

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 22 MARCH 2005

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 & Environment (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 7.02pm

The Mayor offered the Prayer

ADDRESS THE COUNCIL

J Posen addressed Council on an item not on the Agenda.

CONFIRMATION OF MINUTES

77 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 8 March 2005

Minutes numbered 53 to 76

Resolved:

(Moved: Councillors Shelley/Cross)

That Minutes numbered 53 to 76 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, with the following amendment to Minute No 56:

**Councillor Shelley declared a conflict of interest
in respect of the following item -
Sponsorship Proposals: The Business Awards and
Community Business Awards
and withdrew from the Chamber taking no part
in discussion and voting on the item**

and returned following the item and it should also be noted that Councillor Cross departed after Minute No 68 – Policy for the Payment of Expenses and Provision of Facilities to Councillors.

CARRIED UNANIMOUSLY

PETITIONS

78 **104 Wellington Road, East Lindfield – Petition to Council for Purchase of Land from NSW Department of Lands for use as Park Land - (Forty-three [43] Signatures)**

File: P62942

The following Petition was presented by Councillor Innes:

“We, the undersigned residents of the Ku-ring-gai area and generally from the suburb of East Lindfield, hereby petition the Ku-ring-gai Council to purchase or gain management control of the land situated at 104 Wellington Road, East Lindfield for the purposes of public open space or park land.

The land is currently under the control and management of the NSW Department of Lands. The land has: unique views of Middle Harbour suitable for public use, provides one of a limited number of access points to the Garigal National Park Twin Creeks Nature Track, features a large rock platform which may have aboriginal or heritage significance, offers level ground suitable for the use of young children and the elderly residents of the neighbouring retirement village, and will provide one of a limited number of open community spaces available for local residents. The land is currently well used as a community meeting place and as a quiet and serene retreat.

We would all be opposed to this land being sold for residential development as foreshadowed by the Department of Lands. We would also request a formal process of community consultation prior to any final decision on this land’s potential future.”

Resolved:

(Moved: Councillors Innes/Shelley)

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

CARRIED UNANIMOUSLY

GENERAL BUSINESS

79

40 Clissold Road, Wahroonga - Demolition Of Existing Dwelling And Tennis Court And Construction Of A SEPP 5 Development Of Six (6) Units With Basement Carparking And Landscaping

File: DA1669/03

Ward: Wahroonga

Applicant: Paul Nehme

Owner: Lynette Aouab

To determine Development Application DA 1669/03, which seeks consent for the demolition of the existing dwelling and tennis court and construction of six (6) units with basement carparking under the provisions of SEPP 5 - Housing for Older People or People with a Disability.

Resolved:

(Moved: Councillors Cross/Ebbeck)

- A. That consideration of Development Application No 1669/03 for the proposed demolition of the existing dwelling and associated structures and the construction of six (6) units with basement carparking for fourteen (14) vehicles under the provisions of SEPP 5 on land at 40 Clissold Road, Wahroonga 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

80

Cities For Climate Protection CCP Plus Membership

File: S02845

For Council to consider endorsement of the continuation of the Cities for Climate Protection program through the CCP Plus Program. This will enable Council to take advantage of financial and in-kind benefits associated with continuing membership.

Resolved:

(Moved: Councillors Shelley/Malicki)

That Council continue the partnership with the CCP Program by joining the CCP Plus Program.

CARRIED UNANIMOUSLY

81 **Bushland, Catchments & Natural Areas Reference Group - Minutes Of Meeting Of 21 February 2005**

File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments & Natural Areas Reference Group Meeting held on Monday 21 February 2005.

Resolved:

(Moved: Councillors Lane/Andrew)

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group meeting of 21 February 2005 be received and noted.

CARRIED UNANIMOUSLY

82 **Investment Cash Flow & Loan Liability As At 28 February 2005**

File: S02722

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for February 2005.

Resolved:

(Moved: Councillors Lane/Shelley)

That the summary of investments, daily cash flows and loan liability for February 2005 be received and noted.

CARRIED UNANIMOUSLY

83 **Ku-ring-gai Youth Council**

File: S02593

Notice of Motion from Councillor E Malicki dated 10 March 2005.

I move:

"That Councillors have an informal meeting within the next four weeks with members of the Ku-ring-gai Youth Council to discuss Youth issues in Ku-ring-gai with them".

Resolved:

(Moved: Councillors Malicki/Cross)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

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

84

8 Woodlands Road, Lindfield - Supplementary Report

File: DA0935/04

The following members of the public addressed Council:

**C Jaques
T Bomford**

To respond to issues raised at the Council site inspection and seek Council's determination of the development application.

Resolved:

(Moved: Councillors Shelley/Innes)

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979:

That Development Application No 935/04 for a detached double carport and additions and alterations to an existing dwelling on land at 8 Woodlands Road, Lindfield, be approved for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 935/04 and Development Application plans prepared by Tom Bomford Studio Architects, reference number A/01/B, A/02, A/03 and A/05, dated 10 June 2004 and lodged with Council on 13 September 2004.
2. All building works shall comply with the Building Code of Australia.

3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
5. 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 the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the 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.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.

11. To maintain existing ground levels all excavated material shall be removed from the site.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
14. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

15. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
16. Buildings built prior to the 1970's may contain lead-based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
17. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Council's Water Management Development Control Plan 47, available in hard copy at Council and on Council's website.
18. Where required, the adjustment of any 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 responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
19. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the 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 circulation is diverted on to the roadway, 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, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

20. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. 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.
21. Driveways and 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”.
22. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

23. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

24. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal 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 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work 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).
25. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials,

sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.

26. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

Note 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

27. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a plan of the new drainage system components required for the approved development. The plan shall be prepared by a qualified civil/hydraulic engineer or licensed plumber. The new components of the property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence). Any new connection points to the public

drainage system (eg kerb, table drains, pits, pipes) must be shown accurately on the plan.

28. A plan detailing screen planting of the carport shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 2 metres.
29. The proposed carport shall be set back 800mm from the north eastern side boundary and the driveway shall be constructed of a suitable permeable material. Amended plans and details for the paving shall be submitted to the Principal Certifying Authority for approval by a qualified professional prior to the release of the Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

30. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
31. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
32. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Eucalypt (sp)</i>	4.0 metres
Front setback, adjacent to front fence	

33. The tree protection fence shall be constructed of star pickets at 2.4 metre spacings and connected by four strands of 2mm wire at 300mm spacings to a minimum height of 1.5 metres prior to work commencing.

34. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.
35. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Wet area waterproofing details complying with the Building Code of Australia.
 - e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE FINAL COMPLIANCE CERTIFICATE

36. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following works must be completed:
- a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
 - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.

Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers. This shall be at no cost to Council.

37. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit certification from a consulting engineer or the installing plumbing contractor to the Principal Certifying Authority (PCA), that:
- a. The components of the new drainage system have been installed in accordance with the Plumbing and Drainage code AS3500.3.2 and by a licensed plumbing contractor, and
 - b. The stormwater drainage works have been carried out in accordance with the approved Construction Certificate drainage plan and Councils Water Management DCP 47.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

38. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

BUILDING CONDITIONS

39. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - c. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - d. A Compliance Certificate from a suitably qualified person that the carport and first floor addition complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
40. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
 - b. Smoke alarms which:
 - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited

- products should have scribed on them the appropriate accreditation notation); and
- ii. are connected to the mains and have a standby power supply; and
- iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority.

41. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

For the Resolution: The Mayor, Councillor A Ryan, Councillors Andrew, Ebbeck, Hall, Innes and Shelley

Against the Resolution: Councillors Bennett, Cross, Lane and Malicki

85 **Draft Local Environmental Plan No 204 - Consideration Of Submissions**

File: S03843

The following members of the public addressed Council:

**J Parker
S McCorquodale
J Hodges
T Blackie
M Stack
E Friedlaender**

Notice of Rescission from Councillors E Malicki, I Cross and L Bennett dated 8 March 2005.

We the undersigned, move:

“That Council’s decision with regard to Draft LEP 204, made at the meeting on 8 March 2005, is hereby rescinded.”

Motion:

(Moved: Councillors Malicki/Cross)

That the above Notice of Rescission as printed be adopted.

For the Motion: Councillors Andrew, Bennett, Cross, Ebbeck and Malicki

Against the Motion: The Mayor, Councillor A Ryan, Councillors Hall, Innes, Lane and Shelley

The voting being EQUAL, the Mayor exercised her Casting Vote AGAINST the Motion

No decision was taken in respect of the above matter as the Motion when put to the vote was LOST

Councillor Shelley withdrew

86

Restriction Of Speed, Internal Roads, Sportsgrounds

File: S04109

Council to consider the implementation of advisory speed limits of 10km per hour on the internal access roads and car parks in sportsgrounds and parks.

Resolved:

(Moved: Councillors Andrew/Hall)

- A. That Council introduce an advisory 10km per hour, speed limit, on all internal roads and car parks in sportsgrounds and parks as outlined in this report, subject to notification of all user affected groups.
- B. That should significant issues or objections be raised to this policy, a further report be brought to Council.
- C. That signs should be installed at the listed sites prior to the end of the 2005/2006 Financial Year.

CARRIED UNANIMOUSLY

Council Seal For Deed Of Licence Temporary Rock Anchors

File: S02983

To seek approval to affix Council's Common Seal to the Deed of Licence authorising the conditions for encroachment of temporary rock anchors and crane booms into the road reserve.

Resolved:

(Moved: Councillors Bennett/Andrew)

- A. That authority be given to affix the Common Seal of Council to the Deed of Licence for Temporary Rock Anchors.
- B. That authority be given subject to assessment of the trees on both private and public property to that no significant trees are adversely affected by the temporary rock anchors.

CARRIED UNANIMOUSLY

Parks, Sport And Recreation Reference Group - Minutes Of Meeting Held Thursday, 24 February 2005

File: S03447

To bring to the attention of the Ordinary Meeting of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held Thursday 24 February 2005.

Resolved:

(Moved: Councillors Malicki/Innes)

- A. That the minutes of the Parks, Sport and Recreation Reference Group be received and noted.
- B. That Council consider the recommendation of the Parks, Sport and Recreation Reference Group with regard to the implementation of Council's ban on smoking in parks and sportsgrounds as part of the definitive report to Council on the matter.

CARRIED UNANIMOUSLY

Tree Preservation Order Review Update

File: S02052

To advise Council of the status of the Tree Preservation Order (TPO) Review and make initial recommendations concerning the reactivation of this review.

Resolved:

(Moved: Councillors Bennett/Lane)

That Council endorse the proposed consultation process and time frame for the remainder of the Tree Preservation Order Review process as outlined in the report.

CARRIED UNANIMOUSLY

90 **Ku-ring-gai Art Centre Draft Plan Of Management**

File: P56518

To determine further action in respect of the Draft Plan of Management for the Ku-ring-gai Art Centre.

Resolved:

(Moved: Councillors Andrew/Innes)

That consideration of the matter be deferred to a later date.

CARRIED UNANIMOUSLY

91 **Standards – Australian English/Dictionary**

File: S02355

Notice of Motion from Councillor M Shelley dated 14 December 2004.

Resolved:

(Moved: Councillors Hall/Andrew)

That the matter be dealt with when Councillor Shelley returns to the Chamber.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

92 **Bushland Walks For Older People**

File: S03488

Notice of Motion from Councillor T Hall dated 13 March 2005.

I move:

- "A. That this Council provide enjoyable, safe and inexpensive walks in Ku-ring-gai's bushland areas to older people. The policy should be directed to encourage seniors to remain active and fit, while enjoying many of the walks available in Ku-ring-gai Local Government area.

In order to implement this policy, the Director Open Space provide a timely report on the availability for publication of such walking paths to residents and where upgrading is necessary, to identify opportunities for these and new pathways to be included in a S.94 Contribution plan amendment to meet the additional expenses of their projected use by new residents taking up residence in the newly zoned medium density areas.

The walks should be graded and published according to their suitability for people of varying physical capabilities, making it easier to select the most appropriate walk. In addition, the routes of each shall be checked for major hazards and steepness of which walkers should be aware to maximise enjoyment and minimise the risk of injury.

- B. That the Director of Open Space also seek funding from other Government agencies to support the early implementation of this policy, with direction being given in the 2005/2006 Management Plan".

Councillor Shelley returned during discussion

Resolved:

(Moved: Councillors Hall/Malicki)

That the Director Open Space, in conjunction with the Policy Committee, bring forward a report to Council on the provision of Bushwalking Tracks for Seniors.

CARRIED UNANIMOUSLY

93

Standards - Australian English/Dictionary

File: S02355

Notice of Motion from Councillor M Shelley dated 14 December 2004.

I move:

- "A. That the Council adopt Australian English as its standard;
- B. That the Council further adopt the Macquarie dictionary as its standard English dictionary reference; and

- C. That all documents prepared by Council be spell-checked before submission to Councillors or included in papers before Council.”

Motion:

(Moved: Councillors Shelley/Innes)

That the above Notice of Motion as printed be adopted.

For the Motion: Councillors Innes, Malicki and Shelley

Against the Motion: The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Cross, Ebbeck, Hall, Lane

No decision was taken in respect of the Notice of Motion as the Motion when put to the vote was LOST

94 **Memorandum For Action**

File: S02943

Notice of Motion from Councillor E Malicki dated 12 March 2005.

In previous Councils, Councillors and all staff carried a booklet of forms headed "Memorandum for Action". These forms were available for recording any matters observed in daily travel around the Council area that needed action. For instance, missing street signs, potholes, damaged street trees and so on were reported on a daily basis. This created a sense of ownership and pride in the area and allowed Council to be proactive in overcoming problems rather than reactive.

I move:

“That the General Manager report to Council on bringing back this system so that we can be seen to be involving all our staff and Councillors in making Ku-ring-gai a better place to live, and giving members of our organisation a greater sense of ownership and pride in the job we do for our community.”

Resolved:

(Moved: Councillors Malicki/Andrew)

That the above Notice of Motion as printed be adopted.

CARRIED UNANIMOUSLY

KYDS Management Committee - Financial Assistance To Construct An Access Pathway To The Youth Centre

File: S03444, P55058

Notice of Motion from Councillors M Shelley & G Innes dated 16 March 2005.

Council is in receipt of a letter from the KYDS Management Committee seeking financial assistance from Council to construct an access pathway to the Youth Centre that they are in the process of establishing. Attached is a copy of their letter.

KYDS has advised that they have expended the majority of their budget on the building works and are having difficulty funding the access pathway. Incidents relating to water damage have incurred additional costs to them.

The Centre cannot operate until the pathway has been completed as they require an Occupation Certificate and all works associated with the consent conditions must be completed before the Certificate is issued.

The quotation for the pathway ranges from \$8,000 to \$13,000 and has sought a 50% contribution to the pathway but would prefer Council to do the work and fund the works.

We move:

- "A. That Council undertake the work to construct the pathway at a maximum cost of \$8,500 and invoice KYDS Management Committee for costs to a maximum of \$4,000.
- B. That funding for this work be considered as part of the third quarter Budget Review."

Resolved:

(Moved: Councillors Shelley/Innes)

That the above Notice of Motion, as amended, be adopted.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE

Turramurra Business Centre - Community Consultations on Future of Centre

File: S03301

Question Without Notice from Councillor E Malicki

The Comenarra and Wahroonga Ward Councillors share responsibility for the Turramurra Business Centre. At present, consultations are occurring with our community on the future of this Centre. However, the Councillors were not notified of the dates, times or venues for any of the consultations held to date until they were over.

Given that ALL Councillors are interested in these consultations and entitled to attend any session, at least, as observers.

Can there be a meeting between the Director Planning & Environment and the Director Open Space and all interested Councillors on the consultation process for the Turramurra Centre with a view to repeating some of the consultation sessions that have occurred without notice to Councillors?

Answer by the Mayor

Noted and will be done at the earliest opportunity.

97 **Media Relations Incidents & Creation of a Media Relations Policy**

File: S03791

Question Without Notice from Councillor E Malicki

A number of Councillors seem to be aware of an incident where a member of staff allegedly threatened a local journalist with loss of Council advertising to his paper over a story he was writing on West Pymble Pool.

As well, the same paper has been informed in an e-mail that there will be no Mayoral Column for the next edition, again in relation to questioning by a journalist on a different story.

1. Can Councillors be given a report on these incidents, including who was responsible and why such threats were allegedly made?
2. Can we also begin the process towards a media relations policy so there will be no repetition of these heavy handed tactics?

Answer by General Manager

I have today sent an e-mail explaining those circumstances to Councillors and I would ask that you read that.

Answer by Mayor

The General Manager has clarified that the e-mail was not sent to all Councillors.

Answer by General Manager

I actually sent the, I recall now, I sent the e-mail to Councillors Shelley and Malicki but I will happily send it to all Councillors as soon as possible.

98 **Masterplanning in the St Ives Triangle**

Files: S02036, S02988

Question Without Notice from Councillor T Hall

In its recent newsletter the St Ives Progress Association has appealed to Council for a masterplan for the area known as the "Golden Triangle" recently rezoned as Residential 2(d3).

It is my understanding that the Minister's plan LEP 194 did not permit Council to impose masterplans in the Residential 2(d3) areas. If this is true, has the Council misled affected property owners by publishing a "masterplan" of the Triangle on page 66 of the approved DCP 55?

Would the General Manager review the legal position involved and report back to Council please?

Answer by the Mayor

He will do that.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

That the next Inspections Committee take place on Saturday, 2 April 2005 to view the following property:

40 Clissold Road, Wahroonga

The Meeting closed at 9.11pm

The Minutes of the Ordinary Meeting of Council held on 22 March 2005 (Pages 1 - 21) were confirmed as a full and accurate record of proceedings on 5 April 2005.

General Manager

Mayor / Chairperson