

## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 11 OCTOBER 2005**

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

Staff Present: General Manager (Brian Bell)  
Director Development & Regulation (Michael Miocic)  
Manager Development Assessment Services (Matthew Prendergast)  
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.

### **ADDRESS THE COUNCIL**

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

J Posen

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

File: S02499

#### **Resolved:**

(Moved: Councillors Cross/Innes)

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 Staff Matter – (*Section 10A(2)(a) - Personnel matters concerning particular individuals*)

**CARRIED UNANIMOUSLY**

## **DOCUMENTS CIRCULATED TO COUNCILLORS**

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

Late Items: Refers PT.1 – Incorrect Title on Business Paper Petition – Memorandum by Senior Governance Officer dated 11 October advising that the title of the Petition in the Business Paper is incorrect & should read Kissing Point Village Green (Sir David Martin Reserve).

Councillors Information: Site Inspection – 23 Newhaven Place & 36 to 42 Stanley Street, St Ives – Minutes of Meeting held Saturday, 1 October 2005.

## **CONFIRMATION OF MINUTES**

### **412 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 20 September 2005

Minutes numbered 381 to 410

#### **Resolved:**

(Moved: Councillors Ebbeck/Innes)

That Minutes numbered 381 to 410 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

## **PETITIONS**

### **413 Kissing Point Village Green (Sir David Martin Reserve) - Request For Completion Of Dog Off-Lead Area Fencing (Fifty-Three [53] Signatures)**

File: S04506

"We, the undersigned ratepayers, request that the Council give favourable consideration to completing the fencing on the fourth side of this area to ensure the safety of both dog and motorist and re-assurance to sporting competitors.

The South Turrumurra dog off-lead area is a valuable amenity for the local community.

However, an off-lead area enclosed on three sides only does little to prevent young and excited dogs from escaping onto busy roadways and surrounding sporting fields to the consternation of all".

**Resolved:**

(Moved: Councillors Andrew/Hall)

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

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

414 **19 Fairlawn Avenue, Wahroonga - Demolition of the Existing Dwelling and Construction of a Detached Dual Occupancy**

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File: DA0487/05

Ward: Wahroonga

Applicant: Mr and Mrs Abbasi, c/- Glendinning Minto and Associates

To determine Development Application No.0487/05, which seeks consent for the demolition of the existing dwelling and the construction of a detached dual occupancy.

**Resolved:**

(Moved: Councillors Cross/Ebbeck)

- A. That consideration of Development Application No 0487/05 at 19 Fairlawn 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**

415 **Pecuniary Interest Returns Register**

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File: S02167

To table Council's Pecuniary Interest Returns Register in accordance with the Local Government Act.

**Resolved:**

(Moved: Councillors Ebbeck/Cross)

That the tabling of the Pecuniary Interest Returns Register be noted.

**CARRIED UNANIMOUSLY**

416 **Parks, Sport and Recreation Reference Group Minutes of Meeting held Thursday, 1 September 2005**

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File: S03447

To bring to the attention of the Ordinary Meeting of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held Thursday 1 September 2005.

**Resolved:**

(Moved: Councillors Ebbeck/Ryan)

That the Minutes of the Parks, Sport and Recreation Reference Group be received and noted.

**CARRIED UNANIMOUSLY**

**Councillor Shelley arrived**

417 **2 Fiddens Wharf Road, Killara - Demolition of Existing Dwelling Pool and Garage, Construction of Five (5) New Townhouses with Basement Car Parking**

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File: DA0610/05

Ward: Roseville

Applicant: Kuna Sivasamy / D & C Consortium P/L

Owner: Carol M Grant

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

**J Rudolph**

**M Henderson**

To determine development application No.610/05, which seeks consent for the demolition of an existing dwelling, swimming pool and garage and the construction of five (5) new townhouses with basement car parking.

## **Resolved:**

(Moved: Councillors Shelley/Innes)

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

THAT Council, as the consent authority, refuse development consent to Development Application No. 610/05 for demolition of existing structures and construction of 5 townhouses on land at 2 Fiddens Wharf Rd Killara as shown on plans prepared by D&C Consortium, referenced 2005-07 DA-01 to DA-12 dated 5 May 2005, and Landscape Plan prepared by Viridian Designs, Dwg No 40519-01, dated February 2005, and lodged with Council on and Site plan DA01A lodged with Council on 15 July 2005, for the following reasons:

### **1. Inadequate information**

The proposal fails to provide information required to accurately assess the application

- a) No SEPP 1 objection has been submitted to Clause 25I (3) and (4) of the Ku-ring-gai Planning Scheme Ordinance (KPSO);
- b) No SEPP 1 objection has been submitted to Clause 25I(2) of the KPSO;
- c) No SEPP 1 objection has been submitted to Clause 25L of the KPSO in regard to the non-compliance to the west;
- d) No SEPP 1 has been submitted to Clause 25L of the KPSO in regard to the non-compliance to the south;
- e) The proposal is not accompanied by a Design Verification Statement in accordance with Clause 50 1(A) and by Clause 5(A) of Schedule 1 of the Environmental Planning and Assessment Regulation 2000;
- f) There is inadequate information to enable Council to be satisfied that the site can be remediated such that it is suitable for multi-unit residential development:
  - i) The site contains fill with elevated lead and polycyclic aromatic hydrocarbon (PAH) concentrations. The consultant has identified further assessment required in relation to the fill materials across the site and the classification of the soils to be removed from the site, in accordance with EPA guidelines. These studies are required to assess whether the site will be suitable after remediation for multi-unit residential development;
  - ii) The proposal therefore fails to comply with the requirements of Clause 7 of SEPP 55 and Part 2.2 of Council's Contaminated Land Policy;

- g) The proposal fails to provide adequate information in regard to stormwater management and does not comply with Clause 13 of SEPP 65, 25D2(h) of the KPSO, Section 6.4 of DCP 47 or Part 4.8.4 of DCP 55
  - i) There is no indication of how the northern area of each roof is to be drained into the rainwater tanks;
  - ii) The proposal fails to identify how the retained roofwater will be connected to all toilets, washing machine cold taps and irrigation as required by s. 6.4 of Development Control Plan 47;
  - iii) The amended plans fail to identify the discharge point for the on-site detention system. The original design required discharge to the kerb outside the neighbouring property, which is not acceptable for multi-unit development;
- h) The proposal fails demonstrate ease of access for all age groups and degrees of mobility.
  - i) The proposal fails to provide an accessibility report to allow accurate assessment of the proposal;
  - ii) The proposal therefore fails to satisfy Clause 15 of SEPP 65, Objective 25D 2(n), and Clause 25N(1) and (2) of the KPSO and Part 4.7 of DCP 55.
- i) The proposal fails to demonstrate that the required excavation will not result in adverse impacts on the development at 510 Pacific Highway.
  - i) As basement excavation requires up to about 3 metres of excavation within 3 metres of the boundary, which is in turn some 2 metres below an existing concrete retaining wall inside No. 510 Pacific Highway, a geotechnical investigation should be carried out. The investigation should identify excavation conditions and recommend suitable support to neighbouring properties, especially the retaining wall, and provide dilapidation surveys on neighbouring buildings.
- j) The proposal fails to provide adequate information in regard to the fence to the front courtyard of Townhouse 1.
- k) The plans, photomontage and Statement of Environmental Effects are inconsistent in regard to the front fencing.

## **2. Loss of privacy**

The proposal fails to adequately provide for visual privacy for the single residential developments to the west.

- a) The proposal is oriented towards, and directly overlooks, the private open space areas to the west, which contain single residential dwellings, zoned 2(c2).
- b) The topography of the site exacerbates the impacts of this overlooking.
- c) The proposal fails to comply with Clause 15 of SEPP 65, and the objectives of Part 4.5.2 of DCP 55.

### 3. Streetscape and visual impact

The proposal fails to respond to its context. The proposal fails to comply with Clauses 9, 10, 11, 14 and 18 of State Environmental Planning Policy No 65, Clauses 25D2 (b), (c), (d), (e), Clause 25I(2), (3) and (4) and Clause 25L of Part 3A of the Ku-ring-gai Planning Scheme Ordinance, in that it will have a detrimental impact on the residential context of the street and the adjoining properties due to the lack of transition of scale, the minimal setbacks, lack of area proposed for deep soil landscaping, poor address of the street and bland facades:

- a) The proposal fails to comply with the minimum street frontage of 23 metres required by Clause 25I (3) of the Ku-ring-gai Planning Scheme Ordinance. The site is only 22.555 metres. The constraints are exacerbated by the rear width of only 17.775 metres. Under Clause 25I (4), a multi-unit proposal is allowable despite a frontage of less than 23 metres, provided that all other requirements of the KPSO are met. This is not the case;
- b) The proposal fails to maintain a front setback of 10-12 metres and a building footprint of no more than 40% of the setback zone as required by Part 4.3 C1 of DCP 55. Part of the building is 9.4 metres from the front boundary and a minimum of 72% of the setback zone is occupied by the building footprint. Further, the building footprint area includes additional area in front of this setback zone;
- c) The proposal fails to provide a satisfactory transition in scale in relation to the single dwellings downslope from the site and has failed to consider the constraints of the topography of the site;
- d) The proposal replaces distant views from the lower two floors of the western facing units at 510 Pacific Highway, with a bland façade with a length of 47.8 metres, and fails to comply with Part 3.3 C-8, C-9 and Part 4.4 C-5 of DCP 55;
- e) The inadequate eastern side setback exacerbates the impact of (d) above, and fails to provide for views from the street to rear landscaping, to maintain the landscaped context of the residential area as required by 25D2 (c) of the KPSO;
  - i) The proposal fails to meet the zone interface standard to the eastern boundary from the third floor (Clause 25L of the KPSO). The proposed setback is 3.2 metres where 9 metres is required;
  - ii) The general setback of 500mm to 4.2 metres fails to meet the 3 metre setback requirement of Part 4.3 CC-1 of DCP 55. The setback area includes a pedestrian access path, lift lobby and bin storage. While the 2 metre wide portions provide space for large screening shrubs, the planting area is not wide enough for the establishment of tree planting, in scale with the proposal, or sympathetic to the local context;

- iii) The SEPP 1 objection to Clause 25L of the KPSO, submitted in relation to the non-compliance to the east, fails to demonstrate that the standard is unnecessary and unreasonable in the circumstances;
- f) The proposal fails to comply with the zone interface standard to the rear boundary at the third floor as required by Clause 25L of the KPSO. The proposed setback is 7.4 metres where 9 metres is required;
- g) The proposal fails to comply with the zone interface standard to the western boundary at the third floor as required by Clause 25L of the KPSO. Part of the building is setback only 8.6 metres from the boundary, where 9 metres is required.
- h) The proposal fails to provide adequate deep soil landscaping area, to ensure the provision of landscaping appropriate to the scale of the development and in sympathy with the streetscape. The minimum area required by Clause 25I(2) the KPSO is 40%. The applicant has failed to accurately estimate the deep soil landscaping area and only 36% is provided. The areas in dispute are as follows:
  - i) the two flights of stairs within the communal open space at the rear;
  - ii) the garden beds adjacent that are less than 2.0m wide;
  - iii) the rainwater detention tank beneath the driveway
  - iv) the garden beds above the detention tank;
  - v) the garden beds adjacent to the detention tank that are less than 2.0m wide.
  - vi) The deep soil area would be further reduced were the driveway to be widened in accordance with issue 4(a);
- i) The proposal has a poor address to the street. The main orientation is to the side which is inconsistent with the type of development within the street. The street façade is bland, with few windows overlooking the street, and pedestrian entry to the side;
- j) The height of the basement area exceeds the maximum average height of 600mm allowed under Part 5 C-1 of DCP 55 and fails to satisfy the objectives of the KPSO [Clause 25D2(d)]. The proposed basement area projects from 600mm to 1.2 metres above ground. Given the topography of the site, the impact on the developments to the west and on the streetscape is exacerbated by the topography of the site.

#### **4. Solar access and design for climate**

The proposal fails to provide a satisfactory level of solar access for the future occupants of townhouses 2, 3, 4 or 5 and fails to provide a satisfactory level of energy efficiency. The proposal fails to comply with Clauses 13 and 15 of SEPP 65, the objectives of the Ku-ring-gai Planning Scheme Ordinance [Clause 25D2(k)] and with Part 4.5.1 and 4.8 of DCP 55.

- a) The main living areas of the above townhouses receive almost no sun before 3 pm in midwinter;
- b) The shadow diagrams fail to demonstrate the shadow impacts of the top storey structure on the loft windows and therefore an accurate assessment



cannot be made. A redesign/reduction in the top floor area could increase solar access to the loft area, however, these areas are nevertheless on the third floor, accessible only by stairs, and are not main living areas;

- c) The ground floor terraces of townhouses 2, 3, and 4 only receive direct sunlight to at least 50% of their area for about one hour in the afternoon, while a substantial portion of the terrace of townhouse 5 achieves perhaps half an hour. The first floor balconies receive up to an hour to 50% of each balcony area on the first floor balcony and to some minor portion of the top floor terrace. The higher floor open space areas, however, are not connected to the main living areas;
- d) The shadow diagrams fail to demonstrate the shadow impacts of the 1.8 metre fencing and walls to the private terrace areas, and therefore there is inadequate information to accurately assess the level of solar access to the private open spaces and to the living area windows;
- e) Only 20% of the townhouses (ie. one townhouse) achieve adequate solar access. Alternative design options are available that would improve access to direct sunlight for the future occupants;
- f) No townhouses achieve a minimum of 4.5 NatHERS star rating. Part 4.8 C-4 of DCP 55 requires that a minimum of 90% of townhouses achieve a minimum of 4.5 star rating;
- g) There is inadequate summer sun protection to the windows of the proposed development, and therefore the proposal fails to comply with 4.8-C7 of DCP 55.

## **5. Vehicular and pedestrian access to the site**

The proposed vehicular access is unsafe and inconvenient for vehicle and pedestrians and fails to comply with Clause 3b) of DCP 31- Access, Part 5.1 of DCP 55, or AS2890.1 “Off-Street Car Parking”.

- a) The proposed driveway width from the kerb line and about 12 metres inside the property is shown as 4 metres. A vehicle entering the crossing may have to reverse into Fiddens Wharf Road if another vehicle was approaching from the basement, which would be undesirable at this location. The vehicular crossing and driveway should be 5.5 metres wide for 6 metres from the kerb line, to allow two vehicles to pass. The widening of the driveway would, however, result in further reduction of an already inadequate deep soil landscaping area, including a reduced ability to provide landscaping to soften the built form from the street.
- b) The design levels at the vehicular crossing appear to indicate a 20% rise from kerb line to boundary. This will result in unsatisfactory vehicular access.

- c) The proposed crossing levels will result in excessive crossfall on the footpath on the nature strip, resulting in poor accessibility for pedestrians. The existing crossing levels should be retained.

## **6. Crime prevention**

- a) The proposal fails to encourage safety and security within the site and fails to comply with Clause 16 of SEPP 65, with the objectives listed in Clause 25D2 (m) of the Ku-ring-gai Planning Scheme Ordinance and with Part 4.6 (C2) of DCP 55.
- b) The path to the south of the lift lobby which provides for pedestrian access from the street to townhouses 2 to 5 has limited opportunity for passive surveillance, either from the street, or from the townhouses themselves, resulting in poor security for residents and visitors;

## **7. Tree impacts**

- a) The proposal will result in the decline or destabilization of the *liquidambar styraciflua* (Sweet Gum) on the neighbouring property and fails to comply with Council's Tree Preservation Order.
- b) The applicant's consulting Arborist (Andrew Morton – Earthscape Horticultural Services) has noted that the proposed development 'may result in severance of woody roots of tree #7 *Liquidambar styraciflua* (Sweet Gum), leading to an adverse impact and potential destabilisation'. Tree #7 is located on the neighbouring property and despite its current health and condition, any proposed development should take the tree into consideration to minimise adverse impacts, particularly impacts that may cause the tree to go into further decline;
- c) Root mapping along the line of the proposed basement within the nominated tree protection zone is required to determine the extent of root severance as a result of the development works and the potential impacts to Tree #7;
- d) Alternatively, consideration could be given to the removal of tree #7. However, owner's consent would be required for its removal and no consent has been submitted.

**CARRIED UNANIMOUSLY**

418

### **49 Telegraph Road, Pymble - Additions and Alterations plus Carport and Driveway**

File: DA0642/05

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

**D McGovern  
I Glendinning  
S Davies**

To provide Council with reasons for refusal for development application DA0642/05.

**Resolved:**

(Moved: Councillors Hall/Ebbeck)

**THAT** the Council, as the consent authority, grant development consent to DA 642/05 for alterations and additions plus a carport to a dwelling on land at 49 Telegraph Road, Pymble, subject to the following conditions:

1. The development to be in accordance with Development Application 642/05 and Development Application plans prepared by *Fiona Mitchell - Architect*, reference number, *A01 (Rev A) to A08 (Rev A)*, dated *April 2005 as amended in Red (shown clouded)* and lodged with Council on *23 June 2005*.
2. All building works shall comply with the Building Code of Australia.
3. 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.
4. The approved building works shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. 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.
6. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
7. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

8. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
9. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
10. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
11. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.
12. 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.
13. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
14. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
15. Stormwater runoff from the alterations and additions located at the front of the site (including the proposed carport and driveway) shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
16. Stormwater runoff from the alterations and additions unable to drain to the street shall be piped to the existing site drainage system. No stormwater drainage system is to be connected to the Sydney Water sewer system. Where found, all illegal connections must be rectified to the satisfaction of Council and Sydney Water.
17. For stormwater control all paved areas are to be drained to the main drainage system. This may require the installation of suitable cut-off structures and/or barriers that direct runoff to the formal drainage system.

18. For stormwater control a 200mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.
19. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
20. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
21. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
22. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".
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.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

24. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
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. The property shall support a minimum number of Seven (7) trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.
27. To maintain suitable levels of privacy and amenity to adjoining properties, the side window proposed in the eastern elevation at the rear of the proposed meals room extension shall be deleted and replaced with solid materials to match the existing dwelling. Details of such shall be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.
28. In order to minimise impacts to the adjoining heritage item (No. 51 Telegraph Road) and to achieve compliance with Council's DCP No. 38, the proposed carport shall be relocated to have a minimum setback of 1.5m from the eastern (side) boundary of the site. The relocation of the proposed carport is to ensure adequate landscaping can be provided between the carport structure and the side boundary of the site.
29. Landscape works shall be carried out in accordance with Landscape Drawing No. 2A, prepared by Relle Mott Garden Design and dated April 2005 submitted with the Development Application, except as amended by the following:
  - A. In order to minimise impacts to the adjoining heritage item (No. 51 Telegraph Road), and soften the appearance of the proposed carport, screen planting shall be established between the carport and the eastern side boundary of the site.
  - B. In order to prevent overlooking of adjoining properties, screen planting shall be established between the rear terrace and the western side boundary of the site, as shown clouded in red on the plans.
  - C. The proposed *Camelia Sasanqua* shown to be installed between the carport and the eastern side boundary and in front of the carport, shall have a minimum pot size of 45 litres and minimum height of 1.2m at the time of planting.
  - D. The screen planting required by A. and B. of this condition shall utilise suitable plant species contained with Appendix F of Council's DCP No 38, shall be capable of attaining a minimum height of 3.0m and shall provide dense screening.

Details of the required amendments shall be shown on the amended landscape plans and submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.

- 30. External materials, finishes and colours are to match the existing dwelling and shall be sympathetic to the surrounding environment. Details of all external finishes and materials shall be provided to and approved by the Principal Certifying Authority, prior to the release of the Construction Certificate.
- 30A. All material of value for re-use either onsite or elsewhere, shall be separated and made available for recycling.

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

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

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

- 32. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
- 33. 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.

34. 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.
35. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

The grading of such footpaths or driveways outside the property shall comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant and the alignment levels fixed by Council may affect these. **Approval of this Development Application is for works wholly within the property. DA consent does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the application documents.**

The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.



36. Development consent to DA 1417/04 shall be surrendered to Council under the provisions of Section 80A(1)(b) of the Environmental Planning and Assessment Act 1979. The provisions of Clause 97 of the Environmental Planning & Assessment Regulation 2000 are to be met prior to a Construction Certificate being issued. This condition is imposed to facilitate the orderly development of the site.
37. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a plan of the new drainage system components required for the approved development. The plan shall be prepared by a qualified civil/hydraulic engineer or licensed plumber. The new components of the property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence). Any new connection points to the public drainage system (eg kerb, table drains, pits, pipes) must be shown accurately on the plan.
38. Prior to issue of the Construction Certificate, the Applicant shall submit for the approval of the appointed Principal Certifying Authority, revised details which demonstrate the following:
- A clear entrance width of the proposed double carport to be increased to a minimum 5.2m (currently 4.8m). This condition is imposed to ensure compliance with Figure 5.4 from AS/NZS 2890.1 (2004) - "Off-street car parking" and thus provide better vehicle manoeuvrability.
  - Manoeuvring circles for the B85 design vehicle overlaid (drawn) on the site plans, which demonstrate that all vehicles using the carport can leave the site in a forward direction in a maximum of one (1) three-point turn. This condition has been imposed to ensure compliance with AS/NZS 2890.1 (2004) - "Off-street car parking", and may require some minor modifications to the driveway layout.

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

39. 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.

#### **CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION**

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

41. Prior to issue of an Occupation Certificate, the following works must be completed:
- Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
  - Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
  - Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.
- Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.
42. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall submit certification from a consulting engineer or the installing plumbing contractor to the Principal Certifying Authority (PCA), that:
- The components of the new drainage system have been installed in accordance with the Plumbing and Drainage code AS3500.3.2 and by a licensed plumbing contractor, and
  - The stormwater drainage works have been carried out in accordance with the approved Construction Certificate drainage plan and Councils Water Management DCP 47.
43. Prior to issue of an Occupation Certificate, a high level overflow pipe is to be provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. This requirement is to collect stormwater overflow from the swimming pool surface only. A certificate from the installer, indicating compliance with this condition, must be submitted to the Principal Certifying Authority (PCA), prior to issue of an Occupation Certificate.

*For the Resolution:*                      *Councillors Andrew, Cross, Ebbeck, Hall, Innes, Lane and Ryan*

*Against the Resolution:*              *The Mayor, Councillor E Malicki, Councillors Bennett and Shelley*

419      **Election of Chairpersons/Deputy Chairpersons - 2005 to 2006 - Committees & Advisory Committees**

Files: S02080, S02110, S02355, S03447, S03448, S03449, S03816

For Council to give consideration to the election of the Chairpersons/Deputy Chairpersons for Council's Committees & Advisory Committees.

**Resolved:**

(Moved: Councillors Bennett/Shelley)

- A. That the Mayor be the Chairperson of the Planning Committee.

**CARRIED UNANIMOUSLY**

(Moved: Councillors Bennett / Shelley)

- B. That the Finance Committee & the Infrastructure Committee be combined.

**CARRIED UNANIMOUSLY**

- C. That Council elect the Chairperson/Deputy Chairperson for the following Committees:

**POLICY COMMITTEE**

**Chairperson:**

Nominees: Councillor Innes (4 votes)  
Councillor Hall (6 votes)

Councillor Hall elected as Chairperson.

**Deputy Chairperson:**

Councillor Andrew elected unopposed.

**PLANNING COMMITTEE**

**Deputy Chairperson:**

Nominees: Councillor Hall (4 votes)  
Councillor Innes (6 votes)

Councillor Innes elected as Deputy Chairperson.

**FINANCE/INFRASTRUCTURE COMMITTEE**

**Chairperson:**

Nominees: Councillor Ryan (6 votes)  
Councillor Bennett (4 votes)

Councillor Ryan elected as Chairperson.

**Deputy Chairperson:**

Councillor Ebbeck elected unopposed.

## **COMMUNITY DEVELOPMENT COMMITTEE**

### **Chairperson:**

Nominees: Councillor Hall (5 votes)  
Councillor Shelley (5 votes)

A draw was conducted due to the equal number of votes.

Councillor Shelley's name was drawn.

Councillor Shelley was elected as Chairperson.

### **Deputy Chairperson:**

Councillor Ebbeck was elected unopposed.

- D. That Council elect the Chairperson/Deputy Chairperson for the following Advisory Committees, where necessary:

## **BUSHLAND, CATCHMENTS & NATURAL AREAS REFERENCE GROUP**

### **Chairperson:**

Councillor Andrew elected unopposed.

### **Deputy Chairperson:**

Councillor Shelley elected unopposed.

## **COMPANION ANIMALS ADVISORY COMMITTEE**

**Chairperson:** Councillor Shelley elected unopposed

Councillor Ryan is to continue as Deputy Chairperson

NOTE: The Chairperson/Deputy Chairperson for the following Committees remain unchanged.

## **PARKS, SPORT & RECREATION REFERENCE GROUP**

**Chairperson:** Councillor Ebbeck

**Deputy Chairperson:** The Mayor, Councillor Malicki

## **HERITAGE ADVISORY COMMITTEE**

**Chairperson:** Councillor Bennett  
**Deputy Chairperson:** Councillor Andrew

## **KU-RING-GAI ACCESS CONSULTATIVE COMMITTEE**

**Chairperson:** Councillor Lane  
**Deputy Chairperson:** Councillor Innes

## **KU-RING-GAI TRAFFIC COMMITTEE**

**Chairperson:** Councillor Lane  
**Deputy Chairperson:** Councillor Ebbeck

### 420 **2005 Financial Assistance Grants to Community Groups**

File: S03000

To advise Council of applications received from community groups for financial assistance in 2005, and to recommend to Council subsequent funding allocations.

#### **Resolved:**

(Moved: Councillors Shelley/Innes)

- A. That the community and cultural groups as listed receive financial assistance from Council in 2004.

Community and Cultural Groups	Amount Recommended
	\$
Catholic Health Care Services Limited	1,000.00
Constant Companion Service	1,386.00
Easy Care Gardening Inc	1,000.00
Hornsby District TPI Social & Welfare Club	300.00
Ku-ring-gai Meals on Wheels	500.00
Northside Christian Life Centre	1,000.00
The Community Friendship Group "Cooinda"	1,000.00
Warawee Probus Club Inc	320.00
Carols in the Park -Ku-ring-gai Combined Churches	9,500.00
Churches of Wahroonga	1,000.00
East Killara Music Club	360.00
Ignite the Flame - Ku-ring-gai Combined Churches Festival (Fusion Australia Ltd)	1,500.00
Ku-ring-gai Art Society	1,000.00
Ku-ring-gai Historical Society	1,159.00
Ku-ring-gai Male Choir Inc	1,000.00
Ku-ring-gai Philharmonic Orchestra	5,300.00

Marian Street Theatre for Young People	1,098.00
Mirrabooka Singers	500.00
Northside Creative Photography Inc	1,000.00
The Cavalcade of History and Fashion Inc	1,800.00
The Local Handcraft Association Inc	810.00
Western Youth Orchestra Association Inc.	429.00
Bradfield Park Child Care Centre	1,000.00
Christ Church St Ives Preschool	475.00
Early Childhood Intervention Australia	2,650.00
East Lindfield Community Pre-school	1,000.00
Gordon Pre-school Centre	1,500.00
K U Wahroonga Pre-School	1,000.00
KU Killara Park Pre school	1,000.00
KU Saddington Street Pre School	564.00
POOSH Care (Pymble Out of school hours)	1,000.00
Pymble Turramurra Kindergarten	1,000.00
St Ives North Primary School P & C Association Inc	757.00
St Ives Pre-school Kindergarten	1,000.00
West Pymble Pre-school	1,000.00
Aunties & Uncles Co-operative Family Project Ltd	1,200.00
Australian Breastfeeding Association – Turramurra Group	1,200.00
Dial-A-Mum Inc	1,200.00
English At Gordon (Gordon Baptist Church Cross Cultural Friendship Centre)	1,200.00
Hornsby Ku-ring-gai & Hills Multiple Births Association	1,000.00
Ku-ring-gai Neighbourhood Centre Inc	1,200.00
Life Education NSW Limited	1,200.00
Lister Street Community Fire Unit (CFU) NSW FB FHP86	1,052.00
POSIE (Perinatal Outreach Support Information and Education)	1,200.00
South Turramurra Community Fire Unit MHP-39	1,232.00
1st Middle Harbour Sea Scout Group	800.00
1st North Turramurra Scout Group	1,000.00
Girl Guides - 2nd St Ives Brownie Pack	1,000.00
Killara High School (Duke of Edinburgh Award Scheme)	1,000.00
Killara Scout Group	800.00
Ku-ring-gai Little Athletics Inc	750.00
Lindfield District Girl Guides	1,000.00
Boonah Creative Arts Centre, Centacare	1,000.00
Cromehurst Special School P & C Vacation Activity Centre	2,300.00
DARTS - Disabled Alternative Road Travel Service	1,000.00
Hornsby Ku-ring-gai Association; Action for Mental Health	1,000.00
Hornsby Ku-ring-gai Stroke Recovery Club	750.00
Lifestart Early Childhood Program - Hornsby	1,000.00
MS Society - Ku-ring-gai Branch	1,000.00
Noah's Ark Toy Library for Children with Special Needs Inc	1,000.00
Parkinson's NSW Inc - Hornsby Ku-ring-gai Support Group	1,000.00
Rainbow Club Australia Inc/The Lindfield Rainbow Club	500.00
Royal Blind Society of NSW Inc	1,000.00
St Edmund's School	1,080.00
Technical Aid to the Disabled (TAD)	1,000.00
The Lorna Hodgkinson Sunshine Home	1,000.00
Vision Impairment Support Group - Lindfield	600.00
<b>TOTAL</b>	<b>\$80,172.00</b>

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

*Against the Resolution: Councillors Ebbeck and Hall*

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

*(Moved: Councillors Lane/Bennett)*

- A. That the community and cultural groups as listed receive financial assistance from Council in 2004.

Community and Cultural Groups	Amount Recommended \$
Catholic Health Care Services Limited	1,000.00
Constant Companion Service	1,386.00
Easy Care Gardening Inc	1,000.00
Hornsby District TPI Social & Welfare Club	300.00
Ku-ring-gai Meals on Wheels	500.00
Northside Christian Life Centre	1,000.00
The Community Friendship Group "Cooinda"	1,000.00
Warawee Probus Club Inc	320.00
Carols in the Park -Ku-ring-gai Combined Churches	9,500.00
Churches of Wahroonga	1,000.00
East Killara Music Club	360.00
Ignite the Flame - Ku-ring-gai Combined Churches Festival (Fusion Australia Ltd)	1,500.00
Ku-ring-gai Art Society	1,000.00
Ku-ring-gai Historical Society	1,159.00
Ku-ring-gai Male Choir Inc	1,000.00
Ku-ring-gai Philharmonic Orchestra	5,200.00
Marian Street Theatre for Young People	1,098.00
Mirrabooka Singers	500.00
Northside Creative Photography Inc	1,000.00
The Cavalcade of History and Fashion Inc	1,800.00
The Local Handcraft Association Inc	810.00
Western Youth Orchestra Association Inc.	429.00
Bradfield Park Child Care Centre	1,000.00
Christ Church St Ives Preschool	475.00
Early Childhood Intervention Australia	2,650.00
East Lindfield Community Pre-school	1,000.00
Gordon Pre-school Centre	1,080.00
K U Wahroonga Pre-School	1,000.00
KU Killara Park Pre school	1,000.00
KU Saddington Street Pre School	564.00
POOSH Care (Pymble Out of school hours)	1,000.00
Pymble Turramurra Kindergarten	1,000.00
St Ives North Primary School P & C Association Inc	757.00
St Ives Pre-school Kindergarten	1,000.00
West Pymble Pre-school	1,000.00
Aunties & Uncles Co-operative Family Project Ltd	1,200.00
Australian Breastfeeding Association – Turramurra Group	1,200.00

Dial-A-Mum Inc	1,200.00
English at Gordon (Gordon Baptist Church Cross Cultural Friendship Centre)	1,200.00
Hornsby Ku-ring-gai & Hills Multiple Births Association	1,200.00
Ku-ring-gai Neighbourhood Centre Inc	1,200.00
Life Education NSW Limited	1,200.00
Lister Street Community Fire Unit (CFU) NSW FB FHP86	1,052.00
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South Turrumurra Community Fire Unit MHP-39	1,232.00
1st Middle Harbour Sea Scout Group	1,009.00
1st North Turrumurra Scout Group	1,000.00
Girl Guides - 2nd St Ives Brownie Pack	1,000.00
Killara High School (Duke of Edinburgh Award Scheme)	1,000.00
Killara Scout Group	1,000.00
Ku-ring-gai Little Athletics Inc	750.00
Lindfield District Girl Guides	1,000.00
Boonah Creative Arts Centre, Centacare	1,000.00
Cromehurst Special School P & C Vacation Activity Centre	2,300.00
DARTS - Disabled Alternative Road Travel Service	1,000.00
Hornsby Ku-ring-gai Association; Action for Mental Health	1,000.00
Hornsby Ku-ring-gai Stroke Recovery Club	750.00
Lifestart Early Childhood Program - Hornsby	1,000.00
MS Society - Ku-ring-gai Branch	1,000.00
Noah's Ark Toy Library for Children with Special Needs Inc	1,000.00
Parkinson's NSW Inc - Hornsby Ku-ring-gai Support Group	1,000.00
Rainbow Club Australia Inc/The Lindfield Rainbow Club	500.00
Royal Blind Society of NSW Inc	1,000.00
St Edmund's School	1,080.00
Technical Aid to the Disabled (TAD)	1,000.00
The Lorna Hodgkinson Sunshine Home	1,000.00
Vision Impairment Support Group - Lindfield	600.00
<b>TOTAL</b>	<b>\$80,261.00</b>

- B. That all groups receiving a grant, advise Council by 31 May 2006 how the grant was spent.
- C. That those groups recommended for financial assistance from Council receive the cheques personally from the Mayor at a Council meeting.

421

## **Ku-ring-gai Access Policy & Disability Discrimination Act Action Plan 2005 to 2009**

File: S02114

To present to Council the Ku-ring-gai Access Policy and Disability Discrimination Act (DDA) Action Plan 2005 - 2009 for formal adoption.

**Councillors Ebbeck, Hall & Ryan  
withdrew during discussion**



**Resolved:**

(Moved: Councillors Lane/Innes)

- A. That the Ku-ring-gai Access Policy and Disability Discrimination Act Action Plan 2005 – 2009 be adopted and steps taken to implement the strategies.
- B. The Ku-ring-gai Access Policy and Disability Discrimination Act Action Plan be lodged with the Human Rights and Equal Opportunity Commission to demonstrate that Council is committed to improving access in the Ku-ring-gai Local Government Area.

**CARRIED UNANIMOUSLY**

**Councillor Hall returned**

422

**Ku-ring-gai Centenary**

File: S02646

To provide Council with proposals from the Finance Committee meeting held on 28 September 2005, for projects and events related to Ku-ring-gai's Centenary.

**Councillors Ebbeck & Ryan returned  
during discussion**

**Resolved:**

(Moved: Councillors Hall/Lane)

- A. That Council proceed with the publication of a book within a budget of \$40,000, detailing 100 years of local government in Ku-ring-gai.
- B. That Council commence planning for the events listed in this report, to celebrate Ku-ring-gai's Centenary.
- C. That the budget shortfall of \$25,000 be identified as part of the September Quarterly Review.

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

*Against the Resolution:      Councillors Bennett and Shelley*

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

(Moved: Councillors Shelley/Innes)

- A. That Council proceed with the publication of a book for 5000 copies with a budget estimate of \$32,000 detailing 100 years of local government in Ku-ring-gai. That a one off Centenary Grants Program of \$8,000 be added to the annual Community Grants Program.
- B. That Council commence planning for the events listed in this report, to celebrate Ku-ring-gai's Centenary.
- C. That the budget shortfall of \$25,000 be identified as part of the September Quarterly Review.

## **QUESTIONS WITHOUT NOTICE**

423

### **Outdoor Dining & Footpath Trading Policy - Report on Layout & Clearance Distance Requirements**

File: S03004

Question Without Notice from Councillor N Ebbeck

Could the Director, Development & Regulation report on any issues regarding the implementation of Council's recently adopted Outdoor Dining & Footpath Trading Policy, particularly in terms of layout & clearance distance requirements.

#### **Answer by the Mayor**

He will report.

424

### **Use of Laptops during Council Meetings**

File: S02355

Question Without Notice from Councillor N Ebbeck

Could the General Manager please informally report to Council on the options available to Councillors when sitting at formal Council meetings to use their laptop computers to be able to read documents, business papers of associated reports, also offering the opportunity to send documents to the Governance Officer and the like?

#### **Answer by the Mayor**

The General Manager will investigate and report.

425

**Report on Amendment to the KPSO – Status of Exclusion of Vulnerable Communities in Bushfire Prone Areas**

File: S02151

Question Without Notice from Councillor I Cross

In November 2004, Council received a report to amend the KPSO in relation to the exclusion of vulnerable communities in bushfire prone areas.

Can the Director please advise the status of this?

**Answer by the Mayor**

The Director will report back.

426

**Planning Reform Fund Program**

File: S02315

Question Without Notice from Councillor T Hall

Is it correct that this Council, under Councillor Ryan's watch, received a State Government Grant of \$200,000 towards town centre planning projects in Ku-ring-gai in this financial year?

Has the Grant monies been received? I understand the Council was required to sign a Memorandum of Understanding to be returned to the Department of Planning by 23 September 2005.

Did the Mayor acknowledge this Grant with Mr Sartor at your meeting?

**Answer by the General Manager**

The Department of Planning has indeed indicated that we have the \$200,000 grant in this financial year.

**Question by Councillor Hall**

And we've signed the Memorandum of Understanding?

**Answer by the General Manager**

No, I don't believe so.

**Question by Councillor Hall**

And was acknowledged.

**Answer by the General Manager**

I actually think it was.

**Answer by the Mayor**

It was. I beg your pardon. I didn't. Your question was to the Mayor. The Mayor did not. However, it was apparently acknowledged by the relevant Director.

**Councillor Cross withdrew**

427

### **SEPP53 Exemption Denied**

File: S02036

Question Without Notice from Councillor T Hall

I refer the Mayor to the report in the North Shore Times today that Minister Sartor "denied the Council an exemption from SEPP53".

Was this matter raised by the Mayor at your recent meeting with the Minister which appears to conflict with your press release on the outcome?

Why did you not issue a Mayoral Minute as previous Mayors have following such important meetings on behalf of the residents of Ku-ring-gai?

#### **Answer by the Mayor**

Not all Mayors have, Councillor Hall, but instead we did a press release and release on the web. To answer your question with regard to SEPP53 Exemption, we have had no news on that issue at all from Mr Sartor. Councillor Hall, you can read what you wish in the press. We have not been informed by the Minister that we do not have exemption. To the best of my knowledge, he is waiting for our response before he makes a comment.

**Councillor Cross returned**

428

### **Notes Relating to Visit by Planning Minister**

File: S02036

Question Without Notice from Councillor A Ryan

1. What has become of the notes relating to the Minister, Mr Sartor's, visit?
2. Has a letter been received by the Mayor or General Manager raising any of the matters reported in NST article of the 12<sup>th</sup>, tomorrow?

#### **Answer by the General Manager**

1. That was going to be put forward to the Councillors at the Planning Committee meeting on Thursday night

#### **Answer by Mayor**

2. I have had no communication whatsoever from the Minister. The only feedback I have had, has been from journalists & frankly, I don't know what's correct information or not.

**Answer by the General Manager**

2. We have no formal communication.

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

The next Inspections Committee will take place on Saturday, 22 October 2005 to view the following property:

19 Fairlawn Avenue, Wahroonga

**Councillor Bennett departed**

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

**CONFIDENTIAL BUSINESS TO BE DEALT WITH IN CLOSED MEETING -  
PRESS & PUBLIC EXCLUDED**

429

**General Manager Performance Review**

.  
File: S02380

Mayoral Minute by the Mayor, Councillor Malicki dated 10 October 2005

**Resolved:**

That Council adopt the recommendations, as amended, in the Mayoral Minute.

**CARRIED UNANIMOUSLY**

The Mayor adverted to the consideration of the matter referred to in Minute numbered 428, and to the resolution contained in such Minute.

*The Meeting closed at 9.40pm*

The Minutes of the Ordinary Meeting of Council held on 11 October 2005 (Pages 1 - 29) were confirmed as a full and accurate record of proceedings on 18 October 2005.

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General Manager

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Mayor / Chairperson