MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 9 MAY 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)

Councillor M Shelley (Roseville Ward)

Staff Present: Acting General Manager (Steven Head)

Director Development & Regulation (Michael Miocic)

Manager Development Assessment Services (Matthew Prendergast)

Director Technical Services (Greg Piconi)
Director Community Services (Janice Bevan)
Acting Director Finance & Business (John Clark)
Manager Natural Environment (Peter Davies)
Manager Urban Planning (Antony Fabbro)
Senior Governance Officer (Geoff O'Rourke)

Admin Assistant (Keri Blackman)

The Meeting commenced at 7.01pm

The Mayor offered the Prayer

150 APOLOGIES

File: S02194

Councillor J Anderson tendered an apology for non-attendance (business commitments) and requested leave of absence.

Resolved:

(Moved: Councillors Ryan/Cross)

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

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

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

No interest was declared.

ADDRESS THE COUNCIL

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

M Ingliss D Martin

DOCUMENTS CIRCULATED TO COUNCILLORS

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

Late Item: Refer PT.2 - Dangerous "Planter Barrier" - South Turramurra

Shopping Centre Car Park, Kissing Point Road, South Turramurra -

(Thirty-Two [32] Signatures)

Councillors Requests for a Report on Total Number of Approved Dual Information: Occupancies & Approved Dual Occupancy Land Sizes -

Memorandum from Director Development & Regulation dated 4 May 2006 in reference to two Questions Without Notice from Councillor

2006 in reference to two Questions Without Notice from Councillor Ebbeck raised at the Ordinary Meeting of Council held on 4 April

2006

Refer GB.8: Aquatic Feasibility Study - Memorandum from Acting General

Manager, Steven Head dated 5 May 2006 regarding additional

information.

CONFIRMATION OF MINUTES

151 Minutes of Extraordinary Meeting of Council

Files: S02131, S04038

Meeting held 27 March 2006 - Vide EMC5 Meeting held 20 April 2006 - Vide OMC127

Memorandum by Senior Governance Officer dated 2 May 2006 in reference to attachments regarding the Specific Control Diagrams for Turramurra Centre Draft LEP & Draft DCP which was deferred from the Ordinary Meeting of Council held on 20 April 2006.

Resolved:

(Moved: Councillors Ebbeck/Ryan)

That the Site Specific Control Diagrams for Turramurra Centre, as **attached**, be confirmed as accurate.

For the Resolution: The Mayor, Councillor E Malicki, Councillors

Andrew, Cross, Ebbeck, Hall, Lane, Ryan & Shelley

Against the Resolution: Councillor Bennett

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 20 April 2006 Minutes numbered 125 to 149

Resolved:

(Moved: Councillors Ebbeck/Lane)

That Minutes numbered 125 to 149 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PRESENTATION

Councillor Shelley presented some photographs recording the day that the Governor, Professor Marie Bashir AC visited the Ku-ring-gai Youth Development Centre.

PETITIONS

Petition to Prohibit Parking - Eastern Side of Werona Avenue South from McIntosh Street, Gordon - (Fifteen [15] Signatures)

File: 88/06216/03

Petition to Mayor of Ku-ring-gai Council and Officer-in-Charge of Gordon Police Station by concerned residents of McIntosh Street, Gordon:

"We, the undersigned, are concerned residential motorists of McIntosh Street are fearful that, if cars are allowed to park (as they have recently been allowed to do) along the eastern side of Werona Avenue for some distance from the south east corner

of McIntosh Street and Werona Avenue, then, cars proceeding out of McIntosh Street into Werona Avenue will have an obstructed view of cars proceeding north along Werona Avenue.

With this obstruction of view, an accident may well occur.

We therefore petition the Council and Police to prohibit parking along the Eastern side of Werona Avenue south from McIntosh Street for a distance of 50 metres by <u>simply erecting</u> "No Stopping" or "No Standing" signs.

It would appear to us that the Council and/or police normally will not take precautionary action such as this to prevent accidents until after they occur."

Resolved:

(Moved: Councillors Lane/Ryan)

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

CARRIED UNANIMOUSLY

Dangerous "Planter Barrier" - South Turramurra Shopping Centre Car Park, Kissing Point Road, South Turramurra - (Thirty-Two [32] Signatures)

File: S03009

"We, the undersigned, petition Ku-ring-gai Council to modify the car parking area at the South Turramurra Shopping Centre in Kissing Point Road. Since the construction of the "Planter Barrier", much "trauma", "verbal altercations" & many serious accidents have occurred whilst motorists endeavour to exit the Car Park.

We demand that the "Planter Barrier" be removed forthwith."

Councillor Hall presented additional petition documents.

Resolved:

(Moved: Councillors Andrew/Lane)

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

CARRIED UNANIMOUSLY

REPORTS FROM COMMITTEES

Minutes of Ku-ring-gai Traffic Committee

File: S02110

Meeting held 20 April 2006

Minutes numbered KTC5 to KTC8

155 General Matter Items under Delegated Authority

File: S02738

Vide Minute No KTC5

Advice on matters considered under the Delegated Authority.

Resolved:

(Moved: Councillors Lane/Ebbeck)

That the information regarding traffic facilities approved in March and April 2006 under Delegated Authority be noted.

CARRIED UNANIMOUSLY

156 General Matter - Alterations to Part of Bus Route Service 560

File: S02027

Ward: Gordon

Vide Minute No KTC6

To consider a request from Shorelink to use Cultowa Road as part of its route service 560.

Resolved:

(Moved: Councillors Lane/Ebbeck)

That the matter be deferred for Shorelink to undertake further consultation with residents of Cultowa Road and Cross Street, and that the results be brought back to the Ku-ring-gai Traffic Committee for consideration.

CARRIED UNANIMOUSLY

157 Shinfield Avenue, St Ives

File: 88/06048/03

Ward: St Ives

Electorate: Davidson *Vide Minute No KTC7*

To consider traffic conditions at the intersection of Shinfield Avenue and Rosedale Road.

Resolved:

(Moved: Councillors Lane/Ebbeck)

A. That Council notes that:

- 1. Tree trimming has recently been undertaken to clear visibility of the *STOP* signs in Shinfield Avenue at Rosedale Road; and
- 2. The intersection has a low score under Council's priority ranking criteria and would not warrant any immediate action.
- B. That traffic conditions at the intersection of Rosedale Road and Shinfield Avenue be monitored, and reviewed after 12 months.
- C. That Mrs Jirgenson of 22 Shinfield Avenue and Mrs Geikie of 20 Shinfield Avenue be informed of Council's decision.

CARRIED UNANIMOUSLY

158 Ortona Road, Lindfield

File: 88/05891/03

Ward: Roseville

Electorate: Ku-ring-gai *Vide Minute No KTC8*

The following member of the public addressed Council:

T Hargreaves

To further consider traffic facilities at the intersection of Ortona and Westbourne Roads Lindfield.

Resolved:

(Moved: Councillors Shelley/Lane)

A. That Council notes that:

- the Roads and Traffic Authority advises that it does not support a 4-way *STOP* sign arrangement at the intersection of Ortona and Westbourne Roads
- ii) STOP signs in Ortona Road at Westbourne Road have recently been improved and that STOP SIGN AHEAD warning sign has been installed for southbound traffic on Ortona Road, and,
- iii) further trimming of vegetation has been undertaken at the intersection.

- B. That 900mm wide median islands be installed in Ortona Road at Westbourne Road and additional size 'B" *STOP* signs be installed on both islands, as shown on Sketch Plan No. Ortona/KTC/03/06.
- C. That the Police Service be requested to further patrol the intersection of Ortona Road and Westbourne Road.
- D. That Mr Tim Hargreaves of 12 Ortona Road be advised of Council's decision.
- E. That further investigation of the 4-way stop signs at this intersection be undertaken as soon as possible with the RTA in consultation with the Local Member for Ku-ring-gai.

CARRIED UNANIMOUSLY

159 GENERAL DISCUSSION

File: S02110

Vide KTC Minutes of 20 April 2006

Speed Limit - Yanko Road and Doncaster Avenue, West Pymble (from General Discussion Item 1 within the KTC Minutes of 20 April 2006)

Resolved:

(Moved: Councillors Malicki/Andrew)

That Council request from the RTA their rationale for refusing a 50km per hour speed limit along Yanko Road and Doncaster Road, West Pymble.

For the Resolution: The Mayor, Councillor E Malicki, Councillors

Andrew, Bennett, Cross, Ebbeck, Hall, Ryan, Shelley

Against the Resolution: Councillor Lane

GENERAL BUSINESS

5 to 9 Woodside Avenue, Lindfield - Demolition of Existing Dwellings &
 Construction of a Residential Flat Building Comprising a total of 27 Units
 & Basement Car Parking for 61 Vehicles

File: DA1417/05

Ward: Roseville

Applicant: Woodside Avenue Pty Ltd Owners: J Howes and S Sakker To determine development application No.1417/05, which seeks consent for the demolition of existing dwellings and the construction of a residential flat building comprising a total of 27 units and basement car parking for 61 vehicles.

Resolved:

(Moved: Councillors Shelley/Cross)

- A. That consideration of Development Application No 1417/05 at 5 to 9 Woodside Avenue, Lindfield be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

CARRIED UNANIMOUSLY

161 Ku-ring-gai Council Youth Services Funding Report

File: S02641

To provide Council with details for a proposal to increase the level of Youth Services provided by Council over a 2 year period.

Resolved:

(Moved: Councillors Shelley/Ryan)

That Council allocate \$50,000 in 2006 to 2007 to increase the provision of services in the Youth Services area and that an additional \$34,800 be allocated to Youth Services in the 2007 to 2008 budget.

CARRIED UNANIMOUSLY

162 Investment Cash Flow & Loan Liability as at 31 March 2006

File: S02722

To present to Council the Investment allocation and the performance of funds, monthly cash flow and the details of loan liability for March 2006.

Resolved:

(Moved: Councillors Shelley/Ryan)

That the summary of investments, daily cash flows and loan liability for March 2006 is received and noted.

CARRIED UNANIMOUSLY

163 Representation on Eryldene Trust

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File: S02355, S03527

For Council to make an appointment for representation on the Eryldene Trust.

Resolved:

(Moved: Councillors Shelley/Lane)

That Council appoint Councillor Anderson to the Eryldene Trust for the period to September 2006.

CARRIED UNANIMOUSLY

Bushland, Catchments & Natural Areas Reference Group - Minutes of Meeting of 3 April 2006

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File: S03448

To bring to the attention of Council the proceedings from the Bushland, Catchments and Natural Areas Reference Group meeting held on Monday, 3 April 2006.

Resolved:

(Moved: Councillors Shelley/Andrew)

That the Minutes of the Bushland, Catchments & Natural Areas Reference Group Meeting of 3 April 2006 be received and noted.

CARRIED UNANIMOUSLY

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

Draft Local Environmental Plan No 210 - Consideration of Submissions

File: S03746

The following members of the public addressed Council:

M Virgona W White J Sheehan

To consider submissions made in respect of the exhibition of Draft Local Environmental Plan No 210 (Draft LEP 210) and for Council to resolve the manner in which to finalise the draft Plan.

Resolved:

(Moved: Councillors Cross/Ebbeck)

- A. That Council adopt Draft Local Environmental Plan No 210 as exhibited, subject to any minor drafting amendments that may be required by Parliamentary Counsel.
- B. That Draft Local Environmental Plan No 210 as adopted together with the Council planning report detailing submissions, be forwarded to the Department of Planning in accordance with Section 68(4) of the Environmental Planning and Assessment Act 1979.
- C. That Council request the Department of Planning to prepare a Section 69 Report to the Minister requesting the making of the Plan if Council is not otherwise granted delegation to prepare the Report itself.
- D. That Council include the building "Dinorah" at 5 Water Street, Wahroonga with an appropriate curtilage, as a heritage item in any future Draft (Heritage Conservation) Local Environmental Plan which results from the current review of potential items.
- E. That the applicant and those who made submissions to the exhibition of Draft LEP 210 be advised of Council's resolution.

For the Resolution: The Mayor, Councillor E Malicki, Councillors

Andrew, Cross, Ebbeck, Hall, Lane, Ryan & Shelley

Against the Resolution: Councillor Bennett

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

Pymble Centre Recommended Land Use Plan - Refer Minute OMC137 of 20 April 2006

File: S04291

The following members of the public addressed Council:

P Dobrajevic

G Hucker

Notice of Rescission from the Mayor, Councillor E Malicki & Councillors L Bennett & A Andrew dated 27 April 2006.

We move that Part Q of the Resolution on the Pymble Centre Land Use Options from Council's meeting of 20 April be rescinded, namely:

"That Precinct J bounded by Pymble Avenue and Livingstone Avenue (identified as grey on the Revised attachment H) be zoned Medium Density Residential and that building controls consider topography, existing trees and drainage."

Resolved:

(Moved: Councillors Andrew/Bennett)

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

For the Resolution: The Mayor, Councillor E Malicki, Councillors

Andrew, Bennett, Cross & Ebbeck

Against the Resolution: Councillors Hall, Lane, Ryan & Shelley

(Moved: Councillors Cross/Ryan)

- B. 1. That Precinct J be amended to only include the properties identified as 6, 8 and 10 Pymble Avenue, Pymble and 7, 9, 11 and 11a Livingstone Avenue, Pymble
 - 2. That the amended Precinct J be zoned medium density residential and that building controls consider topography, existing trees and drainage.

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

Shelley

Against the Resolution: The Mayor, Councillor E Malicki, Councillors

Andrew & Bennett

Part B of the Resolution was subject to two LOST Amendments. The first LOST Amendment was:

(Moved: The Mayor, Councillor Malicki/Councillor Andrew)

- A. That staff should investigate the potential to include 6 and 8 Pymble Avenue and 7 and 9 Livingstone Avenue and no further area as an interface zone for medium density housing, namely townhouses.
- B. That this investigation should take account of the consultant's recommendations from the report on Interface that stated that the Pymble Avenue addresses should not be included because "redeveloping this site would have a greater impact on sites adjoining it than the loss of amenity it could potentially sustain". Also that the Livingstone Avenue sites were not recommended for inclusion as redevelopment "will establish undesirable streetscape issues with regard to scale."
- C. That the investigation should also take into account landscape issues including retention of the characteristic blue gums and associated fauna, hydrological issues and the watercourse with reference to DCP 47, and traffic particularly at the intersections with Everton and the Pacific Highway.
- D. That should staff recommend the inclusion of these sites as interface sites, potential site cover for townhouses should be an element included in the recommendation to assist in preserving the character of this ecologically important part of Ku-ring-gai.

The Second LOST Amendment was:

(Moved: The Mayor, Councillor Malicki/Councillor Andrew)

- A. That staff should investigate the potential to include the properties identified as 6, 8 and 10 Pymble Avenue, Pymble and 7, 9, 11 and 11a Livingstone Avenue, Pymble as an interface zone.
- B. That the amended Precinct J be zoned medium density residential and that building controls consider topography, existing trees and drainage.

GENERAL BUSINESS (cont)

Sponsorship Proposal - The Business Awards 2006

File: S02091

To advise Council of a sponsorship proposal from Precedent Productions for The Business Awards 2006.

Resolved:

(Moved: Councillors Ryan/Lane)

That Council decline to sponsor the Precedent Productions' *The Business Awards* 2006.

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

Against the Resolution: The Mayor, Councillor E Malicki, Councillors

Bennett, Hall & Shelley

Ku-ring-gai Community Plan 2005 to 2009

File: S03313

To present the Draft Ku-ring-gai Community Plan 2005 to 2009, incorporating community feedback to Council, for adoption.

Resolved:

(Moved: Councillors Hall/Ebbeck)

- A. That the Community Plan 2005 to 2009 be adopted by Council.
- B. That Council consider the progress of the Community Plan 2005 to 2009 in conjunction with the Management Plan and Council's Community Development Committee.
- C. That a copy of this report be referred to the State members and the Federal member for their consideration and attention to raise the issues with the relevant government agencies.
- D. That a summary of the recommendations be included at the beginning of the Plan.

For the Resolution: The Mayor, Councillor E Malicki, Councillors

Andrew, Cross, Ebbeck, Hall, Lane, Ryan & Shelley

Against the Resolution: Councillor Bennett

¹⁶⁹ Aquatic Feasibility Study

File: S04066

For Council to consider the Report outlining the results to the first stage of the Aquatic Feasibility Study and recommend that the report be put on public exhibition.

Resolved:

(Moved: Councillors Shelley/Bennett)

- A. That the Consultant's report be put on public exhibition for 28 days.
- B. That the sites to be considered for further consideration include the Culworth Avenue Car Park site.
- C. That a report be presented to Council advising the responses received during the public exhibition period and to recommend a preferred location in order to complete the study.

For the Resolution: The Mayor, Councillor E Malicki, Councillors

Andrew, Bennett, Cross, Ebbeck, Lane, Ryan, Shelley

Against the Resolution: Councillor Hall

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

(Moved: Councillors Ebbeck/Hall)

- A. That the Consultant's report be put on public exhibition for 28 days.
- B. That a report be presented to Council advising the responses received during the public exhibition period and to recommend a preferred location in order to complete the study.

170 Draft Sport in Ku-ring-gai

File: S04032

To report the results of the public exhibition period of the Draft Sport in Ku-ring-gai Strategy to Council.

Resolved:

(Moved: Councillors Ebbeck/Shelley)

- A. That the Sport in Ku-ring-gai Strategy as amended be adopted by Council.
- B. That reference be made to the actions and priorities identified in the Sport in Kuring-gai Strategy during preparation of future planning documents as outlined in the report.
- C. That those who have made submissions be thanked and provided with a copy of the adopted Strategy.

D. That the following be included in Action Plan 1.2:

* Examine opportunities for additional netball facilities as appropriate and report to Council.

For the Resolution: Councillors Bennett, Cross, Ebbeck, Hall, Lane, Ryan

& Shelley

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

Andrew

QUESTIONS WITHOUT NOTICE

171 Vandalism - Lindfield Town Centre

File: S02245

Question Without Notice from Councillor N Ebbeck

Would the Acting General Manager investigate and report to Council on the reported issue of vandalism, graffiti and malicious damage in Lindfield Town Centre and whether it is feasible for security cameras to be installed as suggested by local businesses?

Answer by Acting General Manager, Steven Head

The General Manager will report back on that.

172 Removal of Tree - 2 Wandeen Place, St Ives

File: P61870 (Refer CRS 170687)

Question Without Notice from Councillor T Hall

I refer to the numerous representations by Mr G S Oud to have a tree in the front yard by his home removed and denial to date of his request under Section 12 of the Act to view the relevant files.

Would the Director Open Space & Planning now bring this tree removal application to Council for determination please?

Answer by Acting General Manager, Steven Head

The Director will report on that & will get back to the Councillors.

173 Draft LEP for Dual Occupancy Development in Ku-ring-gai

File: S02501

Question Without Notice from Councillor T Hall

I ask the Acting General Manager what is the status of a draft LEP for Dual Occupancy Development as suggested by Planning Minister, Mr Sartor, in his letter to the Mayor on 8 February 2006?

Is this suggestion the means for Council to obtain exemption from SEPP53 (Dual Occupancies)?

Answer by Acting General Manager, Steven Head

I couldn't comment whether the Minister regards as a way that we make it an exemption. The discussion, so far, has been that that will be considered in the development of the comprehensive LEP and DCP.

174 Condolences - Vale Mr Alwyn Innes

File: S02791

Question Without Notice from Councillor M Shelley

Would the Mayor pass on my appreciation and that of Mrs Dorothy Innes and family for the flowers sent by Council to her and for your attendance and that of the Acting General Manager at the funeral of my father-in-law, Mr Alwyn Innes?

I would also ask that my appreciation for yours and the support of my colleagues on Council during this sad time for my family.

Answer by the Mayor

Thank you very much. Of course, I will pass on those kind words.

Wandella Avenue, Roseville - Pedestrian Safety Aspects

File: 88/06184/01

Question Without Notice from Councillor M Shelley

Would the Director Technical Services investigate and report to Council on pedestrian safety aspects in Wandella Avenue, Roseville that result from overhanging trees, lack of footpath and inadequate street lighting on the route from Roseville College to

Boundary Street and specifically the location of the bus stop used by school children on Boundary Street?

Answer by the Mayor

The Director Technical Services will report.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place on Saturday, 13 May 2006 at 9.00am to view the following property:

5 to 9 Woodside Avenue, Lindfield

NOTE:

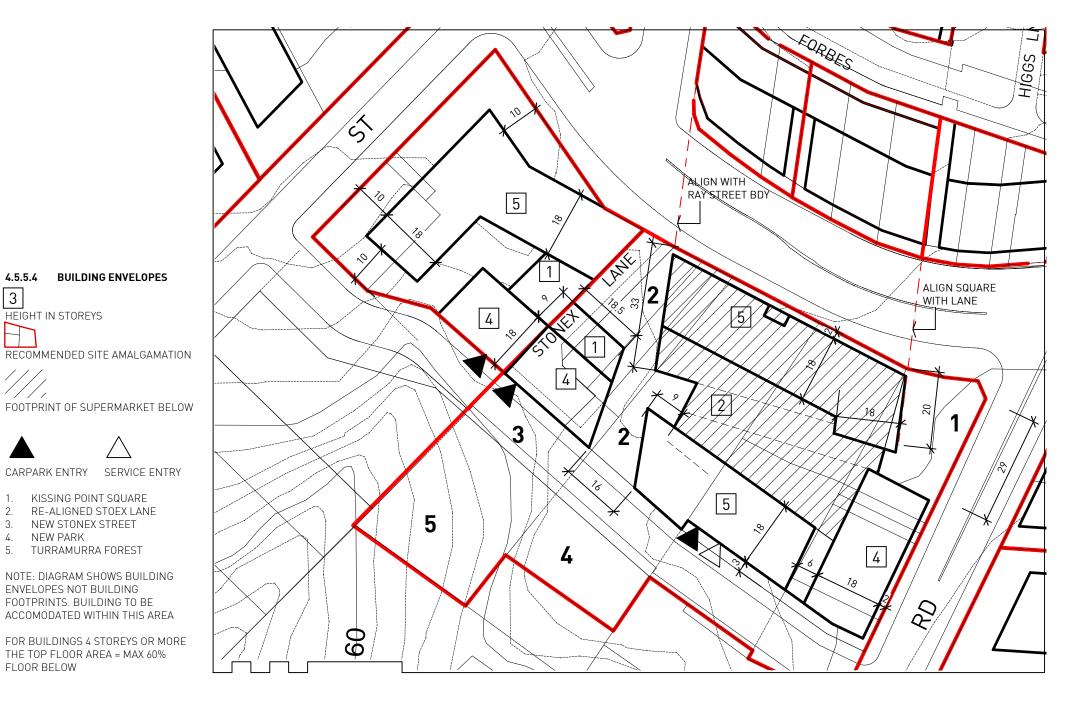
Prior to the close of the meeting, the Mayor informed the Council that a Notice of Rescission had been received in relation to GB.8 - Aquatic Feasibility Study (refer Minute No 169).

The Meeting closed at 10.38pm

The Minutes of the Ordinary Meeting of Council held on 9 May 2006 (Pages 1 - 17) were confirmed as a full and accurate record of proceedings on 23 May 2006.

General Manager	Mayor / Chairperson

habitation



SITES SPECIFIC CONTROLS PRECINCT M+C TURRAMURRA TOWN CENTRE

FLOOR BELOW

3

HEIGHT IN STOREYS

KISSING POINT SQUARE

NEW STONEX STREET

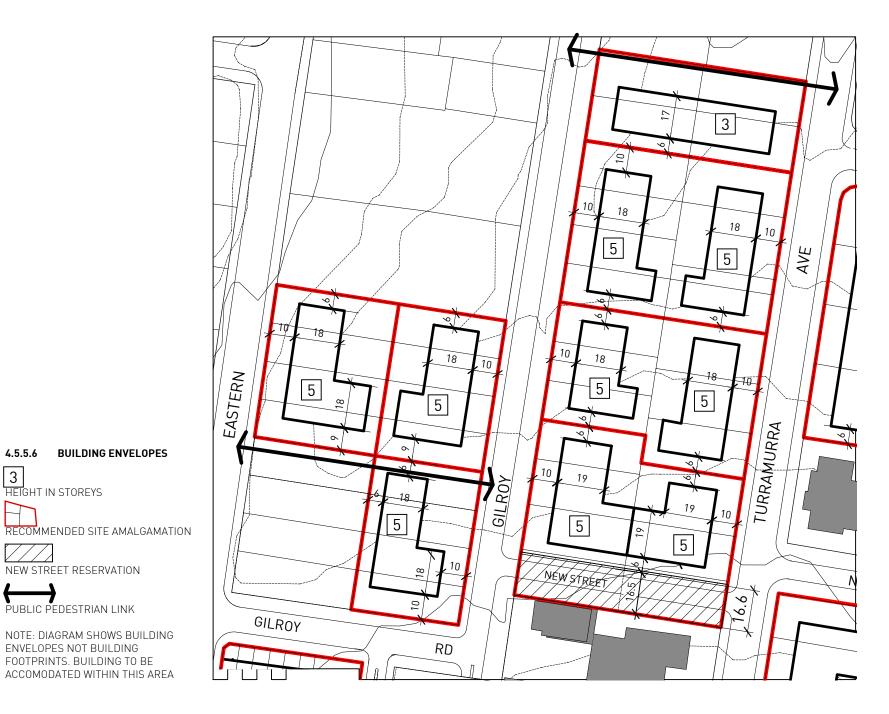
ENVELOPES NOT BUILDING FOOTPRINTS. BUILDING TO BE

THE TOP FLOOR AREA = MAX 60%

NEW PARK 5. TURRAMURRA FOREST

RE-ALIGNED STOEX LANE

habitation



SITE SPECIFIC CONTROLS - PRECINCT G TURRAMURRA TOWN CENTRE

4.5.5.6 BUILDING ENVELOPES

HEIGHT IN STOREYS

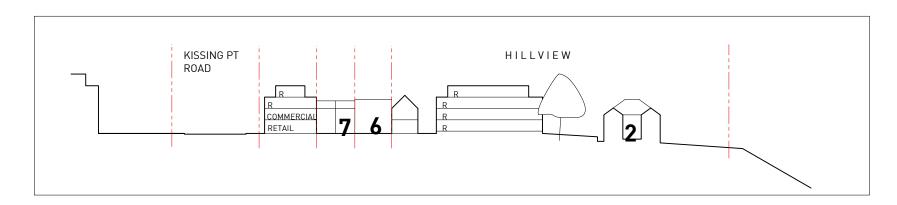
NEW STREET RESERVATION

PUBLIC PEDESTRIAN LINK

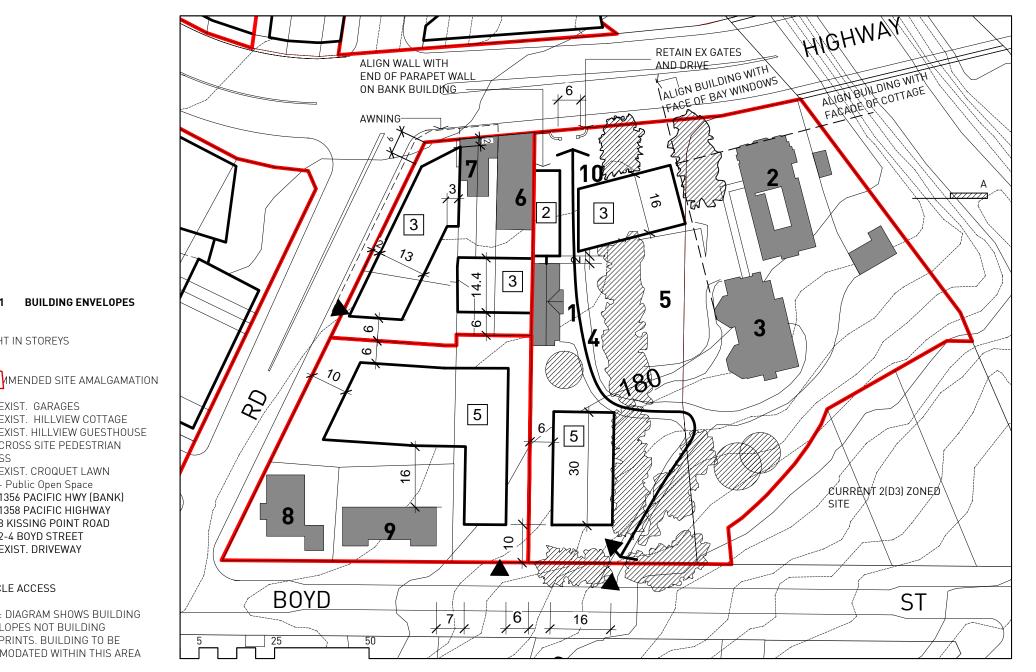
ENVELOPES NOT BUILDING FOOTPRINTS. BUILDING TO BE

KU-RING-GAI COUNCIL

habitation



4.5.5.2 SECTION A



EXIST. GARAGES EXIST. HILLVIEW COTTAGE

EXIST. HILLVIEW GUESTHOUSE CROSS SITE PEDESTRIAN

BUILDING ENVELOPES

ACCESS

5. EXIST. CROQUET LAWN - Public Open Space

1356 PACIFIC HWY (BANK)

1358 PACIFIC HIGHWAY

3 GHT IN STOREYS

8 KISSING POINT ROAD

2-4 BOYD STREET 9. 10. EXIST. DRIVEWAY



VEHICLE ACCESS

NOTE: DIAGRAM SHOWS BUILDING ENVELOPES NOT BUILDING FOOTPRINTS. BUILDING TO BE ACCOMODATED WITHIN THIS AREA

SITE SPECIFIC CONTROLS - PRECINCTS J,K,L TURRAMURRA TOWN CENTRE