

**MINUTES OF ORDINARY MEETING OF COUNCIL  
HELD ON TUESDAY, 22 MAY 2007**

- Present: The Mayor, Councillor N Ebbeck (Chairperson) (Wahroonga Ward)  
Councillor A Andrew (Comenarra Ward)  
Councillors L Bennett & T Hall (St Ives Ward)  
Councillor I Cross (Wahroonga Ward)  
Councillors M Lane & A Ryan (Gordon Ward)  
Councillors M Shelley & J Anderson (Roseville Ward)
- Staff Present: General Manager (John McKee)  
Director Corporate (John Clark)  
Director Development & Regulation (Michael Miocic)  
Team Leader - Development Assessment Team - Central (Selwyn Segall)  
Director Operations (Greg Piconi)  
Acting Director Strategy (Peter Davies)  
Manager Urban Planning (Antony Fabbro)  
Director Community (Janice Bevan)  
Senior Governance Officer (Geoff O'Rourke)  
Minutes Secretary (Christina Randall-Smith)

*The Meeting commenced at 7.02pm*

*The Mayor offered the Prayer*

157     **APOLOGIES**

File: S02194

Councillor Malicki tendered an apology for non-attendance (family commitment) and requested leave of absence.

**Resolved:**

(Moved: Councillors Andrew/Lane)

That the apology by Councillor Malicki for non-attendance be accepted and leave of absence be granted.

**CARRIED UNANIMOUSLY**

## 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.

Councillor Shelley declared a Conflict of Interest in GB.6 - Sponsorship Proposal - Business Achiever Awards 2007 as the newspaper involved is owned by her employer.

## 158 Confirmation of Reports to be Considered in Closed Meeting

File: S02499

### Resolved:

(Moved: Councillors Cross/Andrew)

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.2 Staff Matter - General Manager's Review

*(Section 10A(2)(a) - Personnel matters concerning particular individuals)*

Report by the Mayor, Councillor Nick Ebbeck - circulated separately.

#### C.3 Proposed Acquisition - 9, 15 & 17 Dumaresq Street, Gordon

*(Section 10A(2)(c) - Information that would confer a commercial advantage)*

Report by Commercial Services Co-ordinator, Director Corporate & General Manager dated 22 May 2007.

## ADDRESS THE COUNCIL

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

CJ Smith

## 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.10 - Submission on Draft State Environmental Policy No 64 - Advertising & Signage (Amendment No 2) & Accompanying Guidelines** - Report by Senior Urban Planner, Manager Urban Planning & Acting Director Strategy dated 21 May 2007

**Councillors Information:** **Traffic Management Plans - Utility Providers -** Memorandum by Director Operations dated 18 May 2007 in answer to a Question Without Notice by Councillor Shelley at Council meeting held on 8 May 2007.

**Re-classification of Community Land in Town Centres -** Letter from Director General, Mr Garry Payne AM, Department of Local Government dated 20 April 2007.

**Provision of Community Noticeboards in Town Centres -** Memorandum by Director Operations dated 21 May 2007 in answer to a Question Without Notice by Councillor Shelley at Council meeting held on 8 May 2007.

**Memorandum: Refer GB.5 - Investment & Loan Liability as at 30 April 2007 -** Memorandum from Director Corporate dated 22 May 2007 re amendments to a table in the report.

## **CONFIRMATION OF MINUTES**

### 159 **Minutes of Ordinary Meeting of Council**

File: S02131  
Meeting held 8 May 2007  
Minutes numbered 131 to 156

#### **Resolved:**

(Moved: Councillors Hall/Lane)

That Minutes numbered 131 to 156 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

## **PETITIONS**

### 160 **6A & 8 Buckingham Road, Killara - Objection to Erection of 32 Units - (One Hundred & Six [106] Signatures)**

File: DA0115/07

"We, the undersigned members of The Killara Golf Club Limited, strongly object to the erection of two buildings providing 32 units as proposed under DA 0115/07.

In particular the five-storey building proposed for erection at 6A Buckingham Road will cause significant shadowing on the bowling green closest to this site.

Turf-grass plays an integral role on the Club's bowling greens this surface provides subtle variations in day-to-day playing conditions thereby enhancing the game of bowls.

All species of turf require sunlight for its health, strength and growth, which is necessary to meet the rigors of close mowing and day-to-day playing conditions.

Reduced levels of sunlight, caused by shadowing, will adversely affect plant health and growth resulting in a degraded surface and increased agronomic costs.

The bowling greens are in use five, sometimes six days per week all the year. More than 100 members are registered to play bowls.

For these reasons we strongly object to the erection of multi-storey unit buildings on these sites and strongly recommend that the DA be not approved."

**Resolved:**

(Moved: Councillors Lane/Ryan)

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

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

161 **102 Grosvenor Street, Wahroonga - Twelve (12) Lots Torrens Title Subdivision & Associated Road, Demolition of Outbuilding & Removal of Vegetation**

File: DA0971/06

Ward: Wahroonga

Applicant: R S Canceri Pty Ltd

Owner: Uno Investment Services Pty Limited

To determine development application No.971/06, for subdivision of the site into 12 allotments.

**Resolved:**

(Moved: Councillors Shelley/Cross)

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

THAT Development Application No. 0971/06 for Torrens Title subdivision of one lot into twelve (12) lots at 102 Grosvenor Road, Wahroonga, be approved for a period of two (2) years from the dated of the Notice of Determination, subject to the following conditions:

## GENERAL

**Approved architectural plans and documentation (new development)**

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

<i><b>Plan no.</b></i>	<i><b>Drawn by</b></i>	<i><b>Dated</b></i>
C20750/DA Sheet 1 of 1 Sheets LO1/4 to L04/4	R S Canceri Consulting Surveyor Landscape Design	20 March 2007 11/05/07

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

2. Landscape planting for Lot 12 shall be carried out in accordance with the landscape plan(s), (Dwg No. L01-4/4, prepared by DIG - Design Ideas Gardens, amended and dated 11.5.07) endorsed with Council's stamp, except for the following amendments:
  - a. Plants of the Photinia hedgerow (to remain unpruned) along the Lot's northern boundary shall be planted at 2 metre spacings.
  - b. *Corymbia citriodora* (Lemon Scented Gum) shall be amended to *Angophora costata* (Sydney Red Gum).
  - c. *Ceratopetalum apetalum* (Coachwood), *Eucalyptus paniculatum* (Grey Ironbark) and *Syncarpia glomulifera* (Turpentine) are to be deleted from the northern and Grosvenor Street boundary plantings.
  - d. The primary canopy tree species for the Grosvenor Street boundary is to be *Cinnamomum oliveri* (Native laurel) or *Cryptocaria glaucescens* (Brown Beech) which ever is the most appropriate species for the site conditions.
  - e. Reference to the entrance sandstone feature wall and sandstone retaining wall to be deleted from the landscape plans.

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

**Rural Fire Service**

3. Roofing for the existing dwelling shall be gutterless or have leafless guttering and valleys which are to be screened with non corrosive mesh to prevent the build up of flammable material. Any materials used shall have a Flammability Index no greater than 5.

**Reason:** To conform to Rural Fire Service requirements

**Conservation Plan**

4. The applicant is to provide copies of the Conservation Management Plan, prepared by Paul Davies and dated October 2006, with contracts for sale of the land. Copies of the Conservation Management Plan should also be available and referred to in future marketing of the land.

**Reason:**

- To provide information about the heritage significance of the item to future purchasers/owners.
- To provide heritage information that is accurate and that can be drawn upon in future applications to Council.

**Recording - Heritage item to be demolished – Local significance (applies to sheds and outbuildings to be demolished for subdivision)**

5. All structures on the site must be recorded before demolition. The recording document is to be submitted to and approved by Council's Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate. The recording document is to be a bound A4 report. Three copies of the report must be submitted, one copy with negatives (if B&W). Any archival documents such as family records, old photographs should also be included.

The report is to include measured drawings showing floor plans, all elevations, roof plan and one cross section (1:100) and photography.

Black & white photography is preferred for archival purposes but digital photography may be used provided the resolution of the camera is 8 mega pixels or higher and images are on archival photographic paper using archival inks or dyes. Black & White film processed using colour processing (C 41) is not acceptable because it is not archival stable.

The report is to be prepared by a heritage consultant included in the NSW Heritage Office list of recognised consultants, photographer or other suitably qualified person who has knowledge and experience in preparing archival recording documents.

All photographs or images to be stored in archival sheets or envelopes numbered and cross-referenced to catalogue sheets and plans showing position of camera. A photographic recording sheet must be included. Photographs or images of the following

- each elevation
- each interior room
- several photographs of shed or outbuilding showing its relationship to Mont View and the overall site

#### Minimum requirements for B&W photography

- statement of reasons the recording was made
- photographic catalogue sheet
- photographic plan
- location plan showing relationship of site to nearby area
- site plan to scale (1:200 – 1:500) showing all structures and site elements
- measured drawing
- one set of numbered negatives
- contact prints labelled and cross referenced
- selected prints

#### Minimum requirements for Digital photography

- statement of reasons the recording was made
- photographic catalogue sheet
- photographic plan
- site plan to scale (1:200 – 1:500) showing all structures and site elements
- measured drawing
- CD or DVD with electronic images as TIFF file.
- set of thumbnail images (6 images on A4 paper) labelled and cross referenced
- one set of 105 x 148mm images (A6) labelled and cross referenced (note only one report to contain full set of images)

**Reason:** To provide an adequate record of the heritage significance of buildings and structures to be demolished on the estate before subdivision takes place.

#### Interpretation

6. An interpretative display is to be provided on the site telling the story “Mount View” and its use by previous owners. Interpretative displays can include text, photographs, graphic illustrations and objects. Details of the interpretative display are to be submitted to and approved by Council’s Heritage Advisor prior to commencement of the work and prior to issue of a Construction Certificate. The interpretation shall be additional to the proposed stone fence and sign “Mount View” at the corner of Grosvenor Street and the proposed road. The interpretations shall include a brief history of the site and a concise statement of its heritage significance.

**Reason:** To provide a concise story of the history of the site and its connections to significant persons and events that took place on the estate and to encourage a ‘sense of place’ and identity to the new estate.

**Archaeology**

7. Due to the possibility of relics being contained within the site, during future excavation works, the applicant must ensure that should any historical relics be uncovered, excavation or disturbance of the area is to stop immediately. In accordance with section 146(a) of the 'Heritage Act, 1977' the Applicant must ensure the Heritage Council of NSW is notified within a reasonable time of the discovery or location of these relics. Archaeological assessment and approval, or endorsement, may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

**Reason:** To ensure that excavation work is managed in accordance with the archaeological provisions of the NSW Heritage Act.

**Notice of commencement**

8. At least 48 hours prior to the commencement of any development or excavation 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.

**Site Notice**

9. 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.

**GENERAL ENGINEERING CONDITIONS****Drainage to interallotment easement**

10. Stormwater runoff from all new impervious areas generating runoff or landscaped areas which are not at natural ground level shall be piped to the interallotment stormwater drainage line benefiting the subject site and/or be



pipled to the street drainage system. The interallotment line must be covered by the necessary easement for drainage which may exist or need to be created under this consent.

**Reason:** To protect the environment.

### **Maintenance period**

11. A maintenance period of six (6) months applies to all work in the existing and new public road reserve carried out by the applicant - **after** the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.

**Reason:** To protect public infrastructure.

### **Utility service facilities**

12. 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.

**Reason:** Provision of utility services.

### **Public infrastructure**

13. 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.**

**Reason:** To ensure safe public footway and roadway during construction.

**Sediment controls**

14. Prior to any work commencing on site, sediment and erosion control measures shall be installed along the contour immediately downslope of any future disturbed areas.

The form of the sediment controls to be installed on the site shall be determined by reference to the 'NSW Department of Housing manual 'Managing Urban Stormwater: Soils and Construction'. The erosion controls shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the sediment controls following each heavy or prolonged rainfall period.

**Reason:** To preserve and enhance the natural environment.

**Sydney Water Section 73 Compliance Certificate (Part 1)**

15. A Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. For details see the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au), or telephone 13 20 92.

Following application, a notice of requirements will be forwarded, detailing water and sewer extensions to be built and charges to be paid. Early contact with the coordinator is advisable since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

**Reason:** Statutory requirement.

16. The driveway of Lot 1 shall egress onto the approved subdivision road.

**Reason:** To provide safe vehicular entry and exit to the lot.

**No storage of materials beneath trees**

17. 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.

**Removal of refuse**

18. 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.

**Approved tree works**

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

**Schedule**

<b>Tree location</b>	<b>Approved tree works</b>
T20/ <i>Cedrus deodara</i> (Himalayan Cedar)	Remove
T2, T41, T42, T45, T46, T58, T59, T64, T82, T85, T97/ <i>Cinnamomum camphora</i> (Camphor laurel)	Remove
T21, T25, T26, T27, T28, T29, T30, T31, T32, T33, T34, T35, T36, T37, T38, T39, T47, T51, T53, T54, T55, T56, T57, T73/ <i>Erythrina x sykesii</i> (Coral Tree)	Remove
T21/ <i>Liquidambar styraciflua</i> (Liquidambar)	Remove
T12, T17/ <i>Pinus jefferyi</i> (Jeffery's Pine)	Remove
T60, T61/ <i>Pyrus sp.</i> (Pear Tree)	Remove

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

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

**Arborist's report**

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

**Schedule**

<b>Tree/location</b>	<b>Time of inspection</b>
T43/ <i>Glochidion ferdinandi</i> (Cheese tree) North-western corner of Lot 6.	Drainage works
T44/ <i>Glochidion ferdinandi</i> (Cheese tree) North-western corner of Lot 6.	Drainage works
T50/ <i>Pittosporum undulatum</i> (Sweet Pittosporum) Over the proposed line for the stormwater line near the rear of proposed Lot 8.	Drainage works

2 *Erythrina x sykesii* (Coral Tree)

Adjacent to the rear boundary of No. 12 Forrest Avenue, Wahroonga

Drainage works

**Reason:** To ensure protection of existing trees.

### **Treatment of tree roots**

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

**Reason:** To protect existing trees.

### **Hand excavation**

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

#### **Schedule**

<b>Tree/location</b>	<b>Radius from trunk</b>
T43/ <i>Glochidion ferdinandi</i> (Cheese tree) North-western corner of Lot 6.	6 metres
T44/ <i>Glochidion ferdinandi</i> (Cheese tree) North-western corner of Lot 6	6 metres
T50/ <i>Pittosporum undulatum</i> (Sweet Pittosporum) Over the proposed line for the stormwater line near the rear of proposed Lot 8	3 metres
2 <i>Erythrina x sykesii</i> (Coral Tree) Adjacent to the rear boundary of No. 12 Forrest Avenue, Wahroonga.	4 metres

**Reason:** To protect existing trees.

### **Tree planting on nature strip**

23. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along GROSVENOR STREET, FORREST AVENUE and NEW ROAD respectively. The trees used shall be a minimum 25 litres container size specimen(s):

#### **Schedule**

<b>Tree/ species</b>	<b>Quantity</b>	<b>Location</b>
<i>Franklinia axillaris</i> (Gordonia) At 10 metre centres and 5 metres from power poles.	9	Grosvenor Street

*Eucalyptus haemastoma* (Scribbly Gum) 1 Forrest Avenue  
As replacement for the *Nyssa sylvatica* (Tupelo)  
to be removed for installation of a stormwater drainage line

*Angophora costata* (Sydney Red Gum) New Road  
1 tree shall be planted on the nature strip forward of  
Lots 4, 5, 6, 7, 8 and 9, 2 trees shall be planted on the  
nature strip forward of lots 1, 2, 3, 10 and 11, and 6 trees  
shall be planted on the nature strip along-side Lot 12

**Reason:** To provide appropriate landscaping within the streetscape.

### **Tree removal on nature strip**

24. Following removal of the *Cinnamomum camphora* (Camphor laurel) and *Nyssa sylvatica* (Tupelo) from Council's Grosvenor Street and Forrest Avenue nature strips, both nature strips shall be rehabilitated to the satisfaction of Council's Landscape Assessment Officer at no cost to Council.

**Reason:** To protect the streetscape.

### **Canopy replenishment trees to be planted**

25. The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species

**Reason:** To maintain the treed character of the area.

### **Trees on nature strip**

26. Removal of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced tree removal contractor/arborist holding public liability insurance amounting to a minimum cover of \$10,000,000.

#### **Schedule**

#### **Tree/location**

T11/*Cinnamomum camphora* (Camphor laurel)/Grosvenor Street nature strip north of the proposed subdivision road.

*Nyssa sylvatica* (Tupelo)/Forrest Avenue nature strip forward of No. 8 Forrest Avenue.

**Reason:** To ensure protection of existing trees.

### **Temporary groundcover**

27. On disturbed areas which will otherwise remain exposed for more than fourteen (14) days before permanent stabilisation works are undertaken, a temporary

cover of mulch shall be applied or a dense cover crop shall be established utilising sterile/non seed-setting species.

**Reason:** To protect the environment.

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

##### **Interallotment drainage design**

28. Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, full hydraulic design documentation for the required interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Ku-ring-gai Water Management Development Control Plan No. 47 and AS3500.3 (2003) Plumbing Code. New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry uncontrolled runoff from the contributing catchment and an associated overland flow path is to be provided in the event of blockage of the interallotment line.

The following engineering details must be included:

- plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge
- the contributing catchment calculations and supporting pipe sizing information
- longitudinal section, showing existing ground levels and proposed pipe invert levels, grades and flow capacities
- surrounding survey detail, including all trees within 7 metres of the proposed interallotment drainage system
- means to preserve the root systems of trees within 7 metres of the drainage system

**Reason:** To ensure that satisfactory design of the interallotment drainage in accordance with relevant codes and Australian Standards.

##### **Design of road and drainage works**

29. Prior to issue of the Construction Certificate the Applicant must have engineering construction details for the new road and drainage works **approved by Council**. The required plans and specifications are to be designed in accordance with the *General Specification for the Construction of Road and*

*Drainage Works in Ku-ring-gai Council*, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

**Reason:** To ensure that the plans are suitable for construction purposes.

### **Design of works in public road (Roads Act approval)**

30. Prior to issue of the Construction Certificate, the Certifying Authority shall be satisfied that engineering plans and specifications prepared by a qualified consulting engineer have been approved by Council's Development Engineer. The plans to be assessed must be to a detail suitable for construction issue purposes and must detail the infrastructure works required in Grosvenor Street (drainage and footpath works) and a new kerb inlet pit in Forrest Avenue.

Development consent does not give approval to these works in the road reserve. The applicant must obtain a separate approval under sections 138 and 139 of The Roads Act 1993 for the works in the road reserve required as part of the development. The Construction Certificate must not be issued, and these works must not proceed until Council has issued a formal written approval under the Roads Act 1993.

The required plans and specifications are to be designed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The drawings must detail existing utility services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Survey must be undertaken as required. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Construction of the works must proceed only in accordance with any conditions attached to the Roads Act approval issued by Council.

A minimum of three (3) weeks will be required for Council to assess the Roads Act application. Early submission of the Roads Act application is recommended to avoid delays in obtaining a Construction Certificate. An engineering assessment and inspection fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees. Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

**Reason:** To ensure that the plans are suitable for construction purposes.

**New public road**

31. As the future road authority all proposed new public roads are to be dedicated as public roads to Council at no cost to Council.

**Reason:** To protect public infrastructure.

**Street lighting**

32. Prior to the issue of the construction certificate, the applicant shall provide at no cost to Council street lighting for the proposed new roads to the satisfaction of Council and Energy Australia and in accordance with the road classification. The road classifications shall be determined by Council and Energy Australia. The street lighting at the intersections with any existing roads shall include any necessary upgrading of the lighting of the intersection. A street lighting plan is to be prepared for approval with the Construction Certificate. The plan is to be professionally certified as being in accordance with AS1158 – Street Lighting and the plan is also to be endorsed by Council and Energy Australia.

**Reason:** To ensure compliance with the requirements of Energy Australia.

**Excavation for services**

33. Prior to the issue of the Construction Certificate, the Principal Certifying shall be satisfied that no proposed underground services (ie. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

**Note:** A plan detailing the routes of these services and trees protected under the Tree Preservation Order, shall be submitted to the Principal Certifying Authority.

**Reason:** To ensure the protection of trees.

**Tree protection bond**

34. Prior to the commencement of any development or excavation works or prior to the issue of the Construction Certificate (whichever comes first) the applicant must lodge a \$4,000.00 tree protection bond with Council. This bond is to provide security that the following trees are maintained in a healthy condition as found prior to commencement of work upon the site.

**Schedule****Tree/location****Bond value**

T23/*Quercus palustris* (Pin Oak)

Near the rear boundary of Lot 2

\$1,000.00



T43/ <i>Glochidion ferdinandi</i> (Cheese tree)	\$1,000.00
North-western corner of Lot 6	

T44/ <i>Glochidion ferdinandi</i> (Cheese tree)	\$1,000.00
North-western corner of Lot 6	

T49/ <i>Glochidion ferdinandi</i> (Cheese tree)	\$1,000.00
North-western corner of Lot 8	

The bond shall be lodged in the form of a deposit or bank guarantee. The bond will be returned following issue of the Occupation Certificate, provided the trees are undamaged and are in a healthy condition.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

**Reason:** To ensure that the trees are maintained in the same condition as found prior to commencement of work.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO THE COMMENCEMENT OF ANY WORKS ON SITE

#### Section 94 contribution

35. A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 for the services detailed in column A and for the amount detailed in Column B is required.

Column A	Column B
<b>community facilities</b>	<b>\$1,117.76</b>
<b>park acquisition and embellishment works</b>	\$5,541.16 + \$101.73
<b>park embellishment works</b>	\$536.58 + \$395.17
<b>sportsgrounds works</b>	\$1,318.32
<b>aquatic / leisure centres</b>	\$27.82
<b>traffic and transport</b>	\$150.28
<b>section 94 Plan administration</b>	\$100.04
<b>Total contribution is:</b>	\$32,324.00 x 11
	<b>\$355,564.00</b>

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index. Prior to

payment, you are advised to check the contribution amount required with Council.

**Reason:** To ensure the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of the development.

### **Dilapidation reports**

36. Prior to the commencement of any works on site the Applicant must submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of Lot 12 being 'Mount View' the heritage listed property with all its associated outbuildings and the neighbouring structures at No. 8 Forrest Avenue.

**Reason:** To record the structural condition of likely affected properties before works commence.

### **Dilapidation public**

37. Prior to the commencement of any works on site the Applicant must submit, for approval by the Principal Certifying Authority submission to council of a dilapidation report of Grosvenor Street for frontage of site which identifies and provides a detailed photographic record of any/all defects to road reserve infrastructure especially extents of pavement cracking.

**Reason:** To record the structural condition of public infrastructure before works commence.

### **Construction and traffic management plan**

38. Prior to the commencement of any works on site, the applicant must submit for review by Council's engineers a construction and traffic management plan. The following matters must be specifically addressed in the plan:

**i. A plan view of the entire site and frontage roadways indicating:**

- dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways.
- turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site.
- the locations of proposed work zones in the frontage roadways.
- location of any proposed crane and concrete pump and truck standing areas on and off the site.
- a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries.

- material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- an on-site parking area for employees, tradespersons and construction vehicles as far as possible.

**ii. Traffic control plan(s) for the site**

All traffic control plans must be in accordance with the RTA publication “Traffic Control Worksite Manual” and prepared by a suitably qualified person (minimum ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

**iii. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided.**

Light traffic roads and those subject to a load or height limit must be avoided where alternate routes exist.

A copy of this route is to be made available to all contractors and shall be clearly depicted at a location within the site.

The plan must provide evidence of RTA concurrence where construction access is provided directly from or within 20m of an arterial road.

The plan must provide a schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of their construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements.

The plan must provide measures for minimising construction related traffic movements during school peak periods.

For those construction personnel that drive to the site, the applicant shall attempt to provide on-site parking so that their personnel’s vehicles do not impact on the current parking demand in the area.

The construction and traffic management plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall

be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.

As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council's Development Engineer. Written acknowledgment from Council's Engineer shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

### **Tree protection fencing**

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

#### **Schedule**

<b>Tree/location</b>	<b>Radius in metres</b>
#T13, T14, T15, T16, T18/ <i>Pinus jefferyi</i> (Jeffery's Pine) Adjacent to the Grosvenor Street boundary of Lot 1.	5 metres
T23/ <i>Quercus palustris</i> (Pin Oak) Near the rear boundary of Lot 2.	5 metres
T24/ <i>Jacaranda mimosifolia</i> (Jacaranda) Close to the north-western corner of Lot2.	3 metres
T40/ <i>Glochidion ferdinandi</i> (Cheese tree) North-western corner of Lot 6.	4 metres
T48/ <i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to the western boundary of Lot 8.	3 metres
T49/ <i>Glochidion ferdinandi</i> (Cheese tree) North-western corner of Lot 8.	6 metres

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

**Reason:** To protect existing trees during the construction phase.

**Tree protection fencing excluding structure**

40. To preserve the following tree/s, no work shall commence until the area beneath their canopy excluding that area of the approved 225 mm STORMWATER LINE shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

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

T43/*Glochidion ferdinandi* (Cheese tree)/North-western corner of Lot 6. 6 metres

T44/*Glochidion ferdinandi* (Cheese tree) 6 metres  
North-western corner of Lot 6.

2 *Erythrina x sykesii* (Coral Tree) 4 metres  
Adjacent to the rear boundary of No. 12 Forrest Avenue, Wahroonga.

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

**Reason:** To protect existing trees during the construction phase.

**Tree protection signage**

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

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

- The name, address, and telephone number of the developer.

**Reason:** To protect existing trees during the construction phase.

#### **Tree protection mulching**

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

**Reason:** To protect existing trees during the construction phase.

#### **Tree fencing inspection**

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

**Reason:** To protect existing trees during the construction phase.

#### **CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF THE SUBDIVISION CERTIFICATE**

##### **Construction of works in public road**

44. Prior issue of the Subdivision Certificate all road, footpath and/or drainage works in the public road must be completed in full, inspected and approved by Council. The applicant's designing engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. This certification shall be provided prior to release of the linen plan/issue of the Subdivision Certificate. The completed works are to be approved by Council's Development Engineer prior to release of the linen plan/issue of the Subdivision Certificate.

**Reason:** To ensure completion of all road, footpath and/or drainage works in the public road.

##### **Footpath reconstruction**

45. The footpath in Grosvenor Street shall be reconstructed along the frontage of the subject property. All works shall be designed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004.

**Reason:** To protect public infrastructure.

##### **Infrastructure repair – subdivision works**

46. Prior to issue of the Subdivision Certificate, any infrastructure within the road reserve along the frontage of the subject site or within close proximity, which has been damaged as a result of subdivision works, must be fully repaired to the

satisfaction of Council's Development Engineer and at no cost to Council. Any redundant crossings in Grosvenor Street are to be removed and replaced with kerb and gutter to match existing.

**Reason:** To protect public infrastructure

### **Provision of services**

47. Prior to issue of the Subdivision Certificate, separate underground electricity, gas and phone or appropriate conduits for the same, must be provided to each allotment to the satisfaction of the utility provider. A suitably qualified and experienced engineer or surveyor is to provide certification that all new lots have ready underground access to the services of electricity, gas and phone. Alternatively, a letter from the relevant supply authorities stating the same may be submitted to satisfy this condition.

**Reason:** Access to public utilities.

### **Sydney Water Section 73 Compliance Certificate (part 2)**

48. A final Section 73 Certificate must be submitted to the Principal Certifying Authority prior to release of any linen plan for subdivision. Alternatively, if Sydney Water advises that a Section 73 Certificate is not required for the proposed development, written confirmation of this advice is to be provided.

**Reason:** Statutory requirement.

### **Submission of 88b instrument**

49. Prior to the issue of the Subdivision Certificate, the applicant must submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies to Council. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the instrument.

**Reason:** To create all required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required.

### **Work-as-Executed plans**

50. Prior to issue of the Subdivision Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the final Certificate. The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be

marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

**Reason:** To protect the environment.

### **Submission of plans of subdivision**

51. Prior to the issue of a Subdivision Certificate, the applicant shall submit an original plan of subdivision plus 6 copies for endorsement by Council's Development Engineer. The following details must be submitted with the plan of subdivision and its copies:

- the endorsement fee current at the time of lodgement.
- the 88B Instrument plus six (6) copies.
- all Surveyor's and/or consulting engineer's certification(s) required under this subdivision consent.
- the Section 73 (Sydney Water) Compliance Certificate for the subdivision.

Council will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees. Plans of subdivision and copies must not be folded. Council will not accept bonds in lieu of completing subdivision works.

**Reason:** Statutory requirement.

### **Tree protection – Section 88b instrument**

52. Prior to the issue of the Subdivision Certificate, the Certifying Authority is to be provided with evidence of the creation of a restriction on the use of land under Section 88B of the Conveyancing Act 1919, burdening the area of land beneath the canopy of the following tree/s for a specified radius in metres from the trunk of that tree, the terms of which state that any excavations, soil level changes or construction works are prohibited with the exception of hand excavation of a trench for the 225 mm stormwater drainage line as approved by Council:

#### **Schedule**

<b>Tree No.</b>	<b>Tree</b>	<b>Location</b>	<b>Radius</b>
T23	<i>Quercus palustris</i> (Pin Oak)	Near the rear boundary of Lot 2.	5 metres
T43	<i>Glochidion ferdinandi</i> (Cheese tree)	North-western corner of Lot 6.	6 metres
T44	<i>Glochidion ferdinandi</i> (Cheese tree)	North-western corner of Lot 6.	6 metres



T49      *Glochidion ferdinandi*      North-western corner  
             (Cheese tree)                      of Lot 8.                      6 metres

**Reason:** To protect existing vegetation.

53. Following removal of the 40 trees from Lots 1 – 11, 40 canopy replenishment trees shall be planted in proximity to their boundaries that coincide to the site's external boundaries prior to release of the Certificate of Subdivision. The trees shall be divided proportionally between the 11 lots, taking any existing trees into consideration. A tree planting plan, on which trees are to be in keeping with the locally occurring vegetation communities of Sydney Turpentine/Ironbark Forest and Sydney Sandstone Ridgetop Woodland that originated on the site, shall be submitted to Council and approved prior to the commencement of planting.

**Reason:** To preserve the tree canopy and ensure adequate landscaping of the site.

### **Removal of noxious plants & weeds**

54. The following noxious and/or environmental weed species shall be removed from the property prior to completion of subdivision works:

#### **Schedule - plant species**

*Acer negundo* (Box Elder)  
*Araujia hortorum* (Moth Vine)  
*Asparagus densiflorus* (Asparagus Fern)  
*Asparagus plumosus* (Climbing Asparagus)  
*Chlorophytum comosum* (Spider Plant)  
*Cinnamomum camphora* (Camphor laurel) except T3, T4, T5, T7, T8, T9, T10 & T84.  
*Cytisus sp.* (Broom)  
*Delairea odorata* (Cape Ivy)  
*Hedychium gardnerianum* (Ginger lily)  
*Ipomoea indica* (Morning Glory)  
*Jasminum polyanthum* (Jasminum)  
*Kalanchoe tubiflora* (Mother of Millions)  
*Lantana camara* (Lantana - Pink Flower)  
*Ligustrum lucidum* (Large-leaved Privet)  
*Ligustrum sinense* (Small-leaved Privet)  
*Lonicera japonica* (Honeysuckle)  
*Nephrolepis cordifolia* (Fishbone fern)  
*Ochna serrulata* (Ochna)  
*Phyllostachys sp.* (Rhizomatous Bamboo)  
*Rubus fruticosus* (Blackberry)  
*Senecio madagascariensis* (Fireweed)  
*Senna pendula* (Cassia)  
*Tecomaria capensis* (Cape Honeysuckle)  
*Toxicodendron succedaneum* (Rhus Tree)

*Tradescantia albiflora*  
*Verbena bonariensis* (Purple Top)  
*Wisteria sp.* (Wisteria Vine)

**Reason:** To protect the environment.

**CARRIED UNANIMOUSLY**

162 **Determination of Annual Remuneration Fees for Mayors & Councillors for 2007/08**

.  
File: S03158

For Council to determine the annual remuneration fees for the Mayor and Councillors for 2007/08.

**Resolved:**

(Moved: Councillors Shelley/Lane)

That for 2007/08, Council fix the Mayoral fee at \$31,740 and the Councillor fees at \$14,540.

**CARRIED UNANIMOUSLY**

163 **2006 to 2010 Management Plan, 3rd Quarter Review as at 31 March 2007**

.  
File: S04708

To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2006-2010 Management Plan.

**Resolved:**

(Moved: Councillors Shelley/Hall)

That the report on the progress of the Key Performance Indicators contained in the 2006-2010 Management Plan for the 3<sup>rd</sup> quarter of the Plan, be received and noted.

**CARRIED UNANIMOUSLY**

164 **Investment & Loan Liability as at 30 April 2007**

.  
File: S02722

To present to Council investment allocations, returns on investments and details of loan liabilities for April 2007.

**Resolved:**

(Moved: Councillors Shelley/Ryan)

That the Summary of Investments and Loan Liabilities for April 2007 be received and noted.

*For the Resolution:       The Mayor, Councillor N Ebbeck, Councillors  
Andrew, Cross, Hall, Lane, Ryan, Shelley &  
Anderson*

*Against the Resolution:   Councillor Bennett*

**Councillor Shelley declared a Conflict of Interest  
in respect of the following item -  
GB.6 - Sponsorship Proposal -  
Business Achiever Awards 2007  
and withdrew from the Chamber taking no part  
in discussion and voting on the item**

165 **Sponsorship Proposal - Business Achiever Awards 2007**

.  
File: S02091

To advise Council of a sponsorship proposal from Cumberland Newspapers for the 2007 "Business Achiever Awards".

**Resolved:**

(Moved: Councillors Lane/Hall)

That Council support the proposal from Cumberland Newspapers to sponsor the "Business Achiever Awards" 2007, Bronze proposal for \$4,500, and that the funding for the sponsorship be taken from the 2006-2007 Community budget.

**CARRIED UNANIMOUSLY**

**Councillor Shelley returned**

166 **Heritage Advisory Committee - Minutes of 26 March 2007**

.  
File: S03816

For Council to receive and note the Minutes from the Heritage Advisory Committee Meeting held on 26 March 2007.

**Resolved:**

(Moved: Councillors Shelley/Anderson)

That Council receive and note the Minutes from the Heritage Advisory Committee Meeting held on 26 March 2007.

**CARRIED UNANIMOUSLY**

167 **Submission on Draft State Environmental Planning Policy No 64 - Advertising & Signage (Amendment No 2) & Accompanying Guidelines**

.  
File: S03471

To provide for Council endorsement a submission on the Draft State Environmental Planning Policy No 64 - Advertising and Signage (Amendment No 2) and accompanying guidelines.

**Resolved:**

(Moved: Councillors Shelley/Ryan)

- A. That Council note the Draft SEPP64 - Advertising and Signage (Amendment No 2) and the accompanying guidelines.
- B. That Council endorse the submission contained in Attachment 1 of the report, to the Department of Planning in regards to the exhibition of the Draft SEPP64 - Advertising and Signage (Amendment No. 2) and the accompanying guidelines.
- C. Upon the gazettal of the final State Environmental Planning Policy No 64 - amendments, Councillors be updated via the Council's Planning Committee.

**CARRIED UNANIMOUSLY**

168 **Infrastructure Restoration**

File: S03152

To consider legal advice concerning the levying of Council's Infrastructure Restoration Fee.

**Resolved:**

(Moved: Councillors Hall/Ryan)

That Council notes the contents of the report and endorses the use of the conditions of consent outlined in the report.

**CARRIED UNANIMOUSLY**

*Standing Orders were suspended to deal with items  
where there are speakers first after a  
Motion moved by Councillors Lane & Ryan was  
CARRIED UNANIMOUSLY*

169 **Petition - Properties 17, 19, 21, 23 & 25 Richmond Avenue, St Ives**

File: S04325

**The following member of the public addressed Council:****L Lockyer**

To have Council consider the issues raised in a Petition from the residents of 17, 19, 21, 23 & 25 Richmond Avenue, St Ives tabled at the Ordinary Meeting of Council on 24 April 2007.

**Resolved:**

(Moved: Mayor, Councillor Ebbeck/Councillor Lane)

1. That Council receive and note the staff report.
2. That the Mayor write to the Dept of Planning to seek their advice as to the possible mechanisms by which Council can progress any matter involving amendment to its planning instrument, given the requirements for a comprehensive LEP.

**CARRIED UNANIMOUSLY**

*The above Resolution was CARRIED as a Foreshadowed Amendment to the Original Motion & a LOST Amendment. The Original Motion was:*

*(Moved: Councillors Hall/Ryan)*

- A. *Council receive and note the report.*
- B. *The applicants (for removal of the local heritage listing over their properties , viz. 17,19,21,23 and 25 Richmond Avenue, St Ives in the KPSO), be invited to provide a comprehensive report supporting their request from a suitably qualified heritage architect /town planner consultant to permit Council to further consider the matter. The cost of the consultant's fees are to be borne by the owners concerned.*
- C. *On receipt of the heritage report Council undertakes to review the request for removal from heritage listing.*

*The LOST Amendment was:*

*(Moved: Councillors Bennett/Andrew)*

*That the report be received and noted and that the matter be considered as per the programme for the comprehensive LEP.*

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

170

### **Marian Street Theatre**

File: P51075

**The following member of the public addressed Council:**

**M McCrae**

**Notice of Motion from Councillors M Lane & A Ryan dated 11 May 2007**

I move:

- "A. That the EOI process for the use of the Marian Street Theatre cease and that MSTYP continue occupancy of the theatre under "holding over" arrangements and all proponents be advised of Council's decision.
- B. That Council engage a Consultant to develop a proposal to best use the Marian Street Theatre at its current site utilizing the existing building as a theatrical facility under the following heads of consideration.

- future use options including consideration of an Australian Children's theatre
  - management options
  - refurbishment options
  - life cycle costs
  - net financial return/cost to Council
- C. That funding for the consultants brief be sourced from the new facilities reserve and be capped at \$25,000.
- D. That the Consultant's brief includes a requirement for prioritisation to MSTYP in respect of future use of the facility. This accords with Council's previous resolution in respect of this facility.
- E. That following completion of the Consultant's study a further report be brought to Council within 2 months to consider preferred option/s for the future use and funding of the theatre.
- F. That those parties who made submissions to the EOI be informed of Council's decision.

*During debate, Council unanimously resolved  
into Closed Session  
Press & Public excluded for discussion only*

**Resolved:**

(Moved: Councillors Lane/Ryan)

That the above Notice of Motion as amended be adopted.

*For the Resolution:           The Mayor, Councillor N Ebbeck, Councillors  
Andrew, Cross, Hall, Lane, Ryan, Shelley &  
Anderson*

*Against the Resolution:   Councillor Bennett*

**GENERAL BUSINESS (cont)**

171 **Budget 2006 to 2007 3rd Quarter Review as at end March 2007**

File: S04708

To present to Council the quarterly financial review for the 3rd quarter ended 31 March 2007.

**Resolved:**

(Moved: Councillors Shelley/Cross)

That Council adopt the Budget variations contained in the report.

**CARRIED UNANIMOUSLY**

172 **"Working Together" Draft Strategic Plan for Historic House Museums**

File: S03668

To report to Council the outcome of the public exhibition of the "Working Together" draft Strategic Plan for Historic House Museums, which closed on 2 March 2007.

**Resolved;**

(Moved: Councillor Anderson/Mayor, Councillor Ebbeck)

- A. That Council adopt the "Working Together" Strategic Plan for Historic House Museums
- B. That Council agree in principle to the co-funding on a 50/50 basis for a curator/heritage position for a three (3) year period.
- C. That upon successful grant funding for a shared curatorial/heritage position for Tulkian and Eryldene a further report be submitted to Council detailing funding sources, the position description and Memorandum of Understanding.

*For the Resolution:        The Mayor, Councillor N Ebbeck, Councillors  
Andrew, Cross, Hall, Lane, Ryan, Shelley &  
Anderson*

*Against the Resolution:    Councillor Bennett*

**QUESTIONS WITHOUT NOTICE**

173 **Heritage List of Property Owners - include on Proclaim System**

File: S04325

Question Without Notice from Councillor J Anderson

Could the General Manager please inquire on the possibility for all homes, that have been included on the potential heritage list, to be included on the Proclaim system, which would trigger a notification if a Development Application was lodged?

**Answer by the General Manager**

Councillors, I am happy to check that through our IT department.



174     **Provision of List of Council-owned Heritage Properties regarding Conservation Management Plans or Strategies**

File: S04325

Question Without Notice from Councillor J Anderson

Could the General Manager please provide to Council a list of all Council-owned heritage properties, identifying if these properties have had either Conservation Management Plans or Conservation Management Strategies undertaken and, if so, when those were undertaken?

**Answer by the General Manager**

That report will be provided.

175     **Holy Family School, Lindfield - Signage**

File: P45675

Question Without Notice from Councillor M Shelley

1.     Would the Director Operations examine the signage for Holy Family School, Lindfield to ensure that it provides adequate warning to motorists and protection for pedestrians in relation to the School so close to Pacific Highway?
2.     Would the Director Operations report on such signage to Council?

**Answer by the Director Operations**

I will take that on notice and inspect the signage and report back to Council.

176     **E-Waste Collection & Warning Signs on Disposal of Items**

File: S02227

Question Without Notice from Councillor M Shelley

- a.     Would the Director Operations advise when the next e-waste collection will be held in Ku-ring-gai and, in particular, what arrangements are made for the disposal of compact fluorescent globes that contain mercury?
- b.     Further in his report to Council, would the Director advise what warnings are given to residents to not dispose of such globes in their general waste?

**Answer by the Director Operations**

I assume it relates to a hazardous waste collection process. Yes, I can report on that. That it's usually done on a regional basis but I will check the timing-out for that. In regards to the disposal of fluorescent globes, it is in Council's brochures on recycling so I can provide details on what Council's literature is in that regard.

**177 St Ives Occasional Care Centre - Future**

File: P52684

Question Without Notice from Councillor T Hall

I table the representations I have received by St Ives Occasional Care Centre and to the General Manager dated 17 May regarding the lease renewal and other maintenance issues and ask if these matters could be dealt with expeditiously in view of the change of zoning of the land on which the Centre is situated and to provide certainty to Centre users, please?

**Answer by the General Manager**

I am happy to have staff in both Strategy and Community Services look at the correspondence from St Ives Occasional Care and brought back to Council.

**178 Reclassification of Community Land in the Town Centres**

File: S05480

Question Without Notice from Councillor T Hall

Would a report be brought forward urgently to address the contents of the Director General of Local Government's letter of 20 April and has he correctly addressed the provisions of the EP & A Act (Section 68) in his comments, please?

**Answer by the General Manager**

Council is currently seeking advice from Senior Counsel on the subject matter and once that advice has been sought a report will be provided to Councillors.

*Standing Orders were suspended to deal with  
Item C.3 then C.2 after a  
Motion moved by Councillors Lane & Cross was  
CARRIED UNANIMOUSLY*

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

179

**Proposed Acquisition - 9, 15, 17 Dumaresq Street, Gordon***(Section 10A(2)(c) - Information that would confer a commercial advantage)*

.  
File: S05930

Report by Commercial Services Co-ordinator, Director Corporate & General Manager dated 22 May 2007.

**Resolved:**

(Moved: Councillors Ryan/Lane)

That Council proceed in the manner as outlined during discussion.

*For the Resolution:        The Mayor, Councillor N Ebbeck, Councillors  
Andrew, Bennett, Cross, Lane, Ryan, Shelley &  
Anderson*

*Against the Resolution:   Councillor Hall*

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

*(Moved: Councillor Andrew/Mayor, Councillor Ebbeck)*

*That Council proceed in the manner as outlined in the report.*

*To Open Council*

The General Manager adverted to the consideration of the matter referred to in the Minute numbered 179, and to the resolution contained in such Minute.

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

**Councillor Andrew departed**

180

**Staff Matter***(Section 10A(2)(a) - Personnel matters concerning particular individuals)*

.  
File: S04516

Report by the Mayor, Councillor Nick Ebbeck dated 22 May 2007

**Councillor Ryan withdrew during discussion**

**Resolved:**

(Moved: Mayor, Councillor Ebbeck/Councillor Shelley)

1. That Council passes on the senior officers' award increase of 4% to the General Manager in recognition of his performance to date.
2. That this payment is made retrospective to the effective date being 1 October 2006.
3. That the Mayor formally write to the General Manager, advising of Council's decision.

**CARRIED UNANIMOUSLY**

**Councillor Ryan returned**

*To Open Council*

The Mayor adverted to the consideration of the matter referred to in Minute numbered 180, and to the resolution contained in such Minute.

*The Meeting closed at 10.32pm*

The Minutes of the Ordinary Meeting of Council held on 22 May 2007 (Pages 1 - 36) were confirmed as a full and accurate record of proceedings on 12 June 2007.

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General Manager

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Mayor / Chairperson