

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 16 DECEMBER 2008

Present: The Mayor, Councillor E Malicki (Chairperson) (Comenarra Ward)
Councillor S Holland (Comenarra Ward)
Councillors E Keays & C Szatow (Gordon Ward)
Councillors J Anderson & R Duncombe (Roseville Ward)
Councillors T Hall & C Hardwick (St Ives Ward)
Councillors I Cross & N Ebbeck (Wahroonga Ward)

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Director Operations (Greg Piconi)
Director Strategy (Andrew Watson)
Manager Corporate Planning & Sustainability (Peter Davies)
Director Community (Janice Bevan)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.00pm

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.

447 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Hall/Hardwick)

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

Refer GB.20 - 5 Suakin Street & 986 Pacific Highway, Pymble - EnergyAustralia Request for Short Term Lease - Heads of Agreement - Request for short-term lease.

C.1 Gordon - Proposal to Acquire Open Space

Report by Director Strategy dated 5 December 2008

St Ives - Proposal to Acquire Open Space - Attachments 1-3

For the Resolution: *The Mayor, Councillor E Malicki, Councillors
Keays, Szatow, Anderson, Duncombe, Hall,
Hardwick & Ebbeck*

Against the Resolution: *Councillors Holland & Cross*

ADDRESS THE COUNCIL

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

G Rousseau
F Walker
W Butt
P Slater
G Donovan

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.19 - Investment Report as at 30 November 2008 -**
Report by Director Corporate dated 1 December 2008 with
attachments & Memorandum dated 11 December 2008.

**Refer GB.20 - 5 Suakin Street & 986 Pacific Highway,
Pymble - EnergyAustralia Request for Short Term Lease -**
Report by Director Operations dated 11 December 2008 with
an Attachment A.

**Mayoral Minute - Consideration of Ku-ring-gai Council's
Submission on Ku-ring-gai Draft Local Environmental
Plan (Town Centres) 2008 - Minute by the Mayor dated
11 December 2008**

Memorandums: **Refer GB.10 - Establishment of a Council Committee
Structure - Memorandum by Director Strategy dated
16 December 2008 regarding Recommendation C of the
report.**

Refer GB.16 - 20 Year Long Term Financial Plan -

Memorandum by Director Corporate dated 10 December 2008 with A3 size Attachment A for Councillors.

Refer GB.20 - 5 Suakin Street & 986 Pacific Highway, Pymble - EnergyAustralia Request for Short Term Lease -

Memorandum by Director Operations dated 16 December 2008 with amendments to the Recommendation of the report.

**Councillors
Information:**

Metropolitan Strategy - Memorandum by the Director Strategy dated 16 December 2008 in answer to a Question Without Notice raised by Councillor Hall at the Ordinary Meeting of Council held 2 December 2008.

St Ives Showground - Memorandum by the Director Strategy & Director Community dated 16 December 2008 in answer to a Question Without Notice raised by Councillor Hardwick at the Ordinary Meeting of Council held 25 November 2008.

**Late Confidential
Items:**

Refer C.1 - Gordon - Proposal to Acquire Open Space - Report by Director Strategy dated 5 December 2008 with attachments.

Refer C.2 - St Ives - Proposal to Acquire Open Space - Report by Director Strategy dated 10 December 2008 with attachments.

**Confidential Late
Agenda Attachment:**

Refer GB.20 - 5 Suakin Street & 986 Pacific Highway, Pymble - EnergyAustralia Request for Short Term Lease - Attachment B: Heads of Agreement

CONFIRMATION OF MINUTES**448 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 2 December 2008
Minutes numbered 426 to 446

Resolved:

(Moved: Councillors Cross/Ebbeck)

That Minutes numbered 426 to 446 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

449

Consideration of Ku-ring-gai Council's Submission on Ku-ring-gai Draft Local Environmental Plan (Town Centres) 2008

File: S04151

As you are aware the Ku-ring-gai Planning Panel have recently prepared and exhibited the Ku-ring-gai Draft Local Environmental Plan (Town Centres) 2008.

Council at its meeting held on 11 November 2008 resolved to engage the services of an independent planning consultant to prepare a formal submission on behalf of Council.

Mr Geoff Goodyer (Symons Goodyer Pty Ltd Town Planning & Development Consultants) was engaged by Council in mid November to prepare the submission. As part of his work, consultation was held with Councillors and background material was also reviewed. In addition, a review of the metropolitan strategy dwelling numbers is also being completed as per the Mayoral Minute from the Council meeting held on 2 December 2008.

A copy of the formal Council submission on the Draft Plan is attached for consideration and endorsement.

Resolved:

(Moved: Councillors Ebbeck/Hall)

- A. That the attached submission be endorsed by Council.
- B. That the submission from Ku-ring-gai Council on the Ku-ring-gai Draft Local Environmental Plan (Town Centres) 2008 be formally lodged with the Ku-ring-gai Planning Panel.
- C. That Council formally seek an extension of time from the Planning Panel to allow the late lodgement of the dwelling yield to support Ku-ring-gai Council's submission.
- D. That Council investigate options to reduce public car parking in the Ray Street precinct, in lieu of the replacement of Council's car parking spaces.
- E. That the General Manager write to the Panel to seek their position in relation to Part D.

For the Resolution: *Councillors Holland, Keays, Szatow, Anderson,
Duncombe, Hall, Hardwick, Cross & Ebbeck*

Against the Resolution: *The Mayor, Councillor E Malicki*

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

- A. *That the attached submission be endorsed by Council.*
- B. *That the submission from Ku-ring-gai Council on the Ku-ring-gai Draft Local Environmental Plan (Town Centres) 2008 be formally lodged with the Ku-ring-gai Planning Panel.*
- C. *That Council formally seek an extension of time from the Planning Panel to allow the late lodgement of the dwelling yield to support Ku-ring-gai Council's submission.*

PETITIONS

450 **Stop Overdevelopment - Livingstone & Pymble Avenues, Pymble - (Eighteen [18] Signatures)**

File: S06913

Petition presented by Councillor Steven Holland

We, the undersigned, strongly oppose the further upzoning for unit development proposed in Livingstone Avenue & Pymble Avenue, Pymble in the Draft LEP produced by the State Government's Ku-ring-gai Planning Panel on exhibition from 17 November 2008 to 19 December 2008.

Resolved:

(Moved: Councillors Holland/Keays)

That the Petition be received and referred to the Planning Panel.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

451 **Christmas/New Year Recess Delegations**

File: S02017

To grant appropriate Delegations during the Christmas/New Year recess period.

Resolved:

(Moved: Councillors Ebbeck/Anderson)

- A. That the Mayor, Councillor Elaine Malicki, the Deputy Mayor, Councillor Jennifer Anderson and the General Manager, John McKee, be granted authority

to exercise all powers, authorities, duties and functions of Council except those set out in Section 377 of the Local Government Act 1993 during the period 17 December 2008 to 2 February 2009, subject to the following conditions:

1. Such powers, authorities and functions may only be exercised by unanimous agreement between the Mayor, Deputy Mayor and General Manager.
 2. Any such power, authority, duty or function shall only be exercised by the Mayor, Deputy Mayor and General Manager jointly where they are of the opinion that the exercise of any such power, authority, duty or function could not be deferred until the meeting of Council on 3 February 2009.
- B. That consultation subject to their availability be held with Ward Councillors on matters where they would normally be contacted before delegation is exercised.

CARRIED UNANIMOUSLY

452

2008 Financial Assistance Grants to Community Groups

File: S06068

To advise Council of applications received from community groups for financial assistance in 2008, and to recommend subsequent funding allocations.

Resolved:

(Moved: Councillors Ebbeck/Duncombe)

That the community and cultural groups, as listed under each category, receive the recommended amount of financial assistance from Council in 2008.

APPLICATION ASSESSMENTS 2008

1. Category: Small Equipment

Name of Organisation	Amount Sought \$	Amount Recommended \$
18th Australian Infantry Battalion (Ku-ring-gai Regiment)	500	500
Community Fire Unit - FHP 073 (West Pymble)	854	854
Community Fire Unit - FHP 87 (St Ives)	2,000	2,000
Community Fire Unit No. 33/171 (Fox Valley)	1,928	1,928
Computer Pals for Seniors (Ku-ring-gai) Inc	7,300	1,700
East Lindfield Community Pre-school	1,830	1,830

Name of Organisation	Amount Sought \$	Amount Recommended \$
Easy Care Gardening Inc	1,877	1,250
English At Gordon (Gordon Baptist Church Cross Cultural Friendship Centre)	2,049	2,000
Hillview Turramurra Playgroup	2,000	2,000
Killara High School (Duke of Edinburgh Award Scheme)	1,921	1,351
KU Killara Park Pre school	990	990
KU Saddington Street Pre School	550	550
Ku-ring-gai Community After School Care	1,000	1,000
Ku-ring-gai Youth Development Service (KYDS)	1,842	1,842
Lady Game Community Kindergarten	1,734	1,734
Lifestart Cooperative (Turramurra)	1,854	1,854
Lindfield District Girl Guides	1,548	1,548
Lorna Hodgkinson Sunshine Home	877	877
Montessori Excelsior School	1,674	1,000
Noah's Ark Toy Library (NATL) for Children with Special Needs Inc	1,599	1,599
Probus Club of Warrawee (Inc)	1,070	1,070
Red Cross	2,000	600
SHHH Australia Inc (Self Help for Hard of Hearing People)	1,999	1,999
Single with Children (SWC) (Single Parent Family Association)	1,099	1,100
South Turramurra Community Fire Unit MHP-39	1,483	1,483
St Ives Pre-school Kindergarten	1,511	1,511
St Ives Progress Association Inc. (SIPA)	2,000	2,000
Studio Artes Northside Inc.	2,400	1,200
Sydney University of the Third Age U3A - Upper North Region	1,200	1,200
West Pymble Girl Guides Association	1,975	1,975
Total	\$52,664	\$42,545

2. Category: Community Development

	Amount Sought \$	Amount Recommended \$
Community Friendship Group "Cooinda"	1,000	750
Constant Companion Service	1,656	1,110
Cromehurst Special School P&C Assoc	3,500	2,000
Dial-A-Mum Inc	2,500	250
Hornsby Ku-ring-gai Association, Action for Mental Health Inc	2,500	2,500
Ku-ring-gai Youth Development Service (KYDS)	5,000	4,000

	Amount Sought \$	Amount Recommended \$
Parkinson's NSW Inc - Hornsby Ku-ring-gai Support Group	3,000	1,400
Red Cross	4,500	2,000
Ryde Family Support Service/Ku-ring-gai Family Support Program	3,650	2,000
Vision Australia	5,364	1,000
Vision Impairment Support Group - Lindfield	600	600
Young Achievement Australia (YAA)	5,500	1,000
Total	\$38,770	18,610

3. Category: Arts/Cultural

Name of Organisation	Amount Sought \$	Amount Recommended \$
Australian Dance Vision	5,000	3,500
Boonah Creative Arts Centre, Centacare	4,174	2,000
English At Gordon (Gordon Baptist Church Cross Cultural Friendship Centre)	835	835
Eryldene Trust	5,000	2,500
Ignite the Flame - Ku-ring-gai Combined Churches Festival (Fusion Australia Ltd)	4,200	2,500
KU Saddington Street Pre School	750	750
Ku-ring-gai Art Society	2,000	2,000
Ku-ring-gai Male Choir Inc	1,200	1,200
Lorna Hodgkinson Sunshine Home	1,717	1,717
Mirrabooka Singers	1,200	1,200
Roseville Kids Care Association	5,000	3,000
The Local Handcraft Association	1,395	1,395
Total	\$32,471	\$22,597

CARRIED UNANIMOUSLY

453

Geographical Information System (GIS) Replacement Project

File: S06960

To allocate funds towards the replacement of Council's Geographical Information System (GIS) and to authorise the calling of tenders for the replacement of the system.

Resolved:

(Moved: Councillors Ebbeck/Duncombe)

- A. That \$166,600 be allocated to the Geographical Information System replacement project.
- B. That the Works and Assets Stage 1 and IT System Projects be deferred to fund the Geographical Information System replacement project.

- C. That tenders be called for a new Geographical Information System.

CARRIED UNANIMOUSLY

454 **Bannockburn Oval - Proposed Landscape Masterplan**

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File: S02449

To seek Council's approval to prepare a landscape masterplan for Bannockburn Oval and surrounding public land.

Resolved:

(Moved: Councillors Ebbeck/Cross)

- A. That Council supports the commencement of a landscape master plan for Bannockburn Oval and surrounding public land commencing 2009.
- B. That Council defer the preparation of the Netball Facilities Development Plan and the Tennis Courts Generic Plan of Management to 2009/10 and that these projects be included in the development of the draft Management Plan for this period.

CARRIED UNANIMOUSLY

455 **Mimosa Oval - Proposed Floodlights**

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File: S02617

To seek Council approval for the installation of floodlights at Mimosa Oval, Turramurra.

Resolved:

(Moved: Councillor Ebbeck/Mayor, Councillor Malicki)

- A. That Council approves the lighting of Mimosa Oval for night training.
- B. That conditions of approval limit the use of oval floodlights up to five (5) nights per week during the winter sports season between 5.00pm and 9.00pm.
- C. That the proposal for parking restrictions along Mimosa Road, as discussed in the report be referred to the Ku-ring-gai Traffic Committee prior to the implementation of any restrictions.

- D. That improvements to the car park entry road be undertaken and that a car park entry sign be installed.

CARRIED UNANIMOUSLY

456 **Tender for Purchase - Road Suction Sweeper**

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File: S03472

To report on the results of the public tender for the supply and delivery of a suction and/or mechanical road sweeper and seek approval to accept the tender from the preferred tenderer.

Resolved:

(Moved: Councillors Ebbeck/Duncombe)

That the tender submitted by Schwarze Industries Australia for the supply and delivery of a new road suction sweeper and trade-in of the existing road street sweeper be accepted and that the General Manager be delegated authority to authorise the purchase of the new sweeper and trade-in of the old sweeper.

CARRIED UNANIMOUSLY

457 **Culworth Avenue Car Park at Killara**

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File: S04331

Ward: Gordon

To advise Council on the background to the paid parking at the Culworth Avenue car park at Killara.

Resolved:

(Moved: Councillors Ebbeck/Szatow)

That Council receive and note the report and the action taken on parking restrictions in the vicinity of the car park.

CARRIED UNANIMOUSLY

458

20 Year Long Term Financial Plan

File: FY00019

To present to Council the 20 Year Financial Plan 2010 to 2029 incorporating financial planning, capital works funding, borrowing strategies and depreciation funding strategies.

Resolved:

(Moved: Councillors Ebbeck/Cross)

- A. That pending Ministerial approval, a Recreational Facilities special rate variation be applied from 2009/2010, equating to a maximum of 5% rates increase over a maximum of 10 years, to fund revenue funding component of specific projects in Case 3 namely:
 - 1. West Pymble Pool Upgrade
 - 2. North Turramurra Recreation Area
- B. That \$200K be voted in the current 2008/09 budget, for the design and professional costs for West Pymble Pool, and funded from S94 2004-2009 Plan, and the remaining \$510K be included in the 2009/10 budget.
- C. That a further report on the West Pymble Pool Upgrade and the North Turramurra Recreation Area providing further details, including total project costs, for the Recreational special rate variation, be provided to Council in February 2009.
- D. That in relation to the proposed Recreational Facilities special rate variation, the public consultation process commence immediately and Council staff undertake a capital expenditure review in accordance with the Department's guidelines in Council Circular 97-55 for each of the major projects.
- E. That Council's 2009/2010 budget includes the following:
 - 1. That the Insurance reserve (\$164K) and the Contingency reserve (\$204K) be closed and funds transferred to working capital, as the LTFP provides for Council's working capital to increase to \$3.9M by 2012/13.
 - 2. Reductions in debt servicing costs are restricted to the Infrastructure and Facilities reserve and fully expended on Capital Works. This amounts to \$2.1M.
 - 3. Indicative operational and capital projects in 2009/2010 in each case are recommended, subject to review of committed/special projects and refinement by Council in February 2009, to include:

CAPITAL WORKS AND MAJOR PROJECTS 2009/2010**\$000's**

(Note: No case 4 projects are scheduled for 2009/10)

Project Group	Case 1	Case 2	Case 3	Total Cost
Building Works & Maintenance		190		190
Chambers refurbishment			1,000	1,000
Community Centres & Halls			500	500
Depot Relocation	8,000			8,000
SES relocation			800	800
Community Projects	54			54
Information Technology	243			243
Library Resources	530			530
Plant & Vehicles	1,176			1,176
Town Centre & Urban Design	264			264
Fencing & Parking Areas		150		150
North Turrumurra Recreation Area			2,000	2,000
Parks Development	1,842	554		2,396
Playgrounds	175	136		311
Sports Courts	158	108		266
Sports Fields	2,294	335		2,629
Tree Planting	189			189
West Pymble Pool Upgrade			9,375	9,375
Footpaths	408			408
Roads Program	4,873	751		5,624
Traffic Facilities	154			154
Drainage structures	425	157		582
Business Centres Program	190			190
Public Domain	111			111
Biodiversity	131			131
Communication	60			60
Community Partnerships	190			190
Fire Management	19			19
Monitoring & Evaluation	119			119
Recreation Facilities	24			24
Regulation & Enforcement	167			167
St Ives Remediation			820	820
Town Centre Projects	117			117
Water Catchments	227			227
Water Sensitive Urban Design	974			974
Total	23,114	2,381	14,495	39,990

- F. That Council ratify the revenue/expenditure assumptions provided in this report to enable budget development for 2009/2010 to commence.
- G. That excess accumulated working capital be allocated to Council's Infrastructure and Facilities Reserve and be applied to "one-off" projects that improves financial sustainability and provides for services or facilities for the community.
- H. That Council considers rates restructure options in February 2009, to the rates split of total rates levied between residential and business and to adopt a base amount (50% maximum) to which an ad valorem is added.

- I. That Council continue to refine Case 4 and explore opportunities to generate additional income.
- J. That a report on the Chambers Refurbishment project be provided to Council before inclusion in the Management Plan process.

CARRIED UNANIMOUSLY

459 **Investment Report as at 30 November 2008**

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File: S05273

To present to Council investment allocations and returns on investments for November 2008.

Resolved:

(Moved: Councillors Ebbeck/Duncombe)

- A. That the summary of investments and performance for November 2008 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

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

Against the Resolution: Councillor Hall

460 **5 Suakin Street & 986 Pacific Highway, Pymble – EnergyAustralia Request for Short Term Lease**

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File: P54824

To seek Council's approval to a short term lease by Garde Services Pty Ltd over the vacant land at 5 Suakin Street & 986 Pacific Highway, Pymble.

Resolved:

(Moved: Councillors Ebbeck/Cross)

- A. That Council approve a six (6) month lease (with a monthly holdover clause) over part of 5 Suakin/986 Pacific Highway, Pymble to Garde Services Pty Ltd.

- B. That Council authorise the Mayor and General Manager to execute all documentation associated with the lease.
- C. That Council authorise the affixing of the Common Seal of Council to the lease documentation.
- D. That the lease include those areas of the site that are tree protection zones and that those areas be fenced off in order to protect any significant trees and under story vegetation.

CARRIED UNANIMOUSLY

Councillor Cross departed

*Standing Orders were suspended to deal with the
Business Paper items where there are speakers first
after a Motion moved by Councillors Ebbeck & Hall
was CARRIED UNANIMOUSLY*

461

Review of DA 298/08 - Proposing Demolition of Existing Dwelling & Construction of New Dwelling plus Swimming Pool - Supplementary Report

File: REV0041/08

The following members of the public addressed Council:

**J Steward
A Minto
A Carrol**

To refer the application back to the full Council following the Councillors' site inspection conducted on 29 November 2008.

Resolved:

(Moved: Councillors Ebbeck/Hall)

PURSUANT TO SECTION 80(1) OF THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979

That the Council, as the consent authority, having considered the application for review of determination, review its original determination and grant consent to the Section 82A Review (REV0041/08) of Development Application No. 298/08 for demolition of existing dwelling and construction of new dwelling, swimming pool and cabana on land at No. 27 Vale Street, Gordon, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS:**1. Approved architectural plans and documentation (new development)**

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

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
for Mr & Mrs Farmakis, sheet 1/4	Chateau Constructions	24 June 2008
for Mr & Mrs Farmakis, sheet 2/4	Chateau Constructions	24 July 2008
for Mr & Mrs Farmakis, sheet 3/4	Chateau Constructions	24 July 2008
for Mr & Mrs Farmakis, sheet 4/4	Chateau Constructions	24 July 2008

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

2. Inconsistency between documents

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

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

3. 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:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
21.08/055	iScape	Feb 2008

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 of commencement**

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

Reason: Statutory requirement.

5. 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.

6. Tree protection fencing

To preserve the following tree/s, no work shall commence until the area beneath their canopy is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Schedule	
Tree/location	Radius in metres
#1 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern side boundary in front garden of neighbouring property	8.0m
#2 <i>Eucalyptus resinifera</i> (Red Mahogany) Adjacent to northern side boundary in front garden of neighbouring property	5.0m
#3 <i>Angophora costata</i> (Sydney Redgum) Adjacent to northern side boundary in front garden	4.0m
#4 <i>Eucalyptus piperita</i> (Sydney Peppermint) Adjacent to northern side boundary in front garden	4.0m
#5 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to site frontage	5.0m
#21 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern side boundary in neighbouring property	4.0m
#22 <i>Angophora costata</i> (Sydney Redgum) Adjacent to northern side boundary in rear garden	3.0m
#23 <i>Angophora costata</i> (Sydney Redgum) Centrally located on site in rear garden	4.0m
#24 <i>Angophora costata</i> (Sydney Redgum) Centrally located on site in rear garden	7.0m
#25 <i>Corymbia gummiifera</i> (Red Bloodwood) Adjacent to northern side boundary in rear garden	4.0m
#28 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern side boundary in rear garden	2.5m

Reason: To protect existing trees during the construction phase.

7. Tree protection fencing excluding structure

To preserve the following tree/s, no work shall commence until the area beneath their canopy excluding that area of the proposed driveway shall be

fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Schedule

Tree/location

Radius in metres

#8 *Cedrus atlantica* (Atlantic Cedar)

5.0m

Adjacent to southern side boundary in front garden

Reason: To protect existing trees during the construction phase.

8. Tree protective fencing type galvanised mesh

The tree protection fencing shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum of 1.8 metres in height prior to work commencing.

Reason: To protect existing trees during construction phase.

9. Tree protection signage

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

- tree protection zone
- this fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report
- the arborist's report shall provide proof that no other alternative is available
- the arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council
- The name, address, and telephone number of the developer.

Reason: To protect existing trees during the construction phase.

10. Tree protection mulching

Prior to works commencing and throughout construction, the area of the tree protection zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

Reason: To protect existing trees during the construction phase.

11. Tree protection – avoiding soil compaction

To preserve the following tree/s and avoid soil compaction, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree/s is/are installed if vehicular or repeated pedestrian access is required:

Schedule**Tree/Location**

#5 *Syncarpia glomulifera* (Turpentine)

Adjacent to site frontage

#8 *Cedrus atlantica* (Atlantic Cedar)

Adjacent to southern side boundary in front garden

#28 *Syncarpia glomulifera* (Turpentine)

Adjacent to southern side boundary in rear garden

Reason: To protect existing trees during the construction phase.

12. Trunk protection

To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metres lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm wide spacing over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site.

Any damage to the tree/s shall be treated immediately by an experienced horticulturist/arborist, with minimum qualification of horticulture certificate or tree surgery certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Schedule**Tree/Location**

#8 *Cedrus atlantica* (Atlantic Cedar)

Adjacent to southern side boundary in front garden

Reason: To protect existing trees during the construction phase.

13. Tree fencing inspection

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

Reason: To protect existing trees during the construction phase.

14. Dilapidation photos (public infrastructure)

Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal 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 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 caused 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 works.

Reason: To protect public infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:

15. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved landscape plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
21.08/055	iScape	Feb 2008

The above landscape plan(s) shall be amended in the following ways:

- To comply with Rural Fire Service Inner Protection Area requirements, proposed shrub plantings beneath the canopy drip lines of existing/proposed trees are to be deleted and replaced with ground covers/ornamental grasses that attain a maximum height of 0.5m.

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the landscape plan has been amended as required by this condition.

Note: An amended landscape plan, prepared by a landscape architect or qualified landscape designer shall be submitted to the Certifying Authority.

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

16. 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.

17. **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.

18. **Paving near trees**

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that paving works within the specified radius of the trunk(s) of the following tree(s) will be of a type and construction to ensure that existing water infiltration and gaseous exchange to the tree(s) root system is maintained.

Schedule

Tree/location

#8 *Cedrus atlantica* (Atlantic Cedar)

Adjacent to southern side boundary in front garden

#23 *Angophora costata* (Sydney Redgum)

Centrally located on site in rear garden

Radius from trunk

5.0m

5.0m

Note: Details of the paving prepared by a suitably qualified professional shall be submitted to the Principal Certifying Authority.

Reason: To protect existing trees.

19. **Pier & beam footings near trees**

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that the footings of the proposed retaining wall will be isolated pier or pier and beam construction within the specified radius of the trunk(s) of the following tree(s).

Schedule**Tree/location****Radius from trunk**#3 *Angophora costata* (Sydney Redgum)

4.0m

Adjacent to northern side boundary in front garden

#4 *Eucalyptus piperita* (Sydney Peppermint)

4.0m

Adjacent to northern side boundary in front garden

The piers shall be located such that no roots of a diameter greater than 30mm will be severed or injured during the construction period. The beam(s) shall be of reinforced concrete or galvanised steel sections and placed in positions with the base of the beam being a minimum of 50mm above existing soil levels.

Note: Structural details of the pier or pier and beam construction shall be submitted to the Principal Certifying Authority.

Reason: To protect existing trees.

20. Stormwater management plan (new single dwellings)

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, scaled 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, pits, grated drains, swales, kerbs, flushing facilities, subsoil drainage and all ancillary 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 tank systems and where proprietary products are to be used, manufacturer specifications and details must be provided
- specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with BASIX commitments

Details of any required on-site detention tanks required by Ku-ring-gai Water Management Development Control Plan No. 47 including dimensions, materials, location, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 for volume, PSD and design requirements).

The above construction drawings and specifications are to be prepared by a suitably 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 BCA. The plans may be generally based upon the **Stormwater Drainage Plan & Details 5084 Dwg. No. C02-C dated 15/07/08** prepared by Healy Castle & Associates Pty Ltd submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

Reason: To protect the environment.

21. 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.

Reason: To protect the environment.

22. Driveway crossing levels

Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings **between the property boundary and road alignment** must be obtained from Ku-ring-gai Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings".

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant development application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment.

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

The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted.

Reason: To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.

23. Drainage of paved areas

All new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details of such measures shall be shown on the Construction Certificate drawings, to the satisfaction of the Certifying Authority.

Reason: To control surface run off and protect the environment.

24. Vehicular access and garaging

Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”. Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

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

25. Reduction in cabana size

In order to minimise tree loss and improve canopy connectivity, the proposed cabana structure is to be modified so as to allow for the retention of Tree No 29. The cabana structure is to be redesigned so that it is set back a minimum of 4160mm from the centre of Tree No 29 and maintains a set back 2000mm from the southern side boundary. The proposed terrace and swimming pool, whilst maintaining their proposed boundary setbacks, may be adjusted in configuration to accommodate this requirement.

Reason: To retain existing vegetation

26. Cabana roof

In order to minimise building bulk, the roof over the cabana structure and terrace is to be modified to a flat roof form.

Reason: To minimise building bulk.

27. Cabana to be open sided

In order to minimise building bulk, the sides of the cabana structure are to be open, comprising masonry columns and in filled with fixed metal louvre screens to the southern elevation to minimise privacy impacts.

Reason: To minimise building bulk.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE
CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR
CONSTRUCTION (WHICHEVER COMES FIRST):**

28. Infrastructure restorations fee

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

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:

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

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

Reason: To maintain public infrastructure.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:**29. 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.

30. 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.

31. 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 7.30am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon and 1.00pm.

Where it is necessary for works to occur outside of these hours (i.e. concrete pours and standing of plant), approval for such will be subject to the issue of an "outside of hours works permit" from Council as well as notification of the surrounding properties likely to be affected by the proposed works.

Note: Failure to obtain a permit for work outside of the approved hours will result in on the spot fines being issued.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

32. 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.

33. 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.

34. 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.

35. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: To facilitate recycling of materials.

36. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

Reason: To ensure compliance with Council's controls regarding signage.

37. Arborist's report

The trees to be retained shall be inspected, monitored and treated by a qualified arborist during and after completion of development works to ensure their long term survival. Regular inspections and documentation from the arborist to the Principal Certifying Authority are required at the following times or phases of work:

Schedule

Tree/location

All existing trees located on site and within 5.0m of proposed development works located on site and adjoining properties

Time of inspection

Immediately prior to the commencement of any works on site
Immediately after the completion of demolition works and regrading/excavation works

At four monthly intervals during construction works
At the completion of all development works on site.

Reason: To ensure protection of existing trees.

38. Treatment of tree roots

If tree roots are required to be severed for the purposes of constructing the approved works, they shall be cut cleanly by hand, by an experienced arborist/horticulturist with a minimum qualification of horticulture certificate or tree surgery certificate

Reason: To protect existing trees.

39. Cutting of tree roots

No tree roots of 30mm or greater in diameter located within the specified radius of the trunk(s) of the following, tree(s) shall be severed or injured in the process of any works during the construction period.

Schedule**Tree/location****Radius from trunk**

#1 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern side boundary in front garden of neighbouring property	8.0m
#2 <i>Eucalyptus resinifera</i> (Red Mahogany) Adjacent to northern side boundary in front garden of neighbouring property	5.0m
#3 <i>Angophora costata</i> (Sydney Redgum) Adjacent to northern side boundary in front garden	4.0m
#4 <i>Eucalyptus piperita</i> (Sydney Peppermint) Adjacent to northern side boundary in front garden	4.0m
#5 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to site frontage	5.0m
#8 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to southern side boundary in front garden	5.0m
#12 <i>Eucalyptus piperita</i> (Sydney Peppermint) Adjacent to northern side boundary in neighbouring property	3.5m
#13 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to northern side boundary in neighbouring property	3.0m
#21 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern side boundary in neighbouring property	4.0m
#22 <i>Angophora costata</i> (Sydney Redgum) Adjacent to northern side boundary in rear garden	3.5m
#23 <i>Angophora costata</i> (Sydney Redgum) Centrally located on site in rear garden	5.0m
#24 <i>Angophora costata</i> (Sydney Redgum) Centrally located on site in rear garden	7.0m
#25 <i>Corymbia gummifera</i> (Red Bloodwood) Adjacent to northern side boundary in rear garden	4.0m
#26a <i>Angophora costata</i> (Sydney Redgum) Adjacent to rear site boundary in neighbouring property	6.0m
#26b <i>Pinus patula</i> (Mexican Pine) Adjacent to rear site boundary in neighbouring property	7.0m
#27 <i>Eucalyptus piperita</i> (Sydney Peppermint) Adjacent to south-west site corner	4.0m
#28 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern side boundary in rear garden	3.0m

Reason: To protect existing trees.

40. Approved tree works

Approval is given for the following works to be undertaken to trees on the site:

Schedule	
Tree location	Approved tree works
#7 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to south-east site corner	Removal
#9 <i>Corymbia gummifera</i> (Red Bloodwood) Within driveway footprint adjacent to southern side boundary	Removal
#10 <i>Juniperous spp</i> (Juniper) Adjacent to northern side boundary	Removal
#11 <i>Angophora costata</i> (Sydney Redgum) Adjacent to northern side boundary	Removal
#15 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern side boundary	Removal
#16 <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to northern side boundary	Removal
#17 <i>Angophora costata</i> (Sydney Redgum) Adjacent to northern side boundary	Removal
#20 <i>Syncarpia glomulifera</i> (Turpentine) Centrally located on site	Removal
#29 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern side boundary	Removal
#30 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern side boundary	Removal
#31 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern side boundary	Removal
#32 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern side boundary	Removal
#33 <i>Cupressus macrocarpa</i> (Monterey Cypress) Adjacent to southern side boundary	Removal

Removal or pruning of any other tree on the site is not approved.

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

41. Excavation near trees

No mechanical excavation shall be undertaken within the specified radius of the trunk(s) of the following tree(s) until root pruning by hand along the perimeter line of such works is completed:

Schedule	
Tree/location	Radius from trunk
#12 <i>Eucalyptus piperita</i> (Sydney Peppermint) Adjacent to northern side boundary in neighbouring property	3.5m
#21 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern side boundary in neighbouring property	4.0m
#22 <i>Angophora costata</i> (Sydney Redgum) Adjacent to northern side boundary in rear garden	3.5m
#23 <i>Angophora costata</i> (Sydney Redgum) Centrally located on site in rear garden	7.0m
#28 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern side boundary in rear garden	3.0m

Reason: To protect existing trees.

42. Hand excavation

All excavation within the specified radius of the trunk(s) of the following tree(s) shall be hand dug:

Schedule Tree/location	Radius from trunk
#1 <i>Eucalyptus pilularis</i> (Blackbutt) Adjacent to northern side boundary in front garden of neighbouring property	8.0m
#2 <i>Eucalyptus resinifera</i> (Red Mahogany) Adjacent to northern side boundary in front garden of neighbouring property	5.0m
#3 <i>Angophora costata</i> (Sydney Redgum) Adjacent to northern side boundary in front garden	4.0m
#4 <i>Eucalyptus piperita</i> (Sydney Peppermint) Adjacent to northern side boundary in front garden	4.0m
#5 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to site frontage	5.0m
#8 <i>Cedrus atlantica</i> (Atlantic Cedar) Adjacent to southern side boundary in front garden	5.0m
#12 <i>Eucalyptus piperita</i> (Sydney Peppermint) Adjacent to northern side boundary in neighbouring property	3.5m
#21 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to northern side boundary in neighbouring property	4.0m
#22 <i>Angophora costata</i> (Sydney Redgum) Adjacent to northern side boundary in rear garden	3.5m
#23 <i>Angophora costata</i> (Sydney Redgum) Centrally located on site in rear garden	5.0m
#24 <i>Angophora costata</i> (Sydney Redgum) Centrally located on site in rear garden	7.0m
#25 <i>Corymbia gummifera</i> (Red Bloodwood) Adjacent to northern side boundary in rear garden	4.0m
#26a <i>Angophora costata</i> (Sydney Redgum) Adjacent to rear site boundary in neighbouring property	6.0m
#26b <i>Pinus patula</i> (Mexican Pine) Adjacent to rear site boundary in neighbouring property	7.0m
#27 <i>Eucalyptus piperita</i> (Sydney Peppermint) Adjacent to south-west site corner	4.0m
#28 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to southern side boundary in rear garden	3.0m

Reason: To protect existing trees.

43. Thrust boring

Excavation for the installation of any services within the specified radius of the trunk(s) of the following tree(s) shall utilise the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground level to minimise damage to tree(s) root system

Schedule**Tree/location****Radius from trunk**

#1 <i>Eucalyptus pilularis</i> (Blackbutt)	8.0m
Adjacent to northern side boundary in front garden of neighbouring property	
#2 <i>Eucalyptus resinifera</i> (Red Mahogany)	5.0m
Adjacent to northern side boundary in front garden of neighbouring property	
#3 <i>Angophora costata</i> (Sydney Redgum)	4.0m
Adjacent to northern side boundary in front garden	
#4 <i>Eucalyptus piperita</i> (Sydney Peppermint)	4.0m
Adjacent to northern side boundary in front garden	
#5 <i>Syncarpia glomulifera</i> (Turpentine)	5.0m
Adjacent to site frontage	
#8 <i>Cedrus atlantica</i> (Atlantic Cedar)	5.0m
Adjacent to southern side boundary in front garden	

Reason: To protect existing trees.

44. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

45. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Reason: To protect the environment.

46. Compliance with submitted geotechnical report

A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee excavation.

Geotechnical aspects of the development work, namely:

- appropriate excavation method and vibration control
- support and retention of excavated faces
- hydro-geological considerations

must be undertaken in accordance with the recommendations of the geotechnical report prepared by Martens Consulting Engineers (refer Report No. P0801983JR01_v1, dated February 2008). Approval must be obtained from all affected property owners, including Ku-ring-gai Council, where rock anchors (both temporary and permanent) are proposed below adjoining property(ies).

Reason: To ensure the safety and protection of property.

47. 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 (2002) "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.

48. 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.

49. Temporary disposal of stormwater runoff

During construction, stormwater runoff must be disposed of in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems must be installed to manage and control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority.

Reason: To preserve and enhance the natural environment.

50. 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.

51. Drainage to street

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the street drainage system and generally in accordance (with required amendments - refer approved site plans) with the submitted concept stormwater drainage plans by Healey Castle & Associates (refer Job No. 5084, Drawing No. C02, Revision A, dated 27/2/2008). New drainage line connections to the street drainage system shall conform and comply with the requirements of Sections 5.3 and 5.4 of Ku-ring-gai Water Management Development Control Plan No. 47.

Reason: To protect the environment.

52. Driveway trench drain at boundary

A 200mm wide grated drain, with heavy duty removable galvanised grates is to be located within the site at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

Reason: Stormwater control.

53. Aboriginal relics

No aboriginal relics are to be defaced, damaged or removed from the site without prior consent being obtained under Section 90 of the National Parks and Wildlife Act 1974.

Reason: To protect aboriginal heritage.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

54. 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. 207006S have been complied with.

Reason: Statutory requirement.

55. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: To ensure that the landscape works are consistent with the development consent.

56. Swimming pool (part 1)

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

- C1 1. Access to the pool/spa shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992:
- (a) The pool shall not be filled with water or be allowed to collect stormwater until the child resistant barrier is installed; and
 - (b) The barrier is to conform to the requirements of AS 1926-1 2007 Fences and Gates for Private Swimming Pools.

Reason: To ensure the safety of children.

2. Any mechanical equipment associated with the swimming pool and/or spa pool shall be located in a sound-attenuating enclosure and positioned so that it is setback a minimum of 2m from the boundary of any adjoining premises. The Principal Certifying Authority shall be satisfied that the sound levels associated with the swimming pool/spa filtration system and associated mechanical equipment do not exceed 5dB(A) above the background noise level at the boundaries of the site.

Reason: To protect the amenity of surrounding properties.

57. Excavation

Prior to issue of an Occupation Certificate (and at the completion of the works) a suitably qualified and consulting geotechnical/structural engineer is to provide certification to the Principal Certifying Authority (PCA) that excavation and construction for the development, including temporary and permanent stabilisation, shoring and retention measures, have been carried out:

- a. According to the relevant Australian Standards and guidelines and
- b. According to any approved Geotechnical report undertaken for the development and
- c. In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.

Reason: To ensure the structural integrity of adjoining structures.

58. 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.

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.

59. Certification of drainage works (new single dwellings)

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 volume storage requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47, respectively, have been achieved in full
- retained water is connected and available for uses specified in the BASIX commitments.
- the drainage system has been installed by a licensed 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 Ku-ring-gai Water Management Development Control Plan No. 47, must 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.

60. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that the following works in the road reserve have been completed:

- new concrete driveway crossing in accordance with any levels and specifications issued by Council
- removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)
- full repair and resealing of any road surface damaged during construction
- full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

Reason: To protect the streetscape.

CONDITIONS TO BE SATISFIED AT ALL TIMES:**61. Swimming pool (part 2)**

At all times:

1. Access to the swimming pool must be restricted by fencing or other measures as required by the *Swimming Pools Act 1992*.
2. Noise levels associated with spa/pool pumping units shall not exceed 5dB(A) at the boundaries of the site.
3. Devices or structures used for heating swimming pool water must not be placed where they are visible from a public place.
4. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500.2 section 10.9. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.
5. Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.

Reason: Health and amenity.

For the Resolution: Councillors Anderson, Duncombe, Hall, Hardwick, & Ebbeck

Against the Resolution: The Mayor, Councillor E Malicki, Councillors Holland, Keays & Szatow

462 **Acron Oval - Dog Off-Leash Area Review**

File: S03014

To report to Council the results of the review of the dog off-leash area at Acron Oval, St Ives.

Resolved:

(Moved: Councillors Hall/Hardwick)

That Council allocate up to \$1,000 in the 2009 - 2010 Capital Works Program budget for new signage at Acron Oval to indicate the commencement of training or games, thereby requiring dogs to be kept on-leash during those periods.

For the Resolution: Councillors Holland, Keays, Szatow, Anderson, Duncombe, Hall, Hardwick & Ebbeck

Against the Resolution: The Mayor, Councillor E Malicki

463 **Federal Government Regional & Local Community Infrastructure Program**

File: S06957

The following members of the public addressed Council:

**W Blaxland
A Jackson**

To advise Council of it's funding from the Federal Government Regional and Local Community Infrastructure Program 2008 - 2009 and determine which project or projects that Council wishes to nominate for the use of this grant.

Resolved:

(Moved: Councillor Malicki/Holland)

- A. That Council thank the Federal Government for the \$392,000 grant for Regional & Local Community Infrastructure Program.

- B. That it be split between 2 major projects, being - \$292,000 for refurbishment of the Marian Street Theatre and, \$100,000 for a compost toilet at St Ives Wildflower Garden.
- C. In the event that the Marian Street Theatre project is considered unacceptable to the Federal Government, that the following projects be submitted –
- * Landscaping and upgrading of disability access and entry points at Auluba 1 and 2 Ovals at Sir David Martin Reserve in Comenarra Ward for \$78,000
 - * Installation of a compost toilet at Lamberts Clearing and solar BBQ facilities for \$80,000 at Ku-ring-gai Wildflower Garden in St Ives Ward
 - * Mountain bike trail linking to St Ives at \$45,000 at Golden Jubilee park in Wahroonga Ward;
 - * Construction of a boardwalk to link existing formal walking tracks at Wombin Reserve in Roseville Ward for \$30,000.
 - * Construction of additional toilet at Tryon Road Reserve for \$58,000.

For the Resolution: *The Mayor, Councillor E Malicki, Councillors Holland, Keays, Szatow, Anderson, Hall, Hardwick, Cross & Ebbeck*

Against the Resolution: *Councillor Duncombe*

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

(Moved: Councillors Hall/Keays)

- A. *That Council thank the Federal Government for the \$392,000 grant for Regional & Local Community Infrastructure Program;*
- B. *That it be split between 2 major projects, being \$292,000 for refurbishment of the Marian Street Theatre and, \$100,000 for a compost toilet at St Ives Wildflower Garden.*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

464

Open Space Acquisition - Town Centres Draft LEP

Files: S04601, S06913

The following members of the public addressed Council:

**G Bonser
L Purwanto
C Georgans**

Notice of Motion from Councillor Tony Hall dated 8 December 2008.

As Councillors are aware, Council's resolution of 29 July 2008 (Minute No 282/08) has now been implemented by the Ku-ring-gai Planning Panel, pursuant to its powers under s.118 of the EP&A Act 1979, in the form of six potential new parks or park expansions, zoned RE1 in the Draft Ku-ring-gai Local Environmental Plan (Town Centres) 2008. Since publication of these sites in the exhibited LEP from 19 November 2008, their identification is causing fear and concern in the community because of the mention of compulsory acquisition by the Panel in its recent letters to affected property owners.

I therefore move:

- "1. That the current Council, elected in the interim, makes a Submission to the Ku-ring-gai Planning Panel to the effect that, contrary to the previous Council's Resolution of 29 July 2008 (Minute No 282/08), it does not wish for any sites to be included in the 2008 draft Ku-ring-gai Town Centres' LEP as priority open space acquisitions zoned RE1 within the town centre boundaries over the next 3 – 5 years, as such an inclusion is generating anguish among residents mainly because of the mention of compulsory acquisition.
2. That the Panel be advised this Council will proceed by direct negotiation to acquire land needed for open space purposes and then seek rezoning.
3. That the Panel be advised that Council no longer wishes to nominate any privately owned sites as preferred park locations within the Town Centre boundaries as priority open space acquisitions over the next 3 – 5 years."
4. That Council's submission to the Panel on the Ku-ring-gai Draft LEP include the contents of 1 to 3 above.

Resolved:

(Moved: Councillors Hall/Duncombe)

That the above Notice of Motion as amended be adopted.

CARRIED UNANIMOUSLY

GENERAL BUSINESS (cont)

465

National Trust Heritage Festival 2009 - Sponsorship Proposal

File: S05650

To advise Council of a proposal from the National Trust of Australia for sponsorship for the National Trust Heritage Festival 2009.

Resolved:

(Moved: Councillors Anderson/Ebbeck)

That Council provide \$2,500 for the National Trust Heritage Festival brochure.

*For the Resolution: Councillors Holland, Keays, Szatow, Anderson,
Duncombe, Hall & Hardwick*

*Against the Resolution: The Mayor, Councillor E Malicki & Councillor
Ebbeck*

466

Ku-ring-gai Garden Festival 2009 Sponsorship Proposal

File: S05650

To advise Council of a sponsorship proposal from Ku-ring-gai Rotary for the 2009 Ku-ring-gai Garden Festival.

Resolved:

(Moved: Councillors Anderson/Hall)

That Council support the sponsorship proposal from the Ku-ring-gai Rotary Club and allocate \$1,000 from the sponsorship budget for the Ku-ring-gai Garden Festival.

CARRIED UNANIMOUSLY

467

Establishment of a Council Committee Structure

File: S06952

To outline options and make a recommendation on a committee structure for Ku-ring-gai Council.

Resolved:

(Moved: Councillors Ebbeck/Hall)

A. That Council establish the following Committees:

1. **Finance and General Purposes Committee.** This would consist of a Councillor from each Ward and be chaired by the Mayor. The committee would be granted certain delegations as determined by Council.
2. **Policy and Planning Committee.** This would consist of a Councillor from each Ward, not being a member of the Finance and General

Purposes Committee and chaired by the Deputy Mayor with delegations to be determined by Council.

3. **Open Space Committee.** This would consist of at least three Councillors, one of whom shall be elected Chairperson by Council and other community members to be determined by Council.
4. **Community Development Committee.** This would consist of at least three Councillors, one of whom shall be elected Chairperson by Council and other community members to be determined by Council.
5. That any two Councillors can withdraw a motion and call it to Council.
6. Details of the charters of the committees be developed and reported to Council in February 2009.
7. That Council seek community representatives for the Open Space and Community Development Committees.

For the Resolution: Councillors Anderson, Duncombe, Hall, Hardwick & Ebbeck

Against the Resolution: The Mayor, Councillor E Malicki, Councillors Holland, Keays & Szatow

The above Resolution was subject to two LOST Amendments.

The first LOST Amendment was:

(Moved: Mayor, Councillor Malicki/Councillor Keays)

- A. *That Council establish a Committee of the Whole supported by five Reference committees - Sustainability, Community, Policy & Planning, Heritage and, Open Space.*
- B. *Details of the charters of the reference committees be developed and reported to Council in February 2009.*
- C. *Council determines the representatives and Chairpersons for the respective Committees when the charters are adopted by Council.*

The 2nd LOST Amendment was:

(Moved: Mayor, Councillor Malicki/Councillor Keays)

- A. *That Council establish a Committee of the Whole supported by four Reference committees - Sustainability, Community, Planning & Heritage and Open Space.*
- B. *Details of the charters of the reference committees be developed and reported to Council in February 2009.*

- C. *Council determines the representatives and Chairpersons for the respective Committees when the charters are adopted by Council.*

**At 11.55pm a Motion moved by Councillors Ebbeck & Keays
to extend the meeting until
business completed was put to the vote
and CARRIED UNANIMOUSLY**

468

**Update on Draft Development Control Plan (Town Centres) 2008 &
Aligned Projects**

File: S04151

To provide Council with an update of progress on several key town centre urban planning projects, the draft Development Control Plan (Town Centres): and the aligned projects of the Public Domain Plan, Development Contributions Plan and Parking Management Plan.

Resolved:

(Moved: Councillors Malicki/Keays)

- A. That Council adopt the structure of the draft Development Control Plan Town Centres as in Attachment 1.
- B. That Council receive and note the updates on the Public Domain Plan, Parking Management Plan and the development contributions planning.
- C. That the Mayor write to the Minister with regard to the short timeframe for the production of the Development Control Plan and the level of consultation required with the Department of Planning.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors
Holland, Keays, Szatow, Anderson, Duncombe &
Ebbeck*

Against the Resolution: Councillors Hall & Hardwick

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

(Moved: Councillors Ebbeck/Hall)

- A. *That Council adopt the structure of the draft Development Control Plan Town Centres as in Attachment 1.*
- B. *That Council receive and note the updates on the Public Domain Plan, Parking Management Plan and the development contributions planning.*

469 **Amendments to the 2008 to 2009 Capital Works Program**

File: S06351

To recommend amendments to the adopted Capital Works Program for 2008 - 2009.

Resolved:

(Moved: Councillors Ebbeck/Szatow)

- A. That Council reallocate funding of \$130,000 from St Ives High School oval in the 2008/09 Capital Works Program to the following projects:
 - i. \$12,000 – Bert Oldfield Oval synthetic grass entry zones;
 - ii. \$70,000 – Lindfield Soldiers Memorial Park accessible amenities block;
 - iii. \$48,000 – Sir David Martin Reserve (Auluba Oval) replacement of steps and concrete landing area adjacent to the existing clubhouse.
- B. Funding of \$62,000 allocated to Cherrywood Reserve playground in the 2008/09 Capital Works Program be reallocated to refurbish Pleasant Avenue Reserve Playground during 2008/09.

CARRIED UNANIMOUSLY

470 **7th National Mainstreet Conference 2009**

File: S02217

For Council to determine if it wishes to send delegates to the 7th National Mainstreet Conference 2009.

Resolved:

(Moved: Councillors Ebbeck/Szatow)

That interested Councillors nominate with the General Manager on or before the early bird date of 15 January 2008

For the Resolution: *The Mayor, Councillor E Malicki, Councillors Holland, Keays, Szatow, Anderson, Duncombe, Hardwick & Ebbeck*

Against the Resolution: *Councillor Hall*

471 **West Pymble Pool Indoor Facility - Financial Analysis**

File: S04066

To recommend Council include an indoor health and fitness centre with the design of the indoor West Pymble Pool facility.

Resolved:

(Moved: Councillors Ebbeck/Hall)

- A. That \$200,000 be voted in the current 2008/09 budget, for the design and professional costs for West Pymble Pool and funded from the Section 94 Contributions Plan 2004-2009 and, the remaining \$510,000 be included in the 2009/10 budget.
- B. That a further report on the West Pymble Pool upgrade and the North Turramurra Recreation Area providing further details, including total project costs, for the Recreation Facilities special rate variation, be provided to Council in February 2009.
- C. That Council include an indoor health and fitness centre to incorporate a cardio and weights area and a multi purpose fitness area as part of the design for the new indoor West Pymble Pool facility.
- D. That the General Manager be given delegation to modify the contract sum for the design and documentation of the project to include the cardio and weights area and the multi purpose fitness area.
- E. That the cost estimate for the project (\$12.5 million) and annual returns as identified be incorporated within the long term financial plan.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN472 **W A Bert Oldfield Oval - Dog Off-Leash Area**

File: S05355

Vide Minute No OMC441

Notice of Rescission from the Mayor, Councillor E Malicki, Councillors N Ebbeck & T Hall dated 2 December 2008

We, the undersigned, seek to rescind the Council's resolution to permit the use of off-leash dog use of Bert Oldfield Oval, Killara while Council maintenance workers

are on the Ground due to statutory Occupation Health and Safety reasons and is hereby rescinded.

Resolved:

(Moved: Councillors Ebbeck/Hall)

That the above Notice of Rescission, as printed, be adopted.

CARRIED UNANIMOUSLY

473

Open Space Acquisition - 12 Woonona Avenue, Wahroonga

File: P63797

Notice of Motion from Councillor Jennifer Anderson dated 8 December 2008

I move that:

- "a. The General Manager undertakes discussions with the owner of 12 Woonona Avenue to seek his position on a sale and report back to Council as soon as possible.
- b. The General Manager investigate land use options for this site under the guidelines of Section 94, not limited only to a park but also options for a community garden and/or similar concepts.
- c. The General Manager report back to Council on all possible funding options for the purchase of the site.
- d. The General Manager report back to Council with concepts on various mechanisms for a community funding process.
- e. The General Manager arrange a site inspection for all interested Councillors."

Resolved:

(Moved: Councillors Anderson/Duncombe)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

GENERAL BUSINESS (cont)474 **St Ives - Proposal to Acquire Open Space**

File: S04601

Report by Director Strategy dated 10 December 2008.

Resolved:

(Moved: Mayor, Councillor Malicki/Councillor Holland)

That Council proceed in the manner outlined in the report.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors
Holland, Keays, Szatow, Anderson, Duncombe
& Ebbeck*

Against the Resolution: Councillors Hall & Hardwick

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

(Moved: Councillors Hall/Hardwick)

*That the request for purchase by the three landowners be noted and no further
action taken until the gazettal of the Town Centres' Draft LEP.*

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

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

*For the Motion: The Mayor, Councillor E Malicki, Councillors
Holland, Keays, Szatow, Anderson, Duncombe,
Hardwick & Ebbeck*

Against the Motion: Councillor Hall

Councillor Hardwick departed

475 **W A Bert Oldfield Oval - Dog Off-Leash Area**

File: S05355

Resolved:

(Moved: Councillors Keays/Duncombe)

- A. That times when dogs are not permitted off-leash at WA Bert Oldfield Oval be changed from 7am to 9am to allow for watering, then from 9am to 11am it becomes off-leash; from 11am to 3pm, it becomes on-leash daily. Then from 3pm onwards, dogs be permitted off-leash.
- B. That Council investigate the possibility of creating a permanent, fenced dog off-leash area within Killara Park outside Bert Oldfield Oval for use whenever dogs are not permitted on the Oval.

For the Resolution: Councillors Holland, Keays, Szatow, Anderson & Duncombe

Against the Resolution: The Mayor, Councillor E Malicki

**Councillors Hall & Ebbeck
were not present for the vote**

During debate on the above Resolution, the following Notice of Rescission was put to Council.

Notice of Rescission from Councillors E Keays, R Duncombe & N Ebbeck dated 16 December 2008

We, the undersigned, move rescission of Council's Resolution at its meeting of 16 December 2008, as follows:

Notice of Rescission from the Mayor, Councillor E Malicki, Councillors N Ebbeck & T Hall dated 2 December 2008

We, the undersigned, seek to rescind the Council's resolution to permit the use of off-leash dog use of Bert Oldfield Oval, Killara while Council maintenance workers are on the Ground due to statutory Occupation Health and Safety reasons and is hereby rescinded.

Resolved:

(Moved: Councillors Ebbeck/Hall)

That the above Notice of Rescission, as printed, be adopted.

CARRIED UNANIMOUSLY

Resolved:

(Moved: Councillors Keays/Duncombe)

That the above Notice of Rescission, as printed, be adopted.

CARRIED UNANIMOUSLY

**Councillors Hall & Ebbeck
were not present for the vote**

*Standing Orders were suspended
to deal with the following Notice of Rescission
following a Motion moved by
Councillors Anderson & Keays
which was adopted UNANIMOUSLY*

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

**Rescission Motion by Councillors Keays, Duncombe & Ebbeck -
Ordinary Meeting of Council, 16 December 2008**

We, the undersigned Councillors, rescind the resolution of Council at its meeting of 2 December 2008 being:

"That time when dogs are not permitted off-leash at W A Bert Oldfield Oval be changed from 11.00am to 3.30pm daily to 1.30pm to 3.30pm."

Resolved:

(Moved: Councillors Keays/Duncombe)

That the above Notice of Rescission, as printed, be adopted.

CARRIED UNANIMOUSLY

**During debate, Council adjourned for a short interval at 1.35am
after a Motion moved by Councillors Keays & Duncombe was CARRIED
and the Chairperson ruled accordingly.
The Meeting resumed at 1.45am**

Those present were:

Mayor, Councillor E Malicki
Councillor J Anderson
Councillor R Duncombe
Councillor N Ebbeck
Councillor T Hall
Councillor S Holland
Councillor E Keays
Councillor C Szatow

The following item was dealt with after a Motion moved by Councillors Keays & Szatow to have the matter dealt with at the meeting was CARRIED & the Chairperson ruled Urgency

For the Urgency: Councillors Keays, Szatow, Anderson, Duncombe & Hall

Against the Urgency: The Mayor, Councillor E Malicki & Councillor Holland

Councillor Ebbeck was not present for the vote

476 **20 Year Long Term Financial Plan**

File: FY00019

Notice of Rescission by Councillors E Keays, C Szatow & N Ebbeck dated 16 December 2008

We, the undersigned, seek to rescind the Council's resolution earlier in the meeting on the Long Term Financial model.

Resolved:

(Moved: Councillors Szatow/Keays)

- A. That the Notice of Rescission, as printed, be rescinded.
- B.
 - a. That pending Ministerial approval, a Recreational Facilities special rate variation be applied from 2009/2010, equating to a maximum of 5% rates increase over a maximum of 10 years, to fund revenue funding component of specific projects in Case 3 namely:
 - 1. West Pymble Pool Upgrade
 - 2. North Turramurra Recreation Area
 - b. That \$200K be voted in the current 2008/09 budget, for the design and professional costs for West Pymble Pool, and funded from S94 2004-2009 Plan, and the remaining \$510K be included in the 2009/10 budget.
 - c. That a further report on the West Pymble Pool Upgrade and the North Turramurra Recreation Area providing further details, including total project costs, for the Recreational special rate variation, be provided to Council in February 2009.
 - d. That in relation to the proposed Recreational Facilities special rate variation, the public consultation process commence immediately and

Council staff undertake a capital expenditure review in accordance with the Department's guidelines in Council Circular 97-55 for each of the major projects.

- e. That Council's 2009/2010 budget includes the following:
1. That the Insurance reserve (\$164K) and the Contingency reserve (\$204K) be closed and funds transferred to working capital, as the LTFP provides for Council's working capital to increase to \$3.9M by 2012/13.
 2. Reductions in debt servicing costs are restricted to the Infrastructure and Facilities reserve and fully expended on Capital Works. This amounts to \$2.1M.
 3. Indicative operational and capital projects in 2009/2010 in each case are recommended, subject to review of committed/special projects and refinement by Council in February 2009, to include:

CAPITAL WORKS AND MAJOR PROJECTS 2009/2010

\$000's

[Note: No case 4 projects are scheduled for 2009/10]

Project Group	Case 1	Case 2	Case 3	Total Cost
Building Works & Maintenance		190		190
Chambers refurbishment			1,000	1,000
Marian Street Theatre Upgrade			500	500
Depot Relocation	8,000			8,000
SES relocation			800	800
Community Projects	54			54
Information Technology	243			243
Library Resources	530			530
Plant & Vehicles	1,176			1,176
Town Centre & Urban Design	264			264
Fencing & Parking Areas		150		150
North Turrumurra Recreation Area			2,000	2,000
Parks Development	1,842	554		2,396
Playgrounds	175	136		311
Sports Courts	158	108		266
Sports Fields	2,294	335		2,629
Tree Planting	189			189
West Pymble Pool Upgrade			9,375	9,375
Footpaths	408			408
Roads Program	4,873	751		5,624
Traffic Facilities	154			154
Drainage structures	425	157		582
Business Centres Program	190			190
Public Domain	111			111
Biodiversity	131			131
Communication	60			60
Community Partnerships	190			190
Fire Management	19			19
Monitoring & Evaluation	119			119
Recreation Facilities	24			24
Regulation & Enforcement	167			167

Project Group	Case 1	Case 2	Case 3	Total Cost
St Ives Remediation			820	820
Town Centre Projects	117			117
Water Catchments	227			227
Water Sensitive Urban Design	974			974
Total	23,114	2,381	14,495	39,990

- f. That Council ratify the revenue/expenditure assumptions provided in this report to enable budget development for 2009/2010 to commence.
- g. That excess accumulated working capital be allocated to Council's Infrastructure and Facilities Reserve and be applied to "one-off" projects that improves financial sustainability and provides for services or facilities for the community.
- h. That Council considers rates restructure options in February 2009, to the rates split of total rates levied between residential and business and to adopt a base amount (50% maximum) to which an ad valorem is added.
- i. That Council continue to refine Case 4 and explore opportunities to generate additional income.
- j. That a report on the Chambers Refurbishment project be provided to Council before inclusion in the Management Plan process.

CARRIED UNANIMOUSLY

Councillor Ebbeck returned

QUESTIONS WITHOUT NOTICE

477 Population Yield under the Metropolitan Strategy

File: S06913

Question Without Notice from Councillor T Hall

I refer to the answer by Mr Watson that "the figure by 26,000 (people) was extracted from Council's adopted Open Space Acquisition Strategy 2005" in his memo of 16 December 2008 in the Greens.

Was this figure of 26,000 population ratified by the Planning Minister in the 2007 Northern Sub-Region Strategy? If not, what relevance has the figure in the latest Strategy now or should it be downgraded?

Answer by the Director Strategy

What I have done is taken a number out of an adopted Council policy - the draft North Sub-Regional Strategy has never been finalised by government.

478 **Acquisition of 56, 58 & 60 Stanley Street, St Ives for Open Space**

File: S04601

Question Without Notice from Councillor T Hall

I refer to Council's decision of 16 December 2008 to commence negotiations for the acquisition of 56, 58 & 60 Stanley Street, St Ives and ask the General Manager is that decision contrary to the earlier Council decision under NM.3 of 16 December 2008 when Council resolved "it does not wish for any sites to be included in the 2008 Draft Town Centres LEP (identified) as priority open space acquisitions zoned RE1 within the Town Centre" prior to the gazettal of the Plan?

Answer by the General Manager

That advice is an integral part of moving forward to the next stage and I'd anticipated that I would get that and that would form part of the next report back to Council in any case. That will be done.

479 **6 & 8 Beaconsfield Parade, Lindfield - Request Timeline for Determination**

Files: DA0987/08, DA0988/08

Question Without Notice from Councillor N Ebbeck

Could the Director of Development please provide a brief e-mail response explaining the timeline for Determination of DAs 0987/08 & 0988/08 Beaconsfield Parade?

Answer by the Director Development & Regulation

Can do.

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

480 **Gordon - Proposal to Acquire Open Space**

File: S04601

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(c) of the Act, and was dealt with in a part of the meeting closed to the public.

Section 10A(2)(c) of the Act permits the meeting to be closed to the public in respect of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

This matter is classified confidential because it deals with the proposed acquisition of property.

It is not in the public interest to release this information as it would prejudice Council's ability to acquire this and other properties on appropriate terms and conditions.

Report by Director Strategy dated 5 December 2008

Resolved:

(Moved: Councillor Hall/Mayor, Councillor Malicki)

That the matter be received and noted.

CARRIED UNANIMOUSLY

The General Manager adverted to the consideration of the matter referred to in the Minute numbered 480, and to the resolution contained in such Minute.

The Meeting closed at 2.05am

The Minutes of the Ordinary Meeting of Council held on 16 December 2008 (Pages 1 - 53) were confirmed as a full and accurate record of proceedings on 3 February 2009.

General Manager

Mayor / Chairperson