

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 5 APRIL 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)
Councillor N Ebbeck (Wahroonga Ward)
Councillors G Innes AM & M Shelley (Roseville Ward)
Councillor M Lane (Gordon Ward)

Staff Present: General Manager (Brian Bell)
Director Development & Regulation (Michael Miocic)
Manager Development Assessment Services (Matthew Prendergast)
Director Planning & Environment (Leta Webb)
Director Technical Services (Greg Piconi)
Director Open Space (Steven Head)
Director Community Services (Janice Bevan)
Director Finance & Business (John McKee)
Senior Governance Officer (Geoff O'Rourke)
Office Co-ordinator/WP (Casey Locke)

The Meeting commenced at 7.00pm

The Mayor offered the Prayer

99 **APOLOGIES**

File: S02194

Councillor I Cross tendered an apology for non-attendance (illness) and requested leave of absence.

Resolved:

(Moved: Councillors Ebbeck/Andrew)

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

CARRIED UNANIMOUSLY

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:

D Lethbridge on behalf of Mr Pritchard
B Wylie

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:

Minutes: Inspections Committee held 2 April 2005

Report: Draft Amendments to Development Control Plan No 55 for Finlay Road, Lamond Drive and Duff Street Precinct, Turramurra – Supplementary Report by Director Planning & Environment dated 5 April 2005

CONFIRMATION OF MINUTES

100 Minutes of Ordinary Meeting of Council

File: S02131
Meeting held 22 March 2005
Minutes numbered 77 to 98

Resolved:

(Moved: Councillors Innes/Lane)

That Minutes numbered 77 to 98 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, with the exception of Minute No 98.

CARRIED UNANIMOUSLY

101 Masterplanning in the St Ives Triangle

File: S02036, S02988

Vide Minute No 98

Resolved:

(Moved: Councillors Hall/Lane)

That Minute No 98 (Question Without Notice from Councillor T Hall) be adopted as printed.

CARRIED UNANIMOUSLY

PETITIONS

102 **Lindfield Gardens - 2 Ulmarra Place, East Lindfield - Rezoning (Fifty-three [53] Signatures)**

File: P62942

The following Petition was presented by Councillor Innes:

We the undersigned wish to support Ku-ring-gai Council in their endeavours to have Lots 799 and 837 rezoned for “open space” as the area is much used by residents of Lindfield Gardens.

Resolved:

(Moved: Councillors Innes/Shelley)

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

CARRIED UNANIMOUSLY

REPORTS FROM COMMITTEES

Minutes of Ku-ring-gai Traffic Committee

File: S02110

Meeting held 17 March 2005

Minutes numbered KTC4 to KTC6

103 **General Matter Items Under Delegated Authority**

File: S02738

Vide Minute No KTC4

Advice on matters considered under the Delegated Authority.

Resolved:

(Moved: Councillors Lane/Ebbeck)

That the information regarding traffic facilities approved in January 2005 under Delegated Authority, be noted.

CARRIED UNANIMOUSLY

104 **Bannockburn Road, Pymble**

File: 88/05101/03
Vide Minute No KTC5

Ward: Wahroonga
Electorate: Ku-ring-gai

To consider the outcome of resident consultation for a roundabout in Bannockburn Road at Rushall Street.

Resolved:

(Moved: Councillors Lane/Ebbeck)

- A. That Council notes the outcome to its advertising of a roundabout in Bannockburn Road at Rushall Street.
- B. That considering its high rank in Council's priority ranking system, proximity to Pymble Public School and the outcome of its advertising, Council endorse the Concept Plan for the proposed roundabout on Bannockburn Road at Rushall Street, subject to formal consent by the RTA and that approval of the final design be delegated to the Director Technical Services.
- C. That Council seeks formal consent from the RTA for the proposed roundabout.

CARRIED UNANIMOUSLY

105 **Maxwell Street, Turramurra**

File: 88/05764/03
Vide Minute No KTC6

Ward: Comenarra
Electorate: Ku-ring-gai

To consider the outcome of resident consultation for changes in priority in Maxwell Street at Geoffrey, Buller and Havelock Streets.

Resolved:

(Moved: Councillors Lane/Ebbeck)

That consideration of treatment of Maxwell Street be deferred to allow further consultation to be undertaken regarding the proposed treatment.

CARRIED UNANIMOUSLY

106 **General Discussion**

File: DA1692/03

Resolved:

(Moved: Councillors Lane/Ebbeck)

That point 2 of the General Discussion be amended to read:

The Chairman referred to the recent approval by Council of a child care centre in Pentecost Avenue near Reilly Street. He informed the Committee that during debate on the issue in Council, he undertook to refer concerns with the possible impact of this development to Ku-ring-gai Traffic Committee. The Chairman requested Council's staff to undertake further investigation of the likely traffic impacts of the child care centre and report back to the Traffic Committee in due course **with the possibility of extending the existing 40kph zone.**

CARRIED UNANIMOUSLY

107 **Minutes of Inspections Committee**

File: S02131

Meeting held 2 April 2005

Minutes numbered INS4 & INS5

Resolved:

(Moved: Councillors Shelley/Lane)

That Minutes numbered INS4 to INS5 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

108 **Council Meeting Cycle For Remainder Of 2005**

File: S02355

To consider amending the Council Meeting Cycle for the remainder of 2005/early 2006 because of school holidays, Local Government Association Conference and the Christmas Recess.

Resolved:

(Moved: Councillors Innes/Lane)

- A. That Council amend its meeting cycle for the remainder of 2005/early 2006, as follows:

12 July 2005	(transferred to 19 July 2005)
19 July 2005	Ordinary Meeting of Council
26 July 2005	Ordinary Meeting of Council
6 September 2005	Ordinary Meeting of Council
13 September 2005	(transferred to 6 September 2005)
20 September 2005	Ordinary Meeting of Council
27 September 2005	(transferred to 20 September 2005)
11 October 2005	Ordinary Meeting of Council
18 October 2005	Ordinary Meeting of Council
25 October 2005	(transferred to 18 October 2005)
6 December 2005	Ordinary Meeting of Council
13 December 2005	Ordinary Meeting of Council

- B. That the first meeting for 2006 be held on 7 February and the normal meeting cycle resume on 28 February 2006.

CARRIED UNANIMOUSLY

109 **Queen Elizabeth Reserve Remediation Tender**

File: S02946

For Council to authorise the selective tender process for Remediation works at Queen Elizabeth Reserve in accordance with the Environmental Management Plan, prepared documents and Section 55 of the Local Government Act (1993) as amended.

Resolved:

(Moved: Councillors Innes/Shelley)

That Council authorise the calling of tenders for Remediation Works at Queen Elizabeth Reserve in accordance with the Environmental Management Plan and prepared documentation.

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

Against the Resolution: Councillor Malicki

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

110 **Amendment To Development Control Plan No 55 - Nominated Area Provisions For Lindfield And Turramurra**

File: S03730

The following members of the public addressed Council:

**S Tatham
M Keir**

To present to Council draft planning controls for consideration to be incorporated into DCP55 to apply to the Milray Street Precinct in Lindfield and planning principles to apply to the Finlay Road, Lamond Avenue and Duff Street Precinct in Turramurra.

Resolved:

(Moved: Councillors Malicki/Innes)

- A. That Council adopt the design principles and controls applying to the Finlay Road, Lamond Drive and Duff Street Precinct in Turramurra as contained in the report as a code for consideration under Clause 33(d) of the Ku-ring-gai Planning Scheme Ordinance (**Attachment A**).

- B. That Council adopt the design principles and controls contained in the report as a draft amendment to Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 (**Attachment B**).
- C. That Council adopt for the draft nominated area controls contained in Attachment A to the report as a draft amendment to Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 (**Attachment C**).
- D. That the draft amendment be publicly exhibited in accordance with Clause 18 of the Environmental Planning and Assessment Regulations 2000.

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

Against the Resolution: Councillor Hall

111 **Draft (Heritage Conservation) Local Environmental Plan No 29 - 27 Richmond Avenue And 400 Mona Vale Road, St Ives**

File: S03716

A motion moved by Councillors Innes and Malicki to hear 3 speakers for and 3 against was CARRIED

For the Motion: The Mayor, Councillor A Ryan, Councillors Andrew, Innes, Lane, Malicki and Shelley

Against the Motion: Councillors Bennett, Ebbeck and Hall

The following members of the public addressed Council:

S Rahmani
J Boyd
T Whitmore
Z Edwards
A Carol
D Lethbridge on behalf of A Pritchard

That Council consider Draft (Heritage Conservation) Local Environmental Plan No 29 (DLEP 29) following the exhibition period.

Resolved:

(Moved: Councillors Hall/Lane)

- A. That in light of its recommendation to the Heritage Minister of the Heritage Council's State Heritage Register Committee's decision to refuse the listing of the "Petitt and Sevitt Exhibition Centre No 1 Precinct" on the State Heritage Register pursuant to Section 33(1) of the Heritage Act, 1977, this Council is to

take no further action to list 400 Mona Vale Road and 27 Richmond Avenue, St Ives located within that precinct, for heritage listing under the Local Ku-ring-gai Planning Scheme Ordinance.

- B. That Council notify all affected residents and all people who made a submission of its decision.

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

Against the Resolution: Councillors Andrew, Bennett and Malicki

112 **Adoption Of Masterplan For Carlotta Avenue Depot Site**

File: S02054

R Turner addressed Council

To report to Council on the public exhibition of the draft Masterplan and traffic study for the redevelopment of the Carlotta Avenue Depot and to present a final Masterplan to Council for adoption.

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

The Mayor, Councillor Ryan returned and resumed the Chair

Resolved:

(Moved: Councillors Lane/Hall)

- A. That Council adopt the Ku-ring-gai Council Depot Site Masterplan as included in **Attachment D**.
- B. That the adopted Masterplan be incorporated as Section 7.4 of Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 – Pacific Highway / Railway Corridor and St Ives Centre.
- C. That Council obtain legal advice on creating a covenant for inclusion in the Masterplan “Contract of Sale” taking into consideration the recent legal issues faced by Lane Cove Council.

That further legal advice be obtained as to the best way of ensuring public ownership of the proposed public open space and how the principles of achieving a minimum of 50% deep soil planting for the entire site may be achieved.

- D. That Council endorses Option 2 for traffic management treatment in Carlotta Avenue and that funding for the works be made available from the sale of the Carlotta Avenue site.
- E. That Section 3.1.8 – Public Art of the Masterplan be amended to read:

Public art is perceived to be part of the landscape in addition to placed objects. Art should be incorporated as features such as furniture elements, ground modelling, water features, play experiences, sculptural fencing and placed objects as appropriate, following the example of Bicentennial Park in West Pymble and Beauchamp Park in Willoughby, particularly in children’s playgrounds. Environmental art should be an integral component of the public open space.

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

Against the Resolution: Councillors Andrew, Bennett and Malicki

The above Resolution was subject to 2 Amendments, both of which were LOST. The 1st Lost Amendment was:

(Moved: Councillors Bennett/Malicki)

- A. *That the matter be deferred for site inspection.*
- B. *That Council obtain legal advice on creating a covenant for inclusion in the Masterplan “Contract of sale” taking into consideration the recent legal issues faced by Lane Cove Council.*
- C. *That further legal advice be obtained as to the best way of ensuring public ownership of the proposed public open space and how the principles of achieving a minimum of 50% deep soil planting for the entire site be achieved.*

The 2nd Lost Amendment was:

(Moved: Councillors Malicki/Bennett)

- A. *That the matter be deferred so that Council obtain legal advice on creating a covenant for inclusion in the Masterplan “Contract of sale” taking into consideration the recent legal issues faced by Lane Cove Council.*
- B. *That further legal advice be obtained as to the best way of ensuring public ownership of the proposed public open space and how the principles of achieving a minimum of 50% deep soil planting for the entire site be achieved.*

Delegations Of Authority

File: S02017

To grant to the General Manager, Delegations of Authority under Section 377 of the Local Government Act 1993.

Resolved:

(Moved: Councillors Bennett/Innes)

- A. That the Delegations of Authority, as set out in **Attachment E**, be delegated to the General Manager, Mr Brian Bell, in accordance with Section 377 of the Local Government Act 1993 with the following amendment to Delegation A7:

Urgent Works

To approve work which is considered urgent and in the public interest, and for which there is no budget provision, but where funds are available with the Department voted funds as set out in the adopted Management Plan. Where such expenditure occurs, it be reported to the next Council Meeting.

- B. That Council acknowledge these Delegations are in addition to the functions of the General Manager as set out in Section 335 of the Local Government Act 1993.

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

Against the Resolution: Councillor Lane

Draft Cultural Plan

File: S02954

To present the draft Cultural Plan to Council following the public exhibition period.

Resolved:

(Moved: Councillors Innes/Lane)

- A. That the draft Cultural Plan be adopted by Council.
- B. That the Plan be amended to include:

That a house museum curator be employed, subject to full funding being received from the Ministry of the Arts, to assist with the development of

Tulkiyan and Eryldene and subject to the support of the Friends of Tulkiyan and the Eryldene Trust.

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

Against the Resolution: *Councillor Bennett*

115 **Draft Development Control Plan No 56 – Notification**

File: S03673

To present to Council Draft Development Control Plan No 56 for consideration for exhibition.

Councillor Malicki departed during discussion

Resolved:

(Moved: Councillors Innes/Lane)

That Draft Development Control Plan No 56 be exhibited for a period of not less than 28 days and a report be presented to Council following the period of exhibition.

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

Against the Resolution: *Councillor Bennett*

QUESTIONS WITHOUT NOTICE

116 **Stones from Gallipoli Cove - Anzac Memorial at Roseville Memorial Park**

File: S02583

Question Without Notice from Councillor M Shelley

Would the Director Open Space advise if the necessary works to incorporate the stones brought back from Gallipoli Cove in the Memorial at Roseville Memorial Park will be completed before 25 April - Anzac Day?

Answer by Director Open Space

I have been assured by staff that the base for the monument will be in place by the end of the week. The contractors were delayed last week and that it should be completed by the end of this week.

117 **Briefing Notes on Developer/Council Agreements**

File: S02445, S03247

Question Without Notice from Councillor L Bennett

On February 2 this year I asked for briefing notes on developer/Council agreements including the problems experienced by Lane Cove Council, Liverpool oasis, Leichhardt and the financial outcomes at Kogarah. When will this material be supplied?

Answer by the General Manager

That material was ready for the Councillors Workshop. I will provide information for Councillors.

118 **Electronic File Numbers - Stage 2**

File: S02036

Question Without Notice from Councillor L Bennett

Can I have a list of all electronic file numbers which contain material concerning Stage 2?

Answer by the General Manager

Yes.

119 **Masterplanning in LEPs 194/200 Areas**

Files: S02036, S02988, S03209

Question Without Notice from Councillor T Hall

I thank the General Manager for his reply of 5 April to my Question - Minute No 98 of 22 March 2005 and again ask whether this Council is circumventing the Planning Minister's directive of 28 May 2004 relating to Masterplanning?

Is the Council's resolution to include Masterplanning in DCP55 based on a legal opinion that is only a possible alternative to permit Masterplanning in the Council's planning codes?

Answer by the Mayor

The General Manager will investigate and respond.

120 **Masterplanning of Private Property affected by LEPS 194/200**

File: S03209

Question Without Notice from Councillor T Hall

While the Planning Minister said "NO" to Masterplanning in her letter of 28 May 2004, as they are included in DCP 55, is the Council imposing a Masterplan on a number of former special areas unilaterally rather than seeking those owners to agree on a Masterplan and gain Council's agreement to such arrangements?

Answer by the General Manager

My understanding is that I answered those questions today in the memo of 5 April.

Answer by Councillor Hall

No, you haven't.

Answer by the General Manager

That is my understanding sir.

Answer by the Mayor

He will ensure that if they haven't been answered, Councillor Hall, it will be answered as soon as possible.

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

The Mayor drew Council's attention to a Notice of Rescission received by the General Manager during the meeting from Councillors Andrew, Bennett and Malicki in relation to Draft LEP 29.

The following item was dealt with after a Motion moved by Councillors Innes and Lane to have the matter dealt with at the meeting was CARRIED and the Chairperson ruled urgency

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

Against the Motion: Councillor Andrew

121 **Notice of Rescission: Draft (Heritage Conservation) Local Environment Plan No 29
- 27 Richmond Avenue and 400 Mona Vale Road, St Ives**

File: S03716

Notice of Rescission from Councillors Anita Andrew, Laura Bennett and Elaine Malicki dated 5 April 2005.

“We, the undersigned Councillors hereby rescind Council’s resolution of 5 April 2005 in respect of item GB.6 (see Minute No 111).”

Councillor Bennett returned during discussion

Motion:

(Moved: Councillors Andrew/Innes)

That the Notice of Rescission as printed be adopted.

For the Notice of Rescission: Councillors Andrew and Bennett

Against the Notice of Rescission: The Mayor, Councillor A Ryan, Councillors Ebbeck, Hall, Innes, Lane, and Shelley

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

122 **Act Of Disorder**

File: S04145

During discussion on the previous item – Notice of Rescission – Draft (Heritage Conservation) Local Environmental Plan No 29 – the Mayor asked Councillor Bennett to withdraw a comment which was considered to be an imputation (Clause 29 (1)(d) Local Government (Meetings) Regulation 1999) of the other Councillors.

Councillor Bennett declined.

Councillor Hall moved a motion of disorder against Councillor Bennett for failing to comply with the request to withdraw the remark.

As it was close to the end of the Council meeting, the Mayor suggested that Councillor Bennett not be expelled from the meeting, but that it be noted that Councillor Bennett’s comment was out of order.

Resolved:

(Moved: Councillors Hall/Lane)

That Councillor Bennett's act of disorder be noted.

*For the Resolution: The Mayor, Councillor A Ryan, Councillors Ebbeck,
Hall, Innes and Lane*

Against the Resolution: Councillors Andrew, Bennett and Shelley

The Meeting closed at 9.20pm

The Minutes of the Ordinary Meeting of Council held on 5 April 2005 (Pages 1 - 16) were confirmed as a full and accurate record of proceedings on 26 April 2005.

General Manager

Mayor / Chairperson

Finlay Road, Lamond Drive and Duff Street, Turramurra - Design Principles and Controls

Name of this Code

This Code is called 'Finlay Road, Lamond Drive and Duff Street, Turramurra - Design Principles and Controls'

Purpose of this Code

The purpose of this Code is to provide design principles to guide the future development of land in the vicinity of Finlay Road, Lamond Drive and Duff Street, Turramurra for the purpose of residential flat buildings.

The design principles and controls contained in this code are to be taken into consideration, in accordance with clause 33(d) of the Ku-ring-gai Planning Scheme Ordinance 1971 (as amended), for any application for the erection of a residential flat building on land covered by this Code.

Land to which this Code applies

This Code applies to land in the Finlay Road, Lamond Drive and Duff Street, Turramurra, zoned Residential 2(d3) under the Ku-ring-gai Planning Scheme Ordinance

Date adopted by Council

This Code was adopted by a resolution of Council on.....

Design Principles

Topography

1. New development will respond to the site topography by:
 - (a) Locating new buildings within existing terraced areas formed by existing pools, dwellings and tennis courts;
 - (b) Avoiding the steep lower (southern) slopes of the site (refer site analysis);
 - (c) Allow for natural overland flow so as to minimise changes to the site hydrology; and
 - (d) New buildings to be located to align with the topography (perpendicular to, or parallel to, the contours).

Tree canopy and remnant vegetation

2. The existing tree canopy and remnant vegetation on the site will be protected by:
 - (a) Locating new buildings within the areas currently occupied by the footprints of existing dwellings and other large structures such as pools and tennis courts;
 - (b) Locating buildings outside the drip-line of trees in the central area of the site;
 - (c) Protecting the vegetation on the steep lower slopes;
 - (d) Planting canopy trees to the Pacific Highway frontage.

Views

3. Regional public views to the south from the Pacific Highway will be protected by:
 - (a) Providing a 10m wide view corridor through the site between Finlay Road and Lamond Drive; and
 - (b) Providing a 10m wide view corridor through the site between Lamond Drive and Duff Street.

Heritage

4. The significance of the two heritage buildings on the site will be protected by:
 - (a) Providing a minimum curtilage of 10 metres around each heritage building;
 - (b) Siting new development so that no part of the heritage item is obstructed from the adjoining street or streets;
 - (c) Siting new development so that it forms a subtle backdrop to the heritage item and is partially screened by vegetation.(Figure 4)

Pedestrian access

5. Pedestrian access to Turrumurra rail station will be enhanced by:
 - (a) Providing a new public access way through the sites between Duff Street and Lamond Street and between Finlay Road and Lamond Drive.

Vehicle access

6. The impact of access roads will be minimised by:
 - (a) Minimising the number of access roads, driveways and pathways
 - (b) Minimising the length of access roads and driveways and ensuring access roads follow the contours (ie. run parallel to the contours)
 - (c) Elevating driveways (for example on piers) and paths where possible
 - (d) Allowing vehicle access to the site only from Finlay Road, Lamond Drive and Duff Street only

Building address

7. The Pacific Highway is to remain a primary street address for buildings located at the northern end of the site

Interface

8. The impact on adjoining properties will be minimised by:
 - (a) Locating new buildings away from the interface boundaries
 - (b) Maintaining significant vegetation at the interface boundaries.

Internal amenity

9. Adequate internal amenity of apartments will be provided by:
 - (a) Minimising single orientation apartments facing north/north east on the lower slopes or against steep cut embankments

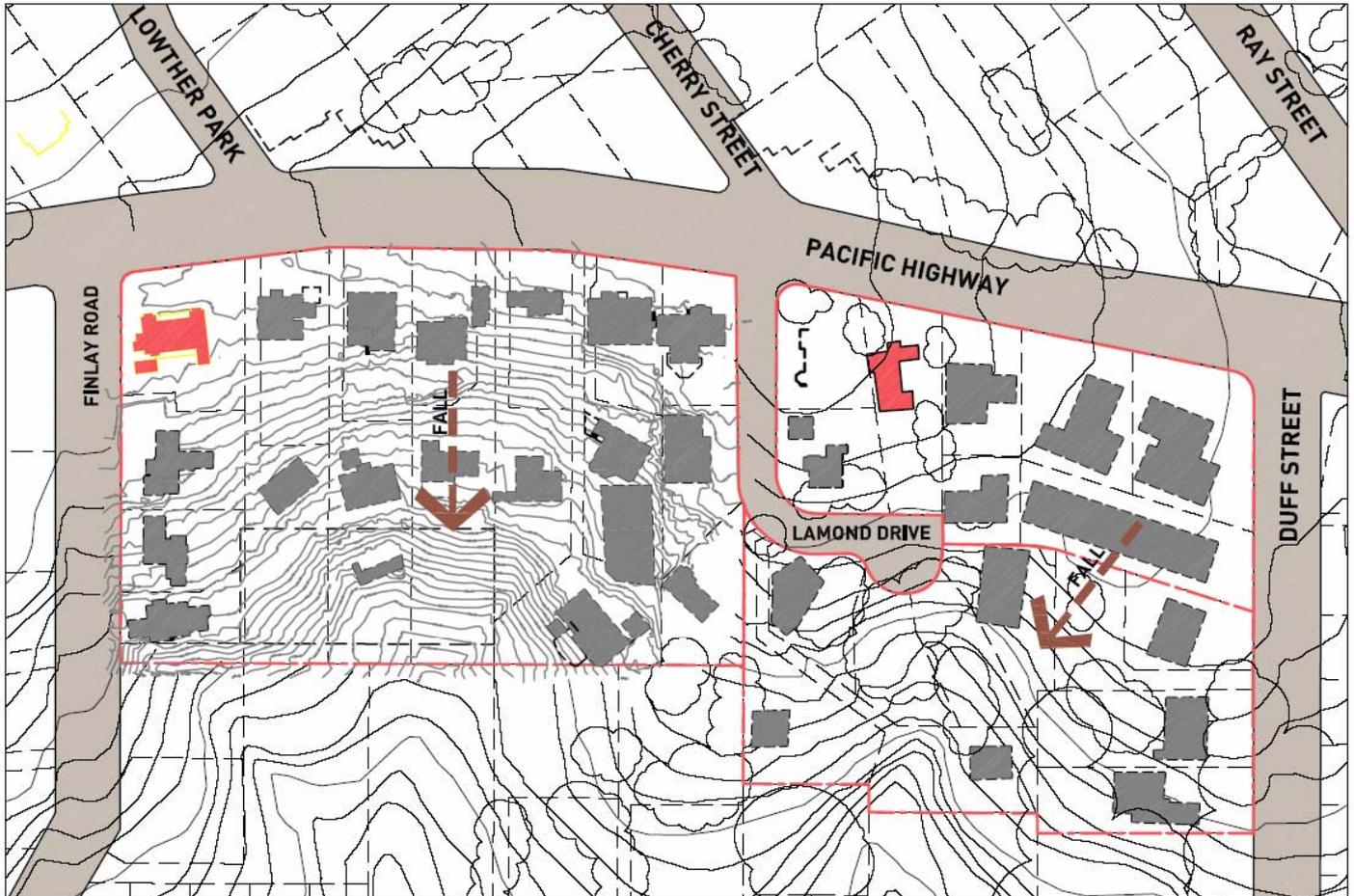
Construction

10. Manage the impacts of site construction in relation to soil levels, tree protection, hydrology and soil erosion by:
 - (a) Providing a detailed construction plan identifying construction processes and methods addressing the relevant design principles.

Design Controls

The proposed design controls for this precinct are contained in **Figure 3** below. These controls take the form of preferred lot amalgamations, building zone controls, setbacks and pedestrian and vehicular access through the precinct.

Should an applicant propose a different solution to that presented in Figure 3, then the onus is on the applicant to demonstrate how the alternative solution achieves the nominated design principles while not preventing Council's preferred solution from being achieved in the remainder of the precinct.



The site falls approximately 33m south from the Pacific Highway. (from RL 152 to RL 185) over 120m ie a fall of 1:3.6. There is some terracing of the site located around existing structures such as pools, a tennis court and the existing dwellings.

The elevated location on the site allows for some significant regional views to the south over the adjacent residential area. Currently the tree canopy screens much of the development to the south.

The combination of the sites slope and the high tree canopy restricts solar access to the site.



SITE ANALYSIS - EXISTING TOPOGRAPHY

FIGURE 1.



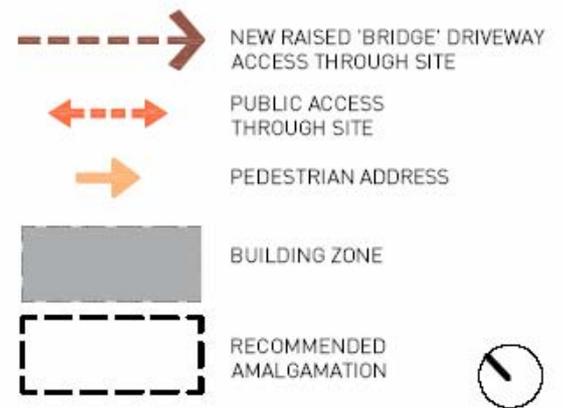
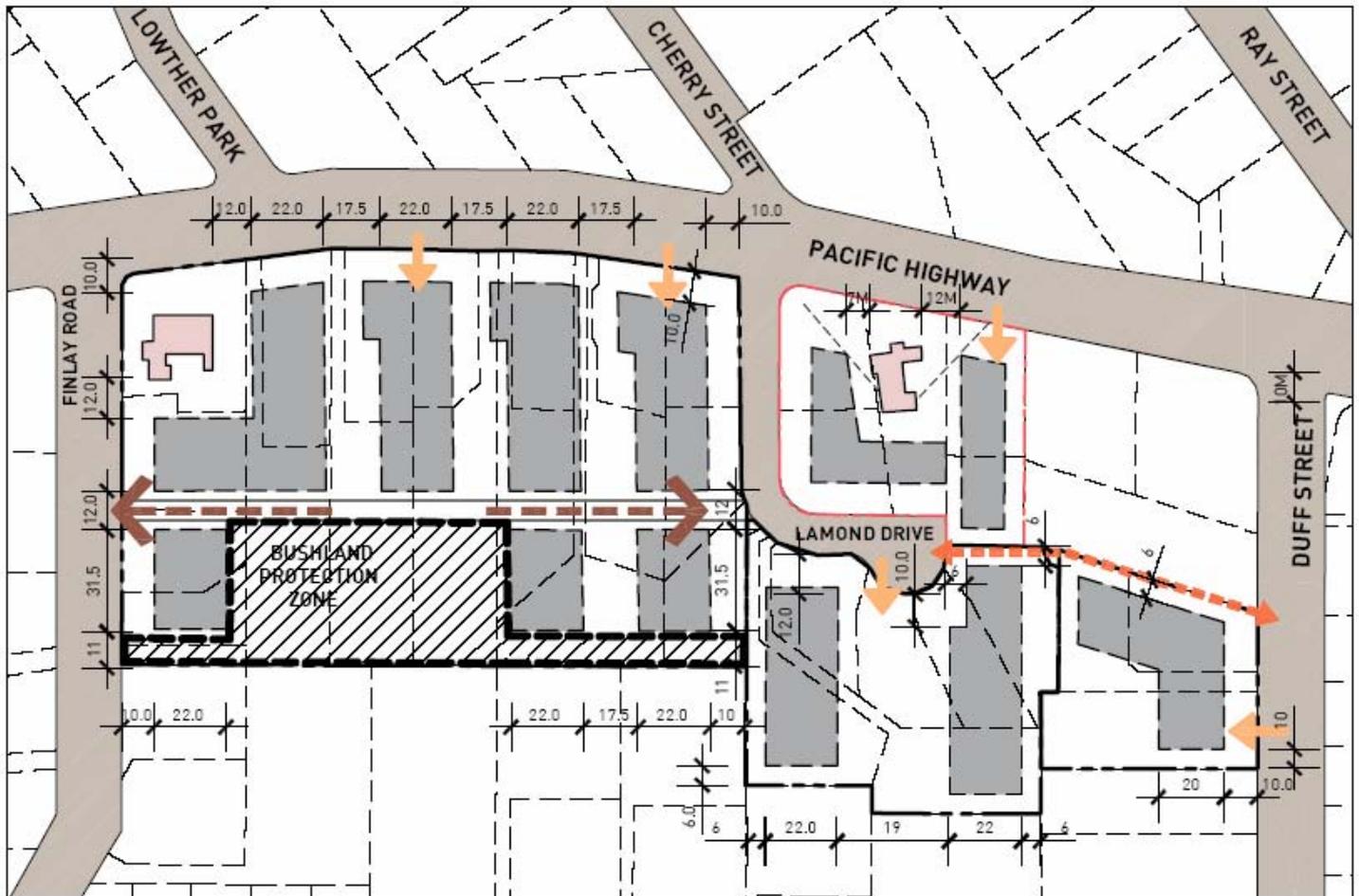
A significant proportion of the site contains part of the Sydney Blue Gum High Forest habitat which is an endangered species protected under the Threatened Species Conservation Act. The most significant stands of trees occur towards the middle of the site, with quite an extensive habitat located on the steep southern slopes.

-  TREE LOCATION VERIFIED BY SURVEY
-  TREE LOCATION DETERMINED FROM AERIAL PHOTOGRAPH



SITE ANALYSIS - EXISTING TREE CANOPY

FIGURE 2.



CONTROLS

FIGURE 3.

Draft Nominated Area Controls

Finlay Road, Lamond Drive and Duff Street, Turrumurra - Design Principles and Controls

Design Principles

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1. New development will respond to the site topography by:
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 - (c) Allow for natural overland flow so as to minimise changes to the site hydrology; and
 - (d) New buildings to be located to align with the topography (perpendicular to, or parallel to, the contours).

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- (b) Minimising the length of access roads and driveways and ensuring access roads follow the contours (ie. run parallel to the contours)
- (c) Elevating driveways (for example on piers) and paths where possible
- (d) Allowing vehicle access to the site only from Finlay Road, Lamond Drive and Duff Street only

Building address

7. The Pacific Highway is to remain a primary street address for buildings located at the northern end of the site

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9. Adequate internal amenity of apartments will be provided by:
- (a) Minimising single orientation apartments facing north/north east on the lower slopes or against steep cut embankments

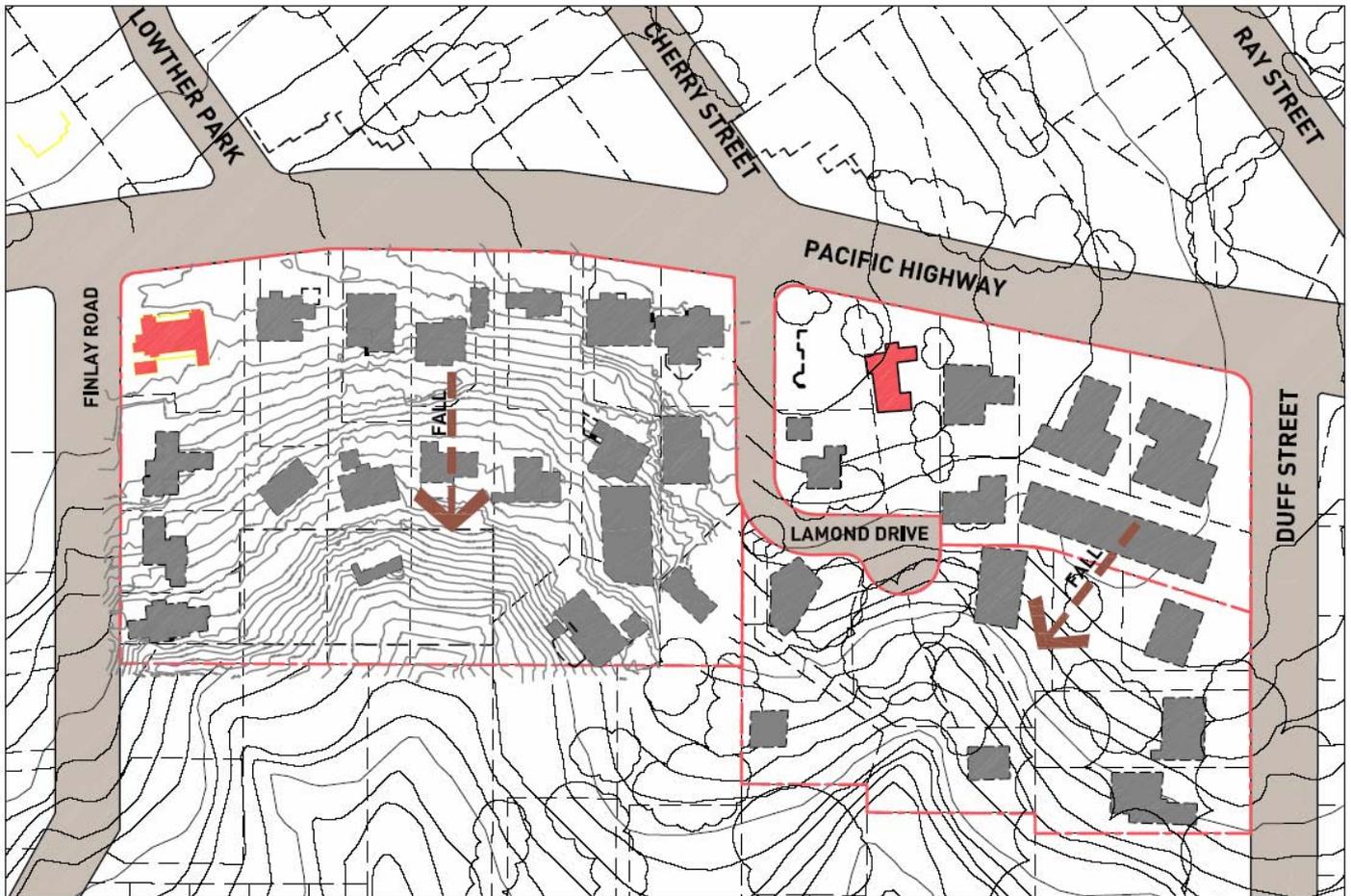
Construction

10. Manage the impacts of site construction in relation to soil levels, tree protection, hydrology and soil erosion by:
- (a) Providing a detailed construction plan identifying construction processes and methods addressing the relevant design principles.

Design Controls

The proposed design controls for this precinct are contained in **Figure 3** below. These controls take the form of preferred lot amalgamations, building zone controls, setbacks and pedestrian and vehicular access through the precinct.

Should an applicant propose a different solution to that presented in Figure 3, then the onus is on the applicant to demonstrate how the alternative solution achieves the nominated design principles while not preventing Council's preferred solution from being achieved in the remainder of the precinct.



The site falls approximately 33m south from the Pacific Highway. (from RL 152 to RL 185) over 120m ie a fall of 1:3.6. There is some terracing of the site located around existing structures such as pools, a tennis court and the existing dwellings.

The elevated location on the site allows for some significant regional views to the south over the adjacent residential area. Currently the tree canopy screens much of the development to the south.

The combination of the sites slope and the high tree canopy restricts solar access to the site.



SITE ANALYSIS - EXISTING TOPOGRAPHY

FIGURE 1.



A significant proportion of the site contains part of the Sydney Blue Gum High Forest habitat which is an endangered species protected under the Threatened Species Conservation Act. The most significant stands of trees occur towards the middle of the site, with quite an extensive habitat located on the steep southern slopes.

-  TREE LOCATION VERIFIED BY SURVEY
-  TREE LOCATION DETERMINED FROM AERIAL PHOTOGRAPH



SITE ANALYSIS - EXISTING TREE CANOPY

FIGURE 2.

Specific Nominated Area Controls for the Milray Street Precinct, Lindfield.

1. Site Location and Site Analysis.

The planning principles and controls contained in this section apply to land in Milray Street, Woodside Avenue, Havilah Road, Havilah Lane, Kochia Lane and Tryon Road in Lindfield as shown in Figure 1 Below.

The main features of the site include the following:

- The existence of significant trees found at the perimeter of the blocks on the footpath reserves in wide streets along with significant stands of trees in the centre of the blocks.
- A significant line of drainage easements and reserves cross the site from Woodside Avenue through to Havilah Road and Milray Street. The drainage reserve take the form of a small creek between Milray Street and Nelson Road. The creek line represents the base of a topographic valley to which all land in the precinct falls.
- Predominantly one and two storey detached houses adjoining the precinct to the north and the east.
- The Lindfield commercial precinct and Lindfield Railway Station adjoin the site to the immediate west. Improved access to this precinct through the site is desirable.
- The Ministers SEPP 53 Target sites Lindfield Avenue and Tryon Road adjoins the precinct. These sites will provide for a much more substantial scale of development than previously undertaken in the area.

2. Design Objectives

The design objectives provide a framework for the orderly development of all lots in the precinct.

- O-1 The new buildings in the precinct are placed in a landscaped setting with appropriate breaks between buildings.
- O-2 The new buildings in the precinct provide an appropriate transition to adjoining single detached houses.
- O-3 The retention of the existing significant trees in the centre and at the perimeter of the blocks is maximised.
- O-4 Setbacks along Havilah Lane allow for the establishment of appropriate landscaping on the residential side of the lane, but recognising the lane's role in serving the commercial uses on the adjacent Minister's SEPP 53 Targeted site
- O-5 Setbacks along Kochia Lane preserve the landscape characteristics and reinforce the lanes role as a solely residential address.
- O-6 a pedestrian link between Milray Street and Havilah Lane connects directly with the new street proposed on the Minister's Targeted site between Lindfield Avenue and Havilah Lane.

O-7 A riparian zone along the creek/drainage reserve between Milray Street and Nelson Road is established accordance with the Riparian Policy adopted by Council in December 2004.

3. Design Controls

The proposed design controls for this precinct are contained in Figure 1 below. These controls take the form of preferred lot amalgamations, building zone controls, setbacks and pedestrian and vehicular access through the precinct.

- *Lot Amalgamations.*

The proposed lot amalgamations are Council's preferred scheme for achieving for achieving the intended design objectives and developed outcomes in this precinct

- *Building Zones Controls.*

The nominated building zones for each of the proposed amalgamated sites occupy 36% to 38% of site the area. While future development on the site will be required to satisfy the maximum 35% site coverage under LEP 194, the larger building zones allows flexibility for articulation of buildings within these the nominated zones, leading to better design outcomes.

All building zones have a maximum depth of 18 metres so as to provide for good environmental amenity and performance of future buildings.

- *Setbacks*

The setback controls are generally consistent with those contained in the body of the DCP, with the following exceptions:

- i. Setbacks along Kochia Lane have been increased to 12 metres to preserve the landscape characteristics and to reinforce the lane's role as a solely residential address.
- ii. Setbacks along Havilah Lane vary from 10 to 12 metres to allow for landscaping on the residential side of the lane, but recognising the lanes role in serving the commercial uses on the adjacent Minister's SEPP 53 Targeted site.
- iii. Minimum setbacks along the creek line between Milray Street and Nelson Road of 6m to 10 m to establish a riparian zone in accordance with Council's Riparian Policy adopted in December 2004.

Should an applicant propose a different solution to that presented in Figure 1, then the onus is on the applicant to demonstrate how the alternative solution achieves the nominated design objectives while not preventing Council's preferred solution from being achieved in the remainder of the precinct.



MASTERPLAN

SITE	AREA	LEP 194 35% SITE	BUILDING ZONE	ZONE %	HEIGHT
A	4476	1637	1683	36%	4.6
B	3198	1119	1170	36%	4.6
C	3626	1269	1377	38%	4.6
D	6671	2335	2533	38%	4.6
E	4006	1402	1522	38%	4.6
F	2481	868	892	36%	4.6
G	5840	2044	2098	36%	4.6
H	7630	2670	2799	36%	4.6
I	4335	1517	1647	38%	4.6
J*	5082	1779	1909	38%	4.6

NOTE ON SETBACKS:

Setbacks along Kochia Lane to be 12m to preserve important landscape characteristics and is in line with the lane's role as a solely residential address.

Setbacks along Havilah Lane to vary in line with DCP 55 between 9m and 12m to allow for landscape on the residential side of the lane, but recognising the lane's role in servicing commercial uses on the adjacent Minister's SEPP 53 Site.

*Site J is occupied by Cromehurst Special School

- AMALGAMATIONS 
- 2M CONTOURS 
- EASEMENTS/OPEN CHANNEL 
- EXISTING BUILDINGS 
- SEPP 53 ENVELOPES 
- BUILDING ZONES 
- 40% ARTICULATION ZONE 
- DCP 55 SETBACKS 
- ZONE INTERFACE 
- PROPOSED PEDESTRIAN CONNECTION 
- EXISTING TREES/REMOVED 
- CAR PARK ACCESS 
- STREET ADDRESS 

Figure 1.

DELEGATIONS OF AUTHORITY

COUNCIL TO GENERAL MANAGER

Section 377 of Local Government Act 1993

A1 Legal Proceedings

1. Institute, conduct and defend legal proceedings including the matter of consent orders where appropriate with respect to Council's activities in all Courts and instruct and engage Council's solicitors and counsel where necessary except where they are called to Council prior to the execution of appropriate delegations.
2.
 - a. To authorise the laying of any information or complaint for the recovery of any penalty or the making of any order for or in respect of any offence, nuisance or other matter or thing whatsoever under the Local Government Act 1993 and the Environmental and Planning Assessment Act 1979 and Regulations, or any Regulation thereunder or any other Act, or Regulation and to lay any such information.
 - b. To order the institution of proceedings by way of any penalty and/or the making of any order for or in respect of any offence, nuisance or other matter or thing whatsoever under the Local Government Act 1993, or any Regulation made thereunder or any other Act or Regulation.
3. To issue and serve all orders, lay Information and complaints and take, institute or commence all proper proceedings, actions and prosecutions against all persons committing any offence under the relevant Acts, Regulations including and without limiting of the foregoing:
 - a. for the recovery of any rate charge fee or money under the provisions of the Local Government Act 1993 and the Environmental Planning and Assessment Act 1979 and Regulations or of any other Act;
 - b. for the recovery of any penalty or in respect of any offence under the provisions of the Local Government Act 1993 or any other Act or of any Regulation;
 - c. for any purpose that the Delegate deems proper and to take all such steps as may be necessary for the conduct of such proceedings.
 - d. Environmental Planning and Assessment Act 1979 and Regulations thereunder in respect to any matter associated with the erection or demolition of buildings.
 - e. Any other Act which enables the Council to authorise a staff member to enter upon any land or building and in and upon any such land or building to make inspections.
4. To represent the Council in all respects in any proceedings at the Land and Environment Court, any Local Court or before any Justice.
5. To authorise the withdrawal of legal proceedings commenced on behalf of Council where the circumstances are of compelling justification.

A2 Fees Generally

1. To exercise discretion and interpret application of fee based on existing scales provided that any such common usage of a multiple of existing fees be included in future additions of Council's annual list of Fees and Charges.
2. To waive or reduce various general fees chargeable by Council in those circumstances where the use is a charitable organisation or where the fee charged by Council is not consistent with the degree of use envisaged by a hirer.
3. To waive or reduce fees in individual cases of pressing financial or social need.

A3 To Approve the Consumption of Alcoholic Liquor

To approve the consumption of alcoholic liquor at public reserves pursuant to the provisions of Section 632 of the Local Government Act 1993.

A4 Tenders & Quotations

1. To invite public tenders for approved works, materials, vehicles, plant and equipment.
2. To invite oral and/or written quotations for approved works, materials, vehicles, plant and equipment in accordance with Council policy.
3. To determine method of calling of tenders in accordance with Clause 7 of the Local Government (Tendering) Regulation 1999.

A5 Tenders - Opening

To act as the appropriate person in accordance with Clause 16(1) of the Local Government (Tendering) Regulation 1999 for the opening of tenders received in Council's Tender Box.

A6 General Authorities - Power of Entry to any premises

Subject to compliance with the requirements of the Local Government Act 1993, (including Section 194) and Regulations and Section 118A of the Environmental & Planning Authority Act thereunder, and any expressed policy of the Council, or regulation of any public authority concerned other than the Council, to exercise or perform on behalf of the Council the following powers, duties and functions:

1. At any reasonable hour to enter and examine any premises situated within the Council area of Ku-ring-gai for any purpose relating to the administration of the Local Government Act 1993, the Environmental Planning and Assessment Act 1979, the Public Health Act 1991, the Food Act 1989 and all other Acts which the Ku-ring-gai Council is required by law to administer.
2. To issue or serve all orders, lay Informations and Complaints and take, institute or commence all proper proceedings, actions and prosecutions against all persons committing any offences under relevant Acts and Regulations lawfully given and which may be dealt with by Ku-ring-gai Council.

A7 Urgent Works

To approve work which is considered urgent and in the public interest, and for which there is no budget provision but where funds are available within the Department voted funds as set out in the adopted Management Plan. Where such expenditure occurs, it be reported to the next Council Meeting.

A8 Protection of the Environment Operations Act 1997

To exercise the functions of an authorised officer under Chapter 7 of the Protection of the Environment Operations Act 1997.

A9 Appeals - Discretion to Negotiate

When Council is the respondent to any appeal or application before the Land and Environment Court, the Delegate, after obtaining the advice of the Solicitors for the Council to negotiate settlement of such appeal or application on terms which in the opinion of the Delegate are likely to be more advantageous to the Council than a decision or award by the Land and Environment Court PROVIDED THAT the Delegate shall report any such settlement of any such appeal or application to the General Manager for submission to the next meeting of Council.

A10 Abandoned Articles

To act as "impounding officer" to exercise the powers conferred by the Impounding Act 1993 in respect of any article (including a motor vehicle) abandoned or left unattended in a public place and to deal with that article in accordance with that Act.

A11 Disposal of Old Stock, Plant, Tools etc

1. To authorise the disposal or destruction of stores and materials that have deteriorated, or become damaged or are surplus to requirements and are therefore unusable.
2. To authorise the destruction of old stock and small items of plant that have worn out, or become damaged, and therefore are unusable.
3. To authorise the disposal of old stock, tools, plant etc, by the calling and acceptance of quotations or tenders.

A certified list of all such items disposed of or destroyed shall be submitted to the Director Finance & Business for the adjustment of records.

A12 Care, Control & Management of all Public Parks, Reserves, Recreation Areas & Free Parking Areas.

Pursuant to Division 2 of Chapter 6 of the Local Government Act 1993 and Section 650 of the Local Government Act 1993:

1. Act on behalf of Council in determining the nature and extent of appropriate activities in a public place and the placement of appropriate notices in accordance with Section 632 of the Local Government Act 1993.
2. Act on behalf of Council in the removal of offenders breaching Section 632; according to Section 681 of the Local Government Act 1993.
3. Act on behalf of Council with respect to the confiscation of recreational equipment being used in contravention of a notice executed in accordance with Section 632; according to Section 681A of the Local Government Act 1993.
4. Act on behalf of Council as Manager of Crown Reserve Trusts where Council has been appointed by the Minister for Land and Water Conservation under the provisions of the Crown Lands Act 1989.

5. Act on Council's behalf to regulate the use and management of Community Land according to the provisions of Section 35 of the Local Government Act 1993.
6. To act on Councils behalf to approve, approve subject to conditions, or refuse applications for use of public open space for activities which are consistent with the relevant Plans of Management and Council Policy.
7. To act on Council's behalf to approve, subject to conditions, or refuse applications for use of public open space for activities which are consistent with the relevant Plans of Management and Council Policy.

A13 Emergency Management

1. To act on Council's behalf in fulfilling the duties and obligations for emergency management at a district level as prescribed in Part 2 Division 2 of the State Emergency and Rescue Management Act 1989 - including to act as Council's representative on the Sydney North District Emergency Management Committee.
2. To act on Council's behalf in fulfilling the duties and obligations for emergency management at a local level as prescribed in Part 2 Division 3 of the State Emergency and Rescue Management Act 1989 - including to act as the Chairperson of that Local Emergency Management Committee or as the Local Emergency Management Officer, as appropriate, in accordance with the agreement with Hornsby Shire Council.

A14 Roads & Traffic

2. To act on Council's behalf to administer and implement the traffic management arrangements delegated by the Roads & Traffic Authority to Council under the Transport Administration Act 1988 - including:
 - to issue works instructions to the Roads and Traffic Authority of New South Wales or other service provider for constructing, erecting, affixing or removing a traffic control facility authorised by Council.
3. Act on behalf of Council as the Roads Authority in accordance with the provisions of Section 7 of the Roads Act 1993 for all public roads for which Council is the owner, including carrying out works, regulating traffic, controlling the carrying out of activities and other operational functions as conferred by this Act or any other Act.
4. To act on Council's behalf to administer and implement the financial arrangements agreed between the Roads & Traffic Authority and Council for road management under Part 13 Division 1 Sections 207 and 208 of the Roads Act 1993.
5. To act on Council's behalf to issue, or serve, notices pursuant to the provisions of Section 103 of the Roads Act 1993, requiring the fencing of any entrance, area, garden or other open space adjoining the footway or roadway, where such entrance, area, garden or open space is beneath the level of the footway or roadway.

A15 Fire Management

1. To act on behalf of Council to perform the duty with respect to preventing bushfires as prescribed in Part 4 Division 1 of the Rural Fires Act 1997.
2. To act on behalf of Council to require bushfire hazard reduction according to Part 4 Division 2 of the Rural Fires Act 1997.

3. To act on behalf of Council to deal with bushfire hazard complaints according to Part 4 Division 2A of the Rural Fires Act 1997.
4. To act on behalf of Council to vary the bushfire danger period under Part 4 Division 4 of the Rural Fires Act 1997.
5. To act on behalf of Council to refuse, approve, or approve with conditions the lighting, use or maintenance of a fire under Part 4 Division 5 of the Rural Fires Act 1997.
6. To act on behalf of Council to perform the duties with respect to total fire bans as prescribed in Part 4 Division 6 of the Rural Fires Act 1997
7. To act on behalf of Council to perform the duties with respect to lighting fires without authority (offences) as prescribed in Part 4 Division 7 of the Rural Fires Act 1997.
8. To act on behalf of Council to perform the duties with respect to preventing bushfires as prescribed in Part 7 of the Rural Fires Act 1997.
9. To act on behalf of Council to perform the duties with respect to preventing bushfires as prescribed in Rural Fires Regulation 2002, Part 4, Divisions 1, 2 and Part 6.

A16 Notices in Parks

To authorise erection and display of Notices and Signs in Parks and Reserves, etc.

A17 Parking on Footways

To initiate prosecutions against persons responsible for the parking of motor vehicles on footways, where such parking contravenes Council's policy.

A18 Fencing - Private Land below level of road - Service of Notices

To issue, or serve, notices pursuant to the provisions of Section 103 of the Roads Act 1993, requiring the fencing of any entrance, area, garden or other open space adjoining the footway or roadway, where such entrance, area, garden or open space is beneath the level of the footway or roadway.

A19 Use of Public Parks, Reserves & Playing Fields

To act on Council's behalf to approve, approve subject to conditions, or refuse applications for use of public open space for activities which are consistent with the relevant Plans of Management and Council Policy.

A20 Load Limits - Legal Proceedings

1. To stop vehicles on public roads, check the gross weight of such vehicles and determine whether such vehicles comply with any load limit imposed upon the road.
2. To institute legal proceedings and to conduct prosecutions under the provisions of the Roads Act 1993.

A21 Bad Debts

To approve the writing off of any debts (not including rates) considered irrecoverable to the limit of \$1,000.

A22 State Environmental Planning Policy No 1

To approve, with or without conditions, or refuse, objections made under State Environmental Planning Policy No 1 (Development Standards).

A23 Occupation & Use of Incomplete Buildings

To advise the Director Development & Regulation as to whether or not and upon what conditions, applications for the occupation and/or use of any incomplete building for which prior development consent was required, may be approved; and that all or any of the following conditions (as deemed to be appropriate) shall apply as conditions of approval in respect of any such application:

1. That the Building, Landscaping, Car Parking and related works are safe and suitable for use, completed or will be completed within a reasonable time, to be specified in appropriate Conditions, Bonds or Legal Agreements, to the satisfaction of the Director Development & Regulation and other appropriate Heads of Department.
2. That in Staged Developments, that the specific requirements of any Determination or Planning Instrument is complied with and that full facilities of the total development are provided pro-rata or fully to the staging to be occupied or to be completed within a reasonable time, to be specified in appropriate Conditions, Bonds or Legal Agreements, to the satisfaction of the Director Development & Regulation and other appropriate Heads of Department.
3. That suitable conditions for performance of unfinished works and Deeds related to time, be imposed in appropriate form including Bonds, Legal Agreements or other binding appropriate undertaking.

A24 Renewals of Consent

To approve or refuse, with or without conditions, applications submitted under Section 95A of the Environmental Planning and Assessment Act 1979 for extensions of the term of Development consents in accordance with the requirements of that Act; but notwithstanding the foregoing, no approval shall be granted where changes in any newly proclaimed Environmental Planning Instrument have occurred and where the Council by resolution has adopted a strategy plan which would conflict with the application in respect of which an extension or renewal of development consent is being sought.

A25 Strata Title

To approve or disapprove applications submitted for Strata Plan, Strata Plan of Subdivision of properties or Community Title of properties and to approve or disapprove applications made for alterations to by-laws under the Strata Schemes Management Act 1996 or Community Land Management Act 1989, provided however, that in the event of approval it is of the opinion the proposed Strata Plan or Community Titles Plan accords with the requirements of the various acts in particular Section 37, Strata Titles, relating to the circumstances of the case and the public interest, and subject further to signing and issuing of Strata Plan or Strata Plan of Subdivision or Community Title Plan by the General Manager being contingent upon.

A26 Cash Contributions

To enter into a time payment arrangement with a contributor as a result of a condition of a Development Consent or Order of the Land and Environment Court in exceptional circumstances on the following conditions:

1. That the contributor provide a Bank Guarantee of any amount, the payment of which is deferred.

2. That interest at the rate of 2% per annum above ruling bank overdrafts be charged upon reducing balance outstanding.
3. That the Director Finance & Business be immediately advised of such decision.

A27 Re-draft Conditions for Approvals/Consents

To re-draft conditions for approvals/consents so as to re-word phrases, etc that might be capable of a different interpretation and to make clear the intention of the Committee or Council and to review standard conditions of consent to respond to legislative changes.

A28 Development Applications Lacking Sufficient Information

Refuse all development and related applications in respect of which insufficient information has been submitted to allow a full and proper assessment pursuant to Section 79C of the Environmental Planning & Assessment Act.

A29 Merit-based Refusal of Certain Applications

To refuse development applications (except applications for multi-unit housing in the Residential 2(d3) zone and applications called to Council by a Councillor) that on merit would warrant refusal.

A30 Local Development - Section 76A (4) Environmental Planning & Assessment Act

To approve with or without conditions or to refuse applications for development which are classified as Local Development in any Environmental Planning Instrument, provided that the delegate shall not approve any application:

- a. Which is an application for Torrens Title subdivision, which creates additional allotments.
- b. Which is the subject of a written or oral request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.
- c. Which conflicts with the aims and objectives of Council's policies, codes and guidelines.

A31 Review of Determination - Section 82A Environmental Planning & Assessment Act

1. To review a determination of an application other than a determination to issue or refuse to issue a complying development certificate, a designated or integrated development in all instances other than where the decisions which the review relates, was made by full Council.
2. To waive the fee for a request for a review of minor significance.

A32 Complying Development - Sections 85 & 85A Environmental Planning & Assessment Act

Subject to Section 76A (5) & (6) of the Act, to determine applications for complying development and issue or refuse complying development certificates on developments that are identified in environmental planning instruments as complying development and to apply conditions.

The delegate shall not approve applications:

Which do not comply with the prescribed standards or the aims and objectives of Council's policies, codes and guidelines.

A33 Integrated Development - Division 5 Environmental Planning & Assessment Act

To consider all applications for integrated development and discharge the functions and duties under Division 5 of the Act. The delegate shall not approve any application:

Which is the subject of a written or oral request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.

A34 Modification of Consents - Section 96 Environmental Planning & Assessment Act

1. Section 96(1)

To modify (on application) a development consent to correct a minor error, misdescription or miscalculation.

2. Section 96(1A) and (2)

To otherwise determine applications for modification for consents subject to the restrictions of the Act. The delegate shall not approve any application which is the subject of a written or oral request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.

A35 Part 4A Certificates - Section 109C Environmental Planning & Assessment Act

a. Compliance Certificate - to the effect that:

- i. specified building work or subdivision work has been completed as specified in the certificate and complies with specified plans and specifications, or
- ii. a condition with respect to specified building work or subdivision work (being a condition attached to a development consent or complying development certificate) has been duly complied with, or
- iii. a specified building or proposed building has a specified classification identified in accordance with the Building Code of Australia, or
- iv. any specified aspect of development complies with the requirements of any other provisions prescribed by the regulations.

b. Construction Certificate - being a certificate to the effect that work completed in accordance with specified plans and specifications will comply with the requirements of the regulations referred to in Section 81A.

c. Occupation Certificate* - being a certificate that authorises for Class 2 to 9 buildings only:

- i. the occupation of a new building, or
- ii. a change of building use for an existing building.

*If Council is appointed as Principle Certifying Authority

- d. Subdivision Certificate* (interim or final) - being a certificate that authorises the registration of a plan of subdivision under Division 3 of Part 23 of the Conveyancing Act 1919.

*If Council is appointed as Principle Certifying Authority.

A36 Powers of Entry - Part 6, Division 1A Environmental Planning & Assessment Act

To authorise a person, in writing, to enter any premises for the purpose of enabling the exercise the Council's functions pursuant to Sections 118A through to 118N of the Division and in accordance with Section 194 of the Local Government Act.

A37 Giving of Orders - Part 6, Division 2A Environmental Planning & Assessment Act

To issue orders pursuant to the Table in Section 121B of the Act subject to the restrictions and procedures specified in the Part except orders that are likely to make persons homeless.

A38 Giving of Orders which are likely to make persons homeless - Part 6, Division 2A Environmental Planning & Assessment Act

To issue orders which are likely to make persons homeless.

A39 Certificates as to Orders - Section 121ZP Environmental Planning & Assessment Act

To issue certificates regarding any outstanding orders or notices of intention to issue orders.

A40 Issue of Building Certificates - Section 149A Environmental Planning & Assessment Act

To issue building certificates pursuant to the requirements of the Act.

A41 Applications for Approval - Alterations to Existing Buildings

To exercise or perform on behalf of the Council all powers, authorities, duties and functions of the Council pursuant to Clause 79E of EPA Regulation 1994 including, and without limiting the generality of the foregoing, the power to form any opinions as the certifying authority required to be formed by the said clause to permit alterations to existing buildings where the certifying authority is satisfied that completion of the building work:

1. Will not unduly reduce the existing level of fire protection afforded to persons accommodated in or resorting to the building;
2. Will not unduly reduce the existing level of resistance to fire of the building structure; and
3. Will not unduly reduce the existing safeguards against spread of fire to adjoining buildings.

A42 Applications for Approval - Structures or places of Public Entertainment

To exercise or perform on behalf of the Council all powers, authorities, duties and functions of the Council pursuant to Clause 7 Part A - Buildings, Temporary Structures or Moveable Dwellings, of Approvals Table of Chapter 7 of the Local Government Act 1993.

A43 Development Applications - Notification to Persons other than Adjoining Owners

To form an opinion as to which persons other than adjoining and adjacent owners need to be notified of the receipt of a Development Application pursuant to the provisions of and in accordance with Council's Notification Policy.

A44 Fire Protection in Existing Buildings - Orders & Notices

To make and serve orders pursuant to Clause 121B of EP&A Act 1979, as amended, and to specify periods for the purposes of that Section.

A45 Septic Tanks - Installation of

To approve, disapprove or approve with conditions applications for septic tanks, septic closets, chemical closets pursuant to Local Government Act (Approvals) Regulation and Clause 5 of Part C, Management of Waste of the Approvals Table of Chapter 7 of the Local Government Act 1993.

A46 Swimming Pools - Fencing of

To exercise and perform on behalf of the Council all powers, authorities, duties and functions of the Council pursuant to The Swimming Pools Act 1992, including and without limiting the generality of the foregoing the power to form any opinions required to be formed by the said Act order that the powers granted by the said Act may be exercised with discretion in the administration of Council's Pool Safety requirements consistent with the maintenance of reasonable public safety, having regard for individual circumstances, and so that unreasonable situations do not arise, and to issue and serve any notices authorised by the said Act and to make any specifications authorised by the said Act and to revoke any directions given by the Delegate under the said Act.

A47 Tree Preservation Order - Development Applications

1. To administer the Tree Preservation Order in respect of any development application.
2. In dealing with development applications, to impose conditions of consent and to exercise discretion pursuant to the requirements of the Tree Preservation Order for the protection of buildings, essential services and associated works in respect to the removal of trees, replacement plantings, screen planting, protection of trees not affected by building works.

A48 Environmental Restoration & Rehabilitation Trust

To act as Council's Delegate to enable the authorisation of expenditure in compliance with the procedures and conditions of the approved release of funds by the Trust for the purpose of receiving the prevention, control and removal of serious pollution occurrences.

A49 Grant/Fee Relief

To authorise on-going grant and fee relief returns to government funding programs.

A50 Council-operated Child Care Services

To act as licence holder for child care services operated by Council.

A51 Determination of Development Applications for Dual Occupancy Subdivision

To approve or refuse development applications for the subdivision of existing and/or approved dual occupancies unless a Councillor, the General Manager or the Director Environment & Regulation exercises the right of "call-up" and directs that the application be determined by Council.

The delegate shall not approve any application which is the subject of a written or oral request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.

A52 Determination of Development Applications for Proposed Dual Occupancies

To approve or refuse development applications for the subdivision of existing and/or approved dual occupancies unless a Councillor, the General Manager or the Director Environment & Regulation exercises the right of "call-up" and directs that the application be determined by Council.

That all development applications proposing Dual Occupancies be determined by staff under delegated authority, excepting those called by a Councillor to full Council. The delegate shall not approve any application which is the subject of a written or oral request by the Director Development & Regulation, General Manager or by any Councillor, for the application to be referred to Council.

A53 Breach of Water Restrictions

That the General Manager grant approval for regulatory officers of Council to issue infringement notices for breach of water restrictions.