



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 25 MAY 2004 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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NOTE: For full details, see Council's Website –
www.kmc.nsw.gov.au under the link to Business Papers

APOLOGIES

DECLARATION OF PECUNIARY INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

NOTE: Persons who address the Council should be aware that their address will be tape recorded.

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131
Meeting held 11 May 2004
Minutes numbered 227 to 241

MINUTES FROM THE MAYOR

PETITIONS

P.1 Illoura Avenue cul-de-sac, Wahroonga (Twenty-Eight [28] Signatures)

1

File: S03209

There is a move afoot by a minority of homeowners in the cul-de-sac end of Illoura Avenue, Wahroonga, to approach Ku-ring-gai Council, and the Assistant Planning Minister Diane Beamer, to try and effect a change to Council's proposed zoning for that street.

We understand that as part of Council's Residential Strategy, this section of Illoura Avenue, and for that matter all Illoura Avenue, is zoned as 2(c)2.

These residents wish to have the street, or part of it, rezoned as 2(d)a, not because Council has sought such a change, but on an opportunistic basis, to increase the value of the properties so a sale can be made to developers.

We, and other residents of the Illoura Avenue cul-de-sac, and the adjacent properties, strenuously oppose such a rezoning.

Can we have Council's assurance that the street will not be rezoned from 2(c)2, and that Council's intentions about the use of the area will remain as set out in the Residential Strategy, and not rezoned for multi-storey medium density development.

Attached you will find a list of co-signatories to this letter, who are all residents of the Illoura Avenue cul-de-sac, or immediate neighbours likely to be adversely affected by any rezoning.

REPORTS FROM COMMITTEES

GENERAL BUSINESS

- i. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to have a site inspection.*
- ii. *The Mayor to invite Councillors to nominate any item(s) on the Agenda that they wish to adopt in accordance with the officer's recommendation and without debate.*

GB.1 25 Murdoch Street, Turramurra - New Dwelling To Create A Detached Dual Occupancy 2

File: DA 455/03

Ward: Wahroonga

Applicant: PG Binet Pty Ltd

To determine an application for the construction of a new dwelling to create a detached dual occupancy.

Recommendation:

Approval

GB.2 7a Dennis Avenue, Wahroonga - Summary Report 35

File: DA 321/03

Response to site meeting questions related to the proposed dual occupancy development at 7A Dennis Avenue, Wahroonga.

Recommendation:

Approval

GB.3 6 Lynn Ridge Avenue, Gordon - Lease Renewal 132

File: P64494

To consider the granting of a lease to Ku-ring-gai Meals on Wheels Inc. for the occupation of the Gordon Meals on Wheels kitchen and dining room.

Recommendation:

- A. That a lease be granted to Ku-ring-gai Meals on Wheels Inc. for a period of five (5) years in the terms and conditions as outlined in this report.
- B. That this approval is subject to the conditions under section 47A of the Local Government Act 1993 and that Council issue a public notice as prescribed by the Act.
- C. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- D. That the Council Seal be affixed to the lease agreement.

GB.4 799 Pacific Highway, Gordon – Lease 141

File: S02417

To consider the granting of a lease to Ku-ring-gai Historical Society Inc. for the continued occupation of a room located within the former Gordon Public School building at 799 Pacific Highway, Gordon.

Recommendation:

- A. That a lease be granted to the Ku-ring-gai Historical Society Inc. for a period of five (5) years in the terms and conditions as outlined in this report.
- B. That this approval is subject to the conditions under section 47A of the Local Government Act 1993 and that Council issue a public notice as prescribed by the Act.
- C. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- D. That the Council Seal be affixed to the lease agreement.

GB.5 116 Fox Valley Road, Wahroonga - Option To Renew

155

File: P43479

To advise Council of KU Children's Services exercising its option to renew the lease for the premises located at 116 Fox Valley Road, Wahroonga, to operate the Fox Valley Kindergarten.

Recommendation:

- A. That Council receive and note the valid exercise of option and approve the grant of a 3 year lease to KU Children's Services over Council premises at 116 Fox Valley Road.
- B. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- C. That Council authorise the affixing of the common seal of Council to the lease agreement.

GB.6 72a Springdale Road, Killara - Option To Renew

158

File: S03169

To advise Council of KU Children's Services exercising its option to renew the lease for the premises located at 72A Springdale Road, Killara, to operate the Killara Park Pre-School.

Recommendation:

- A. That Council receive and note the valid exercise of option and approve the grant of a 3 year lease to KU Children's Services over Council premises at 72A Springdale Road.

- B. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- C. That Council authorise the affixing of the common seal of Council to the lease agreement.

GB.7 Request To Extend Night Fixtures To Barra Brui Oval 161

File: S0993

To consider a request from St Ives Rugby Club to include Barra Brui Oval as a venue for extending the trial of fixtures under lights prior to reporting to Council.

Recommendation:

That Council allow use for limited night fixtures, 5 nights over a nine week period at Barra Brui Oval and that residents be notified of the trial.

GB.8 Tender For Council's Insurance 175

File: S03252

For Council to appoint an insurance broker and approve the placement of insurance cover for a five year period commencing 1 July 2004.

Recommendation:

That Council appoint Jardine Lloyd Thompson Pty Limited to act as Council's insurance broker and placement of insurance cover for a period of five years, commencing 1 July 2004.

GB.9 Investment Cash Flow And Loan Liability As At 30 April 2004 180

File: S0272

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for April 2004.

Recommendation:

That the summary of investments, daily cash flows and loan liability for April 2004 be received and noted.

GB.10 Budget For 2003/2004, 3rd Quarter Review As At 31 March 2004 189

File: S02394

To present to Council the quarterly financial review for the period ended 31 March 2004.

Recommendation:

That Council approve the budget transfers and restrictions to reserves as outlined in this report.

GB.11 2003 To 2007 Management Plan, 3rd Quarter Review As At 31 March 2004 238

File: S02394

To report to Council on the progress made towards achieving Key Performance Indicators as contained in Council's 2003-2007 Management Plan.

Recommendation:

That the third quarter Management Plan progress report be received and noted.

GB.12 37 Woodbury Road, St Ives - Supplementary Report 329

File: DA 103/03

To provide a response to matters raised during the site inspection carried out on 14 February 2004.

Recommendation:

Approval, subject to conditions.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Inspection Of Canoon Road In Conjunction With Corridor Lands Rezoning Inspection 420

File: S02846

Notice of Motion from Councillor E Malicki dated 11 May 2004.

There is an unfulfilled Council resolution for Councillors to inspect the B2 corridor lands in South Turramurra and Wahroonga in conjunction with the proposal to rezone these lands.

Therefore I move:

That this inspection take place on a Saturday morning during the current netball season so that Council can observe also the impacts of netball traffic on the people of Canoon Road, and South Turramurra as a whole, as well as the additional impact of an increase in population due to the rezoning.

**BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING
REGULATION**

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

**CONFIDENTIAL BUSINESS TO BE DEALT WITH IN CLOSED MEETING - PRESS &
PUBLIC EXCLUDED**

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**Environmental Planning & Assessment Act 1979
(as amended)**

Section 79C

1. *Matters for consideration - general*
In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:
 - a. *The provisions of:*
 - i. *any environmental planning instrument, and*
 - ii. *any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - iii. *any development control plan, and*
 - iv. *any matters prescribed by the regulations,*
that apply to the land to which the development application relates,
 - b. *the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
 - c. *the suitability of the site for the development,*
 - d. *any submissions made in accordance with this Act or the regulations,*
 - e. *the public interest.*

PETITION

ILLOURA AVENUE CUL-DE-SAC, WAHROONGA (TWENTY-EIGHT [28] SIGNATURES)

There is a move afoot by a minority of homeowners in the cul-de-sac end of Illoura Avenue, Wahroonga, to approach Ku-ring-gai Council, and the Assistant Planning Minister Diane Beamer, to try and effect a change to Council's proposed zoning for that street.

We understand that as part of Council's Residential Strategy, this section of Illoura Avenue, and for that matter all Illoura Avenue, is zoned as 2(c)2.

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We, and other residents of the Illoura Avenue cul-de-sac, and the adjacent properties, strenuously oppose such a rezoning.

Can we have Council's assurance that the street will not be rezoned from 2(c)2, and that Council's intentions about the use of the area will remain as set out in the Residential Strategy, and not rezoned for multi-storey medium density development.

Attached you will find a list of co-signatories to this letter, who are all residents of the Illoura Avenue cul-de-sac, or immediate neighbours likely to be adversely affected by any rezoning.

RECOMMENDATION

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

DEVELOPMENT APPLICATION

SUMMARY SHEET

<i>Report title:</i>	25 MURDOCH STREET, TURRAMURRA - NEW DWELLING TO CREATE A DETACHED DUAL OCCUPANCY
<i>Ward:</i>	Wahroonga
<i>Development Application N°:</i>	455/03
<i>Subject Land:</i>	25 Murdoch Street, Turramurra
<i>Applicant:</i>	PG Binet Pty Ltd
<i>Owner:</i>	Geoffrey & Rhonda Byrne
<i>Designer:</i>	PG Binet Pty Ltd
<i>Present Use:</i>	Single residential dwelling
<i>Zoning:</i>	Residential 2(c)
<i>Heritage:</i>	No
<i>Permissible Under:</i>	State Environmental Planning Policy No 53
<i>Council's Policies Applicable:</i>	Development Control Plan No 40, Development Control Plan No 43, Dual Occupancy Code
<i>Compliance with Codes/Policies:</i>	No
<i>Government Policies Applicable:</i>	SEPP 53, SREP 20, State Environmental Planning Policy 55
<i>Compliance with Government Policies:</i>	Yes
<i>Date Lodged:</i>	17 April 2003
<i>40 Day Period Expired:</i>	27 May 2003
<i>Proposal:</i>	New Dwelling to Create a Detached Dual Occupancy
<i>Recommendation:</i>	Approval

Item 1

DEVELOPMENT APPLICATION NO: 455/03
PREMISES: 25 Murdoch Street, Turramurra
PROPOSAL: New Dwelling to Create a Detached Dual Occupancy
APPLICANT: PG Binet Pty Ltd
OWNER: Geoffrey & Rhonda Byrne
DESIGNER: PG Binet Pty Ltd

PURPOSE FOR REPORT

To determine an application for the construction of a new dwelling to create a detached dual occupancy.

EXECUTIVE SUMMARY

- Amended plans have been submitted in response to concerns raised by Council staff and the objector.
- One submission has been received in response to the development application.
- The application is recommended for approval.

HISTORY

Development Application No 455/03

Council sent a letter was sent to the applicant on 22 July 2003, requesting additional information and identifying a number of significant design issues. A meeting between Council Officers and the Applicant was subsequently held on 29 August 2003.

In response to this meeting, revised sketch plans were received by Council on 12 September 2003. Full details of the revised proposal including the outstanding information was provided to Council on 5 December 2003. Neighbours were subsequently notified of the revised plans on 17 December 2003.

Site history

There is no site history relevant to the determination of this development application.

THE SITE

Zoning: Residential 2(c)
Visual Character Study Category: 1945-1968
Lot Number: 100
DP Number: 657162
Area: 1.144m²

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Side of Street:	Southern
Cross Fall:	To south-eastern corner
Stormwater Drainage:	On site detention then to street
Heritage Affected:	No
Required Setback:	9.0 metres

SITE DESCRIPTION

The site is located on the corner of Murdoch Street and Adams Avenue, Turramurra. The site is rectangular in shape and has an area of 1,138m². The site has a 15.3 metre frontage to Murdoch Street and a 75.5 metre frontage to Adams Ave.

The site is currently occupied by a single storey brick and tile dwelling, swimming pool and retaining wall. The surrounding development is predominantly single lot residential dwellings. A public reserve adjoins the site to the south.

THE PROPOSAL

Development Application No 455/03 seeks approval for a detached dual occupancy development.

The works involved in the development proposal are as follows:

- (i) demolition of the existing swimming pool and retaining wall;
- (ii) retention of the existing dwelling house fronting Murdoch Street;
- (iii) retention of the existing access from Murdoch Street;
- (iv) erection of a new two storey dwelling house located to the south of the existing house. This dwelling contains 3 bedrooms at first floor level with the ground floor containing the primary living and recreation areas; and
- (v) the creation of a new vehicular crossover off Adams Avenue and located at the southern end of the site.

Amended plans

This development application was amended by the applicant on 5 December 2003. The amended plans modify the proposed development in the following ways:

- Setbacks to the western boundary have been substantially increased;
- The bulk of the development has been reduced through the deletion of part of the first floor; and
- The amount of excavation has been reduced to protect existing vegetation and hence maintain visual privacy.

CONSULTATION - COMMUNITY

In accordance with Council's Notifications DCP, adjoining owners were given an opportunity to comment on the development.

Original Proposal

In response, one submission was received by Council from Ann Dooley, 23 Murdoch Street, Turramurra. The concerns raised in the submission are as follows:

Bulk - the development appears to be 3 storeys in height and exceeds the prescribed FSR.

The proposed development does not exceed two storeys. The visual bulk of the development has been reduced in the amended plans.

Excessive height - the development has a height in excess of 9m.

The proposed development does not exceed 9 metres.

Visual impact & loss of views.

Enhanced setbacks and the retention of existing vegetation in the amended plans will mitigate this concern.

Loss of privacy.

Enhanced setbacks and the retention of existing vegetation in the amended plans will mitigate this concern.

Overshadowing.

There is some overshadowing early in the morning during the winter solstice, however, this is compliant with Council controls.

1.5 m setback to the western boundary.

Setbacks to the western boundary have been increased in the amended plans and now vary between 1500mm and 3100mm.

Lack of open space and landscaping.

The proposal complies with the requirements for open space and landscaping contained in SEPP 53.

Amended plans

One submission was received from A & M White, 21 Adams Avenue, Turramurra in response to the amended plans. The concerns raised were:

Loss of privacy to the swimming pool.

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The first floor windows of the proposed dwelling are to bedrooms rather than living areas. Furthermore, the windows are located approximately 20 metres away from the pool on the opposite side of the road.

Dust minimisation during construction.

Issues associated with dust minimisation can be addressed by way of a condition of consent requiring the preparation of a detailed construction management plan. **(See Condition No 32).**

Construction parking and safety.

Issues associated with construction parking can be addressed by way of a condition of consent requiring the preparation of a detailed construction management plan. **(See Condition No 32).**

CONSULTATION - WITHIN COUNCIL

Development Control Engineer

This DA is recommended for approval, subject to the engineering conditions shown. Drainage to the street appears to be feasible which can be covered by appropriate conditions. Driveway gradients are considered satisfactory.

No objections are raised from an engineering perspective.

Comment:

The conditions of consent recommended by Council's Development Control Engineer have been imposed. **(Refer Condition No's 24-30, 36-39 and 51-55).**

Landscape Development Officer

A new landscape plan has been submitted which is generally acceptable, however, some changes are required which can be conditioned. The design of the new house has considered trees in the adjoining property by limiting excavation associated with the garage and suspending the dining room on piers where it extends beyond the garage below. The driveway should not impact on the Eucalyptus saligna (Sydney Blue Gum) located in the nature strip as long as the driveway can be moved as far as possible from the tree. In this instance the driveway needs to be narrowed so that the driveway is at least 2 metres from the centre of the tree.

Comment:

The conditions of consent recommended by Council's Landscape Officer have been imposed. **(Refer Condition No's 16-23, 32-35 and 44-45).**

Heritage and Urban Design - Sean Johnson

Item 1

My main concern with this proposal is the visual impact on and overlooking of the public reserve to the south. I would prefer to see the ground and first floors set back from the south boundary while the garage wall could remain as is.

Solar orientation and sun shading needs to be better considered eg meals and bed 2 west-facing window, large areas of east-facing glass.

Comment:

Council's Heritage and Urban Design Officer has requested the retention of the garage in its current location, with the ground and first floor levels being set back an unspecified distance from the southern boundary.

Such a modification would add a further step in the building form and would upset integrity of the development's two storey design as seen from Adams Avenue. It is further noted that the windows to the lounge and dining rooms, including balcony, do not result in any adverse impacts upon the use of the adjoining reserve. In fact, these windows provide passive surveillance of the reserve and, to this extent, have a positive benefit.

At first floor level, the development has no south-facing windows. It is considered that Council not adopt the recommendations of the Heritage & Urban Design Officer for the reasons outlined above.

Awnings could be fitted to the west-facing windows to provide shade. A condition has been imposed to address this concern. (**Refer Condition No 32**).

PROVISIONS OF RELEVANT LEGISLATION

The Environmental Planning & Assessment Amendment Act 1979 - Section 79C

1. Environmental Planning Instruments

- The Ku-ring-gai Planning Scheme Ordinance, 1979 (KPSO)
- State Environmental Planning Policy No 53 (SEPP 53)
- State Environmental Planning Policy No 55 (SEPP 55)
- Regional Environmental Plan No 20 (SREP 20)
- Development Control Plan 40 - Waste Management
- Development Control Plan 43 - Car Parking

This application requires development consent under SEPP 53.

State Environmental Planning Policy No. 53

Clause 18 of the SEPP permits with Council's consent the creation of a dual occupancy development.

Clause 19 and 20 specify standards that must be complied with. A summary of compliance

Item 1

is as follows:

Clause	Standard	Proposal	Compliance
Lot size	600sqm	1,144 sqm	Yes
Floor-space ratio	0.5:1	0.48:1	Yes
Car parking	2 car spaces per dwelling	2 car spaces per dwelling	Yes

Clause 31 states that a consent authority cannot approve a development unless it has taken into consideration a site analysis prepared in accordance with the SEPP. A site analysis plan and supporting written statement has been prepared by Binet Homes which satisfies this requirement.

Clause 32 states that consent must not be granted unless Council is satisfied that adequate regard has been given to the following design principles:

a. Streetscape

The predominant character of this area is one and two storey, interwar, detached brick dwellings. The existing dwelling to remain on the site is a traditional brick dwelling with a hipped tile roof.

The distinguishing features of the 1945-1968 Visual Character Category include: less ornate architecture; smaller lot sizes and setbacks; an absence of front fences; and car accommodation attached to the residence.

It is considered that the proposed dwelling is consistent with the surrounding streetscape and the distinguishing features of the applicable visual character category.

b. Visual and Acoustic Privacy

Visual and acoustic privacy will therefore be maintained due to the significant spatial separation between the proposed dwelling and the two closest existing dwellings at 23 and 25 Murdoch Street. Extensive new landscape plantings proposed to attain heights between 2.5 and 6.0 metres will also assist in maintaining privacy.

The new dwelling is set back approximately 12.6 metres from the existing dwelling on the site and approximately 18.0 metres from the dwelling on 23 Murdoch Street.

c. Solar Access and Design for Climate

The proposed dwelling achieves a 4 star NatHERS rating. All living areas of the proposed dwelling enjoy solar access from northern or eastern-facing windows. A number of smaller west-facing windows (kitchen, meals and bedroom 2) can be shielded by awnings. (**Refer Condition No 32**).

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Opportunities for natural cross ventilation are available to all areas of the proposed dwelling.

Shadows cast by the proposed dwelling fall predominantly on the adjoining public (drainage) reserve or the roadway. The extent of shadows cast upon the rear yard to No 23 Murdoch Street only affects a minor proportion of the yard during the morning period of the winter solstice. No 23 Murdoch Street receives adequate solar access compliant with Council's controls.

d. Stormwater

Drainage to Council's Stormwater system is possible utilising the natural fall of the land. On-site detention is required to be provided. (**Refer Condition Nos 24 and 25**).

e. Crime Prevention

The proposal incorporates adequate opportunities for casual surveillance.

f. Accessibility

Safe pedestrian access is available from the street.

g. Waste Management

A waste management plan has been submitted in accordance with DCP 40. Suitable space exists on the property for the storage of waste management containers.

h. Visual Bulk

The revised dwelling design incorporates varied building setbacks and articulated elevations to reduce the visual bulk of the dwelling. The first floor is well recessed from the ground floor on three sides.

Ku-ring-gai Planning Scheme Ordinance (KPSO)

Relevant consideration under the Ku-ring-gai Planning Scheme Ordinance is as follows:

Height

Clause 46(2) of the KPSO does not permit dual occupancy development buildings with a height in excess of 8.0 metres. The proposed development complies with this requirement.

Built upon area

Clause 60c (2) of the KPSO generally applies a maximum built-upon area of 60%. The proposed built-upon area is 39.3% which complies with this requirement.

Item 1

Schedule 9

The development is satisfactory having regard to those matters for consideration under Schedule 9.

Development Control Plan 43 - Carparking

Development Control Plan No 43 requires the following provisions:

- Minimum 1 car space per dwelling under 125m²; and
- Minimum 2 car spaces per dwelling in excess of 125m².

Both the proposed and existing dwellings are in excess of than 125m² and therefore two car spaces are provided. The development will meet the requirements of Development Control Plan No 43 - Carparking.

Development Control Code - Dual Occupancy

A summary of compliance with the policy controls is as follows:

Standard	Requirement	Compliance
Streetscape.	Single storey. Two storey, mixed, building scale, setback, height, landscape, etc.	Yes
Visual character.	Consistent with surrounds when viewed from the street or public domain. Integrates built form and soft landscaping.	Yes
Architectural design.	Reinforce existing streetscape character, roof forms, building height, colour, material, etc.	Yes
Roof pitch.	Compatible with streetscape character. Consider heritage, building bulk, overshadowing.	Yes
Fences.	Consider visual character study, existing fences, and landscape character.	Yes - front fence not proposed.
Visual privacy.	Use of distance or slope, dwelling layout, screen planting fencing, screening devices, window screens, courtyard walls.	Yes
Acoustic privacy.	Minimise noise transmission, relationship to major roads.	Yes

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Solar access.	Maximise north facing windows of living rooms and outdoor areas. Consider adjoining areas, overshadowing of public reserve and bushland.	Yes
Energy efficiency.	Designed to reduce energy use, consider thermal properties of construction materials.	Yes
Watercourses and drainage systems.	Retain ecological integrity. 100 year flood, riparian zone, etc.	Not applicable
Stormwater disposal.	Site detention, reuses, and effect on vegetation.	Yes
On site detention.	Should be considered.	Yes
Water conservation.	Particular plumbing fittings.	Requires specific conditions. (Refer No 31)
Rainwater tanks.	Should be considered.	Not proposed.
Site and building design.	Crime prevention measures, observation of street and public areas, dwelling entries. Reduce opportunity for illegal access, restrict side and rear access, consider landscaping obstructing observation.	Yes
Lighting.	Provide lighting to paths, etc., parking, building entries. Enhance safety.	Requires specific conditions. (Refer No 31)
Vehicle access.	Functional, safe, limit hard surface run-off. Reduce conflict with traffic, pedestrians, and safety. Heritage significance, existing trees.	Yes
Car parking.	Numbers, size, location, sympathetic to development.	Yes
Disabled access.	Travel paths, etc.	Yes
Waste storage facilities.	Space for garbage, recyclables, compost. Comply with policy. Ease of access to Council collection point.	Yes

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Building setbacks.	Front setback on corner allotment = 7m or 5m for <50% Minimum 3m side setback from all boundaries. Rear setback = 3m or 15% site depth	No Minor non-compliance: <ul style="list-style-type: none"> • front setback varies between 4.9m & 7.2m; • setback from western boundary varies between 1.5 & 3m; • rear setback is 3m.
Building form.	Improve and enhance visual aspect. Not to dominate, provide architectural relief and modulation. Avoid a bulky appearance. Allow for soft landscaping. Provide for sunlight, ventilation, daylight both within and outside the site.	Yes
Built upon area.	Maximum 40% permitted (2x2 storey dwellings)	Yes - 39.3%
Floor space ratio.	Maximum 0.5:1 permitted	Yes - 0.48:1 proposed
Building height.	Maintain relative scale, solar access, minimise overshadowing, adequate separation between building and boundary.	Yes
Building envelope.	Comply with standard for development	Yes
Cut and fill.	Maximum 1800mm.	No. Part of garage area exceeds 900mm cut.
Views.	Protect significant views.	Yes
Private open space.	60% soft landscaped area	Yes
Protection of bushland.	Consider wildlife corridors and vegetation links, endangered species habitats, bushland and scenic views.	Yes
Heritage.	Consider heritage impacts both within and outside the site.	Not applicable - no heritage items on or adjacent to the site.
Site and waste management.	Prepare site management plan.	Yes
Pollution control.	Comply with Draft DCP No.47	Yes <i>Note: this application was lodged prior to the adoption of DCP 47.</i>

Building setbacks

Item 1

The proposed development does not comply with the Code in terms of setback requirements, The extent of non-compliance is minor (refer Compliance Table) and will not detrimentally affect the streetscape or neighbour amenity. A variation to Council's Dual Occupancy Code is therefore supported.

Excavation

The proposed development does not comply with the Code in terms of the maximum levels of excavation. The extent of non-compliance is minor (from 1.1 to 1.3 metres in cut and fill) and will not detrimentally affect the streetscape or neighbour amenity. A variation to Council's Dual Occupancy Code is therefore supported.

2. Likely Impacts

Construction of the proposed dwelling will not have any significant long term impacts. Short term impacts associated with construction can be minimised through the implementation of an appropriate site management plan and sedimentation controls.

3. Suitability of the Site

The subject site is suitable for residential development as there are no significant environmental constraints.

In accordance with State Environmental Planning Policy 55 – Remediation of Land, the site has not been used for a purpose likely to cause contamination.

The siting and form of the proposed dwelling has been influenced by the site's corner position, its slope and the presence of significant trees to be retained, both on site and adjacent.

4. Any Submissions

Council has received one submission in response to the revised proposal. The concerns raised in the submission have been addressed throughout the report.

5. Public Interest

There are no matters of public interest.

6. Section 94

If approved, this proposal will be subject to the provisions of Council's adopted Section 94 Contributions Plan for Residential Development.

Any other Relevant Matters Considerations Not Already Addressed

Item 1

There are no other relevant matters for consideration.

CONCLUSION

The proposed development complies with the statutory requirements of SEPP 53 and is permissible with consent. The proposal generally complies with the provisions of Council's Dual Occupancy Code, with minor breaches associated with the building height plane, side and rear setbacks. All drainage, car parking (DCP 43) and waste management (DCP 40) provisions have been satisfied or can be appropriately conditioned.

RECOMMENDATION

That Development Application 455/03 for approval to demolish the existing swimming pool and erect a detached dual occupancy at 25 Murdoch Street, Turramurra as shown on the architectural drawings prepared by the PG Binet Pty Ltd dated 3 December 2003 Dwg 562-1 Amendment A and the Landscape Plan prepared by the PG Binet Pty Ltd dated 3 March 2003 be approved for a period of two (2) years from the date of the notice of determination, subject to the following conditions:

1. The development to be in accordance with Development Application No 455/03 and Development Application plans prepared by PG Binet Pty Ltd, reference number Dwg 562-1 Amendment A, dated 3 December 2003 and the Landscape Plan prepared by PG Binet Pty Ltd, dated 3 March 2003 and lodged with Council on 17 April 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.

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8. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.

9. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
10. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
11. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. 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.
14. 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.
15. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- a. stating that unauthorised entry to the work site is prohibited, and
 - b. showing the name of the person in charge of the work site and a telephone number at

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which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
- b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.

16. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

17. Landscape works shall be carried out in accordance with Landscape Drawing No 562-2 prepared by P G Binet Pty Limited and dated 24 Feb 04 submitted with the Development Application, except as amended by the following:

- Front boundary - 1. Agapanthus shall be substituted with *Doryanthes excelsior* (Gynea Lilly) and show the entire area planted out (even beneath the canopies of existing trees). 2. Plant out other bare areas along the front boundary with *Doryanthes excelsior* (Gynea Lilly) and *Lomandra longifolia*.
- The *Jacaranda mimosifolia* (Jacaranda) shall be substituted with an *Angophora costata* (Sydney Red Gum).
- An additional Lilly Pilly *Syzygium leuhmanii* (not *Eugenia Leuhmanii*) shall be planted along the western boundary.
- Jasmine shall be substituted with *Trachelospermum jasminoides* (Star Jasmine).
- Additional planting is required along the southern boundary where no planting is proposed beneath the canopy of existing trees.

18. No new fill shall be placed within 1.5 metres of the Adams Avenue boundary.

19. 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.

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum)/	6m

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Adjoining property to the west

20. To preserve the following tree, footings of the proposed western wall of the dining room and balcony shall be isolated pier construction within the specified radius of the trunk. 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.

Tree/Location	Radius in Metres
<i>Eucalyptus saligna</i> (Sydney Blue Gum)/ Adjoining property to the west	6m

21. Paving works within the specified radius of the trunk of the following tree shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum)/ Council's nature strip	5m

- 22.. 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.
23. On completion of the landscape works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
24. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
25. To maintain capacity of the public drainage system, an On-site Stormwater Detention System must be provided for both the existing and proposed residences in accordance with Council's Stormwater Management Manual. Separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: Earth mounding and/or timber retaining wall will not be accepted as the storage perimeter wall. Any perimeter walls must be in masonry on a reinforced concrete footing.

NOTE 3: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 4: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 5: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 6: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.

26. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
27. For the purpose of any Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
28. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
29. The public footways and roadways adjacent to the site are to be maintained in a safe

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condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Specification for Drainage and Road Works.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust 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.

30. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access, accommodation arrangements and passing opportunities must be designed and constructed to comply with Australian Standard AS 2890.1 - "Off-Street car parking".
31. To enable compliance with the requirements of Council's Dual Occupancy Control Code the development shall contribute to water conservation through the installation of appropriate water conservation devices as follows:
 - Maximum 6/3 litre dual flush cisterns
 - Shower heads with reduced water flow devices
 - Garden watering systems (if installed) shall incorporate drip rather than spray mechanisms.
 - Garden beds should be mulched to retain water and reduce evaporation during extended dry periods.

Additionally, so as to ensure safe egress and ingress within the development and to ensure the security of the occupants, adequate lighting is to be provided to all paths, accessways, parking areas and building entries. Spillage from any such lighting shall be contained within the property boundaries.

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

32. The following changes shall be shown on all relevant plans submitted with the application for the Construction Certificate:
 - the driveway shall be reduced in width so that it is a minimum distance of 2 metres from the Blue Gum street tree;
 - site access during construction shall be over the reduced driveway. No vehicle movement is permitted within 2 metres of the centre of the *Eucalyptus saligna* (Sydney

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- the retaining wall required to retain fill forward of the new dwelling shall be located at least 1.5 metres inside the street boundary;
- the site boundary fence shown on the site management plan shall be relocated to 1.5 metres inside the street boundary (this fence shall act as a tree protection fence as well). A revised site management plan detailing all relevant matters, including dust minimisation measures, construction parking and safety measures shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate.
- Wind down awnings shall be provided to the Meals room and Bedroom 2 to provide shading from the western sun. The awnings shall be sympathetic to the style of the dwelling and the width of the glazed areas only.

33. A cash bond/bank guarantee of \$2000 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 this bond will be refunded upon issue of the final Certificate of Compliance, 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.

34. A cash bond/bank guarantee of \$5000 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 final Certificate of Compliance, 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/Location

<i>Eucalyptus saligna</i> (Sydney Blue Gum)/ Nature strip	\$2000
<i>Angophora costata</i> (Sydney Red Gum) / Nature strip	\$1000
<i>Eucalyptus sp.</i> (Mahogany)	\$1000
<i>Allocasuarina sp.</i> (Sheoak)	\$1000

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35. 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.

36. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and 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.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications "Construction of Gutter Crossings and Footpath Crossings". This is issued with alignment levels after completing the necessary application form at Customer Services and payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to 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 this may be affected by the alignment levels fixed by Council.

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 (if applicable) of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

37. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

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NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

38. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

39. For stormwater retention, provision of a 2000 litre rainwater tank within the subject property designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.

NOTE 3: The tank must not be located on the front façade of a dwelling.

NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted

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to the Principal Certifying Authority with respect to this condition being satisfied

NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE ADDITIONAL DWELLING IS CURRENTLY \$12,459.72. 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 20 December 2000, calculated for additional person as follows:

1. Preparation of New Residents Kit	\$10.98
2. New Resident Survey	\$9.87
3. New child care centre (including land acquisition and construction of facility)	\$252.13
4. Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5. New Library bookstock	\$17.95
6. New Public Art	\$2.93
7. Acquisition of Open Space - Turramurra	\$1,966.00
8. Koola Park upgrade and reconfiguration	\$143.09
9. North Turramurra Sportsfield development	\$986.80
10. Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11. Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 - under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

41. 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.

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42. 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).
43. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

44. To preserve the *Eucalyptus saligna* (Sydney Blue Gum) on the nature strip, no work shall commence until a tree protection fence constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres is erected along the northern side of the driveway from the boundary to the kerb. The fence is to continue along the kerb to the north for 5 metres and is required to prevent any activities, storage or the disposal of materials around the tree. The fence shall be maintained intact until the completion of all demolition/building work on site.
45. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. 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.
46. Prior to the commencement of any work, the Principal Certifying Authority shall be notified

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in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.

47. 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.
48. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
49. To protect the public, a temporary 1.8 metre high chain mesh, or similar, fence is required along the boundary adjoining the reserve/park prior to work commencing and maintained throughout the construction work.
50. 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 minimise and/or 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, with all silt being removed from the site, or to an approved location within the site.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

51. The creation of 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 facilities on the property. These must be created prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. 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.
52. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer,

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prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate.

53. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate, that:
- a. The works were carried out and completed in accordance with the approved plans.
 - b. 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.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier Prior to issue of the Final Compliance Certificate.

54. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- Compatibility of the drainage system with the approved plans
- The soundness of the structure.
- The adequacy of the outlet control mechanism to achieve the discharge as specified.
- The capacity of the detention storage as specified.
- The size of the orifice or pipe control fitted.
- The maximum depth of storage over the outlet control.
- The adequate provision of a debris screen.
- The inclusion of weepholes in the base of the outlet control pit.
- The provision of an emergency overflow path.
- All enclosed floor areas, including habitable and garage floor levels, being safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

The Works-as-Executed drawing(s) are to include all relevant levels including:

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.

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- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
 - storage volume(s) provided and supporting calculations
 - size of orifice(s)
55. Prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Reinstatement works to generally match surrounding infrastructure. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer, at the Applicants cost.
56. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - c. Certification that the smoke detectors have been installed in accordance with the Building Code of Australia.
57. To maintain residential amenity, all electrical services to the site are to 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 to Council prior to the release of the Occupation Certificate.
58. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
59. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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.

BUILDING CONDITIONS

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60. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
61. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

62. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia

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- Housing Provisions; or
- b. Smoke alarms which:
- i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
 - ii. are connected to the mains and have a standby power supply; and
 - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority.

63. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Juliet Grant
Consultant Planner

R Josey
Acting Team Leader, Wahroonga Ward

M Prendergast
Manager
Development Assessment Services

M Miocic
Director
Environment & Regulatory Services

Attachments: **Location sketch**
 Plans of proposed development

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7A DENNIS AVENUE, WAHROONGA - SUMMARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

Response to site meeting questions related to the proposed dual occupancy development at 7A Dennis Avenue, Wahroonga.

BACKGROUND:

Council inspected the site on 8 May 2004. The following questions and requests for detail arose in respect of the application.

- Screen Planting
- Inter-allotment Drainage
- Depth of Excavation

COMMENTS:

- Screen Planting - condition provided.
- Inter-allotment Drainage - not recommended.
- Depth of Excavation - modified.

RECOMMENDATION:

Approval

PURPOSE OF REPORT

Response to site meeting questions related to the proposed dual occupancy development at 7A Dennis Avenue, Wahroonga.

BACKGROUND

Council inspected the site on 8 May 2004. The following questions and requests for detail arose in respect of the application.

Screen planting

The Councillors requested provision of screen planting (5-7m in height) between the deck to the proposed new dwelling and the northern boundary. It was agreed that condition No 61 be modified and that Council's Landscape Officer advise on the appropriate tree species to be planted.

Inter-allotment drainage

Councillors requested that Council staff advise if it is suitable for this site to be part of an inter-allotment drainage system incorporating the surrounding developments.

Depth of excavation

A question was raised as to the depth of excavation proposed. Council staff were requested to provide details clarifying the maximum depth of excavation proposed for the erection of the new dwelling house.

COMMENTS

The following answers and details are provided.

Screen planting

The landscape Development Officer has provided the following additional bullet point to condition 61 of the Development Consent 321/03:

- *screen planting that will attain 5-7 metres height shall be established between the new dwelling and the northern boundary using species selected from the following list:*

Acmena smithii 'Minor'

Notolaea longifolia

Syzygium luehmannii

Inter-allotment drainage

The Development Control Engineer has provided the following response:

The answer is no. While the idea has merit, Council does not have the power to impose easements for drainage over a particular site to the benefit of upstream private lots. Such an easement for

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drainage is not related to the assessment criteria for the development application under the Environmental Planning and Assessment Act. The written consent from all interested private parties must be given before Council could reasonably impose such a condition.

Further, there are legal and survey costs incurred when creating interallotment easements for drainage, and unless there is a section 94 plan developed to obtain money for such purposes, Council cannot legally obtain monies from the developer to fund such an easement creation. The costs for such legal execution and survey would therefore be incurred by Council. In addition, the compensation values for the easement burden would need to be established and agreed between all affected parties.

Notwithstanding the ultra vires nature of imposing easements where not related to the subject development, the costs, time and resources needed by Council to create private drainage easements make the idea unfeasible for what is essentially a civil matter.

Depth of excavation

The Development Control Officer advises that the maximum depth of excavation along the rear of the new dwelling was shown in the report as being 3.8 metres. This figure was incorrect and should have read 2.135 metres in the corner of the courtyard on the western side of the dwelling and 1.635 metres in the corner of the courtyard on the eastern side of the dwelling.

RECOMMENDATION

That Development Application No 321/03 for a detached dual occupancy and alterations and additions to the existing dwelling at 7A Dennis Avenue, Wahroonga, being Lot 1, DP 202690, be approved for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL

1. The development to be in accordance with Development Application No 321/03 lodged with Council on 21 March, 2003 and Development Application plans prepared by Wibsoma Pty. Ltd, reference number Drawings DA004 Revision B dated 25/06/03, N/G001, N/G002, N/G003, N/G004 Revision A dated 23/02/03, N/D001, N/D002, N/D003, N/D004, N/D005, N/D006 Revision C, dated 4/9/03.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.

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5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
8. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
9. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
To maintain existing ground levels all excavated material shall be removed from the site.
13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.

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No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:

- a. The type and size of machinery proposed.
- b. The routes of all trucks to convey material to and from the site.
- c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.

With regard to the proposed rock breaking the following conditions are to be observed:

- a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
 15. 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.
 16. To maintain residential amenity, all electrical services to the site are to 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 to Council prior to the release of the Certificate.
 17. Compliance with the general terms of approval issued by the Rural Fire Service and the Department of Infrastructure Planning and Natural Resources.(as follows).
- 17(A) Rural Fire Service
- (a) Construction should comply with AS3959 - 1999 level 2 'Construction of Buildings in bushfire prone areas'.

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- (b) All subfloor space is to be enclosed using materials and construction standards conferred to in AS3959.
- (c) Inclusion of leafless guttering or other mechanical means to be installed on the structure to prevent the build up of flammable material within the gutters. The gutter guard should also enable access to the gutter downpipe for the fitting of a gutter plug in the event of potential fire overrun.
- (d) The entire property shall be managed as an inner protection area as outlined within *Planning for Bushfire Protection 2001*.

17(B) Department of Infrastructure Planning and Natural Resources

CONDITIONAL TO ISSUE OF PART 3A PERMIT

In accordance with the Environmental Planning and Assessment Act 1979 and Regulation 1994 (as amended) the Department of Infrastructure, Planning and Natural Resources (DIPNR) has an approval role in relation to a development application (DA) for local development lodged with Ku-ring-gai Council (DA No 321/03).

A Permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 (R&FI Act) is required to carry out the proposed works at **Lot 1, DP 202690, 7A Dennis Avenue, Wahroonga**.

Pursuant to Part 3A of the R&FI Act, the Department, having reviewed the documentation associated with the DA, proposes to grant an approval to **DA 321/03** (with conditions). The Department's General Terms of Approval, for inclusion as conditions of consent are set out below:

17(B)(a) **General and Administrative Issues**

1. Irrespective of the granting of this consent or approval by any other Authority, work is not to commence in, or within a horizontal distance of 40m from the top of the bank of the stream without the prior issue of a Part 3A permit by DIPNR.
2. Any Part 3A permit so issued is to be renewed on an annual basis until all works and all rehabilitation, including maintenance, have been satisfactorily completed in accordance with the permit conditions.
3. If, in the opinion of a DIPNR officer, any activity is being carried-out in such a manner that it may damage or detrimentally affect the stream, such activity shall cease immediately, and any restoration carried out, upon oral or written direction of such officer.
4. Work as executed survey plans of a standard acceptable to DIPNR shall be provided to DIPNR upon request.
5. If the permit conditions have been breached, the permit holder shall restore the site in accordance with the permit conditions and as directed by DIPNR. If any breach

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of the permit conditions requires a special site inspection by DIPNR, then the permit holder shall pay a fee prescribed by DIPNR for this inspection and all subsequent breach inspections.

6. Operations shall not cause damage or increase erosion of the adjacent stream bed or banks. The permit holder shall carry out any instructions given by DIPNR with a view to preventing damage to the stream bed or banks.
7. Any vegetation or other material removed from the area of operations shall be disposed of so that the material cannot be swept back into the stream during a flood.
8. When the works are to cease. DIPNR is to be notified in writing one month in advance of the cessation of the operation.

17(B)(b) **Conditions Specific to DA**

1. Work is to be carried out in accordance with any conditions imposed by other government agencies, provided such conditions do not conflict with these conditions or the conditions on the 3A permit.
2. All works proposed must be designed, constructed and operated so they do not cause erosion, sedimentation, or increase flood levels in file watercourse, and do minimise adverse impacts on aquatic and riparian environments.
3. Work is to be carried out in accordance with drawings and any management plans required by these conditions, and approved by DIPNR, and which will accompany the 3A Permit.
4. Detailed designs and the location of proposed stormwater outlets and any necessary scour protection works are to be prepared and implemented by a person(s) with relevant knowledge, qualifications and experience. The stormwater outlet design must comply with the DIPNR guideline, *Stormwater Structures to Streams (Attachment A)* to the satisfaction of Council and DIPNR, and approved by DIPNR, prior to the issue of the Part 3A Permit.
5. Any other services, utilities or infrastructure not shown on the submitted plans including unforeseen roads or other access, cycleways, drainage works, crossings, communications, water, electricity or gas supply that involves excavations on "Protected Land" (as defined in the Rivers and Foreshores Improvement Act, 1948) or that may effect flows, are not to be implemented without the prior approval of DIPNR.
6. A *Soil and Water Management Plan (S&WMP)* for all site works is to be prepared by a person(s) with relevant knowledge, qualifications and experience in the preparation of such plans, in consultation with, and with the approval of DIPNR

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prior to the issue of the Part 3A Permit. The S&WMP is to cover all aspects of soil and water management requirements for the site that could impact on the stream and must include details of staging, monitoring, management responsibilities, maintenance and decommissioning requirements. The S&WMP must meet the requirements outlined in the NSW Department of Housing's "Managing Urban Stormwater: Soils and Construction" (1998) manual (the "Blue Book").

7. A *Vegetation Management Plan (VMP)* is to be prepared a person(s) with relevant knowledge, qualifications and experience, in consultation with, and with the approval of, DIPNR prior to the issue of the Part 3A Permit in accordance with but not limited to DIPNR guidelines on *How to prepare a Vegetation Management Plan (Attachment B)*. The VMP is to fully address all issues relating to the protection, establishment and maintenance of the riparian zone. Details must also be provided on the method, timing and cost of implementing the VMP, the decommissioning of any temporary soil and water management controls and the rehabilitation of the affected areas.
8. A riparian zone, consisting of local native plant species, is to be established along all watercourses on the site where they are adjacent to disturbed areas. The extent of the riparian zones required is as follows:
 - An average of 10 metres and minimum of 5 metres measured horizontally and at right angles to the flow from the top of the bank, on both sides of the creek within the property boundary.

The aim of establishing riparian zones is to create a continuous native vegetation corridor to ensure bed and bank stability and to mitigate any adverse impacts of the proposed development on the streams. The riparian zone is to be addressed in the *Vegetation Management Plan*, in consultation with, and with the approval of DIPNR.

9. The riparian zone is to consist of a diverse range of native plant species local to the area and is to be densely planted and fully structured (ie trees, shrubs and groundcovers). Trees and shrubs are to be planted at approximately equal numbers at an average density of one plant per square metre. Groundcover species are to be planted at an average density of at least four plants per square metre in addition to trees and shrubs.
10. The area covered by the *Vegetation Management Plan* must be maintained and monitored for a period of two years following final planting and primary bush regeneration works to ensure successful native vegetation establishment. Maintenance must include any watering, weed control, replacement of plant losses, disease and insect control, mulching etc, necessary for successful plant establishment,
11. As a pre-condition to the granting of the Part 3A Permit, cash or a bank guarantee from any bank licensed pursuant to the Banking Act 1959 (Cth) may be required to

be provided in favour of DIPNR, for an amount equal to the cost of rehabilitation in accordance with the *Vegetation Management Plan*, required by condition 16 and subject to the approval of DIPNR. If a bank guarantee is to be provided it must be in the format of **Attachment C**. The moneys will be held until such time as the plan and any specified maintenance period are complete. The sum held may be reduced on application to DIPNR, subject to the satisfactory completion of stages of restoration. DIPNR may at any time, and more than once and without notice to the Permit holder, demand all or part of the moneys available under the bank guarantee, if in its opinion, the Permit holder has failed at any time to meet the performance criteria set out in the Plan.

- 12 All erosion and sediment control measures are to be implemented and maintained, during the course of the works, and for as long as necessary after the completion of earthworks, to prevent sediment and dirty water entering the river system.

17(B)(c) **1.1.1. General Advice**

1. A Part 3A permit subject to conditions, will be issued for the proposed works upon application, and upon payment of the appropriate fee.
2. Permits are generally granted for a period of 12 months from the date of formal approval and renewable annually. Any application for renewal shall be lodged one month prior to the expiry date.
3. Three sets of drawings, consisting of plans, long sections, cross sections and detail drawings of the proposed works and any related works on or near the stream to the satisfaction of DIPNR, and all management plans referred to in the conditions, are to be provided to DIPNR to allow Part 3A permit preparation. Extra sets of documents are required if any other Authority has an approval role for the proposal.
4. Riparian zones of local native vegetation should be protected, maintained and enhanced wherever possible adjacent to all streams. These zones will provide habitat and corridor functions for native flora and fauna. Existing native vegetation should be protected if at all possible, and exotic species progressively removed and replaced by local native tree, shrub and groundcover species.
5. The rehabilitation of the area in accordance with the permit requirements is the responsibility of the Permit holder and the owner or occupier of the land.
6. The Permit holder and the owner or occupier of the land are responsible for any works undertaken by any other person or company at this site.
7. Any Part 3A Permit granted is not transferable to any other person or company without the written approval of DIPNR and does not authorise works at any other site.

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8. Any Part 3A Permit granted does not give the holder the right to occupy any land without the owner(s) consent nor does it relieve the holder of any obligation which may exist to also obtain permission from local government and other authorities who may have some form of control over the site and/or the activities proposed.
9. These General Terms of Approval are issued with the proviso that operations shall be carried-out on freehold land.- Should operations be on Crown Land, these General Terms of Approval are rendered null and void and the occupier of Crown Land should contact DIPNR's Crown Lands section.
10. Prior to granting a Part 3A permit, DIPNR requires full details on land ownership of all areas affected by the proposed works and authorisation for the works by the relevant landowner(s).
11. Should any of the 3A Permit conditions not be complied with, DIPNR may issue a Stop Order on 3A Permit related activities until the conditions have been satisfied.

179B)(d) **Attachments**

ATTACHMENT A

Stormwater Outlet Structures to Streams

(For pipes, culverts, drains and spillways — Version 1)

1. **Assess the site and determine constraints:** hydrology/hydraulics (channel and floodplain flood levels and velocities, water table, etc.); geomorphology (erosion, deposition, etc.); soils; geology; debris loads; contaminants; acid sulphate soils; salinity; roads/ pathways; archaeological/heritage; service infrastructure (water, sewerage, gas, electricity, communications); flora/fauna; public safety; etc..
2. **Define the route and specific point of discharge:** Address the identified constraints. Select a route that avoids trees (preferably beyond their drip line), service infrastructure etc.. Choose a stable section of stream bank for the discharge point (preferably mid-way between bends).
3. **Address water quality and quantity issues:** Ensure that the quality of water discharging to the stream is good, and that discharge rates mimic “natural” flows (magnitude, seasonality, frequency, variability). Locate water quality improvement structures (oil/grease interceptors, sediment traps, litter traps, constructed wetlands, etc.) and detention basins outside the riparian zone.
4. **Define project tasks:** For each task necessary to complete the structure and to rehabilitate the site, identify how it will be done, its duration, its sequence and who will do it.
5. **Prepare an Erosion and Sediment Control Plan (ESCP):** The ESCP must be prepared by a person with qualifications, knowledge and experience in the preparation of such plans, and must be in accordance with the NSW Department of Housing's publication Managing Urban Stormwater Soils and Construction (3rd Ed.) (1998). The ESCP must address staging, maintenance and contingencies and must ensure that during construction, storm events and storm flows down the drainage line and/or the stream will not cause erosion or sediment loss. Prior to commencing instream works, all materials, equipment and operators must be ready and works must be planned for a forecast dry weather period. Once commenced, works must

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be completed without delay. The ESCP must be implemented prior to the commencement of works. Disturbance to the stream channel must be kept to an absolute minimum.

6. **Describe site rehabilitation:** Prepare a Vegetation Management Plan (VMP) in accordance with the guideline How to Prepare a Vegetation Management Plan. Site rehabilitation is to cover all disturbed areas and, together with weed control and bush-regeneration, is to extend at least 10 metres from disturbed areas. Any bare areas remaining after construction are to have previously stored topsoil re-spread and the litter layer restored. Any imported topsoil must be weed free. Grass seed or turf used in riparian areas must consist of non-invasive species and not species such as Kikuyu or Rhodes Grass.
7. **Prepare a time frame (eg Gantt chart):** List all tasks, their sequence, duration and ownership.
8. **Design guidelines:**
 - outlet structure not to protrude beyond the stream bank and to align evenly with the bank
 - outlet structure outlet to be located at invert level of stream and to point downstream
 - avoid use of concrete headwalls - pipes/culverts to rest on, and be packed i by, rip-rap
 - scour apron to be rip-rap and a cut-off provided; flanks to be rip-rap and keyed in
 - scour protect the bed of the stream near the outlet if not bedrock and if scour is likely
 - scour protect the opposite bank as required (consider bank material and “jet” effect)
 - calculate tractive stresses generated from outlet discharges and from bank full stream discharges to determine rock size requirements for the structure
 - rip-rap to consist of angular run-of-quarry durable rock placed over a 200mm layer of 140mm median size angular cobbles over geotextile - all rock and cobbles to be packed with topsoil - gaps in rip-rap to be planted with local native sedges and rushes (cross-reference in VMP’)
 - if salinity is an issue, ensure pipe/culvert specifications conform with Australian standards
 - stockpile excavated litter layer, topsoil and subsoil separately for site rehabilitation
9. **Prepare drawings:** Prepare concept sketches for DIP’NR review. Final drawings to consist of Plan, Long Section, Cross-Section and detail drawings as required. Include a scale bar on all drawings.
10. **Address other issues:** Signage, relevant legislation, planning instruments/guidelines, OH&S, liaison with DIPNR and others (Council, NSW Fisheries, etc.).
11. **Prepare a costing:** Cost out the implementation of all stages and all components of the work show details on the cost of materials and labour. Site rehabilitation costs can be addressed in the VMP.
12. **Prepare a brief and concise report:** Report on all of the above.

Note: Riparian zone width requirements are a minimum of 20m either side of a small stream, and a greater width for large streams. The riparian zone is required to aid the physical stability of the stream, to improve water quality and to provide habitat and biological connectivity values.

ATTACHMENT B

How to Prepare a Vegetation Management Plan
(Version 4)

1. **Assess the site and determine constraints:** flora and fauna (previous studies, endangered species & ecological communities/existing vegetation communities, etc.); habitat and corridor values; topsoil/litter layer quality; hydrology/hydraulics (flooding, surface water

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runoff/drainage, velocities, water table, etc.); frost areas; fire issues; contaminants; acid sulphate soils; salinity, roads and pathways, railways, airfields, service infrastructure (water, sewerage, gas, electricity, communications); stock and herbivore access (rabbits, hares, ducks, etc.); shadow zones; drainage; topography (slope, aspect, soils, geology, erosion, deposition); weeds and weed sources, risk of vandalism, public safety issues, etc.

2. **Define project tasks:** Describe each task necessary for the implementation of the plan, how each task will be done, the duration of each task, the priority order for each task and who will be responsible for undertaking each task.
3. **Prepare a time frame (eg Gantt chart):** Address all tasks in the project.
4. **Liaise:** contact Council Bushcare Officer, landcare or bushcare groups.
5. **Provide details on seed collection and propagation:** Local native species only to be used - identify local native seed sources, check on any licences required - identify who will propagate.
6. **Prepare maps/diagrams and plant species lists:** Describe existing vegetation, constraints, vegetation and natural features to be retained, proposed vegetation (species/communities, zonation from water to land, corridors/linkages, spacings, tubestock/virocells/long stems/direct seeding, etc.), sediment and erosion control, stabilisation works, etc.
7. **Provide details on site preparation:**
 - protection of plants to be retained
 - installation of sediment and erosion control devices
 - completion of any site works (if any)
 - weed control (techniques and sequences of removal)
 - application of herbicides
 - topsoil/litter layer storage
 - soil remediation
 - surface preparation (leveling, deep ripping, scarifying, mulching etc.)
 - surface stabilisation - (needs to be suitable for the site/vegetation brushmatting, sterile cover crops, binding sprays, etc.)
 - site drainage
8. **Describe the planting program and method:** Detail how it will be done, staging and also consider the installation of weed mats, mulch, stakes & ties, tree guards and the use of fertiliser types justify their need), water-retaining crystals, etc.
9. **Describe site and vegetation maintenance:** Sediment and erosion control, watering, replacement of plant losses, weed control, disease and insect control, mulch, etc. (Note: DIPNR requires a minimum of two years maintenance after last plantings completed).
10. **Describe the monitoring and review process:** Include a method of performance evaluation, assessing the need for replacing plant losses, addressing deficiencies and six-monthly reporting.
11. **Address other issues:** Signage, relevant legislation, planning instruments/guidelines, OH&S, community involvement, liaison with DIPNR and others, how other parts of the site and adjacent areas can be managed to compliment the vegetation strategy (weed control, drainage, etc.), etc.
12. **Prepare a costing:** For the implementation of all stages and all components of the work - show details on unit cost, materials, labour, monitoring/maintenance/reporting, etc.

ATTACHMENT C

SECURITY DEPOSIT

SECTION 22C(2) RIVER AND FORESHORES IMPROVEMENT ACT 1948

TO: WATER ADMINISTRATION MINISTERIAL CORPORATION
WHEREAS the WATER ADMINISTRATION MINISTERIAL CORPORATION a corporation constituted pursuant to the Water Management Act, 2000 (hereinafter called "the Corporation") has received an application for a permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 (hereinafter called the "Act"), from

Insert name and address of Applicant

(hereinafter called "the Applicant") for the Carrying out of work comprising

Insert details of work including File No.

(hereinafter called "the Permit") AND WHEREAS pursuant to section 22C(2) of the Act, as a pre-condition to the grant of the Permit, the Corporation has required the Applicant to give to the Corporation security for the due performance of the Applicant's obligations under and in connection with the Permit for the amount of

Insert sum in words

NOW THESE PRESENTS WITNESS that at the request of the Applicant and in consideration of the Corporation at the request of

Insert name of Surety

(hereinafter called "the Surety") which latter request is hereby testified, accepting this undertaking of the purpose of the said security the Surety unconditionally undertakes from the date of the grant of the Permit to pay to the Corporation such sum or sums of money not exceeding

Insert sum in words

in the aggregate at any time upon demand or demands therefore being made by the Corporation.

The Surety undertakes to hold itself responsible to the said sum until a notification has been received from the Corporation that the said sum is no longer required by the Corporation or until payment is made by the Surety to the Corporation of the whole of the said sum in accordance with the provisions hereof.

Should the Corporation notify the Surety that it desires payment to be made to it of the whole or any part of the said sum the Surety unconditionally agrees that such payment or payments will be made to the Corporation forthwith without reference to the Applicant for instruction

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and notwithstanding the fact that notice may have been given by the Applicant to the Surety not to pay same.

Insert sum in words

The Surety reserves the right to terminate its liability hereunder at any time upon payment to the Corporation of the said sum of

Insert sum in words

No variation or revocation of the said Permit or the conditions of the Permit or concession or indulgence granted by the Corporation to the Applicant in respect of its performance of the Applicant's obligations under and in connection with the said Permit or any waiver of or exercise of any of the Corporation's rights under the Act shall have the effect of altering the Surety's obligation hereunder notwithstanding the fact that such variation, revocation, concession, indulgence or waiver or exercise is not brought to the notice of the Surety.

Dated at xxxxxxxx the xxxxxxxx day of

2

Signatories to be identified and their capacities shown. In the case of Power of Attorney, declaration or non-revocation is to be made,

Duty stamp is to be affixed
and cancelled

-
18. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Occupation or Certificate. Application may be made to Energy Australia Phone No 13 1525 and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.
 19. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
 20. 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.

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21. An energy assessment is to be submitted for the new dwelling achieving as a minimum a NatHERS rating of 3.5 stars. Thermal insulation is to be provided to the roofs, walls and ceilings of the new works.
22. The southern end of the balcony above the new garage to the existing dwelling is to be provided with a suitable privacy screen 1500mm high to the satisfaction of the Principle Certifying Authority.
23. West facing windows shall be provided with adequate shading devices (details to be provided prior to the issue of the Construction Certificate).
24. Adequate lighting is to be provided to all paths, accessways, parking areas and building entries so as to enhance amenity and security around dual occupancy dwellings. Refer to Clause 4.6.3 of Council's Dual Occupancy Code.
25. Locks are to be installed on all windows and doors, with chains and viewers to be installed on all front doors. Where security grills are fitted, they are to be sympathetic to the architectural style of the dwelling and not to restrict surveillance.
26. All new bathrooms and toilets must be provided with maximum 6/3 litre dual flush cisterns and showerheads with reduced water flow devices.
27. The development shall comply with the requirements of DCP 40 and Policy for Construction and Demolition Waste Management.
28. All stormwater and sediment control shall be undertaken in accordance with the requirements of Council's Draft Water Management Plan (DCP 47).
29. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.
30. Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.
31. Separate written approval under Council's Tree Preservation Order is required prior to the removal of the following trees within the subject property:

Tree/Location

T231 - *Eucalyptus saligna* (Sydney Blue Gum) / Between Dwelling 2 and the northern boundary.

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The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.

32. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
33. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
34. 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.
35. On completion of the landscape works/ tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
36. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Acer negundo (Box Elder)
Ageratina adenophora (Crofton Weed)
Araujia hortorum (Moth Vine)
Asparagus densiflorus (Asparagus Fern)
Chlorophytum comosum (Spider Plant)
Cinnamomum camphora (Camphor laurel)
Hedera helix (English Ivy)
Impatiens balsamina (Impatiens)
Jasminum polyanthum (Jasminum)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Lonicera japonica (Honeysuckle)
Nephrolepis cordifolia (Fishbone fern)
Ochna serrulata (Ochna)
Setaria palmifolia (Palm Grass)
Tradescantia albiflora (Wandering Jew)

37. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

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38. For stormwater control all paved areas are to be drained to the main drainage system.
39. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the watercourse within the site. A headwall and energy dissipater structure shall be constructed at the discharge point. Unless specified by plans approved with the Development Consent or other Conditions of this Consent, this structure is to be solidly constructed from mortared sandstone bushrock so that it has a low impact on local landscape and vegetation. It must not impede flows along the watercourse nor or lead to ongoing erosion of the watercourse.
40. A pit is to be constructed just upstream of the headwall to the watercourse. This is to be constructed so that the “inflow and outflow” pipes do not line up. In this way the pit will act as an energy dissipater.
41. The headwall structure at the watercourse is to be solidly constructed from mortared sandstone bushrock such that it has a low impact on local landscape and vegetation and does not impede flows along the watercourse nor will lead to ongoing erosion of the watercourse.
42. A pit is to be constructed just upstream of the headwall to the watercourse. This is to be constructed so that the “inflow and outflow” pipes do not line up. In this way the pit will act as an energy dissipater
43. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council’s Stormwater Management Manual.

OSD systems are to be provided for both residences.

Separate detention systems are to be provided for each residence, unless the OSD is cited in a common area and an appropriate legal instrument is set up to ensure the various parties equitably share the ongoing maintenance of the facility.

44. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention system and property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist’s certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council’s Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council’s requirements for on-site

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detention with full computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings.

45. During construction of the crossing the contractor is to make provision for safety of pedestrians and passing vehicles. As a minimum traffic control measures must be provided in accordance with Figure 1 "Closing a footpath", (being on Page 20 & 21), of SAA HB81.1 - 1996 - Field Guide for Traffic Control at Works on Roads - Part 1.

The traffic management measures shall be implemented prior to the commencement of any works on-site including excavation.

46. The Design and construction of works in the accessway including two passing bays and the widening of the crossing and first section of accessway all to the satisfaction of Council's Development Engineer. Plans are to be prepared by a suitably qualified and experienced consulting engineer or surveyor in accordance with the requirements of Council's standards and specifications.

In this regard details are to be shown as to how this condition is to be satisfied. The details are to be submitted to and approved by the PCA prior to the issue of the construction certificate.

The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with Council's requirement. A registered surveyor is to also submit a works-as-executed drawing of the as-constructed works.

47. If the proposed works are configured such that they will disrupt or disturb currently laid services for the existing dwelling, the applicant is to provide an alternative route for the effected services.

48. 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 minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.

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49. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
50. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.
51. The dual occupancy development approved under this determination, is to be completed to "lock-up" stage (being that stage where the building has the following components: external walls, cladding roofing, and all doors and windows with locks, installed, erected or constructed in their approved completed form) prior to a Subdivision Certificate being released by Council under any separate subdivision application.
52. For the purpose of Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.

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

53. Submission of a copy of the Part 3A Permit issued by the Department of Infrastructure, Planning and Natural Resources for the proposed works.

Please note that the General Terms of Approval referred to earlier in these conditions is not the actual permit. The applicant must obtain and complete to the satisfaction of the Department an application for a Part 3A Permit after any consent has been issued by the Council and before the commencement of works.

54. 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.
55. 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).

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56. 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.
57. 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 Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - 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.
 - 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.
 - 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.
58. To protect the amenity of the adjoining property, all fill under the slab is to be contained by dropped edge beams. Engineers details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
59. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE ADDITIONAL DWELLING IS CURRENTLY \$33,057.22. 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 20 December 2000, calculated for additional person as follows:

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1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Wahroonga	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 - under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

60. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

61. 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, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120.00 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

Minor Landscaping Works	\$50.00
New Dwellings/Dual Occupancies	\$120.00
Multi-Unit Housing	\$100.00 plus \$30.00 per unit
Commercial	\$100.00 plus 10 cents per m ²

The amended landscape plan shall include the following information:

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- the amended footprint for Dwelling 2 at a minimum distance of 6 metres from the watercourse,
- the entire site is to be managed as an Inner Protection Area as outlined within Planning for Bushfire Protection 2001.
- the riparian zone, between the upper embankments of the watercourse, is not to be disturbed except for the hand removal of noxious plants and weeds, and all species planted shall be derived from the Blue Gum High Forest assemblage of vascular plants to replicate a local watercourse environment,
- at least 20% of tree and shrub plantings for the site shall be derived from the Blue Gum High Forest assemblage of vascular plants as the site is located more than 300 metres from a bushland reserve.
- screen planting that will attain 5 - 7 metres height shall be established between the new dwelling and the northern boundary using species selected from the following list:

Acmena smithii 'Minor'
Notolaea longifolia
Syzygium luehmannii

62. To preserve the 2 *Murraya paniculata* (Orange Jessamine) located adjacent to the western boundary of the access handle and close to its front boundary, widening of the driveway shall be carried out on the eastern side.
63. A CASH BOND/BANK GUARANTEE of \$2000.00 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 this bond will be refunded upon issue of the final Certificate of Compliance, 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.

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. To preserve the following trees the turning bay shall be constructed as a suspended platform on isolated piers or on retained fill not extending beyond its footprint. A safety kerb and rail

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shall be included at the perimeter edge of the turning bay. Details of the structure shall be submitted to Council prior to the release of the Construction Certificate:

T122 - *Eucalyptus saligna* (Sydney Blue Gum) / Close to the southeastern corner of the turning bay site.

T124 - *Eucalyptus saligna* (Sydney Blue Gum) / Close to the southwestern corner of the turning bay site.

66. The drainage concept design, by AFCE Drawing No 333287, sheets 1 & 2 dated April 2002, is generally satisfactory, however the following issues are to be addressed prior to the issue of the Construction Certificate:-

- i) The roof gutter, down pipe and drainage system of the dwelling is to be sized to catch and convey the 50 year ARI storm event to the OSD system. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
- ii) Suitable kerbs or other approved “cut off” systems are to be provided in the OSD design to ensure a maximum possible amount of overland flow is directed to the OSD system. These kerbs etc, are to be sized for all storms up to the 50 year ARI storm event. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
- iii) Where OSD storage is by way of underground storage, inflow pipes, to the storage chamber, are to be located below inspection grates.
- iv) Trees to be retained are to be drawn to scale.
- v) Drainage design details are to be compatible with the landscaping plans.
- vi) Councils landscape officer is to consider the final location of all drainage infrastructure including (a) drainage lines, (b) OSD tanks and (c) OSD basin walls. Only after the approval of Council’s landscape officer, can the Construction Certificate be issued.
- vii) The access grate above the control chamber is to be a grate of 600mm x 900mm or greater. Apart from the grate above the control chamber, other grates to have the following minimum sizes, depending on the pit depth as follows:

Depth of Chamber below grate	Min grate and Pit size
Less than 300mm	300square
Less than 450mm	450square
Equal to or Less than 600mm	600square
Greater than 600mm	600 x 900

67. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench *for each dwelling*, designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority with the Construction Certificate.

NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.

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- NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.
- NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.
- NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.
- NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.
- NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.
- NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.

OR

For stormwater retention, provision of a 2000 litre rainwater tank *for each dwelling*, designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings shall be submitted and approved by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

- NOTE 1: The tank is to be located at or above existing natural ground level.
- NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.
- NOTE 3: The tank must not be located on the front facade of a dwelling.
- NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.
- NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.
- NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

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- NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.
- NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.
- NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.
- NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied
- NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

68. A guardrail barrier is to be provided where the drop from the edge of the driveway is greater than 200mm or where the grade from the edge of the driveway exceeds 25%. Details are to be provided and approved by Council prior to release of the Construction Certificate.
69. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage. This requirement is to be demonstrated on submitted Construction Certificate drawings.
70. The property drainage system shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

71. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a suitably qualified

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and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

72. For any new crossing or driveway works adjacent to the boundary the following will apply.

DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to 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 this may be affected by the alignment levels fixed by Council.

Note: 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.

73. Submission for approval with the Construction Certificate of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater - Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
74. The applicant is to included with the Construction Certificate details and plans of the works below. These details and plans are to be prepared by a professional Engineer. All of the items are to be designed in accordance with current Council specifications and practice.
75. The design and works are to be at the full cost of the applicant. The details and plans of the works are to be submitted to the PCA and approved prior to the issue of the Construction Certificate. The works are:
- a. Two passing bays on the existing accessway are to be constructed. The passing bay is to be 5.5m wide by 6.0m long. At each end of the passing bay a 3.0m transition is to be provided. Where 5.5 m is not available, then the width shall be limited to the width of the existing handle.
 - b. Widen the accessway to 4.0m along the tight curve adjacent to the new dwelling.

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- c. Construction of a new widened crossing a minimum width of 6.00 metres between the kerb alignment and the property boundary.

- 76. The designing engineer is to certify the structural adequacy of the design, and that the existing driveway and passing bays, and any retaining walls, are structurally adequate for design vehicles up to a fully laden concrete truck.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

- 77. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
- 78. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
- 79. 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.
- 80. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk 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.

Tree/Location	Radius in Metres
T200 - <i>Eucalyptus</i> sp. (Gum) Close to the western side of the garage for Dwelling 1.	3 metres
T128 - <i>Eucalyptus saligna</i> (Sydney Blue Gum) Close to the inside bend of the driveway and turning bay.	3 metres
T206 - <i>Eucalyptus saligna</i> (Sydney Blue Gum) Midway down the watercourse embankment	Fence off along the tope edge of the watercourse embankment

- 81. 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 driveway shall be fenced off for the specified radius from the trunk 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:

Tree/Location	Radius From Trunk
T182 - <i>Eucalyptus saligna</i> (Sydney Blue Gum) Near the southeastern corner of the garage for Dwelling 1.	4 metres

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T183 - *Eucalyptus saligna* (Sydney Blue Gum) 4 metres
Between T182 and the turning bay.

82. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
83. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

84. Works to be constructed and certified.
85. The construction of all engineering works, not limited to but including:
- a. Two passing bays on the existing accessway to be constructed. The passing bay is to be 5.5m wide by 6.0m long. At each end of the passing bay a 3.0m transition is to be provided.
 - b. Construction of a new widened crossing a minimum width of 6.00 metres between the kerb alignment and the property boundary.
 - c. Widen the accessway to 4.0m along the tight curve adjacent to the new dwelling.
86. Prior to issue of an Occupation Certificate. The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with the approved design documentation and relevant Council Specifications. The designing engineer or surveyor is to also submit a works-as-executed drawing of the as-constructed works. A registered surveyor is to certify that works are wholly contained within the relevant allocations.
87. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:
- a. The works were carried out and completed in accordance with the approved plans.
 - b. 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.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to Occupation.

88. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and

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experienced engineer or surveyor is to be submitted to the Principal Certifying Authority prior to occupation or issue of an Occupation Certificate.

NOTE 1: The Certificate is to be with respect to compliance with:

- a. The soundness of the structure.
- b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
- c. The capacity of the detention storage as specified.
- d. The size of the orifice or pipe control fitted.
- e. The maximum depth of storage over the outlet control.
- f. The adequate provision of a debris screen.
- g. The inclusion of weepholes in the base of the outlet control pit.
- h. The provision of an emergency overflow path.

NOTE 2: The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

NOTE 3: The Works-as-Executed drawing(s) are to include all relevant levels including:

- Invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone
- dimensions of basin(s), tank(s), pit(s), etc.
- location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- storage volume(s) provided and supporting calculations
- size of orifice(s)

89. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
90. Prior to occupation, the issue of an Occupation Certificate or the issue of a Subdivision Certificate any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
91. The creation of 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 facilities on the property prior to occupation or the issue of an occupation or subdivision certificate. 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" and to the satisfaction of Council. For existing Titles, the Positive

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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.

Where the provided OSD is not a separate system for each Dwelling, the 88B instrument is to be created so that it clearly defines; both lots, each have 50% responsibility for “upkeep and maintenance” of system.

Council to be the authority to release vary or modify.

92. For any of the legal instruments created as a requirement of this determination, Ku-ring-gai Council is to be named as the only authority empowered to release, vary or modify such instruments.
93. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. 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.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development/ release of the plan of subdivision.

94. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
95. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
96. The creation of 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 riparian zone on the property prior to occupation or the issue of an occupation or subdivision certificate. The terms of the instrument are to be generally in accordance with the conditions imposed by the Department of Infrastructure, Planning and Natural Resources.

BUILDING CONDITIONS

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97. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Retaining walls and associated drainage.
 - e. Wet area waterproofing details complying with the Building Code of Australia.
 - f. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - g. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - h. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
98. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
99. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

The required inspection fees (which also covers the issue of the Compliance Certificate) are to be paid to the Council before the issue of a Construction Certificate for this development.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

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Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

100. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
101. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
102. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
103. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
104. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwellings in accordance with the following requirements:
 - a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
 - b. Smoke alarms which:
 - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
 - ii. are connected to the mains and have a standby power supply; and
 - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority.

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105. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

106. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - c. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - d. A Compliance Certificate from a suitably qualified person that the proposed works complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
 - e. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
 - f. A Compliance Certificate that the building is protected and complies with Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas.

- B That a copy of Council's determination in this matter be forwarded to the Department of Infrastructure, Planning and Natural Resources.

A Bailey
**Team Leader, Comenarra
Ward**

G Stewart
**Development Control
Officer**

M Miocic
**Director
Environment &
Regulatory Services**

Attachments: Council Report and Resolution of 27 April, 2004.

6 LYNN RIDGE AVENUE, GORDON - LEASE RENEWAL

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider the granting of a lease to Ku-ring-gai Meals on Wheels Inc. for the occupation of the Gordon Meals on Wheels kitchen and dining room.
BACKGROUND:	Ku-ring-gai Meals on Wheels Inc. has operated from the premises at 6 Lynn Ridge Avenue since 1975.
COMMENTS:	Expressions of Interest were sought from interested parties, with Ku-ring-gai Meals on Wheels being the only applicant.
RECOMMENDATION:	<ul style="list-style-type: none">A. That a lease be granted to Ku-ring-gai Meals on Wheels Inc. for a period of five (5) years in the terms and conditions as outlined in this report.B. That this approval is subject to the conditions under section 47A of the Local Government Act 1993 and that Council issue a public notice as prescribed by the Act.C. That the Mayor and General Manager be authorised to execute all necessary lease documents.D. That the Council Seal be affixed to the lease agreement.

PURPOSE OF REPORT

To consider the granting of a lease to Ku-ring-gai Meals on Wheels Inc. for the occupation of the Gordon Meals on Wheels kitchen and dining room.

BACKGROUND

Council is the owner of the former Gordon Golf Course clubhouse building comprising Lot 12 DP 8225411, which is zoned Recreation Existing 6 (a) and classified as Community Land. The building is situated within the boundaries of the Gordon Golf Course.

On 4 August 1975 Council granted a lease to The Ku-ring-gai Old Peoples Welfare Association (KOPWA) for the use of the premises as a Meals on Wheels kitchen with this agreement expiring in 1980. In 1993 Council resolved to enter into a joint venture with KOPWA to operate the service. The current Board of Meals on Wheels is comprised of three (3) representatives of Council and three (3) representatives of KOPWA. By 1995 the service was operating under its current name Ku-ring-gai Meals on Wheels Inc. (MOW) and has occupied the premises on a holding over basis.

As the Board of (MOW) is considering various development options which include service expansion, they have requested to Council for future security of tenure over the site. Both Council and KOPWA hold a substantial investment in the facility and a new lease would be of benefit to both Council and the service.

A report was presented to Council on 6 August 2002 to update Council's Policy for Leasing Council Property to Community Organisations consistent with actions contained in Council's Management Plan 2002 – 2006 with Council resolving:

That the policy for Leasing Council Property to Community Organisations be as follows:

A public Expressions of Interest process will be undertaken for properties leased by Community Groups that are covered by the Policy for Leasing Council Property to Community Organisations one year prior to the expiration of lease/licence and/or when properties become vacant. Current and potential tenants of Council properties are required to make submissions addressing all relevant criteria in compliance with Council's expression of interest process.*

**A Community Group is a community organisation that does not fall into the category of either Children's Services or Girl Guide or Scout Associations*

Accordingly expressions of interest have been called for the premises at 6 Lynn Ridge Avenue, Gordon.

COMMENTS

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Ku-ring-gai Meals on Wheels Inc. currently occupy the building that consists of an administration office, kitchen, dining room and store room and has applied through the Expression of Interest process to continue to occupy the area.

The Service is a community based not for profit Home and Community Care funded organisation that provides a freshly cooked nourishing meal to the frail aged, carers, and people with a disability in the Ku-ring-gai Local Government Area. At present the site is used as a meal preparation and distribution centre for the delivery of meals. From Monday to Friday approximately 90 – 100 meals are picked up daily by volunteers and delivered to customers residing between Gordon and Roseville, with approximately 250 volunteers performing this task over any given month.

Those people receiving the service are able to retain some form of independence as it allows them to remain in their own homes. Providing a flexible, low cost meal service to those in need, it also supports the families and carers of these people by providing such a service.

It is envisaged that the purpose built kitchen at Gordon be utilized for further service development. Over the past year, in conjunction with the Northern Sydney Regional Community Forum and Crows Nest Meals on Wheels the service has expanded and taken part in developing and producing multicultural meals with an emphasis on Italian cooking. The service is now producing Italian meals for other Meals on Wheels Services and dining room meals for other community organisations. The popularity of centre based meals has resulted in the need to expand the service to additional days and hold extra days at the Gordon Meals on Wheels Kitchen and Dining room. Ku-ring-gai Meals on Wheels Service is also planning to organise cooking classes for recently widowed men, people with disabilities and micro-wave cooking courses.

The application from Ku-ring-gai Meals on Wheels Inc. complies with the evaluation criteria as set out in the expression of interest document. Giving consideration to this and the fact that they were the only applicant it is recommended that Ku-ring-gai Meals on Wheels Inc. be considered a suitable tenant to lease the premises.

The activities of Ku-ring-gai Meals on Wheels Inc. meet the priority issues as outlined in the Ku-ring-gai Council Social Plan by:

- providing support services to older people and people with a disability
- providing community information to older people and people with a disability.

During the period of their utilisation of the premises Meals on Wheels Inc. have complied with the conditions of their current agreement and meet the conditions of Council's Policy for Leasing Council Property to Community Organisations.

It is recommended that a lease be entered into using Council's standard leasing conditions to Ku-ring-gai Meals on Wheels Inc. as follows:

Lessee:	Ku-ring-gai Meals on Wheels Inc.
Lessor:	Ku-ring-gai Council
Term:	5 years
Commencement Date:	1 July 2004

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Rent:	\$1,430 inclusive of GST
Rent Review:	Annual CPI
Outgoings:	Lessee
Maintenance:	As per schedule
Legal Costs:	50% Lessee, 50% Lessor

As the premises are located on Community Land, any agreement must comply with the conditions of the Local Government Act 1993, in particular sections 47 and 47A. These conditions require that public notice and exhibition be given of the proposal before a lease agreement can be granted. The site is managed through the terms and conditions of Council's adopted Plan of Management, Gordon Golf Clubhouse Precinct 2001.

CONSULTATION

Council has issued a formal expression of interest for the lease of the Gordon Meals on Wheels kitchen at 6 Lynn Ridge Avenue Gordon. Accordingly interested parties were given the opportunity to make submissions. Ku-ring-gai Meals on Wheels Inc. was the only applicant and agrees to the terms and conditions as outlined in this report.

FINANCIAL CONSIDERATIONS

A market rental valuation was carried out on 15 September 2003 from an independent valuer, the State Valuation Office, who determined the rental for the premises at \$13,000pa exclusive of GST.

A rental figure of \$1,430pa inclusive of GST will be applicable, and is reflective of a 90% rental rebate offered to community organisations.

The current rental being paid by Ku-ring-gai Meals on Wheels Inc. is \$705pa inclusive of GST, and is reflective of the 90% rental rebate offered by Council under its Policy for Leasing Council Property to Community Organisations.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable

SUMMARY

Expressions of Interest were called for the Council premises at 6 Lynn Ridge Avenue Gordon from suitably non-profit community organisations.

The application from the Ku-ring-gai Meals on Wheels Service Inc. complies with the selection criteria as set out in the expression of interest document. Ku-ring-gai Meals on Wheels Service Inc. meet the conditions of Council's Policy for Leasing Community Property to Community

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Organisations and agree to the proposed terms and conditions of the new agreement as outlined in this report.

As the land is classified community land, public notification is required

RECOMMENDATION

- A. That a lease be granted to Ku-ring-gai Meals on Wheels Inc. for a period of five (5) years in the terms and conditions as outlined in this report.
- B. That this approval is subject to the conditions under section 47A of the Local Government Act 1993 and that Council issue a public notice as prescribed by the Act.
- C. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- D. That the Council Seal be affixed to the lease agreement.

Stephen Plumb
COMMUNITY FACILITIES COORDINATOR

Janice Bevan
DIRECTOR COMMUNITY SERVICES

Attachments: Meals on Wheels lease proposal.

799 PACIFIC HIGHWAY, GORDON - LEASE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider the granting of a lease to Ku-ring-gai Historical Society Inc. for the continued occupation of a room located within the former Gordon Public School building at 799 Pacific Highway, Gordon.
BACKGROUND:	The Ku-ring-gai Historical Society Inc. was inaugurated in 1963 and has been in occupation of the room within the old school building since 1996.
COMMENTS:	Expressions of Interest were sought from interested parties, with the Ku-ring-gai Historical Society being the only applicant. The Historical Society also has requested to be considered exempt from paying rent under Council's leasing policy.
RECOMMENDATION:	<ul style="list-style-type: none">A. That a lease be granted to the Ku-ring-gai Historical Society Inc. for a period of five (5) years in the terms and conditions as outlined in this report.B. That this approval is subject to the conditions under section 47A of the Local Government Act 1993 and that Council issue a public notice as prescribed by the Act.C. That the Mayor and General Manager be authorised to execute all necessary lease documents.D. That the Council Seal be affixed to the lease agreement.

PURPOSE OF REPORT

To consider the granting of a lease to Ku-ring-gai Historical Society Inc. for the continued occupation of a room located within the former Gordon Public School building at 799 Pacific Highway, Gordon.

BACKGROUND

Council is the owner of the former Gordon Public school building comprising Lot 3 DP 825602, is zoned Special Uses "A" Municipal Purposes and classified as community land. The room currently occupied by the Ku-ring-gai Historical Society Inc. (Historical Society) is located within this building and forms part of the Ku-ring-gai Library Archives room.

The Historical Society was inaugurated in 1963 and has a growing membership of over 350. The society occupied the current Council training and youth centre rooms at the lower end of the building from 1991 to 1996. A five (5) year agreement was drawn up commencing August 1997 for the society to occupy their current location. Now that Council has adopted the Ku-ring-gai Library Site Plan of Management for the site a new agreement can be entered into.

A report was presented to Council on 6 August 2002 to update Council's Policy for Leasing Council Property to Community Organisations consistent with actions contained in Council's Management Plan 2002 – 2006 with Council resolving:

That the policy for Leasing Council Property to Community Organisations be as follows:

A public Expressions of Interest process will be undertaken for properties leased by Community Groups that are covered by the Policy for Leasing Council Property to Community Organisations one year prior to the expiration of lease/licence and/or when properties become vacant. Current and potential tenants of Council properties are required to make submissions addressing all relevant criteria in compliance with Council's expression of interest process.*

**A Community Group is a community organisation that does not fall into the category of either Children's Services or Girl Guide or Scout Associations*

Accordingly expressions of interest have been called for the premises at 799 Pacific Highway, Gordon.

COMMENTS

The Ku-ring-gai Historical Society Inc. currently occupy part of the Ku-ring-gai Library Archives room and have applied through the Expression of Interest process to continue to occupy that area. They have also requested any additional space that may be made available. Council has recently made available to the society the old Headmaster's office to be used as a museum to house information and memorabilia of the old Gordon school building.

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Activities carried out by the Historical Society include:

- The publication of a monthly newsletter, '*The Historian*' and in recent times two books, '*Focus on Ku-ring-gai*' and '*Women of Ku-ring-gai*'.
- The maintenance of a large collection of historical information in various forms including:
 - Photographs, over 3,000 that are regularly used for research and in many North Shore publications.
 - Books and Periodicals.
 - Family History Databases. The society has an active Family History Group within its membership.
 - Maps, Plans and Title Deeds including subdivision plans, parish maps, grants and deposited plans.
- A built heritage collection that includes information on the areas built and natural heritage.

The society also holds monthly members meetings from Council's library meeting room, organises tours to places of historical interest and give talks to interested groups on the History of Ku-ring-gai.

The research centre is open to the public two days a week where members of the community may access the society's collection through the assistance of volunteers. The sale of publications and historical works is also made available.

The Ku-ring-gai Historical Society Inc. is an incorporated not for profit organisation and their application complies with the evaluation criteria as set out in the Expression of Interest document.

In their submission, the Historical Society seeks an exemption from the payment of rent under Council's Policy for Leasing Council Property to Community Organisations. The Society proposes that they pay a figure of no more than \$100pa for:

- A Research Centre of approximately 100 square metres (the area of their current accommodation is approx 45 square metres) an increase to the suggested area would mean occupying the Ku-ring-gai Library section of the Archive room.
- Utilisation of the Headmaster's office as a museum
- Hire of the meeting rooms for monthly Historical Society and Family History Group meetings.
- A ten (10) year lease

Their argument in support of this request is:

- That the current rental and meeting room costs equate to 27% of their revenue raised through membership.
- Other historical and family history organisations throughout the state pay nil or nominal rent for accommodation and meeting space.
- The money saved in rent would be used to improve capital resources for the society.
- That the society provides a valuable service to the community at minimal cost to Council resulting in a direct saving to Council, if Council were to provide a similar service.

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While it is acknowledged the work carried out by the society benefits the community, (as indicated by the 90% rental rebate offered to it and similar not for profit community organisations) any exemption of rent as requested cannot be justified.

Council's Policy for Leasing Council Property to Community Organisations provides for exemptions to rent levels and rebates when:

An organisation has assisted with significant contributions to the cost of improvements to a property:

or

An organisation has 'exceptional' financial circumstances which enable it to afford a higher level of rent or alternatively, it is unable to afford the rent level set by Council.

There is no indication that the Historical Society has improved Council's facility as required by the first exemption condition. As the Society is in a sound financial position, showing an \$833 surplus for the last operating year and over \$40,000 in term deposit, cash in hand and cash in the bank, it could be assumed that they are able to afford the proposed already rebated rental.

If Council decided to grant the Historical Society a lease on their terms the following points should be considered:

- The Historical Society would be receiving benefits and conditions not offered to any other not for profit community organisation within the community. In fact some organisations receive rental rebates less than the 90% as provided for in Council's leasing policy where those organisations have an ability to pay more.
- Loss of revenue to Council.

It is recommended that a lease be entered into using Council's standard leasing conditions to Ku-ring-gai Historical Society Inc. as follows:

Lessee:	Ku-ring-gai Historical Society Inc.
Lessor:	Ku-ring-gai Council
Term:	5 years
Commencement Date:	1 July 2004
Rent:	\$891pa inclusive of GST
Rent Review:	Annual CPI
Outgoings:	Lessee
Maintenance:	As per schedule
Legal Costs:	50% Lessee, 50% Lessor
Premises:	Room currently occupied within the old school building and the former Headmaster's office.

CONSULTATION

Item 4

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Council has issued a formal expression of interest for the lease of part of the Archive room located within the former Gordon Public School at 799 Pacific Highway, Gordon. Accordingly, interested parties were given the opportunity to make submissions. The Ku-ring-gai Historical Society Inc. was the only applicant.

FINANCIAL CONSIDERATIONS

A market rental valuation was carried out on 29 August 2001 from an independent valuer, the State Valuation Office, who determined the rental for the premises at \$8,100pa exclusive of GST.

A rental figure of \$891pa inclusive of GST will be applicable, with this figure reflecting a 90% rental rebate offered to community organisations under Council's Policy for Leasing Council Property to Community Organisations.

The current rental being paid by the Historical Society is \$676pa inclusive of GST, and is reflective of the 90% rental rebate offered by Council.

If Council were to grant a lease to the Historical Society under their conditions, the financial cost to Council would be in the vicinity of \$1,400pa.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Department of Finance and Business Development has been consulted regarding the financial position and the organisations ability to pay.

They agree with Community Services in its recommendation in that the Historical Society is in a sound financial position and has the ability to pay the recommended rebated rental.

SUMMARY

Expressions of interest were called for the room located within the old Gordon school building at 799 Pacific Highway Gordon.

The application from the Ku-ring-gai Historical Society Inc. complies with the selection criteria as set out in the expression of interest document and meets the priority issues as outlined in the Ku-ring-gai Council Social Plan.

The Historical Society has requested that they be exempt from paying rent under the conditions of Council's Leasing Policy. Considering the financial viability of the organisation and the fact that it has not improved Council's asset in any way, it is recommended that they pay the subsidised rent as indicated in this report.

As the land is classified community land, public notification is required.

RECOMMENDATION

- A. That a lease be granted to the Ku-ring-gai Historical Society Inc. for a period of five (5) years in the terms and conditions as outlined in this report.
- B. That this approval is subject to the conditions under section 47A of the Local Government Act 1993 and that Council issue a public notice as prescribed by the Act.
- C. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- D. That the Council Seal be affixed to the lease agreement.

Stephen Plumb

COMMUNITY FACILITIES COORDINATOR

Janice Bevan

DIRECTOR COMMUNITY SERVICES

Attachments: Ku-ring-gai Historical Society lease proposal.

116 FOX VALLEY ROAD, WAHROONGA - OPTION TO RENEW

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of KU Children's Services exercising its option to renew the lease for the premises located at 116 Fox Valley Road, Wahroonga, to operate the Fox Valley Kindergarten.
BACKGROUND:	The lease for the pre-school expires on 1 July 2004 with that agreement containing an option to renew for a further three (3) years.
COMMENTS:	KU Children's Services have exercised their option to renew as per the terms of the lease.
RECOMMENDATION:	<ul style="list-style-type: none">A. That Council receive and note the valid exercise of option and approve the grant of a 3 year lease to KU Children's Services over Council premises at 116 Fox Valley Road.B. That the Mayor and General Manager be authorised to execute all necessary lease documentsC. That Council authorise the affixing of the common seal of Council to the lease agreement.

PURPOSE OF REPORT

To advise Council of KU Children's Services exercising its option to renew the lease for the premises located at 116 Fox Valley Road, Wahroonga, to operate the Fox Valley Kindergarten.

BACKGROUND

Council is the owner of Lot 2 DP 217244, which is zoned Residential 2 (c), Reservation Country Road Property and classified as Operational Land.

On 2 July 2002 Council resolved to grant a two (2) year lease with a three (3) year option to KU Children's Services to operate the Fox Valley Kindergarten from the premises located at 116 Fox Valley Road, Wahroonga. The initial two (2) year lease commenced on 2 July 2002 and expires on 1 July 2004.

COMMENTS

KU Children's Services under the conditions of the lease has exercised the option to renew the lease for a further three (3) years.

The Fox Valley Kindergarten has operated from these premises since 1962. KU Children's Services has been meeting its responsibilities as a tenant and has complied with the conditions as set out in Council's Policy for Leasing Council Property to Community Organisations. Given this it is recommended that KU Children's Services be granted a renewal of its lease.

Being an option to renew, the conditions of the previous lease stand with the exception of the exclusion of the renewal (option) clause. A condition of the original lease included a provision that the option lease be subject to Council's leasing policy at the time.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The current rental paid by KU Children's Services is \$3,294 pa inclusive of GST and is subject to annual CPI adjustments throughout the option period.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Item 5

P43479
17 May 2004

The lessee has validly exercised the option to renew, and has fulfilled the obligations under the term of the lease. Accordingly, Council is obliged to grant the renewal of the lease. The conditions of the original lease stand and are reflective of the leasing policy at the time.

RECOMMENDATION

- A. That Council receive and note the valid exercise of option and approve the grant of a 3 year lease to KU Children's Services over Council premises at 116 Fox Valley Road.
- B. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- C. That Council authorise the affixing of the common seal of Council to the lease agreement.

Stephen Plumb
COMMUNITY FACILITIES COORDINATOR

Janice Bevan
DIRECTOR COMMUNITY SERVICES

72A SPRINGDALE ROAD, KILLARA - OPTION TO RENEW

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of KU Children's Services exercising its option to renew the lease for the premises located at 72A Springdale Road, Killara, to operate the Killara Park Pre-School.
BACKGROUND:	The lease for the pre-school expires on 1 July 2004 with that agreement containing an option to renew for a further three (3) years.
COMMENTS:	KU Children's Services have exercised their option to renew as per the terms of the lease.
RECOMMENDATION:	<ul style="list-style-type: none">A. That Council receive and note the valid exercise of option and approve the grant of a 3 year lease to KU Children's Services over Council premises at 72A Springdale Road.B. That the Mayor and General Manager be authorised to execute all necessary lease documents.C. That Council authorise the affixing of the common seal of Council to the lease agreement.

PURPOSE OF REPORT

To advise Council of KU Children's Services exercising its option to renew the lease for the premises located at 72A Springdale Road, Killara, to operate the Killara Park Pre-School.

BACKGROUND

Council is the Trustee of Crown Reserve R100073 known as Killara Park and zoned Recreation Existing 6(a).

On 2 July 2002 Council resolved to grant a two (2) year lease with a three (3) year option to KU Children's Services to operate the Killara Park Pre-school from the premises located at 72A Springdale Road, Killara. The initial two (2) year lease commenced on 2 July 2002 and expires on 1 July 2004.

COMMENTS

KU Children's Services under the conditions of the lease has exercised the option to renew the lease for a further three (3) years.

The Killara Park Pre-school has operated from these premises since 1954. KU Children's Services has been meeting its responsibilities as a tenant and has complied with the conditions as set out in Council's Policy for Leasing Council Property to Community Organisations. Given this it is recommended that KU Children's Services be granted a renewal of its lease.

Being an option to renew, the conditions of the previous lease stand with the exception of the exclusion of the renewal (option) clause. A condition of the original lease included a provision that the option lease be subject to Council's Leasing Policy at the time.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The current rental paid by KU Children's Services is \$4,898 pa inclusive of GST and is subject to annual CPI adjustments throughout the option period.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Item 6

S03169
17 May 2004

The lessee has validly exercised the option to renew, and has fulfilled the obligations under the term of the lease. Accordingly, Council is obliged to grant the renewal of the lease. The conditions of the original lease stand and are reflective of the leasing policy at the time.

RECOMMENDATION

- A. That Council receive and note the valid exercise of option and approve the grant of a 3 year lease to KU Children's Services over Council premises at 72A Springdale Road.
- B. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- C. That Council authorise the affixing of the common seal of Council to the lease agreement.

Stephen Plumb
COMMUNITY FACILITIES COORDINATOR

Janice Bevan
DIRECTOR COMMUNITY SERVICES

REQUEST TO EXTEND NIGHT FIXTURES TO BARRA BRUI OVAL

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To consider a request from St Ives Rugby Club to include Barra Brui Oval as a venue for extending the trial of fixtures under lights prior to reporting to Council.
BACKGROUND:	Under existing Council policy, the playing of fixtures under floodlighting is not allowed. Following a request was received from local rugby clubs to allow the playing of fixtures under lights, Council considered the issue on 2 March 2004 and allowed a limited trial to proceed. A report will be submitted to Council following this trial reviewing the trial period and considering any future change to policy. St Ives Rugby Club have not been allowed to undertake night games at Hassell Park and have subsequently requested permission to use Barra Brui Oval for 5 nights over a nine week period.
COMMENTS:	Staff have evaluated St Ives Rugby Club's request against the issues of the impact on surrounding residents, safety and risk management and the ability of the playing surfaces and facilities to cope with the use.
RECOMMENDATION:	That Council allow use for limited night fixtures, 5 nights over a nine week period at Barra Brui Oval and that residents be notified of the trial.

PURPOSE OF REPORT

To consider a request from St Ives Rugby Club to include Barra Brui Oval as a venue for the trial of night fixtures

BACKGROUND

Under existing Council policy, the playing of fixtures under floodlighting is not allowed. Following a request from local rugby clubs to allow the playing of fixtures under lights, Council considered the issue on 2 March 2004 and resolved the following

- A. *That Council allow use for limited night games at Cliff Oval and Roseville Chase consistent with the conditions outlined in this report for the winter 2004 season as a trial only.*
- B. *That the following fees and charges be advertised and adopted, should significant objections to the fees not be received, for the period till 30 June 2004 and the same fee be included in the draft fees and charges schedule for the 2004/09 Management Plan.*

Winter Sport seasonal hire (maximum of 22 dates) per field, per night \$664.00

- C. *That a comprehensive report be presented at the close of the trial that considers all relevant information relating to the future of night fixtures on Council sportsgrounds.*
- D. *That all affected residents be notified of the trial.*
- E. *That the majority of children and parents have removed themselves from the site by 9.30pm with the exception of those parents and children that would be required clean and secure the site.*
- F. *That formal mediation if required during the trial be engaged with staff, residents and club members.*

The conditions under which the trial night fixtures are to be played and outlined in that report are as follows:

- 1) Staff commence work on the preparation of a report for Council considering an integrated response to the playing of competitive fixtures at night on Council sportsgrounds, including broad based community stakeholder consultation.
- 2) Confirm use as follows for the following locations under the terms as listed for the 2004 winter season only as a trial period.
 - Roseville Chase Oval – allow night fixtures on Friday nights to proceed for the Winter 2004 season consistent with the conditions of development consent and after approval

Item 7

S0993
18 May 2004

by the Director Open Space of any action plan dealing with noise, litter, parking and traffic issues.

- Cliff Oval – allow 10, 11 & 12 year age groups only to undertake night fixtures under the modified format should the lighting level reach 75 lux following planned maintenance to the existing fittings. This use is for the Winter 2004 season only, use complies with the considerations of development consent (for floodlighting) and only after approval by the Director Open Space of a plan that outlines how the club will deal with noise, litter, parking and traffic issues.
- 3) That night fixtures not be allowed to be undertaken at Hassell Park prior to lighting levels being improved to meet relevant Australian Standards and Council determining its policy position regarding play under lights.
 - 4) The following fees and charges be advertised and adopted for this use, should significant objection to the fee not be received, for the period till June 30, 2004 and the same fee be included in the draft fees and charges schedule for the 2004/09 Management Plan.

Winter Sport seasonal hire (maximum of 22 dates) per field, per night	\$664.00
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- 5) That a Report be considered at the close of the trial with other information as relevant to allow Council to determine a set of principles and requirements should it wish to consider a formal policy change in regard to playing of fixtures at night under lights.
- 6) All affected residents be notified of the trial and Council's proposed approach to review of the policy.

Following Council's resolution of this matter, all of the various components of the resolution have been enacted.

Games under lights at the two locations authorised have begun and staff have commenced evaluation of those fixtures and their impacts in order to provide a comprehensive report to Council at the close of the trial considering whether any changes to Council's policy are needed or desired.

Broadly the matters being evaluated by staff are the impact on surrounding residents, safety and risk management issues and the ability of the playing surfaces and facilities to cope with the use. A copy of the report to Council of 2 March, 2004 has been provided separately to Councillors as further background to this report.

Representatives of St Ives Rugby Club were informed of Council's decision regarding matchplay under lights and have worked with Metropolitan Northern Zone Rugby to seek alternative venues for their games outside of the LGA. The Club has subsequently outlined that this is causing them a degree of financial hardship and additional burdens on local parents.

The Club has now requested that they be allowed to utilise Barra Brui Oval as a short term venue for the playing of night fixtures to alleviate those issues for the Club. Staff requested that

representatives of the Club write to Council to formally request the use of the ground (Attachment 1) and were supplied with a copy of the agreed Action Plan for the Management of Night Games during Winter 2004 being utilised at the authorised venues. (Attachment 2)

COMMENTS

The Club's request has been considered against the criteria identified in the report to Council on 2nd March 2004.

Barra Brui Oval is located just off Burraneer Avenue with only one access road into the site, limited carparking with overflow that tends to concentrate in that one road. As the Oval has recently had floodlighting installed that complies with the relevant standard, the venue was briefly considered as an option in the development of the previous report to Council on this matter. The site however was at that stage rejected as it had been requested by various sporting groups for winter allocation on both Saturdays and Sundays. It was felt that additional use would increase impacts on residents unacceptably and may lead to over use of the ground.

Since then formal Sunday use of the oval during winter did not eventuate and Knox Old Boys Rugby Club, the traditional rugby user of the ground have, due to the concerns of local residents and logistical issues, transferred their most well attended games to a more suitable venue at Lofberg Oval, West Pymble. It should be noted that parking problems still occur at the site due to the limited availability of parking spaces. Any consideration by Council to approve this request should acknowledge the parking of vehicles as a key issue to the resolve by the Club requesting Friday night access to the facility.

The proposal by St Ives Rugby is that they undertake three games per Friday for five Friday nights, over a nine week period, i.e. 4 June, 18 June, 16 July, 30 July and 6 August, 2004. The Club have outlined that they will undertake a number of measures to ensure that the impacts on residents will be at a similar level to that which would occur should the oval be used for training only. These include car pooling to reduce parking issues and vehicle movements, no public address systems, that all participants have left the site by 9.30 p.m. and providing effective community liaison. Should Council give approval for this request to proceed, it is not considered that it should be identified as a long term venue for night fixtures. It should also be noted that Knox Old Boys Rugby notify visiting teams in advance of fixtures of the parking issues at Barra Brui Oval. Accordingly should St Ives Rugby have access to this ground, they should undertake similar practices.

In regards to safety and risk management, the field complies with the relevant standard for sportsfield floodlighting as a result of Council's Capital Works Program. The playing surface however has not yet been reconstructed due to watering restrictions and a redesign of the initial construction plan to address water reuse and recycling and effective drainage at the site. Final design options are currently being considered ahead of a likely September start to field reconstruction. Consequently the quality of the playing surface is not at a desirable level, although adequate for games of the level being proposed. The current quantity of use at the site is not of such amount that the proposal will significantly impact on the field.

CONSULTATION

The preparation of this report follows consultation with St Ives Rugby Club regarding their request. Information has also been drawn from other consultation processes such as the development of the Sportsground Plan of Management and development applications.

The local community has not been notified of this request or report, but should be as a consequence of any Council decision. Local communities impacted by Council's previous decision have been notified and subsequently involved in the development of an agreed action plan for managing the impacts on surrounding residents. Feedback from this process has been broadly positive also allowing dialogue on issues outside the impacts of night fixtures only. Feedback sourced from residents during the period of trial night time use would form an integral part of any future consideration of this matter by Council.

FINANCIAL CONSIDERATIONS

The financial impacts would be expected to be negligible given that only a small increase in use is proposed. An applicable fee already exists for this use.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Consultation with other Council departments has not taken place in the development of this report.

SUMMARY

Following Council's decision of 2 March 2004 allowing night fixtures at 2 locations and ending St Ives Rugby Club's previously outlined night fixtures at Hassell Park, St Ives, the club has requested that for five Fridays in a nine week period they be allowed to undertake night fixtures at Barra Brui Oval.

This report considers that the three main issues that need to be considered prior to any decision being undertaken are the impact on surrounding residents, safety and risk management issues and the ability of the playing surface and facility to cope with the use.

Should the process as outlined in this report be undertaken it is considered that the short term use of this venue for limited night fixtures is appropriate.

RECOMMENDATION

- A. That Council allow use for limited night fixtures for five Fridays in a nine week period commencing at Barra Brui Oval consistent with the terms outlined in this report.

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- B. That such use of the field is consistent with conditions outlined in the Action Plan for the Management of Night Games during Winter 2004 Trial.
- C. That residents be notified of the trial.

Steven Head
Director Open Space

Amanda Colbey
A/Manager Parks Sport & Recreation

Attachments:

- 1. Letter dated 17 May 2004 from St Ives Rugby Club**
- 2. Action Plan for the Management of Night Games during Winter 2004.**

TENDER FOR COUNCIL'S INSURANCE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to appoint an insurance broker and approve the placement of insurance cover for a five year period commencing 1 July 2004.
BACKGROUND:	Council's current insurance cover expires on 30 June 2004. This area of expense is subject to tender assessment. Tenders were called in April 2004 and two responses were received.
COMMENTS:	Ku-ring-gai is currently a member of the NSW Local Government Mutual Liability Scheme (known as Statewide) which is a self insured mutual company that covers all of the member Councils.
RECOMMENDATION:	That Council appoint Jardine Lloyd Thompson Pty Limited to act as Council's insurance broker and placement of insurance cover for a period of five years, commencing 1 July 2004.

PURPOSE OF REPORT

For Council to appoint an insurance broker and approve the placement of insurance cover for a five year period commencing 1 July 2004.

BACKGROUND

For the last five years, Council's insurance broker has been Jardine Lloyd Thompson Pty Limited. Jardines are responsible for the placement of Council's insurance and for the provision of liaison and advisory services in relation to matters of various classes of insurance.

Ku-ring-gai is currently a member of the Statewide Mutual Scheme, which is limited to Local Government entities and is supported by The Local Government and Shires Association. There are currently 150 member Councils in NSW. There are three distinct Schemes within Statewide Mutual – Liability, Property and Fidelity. All Schemes are mutuals, and any surpluses which are generated are refunded to the member Councils, via reduced premiums.

The Schemes continue to provide high levels of cover, protection clauses which are designed specifically for Local Government, competitive contributions and rebates to reward good claims experience. Statewide also provides continuity of cover which, in the past, has not always been assured from the general insurance market. The membership of Statewide has increased steadily for all Schemes since its inception, and the majority of Councils in New South Wales are now members.

- Public Liability/Professional Indemnity
- Property
- Fidelity Guarantee
- Casual Hirers
- Personal Accident
- Motor Vehicle

In line with the Local Government Act (1993) tender regulations, Council recently called for tenders for insurance broking, risk management services and placement of insurance for a period of five years, commencing 1 July 2004.

A tender evaluation committee was formed to prepare the brief and evaluate the tenders in accordance with Council's procedures.

COMMENTS

Tenders closed on 14 April 2004 and proposals were received from:

- Metropool & AON Risk Services Australia Ltd
- Jardine Lloyd Thompson Pty Ltd

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The tender specification required the tenderer to indicate details of the insurances provided, the premium costs for each type of insurance, relevant experience, financial status and service and quality assurance plans.

The submissions can be summarised as follows:

Metropool & AON Risk Services Australia Ltd

Metropool is looking to grow its business and add to its strength and principles of pooling with fourteen other NSW Councils. The organisation started in 1990 where nine member Councils joined together to secure adequate public liability cover. Financial contributions to the Pool are based on the relative size of each Council and incorporate a proportion of underlying claims experience to reflect the risk exposure. Metropool will provide public liability and professional indemnity insurance up to \$100M with Council's brokerage needs serviced by their partner AON Risk Services.

AON is a group of brokerage, consulting and consumer insurance companies providing services to diverse businesses, financial institutions, governments, insurance organisations and individuals worldwide. The AON Group offers clients a broad range of services including retail brokerage, reinsurance and wholesale/specialty brokerage and risk management consulting. AON have a dedicated service team and can design an insurance program which is appropriate for Ku-ring-gai.

The tender submitted is a joint proposal between Metropool and AON Risk Services Australia Ltd. AON have had a long and successful partnership with Metropool and can provide expertise in program design and placement of general insurances.

Jardine Lloyd Thompson Pty Ltd

Jardines have been operating in Local Government since 1993 and the Statewide Mutual Scheme is restricted to Local Government entities. The areas in which they are currently engaged are varied. Jardines have taken the decision to focus on specific industries/business/government sectors with the objective of providing quality services. This is reflected in their client service standards where there is hands-on involvement from senior management, supported by committed, skilled and focused teams.

An important strength of Jardines is their close relationship with all Local Government Associations throughout Australia. Their 95% market share of Local Authorities throughout Australia is testimony to their ability to continually provide favourable premium terms and conditions from local and international insurance markets. Jardines places insurance cover for local Councils in:

- NSW 150 Councils
- Queensland 108 Councils
- Victoria 77 Councils
- South Australia 126 Councils
- WA 106 Councils

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Statewide have developed initiatives such as its Best Practice Manuals to improve the management of the risk exposures faced by Councils, and have also worked with The Local Government and Shires Association to press for legal reform to limit the liabilities of Councils.

Jardine's understanding of Local Government and their ability to provide an ongoing pro-active and innovative approach to risk management and asset protection makes them suitable to continue as Council's insurance brokers.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Council's insurance premiums have increased significantly in recent years. The reasons for this include the September 11, 2001 terrorist attacks in America; the collapse of HIH Insurance – a major player in the public liability market; past under-pricing and poor profitability of the insurance industry and a change in legislation regarding negligence (non-feasance).

Details of proposed premiums from both tender's are outlined in Confidential Appendix A attached.

CONCLUSION

The tender submitted by Jardine Lloyd Thompson Pty Ltd satisfies all of the requirements of Council in relation to claims management, insurance cover and premium costs. In addition Jardines have extensive Local Government experience.

It is recommended that Council appoint Jardine Lloyd Thompson Pty Ltd as Council's insurance broker for a further 5 years commencing 1 July 2004.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable

SUMMARY

For the last five years, Council's insurance broker has been Jardine Lloyd Thompson Pty Limited. Jardines are responsible for the placement of Council's insurance and for the provision of liaison and advisory services in relation to matters of various classes of insurance.

Jardines handle insurance for 150 Councils throughout NSW through the Statewide Mutual Liability Scheme. The overall claims experience of the Liability Scheme has significantly

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improved allowing for future refunds based on claims history. In addition, the level of cover provided to members has been regularly increased, and now stands at \$200,000,000.

RECOMMENDATION

- A. That Council appoint Jardine Lloyd Thompson Pty Ltd as its Insurance Broker for a period of five (5) years commencing 1 July 2004.
- B. That Council accept the quotations for the placement of insurance cover as set out in Jardine Lloyd Thompson's tender submission.
- C. That Council, at its absolute discretion, extend the term for a maximum of two years on the same terms and conditions.
- D. That the Seal of Council be affixed to relevant documents.
- E. That both tenderers be notified of Council's decision.

Maria Baptista
Risk & Insurance
Co-ordinator

Bill Bright
Manager Procurement
Insurance and Risk

John McKee
Director Finance and
Business

Attachments: **Appendix A: Financial Considerations (Confidential)**
 Appendix B: Evaluation of Tenders (Confidential)

INVESTMENT CASH FLOW AND LOAN LIABILITY AS AT 30 APRIL 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for April 2004.

BACKGROUND:

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 4 June 2002 (Minute No. 264).

COMMENTS:

The Reserve Bank of Australia (RBA) left the official cash rate unchanged at 5.25% during April. Due to the stabilisation of the economy, domestic analysts are not expecting a further interest rate increase this year.

RECOMMENDATION:

That the summary of investments, daily cash flows and loan liability for April 2004 be received and noted.

PURPOSE OF REPORT

To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for April 2004.

BACKGROUND

Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 4 June 2002 (Minute No. 264).

This policy allows Council to utilise the expertise of external fund managers for the investment of Council's short term surplus funds. This is done, as for many other Councils, with the advice of Grove Financial Services Pty Limited.

COMMENTS

During the month of April Council's cash decreased by \$2,110,000 and gross capital appreciation on Council's investments was \$84,900.

Council's total investment portfolio at the end of April 2004 is \$14,999,100. This compares to an opening balance of \$15,719,100 as at 1 July 2003.

Council's General Fund interest on investments for April year-to-date is \$802,300. This compares favourably to the year-to-date budget of \$683,300.

Council's total debt as at 31 April 2004 is \$10,570,200. This compares to a total debt of \$12,605,500 as at 1 July 2003.

PERFORMANCE MEASUREMENT

Council's investment portfolio is monitored and assessed based on the following criteria:

- **Management of General Fund Bank Balance**

The aim is to keep the general fund bank balance as low as possible and hence maximise the amount invested on a daily basis.

- **Performance against the UBSWA Bank Bill Index**

This measures the annualised yield (net of fees and charges) for each of Council's portfolios. The weighted average return for the total portfolio of funds is compared to the industry benchmark of the UBSWA Bank Bill Index.

▪ **Allocation of Surplus Funds**

This represents the mix or allocation of surplus funds with each of Council's Fund Managers.

Council's investment policy requires that not more than 45% of funds are to be with any one Fund Manager. All funds are kept below this required level of 45%.

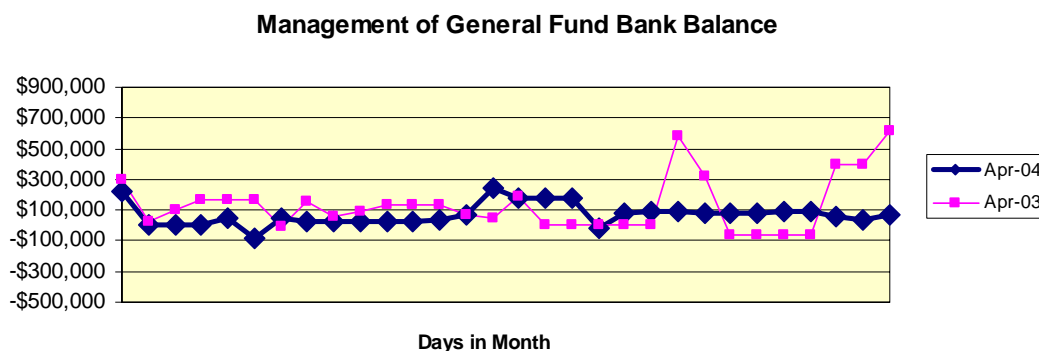
▪ **Summary of Borrowings**

This is a summary of Council's borrowings. It lists each of Council's loans, original amounts borrowed, principal repayments made, outstanding balances, interest rates and maturity dates.

April 2004

Management of General Fund Bank Balance

During April Council had an outflow of funds of \$2,110,000. There were no substantial movements during the month, however expenditure was greater than income received.



Funds Performance against the UBSWA Bank Bill Index

The weighted average return for the total portfolio of managed funds during April was 6.70% compared to the benchmark of the UBSWA Bank Bill Index of 5.60%.

A summary of each funds performance is shown in the following table.

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Fund Manager	Terms	Opening Balance	Cash flow Movement	Income Earned (net of fees)	Closing Balance	Interest Rate
BT Institutional Managed Cash	At Call	\$541,436	\$250,000	\$4,416	\$795,852	5.74%
Macquarie Diversified Treas.	At Call	\$4,362,938	(\$1,100,000)	\$18,213	\$3,281,151	6.57%
Perennial Cash Enhance Fund	At Call	\$5,426,250	(\$1,000,000)	\$29,490	\$4,455,740	8.12%
BT Institutional Enhanced Cash	At Call	\$3,588,319	-	\$18,079	\$3,606,397	6.38%
CBA Loan Offset No 1	Offset	\$1,430,000	(\$130,000)	\$6,052	\$1,300,000	5.60%
CBA Loan Offset No 2	Offset	\$1,690,000	(\$130,000)	\$7,153	\$1,560,000	5.60%
TOTALS		\$17,038,943	(\$2,110,000)	\$83,403	\$14,999,140	

Year-to-date Funds Performance against the UBSWA Bank Bill Index

The following table provides a year-to-date analysis of each fund's performance against the industry benchmark.

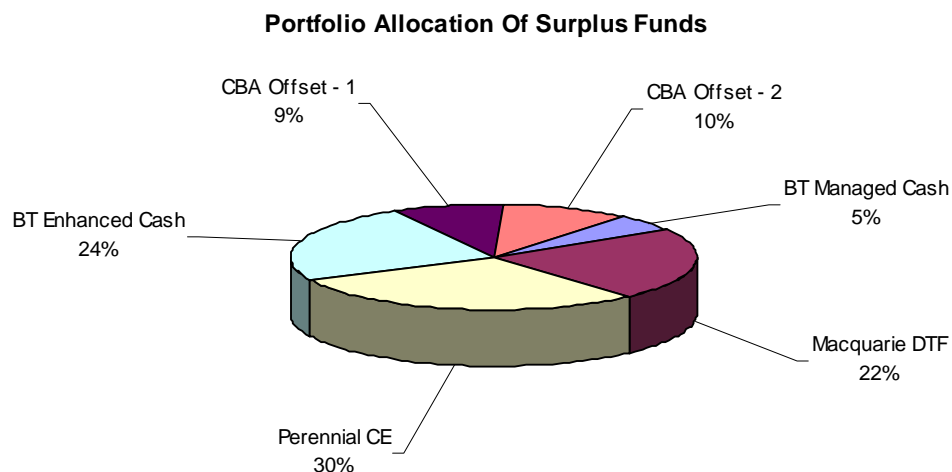
Fund Manager	Performance Annualised for July 2003– April 2004	UBSWA Bank Bill Index Annualised for July 2003 – April 2004
BT Institutional Managed Cash	5.26%	5.21%
Macquarie Diversified Treas.	5.83%	
Perennial Cash Enhanced Fund	6.14%	
BT Institutional Enhanced Cash	5.90%	
CBA Offset No.1	5.08%	
CBA Offset No.2	5.08%	

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Allocation of Surplus Funds:

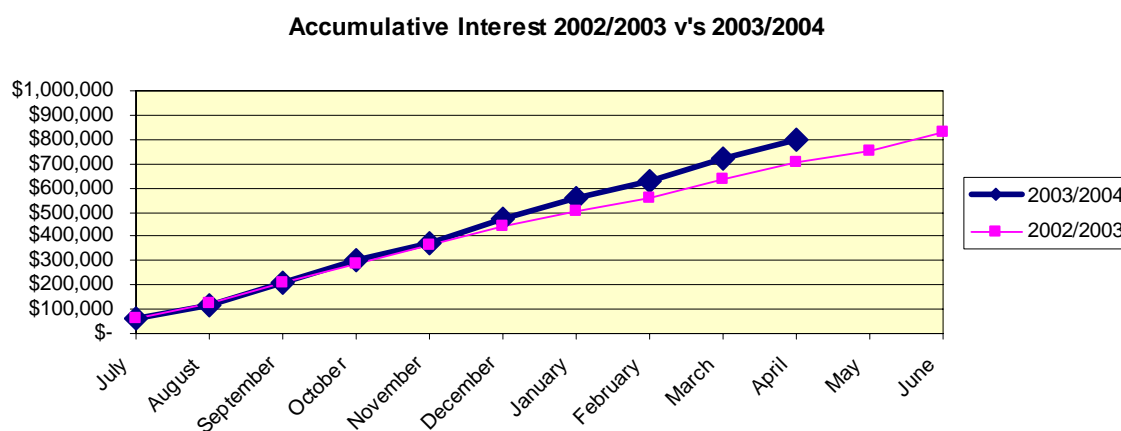
Council's funds during April were allocated as follows:



2002/2003 versus 2003/2004

Accumulative Interest

The following graph compares the interest earned on an accumulative monthly basis for financial years 2002/2003 and 2003/2004. As at the end of April 2004, year to date interest earnings totalled \$802,300. This compares to \$703,000 at the same time last year, an increase of \$99,300.

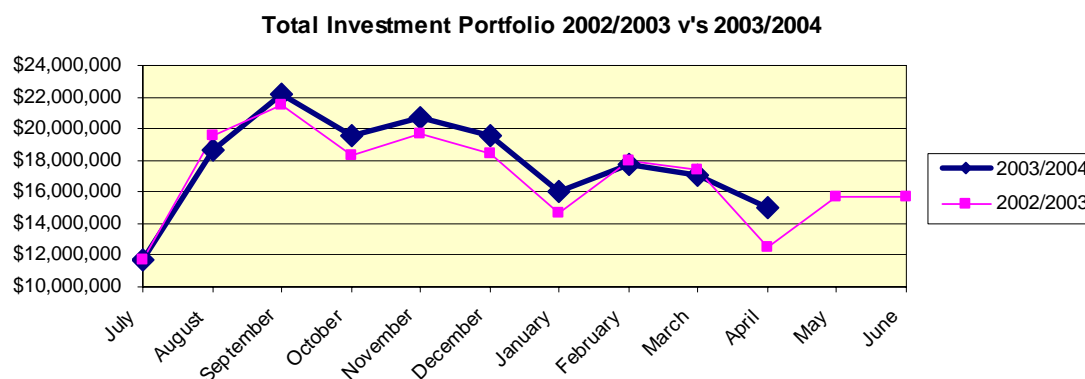


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Total Investment Portfolio

The following graph tracks the monthly investment portfolio balances for 2003/2004 in comparison to 2002/2003.



During April 2004 Council's investment portfolio decreased by \$2,110,000. In comparison, during April 2003 Council's investments decreased by \$4,910,000.

Council's closing investment portfolio of \$14,999,100 in April 2004 is \$2,467,400 higher than the April 2003 closing balance of \$12,531,700.

Capital Works Projects

As at the end of April 2004 Council has expended \$6,778,800 on capital works, which is \$24,100 lower than at the same time last year when \$6,802,900 had been expended.

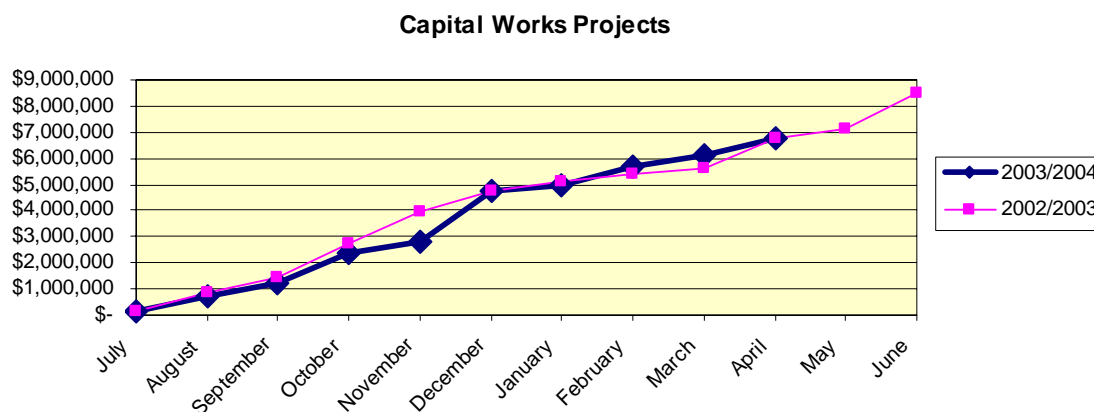
During April 2004 Council expended \$677,000 on capital works, which compares to \$1,167,200 during April 2003, a decrease of \$490,200.

Council's 2003/2004 total budget for capital works (excluding fleet replacement) is \$11,655,100 which leaves funds of \$4,876,300 unspent at the end of April.

The following graph compares the accumulative monthly expenditure totals for Capital Works for financial years 2002/2003 and 2003/2004.

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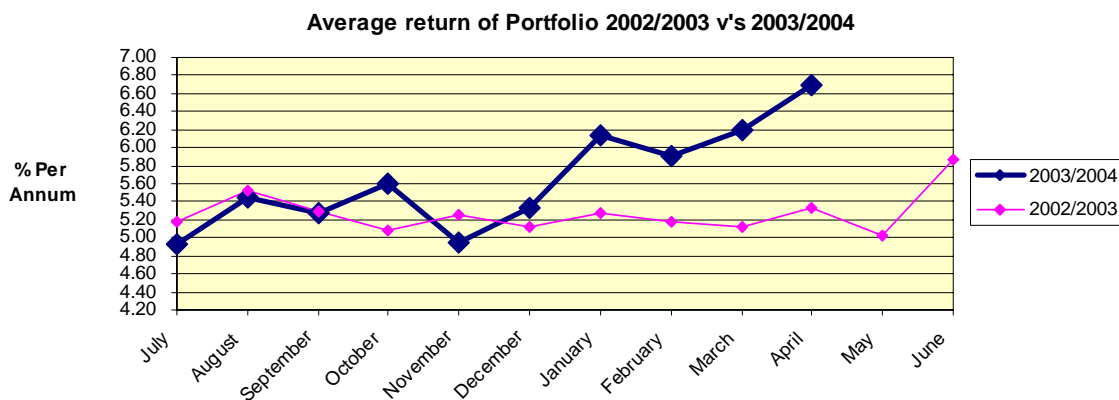


Portfolio Performance Average Return 2002/2003 versus 2003/2004

The following graph compares the monthly returns on Council's portfolio for the financial years 2002/2003 and 2003/2004.

In April 2004 earnings before fees were 6.70%, this compares to 5.33% in April 2003.

For the period July 2003 – April 2004 Council's average earnings before fees were 5.78%. This compares to 5.24% for the same period last financial year.



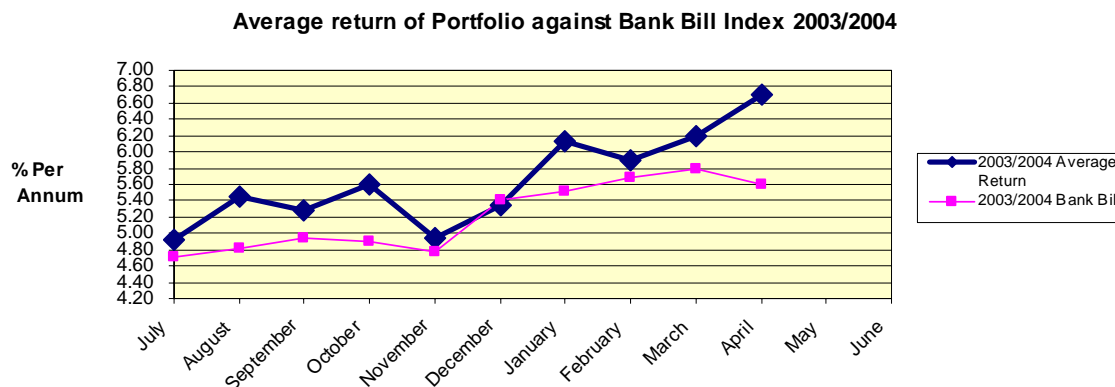
2003/2004 Portfolio Performance against the UBSWA Bank Bill Index

Council's average portfolio return performed 1.10% above the UBSWA Bank Bill Index in April. Perennial Cash Enhanced had an outstanding performance for the month, returning 8.12% compared to the bank bill index of 5.60%. Perennial Cash Enhanced has proved to be a consistent and quality investment fund for Council during the last 12 months.

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The average return of Portfolio against Bank Bill is displayed in the following graph.



Summary of Borrowings

During April Council repaid \$285,500 in borrowings, reducing the total level of debt at month end to \$10,570,200. This compares to a total debt at 1 July 2003 of \$12,605,500.

Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	122	\$1,494,000	\$1,494,000	-	7.40%	28-Jul-93	28-Jul-03
CBA	123	\$2,000,000	\$1,948,428	\$51,572	9.70%	28-Jun-94	28-Jun-04
Westpac	124	\$4,000,000	\$3,383,069	\$616,931	10.95%	02-Feb-95	02-Feb-05
Westpac	125	\$1,000,000	\$829,379	\$170,621	6.27%	02-Feb-95	02-Feb-05
Westpac	126	\$1,500,000	\$1,371,705	\$128,295	9.13%	21-Sep-96	21-Jun-04
Westpac	127	\$1,000,000	\$472,819	\$527,181	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,300,000	\$1,300,000	5.75%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$1,040,000	\$1,560,000	5.75%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$507,028	\$2,092,972	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$286,442	\$2,313,558	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	\$72,950	\$1,809,050	5.16%	27-Jun-03	27-Jun-13
TOTAL		\$23,276,000	\$12,705,820	\$10,570,180			

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) left the official cash rate unchanged at 5.25% during April. This decision came as building approvals fell, the trade gap widened and retail spending pointed to a slower growth. Considering the RBA's comments on the economy and monetary policy, domestic economic analysts have revised expectations of a further interest rate increase this year.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 30 April 2004:

- Council's total investment portfolio is \$14,999,100. This compares to an opening balance of \$15,719,100 as at 1 July 2003.
- Council's General Fund interest on investments totals \$802,300. This compares favourably to the year-to-date budget of \$683,300.
- Council's total debt is \$10,570,200. This compares to a total debt of \$12,605,500 as at 1 July 2003.

RECOMMENDATION

That the summary of investments, daily cash flows and loan liability for April 2004 be received and noted.

Mellissa Crain
Manager Business Development

John McKee
Director Finance and Business

BUDGET FOR 2003/2004, 3RD QUARTER REVIEW AS AT 31 MARCH 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the quarterly financial review for the period ended 31 March 2004.
BACKGROUND:	This is a statutory requirement under the Local Government (Financial Management) Regulation Part 2 paragraph 7.
COMMENTS:	This review analyses the financial performance of the Council for the 3rd quarter of the 2003/2004 budget comparing actual expenditure and revenue for the quarter against the budget.
RECOMMENDATION:	That Council approve the budget transfers and restrictions to reserves as outlined in this report.

PURPOSE OF REPORT

To present to Council the quarterly financial review for the period ended 31 March 2004.

BACKGROUND

This is a statutory requirement under the Local Government Financial Management Regulation 1999, Part 2 Clause 7 and it is an essential aspect of Council's financial management.

At the Council meeting held on 10 June 2003, Council adopted the 2003-2007 Management Plan, which incorporated the annual budget for Council for 2003/2004. The resolution adopting this Management Plan was under Minute 462.

COMMENTS

General Budgetary Position

This review analyses the financial performance of the Council for the 3rd quarter of 2003/2004 comparing actual expenditure and revenue for the quarter against budget. Council's budgetary position for the quarter ended 31 March is within expectations. The organisation's year to date net expenditure shows a surplus of \$4,355,079 compared to a budget surplus of \$2,908,502, a positive variance of \$1,446,577. This positive variance however, includes a non cash saving in depreciation of \$350,517. This decreases the surplus to \$1,096,060, which is mainly due to savings in employee costs, contractors & materials.

This total variance is broken down as follows:

	Budget YTD	Actual YTD	Variance
Expenditure	\$53,032,320	\$51,057,770	\$1,974,550
Income	\$55,940,822	\$55,421,849	(\$527,973)
Net Result	\$2,908,502	\$4,355,079	\$1,446,577

DEPARTMENTS	Mar Ytd			Year
	Actual	Budget	Variance	Budget
	\$	\$	\$	\$
Planning & Environment	796,997	838,825	41,828	1,125,500
Envir. & Regulatory Compliance	2,676,121	2,480,941	(195,180)	3,163,800
Open Space	5,076,962	5,612,635	535,673	7,349,700
Technical Services	5,854,271	6,521,507	667,236	8,693,100
Waste Management	(957,890)	(412,384)	545,506	127,400
Civic Management	1,780,656	1,827,916	47,260	2,440,900
Finance & Business Development	2,986,099	2,916,038	(70,061)	3,677,200
Community Services	3,923,225	3,956,828	33,603	5,303,100
Corporate & Communications	2,636,090	2,681,082	44,992	3,427,600
Corp Accounts	(29,127,610)	(29,331,890)	(204,280)	(37,889,600)
Net Expenditure / (Revenue)	(4,355,079)	(2,908,502)	1,446,577	(2,581,300)

Restricted Income

Section 94 - As at March 2004, Council has received \$1,214,348 in Section 94 Contributions. Of this amount \$1,126,693 is related to the 2000/2003 Residential Plan. A breakdown of these contributions is shown in appendix B.

Internally Restricted Reserves

At the beginning of the 2003/2004 financial year, balances available in internally restricted reserves totalled \$10,106,618. During 2003/2004, Council has committed to spend \$5,904,300 from these reserves; this is partially offset by transferring an additional \$4,076,700 to reserves.

Assuming that all capital works/projects are fully spent at year-end, this will reduce the total balance available in internally restricted reserves to \$8,279,018. This figure does not make allowance for transfers to reserves throughout the year.

Internally Restricted Assets	\$
Opening Balance	10,106,618
Less : Commitments	5,904,300
Add: Transfers	3,811,600
Add: Interest	265,100
Closing Balance	8,279,018

Budget Variations Greater than 10% and/or \$10,000

Expenditure

- **Conferences**

A favourable variance of \$8,200. This is due to lower than anticipated expenditure in conference costs within Environment & Regulatory Services and Finance & Business Development.

- **Legals**

A negative variation of \$235,500. Costs attributable to the Land & Environment Court. Additional funding of \$134,000 has been included in this review.

- **Advertising**

A negative variation of \$40,800. This variation is due to a higher than anticipated cost in advertising for recruitment.

- **Insurance Excess Payments**

An unfavourable variance of \$12,000. The variation is due to higher than anticipated insurance excess payments for the year to date. An additional \$20,000 has been included in this review.

- **Third Party Compulsory Insurance**

A favourable variance of \$20,900. This variance should realign to budget in June when Council's annual CTP insurance premium is paid.

- **Occupancy - Water**

A favourable variance of \$40,000. This variation is due to lower than anticipated expenditure in water costs.

- **PABX Telephone & Communication**

A negative variation of \$31,200. The variation is due to higher than anticipated telephone rents and charges, including the replacement of some PABX equipment.

- **Heritage Items**

A favourable variance of \$6,300. The variation is in the Urban Planning area, where works are currently being undertaken.

- **Fees General**

This has a positive variance of \$93,000. Fees associated with this resource are generally under budget across the whole of Council. However, it is considered that the expenditure will be warranted for remaining quarter.

- **Furniture & Fittings - less than \$1,000**

A positive variance of \$9,800 due to anticipated expenditure not realised as yet. However, it is considered that the expenditure will be realised during the last quarter.

- **Other Equipment – less than \$1,000**

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A negative variation of \$5,900. This variation is due to higher than anticipated costs associated in purchasing equipment.

- **Equipment – more than \$1,000**

A positive variance of \$27,000 due to anticipated expenditure not realised as yet. However, it is considered that the expenditure will be required during the last quarter.

- **Repairs and Maintenance**

A positive variance of \$64,000 due to anticipated expenditure not realised as yet. The major variation is in the Domestic Waste area.

- **Materials**

A positive variation of \$220,500. The major variation is within the Technical Services department. Technical Services have advised that the monies will be spent in the next three months.

- **Motor Vehicles**

A positive variation of \$6,700. The budget is scheduled to be spent in the next quarter.

Revenue

- **Fees – Regulatory / Statutory**

A negative variance of \$77,000. Majority of this variance is due to a significant downturn in the building inspection market for the past nine months.

- **Fees – Family Day Care**

Has a favourable variance of \$5,900. This is due to higher than anticipated income in Family Day Care fees.

- **Fees – Art Centre**

A negative variance of \$35,800. This is a timing issue, there has been a delay in processing art centre income, \$61,000 has been processed in April 2004.

- **Fees – Showground**

Has a favourable variance of \$28,900. This is due to a timing difference as income for annual hirers has already been received for the year. Open Space have advised not to increase the income budget during this quarter.

- **Fees – Halls**

A negative variance of \$45,000. This is due to a number of permanent and regular hirers who have discontinued hiring Council's halls. However income should pick up in the next three

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months as new hirers are due to commence, plus strong advertisements should have a positive effect and attract new hirers.

- **Road and Footpath Restoration**

A negative variance of \$341,400. A reduction of income of \$125,000 has been included in this review. However, Technical Services will endeavour to increase their income in the coming quarter.

- **Fees – Licence**

A negative variance of \$8,900. This is also due to a significant downturn in the building inspection market for the period, which affects the volume of building certificates that are issued.

- **Interest on Investments**

Has a favourable variance of \$102,300. This is due to an increased level of interest on investments in the third quarter. A budget adjustment of \$25,000 has been included in this review.

- **Filming in Streets**

A negative variance of \$16,200. Reflecting a decreased demand for filming.

- **Commission**

Has a positive variance of \$8,900 mainly in the area of Environmental Regulatory Services, a budget adjustment of \$10,000 has been included in this review.

Summary of requested budget adjustments

AREA	NON-DISCRETIONARY ITEMS		DISCRETIONARY ITEMS	
	Additional Expense	Additional Revenue	Additional Expense	Additional Revenue
	\$	\$	\$	\$
COMMUNITY SERVICES				
- operational	4,900	4,900	0	0
- capital projects	5,000	5,000	0	0
Sub Total	9,900	9,900	0	0
OPEN SPACE				
- operational	0	0	0	0
- capital projects	30,500	30,500	0	0
Sub Total	30,500	30,500	0	0
PLANNING & ENVIRONMENT				
- operational	0	0	0	0
- capital projects	0	0	0	0
Sub Total	0	0	0	0
TECHNICAL SERVICES				
- operational	(100,000)	(100,000)	0	0
- capital projects	0	0	0	0
Sub Total	(100,000)	(100,000)	0	0
CIVIC MANAGEMENT				
- operational	0	0	0	0
- capital projects	0	0	0	0
Sub Total	0	0	0	0
CORPORATE & COMMUNICATIONS				
- operational	0	0	0	0
- capital projects	0	0	0	0
Sub Total	0	0	0	0
FINANCE & BUSINESS DEVELOPMENT				
- operational	55,000	(50,200)	0	0
- capital projects	8,800	0	0	0
Sub Total	63,800	(50,200)	0	0
ENVIRONMENT & REGULATORY SERVICES				
- operational	143,000	143,000	0	0
- capital projects	0	0	0	0
Sub Total	143,000	143,000	0	0
CORPORATE ACCOUNTS				
- operational	(25,000)	50,000	0	0
- capital projects	0	0	0	0
Sub Total	(25,000)	50,000	0	0
WASTE MANAGEMENT				
- operational	0	0	0	0
- capital projects	0	0	0	0
Sub Total	0	0	0	0
Total Council Budget Adjustments	122,200	83,200	0	0
NET EXPENDITURE	39,000		0	
<i>Adjustment - () decrease in Expenditure or Income</i>				

Community Services

The net result for budget changes in Community Services is nil. However, there are two minor budget adjustments for this quarter.

Open Space

There are no major budget adjustments for Open Space in this quarter. Grants were received to fund six additional capital work projects, please refer to Appendix A for details.

Planning & Environment

There are no budget adjustments for Planning & Environment in this quarter.

Technical Services

The net result for budget changes in Technical Services is nil. There are various expenditure and income budget adjustments, summarised in Appendix A. The major adjustment is a reduction of income of \$125,000 in Road & Footpaths fees, however this is funded by savings found in other expenditure and income accounts within Technical Services.

Civic Management

The Civic Management budget has not varied this quarter.

Corporate & Communication

The Corporate & Communication budget has not varied this quarter.

Finance & Business Development

The net result for Finance and Business Development was additional funds of \$114,000. There are various expenditure and income adjustments summarized in Appendix A. This is however, partly offset by savings of \$75,000 in Corporate Accounts .

Environment & Regulatory Services

The net result of Environmental & Regulatory Services is nil. The most significant variation is an additional \$134,000 for legal fees included in this review. This is however offset by an increase in parking fine income of \$90,000 and compliance fine income of \$50,000.

Corporate Accounts

Corporate Accounts provided a saving of \$75,000. This is due to a reduction of bank fees of \$25,000 and an increase in revenue of \$50,000 due to higher than anticipated rate and interest income for the quarter.

Waste Management

There are no budget adjustments for Waste Management in this quarter.

See **Appendix A** for more details.

Net totals for each department are as follows:

Department	Amount
Community Services	\$0
Open Space	\$0
Planning & Environment	\$0
Technical Services	\$0
Civic Management	\$0
Corporate and Communications	\$0
Finance and Business Development	\$114,000
Environment & Regulatory Services	\$0
Corporate Accounts	(\$75,000)
Waste Management	\$0
Net Results	\$39,000

2003/2004 Budget Summary	Original Budget	Carry Forwards	Council Resolutions	September Review	December Review	March Review	Revised Budget
	\$	\$	\$	\$	\$	\$	\$
Operating Budget							
Total Cash In	67,131,700	184,900	2,500	(346,200)	173,500	202,200	67,348,600
Total Cash Out	56,345,900	0	3,500	597,600	41,800	(31,600)	56,957,200
Headline Budget Surplus/(Deficit)	10,785,800	184,900	(1,000)	(943,800)	131,700	233,800	10,391,400
Funds To Restricted Assets	5,873,900	0	0	423,500	92,500	109,500	6,499,400
Operating Surplus/(Deficit)	4,911,900	184,900	(1,000)	(1,367,300)	39,200	124,300	3,892,000
Capital Works Program							
Projects	8,963,500	3,845,800	133,100	(276,500)	39,200	44,300	12,749,400
Funded By							
Operating Surplus	1,465,800	184,900	(1,000)	(1,367,300)	39,200	124,300	445,900
Infrastructure Levy	1,646,100	0	0	0	0	0	1,646,100
Loans	1,800,000	0	0	0	0	0	1,800,000
Sub Total	4,911,900	184,900	(1,000)	(1,367,300)	39,200	124,300	3,892,000
Section 94	406,500	254,900	6,100	(10,300)	0	0	657,200
Other Restricted Assets	3,645,100	2,935,300	124,500	354,400	0	(119,000)	6,940,300
Working Funds Bought Forward	0	470,700	3,500	746,700	0	39,000	1,259,900
Total Funding	8,963,500	3,845,800	133,100	(276,500)	39,200	44,300	12,749,400
Net Surplus/(Deficit)	0	0	0	0	0	0	0

Projected Working Funds Position as at 30 June 2004	
Working Funds 1 July 2003	\$1,468,000
Less	
Carried Forward Works from 2002/2003	(\$470,700)
Unrestricted Working Funds	\$997,300
Less Variations September 2003 Review	(\$424,700)
Less Transfers to Internally Restricted Reserves	(\$322,000)
Variations December 2003 Review	\$0
Less Sponsorship 2004 North Shore Business Awards	(\$3,500)
Less Variations March 2004 Review	(\$39,000)
Projected Unrestricted Working Funds 30 June 2004	\$208,100
Council's unrestricted working funds reflect the short-term ability of the Council to fund unplanned expenditure.	

Capital Works / Projects

	Mar YTD Actual	Full Year Budget	Variance
Planning & Environment	\$210,190	\$522,900	\$312,710
Environment & Regulatory Compliance	\$25,830	\$43,400	\$17,570
Open Space	\$838,729	\$2,215,400	\$1,376,671
Technical Services	\$4,085,208	\$6,571,500	\$2,486,292
Waste Management	\$201,438	\$1,076,600	\$875,162
Civic Management	\$29,415	\$200,000	\$170,585
Finance & Business Development	\$17,399	\$14,500	(\$2,899)
Community Services	\$45,856	\$104,800	\$58,944
Corporate & Communications	\$647,528	\$906,000	\$258,472
Corporate Accounts	\$260	\$0	(\$260)
	\$6,101,853	\$11,655,100	\$5,553,247

Expenditure for capital works/projects for the period ended 31st March 2004 is \$6,101,853 against a full year budget of \$11,655,100. At the time of writing this report, \$6,726,020 was spent against the full year budget of \$11,655,100. Finance will continue to monitor expenditure on these works in the remaining months to ensure that carried forwards are minimised.

In addition, Open Space has requested to quarantine \$119,000 of Golf Course Improvement Levy funds back into the reserve. These funds have been quarantined for the purpose of building up the the Levy to fund future significant projects at the Golf Courses. (eg auto irrigation system)

FINANCIAL CONSIDERATIONS

Should Council adopt the recommendations of this report, Council's working fund balance will be reduced by \$39,000 down to \$208,100.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business Development staff has worked closely with the Directors and Managers of each department in reviewing their budgets, to provide this quarterly review.

SUMMARY

The net result of the March Review if adopted will result in a negative impact of \$39,000 which is recommended to be sourced from available working funds. This will reduce Council's working fund balance to \$208,100.

RECOMMENDATION

- A. That Council adopts the variations contained in this report.
- B. That the funding gap of \$39,000 be sourced from working funds.
- C. That \$92,500 be transferred to the Superannuation Reserve.
- D. That \$119,000 be transferred to the Golf Course Improvement Levy Reserve.

Michael Lopez
Management Accountant

John Mckee
Director Finance and Business

Brian Bell
General Manager

Attachments: **Appendix A - Summary Review**
 Appendix B - Restricted Assets
 Appendix C - March Financial Reports

2003 TO 2007 MANAGEMENT PLAN, 3RD QUARTER REVIEW AS AT 31 MARCH 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report to Council on the progress made towards achieving Key Performance Indicators as contained in Council's 2003-2007 Management Plan.
BACKGROUND:	<p>Section 407 of the Local Government Act requires Council to report, within two months after the end of each quarter, the extent to which the performance targets set in Council's current Management Plan have been achieved during that quarter.</p> <p>Council's 2003-2007 Management Plan was developed via a series of workshops held between Councillors, members of the community and staff.</p>
COMMENTS:	A progress report for all Objectives, Actions and Key Performance Indicators contained in the 2003-2007 Management Plan is attached.
RECOMMENDATION:	That the third quarter Management Plan progress report be received and noted.

PURPOSE OF REPORT

To report to Council on the progress made towards achieving Key Performance Indicators as contained in Council's 2003-2007 Management Plan.

BACKGROUND

Section 407 of the Local Government Act requires Council to report, within two months after the end of each quarter, the extent to which the performance targets set in Council's current Management Plan have been achieved during that quarter.

The 2003-2007 Management Plan was adopted by Council on 10 June 2003.

The resulting plan contained six principal activities, namely:

- Finance and Governance
- Infrastructure
- Waste Management
- Open Space
- Land Use Management
- Community Services

Each of Council's six principal activities contained a series of Objectives, Actions and Key Performance Indicators which provided detail on how Council planned to achieve desired outcomes for each of the principal activities and how performance would be measured.

COMMENTS

The requirements set out in Council's Management Plan provide the foundation for measuring the performance of the organisation at a given point in time.

To ensure that the reporting of performance is both accurate and meaningful the options available under the heading 'status code details' are as follows:

Status Code	Definition
Completed	KPI has been fully carried out in accordance with the Management Plan.
Achieved to Date	Work has been undertaken in accordance with the project plan to ensure that the task will be fully complete by the final due date.
Not Yet Due	Timeframe for commencement of the KPI has not been reached.
Deferred	KPI has been placed on hold. This status code is only to be used where deferral has resulted from a Council resolution, a change in Government Legislation, or similar significant circumstance.
Not Achieved	KPI has not been completed as required in the Management Plan.

All Key Performance Indicators are categorised by one of the above five status codes to illustrate performance against the Management Plan

Analysis of Results

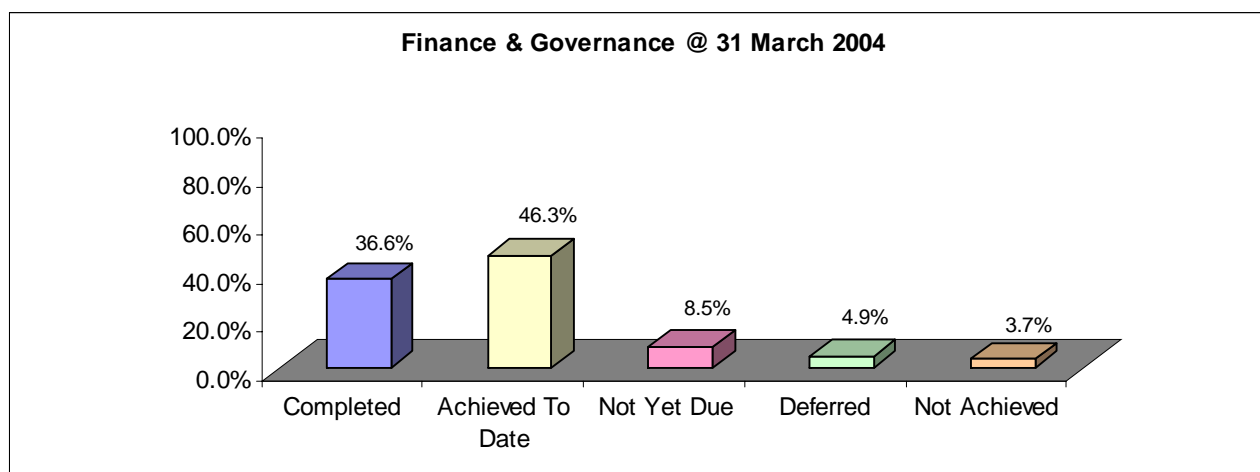
Council's 2003-2007 Management Plan contains 353 KPIs. The following table shows Council's overall KPI achievement results as at the end of March 2004.

Status	Achievement	Percentage
Completed	107/353	30.3%
Achieved to Date	147/353	41.6%
Not Yet Due	30/353	8.6%
Deferred	33/353	9.3%
Not Achieved	36/353	10.2%

This is broken down by percentage by Principal Activity as follows:

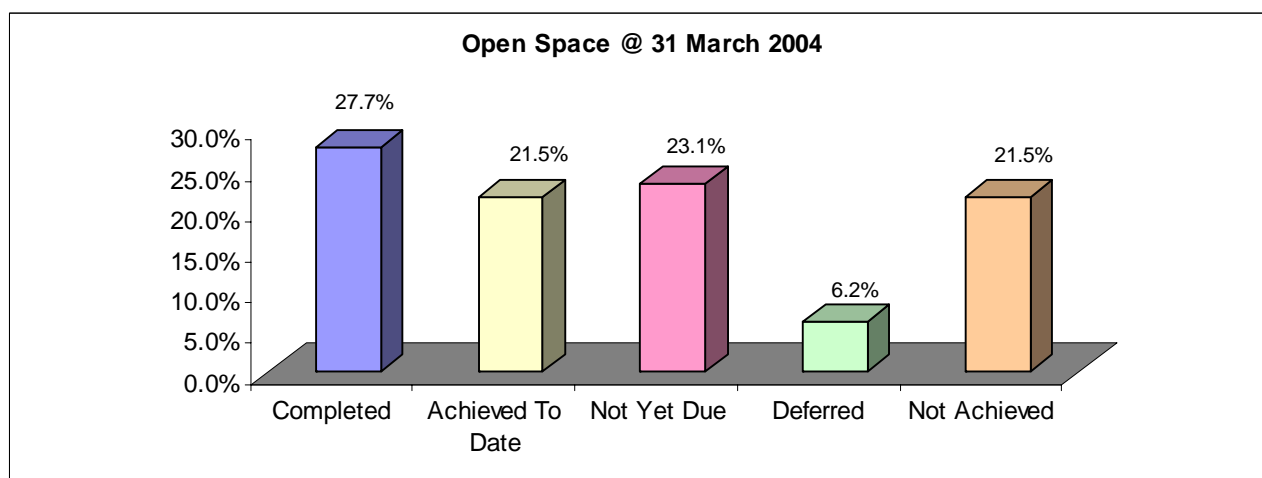
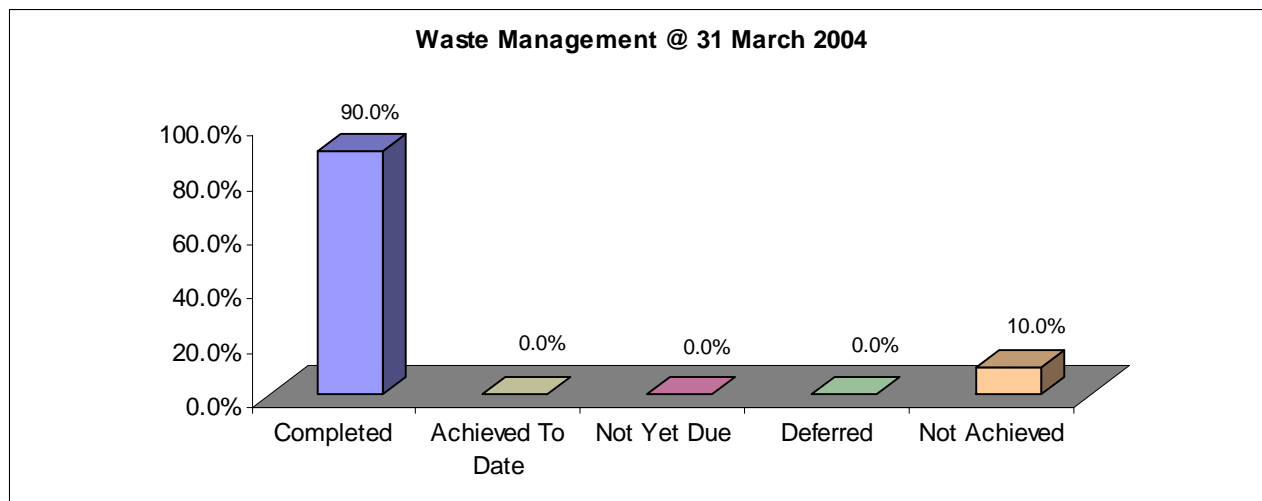
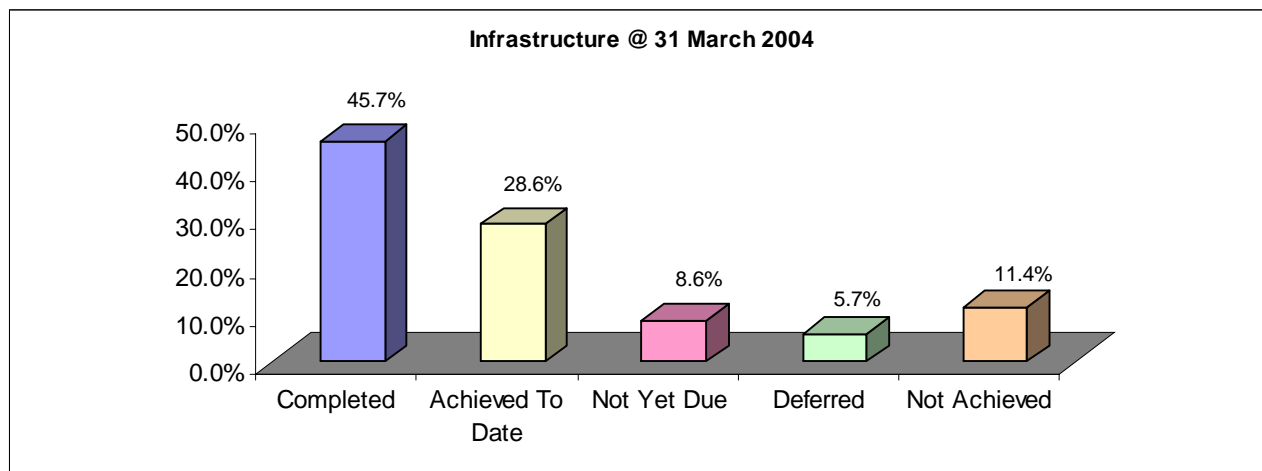
Principal Activity	No. of KPIs	As at 31 March 2004				
		Completed	Achieved To Date	Not Yet Due	Deferred	Not Achieved
Finance & Governance	82	36.6%	46.3%	8.5%	4.9%	3.7%
Infrastructure	35	45.7%	28.6%	8.6%	5.7%	11.4%
Waste Management	10	90.0%	0.0%	0.0%	0.0%	10.0%
Open Space	65	27.7%	21.5%	23.1%	6.2%	21.5%
Land Use Management	113	11.5%	54.0%	4.4%	19.5%	10.6%
Community Services	48	43.8%	50.0%	0.0%	2.1%	4.2%
Total	353	30.3%	41.6%	8.6%	9.3%	10.2%

This is represented graphically below:



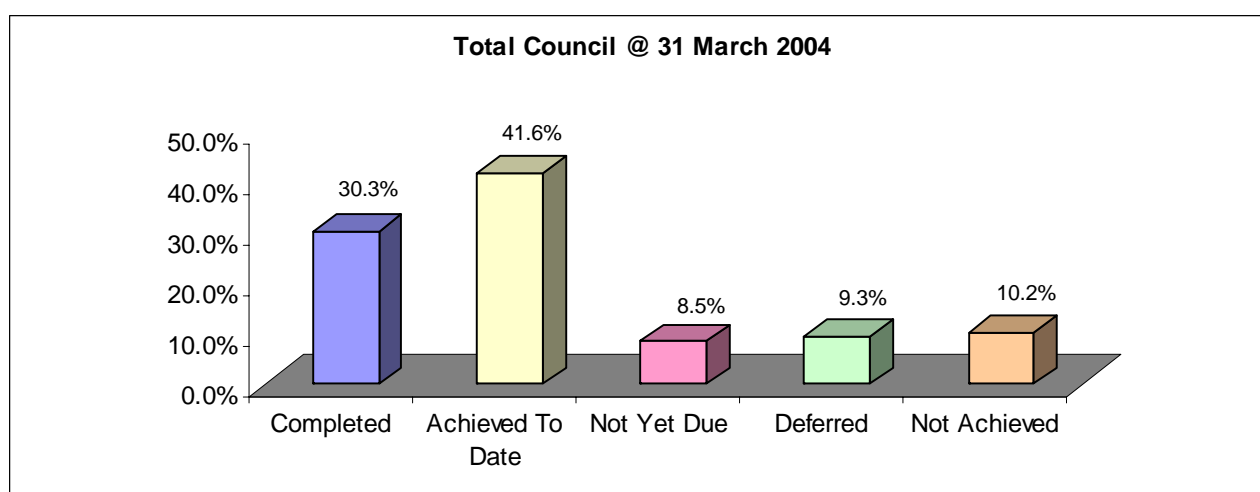
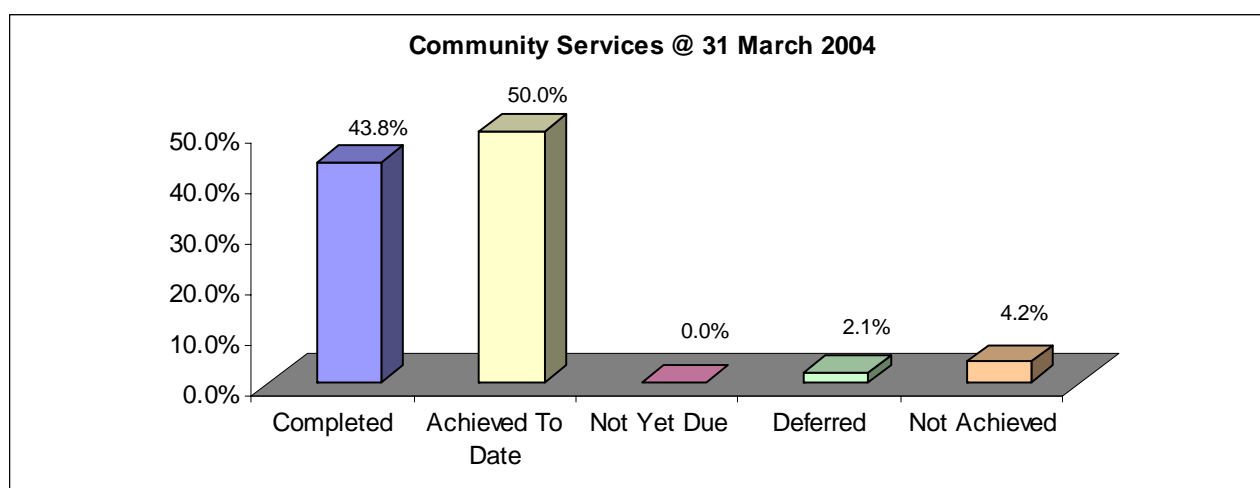
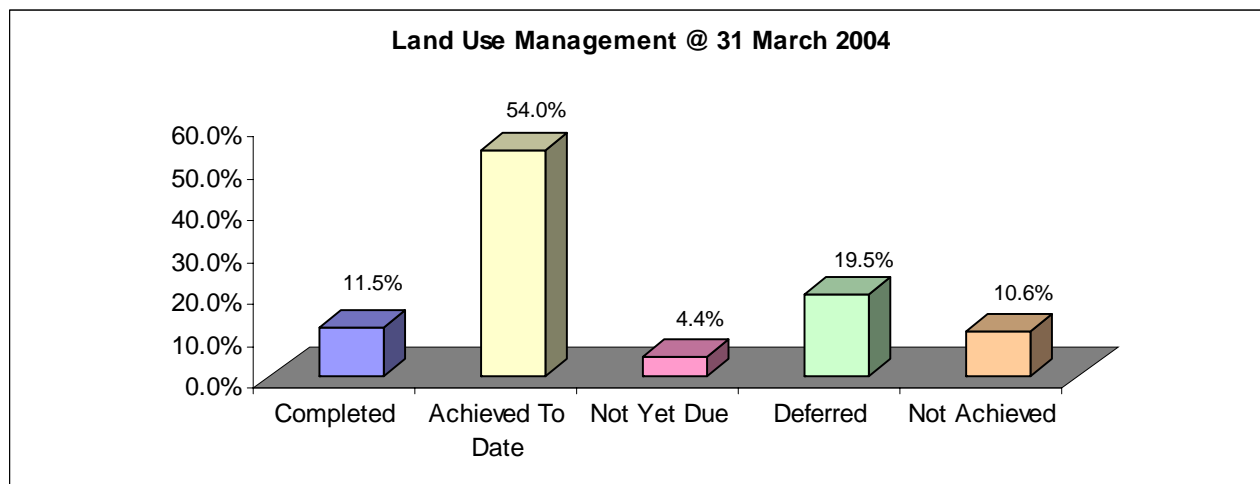
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CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

The requirements outlined in the Management Plan 2003-2007 are funded in Council's budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

All departments have provided the status and comments on the progress of Key Performance Indicators in the attached report.

SUMMARY

Not applicable.

RECOMMENDATION

That the report on the progress of the Key Performance Indicators contained in the 2003-2007 Management Plan for the third quarter of the plan, be received and noted.

Brian Bell
General Manager

John McKee
Director Finance & Business

Melissa Crain
Manager Business
Development

Attachments: Ku-ring-gai Council Principal Activity progress report for the 3rd quarter ended 31 March 2004.

37 WOODBURY ROAD, ST IVES - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To provide a response to matters raised during the site inspection carried out on 14 February 2004..
BACKGROUND:	On 27 April 2004, Council, at its Ordinary Meeting, resolved to defer consideration of the DA for 37 Woodbury Road, St Ives pending a site inspection. The site inspection was held on 8 May 2004.
COMMENTS:	Responses to the issues raised during the site inspection are contained within the contents of this report.
RECOMMENDATION:	Approval, subject to conditions

PURPOSE OF REPORT

To provide a response to matters raised during the site inspection carried out on 14 February 2004.

BACKGROUND AND COMMENTS

On 27 April 2004, Council, at its Ordinary Meeting, resolved to defer consideration of this DA pending a site inspection. The site inspection was held on 8 May 2004 and the following issues were raised:

1. Built-upon Area

Concern was raised regarding the nominal built-upon areas for each house should a future Torrens Title subdivision of the site occur. Of particular concern was Houses 2 & 4 that have nominal built-upon areas of 63.2% and 72% respectively. It was requested that Council staff review the development application and provide advice as to how the nominal built-upon areas could be reduced to 60%. It was also requested that Council staff include the pools as built-upon areas in their calculations.

The nominal 'built-upon area' figures calculated for Houses 2 and 4, includes the swimming pool coping and water areas.

The recommendation of the site inspection is that Houses 2 and 4 achieve built-upon areas of 60%. In order for this to occur, a reduction of 22.1sqm of built-upon area upon the allotment containing House 2 needs to occur. Development upon the allotment containing House 4 needs to reduce the built-upon area by 85.4sqm.

Staff have been requested to provide advice on how to reduce the built-upon areas. Council is advised that the required reductions can be accommodated through a variety of approaches. However, in the circumstances it is considered reasonable to provide options that can be achieved through conditions of consent rather than requiring a redesign of the development proposal. The options available are as follows:

House 2

A. The deletion of a portion of the deck as per the following condition:

To reduce the built-upon area as defined by the Ku-ring-gai Planning Scheme Ordinance and ensure the development has a soft landscaped area consistent with surrounding development, the portion of the proposed deck between the line of the pergola/awning and the line of the deck surrounding the swimming pool on the southern side shall be deleted and replaced with deep soil landscaped area. The portion of the deck under the awning shall be provided with steps to enable access to the natural ground level.

This condition will reduce the built-upon area for House 2 to 59.9%.

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- B. Delete the swimming pool and deck surrounding the pool. The condition would read as follows:

To reduce the 'built-upon area' as defined by the Ku-ring-gai Planning Scheme Ordinance and ensure the development has a soft landscaped area consistent with surrounding development the swimming pool and deck area surrounding the pool associated with House 2 shall be deleted and replaced with deep soil landscaped area.

This would reduce the built-upon area for House 2 to approximately 53.2%.

House 4

- A. Delete external pathways and reduce pool decking. A suitable condition would read as follows:

To reduce the 'built-upon area' as defined by the Ku-ring-gai Planning Scheme Ordinance and ensure the development has a soft landscaped area consistent with surrounding development the following elements associated with House 4 shall be deleted and replaced with deep soil landscaped area:

- *The pathway on the eastern side of the dwelling;*
- *The pathway on the western side of the dwelling;*
- *The rear pathway from the deck attached to the dwelling, to the swimming pool deck. The extension of this pathway to the east and west adjoining the pathways on the eastern and western side of the dwelling shall also be deleted. This path may be replaced with a one metre wide pathway between the two decks.*
- *The two metres wide projection of the swimming pool deck on the southern side of the swimming pool.*

This will reduce the built-upon area by approximately 94m² and result in a total of 58%.

- B. Delete the pool and decking. A suitable condition of consent would read as follows:

To reduce the 'built-upon area' as defined by the Ku-ring-gai Planning Scheme Ordinance and ensure the development has a soft landscaped area consistent with surrounding development the swimming pool and associated deck to House 4 shall be deleted and replaced with soft landscaped area.

Deleting the swimming pool and associated deck would reduce the built-upon area by approximately 94.6m² to 58.7%.

Conclusion

The options provided to Council have considered the removal of substantial amounts of external paving upon the allotments. In general, whilst not all of this paving is required, it is considered necessary for the proper functioning of a house that paving between entrances/exits to parts of the yard and service related areas (ie clothes lines, garbage storage) be provided. On this basis, it is

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recommended that Council opt for the deletion of the pools as a preferred method of reducing the built-upon areas (**See Condition No 78**).

2. Sealing of, and location of Maunder Avenue

The applicant agreed to seal Maunder Avenue as part of the development application. It was agreed that an appropriate condition be imposed requiring this to occur prior to the occupation certificate being issued. It was also requested that Council's Technical Services Department provide information/plans on the exact location of the current roadway within the Maunder Avenue road reserve as it extends to the subject property. It was also requested that Council's Landscape Officer's provide comment on the likely impact on the trees arising from the sealing of the road.

Council's Landscape Development Officer has provided the following comments in response to the above:

'Sealing and Location of Maunders Avenue

Impact on Existing Trees

There are three existing Eucalyptus saligna (Sydney Blue Gum) located on the adjoining property, north of the gravelled eastern end of Maunders Avenue, which would be affected by the proposed sealing of this road. These trees are part of the Hillcrest Estate. They form part of the significant stands of indigenous species along the northern, western and southern boundaries. They also have been identified in the Estate's DCP as buffer planting, between the estate and adjoining properties. The trees along Maunders Avenue back onto an area of designated open space. They are to be retained and protected.

The existing gravelled section of Maunders Avenue is higher than the sealed existing sealed section. The strip where the trees are is at a higher level. The road reserve encroaches upon the critical root zone of these trees. Likely impacts include damage to trunk and branches from road construction transport, damage to critical roots through excavation within the trees critical root zone, compaction of roots and loss of water percolation and gaseous exchange as a result of sealing the road.

Recommendations

- *Any proposed road construction should be setback minimum 1.5 metres, as measured from the centre of the trunk of the two largest trees.*
- *Any excavation within the critical root zone (ie 5 x the diameter of the trunk and chest height) should be hand dug.*
- *No kerb and gutter on the northern side of Maunders Avenue.*
- *Road levels to be no lower than levels of existing gravel section.*
- *No fine bitumen to be laid to enable water percolation and gaseous exchange.*
- *Tree protection should include trunk protection of larger trees (4no) and protective fencing to be placed along northern edge of Maunders Avenue to prevent storage of materials and stockpiling of topsoil within canopy area of trees.*
- *A qualified arborist is to be on site to oversee all of the above works.*

These recommendations can be conditioned if the proposed works are supported.'

The recommendations of the Landscape Development Officer have been incorporated into **Conditions No 76**).

3. Bulk & Scale of Houses 1 & 2 fronting Woodbury Road

Concern was raised in respect of the height of the buildings fronting Woodbury Road. It was requested that Council staff provide advice on the options available for the reduction in height of the buildings. It was requested that a list of advantages and disadvantages be provided.

The following condition may be imposed to reduce the overall height of Houses 1 & 2:

- A. *To reduce the bulk and scale of Houses 1 & 2 shall be amended as follows:*
- i. *The ceiling height of the ground floor (including the garage) shall be reduced from 3200mm to 3000mm resulting in the following RL's for the ground floor ceilings:*
House 1: RL168.25
House 2: RL168.00
 - ii. *The ceiling height of the first floor shall be reduced from 2700mm to 2400mm, resulting in the following RL's for the first floor ceilings:*
House 1: 170.85
House 2: 170.60
 - iii. *The ridge heights shall be amended to reflect the revised ceiling heights and maintain the pitch as indicated on the approved plans.*

The above condition would reduce the overall height of Houses 1 & 2 by 500mm. However the modification will reduce the internal amenity of the proposed dwelling due to the lowered ceiling heights.

4. Bulk & Scale of House 3

Concern was raised in respect of the height of House 3, particularly given its relationship to the adjoining dwelling at No. 21 Maunder Avenue. It was requested that Council staff provide advice on the options available for the reduction in height of the building. It was requested that a list of advantages and disadvantages be provided.

Either of the following conditions may be imposed to reduce the overall height of House 3:

- A. *To reduce the bulk and scale, House 3 shall be amended as follows:*
- i. *The ceiling height of the ground floor (including the garage) shall be reduced from 3400mm to 3000mm, i.e. the ceiling height having an RL 168.17.*
 - ii. *The ceiling height of the first floor shall be reduced from 2700mm to 2400mm, i.e. the first floor ceiling having an RL 170.97.*

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The above condition would reduce the overall height of House 3 by 700mm. However, the modification will reduce the internal amenity of the proposed dwelling due to the lowered ceiling heights.

B. To reduce the bulk and scale, House 3 shall be amended as follows:

- i. The ceiling of the attached garage shall be reduced by 800mm to have a maximum ceiling height of 2600mm, i.e. RL 167.77.*
- ii. The ground floor level shall be lowered by 800mm so as to have an RL 164.37. The remainder of the development shall be reduced accordingly with the ground floor and first floor ceiling height being RL 167.77 and RL 170.47 respectively. The roof shall retain the proposed pitch and shall have a maximum height of RL 173.97. Retaining walls to retain the natural ground level shall be a minimum of 1.3 metres from the location of the proposed timber fence between Houses 3 & 4.*

The above condition lowers the building upon the site in comparison to its current elevated position. This modification requires the provision of approximately 5 steps down to the garage to the dwelling. This inherently reduces the floor area of the proposed dwelling given the need for stairs and the change in levels. Additionally, given that the entry of the dwelling would be below natural ground level, there is a potential for overland stormwater to enter the dwelling. This may be overcome with the provision of steps within the entry hallway of the dwelling (in lieu of steps external of the dwelling). However, this would also result in the loss of floor area. Finally the provision of this condition would result in the requirement for retaining walls to retain the natural ground levels.

Conclusion

It is the recommendation of staff that Council utilize Option A as the preferred method for the reduction in height of House 3.

5. Trees located within the road reservation of Maunder Avenue

It was requested that Council's Open Space Services undertake a review of those trees located within the road reserve and provide advice to Council independent of this development application on their health and the likely safety issues given their proximity to surrounding properties.

A memorandum from the Director of Open Space addressing this matter is attached to this report.

6. Grass growing potential within the western side setback of House 2

It was requested that Council's Landscape Officer review Condition No.4 and comment on what type of landscaping/grass will grow in between House No. 2 and the eastern boundary.

Council's Landscape Development Officer has provided the following comments in response to the above issue:

'Grass growing potential within the western side setback of House 2

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Condition 4 which requires that gravel/mulch path be replaced with “landscaping” to reduce runoff, was not a condition put on by Landscape Services Assessment. A surface of gravel or mulch would be considered porous and suitable for reducing runoff. A garden area of this narrow width would not be supported.

If there is topsoil specified, grass would probably grow on the western side of House 2. However the problems of mowing and wear, would not make it appropriate as a landscape treatment for the narrow side access of a house. To reduce runoff as well as be more appropriate in terms of use and maintenance, a more hard wearing porous paving treatment would be better in this location.’

On the basis of the above Condition No 4 should be deleted.

7. Drainage Easement

It was requested that Council staff provide advice on the drainage easement running through the site and as to whether this system is working satisfactorily.

Comments:

The following condition of consent was imposed.

Certification from a suitably qualified engineer that the existing pipes within the interallotment drainage easement are in satisfactory condition and have hydraulic capacity to carry future uncontrolled design flowrates. In the case that the existing pipes are in disrepair or will have insufficient hydraulic capacity, design details indicating an interallotment drainage system to a recognised public drainage system.

The applicant has submitted design documentation, in regards to the approved subdivision application (DA 102/03) indicating a proposed interallotment drainage system directing stormwater from the site to Woodbury Road.

Condition 30 of the recommendation of that report, required stormwater to be piped to the existing interallotment drainage easement. Whilst the proposed easement to Woodbury Road would be ‘existing’ by virtue of the recommended condition requiring the subdivision to be completed prior to the operation of the dual occupancy consent, this condition should be re-worded to reflect the proposed interallotment drainage easement to Woodbury Road. **Conditions Nos 55 & 92** also require any collected stormwater to be directed to an interallotment drainage easement with the capacity to take appropriate flowrates.

The existing easement through 33 Woodbury Road and the western downslope properties is no longer proposed. Collected stormwater will be directed to Woodbury Road through an easement on the subject site.

RECOMMENDATION

That Council grant deferred commencement consent to Development Application No 103/03 for the construction of two dual occupancy developments on Lot 1, DP 617449, 37 Woodbury Road, St Ives, subject to the following conditions:

SCHEDULE A

1. The consent shall not operate until documentary evidence of the registration of the subdivision of Lot 1, DP 617449 into two allotments as approved by development consent to DA 102/03 is submitted to Council.

SCHEDULE B

GENERAL

1. The development to be in accordance with Development Application No 103/02 and Development Application plans prepared by Harry Sidaway & Associates Pty Ltd, reference number 0208, Drawing numbers SA01, issue B, dated 4/3/04, D01, issue D, dated 31/7/03, D02, issue C, dated 31/7/03, D03, issue C, dated 31/7/03, D04, issue C, dated 31/7/03, D05, issue C, dated 31/7/03, D06, issue C, dated 19/6/03, D07, issue C, dated 19/6/03, D08, issue B, dated 30/1/03, D09, issue B, dated 19/6/03, D10, issue B, dated 19/6/03 and D11, issue B; dated 31/7/03.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. Condition deleted.
5. The decks indicated on the architectural plans shall be constructed of timber, spaced to enable the penetration of stormwater to the ground below.
6. The development shall contribute to water conservation through the installation of appropriate water conservation devices as follows:
 - Maximum 6/3 litre dual flush cisterns
 - Shower heads with reduced water flow devices
 - Garden watering systems (if installed) shall incorporate drip rather than spray mechanisms.
 - Garden beds should be mulched to retain water and reduce evaporation during extended dry periods.
7. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
8. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.

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9. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
10. 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.
11. 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.
12. **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.

13. 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.
14. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
15. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
16. To ensure compliance with this determination a Registered Surveyor's Report confirming reduced levels as shown on the approved plans with particular regard to the future finished level of the ground and first floor shall be submitted to the Principal Certifying Authority on completion of that floor.
17. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction

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commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.

18. 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.
19. For the purpose of health and amenity, the disposal of backwash and/or the emptying of a swimming pool into a reserve, watercourse, easement or stormwater drainage system is prohibited. These waters are to discharge via a permanent drainage line into the Sydney Water's sewer. Permission is to be obtained from the Sydney Water prior to the emptying of any pool to the sewer.
20. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.
21. For stormwater control, provision shall be made for the collection and disposal of all run-off surface waters from paved areas, recontoured areas, pool overflow and higher levels. All collected waters are to be dispersed without causing nuisance to the adjoining properties.
22. For safety purposes, depth markers shall be provided at both ends of the pool.
23. For safety purposes, prior to the pool being filled a weather resistant poster detailing expired air resuscitation (mouth to mouth) methods shall be affixed within plain sight of the pool. A sign/notice with the words "YOUNG CHILDREN SHOULD BE SUPERVISED WHEN USING THIS SWIMMING POOL" shall be erected in clear view and in close proximity to the pool.
24. All filtration equipment shall be located in the position as shown on plan, unless as varied by this consent. Where the filtration and electrical equipment is located near a boundary, such equipment shall be positioned not closer than 150mm from the boundary fencing, if any, and electrical conduits and fittings or circulation pipes shall not be attached to any part of the fencing. Filtration or other equipment shall not be installed in the area of the side boundary setback of the dwelling or outbuilding unless that side boundary setback is greater than 1500mm. For the purpose of residential amenity, the filtration motor pump unit shall be housed in a sound attenuating enclosure and located where indicated on the approved plans or as varied by this consent.
25. The swimming pool is to be made safe during construction by the erection of temporary safety fence to the satisfaction of the Principal Certifying Authority.
26. To ensure compliance with the Swimming Pools Act, 1992, the existing boundary fence, forming part of the safety fencing to enclose the pool shall be upgraded or otherwise so altered or reconstructed so as to comply with the provisions of Australian Standard 1926-1986

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"Fences and Gates for Private Swimming Pools". The overall height of the dividing fence is not to exceed 1.8 metres in height above the natural ground level. Attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owners which may arise in respect of this matter and enquiries in this regard may be made at the nearest Local Court.

27. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
28. For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided in front of the garage doors and connected to the stormwater drainage system. This requirement does not apply where driveways are graded away from the garages, in which case suitable interceptor drains are to be provided
29. For stormwater control all paved areas are to be drained to the main drainage system.
30. Stormwater runoff from all roof areas, hard surfaces, or landscaped areas that are not at natural ground level, must be piped to the interallotment drainage system approved by Council which directs stormwater from the site to Woodbury Road..
31. For stormwater control, on-site stormwater detention systems are to be provided for each dwelling in accordance with Council's Stormwater Management Manual and generally in accordance with concept stormwater drainage plans SW1 to SW4, by R L Temple, drawn January 2003. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The systems are to be cleaned regularly and maintained to the satisfaction of Council.

NOTE 1: The on-site stormwater detention systems and property drainage systems are not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention systems are used the storage volume required is to be increased by 20%.

NOTE 5: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings for each dwelling.

32. Provision to Council prior to the issue of a Construction Certificate of a \$5,000.00 (five thousand dollar) bond to cover the restoration by Council of any damage to Council's infrastructure in the public road along the frontage or within close proximity to the subject development, or for any incomplete works, caused as a result of construction works relating to the subject development. The bond shall be refundable following completion of all works relating to the proposed development, or at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Development Engineer. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:
 - a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately.
 - b. The damage has not been repaired, or incomplete works have not been completed, by the Applicant within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.
33. Minimum doorway width for double garages is to be 4.8 meters, in accordance with Australian Standard 2890.1 – 1993 "Off-street car parking". 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 AS 2890.1 – "Off-Street car parking".
34. For the Woodbury Rd frontage, a 5.5m wide crossing and layback is to be provided. To comply with Australian Standard 2890.1 - 1993 "Off-street car parking", the access driveway is to be constructed to provide a minimum clear width of 5.5 metres for the first 6 metres from the frontage roadway. The purpose of this is to allow an area for two vehicles to pass each other if necessary, rather than reversing or waiting in the road.
35. 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 minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
36. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
37. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath

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is damaged, repair works must be carried when directed by Council officers. Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust 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.

38. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

39. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
40. Landscape works shall be carried out in accordance with Landscape Drawing No SK01C and SK02C prepared by Pittendrigh Shinkfield Bruce and dated 23 June 2003 submitted with the Development Application, except as amended by the following:
 - landscape plans to match drawing amendments made to architectural plans 19.06.03
41. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen (14) days stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.
42. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
43. Tree roots between 10mm and 50mm diameter, severed during excavation, shall be cut cleanly by hand and the tree subsequently treated with a root growth hormone and wetting agent, by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.
44. Excavation within the primary root zone shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate. All tree numbers refer to Tree Report by Pittendrigh Shinkfield Bruce dated 29 January 2003. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

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45. To preserve the health and condition of the following tree/s, suspended concrete driveway to be constructed prior to commencement of work. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

Tree/Location

Eucalyptus saligna (Sydney Blue Gum), T1/north boundary, adjoining property

46. 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.
47. On completion of the landscape works/tree planting or screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
48. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

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

49. The coping of the swimming pool and surrounding deck for House 4 shall have a reduced level of 164.88 to reduce the height of the pool coping above natural ground level. Plans indicating such detail shall be submitted prior to the release of a Construction Certificate.
50. 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.

51. 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

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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).

52. 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.
53. To protect the amenity of the adjoining property, all fill under the slab is to be contained by dropped edge beams. Engineers details are to be submitted to and approved by the Principal Certifying Authority prior to the issue of the Construction Certificate.
54. 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 TWO (2) ADDITIONAL DWELLINGS IS CURRENTLY \$66,114.44. 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 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - St Ives	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09

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9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 - under 150sqm)	2.75 persons
Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

55. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), certification from a suitably qualified and experienced civil/hydraulic engineer that the existing pipes within the interallotment drainage easement system to be utilised, which are not proposed to be reconstructed, are in satisfactory condition and have hydraulic capacity to carry design flowrates and/or detention system overflows (where detention systems are to be provided) from the subject property, as far as the approved point of discharge to a recognised public drainage system.

Where it is found that the existing pipes are in disrepair or will have insufficient hydraulic capacity to carry additional flows (i.e certification cannot be given), the Applicant shall submit prior to issue of the Construction Certificate, for approval by the Principal Certifying Authority (PCA), full design documentation for an upgraded interallotment drainage system from the subject property to the approved point of discharge to the recognised public drainage system. Plans are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with the requirements of Council's Stormwater Management Manual and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property. The following details must be included:

- a. Plan view of system to scale showing dimensions, location and reduced levels of all pits, pipes, flushing facilities and exact point of discharge to Council system,
 - b. Supporting sizing and contributing catchment calculations
 - c. Longitudinal section showing existing ground levels and proposed invert levels,
 - d. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system.
 - e. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
56. The drainage concept design, by R Temple, Drawing number SW1 & 2, Nov 2002, is generally satisfactory, however the following issues are to be addressed prior to the issue of the Construction Certificate:

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- a. No bends in the pipes downstream of the orifice plate.
- b. The roof gutter, down pipe and drainage system for each dwelling is to be sized to catch and convey the 50 year ARI storm event to the OSD system. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
- c. Suitable kerbs or other approved "cut off" systems are to be provided in the OSD design to ensure a maximum possible amount of overland flow is directed to the OSD system. These kerbs etc, are to be sized for all storms up to the 50 year ARI storm event. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
- d. Any first flush drainage trench to be at least 5.0m away from adjoining neighbours properties.
- e. Drainage design details are to be compatible with the landscaping plans.
- f. Councils landscape officer is to consider the final location of all drainage infrastructure including (a) drainage lines, and (b) OSD basin walls. Only after the approval of Council's landscape officer, can the Construction Certificate be issued.
- g. The access grate above the control chamber is to be a grate of 600mm x 900mm or greater. Apart from the grate above the control chamber, other grates to have the following minimum sizes, depending on the pit depth as follows:

Depth of Chamber below grate	Min grate and Pit size
Less than 300mm	300square
Less than 450mm	450square
Equal to or Less than 600mm	600square
Greater than 600mm	600 x 900

57. For stormwater retention, provision of a 2000 litre rainwater tank for each of the new dwellings, designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The tank is to be located at or above existing natural ground level.

NOTE 2: If abutting a wall of the dwelling, the tank must be below the eaves line.

NOTE 3: The tank must not be located on the front facade of a dwelling.

NOTE 4: If the tank is to be attached to a structure then a structural engineer is to certify the adequacy of the design of the structure to carry the tank.

NOTE 5: Maximum height of the tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 6: The tank is to be a commercially manufactured tank designed for the use of water supply and to be installed in accordance with manufacturers specifications.

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NOTE 7: The tank is to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 8: The tank is to be fitted with a standard garden tap or similar which is to be clearly marked as not to be used for drinking purposes.

NOTE 9: The tank is to be fitted with measures to prevent mosquito breeding.

NOTE 10: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied

NOTE 11: This requirement does not apply where the Applicant considers installation to be impractical.

58. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage. This requirement is to be demonstrated on submitted Construction Certificate drawings.

59. The drainage systems shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.

NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

60. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention on each dwelling, and supporting calculations, are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

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61. For both street frontages, the following will apply for any new crossing or driveway works adjacent to the boundary:

DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property is to 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 this may be affected by the alignment levels fixed by Council.

Note: 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.

62. Submission for approval with the Construction Certificate of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.

63. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

The plan shall indicate the planned phases of the construction work, erosion and drainage management, tree protection measures, areas nominated for storing materials, site access and where vehicle parking is proposed, during construction.

Construction traffic shall be restricted to access the site from Woodbury Road only, except for construction workers personal vehicles, which may access the site via Maunder Avenue and park on the rear of the property.

64. A Landscape plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior

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to the commencement of works. A Landscape Assessment fee of \$120.00 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

Minor Landscaping Works	\$50.00
New Dwellings/Dual Occupancies	\$120.00
Multi-Unit Housing	\$100.00 plus \$30.00 per unit
Commercial	\$100.00 plus 10 cents per m ²

65. Details of pond design (House 3) is to be submitted to Principle Certifying Authority for approval by qualified professional prior to issue of Construction Certificate.
66. A plan detailing screen planting of the following shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining the following heights.

House 1 and 4	along eastern boundary	3.0 metres
House 1 and 4	along dividing boundary	2.0 metres
House 2 and 3	along western boundary	3.0 metres
House 2 and 3	along dividing boundary	3.0 metres

67. Stormwater detention basins are to be located away from site boundaries to allow for screen planting. Amended plan is to be submitted to Principle Certifying Authority for approval by qualified professional prior to issue of Construction Certificate.
68. No drainage lines or grated drains are to be located within the specified radius of the following tree/s.

Tree/Location	Radius From Trunk
<i>Eucalyptus saligna</i> (Sydney Blue Gum), T6 North boundary on the adjoining property	4.0m
<i>Eucalyptus saligna</i> (Sydney Blue Gum), T9 East boundary on the adjoining property	4.0m
<i>Angophora costata</i> (Sydney Red Gum), T20 Centre of front setback	3.0m

Amended plan is to be submitted to Principle Certifying Authority for approval by qualified professional prior to issue of Construction Certificate.

69. All stormwater pipes along eastern and western boundaries are to be moved closer to building footprint to allow for existing and proposed screen planting along boundaries. Amended plan

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is to be submitted to Principle Certifying Authority for approval by qualified professional prior to issue of Construction Certificate.

70. The property shall support a minimum number of 10 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commencement of work.
71. The 2 trees (Lot 1, 1 no., Lot 2 1 no.) to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
72. A CASH BOND/BANK GUARANTEE of \$2,000.00 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 this bond will be refunded upon issue of the final Certificate of Compliance, 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.

73. A CASH BOND/BANK GUARANTEE of \$2,000.00 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 final Certificate of Compliance, 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/Location

Eucalyptus saligna (Sydney Blue Gum), T1/north boundary, adjoining property
Angophora costata (Sydney Red Gum), T20/centre of front setback

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74. 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.

75. To preserve the following tree/s, footings of the proposed House 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 Council's Landscape Development Officer and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
<i>Eucalyptus saligna</i> (Sydney Blue Gum), T9 East boundary on the adjoining property	8.0m

76. The Applicant must submit details for the following infrastructure works in Maunders Avenue.

Full seal of Maunders Ave between the boundary of subject site and the existing edge of seal on Maunders Ave. Unless otherwise specified, the road construction and seal shall consist of subgrade preparation, a 150mm DGS 40 sub-base, a 100mm DGB 20 basecourse and sealing of road with a 50mm (min) AC14 cover. The area of seal under the canopy of the three adjacent and significant Sydney Blue Gum trees shall be set back 1.5 metres, as measured from the centre of the trunk of the two largest trees. Works in this vicinity shall have regard to the following comments from Council's Landscape officer, regarding maintaining the integrity of these trees:

- Any excavation within the critical root zone (i.e. 5 x the diameter of the trunk and chest height) should be hand dug.
- No kerb and gutter on the northern side of Maunders Avenue.
- Road levels to be no lower than levels of existing gravel section.
- No fines bitumen to be laid to enable water percolation and gaseous exchange.
- Tree protection should include trunk protection of larger trees (4no) and protective fencing to be placed along northern edge of Maunders Avenue to prevent storage of materials and stockpiling of topsoil within canopy area of trees.
- A qualified arborist is to be on site to oversee all of the above works.

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

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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.

77. **Prior** to the issue of a Construction Certificate the applicant shall lodge a \$ 18,000 (eighteen thousand dollars) bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve under this consent and/or as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed development or at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and
- b. The applicant has not repaired nor commenced repairing the damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.

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78. To reduce the 'built-upon area' as defined by the Ku-ring-gai Planning Scheme Ordinance and ensure the development has a soft landscaped area consistent with surrounding development the following revisions shall be made:
- a. The swimming pool and deck area surrounding the pool associated with House 2 shall be deleted and replaced with deep soil landscaped area.
 - b. The swimming pool and associated deck to House 4 shall be deleted and replaced with soft landscaped area.

Plans reflecting this revision shall be submitted to the Principal Certifying Authority prior to the release of a Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

79. 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.
80. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
81. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
82. 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.
83. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

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84. For stormwater control a diversion bank/catch drain shall be constructed upslope of construction and disturbed areas to divert upslope runoff away from the construction site and disturbed areas to a stable area/collection point prior to work commencing.
85. 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. 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/Location

Angophora costata (Sydney Red Gum), T20 / centre of front setback

86. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk 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.

Tree/Location

Radius in Metres

Eucalyptus resinifera (Red Mahogany), T21
Nature strip 4.0m

Eucalyptus resinifera (Red Mahogany), T23
Nature strip 5.0m

Syncarpia glomulifera (Turpentine), T24
Nature strip 3.0m

Eucalyptus saligna (Sydney Blue Gum), T4
North east corner, adjoining property 8.0m

87. 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 driveway off Woodbury Road shall be fenced off for the specified radius from the trunk 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:

Tree/Location

Radius From Trunk

Eucalyptus resinifera (Red Mahogany), T22
Nature strip 5.0m

Eucalyptus paniculata (Grey Ironbark), T25 7.0m

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South west corner of site

House 1

Magnolia soulangiana (Magnolia) T29 1.5m
Eastern boundary

House 4

Eucalyptus saligna (Sydney Blue Gum), T4 4.0m
East boundary on the adjoining property

88. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
89. To preserve the following tree/s, no work shall commence until temporary measures to avoid soil compaction (eg rumble boards, gravel beds) beneath the canopy of the following tree/s is/are installed:

Tree/Location	Radius From Trunk
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<i>Syncarpia glomulifera</i> (Turpentine), T5 North boundary, adjoining property	3.0m
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<i>Eucalyptus saligna</i> (Sydney Blue Gum), T6 North boundary, adjoining property	8.0m
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<i>Angophora costata</i> (Sydney Red Gum), T20 Centre of front setback	
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90. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

91. 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.
92. If required (based on the existing condition of the system determined prior to Construction Certificate issue), the construction of a suitable interallotment drainage system shall be undertaken as far as the approved point of discharge, prior to occupation or issue of an Occupation Certificate. The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with the approved design documentation and/or with Council's Stormwater Management Manual. The designing

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engineer or surveyor is to also submit a works-as-executed drawing of the as-constructed works. A registered surveyor is to certify that all drainage structures are wholly contained within the drainage easement(s).

93. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:
- a. The works were carried out and completed in accordance with the approved plans.
 - b. 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.

A Works-as-Executed drawing of the property stormwater drainage system is also to be furnished by the Certifier prior to occupation or issue of the Occupation Certificate.

94. Construction of the On-site Stormwater Detention System(s) for each dwelling is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or surveyor is to be submitted to the Principal Certifying Authority prior to occupation or issue of an Occupation Certificate.

NOTE 1: The Certificate is to be with respect to compliance with:

- a. The soundness of the structure.
- b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
- c. The capacity of the detention storage as specified.
- d. The size of the orifice or pipe control fitted.
- e. The maximum depth of storage over the outlet control.
- f. The adequate provision of a debris screen.
- g. The inclusion of weepholes in the base of the outlet control pit.
- h. The provision of an emergency overflow path.

NOTE 2: The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

NOTE 3: The Works-as-Executed drawing(s) are to include all relevant levels including:

- a. Invert levels
- b. surface or pavement levels
- c. floor levels including adjacent property floor levels
- d. maximum water surface level to be achieved in the storage zone
- e. dimensions of basin(s), tank(s), pit(s), etc.
- f. location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
- g. storage volume(s) provided and supporting calculations
- h. size of orifice(s)

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95. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
96. Prior to occupation or the issue of an Occupation Certificate, any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
97. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening each registered lot with the requirement to maintain the on-site stormwater detention facilities on the lot, prior to occupation or issue of the Occupation Certificate. 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" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.
98. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the approved road works in Maunder Ave must be completed 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.

BUILDING CONDITIONS

99. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and documentary evidence of compliance with the relevant terms of the approval/standards of construction detail in the Building Code of Australia is to be obtained prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:

Swimming Pools

- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
- b. Reinforcement AND circulation lines in position prior to any concrete being poured, placed or sprayed.
- c. Drainage lines and circulation lines outside the pool area prior to any backfilling.

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- d. Safety fences, gates and latches erected and installed - pools are not to be filled unless a satisfactory inspection of the pool fencing has been made.
- e. Final Inspection - on completion when all conditions of approval have been met including soundproof enclosures, resuscitation posters, depth markers installed and all landscaping completed.

Dwellings and decks

- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
- b. Any pier holes and/or foundation material.
- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

If inspections are to be carried out by Council, 24 hours notice is required by Council's Department of Environmental and Regulatory Services, by telephoning Customer Service on 9424 0888 during business hours (8.30am to 4.30pm) or by facsimile on 9418 1117.

Note: Inspections of work which is found to be defective or not ready will attract a reinspection fee. Please cancel bookings which will not be ready for inspection.

- 100. The construction of the walls separating Dwellings 3 & 4 shall have a Sound Transmission Classification in accordance with the requirements of Part 3.8.6 of the Building Code of Australia Housing Provisions. Details of the proposed method of compliance are to be submitted.
- 101. So as to ensure adequate fire separation, walls separating Dwellings 3 & 4 are to be constructed in accordance with the requirements of Part 3.7.1 of the Building Code of Australia Housing Provisions. Details of the proposed method of compliance are to be submitted.
- 102. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
 - a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
 - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

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- e. A Compliance Certificate from a suitably qualified person that the smoke detectors installed comply with the relevant deemed to satisfy provisions of the Building Code of Australia.
 - f. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.
 - g. A Registered Surveyor's Reports confirming approved floor levels for all floors.
103. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
104. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
105. All structural timber members subject to weather exposure shall have a durability class rating of 2 or better in accordance with Australian Standard 1684.2-1999 (National Timber Framing Code), or be preservative treated in accordance with Australian Standard 1604-1980 (Preservative Treatment for Sawn Timbers, Veneers and Plywood).
106. A fully detailed first floor joist layout (in duplicate) complying with the National Timber Framing Code or accompanied by a structural engineer's Certificate of Adequacy shall be submitted to and approved by the Principal Certifying Authority.
107. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
108. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Risers:	Maximum 190mm	Minimum 115mm
Going (Treads):	Maximum 355mm	Minimum 240mm

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Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

109. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
- b. Smoke alarms which:
 - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
 - ii. are connected to the mains and have a standby power supply; and
 - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority.

110. Termite protection which will provide whole of building protection in accordance with Australian Standard 3660 - *"Protection of Buildings from Subterranean Termites"* is to be provided.

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

To ensure compliance with this condition, a Compliance Certificate or documentary evidence from a suitably qualified person is to be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

111. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.

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- d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
- e. A Compliance Certificate from a suitably qualified person that the smoke detectors comply with the relevant deemed to satisfy provisions of the Building Code of Australia.
- f. A Registered Surveyor's Reports confirming approved floor levels for all floors.
- g. A registered surveyors report confirming the development does not exceed 60% built upon area.

M Prendergast
Manager Development Assessment Services

M Miocic
Director Environment & Regulatory Services

Attachments: Report considered by Council on 27 April 2004

NOTICE OF MOTION

INSPECTION OF CANOON ROAD IN CONJUNCTION WITH CORRIDOR LANDS REZONING INSPECTION

Notice of Motion from Councillor E Malicki dated 11 May 2004.

There is an unfulfilled Council resolution for Councillors to inspect the B2 corridor lands in South Turramurra and Wahroonga in conjunction with the proposal to rezone these lands.

Therefore I move:

That this inspection take place on a Saturday morning during the current netball season so that Council can observe also the impacts of netball traffic on the people of Canoon Road, and South Turramurra as a whole, as well as the additional impact of an increase in population due to the rezoning.

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Elaine Malicki
Councillor for Comenarra Ward