccer Club to bring this project to fruition, by way of a letter from the Mayor.

CARRIED UNANIMOUSLY

10 **Environmental Levy Small Grants Scheme - Round Nine**

File: S06522

To seek Council's support to fund the ninth round of the community small grant scheme funded by the Environmental Levy.

Resolved:

(Moved: Councillors Holland/Malicki)

That Council support the following twelve (12) applications for funding under the Environmental Levy Small Grants Scheme – Round Nine.

1	Babbage Road Bushcare	\$2,000
2	Gordon East Public School	\$4,050
3	Gearys way bushcare	\$4,000
4	Ku-ring-gai Creative Arts High School	\$3,000
5	Ku-ring-gai Mini-Wheels training club	\$5,000
6	Longford Abingdon Road Bushland improvement	\$5,000
7	North Shore Group - Australian Plant Society	\$4,000
8	Ormonde Road bushcare group	\$4,000
9	Quarry Masons parkcare group	\$1,848
10	Turrumurra lookout community garden	\$4,500
11	Wahroonga Public School	\$900
12	Wires – release aviary	\$1,771
	TOTAL	\$40,069

CARRIED UNANIMOUSLY

11 **Compliance of Transport Facilities with Disability Discrimination Act Requirements**

File: S07256

To advise Council on the consultant submissions to audit bus stops and prepare an action plan for compliance with disability requirements and seek approval to fund the work.

Resolved:

(Moved: Councillors Holland/Malicki)

- A. That Council notes the study submissions received to undertake an audit and prepare an action plan to address Council's obligations under the Disability Discrimination Act 1992, and the Disability Standards for Accessible Public Transport under that Act.

- B. That Council offers the audit study to Strategic Transport Advisors at a fee of \$53,240, subject to confirmation of several study details, and that the study be funded from the recurrent budget for Traffic Management from the income received for work zones. This will be covered in the second quarter budget review.
- C. That bus operators be informed of Council's decision and advised that any future changes to bus routes and bus stops will require them to fund the installation of infrastructure that complies with Disability Standards for Accessible Public Transport.

CARRIED UNANIMOUSLY

12 **Asset Management Plan for Road Infrastructure**

File: S06232

To seek Council's endorsement of the Asset Management Plan for Council's road infrastructure.

Resolved:

(Moved: Councillors Holland/Malicki)

- A. That Council adopts the Asset Management Plan for Roads.
- B. That Council maintains the level of funding for the renewal of Council's roads in accordance with the Long Term Financial Plan adopted by Council in December 2009.
- C. That Council notes the cost to bring Council's roads to a satisfactory standard is currently in excess of \$66.35 million.
- D. That a review of the asset management plan for roads be undertaken in early 2012 following the proposed completion of the asset management plans for all of Council's assets.

CARRIED UNANIMOUSLY

13 **Graffiti in Business Centres**

File: FY00271

To seek Council's endorsement for the contribution of funding and equipment to the Rotary Club of Roseville Chase for the removal of graffiti in the business centres of Roseville and Roseville Chase.

Resolved:

(Moved: Councillors Holland/Duncombe)

- A. That Council advises Roseville Chase Rotary of its support for their proposal for the removal of graffiti around Roseville and Roseville Chase and provides them with a high pressure water sprayer and \$4000.
- B. That funding be provided from the Business Centres program.

CARRIED UNANIMOUSLY

14 **Electricity Supply, Tender Acceptance, Large Use Sites and Street Lighting, SSROC Group Tender**

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File: S06401

The purpose of this report is to seek Council's consideration for the acceptance of tender recommendations from the tender evaluation for SSROC group tender for supply of electricity to large use sites including street lighting.

Resolved:

(Moved: Councillors Holland/Keays)

That an Extraordinary Meeting be held at 5pm on Thursday, 11 February to consider a report on the acceptance of SSROC Group Electricity tender for electricity supply.

CARRIED UNANIMOUSLY

15 **Acceptance of Tender T12/2009 - Construction of Sports Ovals and Associated Works at Roseville Chase Oval and Comenarra Sportsfield**

.
File: S07794

To seek the approval of Council to appoint a contractor to carry out the work of refurbishment of Roseville Chase Oval and Comenarra Sportsfield, stormwater harvesting and associated landscape works at both sites, and the carry forward/reallocation of funds.

Resolved:

(Moved: Councillors Holland/Keays)

- A. That M Collins & Sons (Contractors) Pty Ltd be appointed as the preferred contractor to carry out the works of refurbishment of Roseville Chase Oval and Comenarra Sportsfield, including drainage, irrigation and associated works.

- B. That Council approve the carry forward of any unspent funds from the 2009 / 2010 Open Space Capital Works Program to allow the works to be completed.
- C. That the Mayor and General Manager be authorised to execute all necessary documents in relation to the contract.
- D. That the seal of Council be affixed to all necessary documents.
- E. That all tenderers be advised of Council's decision.

CARRIED UNANIMOUSLY

Councillor Hall withdrew

16 **Policy for the Payment of Expenses and Provision of Facilities to Councillors**

.
File: S03779

To recommend the adoption of a revised Policy for the Payment of Expenses and Provision of Facilities to Councillors.

Resolved:

(Moved: Councillors Duncombe/Malicki)

That the revised Policy for the Payment of Expenses and Provision of Facilities to Councillors be adopted.

CARRIED UNANIMOUSLY

Councillor Hall returned

17 **Local Government and Shires Association (LGSA) Tourism Conference 2010**

.
File: S02046

To advise Councillors of the Local Government and Shires Association of NSW 2010 Tourism Conference

Resolved:

(Moved: Councillors Duncombe/Anderson)

That any interested Councillors advise the General Manager by Friday, 12 February 2010 if they wish to attend the 2010 Local Government and Shires Association (LGSA) Tourism Conference.

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

Against the Resolution: *Councillor Hall*

18 **Asset Disposal Policy**

File: S06737

To recommend the adoption of an Asset Disposal Policy.

Resolved:

(Moved: Councillors Duncombe/Malicki)

That the Asset Disposal Policy be adopted.

CARRIED UNANIMOUSLY

19 **46 Powell Street, Killara - Modification of DA0161/03 Proposing to Widen
Driveway and Vehicle Turning Area and Driveway Resurfacing**

File: MOD0290/09

Ward: Gordon

Applicant: Mrs Jane Esma Singleton

Owner: Mrs Jane Esma Singleton

The following members of the public addressed Council:

R Staas

I Glendinning

J Singleton

N Singleton

To determine Section 96 modification application MOD0290/09 which seeks to modify development consent No.0161/03 for alterations and additions to the existing dwelling and garage.

Resolved:

(Moved: Councillors Keays/Anderson)

That Council, as the consent authority, approve MOD0290/09 to modify development consent to Development Application 161/03 for modifications to the driveway and vehicle turning area on land at 46 Powell Street subject to the addition of informal plantings planting to soften the edges of the driveway, Killara in the following manner:

Condition No.1 is modified to read as follows:

Approved plans and documentation (s.96)

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp:

Plan no.	Lodged with Council	Drawn by	Dated
1 (Rev A)	17 February 2003	Beecraft Pty Ltd	7 January 2003

Except where amended by that work shown on the following Section 96 plans endorsed with Council's stamp, as listed below, and except where amended by other conditions of this consent:

Plan no.	Titled	Drawn by	Dated
RAD0711-1	Site plan / Site analysis plan	Right Angle Drafting	May 07
RAD0711-2	Elevations and details	Right Angle Drafting	May 07
AS BUILT 001	Overall site and ground floor plan	Wibsoma Pty Ltd	28/09/09
AS BUILT 002	Overall site and built upon area plan	Wibsoma Pty Ltd	28/09/09

Reason: To ensure the development is in accordance with the Determination of Council

The following condition is to be inserted as Condition No. 24A

Landscape plantings

The consistency of the box hedge along the proposed driveway's eastern edge shall be amended by removing alternate plants and supplementing the planting beds with additional, informal plantings to soften the edges of the driveway so as to reduce the visual impact of the driveway, retaining wall and kerb.

The details of these plantings are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate. The Principal Certifying shall also be satisfied that the proposed supplementary plantings will achieve an informal planting arrangement when mature.

Reason: To soften the visual impacts of the proposed driveway

Condition No. 27 is deleted from the consent

For the Resolution: *The Mayor, Councillor I Cross, Councillors Holland, Keays, Anderson, Duncombe, Hall, Hardwick & McDonald*

Against the Resolution: *Councillors Malicki & Szatow*

20 **Burns Road and Bobbin Head Road Intersection**

File: TM10/02

Ward: Wahroonga

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

To consider resident feedback regarding proposed intersection improvements at Burns Road/Bobbin Head Road and endorsement of the concept plan for the work.

Resolved:

(Moved: Mayor, Councillor I Cross/Councillor McDonald)

- A. That Council note the responses received to its community consultation undertaken during November/December 2009, the comments made and the outcome of the residents' meeting held on 21 January 2010.
- B. That Council endorse the attached concept plan with the following traffic measures:
 - 1. Right turns being permitted at all times from Burns Road into McRae Place;
 - 2. Right turns being permitted out of McRae Place outside of peak periods of 7.00-9.00am and 4.00-6.00pm Mondays to Fridays;
 - 3. Left in and left out traffic movements at Apps Avenue and Spurwood Avenue, subject to further monitoring of traffic movements.
- C. That, on completion of the works, the operation of the intersection and associated works be monitored by Council and the RTA, in terms of access and safety as a six month trial and reported back to Council.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN21 **Reclassification of Land - Cowan Road, St Ives and Ray Street, Turramurra Car Parks**

File: S07629

The following members of the public addressed Council:

**K Callinan
C Berlioz**

Notice of Rescission from Councillors Elaine Malicki, Duncan McDonald and Steven Holland dated 8 December 2009

We move -

"That the decision made by Council (Minute No 324 of Ordinary Meeting of Council held 8 December 2009) to reclassify the Cowan Road Car Park and the Ray Street Car Park is hereby rescinded."

Resolved:

(Moved: Councillors Malicki/McDonald)

That the matter be deferred until the next Ordinary Meeting of Council to allow notification to -

1. Those who addressed any previous hearing on reclassification of St Ives or Turramurra.
2. Community groups associated with planning issues.
3. Any e-mail lists available on Turramurra or St Ives Town Centres.
4. Also occur in the Mayoral column that this item is coming to Council.

For the Resolution: The Mayor, Councillor I Cross, Councillors Holland, Malicki, Keays, Szatow & McDonald

Against the Resolution: Councillors Anderson, Duncombe, Hall & Hardwick

22

Former St Ives Vegetation Tip Site - 435 Mona Vale Road, Portion 2753, Parish Manly Cove, County Cumberland

File: S02673

Notice of Motion from Councillor Tony Hall dated 19 January 2010

I move that:

"Given the ongoing issues associated with the leachate from the former St Ives vegetation site, I suggest that Council arrange for an independent test of the material at the site and an assessment of the suitability and viability of the reuse of the material for commercial purposes. This testing and subsequent option analysis would be incorporated within the Master Planning for the site and broader St Ives Showground precinct. Following completion of the testing and viability study, a report be brought back to Council on the outcome and options available to Council on the ongoing remediation or other requirements for the site.

Funding for this independent report be funded from Council's Domestic Waste budget."

Motion:

(Moved: Councillors Hall/Hardwick)

That the above Notice of Motion as printed be adopted.

For the Resolution: Councillors Anderson, Hall & Hardwick

Against the Resolution: The Mayor, Councillor I Cross, Councillors Holland, Malicki, Keays, Szatow, Duncombe & McDonald

The above Motion when put to the vote was LOST

QUESTIONS WITHOUT NOTICE

23 **RTA AAD Vehicle Movements - Mona Vale Road [MR162] & RR2043**

File: S02600/9

Question Without Notice from Councillor T Hall

Would the Director Operations please obtain from the RTA the latest aad vehicle movements, both north and southbound for Mona Vale Road, (MR162), south of the Cowan Road intersection and north of the Link Road intersection and the latest available aad vehicle movements on the arterial road (Killeaton Street/Burns Road) known as RR2043, west and east of the Bobbin Head Road intersection? Comparative aad movements from previous RTA counts in these locations would also be appreciated.

Answer by the Director Operations

We can provide those figures.

24 **Proposed Traffic Signalisations at Major Intersections - Mona Vale Road, St Ives**

File: TM9/01

Question Without Notice from Councillor T Hall

As the St Ives Showground and Precinct Crown Lands Improvement Options are currently on public exhibition until 1 March and include proposed traffic signalisations of major intersections on Mona Vale Road (MR162) between and including Richmond Avenue (north) and the St Ives Showground Reserve, has the RTA been apprised of these proposed traffic changes and its comments sought whether the RTA would support and fund traffic signals at these locations?

If the RTA has been advised, would the General Manager circulate the Council's letter prior to the public information night to be held on 17 February 2010 at the Showground?

Answer by the Director Strategy & Environment

The matter has been referred to the RTA and I understand they have a internal committee which will consider the matter next week.

The Meeting closed at 8.58pm

The Minutes of the Ordinary Meeting of Council held on 2 February 2010 (Pages 1 - 26) were confirmed as a full and accurate record of proceedings on 23 February 2010.

General Manager

Mayor / Chairperson