

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 8 JUNE 2010

Present: The Mayor, Councillor I Cross (Chairperson) (Wahroonga Ward)
Councillors S Holland & E Malicki (Comenarra Ward)
Councillor C Szatow (Gordon Ward)
Councillors J Anderson & R Duncombe (Roseville Ward)
Councillors T Hall & C Hardwick (St Ives Ward)
Councillor D McDonald (Wahroonga Ward)

Staff Present: Acting General Manager (Greg Piconi)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Acting Director Strategy & Environment (Antony Fabbro)
Team Leader Urban Design (Bill Royal)
Senior Urban Planner (Terri Southwell)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Mayor's PA (Sigrid Banzer)

The Meeting commenced at 7.03pm

The Mayor offered the Prayer

154 APOLOGIES

File: S02194

Councillor Elise Keays tendered an apology for non-attendance [family commitments] and requested leave of absence.

NOTE: The General Manager, John McKee and Director Strategy & Environment, Andrew Watson tendered apologies for non-attendance.

Resolved:

(Moved: Councillors Szatow/Anderson)

That the apology by Councillor Elise Keays 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.

Councillors Jennifer Anderson and Rakesh Duncombe declared a Pecuniary Interest in GB.1 - Licence to West Lindfield Sport and Recreation Club, as members of the Club attended a fundraising dinner prior to the 2008 Council Election.

155

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

File: S02499

Resolved:

(Moved: Councillors Malicki/McDonald)

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

C.1 1574 to 1578 Pacific Highway - Seniors Living Development DA0652/07 - Land & Environment Court Proceedings No 10383 of 2010 - Council -v- De Stoop

CARRIED UNANIMOUSLY

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:

MM.1 - Turramurra Town Centre - Ray Street Stakeholder Consultation

Refer GB.5 -Delivery Program & Operational Plan 2010 to 2014 - Memorandum by Acting Director Strategy & Environment dated 3 June 2010 regarding amendments to the original report and a revised new Recommendation.

Memorandum by Acting Director Strategy & Environment dated 3 June 2010 in relation to community consultation for the special rate variation for North Turramurra Recreation Area (NTRA) along with a snapshot and full report.

Councillors Information: **Council Resolution, Minute No 153- Internal Audit -**
Memorandum by Internal Ombudsman dated 1 June 2010 with attachment in answer to a Question Without Notice raised by Councillor Tony Hall at the Ordinary Meeting of Council held 25 May 2010.

CONFIRMATION OF MINUTES

156 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 25 May 2010
Minutes numbered 133 to 153

Resolved:

(Moved: Councillors Szatow/McDonald)

That Minutes numbered 133 to 153 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

MINUTES FROM THE MAYOR

157 **Turramurra Town Centre - Ray Street Stakeholder Consultation**

File: S04151/2

The Town Centres LEP has now been gazetted, and we will be considering and finalising a suite of associated programs such as the DCP and the Consolidated Contributions Plan. We have had an approach from a major property owner in the Ray Street precinct, Coles, to discuss possible development options for that site. Council also has a library and car park facilities on community land adjacent to the Coles site.

It is timely for the Turramurra Ray Street precinct residents and business community stakeholders to have an opportunity to put forward their ideas and constructive feedback on the Coles and Council land in Ray Street, Turramurra.

Recently Councillors have had presentation by Coles on their site at Turramurra, and it is now a timely opportunity for the community and businesses associated with the Ray Street precinct to learn of their planned proposal as it may provide future input into how Council manages and plans the adjoining car park and community library.

At this point in time there is no suggestion of reclassifying any community land within that precinct.

Resolved:

That the Mayor be authorised to organise a meeting of representatives of key stakeholders on the Ray Street precinct of Turrumurra between the Council, Turrumurra residents, business stakeholders and community groups seeking the best possible outcome for the area, and for the meeting to include a presentation from Coles for feedback.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Malicki, Szatow, Anderson, Duncombe,
Hardwick & McDonald*

Against the Resolution: Councillor Hall

GENERAL BUSINESS

158 **48 Northcote Road, Lindfield - Alterations including a First Floor Addition**

File: DA0161/10

Ward: Roseville

Applicant: Urbanesque Planning Pty Ltd

Owners: Mr D Armitage, Ms A Wilcox

To determine Development Application No.0161/10 which proposes alterations to an existing dwelling and a first floor addition.

Motion:

(Moved: Councillors Duncombe/McDonald)

That consideration of DA0161/10 at 48 Northcote Road, Lindfield be deferred pending a site inspection.

The above Motion when put to the vote was LOST

*For the Resolution: Councillors Anderson, Duncombe, Hardwick &
McDonald*

*Against the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Malicki, Szatow & Hall*

159 **Community Reference Committee - Minutes of Meeting held 7 April 2010**

File: S07621

To advise Council of the minutes of the Community Reference Committee meeting held on 7 April 2010.

Resolved:

(Moved: Councillors Malicki/McDonald)

That Council receive and note the Community Reference Committee Meeting Minutes of 7 April 2010.

CARRIED UNANIMOUSLY

160 **48 Northcote Road, Lindfield - Alterations including a First Floor Addition**

File: DA0161/10

Ward: Roseville

Applicant: Urbanesque Planning Pty Ltd

Owners: Mr D Armitage, Ms A Wilcox

To determine Development Application No.0161/10 which proposes alterations to an existing dwelling and a first floor addition.

Resolved:

(Moved: Councillors Malicki/Holland)

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

That Council, as the consent authority, refuse development consent to Development Application No. 161/10 for alterations including a third storey addition on land at No. 48 Northcote Road Lindfield, as shown on plans DA01-5 to DA05-5, for the following reasons:

1. Breach of 8m height development standard

Particulars:

Clause 46 (2) of the Ku-ring-gai Planning Scheme Ordinance stipulates a maximum building height of 8m for residential dwellings. This constitutes a development standard which can be varied only via an objection under State Environmental Planning Policy (SEPP) No. 1 (Development Standards).

As part of the SEPP 1 objection, the applicant must demonstrate that the strict application of the height development standard is unreasonable and unnecessary in accordance with the provisions of SEPP 1.

The application of the height development standard is not considered to be unreasonable or unnecessary in this instance. The site is not constrained in any manner that would prevent compliance with the prescribed development standard. Additional floor space could be created elsewhere using alternative design solutions, so as to comply with the development standard. Furthermore, the breach will result in adverse impacts on the streetscape and adjoining properties by way of excessive visual bulk and scale.

2. Inconsistency with the following planning objectives and controls of Council

Particulars:

KPSO Schedule 9 (1)(b):

To permit new residential development only where it is compatible with the existing environmental character of the locality and has a sympathetic and harmonious relationship with adjoining development.

KPSO Schedule 9 (2) (e):

All new dwelling-houses and additions to existing dwelling-houses are of a height, size and bulk generally in keeping with that of neighbouring properties and, where larger buildings are proposed, they are designed so as not to dominate and so far as possible to harmonise with neighbouring development.

Part 4.2 (Building Form) of Development Control Plan No. 38:

To ensure that the bulk, scale and height of the proposed works do not dominate the natural landscape, existing streetscape, nor adversely impact on the tree canopy vista;

To ensure that building bulk, height, location and footprint provide for sufficient soft landscape area for planting and retention of large canopy trees;

To encourage well designed, attractive and site responsive buildings.

Part 4.2.2 (Building Height) of Development Control Plan No. 38:

To limit the height of dwellings so that they do not dominate the treed landscape of Ku-ring-gai;

To limit the extent of overshadowing and visual intrusion on the private space of neighbouring properties;

To ensure significant views from neighbouring dwellings are not unduly compromised;

To maintain the integrity of existing streetscapes.

3. Excessive bulk and scale and visual impact

Particulars:

The proposed non-compliance with Council's height controls will result in excessive visual bulk and an overbearing and detrimental affect to adjoining properties and the streetscape.

Dwellings in the vicinity are predominantly one or two storeys in height when viewed from the street. Second storey elements along the same/low side of the street are generally recessed from street view, being stepped down to the rear following the topography.

The existing dwelling currently presents as two storeys and is highly visible given the open landscaped character of the site frontage and closeness of the dwelling to the street.

The addition of the 'turret' above the garage and entrance porch will read as three storeys.

The multiple gable elements and turret will add to the bulk of the dwelling and are incongruous with the simple architectural themes characteristic of the locality.

The excessive height and expansive rooflines along the eastern and western elevations will have an overbearing visual affect on the eastern and western adjoining properties.

The addition will present as three storeys to the eastern side. Due to the slope of the land and orientation of the sites, the subject dwelling is highly visible from the eastern adjoining property at No. 50 Northcote Road. The three storey vertical scale of the building will be overbearing and visually dominant from the perspective of the front entrance area and internal windows of the eastern adjoining dwelling.

The proposed rear deck has the potential to impact on the visual privacy of the eastern adjoining property.

4. Insufficient information

Particulars:

The amended SEPP 1 objection indicates a 0.82m breach of the 8m height development standard stipulated by the KPSO.

The amended SEPP 1 objection has not been accompanied by amended architectural plans depicting the breach for verification.

5. Public interest

Particulars:

The proposal does not comply with Council's planning objectives, and requirements in relation to building height and built form.

The impacts of the proposal are unacceptable and the proposal is not considered to be in the public interest pursuant to Section 79C of the Environmental Planning and Assessment Act 1979.

CARRIED UNANIMOUSLY

161 Energy Reduction & Alternative Energy Generation Strategy

File: S02166

To present to Council a draft program to reduce corporate energy consumption in line with the adopted Climate Change Policy.

Resolved:

(Moved: Councillors Malicki/Duncombe)

- A. That the draft Energy Reduction Strategy including the program of works be adopted and funded.
- B. That Council reallocates the Town Centre Sustainability Fund within the Environmental Levy to fund the projects listed in the draft Energy Reduction Strategy over the next two (2) years.
- C. That minor projects identified in the draft Energy Reduction Strategy be funded through Council's existing operational budget and that these be implemented over the next three (3) years.

CARRIED UNANIMOUSLY

162 Draft Sponsorship & Donations Policy

File: S05650

To advise Council of the completion of the public exhibition period for the draft Sponsorship and Donations Policy and recommend adoption of the Policy.

Resolved:

(Moved: Councillors Malicki/Duncombe)

That Council adopt the draft Sponsorship and Donations Policy.

CARRIED UNANIMOUSLY

**Councillors Anderson & Duncombe declared a pecuniary interest
in respect of the following item -
GB.1 - Licence to West Lindfield Sport and Recreation Club
and withdrew from the Chamber taking no part
in discussion and voting on the item**

163 **Licence to West Lindfield Sport and Recreation Club**

File: S07454

The following members of the public addressed Council:

**M Whitlow
M Shelley
G War
C Morris**

To advise Council of the outcome of negotiations with West Lindfield Sport and Recreation Club and to request a long term licence for the Club.

Resolved:

(Moved: Councillors McDonald/Hall)

- A. That Council give public notice of its intention to grant a licence agreement to West Lindfield Sport and Recreation Club, in accordance with S47 of the Local Government Act.
- B. That Council enter into a 21 year licence agreement with West Lindfield Sport and Recreation Club.
- C. That under their delegated powers, the Mayor and General Manager affix Council's Seal and sign and execute the documentation.

CARRIED UNANIMOUSLY by those present

Councillors Anderson & Duncombe returned

164

Consideration of Draft Ku-ring-gai Development Control Plan (Town Centres) 2010 Final Report

File: CY00054/2

The following members of the public addressed Council:

**W Butt
A McCabe
K Cowley
J Harwood
C Berlioz
J McMillan
A Carrol
S Cogle**

To enable Council to consider the draft Ku-ring-gai Development Control Plan (Town Centres) 2010 following the formal exhibition period.

*A Motion moved by Councillors Malicki & McDonald
that voting on the Item be in
seriatum was CARRIED UNANIMOUSLY*

**Council adjourned for a short interval at 9.15 pm during debate
after a Motion moved by Councillors Duncombe & Anderson was CARRIED
and the Chairperson ruled accordingly.
The Meeting resumed at 9.35 pm**

Those present were:

Mayor, Councillor I Cross
Councillor J Anderson
Councillor R Duncombe
Councillor T Hall
Councillor C Hardwick
Councillor S Holland
Councillor E Malicki
Councillor D McDonald
Councillor C Szatow

Resolved:

(Moved: Councillors Malicki/McDonald)

- A. That Council adopt the revised Ku-ring-gai Development Control Plan (Town Centres) 2010 as included Attachment 1 which includes the recommended amendments outlined in the report.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Malicki, Szatow, Anderson, Duncombe,
Hardwick & McDonald*

Against the Resolution: Councillor Hall

- (i) That Principle A – referring to a 4 storey building height - in the Base Design Principles on page 2-37 of the final draft Town Centre DCP, dated June 2010, be deleted and replaced with Principle D – referring to a 2 storey building height– on page 2-20 of the exhibited draft version of the Town Centres DCP, dated August 2009, and that the indicative base plan in the final draft be amended accordingly.

For the Resolution: *The Mayor, Councillor I Cross, Councillors Holland, Malicki, Szatow, Hardwick & McDonald*

Against the Resolution: *Councillors Anderson, Duncombe & Hall*

- (ii) That under Part 4.4 “Green buildings”, control 1 be amended so that the achievement of a 5 Star (Australian Excellence) Green Star Design Rating is Council's preferred outcome for all new office, retail centre, education and healthcare buildings, however, a minimum 4 Star (Best Practice) Green Star Design Rating must be achieved.

For the Resolution: *The Mayor, Councillor I Cross, Councillors Holland, Malicki, Szatow, Duncombe, Hardwick & McDonald*

Against the Resolution: *Councillors Anderson & Hall*

- (iv) That an amendment to the DCP be prepared and publicly exhibited to re-categorise the Treatts Road precinct in Lindfield from Biodiversity Category 5 to Biodiversity Category 3, and a report be brought back to Council at the completion of the exhibition process.

For the Resolution: *The Mayor, Councillor I Cross, Councillors Holland, Malicki, Szatow, Anderson, Duncombe, Hardwick & McDonald*

Against the Resolution: *Councillor Hall*

- (v) That Table on page 2-14, Part VI be adjusted such that Part VI is NOT to be achieved using Ku-ring-gai Contributions Plan but through Voluntary Planning Agreement or conditions of consent.

For the Resolution: *The Mayor, Councillor I Cross, Councillors Holland, Malicki, Szatow, Hardwick & McDonald*

Against the Resolution: *Councillors Anderson, Duncombe & Hall*

- (vii) That the Arcade from Mona Vale Road to the Village Green is not included in the Design Excellence Criteria.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Malicki, Szatow, Hardwick &
McDonald*

Against the Resolution: Councillors Anderson, Duncombe & Hall

- B. That a public notice of Council's decision to adopt the Development Control Plan be placed in the North Shore Times and that the DCP come into effect from the date of that notice.
- C. That in accordance with Section 25AB of the Environmental Planning and Assessment Regulation 2000, a copy of the DCP be submitted to the Director-General of the Department of Planning.
- D. That a review of the Ku-ring-gai Development Control Plan (Town Centres) 2010 be conducted after 12 months of the DCP being in force.
- E. That a further report be brought back to Council on the establishment and operation of the Urban Design Excellence Panel, as required by clause 6.4 of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.
- F. That a further report be brought back to Council on the policies/guidelines to support the process for the administration of the Offset Policy.
- G. That a further report be brought back to Council on a Social Impact Assessment Policy for the assessment of broader community impacts of significant developments within the town centres.
- H. That the case for Council becoming a member of the Green Building Council of Australia be further investigated and reported back to Council.

CARRIED UNANIMOUSLY

Part A. (iii) of the Original Motion when put to the vote was LOST.

The Lost Part A. (iii) was:

- (iii) That the final width of the Mona Vale Road setback shall be determined in accordance with the RTA requirements.*

The above Resolution was also subject to an Amendment which was LOST.

The Lost Amendment was:

(Moved: Councillors Hall/Duncombe)

- A. *That Council adopt the revised Ku-ring-gai Development Control Plan (Town Centres) 2010 as included Attachment 1 which includes the recommended amendments outlined in the report.*

- (i) That Principle A – referring to a 4 storey building height - in the Base Design Principles on page 2-37 of the final draft Town Centre DCP, dated June 2010, be deleted and replaced with Principle D – referring to a 2 storey building height– on page 2-20 of the exhibited draft version of the Town Centres DCP, dated August 2009, and that the indicative base plan in the final draft be amended accordingly.*
 - (ii) That under Part 4.4 “Green buildings”, control 1 be amended so that the achievement of a 5 Star (Australian Excellence) Green Star Design Rating is Council’s preferred outcome for all new office, retail centre, education and healthcare buildings, however, a minimum 4 Star (Best Practice) Green Star Design Rating must be achieved.*
 - (iii) That the final width of the Mona Vale Road setback shall be determined in accordance with the RTA requirements.*
- B. That a public notice of Council’s decision to adopt the Development Control Plan be placed in the North Shore Times and that the DCP come into effect from the date of that notice.*
- C. That in accordance with Section 25AB of the Environmental Planning and Assessment Regulation 2000, a copy of the DCP be submitted to the Director-General of the Department of Planning.*
- D. That a review of the Ku-ring-gai Development Control Plan (Town Centres) 2010 be conducted after 12 months of the DCP being in force.*
- E. That a further report be brought back to Council on the establishment and operation of the Urban Design Excellence Panel, as required by clause 6.4 of the Ku-ring-gai Local Environmental Plan (Town Centres) 2010.*
- F. That a further report be brought back to Council on the policies/guidelines to support the process for the administration of the Offset Policy.*
- G. That a further report be brought back to Council on a Social Impact Assessment Policy for the assessment of broader community impacts of significant developments within the town centres.*
- H. That the case for Council becoming a member of the Green Building Council of Australia be further investigated and reported back to Council.*

The following Part A. (vi) was withdrawn from the Motion:

- (vi) That the Arcade from Mona Vale Road to the Village Green in the Design Excellence criteria be expanded to include public access at all times and the width of the Arcade to be expanded to a minimum of 7 metres and be open to the sky.*

165

Delivery Program & Operational Plan 2010 to 2014

File: FY00382

For Council to adopt the revised draft delivery program and operational plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation [Subject to Minister's Approval] and Fees and Charges for 2010-2011.

Resolved:

(Moved: Councillors Malicki/McDonald)

- A. That Council adopt the delivery program and operational plan 2010-2014, incorporating the Budget, Capital Works Program, Special Rate Variation [Subject to the Minister's approval] and Fees and Charges for 2010-2011 with the following amendments:
1. The study of heritage buildings within Ku-ring-gai be enhanced by an increase in this projects funding from \$35,400 to \$170,000 in 2010/11. Extra funding for this item is to be made available by reducing Catchment Analysis and Management projects by \$134,600.
 2. The total budget for interest on investments, be adjusted from \$3.55 million to \$4.29 million, to reflect adjusted forecasts for interest earning rates received from Access Economics in their March 2010 Business Outlook review.
 3. In relation to the 2010/2011 Fees and Charges:
 - Fees relating to Freedom of Information in Corporate have been removed as these have been superseded by charges from the Government Information Act.
 - A4 black and white photocopies \$0.70 per copy or \$0.20 per copy for documents in excess of 100 pages.
 - Removal of fee for additional costs for photocopying documents in excess of 20 pages - \$15.
 4. That \$25,000 be provided for the disabled toilet at Canoon Road netball court and \$75,000 for the interpretative centre at Tulkiyan with funding be provided from the budget for public toilets. That an additional \$75,000 be allocated in 2010/11 to public toilet refurbishment, funded by any surplus realised from the 2009/10 financial year.
- B. That should the Minister for Local Government approve Council's application for a special variation for the New Facilities Special Rate:

1. An ordinary rate in the dollar of \$0.00139426 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2010 to 30 June 2011.
 2. An ordinary rate in the dollar of \$0.00550285 on the unimproved capital value of all rateable land categorised as business in the Council area be made for the period of 1 July 2010 to 30 June 2011.
 3. An environmental special rate in the dollar of \$0.00010615 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a zero base amount, be made for the period of 1 July 2010 to 30 June 2011.
 4. An infrastructure special rate in the dollar of \$0.00031305 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a \$165 base amount for an infrastructure category, be made for the period of 1 July 2010 to 30 June 2011.
 5. A new facilities special rate in the dollar of \$0.00007048 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a zero base amount, be made for the period of 1 July 2010 to 30 June 2011.
 6. The minimum rate for both residential and business be set at \$430.00 for the period 1 July 2010 to 30 June 2011.
 7. The voluntary pensioner rebate be granted to all eligible pensioners as a flat percentage of 11% of total rates and charges in 2010/2011.
 8. The General Manager and Director Corporate be delegated to negotiate and establish Council's new loan account of \$6,500,000 and the Common Seal be affixed to all required documents.
- C. That should the Minister for Local Government not approve Council's application for a special variation for the New Facilities Special Rate:
1. An ordinary rate in the dollar of \$0.00139426 on the unimproved capital value of all rateable land categorised as residential in the Council area be made for the period of 1 July 2010 to 30 June 2011.
 2. An ordinary rate in the dollar of \$0.00550285 on the unimproved capital value of all rateable land categorised as business in the Council area be made for the period of 1 July 2010 to 30 June 2011.
 3. An environmental special rate in the dollar of \$0.00010615 on the unimproved capital value of all rateable land categorised as residential or business in the Council area, with a zero base amount, be made for the period of 1 July 2010 to 30 June 2011.
 4. An infrastructure special rate in the dollar of \$0.00031305 on the unimproved capital value of all rateable land categorised as residential or

business in the Council area, with a \$165 base amount for an infrastructure category, be made for the period of 1 July 2010 to 30 June 2011.

5. The minimum rate for both residential and business be set at \$430.00 for the period 1 July 2010 to 30 June 2011.
 6. The voluntary pensioner rebate be granted to all eligible pensioners as a flat percentage of 11% of total rates and charges in 2010/2011.
 7. The General Manager and Director Corporate be delegated to negotiate and establish Council's new loan account of \$6,200,000 and the Common Seal be affixed to all required documents.
- D. That the charge for the Domestic Waste Management service be set at \$320.00 per residential property per annum excluding flats and home units.
- E. That the charge for Domestic Waste Management base service without green waste be set at \$235.00 per annum.
- F. That the charge for Domestic Waste Management service be set at \$290.00 per residential property per annum for flats and home units.
- G. That the charge for an additional green waste service be set at \$110.00 per container, per annum.
- H. That the charge for a 240 litre waste bin with green waste be set at \$425.00 per annum excluding flats and home units.
- I. That the charge for a 240 litre waste container without green waste be set at \$340.00 per annum, excluding flats and home units.
- J. That the charge for a 240 litre waste container for flats and home units be set at \$415.00 per annum.
- K. That the charge for the provision of an additional 120 litre waste bin, per bin, per annum be set at \$135.00.
- L. That the charge for Domestic Waste Management on vacant land be charged at \$145.00 per annum, per residential property.
- M. That the charge for Non-domestic Waste Management services be set at \$220.00 per unit of occupancy per annum. In the case of a single business occupying the whole of the building with more than one storey, the rate will be applied per storey of the building.
- N. That the Stormwater Management Charge be set as follows:
- Strata / Company titled residential home units: \$12.50 per unit
 - Strata / Company titled business units: \$12.50 per unit
 - Other residential property: \$25.00 per rateable property

- Business rateable property: \$25.00 per 350 square metres of Land area (a maximum charge of \$1,500 applies to land area greater than 21,000 square metres).
- O. That Council acknowledge the formal submissions made on the Management Plan and respond to the authors with the outcomes.
- P. That all capital works over \$200,000 be subject to a further report to Council that outlines how sustainability has been incorporated within the design, construction and life-cycle. This should address the proportion of the budget allocated to sustainability, what it will fund, how the project will be promoted in the community as an example of Council's commitment to sustainability. Where necessary this may require Council to revise its program and budget to ensure what we deliver is more sustainable.
- Q. That a report be brought back to Council regarding the current level of financial assistance to community groups and possible funding strategies in relation to the submission from the KYDS group.

*For the Resolution: The Mayor, Councillor I Cross, Councillors
Holland, Malicki, Szatow, Anderson, Duncombe,
Hardwick & McDonald*

Against the Resolution: Councillor Hall

QUESTIONS WITHOUT NOTICE

166 **Sheds - Rear 265 Pacific Highway, Lindfield - KYDS Facility**

File: S05139

Question Without Notice from Councillor C Szatow

Is the General Manager aware that the sheds abutting the KYDS facility at Lindfield are used for drug related activities by local youth?

Please would you provide a report on this?

Answer by the Mayor

The Director Community will advise.

*Council resolved itself into Closed Meeting
with the Press and Public Excluded to deal with the following item
after a Motion moved by Councillors Malicki & Holland was
CARRIED UNANIMOUSLY*

167 **1574 to 1578 Pacific Highway - Seniors Living Development DA0652/07 -
Land & Environment Court Proceedings No 10383 of 2010 -
Council -v- De Stoop**

File: S06605

In accordance with the *Local Government Act 1993* and the *Local Government (General) Regulation 2005*, in the opinion of the General Manager, the following business is of a kind as referred to in section 10A(2)(g) of the Act, and should be dealt with in a part of the meeting closed to the public.

Section 10A(2)(g) of the Act permits the meeting to be closed to the public for business relating to advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.

This matter is classified confidential under section 10A(2)(g) because it contains advice concerning a legal matter that:

- (a) is a substantial issue relating to a matter in which the Council is involved
- (b) is clearly identified in the advice, and
- (c) is fully discussed in that advice.

It is not in the public interest to release details of the legal advice as it would prejudice Council's position in court proceedings.

Report by Corporate Lawyer & Director Development & Regulation dated 31 May 2010.

Resolved:

(Moved: Councillors Malicki/Holland)

That Council proceed in accordance with the direction as discussed.

CARRIED UNANIMOUSLY

The Acting General Manager adverted to the consideration of the matter referred to in Minute numbered 167, and to the resolution contained in such Minute.

The Meeting closed at 10.34pm

The Minutes of the Ordinary Meeting of Council held on 8 June 2010 (Pages 1 - 19) were confirmed as a full and accurate record of proceedings on 22 June 2010

General Manager

Mayor / Chairperson