

## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 9 NOVEMBER 2004**

Present: The Mayor, Councillor A Ryan (Chairperson) (Gordon Ward)  
Councillors A Andrew & E Malicki (Comenarra Ward)  
Councillors L Bennett & T Hall (St Ives Ward)  
Councillors I Cross & N Ebbeck (Wahroonga Ward)  
Councillors G Innes & M Shelley (Roseville Ward)  
Councillor M Lane (Gordon Ward)

Staff Present: General Manager (Brian Bell)  
Director Development & Regulation (Michael Miocic)  
Manager Development Assessment Services (Matthew Prendergast)  
Director Planning & Environment (Leta Webb)  
Director Technical Services (Greg Piconi)  
Director Open Space (Steven Head)  
Director Community Services (Janice Bevan)  
Director Finance & Business (John McKee)  
Senior Governance Officer (Geoff O'Rourke)  
Office Co-ordinator/WP (Casey Locke)

*The Meeting commenced at 7.06pm*

*The Mayor offered the Prayer*

### **DECLARATION OF PECUNIARY INTEREST**

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

No such interest was declared.

### **ADDRESS THE COUNCIL**

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

P Williams  
O Cahill

## **DOCUMENTS CIRCULATED TO COUNCILLORS**

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

Minutes: Inspections Committee held 30 October 2004

Refers GB.1: 12 Kanoona Avenue, St Ives – Memorandum from Director Development & Regulation dated 4 November 2004

Refers GB.10: Piping of Open Channel in 13 & 13A Wolsten Avenue, Turramurra – Memorandum from Director Technical Services dated 9 November 2004

## **CONFIRMATION OF MINUTES**

### **521 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 19 October 2004

Minutes numbered 504 to 520

#### **Resolved:**

(Moved: Councillors Hall/Innes)

That Minutes numbered 504 to 520 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, with the exception of Minute No 508.

**CARRIED UNANIMOUSLY**

### **522 23 Ryde Road, Pymble – Demolition of the Existing Dwelling and the Construction of a Commercial Building**

File: DA968/03

*Vide Minute No 508*

#### **Resolved:**

(Moved: Councillors Hall/Shelley)

That it be noted that Councillor Shelley voted against the resolution.

*For the Resolution:*        *The Mayor, Councillor A Ryan, Councillors Andrew, Cross, Ebbeck, Hall, Innes, Lane, Malicki and Shelley*

*Against the Resolution:*    *Councillor Bennett*

## **PETITIONS**

523    **Bring Back Container Deposit Legislation (Thirty-One [31] Signatures)**

File: S02294

"We, the undersigned, urge the NSW government to follow the example of the South Australian government and formulate container deposit legislation (CDL). We believe that litter will be substantially reduced if this policy is implemented."

### **Resolved:**

(Moved: Councillors Shelley/Hall)

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

**CARRIED UNANIMOUSLY**

524    **Installation of Lights Required at St Ives Village Green Skateboard Park (Thirty [30] Signatures)**

File: S02620

Letter from Rowan Bosman & Ryan Bresler requesting that lights be installed at the Skate Park in St Ives Village Green:

"Both Rowan & Ryan have been researching lights at the St Ives Skate Park. There has been issues at the Skate Park about lights at the skateboard park. The reasons for having lights at the Skate Park is for skaters & bikers safety. It is also so that at night, you can see what people get up to & sometimes they do bad things like smoke & light bins on fire & if we had lights then we would be able to solve the problem & security could see them & tell them off.

The skateboarders & bikers that do the bad things would stop because they know that they are going to get caught. The local public want to be re-assured that their kids are going to the Skate Park just to skate and not be naughty.

In winter, it gets darker quicker that's why we need light at the Park so children & teenagers can have fun for longer."

**Resolved:**

(Moved: Councillors Hall/Bennett)

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

**CARRIED UNANIMOUSLY**

**REPORTS FROM COMMITTEES**

**Minutes of Ku-ring-gai Traffic Committee**

File: S02110

Meeting held 21 October 2004

Minutes numbered KTC25 to KTC27

525

**General Matter - Items under Delegated Authority**

File: S02738

*Vide Minute No KTC25*

Advice on matters considered under the Delegated Authority.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

That the information regarding traffic facilities approved in August/September/October 2004 under Delegated Authority, be noted.

*For the Resolution:           The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Cross, Ebbeck, Innes, Lane, Malicki and Shelley*

*Against the Resolution:   Councillor Hall*

526

**General Matter - Closure of North Shore Railway Line - December 2004**

File: S02232

*Vide Minute No KTC26*

To consider State Rail's proposal to close the North Shore railway line from 26 December to 30 December 2004 (inclusive).

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That Council note State Rail's intention to close the North Shore line between 26 and 30 December 2004.
- B. That State Rail be requested to consult with residents on Council controlled roads, which would be used by buses during the closure.
- C. That State Rail's proposed use by buses of local roads, and temporary alterations to kerbside restrictions to facilitate its activities during its closures be approved, subject to Council's costs, which will be assessed after this and future closures, being reimbursed by State Rail and traffic facilities being reinstated.
- D. That State Rail be requested to consult the RTA's Traffic Management Centre regarding its bussing arrangements during rail closures.

*For the Resolution:           The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Cross, Ebbeck, Innes, Lane, Malicki and Shelley*

*Against the Resolution:   Councillor Hall*

527    **Load Limits in Ku-ring-gai**

File: S03569

*Vide Minute No KTC27*

To recommend the imposition of load limits under Section 112 of the Roads Act, on streets currently restricted under previous legislation.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That subject to RTA approval, previously load limited streets, listed in this report, together with Ray and William Streets, be restricted with 3 tonne gross vehicle mass restrictions under Section 112 of the Roads Act, and that the streets concerned be signposted to reflect the new restriction.
- B. That a TMP for the proposed restrictions be prepared and forwarded to the RTA for formal approval of the amended limits.
- C. That funding for the new signage to be installed, after formal approval by the RTA, be paid for from income from enforcement of the new restrictions.

- D. That enforcement of the newly signposted load limits not commence for 7 days after signposting and advertising of the new limits in the local media.

*For the Resolution: The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Cross, Ebbeck, Innes, Lane, Malicki and Shelley*

*Against the Resolution: Councillor Hall*

528 **Minutes of Inspections Committee**

File: S02131  
Meeting held 30 October 2004  
Minutes numbered INS17 & INS18

**Resolved:**

(Moved: Councillors Cross/Andrew)

That Minutes numbered INS17 & INS18 and circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

**GENERAL BUSINESS**

529 **62A-64A Killeaton Street, St Ives - Demolition of Existing Structures and Erection of a SEPP (Seniors Living) 2004 Development of 10 Units within 2 Buildings and associated Parking and Landscaping**

File: DA458/04

Ward: St Ives  
Applicant: Colonial State Properties Pty Ltd  
Owner: R. Jackson, G. Murray and J. Sanders

To determine Development Application No 458/04 which seeks consent for the demolition of existing structures and the construction of a Seniors Living development.

**Resolved:**

(Moved: Councillors Bennett/Hall)

- A. That consideration of Development Application No 458/04 for the demolition of the existing structures on site, the construction of a SEPP (Seniors Living) 2004 development comprising 10 units, and strata subdivision of the resultant

dwellings, on land at 62A-64A Killeaton Street, St Ives be deferred pending a site inspection.

- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

**CARRIED UNANIMOUSLY**

530 **Piping of Open Channel in 13 and 13A Wolsten Avenue, Turramurra**

File: P63450, P63455

To consider a request to pipe the open channel in 13 and 13A Wolsten Avenue, Turramurra.

NOTE: See Minute Nos 539 and 540.

**Resolved:**

(Moved: Councillors Ebbeck/Cross)

That the request by owners of 13 and 13A Wolsten Avenue, Turramurra to pipe the open channel within their properties be approved in principle subject to:

1. The system is to be formalised by the creation of an easement to drain stormwater 1.83 metres wide over 13 and 13A Wolsten Avenue, Turramurra and be created pursuant to section 88B of the Conveyancing Act.
2. Council writing to the owners of 11 Wolsten Avenue advising of the decision and seeking to formalise the system by the creation of an easement to drain stormwater 1.83 metres wide over the property at the same time as 13 and 13A Wolsten Avenue, Turramurra. That legal and survey costs associated for the creation within 11 Wolsten Avenue are paid by the Council.
3. Council writing to the Department of Infrastructure, Planning and Natural Resources advising of the decision and request for comments and/or approval.
4. Council writing to NSW Fisheries advising of the decision and request for comments and/or approval.
5. The owners of 13 and 13A Wolsten Avenue, Turramurra being notified in writing of the decision as well as the process and Council requirements. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer for submission to Council for approval of detailed design documentation for the piping within the subject property.
6. The owners of 13 and 13A Wolsten Avenue, Turramurra being advised that the full cost of piping construction as well as survey and legal work associated with the creation of the easements, including the payment of any of Council's legal

costs and disbursements for the checking of associated documentation are borne by the owners for their properties only.

7. That the terms of the Easements to Drain stormwater be carried out by the Applicant's Solicitors.

*For the Resolution:           The Mayor, Councillor A Ryan, Councillors Andrew, Cross, Ebbeck, Hall, Innes, Lane and Shelley*

*Against the Resolution:   Councillors Bennett and Malicki*

531     **Tender for Lane Cove Sub-Catchment Analysis**

File: S03651

To seek Council's approval to appoint two consultants to undertake the sub-catchment stormwater analysis and planning for the Lane Cove catchment.

**Resolved:**

(Moved: Councillors Shelley/Innes)

- A. That the tender submitted by Cardno Willing Pty Ltd for the northern region and URS Australia Pty Ltd for the southern region for the stormwater analysis and planning of the Lane Cove catchment analysis be accepted.
- B. That the unsuccessful tenderers be informed of Council's decision.
- C. That the Mayor and General Manager be delegated authority to sign the contract forms and affix the seal of Council.
- D. That authority be delegated to the General Manager for any variations to the Contract and negotiations.
- E. That a further report be brought back to Council by December on the preliminary findings for the Northern and Southern region of the Lane Cove Catchment.

**CARRIED UNANIMOUSLY**

532     **Investment Cash Flow and Loan Liability as at 30 September 2004**

File: S02722

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

**Resolved:**

(Moved: Councillors Shelley/Innes)

To that the summary of investments, daily cash flows and loan liability for September 2004 be received and noted.

**CARRIED UNANIMOUSLY**

533 **Policy on Drainage Works and Maintenance**

File: S02773

To seek Council's approval for a policy and procedures for drainage works and maintenance including a five year drainage program.

**Resolved:**

(Moved: Councillors Shelley/Innes)

- A. That Council adopts the Draft Policy for Drainage Works and Maintenance Procedures Including 2004/05-2008/09 Program as attached.
- B. That the Draft Policy for Drainage Works and Maintenance Procedures Including 2004/05-2008/09 Program be placed on public exhibition for community comment.

**CARRIED UNANIMOUSLY**

534 **12 Kanoona Avenue, St Ives - Demolition of the existing Dwelling and the Construction of an Attached Dual Occupancy**

File: DA33/04

Ward: St Ives  
Applicant: Architectural Design Services  
Owner: Mr B & Mrs L Sternberg

To determine Development Application No 33/04, which seeks consent for the demolition of the existing dwelling and the construction of an attached dual occupancy.

**Resolved:**

(Moved: Councillors Hall/Lane)

That Development Application No 33/04 for the demolition of the existing dwelling and the construction of an attached dual occupancy on Lot 25, DP 15689, 12 Kanoona

Avenue, St Ives, be approved for a period of 2 years from the date of determination, subject to the following conditions:

#### GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 33/04 and Development Application plans prepared by Architectural Design Services (Maria Stavrianos, Architect), Job 2016, reference number 01B, 02B, and 03B, dated 23-07-04 and lodged with Council on 2 August 2004.
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. External finishes and colours are to be sympathetic to the surrounding built environment. Monier Cambridge Welsh Black or similar matt-type finish roof tiling shall be used to ensure limited glare.
5. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
6. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
7. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
8. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
9. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking

machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
13. To maintain existing ground levels all excavated material shall be removed from the site.
14. 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.
15. 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.
16. 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.
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 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. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
19. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

All excavations associated with the erection or demolition of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

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

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

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

21. 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.

22. 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.
23. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
24. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
25. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
26. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.  
  
The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
27. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
28. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from

the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.

29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
30. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
31. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
32. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
33. 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.
34. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
35. 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.
36. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.

37. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
38. An on-site stormwater detention system must be provided for each dwelling in accordance with Council's requirements described in chapter 6 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website. Separate systems are to be provided for each residence, except where a single combined system may be located in a common location readily accessible by both owners (such as under a shared driveway). In this case appropriate cross burdens are to be created on title(s) as necessary.
39. 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.
40. 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.
41. 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](http://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.
42. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
43. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development

works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

44. 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.
45. 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".
46. 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.
47. 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.
48. Landscape works shall be carried out in accordance with Landscape Drawing No 03.757 prepared by Greenplan and dated 2.08.04 submitted with the Development Application, except as amended by the following:
  - No retaining walls shall be located along any boundaries except adjacent to the garage of townhouse 1. The retaining walls required to contain excavation associated with the building shall be located 1 metre outside the line of the building except where drying areas occur. In this instance the walls can be indented around this area. No excavation is permitted beyond the retaining wall locations. Note that no retaining wall is required adjacent to the garage to townhouse 2 because of the drop edge beam used in the garage.

- No front fence or wall is approved under this consent.
49. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius From Trunk
Tree 2 - <i>Syzygium paniculatum</i> (Brush Cherry)/ South-west corner of the site	6m

50. 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.
51. 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.
52. 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 ISSUE OF A CONSTRUCTION CERTIFICATE

53. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

NOTE 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

NOTE 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development

Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

54. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.
55. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention system. The design shall be generally based on the concept plan by ACE Civil & Hydraulic Engineers, Drawing No. 0304-69-A1, dated 20/7/04, and shall be advanced for construction issue purposes. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
56. 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 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.

57. 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.

58. 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).
59. 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.

60. 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.
  
61. To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practising structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.
  
62. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$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:

- |    |                                  |         |
|----|----------------------------------|---------|
| 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
9.	North Turrumurra 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

63. **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.

64. For vehicular access to the proposed garages, each garage is to be set down a minimum of 500mm below the levels shown in the approved plans. Amended plans are to be submitted to the Principal Certifying Authority and approved prior to issue of the Construction Certificate.
65. Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be provided for approval by the Principal Certifying Authority (PCA). These are to be along both sides of the proposed driveway from the centreline of the frontage street to the proposed garage/carport slab, demonstrating that vehicular access can be obtained using grades of 20% (25% maximum) or less without scraping the underside of a car. All changes in grade are to comply with Australian Standard 2890.1 – 2004 “Off-street car parking”. If a new driveway crossing is proposed then the longitudinal sections must incorporate a layback to Council’s standard and the driveway crossing levels as issued by Council upon prior application at Customer Services.
66. 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 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.

67. The following changes shall be shown on the architectural plans and stormwater plans submitted with the Construction Certificate application:
- The eastern wall to the garage of townhouse 2 shall use a drop edge beam so that all fill required under the garage is contained within the footprint of the garage. No fill shall be placed between the garage and the side boundary.
  - No retaining walls shall be located along any boundaries except adjacent to the garage of townhouse 1. The retaining walls required to contain excavation associated with the building shall be located 1 metre outside the line of the building except where drying areas occur. In this instance the walls can be indented around this area. No excavation is permitted beyond the retaining wall locations. Note that no retaining wall is required adjacent to the garage to townhouse 2 because of the drop edge beam used in the garage.

- The retaining walls shall be relocated as indicated in previous dot point on the stormwater plans and grates and drainage lines relocated closer to the building accordingly.

68. A CASH BOND/BANK GUARANTEE of \$3000 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

Tree 2 - *Syzygium paniculatum* (Brush Cherry)/ South- west corner of the site

69. 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.

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

70. 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.
71. 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.
72. For stormwater control and to preserve and enhance the natural and built environment, a Sediment and Erosion Control Plan relating to all areas of the site to be disturbed or affected by earthworks or construction works shall be submitted and approved with the application for a Construction Certificate. The Control Plan shall include all details of measures and methods of sediment and erosion control to be adopted, implemented and methods of sediment and erosion control to be adopted, implemented and maintained during the course of development of the site. The Control Plan shall incorporate and disclose:

- a. All details of drainage to protect and drain the site during the construction processes;
  - b. All sediment control devices, barriers and the like;
  - c. Sedimentation tanks, ponds or the like;
  - d. Covering materials and methods;
  - e. A schedule and program of the sequence of the sediment and erosion control works or devices to be installed and maintained.
73. 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
Tree 2 - <i>Syzygium paniculatum</i> (Brush Cherry)/ South-west corner of the site	5m (within the property)
Tree 3 - <i>Quercus robur</i> (English Oak)	4m
Tree 4 - Eucalypt	4m
Tree 5 - Unidentified/	4m
All located near rear northern boundary fence	

74. 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.
75. 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

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

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

77. 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, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate.
78. 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:
- The works were carried out and completed in accordance with the approved plans.
  - 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.

79. 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.
- 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)

## BUILDING CONDITIONS

80. 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.
- Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - 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.
  - Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
  - Retaining walls and associated drainage.
  - Wet area waterproofing details complying with the Building Code of Australia.
  - Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
  - Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
81. 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:
- 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.

82. 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.

83. 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.

*For the Resolution:*        *The Mayor, Councillor A Ryan, Councillors Andrew, Cross, Hall, Innes, Lane, Malicki and Shelley*

*Against the Resolution:*    *Councillors Bennett and Ebbeck*

535    **21 Banool Avenue, St Ives - Demolition of the existing Dwelling and Construction of an Attached Dual Occupancy**

File: DA1394/03

Ward: St Ives

Applicant: Mr and Mrs Sassin & Masterton

Owner: Mrs R Sassin

To determine Development Application No 1394/03, which seeks consent for the construction of an attached dual occupancy.

**Resolved:**

(Moved: Councillors Hall/Shelley)

That Development Application No 1394/04 for consent to the demolition of the existing dwelling and construction of an attached Dual Occupancy at 21 Banool Avenue, St Ives being Lot Y, DP378703 be approved for a period of not less than two (2) years from the date the Notice of Determination, subject to the following conditions:

**GENERAL CONDITIONS**

1. The development to be in accordance with Development Application No 1394/03 and Development Application plans prepared by Masterton Homes, reference number Job 63463 Sheets 1 and 2, dated 30 July 2004 and lodged with Council on 17 August 2004.
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. 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.
5. 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.
6. **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.

7. 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.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. 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.
10. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.

11. 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.
12. 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.
13. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
14. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
15. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
16. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
17. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

18. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
19. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;

- ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
20. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
21. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
22. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
23. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
24. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
25. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
- a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

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

This clause does not apply to:

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

26. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
27. The development shall contribute 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.
28. 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.
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.

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.

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

Tree 28 *Melia azedarach* (White Cedar)/front boundary

30. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
31. 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.
32. 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>Syncarpia glomulifera</i> (Turpentine)/tree 18 rear yard unit B	4.0m
<i>Angophora costata</i> /tree 14 rear yard dwelling B	4.0m
<i>Syzigium sp.</i> (Lilly Pilly)/adjacent property adjoining north boundary	2.0m
<i>Syncarpia glomulifera</i> (Turpentine)/tree 32 Council's road verge	

33. No changes of level or excavation is to occur within the radius of the trunks of the following trees

Tree/Location	Radius From Trunk
<i>Syncarpia glomulifera</i> (Turpentine)/tree 18 rear yard unit B	4.0m
<i>Angophora costata</i> /tree 14	4.0m

34. All excavation carried out within the specified radius of the trunk/s of the following tree/s shall be hand dug:

Tree/Location	Radius From Trunk
<i>Syncarpia glomulifera</i> (Turpentine) tree 24 adjacent driveway	4.0m
<i>Syncarpia glomulifera</i> (Turpentine) tree 36 adjacent driveway	4.0m
<i>Syzigium sp.</i> (Lilly Pilly)/adjacent property adjoining north boundary	2.0m

35. 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.
36. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
37. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual. Unless otherwise approved, 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.

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 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

38. All structures are to be sited fully clear of any Council drainage pipes, drainage easements, watercourses and trunk overland flow paths on the site. Trunk or dedicated flow paths shall not be impeded or diverted by fill or structures unless otherwise approved. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority and Council must be contacted immediately for advice. Any damage caused to the Council pipe shall be immediately repaired in full and at no cost to Council.
39. No part of the building (including overhangs and footings) shall encroach over any easement and no loadings shall be imposed to the utilities within any easement.
40. To ensure structural stability, footings to be located adjacent to easements and/or Council drainage pipes shall be sited and constructed so that all footings are located outside of easement boundaries. The applicant shall refer to Council Plan 80-011 concerning such works. Footings must extend to at least the depth of the invert of the adjacent pipe within the easement unless the footings are to be placed on competent bedrock. If there is no pipe within the easement, a future depth of pipe of 1.6 metres is to be assumed for future pipe placement. If there is a Council pipe without an easement then a future easement width of 1.8m centred on the pipeline is to be adopted. If permanent excavation is proposed beneath the obvert of the pipe within the easement, suitable means to protect the excavation from seepage or other water flow from the pipe and trench, and means to retain the easement and associated pipe cover, are to be provided by the applicant at no cost to Council. Council accepts no liability for such seepage or water flows now or at any time in the future resulting from such excavation.

41. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
42. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
43. No retaining wall or fill is approved within Council's drainage easement.
44. The Applicant must obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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

45. 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.

46. 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).

47. 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.
48. 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.
49. 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.

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$32,324.00. 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
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

51. 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 prepared by a Landscape Architect or qualified landscape designer and approved by the Principal Certifying Authority prior to release of the Construction Certificate.

The plan is to be amended to include the following amendments:

- Amend width of driveway for dwelling B to preserve trees
- Amend paving layout to dwelling B
- Proposed and existing levels and structures including proposed retaining walls to north side boundary and rear of dwellings.
- Continuous screen planting capable of achieving a minimum 3.0m height to rear boundary
- Relocate clothesline to dwelling A and provide screen planting to the boundary where clothesline formally located
- Relocate bin storage area outside of canopy of Tree No 2
- Amend drawing consistent with approved drainage plan

51A. To minimize the extent of impact on the root zone of Tree No 32 *Syncarpia glomulifera* (Turpentine) located on Council's road verge, the proposed driveway crossing for dwelling B is to be moved 1.5m further to the south. An amended plan of the driveway position consistent with this condition is to be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

52. 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.

53. A CASH BOND/BANK GUARANTEE of \$4000 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.

54. A CASH BOND/BANK GUARANTEE of \$2000 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

*Syncarpia glomulifera* (Turpentine)/tree 18 rear yard dwelling B 5.0m

55. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

NOTE 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

NOTE 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

56. The Applicant must carry out the following infrastructure works in the Public Road:
- a. Works to ensure continued functioning and capacity of Council's road drainage system, including construction of a new inlet structure if required.

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

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

All works are to be designed in accordance with Council's "Specification for Road and Drainage Works". In addition, the drawings must detail existing services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

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

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

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

57. Prior to the issue of a Construction Certificate the applicant shall lodge a \$5,000 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.
  
58. 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.

59. 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 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. 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.
- 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.

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

61. 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.
62. 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.
63. 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.
64. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings over trunk protective padding. 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

Trees 24, 36 adjacent proposed driveway at front boundary

65. 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 numbers correspond to landscape plan.

Tree/Location	Fence Location or Radius in Metres
Trees 19 -20, 21, 22	Front northern boundary adjacent driveway place fence to edge of proposed driveway
Trees 8, 9, 10, 11, 12, 13, 15, 16	place fence parallel to and 3.0m from rear boundary
Tree 14 rear yard dwelling B	3.0m
Tree 18 rear yard dwelling B	3.0m
Trees 27, front boundary	3.0m
Trees 33, 32, 34, 35, Council's verge	1.5m
Tree 37 Council's verge	1.5m

66. 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.
67. 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

68. 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:
- The works were carried out and completed in accordance with the approved plans.
  - 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.

69. 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 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)

70. 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.
71. 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 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.

72. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.
73. Prior to issue of an Occupation Certificate, any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.
74. Prior to issue of an Occupation Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
75. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall submit for approval by the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced civil engineer, that:
  - a. Footings, and any required permanent excavation or drainage easement support, have been constructed in accordance with the conditions of this Consent relating to footings and excavation adjacent to drainage easements and/or drainage pipes, and
  - b. Footings allow for complete future excavation over the full width of the easement to a depth of the invert of the pipe, without the need to support or underpin the subject structure.

A copy of the certificate must also be provided to Council, attention Development Engineer, prior to issue of any Final Certificate.

76. Prior to issue of an Occupation Certificate (and at the completion of works), the applicant shall to the Principal Certifying Authority (PCA) certification from a registered surveyor that no structures or fill are located over the existing drainage pipeline and/or easement traversing the subject property. A copy of the certification must also be provided to Council, attention Development Engineer, prior to issue of any Final Certificate.

## BUILDING CONDITIONS

77. 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.
78. 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.
79. 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.
80. So as to ensure adequate fire separation, walls and floors separating occupancies 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.
81. 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.

82. 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.

83. 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.

*For the Resolution:*            *The Mayor, Councillor A Ryan, Councillors Andrew, Cross, Ebbeck, Hall, Innes, Lane, Malicki and Shelley*

*Against the Resolution:*    *Councillor Bennett*

536    **8 Killeaton Street, St Ives - Subdivision of One (1) Allotment to create Two (2) Allotments and the Demolition of the Dwelling, Outbuildings, Carport and Swimming Pool**

File: DA244/04

Ward: St Ives

Applicant: Mr E Song

Owner: Mr Q Y Song & Mrs M Feng

To determine Development Application No 244/04 which seeks consent for the subdivision of the site into two (2) Torrens Title allotments and the demolition of the existing dwelling, swimming pool and outbuildings.

**Resolved:**

(Moved: Councillors Hall/Bennett)

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to Clause 58B(c)(ii) of the Ku-ring-gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as development consent would be consistent with the aims and objectives set out in Clause 3 of SEPP No.1.

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 244/04 is consistent with the aims of the Policy, grant development consent to DA 244/04 for Torrens Title subdivision and demolition on land at 8 Killeaton Street St Ives, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

1. The development must be carried out in accordance with plans numbered 3912, Sheet 1, dated 1 March 2004, drawn by Mepstead & Associates Pty Ltd, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. Construction of the driveway within the access handle. The driveway crossing shall be 3.7 metres wide in order to comply with Council's Specifications. The driveway shall have a minimum width of 3.0 metres. Passing opportunities are also to be provided in accordance with AS2890.1 since the length exceeds 30 metres;
3. If the Principal Certifying Authority is Council then the appropriate fees contained in Councils Schedule of Fees and Charges are payable to Council prior to issue 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.
4. For stormwater control, a 150mm high kerb is to be provided for all paved areas including the proposed driveway. Stormwater runoff from all paved areas is to be connected to the main drainage system via on-site detention system of any future dwelling to be constructed.
5. Construction of the driveway within the access handle to the proposed Lot. The driveway crossing shall have a minimum width of 3.7 metres wide in order to comply with Council's Specification. The driveway is to have a minimum width

of 3.0 metres and to be designed so that it is structurally adequate for design vehicles up to a fully laden concrete truck. Passing opportunities must be provided in accordance with Australian Standard 2890.1 – 1993 “Off-street car parking.

6. 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.
7. 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.
8. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
9. 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.
10. The following performance criteria must be addressed by future development of the lots:

Any dwelling shall be designed to minimise loss of trees:

- Any dwelling should aim to preserve those trees considered most worthy of retention in a tree report prepared by a qualified Arborist.
  - The dwelling/s shall be designed to minimise excavation, however no excavation would be preferred.
  - The design of the dwelling/s shall have regard for their bushland setting ie: the scale and form of the buildings, as well as colours, building materials and landscape design shall be appropriate for, and harmonize with, the bushland character of the area.
11. Excavation for the installation of SEWER AND STORMWATER within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root

system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
<i>Eucalyptus pilularis</i> (Blackbutt) Close to the property's southwestern corner.	7 metres
<i>Brachychiton acerifolius</i> (Flame Tree) Close to the property's southwestern corner.	4 metres
<i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to the southeastern corner of No. 6 Killeaton Street.	5 metres
<i>Camellia japonica</i> (Japanese Camellia) Adjacent to the property's western boundary and close to the rear of the carport.	3 metres
<i>Pittosporum undulatum</i> (Sweet Pittosporum) Adjacent to the property's western boundary and close to the rear of the carport.	3 metres
<i>Magnolia x soulangiana</i> (Magnolia) Adjacent to the northern corner of the carport.	2 metres

12. 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.
13. Any future development application lodged for this subdivision under section 79BA of the EP & A Act will be subject to the requirements set out in Planning for Bushfire Protection, 2001.
14. Access is to comply with Section 4.3 of Planning for Bushfire Protection 2001. This clause is to apply to the area within the development and may also include roads immediately abutting the development site.
15. Roofing to both the existing and proposed development shall be gutterless or have leafless guttering and valleys which are to be screened to prevent the build up of flammable material.
16. Both the existing and proposed new lot shall be managed as an 'Inner Protection Area' as outlined within section 4.2.2 in Planning for Bushfire Protection 2001.

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

17. Submission for approval by the Principal Certifying Authority prior to issue of the Construction Certificate of design documentation for the driveway to the proposed new Lot. The designing engineer is to certify that the proposed

driveway is structurally adequate for design vehicles up to a fully laden concrete truck, and complies with Australian Standard 2890.1 – 1993 “Off-street car parking” in terms of passing opportunities, ramp grades and driveway width etc.

18. 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 issue 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 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 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.

19. 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:
- a. The existing pipes within the interallotment drainage easement system to be utilised, not to be reconstructed, are in satisfactory condition and
  - b. The existing pipes to be utilised 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 the public drainage system.

Where it is found that the existing pipes are in disrepair or will have insufficient hydraulic capacity to carry additional flows from the approved development the Applicant shall submit full design documentation for an upgraded interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. This design documentation shall be approved by the Principal Certifying Authority (PCA), prior to issue of the Construction

Certificate. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with in accordance with Council's Water Management DCP 47 (available on Councils website and at Customer Services) 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 interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
  - b. The contributing catchment calculations and supporting pipe sizing information,
  - c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
  - 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.
20. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLINGS 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:

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
9.	North Turrumurra 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

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

21. 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
<i>Eucalyptus pilularis</i> (Blackbutt) Close to the property's southwestern corner.	8 metres
<i>Brachychiton acerifolius</i> (Flame Tree) Close to the property's southwestern corner.	5 metres
<i>Acer palmatum</i> (Japanese Maple) Near the property's central rear boundary.	5 metres
<i>Syncarpia glomulifera</i> (Turpentine) Close to the property's central rear boundary.	4 metres

22. 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 existing DWELLING and BRICK SHED 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
2 <i>Syncarpia glomulifera</i> (Turpentine) Near the property's central rear boundary.	5 metres
2 <i>Syncarpia glomulifera</i> (Turpentine) Adjacent to and near the southern end of the property's eastern boundary.	4 metres

*Franklinia axillaris* (Gordonia)

4 metres

Between the brick shed and the dwelling's southeastern corner.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF A SUBDIVISION CERTIFICATE

23. The linen plan release fees set out in Councils adopted Schedule of Fees and Charges is payable to Council, prior to issue of the Subdivision Certificate.
24. Construction of the driveway access to the proposed new Lot is to be supervised and upon completion certified by the designing engineer that the works have been constructed in accordance with the approved plans. Certification is to be provided to the Principal Certifying Authority prior to issue of a Subdivision Certificate.
25. For endorsement of the linen plan/issue of the subdivision certificate, the applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by Council. The following details **must** be submitted with the plan of subdivision and copies:
  - a. Plan of Subdivision Lodgement Form, available at Council's Customer Services Counter;
  - b. The endorsement fee current at the time of lodgement;
  - c. The 88B Instruments plus six (6) copies;
  - d. Compliance Certificate issued by the Accredited Certifier for all subdivision works;
  - e. A copy of all works-as-executed plans required under the consent;
  - f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent;
  - g. The Section 73 (Sydney Water) Compliance Certificate for the subdivision.

Council will check the consent conditions on the subdivision. Failure to submit the required information will delay endorsement of the linen plan, and may require payment of rechecking fees.

Note 1: Plans of subdivision and copies must not be folded.

Note 2: Council will not accept bonds in lieu of completing subdivision works.

26. The submission of an instrument under Section 88B of the Conveyancing Act with the Plan of Subdivision, plus five (6) copies, creating any required easements, rights-of-carriageway, positive covenants, restrictions etc, with Kuring-gai Council being named as the authority whose consent is required to release, vary or modify the same.
27. Creation of burdens including drainage easements, service easements and rights-of-carriageway as required. A registered surveyor is to certify prior to the issue of the subdivision certificate that all interallotment drainage lines, services or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively if the

surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required then certification to this effect from the surveyor is to be submitted.

28. Creation of suitable drainage easements with minimum widths in accordance with Council's Stormwater Management Plan DCP47 over all of the inter-allotment and Council drainage systems.
29. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate which refers to the subdivision application must be obtained and submitted to the Council.
30. The provision of separate underground electricity, gas, Telstra, sewer and water services, or appropriate conduits for the same, to each allotment. The certifier to verify that these services are provided to every lot prior to the issue of the Subdivision Certificate. The provision of these measures is to be certified by a consulting engineer or a registered surveyor prior to the issue of a Subdivision Certificate.
31. Prior to release of the linen plan/issue of the subdivision certificate, the following works must be completed:
  - a. Construction of the new driveway crossing and layback in accordance with the levels and specifications issued by Council.
  - b. Removal of all redundant driveway crossings, pipe crossing and/or kerb laybacks. Full reinstatement of these sections to footway, and/or turfed verge and/or kerb and gutter to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to marrying of levels and materials.
  - c. Any sections of damaged grass verge are to be replaced with a non-friable turf of native variety to match existing.

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

**CARRIED UNANIMOUSLY**

## **MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN**

### **537 E-Notification of DA's**

File: S02137

**Notice of Motion from Councillor L Bennett dated 1 November 2004.**

I move:

- “A. That the General Manager bring a report to Council on e-notification of DA's with special reference to the model adopted by Pittwater Council. Such a report to include detailed costings of the introduction and running of such a service.
- B. That options to deal with problems relating to the notification of residents living in apartment buildings, S.96 applications and changes to heritage items be presented to the Planning Committee.
- C. That Council consideration of the draft DCP for Notification be deferred pending the completion of the processes in parts A and B of the motion.”

**Resolved:**

(Moved: Councillors Bennett/Cross)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

*Standing Orders were suspended to deal with the Business Paper items where there are speakers first after a Motion moved by Councillors Ebbeck and Cross was CARRIED UNANIMOUSLY*

*Standing Orders were suspended further to deal with the Notice of Rescission relating to GB.10 after a Motion moved by Councillors Malicki and Innes was CARRIED UNANIMOUSLY and this was dealt with after GB.12*

538 **Proposed Draft Local Environmental Plan - Dual Occupancy Subdivision/Child Care Centres/26 - 28 Turramurra Avenue and 33 - 35 Gilroy Road, Turramurra**

File: S03843

**The following members of the public addressed Council:**

**J Hodges  
S McCorqudale**

To seek Council's endorsement of the issues to be included in proposed Draft Local Environmental Plan No 204.

**Resolved:**

(Moved: Councillors Hall/Cross)

- A. That the Council prepare and exhibit a Draft Local Environmental Plan to:

1. Provide for the inclusion of Child Care Centres as a permissible use in 2(c1), 2(c2) and 2(d3) zones of the Ku-ring-gai Planning Scheme Ordinance.
  2. To rezone 26 – 28 Turramurra Avenue and 33 – 35 Gilroy Road, Turramurra to 2(d3).
- B. That the contents of the new Draft LEP be combined with the draft LEP that Council resolved to prepare on 24 August 2004 (ie to provide savings provisions for strata subdivision of those dual occupancies approved under SEPP 53 provisions).
- C. That the Department of Infrastructure Planning and Natural Resources be advised of Council's decision to prepare the new draft Local Environmental Plan in accordance with the provisions of Section 54 of the Environmental Planning and Assessment Act 1979.
- D. That Council consult with relevant public authorities as required under Section 62.
- E. That Council place the new Draft Local Environmental Plan on public exhibition in accordance with statutory requirements.
- F. That a report be brought back to Council at the end of the exhibition period.

**CARRIED UNANIMOUSLY**

**Council adjourned for a short interval at 7.45pm  
after a Motion moved by The Mayor, Councillor Ryan and  
Councillor Ebbeck was CARRIED  
and the Chairperson ruled accordingly.  
The Meeting resumed at 7.52pm**

Those present were:

The Mayor, Councillor Ryan  
Councillor Andrew  
Councillor Cross  
Councillor Ebbeck  
Councillor Innes  
Councillor Hall  
Councillor Lane  
Councillor Malicki  
Councillor Shelley

*Standing Orders were suspended to deal with the Business Without Notice after a Motion moved by The Mayor, Councillor Ryan and Councillor Innes was CARRIED UNANIMOUSLY*

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

*The following item was dealt with after a Motion moved by The Mayor, Councillor Ryan and Councillor Innes to have the matter dealt with at the meeting was CARRIED and the Chairperson ruled urgency*

### 539 **Piping of Open Channel in 13 and 13A Wolsten Avenue, Turramurra**

Files: P63450, P63455

#### **Notice of Rescission from Councillors Malicki, Cross and Ebbeck dated 9 November 2004.**

We, the undersigned move:

That the approval for piping of a watercourse in 13 & 13a Wolsten Avenue, Turramurra is hereby rescinded (see Minute No 530).

#### **Resolved:**

(Moved: Councillors Malicki/Ebbeck)

That the Notice of Rescission as printed be adopted.

**CARRIED UNANIMOUSLY**

### 540 **Piping of Open Channel in 13 and 13A Wolsten Avenue, Turramurra**

Files: P63450, P63455

**Councillor Bennett returned during address**

#### **The following members of the public addressed Council:**

**E Meland  
B Batterham  
R Simpson**

To consider a request to pipe the open channel in 13 and 13A Wolsten Avenue, Turramurra.

## **Resolved:**

(Moved: Councillors Ebbeck/Cross)

That the request by owners of 13 and 13A Wolsten Avenue, Turramurra to pipe the open channel within their properties be approved in principle subject to:

1. The system is to be formalised by the creation of an easement to drain stormwater 1.83 metres wide over 13 and 13A Wolsten Avenue, Turramurra and be created pursuant to section 88B of the Conveyancing Act.
2. Council writing to the owners of 11 Wolsten Avenue advising of the decision and seeking to formalise the system by the creation of an easement to drain stormwater 1.83 metres wide over the property at the same time as 13 and 13A Wolsten Avenue, Turramurra. That legal and survey costs associated for the creation within 11 Wolsten Avenue are paid by the Council.
3. Council writing to the Department of Infrastructure, Planning and Natural Resources advising of the decision and request for comments and/or approval.
4. Council writing to NSW Fisheries advising of the decision and request for comments and/or approval.
5. The owners of 13 and 13A Wolsten Avenue, Turramurra being notified in writing of the decision as well as the process and Council requirements. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer for submission to Council for approval of detailed design documentation for the piping within the subject property.
6. The owners of 13 and 13A Wolsten Avenue, Turramurra being advised that the full cost of piping construction as well as survey and legal work associated with the creation of the easements, including the payment of any of Council's legal costs and disbursements for the checking of associated documentation are borne by the owners for their properties only.
7. That the terms of the Easements to Drain stormwater be carried out by the Applicant's Solicitors.

*For the Resolution:*            *The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Cross, Ebbeck, Hall, Innes, Lane and Shelley*

*Against the Resolution:*    *Councillor Malicki*

541    **UCAs – Stage 4**

File: S03487

Councillor Bennett raised this matter as a meeting is planned between DIPNR and Council staff in December.

*The following item was dealt with after a Motion moved by Councillors Bennett and Cross to have the matter dealt with at the meeting was CARRIED and the Chairperson ruled urgency*

**Resolved:**

(Moved: Councillors Bennett/Cross)

- A. That a meeting be organised for Councillors in November or early December to discuss heritage and UCAs.
- B. That appropriate staff attend and David Logan from Godden Mackay Logan or a member of his firm be asked to attend.

**CARRIED UNANIMOUSLY**

542

**Mayoral Meeting with the Minister for Planning**

File: S02921

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

*For the Motion of Urgency: Councillors Andrew, Bennett, Cross, Innes, Malicki and Shelley*

*Against the Motion of Urgency: The Mayor, Councillor A Ryan, Councillors Ebbeck, Hall, Lane*

**Motion:**

(Moved: Councillors Malicki/Andrew)

That any Mayoral meeting with the Minister for Planning to discuss any aspect of the Housing Strategy Stage 2 ONLY be held when Council's General Manager and Planning staff can also attend.

*For the Motion: Councillors Andrew, Innes, Malicki and Shelley*

*Against the Motion: The Mayor, Councillor A Ryan, Councillors Bennett, Cross, Ebbeck, Hall, Lane*

*No decision was taken in respect of the above matter as the Motion when put to the vote was LOST*

***Standing Orders Resumed***

## **GENERAL BUSINESS (Cont'd)**

543 **4 Moore Street, Roseville - Demolition of the existing Dwelling and Construction of an Attached Dual Occupancy**

File: DA 173/04

Ward: Roseville

Applicant: Mr Surinder Yadav

Owner: Surinder and Anita Yadav

To determine an application for demolition of the existing dwelling and construction of an attached dual occupancy. Council has resolved that dual occupancy development applications are not to be determined under delegated authority.

**Councillor Hall withdrew during discussion**

### **Resolved:**

(Moved: Councillors Shelley/Innes)

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

THAT the Council, as the consent authority, grant development consent to DA 0173/04 for the proposed demolition of a dwelling and erection of an attached dual occupancy on land at 4 Moore Street, Roseville, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

1. The development must be carried out in accordance with plans numbered 0401/DA01(Rev.2) dated 02.07.04, 0401/DA02(Rev.2) dated 02.07.04, 0401/DA03(Rev.3) dated 05.10.04, 0401/DA04(Rev.2) dated 02.07.04, 0401/DA06 (Rev.2) dated 02.07.04, 0401/DA07(Rev.3) dated 05.10.04, 0401/DA08 (Rev.2) dated 19.07.04 drawn by Surinder Yadav, and endorsed with Council's approval stamp, except where amended by the following conditions.
2. 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.
3. 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.
4. The dual occupancy development approved under DA 1089/03 is to be completed and an occupation certificate is to be issued by the Principal Certifying Authority prior to a Subdivision Certificate being released by Council under any separate subdivision application.

5. All building works shall comply with the Building Code of Australia.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. HOURS OF WORK: For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.
9. 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. 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. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.

15. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
16. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
17. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
18. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.
19. The requirements and standards imposed by the Authority, its consultants or contractors shall be complied with.
20. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
21. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
22. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
  - cause the windows or other openings in the external walls to be close boarded or otherwise covered;
  - cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
  - cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
23. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
24. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.

25. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
26. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
27. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
28. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
29. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
30. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
31. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
32. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
33. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
35. External finishes and colours are to be sympathetic to the surrounding environment.
36. Any fence to be constructed between Dwelling One and Dwelling Two shall comply with the requirements of Development Control Plan No 46 Exempt and Complying Development.
37. Bathrooms and toilets must have installed maximum 6/3 litre dual flush cisterns and shower heads with reduced water flow devices to ensure water conservation.
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 landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
40. 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.
41. 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>Cryptomeria japonica</i> (Crepe Myrtle) Adjacent to western (rear) site boundary	3.0m

42. 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.
43. 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.
44. 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  
*Cinnamomum camphora* (Camphor laurel)

45. 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.
46. To facilitate landscape amenity the existing *Pinus radiata* (Radiata Pine) is to be removed.

47. Prior to issue of the Construction Certificate, the applicant must submit a structural design for the proposed shared driveway for approval by the Principal Certifying Authority. The design must be prepared by a qualified consulting civil/structural engineer and must have regard to ensuring structural stability of the elevated driveway during vehicle and construction loading. The driveway must be constructed in accordance with this design.
48. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
49. An on-site stormwater detention must be provided for each dwelling in accordance with Council's requirements described in chapter 6 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website. Separate systems are to be provided for each residence, except where a single combined system may be located in a common location readily accessible by both owners (such as under a shared driveway). In this case appropriate cross burdens are to be created on title(s) as necessary.
50. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
51. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
52. 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.

53. Construction of the concrete access driveway to the proposed dwellings. The driveway is to be constructed with a minimum clear width between adjacent obstructions of 3.0 metres in accordance with AS 2890.1 “Off-street car parking”.
54. 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”.
55. 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.
56. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://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 Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
57. 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.

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

58. 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.

59. 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).

60. 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.
61. 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.

Details prepared by a practicing structural engineer for:

- All or any reinforced concrete, structural steel or timber framing.
- 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.
- Retaining walls and associated drainage.
- Wet area waterproofing details complying with the Building Code of Australia.
- Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
- Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$19,337.22. 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 13 August 2003, 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.	Open Space	\$1,966.00
8.	Koola Park upgrade	\$143.09
9.	North Turrumurra Sportsfield	\$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

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.

64. 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 shall include fencing to a height of 1.8 metres on the boundary of Nos 4 and 6 Moore Street. 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 \$ 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 <sup>2</sup>

65. A plan detailing screen planting of the northern and southern (side) site boundaries adjacent to the dwelling 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 a height of 4.5 metres.
66. The property shall support a minimum number of five (5) 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.

The five (5) trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

67. A CASH BOND/BANK GUARANTEE of \$4 000.00 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 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.

68. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

Note 1: The construction of footpaths and driveways outside the property, in materials other than those approved by Council, is not permitted and Council may require immediate removal of unauthorised installations.

Note 2: When completing the request for driveway levels application from Council, the applicant must attach a copy of the relevant Development Application drawing which indicates the position and proposed level of the proposed driveway at the boundary alignment. Failure to submit this information may delay processing.

69. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.

70. The stormwater concept plan prepared by ADC Design Group P/L, Drawing No. C040247-C1A, dated 11/1/04 shall be amended to, but not limited to the following:

- Elevations showing the tank invert level, invert level of the outlet orifice, top water level, sediment sump and finished surface levels are to be provided;
- A boundary junction pit is to be provided for OSD 1;
- A 150mm high kerb is to be provided along the driveway so that runoff from the driveway is directed to the OSD systems;
- A high level overflow is to be provided for each system;
- The outlet pipe to the kerb for each system is to be 200x100x6 RHS;

Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention including the above issues and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

71. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details demonstrating compliance with the requirement of a minimum 3.5 star NatHERS Rating or combined summer/winter thermal assessment of at least 60% (as detailed within section 4.4.2 of Council's Dual Occupancy Code).

72. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details of external materials and finishes which ensure that Dwellings 1 and 2 have individual identity and definition and are not identical in finish.

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

73. 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.

74. 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.
75. 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
<i>Cryptomeria japonica</i> (Crepe Myrtle) Adjacent to western (rear) site boundary	3.0m

76. The tree protection fence shall be constructed of star pickets at 2.4 metre spacings and connected by four strands of 2mm wire at 300mm spacings to a minimum height of 1.5 metres prior to work commencing.
77. 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

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

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

79. Prior to issue of the Subdivision Certificate, the applicant shall create a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.
80. 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, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate.
81. 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:
- The works were carried out and completed in accordance with the approved plans.
  - 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.

82. 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 to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

- a. Compatibility of the drainage system with the approved plans
- b. The soundness of the structure.
- c. The adequacy of the outlet control mechanism to achieve the discharge as specified.
- d. The capacity of the detention storage as specified.

- e. The size of the orifice or pipe control fitted.
- f. The maximum depth of storage over the outlet control.
- g. The adequate provision of a debris screen.
- h. The inclusion of weepholes in the base of the outlet control pit.
- i. The provision of an emergency overflow path.
- j. 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:

- 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)

## BUILDING CONDITIONS

83. 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.
84. 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).

85. 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.
86. 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.

87. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:

A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or  
Smoke alarms which:

- a. 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
- b. are connected to the mains and have a standby power supply; and
- c. 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.

88. 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.

**CARRIED UNANIMOUSLY**

544 **Report on Catchment Analysis for Cowan Creek and Middle Harbour Catchments**

File: S02500

To report findings of the analysis and planning for the Cowan Creek and Middle Harbour catchments.

**Councillor Hall returned during discussion**

**Resolved:**

(Moved: Councillor Bennett/Mayor, Councillor Ryan)

That the report be referred to the Management Plan and Budget workshops.

**CARRIED UNANIMOUSLY**

545 **Council Meeting Cycle - Christmas Recess**

File: S02355

To give consideration to the meeting schedule for December 2004, January and February 2005 and granting the appropriate Delegation of Authority to the Mayor, Deputy Mayor and General Manager during the recess period.

**Resolved:**

(Moved: Councillors Innes/Shelley)

A. That Council amend its meeting cycle for December 2004 as follows:

7 December 2004 - Ordinary Meeting of Council (Brought forward from 28 December 2004)

14 December 2004 - Ordinary Meeting of Council (Last Meeting for 2004)

- B. That Ordinary Meetings of Council be held on 1 and 15 February 2005 and that the normal meeting cycle resume on 8 March 2005 (Note: No Council meetings to be held in January 2005).
- C. That the Mayor, Councillor Adrienne Ryan, the Deputy Mayor, Councillor Nick Ebbeck and the General Manager, Brian Bell, be granted authority to exercise all powers, authorities, duties and functions of Council except those set out in Section 377 of the Local Government Act 1993 during the period 15 December 2004 to 1 February 2005, subject to the following conditions:
1. Such powers, authorities and functions may only be exercised by unanimous agreement between the Mayor, Deputy Mayor and General Manager.
  2. Any such power, authority, duty or function shall only be exercised by the Mayor, Deputy Mayor and General Manager jointly where they are of the opinion that the exercise of any such power, authority, duty or function could not be deferred until the meeting of Council on 8 February 2005.
- D. That consultation subject to their availability be held with Ward Councillors on matters where they would normally come before Council be contacted before delegation is exercised.

*For the Resolution:           The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Cross, Ebbeck, Innes, Lane, Malicki and Shelley*

*Against the Resolution:   Councillor Hall*

*The above Resolution was subject to an Amendment which was LOST. The Lost Amendment was:*

*(Moved: Councillors Lane/Hall)*

- A. *That Council amend its meeting cycle for December 2004 as follows:*
- 7 December 2004 - Ordinary Meeting of Council (Brought forward from 28 December 2004)*
- 14 December 2004 - Ordinary Meeting of Council (Last Meeting for 2004)*
- B. *That the normal meeting cycle resume on Tuesday, 8 February 2005.*
- C. *That the Mayor, Councillor Adrienne Ryan, the Deputy Mayor, Councillor Nick Ebbeck and the General Manager, Brian Bell, be granted authority to exercise all powers, authorities, duties and functions of Council except those set out in Section 377 of the Local Government Act 1993 during the period 15 December 2004 to 8 February 2005, subject to the following conditions:*

1. *Such powers, authorities and functions may only be exercised by unanimous agreement between the Mayor, Deputy Mayor and General Manager.*
  2. *Any such power, authority, duty or function shall only be exercised by the Mayor, Deputy Mayor and General Manager jointly where they are of the opinion that the exercise of any such power, authority, duty or function could not be deferred until the meeting of Council on 8 February 2005.*
- D. *That consultation subject to their availability be held with Ward Councillors on matters where they would normally be contacted before delegation is exercised.*

546 **Draft Development Control Plan No 56 – Notification**

File: S03673

To present to Council Draft Development Control Plan No 56 (Draft DCP No 56) - Notification for exhibition.

**Motion:**

(Moved: Councillors Bennett/Ebbeck)

That this matter be deferred in line with the resolution in NM.2 – E-Notification of DA's (see Minute No 537).

**CARRIED UNANIMOUSLY**

547 **Analysis of Land and Environment Court Costs 1st Quarter 2004/2005**

File: S02466

To provide information in relation to proceedings to which Council is a party in the Land and Environment Court for the quarter ended September 2004, including appeals commenced, costs incurred by Council and outcomes.

**Resolved:**

(Moved: Councillors Innes/Shelley)

That the analysis of Land & Environment Court Costs for the first quarter of the financial year 2004/2005 be received and noted.

**CARRIED UNANIMOUSLY**

## **MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN (Cont'd)**

548

### **Council Committees**

File: S03324

#### **Notice of Motion from Councillor E Malicki dated 25 October 2004.**

I move:

- “A. That all Council committees, informal or community, be open to Press and Public except for the closure conditions of the Local Government Act.
- B. That minutes be taken of every Council committee and that these be available on Council's website.”

#### **Resolved:**

(Moved: Councillors Malicki/Shelley)

- A. That notes be taken of every Council Committee meeting and circulated to all Councillors.
- B. That a Consultative Forum be held as soon as possible, to consider the details of how public participation will occur at Council Committee meetings and to explore other avenues to improve openness and responsiveness in Council.
- C. That details of the Forum be advertised to the public and that the Mayor write to community groups inviting them to attend the Forum.
- D. That findings of the Forum will be considered in the formation of the Community Consultation Policy that Council will ultimately adopt.

**CARRIED UNANIMOUSLY**

## **QUESTIONS WITHOUT NOTICE**

549

### **Congratulation Letters to Winners of Ku-ring-gai's Woman of Achievement and Young Performers Encouragement Awards**

File: S03264

Question Without Notice from Councillor M Shelley

Can the Mayor advise whether the letters of congratulation to the winners of the Zonta Club of Hornsby Ku-ring-gai's Woman of Achievement and Young Performers Encouragement Award have been sent as requested by myself and agreed to by you last month?

**Answer by the Mayor**

I am almost certain they have been sent and I will check tomorrow morning.

550 **A2 Hope Street, Pymble - Report on Breaches of Development Conditions**

File: DA0343/04

Question Without Notice from Councillor G Innes

Can the Director report on breaches of development conditions at A2 Hope Street, Pymble and what action Council has taken to review the situation?

**Answer by Director Development & Regulation**

Yes.

551 **Local Government (State) Award**

File: S02809

Question Without Notice from Councillor T Hall

Would the General Manager advise Council the implications of the new Local Government (State) Award that comes into effect this week? Particularly, would the General Manager in his report express the impact on Council of its ability to employ staff on term contracts in future and any budgetary considerations involved?

**Answer by the General Manager**

The impact of the Award is a 4% increase across the board to staff in the first year, the second year, 3.5% and the third year, 3%. Our financial projections have taken that into account via our Director's advice. The issue of contracts, that I know, there will be no contracts entered into except for Senior Officers within the meaning of the Local Government Act contracts offered in this Council by me.

552 **Draft LEP200 - Land in the vicinity of the Pacific Highway/Railway Corridor and St Ives**

File: S03209

Question Without Notice from Councillor T Hall

Has the Council replied to DIPNR's letter of 1 September seeking clarification from the Council of Council's decision to alter the exhibited Draft LEP200?

Has the correspondence been answered and, if so, would the Director circulate the reply to DIPNR or if not replied to, would the Director give reasons please?

**Answer by the Mayor**

The Director will report back.

553

**Redundancies**

File: S03271

Question Without Notice from Councillor M Shelley

Can the General Manager advise how many redundancies have occurred as a result of the introduction of the new computer system?

**Answer by the General Manager**

There are 2.

554

**UTS Inspection - 22 November 2004**

File: S03621

Question Without Notice from Councillor E Malicki

Is it possible to change the date of the inspection of the UTS from 22 November as there is a Sports Forum planned for this date and invitations have already gone out?

There are Councillors who wish to attend both.

**Answer by Director Planning & Environment**

We are looking for a new date for inspection of the site for Councillors.

555

**Stage 2 - Residential Development Strategy - Community and Stakeholder Reference Group**

File: S02921

Question Without Notice from Councillor E Malicki

When are details of the Community and Stakeholder Reference Group mentioned in the Consultation Report of 7 September coming to Council for determination?

I keep hearing how this will operate from members of the public even though Council has not determined the format of this Reference Group.

### **Answer by Director Planning & Environment**

Can I answer that - there is actually an e-mail has gone out to Councillors today which actually has in more detail.

You may recall at the last Planning Committee, I actually talked about the consultation process we were going to adopt and, in fact, an e-mail has gone out today from Colin Johnson, our co-ordinator of research outlining the process and the dates of some of the things for St Ives and on that, one of the things is a questionnaire which is going out to everyone in St Ives and on that questionnaire, ask people are they willing to be part of a group to be consultative as stakeholders. So, it will be by the process of people volunteering to be part of that group when they receive and fill out the questionnaire.

### **INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS**

The next Inspections Committee will take place on Saturday, 13 November 2004 to view the following property:

62A – 64A Killeaton Street, St Ives

*The Meeting closed at 9.59pm*

The Minutes of the Ordinary Meeting of Council held on 9 November 2004 (Pages 1 - 83) were confirmed as a full and accurate record of proceedings on 23 November 2004.

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General Manager

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Mayor / Chairperson