

## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 10 MAY 2005**

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

Staff Present: General Manager (Brian Bell)  
Director Development & Regulation (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 Meeting commenced at 7.02pm*

*The Mayor offered the Prayer*

### **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.

### **153 Confirmation of Reports to be Considered in Closed Meeting**

File: S02499

#### **Resolved:**

(Moved: Councillors Cross/Ebbeck)

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

C.1 **Legal Advice On Depot Site**  
(Section 10A(2)(g) - Advice concerning litigation)

**CARRIED UNANIMOUSLY**

## **ADDRESS THE COUNCIL**

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

D Warner

## **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:

Minutes: Inspections Committee held 30 April 2005

Reports: 6th International Cities, Town Centres and Communities Conference - Report by Senior Governance Officer and the General Manager dated 4 May 2005

Re-adoption of Amendment to DCP55 - Carlotta Avenue Depot Masterplan - Report by the Director Planning and Environment and the General Manager dated 5 May 2005

Memorandum: 1 to 9 Woniara Avenue, Wahroonga - Memorandum by Director Development and Regulation dated 10 May 2005

## **CONFIRMATION OF MINUTES**

### **154 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 26 April 2005

Minutes numbered 123 to 152

### **Resolved:**

(Moved: Councillors Hall/Lane)

That Minutes numbered 123 to 152 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

## **REPORTS FROM COMMITTEES**

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

File: S02110

Meeting held 21 April 2005

Minutes numbered KTC7 to KTC9

## **General Matter Items under Delegated Authority**

File: S02738

*Vide Minute No KTC7*

Advice on matters considered under the Delegated Authority.

### **Resolved:**

(Moved: Councillors Lane/Ebbeck)

That the information regarding traffic facilities approved in March and April 2005 under Delegated Authority, be noted.

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

*Against the Resolution:*      *Councillor Shelley*

## **Improvements to Public Transport in Ku-ring-gai**

File: S02527

*Vide Minute No KTC8*

To consider proposals and opportunities for improving public transport in Ku-ring-gai.

### **Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That Council notes the public transport proposals being considered or being implemented by State Government bodies within Ku-ring-gai, including changes proposed for both bus and rail transport.
- B. That the Town Centre studies take into consideration the improvements proposed by State Government bodies.
- C. That planning for Section 94 contributions associated with the planning for the Town Centres incorporate provisions for improvements to access to public transport.

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

*Against the Resolution:*      *Councillor Shelley*

**Maxwell Street Turramurra**

File: 88/05764/03

Ward: Comenarra

Electorate: Ku-ring-gai

*Vide Minute No KTC9*

To consider the outcome of further resident consultation for changes in priority in Maxwell Street at Geoffrey, Buller and Havelock Streets.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That Council notes the outcome to its re-advertising of a scheme for Maxwell Street using priority changes supported by median islands.
- B. That in view of the overall support for the advertised treatment of Maxwell Street at Geoffrey, Buller and Havelock Streets, consisting of priority changes and median islands, the advertised scheme be approved subject to the design accommodating Shorelink's bus turning movements.

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

*Against the Resolution: Councillor Shelley*

**Minutes of Inspections Committee**

File: S02131

Meeting held 30 April 2005

Minutes numbered INS6 & INS7

**Resolved:**

(Moved: Councillors Hall/Lane)

That Minutes numbered INS6 & INS7 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

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

*Against the Resolution: Councillors Bennett and Ebbeck*

*Standing Orders were suspended to deal with NM.2 first  
after a Motion moved by Councillors Bennett and Malicki  
was CARRIED*

*For the Resolution: Councillors Andrew, Bennett, Cross, Lane, Malicki and Shelley*

*Against the Resolution: The Mayor, Councillor A Ryan, Councillors Ebbeck, Hall, Innes*

*A motion was also moved by Councillors Innes and Lane  
to hear a maximum of 3 speakers for and 3 against on particular items  
was CARRIED*

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

*Against the Resolution: Councillor Shelley*

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

159

### **Timing of Site Inspections**

File: S02554

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

**V Harris**

**Notice of Motion from Councillor E Malicki dated 2 May 2005.**

I move:

- A. That the time for Site Inspections be Saturday mornings.
- B. Where a deemed refusal has been lodged and where the Land and Environment Court timetable does not allow time for a Saturday inspection, then a site inspection can be scheduled on a weekday.
- C. That a workshop be held for all councillors, using an independent facilitator, to identify options for the number and timing of briefings / working parties / meetings and the number of community consultations that councillors are invited to attend, with a view to accommodating the varying concerns, including public and private commitments of all councillors.

### **Resolved:**

(Moved: Councillors Bennett/Malicki)

- A. That the time for site inspections be Saturday morning and that this apply to all LEP 194 applications and applications with a minimum of 20 objectors.
- B. Where a deemed refusal has been lodged and where the Land and Environment Court timetable does not allow time for a Saturday inspection, then a site inspection can be scheduled on a weekday.
- C. That a workshop be held for all Councillors, using an independent facilitator, to identify options for the number and timing of briefings / working parties/ meetings and the number of community consultations that Councillors are invited to attend, with a view to accommodating the varying concerns, including public and private commitments of all Councillors.

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

(Moved: Councillors Malicki/Bennett)

That the above Notice of Motion be as amended adopted.

*For the Resolution: Councillors Andrew, Bennett, Cross, Hall, Innes,  
Malicki and Shelley*

*Against the Resolution: The Mayor, Councillor A Ryan, Councillors Ebbeck,  
Lane*

**The Mayor, Councillor Ryan withdrew during discussion  
of the above item and the Deputy Mayor,  
Councillor Ebbeck assumed the Chair**

**The Mayor, Councillor Ryan returned during discussion  
of the above item and resumed the Chair**

***Standing Orders were Resumed***

## **GENERAL BUSINESS**

160

**1 to 9 Woniora Avenue, Wahroonga - Demolition of Existing Structures on Site  
and Construction of 58 Dwellings within Three Separate Buildings; Associated  
Access, Basement Parking and Landscaping and Strata Subdivision**

File: DA1364/04

Ward: Wahroonga

Applicant: Woniora Avenue Pty Ltd

Owner: A. & L. Cameron, C. & J. Madden, E. & M. Bramble, M. Johnson, R. Fitzsimmons,  
J. & D. Johnson

To determine Development Application No. 1364.04 which seeks consent for the  
demolition of existing structures on site and construction of 58 dwellings within three  
separate buildings; associated access, basement parking and landscaping.

### **Resolved:**

(Moved: Councillors Ebbeck/Cross)

- A. That consideration of DA1364/04 at 1 to 9 Woniora Avenue, Wahroonga 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.

**CARRIED UNANIMOUSLY**

161

**1, 3, 5 and 7 Newhaven Place, St Ives - Demolition of Existing Dwellings on Site and Construction of a Residential Flat Building with 47 Units and Associated Basement Parking and Strata Subdivision**

File: 1294/04

Ward: St Ives

Applicant: Newhaven Place Pty Ltd

Owner: Newhaven Place Pty Ltd

To determine Development Application 1294/04 which seeks consent for the demolition of existing structures on site and construction of 47 units and associated basement carparking and strata subdivision.

**Resolved:**

(Moved: Councillors Bennett/Hall)

- A. That consideration of DA1294/04 at 1, 3, 5 & 7 Newhaven Place, St Ives 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.

**CARRIED UNANIMOUSLY**

162

**10 to 16 Marian Street, Killara - Demolition Of Existing Structures And Construction Of 5 Residential Flat Buildings Providing 60 Dwellings; Including Basement Parking, Landscaping And Strata Subdivision**

File: DA1388/04

Ward: Gordon

Applicant: Mirvac Projects Pty Ltd

Owner: Mirvac Projects Pty Ltd

To determine Development Application No 1388/04 which seeks consent for the demolition of existing structures and construction of 5 residential flat buildings containing a total of 60 dwellings and including basement parking and landscaping.

**Resolved:**

(Moved: Councillors Malicki/Bennett)

- A. That consideration of DA1388 at 10 to 16 Marian Street, Killara 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: Councillors Andrew, Bennett, Hall, Malicki and Shelley*

*Against the Resolution: The Mayor, Councillor A Ryan, Councillors Cross, Ebbeck, Innes, Lane*

*The voting being EQUAL, the Mayor exercised her Casting Vote  
IN FAVOUR of the Motion*

**Council adjourned for a short interval at 8.16 pm  
after a Motion moved by Councillors Ebbeck and Lane was CARRIED  
and the Chairperson ruled accordingly.  
The Meeting resumed at 8.30pm**

Those present were:

The Mayor, Councillor Ryan  
Councillor Andrew  
Councillor Malicki  
Councillor Bennett  
Councillor Hall  
Councillor Cross  
Councillor Ebbeck  
Councillor Innes AM  
Councillor Shelley  
Councillor Lane

163 **2005 Future of Local Government Summit**

File: S02049

To advise Council of the inaugural "Future of Local Government" Summit.

**Resolved:**

(Moved: Councillors Innes/Ebbeck)

That any interested Councillors advise the General Manager by 20 May 2005 if they wish to attend the 2005 "Future of Local Government" Summit.

**CARRIED UNANIMOUSLY**

164 **Public Place and Schools Recycling**

File: S02294

To advise Council of services provided to schools for recycling and to consider public place recycling services.



**Resolved:**

(Moved: Councillors Innes/Andrew)

- A. That the advice on the Schools Waste Education Package be received and noted.
- B. That Council continues with the development of Public Event recycling services and that appropriate conditions of approval be developed and included in the Waste Management Plans to demonstrate recovery of recycling materials consumed at the event.

**CARRIED UNANIMOUSLY**

165 **6th International Cities, Town Centres and Communities Conference**

File: S02217

To advise Council of the 6th International Cities, Town Centres and Communities Conference - The Way Ahead.

**Resolved:**

(Moved: Councillors Innes/Ebbeck)

That any interested Councillors advise the General Manager by 13 May 2005 if they wish to attend the 6th International Cities, Town Centres and Communities Conference.

**CARRIED UNANIMOUSLY**

166 **51 Benaroon Avenue, St Ives - Demolition of Dwelling and Subdivision of One Lot into Two Lots**

File: DA0003/05

Ward: St Ives

Applicant: Mr G Ford & Mrs L Ford

Owner: Mr G Ford & Mrs L Ford

To consider Development Application No 3/05 for the demolition of an existing dwelling and the subdivision of one lot into two Torrens Title lots.

**Resolved:**

(Moved: Councillors Hall/Bennett)

THAT Development Application No. 3/05 for the demolition of an existing dwelling and the subdivision of one lot into two lots at 51 Benaroon Avenue, St Ives, be

approved for a period of two (2) years from the dated of the Notice of Determination, subject to the following conditions:

#### GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 3/05 and Development Application plans prepared by Graham Kenneth Wilson, Surveyor, reference Subdivision of Lot C, Sheet 1 of 1, dated 30 November 2004 and lodged on 5 January 2005.
2. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
3. 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 the Council (upon payment of the required fee) beforehand.
4. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
5. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
6. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
7. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
8. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
9. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.  
  
The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
10. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.

11. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
12. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
13. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
14. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
15. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
16. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
17. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
18. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
19. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.

20. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- stating that unauthorised entry to the work site is prohibited, and
  - showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- building work carried out inside an existing building, or
  - building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
21. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
22. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
23. 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. In addition all existing screen planting along the subdivision line shall be retained and protected at all times.
24. Appropriate measures shall be taken to ensure the protection of all existing trees on the site during demolition of the existing dwelling. Condition No. 27 of this consent provides details of physical tree protection barriers which must be installed prior to work commencing.
25. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
26. Any future fencing along the common boundary of Lot 1 and Lot 2 shall be of a height no higher than 1800mm from natural ground level and shall be picket or palisade in style. Landscaping should dominate any fencing in order to ensure and appropriate curtilage for future dwellings.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

27. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate

or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location

1 x Sydney Blue Gum	Front of dwelling, adjacent to existing driveway.
1 x Sydney Blue Gum	Front of site, adjoining existing landscape verge.
1x Sydney Blue Gum	Rear of dwelling, situated near the eastern site boundary

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

28. 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) X NEW LOT IS CURRENTLY \$32,324.00. 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 30 June 2004, calculated for additional person as follows:

1. Community Facilities (If Seniors Living \$412.07)	\$1 117.76
2. Park Acquisition and Embellishment Works (Insert figure for relevant Suburb)- St Ives	\$6 574.28
3. Sportsgrounds Works	\$1 318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons
Large dwelling (110 – under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3persons

29. For endorsement of the linen plan/issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus six (6) copies, suitable

for endorsement by Council. The following details must be submitted with the plan of subdivision and copies:

- a. Council's Subdivision Lodgement Form (completed), available from Council's Customer Services.
- b. The endorsement fee current at the time of lodgement,
- c. The 88B Instruments plus six (6) copies,
- d. A copy of all works-as-executed plans required under the consent,
- e. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
- f. The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

Council will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees.

Plans of subdivision and copies must not be folded. Council will not accept bonds in lieu of completing subdivision works.

30. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
31. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
32. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).
33. Prior to release of the linen plan/issue of the subdivision certificate, the existing dwelling shall be demolished. Certification that no structures exist across the (proposed) common boundary shall be provided by a registered surveyor at the time of endorsement by Council and submission of necessary documentation.

**CARRIED UNANIMOUSLY**

167 **Re-Adoption of Amendment to DCP55 - Carlotta Avenue Depot Masterplan**

File: S02054

To re-confirm the Council resolution to amend Development Control Plan No 55 to incorporate Carlotta Avenue Depot Masterplan into Part 7.

**Resolved:**

(Moved: Councillors Lane/Hall)

That the adopted Carlotta Avenue Depot Masterplan be incorporated as Section 7.4 of Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 – Pacific Highway/ Railway Corridor and St Ives Centre.

**CARRIED UNANIMOUSLY**

*Standing Orders were suspended to deal with items in the following order  
after a Motion moved by Councillors Innes and Lane  
was CARRIED UNANIMOUSLY*

168 **Preparation of a Local Environmental Plan for Minor Amendments**

File: S02036

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

**S Young**

For Council to consider the need to resolve to prepare a new Local Environmental Plan to make minor amendments to the Ku-ring-gai Planning Scheme Ordinance, as amended.

**Resolved:**

(Moved: Councillors Lane/Hall)

- A. That Council resolve to prepare and exhibit a draft Local Environmental Plan to:
- Amend the definition of “building envelope” to make it clear that it does not apply to a car park level which is partially above ground;
  - Amend the definition of “deep soil landscaping” to permit paths of 1.2 metres in width to count as deep soil planting;
  - Amend clause 25I(7) to make it clear that the floor area of the top storey of a building is to be calculated in reference to the gross floor area; and

- Amend subclause 68(3) to replace the term “statutory authority” with the term “public authority”.
- B. That Council consult with relevant building authorities and notify the Department of Infrastructure Planning and Natural Resources in accordance with the requirements of the Environmental Planning and Assessment Act.
- C. That a report be brought back to Council following completion of the exhibition period together with any submissions received.

**CARRIED UNANIMOUSLY**

*Standing Orders were Resumed*

169 **Code of Meeting Practice**

File: S02211

To report to Council following exhibition of an amended Code of Meeting Practice.

**Resolved:**

(Moved: Councillors Bennett/Innes)

That the amended Code of Meeting Practice, as **attached** be adopted.

**CARRIED UNANIMOUSLY**

170 **Minutes of Heritage Advisory Committee Meetings held 22 November 2004 and 28 February 2005**

File: S03816

That Council receive and note the Minutes of the Heritage Advisory Committee meetings.

**Resolved:**

(Moved: Councillors Innes/Shelley)

That Council note the recommendations of the Committee and Council seek a briefing from staff on options to address the situation raised and in the interim the Heritage Committee serve as the Tulkiyan Management Committee.



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

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

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

*(Moved: Bennett/Cross)*

- A. That Council receive and note the Minutes of the Heritage Advisory Committees held on 22 November 2004 and 28 February 2005.*
- B. That Council constitute a management committee under the terms of the Tulkiyan Plan of Management.*
- C. That the Committee to report a Council staff member as nominated by the General Manager.*
- D. A briefing to Council to be prepared on the Charter of the Committee.*
- E. In the interim period, the General Manager or his delegate to liaise with the Friends of Tulkiyan.*

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

171

### **Amendment to DCP55**

File: S04158

### **Notice of Motion from Councillor L Bennett dated 2 May 2005.**

I move:

- “A. That DCP 55 be amended to delete 4.4 C-4 ("On sites where a building length greater than 36 metres has been justified by an applicant, that portion of a building in excess of 36m shall be sufficiently recessed and/or articulated so as to present to the street as a separate building").
- B. That the draft amendment be publicly exhibited in accordance with clause 18 of the Environmental Planning and Assessment Regulations 2000.”

### **Resolved:**

(Moved: Councillors Bennett/Malicki)

That the above Notice of Motion as printed be adopted.

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

*Against the Resolution: Councillors Hall and Lane*

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

*(Moved: Councillors Lane/Ebbeck))*

That this matter be deferred and referred to the DCP55 Review.

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

*The following item was dealt with after a Motion moved by Councillors Shelley and Innes to have the matter dealt with at the meeting was CARRIED and the Chairperson ruled urgency*

*For the Resolution: Councillors Andrew, Bennett, Cross, Innes, Malicki and Shelley*

*Against the Resolution: The Mayor, Councillor A Ryan, Councillors Ebbeck, Hall, Lane*

### **172 Nola Road, West Roseville - Mapping of Little Blue Gum Creek**

File: DA1333/04

Councillor Shelley raised this matter as a Development Application is due to be submitted to the next Council meeting and the subject property may impact on Little Blue Gum Creek. It is important that the report is based on full information which is needed prior to the report going to Council for consideration.

#### **Resolved:**

(Moved: Councillors Shelley/Innes)

- A. That Council employ a Plant Ecologist to map and report the natural water course of Little Blue Gum Creek in Nola Road, West Roseville (defined as the watercourse along Nola Road between Little Blue Gum Creek and the drainage easement to the south of the development site at 8 to 12 Nola Road, Roseville) at a cost to be capped at no more than \$5,000.
- B. That any such report be taken into account in consideration of the Development Application No 1333/04 for 8 to 12 Nola Road, West Roseville.

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

*Against the Resolution: Councillor Lane*

*The following item was dealt with after a Motion moved by  
Councillors Innes & Shelley to have the matter dealt with at the meeting was  
CARRIED UNANIMOUSLY and the Chairperson ruled urgency*

173 **Wellington Road, East Lindfield - Sale of Former Womens' Bowling Club Site**

File: P62942

Councillor Innes raised this matter as the auction for the subject site is proposed for 28 May 2005.

**Resolved:**

(Moved: Councillors Innes/Shelley)

That in relation to the vacant Crown land in Wellington Road, East Lindfield (the former Lindfield Womens' Bowling Club site) that:

1. Council strongly encourage the Minister to withdraw the site from sale whilst the future of the land is determined, which should include a review of overall public parks and open space facilities and opportunities within this part of Lindfield.
2. Options to ensure the preservation of this open space are explored.
3. That staff prepare a report back to Council on the above matters within one month.

**CARRIED UNANIMOUSLY**

**QUESTIONS WITHOUT NOTICE**

174 **Proposed Establishment of DCP55 Urban Design Panel - Progress**

File: S03730

Question Without Notice from Councillor A Andrew

What is the progress with the establishment of the urban design panel that was proposed in DCP55?

**Answer by the Director Planning & Environment**

We have written to the Department and it is now the Department to deal with and prepare a proposal to the Minister.

**Question by Councillor Andrew**

Do you have any idea of how long that will take?

**Answer by Director Planning & Environment**

No.

175 **Notification of Meeting - Dates to Objectors**

File: DA1364/04

Question Without Notice from Councillor E Malicki

Some objectors to 1 to 9 Woniora only received notice of tonight's meeting in today's mail.

Are we not able to improve on this as we know for over a week the date an item will come to Council so we should be able to give at least a week's notice?

**Answer by the Mayor**

Your points are taken on board and it obviously needs looking at again.

176 **St Ives Showground Management Plan**

File: S02195

Question Without Notice from Councillor T Hall

I refer to the Minister's for Lands decision to adopt a Management Plan for St Ives Showground against the recommendation of the then Council in 1998 and ask what progress has been made in achieving the aims, objectives and action plans set out in that Management Plan?

Please could Councillors have a detailed report?

**Answer by the Mayor**

Yes, the Director Open Space will get back to you.

177 **Implications to Councillor Bennett's Act of Disorder**

File: S04145

Question Without Notice from Councillor T Hall

My Question is through you, Madam Mayor, to Councillor Bennett

I refer to Councillor Bennett's reference at 5 April 2005 Council meeting to being "blackmailed" and her refusal to withdraw the remark.

In the "Times" of 20 April 2005, Councillor Bennett was quoted as being "blackmailed and pressured".

Would Councillor Bennett confirm or deny the implications in these comments that the alleged "blackmail" or "pressure" was by other Councillors?

If the implication is confirmed, would Councillor Bennett withdraw that implication with respect to myself as she did with respect to Councillors Innes and Shelley at the Council meeting on 26 April 2005 as I cannot recall speaking to or "pressuring" Councillor Bennett in the matter?

**Answer by Councillor Bennett**

I think sundry parties have made enough political capital out of this issue and I have nothing further to add.

178 **Implications to Councillor Bennett's Comments**

File: S04145

Question Without Notice from Councillor N Ebbeck

Could Councillor Bennett please confirm or deny implications of blackmail made at the Council meeting of 5 April 2005 and subsequent comments made in the North Shore Times?

If yes, could Councillor Bennett withdraw any implication with respect to myself?

**Answer by Councillor Bennett**

No comment.

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

The next Inspections Committee will take place on Saturday, 14 May 2005 to view the following properties:

1 to 9 Woniora Avenue, Wahroonga  
1, 3, 5 & 7 Newhaven Place, St Ives  
10 to 16 Marian Street, Killara

179 **Legal Advice on Depot Site**  
(*Section 10A(2)(g) - Advice concerning litigation*)

File: S02054

Report by Director Technical Services dated 26 April 2005.

**Resolved:**

(Moved: Councillors Lane/Innes)

- A. That Council amends Clause 68 (3) of the KPSO to delete reference to “statutory authority” and replace it with “public authority”.
- B. That the Depot Masterplan be placed as a positive covenant on the title of the site at 1 – 7 Carlotta Avenue, Gordon.
- C. That the proposed area of public open space be included in the sale of the entire site and any prospective purchaser be made aware of Council’s requirements that 10% of the site will be required to be dedicated back to Council as public open space either by a condition of consent or by developer agreement.

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

*Against the Resolution:   Councillor Bennett*

*The Meeting closed at 10.19pm*

The Minutes of the Ordinary Meeting of Council held on 10 May 2005 (Pages 1 - 22) were confirmed as a full and accurate record of proceedings on 24 May 2005.

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General Manager

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Mayor / Chairperson