

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 5 DECEMBER 2006

Present: The Mayor, Councillor N Ebbeck (Chairperson) (Wahroonga Ward)
Councillors A Andrew & E Malicki (Comenarra Ward)
Councillor I Cross (Wahroonga Ward)
Councillors M Lane & A Ryan (Gordon Ward)
Councillors M Shelley & J Anderson (Roseville Ward)

Staff Present: General Manager (John McKee)
Acting Director Finance & Business (John Clark)
Director Development & Regulation (Michael Miocic)
Director Technical Services (Greg Piconi)
Director Open Space & Planning (Steven Head)
Director Community Services (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.03pm

The Mayor offered the Prayer

479 APOLOGIES

File: S02194

Councillor L Bennett tendered an apology for non-attendance [illness] & requested leave of absence.

Councillor T Hall tendered an apology for non-attendance [family commitment] and requested leave of absence.

Resolved:

(Moved: Councillors Cross/Lane)

That the apologies by Councillors L Bennett and T Hall for non-attendance be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

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

No such interest was declared.

ADDRESS THE COUNCIL

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

M. Inglis

DOCUMENTS CIRCULATED TO COUNCILLORS

The Mayor adverted to the documents circulated in the Councillors' papers and advised that the following matters would be dealt with at the appropriate time during the meeting:

Late Items: Minutes of Ordinary Meeting of Council held on 28 November 2006.
Minutes numbered 463 to 478.

Minutes of Extraordinary Meeting of Council held on 30 November 2006. Minutes numbered EMC14 & EMC15.

Bert Oldfield Oval - Amended Notice of Motion by Councillor Ryan dated 29 November 2006 with attachment - Original Notice of Motion dated 13 November 2006 deferred from Ordinary Meeting of Council held on 28 November 2006.

CONFIRMATION OF MINUTES**480 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 28 November 2006
Minutes numbered 463 to 478

Resolved:

(Moved: Councillors Ryan/Lane)

That Minutes numbered 463 to 478 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

481 **Minutes of Extraordinary Meeting of Council**

File: S02131

Meeting held 30 November 2006
Minutes numbered EMC14 & EMC15

Resolved:

(Moved: Councillors Lane/Cross)

That confirmation of the Minutes of the Extraordinary Meeting of Council be deferred until later in the meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR482 **Meetings with Department of Planning**

File: S02380

As Mayor, I have sought for the Deputy Mayor, the General Manager, the Director of Planning and myself to meet with a specific number of residents and the Department of Planning.

Unfortunately the Department has decided at this stage it is not appropriate to have a joint meeting with Council and residents.

The Department has referred to recent discussions between Council representatives and the Minister and is now assessing the six centre LEPs and amendments as they are being finalised by Council.

While the Department's assessment is being undertaken, it is their view that there would be only marginal benefit in the Department participating in a joint meeting with Council and residents.

The Department will, however, continue to endeavor to liaise with Council on issues in relation to centre planning - and as usual Council will continue to keep residents informed of developments as they happen.

Once the Department has a clearer view on the plans currently before it, Mr. Goth, Regional Director, Sydney North West, Department of Planning, would be happy to discuss with Council how we take certain matters forward, including the delivery of clear messages to the residents about proposals for the six centres.

Recommendation:

That the Mayoral Minute be received and noted.

CARRIED UNANIMOUSLY

PETITIONS

483

Let's Cleanup the Bert Oldfield Oval at Killara Park - (Sixty-One [61] Signatures)

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File: S02258

Councillor Ryan presented the following Petition:

"We, the undersigned, fully support Cr. Ryan's motion to remove Bert Oldfield Oval at Killara Park from Council's register of leash free areas.

We fully support Cr. Ryan's motion to identify an alternative and more appropriate off-leash location in the Killara area."

Resolved:

(Moved: Councillors Ryan/Lane)

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

CARRIED UNANIMOUSLY

484

Support for Bert Oldfield Oval, Killara Park being taken off Register for Leash-Free Areas - (Ninety-Seven [97] Signatures)

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File: S02258

Councillor Ryan presented the following Petition:

"We, the undersigned, support Cr. Ryan's motion to remove Bert Oldfield Oval at Killara Park from Council's register of Leash-free Areas. Furthermore, in recognition of the benefit that leash-free areas present to many residents, we support Cr Ryan's motion to identify an alternative and more appropriate location while ensuring that at all times the residents of Ku-ring-gai will be able to enjoy a leash-free area in the Killara area".

Resolved:

(Moved: Councillors Ryan/Lane)

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

CARRIED UNANIMOUSLY

CONFIRMATION OF MINUTES - (cont)485 **Minutes of Extraordinary Meeting of Council**

File: S02131

Meeting held 30 November 2006
Minutes numbered EMC14 & EMC15

Resolved:

(Moved: Councillors Lane/Cross)

That Minutes numbered EMC14 & EMC15 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting with the LOST Part Q (Minute No EMC.15) reading as follows:

Part Q of the Amendment when put to the vote was CARRIED.

For the Amendment: Councillors Anderson, Bennett, Cross, Hall & Malicki

Against the Amendment: The Mayor, Councillor N Ebbeck, Councillors Andrew, Lane & Ryan

However, when put to the vote as the Motion, Part Q was LOST.

(Moved: Councillors Lane/Anderson)

That the right-hand turn into Dumaesq Street from the Pacific Highway be retained.

For the Motion: Councillors Bennett, Cross, Hall & Malicki

Against the Motion: The Mayor, Councillor Ebbeck, Councillors Andrew, Anderson, Lane & Ryan

CARRIED UNANIMOUSLY

GENERAL BUSINESS

486 **Masada College - Deed of Lease over a Portion of Road Reserve in Eleham Road, Lindfield**

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File: S04034

Ward: Roseville

For Council to grant a further lease to Masada College over a portion of road reserve in Eleham Road for school playground and beautification purposes.

Resolved:

(Moved: Councillors Shelley/Lane)

- A. That Council approve the Deed of Lease between Council and Masada College over a portion of road reserve in Eleham Road, Lindfield having an area of approximately 2,250 sq metres for school playground and beautification purposes.
- B. That Public Notice of the proposed lease be given in accordance with the provisions of Section 154 of the Roads Act 1993.
- C. That the Mayor and General Manager be authorised to execute all documentation associated with Deed of Lease.
- D. That the Council Seal be affixed to the Deed of Lease.

CARRIED UNANIMOUSLY

487 **Christmas/New Year Recess Delegations**

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File: S02017

To grant appropriate Delegations during the Christmas/New Year recess period.

Resolved:

(Moved: Councillors Shelley/Cross)

- A. That the Mayor, Councillor Nick Ebbeck, the Deputy Mayor, Councillor Anita Andrew and the General Manager, John McKee, be granted authority to exercise all powers, authorities, duties and functions of Council except those set out in Section 377 of the Local Government Act 1993 during the period 20 December 2005 to 5 February 2007, subject to the following conditions:

1. Such powers, authorities and functions may only be exercised by unanimous agreement between the Mayor, Deputy Mayor and General Manager.
 2. Any such power, authority, duty or function shall only be exercised by the Mayor, Deputy Mayor and General Manager jointly where they are of the opinion that the exercise of any such power, authority, duty or function could not be deferred until the meeting of Council on 6 February 2007.
- B. That consultation subject to their availability be held with Ward Councillors on matters where they would normally be contacted before delegation is exercised.

CARRIED UNANIMOUSLY

488

Council Meeting Cycle for 2007

File: S02355

To consider the proposed Council Meeting Cycle for 2007 which takes account of school holidays, public holidays and the Christmas Recess.

Resolved:

(Moved: Councillors Shelley/Lane)

- A. That Council amend its meeting cycle for 2007, as follows:

3 April 2007	Ordinary Meeting of Council	(transferred from 10 April 2007)
24 April 2007	Ordinary Meeting of Council	
10 July 2007	Ordinary Meeting of Council	(transferred to 17 July 2007)
17 July 2007	Ordinary Meeting of Council	
24 July 2007	Ordinary Meeting of Council	
9 October 2007	Ordinary Meeting of Council	(transferred to 16 October 2007)
16 October 2007	Ordinary Meeting of Council	
23 October 2007	Ordinary Meeting of Council	(transferred to 30 October 2007)
30 October 2007	Ordinary Meeting of Council	
4 December 2007	Ordinary Meeting of Council	
11 December 2007	Ordinary Meeting of Council	

- B. That the first meeting for 2008 be held on 5 February 2008 and the normal meeting cycle resume on 26 February 2008.

CARRIED UNANIMOUSLY

*Standing Orders were suspended to deal with next, the
NM.1 - Bert Oldfield Oval after a
Motion moved by Councillors Ryan & Lane*

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

Against the Resolution: Councillors Malicki & Shelley

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

489

Bert Oldfield Oval

File: S02258

Councillors Malicki & Lane moved a Motion
to hear 3 speakers for and 3 speakers against the matter

For the Motion: Councillors Andrew, Cross, Lane, Malicki & Ryan

*Against the Motion: The Mayor, Councillor N Ebbeck, Councillors Shelley
& Anderson*

The following members of the public addressed Council:

**I Carroll
C Dixon
A Mufford
G Gould
D Nicol
P Chapman**

Notice of Motion from Councillor A Ryan dated 29 November 2006.

I move:

- i. That Council undertakes a study into alternative and more appropriate locations for a Leash Free Area within the immediate catchment of the Bert Oldfield Oval at Killara Park and that a report with recommended alternatives be brought to Council no later than the first meeting in March 2007.
- ii. That subject to Council's identification of an alternative and more appropriate location, that a trial period of 3 months commence and submissions from the community are invited.

- iii. That subject to a successful trial of the alternative location, that Bert Oldfield Oval at Killara Park be removed from Council's register of Leash Free Areas".
- iv. That the matter be referred to the Companion Animals Committee. That the Committee be convened prior to the officers' report being submitted to Council.
- v. That staff prepare for the community, an information sheet on the environmental and health issues associated with exposure to canine excreta.

Resolved:

(Moved: Councillors Ryan/Malicki)

That the above Notice of Motion as amended be adopted.

*For the Resolution: The Mayor, Councillor N Ebbeck, Councillors
Andrew, Cross, Lane, Malicki and Ryan*

Against the Resolution: Councillors Shelley and Anderson

During Debate on the above Notice of Motion
a further Petition was presented by Councillor Ryan

PETITIONS

490

**Objection to Bert Oldfield Oval being taken off Leash-Free Areas Register -
(One Hundred & Forty-Seven [147] Signatures)**

File: S02258

Councillor Ryan presented the following Petition:

"We, the undersigned, object to the motion recommended by Adrienne Ryan as follows:

I move:

- "i. That Council resolve to remove, following finalisation of Part (ii) below, Bert Oldfield Oval at Killara Park from Council's register of Leash Free Areas.
- ii. I further move that Council undertake a study into alternative and more appropriate locations for a Leash Free Area within the immediate catchment."

Resolved:

(Moved: Councillors Ryan/Lane)

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

CARRIED UNANIMOUSLY

GENERAL BUSINESS (cont)

491 **7 Brevet Avenue, Lindfield - Attached Dual Occupancy**

File: DA0495/06

Ward: Roseville

Applicant: Andrew Spaile & Associates

Owners: Mr Z Y Chen & Mrs S X Z Zhao & Mrs Y F Zhou

The following members of the public addressed Council:

D. Yee

P. Marner

A. Spaile

To determine development application No 495/06, which is for an attached dual occupancy. This matter has been called to Council by Councillor Shelley.

Resolved:

(Moved: Councillors Shelley/Anderson)

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

THAT the Council, as the consent authority, grant development consent to DA 495/06 for an Attached Dual Occupancy on land at No 7 Brevet Avenue, Lindfield, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 495/06 and Development Application plans prepared by Andrew Spaile & Associates, reference number DA02 – DA06 Rev. A dated October 2006, Landscape Plan No. 1760-1A dated 26 May 2006 prepared by Precinct Landscapes received at Council on 16 October 2006 except where amended by the following conditions:
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 entire property shall be managed as an 'Inner Protection Area' as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.
5. The approved building 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.
6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. 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.
8. 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.
9. **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.

10. 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.

11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.
17. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
18. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and Public Holidays. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
19. 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.
20. 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.

21. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
22. Landscape works shall be carried out generally in accordance with Landscape Drawing Number 1760-1A, prepared by Precinct Landscapes and dated 24 May 2006, submitted with the Development Application, except as amended by the following:
 - Due to IPZ classification 1 of 2 be relocated elsewhere on the site consistent with RFS guidelines for Inner Protection Areas.
 - *Beackia virgata* to be replaced with a more fire resistant screen planting species capable of 3m in height such as *syzigioum* select forms.
 - To enhance native vegetation and promote biodiversity the Landscape Plan is to incorporate at least 25% of the overall number of trees and shrubs as locally occurring native plant species selected from the Sydney Sandstone Ridgetop Vegetative Community.
 - All retaining walls required to be indicated on landscape plan so as to retain existing ground levels to boundaries, no retaining wall to be closer than 2.0m from site boundaries.
23. 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.
24. The property shall support a minimum number of 7 canopy trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, the existing tree/s, and 7 additional tree/s to be planted, shall be shown on the Landscape Plan. The plan shall be submitted to, and approved by, the Principal Certifying Authority. Seven of the canopy trees to be planted are to be locally occurring native trees.
25. The canopy replenishment trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species
26. Development must be in accordance with BASIX Certificate No.102048M.
27. No fencing is to be provided along the front boundaries in either Brevet Avenue or Squadron Court forward of the building line to maintain streetscape character.
28. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system and generally in accordance (with required amendments) with the submitted concept drainage plans by Acor Consultants (refer Project No. SY060247, Drawing No. C1.02, Issue B, dated 10/9/2006). New drainage line connections to the street drainage system must conform and comply with the requirements described in sections 5.3 and 5.4 of Ku-ring-gai Council Water Management Development Control Plan 47. The

Applicants attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.

29. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy all relevant BASIX commitments and the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
30. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.
31. To control surface runoff all new exposed impervious areas graded towards adjacent property and/or habitable areas are to be drained via the main drainage system. This may require the installation of suitable inlets pits, cut-off structures (e.g. kerb), and/or barriers that direct such runoff to the formal drainage system. Details for such measures shall be shown on the approved Construction Certificate issue drawings, to the satisfaction of the Principal Certifying Authority.
32. For stormwater control a 200mm wide grated drain with heavy duty removable galvanized 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 proposed driveways. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.
33. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of the development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
34. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways

fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (2002) "*Traffic Control Devices for Work on Roads*". **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**

35. The provision of temporary sediment and erosion control facilities and measures must 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 up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
36. Driveways and vehicular 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 the minimum requirements of Australian Standard 2890.1 (2004) "Off-Street car parking".
37. The Applicant must obtain a **Section 73 Compliance Certificate** under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. The Applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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

38. 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.

39. 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).

40. 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.
41. A CASH BOND/BANK GUARANTEE of \$ 4000 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

Fifty percent (50%) of this bond will be refunded upon verification by Council that the landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after the initial satisfactory inspection, where landscape works have been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

42. The first floor balcony on the western elevation is to be deleted from the plans and replaced with windows (1.4m wide x 1.5m high) to minimise overlooking into the adjoining property. Plans to be amended prior to the issue of the construction certificate.

43. To minimise overlooking into the adjoining property, a privacy screen must be provided on the southern and western perimeters of the first floor balcony off Bedroom 1 of Dwelling 1 closest to the western boundary.
44. A CASH BOND/BANK GUARANTEE of \$ 4000 shall be lodged with Council as a Landscape Establishment Bond prior to release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan/s and other landscape conditions.

Fifty percent (50%) of this bond will be refunded upon verification by Council that the landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after the initial satisfactory inspection, where landscape works have been satisfactorily established and maintained.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

45. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$38,062.75. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 30 June 2004, calculated for additional person as follows:

1.	Community Facilities	\$1,117.76
2.	Park Acquisition and Embellishment Works - Lindfield	\$8,223.35
3.	Sportsgrounds Works	\$1,318.32
4.	Aquatic / Leisure Centres	\$27.82
5.	Traffic and Transport	\$150.28
6.	Section 94 Plan Administration	\$100.04

To obtain the total contribution figure the following table of occupancy rates is to be used:

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons
Large dwelling (110 – under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3 persons

46. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai 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. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. 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.

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 Development application plans. 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 required alignment levels fixed by Council may impact upon these levels. 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.

47. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
48. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- Exact location and reduced level of discharge point to the public drainage system.
- Full layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
- Location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems. Where proprietary products are to be used, manufacturer specifications or equivalent shall be provided.
- Specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to fully utilise rainwater in accordance with the BASIX commitments.
- **Details of the required on-site detention systems required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, locations, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements).**

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA.

49. Prior to issue of the Construction Certificate the submitted concept drainage plans by Acor Consultants (refer Project No. SY060247, Drawing No. C1.02, Issue B, dated 10/9/2006) must be revised and submitted to the Principal Certifying Authority for approval. The amendments must be undertaken by qualified persons and must address at least the following issues:
- Consistent values shown on the drainage plans (i.e. detention tank A storage volume).
 - All relevant levels shown on the plans.

The amendments are required to ensure compliance with Ku-ring-gai Council Water Management Development Control Plan 47.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

50. 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.
51. 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.
52. Prior to the commencement of any works on site the applicant must submit to Ku-ring-gai Council and the Principal Certifying Authority a photographic record on the visible condition of the existing public infrastructure **over the full site frontage** (in colour - preferably saved to cd-rom in 'jpg' format). The photos must include detail of:
- The existing footpath
 - The existing kerb and gutter
 - The existing full road surface between the opposite kerb
 - The existing verge area
 - Any existing drainage infrastructure including pits, lintels, grates.

Particular attention must be paid to accurately recording any pre-developed *damaged* areas on the aforementioned infrastructure so that Council is fully informed when assessing damage to public infrastructure caused as a result of the development (which is not to be repaired by the Applicant as part of the development). The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded and demonstrated under the requirements of this condition prior to the commencement of any works.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

53. 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.
54. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
55. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate.

56. The landscape works, shall be installed in accordance with the approved plan/s and/ or conditions of consent, be completed prior to release of Occupation Certificate and be maintained in a healthy and vigorous condition at all times.
57. The Principal Certifying Authority shall ensure that the landscape works, have been installed correctly, consistent the approved landscape plan(s), specification and the conditions of consent prior to release of the Occupation Certificate
58. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
- Two (2) new concrete driveway crossings and laybacks in accordance with levels and specifications issued by Council.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).
 - Full repair and resealing of any road surface damaged during construction.
 - Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all 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) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

59. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
- a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
 - b) A copy of any works-as-executed drawings required under this consent
 - c) The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention/retention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.

60. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority.
61. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the

completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection for approval to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:

- a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
- b) That the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
- c) That retained water is connected and available for uses specified in the BASIX commitments.
- d) That subsoil areas are able to drain via a sump system installed in accordance with AS3500.3.
- e) That all grates potentially accessible by children are secured.
- f) That components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage code AS3500.3 2003 and the BCA, and
- g) All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The following certification sheets **must be accurately completed and attached** to the certification:

- Rainwater retention certification sheet contained at appendix 13 of Water Management DCP 47
- On-site detention certification sheet contained at appendix 4 of Water Management DCP 47.

62. Prior to issue of the Occupation Certificate a registered surveyor must provide a Works-as-Executed (WAE) survey of the completed stormwater drainage and management systems. The WAE plan(s) must be submitted to the Principal Certifying Authority for approval prior to issue of the Occupation Certificate. The WAE survey must indicate:

- As built (reduced) surface and invert levels for all drainage pits.
- Gradients of drainage lines, materials and dimensions.
- As built (reduced) level(s) at the approved point of discharge to the public drainage system.
- As built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site.
- The achieved storage volumes of the installed retention and detention storages and derivative calculations.
- As built locations of all access pits and grates in the detention and retention system(s), including dimensions.
- The size of the orifice or control fitted to any on-site detention system.
- Dimensions of the discharge control pit and access grates.
- The maximum depth of storage possible over the outlet control.

- Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of any on-site detention system.

The WAE plan(s) must show the as-built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked **in red** on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

CARRIED UNANIMOUSLY

492 **245 to 247 Bobbin Head Road, Turramurra**

File: DA0509/06

Ward: Wahroonga

The following member of the public addressed Council:

J Slattery

To respond to the terms of Council's deferral of this application at its meeting of 24 October 2006 and seek determination of the development application.

Resolved:

(Moved: Councillors Cross/Ebbeck)

THAT the Council, as the consent authority, grant development consent to DA 0509/06 for demolition and construction of commercial building containing ground floor mini market/ office space, car parking and signage on land at 245- 247 Bobbin Head Road, Turramurra for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 509/06 and Development Application plans drawn by **The Architecture Company**, reference number **DA02A, DA03A, DA04A** and **DA05A**, dated **January 2006** and received by Council on **29 May 2006**.
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 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. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. 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.
7. 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.
8. **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.
9. 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.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.

13. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

14. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
15. If the work involved in the erection or demolition of a building:
- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.
The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

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

16. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
17. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
18. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.

19. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during 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.
20. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.

21. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
22. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
 - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
 - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
 - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
 - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
 - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
23. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
 - a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- a. building work carried out inside an existing building, or
 - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
24. The hours of operation are to be restricted to:
- Monday to Friday 8.00am - 7.00pm
 - Saturday, Sunday 8.00am – 7.00pm
25. A final Fire Safety Certificate shall be obtained in accordance with Part 9, Division 4 of the Environmental Planning and Assessment (Amendment) Regulation 2000, before a final occupation certificate can be issued for the building.
- A copy of the Fire Safety Certificate and Fire Safety Schedule shall be
- Forwarded to Ku-ring-gai Council;
 - *If required forwarded to the Commissioner of the New South Wales Fire Brigade; and*
 - Prominently displayed in the building.
26. Pursuant to Part 9, Division 5 of the Environmental Planning and Assessment Regulations (as amended) the owner of the building shall furnish to Council with an annual Fire Safety Statement from a competent person to certify the essential fire safety measures in the building. The Annual Fire Safety Statement shall be within 12 months of the issue of the fire safety certificate, and then on an annual basis.
27. Stormwater runoff from all new impervious areas and subsoil drainage systems must be piped to the street drainage system. *New* drainage line connections to the street drainage system must conform and comply with the requirements described in sections 5.3 and 5.4 of Ku-ring-gai Council Water Management Development Control Plan 47. The Applicants attention is directed to the requirements for obtaining a *Road Opening Permit* for excavating in the road reserve.
28. A mandatory rainwater retention and re-use system comprising storage tanks and ancillary plumbing must be provided for the development. The (minimum) total storage volume of the rainwater tank system, and the prescribed re-use of the water on site, must satisfy the requirements specified in chapter 6 of Ku-ring-gai Council Water Management Development Control Plan 47 (DCP47).
29. In addition to the mandatory rainwater retention and re-use system provided, an **on-site stormwater detention** system must be provided for the development to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 (DCP 47) - having regard to the specified volume concession offered in lieu of

installing rainwater retention tanks. The design of the on-site detention system must be performed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in appendix 5 of DCP 47.

30. Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services at the appropriate stage of eth development (including water, phone, gas and the like). Council accepts no responsibility whatsoever for any matter arising from its approval of this application involving any influence upon utility services provided by another authority.
31. All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials and plant must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where pedestrian circulation is diverted on to the roadway or verge areas, clear directional signage and protective barricades must be installed in accordance with AS1742-3 (1996) *“Traffic Control Devices for Work on Roads”*. **If pedestrian circulation is not satisfactorily maintained across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.**
32. The provision of temporary sediment and erosion control facilities and measures must 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 up to completion. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
33. Driveways and vehicular 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 the minimum requirements of Australian Standard 2890.1 (2004) *“Off-Street car parking”*.
34. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:
 - Appropriate excavation method and vibration control,
 - Support and retention of excavated faces,
 - Hydrogeological considerations,

Must be undertaken in accordance with the recommendations of the **Geotechnical Report (No. 11027/1-AA dated 21/3/06)** prepared by **Geotechnique Pty Ltd** and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

35. All work in relation to construction, fitting out and finish of the food preparation, storage and retail areas is to comply with the Food Act 2003, Food Regulations 2004, Food Standards Code (Food Safety Standards) and Australian Standard AS4674-2004, Design, Construction and Fitout of Food Premises.
36. Garbage and recycling facilities shall be provided in accordance with the requirements of Development Control Plan No 40. The facilities to be provided shall be quantified by the provision of a Waste Management Plan.
37. The premises shall be ventilated in accordance with Part F4 of the Building Code of Australia and Australian Standards 1668 Parts 1 and 2.
38. All noise generating equipment used on the site shall not give rise to an offensive noise as defined in the Protection of the Environment Operations Act 1997. All equipment shall be provided with suitable sound attenuation equipment designed by a qualified practising Acoustic Engineer so that when in operation the background sound pressure levels are not exceeded when measured at the nearest residential boundary.
39. 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.
40. 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.
41. Prior to the commencement of any works on site and prior to issue of the Construction Certificate the applicant must submit, for review by Council Engineers, a Parking and Delivery Management Plan specific to the subject site. This is due to the location of the development site near a school, shopping centre or other location of heavy pedestrian generation. The plan must be prepared by a qualified civil/traffic engineer in accordance with the documents SAA HB81.1 – 1996 – “Field Guide for Traffic Control at Works on Roads – Part 1” and RTA “Traffic Control at Work Sites (1998)”. The following matters must be addressed:

Safe ingress and egress

- a. How the site will be safely accessed by all vehicles servicing the site. This should include provision of forward ingress and egress and details of

- traffic control for the site, and provisions for a flagperson if required to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be managed where forward egress is not possible.

Staging of works

- a. The Parking and Delivery Management Plan must recognise the different stages of the work, including site establishment, excavation, concrete pours and tradesperson and landscaper access, and specify the parking and delivery management requirements of each stage.

The parking and delivery management plan must be submitted to and approved by Council, attention Development Engineer, prior to the commencement of any demolition, land clearing, excavation or construction works. A minimum of two (2) weeks will be required for assessment.

All traffic management measures contained in the approved plan shall be implemented in accordance with the approved plan at the necessary stages. Failure to do so may result in fines and proceedings to stop work. The plan must make provision for all construction materials to be stored on site at all times during the works.

- 42. Prior to the commencement of any works on site and prior to issue of the Construction Certificate the applicant must submit, for review by Council Engineers, a Traffic Control Plan. The plan must be prepared by a qualified civil/traffic engineer in accordance with the documents SAA HB81.1 – 1996 – “Field Guide for Traffic Control at Works on Roads – Part 1” and RTA “Traffic Control at Work Sites (1998)”. The following matters must be addressed:

Heavy vehicle routes

- a. Safe points of vehicular access to the construction site and details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe ingress and egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flagperson to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be controlled on those occasions where forward egress is not possible.
- c. How pedestrians will be safely managed across the frontage of the site.

Parking control

- a. The provision of on-site parking for employee, tradesperson and construction vehicles.

- b. Establishment of a no-parking zone for the full frontage of the site prohibiting on-street parking during the relevant morning and afternoon peak periods where located on main or arterial roads, or during school peak periods where located near schools or full time where located near shopping centres.

RTA concurrence

- a. Evidence of consultation with and concurrence of the RTA for the Traffic Control Plan where the site is located on an arterial road.

Stages

- a. The Traffic Control Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained prior to the issue of the Construction Certificate. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council.

NOTE 2: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

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

- 43. 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.

- 44. 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.

45. 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.
46. The payment to Council of a contribution for Child Care Facilities in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Ku-ring-gai Municipal Council's Section 94 Contributions Plan No 1. Such contribution is calculated as \$7346.00 and is to be paid prior to the issue of a Construction Certificate. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index. The levy is based on:

\$24.70 per additional square metre of commercial/office floorspace.

\$9.90 per addition square metre of retail floor space.
47. Prior to issue of the Construction Certificate, driveway and associated footpath levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai 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. Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. 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.

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 Development application plans. 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 required alignment levels fixed by Council may impact upon these levels. 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.

48. Prior to issue of the Construction Certificate and prior to commencement of any works that may be subject to erosion, the applicant must submit, for approval by the Principal Certifying Authority, a Soil and Erosion Control Plan prepared in accordance with the Landcom document "*Managing Urban Stormwater – Soils and Construction, Volume 1*" (2004). A qualified and experienced civil/environmental engineer shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management Development Control Plan 47.
49. Prior to issue of the Construction Certificate the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:
 - Exact location and reduced level of discharge point to the public drainage system.
 - Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, pits, grated drains, swales, kerbs, flushing facilities, subsoil drainage and all ancillary plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence).
 - Location(s), dimensions and specifications for the required rainwater storage and reuse tank systems. Where proprietary products are to be used, manufacturer specifications and details must be provided.
 - Details of any required on-site detention tanks required under Ku-ring-gai Council Water Management DCP 47 including dimensions, materials, location, orifice and discharge control pit details as required (refer chapter 6 and appendices 2, 3 and 5 for volume, PSD and design requirements).

The above construction drawings and specifications are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - *Plumbing and Drainage Code* and the BCA. The plans may be generally based upon the **Stormwater Drainage Plan206-427**

Dwg. H-01 Rev. 'B' & H-02 Rev. 'A' prepared by **Greenarrow hydraulics Pty Ltd** submitted for Development Application approval, which are to be advanced as necessary for construction issue purposes.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

50. 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.
51. Prior to the commencement of any works on site the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Geotechnical/Civil Engineering report which addresses (but is not limited to) the following:
 - a) The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore-hole logs shall be related to Australian Height Datum.
 - b) The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
 - c) The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site).
 - d) The existing groundwater levels in relation to the basement structure, where influenced.
 - e) The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flowpath is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
 - f) Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a consulting geotechnical / hydrogeological engineer with previous experience in such investigations

and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- No changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- No changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles.
- An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table C1 of AS 2870 - 1996.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

52. 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.
53. Prior to issue of the Occupation Certificate, the Principal Certifying Authority (where not Council) must provide Ku-ring-gai Council with a signed declaration that the following works in the road reserve have been completed in full:
 - New concrete driveway crossing in accordance with levels and specifications issued by Council.
 - Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter. (Reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials).

- Full repair and resealing of any road surface damaged during construction.
- Full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing.

All works must be completed in accordance with the *General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council*, dated November 2004. The Occupation Certificate must not be issued until all 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) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

54. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
55. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" (refer to appendices of Ku-ring-gai Council Water Management DCP 47) and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.
56. Prior to issue of the Occupation Certificate the following must be provided to Council (attention Development Engineer):
 - a) A copy of the approved Construction Certificate stormwater detention/retention design for the site, and

- b) A copy of any works-as-executed drawings required under this consent
- c) The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and applies particularly where the appointed Principal Certifying Authority (PCA) is not Ku-ring-gai Council.

- 57. Prior to issue of the Occupation Certificate 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 at no cost to Council.
- 58. Prior to issue of the Occupation Certificate a qualified and experienced consulting civil/hydraulic engineer must undertake a site inspection of the completed stormwater drainage and management system. The engineer is to provide written certification based on the site inspection to the Principal Certifying Authority, prior to issue of the Occupation Certificate, which makes specific reference to all of the following:
 - a) That the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans.
 - b) That the minimum retention and on-site detention volume storage requirements of Ku-ring-gai Council Water Management DCP 47 respectively, have been achieved in full.
 - c) That the drainage system has been installed by a licensed contractor in accordance with the Plumbing and Drainage code AS3500.3 (2003) and the BCA.
 - d) That all enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The *rainwater retention certification sheet* contained at appendix 13 of Ku-ring-gai Council Water Management DCP 47 must be completed and attached to the certification. Where an on-site detention system has been constructed, the *on-site detention certification sheet* contained at appendix 4 of DCP 47 must also be completed and attached to the certification.

- 59. Prior to issue of the Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
- 60. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:

- According the relevant Australian Standards and guidelines, and
- According to any approved Geotechnical report undertaken for the development, and
- **In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.**

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

Against the Resolution: *Councillors Andrew, Lane & Malicki*

493 **Representation on Ku-ring-gai Meals on Wheels Committee**

Files: S02355, S03148

For Council to make an appointment to the Ku-ring-gai Meals on Wheels Committee Inc.

Resolved:

(Moved: Councillors Shelley/Cross)

That the matter be deferred to allow staff to examine the terms of the Constitution of Meals on Wheels and that a further report be brought back to Council.

CARRIED UNANIMOUSLY

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

494 **Corporate Identity**

File: S05392

Councillor Malicki raised the matter of Council's Identity following Council's Policy Committee meeting on 4 December 2006.

A Motion moved by Councillors Malicki and Andrew to have the matter dealt with was LOST when put to the vote.

For the Motion: *Councillors Andrew, Malicki & Shelley*

Against the Motion: *The Mayor, Councillor N Ebbeck, Councillors Cross, Lane, Ryan & Anderson*

*Standing Orders moved by Councillors Lane & Ryan
were suspended in order that
the Questions Without Notice could be dealt with next
which was CARRIED UNANIMOUSLY*

QUESTIONS WITHOUT NOTICE

495 **Net Change in Public Open Space in Town Centres**

File: S04151

Question Without Notice from Councillor A Andrew

Could staff report on the net change in public open space in the town centres that have been resolved and in the officer's recommendation for the remaining unresolved town centres?

Answer by the Director Open Space & Planning

I will take that on notice & report back to Council.

496 **Common Print Disabilities - Standards Required**

File: S02355

Question Without Notice from Councillor M Shelley

- a. Would the General Manager ensure that any proposed Ku-ring-gai Council identity meet standards required for people with the most common print disabilities?
- b. Any such proposal would examine 'x' heights, contrast and general readability and these considerations would be included in any report to Council on the matter?

Answer by the Director Community Services

Yes, we could do that. Perhaps if you could give me a copy of it.

497 **68 Pacific Highway, Roseville - Alleged Use**

File: P54534

Question Without Notice from Councillor M Shelley

Would the relevant Director investigate the alleged use of 68 Pacific Highway, Roseville as an illegal brothel as asserted by a number of local businesses and residents and, of which, Councillors have been the subject on continuing representations?

Answer by the Director Development & Regulation

Yes.

498

Corporate Logo

File: S05392

Question Without Notice from Councillor E Malicki

Is the new logo which was discussed for 10 minutes last night going to be brought into Council next year with no consultation, bearing in mind that we have had the previous logo for 78 years?

Answer by the Mayor

Councillor Malicki, I've taken that question. I suppose it is very similar to these things that were put up last year when you the Mayor. There was logos changed without any consultation. No public consultation through the Committee. I am just checking now and the logo is not changing. The logo will be staying the same and there is different things between your official logo and that.

The General Manager will take that Question on board.

499

Determination of New Logo & Council's Corporate Image

File: S05392

Question Without Notice from Councillor E Malicki

How was it determined that changing the logo and our corporate image is an operational matter?

Answer by the General Manager

In my opinion there is no cost to the Council was number one consideration so there was no financial impact. If Council had have gone to change its corporate seal, I think that would have been an entirely different matter indeed & would have needed a resolution but I don't see just changing the stationery would require a policy making decision of the Council.

500 **Council Logo Design**

File: S05392

Question Without Notice from Councillor A Ryan

1. Were the group, referred to by Councillor Malicki, asked to contribute toward the design or give feedback on the centenary stationery/logo?
2. Were Councillors, other than the two present, consulted on the centenary logo?

Answer by the Director Community Services

1. My recollection of that meeting of the Centenary Advisory Committee & the Centenary Working Committee was that our Corporate Communications Officer came to that meeting with information and also a copy of the logo. The people were actually advised at that meeting that this would be the logo for the centenary. I guess at that stage there maybe have been an opportunity for someone to comment & I think even Councillor Shelley commented on the way lines were going but no, there was no formal consultation through that meeting but basically they were just told that this would be the logo that would be used.
2. No there were no other Councillors besides the ones that were at the Committee.

BUSINESS WITHOUT NOTICE (cont)501 **Corporate Identity**

File: S05392

In response to a question by the Mayor and as there were a number of Questions Without Notice relating to the Corporate Identity, the Council reconsidered its decision in relation to urgency on the matter.

The following item was dealt with after a Motion moved by Councillors Shelley & Andrew to have the matter dealt with at the meeting was CARRIED and the Chairperson ruled urgency.

For the Motion: The Mayor, Councillor N Ebbeck, Councillors Andrew, Lane, Shelley & Anderson

Against the Motion: Councillors Cross, Malicki & Ryan

Resolved:

(Moved: Councillors Ryan/Cross)

That Council resolve to adopt the new corporate identity as presented to the Policy Committee on 4 December 2006 subject to design modification to enhance legibility, readability and reproducibly.

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

Against the Resolution: Councillor Malicki

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

(Moved: Councillor Malicki/Shelley)

That there be public consultation before Council adopts a new logo, letterhead and corporate image.

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

502

Staff Matter - General Manager's Review

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

File: S03001

The Mayor, Councillor Ebbeck, raised the matter of the General Manager's Review.

*The following item was dealt with after a Motion moved
by the Mayor Ebbeck and Councillor Cross to have the matter
dealt with at the meeting was CARRIED UNANIMOUSLY
& the Chairperson ruled accordingly*

Councillor Malicki departed

Resolved:

(Moved: Councillors Ebbeck/Lane)

That Council proceed in the terms discussed.

CARRIED UNANIMOUSLY

To Open Council

The Mayor adverted to the consideration of the matters referred to in the Minute numbered 502, and to the resolution contained in such Minute.

The Meeting closed at 10.26pm

The Minutes of the Ordinary Meeting of Council held on 5 December 2006 (Pages 1 - 43) were confirmed as a full and accurate record of proceedings on 12 December 2006.

General Manager

Mayor / Chairperson