

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 14 AUGUST 2007

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

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Director Operations (Greg Piconi)
Director Strategy (Steven Head)
Manager Urban Planning (Antony Fabbro)
Senior Urban Planner (Bill Royal)
Strategic Planner (Craig Wyse)
Urban Planner (Terri Southwell)
Manager Sustainability & Natural Environments (Peter Davies)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.03pm

The Mayor offered the Prayer

DECLARATIONS OF INTEREST

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

No interest was declared.

*A Motion was moved by
the Mayor, Councillor Nick Ebbeck & Councillor Hall
to allow photographs to be taken in the Chamber
by the North Shore Times photographer
during the Meeting & was
CARRIED UNANIMOUSLY*

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

File: S02499

Resolved:

(Moved: Mayor, Councillor Ebbeck/Councillor Hall)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, Business Paper Confidential Agenda Item Attachment 16 (pages 103 to 129 of Business Paper Book No 13/07) in reference to GB.12 - Ku-ring-gai Town Centres Draft LEP & DCP Response to Matters raised by the NSW Department of Planning on 4 July 2007 be released with the exception of economic feasibility information in relation to Council-owned land.

CARRIED UNANIMOUSLY

Councillor Shelley arrived

PRESENTATION

The Mayor, Councillor Nick Ebbeck and the Deputy Mayor presented cheques to the successful recipients of the grants under the Environmental Levy Small Grants Scheme.

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: **Refer GB.7 - The Swain Gardens Draft Landscape Masterplan - Attachment to Report.**

Refer GB.8 - Acron Oval, Review of Dog Off-Leash Trial Area - Review of Comments received during Trial Period - Memorandum by Director Strategy dated 8 August 2007 to Councillors with correct attachment to Report.

Refer GB.13 - Draft Amendments to Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development - Attachment to Report.

Refer GB.11 - Progress of the Tender Evaluation for the Sewer Mining Project - Memorandum by Director Strategy dated 14 August 2007.

Refer GB.12 - Ku-ring-gai Town Centres Draft LEP & DCP Response to Matters raised by the NSW Department of Planning on 4 July 2007 - Memorandum by Manager Urban Planning dated 14 August 2007 - additional recommendation.

Refer GB.13 - Draft Amendments to Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development -

Memorandum to Councillors by Manager Urban Planning dated 9 August 2007 with attachment to the Report.

Councillors Information: **Bland Shire - Costs** - Memorandum by Director Corporate dated 24 July 2007 in answer to a Question Without Notice raised by Councillor E Malicki at the Ordinary Meeting of Council held 17 July 2007.

Works behind Scout Hall in Kate Street - Memorandum by Director Operations dated 26 July 2007 in answer to a Question Without Notice raised by Councillor E Malicki at the Ordinary Meeting of Council held 12 June 2007.

Petition on Acron Oval - Memorandum by General Manager dated 31 July 2007 in answer to a Question Without Notice raised by Councillor E Malicki at the Ordinary Meeting of Council held 17 July 2007.

Community Noticeboards & Signage for Holy Family School - Memorandum by Director Operations dated 6 August 2007 in answer to Questions Without Notice raised by Councillor M Shelley at the Ordinary Meetings of Council held on 17 July & 22 May 2007, respectively.

Bland Shire - Printing Costs - Memorandum by Director Community dated 31 July 2007 in answer to a Question Without Notice raised by Councillor Adrienne Ryan at the Ordinary Meeting of Council held 24 July 2007.

Internal Ombudsman - Memorandum by General Manager dated 6 August 2007 in answer to a Question Without Notice raised by Councillor Tony Hall at the Ordinary Meeting of Council held 24 July 2007.

Catering Expenditure for Councillors - Memorandum by Director Corporate dated 9 August 2007 in answer to a Question Without Notice raised by Councillor Laura Bennett at the Ordinary Meeting of Council held 24 July 2007.

CONFIRMATION OF MINUTES

278 **Minutes of Ordinary Meeting of Council**

File: S02131
Meeting held 24 July 2007
Minutes numbered 255 to 276

Resolved:

(Moved: Councillors Hall/Anderson)

That Minutes numbered 255 to 276 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS

279

Petition concerning Planned Removal of Liquidambar Styraciflua from Rear of 3 Trafalgar Avenue, Roseville - (Thirty-One [31] Signatures)

File: P60770

"We, the undersigned, appreciate and value the amenity of the mature 24 metre high Liquidambar Styraciflua at 3 Trafalgar Avenue, Roseville and request that all efforts be made to maintain it.

- It is dominant in our landscape, deciduous and a source of seasonal variety and beauty.
- It is home to lorikeets, galahs, owls and possums.
- It is a sound barrier to noise from the North Shore Railway Line and Pacific Highway.
- Its 25 metre canopy neutralizes pollution and provides a visual screen.
- It cannot be recreated or replaced.
- It is unlikely that anything similar will grow in its place.
- Its removal is inconsistent with the stated objectives of the Ku-ring-gai tree preservation order to ensure the long-term survival of our treed landscape."

Resolved:

(Moved: Councillors Shelley/Anderson)

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

CARRIED UNANIMOUSLY

GENERAL BUSINESS280 **The Swain Gardens Draft Landscape Masterplan**

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File: S05919

To provide Council with a draft Landscape Masterplan for The Swain Gardens and to seek Council's approval to name Swain Native Park as The Swain Gardens.

Resolved:

(Moved: Councillors Shelley/Anderson)

That consideration of The Swain Gardens Draft Landscape Masterplan at Stanhope Road, Killara be deferred pending a site inspection.

CARRIED UNANIMOUSLY

281 **9A Curagul Road, North Turramurra - Supplementary Report**

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File: DA1377/05-2

To clarify if there are any gazetted restrictions on multi-unit housing development relevant to the proposed development of the subject site.

Resolved:

(Moved: Councillor Cross/Mayor Ebbeck)

THAT Council, as the consent authority, review its original determination and grant consent to Development Application 1377/05 for the construction of 17 villa/townhouses, strata subdivision and associated landscaping at 9A Curagul Road, North Turramurra for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

Conditions that identify plans**1. Approved architectural plans and documentation (new development)**

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

Plan no.	Drawn by	Dated
DA01- DA06 Issue H (inclusive)	Harry Sidaway & Associates	13/04/07
F01 Fence Details	Harry Sidaway & Associates	November 2006

Document(s)**Dated**

Statement addressing reasons of refusal by the Turnbull Group	12 December 2006
Environmental Report by Aargus Australia	12 December 2006
BASIX Certificate No.107956M	15 December 2006
Stormwater management plan by AFCE Environment + Building	11/2005

Reason: To ensure that the development is in accordance with the determination of Council.

2. **Inconsistency between documents**

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Reason: To ensure that the development is in accordance with the determination of Council.

3. **Approved landscape plans**

Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
Dwg Nos 050166DA2-5/5 Rev. C	Vision Dynamics	17/04/07

Reason: To ensure that the development is in accordance with the determination of Council.

Conditions to be satisfied prior to demolition, excavation or construction

4. **Notice to be given prior to demolition or excavation**

Council shall be given written notice, at least 48 hours prior to the commencement of any development (including excavation, shoring or underpinning works) on the site.

Reason: Statutory requirement.

5. **Infrastructure restorations fee**

Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council

Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.

- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.

- e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure

Conditions to be satisfied prior to the issue of the Construction Certificate

6. Long Service Levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

7. Builder’s indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder’s indemnity insurance and submit the

certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

It is the responsibility of the applicant, builder or developer to arrange the builder's indemnity insurance for residential building work over the value of \$12,000. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at less than \$12,000, nor to work undertaken by persons holding an owner/builder's permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

Reason: Statutory requirement.

8. **Design changes**

To reduce the visual impact of the development on the streetscape and on the adjoining golf course and to reduce privacy impacts on the adjoining development at 11-15 Curagul Road, the following design changes shall be implemented:

- a) The front masonry walls, including those to the private open spaces, the garbage store area, courtyards, access-ways and palisade entry gate fencing including support piers/ posts are to have a maximum height of 1.6 metres.
- b) The maximum height of the palisade fencing within the development site and along the rear boundary are not to be greater than 1.6 metres from the finished ground level.
- c) The palisade fencing must be a dark, non reflective and recessive colour.
- d) A suitable privacy screen which is at least 75% obscure, constructed to a minimum 1.6 metres in height above the finished deck level is to be provided along the eastern end of the deck to Dwelling 17.

Details of the above shall accompany the Construction Certificate.

Reasons: To protect the environment.

9. **External finishes and materials (new building)**

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes of the building are consistent with the character of the streetscape. The materials are to be complimentary to the approved architectural appearance of the development. Nothing in this condition is to be construed as permitting the replacement of previously submitted materials with inferior or inadequate materials or finishes.

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

Reason: To protect the streetscape and the integrity of the approved development.

10. Outdoor lighting

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that all outdoor lighting will comply with AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Note: Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

Reason: To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.

11. Access for people with disabilities (residential)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.2.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

12. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the nominated adaptable units within the development application, Dwellings H6 and H7, are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

Note: Evidence from an appropriately qualified professional demonstrating compliance with this control is to be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: Disabled access & amenity.

13. Section 94 Contribution – Residential Development

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-

2009 for the services detailed in column A and for the amount detailed in Column B is required.

Column A	Column B
Community facilities	\$1,117.76
Park acquisition and embellishment works	\$4,723.00
Sportsgrounds works	\$1,318.32
Aquatic / Leisure centres	\$27.82
Traffic and Transport	\$150.28
Section 94 Plan administration	<u>\$100.04</u>
Total contribution is:	\$330,510.34

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). 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. Prior to payment, you are advised to check the contribution amount required with Council.

Reason: To ensure 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 the development.

14. Off-street car parking

Prior to the issue of the Construction Certificate, certified parking lay-out plan to scale shall be provided demonstrating compliance with the Australian Standard 2890.1 – 2004 "Off-street car parking.

Reason: To ensure that parking spaces are in accordance with the approved development.

15. Garbage storage

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the development provides a common garbage collection/separation area sufficient in size to store all wheelie garbage bins and recycling bins provided by Council for the number of units in the development in accordance with DCP 40. The garbage collection point is to be accessible by Council's Waste Collection Services.

Note: The architectural plans are to be amended and provided to the Certifying Authority.

Reason: Environmental protection

16. Noise from plant in residential zone

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm –6.00 am) when measured at the boundary of the site.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential acoustic amenity

17. Energy Australia requirements

Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

Reason: To ensure compliance with the requirements of Energy Australia.

18. Utility provider requirements

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

Reason: To ensure compliance with the requirements of relevant utility providers.

19. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

Reason: To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground

20. Stormwater management plan

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- Exact location and reduced level of discharge point to the public drainage system
- Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)
- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments
- Details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements)
- The required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the Stormwater management Concept Plan by AFCE Environment and Building submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

Reason: To protect the environment.

21. Sydney Water Section 73 Compliance Certificate (Part 1)

Prior to the issue of a Construction Certificate, a Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For details see the Sydney Water web site www.sydneywater.com.au, or telephone 13 20 92.

Following application, a notice of requirements will be forwarded, detailing water and sewer extensions to be built and charges to be paid. Early contact with the coordinator is advisable since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Details of any requirements of Sydney Water are to be provided with the Construction Certificate documentation.

Reason: Statutory requirement.

22. Stormwater retention

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to be satisfied that:

1. A mandatory rainwater retention and re-use system, comprising storage tanks and ancillary plumbing is provided. The minimum total storage volume of the rainwater tank system, and the prescribed re-use of the water on site must satisfy all relevant BASIX commitments and the requirements specified in Chapter 6 of Ku-ring-gai Water Management Development Control Plan 47; and
2. An on-site stormwater detention system must be provided to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with Chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.

Reason: To protect the environment.

23. Utility provider requirements

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

Reason: To ensure compliance with the requirements of relevant utility providers.

24. Repair/replacement of trunk drainage system

Prior to issue of the Construction Certificate the Applicant must have engineering plans and specifications prepared by a qualified consulting engineer for the repair/ replacement of the trunk drainage system through the site. This includes the provision of backfill and cover where necessary to achieve design levels. The plans are to be approved by Council engineers. The plans to be assessed must be to a detail suitable for construction issue purposes.

The required plans and specifications are to be designed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The drawing must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the stamped Council approval.

A minimum of three (3) weeks will be required for Council to assess submission. Early submission is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

Reasons: To control stormwater and protect the environment.

25. Design of works in public road (Roads Act approval)

Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue

purposes and must detail the following infrastructure works required in (enter street name) Street:

- New kerb and gutter and road shoulder for the frontage of the site;
- New footpath for the frontage of the site;
- Construction of a suitable drainage pit in place of the open excavation (this work to include the covering/ relocation of the PVC sewer service either to the satisfaction of Sydney Water or by a licensed plumber in accordance with the Plumbing and Drainage Code).

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

Reason: To ensure that the plans are suitable for construction purposes.

Conditions to be satisfied prior to the issue of the construction certificate or prior to demolition, excavation or construction (whichever comes first)

26. Notice of commencement

At least 48 hours prior to the commencement of any development or excavation works, a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

27. Notification of builder's details

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

Reason: Statutory requirement.

28. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information

29. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation

30. Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: To preserve and enhance the natural environment

31. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: The plan shall be provided to the Certifying Authority.

Reason: To ensure appropriate management of construction waste.

32. Construction and traffic management plan

Prior to the commencement of any works on site, the applicant must submit for review by Council's engineers a construction and traffic management plan. The following matters must be specifically addressed in the plan:

1. A plan view of the entire site and frontage roadways indicating:

- dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways
- turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site
- the locations of proposed work zones in the frontage roadways
- location of any proposed crane and concrete pump and truck standing areas on and off the site
- a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected
- an on-site parking area for employees, tradespersons and construction vehicles as far as possible

2. Traffic control plan(s) for the site

All traffic control plans must be in accordance with the RTA publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

3. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided

Light traffic roads and those subject to a load or height limit must be avoided where alternate routes exist.

A copy of this route is to be made available to all contractors and shall be clearly depicted at a location within the site.

The plan must provide evidence of RTA concurrence where construction access is provided directly from or within 20m of an arterial road.

The plan must provide a schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of their construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements.

The plan must provide measures for minimising construction related traffic movements during school peak periods.

For those construction personnel that drive to the site, the applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

The construction and traffic management plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.

As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council's Development Engineer. Written acknowledgment from Council's Engineer shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

33. Dilapidation photos (public infrastructure)

Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principle Certifying Authority a photographic record on the visible condition of the existing public infrastructure over the full site frontage (in colour – preferably saved to CD-Rom in 'jpg' format). The photos must include detail of:

- the existing footpath
- the existing kerb and gutter
- the existing full road surface between kerbs
- the existing verge area
- the existing driveway and layback where to be retained
- any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed Damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure cause as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any site works.

Reason: To protect public infrastructure

Conditions to be satisfied during the demolition, excavation and construction phases**34. Approved plans to be on site**

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

Reason: To ensure that the development is in accordance with the determination of Council.

35. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- * The work must be carried out in accordance with the requirements of the Building Code of Australia,

- * In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

36. **Footings and excavation near easements**

Footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries.

The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If there is no pipe within the easement, a future depth of pipe of 1.6 metres is to be assumed for future pipe placement. If there is a Council pipe without an easement a future easement width of 1.8 metres centred on the pipeline is to be adopted.

If permanent excavation is proposed beneath the obvert of the pipe within the easement, suitable means to protect the excavation from seepage or other water flow from the pipe and trench and means to retain the easement and associated pipe cover are to be provided at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.

Reason: To ensure structural stability.

37. **Structures to be clear of drainage easements**

During all phases of demolition, excavation and construction, it is the full responsibility of the applicant and their contractors to:

- * ascertain the exact location of the Council drainage pipe traversing the site in the vicinity of the works
- * take full measures to protect the in-ground Council drainage system
- * ensure dedicated overland flow paths are satisfactorily maintained through the site

Drainage pipes can be damaged through applying excessive loading (such as construction machinery, material storage and the like). All proposed structures and construction activities are to be sited fully clear of Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated overland flow paths must not be impeded or diverted by fill or structures unless otherwise approved.

If a Council drainage pipeline is uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted

immediately for advice. Any damage caused to a Council drainage system must be immediately repaired in full as directed and at no cost to Council.

Reason: To protect existing Council infrastructure and maintain over land flow paths.

38. Drainage to interallotment easement

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped and connected to the interallotment stormwater drainage line benefiting the site. The interallotment line must be covered by the necessary easement for drainage which may exist or need to be created under this consent.

Reason: To protect the environment.

39. Demolition, excavation and construction work hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

Reason: To ensure reasonable standards of amenity to neighbouring properties

40. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicant's full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of Utility Services

41. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/ route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian

circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: To ensure safe public footways and roadways during construction.

42. Inspections

Any development related inspections by Ku-ring-gai Council engineers, the corresponding fees set out in Council's adopted *Schedule of Fees and Charges* are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

Reasons: To ensure that works undertaken are to the satisfaction of Council

43. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

44. Dust control

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

- * Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust.
- * Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed.
- * All materials shall be stored or stockpiled at the best locations.
- * The ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs.
- * All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust.

- * All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays.
- * Gates shall be closed between vehicle movements and shall be fitted with shade cloth.
- * Cleaning of footpaths and roadways shall be carried out daily.

Reason: To protect the environment and amenity of surrounding properties

45. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

46. Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: To ensure public safety

47. Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: Statutory requirement

Conditions to be satisfied prior to the issue of an Occupation Certificate

48. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 107956M have been complied with.

Reason: Statutory requirement.

49. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery

vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

50. Retention and re-use positive covenant

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: To protect the environment.

51. Provision of copy of OSD designs if Council is not the PCA

Prior to issue of the Occupation Certificate, the following must be provided to Council's Development Engineer:

- * a copy of the approved Construction Certificate stormwater detention/retention design for the site
- * A copy of any works-as-executed drawings required by this consent
- * The Engineer's certification of the as-built system.

Reason: For Council to maintain its database of as-constructed on-site stormwater detention systems.

52. Certification of drainage works (dual occupancies and above)

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- * The stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans

- * The minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved
- * Retained water is connected and available for use
- * Basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47
- * All grates potentially accessible by children are secured
- * Components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia
- * All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices

The rainwater certification sheet contained in Appendix 13 of the Ku-ring-gai Water Management Development Control Plan No 47, must be completed and attached to the certification. Where an on-site detention system has been constructed, the on-site detention certification sheet contained in Appendix 4 of DCP 47 must also be completed and attached to the certification.

Note: Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To protect the environment.

53. WAE plans for stormwater management and disposal (dual occupancy and above)

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:

- * As built (reduced) surface and invert levels for all drainage pits.
- * Gradients of drainage lines, materials and dimensions.
- * As built (reduced) level(s) at the approved point of discharge to the public drainage system.
- * As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
- * The achieved storage volumes of the installed retention and detention storages and derivative calculations.

- * As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
- * The size of the orifice or control fitted to any on-site detention system.
- * Dimensions of the discharge control pit and access grates.
- * The maximum depth of storage possible over the outlet control.
- * Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system.

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

Reason: To protect the environment.

54. Construction of works in public road – approved plans

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that all approved road, footpath and/or drainage works have been completed in the road reserve in accordance with the Council Roads Act approval and accompanying drawings, conditions and specifications.

The works must be supervised by the applicant's designing engineer and completed and approved to the satisfaction of Ku-ring-gai Council.

The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved stamped drawings. The works must be subject to inspections by Council at the hold points noted on the Roads Act approval. All conditions attached to the approved drawings for these works must be met prior to the Occupation Certificate being issued.

Reason: To ensure that works undertaken in the road reserve are to the satisfaction of Council.

55. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: To protect public infrastructure.

56. Works on trunk drainage pipe

Prior to issue of the Occupation Certificate all works on Council's underground stormwater drainage pipe must be completed in accordance with the Council stamped drawings, conditions and specifications. This includes the provision of

backfill and cover where necessary to achieve design levels. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved to the full satisfaction of Ku-ring-gai Council in the interests of ensuring quality of work involving public assets. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council stamped drawings. The works must be subject to inspections by council at the hold points noted on the approval. All conditions attached to the approved drawings for these works must be met in full prior to the Occupation certificate being issued.

Reason: To protect Council's Infrastructure

57. Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney Water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority.

Reason: Statutory Requirement.

58. Certification of footings adjacent easement

Prior to issue of the Occupation Certificate the applicant shall submit for approval by the Principal Certifying Authority certification form a suitably qualified and experienced civil engineer, that:

- a) Footings, and any required permanent excavation or drainage easement support, have been constructed in accordance with the conditions of this Const relating to footings and excavation adjacent to drainage easements and/or drainage pipes, and
- b) Footings allow for complete future excavation over the full width of the easement.

A copy of the certificate must also be provided to Council, attention Development Engineer, prior to issue of any Final Certificate.

Reason: To protect Council's Infrastructure

59. CCTV report to Council's system after works

Upon completion of works and prior to issue of the Occupation Certificate, a closed circuit television (CCTV) inspection and report on the Council drainage pipeline traversing the subject property is to be undertaken by appropriate contractors and provided to Council, attention Development Engineer. The report is to include a copy of the footage of the inside of the pipeline. Any damage to the pipeline must be repaired in full to the satisfaction of Council's Development Engineer at no cost to Council.

Reason: To protect Council's Infrastructure

Conditions to be satisfied prior to the issue of a Subdivision Certificate**60. Requirements of public authorities for connection to services**

Prior to the issue of the Subdivision Certificate, the Principal Certifying Authority shall be satisfied that the applicant has complied with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection, relocation and/or adjustment of the services affected by the proposed subdivision. All costs related to the relocation, adjustment or support of services are the responsibility of the applicant.

Note: Details of compliance with the requirements of any relevant public authorities are to be submitted to the Principal Certifying Authority.

Reason: To ensure that services are available to the allotments of land

61. Provision of services

Prior to issue of the Subdivision Certificate, separate underground electricity, gas and phone or appropriate conduits for the same, must be provided to each allotment to the satisfaction of the utility provider. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas and phone. Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.

Reason: Access to public utilities.

62. Issue of Subdivision Certificate

The Subdivision Certificate must not be issued until all conditions of development consent have been satisfied and a final Occupation Certificate has been by the Principal Certifying Authority.

Reason: To ensure that the development is completed prior to transfer of responsibility for the site and development to another person.

63. Submission of 88B instrument

Prior to the issue of the Subdivision Certificate, the applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the instrument.

Reason: To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

64. General easement/R.O.W. provision and certification

Prior to issue of the Subdivision Certificate, a registered surveyor is to provide details to Council that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision. Alternatively, where the surveyor is of the opinion that creation of burdens and benefits is not required then proof to this effect must be submitted to the Principal Certifying Authority.

Reason: To ensure that all physical structures are fully contained within the proposed allotments or will be fully covered by the proposed burdens upon registration of the final plan of subdivision.

65. Easement for waste collection

Prior to issue of the Subdivision Certificate, an easement for waste collection is to be created under Section 88B of the Conveyancing Act 1919. This is to permit legal access for Council, Council's contractors and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection and shall be to the satisfaction of Council's Development Engineer.

Reason: To permit legal access for Council, Council's contractors and their vehicles over the subject site for waste collection.

66. Overland flow – Section 88B Instrument

The Applicant shall create a Restriction-on-use on the title of the subject property under Section 88B of the Conveyancing Act 1919. This restriction will be a variation to the existing restriction on use, which is to be extinguished. The restriction is to be over the 100 year ARI flood zone and must prevent the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within that zone. Ku-ring-gai Council is to be named as the authority whose consent is required to release, vary or modify the restriction.

Reason: To protect the environment

67. Submission of plans of subdivision (strata)

For issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies suitable for endorsement by the consent authority. The following details must be submitted with the plan of Subdivision and its six copies, where Council is the consent authority:

- a) The endorsement fee current at the time of lodgment.
- b) The 88B Instrument plus six (6) copies.
- c) All surveyors and/ or consulting engineers certification(s) required under this subdivision consent.

All parking spaces and all areas of common property, including visitor car parking space and on site detention facilities, which are to be common property, must be included on the final plans of strata subdivision. Where Council is the certifying authority, officers 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 re-checking fees. Plans of subdivision and copies must not be folded. Council will not accept bonds in lieu of completing subdivision works. If the certifying authority is not Council, then a copy of all the above must be provided to Council.

Conditions to be satisfied at all times

68. Outdoor lighting

At all times for the life of the approved development, all outdoor lighting shall not detrimentally impact upon the amenity of other premises and adjacent dwellings and shall comply with, where relevant, AS/NZ1158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Reason: To protect the amenity of surrounding properties.

69. Maintenance period for works in public road

A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant – after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the public infrastructure works which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the applicant received a formal letter from Council stating that the works involving public infrastructure have been completed satisfactorily.

Reason: To protect infrastructure.

CARRIED UNANIMOUSLY

282

Setting of Date for the Election of Mayor & Deputy Mayor - 2006/2007

File: S02355, S03662

To give consideration to setting the date for the 2007/2008 Election of the Mayor & Deputy Mayor.

Resolved:

(Moved: Councillors Malicki/Lane)

A. That Council amend its Meeting Cycle for September 2007 as follows:

4 September 2007	Ordinary Meeting of Council
11 September 2007	(Transferred to 4 September 2007)
25 September 2007	Ordinary Meeting of Council

- B. That the 2007/2008 Election of the Mayor and Deputy Mayor be held at the Ordinary Meeting of Council on Tuesday, 4 September 2007.
- C. That the 2007/2008 Election of the Chairpersons/Deputy Chairpersons of Council's Committees and Advisory Committees be held on Tuesday, 25 September 2007.
- D. That Council consider the appointment of various Community Committee members/delegates on Tuesday, 25 September 2007.

CARRIED UNANIMOUSLY

283 **6th National MainStreet Conference**

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File: S02921

To provide feedback from the 6th National MainStreet Conference held in March 2007.

Resolved:

(Moved: Councillors Malicki/Andrew)

That Council receive and note the report.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

284 **Climate Change**

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File: S02342

Notice of Motion from Councillor E Malicki dated 5 August 2007.

The NSROC Conference was based around the issue of Climate Change, with several Councils reporting on significant actions being taken to reduce greenhouse emissions in their Councils and communities.

While Ku-ring-gai Council is progressing well with Cities for Climate Protection initiatives, I feel we need to increase our commitment and set strong, serious policies that involve our community.

I move:

"That Council begin looking at Climate Change issues and initiatives in our Policy Committee as soon as possible, and that as a starting point, all the Councils in NSROC be approached for details of the actions they are taking on Climate Change, with a report to the earliest possible Policy Committee Meeting."

Resolved:

(Moved: Councillors Malicki/Andrew)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

GENERAL BUSINESS (cont)

285

Local Government Association Conference 2007

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File: S02046

For Council to determine its delegates to the 2007 Local Government Association of NSW Annual Conference.

Resolved:

(Moved: Councillors Ryan/Lane)

- A. That interested Councillors advise the General Manager by Friday, 24 August 2007.
- B. That the General Manager or his delegate accompany the elected representatives to the Conference.

CARRIED UNANIMOUSLY

286

Draft Amendments to Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development

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File: S02073

To report to Council proposed draft amendments to Ku-ring-gai Section 94 Contributions Plan 2004-2009 - Residential Development.

Resolved:

(Moved: Councillors Ryan/Lane)

- A. That Council adopted the draft amendments to the Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development contained in Attachment 1 for formal public exhibition.
- B. That Draft Ku-ring-gai Section 94 Contributions Plan 2004-2009 – Residential Development (Amendment 1) be placed on public exhibition in accordance with the Environmental Planning and Assessment Regulations.
- C. That a report be brought back to Council following the exhibition period.
- D. That Council engage a suitably qualified land economist to establish and update an appropriate index which could be used to update the land values rates in the plan and that this be put in place at the time this plan is adopted.

CARRIED UNANIMOUSLY

*Standing Orders were suspended to deal with GB.12
then other items where there were speakers
after a Motion moved by Mayor Ebbeck & Councillor Ryan
was CARRIED UNANIMOUSLY*

287

**Ku-ring-gai Town Centres Draft LEP & DCP Response to Matters raised
by the NSW Department of Planning on 4 July 2007**

File: S04151

The following members of the public addressed Council:

**W Simpson
B Johnson
C Wells
S Donovan
S Cogle
S Gross
G Gurney**

Resolved:

(Moved: Mayor Ebbeck/Councillor Shelley)

- 1. That Council adopt the recommendation as outlined under the headings below on the issues raised with the Ku-ring-gai town centres draft Local Environmental Plan and Development Control Plan:

J1 – Authorisations

1. The properties 1335, 1337 and 1343 Pacific Highway, Turramurra be included in the B2 zone with a maximum retail / business FSR of 1:1 and a maximum site FSR of 2.3:1. The draft LEP be appropriately amended to accommodate this.
2. Council advise the Department of Planning of its resolution of 19 June 2007 to delete land, indicated in the DCP for Gordon as potential future open space, from the DCP thus complying with the Department's request.
3. Council resolve to bring Turramurra Precinct I into the draft LEP as exhibited.

J2 – LEP Provisions

1. Consult with the Department of Planning on the desired format for proposed savings provisions to enable necessary changes.
2. Council include "home occupation (sex services)" as permissible with consent in B2, B4 and B5 zones.
3. Council include "vehicle showroom" as a permissible use with consent in the B2 zone.
4. Delete reference to Category 1 (Environmental Corridor) in Exempt and Complying Development.
5. Council seek advice from the Department of Planning as to the process for furthering proposed Exempt and Complying amendments and ensure this to be on the agenda for the next meeting with the Department.
6. The LEP be amended in accordance with the Council's resolution of 19 December 2006 concerning Exempt and Complying provisions (as listed in the relevant comments in Attachment 2).
7. Exempt Development reference for Awnings – amend note to read "See also Complying Development for awnings up to 25 m²".
8. Amend to (d) in Decks and verandahs in Complying Development by adding:

"....except where the area of land on which they are located has a slope of more than 15%, in which event the finished surface may not be not more than 800mm."
9. Exempt Development note for Alterations to Dwellings has a reference note to "Alterations and additions to dwelling houses," which is to be deleted.
10. Delete the Exempt schedule note at the beginning of Paving referring to "Driveways in Complying Development".

11. Exempt Development provisions for Telecommunications- Satellite TV dishes be amended as follows:

Satellite TV dishes - ground mounted:

Amend (a) to:

- (a) not more than one satellite dish is established per allotment or per multi-unit building, whichever is the greater.*

Satellite TV dishes roof mounted:

Amend (e) to:

- (e) not more than one satellite dish is established per allotment or per multi-unit building, whichever is the greater.*

Satellite dishes (other) - ground mounted

Amend (a) to:

- (a) not more than one satellite dish is established per allotment or per multi-unit building, whichever is the greater.*

Satellite dishes (other) -roof mounted

Amend (e) to:

- (e) not more than one satellite dish is established per allotment or per multi-unit building, whichever is the greater.*

Aerials/antennae

Amend (f) to:

- (f) are not located within or beneath the canopy of an existing tree.*

- Exempt Development provisions for:

Amusement Devices – 13 non automated:

Amend (c) to:

- (c) are structurally sound and adequately supported*

Include a note at the end of the section, as follows:

Note: Approval for the temporary structure may be required under the Local Government Act 1993, even where the development is exempt development.

Awnings and pergolas, for Awnings add:

(j) Have a minimum height of 2.4 metres above existing ground level.

Boundary adjustments, to Clause 15 of the LEP add a local provision as follows:

(3) Notwithstanding clause 15(2), subdivision under this clause must meet the requirements for exempt development listed in Clauses 16 and 18 of this Plan and:

- (a) is not undertaken on bushfire prone land;*
- (b) is not implemented for the purpose of leasing land;*
- (c) the size of any lot is not altered by more than 10%;*
- (d) no new property boundary is located within 0.9 metres of any building;*
- (e) the boundary adjustment is not within 3 metres of any tree to which Clause 34 of this LEP applies;*
- (f) there is no impact on the drainage or access rights for any of the subject allotments or any adjoining premises;*
- (g) a written notice and copy of the plan of subdivision is lodged with Council prior to lodgement with the Land Title Office;*
- (h) any notice of transfer is forwarded to Council with the appropriate transfer fee.*

Note: A Section 73 compliance certificate must be obtained from Sydney Water and submitted to Council with the plan of subdivision.

Cubby houses, amend (c) to:

(c) have a maximum floor area of 5m²

Decks, amend (i) to:

(i) if located on bushfire prone land, complies with relevant Australian Standards in relation to construction on such lands and are constructed of non-combustible materials other than aluminium.

Sheds and greenhouses including shade structures, amend as follows:

(h) if located on bushfire prone land, complies with relevant Australian Standards in relation to construction on such lands; and

- (i) are constructed of non-combustible materials other than aluminium.*
- (ii) are located at least 10 metres from any tree;*

- (iii) are finished in a manner that ensures non-reflectivity;
and*
- (iv) if erected on residential premises, not more than 1 shed
and/or greenhouse is erected per allotment.*

General:

Council request that the Department of Planning review its requirements to reference DCPs and policies in the LEP in the light of Council's comments. If this is not acceptable, banners and footpath dining be deleted from the provisions for exempt development.

Replacement of structures and materials:

Carport and garage replacement. Add the following provision:

- (c) the new carport or garage is similar in terms of footprint,
height and design to the structure it replaces.*

Stormwater drainage works (minor). Delete the following:

- (b) the works are not to be undertaken within 7 metres of any tree subject to Clause 33 of this LEP.

And replace with:

- (b) the works are not undertaken within the canopy of any tree
protected under clause 34 of this LEP.*

Complying Development provisions make changes as set out below:

Amend all non-commercial complying development types by adding the following provision:

Where a BASIX certificate has previously been issued for the site, the Occupation Certificate has been issued for the development.

For Swimming pools and spas, add a note to the end of these sections as follows:

Note: A BASIX certificate is required for pools over 40,000 litres.

For BASIX and Riparian issues Council requests that the Department review its concerns in the light of the information provided by Council.

For Decks and Verandahs, Sheds and Greenhouses, delete the requirement under "Location" for a 50 metres buffer to a Category 1 (Environmental Corridor).

- # For Decks and verandahs, Awnings and sail cloths, and Pergolas, replace the provision which states:
- has a maximum height of 2.7 metres above (existing) ground level
- with:
- has a maximum height of 2.7 metres above finished floor level.*
- # For Decks and verandahs, and Sheds and greenhouses, delete all of the provision which states:
- not possible via a legal interallotment drainage easement, in which event the stormwater is drained to an on-site dispersal system designed, by a consulting hydraulic engineer, for the whole.....*
- # For Decks and verandahs, Awnings and sail cloths, and Pergolas amend the provision relating to the 6 metre setback to side and rear property boundaries to:
- For residential sites is set back from all side and rear property boundaries by at least the following:*
- (i) in R4 zones, 6 metres*
 - (ii) in R3 zones, 3 metres, except where dwellings primarily address the relevant boundary, where the structure is set back a minimum of 5 metres.*
- # For swimming pools and spas add a note to the end of these sections as follows:
- Note: A BASIX certificate is required for pools over 40,000 litres.
- # Council requests that the Department of Planning include a note in the standard LEP template relating to BASIX for exempt and complying development.
- # For Pools and spas, amend the provision relating to a 6 metre setback to side and rear property boundaries to:
- For residential sites the outer edge of the nearest coping is setback from all side and rear boundaries by at least the following:
- (i) In R4 zones, 6 metres.
 - (ii) In R3 zones, 3 metres, except where the dwellings primarily address the relevant boundary, where the structure is set back a minimum of 5 metres.
- # For Sheds and greenhouses insert under the “Location” criteria the following:

Is set back from all side and rear property boundaries by the at least the following: in R4 zone, 6 metres;

R3 zones, 3 metres, except where the dwellings primarily address the relevant boundary, where the structure is set back a minimum of 5 metres.

- # For Swimming pools and spas, amend the "Drainage" (s)(ii) criteria to read as follows:

(s) (ii) Not possible via a legal interallotment drainage easement, in which event the stormwater is drained to an on-site dispersal system designed by a consulting hydraulic engineer, for the whole site coverage area and the landscaping area is either:

- *at least 65% if the pre-development landscaped area is at least 65%, or- no less than the existing landscaped area if the pre-development landscaped area is less than 65%.*

- # For Alteration and additions to commercial premises – external, amend (e) to:

(e) does not result in additional seating capacity.

- # For Awnings and sail cloths amend (a) by replacing 30m²

with:

25m².

- # Add the subtitle Part 1 above the Schedule 3 table. Delete the note preceding the table to Schedule 3. Include a Part 2 to Schedule 3 containing conditions of consent as per **Attachment 11**.

Delete the table heading in Part 1 Complying Development Conditions and replace with Complying Development Standards.

Add a note to Part 2 as follows:

Note: All Complying Development Certificates must be issued with a copy of all the relevant conditions for a particular development. Before work commences, the applicant is required to appoint a Principle Certifying Authority and give Council 2 days notice prior to commencement of work.

J3 – DCP Provisions

1. To dot point one, Section 4.3 Site Amalgamations for Lindfield and Roseville, add the following:

2. These are suggested amalgamations to facilitate orderly development. Alternative amalgamations can be considered if it can be demonstrated it meets the design objectives of the plan.
3. Add the following paragraph to Part 1.9 in the section on Part 4 after Paragraph 2:
 - a. *Where an applicant wishes to vary a written design control or building envelope control to respond to the particular circumstances of their site, written justification in the Statement of Environmental Effects accompanying the development application must be provided. The written justification must demonstrate that the departure from the control/s still achieves the design objectives of the plan. An appropriately qualified and experienced design professional must prepare the written justification for the proposed variation to the control.*
- Delete “bio-linkages” and “bio-links” in Section S2.2.6 (St Ives) G2.2.5 (Gordon) P2.2.7, (Pymble) T2.2.7 (Turramurra) L2.2.8 (Lindfield) and R2.2.8 (Roseville).
 - a. Replace with “indigenous canopy linkages”.
4. Amend the title of Sections S2.2.6, P2.2.7, T2.2.7, L2.2.8 and R2.2.8 to “Landscaping and Biodiversity.
5. Delete 3(i) in s6.2.1 regarding 50m buffers to Category 1 riparian corridors.
6. Add a note to Section 5.5.1 Deep Soil Landscaping as follows:
7. *Note: Minimum deep soil provisions and requirements for minimum numbers of trees for tree replenishment apply only to residential zones.*
8. Council consider the adoption of amendments to the R3 controls in August 2007.
9. Amendments to Turramurra Precinct C plans to be considered by Council in August/September 2007.
10. Reword dot point 4 in Section 2.2.1 relating to the location of apartments and townhouses, to delete the reference to “one block from” and replace with “in close proximity to” Mona Vale Road or Link Road/Killeaton Street.
11. Council review Part 2 Strategy section to:
12. Delete the subtitle “Strategies” and replace with the following:
 - a. *The following provides a framework and context for the redevelopment of the centre. Specific development controls are found in Parts 3 to 9.*

13. Amend the diagrams showing new access routes to ensure consistency with Part 4.
14. Delete numerical references and references to standards and rework other detailed strategies within the framework to ensure consistency with the broader focus of the framework.
15. Amend the Vision Statement for St Ives to delete the reference to “high forest” character, and replace with reference to large treed character.
16. Delete the reference to Street Tree Masterplan in Section S2.2.3 (St Ives). Substitute instead reference to the Public Domain Plan.
17. Amend the wording of the second objective in Section S2.2.6 Biodiversity (St Ives) by deleting the phrase “high forest character” and replace with “the treed character” of the area.
18. Include an additional strategy in Section S2.2.6 (St Ives) to provide for new street tree planting to all streets.
19. Council request further information from the Department of Planning to clarify the change being sought in regard to percentages of indigenous and exotic species in landscaping (s.2.2.6).
20. Delete the control re vertical canvas drop blinds in s.5.3.1.
21. Council review and amend the parking controls for residential, retail (excluding supermarkets and the like) and commercial uses in mixed use zones within 400m of a railway station including those sites noted by the Department.
 - a. This work to be undertaken in consultation with an economic consultant and traffic and transport planner to ensure consistency with the objectives of the Metropolitan Strategy, to ensure feasibility of redevelopment and improve the utilisation of public transport. The controls are also to be consistent with the Metropolitan Parking Strategy if it is available in time.
22. Delete the note at s.5.14.4 that basement car parking more than one metre above ground will be considered as gross floor area.
23. Council advise the Department of Planning that the provisions in relation to washing bays and larger visitor and service bays facilitate pollution control, and access for service vehicles and visitors with a disability.
24. To s.5.14.5 add the following objective:
 - a. Multi-storey car parking design that allows flexibility for changes over time.
25. To s.5.12.3 add a note as follows:

- a. All activities related to contaminated land must comply with the requirements of the Protection of Environment Operations Act and State Environmental Planning Policy 55- Remediation of Land.*
26. Council provide the Department of Planning with a copy of Council's Contaminated Lands Policy.
27. In 8 in s10.2.4 replace the following:
 - a. proposed heritage conservation area of where the item is identified as a potential heritage item...*
 - b. with:*
 - c. draft heritage item under an Environmental Planning Instrument:...*
28. Delete last dot point in 8 in s10.2.4 and delete 12 in s10.2.6 regarding separate listing on Council's website.

J5 – St Ives – Specific Issues

1. St Ives Shopping Village, St Ives

To address the issue noted by the Department that the redevelopment of the St Ives Shopping Village may not be viable due to a clause in the Town Centre DCP relating to above ground parking being included in FSR it is recommended that Council delete the relevant part of the clause R1 in Part 5.14.4 of the Town Centre DCP.

2. Eden Brae, St Ives

To address the Dept concerns that the Eden Brae site is unlikely to re-develop it is recommended that Council accept the Dept's comments that this site will not be redeveloped and request the Minister to revoke his S.55 Direction over this site to retain its Residential 2(h) zone.

*For the Resolution: The Mayor, Councillor N Ebbeck, Councillors
Andrew, Bennett, Hall, Lane, Malicki &
Anderson*

Against the Resolution: Councillors Cross, Ryan & Shelley

J6 – Town Centres – General Issues

1. Reduction in retail floor space

(Moved: Councillors Ryan/Lane)

That the recommendation that the maximum retail FSR be deleted from the Draft LEP, be referred to the Consultant.

For the Resolution: Councillors Bennett, Cross, Malicki, Ryan & Shelley

Against the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Hall, Lane & Anderson

*The voting being EQUAL, the Mayor exercised his Casting Vote
IN FAVOUR of the Resolution*

The following Part J6-1 was removed from the Motion:

In relation to Department's concerns regarding loss of retail floor space under the Town Centre LEP, Council maintains that there will be no loss of retail floor space, in fact, Council has planned for substantial increases in retail space.

Council notes that the inclusion of a maximum retail FSR may be confusing and it is therefore recommended that:

- * the draft LEP FSR map be amended to provide a site FSR with a minimum retail FSR only and deletion of the maximum retail FSR;*
- * Certain sites are to be excluded from this requirement, in particular, sites proposed for future supermarkets or other larger retail sites where a cap on retail is considered important to the overall vitality of the centre*

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Bennett, Cross, Hall, Lane, Malicki, Ryan, Shelley & Anderson

Against the Resolution: Councillor Andrew

J7 – Lindfield

1. Recommended DCP changes

Council to revise DCP controls for the northernmost site (321 to 329 Pacific Highway & 1 to 5 Tryon Place) to achieve better urban form and residential amenity.

2. Other recommendations

Council to review and reduce parking requirements for the following properties in consultation with economic consultant to achieve economic viability:

- i. 1 to 21 Lindfield Avenue (heritage item) within Precinct A;
- ii. 305 to 329 Pacific Highway and 1 to 5 Tryon Place (strip shop sites) within Precinct B;

- iii. 302 to 356 Pacific Highway (strip shop sites) within Precinct C;
- iv. 358 to 374 Pacific Highway (strip shop sites) within Precinct D.

Council to continue the reclassification process the following Council lands to enable redevelopment:

- i. 8 to 10 Tryon Road and 3 Kochia Lane (Council Car Park);
- ii. 1 Beaconsfield Parade and 19 Drovers Way (Council Car Park).

Council to investigate the financing and funding strategies for the following as part of the Section 94 strategy for the centre:

- i. Community component in the 12 to 18 Tryon Road development;
- ii. Underground car parking and new town square on Tryon Road Car Park site;
- iii. Community building and underground car parking on Woodford Lane Car Park site.

Council to continue discussion with the owners of 12-18 Tryon Road.

J8 – Roseville

1. Recommended LEP changes

Council to consider the option to rezone proposed B5 site currently zoned 3(b)-(B2) (161 Pacific Hwy) to R4 as requested by the DOP. The potential contradiction with the Section 117 Directions is noted.

2. Other recommendations

Council to review and reduce parking requirements for the following properties in consultation with economic consultant to achieve economic viability:

- i. 64 to 116 Pacific Hwy (strip shop sites) within Precinct A;
- ii. 69 to 89 Pacific Hwy within Precinct B;
- iii. 5 to 35 Hill St and 1 to 5 Lord St (strip shop sites) within Precinct C;
- iv. 37 to 63A Hill St and 1 Roseville Ave (strip shop sites) within Precinct D.

Council to investigate the financing and funding strategies for the following as part of the Section 94 strategy for the centre:

- i. New double-decked parking on Larkin Lane car park site;
- ii. New village green and underground parking on Lord Street car park site.

J9 – Residential Yields

1. To address the Departments concern that the yield tables showing Council's estimates of anticipated dwellings, provided by Council in 2006, are likely to be substantially inflated it is recommended that Council:
 - i. Update estimates of yield for LEP 194 based on 115sqm average for residential 2(d3) and R4 zones;
 - ii. Modify town centre LEP yield tables using a 95sqm average apartment size for mixed use B2 zones;
 - iii. Provide DCP controls to encourage a range of dwelling sizes within the mixed use (B2) zones and to provide for an appropriate proportion mix of dwelling sizes;
 - iv. Modify the yield tables by applying take-up rates of 90% for residential zones and 50% for the mixed use zones to provide realistic yield estimates;
 - v. Re-issue amended yield tables to the Department for approval.

J10 – Economic Feasibility

1. It is recommended that Council:
 - i. Review and make amendments to the parking controls in the Town Centre DCP Part 5 for residential, retail and commercial uses in mixed use zones within 400m of a rail station including those sites noted by the Department in the attached tables.
 - ii. This work should be done in co-ordination with the Town Centre Parking Management Plan and with advice from an economic consultant to ensure economic viability and in view of current and future public transport infrastructure.
 - iii. The outcomes must be consistent with the objectives of the Metropolitan Strategy, that is, to ensure feasibility of redevelopment and improving the utilisation of public transport.
2. That remaining unresolved issues in the correspondence from the Department and as identified in the summary of recommendations in the Officers' report be the subject of independent review, further discussion and as appropriate mediation with the Department prior to final reporting to Council.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: Councillors Andrew, Bennett & Malicki

That the following sites be referred to the Consultant.

(Moved: Councillors Ryan/Lane)

1. Precinct P in Lindfield

For the Resolution: Councillors Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett & Malicki

(Moved: Councillors Ryan/Lane)

3. Precinct D in Lindfield

For the Resolution: Councillors Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett & Malicki

(Moved: Councillors Ryan/Lane)

4. Precinct D in Roseville

For the Resolution: Councillors Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett & Malicki

(Moved: Councillors Ryan/Lane)

5. Precinct B Lindfield - 321 to 329 Pacific Highway & 1 to 5 Tryon Place

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: Councillors Andrew, Bennett & Malicki

3. That the Mayor and General Manager engage as a matter of urgency a suitably qualified expert/facilitator to assist Council and staff to implement this resolution. That the person to be engaged has not been involved in the Ku-ring-gai town centre process and they should have

senior and recent experience in the development of town centre instruments and be experienced as a mediator or facilitator.

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillors Bennett & Malicki*

4. That the reporting matter of reclassification of Council land be brought forward from December to October 2007.

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillors Bennett, Cross & Malicki*

5. That the consultant's recommendations be reported to Council at the meeting of 25 September 2007.

To provide a comprehensive response to the issues raised in the letter of the Department of Planning dated 4 July 2007 for the Ku-ring-gai Town Centres Draft Local Environmental Plan (LEP) and Development Control Plan (DCP).

Where there is no separate voting shown, the voting was as follows:

For the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson*

Against the Resolution: *Councillors Bennett & Malicki*

The above Resolution was subject to an Amendment in Part J.10.2 which was LOST. The Lost Part of the Amendment was:

That the following site be referred to the Consultant.

2. The Eden Brae site in St Ives

For the Resolution: *Councillors Cross, Lane, Ryan & Shelley*

Against the Resolution: *The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett, Hall, Malicki & Anderson*

288 **Sir David Martin Reserve Draft Landscape Masterplan**

File: S04471

The following member of the public addressed Council:

A Stitt

To provide Council with a draft Landscape Masterplan for Sir David Martin Reserve.

Resolved:

(Moved: Councillors Malicki/Andrew)

- A. That Council place the draft Landscape Masterplan for Sir David Martin Reserve on public exhibition for 28 days plus 14 days for comments prior to final adoption by Council. The probable cost, on page 231 of the Business Paper Book No 13/07, being removed from the draft plan.
- B. That Council consider a report following the period of public exhibition to formally adopt the Landscape Masterplan for Sir David Martin Reserve.

CARRIED UNANIMOUSLY

289 **Acron Oval, Review of Dog Off-Leash Trial Area – Review of Comments received during Trial Period**

File: S03014

*A motion was moved by Councillors Malicki & Hall
to hear 2 speakers for and 2 against on the item
was CARRIED*

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett, Cross, Hall, Lane, Malicki, Ryan & Anderson

Against the Resolution: Councillor Shelley

The following members of the public addressed Council:

**S Amasi
R Piech
B Pavletich
A Myles**

To report to Council on the trial use of Acron Oval as a dog off-leash area.

Resolved:

(Moved: Councillors Bennett/Andrew)

- A. That Acron Oval be endorsed as a recognised off-leash area whenever the sports field area is not being used for organised sport and games.
- B. That Council co-ordinates an education process involving all stakeholders, to ensure all groups understand their responsibilities and keep lines of communication open between each other and Council.
- C. That the problems of damage to the turf wicket area caused by dogs and uncollected dog faeces be monitored on an ongoing basis and the dog off-leash status of Acron Oval be reconsidered by Council if these problems persist.
- D. That Acron Oval as a dog off-leash area be prioritised in accordance with Council's matrix for Capital Works expenditure on embellishment of dog off-leash areas.
- E. That a report come to Council in early 2008 on the implementation of the leash-free area at Acron oval including feedback from the Regulatory and compliance area.
- F. That a survey be conducted of families with children who live in the vicinity of the oval to obtain feedback on the implementation of the off-leash area and this be reported to Council as per E above.
- G. That Council investigate mechanisms to alert casual users of the oval that sportsfield bookings have commenced.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett, Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: Councillor Malicki

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

(Moved: Councillors Hall/Anderson)

- A. *That Acron Oval be endorsed as a recognised off-leash area whenever the sports field area is not being used for organised sport and games.*
- B. *That Council co-ordinates an education process involving all stakeholders, to ensure all groups understand their responsibilities and keep lines of communication open between each other and Council.*
- C. *That the problems of damage to the turf wicket area caused by dogs and uncollected dog faeces be monitored on an ongoing basis and the dog off-leash status of Acron Oval be reconsidered by Council if these problems persist.*

- D. That Acron Oval as a dog off-leash area be prioritised in accordance with Council's matrix for Capital Works expenditure on embellishment of dog off-leash areas.*

**At 11.50pm a Motion to extend the meeting until
all business is completed was put to the vote and
CARRIED UNANIMOUSLY**

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

290

Council Committees

File: S02355

The following member of the public addressed Council:

Cr S Manion

Notice of Motion from Councillor E Malicki dated 1 August 2007.

I move that:

"All Council Committees, informal or community, and briefings involving all Councillors be open to Press and Public except for closure conditions of the Local Government Act.

I further move that Minutes be taken of every Council Committee and briefing as above and that these be available on Council's website".

Resolved:

(Moved: Councillors Ryan/Lane)

That the issue of opening committee meetings or briefings to the press and public be discussed at the next Policy Committee meeting.

*For the Resolution: The Mayor, Councillor N Ebbeck, Councillors
Andrew, Cross, Hall, Lane, Ryan, Shelley &
Anderson*

Against the Resolution: Councillors Bennett & Malicki

*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 as printed be adopted.

GENERAL BUSINESS (cont)291 **Appointment of Auditor for the Six Year Period to 30 June 2013**

.
File: S05943

To appoint Council's auditor for the period 1 July 2007 to 30 June 2013, pursuant to Section 422 of the Local Government Act 1993.

Resolved:

(Moved: Councillors Lane/Cross)

That the matter be deferred until later in the evening.

CARRIED UNANIMOUSLY

292 **Memorandum of Understanding with the Department of Planning for the future of the Abandoned B2 Road Corridor South Turramurra**

.
File: S02846

To seek the agreement of Council to enter into a Memorandum of Understanding (MoU) with the Department of Planning for the future of the use of the Abandoned B2 Road Corridor at South Turramurra.

Resolved:

(Moved: Councillors Malicki/Andrew)

- A. That Council enter into a Memorandum of Understanding with the Department of Planning with respect to the future of the use of the Abandoned B2 Road Corridor at South Turramurra, amended as follows –
 - 2.1 B If a Sports field is the preferred option as determined by Council, then the Council and Department of Planning give effect to any agreement to contribute land for use as a sports field (in accordance with Clause 2l2).
- B. That the Mayor and General Manager be authorised to execute and affix the Common Seal on all documentation associated with the Memorandum of Understanding.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett, Cross, Lane, Malicki & Shelley

Against the Resolution: Councillors Hall, Ryan & Anderson

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

(Moved: Councillors Hall/Ryan)

- A. *That Council enter into a Memorandum of Understanding with the Department of Planning with respect to the future of the use of the Abandoned B2 Road Corridor at South Turramurra.*
- B. *That the Mayor and General Manager be authorised to execute and affix the Common Seal on all documentation associated with the Memorandum of Understanding.*

293 **Parks, Sport & Recreation Reference Group - Minutes of 12 July 2007**

File: S03447

To bring to the attention of Council, the Minutes from the Parks, Sport and Recreation Reference Group meeting held on Thursday, 12 July 2007.

Resolved:

(Moved: Councillors Malicki/Andrew)

- A. That the Minutes of the Parks, Sport and Recreation Reference Group held on Thursday, 12 July 2007 be received and noted.
- B. That Council increases regulatory patrols for dogs off-leash at sporting fields, particularly on weekends during sporting competition fixtures.

CARRIED UNANIMOUSLY

294 **Progress of the Tender Evaluation for the Sewer Mining Project**

File: S04265

To provide Council with an update and to seek direction on the sewer mining and stormwater harvesting project.

Resolved:

(Moved: Councillors Ryan/Lane)

- A. That following the technical assessments, Council not proceed with tenders submitted by MPI and 2G Water.

- B. That Council delete all works specifically related to water supply for Killara Golf Course including the storage at Killara, transfer line from Gordon to Killara and, additional storage at Gordon Golf Course.
- C. That Council delete the stormwater harvesting with associated storage at Gordon Golf Course from the current scope of works.
- D. That Council reduce the storage volume for treated water to between 1 and 2ml, to be defined during project negotiation.
- E. That Council commence negotiations with Econova Pty Ltd as to the final scope, price, security and contract of the project.
- F. That Council finalize the legal advice, given the change in scope of the project.
- G. That a report be brought back to Council recommending the final scope, price and contract for the project.
- H. That all tenderers be advised of Council's decision in regard to this matter.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Hall, Lane, Ryan & Anderson

Against the Resolution: Councillors Bennett, Cross, Malicki & Shelley

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

(Moved: Councillors Bennett/Hall)

That this matter be deferred for consideration at the next Finance Committee meeting.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

295 102 Rosedale Road, St Ives

File: P57397

Notice of Motion from Councillor T Hall dated 9 July 2007.

On 26 September 2006, Council resolved Minute No 386 to determine a course of action regarding the purchase of 102 Rosedale Road St Ives. The purchase is to ensure the ongoing protection of the significant ecological community contained within the land.

The General Manager has undertaken negotiations with the owners of the land within the delegated authority.

The owners of the land have refused all offers submitted by Council and, have now lodged a Development Application for a single residential development on the land.

Given the significance of the ecological community contained within the land, Council needs to consider an alternative course of action to effect the acquisition and conservation of the land.

This could best be achieved by Council authorising the General Manager to further negotiate with the owners of the land or their representatives to progress this matter and advise Council as a matter of urgency, the results of discussions for its consideration.

I move:

"That Council authorise the General Manager to undertake further discussions with the owners of the land or their representatives and report the matter to Council.

The General Manager seeks further opportunities, commitment, resources and partnership from Commonwealth and State agencies in relation to the acquisition and conservation of this land and these matters are included in reporting to Council.

That consideration of this matter by Council be held in Confidential (Section 10A(2)(c) – Information that would confer a commercial advantage)".

**The above Notice of Motion was
withdrawn by Councillor Hall**

Councillor Hall departed

296

Completion of Entry Signs

.

File: S02646

Notice of Motion from Councillor A Ryan dated 31 July 2007.

In February 2006, Council considered my Notice of Motion on the installation of entry signs.

Since that time, four (4) entry signs have been installed with three (3) large signs installed at Ryde Road, Mona Vale Road and Boundary Street, and one (1) small sign installed on the Pacific Highway at Roseville. Initial advice received indicated that the cost of installing one (1) large sign and two (2) smaller signs is approximately \$50,000.

I move:

"A. That one (1) large entry sign be installed at the Pacific Highway, Wahroonga, and two (2) small signs be installed at Lady Game Drive, Lindfield, and The Comenarra Parkway at Wahroonga.

- B. That up-lighting be provided for the entry signs at the Pacific Highway, Wahroonga, Ryde Road, West Pymble and Boundary Street, Roseville.
- C. That funding for the work be made available from the revenue from the bus shelter advertising".

Resolved:

(Moved: Councillors Cross/Shelley)

That this matter be referred to the Finance Committee.

For the Resolution: Councillors Andrew, Bennett, Cross, Malicki & Shelley

Against the Resolution: The Mayor, Councillor N Ebbeck, Councillors Lane, Ryan & Anderson

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

(Moved: Councillors Ryan/Lane)

That the above Notice of Motion as printed be adopted.

Councillors Cross & Malicki departed

297

Appointment of Auditor for the Six Year Period to 30 June 2013

File: S05943

To appoint Council's auditor for the period 1 July 2007 to 30 June 2013, pursuant to Section 422 of the Local Government Act 1993.

**Council adjourned into Closed Meeting
with the Press & Public Excluded
for discussion only after a
Motion moved by Councillors Shelley & Lane was CARRIED
and the Chairperson ruled accordingly**

To Open Council

Resolved:

(Moved: Councillors Ryan/Hall)

That the matter be deferred to next Council Meeting to be held on 28 August 2007.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE**298 Council's Notification Policy - DA for Gun Shop in Roseville**

File: S02222

Question Without Notice from Councillor M Shelley

- a. Would the General Manager advise how it is that under Council's Notification Policy that Ward Councillors were not advised of the application, and subsequent approval, of a DA for a gun shop in Roseville Ward?
- b. If the lack of notification was appropriate in the circumstances, would the General Manager advise whether the Notification Policy is adequate given this circumstance and advise whether the Policy could be reviewed?

Answer by Director Development & Regulation

The Notification Policy, as adopted by Council, has different types of notification requirements, some more onerous than others based on the type of application. In this particular case, the application being for a change of use from shop to shop falls under the Category Type A, Notification Requirements which means no notification to neighbours is necessary and, as a consequence, no notifications to Councillors. That's in the Policy. So, if the Councillors feel that the Policy, that aspect of the Policy needs to be reviewed then that is something they can look at.

299 Public Meeting of Roseville Residents & Business Owners Association - Matters of Crime, Drug & Alcohol Abuse - Roseville Shopping Precinct

File: S02924

Question Without Notice from Councillor M Shelley

- a. Is the General Manager aware of the recent public meeting of the Roseville Residents & Business Association regarding matters of crime, drug and alcohol abuse in the Roseville Shopping Precinct?
- b. If not, would the General Manager follow up with the Association in relation to the matters raised on Council action (or lack of action) in regard to recent crime sprees in the area?

Answer by the General Manager

Part a - No. Part b - I would be happy to follow up that meeting.

300 Landscaping Pymble Crossing - Grandview Street, Pymble

File: 88/05495/01

Question Without Notice from Councillor L Bennett

Could the planting area adjacent to the pedestrian crossing in Grandview Street, Pymble be planted with attractive, drought resistant plants?

Answer by Director Operations

Yes.

301 Council Exposure to CDO's

File: S03537

Question Without Notice from Councillor L Bennett

Can further information be provided to Councillors on Council's Investment Fund exposure to CDO's including information on the nature of the CDO's held and extent of the funds exposure to CDO's?

Answer by Director Corporate

I will take that on notice and provide information.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place to view The Swain Gardens, Stanhope Road, Killara. Councillors will be advised by Director Strategy of the date & time.

The Meeting closed at 1.56am

The Minutes of the Ordinary Meeting of Council held on 14 August 2007 (Pages 1 - 57) were confirmed as a full and accurate record of proceedings on 28 August 2007.

General Manager

Mayor / Chairperson