

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 20 JULY 2010

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

Staff Present: Acting General Manager (Greg Piconi)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Director Strategy & Environment (Andrew Watson)
Director Community (Janice Bevan)
Corporate Lawyer (Jamie Taylor)
Senior Governance Officer (Geoff O'Rourke)
Director Operations PA (Judy Edwards)

The Meeting commenced at 7.11pm

The Mayor offered the Prayer

192 APOLOGIES

File: S02194

The Mayor, Councillor Ian Cross tendered an apology for non-attendance [family commitment] and requested leave of absence.

NOTE: The General Manager, John McKee tendered an apology for non-attendance.

Resolved:

(Moved: Councillors Keays/Szatow)

That the apology by the Mayor, Councillor Ian Cross for non-attendance be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

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

Councillor Elaine Malicki advised that she is a member of the Joint Regional Planning Panel. However, it is her understanding that there is no Conflict of Interest regarding Item C.2 - Joint Regional Planning Panel.

ENVIRONMENTAL LEVY SMALL GRANTS SCHEME (ROUND TEN) - PRESENTATION OF CHEQUES

NOTE: The presentation of cheques for the Environmental Levy Small Grants Scheme (Round Ten) were presented prior to the meeting.

193 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:

C.1 Proposal to Acquire Open Space - Turramurra

C.2 Joint Regional Planning Panel

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

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

R May

DOCUMENTS CIRCULATED TO COUNCILLORS

The Deputy 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: Minutes of Extraordinary Meeting of Council held 13 July 2010 -
Minutes numbered EMC3 to EMC5.

Refer GB.12 - NSW Government Community Building Partnership Applications (formerly known as NSW Community Partnerships in Business Paper No 11/10) - Report by Director Strategy & Environment dated 12 July 2010.

Refer GB.12 - NSW Government Community Building Partnership Applications (formerly known as NSW Community Partnerships in Business Paper No 11/10) - Memorandum by Director Strategy & Environment dated 15 July 2010 regarding the late report - sent to Councillors, Directors & Council Libraries only.

Confidential Late Item: **Refer C.2 - Joint Regional Planning Panel -**
Report by Corporate Lawyer and Director Development and Regulation dated 19 July 2010.

CONFIRMATION OF MINUTES

194 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 22 June 2010
Minutes numbered 168 to 191

Resolved:

(Moved: Councillors Keays/Szatow)

That Minutes numbered 168 to 191 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

195 **Minutes of Extraordinary Meeting of Council**

File: S02131

Meeting held 13 July 2010
Minutes numbered EMC3 to EMC5

Resolved:

(Moved: Councillors Keays/Duncombe)

That Minutes numbered EMC3 to EMC5 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

GENERAL BUSINESS**196 152 Warrimoo Avenue, St Ives Chase - Demolish Existing Garage & Construct New Single Garages & Entry Porch**

File: DA0257/10

Ward: St Ives

Applicant: Mr Simon Rodney Stephenson

Owner: Mr Simon Rodney Stephenson

To determine Development Application No.0257/10, which seeks consent for the demolition of the existing garage and construction of new single garages and entry porch.

Resolved:

(Moved: Councillors Hall/Hardwick)

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 in respect of the Built-upon area development standard 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.

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 DA0257/10 is consistent with the aims of the Policy, grants development consent to DA0257/10 for the demolition of the existing garage and construction of new single garages and entry porch on land at No. 152 Warrimoo Avenue, St Ives Chase for a period of five (5) 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:

Plan no.	Drawn by	Dated
DA01 Issue B	Design Confidential	24 June 2010
DA02	Design Confidential	23 April 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. 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.

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

6. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long

service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

7. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the Certifying Authority for endorsement of the plans accompanying the Construction Certificate.

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

Reason: Statutory requirement.

8. 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):

9. 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:

10. 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.

11. 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.

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. 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.

15. 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.

16. Guarding excavations

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

to life and property.

Reason: To ensure public safety.

17. Toilet facilities

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

Reason: Statutory requirement.

18. Protection of public places

If the work involved in the erection, demolition or construction of the development is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, a hoarding is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any hoarding, fence or awning is to be removed when the work has been completed.

Reason: To protect public places.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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.

24. 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.

25. Grated drain at garage

A 200mm wide grated channel/trench drain, with a heavy-duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

Reason: Stormwater control.

26. 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.

27. 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.

28. 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:

29. Certification of drainage works (alterations/additions)

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

- the components of the new drainage system have been installed by a licensed contractor in accordance with the National Plumbing and Drainage Code AS3500.3 (2003) and the Building Code of Australia
- the stormwater drainage works have been completed in accordance with the approved Construction Certificate drainage plans and Ku-ring-gai Water Management DCP 47

Note: Evidence from the plumbing contractor or a qualified civil/hydraulic engineer confirming compliance with this control is to be provided to Council prior to the issue of an Occupation Certificate.

Reason: To protect the environment.

30. 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.

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

Against the Resolution: Councillor Malicki

197

NSW Government Community Building Partnership Applications

File: S06957/2

To advise Council of funding available from the NSW State Government's Community Building Partnership program.

Resolved:

(Moved: Councillors Malicki/McDonald)

That Council support recommendations to apply for funding from the NSW Government's Community Building Partnership program.

CARRIED UNANIMOUSLY

198 **Council Meeting Cycle for July 2010**

File: S02355

To consider amending the Council Meeting Cycle for July 2010.

Resolved:

(Moved: Councillors Malicki/Keays)

That the matter be received and noted.

CARRIED UNANIMOUSLY

199 **11th International Cities, Town Centres & Communities Conference 2010**

File: CY00212/2

To advise Council of the 11th International Cities, Town Centres and Communities Conference 2010.

Resolved:

(Moved: Councillors Szatow/Keays)

That any interested Councillors advise the Acting General Manager by the 23 July 2010, should they wish to attend the 11th International Cities, Town Centres and Communities Conference 2010.

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

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 matter be received and noted.

200 **LGSA Water Management Conference 2010**

File: S02046

To advise Councillors of the Local Government & Shires Associations of NSW (LGSA) 2010 Water Management Conference.

Resolved:

(Moved: Councillors Szatow/Malicki)

That the matter be received and noted.

For the Resolution: Councillors Holland, Malicki, Szatow, Anderson, Duncombe, Hall, Hardwick & McDonald

Against the Resolution: Councillor Keays

201 **Gordon Library - Proposed Trial of New Opening Hours**

File: S02130

To propose a trial of new opening hours at the Gordon Library, from August to December 2010.

Resolved:

(Moved: Councillors Malicki/Duncombe)

That Council support a trial of new opening hours at the Gordon library to be conducted from August to December 2010, opening at 9.00am each morning and closing at 7.00pm on Mondays and 6.00pm Fridays and 8.00pm on Tuesday, Wednesday and Thursday evenings.

CARRIED UNANIMOUSLY

The above Resolution was CARRIED as an Amendment to the Foreshadowed Motion & the Original Motion, both of which were LOST.

The Lost Foreshadowed Motion was:

(Moved: Councillors Hall/Duncombe)

That Council support a trial of new opening hours at the Gordon library to be conducted from August to December 2010, opening at 9.00am each morning and closing at 6.00pm on Mondays and Fridays and 8.00pm on Tuesday, Wednesday and Thursday evenings.

The Lost Original Motion was:

(Moved: Councillors Szatow/Keays)

That Council not support a trial of new opening hours at the Gordon library to be conducted from August to December 2010, opening at 9.00am each morning and closing at 6.00pm on Mondays and Fridays and 8.00pm on Tuesday, Wednesday and Thursday evenings.

202 **Licence to St Ives Bowling Club - Killeaton Street, St Ives**

File: S07453

To seek a resolution from Council to grant a licence for a period of 21 years to the St Ives Bowling Club.

Resolved:

(Moved: Councillors Hall/Hardwick)

That Council obtain a further rental valuation for 100 Killeaton Street St Ives before determining its intention to grant a licence agreement to St Ives Bowling Club for a term of 21 years.

*For the Resolution: Councillors Holland, Malicki, Szatow, Anderson,
Hall, Hardwick & McDonald*

Against the Resolution: Councillors Keays & Duncombe

203 **Investment Report as at 30 June 2010**

File: S05273

To present to Council investment allocations and returns on investments for June 2010.

Resolved:

(Moved: Councillors Malicki/Duncombe)

- A. That the summary of investments and performance for June 2010 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

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

Against the Resolution: Councillor Hall

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

(Moved: Councillors Hall/Hardwick)

- A. That the summary of investments and performance for June 2010 be received and noted.*
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.*
- C. That the General Manager provide a written report on the write-down of the \$2 million dollars under Financial Considerations.*

204

Revised Officer Delegations for Joint Regional Planning Panel Development Applications

File: S04554

The Minister for Planning is seeking a commitment from Council to confer certain delegations from the Joint Regional Planning Panel to an appropriate level of officer.

Resolved:

(Moved: Councillors Hall/Holland)

- A That pursuant to the advice from the NSW Minister for Planning, dated 18 May 2010, the General Manager be granted delegation to determine any development application or Section 96(2) modification application the determination which has been delegated to Council by the Chair of the Sydney West Joint Regional Planning Panel.
- B That the NSW Department of Planning be advised of the above delegation.

CARRIED UNANIMOUSLY

205

Proposed Relocation of Existing Telecommunications Facilities within North Turramurra Golf Course

File: S08282

To seek approval from Council to relocate an existing telecommunications tower in the North Turramurra Recreation Area and to enter into four consecutive five year leases with Crown Castle International.

Resolved:

(Moved: Councillors McDonald/Malicki)

- A. That Council approves the entering into an agreement for lease along with four consecutive five year leases to Crown Castle Australia Pty Limited for the purpose of constructing, maintaining and operating telecommunications facilities and uses incidental thereto on the terms outlined in Confidential Attachment B.
- B. That Council approve the public notification of the proposal to enter into four consecutive five year leases to Crown Castle Australia Pty Limited in accordance with s47 of the *NSW Local Government Act 1993*.
- C. That Council grants owner's consent for the lodgement of for a development application for the construction of a new tower and or relocation of the tower and decommissioning of the existing tower.

CARRIED UNANIMOUSLY

206

Stage 3 Regional & Local Community Infrastructure Grants

File: S06957/2

The purpose of the report is to advise Council of the Federal Government's Regional and Local Community Infrastructure Program Stage 3 grant and seek Council's preferred project nominations.

Resolved:

(Moved: Councillors Malicki/Duncombe)

That the preferred projects be nominated for the Federal Government Grant in the following priority order: Gordon Library, Roseville Community Centre, St Ives Girl Guides Hall, Koola Park Killara, as follows:

Site and Ward	Project description	Estimated Cost
Gordon Library, Gordon Ward	Gordon Library Refurbishment	\$120,000
Roseville Community Centre, Roseville Ward	Storage space and shelving for Cavalcade of History and Fashion Inc	\$32,000
St Ives Girl Guides Hall, St Ives Ward	Relocation of girl guides facilities to enable construction of a new Youth Precinct and BMX- Skatepark at St Ives Village Green	\$152,000
Koola Park Killara, Gordon Ward	Creation of walking and cycleway track around Koola Park in accordance with masterplan	\$152,000

*For the Resolution: Councillors Holland, Malicki, Szatow, Anderson,
Duncombe, Hall & McDonald*

Against the Resolution: Councillors Keays & Hardwick

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

(Moved: Councillors Hall/Hardwick)

*That the St Ives Girl Guides hall relocation for the purpose of building the skate
park be nominated as the first priority for the grant and then the Gordon Library
and Roseville Community Centre be nominated as the second and third priority
for the Federal Government Grant. (relocation of the Girl Guides hall would
provide a new facility for this volunteer based organisation for young girls and
would facilitate the implementation of the first stage of the St Ives Village Green
Landscape Masterplan by enabling the development of the new Youth Precinct
and BMX-Skatepark which is separately funded by Council.)*

207

Acceptance of Tender T23/2010 - Resale of Truck with Mounted Abbey Sky Probe

File: S08220

To report to Council the results of the Tender 23/2010 for the resale of one truck
mounted with a Abbey Sky Probe which was used for maintenance of tall trees.

Resolved:

(Moved: Councillors Malicki/Duncombe)

- A. That the tender submitted by Plateau Tree Services Pty Ltd for sale of one used truck mounted Abbey Sky Probe, Model No. SP550/86, mounted on an Isuzu chassis, FVZ1400, Registration No. USM088, be accepted.
- B. That the General Manager be delegated authority to authorise Council's written acceptance of the offer from Plateau Tree Services Pty Ltd.
- C. That funding from the disposal of this asset be credited to the operational plant capital budget for the purposes of replacing other operational plant in accordance with the replacement schedule.

*For the Resolution: Councillors Holland, Malicki, Keays, Szatow,
Duncombe & McDonald*

Against the Resolution: Councillors Anderson, Hall & Hardwick

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

(Moved: Councillors Hall/Hardwick)

- A. *That the tender submitted by Plateau Tree Services Pty Ltd for sale of one used truck mounted Abbey Sky Probe, Model No. SP550/86, mounted on an Isuzu chassis, FVZ1400, Registration No. USM088, be accepted.*
- B. *That the General Manager be delegated authority to authorise Council's written acceptance of the offer from Plateau Tree Services Pty Ltd.*
- C. *That funding from the disposal of this asset be credited to the operational plant capital budget for the purposes of replacing other operational plant in accordance with the replacement schedule.*
- D. *That in accordance with Clause 179 of the Local Government (General) Regulations, the General Manager notify and display the successful tenderer and the amount of the tender.*

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 241 OF GENERAL REGULATIONS

Councillor Hall drew the Council's attention to the upcoming sale of the property, 23 to 29 Telegraph Road, Pymble.

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

For the Urgency: *Councillors Holland, Keays, Szatow, Anderson, Hall, Hardwick & McDonald*

Against the Urgency: *Councillors Malicki & Duncombe*

208 **23 to 29 Telegraph Road, Pymble - Sale of No 29**

File: CY00133/2

Councillor Hall drew the Council's attention to the sale of 29 Telegraph Road, Pymble.

Resolved:

(Moved: Councillors Hall/Hardwick)

That Council be provided with a report as to whether Council can apply for an Interim Heritage Protection Order over the curtilage of the property known as 23 to 29 Telegraph Road, Pymble due to the proposed sale of the property.

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

Against the Resolution: *Councillors Holland & Malicki*

QUESTIONS WITHOUT NOTICE

209 **Performance Management of Council Parking Officers**

File: S02779

Question Without Notice from Councillor T Hall

I understand the General Manager was notified by the Local Government Division on 15 June 2010 that linking performance outcomes for parking officers to revenue expectations opens a Council to the perception that it imposes parking revenue "quotas" on its officers.

Has the Performance Management Practices of this Council for its parking officers now been amended to meet this Departmental guideline, please?

Answer by the Director Development & Regulation

The Practices meet the Departmental Guidelines.

210 **Tree Replacement - Comenarra Ward**

File: S07759

Question Without Notice from Councillor E Malicki

Lately, quite a lot of street trees are being removed in Comenarra Ward and frequently, replacement trees do not appear.

Is our policy still to provide replacement trees in most cases?

Answer by the Acting General Manager

I will take that on notice and I will check it out and get back to Council.

*Council resolved itself into Closed Meeting
with the Press and Public excluded after a Motion moved by
Councillors Keays & Szatow was CARRIED UNANIMOUSLY
to deal with the following items:*

211 **Proposal to Acquire Open Space - Turramurra**

File: S07257

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 property on appropriate terms and conditions.

Report by Director Strategy & Environment dated 28 June 2010.

Resolved:

(Moved: Councillors Malicki/McDonald)

That Council resolve to acquire the property in Turramurra for local open space and proceed as outlined in the report.

For the Resolution: *Councillors Holland, Malicki, Keays, Szatow, Duncombe, Hardwick and McDonald*

Against the Resolution: *Councillors Anderson and Hall*

212 **Joint Regional Planning Panel**

File: S08324

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)(g) of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(g) of the Act permits the meeting to be closed to the public for business relating to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential under section 10A(2)(g) because it contains advice concerning a legal matter that:

- (a) is a substantial issue relating to a matter in which the Council is involved
- (b) is clearly identified in the advice, and
- (c) is fully discussed in that advice.

It is not in the public interest to release details of the legal advice as it would prejudice Council's position in court proceedings.

Report by Corporate Lawyer and Director Development & Regulation dated 19 July 2010

Resolved:

(Moved: Councillors Keays/Szatow)

That Council proceed in accordance with the action discussed.

For the Resolution: *Councillors Holland, Malicki, Keays, Szatow, Hardwick & McDonald*

Against the Resolution: *Councillors Anderson, Duncombe & Hall*

To Open Council

The Acting General Manager adverted to the consideration of the matters referred to in the Minutes numbered 211 to 212, and to resolutions contained in such Minutes.

The Meeting closed at 10.27pm

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

General Manager

Mayor / Chairperson