

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 19 OCTOBER 2004

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

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

The Meeting commenced at 7.03pm

The Mayor offered the Prayer

DECLARATION OF PECUNIARY INTEREST

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

Councillor Innes declared a conflict of interest in item GB.6 – 2004 Financial Assistance Grants to Community Groups (President of the Royal Blind Society)

504 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Innes/Lane)

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

- C.1 **48 St Johns Avenue, Gordon Progress Report**
 (Section 10A(2)(c) - Information that would confer a commercial advantage)

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

The following member of the public addressed Council on an item not on the Agenda:

B Fairbanks

Mr Fairbanks presented Council with a copy of the first map of Australia drawn by Mathew Flinders, which will be 200 years old this year.

*A motion of appreciation moved by Councillors Hall and Lane
was CARRIED by Council acknowledging Mr Fairbanks' efforts in this matter*

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:

New Item: Representation on Northern Sydney Regional Organisation of Councils (NSROC) – Report by Senior Governance Officer

Refer GB.3: 6 Eastern Arterial Road, St Ives – Memorandum from Director Development & Regulation dated 19 October 2004

CONFIRMATION OF MINUTES

505 Minutes of Ordinary Meeting of Council

File: S02131
Meeting held 12 October 2004
Minutes numbered 472 to 504

Resolved:

(Moved: Councillors Hall/Innes)

That Minutes numbered 472 to 504 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS

506 **7 Shelby Road, St Ives - Opposition to Proposed Development (Twelve [12] Signatures)**

File: DA1061/03-2

The following Petition was presented by Councillor Hall:

Letter from Messrs Gary & Corey Eyre dated 15 October 2004:

The purpose of this correspondence is to register our continued opposition to the proposed development and we offer the following points in evidence the application fails to address key residential planning criteria - we ask that Council uphold its decision and not amend its determination.

1. The proposal will have an unacceptable impact on the streetscape

The immediate area is typically single detached dwellings on large landscaped blocks of land with generous front setbacks of 15-20 metres - landscaped open space dominates over built form.

The balance is reversed in this proposed development, with built-form now dominating the landscape. The dwelling is set back only 7 metres from the road - well short of the Council planning guidelines of 12 metres (minimum) for a two storey residence on the high side of the street.

- i. The adjacent properties of 128, 126 and 124 Collins Road all have setbacks of 15-20 metres,
- ii. Although the site address is listed as a corner block at No 7 Shelby Road, the main frontage, garage and pedestrian access to the proposed building will be via Collins Road, therefore the 12 metre set back rule should apply.
- iii. The inadequate setback does not allow for restorative vegetation to have any meaningful effect when compared to the existing open space characteristics of the adjoining properties.

2. The proposal does not maintain appropriate residential character

The landscape will be dominated by a two-storey vertical wall that is in no way sympathetic to the-prevailing residential character.

- i. SEPP53 maintains that "where practicable, the development should maintain reasonable neighbour amenity and appropriate residential character by adopting building heights at the street frontage that are compatible in scale with adjacent development".

3. The dwelling does not contribute to maintaining an attractive residential environment

- ii. The development proposes to shoe-horn a large and imposing two-storey building into a land area of less than 400sqm -well below the SEPP53 allotment size of "600 sqm or more where two dwellings are detached".
- iii. Screening vegetation will take several years of growth before providing any softening of the structure.

4. The proposal has little regard for significant adverse impact on the adjacent residential property at 128 Collins Road

- i. The proposed building has windows that face directly into neighbouring liveable rooms at close distance.
- ii. Significant reduction in sunlight throughout the entire winter period.

We are agreeable to planting vegetation on our side of the common boundary fence in an attempt to alleviate our privacy concerns. However, we have been advised by a qualified Horticulturist that it will be impossible for us to grow suitable screening vegetation on our side of the fence due to the obstruction of sunlight in all but the peak summer months - this is directly attributable to the height and position of the proposed structure.

Based on review of SEPP53 guidelines, recent Land & Environment Court judgements and the Council's own planning guidelines, we see no reason why any amendment in determination is warranted. In addition, all immediate neighbours have opposed this development, and we present the attached petition as supporting evidence.

Resolved:

(Moved: Councillors Hall/Bennett)

That the Petition be received and referred to the assessment officer concerned with the S82A review.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

507

1 Berrillee Street, Turramurra - Detached Double Carport, Additions and Alterations to an Existing Dwelling

File: 0535/04

Ward: Wahroonga

Applicant: J. Willmore

Owner: D. and S. Farrugia

To determine development application No. 0535/04, which seeks consent for a detached double carport and additions and alterations to an existing dwelling.

Resolved:

(Moved: Councillors Ebbeck/Cross)

- A. That consideration of Development Application No 0535/04 for a detached dual carport and additions and alterations to an existing dwelling on land at 1 Berrillee Street, Turramurra be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

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

Against the Resolution: Councillor Shelley

508

23 Ryde Road, Pymble - Demolition of the Existing Dwelling and the Construction of a Commercial Building

File: DA968/03

Ward: Gordon

Applicant: Sheer Development - Martin Mokhtari

Owner: Sheer Development Pty Ltd

To determine a development application for the demolition of the existing dwelling and the construction of a commercial building.

Resolved:

(Moved: Councillors Malicki/Bennett)

- A. That consideration of Development Application No 968/03 at 23 Ryde Road, Pymble for the demolition of the existing dwelling and the construction of a commercial building be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

509 **57 Merrivale Road, Pymble - Option to Renew Lease**

File: P51926

To advise Council of the Playgroup Association of NSW exercising its option to renew the lease for the premises located at 57 Merrivale Road, Pymble to operate the Pymble Playgroup.

Resolved:

(Moved: Councillors Shelley/Innes)

- A. That Council receive and note the valid exercise of option and approve the grant of a 3 year lease to the Playgroup Association of NSW over Council premises at 57 Merrivale Road, Pymble.
- B. That the Mayor and General Manager be authorised be authorised to execute all necessary lease documents
- C. That Council authorise the affixing of the common seal of Council to the lease agreement.

CARRIED UNANIMOUSLY

510 **48 St Johns Avenue, Gordon - Progress Report**

File: S03423

Report by Director Finance & Business dated 30 September 2004.

Resolved:

(Moved: Councillor Malicki/Mayor, Councillor Ryan)

- A. That the contents of this report be received and noted.
- B. That Council formally resolve to classify the land as “Operational Land” held for resale.

CARRIED UNANIMOUSLY

6 Eastern Arterial Road, St Ives - Torrens Title Subdivision of the Site into Two Allotments

File: DA0243/04

Ward: St Ives

Applicant: Mr Ashley Webb C/- Glendinning Minto and Associates

Owner: Mr Wallace Webb and Mrs Margaret Webb

I Glendinning addressed Council

Determination of a Development Application for the subdivision of 6 Eastern Arterial Road, St Ives, to create two (2) Torrens Title allotments.

Resolved:

(Moved: Councillors Bennett/Malicki)

THAT Development Application No. 0243/04 for the subdivision of the existing allotment to create an additional allotment at Lot 2, DP 22344, being 6 Eastern Arterial Road, St Ives, be approved for two years on a deferred commencement basis, subject to the following conditions:

SCHEDULE A

1. In order to have the consent activated by Council, the Applicant must obtain Council's approval to extinguish, and then re-create, a new drainage easement over the Council drainage system on all the downstream properties as far the downstream road reserve. This procedure is broadly dependant on demonstrating physical capacity of the system and obtaining approval of all downstream owners to have their title documents amended to show the new benefit for the subject lot and corresponding burden. The procedure to obtain approval must be undertaken in strict accordance with the steps given in appendix 8 of Councils Water Management Development Control Plan 47, adopted March 2004. All documentation outlined in this process must be prepared, submitted and verified by Council. The necessary fees must be paid by the Applicant and the easement, where obtained, is to be created under the Conveyancing Act 1919.

As the procedure is dependant upon obtaining the permission of downstream owners and demonstrating acceptable physical capacity of the Council system to allow further connection, no guarantee can be given as to the success of this process.

NOTE: The matters referred to in Schedule A must be completed to Council's satisfaction within TWO YEARS from the date of this Deferred Commencement Approval before the Consent operates.

THIS CONSENT will be ISSUED SUBJECT TO CONDITIONS OF APPROVAL as specified hereunder in Schedule B.

This permit shall be read in conjunction with the approved plans and specifications.

The following conditions specified hereunder in Schedule B shall be imposed on the Development Application.

SCHEDULE B

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No. 0243/04 and Development Application plans prepared by Degotardi, Smith and Partners, reference number 29806A03.DWG, Revision A, Sheet 1 of 1, dated 16/12/03, and lodged with Council on the 12 March 2004.
2. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
3. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent shall be kept on site at all times.
4. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
5. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
6. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
7. The creation of a Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the area of land beneath the canopy of the following tree/s for a specified radius in metres from the trunk of that tree, the terms of which state that any excavations, soil level changes or construction works are prohibited with the exception of any driveway as approved by Council:

Tree numbers refer to Tree Report by Earthscape Horticultural Services dated March 2004.

Tree No	Tree/Location	Radius in Metres
#105	<i>Eucalyptus pilularis</i> (Blackbutt)	7.5m
#77	<i>Angophora costata</i> (Sydney Redgum)	6.0m

8. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities. A plan detailing services trenches, which shows distances from proposed and existing trees, shall be submitted to the Principal Certifying Authority and approved prior to the issue of the Construction Certificate.
9. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

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

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

10. The appropriate fees set out in Councils adopted Schedule of Fees and Charges is payable to Council, prior to the issue of the Subdivision Certificate.
11. Prior to issue of the Subdivision Certificate, the applicant shall create of a Restriction-on-Use on the title of the subject property. The restriction is to be over the 100 year ARI flood zone identified in the report by AFCE, Job Number 343139, Rev 1.1, dated February 2004 and must prevent the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within that zone. Ku-ring-gai Council is to be named as the Authority empowered to release, vary or modify the restriction.
12. For endorsement of the linen plan/issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by Council. The following details **must** be submitted with the plan of subdivision and copies:
 - Council's Subdivision Lodgement Form, available from Council's Customer Services.
 - The endorsement fee current at the time of lodgement,
 - The 88B Instruments plus six (6) copies,
 - The Sydney Water Section 73 Compliance Certificate.

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

Note 1: Plans of subdivision and copies must not be folded.

13. For endorsement of the linen plan / issue of the subdivision certificate, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
14. Prior to release of the linen plan/issue of the subdivision certificate, the applicant shall create all burdens including but not limited to drainage easements, easements for services and rights-of-carriageway, as required. A registered surveyor is to certify, prior to release of the linen plan/issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future

provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted to the Principal Certifying Authority (PCA).

15. Creation of suitable drainage easements with minimum widths in accordance with Council's Water DCP47 over all of the inter-allotment and Council drainage systems.
16. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate which refers to the subdivision application must be obtained and submitted to the Council.

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

Against the Resolution: Councillors Hall, Innes and Shelley

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

(Moved: Councillors Hall/Innes)

That the matter be deferred for further consideration and a report be returned to Council in November 2004.

512 **Report on Banning Smoking at Sporting Venues**

File: S03433

To respond to Councillor Malicki's Notice of Motion dated, 31 May 2004, "that a report come to Council as soon as possible outlining steps that Council could take to ban smoking at sporting venues and in public places".

Resolved:

(Moved: Councillors Malicki/Innes)

- A. That Council support a ban on smoking within 10 metres of all children's play areas under Council's care.
- B. That Council support a ban on smoking at all Council playing fields, sporting grounds, and West Pymble Pool and that all future leases and hirings will reflect this policy.
- C. That staff prepare a report on implementation of these bans.
- D. That Council require that all events run or sponsored by Council be smoke free.

- E. That Council place the matter on the NSROC agenda for discussion and comment and identification of future consistent approaches to this issue across the Northern Suburbs region.

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

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

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

(Moved: Councillors Cross/Ebbeck)

That Council:

- A. *Outline in principle support for a ban of smoking across all areas under Council's care and control.*
- B. *Supports efforts by individual sporting clubs and associations to implement a voluntary code which bans smoking at their respective locations.*
- C. *Raises the issue for discussion at the Parks Sport and Recreation Group.*
- D. *Requires events that are run or sponsored (including events enjoying fee waivers or discounts) to be smoke free.*
- E. *Places the matter on the NSROC agenda for discussion, comment and identification of future consistent approaches to this issue across the Northern Suburbs region.*

513 **2004 Financial Assistance Grants to Community Groups**

File: S03000

To advise Council of applications received from community groups for financial assistance in 2004, and to recommend to Council subsequent funding allocations.

Councillor Innes withdrew during discussion

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

The Mayor returned prior to the vote but did not assume the Chair

Resolved:

(Moved: Councillors Bennett/Malicki)

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

Community / Cultural Group Recommended	Amount
Catholic Health Care – McQuoin Park Day Therapy Services	\$ 1,000.00
Computer Pals for Senior's Ku-ring-gai	\$ 2,000.00
The Community Friendship Group – 'Cooinda'	\$ 1,000.00
Constant Companion	\$ 1,386.00
Easy Care Gardening Inc	\$ 885.00
Friends of Richard Geeves Centre	\$ 2,000.00
Hornsby & District T.P.I. Welfare Club	\$ 400.00
Northside Christian Life Centre	\$ 770.00
North Sydney Community Services- Hornsby/ Ku-ring-gai Migrant Settlement Project	\$ 750.00
Mirrabooka Singers	\$ 300.00
SydneySiders Express Inc.	\$ 300.00
Ku-ring-gai Male Choir Inc.	\$ 300.00
Ku-ring-gai Historical Society	\$ 1,965.00
Ku-ring-gai Philharmonic Orchestra	\$ 4,000.00
The Cavalcade of History & Fashion Inc.	\$ 700.00
Eryldene Trust	\$ 650.00
Western Youth Orchestra Association Inc.	\$ 380.00
R.A.P.A.	\$ 2,870.00
The Local Handcraft Association	\$ 600.00
Fusion Australia Ltd	\$ 1,000.00
KU Wahroonga Pre-school	\$ 650.00
Roseville P&C Kids Care Association	\$ 780.00
Montessori Excelsior School	\$ 650.00
Bradfield Park Child Care Centre	\$ 700.00
Beaumont Road Public School P&C After School Care Inc	\$ 650.00
Ku-ring-gai Community After School Care	\$ 665.00
Lindfield Montessori Society Incorporated	\$ 650.00
KU Saddington Street Pre School	\$ 650.00
South Turrumurra Pre-school	\$ 650.00
St Ives North Public School P&C Association Inc After School Care	\$ 662.00
Lindfield East Before & After School Care	\$ 650.00
Christ Church St Ives Pre-School	\$ 660.00
East Lindfield Community Pre-School Association	\$ 650.00
Pymble Turrumurra Kindergarten	\$ 650.00
Aunties and Uncles Co-operative Family Project Ltd	\$ 1,650.00
KU Killara Park Pre-school	\$ 500.00
Wahroonga After School Care	\$ 800.00
Gordon East OOSH	\$ 650.00
KU St Ives Barra Brui Pre-school	\$ 700.00
St Ives Pre-school Kindergarten	\$ 650.00
Ku-ring-gai Zone Playgroups	\$ 500.00
Centacare Broken Bay - Boonah Creative Arts Centre	\$ 900.00
Cromehurst Special School P&C	\$ 1,000.00
Disabled Alternative Road Transport Service	\$ 1,500.00
Hornsby Ku-ring-gai Association for Mental Illness	\$ 1,200.00
Life Start	\$ 1,000.00
Parkinson's Association – Ku-ring-gai/Hornsby Support Group	\$ 1,200.00

Recreation Rendezvous Inc	\$ 1,000.00
Royal Blind Society of NSW	\$ 1,000.00
St Edmund's Special School	\$ 1,000.00
Self Help for the Hard of Hearing (SHHH)	\$ 500.00
Studio Arts Northside Inc.	\$ 1,000.00
Technical Aid for the Disabled	\$ 1,000.00
Gordon Baptist Church Cross Cultural Friendship Centre	\$ 870.00
Winchester & Lyle Community Fire Unit	\$ 2,175.00
Dial-A-Mum	\$ 1,000.00
Community Fire Unit 89	\$ 2,100.00
2NSB FM North Shore Broadcasting	\$ 500.00
Ku-ring-gai Family Support (Ryde Family Support)	\$ 1,700.00
Hornsby Ku-ring-gai Lifeline and Community Aid	\$ 1,400.00
Ku-ring-gai Neighbourhood Centre	\$ 1,650.00
South Turrumurra Community Fire Unit MHP-39	\$ 999.00
Hornsby Ku-ring-gai Domestic Violence Network	\$ 1,000.00
Hornsby Ku-ring-gai Hills Multiple Birth Assoc.	\$ 1,000.00
1 st North Turrumurra Scout Group	\$ 1,000.00
1 st Middle Harbour Sea Scout Group	\$ 1,100.00
1 st Lindfield Scout Group	\$ 1,000.00
Ku-ring-gai Little Athletics Centre Inc (KLAC)	\$ 1,000.00
1 st Turrumurra Scout Group	\$ 1,000.00
Killara High School	\$ 963.00
TOTAL	\$70,780.00
Eryldene Rates/Garbage Charge 2003/04)	\$ 2,772.00
Historical Society (Annual journal printing cost)	\$ 2,707.00
GRAND TOTAL	\$76,259.00

- B. That all groups receiving a grant, advise Council by 31 May 2005 how the grant was spent.

CARRIED UNANIMOUSLY

The Mayor assumed the Chair

Councillor Innes returned

514 **Policy for the Payment of Expenses and Provision of Facilities to Councillors**

File: S03779

To consider proposed amendments to Council's Policy for the Payment of Expenses and Provision of Facilities to Councillors.

Resolved:

(Moved: Councillors Innes/Hall)

- A. That Public notification be given pursuant to section 253(1) of the *Local Government Act* of the proposal to amend Council's Policy for the Payment of

Expenses and Provision of Facilities to Councillors in terms of attachment 2 to the Report.

- B. That any submissions received in relation to the proposal be reported to Council for further consideration of the proposed amendments.
- C. That Council seek legal advice on section 8.2

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

Against the Resolution: Councillors Bennett, Cross and Shelley

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

(Moved: Councillors Shelley/Andrew)

- A. *That Public notification be given pursuant to section 253(1) of the Local Government Act of the proposal to amend Council's Policy for the Payment of Expenses and Provision of Facilities to Councillors in terms of attachment 2 to the Report as amended with the deletion of parts 2a(x) and 2c(ii).*
- B. *That any submissions received in relation to the proposal be reported to Council for further consideration of the proposed amendments.*
- C. *That Council seek legal advice on Section 8.2.*

515 **Representation on Northern Sydney Regional Organisation of Councils (NSROC)**

File: S02342

For Council to make appointments or representation on the Northern Sydney Regional Organisation of Councils (NSROC).

Resolved:

(Moved: Councillors Shelley/Malicki)

- A. That Council appoint the Mayor, Councillor Ryan to the Northern Sydney Regional Organisation of Councils (NSROC) for the period to September 2005.

CARRIED UNANIMOUSLY

- B. That Council appoint Councillor Innes to the Northern Sydney Regional Organisation of Councils (NSROC) for the period to September 2005.

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

Against the Resolution: Councillors Cross, Ebbeck, Hall and Lane

(Moved: Councillors Lane/Innes)

- C. That Council appoint Councillor Hall as the alternative representative.

CARRIED UNANIMOUSLY

(Moved: Councillors Shelley/Malicki)

- D. That the Northern Sydney Regional Organisation of Councils (NSROC) be informed of Council's representatives.

CARRIED UNANIMOUSLY

*Part B of the above Resolution was subject to an Amendment which was LOST.
The Lost Amendment was:*

(Moved: Councillors Lane/Cross)

That Council appoint Councillor Hall to the Northern Sydney Regional Organisation of Councils (NSROC) for the period to September 2005.

QUESTIONS WITHOUT NOTICE

516 RAAF Memorial - Bradfield Road, West Lindfield

File: P36245

Question Without Notice from Councillor T Hall

When this Council recently approved a subdivision for residential lots of former CSIRO land, some land was put aside at the corner Lady Game Drive and Bradfield Road for a proposed RAAF Memorial to commemorate the former site of the No 2 Training Wing RAAF during WWII at Bradfield.

Having gained more land on a recent Court Judgement, what opportunities now exist to construct a RAAF Memorial on this site, perhaps as a centenary project for 2006?

Answer by the Mayor

The General Manager will report back.

517 Non Compliance Issues at Building Sites

File: S02237

Question Without Notice from Councillor T Hall

Following recent legislative changes of the EP&A Act, the Department of Infrastructure, Planning and Natural Resources (DIPNR) has now taken control of accrediting private certifiers from 1 July and a complaint process has been instituted, in that Department, against those certifiers for non compliance under Section 109V(3) of the Act.

Answer by the Mayor

Yes.

Answer by General Manager

We will incorporate that in the advertisement.

518 **Confirmation of Registered Easements in Development Application Reports**

File: S02445

Question Without Notice from Councillor M Shelley

Can the Director, Mr Miocic, ensure that in regard to any matters coming before Council involving easements, the relevant officer confirms that the easement is registered and this confirmation is noted in the report to Council?

Answer by Director Development and Regulation

Yes.

519 **Fitz Band Competition and Advertising**

File: S03672

Question Without Notice from Councillor M Shelley

Could the Director of Community Services -

1. Review the location of the Fitz band competition with the view of locating future such events in an appropriate Council building on the railway line; and
2. Review the advertising methods for the competition to ensure all possible avenues are pursued to encourage attendance.

Answer by the Mayor

The Director will report back to you.

520 **Congratulations to Organisers of Fitz Band Competition**

File: S03672

Question Without Notice from Councillor G Innes

Could the Director Community Services please congratulate the organisers of the Fitz Band Competition for the successful organisation of the recent event?

Answer by Director Community Services

I will be very happy to, Madam Mayor.

Answer by the Mayor

She will certainly do that, Councillor Innes.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place on Saturday, 30 October 2004 to view the following properties:

1 Berrillee Street, Turramurra
23 Ryde Road, Pymble

The Meeting closed at 9.38pm

The Minutes of the Ordinary Meeting of Council held on 19 October 2004 (Pages 1 - 18) were confirmed as a full and accurate record of proceedings on 9 November 2004.

General Manager

Mayor / Chairperson