

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 23 MARCH 2010

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

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Director Operations (Greg Piconi)
Director Strategy & Environment (Andrew Watson)
Manager Corporate Planning & Sustainability (Peter Davies)
Sports & Recreation Planner (Roger Faulkner)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Mayor's PA (Sigrid Banzer)

The Meeting commenced at 7.01pm

The Mayor offered the Prayer

DECLARATIONS OF INTEREST

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

No Interest was declared.

57 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Malicki/Hall)

- A. That in accordance with the provisions of Section 10 of the Local Government Act 1993, parts of Attachment C - Financial Plan - Sport & Leisure Solutions Pty

Ltd of the report - GB.9 - West Pymble Pool Redevelopment - Second Independent Financial Plan be released to the press and public, as follows:

1. PROJECT OVERVIEW
2. PROJECT METHODOLOGY
3. CATCHMENT ANALYSIS
4. COMMUNITY PROFILE

- B. 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:

Refer C.1 Bridge Street Properties

CARRIED UNANIMOUSLY

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

(Moved: Councillors Hall/Malicki)

- A. *That in accordance with the provisions of Section 10 of the Local Government Act 1993, parts of Attachment C - Financial Plan - Sport & Leisure Solutions Pty Ltd of the report - GB.9 - West Pymble Pool Redevelopment - Second Independent Financial Plan be released to the press and public, as follows:*

1. PROJECT OVERVIEW
2. PROJECT METHODOLOGY
3. CATCHMENT ANALYSIS
4. COMMUNITY PROFILE
10. CONCLUSIONS & RECOMMENDATIONS

- B. *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:*

Refer C.1 Bridge Street Properties

ADDRESS THE COUNCIL

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

W Blaxland

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 PT.1 - Request that the Edges of Beechworth Road, Pymble from Dakara Close to end of cul-de-sac be Resurfaced - (Thirty-Five [35] Signatures)**

Refer GB.10 - Underground Easement across Girl Guide NSW & ACT Land North Turramurra - Report with attachments by Director Strategy & Environment dated 12 March 2010.

Refer GB.11 - Update on Special Rate Variation - Report by the General Manager, Director Strategy & Environment & Director Corporate dated 22 March 2010.

**Late Confidential
Item:**

Refer C.1 - Bridge Street Properties - Report by Director Strategy & Environment, Director Corporate & Manager Strategic Assets & Property Services dated 18 March 2010.

CONFIRMATION OF MINUTES

58 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 9 March 2010
Minutes numbered 50 to 56

Resolved:

(Moved: Councillors Keays/Duncombe)

That Minutes numbered 50 to 56 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS

59 **Request that the Edges of Beechworth Road, Pymble from Dakara Close to end of cul-de-sac be Resurfaced - (Thirty-Five [35] Signatures)**

File: 88/05121/01

"We, the undersigned, request that the edges of Beechworth Road from Dakara Close to the end of the cul-de-sac be resurfaced.

The recent filling of potholes does not make the road any safer and we hear by request the damage be re-assessed. There are no footpaths therefore walkers risk injury walking on the deteriorating road edge. We understand the Council includes Beechworth Road in the 2013-2014 Road Rehabilitation Program. This seems a long time to wait.

A lot of the damage to the road has been done by trucks and heavy vehicles servicing the developments in Beechworth Road. I note in the North Shore Times, Friday, 12 February, 2010 that the North Shore Councils have \$80 million in unspent development levies and quoting Mr Glenn Byrnes, the Council's NSW Acting Executive Director, Ku-ring-gai Council has "\$56.5 million in unspent section 94 levies at the end of the last financial year." We notice the levies are to be used for developments but surely some of the money could be used to repair the damage to Beechworth Road."

Resolved:

(Moved: Councillors Malicki/Holland)

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

CARRIED UNANIMOUSLY

GENERAL BUSINESS

60

161 Warrimoo Avenue, St Ives Chase - Construction of Tiered Spectator Seating

File: DA0012/10

Ward: St Ives

Applicant: Mr David William Howard

Owner: Ku-ring-Council

To determine Development Application No. DA0012/10 for the construction of tiered spectator seating, associated tree removal, pathway construction and changes to fencing.

Motion:

(Moved: Councillors Hall/Hardwick)

That consideration of DA0012/10 at 161 Warrimoo Avenue, St Ives Chase be deferred pending a site inspection.

For the Motion: Councillors Szatow, Anderson, Hall & Hardwick

Against the Motion: The Mayor, Councillor I Cross, Councillors Holland, Malicki, Keays, Duncombe & McDonald

The Motion when put to the vote was LOST

61 **Sustainability Reference Committee Notes of Meeting held 1 March 2010**

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File: S07619

To bring to the attention of Council the proceedings of the Sustainability Reference Committee Meeting held on 1 March 2010.

Resolved:

(Moved: Councillors Holland/Malicki)

That the notes and attachments of the Sustainability Reference Committee Meeting held on 1 March 2010 be received and noted.

CARRIED UNANIMOUSLY

62 **Draft Sponsorship and Donations Policy**

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File: S05650

To advise Council of the development of a draft Sponsorship and Donations Policy for public exhibition.

Resolved:

(Moved: Councillors Holland/McDonald)

That Council place the draft Sponsorship and Donations Policy on public exhibition.

CARRIED UNANIMOUSLY

63 **Draft Updated Ku-ring-gai Local Approvals Policy**

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File: S07151

To recommend the adoption of the updated draft policy for local approval applications known as the draft Ku-ring-gai Local Approvals Policy.

Resolved:

(Moved: Councillors Duncombe/McDonald)

That Council adopt the draft updated Ku-ring-gai Local Approvals Policy.

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

Against the Resolution: *Councillors Hall & Hardwick*

64 **Tender T18/2010 - Communities of Practice Partner for the Enabling Effective Community Education & Engagement as a Driver for Sustainability in Local Government (EECEE) Program**

File: S06972

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

Resolved:

(Moved: Councillors Duncombe/McDonald)

- A. That Council reject all three (3) tenders received for this project.
- B. That Council enter into negotiations with Anecdote for the contracted work as the Communities of Practice consultant for the EECEE program.
- C. That the execution of all documents relating to the tender be delegated to the Mayor and General Manager.

CARRIED UNANIMOUSLY

*Standing Orders were suspended
to deal with GB9 .- West Pymble Pool Redevelopment -
Second Independent Financial Plan & then
GB.5 - 161 Warrimoo Avenue, St Ives Chase -
Construction of Tiered Spectator Seating
after a Motion moved by Councillors Malicki & Hall
was CARRIED UNANIMOUSLY*

65 **West Pymble Pool Redevelopment - Second Independent Financial Plan**

File: S04066

The following members of the public addressed Council:

**C Churchill
P Johnston
K Whitelaw
M Tulich
G Field
N Kovach
G Corderoy**

For Council to consider the independent financial plans prepared for the West Pymble Indoor Aquatic and Leisure Facility.

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

*For the Motion: The Mayor, Councillor I Cross, Councillors
Holland, Keays, Szatow, Anderson, Duncombe,
Hall & McDonald*

Against the Motion: Councillors Malicki & Hardwick

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

Resolved:

(Moved: Councillors Keays/Duncombe)

- A. That Council proceed with the West Pymble Indoor Aquatic and Leisure Facility.
- B. That Council adopt the architects design 'Under the Canopy' theme for the preparation of the documentation for lodgement for the Development Application.
- C. That the site plan be modified to increase the proportional area of the gym space to 450m² as reflected by Option 1 in Attachment E.
- D. That Council inform the community in relation to the progress of the facility.

*For the Resolution: The Mayor, Councillor I Cross, Councillors Keays,
Szatow, Duncombe & McDonald*

*Against the Resolution: Councillors Holland, Malicki, Anderson, Hall &
Hardwick*

*The voting being EQUAL,
the Mayor exercised his Casting Vote
IN FAVOUR of the Resolution*

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

(Moved: Councillors Malicki/Hall)

- A. That Council reaffirms its commitment to year round swimming facilities at Bicentennial Park.
- B. That this is to be a priority project of this Council and dealt with speedily.

- C. *That we defer the current proposals to allow for discussion of alternatives to the current options, with the process and timetable to be discussed in a public meeting of the Planning Committee to be held within 2 weeks.*

66

161 Warrimoo Avenue, St Ives Chase - Construction of Tiered Spectator Seating

File: DA0012/10

Ward: St Ives

Applicant: Mr David William Howard

Owner: Ku-ring-Council

The following members of the public addressed Council:

D Howard

C Ravel

To determine Development Application No. DA0012/10 for the construction of tiered spectator seating, associated tree removal, pathway construction and changes to fencing.

Resolved:

(Moved: Councillors Malicki/McDonald)

THAT the Council, as the consent authority, grant development consent to DA 0012/10 for construction of a covered spectator seating structure and associated works on land at 161 Warrimoo Avenue, St Ives Chase, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

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:

Plan no.	Rev	Description	Drawn by	Dated	Received
DA01	C	Site plan	Blue World Architecture	11-3-10	11-3-10
DA02	C	Lower ground floor plan	Blue World Architecture	11-3-10	11-3-10
DA03	C	Upper floor plan	Blue World Architecture	11-3-10	11-3-10
DA04	C	Section	Blue World Architecture	11-3-10	11-3-10
DA05	C	North elevation	Blue World Architecture	11-3-10	11-3-10
DA06	C	West elevation	Blue World Architecture	11-3-10	11-3-10
DA07	C	South elevation	Blue World Architecture	11-3-10	11-3-10
DA08	C	East elevation	Blue World Architecture	11-3-10	11-3-10
DA09	C	Near site & roof plan	Blue World Architecture	11-3-10	11-3-10

Document(s)	Prepared by	Dated	Received
Bushfire Hazard Assessment Report	Building Code & Bushfire Hazard Solutions P/L	30-11-09	14-01-10
Arborist Report	Priority Tree Services	Nov 2009	14-01-10

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

2. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

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

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

3. Road opening permit

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

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

4. Construction requirements for development in bushfire prone areas

The development shall comply with the requirements of 'Planning for Bushfire Protection 2006' and Australian Standard AS3959 and accord with the recommendations of the Bushfire Hazard Assessment Report prepared by Building Code & Bushfire Hazard Solutions P/L dated 30 November 2009.

The design and construction of the proposed Grandstand must comply with the requirements of 'Planning for Bushfire Protection 2006' and Australian Standard AS3959.

Reason: To ensure the development is carried out in accordance with 'Planning for Bushfire Protection 2006' and Australian Standard AS3959.

5. Install barriers to seating structure under-croft areas

To prevent access to the exposed areas below the seating structure and to prevent the build up of leaf litter, debris and windborne garbage, a solid barrier shall be installed along its northern, eastern and southern edges. A barrier shall also be constructed between the rear of the seating structure and the existing brick amenities building to the immediate east.

The required barriers shall consist of materials to match the approved schedule of colours & materials and shall be non-combustible in accordance with the requirements of Australian Standard AS3959. Details of the required barrier shall be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.

Reason: To ensure restrict access to the underside of the development, to prevent the build up of litter & debris and to ensure the development is carried out in accordance with 'Planning for Bushfire Protection 2006' requirements and Australian Standard AS3959.

6. Notice of commencement

At least 48 hours prior to the commencement of any development (including demolition, excavation, shoring or underpinning works), a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: Statutory requirement.

7. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: Statutory requirement.

8. Construction and traffic management plan

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:

1. 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

2. 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.

3. 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.

9. Temporary construction exit

A temporary construction exit, together with necessary associated temporary fencing, shall be provided prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

Reason: To reduce or eliminate the transport of sediment from the construction site onto public roads.

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

10. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: Statutory requirement.

11. External finishes and materials (new building)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the external finishes of the building are in accordance with those submitted with the development application. The materials are to be complimentary to the approved architectural appearance of the development. Nothing in this condition is to be construed as permitting the replacement of previously submitted materials with inferior or inadequate materials or finishes.

Note: Details of the colour, finish and substance of all external materials, including schedules and a sample board of materials and colours, are to be submitted.

Reason: To protect the streetscape and the integrity of the approved development.

12. Outdoor lighting

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that any outdoor lighting will comply with AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting.

Note: Details demonstrating compliance with these requirements are to be submitted prior to the issue of a Construction Certificate.

Reason: To provide high quality external lighting without adverse affects on public amenity from excessive illumination levels.

13. Access for people with disabilities

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities from the public domain to the seating structure is provided. Consideration must be given to the means of dignified and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

Reason: To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian standards.

14. Excavation for services

Prior to the issue of the Construction Certificate, the Principal Certifying Authority 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.

15. Recycling and waste management

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the development provides garbage and recycling bins in accordance with Council's collection requirements. The number and location of garbage collection and recycling points shall be provided in accordance with Council's Operations Waste, Drainage & Cleansing Department requirements.

Written approval of the required garbage and recycling facilities shall be obtained from Council's Manager Waste, Drainage & Cleansing Department prior to issue of the Construction Certificate.

Reason: Environmental protection.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):**16. Infrastructure restorations fee**

To ensure that damage to Council property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.
- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council property associated with this condition.

Reason: To maintain public infrastructure.

17. Public liability insurance – works on public land

Any person or contractor undertaking works on public land must take out public risk insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council’s road reserve or public land, as approved in this consent.

The policy is to note and provide protection for Ku-ring-gai Council as an interested party and a copy of the policy must be submitted to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The policy must

be valid for the entire period that the works are being undertaken on public land.

Note: Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:

18. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.

Reason: Statutory requirement.

19. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

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

20. Demolition, excavation and construction work hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12 noon Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 7.30am and 5.00pm Monday to Friday, with a respite break of 45 minutes between 12 noon 1.00pm.

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

Note: Failure to obtain a permit to work outside of the approved hours will result in on the spot fines being issued.

Reason: To ensure reasonable standards of amenity for occupants of neighbouring properties.

21. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

Reason: To ensure reasonable standards of amenity to neighbouring properties.

22. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted
- display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer
- be durable and weatherproof
- display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice
- be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted

Reason: To ensure public safety and public information.

23. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath without written approval being obtained from Council beforehand. The pathway shall be kept in

a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

Reason: To ensure safety and amenity of the area.

24. Toilet facilities

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

Reason: Statutory requirement.

25. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2002) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

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

26. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants' full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: Provision of utility services.

27. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. All sediment traps must be cleared on a regular basis and after each major storm and/or as directed by the Principal Certifying Authority and Council officers.

Reason: To protect the environment from erosion and sedimentation.

28. Drainage to existing system

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

Reason: To protect the environment.

29. Canopy/root pruning

Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees.

Schedule

Tree/Location

Tree 5 – *Eucalyptus haemastoma* (Scribbly Gum)
/ Adjacent to the south-western corner of the
existing pavilion

Tree works

Pruning of branches to
allow construction of the
roof

Reason: To protect the environment.

30. Treatment of tree roots

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. All pruning works shall be undertaken as specified in Australian Standard 4373-2007 – Pruning of Amenity Trees.

Reason: To protect existing trees.

31. Approved tree works

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

Schedule

Tree/Location

Tree 1 – *Allocasuarina torulosa* (Forest Oak)
/ Near the fixed timber bench seating
Tree 2 – *Glochidion ferdinandi* (Cheese tree)
/ Western side of existing pavilion
Tree 3 – *Glochidion ferdinandi* (Cheese tree)
/ Western side of existing pavilion
Tree 4 – *Glochidion ferdinandi* (Cheese tree)

Approved tree works

Remove
Remove
Remove
Remove

**Schedule
Tree/Location****Approved tree works**

/ Western side of existing pavilion

Removal or pruning of any other tree on the site is not approved, excluding species exempt under Council's Tree Preservation Order.

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

32. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: To protect existing trees.

33. Removal of refuse

All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

Reason: To protect the environment.

34. Replenishment trees to be planted

To offset the removal of trees at the site of construction, a total of four (4) replacement trees shall be planted, at no cost to Council, in suitable locations within the Warrimoo Oval reserve.

The species, size and location of the replenishment trees shall be selected in consultation with Council's Open Space Section, shall consist of locally occurring native species, or suitably complimentary exotic species, and having regard for the applicant's Bushfire Hazard Assessment referred to in Condition No. 1.

The replenishment trees shall be maintained in a healthy and vigorous condition at all times until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order.

Reason: To maintain the treed character of the area.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:**35. Infrastructure repair**

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

cost to Council.

Reason: To protect public infrastructure.

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

Against the Resolution: Councillors Hall & Hardwick

67

National General Assembly of Local Government - 2010

File: S03788

For Council to determine its elected delegates to the 2010 National General Assembly of Local Government.

Resolved:

(Moved: Councillors McDonald/Holland)

- A. That Councillor Keays be Council's delegate to the 2010 National General Assembly of Local Government with any other interested Councillors to advise the General Manager by 2 April 2010 if they wish to attend..
- B. That Councillor Keays be Council's voting delegate to the Assembly.
- C. That the General Manager or his delegate be permitted to attend the General Assembly.

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

Against the Resolution: Councillors Hall & Hardwick

68

Investment Report as at 28 February 2010

File: S05479

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

*Council resolved itself into Closed Committee of the Whole
with the Press & Public Excluded for discussion only
moved by Councillors Malicki & Holland*

For the Motion: The Mayor, Councillor I Cross, Councillors Holland, Malicki, Keays, Szatow, Anderson, Duncombe, Hardwick & McDonald

Against the Motion: Councillor Hall

Council resolved to return to Open Council which was moved by Councillors Anderson & McDonald and CARRIED UNANIMOUSLY

Resolved:

(Moved: Councillors Hall/Hardwick)

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

CARRIED UNANIMOUSLY

69

Draft Ku-ring-gai Compliance Policy

File: S07151

To recommend the adoption of the draft Ku-ring-gai Compliance Policy.

Resolved:

(Moved: Councillors Holland/McDonald)

That Council adopt the draft Ku-ring-gai Compliance Policy.

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

Against the Resolution: Councillor Anderson

70 **Underground Easement Across Girl Guide NSW & ACT Land North Turramurra**

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File: S05260

To report to Council on the negotiations with the Girl Guides NSW and ACT, owners of Lot 324 Miowera Road North Turramurra, in relation to a proposed easement.

Resolved:

(Moved: Councillors Duncombe/McDonald)

- A. That Council enter a licence deed to allow the carrying out of works on lands owned by the Girl Guides NSW and ACT at Lot 324 Miowera Road, North Turramurra.
- B. That a formalised easement be confirmed over the aforementioned land.
- C. That the Girl Guides NSW and ACT be compensated for the proposed easement as outlined in the report.
- D. That the General Manager and Mayor be authorised to execute any documents necessary to give effect to the above resolution under the Common Seal of Council.

CARRIED UNANIMOUSLY

71 **Update on Special Rate Variation**

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File: FY00019

To seek approval of Council to apply to the Minister for Local Government for a New Facilities special variation to fund the development of the North Turramurra Recreation Area.

Resolved:

(Moved: Councillors Malicki/McDonald)

- A. That Council apply to the Minister for Local Government for a New Facilities special rate variation under Section 508(2) of the Local Government Act 1993, of 3.15% increase for 5 years from 2010/11 to 2014/15, to fund North Turramurra Recreation Area redevelopment.

- B. That Council request the Minister for Local Government to lift the restriction on the use of funds collected for new facilities rate 2009/10, to fund North Turrumurra Recreation Area redevelopment.

CARRIED UNANIMOUSLY

Council resolved itself into Closed Meeting
with the Press and Public Excluded after a Motion moved by
Councillors Duncombe & Anderson was CARRIED

72

Bridge Street Properties

File: S08130

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(c) of the Act, and was dealt with in a part of the meeting closed to the public.

Section 10A(2)(c) of the Act permits the meeting to be closed to the public in respect of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.

This matter is classified confidential because it deals with the proposed acquisition of property.

It is not in the public interest to release this information as it would prejudice Council's ability to negotiate the appropriate terms and conditions.

Report by Director Strategy & Environment, Director Corporate & Manager Strategic Assets & Property Services dated 18 March 2010.

Resolved:

(Moved: Councillors Holland/McDonald)

That Council resolves to proceed with the proposed course of action as discussed.

CARRIED UNANIMOUSLY

Open Council resumed

The General Manager adverted to the consideration of the matters referred to in the Minute numbered 72, and to the resolution contained in such Minute.

QUESTIONS WITHOUT NOTICE**73 Tree Removals - 7 to 11 Derby Street, St Ives**

File: S02400/2

Question Without Notice from Councillor T Hall

I have been notified that 21 mature trees have been applied for under CRS 321912 for removal. As this site was purchased for development, I ask what action has been taken and that the TPO Application be referred to Council for determination please?

Answer by Director Operations

We will provide information to the Councillors.

The Meeting closed at 10.15pm

The Minutes of the Ordinary Meeting of Council held on 23 March 2010 (Pages 1 - 24) were confirmed as a full and accurate record of proceedings on 20 April 2010.

General Manager

Mayor / Chairperson