

## MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 20 APRIL 2010

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

Staff Present: General Manager (John McKee)  
Director Corporate (John Clark)  
Director Development & Regulation (Michael Miocic)  
Director Operations (Greg Piconi)  
Acting Director Strategy & Environment (Peter Davies)  
Director Community (Janice Bevan)  
Senior Governance Officer (Geoff O'Rourke)  
Director Development & Regulation's PA (Judy Murphy)

*The Meeting commenced at 7.01pm*

*The Mayor offered the Prayer*

### APOLOGIES

File: S02194

**NOTE:** The Director Strategy & Environment, Andrew Watson, tendered an apology for non-attendance.

### 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.

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

File: S02499

#### **Resolved:**

(Moved: Councillors Keays/Szatow)

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:

**GB.4 Tender T17/2010 - Research Partner for the Enabling Effective Community Education & Engagement as a Driver for Sustainability in Local Government (EECEE) Program** - Confidential Attachments to the report, as follows:

Attachment A: Tender Assessment Report for T17/2010

Attachment B: Minutes of Tender Evaluation Committee

Attachment C: Detailed Assessment Results

**CARRIED UNANIMOUSLY**

## **ADDRESS THE COUNCIL**

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

G Abbott

## **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.6 Energy Reduction and Alternate Energy -**  
Memorandum by Director Strategy & Environment dated 19 April 2010 advising of a new Recommendation A to the report.

**Councillors**     **East Roseville Bowling Club Maintenance** - Memorandum by  
**Information:**     Director Community dated 22 March 2010 in answer to a Question  
Without Notice raised by Councillor Jennifer Anderson at the  
Ordinary Meeting of Council held 23 February 2010.

**RTA AAD Vehicle Movements - Mona Vale Road (MR162) &  
RR2043** - Memorandum by Director Operations dated 24 March 2010  
in answer to a Question Without Notice raised by Councillor Tony Hall  
at the Ordinary Meeting of Council held 2 February 2010.

**Refer NM.1 - West Pymble Pool's Program** - Memorandum by  
Director Strategy & Environment dated 20 April 2010 providing  
supporting information for consideration in relation to hydrotherapy  
pools in reference to a Notice of Motion presented by  
Councillor Elaine Malicki at the Ordinary Meeting of Council held  
20 April 2010.

**Refer NM.3 - Notice of Motion to the 2010 LGA Conference  
Withdrawal of Rabbit Calicivirus** - Memorandum by Director  
Operations dated 19 April 2010 in answer to a Notice of Motion  
presented by Councillor Tony Hall at the Ordinary Meeting of  
Council held 20 April 2010.

**CONFIRMATION OF MINUTES**75 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 23 March 2010  
Minutes numbered 57 to 73

**Resolved:**

(Moved: Councillors Keays/Anderson)

That Minutes numbered 57 to 73 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting with the public address being deleted from Minute No 60 - 161 Warrimoo Avenue, St Ives Chase - Construction of Tiered Spectator Seating.

**CARRIED UNANIMOUSLY**

**PETITIONS**76 **Lorne Avenue, Killara - Petition for Possible Installation of Speed Humps - (Twenty-Four [24] Signatures)**

File: TM5/02

"We, the undersigned, lodge a formal request to investigate methods to curb down the traffic speed and traffic noise in Lorne Avenue, Killara.

The current speed limit is known to be 50km per hour on the road. However, majority of vehicles travel much higher than the speed limit. Consequently, the road is not safe to pedestrians and the noise is unbearable to residents.

We hereby ask the Council to investigate the situation and apply proper methods to address the issue."

**Resolved:**

(Moved: Councillors Keays/Szatow)

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

*For the Resolution:                      The Mayor, Councillor I Cross, Councillors  
Holland, Malicki, Keays, Szatow, Anderson,  
Duncombe, and McDonald*

*Against the Resolution:              Councillors Hall and Hardwick*

**REPORTS FROM COMMITTEES****Minutes of Ku-ring-gai Traffic Committee**

File: S02110  
Meeting held 18 March 2010  
Minutes numbered KTC1 to KTC3

**77 General Matter Items under Delegated Authority**

File: S02738

*Vide Minute No KTC1*

Advice on matters considered under Delegated Authority.

**Resolved:**

(Moved: Councillors Keays/McDonald)

That the information regarding traffic facilities approved during November 2009 to February 2010 be noted.

**CARRIED UNANIMOUSLY**

**78 Post Office Street, Pymble**

File: TM7/02

Ward: St Ives  
*Vide Minute No KTC2*

To consider period parking restrictions in Post Office Street and in Park Crescent.

**Resolved:**

(Moved: Councillors Keays/McDonald)

- A. That 1 hour and 2 hour parking restrictions in Post Office Street and in Park Crescent as shown in the attached Sketch Plan No. Post Office\_Park/TDA/100/09, be approved.
- B. That Rangers, businesses who made representations and directly affected residents be informed of Council's decision.

**CARRIED UNANIMOUSLY**

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**Acron Road, St Ives**

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File: TM9/02

Ward: St Ives  
Electorate: Davidson  
*Vide Minute No KTC3*

To consider parking restrictions on one side of Acron Road, outside Acron Oval, St Ives.

**Resolved:**

(Moved: Councillors Keays/McDonald)

- A. That 'No Parking 8AM – 5PM Sat-Sun, Apr – Sept' restrictions be introduced on the western side of Acron Road, between Killeaton Street and Flinders Avenue, St Ives, as shown on Sketch Plan No. Acron/KTC/03/10.
- B. That Mrs Hudson of 17 Acron Road, St Ives and the affected residents, who were consulted of the proposal, be informed of Council's decision.
- C. That Council's Team Leader Regulations be requested to enforce the approved parking restrictions on Acron Road during winter periods.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

**Councillor Anderson withdrew**

80

**Review of Council's Investment Policy - 2010**

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File: S03537

To review Council's Investment Policy to ensure that it complies with the Local Government Act (1993), Local Government (general) Regulation (2007) and other relevant legislation as well as maximises returns on Council's investments.

**Resolved:**

(Moved: Councillors Duncombe/Szatow)

- A. That the revised Investment Policy be adopted by Council.
- B. That Council's Investment Policy be reviewed again within one (1) year, or earlier if emergent circumstances require it.

**CARRIED UNANIMOUSLY**

81

**14 Nelson Street, Gordon - Alterations and Additions**

File: DA0032/10

Ward: Gordon

Applicants: Mr John Carr-Greg and Mrs Susan Carr-Greg

Owners: Mr John Carr-Greg and Mrs Susan Carr-Greg

To determine development application No.0032/10 for alterations and additions to an existing dwelling.

**Resolved:**

(Moved: Councillors Duncombe/Szatow)

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to clause 60C of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as:

- The proposal complies with the unstated objectives of the built-upon development standard and the aims and objectives contained with Schedule 9 of the Ku-ring-gai Planning Scheme Ordinance
- The existing approved built-upon area of the site is 72%. The proposed development results in a reduction in built-upon area to 71.5%.
- The proposed works are confined to the rear of the dwelling and will not dominate the streetscape or impact upon the landscape character of the locality.
- The proposed development retains the existing tree canopy and screen planting on the site.

**AND**

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA0032/10 is consistent with the aims of the Policy, grant development consent to DA0032/10 for alterations and additions on land at No. 14 Nelson 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 (alterations and additions)**

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

<b>Plan No.</b>	<b>Drawn by</b>	<b>Dated</b>
REF 09P486 01 Existing site plan	House Plans by design	January 2010
REF 09P486 02 Proposed site plan	House Plans by design	January 2010
REF 09P486 03 Existing ground floor plan	House Plans by design	January 2010
REF 09P486 04 Proposed ground floor plan	House Plans by design	January 2010
REF 09P486 05 Existing/proposed first floor plan	House Plans by design	January 2010
REF 09P486 06 South & west elevations	House Plans by design	January 2010
REF 09P486 07 North & east elevations	House Plans by design	January 2010
REF 09P486 08 Section & window schedule	House Plans by design	January 2010
REF 09P486 09 Shadow diagrams	House Plans by design	January 2010

**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. No demolition of extra fabric**

Alterations to, and demolition of the existing building shall be limited to that documented on the approved plans (by way of notation). No approval is given or implied for removal and/or rebuilding of any portion of the existing building which is shown to be retained.

**Reason:** To ensure compliance with the development consent

## **CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:**

### **4. Road opening permit**

The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a road opening permit being obtained from Council (upon payment of the required fee) beforehand.

**Reason:** Statutory requirement (Roads Act 1993 Section 138) and to maintain the integrity of Council's infrastructure.

### **5. 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.

**6. 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.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:****7. 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.

**8. 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.

**9. 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.



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

**10. 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:**

### **11. 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.

### **12. Hours of work**

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 noon 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 1.00pm.

Where it is necessary for works to occur outside of these hours (ie) placement of concrete for large floor areas on large residential/commercial developments or where building processes require the use of oversized trucks and/or cranes that are restricted by the RTA from travelling during daylight hours to deliver, erect or remove machinery, tower cranes, pre-cast panels, beams, tanks or service equipment to or from the site, approval for such activities 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 to 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.

**13. 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.

**14. 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.

**15. 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.

**16. 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 2.5m<sup>2</sup>
- are removed within 14 days of the completion of all construction works

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

#### **17. Road reserve safety**

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

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

#### **18. 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 applicants' 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.

#### **19. 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.

**20. Drainage to existing system**

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the existing site drainage system. The installation of new drainage components must be completed by a licensed contractor in accordance with AS3500.3 (Plumbing Code) and the BCA. No stormwater runoff is to be placed into the Sydney Water sewer system. If an illegal sewer connection is found during construction, the drainage system must be rectified to the satisfaction of Council and Sydney Water.

**Reason:** To protect the environment.

**21. 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.

**22. 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.

**23. On site retention of waste dockets**

All demolition, excavation and construction waste dockets are to be retained on site, or at suitable location, in order to confirm which facility received materials generated from the site for recycling or disposal.

- Each docket is to be an official receipt from a facility authorised to accept the material type, for disposal or processing.
- This information is to be made available at the request of an Authorised Officer of Council.

**Reason:** To protect the environment.

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN  
OCCUPATION CERTIFICATE:****24. 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. A60885 have been complied with.

**Reason:** Statutory requirement.

**25. Infrastructure repair**

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

**Reason:** To protect public infrastructure.

**CONDITIONS TO BE SATISFIED AT ALL TIMES:****26. Chimney/flue is to be retained**

The existing chimney/flue located to the south-east of the proposed first floor addition is to be retained.

**Reason:** To retain the original features of the dwelling.

**CARRIED UNANIMOUSLY**

82

**Tender T17/2010 - Research Partner for the Enabling Effective Community Education & Engagement as a Driver for Sustainability in Local Government (EECEE) Program**

File: S06972

To report on the results of the public tender for a research consultant for the Enabling Effective Community Education and Engagement as a Driver for Sustainability in Local Government (EECEE) program.

**Resolved:**

(Moved: Councillors Duncombe/Keays)

- A. That Council accepts the tender received by Inca Consulting for this project and enters into negotiations with this consultant for the contract.
- B. That the execution of all documents relating to the tender be delegated to the Mayor and General Manager.

**CARRIED UNANIMOUSLY**

83      **Department of Environment Climate Change and Water - Waste Action Plan**

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File: S02294

To comply with the Department of Environment Climate Change and Water - Waste Performance Certificate 2009, Council is required to complete a Waste Action Plan.

**Resolved:**

(Moved: Councillors Duncombe/Keays)

That Council adopt the Waste Action Plan 2009 as required by the Department Environment, Climate Change and Water.

*For the Resolution:*                      *The Mayor, Councillor I Cross, Councillors Holland, Malicki, Keays, Szatow, Duncombe, Hardwick and McDonald*

*Against the Resolution:*              *Councillor Hall*

84      **Open Space Reference Committee - Meeting held 29 March 2010**

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File: S07618

To advise Council of the notes from the Open Space Reference Committee meeting held on 29 March 2010.

**Resolved:**

(Moved: Councillors Duncombe/Keays)

That the notes of the Open Space Reference Committee meeting held on 29 March 2010 be received and noted.

**CARRIED UNANIMOUSLY**

85      **Heritage Reference Committee - Notes of Meeting held 7 December 2009**

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File: S07620

To advise Council of the notes of the Heritage Reference Committee meeting held 7 December 2009.

**Resolved:**

(Moved: Councillors Szatow/Keays)

- A. That Council receive and note the Heritage Reference Committee meeting notes of 7 December 2009.
- B. That Council endorse the Heritage Reference Committee's recommendation to seek State listing of the Army Relief Map, St Ives Showground.
- C. That Council seek community suggestions for potential State Heritage nominations via Council's website and local media in terms of the thematic State Heritage Listing Program.

**CARRIED UNANIMOUSLY**

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

86

**Ku-ring-gai Planning Panel**

File: S06347

**Notice of Motion from Councillor Elaine Malicki dated 9 April 2010**

I move:

"That Council write to the Minister for Planning to ask for the immediate removal of the Ku-ring-gai Planning Panel, and that letter should include the following details:

In 2010 to date, four meetings of the Panel have been cancelled with only two actually taking place. At those two meetings only two Panel members were present to replace the elected Council, with a third member and an alternate apparently unavailable.

Added to this, several meetings have been cancelled due to potential lack of a quorum although there are four items of business that have been awaiting a Panel determination for several weeks, adding to the determination time of these applications.

Council is being asked to pay each Panel member \$21,000pa and the Panel Chair \$23,000pa, which is way in excess of Councillors' allowances. For this, the Chair has attended a single meeting lasting 29 minutes, another member attended a single meeting which lasted 41 minutes, a third attended both of these meetings."

**Resolved:**

(Moved: Councillors Malicki/Holland)

That the above Notice of Motion as printed be adopted.



*For the Resolution: The Mayor, Councillor I Cross, Councillors  
Holland, Malicki, Keays, Szatow, Duncombe,  
Hardwick and McDonald*

*Against the Resolution: Councillor Hall*

*Standing Orders were suspended  
to deal with NM.3 - Notice of Motion to the  
2010 Annual LGA Conference - Withdrawal of Rabbit Calicivirus  
after a Motion moved by Councillors Keays & Szatow  
was CARRIED UNANIMOUSLY*

87

### **Notice of Motion to the 2010 Annual LGA Conference - Withdrawal of Rabbit Calicivirus**

File: S04668

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

**E Hurst  
B Anderson**

**Councillor Anderson returned during Address**

#### **Notice of Motion from Councillor Tony Hall dated 12 April 2010**

I move that this Council:

- "1. Acknowledges that rabbit calicivirus is cruel and inhumane and involves suffering which would be considered unlawful if it were carried out on our pets or companion animals;
2. Acknowledges that there is growing public concern about the treatment of feral animals;
3. Acknowledges that there may be human health risk concerns involved in the release of caliciviruses;
4. Commits to any measures it may deem appropriate in order to eliminate the release of calicivirus within its borders including removing already laid calicivirus baits;
5. Commits to supporting research into non-lethal, humane methods of feral animal control;
6. Refer this motion, if adopted, to the Australian and NSW Local Government Association to include the Motion in their 2010 Annual Conference agendas, for adoption in all Council areas."

**Motion:**

(Moved: Councillors Hall/Hardwick)

That the above Notice of Motion as amended be adopted.

*For the Motion:*                      *Councillors Hall and Hardwick*

*Against the Motion:*              *The Mayor, Councillor I Cross, Councillors  
Holland, Malicki, Keays, Szatow, Anderson,  
Duncombe and McDonald*

**The Motion when put to the vote was LOST**

**GENERAL BUSINESS** (cont)

**Councillor Hall withdrew**

88

**Risk Management Framework and Policy**

File: S04753

To adopt Council's new Risk Management Framework and Policy.

**Resolved:**

(Moved: Councillors Malicki/McDonald)

- A. That Council adopt the Risk Management Framework proposed in the report and outlined in Appendix A.
- B. That Council adopt the draft Risk Management Policy as outlined in Appendix B.
- C. That the General Manager be charged with the implementation and further development of the Risk Management Framework, which includes:
  - 1. All Commonwealth and State legislation and Australian industry standards bearing upon Risk Management;
  - 2. Council's Risk Management Strategy;
  - 3. Council's Risk Management Manual;
  - 4. Council's Risk Register;
  - 5. Council's Annual Risk Management Action Plan.
- D. That the General Manager address the issue of resourcing the Risk Management Framework and in particular the initial and ongoing training and development of all staff actively involved in the elements of the Risk Management Framework.

- E That quarterly reports be submitted to Council.

**CARRIED UNANIMOUSLY**

89 **Sports Facilities Plan of Management**

File: S06604

To recommend adoption of the draft Sports Facilities Plan of Management following the recent public exhibition period and the consideration of community submissions.

**Councillor Hall returned during discussion**

**Resolved:**

(Moved: Councillors Malicki/McDonald)

- A. That Council adopt the draft Sports Facilities Plan of Management incorporating the minor amendments as outlined with the following fourth paragraph on Page 43 of the Attachment B - Sports Facilities Draft Plan of Management under the heading 'Climate Change' being amended to read as follows:

These could affect Council's sports facilities. Bushfires can be a threat to some residential areas. Council's sports facility network can be used during fire events by providing a marshalling area for emergency services and the large static water supplies will provide a significant water supply in the event of a bushfire hazard.

- B. That all community members who made a submission during the public exhibition of the draft Sports Facilities Plan of Management be notified that the plan has been adopted by Council.
- C. That the adopted Sports Facilities Plan of Management be made available on Council's website.
- D. That a purchase price of \$0.60 per page applies to the sale of copies of the adopted Sports Facilities Plan of Management.

**CARRIED UNANIMOUSLY**

90 **Energy Reduction and Alternate Energy**

File: S02166

To present to Council a draft Energy Reduction Strategy.

**Resolved:**

(Moved: Councillors Malicki/McDonald)

That consideration of the matter be deferred for two weeks for a working party of Councillors on the matter.

*For the Resolution:                      The Mayor, Councillor I Cross, Councillors  
Holland, Malicki, Szatow, Anderson, Duncombe,  
Hall, Hardwick and McDonald*

*Against the Resolution:              Councillor Keays*

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

*(Moved: Councillors Keays/Szatow)*

- A.     That the attached draft Energy Reduction Strategy be adopted by Council.*
- B.     That Council reallocates the Town Centre Sustainability Fund within the Environmental Levy to projects listed in Attachment B.*
- C.     That minor projects identified in Attachment B to be funded through Council's existing operational budget are implemented over the next three years.*
- D.     Where funded by the Environmental Levy, financial savings arising from implementing the draft strategy be reinvested into further energy reduction projects for the duration of the nine year strategy.*
- E.     That a report be prepared for consideration by Council on extension of the Environmental Levy with greater emphasis on energy projects.*

## **MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN [cont]**

### **91     West Pymble Pool's Program**

File: S04066

#### **Notice of Motion from Councillor Elaine Malicki dated 29 March 2010**

I move that:

"Water therapy be incorporated as a specified use of West Pymble Pool's program pool, particularly given the high aging population and the shortage of such facilities in our LGA.

The financial modelling by Sport and Leisure Solutions is to be adjusted to incorporate a strong level of water therapy use of the program pool and this adjusted modelling brought back to Councillors as soon as it is available."

*During debate, Council resolved itself into Open Committee of the Whole  
with the Press & Public included for discussion  
moved by Councillors Malicki and Anderson*

*For the Motion: Councillors Holland, Malicki, Keays, Szatow,  
Anderson, Duncombe and Hardwick*

*Against the Motion: The Mayor, Councillor I Cross, Councillors  
Hall and McDonald*

*Council resolved to return to Open Council  
prior to vote after a  
Motion moved by Councillors Keays and Duncombe  
was CARRIED UNANIMOUSLY*

**Resolved:**

(Moved: Councillors Malicki/Duncombe)

That the above Notice of Motion as amended be adopted.

*For the Resolution: The Mayor, Councillor I Cross, Councillors  
Holland, Malicki, Anderson, Duncombe, Hardwick  
and McDonald*

*Against the Resolution: Councillors Keays, Szatow and Hall*

92

**Review of Setbacks under DCP38**

File: S04302

**Notice of Motion from Councillor Tony Hall dated 12 April 2010**

I move:

That, as Council has now to meet mandated planning outcomes such as amendments to its DCPs, a status report on the amendments to Council's LEP/DCPs and in particular DCP 38, be provided to the next meeting of the Planning Committee."

**Resolved:**

(Moved: Councillors Hall/Hardwick)

That the above Notice of Motion as amended be adopted.

**CARRIED UNANIMOUSLY**

**QUESTIONS WITHOUT NOTICE**93 **Wahroonga Station Trees**

File: DA0259/09

Question Without Notice from Councillor D McDonald

Would the Director Operations please clarify whether -

1. The proposed tree variety, Blue Berry Ash, approved by RailCorp as suitable replacement for the old fig tree, given they drop berries/seeds and potentially pose an occupational health and safety issue to people walking on the platform.
2. Furthermore, in the brochure it states "Relocating the trees was considered but it is unlikely the trees would survive the process". However, in your reply of 19 April, you state *RailCorp have proposed to plant super advanced fig trees in either their car park or on Council land*. Are these in fact the same trees or they from an alternate source?

**Answer by the Director Operations**

In regards to the first bit, I am more than happy to take that up with RailCorp in regards to checking on the species and how suitable they are and in my meeting today, that they indicated that that they will provide information in that regard.

We also did have a meeting today to look at the opportunity of plant super-advanced trees which is not actually replanting the existing trees because the arborist's advice to RailCorp was that those trees would not survive the replanting process and consequently, they said they would happy to replant super-advanced species elsewhere. Now, the difficulty we face is trying to find a suitable location for that.

94 **Removal of Oak Tree**

File: DA0651/06

Question Without Notice from Councillor E Keays

The Oak Tree removed at the development on Pacific Highway in Killara next to "The Oaks", how was that authorised as I understood that it had to remain because of its heritage value?

**Answer by the Mayor**

Mr Miocic will take it on notice.

95 **Tree Removal Orders**

File: EM00003/14

Question Without Notice from Councillor T Hall

I refer to the North Shore Times' article that Council has 270 current tree removal/prune orders for attention.

Could Councillors be provided with details of these applications, please?

**Answer by the Director Operations**

I will be happy to provide that information.

96 **Council Resolution, Minute No 313/09 - Delegation of Authority to Staff to Adopt the Contributions Plan 2009**

File: S06785

Question Without Notice from Councillor T Hall

I ask the General Manager did Council err in adopting a resolution (Minute No 313B/09) to delegate its Authority to Staff to adopt the S.94 Contributions Plan 2009 following its public exhibition in January 2010?

I refer Mr McKee to my e-mail of 18 April 2010. Has he sought legal advice?

**Answer by the General Manager**

I am happy to take that on notice and correspond back to Councillors.

97 **RailCorp Land - What Plant Species will be planted between Culworth Avenue and Powell Street Railway Land, Killara**

File: S02128

Question Without Notice from Councillor C Szatow

Would the Director Operations please enquire of RailCorp what species they intend to re-plant on the area between Culworth Avenue and Powell Street, Killara Railway Land where they have stripped and poisoned the bamboo and it is re-growing with vigour?

**Answer by the Director Operations**

Happy to take that up with RailCorp.

98 **Men's Shed**

File: S05268

Question Without Notice from Councillor S Holland

To Director Development and Regulation - can I please have an update on the Men's Shed development?

In particular, has all the matters pertaining to the approval been resolved and will not pose an issue to it going ahead with the relevant funding?

**Answer by the Director Development and Regulation**

I will take that on notice.

*The Meeting closed at 9.35pm*

The Minutes of the Ordinary Meeting of Council held on 20 April 2010 (Pages 1 - 24 were confirmed as a full and accurate record of proceedings on 27 April 2010.

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General Manager

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Mayor / Chairperson