

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 26 JULY 2005

- Present:** The Mayor, Councillor A Ryan (Chairperson) (Gordon Ward)
Councillors A Andrew & E Malicki (Comenarra Ward)
Councillors L Bennett & T Hall (St Ives Ward)
Councillors I Cross & N Ebbeck (Wahroonga Ward)
Councillors G Innes & M Shelley (Roseville Ward)
Councillor M Lane (Gordon Ward)
- Staff Present:** General Manager (Brian Bell)
Director Development & Regulation (Michael Miocic)
Manager Development Assessment Services (Matthew Prendergast)
Director Technical Services (Greg Piconi)
Director Open Space (Steven Head)
Director Community Services (Janice Bevan)
Director Finance & Business (John McKee)
Senior Governance Officer (Geoff O'Rourke)
Office Co-ordinator/WP (Casey Locke)
Manager Urban Planning (Antony Fabbro)

The Meeting commenced at 7.01pm

The Mayor offered the Prayer

DECLARATION OF PECUNIARY INTEREST

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

No such interest was declared.

ADDRESS THE COUNCIL

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

K Dodds
G Dudek
E Hajduk
G Vella

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 Item: Minute from the Mayor - Sir Frederick Chilton

Refers

Minute No

289: Memorandum by Senior Governance Officer dated 26 July 2005

Notice of

Rescission: Notice of Rescission from Councillors Hall, Innes & Lane dated 20 July 2005

Refer GB.6: 134 to 138 Eastern Road, Wahroonga - Memorandum from Director Development & Regulation dated 26 July 2005

Refer GB.7: 49 Telegraph Road, Pymble - Memorandum from Director Development & Regulation dated 26 July 2005

CONFIRMATION OF MINUTES

293

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 19 July 2005

Minutes numbered 259 to 292

Resolved:

(Moved: Councillors Innes/Hall)

- A. That Minutes numbered 259 to 292 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, except for Minutes numbered 288 and 289.

CARRIED UNANIMOUSLY

(Moved: Councillors Bennett/Ebbeck)

- B. That confirmation of the accuracy of Minute No 288 be deferred to allow the tape to be checked.

CARRIED UNANIMOUSLY

(Moved: Councillors Innes/Hall)

- C. That Minute No 289 be adopted as printed with the voting on Part B be amended to read as follows:

For the Resolution: Councillors Andrew, Bennett and Malicki

Against the Resolution: The Mayor, Councillor A Ryan, Councillors Cross, Ebbeck, Hall, Innes and Lane

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

294

Sir Frederick Chilton

File: S02380

Councillors, Ladies and Gentlemen,

This is to honour Sir Fredrick Chilton CBE, DSO and Bar, BA, LLB Sydney.

Sir Fredrick Chilton was born on the 23 July 1905 and last Saturday celebrated his 100th birthday. Sir Fredrick Chilton was born in the Turramurra Warrawee region and his family had orchards that are now known as Knox Grammar School.

Sir Fredrick Chilton was educated at the Gordon Public School and later went to Chatswood Intermediate High School finishing education at North Sydney Boys High. Sir Fredrick attended Sydney University where he obtained a Bachelor of Arts and a Law degree.

Sir Fredrick's army career began as a drink waiter in the Sydney University Regiment. At the outbreak of war in 1939 Sir Fredrick joined the Second Australian Infantry Forces (AIF). He obtained the rank of Major and served initially in North Africa, Bardia and Tobruk with the famous Seventh Division.

Sir Fredrick also was involved in the battle of Crete in 1942 and finding himself behind enemy lines escaped through Turkey with the assistance of the Turks dressed as a woman to get to Egypt and regain his regiment.

Sir Fredrick later fought in the Battle of Milne Bay, 1st Allied/Australian victory in the Pacific.

Later as the Brigadier of the 18th Brigade, 7th Division, second AIF he was in command of the Bloody Beach Head battles of Buna, Gona and Sanananda before moving on to Borneo.

As Commander of the 18th Brigade in 1943 he was responsible for reforming that brigade and at this stage it is reported that out of the original 1,000 men from the 18th Brigade only 29 remained.

Following World War II, Sir Fredrick moved into Federal Public Service ending up as repatriation Secretary (now Veteran Affairs).

On Sir Fredrick's retirement he undertook considerable voluntary work assisting the reorganisation of the Red Cross and the Boys Scouts of Australia.

Sir Fredrick Chilton had a great love for the men under his control and ensured that their safety was paramount in all their military conflicts.

Sir Fredrick is an old fashioned Gentleman who has devoted his life to service to his country both in war and in peace and has distinguished himself in both arenas.

As Mayor of Ku-ring-gai, I invite Councillors, Senior Staff and those present in the gallery to join with me wishing Sir Fredrick Chilton all the best for the future and sincerely hope that he had a very enjoyable one hundredth birthday last Saturday.

I move that

A copy of this Mayoral Minute together with a letter of congratulations be forwarded to Sir Fredrick Chilton.

Note: Councillors you may be interested to know that the information obtained for this Mayoral Minute was given to Council by the Reverend Roy Wotton who is a former rector of St Johns Church Gordon and was the Anglican Chaplain to the 18th Brigade during the New Guinea Campaign.

Resolved:

A copy of this Mayoral Minute together with a letter of congratulations be forwarded to Sir Fredrick Chilton.

CARRIED UNANIMOUSLY

PETITIONS

295

Barton Crescent, Wahroonga - Objection to Process of Street Tree Removals (Forty-Four [44] Signatures)

File: 88/05113/04

"We object to the process outlined in the letter dated 27 June 2005 from Council concerning the street tree removals planned for Barton Crescent. The removal of many of the mature trees in the street will significantly and negatively affect the entire appearance and aspect of the street. The beauty of the local trees is a significant neighbourhood asset and their removal will, in our opinion, immediately degrade local property values.

At the minimum, we request that the projected street tree removals be put on hold pending further consultation with local residents and allowing for alternatives to be considered."

Resolved:

(Moved: Councillors Cross/Ebbeck)

That the Petition be received and that no further action be taken until a report is submitted to Council.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

296

Exhibition of Fees & Charges

File: S03918

To allow Council to consider the exhibition of additional fees and charges for inclusion as an amendment to the 2005-2006 Management Plan.

Resolved:

(Moved: Councillors Innes/Cross)

- A. That Council exhibit the following fees and charges for a period of 28 days in accordance with the requirements of the Local Government Act, 1993:
 - 1. Minor amendment to KPSO or an LEP: \$7,500.
 - 2. Minor rezoning application (total site area less than 1 ha) or major amendment to KPSO: \$20,000.
 - 3. Major rezoning application (institutional sites or sites 1 ha or larger): \$45,000.
 - 4. Amendment to an existing DCP: \$10,000.
 - 5. Preparation of a new DCP: \$10,000 to \$50,000, depending on complexity (contact Council's Planning section for an estimate).
- B. In the event that no substantial objection is received, that the fees be adopted at the conclusion of the exhibition period.

CARRIED UNANIMOUSLY

Progress Report on Stormwater Analysis & Planning for Lane Cove Catchment

File: S03875

To report on the progress and findings of the analysis and planning for Lane Cove Catchment.

Resolved:

(Moved: Councillors Lane/Cross)

That Council receive and note the report.

CARRIED UNANIMOUSLY

Councillor Shelley arrived

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

Consideration of Various Heritage Matters

Files: P51789, P53370, P63399

The following member of the public addressed Council:

H Gordon

For Council to consider the removal of 23 Memorial Avenue, St Ives and 4 Munderah Street, Wahroonga from Schedule 7 (Heritage Items) of the Ku-ring-gai Planning Scheme Ordinance (KPSO) and that Council retain 2 Wirra Close, St Ives in Schedule 7 (Heritage Items) of the KPSO.

Resolved:

(Moved: Councillors Hall/Lane)

- A. That Council prepare a Draft Local Environmental Plan to remove No. 23 Memorial Avenue, St Ives and No. 4 Munderah Street from Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance.

- B. That the Department of Infrastructure, Planning and Natural Resources be advised of Council's decision in accordance with Section 54 of the Environmental Planning and Assessment Act.
- C. That the Draft LEP be publicly exhibited in accordance with the requirements of the EP & A Act.
- D. That a report be brought back to Council at the end of the exhibition period.
- E. That the property at No 2 Wirra Close, St Ives be subject to a site inspection.

CARRIED UNANIMOUSLY

299

134 to 138 Eastern Road, Wahroonga - Alterations & Additions to a Heritage Building & the Construction of Sixteen (16) New Dwellings

File: DA0992/04

Ward: Wahroonga

Applicant: Mirvac Projects Pty Ltd

Owner: Mirvac Projects Pty Ltd

The following members of the public addressed Council:

T Story

G Carrier

A Parr

To determine Development Application No. 0992/04 which seeks consent for additions and alterations to a heritage building and the construction of sixteen (16) new dwellings.

Resolved:

(Moved: Councillors Ebbeck/Cross)

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

THAT the Council, as the consent authority, refuse development consent to DA0992/04 for the alterations and additions to a heritage building and the construction of 16 new dwellings with associated access and landscaping on land at 134 to 138 Eastern Road, Wahroonga, for the following reasons:

1. Streetscape

The development fails to have regard to the aims and objectives of DCP38 and DCP16 in regard to streetscape, resulting in adverse visual impact upon the new access road, and a streetscape of limited visual quality. In particular, the dwellings lack sufficient front setbacks and have garages sited well forward of the dwellings. Eleven of the sixteen lots have their minimum front setbacks infringed and four of the lots have garages sited forward of the dwelling.

2. Bulk and Scale

The development fails to have regard to the aims and objectives of the DCP38 in regards to building bulk and scale, resulting in adverse impact upon the streetscape. In particular, the dwellings have several non-compliances with first floor ratio and building height plane.

3. Detail

No details have been provided of the pool coping level for Lot 2 as required under 5.7.1 of DCP38. Should the swimming pool be considerably elevated, adverse visual impact may result upon the heritage dwelling 'Glenwood House'.

For the Resolution: The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Cross, Ebbeck, Innes, Lane, Malicki

Against the Resolution: Councillors Hall and Shelley

300

49 Telegraph Road, Pymble - Additions & Alterations plus Carport & Driveway

File: DA0642/05

Ward: St Ives

Applicant: Mrs Marilena Allan

Owner: Mrs Marilena Allan

The following member of the public addressed Council:

D McGovern

To consider DA0642/05 for alterations and additions to a dwelling and construction of a detached double carport and new gravel driveway.

Resolved:

(Moved: Councillors Bennett/Shelley)

- A. That consideration of DA0642/05 at 49 Telegraph Road, Pymble be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

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

(Moved: Councillors Hall/Lane)

THAT the Council, as the consent authority, grant development consent to DA0642/05 for alterations and additions plus a carport to a dwelling on land at 49 Telegraph Road, Pymble, subject to the following conditions:

1. The development to be in accordance with Development Application 642/05 and Development Application plans prepared by ***Fiona Mitchell - Architect***, reference number, ***A01 (Rev A) to A08 (Rev A)***, dated ***April 2005 as amended in Red (shown clouded)*** and lodged with Council on ***23 June 2005***.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building works shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
6. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
7. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
8. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.

9. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
10. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
11. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.
12. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
13. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
14. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
15. Stormwater runoff from the alterations and additions located at the front of the site (including the proposed carport and driveway) shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
16. Stormwater runoff from the alterations and additions unable to drain to the street shall be piped to the existing site drainage system. No stormwater drainage system is to be connected to the Sydney Water sewer system. Where found, all illegal connections must be rectified to the satisfaction of Council and Sydney Water.
17. For stormwater control all paved areas are to be drained to the main drainage system. This may require the installation of suitable cut-off structures and/or barriers that direct runoff to the formal drainage system.
18. For stormwater control a 200mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.
19. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and

Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.

20. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
21. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
22. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 "Off-Street car parking".
23. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.
24. 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.
25. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
26. The property shall support a minimum number of Seven (7) trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in

accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

27. To maintain suitable levels of privacy and amenity to adjoining properties, the side window proposed in the eastern elevation at the rear of the proposed meals room extension shall be deleted and replaced with solid materials to match the existing dwelling. Details of such shall be provided to the Principal Certifying Authority prior to the release of the Construction Certificate.
28. In order to minimise impacts to the adjoining heritage item (No. 51 Telegraph Road) and to achieve compliance with Council's DCP No. 38, the proposed carport shall be relocated to have a minimum setback of 1.5m from the eastern (side) boundary of the site. The relocation of the proposed carport is to ensure adequate landscaping can be provided between the carport structure and the side boundary of the site.
29. Landscape works shall be carried out in accordance with Landscape Drawing No. 2A, prepared by Relle Mott Garden Design and dated April 2005 submitted with the Development Application, except as amended by the following:
 - A. In order to minimise impacts to the adjoining heritage item (No. 51 Telegraph Road), and soften the appearance of the proposed carport, screen planting shall be established between the carport and the eastern side boundary of the site.
 - B. In order to prevent overlooking of adjoining properties, screen planting shall be established between the rear terrace and the western side boundary of the site, as shown clouded in red on the plans.
 - C. The proposed *Camelia Sasanqua* shown to be installed between the carport and the eastern side boundary and in front of the carport, shall have a minimum pot size of 45 litres and minimum height of 1.2m at the time of planting.
 - D. The screen planting required by A. and B. of this condition shall utilise suitable plant species contained with Appendix F of Council's DCP No 38, shall be capable of attaining a minimum height of 3.0m and shall provide dense screening.

Details of the required amendments shall be shown on the amended landscape plans and submitted and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.

30. External materials, finishes and colours are to match the existing dwelling and shall be sympathetic to the surrounding environment. Details of all external

finishes and materials shall be provided to and approved by the Principal Certifying Authority, prior to the release of the Construction Certificate.

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

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

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

32. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
33. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
34. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:

- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
35. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations. When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

36. Development consent to DA 1417/04 shall be surrendered to Council under the provisions of Section 80A(1)(b) of the Environmental Planning and Assessment Act 1979. The provisions of Clause 97 of the Environmental Planning & Assessment Regulation 2000 are to be met prior to a Construction Certificate being issued. This condition is imposed to facilitate the orderly development of the site.
37. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a plan of the new drainage system components required for the approved development. The plan shall be prepared by a qualified civil/hydraulic engineer or licensed plumber. The new components of the property drainage system (including but not limited

to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence). Any new connection points to the public drainage system (eg kerb, table drains, pits, pipes) must be shown accurately on the plan.

38. Prior to issue of the Construction Certificate, the Applicant shall submit for the approval of the appointed Principal Certifying Authority, revised details which demonstrate the following:
- A clear entrance width of the proposed double carport to be increased to a minimum 5.2m (currently 4.8m). This condition is imposed to ensure compliance with Figure 5.4 from AS/NZS 2890.1 (2004) - "Off-street car parking" and thus provide better vehicle manoeuvrability.
 - Manoeuvring circles for the B85 design vehicle overlaid (drawn) on the site plans, which demonstrate that all vehicles using the carport can leave the site in a forward direction in a maximum of one (1) three-point turn. This condition has been imposed to ensure compliance with AS/NZS 2890.1 (2004) - "Off-street car parking", and may require some minor modifications to the driveway layout.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

39. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

40. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
41. Prior to issue of an Occupation Certificate, the following works must be completed:
- a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council,
 - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.
 - c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.

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

42. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall submit certification from a consulting engineer or the installing plumbing contractor to the Principal Certifying Authority (PCA), that:
 - a. The components of the new drainage system have been installed in accordance with the Plumbing and Drainage code AS3500.3.2 and by a licensed plumbing contractor, and
 - b. The stormwater drainage works have been carried out in accordance with the approved Construction Certificate drainage plan and Councils Water Management DCP 47.
43. Prior to issue of an Occupation Certificate, a high level overflow pipe is to be provided from the back of the skimmer box to the filter backwash line discharging to the sewer. This line must not directly vent the receiving Sydney Water sewer. This requirement is to collect stormwater overflow from the swimming pool surface only. A certificate from the installer, indicating compliance with this condition, must be submitted to the Principal Certifying Authority (PCA), prior to issue of an Occupation Certificate.

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

301 **27 Richmond Avenue & 400 Mona Vale Road, St Ives**

File: S03747

The following members of the public addressed Council:

**I Stutchbury
S Rahmani
R Hubbard
S Davies**

Notice of Rescission from Councillors T Hall, G Innes & M Lane dated 20 July 2005.

"We, the undersigned, move that the Council's decision, in respect of (A) made under NM.1 (Refer to Minute No 289 of 19 July 2005) be and is hereby revoked and Council take no further action in relation to Draft LEP 29."

Resolved:

(Moved: Councillors Hall/Lane)

That the above Notice of Rescission as printed be adopted.

*For the Resolution: The Mayor, Councillor A Ryan, Councillors Hall,
Innes, Lane & Shelley*

*Against the Resolution: Councillors Andrew, Bennett, Cross, Ebbeck &
Malicki*

*The voting being EQUAL, the Mayor exercised her Casting Vote
IN FAVOUR of the Motion*

GENERAL BUSINESS (cont)

302 **Investment Cash Flow & Loan Liability June 2005**

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File: S02722

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

Resolved:

(Moved: Councillors Shelley/Innes)

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

CARRIED UNANIMOUSLY

303 **Parks, Sport & Recreation Reference Group - Minutes of Meeting held
Thursday, 23 June 2005**

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File: S03447

To bring to the attention of the Ordinary Meeting of Council the Minutes from the Parks, Sport and Recreation Reference Group meeting held Thursday 23 June 2005.

**The Mayor, Councillor Ryan vacated the Chair during discussion
and the Deputy Mayor, Councillor Ebbeck assumed the Chair**

The Mayor, Councillor Ryan returned during discussion & resumed the Chair

Resolved:

(Moved: Councillors Ebbeck/Malicki)

That the Minutes of the Parks, Sport and Recreation Reference Group be received and noted.

CARRIED UNANIMOUSLY

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

304

Kokoda Trail Memorial Project

File: S02092

Notice of Motion from Councillor N Ebbeck dated 13 July 2005.

I am in receipt of a letter from the Chair of the Kokoda Trail Memorial Project Committee.

The proposed siting of the memorial is to be located in Kokoda Avenue Wahroonga near the intersection with Clissold Road. Council approved the siting of the memorial in October 2004 and consultation has taken place with directly affected residents.

A design of the sandstone memorial has been completed and the Committee is seeking assistance with funding the construction of the memorial.

The Committee has requested that Council provide assistance by constructing the concrete slab for the seating of the memorial, assistance with work on the verge and any financial assistance.

Attached is a copy of the letter from Mr Hodgson who is the Chair of the Kokoda Trail Memorial Project Committee.

I am advised by the Director of Technical Services that the construction of the concrete slab is estimated to cost approximately \$500 based on Council's contract rates. There is likely to be minimal works on returfing the verge area after the works are complete. Also, the Director Community Services has advised that the Committee could apply for funding under the Community Assistance Grants Program.

I move that:

"Council approve the construction of the concrete slab and the work on the verge area and that funding to a maximum value of \$500 be provided from Council's recurrent budgets for Technical Services and Open Space."

Resolved:

(Moved: Councillors Ebbeck/Cross)

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

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE

305

Electricity Supply - St Ives

File: S02051

Question Without Notice from Councillor T Hall

On Saturday evening of 18 June 2005, St Ives and adjoining suburbs suffered a severe blackout (including traffic signalisation in Mona Vale Road) which lasted nearly two hours.

The Director has finally received an explanation from Energy Australia, 1 month after I requested why but does it mean that at peak load, St Ives and other parts of Ku-ring-gai will continue to suffer blackouts.

Can the Mayor seek assurance from the Minister for Utilities that he will investigate the reasons for these blackouts and advise us?

Answer by the Mayor

Yes.

306

St Ives Shopping Centre Planning

Files: P52800, S04019

Question Without Notice from Councillor T Hall

On 26 July 2005, Council resolved (Minute No 288) that, inter alia, under clause "P" that an informal two-week exhibition period will be held prior to the formal presentation of the related LEP to Council in relation to the rezoning of the St Ives Village Centre.

When does the Acting Director believe this exhibition will be held and in what form, please?

Answer by the Director Open Space

Staff are just currently reviewing Council's resolution from last week and we will be bringing a number of pieces of information back to various planning committee

meetings over the next two months during the development. So, I think we will have some for discussion.

Question from Councillor Hall

Before the end of August.

Answer by Director Open Space

Initially, yes.

307 **Roseville Tennis Club - Installation of Lights**

File: DA1534/03

Question Without Notice from Councillor G Innes

Can the Director Development and Regulation advise when the development application for the lights at the Roseville Tennis Club is likely to be determined?

Answer by Director Development & Regulation

This week, Madam Mayor and Councillors.

308 **Section 94 Contributions - Request Briefing by Consultants Involved with Kogarah Council Judgement**

File: S02073

Question Without Notice from Councillor L Bennett

Can Councillors be briefed by the Consultants/Lawyers involved in the Kogarah case on the possibility of using S.94 Funds to underground Council car parks as a public domain improvement?

Answer by the Director Open Space

Yes.

309 **Minutes of Meeting with St Ives Shopping Centre Management**

File: P52800

Question Without Notice from Councillor L Bennett

Were Minutes kept of the meeting between the St Ives Shopping Village and Councillors/Staff over the re-development of the Shopping Centre and Council car parks?

Answer by the Mayor

That wasn't a meeting, that was a presentation and we have presentation notes that I am sure we can give you a copy of if you haven't got them already.

310

Kissing Point Premier 1 Soccer Team - State Cup Winners

File: S02024

Question Without Notice from Councillor E Malicki

The Kissing Point Premier 1 Soccer Team made North Shore history last Sunday when they won the State Cup. This Cup has not been won by any team north of the Harbour since Soccer began here, so it was a significant event.

Is there some way we can recognise this great sporting event in some way as a Council, please?

Answer by the Mayor

Councillor Andrew actually did mention this to us yesterday and I have written a letter today to congratulate them but I don't know what else you perhaps have in mind for us to do. I think it would be appropriate if you & Councillor Ebbeck spoke about this & bring me into it.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place on Saturday, 6 August 2005 to view the following properties:

2 Wirra Close, St Ives
49 Telegraph Road, Pymble

The Meeting closed at 9.04pm

The Minutes of the Ordinary Meeting of Council held on 26 July 2005 (Pages 1 - 21) were confirmed as a full and accurate record of proceedings on 9 August 2005.

General Manager

Mayor / Chairperson