

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 8 AUGUST 2006

Present: The Mayor, Councillor E Malicki (Chairperson) (Comenarra Ward)
Councillor A Andrew (Comenarra Ward)
Councillors L Bennett & T Hall (St Ives Ward)
Councillors I Cross & N Ebbeck (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)
Manager Urban Planning (Antony Fabbro)
Director Community Services (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.00pm

The Mayor offered the Prayer

DECLARATIONS OF INTEREST

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

No interest was declared.

DOCUMENTS CIRCULATED TO COUNCILLORS

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

Late Items: Refer MM.1: VALE "Mr Ku-ring-gai" - Amended Mayoral Minute -
VALE Norman Griffiths - Minute by the Mayor, Councillor E Malicki
dated 2 August 2006

Refer GB.6 - Turramurra Centre-Exhibition of Draft LEP - Report by Manager Urban Planning & Director Open Space & Planning dated 2 August 2006

Refer GB.7 - Allocation of Dwelling Yield for Northern Sub-Region - Report by General Manager & Director Open Space & Planning dated 8 August 2006

Refer NM.2 - Drug & Alcohol Forum - Amended Forum Draft Budget (replaces original Attachment 3) to Councillor Ebbeck's Notice of Motion dated 31 July 2006

CONFIRMATION OF MINUTES

287 Minutes of Ordinary Meeting of Council

File: S02131
Meeting held 25 July 2006
Minutes numbered 275 to 286

Resolved:

(Moved: Councillors Ebbeck/Ryan)

That Minutes numbered 275 to 286 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

288 Minutes of Extraordinary Meeting of Council

File: S02131
Meeting held 26 July 2006
Minute numbered EMC7

Resolved:

(Moved: Councillors Lane/Ryan)

That Minute numbered EMC7 circulated to Councillors was taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

*Standing Orders were suspended
to deal with NM.2 & GB.5 first
after a Motion moved by Councillors Ebbeck & Ryan
was CARRIED UNANIMOUSLY*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

289 **Drug & Alcohol Forum**

File: S02319

The following member of the public addressed Council:

D Woolley

Councillor Shelley arrived during Address

Notice of Motion from Councillor N Ebbeck dated 31 July 2006.

An opportunity has been presented for Council to make use of the skills of a highly respected guest speaker, Darren Marton, to facilitate a Drug and Alcohol Forum in partnership with Ku-ring-gai Council on 4 September 2006, at Hornsby RSL for the youth of Ku-ring-gai.

I move:

"That Council support the Drug and Alcohol Forum on Monday 4 September at Hornsby RSL, and that funding for the forum be made available through the Community Services budget, capped at \$3,500. The appropriate source for funding to be identified in the first 2006-07 quarterly review."

Resolved:

(Moved: Councillors Ebbeck/Cross)

That the above Notice of Motion as printed be adopted.

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

Against the Resolution: Councillors Shelley & Bennett,

GENERAL BUSINESS

290

1 Kintore Street, Wahroonga - Supplementary Report following Site Inspection

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File: DA0470/05

The following members of the public addressed Council:

J Sukari
D Peaston
M Hill
I Maxton

To determine Development Application No 470/05 demolition of existing dwelling and the construction of a SEPP (Seniors Living) development.

Resolved:

(Moved: Councillors Cross/Ryan)

That consideration of the application be deferred and that Council seek an independent assessment of the application.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors
Bennett, Cross, Ebbeck, Hall, Ryan & Anderson*

Against the Resolution: Councillors Andrew, Lane & Shelley

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

(Moved: Councillors Ebbeck/Lane)

*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
470/05 for demolition of the existing building and construction of a SEPP
Seniors Living Development comprising 4 dwellings on land at 1 Kintore Street,
Wahroonga, 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
470/05 and Development Application plans prepared by HSA Architects,*

reference number 49105.DA1, Issue C, 49105.DA2, Issue C, 49105.DA3, Issue C, 49105.DA4, Issue C, 49105.DA5, Issue C, dated 9 March 2006 and Landscape Plan prepared by Landscape Architectural Services, Drawing No.LPDA 06 – 86/1, dated November 2005 and endorsed with Council's approval stamp, except where amended by the following conditions:

2. *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.*
3. *No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.*

<i>Tree No /Species /Location</i>	<i>Radius From Trunk</i>
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<i>Tree 10 / Eucalyptus racemosa (Large Scribbly Gum) / Western boundary</i>	<i>5 metres</i>
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<i>Tree 11 / Pinus patula (Mexican Pine) / Western boundary</i>	<i>5 metres</i>
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<i>Tree 24 / Eucalyptus pilularis (Blackbutt) / Southern boundary</i>	<i>7 metres</i>
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4. *All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:*

<i>Tree No /Species /Location</i>	<i>Radius From Trunk</i>
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<i>Tree 10 / Eucalyptus racemosa (Large Scribbly Gum) / Western boundary</i>	<i>7 metres</i>
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<i>Tree 11 / Pinus patula (Mexican Pine) / Western boundary</i>	<i>7 metres</i>
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<i>Tree 24 / Eucalyptus pilularis (Blackbutt) / Southern boundary</i>	<i>7 metres</i>
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5. *To preserve the following tree, the driveway to Unit 1 shall be constructed of asphalted concrete.*

<i>Tree No /Species /Location</i>

<i>Tree 1 / Angophora costata (Sydney Red Gum) / North-eastern corner</i>

6. *Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system*

shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.

7. *A mandatory rainwater re-use tank system, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.*
8. *A maintenance period of six (6) months applies to all work in the public road reserve carried out by the applicant - after the works have been completed to the satisfaction of Ku-ring-gai Council. In that maintenance period, the applicant shall be liable for any section of the completed public infrastructure work which fails to perform in the designed manner, or as would reasonably be expected under the operating conditions. The maintenance period shall commence once the Applicant receives a written indication from Council stating that the works involving public infrastructure have been completed satisfactorily.*
9. *Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.*
10. *All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "Traffic Control Devices for Work on Roads". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.*
11. *The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.*

12. *Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”.*
13. *For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.*
14. *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. Please 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.*
15. *Stormwater quality control measures as described in chapter 8 of Councils Water Management Development Control Plan 47 (DCP47), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.*
16. *Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.*
17. *The proposed development is to be compliant with both AS 1428 (Design for Access and Mobility and AS 4299 (Adaptable Housing) and the design requirements of SEPP (Seniors Living).*
18. *The interior design of dwellings, ancillary facilities (eg letterboxes, lighting etc) and circulation space within the development shall comply with the standards contained in clause 13A of SEPP 5. A Compliance Certificate prepared by a suitably qualified and experienced person, certifying compliance with the provisions and standards contained in this clause, shall be submitted to the Principal Certifying Authority prior to occupation of the development.*

19. *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.*
20. *No mobile outdoor surveillance systems shall be installed without prior approval of Council.*
21. *No advertising signs are to be erected without the prior consent of Council.*
22. *Master TV antennas are to be provided to avoid having individual antennas. The master antenna should be located at the rear of the site to reduce visibility from the street. Alternatively, location within the roof space should be considered.*
23. *Letter boxes must be provided in accordance with the requirements of Australia Post and be accessible to wheelchair users*
24. *On site power must be underground and satisfy the requirements of Energy Australia.*
25. *Unit/dwelling numbers must be clearly displayed and visible for emergency vehicles and visitors.*
26. *Each dwelling must have a child proof storage place for poisons or other dangerous substances.*
27. *Main entry doors to each unit shall be provided with peep holes.*
28. *Walls and Fences within the development are to be in accord with Council's Development Control Code 1/99 or as otherwise directed or approved.*
29. *The development is to provide night lighting along all driveways and footpaths throughout the site such that the full length of travel paths are illuminated. Lighting is to be shielded so that neighbouring residences are not adversely affected.*
30. *Throughout the development it is necessary to utilise non-slip materials. Surfaces which will be slippery when wet are not permitted. Loose material such as gravel or sand should be avoided near footpaths.*
31. *Locate TV antenna outlets on interior walls (away from windows and potential glare problems) in positions that maximise, options for TV location in the living and sleeping areas.*
32. *Locate telephone sockets so that residents have a choice of places/rooms to put a telephone and its related furniture.*

33. *Courtyard fences between units shall be constructed of masonry to a height of 1.8 metres or as otherwise indicated.*
34. *The use of landscaping should not affect driver sight distance to see other vehicles/pedestrians etc. for vehicles entering /exiting the subject site. The use of low growing shrubs around driveways is recommended.*
35. *The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:*
 - a. *People 55 or over or people who have a disability;*
 - b. *People who live with people 55 or over or people who have a disability;*
 - c. *Staff employed to assist in the administration of and provision of services to housing provided in this development.*
36. *The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy (Seniors Living) at all times.*
37. *All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP (Seniors Living) development and that at least one occupier shall be aged 55 years or over or have a disability.*
38. *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.*
39. *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.*
40. *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.

- 41. 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.*
- 42. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.*
- 43. To maintain existing ground levels all excavated material shall be removed from the site.*
- 44. For the purpose of maintaining visual amenity, electricity cabling shall be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted prior to the release of the occupation certificate.*
- 45. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.*
- 46. 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.

- 47. 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:*
 - a. must preserve and protect the building from damage, and*
 - b. if necessary, must underpin and support the building in an approved manner, and*
 - c. 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.

48. *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.*
49. *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.*
50. *The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.*
51. *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.*
52. *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.

53. *Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.*
54. *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.*
55. *Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.*
56. *Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.*
57. *Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.*
58. *Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.*
59. *In order to increase streetscape and residential amenity, any existing sandstone removed from the Kintore or Grosvenor Street frontages to accommodate driveway and pathway areas shall be retained and used elsewhere within landscaped areas on site.*

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

60. *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.

61. *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).*
62. *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.*
63. *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.*
64. *The applicant shall ensure that no underground services (ie water, sewerage, drainage and gas) shall be laid beneath the canopy of any tree protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.*

A plan detailing the routes of these services shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

65. *The submitted landscape plan by Landscape Architectural Services, Drawing No. LPDA 06-86/1 and dated November 2005 is not approved. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, and conditions of consent by a Landscape Architect or qualified Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to, and approved by the Principal Certifying Authority prior to the release of the Construction Certificate. The landscape works shall be carried out in accordance with the approved landscape plan.*

The following amendments to the plan shall apply:

- *The 1200mm high picket fence shall be deleted.*
 - *The existing healthy mature shrubs along the northern and western boundaries shall be individually noted on the plan to be retained and the replanting of additional species reduced or changed to suit.*
 - *The plan shall indicate the removal of Tree 28.*
 - *The plan shall note the use of medium to large pebbles as mulch along the eastern boundary as this area will be a stormwater flow path. No ground covers such as Myoporum or Trachelospermum shall be planted as they will interrupt the overland flow.*
 - *The proposed "cultivar" that will reach a minimum height of 3 to 4 metres of Syzygium paniculatum (Brush Cherry) shall be indicated.*
66. *The property shall support a minimum number of 10 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 additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be prepared by a Landscape Architect or qualified Landscape Designer and be submitted to the Principal Certifying Authority for approval prior to release of Construction Certificate.*
67. *A cash bond/bank guarantee of \$8,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and*

maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the bond will be refunded upon issue of the Occupation Certificate, where landscape works as approved have been satisfactorily installed. The balance of the bond will be refunded 3 years after issue of the building certificate, where landscape works has 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.

68. *A cash bond/bank guarantee of \$15,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.*

The bond will be returned following issue of the Occupation Certificate, provided the trees are undamaged.

In the event that any specified trees are found damaged, dying or dead as a result of any negligence by the applicant or its agent, or as a result of the construction works at any time during the construction period, Council will have the option to demand the whole or part therefore of the bond.

Tree No /Species /Location /Bond

*Tree 1 / Angophora costata (Sydney Red Gum)
/ North-eastern corner
/ \$4,000.00*

*Tree 5 / Lophostemon confertus (Brushbox)
/ North-western corner
/ \$3,000.00*

*Tree 10 / Eucalyptus racemosa (Large Scribbly Gum)
/ Middle of western boundary
/ 2,000.00*

*Tree 11 / Pinus patula (Mexican Pine)
/ Middle of western boundary
/ \$2,000.00*

*Tree 24 / Eucalyptus pilularis (Blackbutt)
/ Middle of southern boundary
/ \$4,000.00*

69. *To preserve the following trees the proposed driveways to Units 2 & 3 shall be constructed at existing soil levels and suspended on isolated piers within the specified radius of the trunks. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.*

The location and details of the footings shall be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

<i>Tree No /Species /Location</i>	<i>Radius in metres</i>
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<i>Tree 10 / Eucalyptus racemosa (Large Scribbly Gum) / Western boundary</i>	<i>7 metres</i>
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<i>Tree 11 / Pinus patula (Mexican Pine) / Western boundary</i>	<i>7 metres</i>
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70. *To preserve the following tree/s, footings of the proposed Unit 4 shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.*

The location and details of the footings shall be submitted to the Principal Certifying Authority for approval prior to release of the Construction Certificate.

<i>Tree No /Species /Location</i>	<i>Radius in Metres</i>
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<i>Tree 24 / Eucalyptus pilularis (Blackbutt) / Middle of southern boundary</i>	<i>7 metres</i>
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71. *Prior to issue of the Construction Certificate, submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA), that the parking provisions comply with the following standards:*

- *The State Environmental Planning Policy for Seniors Living (particularly relating to height clearances and space dimensions) and*
- *Australian Standard 2890.1 – 2004 “Off-street car parking”.*

72. *Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the Landcom document “Managing Urban Stormwater – Soils and Construction, Volume 1” (2004). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in*

accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).

73. *The Applicant must carry out the following infrastructure works in the Public Road:*

Construct kerb ramps to Council's specification between the subject site and the nearest bus stop.

*Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public Road, required by this condition. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued a formal written consent under the Roads Act 1993.*

To obtain consent under the Roads Act 1993 for the infrastructure works on Council property, full engineering drawings (plans, sections and elevations) and specifications for the infrastructure works are to be prepared by a suitably qualified and experienced consulting civil engineer. These must be submitted and approved by Council prior to issue of the Construction Certificate. Construction of the works must proceed in accordance with any conditions attached to the Council Roads Act 1993 approval.

*All works are to be designed in accordance with Council's "Specification for Road and Drainage Works". In addition, the drawings must detail existing services and **trees affected by the works**, erosion control requirements and traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being 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).*

NOTE 1: A minimum of three (3) weeks will be required for assessment of Roads Act submissions. Early submission is highly recommended to avoid delays in obtaining a Construction Certificate.

NOTE 2: An engineering assessment fee (set out in Council's adopted fees and charges) is payable and Council will withhold any consent and approved plans until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Council's Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number.

74. *Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The design may be generally based on the concept plans TFA2944/01 Sheets 1 to 3 Issue A by Toby Fiander & Associates, advanced for construction purposes. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from a minimum 100m² roof area for each 5000 litres of storage. Overflow shall revert to the main drainage system. Water quality measures are to be included as required by DCP47. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.*
75. *Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.*
76. *Prior to issue of the Construction Certificate footpath and driveway levels for the new vehicular crossings between the property boundary and road alignment must be obtained from Council. The footpath crossings are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings". These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.*

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

NOTE 1: 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.

NOTE 2: 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.

77. *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 4 (FOUR) ADDITIONAL DWELLINGS IS CURRENTLY \$12,306.64 (including a credit for the existing dwelling on the site). 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 (If Seniors Living \$412.07)	\$1,117.76
2. Park Acquisition and Embellishment Works - Wahroonga	\$6,574.28
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

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

**CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK
COMMENCING**

78. *To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.*
79. *To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:*

Tree No /Species /Location

*Tree 1 / Angophora costata (Sydney Red Gum)
/ North eastern corner*

*Tree 16 / Eucalyptus racemosa (Large Scribbly Gum)
/ South western corner*

*Tree 36 / Nyssa sylvatica (Tupelo)
/ Grosvenor Street nature strip*

80. *To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed driveways is fenced off at the specified radius from the trunk/s to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.*

<i>Tree No /Species /Location</i>	<i>Radius in Metres</i>
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<i>Tree 3 / Acer palmatum (Japanese Maple) / Northern boundary</i>	<i>3 metres</i>
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<i>Tree 5 / Lophostemon confertus (Brushbox) / North western corner</i>	<i>3 metres</i>
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<i>Tree 10 / Eucalyptus racemosa (Large Scribbly Gum) / Middle of western boundary</i>	<i>3 metres</i>
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<i>Tree 11 / Pinus patula (Mexican Pine) / Middle of western boundary</i>	<i>3 metres</i>
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Tree 24 / Eucalyptus pilularis (Blackbutt) 5 metres
/ Middle of southern boundary

Tree 34 / Acer palmatum (Japanese Maple) 3 metres
/ Front boundary

Franklinia axillaris (Gordonia) 3 metres
/ Western boundary near northern end

81. *The tree protection fence shall be constructed of galvanised pipe at 2.4 metres spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.*
82. *To preserve the following tree, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards) beneath the canopy of the following tree is installed over the proposed designated construction entrance/exit off Grosvenor Street.*

Tree/Location

Tree 10 / Eucalyptus racemosa (Large Scribbly Gum)
/ Middle of western boundary

83. *Upon completion of the installation of the required tree protection measures you are required to arrange for an inspection of the site by the Principal Certifying Authority to verify that tree protection measures comply with all relevant conditions. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.*
84. *Prior to the commencement of **any** works on site the applicant must submit, for review by Council Engineers, a Construction and Traffic Management Plan. The following matters must be specifically addressed in the Plan:*

A plan view of the entire site and frontage roadways indicating:

- *Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,*
- *Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,*
- *A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries*
- *Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.*

Traffic Control Plan(s) for the site

- All traffic control devices installed in the road reserve must be in accordance with the RTA publication “Traffic Control Worksite Manual” and be designed by a licensed to do so (minimum RTA ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each.
 - Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.
 - The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation. As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council engineers shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site. A fee is payable for the assessment of the plan by Ku-ring-gai Council.
85. *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*
 - *The existing driveway and layback where to be retained*
 - *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.*
86. *A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the commencement of any work on the site.*

87. *A simple photographic record of the affected parts of the heritage item are to be submitted to Council prior to the commencement of work. Recording shall be undertaken in accordance with the Guidelines for Photographic Recording of Heritage Sites, Building and Structures prepared by the New South Wales Heritage Office.*

Information shall be bound in an A4 report format. It shall include copies of black and white photographs, referenced to plans of the affected property. Two (2) copies (one (1) copy to include negatives of photographs) shall be submitted to Council's Department of Environmental and Regulatory Services, to be held in the Local Studies Collection of Ku-ring-gai Library.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

88. *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.*
89. *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.*
90. *Prior to issue of an Occupation Certificate, the following works must be completed:*

- a. Construction of the new driveway crossings and laybacks in accordance with the levels and specifications issued by Council,*
- b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these areas to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.*
- c. Any sections of damaged grass verge are to be fully replaced with a non-friable turf of native variety to match existing.*

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

91. *Prior to issue of an Occupation Certificate, the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved Roads Act 1993 drawings, conditions and specifications. The works must be supervised by the*

applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.

92. *Prior to issue of an Occupation Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).*
93. *Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced traffic/civil engineer, that:*
- a. *The dimensions of all as-constructed private car parking spaces meet the dimension requirements of the Seniors Living SEPP (as last amended), and*
 - b. *The as-constructed car park complies with the approved Construction Certificate plans, and*
 - c. *The vehicular headroom requirements of:*
 - *the Seniors Living SEPP (as last amended) for accessible parking spaces, and*
 - *Australian Standard 2890.1 - "Off-street car parking", are met.*
94. *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:*
- *Approved Construction Certificate drainage plans.*
 - *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.*
 - *That retained water is connected and available for uses including all toilet flushing, laundry and garden irrigation.*
 - *That all grates potentially accessible by children are secured.*
 - *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*
 - *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.*
95. *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:*
- a. *As built (reduced) surface and invert levels for all drainage pits.*
 - b. *Gradients of drainage lines, materials and dimensions.*
 - c. *As built (reduced) level(s) at the approved point of discharge to the public drainage system.*
 - d. *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.*
 - e. *The achieved storage volumes of the installed retention and detention storages and derivative calculations.*
 - f. *As built locations of all access pits and grates in the detention and retention system(s), including dimensions.*
 - g. *The size of the orifice or control fitted to any on-site detention system.*
 - h. *Dimensions of the discharge control pit and access grates.*
 - i. *The maximum depth of storage possible over the outlet control.*
 - j. *Top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the 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.*

96. *Prior to issue of an Occupation Certificate, the applicant is to create a Restriction-on-Use under the Conveyancing Act, restricting the occupation of the premises to:*
- a. *People aged 55 years or over, or people with a disability as defined by the provisions of the State Environmental Planning Policy for Seniors Living.*
 - b. *People who live with such people as defined in (a) above.*

- c. *Staff employed to assist in the administration of and provision of services to housing provided in this development.*
97. *Prior to issue of an Occupation Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention/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 instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.*

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/ retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

MINUTES FROM THE MAYOR

291 VALE Norman Griffiths

File: S04813

On behalf of Ku-ring-gai Council, I would like to pay tribute to the life of Norman Griffiths, who passed away on the 22nd of July aged 102.

I have long respected Mr Griffiths as he is a most significant person in Ku-ring-gai's history, having spent his entire career – a remarkable 50 years – working at Council, including 22 years as Town Clerk.

In our Centenary year, this is a man who was a true servant of Ku-ring-gai and its people for half of the past hundred years. This is a remarkable record which few people in local government could ever equal.

I have known Norman during the 15 years I have been a Councillor, as he attended Council functions such as the 25 Year Club.

This was a function for staff who served the residents of Ku-ring-gai for 25 years or more. Norman was always a guest of honour at the 25 Year Club and he was highly regarded by all the staff who had known him.

We always had a brief speech from Mr Griffiths and it was interesting to see the respect given to him by the long serving staff members. He always maintained his wonderful manners and his respectful demeanour towards people which made him one of nature's gentlemen.

We were honoured to have Norman as guest of honour at our Centenary dinner earlier this year, and many people remarked to me about the fine speech he made on that historic occasion, at the age of 102!

To me Norman Griffiths is "Mr Ku-ring-gai", and it is always a pleasure to go to the playing field named in his honour at the Bicentennial Park and to spend a few quiet moments thinking about a man who served the residents of our Council area in a way that will probably never be equalled in the future.

I would like to briefly summarise the enormous contribution Norman Griffiths made to Council from 1919, when he began as a clerk aged 16, to his retirement in 1969.

He became Chief Accountant in 1929, Deputy Town Clerk in 1937 and, after serving in the Army during World War 11, was appointed Town Clerk in 1947.

Under Norman's stewardship, Ku-ring-gai enhanced its reputation as a progressive municipality. He oversaw the introduction of the first Council-run library in NSW and the appointment of the first full-time senior citizens' welfare officer.

Norman also led the development of major roads in Ku-ring-gai such as Eastern Arterial Rd and Lady Game Drive.

He was passionate about Ku-ring-gai – and this enthusiasm obviously rubbed off on the Council's staff and elected representatives who had enormous admiration and respect for him.

Norman's contribution was also recognised on a wider scale in 1970 when he was awarded the British Empire Medal for services to local government.

In his later years after retiring, Norman retained many links with Council through living in East Gordon and his association with Ku-ring-gai Rotary. His wife of an incredible 74 years, Gwendoline, passed away in March last year at the age of 100.

It is sad to say "Goodbye" to such a fine person and I will truly miss Norman Griffiths. As Mayor I consider that Ku-ring-gai is the poorer for his passing, and I know we will never see his like again.

On behalf of Council, I also offer our sincere condolences to Norman's daughter, Barbara Manton, and family.

Resolved:

- A. That the Mayoral Minute be received and noted.
- B. That we stand for a minute's silence to pay respects to the life of Norman Griffiths.

CARRIED UNANIMOUSLY

*One Minute Silence
was observed*

GENERAL BUSINESS (cont)

292 **Election of Mayor & Deputy Mayor - 2006/2007**

File: S03662

To give consideration to setting the date for the 2006/2007 Election of the Mayor & Deputy Mayor.

Resolved:

(Moved: Councillors Ebbeck/Lane)

- A. That the 2006/2007 Election of the Mayor and Deputy Mayor be held at the Ordinary Meeting of Council on Tuesday, 12 September 2006.
- B. That the 2006/2007 Election of the Chairpersons/Deputy Chairpersons of Council's Committees and Advisory Committees be held on Tuesday, 26 September 2006.
- C. That Council consider the appointment of various Community Committee members/delegates on Tuesday, 26 September 2006.

CARRIED UNANIMOUSLY

293 **Ku-ring-gai Access Advisory Committee - Minutes of 15 June 2006**

File: S02116

To provide Council with the Minutes of the Ku-ring-gai Access Advisory Committee of 15 June 2006.

Resolved:

(Moved: Councillors Lane/Ebbeck)

That the Minutes from the Ku-ring-gai Access Advisory Committee of 23 February 2006 be received and noted

CARRIED UNANIMOUSLY

294 **Turramurra Centre - Exhibition of Draft Local Environmental Plan (LEP)**

File: S04038

To advise Council that the Department of Planning have issued a conditional Section 65 Certificate under the Environmental Planning and Assessment Act 1979. This will permit public exhibition of the Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) Amendment No.1 for the Turramurra Centre subject to changes in the draft Local Environmental Plan as outlined in this report.

Resolved:

(Moved: Councillors Ebbeck/Cross)

That Council adopt the amended Draft Ku-ring-gai Local Environmental Plan 2006 (Town Centres) in accordance with the conditions set out in the Section 65(2) Certificate issued on 17 July 2006 and subsequent advice from the Department of Planning contained in this report, prior to formal exhibition of the draft Local Environmental Plan.

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

Against the Resolution: Councillor Bennett

295 **Local Government Association Conference 2006**

File: S04415

For Council to determine its delegates to the 2006 Local Government Association of NSW Annual Conference.

Councillor Andrew withdrew during the discussion

Resolved:

(Moved: Councillors Ryan/Ebbeck)

- A. That Council determine its elected delegates to the 2006 Local Government Association Conference.
- B. That Councillors Anderson, Ebbeck, Hall and Lane be Council's elected delegates to the 2006 Local Government Conference with a 5th delegate from the Comenarra Ward. In the event that no Councillor from the Comenarra Ward wants to attend, then the delegate will be the next Councillor to advise the General Manager by 18 August 2006 of their wish to attend the Conference.
- C. That the General Manager accompany the elected representatives to the Conference.

CARRIED UNANIMOUSLY

Councillor Andrew returned

Councillor Ryan withdrew

296

Local Government Association of New South Wales 2006 Election of Executive Committee

File: S02046

To advise Council of the 2006 Election of the Executive Committee of the Local Government Association of New South Wales.

Resolved:

(Moved: Councillor Shelley)

That Councillor Ebbeck be nominated for the Local Government Association of New South Wales 2006 Executive Committee.

CARRIED UNANIMOUSLY

Councillor Ryan returned

297

Allocation of Dwelling Yield for Northern Sub-Region

File: S02315

For Council to consider an offer of allocation of dwelling yield for the Northern sub-region component of the Metropolitan Strategy.

Resolved:

(Moved: Councillors Ebbeck/Hall)

- A. That Council agree with Hornsby Council for allocation of dwelling yield to 2031 under the Metropolitan Strategy, of 10,000 dwellings to Ku-Ring-Gai and 11,000 dwellings to Hornsby.

For the Resolution: Councillors Andrew, Cross, Ebbeck, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: The Mayor, Councillor E Malicki & Councillor Bennett

(Moved: Councillors Malicki/Andrew)

- B. That Council formally write to the Department of Planning, reinforcing the following:
1. That the allocation of dwellings is the maximum total dwellings required to be achieved by Ku-ring-gai until 2031; and
 2. The allocation between Hornsby and Ku-ring-gai will not form the basis of apportionment for any other, or future planning initiatives for dwelling yield with Ku-ring-gai.

CARRIED UNANIMOUSLY

(Moved: Councillors Malicki/Andrew)

- C. That the Department be advised that this Council makes this commitment on the basis that there will be no Stage III affecting neighbourhood centres.

For the Resolution: The Mayor, Councillor E Malicki, Councillors Andrew, Bennett, Cross, Ebbeck, Hall, Lane, Ryan and Anderson

Against the Resolution: Councillor Shelley

Part A of the resolution was subject to an Amendment which was LOST. The Lost Part A was:

- A. *That Council make an offer to Hornsby for consideration of allocation of dwelling yield to 2031 under the Metropolitan Strategy, of 9,000 dwellings to Ku-ring-gai and 12,000 dwellings to Hornsby.*

Parts B & C of the resolution were Carried as Amendments to the Original Motion. Parts B & C were the same as the Original Motion:

(Moved: Councillors Ebbeck/Hall)

- B. *That Council formally write to the Department of Planning, reinforcing the following:*

1. *That the allocation of dwellings is the maximum total dwellings required to be achieved by Ku-ring-gai until 2031; and*
2. *The allocation between Hornsby and Ku-ring-gai will not form the basis of apportionment for any other, or future planning initiatives for dwelling yield with Ku-ring-gai.*

(Moved: Councillors Ebbeck/Hall)

- C. *That the Dept be advised that this Council makes this commitment on the basis that there will be no Stage III affecting neighbourhood centres.*

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN (cont)

298

Pymble Town Centre Draft Local Environmental Plan & Draft Development Control Plan

File: S04291

Notice of Rescission from the Mayor, Councillor E Malicki, Councillors Andrew & Bennett dated 25 July 2006.

Councillor Ryan withdrew during discussion

We move rescission of Section T of motion dealing with Precinct J from the motion on Pymble Town Centre from Council's meeting of 25 July 2006.

"That Precinct J include 17 and 15 Livingstone Avenue and that the Precinct be zoned R4 and that building controls be developed to consider topography, existing trees and drainage. Further, that any building adjacent to single residential development be restricted to 3-storeys".

Resolved:

(Moved: Councillors Andrew/Ebbeck)

- A. That the above Notice of Rescission, as printed, be adopted.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors
Andrew, Bennett, Cross, Ebbeck & Lane*

Against the Resolution: Councillors Hall, Shelley & Anderson

**Councillor Ryan returned during
discussion on the Substantive Motion**

(Moved: Councillors Andrew/Lane)

- B. i. That precinct J within the Pymble Centre be zoned R3-medium density residential with an FSR of 0.8:1 and building heights of 3 to 4 stories;
- ii. That the building envelopes in the Draft DCP are amended from the officer's original recommendation by re-configuring the building envelope on 6 Pymble Avenue, from one building to two buildings both facing north east;
- iii. Both buildings are to maintain a side setback to 10 Pymble Avenue of 6 metres.

*For the Resolution: The Mayor, Councillor E Malicki, Councillors
Andrew, Bennett, Cross, Ebbeck, Hall, Lane, Ryan &
Anderson*

Against the Resolution: Councillor Shelley

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

*The following item was dealt with after a Motion
moved by Councillors Hall and Ebbeck
to have the matter dealt with at the meeting,
was Carried Unanimously and
the Mayor ruled Urgency*

299 'Councillor Weekend' Training Course - Local Government & Shires Association

File: S03247

Resolved:

(Moved: Councillors Hall/Ebbeck)

That Councillor Anderson be authorised to attend the Local Government & Shires Association 'Councillor Weekend' Training Course on 18 and 19 August 2006.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE**300 Heritage Water Trough - cnr Mona Vale Road & Palm Street, St Ives - Refurbishment**

File: S05466

Question Without Notice from Councillor T Hall

I ask the Director Technical Services, would he arrange for the horse-trough on the corner of Mona Vale Road and Palm Street, St Ives, being possibly the oldest relic of its type in the Local Government area, be refurbished as soon as possible - it's a disgrace?

Answer by the Mayor

The Director will look into the matter.

301 Companion Animals Act

File: S03667

Question Without Notice from Councillor T Hall

I ask the General Manager whether -

- a. What are the number of registered dangerous dogs in the Local Government area.
- b. What are the statistics for the pounding of animals registered or not under the Act and the number destroyed in 2005/2006 and in the 3 years previously?
- c. What are the arrangements by this Council to destroy unwanted animals?

Answer by the Mayor

The Director Development & Regulation will report back on those issues.

302 House Fire - CSIRO Site, Bradfield Road, Roseville

File: P36245

Question Without Notice from Councillor M Shelley

- a. Would the Director Technical Services or other relevant Director advise whether the arson attack on a house under construction in the former CSIRO site is an isolated incident or whether there have been other arson attacks on vehicles and property in Roseville and Lindfield?
- b. When reporting back to Council, would the Director advise whether the car that was set on fire in Bancroft Avenue, Roseville at about 5pm this evening was also the subject of an arson attack?

Answer by the Mayor

The General Manager will report.

303 **Council Chamber Deodorisers**

File: S04829

Question Without Notice from Councillor M Shelley

Would the General Manager undertake to change or remove, the deodorisers in the Council Chamber to hypo-allergenic deodorisers or move them to the staff & Mayor bar table or move them to the back of the Chamber so that Councillors are not adversely affected by the fumes?

Answer by the General Manager

That will be done.

The Meeting closed at 10.55pm

The Minutes of the Ordinary Meeting of Council held on 8 August 2006 (Pages 1 - 35) were confirmed as a full and accurate record of proceedings on 22 August 2006.

General Manager

Mayor / Chairperson