

## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 22 JUNE 2004**

Present: Councillor A Ryan (Chairperson) (Gordon Ward)  
Councillors I Cross & N Ebbeck (Wahroonga Ward)  
Councillors A Andrew & E Malicki (Comenarra Ward)  
Councillors L Bennett & T Hall (St Ives Ward)  
Councillors G Innes AM & M Shelley (Roseville Ward)  
Councillor M Lane (Gordon Ward)

Staff Present: General Manager (Brian Bell)  
Director Environment & Regulatory Services (Michael Miocic)  
Manager Development Assessment Services (Matthew Prendergast)  
Director Planning & Environment (Leta Webb)  
Director Technical Services (Greg Piconi)  
Director Open Space (Steven Head)  
Director Community Services (Janice Bevan)  
Director Finance & Business (John McKee)  
Senior Governance Officer (Geoff O'Rourke)  
Office Co-ordinator/WP (Casey Locke)

*The Mayor offered the Prayer*

*The Meeting commenced at 7.01pm*

### **DECLARATION OF PECUNIARY INTEREST**

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

No such interest was declared.

### **ADDRESS THE COUNCIL**

The following members of the public addressed Council

C Young  
T Matire  
A Poppitt  
G Tabutea

### **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:

- Refer GB.9 Section 94 Contributions Plan 2004 to 2009 - Memorandum from Director Planning & Environment dated 21 June 2004
- Refer NM.1 Flashing Lights at School Zone in Horace Street, St Ives - Letter from the RTA dated 18 May 2004
- Refer NM.2 Code of Conduct - Confidential Memorandum from General Manager dated 22 June 2004

## **CONFIRMATION OF MINUTES**

### 283 **Minutes of Ordinary Meeting of Council**

File: S02131  
Meeting held 8 June 2004  
Minutes numbered 275 to 282

#### **Resolved:**

(Moved: Councillors Hall / Lane)

That Minutes numbered 275 to 282 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meetings.

**CARRIED UNANIMOUSLY**

## **MINUTES FROM THE MAYOR**

### 284 **Queen's Birthday Honours 2004**

File: S02767

I am proud to inform you of the many Ku-ring-gai citizens who, through their outstanding achievements and services to the community, have been recognised in the Queen's Birthday Honours 2004.

I would like to read to you the names of these special Ku-ring-gai citizens and the honours that have been bestowed upon them.

**Professor Neil Leonard Baumgart**; for service to educational research and development in Australia and to the advancement of educational programs in developing countries in the Asia-Pacific region.

**Mr John Guthrie Bowie**; for service to education, particularly through the Jesuit Schools Board, the Association of Heads of Independent Girls' Schools and the Loyola Institute.

**Mr Colin Frederick Ging**; for service to the building and construction industry, particularly through major building projects in Sydney including the Olympic Stadium project and its later reconfiguration.

**Mrs Jolyn Margaret Karaolis**; for service to education through St Catherine's School, Waverley as an innovator and administrator, and through the activities of the Australian Heads of Independent Schools Association.

**Mrs Susan Louise Crawford**; for service to the community, particularly through organisations for mental health care.

**Mr James Cousley Kelso**; for service to the community through a range of motor sport, vintage car and educational organisations, and

**Mr Denis Harold Strickland**; for outstanding public service, particularly to the NSW Police Force at an organisational and policy level for over thirty years.

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:**

- A. That Council acknowledge the outstanding contribution made by these recipients of the queen's Birthday Honours to the Ku-ring-gai Community and to the wellbeing of our society.
- B. That the Mayor write to each of the recipients on behalf of Council and the people of Ku-ring-gai congratulating them on their awards.

**CARRIED UNANIMOUSLY**

**PETITION**

285 **30 Warrangi Street, Turramurra - Construction Of Four Two-Storey Villas - (Forty [40] Signatures)**

File: DA0359/04

"As concerned residents of Warrangi Street, we request that Council arrange a meeting so that this development for four two-storey villas, might be discussed with us. Our concerns are about compliance with legislation.

In response to Council's invitation, residents have submitted responses regarding possible non-compliance, namely:

**Resolved:**

(Moved: Councillors Cross / Ebbeck)

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

**CARRIED UNANIMOUSLY**

**30 Ganmain & 122 to 124 Mona Vale Road, Pymble - Objection to Development (Twenty-five [25] Signatures)**

File: DA0449/04

**The following Petition was presented by Councillor Hall:**

"I wish to object to the proposed development (the Proposal) at the Premises under the recently commenced State Environmental Planning Policy (Seniors Living) 2004 (Seniors Living).

**1. Environmental Planning Instruments**

A line-by-line review of Seniors Living reveals the following non-compliances with that document:

**1.1. Clause 2(1)(c) – Seniors Living provides that the Proposal must "be of good design"**

Objectively, the design is for a proposal, which is disharmonious with the streetscape and existing residential area. Viewed from either the east or west elevations it is of a substantial bulk and overbearing appearance. The ridgeline, viewed from properties to the west, will be solid, continuous and dominant.

The requirement for good design also relates to residents living in the particular development, in the Proposal, at least units 1 — 6 and 11 — 14 do not have a covered access way from the lift shaft to their front door. If more than 'lip service' is to be given to the Proposal serving the needs of elderly and disabled persons, then the Proposal fails in this regard.

**1.2. Clause 24(1) — Seniors Living proposals are to have regard for Heritage Items**

The town planning report accompanying the Proposal prepared by SPD Town Planners on page 39 incorrectly states "there are no heritage items in the vicinity of the (Premises). A cursory search of the NSW Heritage Office indicates the following listings:

- 121 Mona Vale Road, St Ives (directly opposite the Proposal)
- 111 Mona Vale Road, St Ives
- 100 Mona Vale Road, Pymble

**1.3. Clause 25 - Seniors Living requires the Proposal to be within 400 metres of Services or with 400 metres of Transport**

The Proposal is significantly more than 400 metres from St Ives Shopping Centre. Whilst there is public transport in the immediate vicinity of the Premises, there is no safe pedestrian access or disabled access to cross Mona Vale Road except approximately 400 metres south of the Premises at the signalled intersection of Mona Vale Road at Telegraph Road.

The Proposal is effectively 800 metres from the bus stop on the eastern side of Mona Vale Road.

**1.4. Clause 25(2)(a) - Seniors Living provides that certain "grades" are unacceptable**

On Mona Vale Road heading north from the Premise, there is a section of footpath with a grade of about 1 in 12 continuing for some 100 metres. Seniors Living provides that a grade of more than 1 in 12 for more than 15 metres is unacceptable.

**1.5. Clause 26 - Seniors Living provides that Council must not consent to the Proposal unless it complies with Planning for Bushfire Protection 2001**

Planning for Bushfire Protection, 2001 requires "Asset Protection Zones" from Bushfire Prone Land. Table 4.2 in Planning for Bushfire Protection, 2001 is applicable to Asset Protection Zones for a development for a Special Fire Protection Purpose, which includes proposals under SEPP5 (and accordingly now Seniors Living).

Ku-ring-gai Council's bushfire prone land maps indicates that Dalrymple Hay Forest is "Bushfire Prone Land - Vegetation Category 1". Accordingly the minimum Asset Protection Zone required is 60 metres for a Special Fire Protection Purpose development, and it could be greater depending on the deemed slope of the Premises. Accordingly, at least 415 of 30 Ganmain Road and 113 of 122-124 Mona Vale Road is located within this Asset Protection Zone as it applies to Proposal. Planning for Bushfire Protection, 2001 requires strict compliance with the Asset Protection Zone.

Access and egress to the Premises will be severely limited in a bushfire because Ganmain Road could become landlocked if a fire spread to Canisius College, Mona Vale Road could be closed due to a fire in Dalrymple Forest and Pentecost Avenue too could be affected by a fire in that area.

A further consideration arising from the Proposal is that In the event a fire exists in the rear of the Premises, due to the solid continuous form of the Proposal, the Rural Fire Service would be unable to access the rear of the Premises. This places other properties to the west of the Premises in greater danger.

**1.6. Clause 31 - Seniors Living requires consideration to Neighbourhood Amenity**

For much the same reason stated in respect of clause 2.1(a) the Proposal is unsympathetic to the neighbourhood amenity. Objectively, the design is for a proposal that is disharmonious with the streetscape and existing residential area. Viewed from either the east or west elevations, it is of an unsympathetic bulk and overbearing appearance. The ridgeline, viewed from properties to the west, will be solid, continuous and dominant.

**1.7. Clause 32 - Seniors Living requires consideration of Visual and Acoustic Privacy**

The Proposal provides for a clubhouse to be located on the Ganmain Road frontage. This clubhouse will undoubtedly be the central meeting place and it is likely that

residents will use the Ganmain Road route to Friars Park. This scenario will cause the concentration of residents in the development to be at Ganmain Road leading to noise and a loss of privacy and noise.

#### **1.8. Clause 35 — Seniors Living requires consideration of Crime Prevention**

The Proposal provides for an additional through route from Ganmain Road to Greendale Road and may encourage this to become an informal route. Persons of questionable character could use this informal route.

#### **1.9. Clause 36 — Seniors Living requires consideration of Accessibility**

Neither Ganmain Road nor Greendale Road have footpaths. This will require elderly residents to walk, or wheelchairs to drive, on the roadway. Given that there will be additional street parking arising from the development this will force the residents and other residents in the area to use the traffic lanes of the respective roadways. There is little opportunity in the future to construct a footpath in either Ganmain Road or Greendale Road on the basis that there are many established trees and many utility poles.

Residents will be forced to make an extended trip to collect mail within the Premises.

#### **1.10. Clause 38(4)(c) — Seniors Living requires single storey development at "rear" of site**

There appears to be no consideration of the requirement that 25% of the area at the rear of the site which is to have single storey development, The bedrooms of units 12 — 14 and the bathroom, kitchen and entranceway of unit 17 are all within the envelope that could be affected by this requirement, depending on how the envelope is determined.

It would seem that the purpose of such a requirement would be to reduce overlooking into other properties rear yards and to achieve a "step down" in the design to reduce the bulk of a development and to achieve a variation in appearance of the roofline.

#### **1.11. Clause 81(b) — Seniors Living requires that the FSR be less than 0.5 to 1**

The town planning report accompanying the Proposal prepared by SPD Town Planners on page 19 is questionable given that page 40 of the same report states that the floor areas are between 89 — 115 square metres. The figures quoted, could not be verified by the plans forwarded by Council.

#### **1.12. Clause 81(e) — Seniors Living requires solar access to Living Rooms and Private Open Spaces.**

The requirement for solar access to Living Rooms and Private Open Spaces is a conjunctive requirement. Both must be satisfied. Given that units 1 — 6 and 11 -14 are east facing and cascaded in such a manner that they shade each other from the northern sun, it is unimaginable that the balconies or the living rooms for these units will receive any sun in winter.

#### **1.13. Clause 81(g) — Seniors Living requires visitor car spaces**

The requirement for visitor car spaces is not specified for units that front a clearway (like Mona Vale Road). The requirement for 2 spaces for 7-8 units assumes that on

street parking is available. Assuming the minimum 20 metre frontage in clause 38(3), there will be 3 on street car spaces available by the time consideration is given to a driveway. Therefore, a 7-0 unit development is required to have 5 visitor car spaces (including 3 on street). The Proposal, being for 17 units, therefore requires 11 car spaces less those available on the Greendale Road frontage, say 3 (taking into account the bend in the road) meaning 8 visitor car spaces should be provided in the Premises.

## **2. Environmental Impact of the Development**

### **2.1. Density**

The density of the Proposal has little regard to the amenity and character of the street or the character of Ku-ring-gai. By comparison to similar proposals in Ku-ring-gai Municipal Council, the extent of the over development of the site can be seen:

- 50 Pentecost Avenue, Pymble -1713 square metres 6 units
- 37 Bums Road, Wahroonga – 9510 square metres 21 units
- 39 Baldwin Street, Gordon – 1890 square metres 2 units
- 43 Canoon Road / 1 Tarook Avenue, South Turramurra – 2267 square metres 7 units
- 47 Highfield Road, Lindfield – 3279 square metres 10 units
- 277 and 27Th Mona Vale Road, St Ives – 3800 square metres 15 units

These are the identifiable appeals the Land and Environment Court for SEPPS developments within Ku-ring-gai. The Land and Environment Court refused a significant number of these proposals. Overwhelmingly this supports the proposition that the Proposal is an overdevelopment of the Premises.

### **2.2. Character of Street**

Ganmain Road is a precinct of many large detached houses constructed in the late 1970's and early 1980's.

Cul-de-sacs such as Ganmain Road are regarded as being only suitable for 15 residences and incapable of supporting medium density housing (see Department of Housing Road Design Manual, 1987).

### **2.3. Traffic**

The Proposal is likely to result in substantial additional traffic to the Premises. Whilst Greendale Road is the predominant entry, 9 dwellings and the clubhouse will be so conveniently located to Ganmain Road that Ganmain Road is likely to become the predominant entry for visitors to the site.

Although much is often made of peak traffic movements" during peak hour, the nature of the Proposal means that the residents are unlikely to be working. Accordingly higher off peak visitations will be expected to the Premises, which on weekends for example will coincide with the use and enjoyment the street reserve in Ganmain Road by families in Ganmain Road. SEPP5 in clauses 12(1)(e) – (f) specifically acknowledges that such developments require:

- Home delivered meals;
- Personal care;
- Home nursing; and

- Assistance with housework.

The Ganmain Road frontage is particularly susceptible to parking by persons providing these services due to its convenient access to many of the units on the Premises.

Having regard to there being no footpath in Ganmain Road, any additional parked cars will force pedestrians and wheelchairs onto the traffic lanes.

Cul-de-sacs such as Ganmain Road are regarded as being only suitable for 15 residences in the Department of Housing Road Design Manual, 1987.

#### **2.4. Bushfire**

The Proposal places properties in Ganmain Road at greater threat of bushfires. This comes about because emergency services could be conflicted if an emergency evacuation of the proposed development is required and fire services are required. Furthermore, the Proposal provides a barrier preventing fire services from accessing the rear of the Premises and fighting fires.

#### **2.5. Privacy**

Ganmain Road is a particularly private street in addition to any additional parking in Ganmain Road. Ganmain Road is likely to become a thoroughfare to Friars Field. None of the properties in Ganmain Road has a front fence because of a Restrictive Covenant and accordingly privacy in the front rooms and front yards are lost.

The height of the windows of the second floor units is much higher than the rear yards of properties to the west. The absence of any significant vegetation on the western boundaries of the Premises will result in the loss of privacy of many of the properties to the west over and above those immediately adjoining the property.

### **3. Suitability of the Premises**

The suitability of the Premises for a Seniors Living proposal is highly questionable. As outlined above the following deficiencies have been identified and would apply to any Seniors living proposal:

- A Seniors Living proposal does not fit in the locality;
- This particular Proposal does not fit in the locality;
- The Premises is not in close proximity to Services required by Seniors Living;
- The Premises is not adequately serviced by public transport as required by Seniors Living;
- The Premises will not be serviced by footpaths in Greendale Road and Ganmain Road;
- The footpath to the north of the Premises in Mona Vale Road is of an unacceptable grade as specified in Seniors Living; and
- The Premises is subject to a bushfire threat which renders void from the beginning any Seniors Living proposal.

### **4. Public Interest**

Given the high level of interest and objection to the Proposal, consideration needs to be given to the Public Interest that the Proposal is not approved.

Having regard to all the above points, the Proposal is unacceptable and I urge Council to refuse this application."

**Resolved:**

(Moved: Councillors Hall / Bennett)

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

**CARRIED UNANIMOUSLY**

*Standing Orders were suspended to deal with the  
Items where there are speakers  
Motion moved by Councillors Hall / Ebbeck was CARRIED UNANIMOUSLY*

**GENERAL BUSINESS**

287 **4 Kintore Street, Wahroonga - Subdivision of One (1) Allotment to Create Two (2) Allotments**

File: DA1149/03

Ward: Wahroonga  
Applicant: Mrs S Cribb  
Owner: Mr R & Mrs S Cribb

Determination of a Development Application for the subdivision of 4 Kintore Street, Wahroonga to create two (2) Torrens Title allotments.

**Resolved:**

(Moved: Councillors Cross / Ebbeck)

That Development Application No.1149/03 for the subdivision of the existing allotment to create two allotments at Lot 1, DP 726099, being 4 Kintore Street, Wahroonga, be approved for two years, subject to the following conditions:

**GENERAL CONDITIONS**

1. The development to be in accordance with Development Application No. 1149/03 and Development Application plans prepared by Bissett & Wright Consultants in Land Surveying, Engineering and Planning, reference number 13384, dated 21 March 2002 and 2 May 2004 and lodged with Council on 11 September 2003 and 12 May 2004.
2. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.

3. 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.
4. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
5. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level on proposed Lot 12 (existing dwelling), shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No 82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.
6. For stormwater control, an On-site Stormwater Detention System is to be provided for proposed Lot 12 (existing dwelling) in accordance with Council's Stormwater Management Manual. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: Earth mounding and/or timber retaining wall will not be accepted as the storage perimeter wall. Any perimeter walls must be in masonry and/or reinforced concrete.

NOTE 3: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 4: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the

detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 5: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 6: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.

7. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

8. The property drainage system shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

9. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

10. 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.

11. 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.
12. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$33,057.22. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space -Wahroonga	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turrumurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

To obtain the total contribution figure the following table of occupancy rates is to be used:

## OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

## CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

13. 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.
14. 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.

## CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

15. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer, prior to the issue of a subdivision certificate, that:
  - a. The works were carried out and completed in accordance with the approved plans.
  - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

A Works-as-Executed drawing of the property stormwater drainage system is to be furnished by a registered surveyor prior to issue of a subdivision certificate.
16. Construction of the On-site Stormwater Detention System for proposed Lot 12 (existing dwelling) is to be supervised and upon completion a Certificate issued by a suitably qualified and experienced engineer and Works-as-Executed

drawing issued by a registered surveyor is to be submitted to the Principal Certifying Authority prior to issue of a subdivision certificate.

NOTE 1: The Certificate is to be with respect to compliance with:

- a. The soundness of the structure.
- b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
- c. The capacity of the detention storage as specified.
- d. The size of the orifice or pipe control fitted.
- e. The maximum depth of storage over the outlet control.
- f. The adequate provision of a debris screen.
- g. The inclusion of weepholes in the base of the outlet control pit.
- h. The provision of an emergency overflow path.

NOTE 2: The certifying engineer is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

NOTE 3: The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

17. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property prior to the issue of a subdivision certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. The location of the on-site detention systems for the existing dwelling is to be clearly denoted on the final subdivision plan.
18. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to the issue of a subdivision certificate.
19. All on-site stormwater detention and associated drainage works are to be completed prior to the issue of a Subdivision Certificate.

20. Prior to the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
21. The submission of an original Plan of Subdivision plus five (5) copies suitable for endorsement by the certifying authority.
- Note 1: The Plan of Subdivision must be lodged with Council's Standard Lodgement Form, available from Council's Customer Services.
- Note 2: The following details **must** be submitted with the Plan of Subdivision:
- a. The 88B Instrument.
  - b. The Engineer's Certification of the on-site stormwater detention facility. This must be on the standard Council Standard On-site Detention Certification Sheet, available from Councils customer services.
  - c. Any Surveyors Certification required by other conditions in this consent.
  - d. The Section 73 Compliance Certificate.
- Note 3: Council will check the consent conditions and failure to submit the required information will delay issue of the Subdivision Certificate and require payment of re-submission fees.
22. The submission of an instrument under Section 88B of the Conveyancing Act with the Plan of Subdivision, plus five (5) copies, creating any required easements, rights-of-carriageway, positive covenants, restrictions etc, with Kuring-gai Council being named as the authority empowered to release, vary or modify the same.
23. Creation of burdens including drainage easements, service easements and rights-of-carriageway as required. A registered surveyor is to certify prior to the release of the subdivision certificate that all existing interallotment drainage lines, services or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively if the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required then certification to this effect from the surveyor is to be submitted.
24. Creation of suitable drainage easements with minimum widths in accordance with Council's Stormwater Management Manual over all of the inter-allotment and Council drainage systems.
25. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web

site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the release of the subdivision certificate.

26. Prior to the release of the Subdivision Certificate a suitably qualified and experienced engineer or surveyor is to certify that all new lots have ready access to the services of electricity, gas, telephone, sewer and water.

**CARRIED UNANIMOUSLY**

288 **2A Burraneer Avenue, St Ives - Lease Renewal**

File: S03168

To consider the renewal of the lease to KU Children's Services for the occupation of the premises located at 2A Burraneer Avenue, St Ives located on Crown Reserve No. R86634.

**Resolved:**

(Moved: Councillors Hall / Bennett)

- A. That subject to the concurrence of the Minister for the Department of Lands Council grant a lease to KU Children’s Services for a period of five (5) years in the terms outlined in this report.
- B. That the Mayor and General Manager be authorised to execute all necessary licence documents.
- C. That the Council Seal be affixed to the licence agreement.

**CARRIED UNANIMOUSLY**

**MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

289 **Flashing Lights at School Zone in Horace Street, St Ives**

File: S02599

**Notice of Motion from Councillor T Hall dated 15 June 2004.**

I move:

“That the Mayor and interested Councillors seek a deputation with the assistance of the Member for Davidson to the Minister for Roads to include the 40kph school zone

as a trial for flashing lights to be installed in Horace Street, St Ives in order to strengthen the awareness of the school zone in the interests of traffic safety for a large school children population crossing this part of sub-Arterial Road 2043.”

**Resolved:**

(Moved: Councillors Hall / Bennett)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS** (cont'd)

290 **Concrete Works 2004 to 2005 - Schedule of Rates Contractor List & Report of Tender Evaluation Committee**

File: S03240

To consider the appointment of tenderers to a list of Schedule of Rates Contractors for Concrete Works.

**Resolved:**

(Moved: Councillors Innes / Shelley)

- A. That Council accepts the Schedule of Rates for Concrete Works submitted by the following tenderers and these tenderers make up the list of Contractors to be engaged as needed for the construction, reconstruction, restoration and repair of concrete footpaths, kerbs, gutters and associated works for the period ending 30 June 2004.

G M Foster Constructions Pty Ltd  
Kelbon Concrete & Paving  
Ozland Industries  
CW Concrete Pty Ltd  
Comfortone Constructions Pty Ltd  
Ally Property Services Pty Ltd  
Aston & Bourke Pty Ltd  
North Shore Paving Co Pty Ltd  
Pave Link Pty Ltd

- B. That letters of acceptance be forwarded to the listed contractors.
- C. That the Common Seal of Council be affixed to the necessary documents.

**CARRIED UNANIMOUSLY**

291

**51 to 53 Bradfield Road, West Lindfield - Lease Renewal**

File: S02504

To consider the renewal of the lease to Bradfield Park Child Care Centre Inc. for the premises located at 51-53 Bradfield Road, West Lindfield.

**Resolved:**

(Moved: Councillors Innes / Shelley)

- A. That a lease be granted to the Bradfield Park Child Care Centre Inc. for a period of five (5) years in the terms outlined in this report.
- B. That this approval is subject to the conditions under section 47A of the Local Government Act and that Council issue a public notice as prescribed by the Act.
- C. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- D. That the Council Seal be affixed to the Lease Agreement.

**CARRIED UNANIMOUSLY**

292

**Investment Cash Flow & Loan Liability as at 31 May 2004**

File: S02722

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for May 2004.

**Resolved:**

(Moved: Councillors Innes / Shelley)

That the summary of investments, daily cash flows and loan liability for May 2004 be received and noted.

**CARRIED UNANIMOUSLY**

293

**17 to 19 Orana Avenue, Pymble - Construction of a Tennis Court, Retaining Walls & Alterations to the Existing Driveway**

File: DA1502/03

Ward: St Ives

Applicant: Mr Bo Piotrowski

Owner: Mr & Mrs Sefton

The following members of the public addressed Council:

S Sefton  
N Nolan

To determine an application for the construction of a new tennis court, retaining walls and alterations to the existing driveway. The application is referred to Council at the request of Councillor Tony Hall.

**Resolved:**

(Moved: Councillors Hall / Bennett)

- A. That consideration of DA1502/03 at 17 to 19 Orana Avenue, Pymble be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

*For the Resolution:           The Mayor, Councillor A Ryan, Councillors Cross, Andrew, Bennett, Ebbeck, Hall, Innes, Lane and Shelley*

*Against the Resolution:   Councillor Malicki*

294   **Management Plan 2004-2008, Incorporating Budget & Fees & Charges 2004/2005**

File: S03096

For Council to adopt the Management Plan 2004-2008, incorporating the Budget and

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

**T Martire  
J Watts**

Fees and Charges 2004/2005.

**Resolved:**

(Moved: Councillors Lane/Hall)

- A. That Council adopt the Management Plan 2004-2008 incorporating the Budget and Fees and Charges 2004/2005, as amended and including the following changes to Integrated Planning under Key performance Indicators:

Additional Key Performance Indicator on page 15 to read:

“Complete integrated plans for Gordon Centre”;

On page 16, Gordon Centre to be excluded from Key Performance Indicator relating to “Progression of Plans”; and

Key Performance Indicator on page 15 be amended to read:

“Complete design concepts for that part of Special Area 1 (Roseville) rezoned under LEP 194.”

- B. That a general rate in the dollar of \$0.00196350 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2004 to 30 June 2005.
- C. That a general rate in the dollar of \$0.00525900 on the unimproved capital value of all rateable land categorised as business in the Council area be made for the period of 1 July 2004 to 30 June 2005.
- D. That an infrastructure levy rate in the dollar of \$0.00010050 on the unimproved capital value of all rateable land categorised as residential or business in the Council area be made for the period of 1 July 2004 to 30 June 2005. That whereby a ratepayer qualifies as of 1 July 2004 for a pensioner concession on ordinary rates, that rate account be subject to a voluntary rebate equal to the infrastructure levy.
- E. That the minimum rate for both residential and business be set at \$354.00 for the period 1 July 2004 to 30 June 2005.
- F. That, in those cases where, after provision of the combined pensioner rebate (25% by NSW Government and 25% by Council, to a maximum of \$250.00), the pensioner/owner satisfies Council of an inability to pay the remainder, either in whole or in part, the remainder be allowed to accrue with interest payable on arrears, as a charge against the land until such time as there is a change in either circumstances or ownership.
- G. That the General Manager and Director Finance and Business be delegated to negotiate and establish Council’s new loan amount of \$1,600,000 and the Common Seal be affixed to all required documents.
- H. That for 2004/2005, Council fix the Mayoral fee at \$28,215 and Councillors fees at \$12,925.
- I. That the draft budget surplus of \$245,200 be transferred to the following reserves:
- |                               |                  |
|-------------------------------|------------------|
| - Contingency Reserve         | \$100,000        |
| - Road Rehabilitation Reserve | \$100,000        |
| - Insurance Reserve           | \$ 45,200        |
| <b>Total</b>                  | <b>\$245,200</b> |
- J. That Council grant in principle support for the weekend daytime hire fee set at \$60.00. This support is subject to public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act.

- K. That the public submissions regarding the Draft Management Plan 2004-2008 be received and noted.
- L. That the submission from C.A.R.E.S be considered at the 1<sup>st</sup> quarterly budget review.

That C.A.R.E.S. be advised that some \$2,500 is still available from the relocation of the Defence Force building to the Mona Vale Road site, and that C.A.R.E.S. site coordinator negotiate with the General Manager to complete the outstanding works as requested in their submission utilising the Council funds currently available.

**Councillor Cross departed**

*For the Resolution: The Mayor, Councillor A Ryan, Councillors, Ebbeck, Hall, Innes, Lane and Shelley*

*Against the Resolution: Councillors Andrew, Bennett and Malicki*

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

*(Moved: Councillors Bennett / Malicki)*

- A. *That Council adopt the Management Plan 2004-2008 incorporating the Budget and Fees and Charges 2004/2005, as amended and including the following addition to Integrated Planning under Key performance Indicators:*

*Completion of the statutory and technical processes for the LEP for existing retail and commercial areas as directed by the Minister; and*

*The removal of any reference to completion of integrated plans for Pymble, Turramurra and St Ives.*

*KPI on page 15 be amended to read:*

*“Complete design concepts for that part of Special Area 1 (Roseville) rezoned under LEP 194.”*

- B. *That a general rate in the dollar of \$0.00196350 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2004 to 30 June 2005.*
- C. *That a general rate in the dollar of \$0.00525900 on the unimproved capital value of all rateable land categorised as business in the Council area be made for the period of 1 July 2004 to 30 June 2005.*
- D. *That an infrastructure levy rate in the dollar of \$0.00010050 on the unimproved capital value of all rateable land categorised as residential or*

*business in the Council area be made for the period of 1 July 2004 to 30 June 2005. That whereby a ratepayer qualifies as of 1 July 2004 for a pensioner concession on ordinary rates, that rate account be subject to a voluntary rebate equal to the infrastructure levy.*

- E. *That the minimum rate for both residential and business be set at \$354.00 for the period 1 July 2004 to 30 June 2005.*
- F. *That, in those cases where, after provision of the combined pensioner rebate (25% by NSW Government and 25% by Council, to a maximum of \$250.00), the pensioner/owner satisfies Council of an inability to pay the remainder, either in whole or in part, the remainder be allowed to accrue with interest payable on arrears, as a charge against the land until such time as there is a change in either circumstances or ownership.*
- G. *That the General Manager and Director Finance and Business be delegated to negotiate and establish Council's new loan amount of \$1,600,000 and the Common Seal be affixed to all required documents.*
- H. *That for 2004/2005, Council fix the Mayoral fee at \$28,215 and Councillors fees at \$12,925.*
- I. *That the draft budget surplus of \$245,200 be transferred to the following reserves:*
- |   |                                    |                         |
|---|------------------------------------|-------------------------|
| - | <i>Contingency Reserve</i>         | <i>\$100,000</i>        |
| - | <i>Road Rehabilitation Reserve</i> | <i>\$100,000</i>        |
| - | <i>Insurance Reserve</i>           | <i>\$ 45,200</i>        |
|   | <b><i>Total</i></b>                | <b><i>\$245,200</i></b> |
- J. *That Council grant in principle support for the weekend daytime hire fee set at \$60.00. This support is subject to public exhibition for a period of 28 days in accordance with the requirements of the Local Government Act.*
- K. *That the public submissions regarding the Draft Management Plan 2004-2008 be received and noted.*
- L. *That the submission from C.A.R.E.S be considered at the 1<sup>st</sup> quarterly budget review.*

*That C.A.R.E.S. be advised that some \$2,500 is still available from the relocation of the Defence Force building to the Mona Vale Road site, and that C.A.R.E.S. site coordinator negotiate with the General Manager to complete the outstanding works as requested in their submission utilising the Council funds currently available.*

295 **Review of Civil Works Road Maintenance Operations**

File: S03222

To advise Council of the findings of the review of the civil works road maintenance operations and seek endorsement to the recommended changes.

**Resolved:**

(Moved: Councillors Malicki / Innes)

- A. That Council endorses the current level of service for its civil works operations:
1. Reconstruction and rehabilitation of approximately 10 kilometres of road each year in accordance with Council's Pavement Management System by allocating \$4 million per annum indexed from 2001/02.
  2. Heavy patching and pothole repairs on a programmed basis in accordance with Council's policy and procedures with a higher emphasis on failed and poor condition roads.
  3. Installation of approximately 3 kilometres of new footpaths per annum.
  4. Removal and replacement of failed or lifted sections of footpath on a programmed basis over a three year replacement cycle.
  5. Repairs and replacement of damaged or failed sections of pipe and pits to be based on the findings of the catchment analysis reports and field staff reports.
  6. Repairs to damaged sections of kerb and gutter on a request basis and related to drainage problems.
  7. Program of repairs to unformed road shoulders.
  8. Program for restoration of road openings.
  9. Reactive response to the maintenance of car parks until a review of Council's car parks is carried out.
- B. That \$96,800 is re-allocated from the footpath maintenance program to the road maintenance program.
- C. That a program for the upgrading or replacement of drainage inlet structures be prepared and based on the outcomes of the catchment analysis for both Cowan Creek and Middle Harbour catchments.

**CARRIED UNANIMOUSLY**

296 **Ku-ring-gai Access Advisory Committee**

File: S02116

For Council to determine Councillors' representation on the Ku-ring-gai Access Advisory Committee.

**Resolved:**

(Moved: Councillors Innes / Hall)

- A. That Councillor Lane be appointed as Chairperson of the Ku-ring-gai Access Advisory Committee.

**CARRIED UNANIMOUSLY**

(Moved: Councillors Shelley / Ebbeck)

- B. That Councillor Innes be appointed as Deputy Chairperson of the Ku-ring-gai Access Advisory Committee.

(Note: Councillor Shelley withdrew her earlier acceptance as Deputy Chairperson - Minute No 270 of 1 June 2004.)

**CARRIED UNANIMOUSLY**

297 **Section 94 Contribution Plan 2004 to 2009 - Residential Development**

File: S02073

To report the outcome of the exhibition of the Section 94 Contributions Plan 2004 to 2009 - Residential Development and to recommend amendments and adoption of the amended plan.

**Resolved:**

(Moved: Councillors Hall / Lane))

- A. That Council adopt the Section 94 Contributions Plan 2004-2009 – Residential Development.
- B. That Council place an advertisement in the local newspaper advising of the adoption of the Section 94 Contributions Plan 2004-2009 – Residential Development and advise that the Plan comes into force on the date that the advertisement appears and details to be placed on Council's website.
- C. That all persons who made a submission be notified of Council's decision.

*For the Resolution: The Mayor, Councillor A Ryan, Councillors, Andrew, Ebbeck, Hall, Innes, Lane, Malicki and Shelley*

*Against the Resolution: Councillor Bennett*

298 **Representation on Community Committees / Organisations**

File: S02355

For Council to make appointments to community committees / organisations.

**Resolved:**

(Moved: Councillors Shelley / Hall)

- A. That Council make appointments to community committees/organisations as listed in this report.
- B. That the community committees/organisations be informed of Council's representatives.

**CARRIED UNANIMOUSLY**

- C. That Council nominated the following representatives:

(Moved: Councillors Shelley / Innes)

Ku-ring-gai Police and Community Safety Committee  
Councillor Hall

*For the Resolution: The Mayor, Councillor A Ryan, Councillors, Andrew, Ebbeck, Hall, Innes, Lane and Shelley*

*Against the Resolution: Councillors Bennett and Malicki*

(Moved: Councillors Shelley / Lane)

Ku-ring-gai Meals on Wheels Inc  
Mayor, Councillor Ryan

**CARRIED UNANIMOUSLY**

(Moved: Councillors Shelley / Hall)

Eryldene Trust  
Councillor Cross  
Councillor Lane

**CARRIED UNANIMOUSLY**

(Moved: Councillors Shelley / Hall)

RTA-Sydney Region Combined Consultative Forum  
Councillor Lane

**CARRIED UNANIMOUSLY**

(Moved: Councillors Shelley / Malicki)

Hornsby/Ku-ring-gai Bushfire Management Committee  
Councillor Andrew

**CARRIED UNANIMOUSLY**

(Moved: Councillors Shelley / Lane)

Sydney Harbour Foreshores Committee  
Councillor Innes

**CARRIED UNANIMOUSLY**

(Moved: Councillors Shelley / Lane)

Metropolitan Public Libraries Association  
Councillor Hall

**CARRIED UNANIMOUSLY**

(Moved: Councillors Innes / Andrew)

UTS Ku-ring-gai Consultative Committee/Community Reference Group  
Councillor Shelley

**CARRIED UNANIMOUSLY**

Rural Fire Service District Liaison Committee  
(Moved: Councillors Shelley / Andrew)

Councillor Malicki

**CARRIED UNANIMOUSLY**

(Moved: Councillors Malicki / Andrew)

Councillor Cross (Alternate)

**CARRIED UNANIMOUSLY**

(Moved: Councillors Hall / Lane)

Hawkesbury/Nepean District Liaison Committee

That a nomination be deferred.

**CARRIED UNANIMOUSLY**

(Moved: Councillors Shelley / Hall)

Epping to Chatswood Rail Line - Lane Cove National Park Community Liaison Group

Councillor Innes

**CARRIED UNANIMOUSLY**

## **MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

### 299 **Code of Conduct**

File: S02554

**Notice of Motion from Councillor L Bennett dated 16 June 2004.**

I move:

- A. That the following be incorporated in the Code of Conduct and placed on public exhibition:

“Pre and post lodgement meetings concerning Development Applications and Rezoning Applications

- (i) meetings between Councillors and applicants, applicant’s representatives, developers, or others with a financial interest in applications shall not occur other than in accordance with (ii)
- (ii) in extraordinary circumstances the General Manager may organise such meetings and all Councillors shall be given the opportunity to attend or Council may resolve to hold such meetings
- (iii) such meetings shall be for information purposes only

Political Donations, gifts or benefits

Where a Councillor has received a political donation, gift or other benefit from an individual or organisation that has a financial interest in a Development Application or Rezoning Application

- (i) this be defined as a conflict of interest and,
  - (ii) the Councillor absent themselves from any Council briefing on the application
  - (iii) the Councillor not discuss the application with staff or any other Councillor
  - (iv) when the matter comes to Council the Councillor shall declare a conflict of interest at the beginning of the Council meeting and should leave the Council Chamber when the matter comes before Council”
- B. That during the exhibition period ICAC be sent copies of the draft changes with a request for comment and/or suggestions and that any such response be considered when the matter comes to Council after the exhibition period.
- C. That the General Manager may seek legal advice as to whether any aspect of the proposed additions to the Code of Conduct are unlawful or beyond the capacity of Council to adopt. Such legal advice shall not be confidential.

**Resolved:**

(Moved: Councillors Bennett / Malicki)

That the legal advice relating to this Notice of Motion be released to the public.

*For the Resolution: Councillors Andrew, Bennett, Ebbeck, Hall, Lane, and Malicki*

*Against the Resolution: The Mayor, Councillor A Ryan, Councillors Innes and Councillor Shelley*

File: S02036

**Notice of Motion from Councillor L Bennett dated 15 June 2004.**

I move:

With respect to the Minister's Direction under Section 55 of the Act "to prepare an LEP in relation to areas in and around the existing retail and commercial areas within the rail/road corridor in Ku-ring-gai" that:

- A. Within the timeframe given by the Minister, Council examine opportunities in all the areas covered by the Minister's Directive.
- B. Where retail/commercial Centres are split by the Pacific Highway and opportunities exist to re-orientate shopping Centres away from the Highway consideration be given to this in the planning process.
- C. A Report be brought to Council on the possibility of running a design competition for selected CBDs to ensure the best planning outcomes.
- D. The General Manager Report to Council urgently on the resources necessary to undertake this task.

**Resolved:**

(Moved: Councillors Bennett/Ryan)

That the above Notice of Motion as amended be adopted.

**CARRIED UNANIMOUSLY**

**QUESTIONS WITHOUT NOTICE**

301 **RDS Stage 2 Commercial Centres - Document Costs, Workload & Integrated Plans**

File: S02921

Question Without Notice from Councillor E Malicki

Can we document the costs, workload and apparent impossibility of completing integrated plans for all commercial centres within the Minister's deadline, please?

Can this material then go to the Minister in the most efficient and effective way possible?

**Answer by the General Manager**

That will be covered in a report back to Council as part of the previous item, Notice of Motion.

302 **Warrawee High Rise - Marshall Avenue**

File: S02378

Question Without Notice from Councillor T Hall

The Assistant Planning Minister was reported in the media on 16 June that the \$18.5M high rise development she approved had, quote "*excellent access to public transport, would ease traffic on Marshall Avenue.*"

Given the restrictive width of Marshall Avenue at the Pacific Highway intersection, will traffic signalisation be required to meet the impact of the development, please?

**Answer by Director Technical Services**

I'll take that on notice and report back.

**INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDENZVOUS**

The next Inspections Committee will take place at 9.00am on Saturday, 26 June 2004 to inspect the following locations:

- Sites on the Pacific Highway between Beechworth & Warragal Roads
- Freeway lands at Wahroonga & South Turramurra
- Canoon Road Netball Courts
- Tulkiyan (Gordon)
- Firs Estate Cottage (Roseville)
- 17 to 19 Orana Avenue, Pymble

*The Meeting closed at 9.54pm*

The Minutes of the Ordinary Meeting of Council held on 22 June 2004 (Pages 1 - 29) were confirmed as a full and accurate record of proceedings on 29 June 2004.

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General Manager

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Mayor / Chairperson