

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 24 AUGUST 2010

Present: The Mayor, Councillor I Cross (Chairperson) (Wahroonga Ward)
Councillors S Holland & E Malicki (Comenarra Ward)
Councillor E Keays (Gordon Ward)
Councillor J Anderson (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)
Acting Director Operations (Matthew Drago)
Director Strategy & Environment (Andrew Watson)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Director Strategy & Environment's PA (Kim Thomas)

The Meeting commenced at 7.01pm

The Mayor offered the Prayer

255 APOLOGIES

File: S02194

Councillors Cheryl Szatow and Rakesh Duncombe tendered apologies for non-attendance [family commitments] and requested leave of absence.

NOTE: Director Operations, Greg Piconi tendered an apology for non-attendance.

Resolved:

(Moved: Councillors Keays/Anderson)

That the apologies by Councillors Cheryl Szatow and Rakesh Duncombe 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 Jennifer Anderson advised that she knows the applicant regarding Item GB.11 - 53 Griffith Avenue, Roseville Chase - Alterations & Additions to the Existing Dwelling. However, it is her understanding that there is no Conflict of Interest.

256

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Malicki/Keays)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of:

GB.6 Review of Council's Golf Course Businesses - Attachment 1

GB.20 Annual NSROC Tender - Supply and Delivery of Asphaltic Concrete - Attachments A and B

CARRIED UNANIMOUSLY

ADDRESS THE COUNCIL

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

B Anderson
S Coleman

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.21 - 1 Illoura Avenue, Wahroonga - Proposed Conversion of Existing Dwelling to Professional Consulting Rooms (Dentist) & Dwelling - Report by Director Development & Regulation dated 9 August 2010.

E-mail Memorandum: Report Withdrawn - Refer GB.22 - Bridge Street & Council Chambers - Property Acquisition & Accommodation Review

E-mail to Councillors, General Manager & Directors ONLY by Director Strategy & Environment advising that the report is withdrawn - reason being to allow further analysis of other options and to provide Councillors an opportunity to attend site inspections of mixed use developments incorporating community, residential and commercial facilities. The site inspections will include a visit to 2 facilities within Baulkham Hills LGA and 1 facility at Lane Cove. Further e-mail advising of dates will be issued shortly.

Memorandums: Refer GB.3 - Lease to East Roseville Bowling Club -

Memorandum by Director Community dated 23 August 2010 regarding a request from East Roseville Bowling Club to credit fees paid by the Club from October 2009 to July 2010 - a total of \$3,115.00.

Refer GB.12 - 29 Babbage Road, Roseville Chase - First Floor Addition & Internal Alterations to Commercial Premises -

Memorandum by Director Development and Regulation dated 24 August 2010 advising that the owner of the property requests that the Development Application be withdrawn.

Refer GB.21 - 1 Illoura Avenue, Wahroonga - Proposed Conversion of Existing Dwelling to Professional Consulting Rooms (Dentist) & Dwelling -

Memorandum by Director Development and Regulation dated 24 August 2010 advising that the purpose of the memorandum is to respond to submitted information supplied by a planning and development consultant for DA0394/10.

Refer GB.14 - Capital Works Budget Changes for 2010 to 2012 -

Memorandum by Director Strategy & Environment dated 23 August 2010 advising of a revised recommendation to the report.

CONFIRMATION OF MINUTES**257 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 10 August 2010
Minutes numbered 219 to 254

Resolved:

(Moved: Councillors Keays/McDonald)

That Minutes numbered 219 to 254 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS

258

Bicentennial Park, West Pymble - Dog Off-Leash Area & Concerns for Other Items - (Sixty-Seven [67] Signatures)

File: S02243

"We, residents and ratepayers of the Ku-ring-gai Municipal Council area and users of the Dog Off-Leash Area located in Bicentennial Park, Yanko Road, West Pymble wish to express our disappointment and frustration about the current state of this area.

We do appreciate the new park benches but this area remains behind the construction fence and cannot be accessed. Semi-mature shade trees are urgently required so that users have some protection from the summer sun or alternatively shade cloth could provide this protection. We also hope lighting will be installed so that people who return from work after dark can exercise their dogs (particularly important in winter when daylight hours are so much shorter). The bins for dog faeces are rarely emptied, one bin is damaged, and the odour is often over-powering. This cannot meet the health and sanitation standards we expect in Ku-ring-gai. Furthermore, unlike other KMC off-leash dog areas, Council has not provided a doggy-bag dispenser.

For some months already, the gates have been in a serious state of disrepair. The latch on the lower gate is broken; the top gate is not only difficult to close but has a large gap below and is therefore incapable of ensuring that medium and small breeds are unable to escape.

Much of the perimeter fence has a gap underneath, the wire is loose, and small to medium dogs can in fact get out. This is dangerous because the traffic on Yanko Road is both heavy and travelling at speed.

Since the work on the adjacent sports field (water conservation), the off-leash dog area has been getting increased seepage and, with the rain in recent months, much of it has turned into a bog. To make matters worse, a crane was brought into the off-leash dog area about 2 weeks ago leaving deep tracks in which water has collected, turning that section into a mud bath. While the section of fence was replaced when the crane was removed, the wire under the fence remains in a heap nearby. Furthermore, the surface requires both drainage and/or sandy top-dressing to reduce the extent of bog.

A sign without council logo has indicated on three occasions since 7 July that the park is closed for work, and on another that, owing to weather, the closure has been postponed. However, apart from the damage caused by the brief presence of the crane, no work has been undertaken.

In the Ku-ring-gai Landscape Master Plan, Bicentennial Park is not mentioned and, while much of it is a very pleasant recreational area, the off-leash dog area, which is both highly valued for dog exercise and greatly used, is an eyesore.

We ask you to undertake some reparations without delay as this is a valuable resource greatly appreciated by local dog-owners but currently in such a deplorable state that most dog-owners are finding it unusable.

We urge your immediate action, particularly to the following items: repair to gates & fencing; weekly emptying of bins; provision of doggy-bag dispenser; drainage, top-dressing & returfing of surface; tree planting/other cover & lighting, and respectfully await your written reply following the coming Council meeting to confirm action."

Resolved:

(Moved: Councillors Malicki/McDonald)

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

CARRIED UNANIMOUSLY

259

Philip Mall, West Pymble - Petition for Improved Lighting - (Three Hundred & Forty-Six [346] Signatures)

Files: S02622, S07041

"We, the undersigned, agree that the lighting in Phillip Mall is outdated, insufficient and unsafe."

Resolved:

(Moved: Councillors Malicki/McDonald)

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

CARRIED UNANIMOUSLY

260

Petition to Request Ku-ring-gai Council Reinstate their Ban on Circuses - (One Thousand, Three Hundred and Six [1,306] Signatures)

File: S02447

The following Petition was presented by Councillor Tony Hall:

"We the undersigned respectfully request that Ku-ring-gai Council, on Sydney's North Shore, reinstate the ban on circuses which was introduced in 1999. Teaching animals to perform inappropriate tricks does nothing to educate the public or foster respect for animals and the living conditions for performing animals often fail to meet

basic welfare needs. There is no justification for animal circuses in the 21st Century."

Resolved:

(Moved: Councillors Hall/Keays)

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

CARRIED UNANIMOUSLY

261

Petition for Construction of Footpaths on Bowes and Gleneagles Avenues, Killara - (Two Hundred and Fifty [250] Signatures)

Files: 88/05178/01, 88/05481/01

The following Petition was presented by Councillor Elise Keays:

"We, the undersigned, petition the Ku-ring-gai Council to construct footpaths along Bowes Avenue and Gleneagles Avenue as part of the Footpath program.

A high proportion of residents use Bowes Avenue to walk children to the immediately proximate Beaumont Road Public School, local kindergarten and West Lindfield shops and Gleneagles Avenue is used by high school students walking to and from the local bus stop.

Locals and non-locals drive down these roads as an alternate connecting route between the Pacific Highway and Lady Game Drive and drive at or above the speed limit. Consequently, we believe that these footpaths should be prioritised to alleviate the safety issues of those accessing the schools and shops."

Resolved:

(Moved: Councillors Keays/Anderson)

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

CARRIED UNANIMOUSLY

GENERAL BUSINESS262 **NSW Companion Card Program**

File: S02119

To report to Council regarding participation in the NSW Companion Card Program for Ku-ring-gai controlled venues, events and leased facilities.

Resolved:

(Moved: Councillors Keays/Anderson)

- A. That Council participate in the Companion Card program and join as an affiliate member.
- B. That Council staff write to lessees of Council facilities encouraging their participation in the Companion Card program.
- C. That Council staff advise new lessees of Council facilities about the Companion Card Program when negotiating any new agreements.

CARRIED UNANIMOUSLY

263 **Ku-ring-gai Youth Development Service (KYDS) Fundraising Dinner**

File: S05139

To advise Council of the Ku-ring-gai Youth Development Service Inc (KYDS) Annual Fundraising Dinner on 23 September 2010.

Resolved:

(Moved: Councillors Keays/Anderson)

- A. That Council purchase 14 tickets at \$200 per ticket (total \$2,800) for the KYDS Annual Fundraising Dinner on 23 September 2010.
- B. That the KYDS management board be advised of the outcome of the Council decision.
- C. That any Councillors who would like to attend the dinner advise the General Manager by 3 September 2010.

CARRIED UNANIMOUSLY

264 **2009 to 2010 Budget Review - 4th Quarter ended June 2010**

File: FY00382/2

To report on the review of actual expenditure and income against the budget for the year ended 30 June 2010 and seek approval to carry over budgets to fund incomplete works as at 30 June 2010.

Resolved:

(Moved: Councillors Keays/McDonald)

- A. That the Budget Review report as at 30 June 2010 be adopted.
- B. That the schedule of carry over request totalling \$16,333,900 be approved.

CARRIED UNANIMOUSLY

265 **Investment Report as at 30 July 2010**

File: S05273

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

Resolved:

(Moved: Councillors Keays/McDonald)

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

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

Against the Resolution: Councillor Hall

266 **Analysis of Land & Environment Court Costs - 4th Quarter, 2009 to 2010**

File: S02466

To report legal costs in relation to planning matters in the Land & Environment Court for the quarter ended June 2010.

Resolved:

(Moved: Councillors Keays/Malicki)

That the analysis of Land & Environment Court costs for the year ended 30 June 2010 be received and noted.

CARRIED UNANIMOUSLY

267 **5 Burraga Place, Lindfield - Alterations & Additions to Existing Dwelling**

File: DA0360/10

Ward: Roseville

Applicant: Maureen Walsh

Owners: Mr P N Walsh and Mrs Maureen P Walsh

To determine Development Application No. 0360/10, which seeks consent for alterations and additions to the existing dwelling.

Resolved:

(Moved: Councillors Keays/Anderson)

That the Council, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No.1 – Development Standards to clause 46(2) of the Ku-ring-gai Planning Scheme Ordinance in respect of the height development standard is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.

AND

That the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA0360/10 is consistent with the aims of the Policy, grants development consent to DA0360/10 for alterations and additions to the existing dwelling at 5 Burraga Place, Lindfield, for a period of five (5) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS:**1. Approved architectural plans and documentation (alterations and additions)**

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

Plan no.	Drawn by	Dated
A-01 Revision A - Existing & Proposed Site Plan	Romeocad	27-04-10
A-02 Revision A - Existing & Proposed Lower Ground Floor Plan	Romeocad	27-04-10
A-03 Revision A - Existing & Proposed Ground Floor	Romeocad	27-04-10
A-04 Revision A - Existing & Proposed Roof Plan	Romeocad	27-04-10
A-05 Revision A - Existing & Proposed East & South Elevations	Romeocad	27-04-10
A-06 Revision B - Existing & Proposed North & West Elevations	Romeocad	27-04-10
A-07 Revision A - Existing & Proposed Section	Romeocad	27-04-10
A-08 Revision A - Site Analysis Plan	Romeocad	27-04-10
A-09 Revision A - Proposed Waste Management Plan	Romeocad	27-04-10

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

2. Design changes

The height of the proposed entry portico is to be reduced so it does not exceed RL51.28. Amended plans and specifications are to be submitted prior to the issue of a Construction Certificate to the Principal Certifying Authority.

Reason: To ensure the portico does not visually dominate the existing dwelling.

3. 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.

4. No demolition of extra fabric

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

Reason: To ensure compliance with the development consent.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:**5. 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.

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. Structural adequacy (alterations and additions)

Prior to commencement of any development or excavation works, the Principal Certifying Authority shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

C1. Note: Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifying Authority.

Reason: To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for

modification of the consent.

9. Sediment controls

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.

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. Builder's indemnity insurance

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

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

Reason: Statutory requirement.

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

12. Infrastructure restorations fee

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

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

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

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

Reason: To maintain public infrastructure.

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:**13. 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.

14. Hours of work

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

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

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

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

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

15. 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.

16. Engineering fees

For the purpose of any development related inspections by Ku-ring-gai Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.

Reason: To protect public infrastructure.

17. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

18. 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.

19. 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.

20. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: To facilitate recycling of materials.

21. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

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

22. Road reserve safety

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

to stop work.

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

23. 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.

24. 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.

25. 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.

26. No storage of materials beneath trees

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

Reason: To protect existing trees.

27. Removal of refuse

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

Reason: To protect the environment.

28. On site retention of waste dockets

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

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

Reason: To protect the environment.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:**29. Compliance with BASIX Certificate**

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. A84927 and dated 24 May 2010 have been complied with.

Reason: Statutory requirement.

30. Infrastructure repair

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

Reason: To protect public infrastructure.

31. Swimming pool (part 1)

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

- C1 1. Access to the pool/spa shall be restricted by a child resistant barrier in accordance with the regulations prescribed in the Swimming Pools Act, 1992:
- (b) The barrier is to conform to the requirements of AS 1926-1 2007 Fences and Gates for Private Swimming Pools.

Reason: To ensure the safety of children.

CONDITIONS TO BE SATISFIED AT ALL TIMES:**32. Swimming pool (part 2)**

At all times:

1. Access to the swimming pool must be restricted by fencing or other measures as required by the Swimming Pools Act 1992.
2. Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.

Reason: Health and amenity.

CARRIED UNANIMOUSLY

268

53 Griffith Avenue, Roseville Chase - Alterations & Additions to the Existing Dwelling

File: DA0366/10

Ward: Roseville

Applicant: Mrs Michela Brady C/- Annabelle Chapman Architect Pty Ltd

Owner: Mrs Michela Brady

To determine development application No. 0366/10, which seeks consent for alterations and additions to the existing dwelling.

Resolved:

(Moved: Councillors Keays/Anderson)

That the Council, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No. 1 – Development Standards to the height standard in clause 46 of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case.

That the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA0366/10 is consistent with the aims of the Policy, grant development consent to DA0366/10 for alterations and additions on land at No. 53 Griffith Avenue Roseville Chase, for a period of five (5) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS:**1. Approved architectural plans and documentation (alterations and additions)**

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

consent:

<i>Plan no.</i>	<i>Drawn by</i>	<i>Dated</i>
DA 101 Issue A	Annabelle Chapman Architect Pty Ltd	2 June 2010
DA 102 Issue A	Annabelle Chapman Architect Pty Ltd	2 June 2010
DA 103 Issue A	Annabelle Chapman Architect Pty Ltd	
DA 104 Issue A	Annabelle Chapman Architect Pty Ltd	2 June 2010
DA 105 Issue A	Annabelle Chapman Architect Pty Ltd	2 June 2010
DA 106 Issue A	Annabelle Chapman Architect Pty Ltd	2 June 2010
DA 107 Issue A	Annabelle Chapman Architect Pty Ltd	2 June 2010
DA 108 Issue A	Annabelle Chapman Architect Pty Ltd	2 June 2010
DA 109 Issue A	Annabelle Chapman Architect Pty Ltd	16 July 2010
DA 110 Issue A	Annabelle Chapman Architect Pty Ltd	2 June 2010
DA 111 Issue A	Annabelle Chapman Architect Pty Ltd	2 June 2010
DA 112 Issue A	Annabelle Chapman Architect Pty Ltd	2 June 2010
10013-1.DWG	Brunskill McClenahan & Associates Pty Ltd	11 February 2010

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

2. Inconsistency between documents

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

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

3. No demolition of extra fabric

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

Reason: To ensure compliance with the development consent.

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:**4. Road opening permit**

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

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

5. Notice of commencement

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

Reason: Statutory requirement.

6. Notification of builder's details

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

Reason: Statutory requirement.

7. Structural adequacy (alterations and additions)

Prior to commencement of any development or excavation works, the Principal Certifying Authority shall be satisfied that those components of the building to be retained and/or altered will be structurally sound and able to withstand the excavation and demolition process.

C1. Note: Evidence from a qualified practising structural engineer, demonstrating compliance with the above and detailing, where relevant, means of support for those parts of the retained building shall be provided to the Principal Certifying Authority.

Reason: To ensure that the development can be undertaken in accordance with accepted construction practices as indicated on the endorsed development plans, without the need for modification of the consent.

8. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority

shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: The plan shall be provided to the Certifying Authority.

Reason: To ensure appropriate management of construction waste.

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

9. Design and Construction

Prior to the issuing of the Construction Certificate the Principal Certifying is to be satisfied that the roofing shall be gutterless or guttering and valleys are to be screened to prevent the build up of flammable material. Any materials used shall have a Flammability Index of no greater than 5 when tested in accordance with Australian Standard AS1530.2-1993 'Methods for Fire Tests on Building Materials, Components and Structures – Test for Flammability of Materials'.

Prior to the issuing of the Construction Certificate the Principal Certifying is to be satisfied that the new construction to the east, north and south elevations shall comply with Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" BAL 29. New construction to the remaining elevation shall comply with Australian Standard AS3959-2009 "Construction of buildings in bush fire-prone areas" BAL 19.

Reason: To protect against bushfire

10. Privacy

To ensure that privacy and visual amenity is maintained to the adjoining property at 55 Griffith Avenue, Roseville Chase, the following measure shall be implemented:

- A fixed privacy screen shall be installed for the entire length of the *northern* elevation of the deck area. The privacy screen shall have a height of 1.6 metres above the finished floor level. The privacy screen shall be constructed of a durable material, appropriately integrated and shall be designed so as to prevent direct overlooking of 55 Griffith Avenue Roseville Chase.

Reason: To maintain neighbour amenity.

11. 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.

12. Builder's indemnity insurance

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

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

Reason: Statutory requirement.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):**13. Infrastructure restorations fee**

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

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.
- b) The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.

- c) The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.
- d) In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.
- e) In this condition:
 - “Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and
 - “Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: To maintain public infrastructure.

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

14. 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.

15. Hours of work

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

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

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

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

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

16. 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.

17. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: To ensure compliance with the Australian Standards.

18. 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.

19. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust
- earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed
- all materials shall be stored or stockpiled at the best locations
- the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs
- all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust
- all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays
- gates shall be closed between vehicle movements and shall be fitted with shade cloth
- cleaning of footpaths and roadways shall be carried out daily

Reason: To protect the environment and amenity of surrounding properties.

20. 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.

21. 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.

22. Protection of public places

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

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

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

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

Reason: To protect public places.

23. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: To facilitate recycling of materials.

24. Construction signage

All construction signs must comply with the following requirements:

- are not to cover any mechanical ventilation inlet or outlet vent
- are not illuminated, self-illuminated or flashing at any time
- are located wholly within a property where construction is being undertaken
- refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken
- are restricted to one such sign per property
- do not exceed 2.5m²
- are removed within 14 days of the completion of all construction works

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

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 (1996) "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

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

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. 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.

30. 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.

31. On site retention of waste dockets

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

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

Reason: To protect the environment.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE:

32. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. A85425 have been complied with.

Reason: Statutory requirement.

33. Infrastructure repair

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

Reason: To protect public infrastructure.

CONDITIONS TO BE SATISFIED AT ALL TIMES:

34. Asset protection zone

At the commencement of building works and in perpetuity the property around the building shall be managed as follows as outlined within section 4.1.3 and Appendix 5 of 'Planning for Bush Fire Protection 2006' and the NSW Rural Fire Service's document 'Standards for asset protection zones':

- North to the property boundary as an inner protection area;
- East for a distance of 15 metres as an inner protection area and 10 metres as an outer protection area;
- South to the property boundary as an inner protection area; and
- West to the property boundary as an inner protection area.

Reason: To protect against bush fire.

35. Swimming pool (part 2)

At all times:

1. Access to the swimming pool must be restricted by fencing or other measures as required by the Swimming Pools Act 1992.
2. Noise levels associated with spa/pool pumping units shall not exceed 5dB(A) at the boundaries of the site.
3. Devices or structures used for heating swimming pool water must not be placed where they are visible from a public place.
4. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or storm water drainage system is prohibited. These waters are to discharge via a permanent drainage line into Sydney Water's sewer in accordance with Australian Standard AS3500.2 section 10.9. Permission is to be obtained from Sydney Water prior to the emptying of any pool to the sewer.

5. Lighting from the swimming pool and other communal facilities shall not detrimentally impact the amenity of other premises and adjacent dwellings.

Reason: Health and amenity.

CARRIED UNANIMOUSLY

269

29 Babbage Road, Roseville Chase - First Floor Addition & Internal Alterations to Commercial Premises

File: DA0390/10

Ward: Roseville

Applicant: Mike George Planning Pty Limited

Owner: A and M Ramzy Pty Ltd

NOTE: This matter was not considered as the Development Application was withdrawn prior to the Council Meeting by the property owner.

270

175 Rosedale Road, St Ives - Lease Renewal

File: S07252

For Council to consider the lease renewal of 175 Rosedale Road, St Ives, to the current tenants for a five (5) year term.

Resolved:

(Moved: Councillors Keays/Hall)

- A. That Council enter into a lease agreement for a further five (5) years with Sous Le Soleil Pty Ltd.
- B. That the Mayor and General Manager are delegated authority to execute all documentation associated with the lease.
- C. That the General Manager or his delegated are authorised to negotiate the commercial terms of the new lease as discussed within the report.
- D. That Council affix the Common Seal to any necessary documents.
- E. That public notification of the proposed lease be undertaken in accordance with Section 47A of the *Local Government Act, 1993*.

CARRIED UNANIMOUSLY

271 **Capital Works Budget Changes for 2010 to 2012**

File: FY00382/2

To amend the capital works budget including the Environmental Levy and Parks programs for 2010/11 and 2011/12 and to correct the balance and project list of the Parks Capital Works Program for 2010/11.

Resolved:

(Moved: Councillors Keays/Hardwick)

That Council adopt the Delivery Program and Operational Plan 2010-2014, incorporating the Capital Works Program, as amended.

- B. That the capital works program for 2010/11 be reduced by a net \$339,800, from \$47,032,900 to \$46,693,100, representing:
- i. an increase of \$263,100 for Environmental Levy funded projects as outlined in Table 1 in the report, to match anticipated environmental levy income; and
 - ii. a reduction of the Parks Development program of \$602,900, due to the postponement of two projects until landscape masterplans can be completed.
- C. That the capital works program for 2011/12 be reduced by a net \$213,500, from \$37,748,400 to \$37,534,900 due to the reduction of the Environmental Levy program as outlined in Table 1 in the report, to align it with anticipated levy receipts.

CARRIED UNANIMOUSLY

272 **Management Plan 2009 to 2012 - 4th Quarter Review**

File: FY00382/2

To report to Council the progress over the period April to June 2010 against the 2009 to 2012 Management Plan.

Resolved:

(Moved: Councillors Keays/Hardwick)

That the report on the progress of the Key Performance Indicators contained in the 2009 to 2012 Management Plan for the 4th quarter of the Plan be received and noted.

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

Against the Resolution: Councillor Hall

273

Sustainability Reference Committee - Notes of Meeting held 26 July 2010

File: S07619

To bring to the attention of Council the proceedings of the Sustainability Reference Committee Meeting held on 26 July 2010.

Resolved:

(Moved: Councillors Keays/Holland)

- A. That the notes and attachments of the Sustainability Reference Committee meeting held Monday 26 July 2010 be received and noted.
- B. That Council investigate and follow up on sustainable transport planning opportunities for the Northern Sydney region.
- C. That Council investigate the provision of a community shuttle bus service as part of the development of the Sustainable Transport Strategy.
- D. That the Sustainable Transport Strategy investigate options to encourage sustainable transport options including sharing of public and private facilities.
- E. That the development of the Sustainable Transport Strategy incorporate a broad consultation program as part of its development.
- F. That financial details of Council's transport services for the 2010-2014 budget and expenditure from the last two financial years (2008-2010) be provided to the Sustainability Reference Committee for their information. This would include, but not limited to, roads, footpaths, bike paths, transport signage, bus shelters, car parking and other transport related programs and would cover both maintenance and capital works. It was requested that this information would be provided in time for the September 2010 meeting of the Committee.
- G. That Council form a Bicycle Advisory Committee as a sub-committee to the Sustainable Reference Committee.
- H. The membership and terms of reference of the sub-committee would be determined by the Sustainability Reference Committee.

CARRIED UNANIMOUSLY

274 **Sustainable Capital Works Program for 2010/11**

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File: S08352

To report to Council a sustainability evaluation template and an evaluation of the St Ives leachate project.

Resolved:

(Moved: Councillors Keays/McDonald)

That the report be received and noted.

CARRIED UNANIMOUSLY

275 **Heritage Reference Committee - Notes of Meeting held 21 June 2010**

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File: S07620

To advise Council of the notes of the Heritage Reference Committee meeting held 21 June 2010.

Resolved:

(Moved: Councillors Keays/Anderson)

That Council receive and note the Heritage Reference Committee Meeting Notes of 21 June 2010.

CARRIED UNANIMOUSLY

276 **Annual NSROC Tender - Supply and Delivery of Asphaltic Concrete**

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File: S08372

To seek Council's approval to accept the NSROC tender for the schedule of rates for supply; supply and delivery; and supply, delivery and laying of asphaltic concrete, including associated road profiling and heavy patching and other work items for the period 2010/2011

Resolved:

(Moved: Councillors Keays/Anderson)

- A. That the tender rates submitted by both Boral Asphaltting and Downer EDi Works Pty Ltd for the supply, supply and delivery and the supply, delivery and

laying of asphaltic concrete and associated road profiling works for 2010/11 be accepted and other companies where lower rates may apply to different work types.

- B. That the tender rates submitted by Downer EDi Works Pty Ltd, OzPave (Aust) Pty Ltd, J & M Schembri Pty Ltd, K K Civil Engineering, Kizan Pty Ltd (t/as A J Paving), D&M Excavations & Asphaltting Pty Ltd for heavy patching for 2010/11 be accepted and other companies where lower rates may apply to different work types.
- C. That both SRS (SAMI) Road Services Pty Ltd and Boral Asphaltting alternate submissions be accepted.
- D. That the tender rates submitted by SRS (SAMI) Road Services Pty Ltd for bituminous crack sealing of road pavement for 2010/11 be accepted, with the option to accept any other submission if the performance from SRS (SAMI) Road Services Pty Ltd should they be unable to supply or performance is not satisfactory.
- E. That the tenderers be advised of Council's decision.
- F. That authority be given to the Mayor and General Manager to affix the Common Seal of the Council to the instrument for the Contract for the Supply and Laying of Asphaltic Concrete and associated specifications.

CARRIED UNANIMOUSLY

277

1 Illoura Avenue, Wahroonga - Proposed Conversion of an Existing Dwelling to Professional Consulting Rooms (Dentist) and Dwelling

File: DA0394/10

Applicant: Dentist at Care

Owner: Mrs Sineenart Ratanawongprasat

To determine Development Application 0394/10, which is for the conversion of an existing dwelling to professional consulting rooms (dentist) and dwelling.

Resolved:

(Moved: Councillors Keays/McDonald)

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

That Council, as the consent authority, refuse development consent to Development Application No. DA0394/10 for the proposed conversion of an existing dwelling to professional consulting rooms (dentist) and dwelling on the first floor on land at 1 Illoura Avenue Wahroonga for the following reasons:

1. Non-compliance with built upon area development standard

The built upon area development standard non-compliance is caused by the requirement to provide on site parking for the dental surgery. The car parking is poorly located with within the front setback and is non compliant with DCP 43. This will have a significant detrimental impact on the site as the site can not support the parking requirements for the development.

The proposed development would set a negative and undesirable precedent in relation to the deficiency in long term on site parking should a similar development be proposed on surrounding properties. The shortfall would have to be compensated by the local residential street network.

Particulars:

- The proposed development exceeds both the built upon area development standard in the KPSO and the built upon area control set out under section 4.2.7 of DCP 38.
- The reduced built upon area would set an unacceptable precedent contrary to good planning outcomes within the surrounding low density residential area.

2. The SEPP 1 Objection to the maximum built upon area development standard is not well found as the applicant has failed to demonstrate why it is unnecessary or unreasonable to comply with the development standard**Particulars**

- The SEPP1 objection has failed to demonstrate how compliance with the development standard is unreasonable considering the variation would also result in a development that does not comply with Council's parking requirements as set out in DCP 43 – Car parking.
- The SEPP1 objection has failed to demonstrate how the development meets the objectives of Part 3A Division 3 of the KPSO Clauses 25C(1) & (2) and 25D(2), namely -
 - 25C(2)(g) – high residential amenity
 - 25D(2)(b) – protect existing trees and promote tall trees in front gardens
 - 25D(2)(c) – provide side setbacks for landscaping
 - 25D(2)(d) – minimise adverse impacts of car parking
 - 25D(2)(e) – provide built upon area controls to provide deep soil landscaping and maintain and improve the tree canopy

3. **The proposed development does not meet the objectives of Part 3A Division 3 of the KPSO in that the loss of the landscaped setting, loss of privacy, increased built upon area and loss of residential amenity will have a significant detrimental impact on the site and surrounding locality**

Particulars:

- The application does not meet the objective as set out in Clause 25C(2)(g) of the KPSO in that:
 - the residential amenity will be severely impacted with the loss of landscaping to the front of the property;
 - the loss of landscaping to the site reduces the privacy screening the site will have to the neighbouring property at 3 Illoura Avenue Wahroonga;
 - the residential component of the development is distinctly separated from the rear open space and provides no passive or active security to the ground floor.
- The application does not meet the objective as set out in Clause 25D(2)(b) & (c) of the KPSO as:
 - the built upon area reduces the availability to provide canopy tree plantings to the site;
 - the car parking provisions prohibit any further tree plantings for the site;
 - the side setback along the northern elevation does not allow for screen planting to be provided and this does not meet Council's requirements under DCP 38 .
- The application does not meet the objective as set out in Clause 25D(2)(d) of the KPSO as the car parking provision for the dental surgery will effect a significant loss of landscaping to the front of the site which will have a detrimental impact to the landscape character of the site and surrounding locality.
- The application does not meet the objective as set out in Clause 25D(2)(e) of the KPSO as the built upon area does not meet the requirements under Council's DCP 38 and will significantly impact the landscape amenity and environment of the site.

4. **Non-compliance with Australian Standard 2890.1 (2004) "Off-Street car parking", and Council's Development Control Plan DCP No.43 'Car Parking'**

The proposed car parking does not comply with the requirements of DCP 43. The proposed development is required to provide five parking spaces, including one disabled space. The application only provides three parking spaces, one of which is disabled. The disabled parking space is undersized and does not comply with Council's DCP and the Australian Standard.

Particulars

- The parking space dimension for disabled parking does not comply with Part 6: Off-street parking for people with disabilities (AS 2890.6-2009).
- Accessible path of travel from the disabled parking space into the building is not practical without the need to leave the site.
- The Traffic report does not justify the on-site parking provision in relation to the need to provide long-stay parking (i.e. that created by employees). A total of five (5) parking spaces are required according to DCP No.43 comprising three (3) long-term spaces and one (1) disabled space.

5. The proposal results in poor residential amenity for the permanent occupants of the premises as a result of privacy impacts, the absence of outdoor landscaped useable recreation areas and the lack of a separate entrance to the proposed residential component

Particulars

- The conversion of the entire ground floor into a dental surgery effectively severs the connectivity between the first floor residential component and the private open space to the rear of the site. There is no external access to the first floor residential component of the dwelling and therefore must be accessed through the dental surgery.
- The kitchen will have to be utilised by the staff of the surgery as no provision has been made for a staff kitchen within the ground floor and no laundry has been provided for the proposed dwelling on the first floor.

6. The proposal fails to provide adequate information

Particulars

- site plan has not been provided;
- specific hours of operation have not been provided for the use of the premises nor have designated emergency hours being provided;
- advertising signage details have not been submitted;
- a stormwater management plan has not been submitted;
- elevation plans of the front fence have not be submitted;
- built upon area calculations have not been submitted;
- an adequate Statement of Environmental Effects is required demonstrating compliance with DCP 38.

CARRIED UNANIMOUSLY

*Standing Orders were suspended to deal with items
where there are speakers first after a
Motion moved by Councillors Hall and McDonald
was CARRIED UNANIMOUSLY*

278 **Lease to East Roseville Bowling Club**

File: S07451

The following member of the public addressed Council:

P Lewis

To seek a resolution to grant the East Roseville Bowling Club (ERBC) a new lease according to the terms outlined in the report.

Resolved:

(Moved: Councillors Anderson/Keays)

- A. That Council enter into a 5 year lease agreement with the East Roseville Bowling Club.
- B. That Council credit the fees paid by East Roseville Bowling Club to the value of \$2,077.
- C. That East Roseville Bowling Club provide a Business Plan to Council within 12 months, and updated annually.
- D. That Council grant 3 options (3 x 5 years totalling 15 years), subject each time to a satisfactory review of the club's financial capabilities, business strategies and membership prior to the commencement of each option.
- E. Public Notice of Council's intention to grant a 5 year lease is made in accordance with S47 of the Local Government Act 1993.
- F. That the Mayor and General Manager, under their delegation, be authorised to execute the lease agreement.

CARRIED UNANIMOUSLY

279 **Review of Council's Golf Course Businesses**

File: S02140

The following member of the public addressed Council:

G Inglis

To advise Council of the outcomes of the recent review of Council's Golf Course businesses at Gordon and North Turramurra.

Resolved:

(Moved: Councillors Keays/McDonald)

- A. That Council receive and note the review of Ku-ring-gai Council Golf Courses conducted by JBAS.
- B. That Council reduce the Twilight rate fees from \$17 to \$13.
- C. That Council call for tenders for the Professional Services Contract for Gordon Golf Club for the period 1 February 2011 to December 2013.
- D. That Council call for tenders for the Professional Services Contract for North Turramurra Golf Course for the period 1 February 2011 to December 2013.
- E. That Council place any new fees on public exhibition for a period of 28 days and that should any objections be received, a further report be brought back to Council.

CARRIED UNANIMOUSLY

280

Local Government Association Conference 2010

File: CY00210/2

For Council to determine its delegates to the 2010 Local Government Association of NSW Annual Conference.

Resolved:

(Moved: Councillors Keays/McDonald)

- A. That Council determine its elected delegates to the 2010 Local Government Association Conference.
- B. That the General Manager and/or his delegate accompany the elected representatives to the Conference.
- C. That any interested Councillors advise the General Manager by Tuesday, 31 August 2010 if they wish to attend.

CARRIED UNANIMOUSLY

281 **Tulkiyan Management Committee**

File: S02153

To advise Council of nominations received for community members for the recently established Tulkiyan Management Committee.

Resolved:

(Moved: Councillors Keays/Anderson)

- A. That all those nominated for the Tulkiyan Management Committee be accepted and the Committee proceed to establishment.
- B. That, if applicable, all successful nominees be advised of their appointment to the Tulkiyan Management Committee.

CARRIED UNANIMOUSLY

282 **12 Woonona Avenue, Wahroonga - Design Proposal & Embellishment Requirements for New Park**

File: S07257

To advise Council on the design proposal and embellishment requirements for a new park at 12 Woonona Avenue, Wahroonga.

Resolved:

(Moved: Councillors Malicki/Anderson)

- A. That Council commences a public consultation of the proposed new park design at 12 Woonona Avenue, Wahroonga.
- B. That Council adopts the name of the new park as Balcombe Park.
- C. That Council utilises the remaining amount of \$62,317 available for embellishment works from Section 94 Reserves.
- D. That upon receipt of the gift Council thanks Mr & Mrs Fuller for their generosity.
- E. That during the exhibition period staff consider ways to alter the landscaping and/ or the entry gate to make it very clear that this is a public park.

CARRIED UNANIMOUSLY

283 **Motion of Dissent**

Councillor Hall dissented from the Mayor's ruling of not allowing him to present 'a 2009 report' concerning circuses to Council for information.

**When put to the Vote
the Motion of Dissent was LOST**

For the Motion of Dissent: Councillors Keays and Hall

*Against the Motion of Dissent: The Mayor, Councillor I Cross, Councillors
Holland, Malicki, Anderson, Hardwick and
McDonald*

QUESTIONS WITHOUT NOTICE284 **JRPP - 27 to 33 Boundary Street, Roseville**

Files: S08324, DA0410/09

Question Without Notice from Councillor Tony Hall

Would the General Manager provide Councillors with details of the legal action commenced in the Land and Environment Court against the Sydney West Joint Regional Planning Panel and its approval of a multi unit development at 27 to 33 Boundary Street, Roseville and would those details include the name of the legal consultant he has engaged and any other respondents in the matter?

Answer by the Mayor

I refuse to accept that Question. It is all in confidential.

Answer by the Director Development and Regulation

The matter was discussed in confidential at the previous Council Meeting. Those details were also discussed in confidential. In relation to advice that has been given at this stage, I believe that it has only gone to the respondents.

The Meeting closed at 7.54pm

The Minutes of the Ordinary Meeting of Council held on 24 August 2010 (Pages 1 - 42) were confirmed as a full and accurate record of proceedings on 14 September 2010.

General Manager

Mayor / Chairperson