



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 2 MARCH 2004 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

**** ** * ** ** ** ***

APOLOGIES

DECLARATION OF PECUNIARY INTEREST

CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING

ADDRESS THE COUNCIL

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

DOCUMENTS CIRCULATED TO COUNCILLORS

CONFIRMATION OF MINUTES

Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 24 February 2004

Minutes numbered 72 to 93

MINUTES FROM THE MAYOR

PETITIONS

- P.1 **20 Warwick Street, Killara - Objection To Proposed Development (Two Hundred & Eighteen [218] Signatures)** **1**

File: DA1652/03

“We under residents of Killara who have signed our names below are opposed to inappropriate high density housing development in Killara’s quiet residential streets.

We implore Ku-ring-gai Council to reject the two applications to develop 20 Warwick Street, Killara. The applications are incompatible with the existing environmental character of Warwick Street and the surrounding streets.”

- P.2 **Lucinda Avenue & Eastbourne Road Intersection - Objections To Proposed Roundabout (Twenty-Seven [27] Signatures)** **2**

File: 88/05725/03

“The concerns and objectives of Lucinda Ave residents are:

- A) Reduce speed of traffic in Lucinda Ave
- B) Reduce volume of traffic in Lucinda Ave

A. Speed

Council proposal is to introduce a roundabout at Lucinda/Eastbourne intersection.

- a) Duty Traffic police and residents agree that:
 - 1. The roundabout will make negligible difference to the speed because it would be at the very beginning and end of the 'speeding zone'.
 - 2. Restrictions at the bottom of the hill are required, which would be visible from the top of both hills. Residents have demonstrated the effectiveness of this location by trial placement of licensed vehicles.
- b) The roundabout would introduce an additional safety hazard as it is only approximately 70 meters from the brow of the hill.
- c) There have been no accidents at this intersection since 1999. Council have stated in their reports that:

"the lack of recent crash history is unlikely to result in blackspot funding being attracted to Lucinda Ave", and "because of recent recorded accidents, Lucinda is unlikely to have a high score for traffic management in the street”.
- d) Off street parking would be very inconvenient for houses close to the roundabout.
- e) If the available funding was wasted on the roundabout then funds are unlikely to be available for some time to implement an effective solution.

Recommendation:

That the funds already allocated by the Council to this problem be re-directed to an effective solution at the bottom of the hill (eg mountable kerb blisters and islands).

B. Volume

Preventing access from Lucinda to the F3 would reduce volume. Traffic would still be able to join the F3 by turning left into Pennant Hills Road and left again to the F3. This would also reduce a traffic safety hazard at this intersection.

This proposal has previously been supported by the RTA.”

P.3 **231 Kissing Point Road, South Turramurra - Objection To Proposed Hutchison 3g Telecommunications Facility At Bp Service Station (Two Hundred & Thirteen [213] Signatures)** **3**

File: DA1619/03

“We, the undersigned, strongly object to the development proposal to erect a 30 metre high Hutchison 3G telecommunications facility at the HP Service Station located at 231 Kissing Point Road, South Turramurra for the following reasons:

- The proposed structure will have a negative visual impact on the surrounding low density residential neighbourhood and will be visible from a great distance away;
- It is out of character with the surrounding area being around 8-10 metres taller than the tree canopy for which South Turramurra is known;
- This is a high impact telecommunications facility masquerading as a flagpole. It is about twice the height of the existing pole at the front of the property which is more in keeping with the scale of the existing surrounding development;
- The potential impact of this high impact facility on users of the neighbouring children's playground, nearby kindergarten in Auluba Road, and surrounding houses;
- The potential negative impact on property values; and
- This type of development is best suited to a commercial/industrial area not a predominantly residential area.”

REPORTS FROM COMMITTEES

Minutes of Inspections Committee

File: S02131

Meeting held 28 February 2004

Minutes circulated separately

GENERAL BUSINESS

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

GB.1 **36 Wyuna Road, Pymble** **4**

File: DA 1562/02

To report on the issues raised at the Council site inspection and seek Council's determination of the development application.

Recommendation:

Approval, subject to conditions.

60. The following amendments must be made to the approved plans, and submitted to the Principle Certifying Authority prior to release of the Construction Certificate:

- a. Details of nominated garbage and recycling, and clothes drying areas to be provided.
- b. Reduction of the rear terrace of House A as indicated in the plan (copy attached) included with the letter from Smyth Planning, dated 16 February 2004.

GB.2 **451 Mona Vale Road, St Ives - Licence To C.A.R.E.S. Over Part Of The Road Safety Centre** **74**

File: P52792

To seek the approval of Council for the grant of a 5 year Licence to C.A.R.E.S. (Community And Road Education Scheme) over part of the St Ives Road Safety Centre (SIRSC) and the affixing of the common seal of Council to the Licence Agreement.

Recommendation:

That Council, subject to the approval of the Department of Lands, grant a 5 Year Licence to C.A.R.E.S.. The commencement and termination dates to coincide with the sublease to Honda Australia Pty Ltd and the affixing of the Common Seal of Council to the Licence documentation.

GB.3 **Proposed Drainage Easement Over Council Land At 16a Allara Avenue, North Turramurra (Orange Green) - Applicant At 233 Bobbin Head Road, North Turramurra** **79**

File: P35461

For Council to consider granting a drainage easement over Council land at 16A Allara Avenue, North Turramurra (Orange Green) to the applicant at 233 Bobbin Head Road, North Turramurra.

Recommendation:

That Council approve the granting of the proposed drainage easement over Council land at 16A Allara Avenue, North Turramurra to the applicant at 233 Bobbin Head Road, North Turramurra, subject to the terms and conditions of this report and public notification in accordance with the Local Government Act 1993.

GB.4 Investment Cash Flow & Loan Liability As At 31 January 2004 109

File: S02722

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

Recommendation:

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

GB.5 Policy And Program For Road Maintenance And Repairs 118

File: S03152

To seek Council's approval of the Road Maintenance and Repair policy and procedures.

Recommendation:

That Council adopts the Road Maintenance and Repair policy and procedures.

GB.6 20 Park Crescent, Pymble - Supplementary Report 147

File: DA1772/02

To address matters raised at the site inspection of 17 January 2004, to review and assess the information and analysis provided by objectors and their consultants and to determine a Development Application for the construction of a dwelling to create a detached dual occupancy.

Recommendation:

That the additional information be noted, and that the application be approved, subject to conditions.

GB.7 31 Owen Street, Lindfield - Supplementary Report 212

File: DA 1169/02

To provide a response to matters raised during the site inspection carried out on 6 September 2003.

Recommendation:

Approval, subject to conditions.

GB.8 Sportsground Use For Matchplay Under Lights 251

File: S02993

To consider a change of policy with respect to the playing of fixtures at night under lights at certain playing fields within Ku-ring-gai following a request from representatives of local rugby groups.

Recommendation:

Council allow use for limited night games at Cliff Oval and Roseville Chase consistent with the conditions outlined in this report as a trial.

GB.9 6 Howard Street, Lindfield - Supplementary Report 269

File: DA842/02

To respond to the issues raised at the Council site inspection and seek Council's determination of the development application.

Recommendation:

Approval, subject to conditions.

GB.10 Sponsorship Of 2004 North Shore Business Awards 340

File: S02091

To advise Council of a proposal to sponsor the 2004 North Shore Business Awards.

Recommendation:

That Council determine whether it wants to enter into an agreement with Precedent Productions to become a "Support Sponsor" of the 2004 North Shore Business Awards.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Public Safety And Crime Prevention 353

File: 01/0303-004

Notice of Motion from Councillor T Hall dated 25 February 2004.

I move:

That Council forthwith establish a standing committee consisting of the Mayor and one Councillor from each other Ward, representatives of local Police, Education Department, and Department of Community Services with a view of developing policies designed to improve public safety and crime prevention initiatives in the Ku-ring- gai Local Government Area.

NM.2 Negotiate With DIPNR With Regard To Land

354

File: 88/05725/03

Notice of Motion from Councillor E Malicki dated 24 February 2004.

I move:

That Council should negotiate with DIPNR with regard to the land comprising the former B2 corridor at the rear of Lucinda Avenue Wahroonga, along Eastbourne Avenue and Fox Valley Roads, requesting that a portion of this land should be dedicated to Council as Open Space as part of the future rezoning of the corridor lands.

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

QUESTIONS WITHOUT NOTICE

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

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

**** ** ***

***Environmental Planning & Assessment Act 1979
(as amended) Section 79C***

1. Matters for consideration - general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- a. The provisions of:*
 - i. any environmental planning instrument, and*
 - ii. any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - iii. any development control plan, and*
 - iv. any matters prescribed by the regulations,*
that apply to the land to which the development application relates,

- b. the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- c. the suitability of the site for the development,*
- d. any submissions made in accordance with this Act or the regulations,*
- e. the public interest.*

PETITION

20 WARWICK STREET, KILLARA - OBJECTION TO PROPOSED DEVELOPMENT (TWO HUNDRED & EIGHTEEN [218] SIGNATURES)

“We under residents of Killara who have signed our names below are opposed to inappropriate high density housing development in Killara’s quiet residential streets.

We implore Ku-ring-gai Council to reject the two applications to develop 20 Warwick Street, Killara. The applications are incompatible with the existing environmental character of Warwick Street and the surrounding streets.”

RECOMMENDATION

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

PETITION

LUCINDA AVENUE & EASTBOURNE ROAD INTERSECTION - OBJECTIONS TO PROPOSED ROUNDABOUT (TWENTY-SEVEN [27] SIGNATURES)

“The concerns and objectives of Lucinda Ave residents are:

- A) Reduce speed of traffic in Lucinda Ave
- B) Reduce volume of traffic in Lucinda Ave

A. Speed

Council proposal is to introduce a roundabout at Lucinda/Eastbourne intersection.

- a) Duty Traffic police and residents agree that:
 - 1. The roundabout will make negligible difference to the speed because it would be at the very beginning and end of the 'speeding zone'.
 - 2. Restrictions at the bottom of the hill are required, which would be visible from the top of both hills. Residents have demonstrated the effectiveness of this location by trial placement of licensed vehicles.
- b) The roundabout would introduce an additional safety hazard as it is only approximately 70 meters from the brow of the hill.
- c) There have been no accidents at this intersection since 1999. Council have stated in their reports that:

"the lack of recent crash history is unlikely to result in blackspot funding being attracted to Lucinda Ave", and "because of recent recorded accidents, Lucinda is unlikely to have a high score for traffic management in the street".
- d) Off street parking would be very inconvenient for houses close to the roundabout.
- e) If the available funding was wasted on the roundabout then funds are unlikely to be available for some time to implement an effective solution.

Recommendation:

That the funds already allocated by the Council to this problem be re-directed to an effective solution at the bottom of the hill (eg mountable kerb blisters and islands).

B. Volume

Preventing access from Lucinda to the F3 would reduce volume. Traffic would still be able to join the F3 by turning left into Pennant Hills Road and left again to the F3. This would also reduce a traffic safety hazard at this intersection.

This proposal has previously been supported by the RTA.”

RECOMMENDATION

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

PETITION

231 KISSING POINT ROAD, SOUTH TURRAMURRA - OBJECTION TO PROPOSED HUTCHISON 3G TELECOMMUNICATIONS FACILITY AT BP SERVICE STATION (TWO HUNDRED & THIRTEEN [213] SIGNATURES)

“We, the undersigned, strongly object to the development proposal to erect a 30 metre high Hutchison 3G telecommunications facility at the HP Service Station located at 231 Kissing Point Road, South Turramurra for the following reasons:

- The proposed structure will have a negative visual impact on the surrounding low density residential neighbourhood and will be visible from a great distance away;
- It is out of character with the surrounding area being around 8-10 metres taller than the tree canopy for which South Turramurra is known;
- This is a high impact telecommunications facility masquerading as a flagpole. It is about twice the height of the existing pole at the front of the property which is more in keeping with the scale of the existing surrounding development;
- The potential impact of this high impact facility on users of the neighbouring children's playground, nearby kindergarten in Auluba Road, and surrounding houses;
- The potential negative impact on property values; and
- This type of development is best suited to a commercial/industrial area not a predominantly residential area.”

RECOMMENDATION

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

36 WYUNA ROAD, PYMBLE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report on the issues raised at the Council site inspection and seek Council's determination of the development application.
BACKGROUND:	<ul style="list-style-type: none">• Application lodged 11 November 2002.• Council considered a report at its meeting on 9 December 2003.• Consideration deferred pending a site inspection.• Council site inspection took place on 17 January 2004.• Issues were raised at the site inspection and the applicant has made a submission dated 16 February 2004 in response to the issues raised.
COMMENTS:	The issues raised at the site inspection are addressed in this report.
RECOMMENDATION:	Approval, subject to conditions.

PURPOSE OF REPORT

To report on the issues raised at the Council site inspection and seek Council's determination of the development application.

BACKGROUND

- Application lodged 11 November 2002.
- Council considered a report at its meeting on 9 December 2003.
- Consideration deferred pending a site inspection.
- Council site inspection took place on 17 January 2004.
- Issues were raised at the site inspection and the applicant has made a submission dated 16 February 2004 in response to the issues raised.

ISSUES RAISED AT THE SITE INSPECTION

Seven issues were raised at the site inspection. The issues have been addressed by the consultant for the applicant by way of letter dated 16 February 2004. A copy of the letter from the consultant for the applicant, Meg Levy of Smyth Planning, is attached to this report. Brief comments are provided as follows in relation to each of the issues:

Issue 1 - Retaining wall at Survey Point 2

The consultant provided a plan which shows the location of the retaining wall near the proposed gate adjacent to the garage of House A, and shows the provision of a 1.8m high fence on top of the retaining wall.

Issue 2 – Screen planting to western boundary

The landscape plan for the development, prepared by Ian Jackson (attached to the previous Council report) indicates the trees and garden beds in the western front setback area to be retained and provides for additional screen shrubs, a small tree and a feature tree. The screen shrubs would have a mature height of approximately 3-4m, the small tree would have a mature height of approximately 4-5m and the feature tree would have a mature height of approximately 13m.

Issue 3 – Boundary fencing to 1.8m height at the applicant's cost

An additional condition could be imposed requiring the provision of 1.8m high fencing along side and rear boundaries, behind the proposed building lines, as follows:

“In order to ensure privacy between neighbours, fencing shall be provided along the side and rear boundaries behind the proposed front building line to a height of 1.8m above the finished ground level, or other lesser height as agreed to with the neighbouring property owners. The materials of construction of the required fencing shall be as agreed upon with the neighbouring property owners”.

Item 1

DA 1562/02
19 February 2004

However this is a matter that falls under the provisions of the Dividing Fences Act and should not form part of any consent.

Issue 4 – Root disturbance around scribbly gum

The particular tree in question is understood to be Tree 2 located in the south-eastern corner of the site, near the carport of House B. That part of the development is to be set back a minimum distance of 4m from the tree as shown on the development plans and confirmed by the letter from the consultant. The preservation and protection of this tree is required by Conditions 42, 43, 59 and 65, and the note to Condition 57.

Issue 5 – Adequacy of landscaping along southern boundary and any requirement for terracing due to rock outcrop

Existing trees to be retained and additional trees and planting to be provided are as shown on the landscape plan prepared by Ian Jackson, which was attached to the previous report to Council. An additional sentence could be added to the previously recommended Condition 58 (now **condition 61**), as follows:

“In order to ensure privacy between neighbours, the amended landscape plan required by this condition shall provide for screen planting along the southern boundary which is capable of attaining a mature height of 3m”.

Whilst the landscape plan provides for landscape screening, the mature height of all of the screening is not indicated and this additional sentence should provide additional protection for the privacy of the neighbouring property.

The landscape plan indicates the location of the provision of a 900mm wide easement, and provides for a 450mm minimum depth of soil cover. The landscape plan has taken into account the existing soil depth and the soil depth as a result of the easement, and indicates that ample room will be provided for future planting. The development plans and the landscape plan do not provide for any terracing of the southern boundary setback area.

Issue 6 – Reduce rear deck of House A

The applicant has agreed to this request and reduced the rear deck by as much as 1.2m. An additional requirement has been included in the previously recommended Condition 57 (now **Condition 60**) as follows:

“c. Reduction of the rear terrace of House A as indicated in the plan (copy attached) included with the letter from Smyth Planning dated 16 February 2004”.

Issue 7 – Is kerb and guttering required to both frontages of the site

Council's Development Control Engineer has not required the applicant to construct kerb and guttering from its present limit in Bolwarra Avenue, as shown on the development plans, around

Item 1

DA 1562/02
19 February 2004

into Wyuna Road. Council resolved on 10 April 2001 that the construction of isolated sections of kerb and gutter by property owners and developers on streets such as Wyuna Road not be approved unless a formal design already exists or it can be demonstrated that the work will improve road safety or drainage conditions. The Development Control Engineer advised that Council has a policy of not requiring applicant's to construct isolated sections of kerb and gutter, and that an extension of the existing kerb and gutter from Bolwarra Avenue into Wyuna Road in this location would constitute an isolated section.

Additional issue raised by neighbours

The consultant indicates that the neighbours objected to the previously recommended condition 57(a) on the basis of potential privacy impacts. The consultant advises that the additional window is not actually required in order to comply with Building Code of Australia requirements for light and ventilation. The consultant now proposes deletion of this window, and this condition is no longer included in the list of recommended conditions (see **Condition 60**).

SUMMARY

The issues raised at the site inspection have been satisfactorily addressed, and the application is recommended for approval subject to the conditions listed below.

RECOMMENDATION

That Development Application No 1562/02 for demolition and construction of a detached dual occupancy development on Lot 231, DP 27290, being 36 Wyuna Road, West Pymble, be approved subject to the following conditions:

GENERAL

1. The development to be in accordance with Development Application No 1562/02 and Development Application plans prepared by Ken Dyer design Pty Ltd reference number Job No. 02711 Sheets 1 to 3 of 3 Issue B, dated 27 September 2002 and lodged with Council on 20 May 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.

Item 1

DA 1562/02
19 February 2004

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 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.
13. For bushfire protection in bushfire conditions, all glazing is to be fitted with external non-corrosive steel screens.

Item 1

DA 1562/02
19 February 2004

14. Non-combustible shutters shall be provided on windows exposed directly to bushfire hazards.
15. No exposed timber shall be used on any dwelling.
16. The area around the dwellings is to be maintained as an Inner Protection Zone (IPZ), in accordance with the requirements of Planning for Bushfire Protection 2001, produced by the NSW Rural Fire Service.
17. Any sub-floor space shall be enclosed in accordance with Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas.
18. 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.
19. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
20. 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.
21. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
22. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
23. 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.
24. 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.
25. 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.

Item 1

DA 1562/02
19 February 2004

26. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
27. 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.
28. 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.
29. 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.
30. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
31. 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.
32. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
33. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
34. 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.
35. 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.

Item 1

DA 1562/02
19 February 2004

36. 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.
37. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
38. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the interallotment stormwater drainage line.
39. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual. Separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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.

Item 1

DA 1562/02
19 February 2004

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.

40. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
41. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.
42. 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.
43. 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.
44. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.
45. 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.
46. Canopy and/or root pruning of the following tree/s which is necessary to accommodate the approved building works shall be undertaken by an experienced Arborist/Horticulturist, with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate:

Tree/Location

Eucalyptus haemastoma (Scribbly Gum)/south of carport to House B

Item 1

DA 1562/02
19 February 2004

47. 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.
48. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.

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

49. 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.
50. 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).
51. 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.
52. 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:

Item 1

DA 1562/02
19 February 2004

- 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.

53. Submission of design documentation for the required interallotment drainage system within the drainage easement through the downstream property(ies). The design is to be approved by the Principal Certifying Authority prior to issue of the Construction Certificate. Plans are to be prepared by a suitably qualified and experienced consulting engineer in accordance with the requirements of Council's Stormwater Management Manual, and must include the following details:

- a. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system.
- b. Longitudinal section showing existing ground levels and proposed invert levels.
- c. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
- d. New pipes within the downstream easement drainage system are to 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.
- e. A point discharge into the bushland is not permitted. Stormwater shall be evenly dispersed outside the rear boundary via a dispersal trench/ level spreader, approximately 5 metres long. The trench should be approximately 450mm wide x 600mm deep with a level slotted PVC pipe for its length, and backfilled with crushed or round river gravel. The trench should be constructed with minimal disturbance to natural ground so that there is a low impact on the natural vegetation and topography of the site.

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

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

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

Item 1

DA 1562/02
19 February 2004

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.

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

56. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench for each dwelling designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings 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 first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.

NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.

NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.

NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.

NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.

OR

Item 1

DA 1562/02
19 February 2004

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

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate.

Item 1

DA 1562/02
19 February 2004

All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

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

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE ADDITIONAL DWELLING IS CURRENTLY \$12 459.72. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75 sqm)	1.25 persons
Medium dwelling (75 - under 110 sqm)	1.75 persons
Large dwelling (110 – under 150sqm)	2.75 persons

Item 1

DA 1562/02
19 February 2004

Very Large dwelling (150sqm or more)	3.5 persons
New Lot	3.5 persons

60. The following amendments must be made to the approved plans, and submitted to the Principle Certifying Authority prior to release of the Construction Certificate:
- Details of nominated garbage and recycling, and clothes drying areas to be provided.
 - Reduction of the rear terrace of House A as indicated in the plan (copy attached) included with the letter from Smyth Planning, dated 16 February 2004.
61. A plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. In order to ensure privacy between neighbours, the amended landscape plan required by this condition shall provide for screen planting along the southern boundary which is capable of attaining a mature height of 3 metres. A Landscape Assessment fee will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

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

Note:

- The concept landscape plan prepared by Ian Jackson shall be used as the basis for the detailed landscape plan.
 - The proposed steps around tree 2 shall be narrowed by approximately 1 metre at the base and 0.7 metre at the top, so that no excavation into natural ground level occurs around the tree.
 - Proposed fencing at the site shall be consistent with the site plan prepared by Ken Dyer Design Pty Ltd.
62. A *CASH BOND/BANK GUARANTEE* of \$4000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

Item 1

DA 1562/02
19 February 2004

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.

63. A CASH BOND/BANK GUARANTEE of \$7500.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

Tree 2 (<i>Eucalyptus haemastoma</i> (Scribbly Gum)/NE corner of site	\$2000
Tree 10 (<i>Fraxinus 'Raywood'</i> (Claret Ash)/South of House A & B	\$2000
Trees 3-5/Along Wyuna Road frontage &	
Trees 6-9/Along Bolwarra Ave frontage	\$3500

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

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

65. 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.
66. 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.
67. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.

Item 1

DA 1562/02
19 February 2004

68. 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.
69. Tree protection fencing is required to prevent any activities, storage or disposal of materials over the root zone of existing trees. Fencing is to remain in place until all demolition and building works are complete.

All the existing trees and Buxus hedge, as well as the Claret Ash along the Bolwarra Avenue and Wyuna Road frontage shall be fenced off with one continuous fence along the street boundary, from the existing driveway in Bolwarra Avenue to the new driveway in Wyuna Road. From the new driveway entrance the fence shall extend into the site as far as necessary to include the canopy spreads of all those trees to be retained along the street boundaries and Tree 10 - *Fraxinus 'Raywood'* (Claret Ash), and continue back to the existing driveways off Bolwarra Avenue.

The *Eucalyptus haemastoma* (Scribbly Gum) shall be protected by a fence which extends from the Wyuna Road frontage parallel to 1.5 metres off the southern side of the carport to House B to 1.5 metres off the western wall of House B and back to the side boundary.

70. 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.
71. 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

72. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
73. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:
 - a. The works were carried out and completed in accordance with the approved plans.

Item 1

DA 1562/02
19 February 2004

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

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

74. The construction of the proposed interallotment drainage system must be undertaken to the satisfaction of the Principal Certifying Authority. The works are to be supervised by the designing engineer and certified upon completion that the as-constructed works comply with the approved design documentation and with Council's Stormwater Management Manual. A registered surveyor is to provide a Works-as-executed drawing of the as constructed works and must certify that all drainage structures are wholly contained within the drainage easement(s). This documentation is to be provided to the Principal Certifying Authority prior to issue of an Occupation Certificate.
75. 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)

Item 1

DA 1562/02
19 February 2004

76. 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.
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, the issue of the Occupation Certificate or the issue of a subdivision certificate.
78. Prior to occupation, the issue of an Occupation Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
79. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to Council confirming floor/ceiling levels and boundary setbacks prior to occupation.
80. On completion of the landscape works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to the occupation of the buildings.

BUILDING CONDITIONS

81. 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.

Item 1

DA 1562/02
19 February 2004

- 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.

82. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:

- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
- b. Any pier holes and/or foundation material.
- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

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

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

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

83. 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).
84. 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.
85. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

Item 1

DA 1562/02
19 February 2004

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.

86. 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.

87. 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.

88. 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.

Item 1

DA 1562/02
19 February 2004

- b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
- e. A Compliance Certificate that the building is protected and complies with Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas.

G Smith
TEAM LEADER
GORDON WARD

M Miocic
DIRECTOR
ENVIRONMENTAL &
REGULATORY SERVICES

Attachments: **Previous Council Report**
 Survey Report
 Submission by Smyth Planning

451 MONA VALE ROAD, ST IVES - LICENCE TO C.A.R.E.S. OVER PART OF THE ROAD SAFETY CENTRE

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To seek the approval of Council for the grant of a 5 year Licence to C.A.R.E.S. (Community And Road Education Scheme) over part of the St Ives Road Safety Centre (SIRSC) and the affixing of the common seal of Council to the Licence Agreement.
BACKGROUND:	The sublease to Honda over the site was endorsed by Council on 12 August 2003. The sublease makes provision for the grant of a Licence to C.A.R.E.S..
COMMENTS:	C.A.R.E.S. is considered to be a worthwhile community enterprise, run by the NSW Police providing Road Safety Education to young Children and has support by both Council and Honda.
RECOMMENDATION:	That Council, subject to the approval of the Department of Lands, grant a 5 Year Licence to C.A.R.E.S.. The commencement and termination dates to coincide with the sublease to Honda Australia Pty Ltd and the affixing of the Common Seal of Council to the Licence documentation.

PURPOSE OF REPORT

To seek the approval of Council for the grant of a 5 year Licence to C.A.R.E.S. (Community And Road Education Scheme) over part of the St Ives Road Safety Centre (SIRSC) and the affixing of the common seal of Council to the Licence Agreement.

BACKGROUND

Council is aware that the Road Safety Centre site is leased by Council from the Department of Lands and subleased to HART (Honda Australia Road Craft Training).

Attached to and forming a part of the sublease agreement between Council and Honda is a Honda Road Safety Education Centre St Ives Operating Charter, which in part addresses the issue of existing users of the site, specifically the C.A.R.E.S. program.

An extract from the Operating Charter is as follows:

“Existing users

C.A.R.E.S. Program

The C.A.R.E.S. program will be operated by NSW Police on the existing site. Safe access to the area is coordinated between the Honda Site Manager and the C.A.R.E.S. Program Manager.

Access to the C.A.R.E.S. site outside normal operating hours to be authorised through the Honda Site Manager.

Students attending the C.A.R.E.S. program are the responsibility of the C.A.R.E.S. Program Manager and are not permitted to enter any area of the site other than the C.A.R.E.S. education compound without the consent of the Honda Site Manager.

Students must be fully supervised by C.A.R.E.S. when in the bus car park.

Honda will maintain grounds within the C.A.R.E.S. fenced area.

No Fees are to be charged to C.A.R.E.S. for the use of the facility.”

COMMENTS

The C.A.R.E.S. program is considered to be a worthwhile a community enterprise aimed at educating young children in road safety and managed by the NSW Police.

Item 2

P52792
12 February 2004

The program is summarised in a NSW Police service media release, which provides as follows:

“NSW Police Service Media

COMMUNITY & ROAD EDUCATION SCHEME

The Community and Road Education Scheme (C.A.R.E.S.) is a bicycle safety program run by NSW Police, and aimed at primary school aged children. The program is taught to Year 4, 5 and 6 classes in three stages:

A police visit to primary school, an excursion to a C.A.R.E.S. facility, and a follow-up visit by police to the school.

C.A.R.E.S. centres are located at Bass Hill, St Mary's, Prospect, St Ives, Campbelltown and Lake Illawarra. The centres use skills tracks to teach children how to handle their bicycles safely, while kid-size road tracks (complete with traffic lights, road signs and roundabouts) teach principles of road safety. The Bass Hill centre also conducts a pedestrian and bicycle safety program for Year 3 children.”

The area of the SIRSC subject to the proposed Licence is detailed in attachment A.

The rent for the 5 year Licence set a nominal \$350.00 and was geared to reflect the administration costs to Council.

It is proposed that the new Licence Fee be set at \$400.00 pa and that the commencement and termination dates of the Licence are the same as those of the sublease with Honda.

CONSULTATION

Council has consulted with Fox and Stanilands in the preparation of the Licence and with C.A.R.E.S. who have no objection to the proposed Licence Fee.

FINANCIAL CONSIDERATIONS

The proposed licence fee be geared to reflect the administrative costs to council be increased to \$400.00.pa.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

None

SUMMARY

C.A.R.E.S., is a worthwhile community enterprise providing road craft training to young children in the age range of 4 to 8 years and will no doubt contribute to the saving of many young lives in the future.

Council has in the past supported and continues to support the C.A.R.E.S. program.

RECOMMENDATION

- A. That Council approve the grant of a 5 Year Licence subject to the consent of the Department of Lands.
- B. That Council endorse a Licence Fee of \$400.00 pa.
- C. That Council approve the commencement and termination of the Licence to coincide with that of the sublease to Honda.
- D. That Council authorise the Mayor and the General Manager to sign documentation associated with the grant of lease.
- E. That Council authorise the affixing of the Common Seal of Council to the Licence Agreement.

Keith Woosnam
Commercial Services Coordinator

John McKee
Director Finance and Business

Attachments: **Appendix A. Site Plan SIRSC**

PROPOSED DRAINAGE EASEMENT OVER COUNCIL LAND AT 16A ALLARA AVENUE, NORTH TURRAMURRA (ORANGE GREEN) - APPLICANT AT 233 BOBBIN HEAD ROAD, NORTH TURRAMURRA

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to consider granting a drainage easement over Council land at 16A Allara Avenue, North Turramurra (Orange Green) to the applicant at 233 Bobbin Head Road, North Turramurra.
BACKGROUND:	Meridien Property Developments Pty Ltd and Comex Building Pty Ltd submitted a development application (DA 145/03) to Council to construct six dwellings and associated subdivision as a series of dual occupancy at 233 Bobbin Head Road, North Turramurra. The Developer's DA 145/03 was approved by Commissioner Watts in the Land and Environment Court on 23 September 2003.
COMMENTS:	<p>The Developer submitted an application requesting drainage easement over Council's Park known as Orange Green.</p> <p>The proposed drainage easement will not interfere with the current usage of the park.</p>
RECOMMENDATION:	That Council approve the granting of the proposed drainage easement over Council land at 16A Allara Avenue, North Turramurra to the applicant at 233 Bobbin Head Road, North Turramurra, subject to the terms and conditions of this report and public notification in accordance with the Local Government Act 1993.

PURPOSE OF REPORT

For Council to consider granting a drainage easement over Council land at 16A Allara Avenue, North Turramurra (Orange Green) to the applicant at 233 Bobbin Head Road, North Turramurra.

BACKGROUND

Meridien Property Developments Pty Ltd and Comex Building Pty Ltd submitted a development application (DA 145/03) to Council to construct six dwellings and associated subdivision as a series of dual occupancies at 233 Bobbin Head Road, North Turramurra.

On 18 June 2003, Council received a letter from Meridien Property Developments Pty Ltd and Comex Building Pty Ltd requesting Council consider an application to drain water through Council owned public reserve (16 Allara Avenue) at the rear of the subject property, 233 Bobbin Head Road, North Turramurra, which adjoins the Education Department land (refer to attachment 7).

The Education Department has provided consent for the developer to create an easement through their land. This was confirmed by the Crown Solicitor's Office dated 26 November 2003, consenting to the proposed easement (refer to attachment 4).

The applicant requires tapping into the existing pipe shown on the attached inter-allotment plan running through Council's reserve and draining out at Allara Avenue (refer to attachment 2).

The applicant's property is located at 233 Bobbin Head Road, North Turramurra, known as Lot 2 in DP 201172.

The Department of Education's property is situated within Lot 1 in DP 201172.

The Developer's DA 145/03 was approved by Commissioner Watts in the Land and Environment Court on 23 September 2003.

Location/Property

The land subject to the proposed easement is public garden and recreation space situated at 16 Allara Avenue, North Turramurra. The park is known as "Orange Green Park" and is situated on the north side of Allara Avenue a short distance to the east of the street intersection with Bobbin Head Road. Residential properties adjoin the park to the east, north and west, while the playground area of Turramurra North Public School also adjoins to the west. The reserve is located at 16 Allara Avenue, North Turramurra, known as Lot 44 in DP 203163. (refer to attachment 1).

The Park is classified as "Community land," in accordance with the Local Government Act and categorised as "Park," under Council's Small Park Plan of Management (adopted 19 May 1998) and currently being reviewed by Council's Planning Policy team.

Item 3

P35461
25 February 2004

The Orange Green Park is zoned Open Space 6(a) Recreation Existing pursuant to Ku-ring-gai Planning Scheme gazetted on 1 October 1971.

Plan of Management

Orange Green Park is covered under Council's Small Parks Plan of Management.

The Local Government Act 1993 has recently been amended by the Local Government Amendment (Miscellaneous) Act 2002 in relation to community land. In particular section 46(a)(1) provides that "A council may grant an easement over community land to provide pipes under the surface of the ground for the connection of premises adjoining the community land to a facility of the council or other public utility provider. An expressed authorisation in a plan of management is no longer required for the granting of such easement.

However, Council will still be required to carry out public notification in accordance with section 47 of the Local Government Act 1993.

COMMENTS

Council's engineering assessment unit within the Environmental & Regulatory Services Department requested that the applicant provide detailed analysis of the proposed drainage easement.

On 25 August 2003, Council wrote to the Developers requesting the following information, in order for Council's engineering assessment team to assess the request and seek resolution of Council.

1. A survey of the existing piped system passing through the reserve to which the connection is proposed, prepared by a registered surveyor detailing:
 - Exact location of in-ground drainage system including all pipes and pits;
 - Dimensions of all existing pipes and pits
 - Invert levels at all junctions and pits
 - Existing ground levels in the vicinity of the system.
2. A closed circuit television (CCTV) inspection of the entire in-ground drainage system
 - A video copy of the footage to be provided to Council.
3. Certification by a qualified consulting civil hydraulic engineer that:
 - the existing in-ground piped system is able to operate satisfactorily and without leakage or seepage.
 - To confirm the existing pipes have adequate capacity to carry design flow rates or detention system over flows where detention systems are to be provided. Calculations to be provided to Council.

Council sought legal advice from Abbott Tout as to whether or not section 46(a1) of the Local Government Act 1993, authorises Council to grant the Developers an easement for drainage across Council's land notwithstanding that the Developer's land is not adjoining Council's land.

Item 3

P35461
25 February 2004

Abbott Tout advised that following their search on lot 42 in DP 203163, there is an easement in favour of Council (Lot 42 in DP 203163) which permits drainage from Council's land to Allara Avenue.

It is Abbott Tout's view, that, "*section of the Act is capable of being interpreted as authorising Council to grant the requested easement subject to:-*

- *Council's other technical requirements being satisfied; and*
- *The Department of Education consenting to the Developers being able to connect up and have the benefit of the easement created by transfer L501327 which would link the easement from the Developer's land over Council's land to the drainage easement H804254 and Allara Avenue."*

McKees Legal Solutions (on behalf of the Developer) provided the information to Council as per its letter to the developer dated 25 August 2003.

On 21 October 2003 McKees Legal Solution responded, providing the relevant technical information which was consequently reviewed by the Engineering Assessment Team of which the comments were:

"Preliminary engineering investigation based on the video footage, indicated a small section of drainage line going upstream from Pit EP4 to the first bend in this line (directly below the access handle to lot 48) is badly dilapidated and, for additional water to pass through this system, would need to be removed and replaced."

In addition, Council's Engineering Assessment Team suggested the following recommendations to Council in its consideration to grant consent for the applicant to connect the storm water into the drainage system traversing the public reserve Lot 44 and the then properties known as 18, 22 and 24 Allara Avenue, North Turramurra.

As a condition of approval to connect to the subject storm water drainage system, burdening lots 44, 48, 43 and 42, the applicant shall remove and replace in full the existing dilapidated 450mm diameter section of drainage pipeline, between pit EP4 and the next upstream bend, (junction in this drainage line). The drainage line to be replaced is approximately 8m long and traverses the driveway access handle to 18 Allara Avenue, Turramurra, (Lot 48).

Prior to commencement of these works, the applicant will be required to submit engineering plans for conditional approval of the design by Technical Services. The plan must detail the required drainage line upgrade works under the driveway, described above. The engineering plans are to show proposed invert levels, proposed pipe grade and class, bedding and back fill detail and specialisations.

The plans were submitted by the Developer and were given conditional approval by the Director Technical Services on 2 February 2004, subject to Council approval.

Item 3

P35461
25 February 2004

The proposed easement will not interfere with the current usage of the park, however, it does traverse a prominent area of the site in close proximity of the playground. The area of the proposed easement is only a small proportion of the total park area.

CONSULTATION

Council officers have consulted with the Developers, Meridien Property Developments Pty Ltd and Comex Building Pty Ltd and their legal representatives concerning the process involved in seeking Council approval on the granting of the proposed drainage easement.

FINANCIAL CONSIDERATIONS

On 29 July 2003, 8 and 9 December 2003, Council officers advised the applicant's solicitors of the costs involved in the proposed easement application.

Easement application fee	\$500.00 (includes GST – Fees & Charges 2003/04)
Legal	\$1,500 to \$3,000 (excludes GST)
Valuation	\$900 (excludes GST)
Compensation fee	\$10,000 (determined by the State Valuation Office) * see comments below
Public Notification fees	\$500 to \$1,000 (excludes GST)
Legal instruments	At the full cost of the Developers
Independent studies on capacity of existing pipe	At the full cost of the Developers
Any repairs or replacement of existing pipe	At the full cost of the Developers

* The State Valuation Office was commissioned by Council on 7 January 2004 to determine the compensation payable to Council for the granting of the proposed easement (refer to attachment 3).

McKees Solicitors confirmed on 6 January 2004 that their clients agreed to pay the costs as outlined in Council's correspondence of 8 and 9 December 2003 (refer to attachment 5).

Meridien Property Developments Pty Ltd and Comex Building Pty Ltd confirmed by letter of 11 February 2004 that they agree to the compensation amount of \$10,000 plus GST and would also pay the valuation costs associated with the compensation assessment (refer to attachment 6).

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Open Space consulted with Business & Finance Development, Technical Services and Environment and Regulatory Services in the preparation of this report.

SUMMARY

The Developer's DA 145/03 was approved by Commissioner Watts in the Land and Environment Court on 23 September 2003. As a consequence, if Council does not grant this easement or if there is substantial objection to this proposal via the public exhibition process, the likelihood the applicant would lodge an application to the Supreme Court to have the matter resolved is highly probable. This will involve substantial additional cost for Council and the applicant.

Whilst the DA was being resolved, Council officers advised the Developers that they were required to submit an application for drainage easement, which was an entirely separate process.

On 2 Feb 2004, subject to council approval, conditional approval was given by the Director of Technical Services to the developer for the submitted plans for the proposed drainage easement.

An expressed authorisation in a Plan of Management is no longer required for the granting of such easement over community land. However Council would still be required to carry out public notification of the proposed easement in accordance with section 47 of the Local Government Act 1993.

Proposed next steps:

1. Council resolution
2. Public notification
3. Council solicitors to prepare section 88B Instrument, terms and conditions
4. Developers to consult with owners of 16A, 18, 22 and 24 Allara Avenue regarding the replacement of the dilapidated section of pipe (approx. 8m)
5. Developers to carry out replacement of the dilapidated section of pipe (approx. 8m)
6. Instrument to be executed
7. Compensation payment and all associated costs to be paid by the Developer
8. Section 88B Instrument to be lodged at Land Information Office

RECOMMENDATION

- A. That Council approve the granting of the proposed drainage easement over Council land at 16A Allara Avenue, North Turramurra to the applicant at 233 Bobbin Head Road, North Turramurra, subject to the terms and conditions of this report.
- B. Council issues a public notice as prescribed by section 47 of the Local Government Act 1993.
- C. That Council authorise the Mayor and General Manager to sign the documentation associated with the proposed easement, should no substantial objections be received following the public notice.

Item 3

P35461
25 February 2004

- D. The Council authorise the affixing of the Common Seal to the documentation associated with the proposed easement, should no substantial objections be received following the public notice.
- E. A report be brought back to Council if there are any substantial objections through the period of public notice.

Amanda Colbey
Acting Manager Parks, Sports & Recreation

Cherry Varde
Land Administration Officer

Steven Head
Director Open Space

Greg Piconi
Director Technical Services

- Attachments:**
- 1. Location Plan**
 - 2. Inter-allotment Plan**
 - 3. State Valuation Office Report**
 - 4. Crown Solicitor's office letter dated 26/11/03**
 - 5. McKee's Legal Solutions letter of 6.1.04**
 - 6. Meridien Property Developments & Comex Building letter of 11/2/04**
 - 7. Applicant's request dated 18/6/03**

INVESTMENT CASH FLOW & LOAN LIABILITY AS AT 31 JANUARY 2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the investment allocation and the performance of investment funds, monthly cash flow and details of loan liability for January 2004.
BACKGROUND:	Council's investments are made in accordance with the Local Government Act (1993), the Local Government (Financial Management) Regulation (1999) and Council's Investment Policy which was adopted by Council on 4 June 2002 (Minute No. 264).
COMMENTS:	The Reserve Bank of Australia (RBA) left the official cash rate unchanged at 5.25% for the month of January. Economists continue to expect a further interest rate rise as early as March this year.
RECOMMENDATION:	That the summary of investments, daily cash flows and loan liability for January 2004 be received and noted.

PURPOSE OF REPORT

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

BACKGROUND

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

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

COMMENTS

During the month of January Council's cash decreased by \$3,600,000 and gross capital appreciation on Council's investments was \$86,500.

Council's total investment portfolio at the end of January 2004 is \$16,060,800. This compares to an opening balance of \$15,719,100 as at 1 July 2003.

Council's General Fund interest on investments for January year-to-date is \$559,000. This compares favourably to the year-to-date budget of \$466,700.

Council's total debt as at 31 January 2004 is \$11,272,100. This compares to a total debt of \$12,605,500 as at 1 July 2003.

PERFORMANCE MEASUREMENT

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

- **Management of General Fund Bank Balance**

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

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

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

Item 4

S02722
17 February 2004

▪ **Allocation of Surplus Funds**

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

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

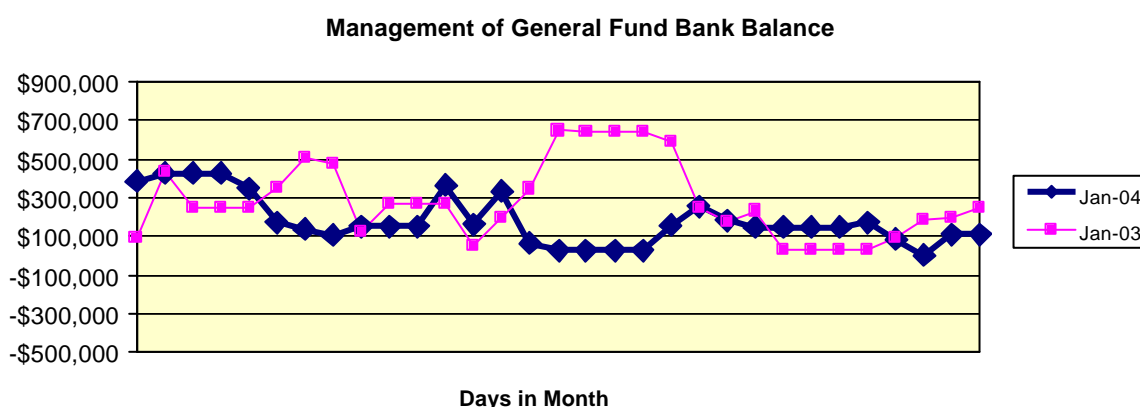
▪ **Summary of Borrowings**

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

January 2004

Management of General Fund Bank Balance

During January Council had an outflow of funds of \$3,600,000. This was due to high level of expenditure and reduced income received during the month. Large monthly payments made to Collex Waste Management and Waste Services Australia, combined with the second instalment of the NSW Fire Brigade levy contributed significantly to the outflow.



Funds Performance against the UBSWA Bank Bill Index

The weighted average return for the total portfolio of managed funds during January was 6.14% compared to the benchmark of the UBSWA Bank Bill Index of 5.52%.

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

Item 4

S02722
17 February 2004

Fund Manager	Terms	Opening Balance	Cash flow Movement	Income Earned (net of fees)	Closing Balance	Interest Rate
BT Institutional Managed Cash	At Call	\$128,479	\$1,102,263	\$3,039	\$1,233,781	5.43%
Alliance Capital Cash Enhanced	At Call	\$1,348,112	(\$1,352,263)	\$4,150	-	5.92%
Macquarie Diversified Treas.	At Call	\$6,643,097	(\$2,350,000)	\$25,997	\$4,319,094	6.63%
Perennial Cash Enhance Fund	At Call	\$6,346,461	(\$1,000,000)	\$27,992	\$5,374,453	6.42%
BT Institutional Enhanced Cash	At Call	\$2,003,803	-	\$9,627	\$2,013,430	6.30%
CBA Loan Offset No 1	Offset	\$1,430,000	-	\$6,051	\$1,430,000	5.12%
CBA Loan Offset No 2	Offset	\$1,690,000	-	\$7,151	\$1,690,000	5.12%
TOTALS		\$19,589,952	(\$3,600,000)	\$84,007	\$16,060,758	

Due to a downturn in performance of the Alliance Capital Cash Enhanced Fund, Council's investments held in this fund were transferred into the BT Institutional Managed Cash during January. BT Managed Cash offers same day turnaround for transactions and satisfactorily meets Council's day-to-day cash flow needs.

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

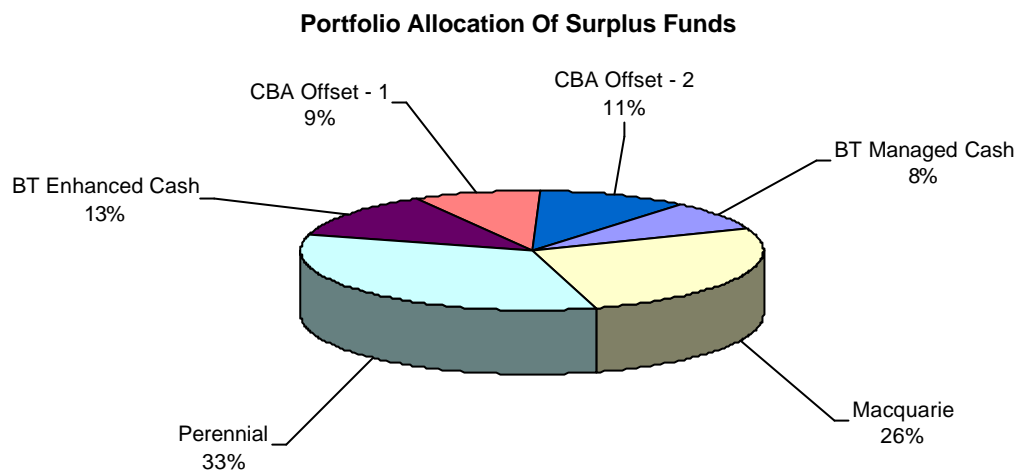
The following table provides a year-to-date analysis of each fund's performance against the industry benchmark.

Fund Manager	Performance Annualised for July 2003– January 2004	UBSWA Bank Bill Index Annualised for July 2003 – January 2004
BT Institutional Managed Cash	5.01%	5.01%
Alliance Capital Cash Enhanced	5.11%	
Macquarie Diversified Treas.	5.68%	
Perennial Cash Enhanced Fund	5.82%	
BT Institutional Enhanced Cash	5.74%	
CBA Offset No.1	4.90%	
CBA Offset No.2	4.90%	

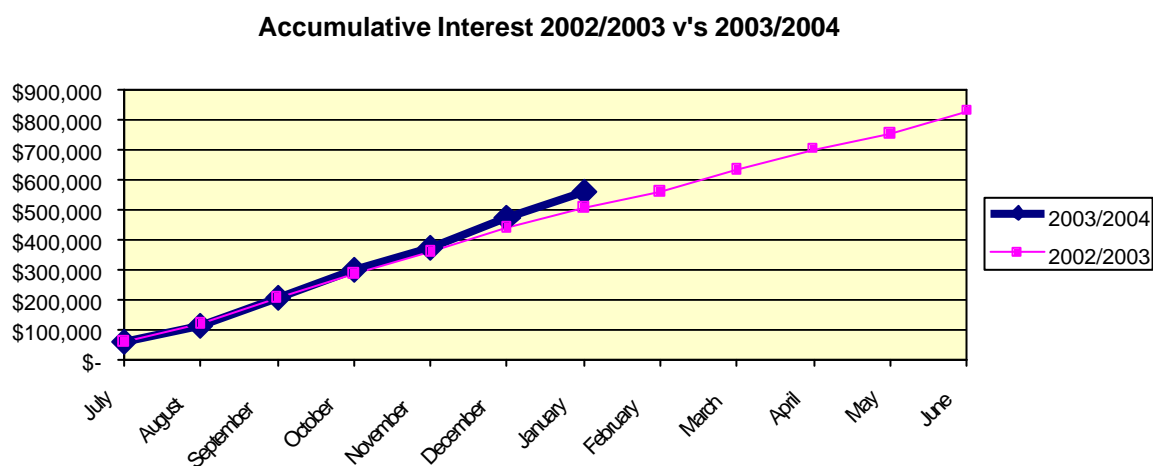
Item 4

S02722
17 February 2004**Allocation of Surplus Funds:**

Council's funds during January were allocated as follows:

**2002/2003 versus 2003/2004****Accumulative Interest**

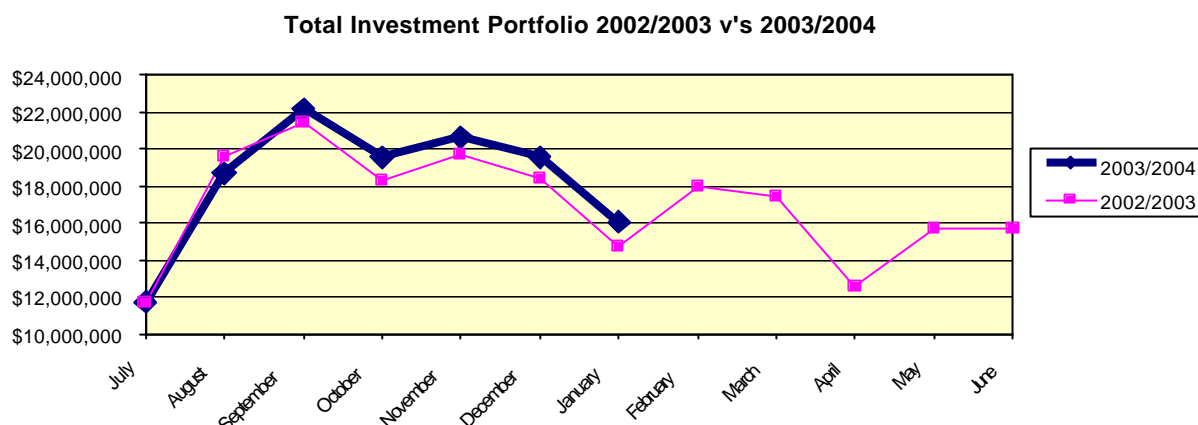
The following graph compares the interest earned on an accumulative monthly basis for financial years 2002/2003 and 2003/2004. As at the end of January 2004, year to date interest earnings totalled \$559,000. This compares to \$506,900 at the same time last year, an increase of \$52,100.



Item 4

S02722
17 February 2004**Total Investment Portfolio**

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



During January 2004 Council's investment portfolio decreased by \$3,600,000. In comparison, during January 2003 Council's investments decreased by \$3,800,000.

Council's closing investment portfolio of \$16,060,800 in January 2004 is \$1,367,800 greater than the January 2003 closing balance of \$14,693,000.

Capital Works Projects

As at the end of January 2004 Council has expended \$4,974,700 on capital works, which is \$144,800 lower than at the same time last year when \$5,119,500 had been expended.

During January 2004 Council expended \$196,700 on capital works, which compares to \$387,500 during January 2003, a decrease of \$190,800.

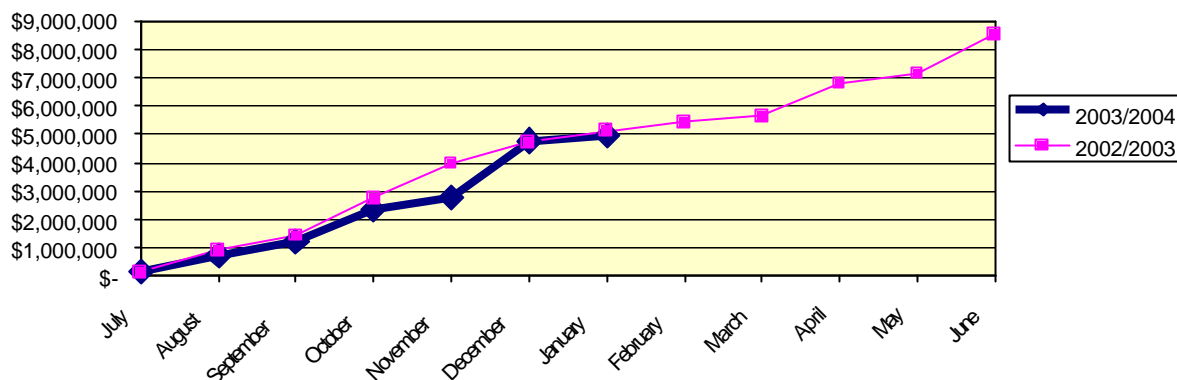
Council's 2003/2004 total budget for capital works (excluding fleet replacement) is \$11,615,900 which leaves funds of \$6,641,200 unspent at the end of January.

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

Item 4

S02722
17 February 2004

Capital Works Projects

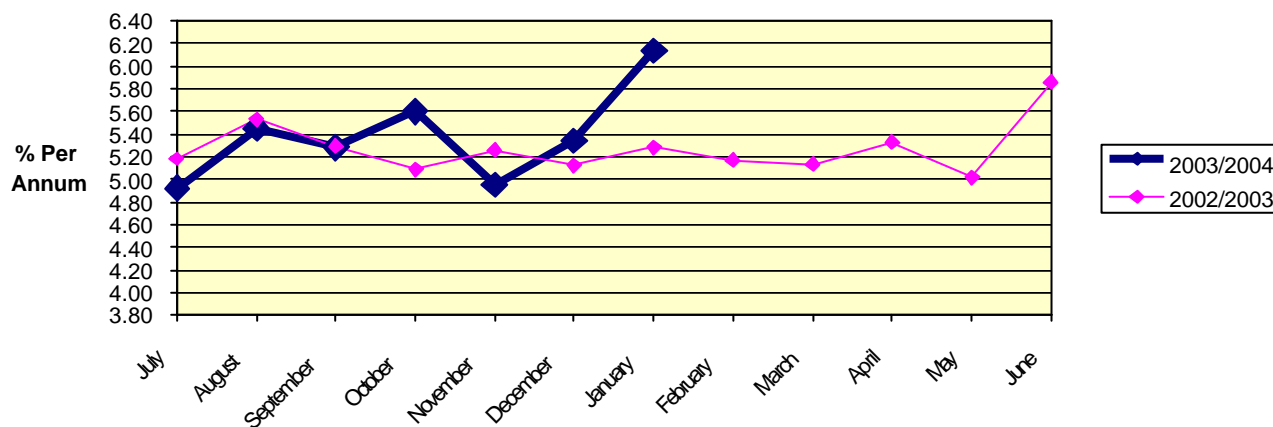


Portfolio Performance Average Return 2002/2003 versus 2003/2004

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

The average interest rate at end of January of 6.14% is higher than at the same time last year-5.28%.

Average return of Portfolio 2002/2003 v's 2003/2004



2003/2004 Portfolio Performance against the UBSWA Bank Bill Index

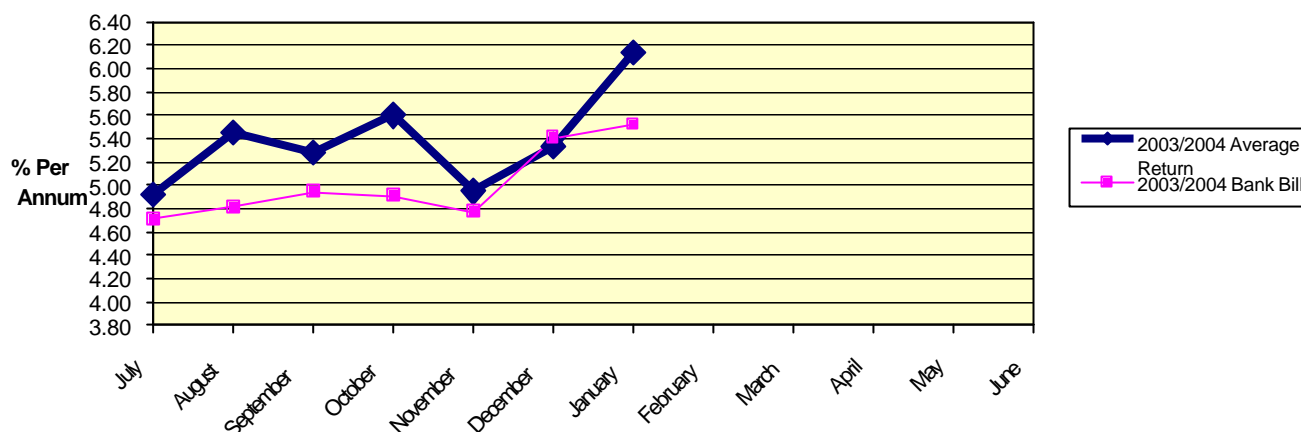
Council's average portfolio return performed above the UBSWA Bank Bill Index in January.

Item 4

S02722
17 February 2004

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

Average return of Portfolio against Bank Bill Index 2003/2004



Summary of Borrowings

During January Council repaid \$97,800 in borrowings, reducing the total level of debt at month end to \$11,272,100. This compares to a total debt at 1 July 2003 of \$12,605,500.

Lender	Loan Number	Original Principal	Principal Repayments	Balance Outstanding	Interest Rate	Draw Down Date	Maturity Date
Westpac	122	\$1,494,000	\$1,494,000	-	7.40%	28-Jul-93	28-Jul-03
CBA	123	\$2,000,000	\$1,872,611	\$127,389	9.70%	28-Jun-94	28-Jun-04
Westpac	124	\$4,000,000	\$3,098,408	\$901,592	10.95%	02-Feb-95	02-Feb-05
Westpac	125	\$1,000,000	\$747,938	\$252,062	6.27%	02-Feb-95	02-Feb-05
Westpac	126	\$1,500,000	\$1,371,705	\$128,295	9.13%	21-Sep-96	21-Jun-04
Westpac	127	\$1,000,000	\$472,819	\$527,181	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,170,000	\$1,430,000	5.12%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$910,000	\$1,690,000	5.12%	13-Jun-00	14-Jun-10
CBA	130	\$2,600,000	\$507,028	\$2,092,972	6.32%	26-Jun-01	28-Jun-11
NAB	131	\$2,600,000	\$286,442	\$2,313,558	6.85%	27-Jun-02	27-Jun-12
Westpac	132	\$1,882,000	\$72,950	\$1,809,050	5.16%	27-Jun-03	27-Jun-13
TOTAL		\$23,276,000	\$12,003,901	\$11,272,099			

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) left the cash rate unchanged at 5.25% for the month of January. A slow down in housing market, a lower inflation outcome over the December quarter and a strong currency contributed to that decision. Economists continue to expect a further interest rate rise as early as March this year.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 January 2004:

- Council's total investment portfolio is \$16,060,800. This compares to an opening balance of \$15,719,100 as at 1 July 2003.
- Council's General Fund interest on investments totals \$559,000. This compares favourably to the year-to-date budget of \$466,700.
- Council's total debt is \$11,272,100. This compares to a total debt of \$12,605,500 as at 1 July 2003.

RECOMMENDATION

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

Mellissa Crain
Manager Business Development

John McKee
Director Finance and Business

POLICY AND PROGRAM FOR ROAD MAINTENANCE AND REPAIRS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To seek Council's approval of the Road Maintenance and Repair policy and procedures.
BACKGROUND:	On 21 May 2003 Council considered a report on the abolition of non-feasance and Council's liability. The High Court handed down a decision on 31 May 2001 abolishing the rule of non-feasance and Councils are now required to defend claims on the basis of 'normal' duty of care.
COMMENTS:	Given the abolition of the immunity rule and the Civil Liability Act, Council should develop a procedure for managing risk and allocate funding on a priority basis.
RECOMMENDATION:	That Council adopts the Road Maintenance and Repair policy and procedures.

PURPOSE OF REPORT

To seek Council's approval of the Road Maintenance and Repair policy and procedures.

BACKGROUND

At Council's meeting of 21 May 2003, Council considered a report on the abolition of non-feasance and Council's liability.

On 31 May 2001, the High Court handed down its decision on *Ghantons versus Hawkesbury City Council* and *Brodie versus Singleton Shire Council*. As such, the decision eradicated the rule of non-feasance.

In the past, a road authority would not be liable because of a road or footpath fell into disrepair and Council was not aware of any failure of hazard.

As a result of the High Court's decision, Councils and other Road Authorities are required to defend claims on the basis of 'normal' duty of care.

In defending a claim, Council is required to demonstrate to the Court's satisfaction that:

1. it has a structured inspection and maintenance policy, including the prioritising of work.
2. it has adequate resources allocated to inspection and maintenance, that is, the amount allocated to inspection and maintenance is reasonable, given the interests competing for allocation of Council's finances.

On 18 June 2002 the Civil Liability (Responsibility Act 2002) received Royal Assent.

The Civil Liability Act places restrictions on awarding of damages relating to the death of or injury to a person caused by the fault of another person, except for damages covered by other specified laws.

The important changes to the common law regarding negligence, limits a plaintiff's capacity to argue that a Council should have allocated its resources in a particular way, so as to avoid injury to the plaintiff, and confirms that a Court must look at the particular situation in the wider picture of a Council's resources and commitments.

Councils and other public authorities must demonstrate a duty of care. This is to be assessed by:

S5B(1) – No negligence unless:

- (a) Risk was foreseeable
- (b) Risk was not insignificant
- (c) Reasonable person in the defendant's position would have taken these precautions.

S5B(2) – In determining (c) of the above, Courts are to consider:

- (a) probability of harm
- (b) likely seriousness of harm
- (c) burden of taking precautions
- (d) social utility of activity

Item 5

S03152
19 February 2004

The report was referred to Council's meeting of 17th February 2004 and was deferred for additional information to be included in the policy relating to road collapses and emergency situations where deep potholes are likely result in vehicle damage or create a high public risk.

COMMENTS

Given the abolition of the immunity rule and the introduction of the Civil Liability Act, it is important that Councils develop a procedure for managing risk and allocate funding on a priority basis.

Therefore, it is necessary for Councils to develop a policy and program for managing its assets in order to minimise the risk and allocate resources on a program basis taking into account the severity and likelihood of the risk.

In September 2003, Council adopted a policy for footpath repairs and maintenance procedures.

Council undertakes a survey of 20% of the road network each year for the updating of information in the Pavement Management System. The condition of Council's road network was also entered into a Maintenance Management System, which records the road defects.

Also, road patrols are undertaken to carry out temporary repairs until the road is either heavy patched or reconstructed.

Of the road network, approximately 200 kilometres of the 472 kilometres of Council maintained road has been assessed as being in failed to poor condition. While Council has increased the level of funding to upgrading its roads, there is still a lot of work outstanding.

Therefore, in order to proactively maintain Council's road network, inspections and repairs will concentrate on those roads rated as failed or poor condition.

The inspection and repair cycle will be greater for regional and collector roads because they carry more traffic and Council is likely to receive more claims for vehicle damage for these roads.

Council receives approximately \$160,000 per year from the Roads and Traffic Authority for maintenance and repair of regional roads. Council allocates approximately \$600,000 for road maintenance from its recurrent budget for maintenance and patching of collector and local roads.

This level of funding does not allow for a significant amount of heavy patching and consequently most of the repairs are considered to be temporary. However, hot mix asphalt is used in most places to allow for a longer life than conventional road patching treatments.

Attached is the draft Road Maintenance and Repair policy and procedures including the schedule of all roads rated as poor or failed condition.

CONSULTATION

Consultation has taken place with Council's insurer on these matters with regard to developing a policy and procedures for managing risks.

FINANCIAL CONSIDERATIONS

Council allocates approximately \$600,000 for road maintenance and repair work and receives \$160,000 per annum from the Roads and Traffic Authority for maintenance of regional roads.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business Section has been consulted in the preparation of this report.

SUMMARY

In 2001, the High Court abolished the non-feasance provisions that previously applied to Councils and road authorities.

On 18 June 2002, the State Government introduced the Civil Liabilities Act relating to the awarding of damages against Councils. This Act placed an onus on Councils to allocate resources according to available funding to address known risks.

For Council's roads, there are numerous risks and therefore, the identification of these risks need to be identified and prioritised.

A policy has been developed to assess the severity and likelihood of the risks and allocate available funding under a program. While the program will assist Council with claims for damages, the policy is designed to pro-actively address existing hazards in order to provide a safe environment for Council's residents and other members of the public.

RECOMMENDATION

That Council adopts the Policy and Procedures for Road Maintenance and Repair as attached.

Greg Piconi
DIRECTOR TECHNICAL SERVICES

Attachments: Policy and Program for Road Maintenance and Repairs

20 PARK CRESCENT, PYMBLE - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To address matters raised at the site inspection of 17 January 2004, to review and assess the information and analysis provided by objectors and their consultants and to determine a Development Application for the construction of a dwelling to create a detached dual occupancy.
BACKGROUND:	<p>Council at its meeting of 16 December 2003 deferred consideration of the application pending a site inspection.</p> <p>A site inspection occurred on 17 January 2004.</p>
COMMENTS:	The matters raised at the site inspection and the review and assessment of the information and analysis provided by objectors and their consultants are addressed in this report.
RECOMMENDATION:	That the additional information be noted, and that the application be approved, subject to conditions.

PURPOSE OF REPORT

To address matters raised at the site inspection of 17 January 2004, to review and assess the information and analysis provided by objectors and their consultants and to determine a Development Application for the construction of a dwelling to create a detached dual occupancy.

ISSUES RAISED AT SITE INSPECTION

An assessment report was prepared and considered by Council on 16 December 2003 where Council resolved to defer determination pending a site inspection and that staff be asked to review and assess the information and analysis provided by objectors and their consultants. The following matters were raised at the site inspection and are addressed accordingly:

1. *Can Council be provided with a hypothetical subdivision boundary line so that the built upon and landscape areas can be calculated?*

Whilst subdivision is not proposed in this application, a hypothetical or notional subdivision boundary can be established as such a boundary was included with the application refused by Council.

The hypothetical subdivision would be along a line projecting in a south-western direction and at a right-angle from a point located centrally between the existing open double carport located on the northern side of the site and at the north-eastern site boundary which is common to 20 Taunton Street and would result in the following built-upon areas for the respective dwellings. The existing dwelling would have a built-upon area of approximately 29.5% or 312 sqm. The proposed dwelling would have a built-upon area of approximately 32% or 318 sqm.

Both these built-upon areas would comply with the maximum of 40% specified in Council's Dual Occupancy Code.

2. *Can the extent of cut and fill adjacent to and including the swimming pool be provided?*

A maximum cut of approximately 1.8 metres is required with respect to the basement car park. The proposed cut does not occur any closer to the eastern site boundary than the existing cut for the swimming pool.

3. *Can the visual impacts of the development upon the laneway be indicated and this is to include:*

- a. *the height of the retaining wall and fencing***
- b. *the provision of landscaping along the laneway.***

The retaining wall and fencing located adjacent to the laneway have a height of 1.9 metres at the northern end, to 2.2 metres adjacent to the entry of the new dwelling.

Item 6

In terms of landscaping along the laneway, the existing hedge and proposed additional planting will range in height from 3 metres (northern end) to 4.2 metres (southern end) for the existing hedge. Additional tree planting will include species that attain a minimum mature height of 9.5 metres above the laneway level.

Refer the east elevation drawing No DA767.7A and the landscape plan. The east elevation indicates the visual impact of the existing fencing and landscape screening whilst the landscape plan indicates the location of the existing fence together with the existing and proposed landscape screening. The above plans are attached to the report.

4. *What is the distribution of open space across the entire site?*

In relation to the existing dwelling, there is in excess of 200sqm of private open space to its rear yard, with an extensive area of in excess of 300sqm located on the eastern side of the dwelling which separates it from the proposed dwelling. Additional ancillary areas of open space exist on both sides of the existing dwelling.

In relation to the proposed dwelling, an area of around 70sqm of private open space adjoins the living room located on its northern side. Other areas of open space are proposed around the north-western, eastern and south-eastern areas of the proposed dwelling which in total exceed 110 sqm. Another area of open space is located south of the new dwelling which has an area in excess of 100sqm.

The areas of open space have good distribution across the entire site. An open space distribution plan is attached to this report.

5. *Is the proposed driveway higher than the existing, and if so to what extent?*

The new driveway is not higher than the existing driveway.

On approach to the proposed dwelling the driveway does not increase in level. As the driveway approaches the garage it falls in level from RL 146.2 to RL 144.87, a fall of 1.33 metres.

6. *Does the FSR calculation include the battleaxe handle?*

No, the area of the site including the access handle is 1910 sqm. The floor space ratio of 0.39:1 has been calculated using an area of 1739 sqm, which excludes the area of the access handle.

7. *Please provide the setbacks of the proposed dwelling to the dwellings of the following allotments.*

- a. *17 Taunton Street***
- b. *20 Taunton Street***
- c. *20A Park Crescent***

Item 6

The setbacks of the proposed dwelling from the above dwellings are as follows:

- | | | |
|----|-------------------|------------|
| a. | 17 Taunton Street | 16 metres |
| b. | 20 Taunton Street | 6.5 metres |
| c. | 20A Park Crescent | 20 metres |

8. *What is the extent of cut and fill in relation to the ground floor and at the boundary?*

The ground floor level has a maximum fill above the existing ground level of 670mm. There is no change in levels at the boundary.

9. *Provide an accurate updated landscape plan that includes all canopy trees both existing and proposed.*

An updated landscape plan has been provided. It shows a total of 9 existing canopy trees, of which 4 will be retained, and a total of 5 new canopy trees. Two small to medium trees exist with 12 more small to medium trees proposed. The landscape plan is attached to this report.

10. *Can the Cypress along the laneway leading to Taunton Street be retained having regard to the excavation for the basement carpark and that the tree is within 3 metres of the proposed dwelling?*

The cupressus referred to above, located east of the proposed dwelling and adjacent to the kitchen, will be retained as noted on the landscape plan.

Another cupressus, located at the eastern corner of the site and adjacent to the lane, is 4.5 metres from the laundry patio and 5.5 metres from the dwelling. This cupressus could be retained, however, it is described as being thin and not providing a suitable screen. It is proposed to be replaced with a 'fiddlewood', which is a fast growing, evergreen, multi-stemmed tree that will provide a dense screen to 10 metres in height.

REVIEW AND ASSESSMENT OF INFORMATION AND ANALYSIS PROVIDED BY OBJECTORS AND THEIR CONSULTANTS.

- ***The proposal is similar in scale, form and siting to the previous application.***

Commissioner K G Hoffman in his decision to dismiss the original appeal stated that "*the separation from neighbours appeared to be sufficient in terms of visual bulk if suitable vegetation could be grown to soften the built form*".

The current proposal provides for increased setbacks including a minimum 3 metres setback to the south-eastern boundary which will allow adequate screen planting and will soften the built form. The privacy of neighbours has been preserved due to the principle areas of open space and living rooms being located on the northern side of the dwelling. The private open space area located on the northern side of the dwelling is around 70 sqm whereas AMCORD requires a minimum of 35sqm. The area and location of private open space is therefore

Item 6

acceptable. In order to assist in the minimisation of bulk, the first floor rooms are now included in the roof space. Notwithstanding that the floor space ratio has increased by 0.11:1 to 0.41:1, the built upon area has reduced by 3.6% to 30.8%. The proposal has a total height of 7.97 metres when measured from the roof ridge above the existing ground level and the maximum ceiling level of the rooms in the roof has a maximum height of 7.47 metres above the existing ground level. Accordingly, the bulk, scale, form and siting of the proposal are acceptable.

- ***The changes made to setbacks, roof design and rotation of the dwelling do not respond to the issues cited for refusal.***

Commissioner K G Hoffman in his judgement (paragraph 64) stated that “*both parties agreed that the overall allotment was large enough to allow two houses to be built upon it. It was the design of the second house its placement on the site, its external spaces and the relationship to the public pedestrian laneway and its resulting visual bulk, which had not been dealt with in an acceptable way*”.

The proposal is considered to have satisfied the abovementioned concerns by means of the following changes:

An increase in private open space by 62.6m² or 3.6% to accommodate outdoor uses. The living room and family room are now provided with direct access to the private open space. The position of the new building on the site and its relationship with adjoining properties has been improved due to the greater setbacks, which in turn allow adequate landscape screening and, coupled with the incorporation of the upper floor within the roof space, assist in the minimisation of bulk. The impact of the proposal upon the public laneway has been effectively reduced due to the greater set-backs and the use of the existing and proposed landscaping.

- ***Neither application complies with Draft LEP194.***

The proposed dual occupancy would not be permissible under Draft LEP 194. However, it is currently permissible under the provisions of SEPP 53.

- ***Fails to comply with the Dual Occupancy Code, with respect to height, opens space, landscaped area, setbacks, visual bulk, privacy, car parking, roof pitch and cut and fill.***

Height

The proposal is of a scale that is comparable to dwellings in the area, it also complies with the height limit. The bulk of the building is reduced by the amended design, which locates rooms in the roof, and by the greater setbacks to side boundaries.

Open space

The proposal has a compliant built-upon area of 30.8%. Whilst an adequate amount of useable open space has been provided particularly for the proposal of at least 70sqm, a

Item 6

minimum of 100sqm is required by the code. Notwithstanding the above, AMCORD requires 35sqm for private open space. Consequently the proposed 70sqm is acceptable.

Landscaped areas

The proposed provides a compliant landscaped area of around 69.2% of the site. The code requires 60% of the site to be landscaped. See attached updated landscape plan.

Setback

A setback of 3 metres is required to the side boundary. The proposal predominantly satisfies the requirement with the exception of the western corner of bedroom 1, which is 1.8 metres from the boundary.

Greater setbacks have been provided from the public laneway to a minimum of 3.0 metres. A greater setback has also been provided to the proposed access drive to the existing dwelling. A setback of 1.1 metres to 2.5 metres has been provided in this regard.

Visual Bulk

The greater setbacks to boundaries, the redesign of the building including the rooms in the roof, and the living rooms having a northern orientation and access to open space areas together with larger areas of landscaping surrounding the proposal, assist in the minimisation of the bulk of the new building. The proposal is considered to comply with the Code in terms of its bulk.

Privacy

The orientation of the main living areas to the north, the greater setbacks, together with the proposed and existing landscaping will ensure that reasonable levels of privacy will be maintained.

Car Parking

The proposal provides 3 car spaces including a visitor space for the new dwelling and two spaces for the existing dwelling.. This is in excess of Council's requirement and the SEPP 53 requirement of 4 car spaces.

Roof pitch

Some areas of the roof have a pitch of 45° and other areas have a pitch of 30°. Whilst the Code states that the maximum roof pitch should be 35°, the proposed roof is considered to satisfy the assessment criteria of compatibility with the streetscape, it does not unduly increase the bulk of the building and it does not cause unacceptable overshadowing of adjacent properties and open spaces.

Cut and fill

Item 6

The Code provides that the extent of cut and fill is to be restricted to 900mm, that is, a maximum of 1800mm over the building area.

Whilst the proposed excavation for the basement garage is to a depth of 1.8 metres and does not comply, the excavation will not impact on the existing trees required to be retained by Council and will not significantly alter the natural landscape, as existing levels will be predominantly retained in areas of open space, particularly in the area located along the eastern boundary adjacent to the public lane, which will remain the same. Most of the excavation has occurred already by virtue of the existing pool and is acceptable in the circumstances.

Impact on existing vegetation located on the southern boundary, south of the garage, and the condition of the existing photinea hedge.

The updated landscape plan indicates that 3 trees plus 1 insignificant tree are to be removed in the abovementioned area and replaced with 1 *acmena smithii* (mature height 12 metres), a *buchinghamia celsissima* (mature height 6 metres) and 3 *elaecarpus reticulatus* 'prima donna' (mature height 6-8 metres). Consequently, the vegetation in this particular area will be improved. Council's Landscape Development Officer supports the proposal. With respect to the existing photinea hedge, Council's Landscape Development Officer has advised that adequate sunlight will be received by the hedge during the growth period and that it will not be adversely impacted upon by the proposal.

Public Safety

The curved portion of the 1 driveway located south of the proposed dwelling is raised 1.5 metres above the level of the public footpath, however the finished level of the driveway at that location will be the same as the existing ground level at RL 146.20. The site plan and the landscape plan indicate that the driveway will be located 2 metres from the common boundary with the laneway. The vehicles using the driveway will be effectively screened by a 2 metres wide landscaped area and should the application be approved a condition is included to provide a kerb to the southern side of the driveway in the interest of safety (See Condition No 35). In regard to the slope of the driveway leading down from the existing dwelling, a slope of 1 in 10 is proposed or 10%, whereas the Australian Standard allows a maximum of 1 in 5 or 20%. Consequently, the proposed driveway slope is reasonable and is not considered to be a safety issue.

Occupant safety and acoustic impact

The driveway located on the western side of the proposed dwelling will be located up to 1.2 metres from the study and living rooms of the proposal and will be approximately 300mm lower than the floor level of the study and 600mm above the floor level of the western side of the living room, which is set back 2.0 metres from the driveway at that location. The area located between the proposed dwelling and the driveway will be effectively landscaped and combined with the gradient of the driveway being 10%, occupant safety is not considered to be an issue. The acoustic impact of vehicles upon the occupants is not considered to be

Item 6

adverse due to the grade of the driveway not being excessive and that vehicular movements are expected to be low.

Headlight impacts

The use of vehicle headlights whilst vehicles negotiate the curved driveway is not considered to be an issue as the occurrence would be expected to be minimal and that the driveway will be effectively screened with landscaping.

RECOMMENDATION

That Development Application No 1772/02 for the demolition of the existing inground pool and carport and the construction of an additional dwelling to form a Detached Dual Occupancy development on Lot C, DP 331955, 20 Park Crescent, Pymble be approved for a period of 2 years, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1772/02 and Development Application plans prepared by Craig Meredith Associates , reference number DA762.1-9, dated September 2003 as amended and lodged with Council on 20 December 2002 and 13 October 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
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. The works shall be erected in conformity with the approved plans and specifications and in accordance with the conditions of approval set out herein.
8. 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.

Item 6

9. 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.
10. **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.

11. 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.
12. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
13. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
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. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. 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.

17. 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.

Item 6

18. If the work involved in the erection or demolition of a building:
- a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

19. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
20. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
21. 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.
22. 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.
23. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
24. 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;

Item 6

- 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.

- 25. 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.
- 26. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
- 27. 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.
- 28. 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.
- 29. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
 - 30. For stormwater control all paved areas are to be drained to the main drainage system.
 - 31. Stormwater runoff from all hard surfaces, or landscaped areas, which are not at natural ground level, shall be piped to the existing stormwater drainage easement on the low side of the development lot.

Item 6

32. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual. Separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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.

33. All structures are to be sited clear of any drainage easements, drainage lines, watercourses and floodways. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority is to be contacted immediately for advice.

The footpath entry steps, proposed over the drainage easement, are to be supported on a reinforced concrete foundation. The foundation is to be designed so that it is possible to fully excavate the existing pipe without disturbing the constructed steps.

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

34. The existing service for the existing house to be relocated if they are affected by the new dwelling. Easements are to be provided where necessary.
35. The Design and construction of works in the accessway as detailed below to the satisfaction of Council's Development Engineer.

Item 6

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

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

The driveway works are to include:

- a) Kerb along the low side of the driveway for the full length of the existing and proposed driveway.
 - b) Reconstruction of a one (1) meter wide cracked section of the existing driveway, on both sides of the existing box drain that crosses the driveway. Box grate is to be reconstructed and grates replaced.
 - c) Reconstruction of a one (1) meter wide section of driveway adjacent to a construction joint on the driveway.
 - d) Reconstruction of the cracked corner on the concrete section of the existing driveway.
 - e) Reconstruct failed sections of bitumen driveway adjacent to the public road. As a minimum reconstruct at least 9.0sq meters.
 - f) Resheet the entire bitumen section of the entry adjacent to the public road. The bitumen is to be 25 mm thick and be constructed in the appropriate hotmix.
 - g) Sealed driveway to both dwellings.
36. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
37. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
38. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.
39. 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

Item 6

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.

40. 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.

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

41. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate. Note: Required if cost of works exceed \$25,000.00.
42. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
43. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
44. In order to maintain an appropriate level of solar performance for the buildings, the western windows of the development are to be provided with appropriate shading devices/shutters to protect against the summer sun. Details being submitted with the Construction Certificate plans.

Item 6

45. Submission of revised elevational drawings that are consistent with the floor plan and site layout changes indicated within the revised plans lodged with Council in October 2003.
46. The payment of a contribution for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE ADDITIONAL DWELLINGS IS \$12,459.72 if paid by 30 June 2003. Payments after this date shall be in accordance with the schedule of Section 94 charges as at the date of payment. The schedule of charges may vary in accordance with any CPI indexing of Council's Section 94 Contributions Plan. Rates are usually adjusted annually as at 1 July.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1. Preparation of New Residents Kit	\$10.98
2. New Resident Survey	\$9.87
3. New child care centre (including land acquisition and construction of facility)	\$252.13
4. Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5. New Library bookstock	\$17.95
6. New Public Art	\$2.93
7. Acquisition of Open Space - Turramurra	\$1996.00
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

47. The drainage design associated with the Construction Certificate is to incorporate details that address the following points:-
 - a. All trees in close proximity to drainage infrastructure, that are to be retained, are to be drawn to scale.

Item 6

- b. Pits, drainage walls and pipelines constructed under the tree canopies of trees to be retained, are to take into account the impact the works will have on the existing trees.
- c. Drainage details are to be compatible with the landscaping plans.
- d. The On Site Detention system is to be set at so that the outlet of the orifice plate is set no lower than the level of the AR1 50 year flood in the receiving drainage system. This is so the outlet from the OSD system is free draining and is not effected by backwater for all storm events up to the 50 year ARI event.
- e. Suitable kerbs or other approved “cut off” systems are to be provided in the OSD design to ensure all overland flow from storms up to the 50 year ARI storm event is conveyed to the OSD system.
- f. A 100mm high concrete kerb is to be provided along the low side of the existing driveway to cut off stormwater and direct it to the OSD system.
- g. If an underground storage tank is provided, the inflow pipes are to be located below inspection grates.
- h. The access grate above the control chamber is to be a grate sized 600mm x 900mm or greater.
- i. The roof gutter, down pipe and drainage system for the two dwellings is to be sized to catch and convey the 50 year ARI storm event to the OSD system.

48. Prior to the issue of the Construction Certificate, a Stormwater Drainage Plan for the development site must be submitted and approved by the Principal Certifying Authority (PCA). This Condition is imposed to ensure site stormwater is disposed in a controlled and sustainable manner.

The Stormwater Drainage Plan must show the proposed drainage system, and method and point of discharge to a Council-approved system. The plan must be based on the site survey as a minimum. The following requirements apply to all stormwater drainage systems:

Where it is proposed to connect to the existing site drainage system, the applicant must supply to the PCA an inspection report for the entire site drainage system from a suitably qualified engineer. This inspection report must confirm:

- a. The point and method of discharge (by way of sketch or plan) for the existing stormwater drainage system,
- b. Provision of suitable drainage infrastructure within existing system,
- c. The satisfactory condition of the existing system,
- d. The satisfactory capacity for continued usage, and
- e. No deleterious effect on existing, adjacent or downstream properties as a result of the continued use of this existing system.

If this certification cannot be given, then the applicant is to submit design documentation for a new system for approval with the Construction Certificate application. Plans are to be prepared by a suitably qualified and experienced consulting engineer or surveyor in accordance with the requirements of Council’s Stormwater Management Manual.

No stormwater drainage system is to be connected to any Sydney Water sewage system.

Item 6

Any new drainage works must incorporate a piped connection to an existing drainage system (satisfying the requirements of this Condition) or to an Approved Council discharge point. New drainage systems must be designed having regard to the need to prevent stormwater from entering buildings in accordance with the Building Code of Australia (BCA).

49. The applicant is to provide Plans with the Construction Certificate application from a suitably qualified and experienced engineer or surveyor, detailing the following works :
 - a. Kerb along the low side of the driveway for the full length of the existing and proposed driveway.
 - b. Reconstruction of a one (1) meter wide cracked section of the existing driveway, on both sides of the existing box drain that crosses the driveway. Box grate is to be reconstructed and grates replaced.
 - c. Reconstruction of a one (1) meter wide section of driveway adjacent to a construction joint on the driveway.
 - d. Reconstruction of the cracked corner on the concrete section of the existing driveway.
 - e. Reconstruct failed sections of bitumen driveway adjacent to the public road. As a minimum reconstruct at least 9.0sq meters.
 - f. Resheet the entire bitumen section of the entry adjacent to the public road. The bitumen is to be 25 mm thick and be constructed in the appropriate hotmix.
 - g. Sealed driveway to both dwellings.
50. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench within the subject property designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

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

NOTE 2: Where practicable, runoff from driveway and landscaped areas is to be directed to the retention system in preference to roof runoff.

NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.

NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.

Item 6

NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

NOTE 8: This requirement does not apply where the Applicant considers installation to be impractical.

OR

For stormwater retention, provision of a 2000 litre rainwater tank 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 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.

Item 6

51. 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.
52. The property drainage system shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
- NOTE 1: The property drainage system is not to require excavation or fill underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).
- NOTE 2: If the proposed drainage system involves piping underneath or within the building then the designer is to certify that the design is in accordance with AS3500.3.2:1998 and the BCA.
- NOTE 3: All enclosed floor areas, including habitable and garage floor levels, are to be safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
53. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
54. Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
55. A *CASH BOND/BANK GUARANTEE* of \$2000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

Item 6

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.

56. 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

57. To preserve the existing trees to be retained along the driveway, no work shall commence until a fence is erected along the SW edge of the driveway to prevent any activities, storage or the disposal of materials within the fenced area. The fences shall be maintained intact until the completion of all demolition/building work on site.
58. 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

59. The construction of the works in the accessway handle, including the seven (7) items above, prior to issue of an Occupation Certificate. The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with the approved design documentation and relevant Council Specifications. The designing engineer or surveyor is to also submit a works-as-executed drawing of the as-constructed works. A registered surveyor is to certify that works are wholly contained within the relevant allocations.
60. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:
- a. The works were carried out and completed in accordance with the approved plans.
 - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

61. 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

Item 6

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)

62. 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.
63. 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.
64. Prior to occupation, the issue of an Occupation Certificate or the issue of a Subdivision Certificate any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
65. The designing engineer is to certify the remaining sections of the existing driveway are structurally adequate to convey all design vehicles up to a fully laden concrete truck. If this

Item 6

certification cannot be provided, the applicant is to reconstruct the driveway to current standards.

66. Landscape works shall be carried out in accordance with Landscape Drawing No 93/02 prepared by Sally Bourne Landscapes and dated 28 November 2002 submitted with the Development Application. The landscape works shall be completed prior to the release of the Certificate of Occupation and be maintained in a satisfactory condition at all times.
67. On completion of the landscape works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

BUILDING CONDITIONS

68. 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. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
69. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
 - a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - e. Any stormwater drainage works prior to covering.
 - f. The completed landscape works in accordance with the approved plans.
 - g. The completed structure prior to occupation.

Item 6

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.

70. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
71. 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.

72. 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.

73. 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.

Item 6

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.

85. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code
- c. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.

G Bolton
Team Leader, St Ives Ward

M Miocic
Director
Environment & Regulatory Services

Attachments: **Location Sketch**
 East Elevation
 Updated Landscape Plan
 Copy of Report to Council dated 8 December 2003
 Open Space Distribution Plan

31 OWEN STREET, LINDFIELD - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To provide a response to matters raised during the site inspection carried out on 6 September 2003.
BACKGROUND:	On 26 August 2003, Council, at its Ordinary Meeting, resolved to defer consideration of the DA for an attached dual occupancy at 31 Owen Street, Lindfield pending a site inspection. The site inspection was held on 6 September 2003.
COMMENTS:	Responses to the issues raised during the site inspection are contained within the contents of this report.
RECOMMENDATION:	Approval, subject to conditions

PURPOSE OF REPORT

To provide a response to matters raised during the site inspection carried out on 6 September 2003.

BACKGROUND AND COMMENTS

The subject allotment is part of a subdivision approved by Council (DA No 1664/99, dated 6 April 2000) having a frontage to Archbold Road of 25m with a site area of approximately 645m². Numerous infrastructure works have been completed in accordance with this consent.

Council has recently received documentary evidence demonstrating that the new lot approved under the development consent to DA 1664/99 has been registered at the Land and Property Information (NSW).

On 26 August 2003, Council resolved to defer consideration of this DA pending a site inspection. The site inspection was held on 6 September 2003 and the following issues were raised:

1. *Driveway crossover to be limited to a maximum 4m wide.*

This will be required by a recommended condition of consent. (See Condition No 75).

2. *Resubmit landscaping plans detailing landscaping within garden beds fronting both the front Archbold Road boundary and the rear boundary which includes elements having a growth of up to 6-8m so as to assist in screening up to 40% of the facade of the dwellings.*

A revised landscaping plan was submitted to Council on 3 November 2003. The plan incorporates more suitable species in accordance with the above request. Council's Landscaping Section has assessed the revised plans, which are considered to be satisfactory.

3. *Driveway and turning bays to be treated with porous paving finish.*

This is required by a recommended condition of consent. (See condition No 76).

4. *Condition to be imposed preventing a solid front fence and limiting height of any other to 1.5m.*

This is required by a recommended condition of consent. (See Condition No 77).

5. *All windows of habitable rooms fronting Archbold Road to be either double glazed or served by 6mm float glass so as to assist in providing a satisfactory level of amenity to the dwellings in respect of limiting noise intrusion from the roadway.*

This matter is required by a recommended condition of consent. (See Condition No 78).

Item 7

RECOMMENDATION

The Development Application No 1169/02 for construction of an attached dual occupancy on Lot 22, DP 6393, 31 Owen Street, Lindfield, be approved as a deferred commencement for a period of not less than 2 years from the date of determination, subject to the following conditions:

SCHEDULE A

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1169/02 and Development Application plans prepared by Nereo Cornale, reference number sheet 1, dated 23 May 2003 and lodged with Council on 26 May 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
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,

Item 7

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. 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.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. 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.
17. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the Certificate.
18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. 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

Item 7

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.

21. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
22. 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.
23. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
24. 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.
25. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
26. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
27. 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.
28. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.

Item 7

29. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
30. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.
31. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
32. 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.
33. The buildings are not to be used or occupied until an Occupation Certificate has been issued.
34. 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.

35. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
36. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
37. Topsoil shall be stripped from areas to be developed and stock-piled within the site. Stock-piled topsoil on the site shall be located outside drainage lines and be protected from run-on water by suitably positioned diversion banks. Where the period of storage will exceed fourteen (14) days stock-piles are to be seeded or sprayed with an appropriate emulsion solution to minimise particle movement.
38. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
39. 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.

Item 7

40. 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.
41. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Archibold Road. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

Syzygium luehmannii (Small-leaved Lillypilly) 2no

42. 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.
43. 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

Hedera sp. (Ivy)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)

44. 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.
45. For stormwater control a 150mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface water from the driveway. The drainage line shall be connected to the street system.
46. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.
47. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual. Separate detention systems are

Item 7

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.

48. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
49. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
50. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.
51. For the purpose of Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.

Item 7

52. 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.
53. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.
54. 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.

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

55. 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.
56. 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).
57. 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

Item 7

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.

58. 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.
59. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$25,973.53. 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 - Lindfield	\$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:

Item 7

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

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

61. A plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120.00 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

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

62. A plan detailing screen planting of the new development 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 5-6m in height.

Location	Height
To dwelling along north eastern boundary	3m
To dwelling along south boundary	3m

63. The property shall support a minimum number of 3 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 commence of work.

Item 7

64. The 3 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.
65. A CASH BOND/BANK GUARANTEE of \$1,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the 3 year period. Where a change of ownership occurs during this period it is the responsibility of the applicant to make all arrangements regarding transference of the bond and to notify Council of such.

66. A designated turning area shall be provided so that vehicles can reverse out of the garage and egress along the driveway in a forward direction with one reversing manoeuvre. The turning area is not to require excavation underneath the canopy areas of any trees to be retained and is to be designed in accordance with AS2890.1-1993. Details are to be submitted to Principal Certifying Authority for approval prior to the issue of the Construction Certificate.
67. 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 hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

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

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

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

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

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

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

Item 7

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

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

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

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

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

68. 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.

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

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

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

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

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

Item 7

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

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate.

All footpaths and driveways are to be constructed strictly in accordance with Council's specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property are to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

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

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

73. The proposed development should contribute to water conservation where possible through the installation of the following water conservation devices:-

- Maximum 6/3 litre dual flush cisterns
- Shower heads with reduced water flow devices
- Aerating taps or taps with flow control valves or restrictors
- Water efficient appliances
- Swimming pool covers
- Drip garden watering systems
- Rainwater tanks where possible in accordance with the requirements of DCP No 46 – Exempt and Complying Development.

Any such measures to be incorporated within the design of the development shall be included within the documentation to be submitted with the construction certificate.

74. 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.

Item 7

75. The driveway crossing to Archbold Road is to be limited to a maximum 4m in width. Revised architectural plans demonstrating compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Construction Certificate.
76. The designated driveway and turning bays are to be constructed of porous paving materials so as to facilitate stormwater infiltration. Revised architectural plans demonstrating compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Construction Certificate.
77. To preserve the visual amenity of the locality, the proposed front masonry fence shall be replaced by a visually transparent fence (such as metal grille or timber picket) and shall not exceed a maximum height of 1.5 metres. Revised architectural plans demonstrating compliance with this condition shall be submitted to the principal certifying authority prior to the issue of the Construction Certificate.
78. All windows of habitable rooms fronting Archbold Road are to be either double glazed or served by 6mm float glass so as to assist in providing a satisfactory level of amenity to the dwellings in respect of limiting noise intrusion from the roadway. To ensure compliance with this condition, a certificate from a suitably qualified person is to be submitted to the principal certifying authority on completion of the works.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

79. 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.
80. 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.
81. 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.
82. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.

Item 7

83. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

Application must be made through an authorised Sydney Water Coordinator, for details see Sydney Water web-site www.sydneywater.com.au/customer/urban/index or telephone 13 20 92.

Following application a "Notice of Requirements" will be forwarded detailing water and sewer extensions to be built and charges to be paid. Please make early contact **with the Coordinator**, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to Council prior to release of the linen plan/occupation of the development.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

84. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.
85. A survey report shall be submitted to the Principal Certifying Authority prior to occupation, which certifies that the development has been constructed in accordance with the terms of this consent in relation to built upon area, building levels and setbacks.
86. Without further written consent of Council, the development is to comply with the following indices:
- a. Maximum floor space ratio for the entire development not to exceed 0.46:1.
 - b. Maximum built-upon area for the entire development not to exceed 48%.

A Surveyor's Certificate is to be submitted to the Principal Certifying Authority confirming compliance with these requirements prior to occupation.

87. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:
- a. The works were carried out and completed in accordance with the approved plans.
 - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

Item 7

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

88. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate issued by a suitably qualified and experienced engineer and Works-as-Executed drawing issued by a registered 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 is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

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

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

89. 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. Submission of documentary evidence to the Principal Certifying Authority (PCA) demonstrating that the Positive Covenant and the Restriction on the Use of Land have been registered at the Land & Property Information (NSW) **prior** to occupation or the issue of an occupation certificate. This is to include, as a minimum, the Certificate of Title.

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

Item 7

to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.

90. 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.
91. Prior to occupation, the issue of an Occupation Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.

BUILDING CONDITIONS

92. 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.
93. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
 - a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).

Item 7

- 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.

94. 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.
95. 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.

96. 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.

Item 7

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.

97. 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.

98. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.

R Kinninmont
Team Leader, Roseville Ward

M Miocic
Director
Environment & Regulatory Services

Attachments: **Original report considered by Council**
 Landscape Plan

SPORTSGROUND USE FOR MATCHPLAY UNDER LIGHTS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:

To consider a change of policy with respect to the playing of fixtures at night under lights at certain playing fields within Ku-ring-gai following a request from representatives of local rugby groups.

BACKGROUND:

Following notification to staff of fixtures being playing under lights in early 2003 and information regarding other sites against Council policy, a transition process was agreed to for last season to manage the issue. Subsequently Rugby has requested that Council review their policy and allow play at night on three of Council's sportsgrounds.

COMMENTS:

There is insufficient information to make informed recommendations to Council as to whether permanent changes to Council policy are beneficial. The report assesses the specific request by Rugby only and proposes a course of action for information gathering and review of the policy.

RECOMMENDATION:

Council allow use for limited night games at Cliff Oval and Roseville Chase consistent with the conditions outlined in this report as a trial.

PURPOSE OF REPORT

To consider a change of policy with respect to the playing of fixtures at night under lights at certain playing fields within Ku-ring-gai following a request from representatives of local rugby groups.

BACKGROUND

Staff were alerted early in the 2003 winter season that night games were being undertaken at Cliff Oval by the local Rugby Club (Wahroonga Rugby Club). Officials of the Club were contacted and instructed to cease these games as they were clearly outside Council policy and the conditions of hire. This instruction was confirmed formally by letter on 28 April 2003.

Subsequently Council was approached by the Chairman of the Metropolitan Northern Zone Rugby Union concerning junior games at other locations in Ku-ring-gai in addition to Wahroonga. An urgent meeting with staff was arranged for Tuesday 29 April 2003.

The meeting was attended by Mr John Spana – Chairman of the Metropolitan Northern Zone, David Chapman – President Gordon Junior Rugby and Paul Morris – Vice-President Competition Sydney Junior Rugby Union.

The Director Open Space confirmed that all groups at the meeting had signed off and committed to the Conditions of Hire when booking their fields. ie that bookings under lights were for training purposes only and not for competition usage.

The Rugby representatives raised the following issues:

- Council officers in the past were aware that night games have been played for at least 5 years within the local area.
- To stop, in effect, what has been for the club an existing use mid season would have a substantial negative impact on some 300 plus local children.
- The game draws have been set for the entire season.
- Logistically extremely difficult to change the games mid season given constraints of available grounds.
- Pre-existing school commitments for a large percentage of children involved on Saturdays

Officers raised the following issues:

- Safety
- Impacts on Residents
- Council Policy / Conditions of Hire
- Carrying Capacity of Grounds

Officers, whilst cognisant of Council's policy regarding sportsgrounds only being available for training use when under lights were mindful of the significant impact on several hundred children should the competition use of grounds be immediately closed.

Item 8

S02993
23 February 2004

A proposal of the Rugby Groups to reduce the number of games, limit ground utilisation on other days, remove under 16 & 17 year groups immediately to reduce safety issues and restrict use of fields with the poorest quality of lighting was subsequently accepted. This was accepted as a short term transition plan for the duration of that season only.

Attachment One is a copy of a memorandum to all Councillors from the General Manager and Director Open Space of 30 April 2003 that outlined these arrangements and how they were to be monitored and managed by Council.

Attachment Two provides a copy of the formal notification to the Rugby clubs concerning these arrangements and in particular their transitional nature.

All sportsground hirers were subsequently reminded of Council's policy and conditions of hire on 8 May 2003 and the matter was subsequently raised at the May Ku-ring-gai Sports Advisory Committee Meeting, the minutes of which were reported to Council on 5 August 2003.

At the meeting of 28 April, it was alerted to the user groups represented that if they denied any change to Council's policy on the playing of competition fixtures under lights that the issue would require a formal change of Council policy.

The Sportsground Plan of Management, adopted by Council on 24 June 2003 recommended that the issue of night games be the subject of a future report to Council.

In discussion with rugby representatives in November 2003 the nature of Council's policy was reiterated and that arrangements for the previous season were short term only. Subsequently a request was received by mail from the Metropolitan Northern Zone Rugby Union requesting that the issue be reconsidered and Council's position clarified prior to the start of the 2004 Winter season. A copy of this letter was circulated to the Mayor, all Councillors and the General Manager.

A meeting was subsequently held with Council officers, a representative from Metropolitan Northern Zone Rugby Union and representatives from two local rugby clubs on 12 December 2003.

During this meeting the issues relating to the clubs wish to play night games were discussed. Council officers suggested that there are a number of issues, which would need to be investigated prior to the determining whether there is sufficient community support to warrant a change in Council's policy and that any change to policy would require adoption by Council.

The issues raised with the group included;

- The impact on surrounding residents and the consultation to be undertaken with local residents to ensure their views are considered and their amenity will not be adversely affected, including dealing with issues such as traffic and parking, noise, and littering.
- The sustainability and level of use of the fields, in particular the controls to be used to ensure that the fields do not suffer as a result of existing or any potential increased level of use.
- The safety/risk management of permitting games to be played under lights, and the need for those lights to meet relevant Australian Standards.

Item 8

S02993
23 February 2004

These issues have been summarised in a letter to the meeting attendees, (see Attachment Three). It was outlined that should it be able to be demonstrated that the above issues can be sufficiently well addressed to gain broad community support it is anticipated that a report will be brought to Council in February 2004 to further consider the issue.

In addition Council has received a separate request to review the policy from St Ives Junior Australian Rules football club. A response has been sent back to the club summarising the issues identified as requiring further investigation during the meeting with the rugby union representatives.

A memorandum outlining this approach was circulated to the Mayor and all Councillors on 29 December 2003 from the Director Open Space (Attachment Four).

In late January 2004, staff contacted attendees from the 12 December meeting outlining that Council was unable to progress the issue for Council's consideration until a response to the matters raised at the meeting of 12 December 2003 was forthcoming.

A reply was subsequently received by Council dated 4 February 2004 (Attachment Five) that requests the use of three sportsgrounds for fixtures under lights, those locations being Roseville Chase Oval, Hassell Park, St Ives and Cliff Oval (No. 2 Oval, Wahroonga).

A subsequent meeting was undertaken with Rugby representatives to further consider their response to the issue raised.

COMMENTS

The Sportsground Plan of Management when adopted by Council recognised the likely future significance of this issue and recommended further consideration by Council prior to any change in policy.

Any long term resolution of this issue will require a comprehensive analysis of all relevant matters. The sporting needs of our community are changing and the times of access to facilities and the facilities required to suit those needs are also changing.

Council has recognised these issues and the inadequacy of the existing sportsgrounds asset and, amongst a number of actions committed to a \$320,000 per year prioritised program for the updating and embellishment of sportsground facilities.

There are however a number of potential impacts that may arise from the change in needs of sportsground users and these will need to be carefully considered and balanced so as to minimise these impacts before any long term changes to policy should be considered.

In relation to the night time competitive use of sportsgrounds the identified key issues are:

- The impact on surrounding residents and the need to consult locally to ensure their views are considered, impacts to their amenity balanced, including dealing with issues such as traffic and parking, noise and littering.

Item 8

S02993
23 February 2004

- The safety and risk management of permitting games to be played under lights and the need for those lights to meet relevant Australian Standards.
- The sustainability and level of use of the fields, ie ensuring the fields do not suffer as a result of any increased level of use.

Managing the impacts of any potential night time use on the surrounding community will be critical. Any increase in night use should be managed so as to not reduce the amenity for surrounding residents. Of the fields that Rugby have approached Council to consider allowing night games, there was very little negative feedback received during last season following the arrangements put in place. In fact the only recorded comments were received from residents surrounding Cliff Oval. These were generally indirectly received in regards to other matters and historical issues, not necessarily the actual playing of games on Friday nights. It does however highlight the importance of successfully maintaining a good relationship with the surrounding community and responding appropriately to reasonable concerns. Feedback from the other sites utilised last year is that there has not been any recorded complaints regarding their use. Appropriately managed use of the grounds at a time of the day (or night) when the general community is unlikely to access the grounds for their own open space needs may in fact free up access to the facility at times more convenient for access by the general community.

It would be strongly recommended that for any sportsground being considered for night time fixtures that an analysis of issues and impacts on the surrounding community be undertaken and a plan be approved that would successfully manage those issues.

In regard to safety and risk management issues of fixtures being contemplated under lights, the following comments are offered. Two years ago, not one of Council's floodlit sportsgrounds met the relevant Australian Standard for Sportsground Floodlighting. Audits of all facilities have been undertaken and the issue is being progressively managed through the implementation of the prioritised capital work program for sportsgrounds and in partnership with user groups for improvement of specific facilities. Five grounds currently meet the standard, development consent has been acquired for an additional two grounds and several development applications are about to be lodged for a further three fields.

With regards to the three fields that Rugby seek the use of for night games, Roseville Chase clearly meets the Australian Standard of 100 lux for club level games and light spill is well within the standard. Cliff Oval meets the non-contact training standard and replacement globes are scheduled for fitting prior to the commencement of this Winter season following which an audit of lux levels will be taken. It is anticipated that lighting levels will be in the region of 70-80 lux at that point. The proposal by Rugby is that under 10s, 11s and 12s only be allowed to play at this location which is consistent with what the users contend has occurred for a number of years. A modified version of the Rugby game is played for these age groups which limits body contact and rougher sections of play.

The lighting levels at Hassell Park are well below relevant benchmarks and the Australian Standard. According to the Rugby Club, games have taken place here for many years. In discussion with the clubs it was proposed to Council that No. 2 field not be used and that games on No. 1 field be restricted to 10s, 11s & 12s only. Given the low level of lighting the sanctioning of any matchplay

Item 8

S02993
23 February 2004

at this location it is not recommended prior to compliance with the Australian Standard. Council has assisted the club in the preparation of a suitable design and has offered to assist in the lodging of a Development Application. The Club are currently awaiting advice as to the success of a grant application to the Department of Tourism, Sport and Recreation for funding assistance for this project. Given other more positive issues regarding the use of this location, it is considered that should Council wish to undertake a long term policy in regard to night fixtures, that this site should be reconsidered when lighting has been installed that meets the relevant standard.

In relation to the sustainability and level of use of the fields ie not using the fields beyond their carrying capacity, it appears that where Friday night use is required, Sundays are usually not booked and some Saturdays may also be relieved from use. From an initial analysis the impact may be negligible from Friday night use. Indirectly, access to the fields by the general community may be improved if spare weekend capacity is not formally booked. Accordingly it would be recommended that where night use may be considered that no overall increase in formal utilisation of the grounds be allowed.

The information currently available to staff is insufficient to recommend substantial or permanent change to the policy of competitive fixtures being played under lights. It is considered that for Council to consider the issue fully, a detailed analysis of the benefits, impacts and risks that may arise from such a change including wide spread consultation with all sporting users and potentially impacted communities would be required. This report considers only the specific nature of the request from Rugby to undertake night use on 3 sportsgrounds for competitive fixtures under lights and neither supports or opposes changes to Council policy prior to undertaking the work outlined above.

Proposed Course of Action

Given an analysis of the information available, the following approach is offered:

- 1) Staff commence work on the preparation of a report for Council considering an integrated response to the playing of competitive fixtures at night on Council sportsgrounds, including broad based community stakeholder consultation.
- 2) Confirm use as follows for the following locations under the terms as listed for the 2004 winter season only as a trial period.
 - Roseville Chase Oval – allow night fixtures on Friday nights to proceed for the Winter 2004 season consistent with the conditions of development consent and after approval by the Director Open Space of any action plan dealing with noise, litter, parking and traffic issues.
 - Cliff Oval – allow 10, 11 & 12 year age groups only to undertake night fixtures under the modified format should the lighting level reach 75 lux following planned maintenance to the existing fittings. This use is for the Winter 2004 season only, use complies with the considerations of development consent (for floodlighting) and only

Item 8

S02993
23 February 2004

after approval by the Director Open Space of a plan that outlines how the club will deal with noise, litter, parking and traffic issues.

- 3) That night fixtures not be allowed to be undertaken at Hassell Park prior to lighting levels being improved to meet relevant Australian Standards and Council determining its policy position regarding play under lights.
- 4) The following fees and charges be advertised and adopted for this use, should significant objection to the fee not be received, for the period till June 30, 2004 and the same fee be included in the draft fees and charges schedule for the 2004/09 Management Plan.

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

- 5) That a Report be considered at the close of the trial with other information as relevant to allow Council to determine a set of principles and requirements should it wish to consider a formal policy change in regard to playing of fixtures at night under lights.
- 6) All affected residents be notified of the trial and Council's proposed approach to review of the policy.

CONSULTATION

In the preparation of this Report, consultation has mostly been undertaken with Rugby Clubs and their governing association. Limited discussion has been undertaken with Australian Rules and information has been drawn from feedback from other consultation processes such as the development of the Sportsground Plan of Management, development applications and with the Kuring-gai Sports Advisory Committee.

If either a trial period or long term policy change is to be undertaken then notification and/or consultation of all affected residents will need to be undertaken and feedback sourced from the residents during the period of a trial night time use over the Winter 2004 season would form an integral part of any future consideration of this matter by Council.

The development of a formal policy would also need to involve the input of a number of sporting associations and clubs. Representatives of Rugby that have applied to Council have been notified of the report to Council, as have Australian Rules. Impacted communities have not been notified, but should be as a consequence of any Council decision.

FINANCIAL CONSIDERATIONS

The financial impacts would be expected to be negligible regardless of whether night fixtures are allowed, given that overall use would remain relatively constant, the cost of retaining surface quality not be increased and that revenues would remain fairly static. It is proposed that should Council wish to trial those locations requested, that a fee structure be advertised for such use that is

Item 8

S02993
23 February 2004

equivalent to a ½ day seasonal allocation for games. Fees already exist for the use of lights at all sportsgrounds.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

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

SUMMARY

Local Rugby represented by Metropolitan Northern Zone Rugby have requested that Council reconsider the policy of not allowing night games. The groups contend that with tacit support from Council they have been undertaking night competitions for many years.

The adopted Sportsground Plan of Management recognised this as an emerging issue and required that the issue receive further consideration before any decision to change policy was made.

This report considers that the three main issues that need to be considered prior to any decision being undertaken are the impact on surrounding residents, safety and risk management issues, sustainability of the playing surfaces and facilities to cope with the use. The locations that Rugby have requested be considered are Roseville Chase Oval, Cliff Oval at Wahroonga and Hassell Park at St Ives. These locations have been considered against the three main issues and a proposal is recommended to Council for a limited trial period to obtain feedback to assist in the development of a number of principles that may guide a change of policy should Council wish.

A broadly consulted plan involving all stakeholders input would be presented to Council at the conclusion of this trial to recommend future actions for Council.

RECOMMENDATION

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

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

- C. That a comprehensive report be presented at the close of the trial that considers all relevant information relating to the future of night fixtures on Council sportsgrounds.
- D. That all affected residents be notified of the trial.

Item 8

S02993
23 February 2004

Steven Head
Director Open Space

Amanda Colbey
A/Manager Parks Sport & Recreation

Attachments:

- Attachment 1 - Memo to Councillors outlining arrangements, dated 30 April 2003**
- Attachment 2 - Formal notification to Rugby Clubs 8 May 2003**
- Attachment 3 - Summary of issues - 23 December 2003**
- Attachment 4 - Memorandum to Mayor and Councillors dated 29 December 2003**
- Attachment 5 - Response to issues raised - 23 December 2003**

6 HOWARD STREET, LINDFIELD - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To respond to the issues raised at the Council site inspection and seek Council's determination of the development application.
BACKGROUND:	<ul style="list-style-type: none">• Application lodged 21 June 2002• Applicant requested to lodge amended plans• Amended plans lodged April 2003• Council considered a report at its meeting on 3 February 2004• Consideration pending site inspection• The Council site inspection took place on 14 February 2004
COMMENTS:	The issues raised at the site inspection are addressed in this report
RECOMMENDATION:	Approval, subject to conditions.

PURPOSE OF REPORT

To respond to the issues raised at the Council site inspection and seek Council's determination of the development application.

BACKGROUND

- Application lodged 21 June 2002
- Applicant requested to lodge amended plans
- Amended plans lodged April 2003
- Council considered a report at its meeting on 3 February 2004
- Consideration pending site inspection
- The Council site inspection took place on 14 February 2004

COMMENTS

Where is the mirror and passing bay proposed?

Traffic consultants, Colston Budd Hunt & Kafes Pty Ltd, were engaged by the owners to undertake an assessment of the access arrangements for the above development. The report addresses the issue of the location of the convex mirror.

The report concludes that the proposed access arrangements for the development are in excess of the Australian Standard for Parking Facilities (Part I: Off-street Car Parking), AS 2890.1 – 1993 and that the potential for conflict in this low speed, low volume environment would be very low. The report also notes that the proposal requiring the driveway at Howard Street to be widened to 5.5m for 6m from the street is derived from section 3.2.2 of AS 2890.1 – 1993, which does not relate to domestic driveways and that there is no such requirement in the standard for domestic driveways to be widened under these conditions.

Notwithstanding the above, the Council's Development Control Engineer requires two (2) traffic mirrors to improve sight lines (See Condition No. 35). The mirrors will be located next to the north-western bridge post and the other adjacent to the palm tree in the bend midway along the driveway. No passing bay is required within the site and the widening of the crossing at Howard Street is considered sufficient to address safety concerns.

Can the garage be relocated under the lounge addition of the existing dwelling?

Does the existing retaining wall terracing have any significance?

Relocating the garage to this position is not considered appropriate as it will reduce the vehicle manoeuvring space available.

The construction of the proposed garage on Lot 1 (existing house) will involve the reconstruction of the landform in this location. It is important to note that the natural slope of the land has been significantly modified in this area to construct the existing terraces and that this area has previously

Item 9

been filled. Further, it is evident that at least one of the existing retaining walls is unstable. The retaining walls were constructed in the 1950's out of rough sawn sandstone which is neither decorative nor profiled.

Site conditions show the neighbour's ground level being lower than the proposed Lot 1 by about a metre, a stone retaining wall holding back the fill on the subject site and is clearly not an ideal situation. The construction of the garage in this location provides an opportunity to lower the ground level on Lot 1 to match the neighbour's. Appropriate engineering standards will be employed to ensure no risk to adjoining properties from the construction of the garage (See Condition No.16).

To address concerns regarding the proximity of the proposed garage to the adjoining properties, it is conditioned that the design be modified so that the garage is set back a minimum of 1.5m from the boundary of the properties to the south (See Condition No.70).

Did the Department of Planning and Natural Resources actually visit the site?

DIPNR are unable to confirm whether a site inspection had taken place before the Part 3A Permit and General Terms of Approval were issued.

How is the area adjacent to the garage to be landscaped, ie rock?

With respect to soil depth, the existing shrub and tree growth on the site suggest that soil conditions are adequate to support new landscaping. During the preparation of the more detailed Landscape Plan, soil conditions will be further investigated and where soil is shallow or there is a predominance of rocks, appropriate measures will be put in place to build up soil depths (See Condition No.63).

A minimum soil depth of 1 metre is required to sustain screen planting of 3m (as proposed by the Landscape Development Officer in this location). The level of additional fill will not exceed 1 metre in the area adjacent to the garage.

Will the removal of the tree within close proximity to the bank of the creek cause de-stabilisation of the bank?

Council's Landscape Development Officer has agreed that the eucalyptus tree adjacent to the proposed dwelling on the eastern side of Lot 2 be removed as it is in decline and potentially dangerous. The tree will be removed from the ground up, with its roots left in place to avoid any root disturbance to other trees in the vicinity. The area where the tree is located will be restored so that no bank erosion will occur (mulching with additional stabilisation through the use of a geotextile fabric can be used subject to approval by DIPNR). It should be noted that the existing camphor laurels have extensive root systems ensuring bank stability in this location.

What level of terracing or excavation is proposed to retain the trees within the northern portion of the site?

Item 9

A Landscape Concept Plan was submitted with the development application in accordance with DCP No 38. The more detailed Landscape Plan and Specification will be prepared prior to the issue of the Construction Certificate, again in accordance with DCP 38.

The proposed retaining walls are proposed in approximately the same position and height as the existing retaining walls. Cut and fill varies between 100mm and 300mm in this area. Condition No 63 specifies that these levels be determined in consultation with the Landscape Development Officer prior to the issue of the Construction Certificate.

The Landscape Plan will also provide further detail regarding areas of terracing which will need to be retained in order to protect existing trees. Conditions No's 67 & 87 are included to protect all trees that are to be retained on site.

What is the width of the landscaping area along the rear (northern) boundary. What is the location of the sewerage line and width of the landscape area. It was also suggested that the landscaping should be clear of the sewer line to allow for tall screen planting (5-6 metres).

The applicant proposed a 1 metre wide strip be landscaped along the northern boundary of Lot 2. The sewer line is situated in the adjacent property (No 53 Tryon Road) approximately 4 metres from the boundary line. (A disused connection to this sewer on the subject site was observed at the site inspection).

The Council's Landscape Development Officer does not believe that shrubs plants capable of attaining 5-6 metres will impact on the sewer line and suggested the landscaped area to be at least 2 metres wide. (See Condition No 63)

What sort of landscaping is proposed along the eastern boundary? (It was noted that native riparian species with a mix of tall trees and understorey to screen the house from the eastern neighbours is what was being considered).

Planting of native ground covers including Dusky Coral Pea (*Kennedia rubicunda*), Kangaroo Vine (*Cissus antarctica*), Morinda (*Morinda jasminoides*) and Guinea Flower (*Hibbertia dentata*) are considered (subject to approval by DIPNR).

The General Terms of Approval issued by DIPNR require that a Vegetation Management Plan be prepared by a suitably qualified person to the satisfaction and in consultation with DIPNR. This will address issues such as tree protection, sediment & erosion control, weed control, application of herbicides, soil remediation, surface preparation and stabilisation etc.

If there is going to be removal of weed species from the bank by poisoning, what will prevent any run-off of this poison into the creek?

Poisoning of the weed species on the riparian area will be progressively conducted, in consultation with DIPNR and according to sound riparian bush regeneration principles to minimise potential erosion during flood periods (See Condition No 62).

SUMMARY

Item 9

The Landscape Development Officer and the Council Engineers raised no objections to the amendments, which are now conditioned. The proposal has been assessed against the Environmental Planning and Assessment Act, 1979 and is recommended for approval, subject to the following conditions:

RECOMMENDATION

- A. That Council supports the SEPP 1 variations with respect to minimum allotment sizes and minimum access handle width.
- B. That Development Application DA 842/02 for the subdivision of one allotment into two, alterations and additions to the existing dwelling, and construction of a new dwelling on the new allotment at Lot 13 in DP 816218 being No. 6 Howard Street, Lindfield, be approved for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

- 1. The development to be in accordance with Development Application No 842/02 and Development Application plans prepared by ACE Project Group Pty Ltd, reference number A01B to A08B, dated May 2002 and lodged with Council on 28 April 2003.
- 2. All building works shall comply with the Building Code of Australia.
- 3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
- 4. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
- 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

Item 9

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. 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.
14. 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.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

Item 9

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.

17. 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:
- must preserve and protect the building from damage, and
 - if necessary, must underpin and support the building in an approved manner, and
 - 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.

18. 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.
19. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
20. 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.
21. 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.

22. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.

Item 9

23. 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.
24. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
25. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
26. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
27. 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.
28. 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.
29. 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.
30. For stormwater control all paved areas are to be drained to the main drainage system.
31. Stormwater runoff from all hard surfaces, or landscaped areas, which are not at natural ground level, shall be piped to the watercourse within the laneway to the east. The stormwater discharge line shall be taken to a point, which is 0.6m above the invert of the existing creek. Unless specified by plans approved with the Development Consent or other Conditions of this Consent, this structure is to be solidly constructed from mortared sandstone bushrock so that

Item 9

it has a low impact on local landscape and vegetation. It must not impede flows along the watercourse nor or lead to ongoing erosion of the watercourse.

32. A pit is to be constructed just upstream of the headwall to the watercourse. This is to be constructed so that the “inflow and outflow” pipes do not line up. In this way the pit will act as an energy dissipater.

The headwall structure at the watercourse is to be solidly constructed from mortared sandstone bushrock such that it has a low impact on local landscape and vegetation and does not impede flows along the watercourse nor will lead to ongoing erosion of the watercourse.

33. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council’s Stormwater Management Manual.

OSD systems are to be provided for both the existing and the new residence.

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

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.

Item 9

34. During construction of (a) the crossing and (b) the bitumen deep lift section between the edge of seal and the new dish crossing, the contractor is to make provision for safety of pedestrians and passing vehicles. As a minimum traffic control measures must be provided in accordance with Figure 1 "Closing a footpath", (being on Page 20 & 21), of SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1.

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

35. The provision of two (2) suitable traffic mirrors in the accessway to assist in sight distance along the accessway. The mirrors to be located next to the north-western bridge post and adjacent to the palm tree on the bend midway along the driveway.
36. Minimum doorway width for double garage to be 4.8 meters in accordance with AS 2890.1 - 1993.
37. The gate and attendant structures proposed on Howard Street are excluded from this consent and shall not be constructed. These structures are proposed to be partly constructed on 4 Howard Street and cannot be approved.
38. If the proposed works are configured such that they will disrupt or disturb currently laid services for the existing dwelling, the applicant is to provide an alternative route for the affected services.
39. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
40. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
41. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.
42. For the purpose of Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
43. **Compliance with the General Terms of Approval issued by NSW Rural Fire Services and the Department of Infrastructure, Planning and Natural Resources.**

Item 9

44. 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.

45. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
46. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
47. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
48. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
49. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
50. Constructed slopes greater than 1:3 gradient shall be vegetated immediately earthworks are completed.
51. 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
2 <i>Syncarpia glomulifera</i> (Turpentine) Close to the Lot's southwestern corner	5.0 metres

52. 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.
53. On completion of the landscape works, tree planting and screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation,

Item 9

faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.

54. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Acer negundo (Box Elder)
Acetosa sagittata (Turkey Rhubarb)
Ageratina adenophora (Crofton Weed)
Asparagus densiflorus (Asparagus Fern)
Cinnamomum camphora (Camphor laurel)
Ipomoea indica (Morning Glory)
Jasminum polyanthum (Jasminum)
Lantana camara (Lantana - Pink Flower)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Nephrolepis cordifolia (Fishbone fern)
Ochna serrulata (Ochna)
Olea europaea subsp. africana (African Olive)
Parietaria judaica (Pellitory)
Ranunculus repens (Creeping Buttercup)
Setaria palmifolia (Palm Grass)
Solanum mauritianum (Wild Tobacco)
Tradescantia albiflora (Wandering Jew)

55. 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.
56. **In order to ensure that a suitable level of protection is provided for the property and its occupants in the event of bushfire attack, the works to the new and existing dwellings are to be constructed in accordance with the requirements for Level 1 Construction under AS 3959 "Construction of buildings in bushfire-prone areas" and that hydrants be located for the development in accordance with Australian Standard 2419.1.**

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

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.
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

Item 9

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. 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	

Item 9

	for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Lindfield	\$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

61. 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.

62. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

Landscape Plan Certification Fees

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

The landscape plan shall be prepared in consultation with and be approved by the Department of Infrastructure, Planning and Natural Resources and the Council progressively.

- All noxious plants and weeds, and exotic ornamental species shall be removed from the watercourse embankment. All mature Cinnamomum camphora (Camphor laurel) shall

Item 9

be removed as the site is located within 500 metres of urban bushland. Their trunks shall be cut off horizontally and close to ground level and the stumps poisoned using a biodegradable herbicide as per manufacturer's recommendations.

- Poisoning of the weed species on the riparian area will be progressively conducted, in consultation with DIPNR and according to sound riparian bush regeneration principles to minimise potential erosion during flood periods.
- All replenishment plantings below the top edge of the watercourse embankment shall be derived from species within the Sydney Turpentine/Ironbark Forest assemblage of vascular plants that naturally inhabit riparian zones.
- All mulch shall consist of native leaf litter instead of woodchip.
- At least 50% of all tree and shrub plantings within the site, beyond the top edge of the watercourse embankment, shall be derived from the Sydney Turpentine/Ironbark Forest assemblage of vascular plants, as the site is located between 100 and 300 metres from urban bushland.

The stormwater management plan for the site prepared by J C Lind & Associates Pty Ltd and (dated 15 May 2002) is unsatisfactory for the following reasons. These issues will be addressed to the satisfaction of the Landscape Development Officer and the Development Control Engineer of the Council prior the release of the Construction Certificate:

- Excavation for the proposed in-ground detention tank and discharge pit for Lot 2 would most likely have a significant detrimental impact upon 2 Eucalyptus microcorys (Tallowood) located within 51 Tryon Road close to its rear boundary. Both trees are approximately 20 metres tall and the structure is positioned approximately 1 metres from their trunks.
- The proposed discharge pit 2 is positioned at the top edge of the watercourse embankment and will likely result in downslope erosion.
- The detention tank and discharge pit will conflict with several elements in a row of proposed screening shrubs adjacent to the site's northern boundary and therefore both require relocating away from the primary root zone of the 2 Eucalyptus microcorys (Tallowood) and proposed screen planting strip.
- Proposed filter fencing should be shown within the subject site and behind the top edge of the watercourse embankment, rather than within adjoining properties and down the watercourse embankment.

63. A plan detailing screen planting of the southern boundary of Lot 1 and the northern boundary of Lot 2 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 3 metres and 5-6 metres for Lot 1 and Lot 2 respectively. The landscaped area along the northern boundary shall be at least 2 metres wide to accommodate screen planting.

Cut and fill along the northern boundary to be detailed in the landscape plan to the satisfaction of the Landscape Development Officer.

64. Lots 1 and 2 shall support a minimum number of 5 and 6 trees respectively, that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance

Item 9

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 commence of work.

65. The 2 and 4 trees to be planted within Lots 1 and 2 respectively, 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.
66. 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 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.

67. A CASH BOND/BANK GUARANTEE of \$5,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

Lot 1:

2 *Syncarpia glomulifera* (Turpentine)

Close to the Lot's southwestern corner

1 *Syncarpia glomulifera* (Turpentine)

Close to the Lot's central northern corner

Item 9

Lot 2:

1 *Angophora costata* (Sydney Red Gum)

Close to the Lot's northwestern corner

1 *Syncarpia glomulifera* (Turpentine)

Close to the Lot's central northern corner

68. 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.

69. The stormwater detention tank and discharge pit shall be located no closer than 6 metres from the trunks of 2 *Eucalyptus microcorys* (Tallowood) growing within 51 Tryon Road, Lindfield. Details for the stormwater detention system shall be submitted to Council of approval prior to the release of the Construction Certificate.
70. To minimise adverse impact upon the *Juniperus sp.* (Juniper) located within No 14 Valley Road and to provide space for the establishment of screen planting adjacent to the southern boundary, the garage for Lot 1 shall be located a minimum distance of 1 metre from the southern boundary. Details for the garage shall be submitted to Council for approval prior to release of the Construction Certificate.
71. **The driveway shall be redesigned so that no part of it, including the turning bay, protrudes beyond the top edge of the watercourse embankment. Details for the driveway shall be submitted to Council for approval prior to the release of the Construction Certificate.**
72. The drainage concept design, by J Lind P/L Drawing No. 02414-1&2 dated May 2002, is generally satisfactory, however the following issues are to be addressed prior to the issue of the Construction Certificate:-
- i) For the drainage lines from each of the two-stormwater systems, the outlet is at the watercourse is to be at a point, which is 0.5m above the invert of the watercourse. The outlet must not be at the top or part way down the bank.
 - ii) The roof gutter, down pipe and drainage system of the dwelling is to be sized to catch and convey the 50-year ARI storm event to the OSD system. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
 - iii) Suitable kerbs or other approved "cut off" systems are to be provided in the OSD design to ensure a maximum possible amount of overland flow is directed to the OSD system. These kerbs etc, are to be sized for all storms up to the 50 year ARI storm event. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.
 - iv) Where OSD storage is by way of underground storage,
 - A) Inflow pipes to the storage chamber are to be located below inspection grates.

Item 9

- B) If soil and turf are to cover the tank, then a minimum depth of soil to be 350mm.
- v) Trees to be retained are to be drawn to scale.
- vi) **Drainage design details are to be compatible with the landscaping plans.**
- vii) Councils landscape officer is to consider the final location of all drainage infrastructures including (a) drainage lines, (b) OSD tanks and (c) OSD basin walls. Only after the approval of Council's landscape officer, can the Construction Certificate be issued.
- viii) The access grate above the control chamber is to be a grate of 600mm x 900mm or greater. Apart from the grate above the control chamber, other grates to have the following minimum sizes, depending on the pit depth as follows:-

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

73. 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.

Item 9

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

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

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

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

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

77. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.
78. **DRIVEWAYS AND FOOTPATHS:** Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location regardless of whether this information is shown on the Application.

Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council's Technical Services Department prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's

Item 9

specifications, "Construction of Gutter Crossings and Footpath Crossings" which is issued with alignment levels after payment of the appropriate fee.

The grading of such footpaths or driveways outside the property is to comply with Council's standard requirements. The suitability of the grade of such paths or driveways inside the property is the sole responsibility of the applicant, and this may be affected by the alignment levels fixed by Council.

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

79. Prior to the issue of the Construction Certificate, longitudinal sections are to be provided along both sides of the proposed driveway from the centreline of the street to the proposed garage/carport, 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 AS 2890.1-1993. If a new driveway crossing is proposed then the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application to Council's Technical Services Department.

Construction Certificate Plans to demonstrate that driveway and accessway gradients will be such that they permit the B99 Vehicle to enter and exit all car spaces on the site without scraping. The clearances for this vehicle are defined in AS 2890.1.

80. Submission for approval with the Construction Certificate of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
81. In order to comply with the requirements of the New South Wales Rural Fire Services requirements for the development, details are to be provided to indicate the satisfactory provision of a fire hydrant service, in accordance with the requirements of AS 2419.1.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

82. A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition, excavation or construction works. The Plan must:
- a. **Describe the anticipated impact of the construction works on:**
 - local traffic routes
 - pedestrian circulation adjacent to the building site;
 - and on-street parking in the local area; and;

Item 9

b. Describe the means proposed to:

- manage construction works to minimise such impacts;
- provide for the standing of vehicles during construction;
- provide for the movement of trucks to and from the site, and deliveries to the site; and

c. Show the locations of:

- any site sheds and any anticipated use of cranes and concrete pumps;
- any areas of Council property on which it is proposed to install a construction zone, or to erect structures such as hoardings, scaffolding or shoring, or to excavate.

The Plan must make provision for all materials, plants, etc. to be stored within the development site at all times during construction. Structures or works on Council property such as hoardings, scaffolding shoring or excavation need separate consent from Council. Standing of cranes and concrete pumps on Council property will need consent on each occasion.

Note: A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.

83. 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.
84. 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.
85. 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.
86. 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) before any other work on the site commences.

Item 9

87. 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
1 <i>Hymenosporum flavum</i> (Native Frangipani) Adjacent to the western boundary of Lot 1	2.0 metres

88. 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 route of stormwater line 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
1 <i>Angophora costata</i> (Sydney Red Gum) T11 At the top of the watercourse embankment	3.0 metres
2 <i>Syncarpia glomulifera</i> (Turpentine) T25 Close to the Lot's southwestern corner	5.0 metres

89. 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.
90. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

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

91. For this project a 5.5m wide crossing is to be provided. To comply with Australian Standard 2890.1 - 1993 "Off-street car parking", the access driveway is to be constructed to provide a minimum clear width of 5.5 meters for the first 6 meters from the frontage roadway. The wide section is to be transitioned down over 3.0m back to the existing width of the accessway.

The work will include the addition of "deep-lift" section connecting the new dish crossing with the existing edge of seal. This deep lift section is to be splayed out at 45 degrees from both sides of the new crossing.

Item 9

The purpose of the wide crossing is to allow an area for two vehicles to pass each other on the crossing. It is note that sight distance down the accessway is difficult from the crossing location, due to the vertical curvature of the accessway.

92. The applicant is to addressing the following matters:
- a. A practicing engineer is to certify the structural adequacy of the proposed driveway and associated structural elements, is structurally adequate for design vehicles up to a fully laden concrete truck for the operational life of the project. This Certification is to be provided with the application for the Construction Certificate.
 - b. If this certification is not able to be provided, then the accessway is to be reconstructed to a satisfactory standard. In such a case the engineer is to detail the required works on the Construction Certificate plans. The plans are to be considered and, if satisfactory, approved by the PCA prior to issue of the Construction Certificate.
93. The provision of an on-site detention system for the existing dwelling in accordance with other conditions of this consent prior to issue of a Subdivision Certificate.
94. Provision of a permanent stormwater quality control measure on each lot prior to issue of a Subdivision Certificate.
95. Prior to issue of the Subdivision Certificate, the submission of an original Plan of Subdivision plus five (5) copies, suitable for endorsement by the certifying authority.

Note: The following details must be submitted with the Plan of Subdivision:

- a. The 88B Instrument.
- b. The Engineer's Certification of the on-site Stormwater detention facility. This must be on the standard Council On-Site Detention certification sheet, available from Councils customer services.
- c. Any Surveyors or Engineers Certification required by other conditions in this consent.
- d. The Section 73 Compliance Certificate.

Note: Council will check the consent conditions and failure to submit the required information will delay issue of the Subdivision Certificate.

96. The submission of an instrument under Section 88B of the Conveyancing Act with the Plan of Subdivision, plus five (5) copies, creating any required easements, rights-of-carriageway, positive covenants, restrictions etc. Ku-ring-gai Council must be named as the authority empowered to release, vary or modify the same.

CONDITIONS TO BE COMPLIED WITH PRIOR TO ISSUE OF OCCUPATION CERTIFICATE

97. The construction of all engineering works, not limited to but including the: (a) OSD systems (b) Accessway and manoeuvring areas, (c) Wide crossing, (d) Mirrors on accessway, and (d)

Item 9

Headwalls and pits at the watercourse, prior to issue of an Occupation Certificate. The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with the approved design documentation and relevant Council Specifications. The designing engineer or surveyor is to also submit a works-as-executed drawing of the as-constructed works. A registered surveyor is to certify that works are wholly contained within the relevant allocations.

98. The designing engineer is to certify the structural adequacy of the built works design, and that the proposed shared driveway and associated retaining wall and other works are structurally adequate as constructed for vehicles up to a fully laden concrete truck.
99. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:
 - a. The works were carried out and completed in accordance with the approved plans.
 - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

100. 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

Item 9

- 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)

101. 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.
102. Prior to occupation, the issue of an Occupation Certificate or the issue of a Subdivision Certificate any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
103. 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.

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

104. Creation of a legal instrument giving reciprocal rights of way over the shared elements of the design, to allow vehicles to (a) pass, (b) manoeuvre, and (c) enter and exit the site in a forward direction.

The legal instrument is to be created prior to occupation or the issue of an Occupation Certificate or Subdivision Certificate.

105. For any of the legal instruments created as a requirement of this determination, Ku-ring-gai Council is to be named as the only authority empowered to release, vary or modify such instruments.
106. Creation of a Restriction-on-Use on the title of all of the land fronting Gordon Creek prior to occupation or the issue of an Occupation Certificate or Subdivision Certificate. The Restriction-on-Use on the title is to apply to that land in the 100 Year ARI flood zone.

Item 9

The terms of the legal instrument are to be such that no structures, (walls, fences, fill or other works), are to be placed in that area which may impede the 100 year ARI flood.

107. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.

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

108. The shared driveway in the access handle is to be reinstated to the satisfaction of the Principal Certifying Authority and the owners of 4 Howard Street, who share the reciprocal right of way over the driveway. Written evidence is to be provided to the Principal Certifying Authority demonstrating compliance with this condition prior to the issue of the Final Compliance Certificate.

BUILDING CONDITIONS

Note: If Council is the Principle Certifying Authority, the following building conditions shall form part of this consent.

109. 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. Retaining walls and associated drainage.
 - c. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
110. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.

Item 9

- 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.

111. 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.

112. 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.

113. 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

Item 9

- 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.

114. 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.

115. 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. A Compliance Certificate that the building is protected and complies with Australian Standard 3959 Construction of Buildings in Bushfire Prone Areas.
- b. Wet area waterproofing details complying with the Building Code of Australia.
- c. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
- d. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- e. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
- f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
- g. A Compliance Certificate that the solid fuel heater, stove or fireplace complies with Part 3.7.3 of the Building Code of Australia Housing Provisions.

C Swanepoel
**Development Control
Officer**

R Kinninmont
**Team Leader, Roseville
Ward**

M Miocic
**Director
Environment &
Regulatory Services**

SPONSORSHIP OF 2004 NORTH SHORE BUSINESS AWARDS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To advise Council of a proposal to sponsor the 2004 North Shore Business Awards.
BACKGROUND:	The 2004 North Shore Business Awards are being run by Precedent Productions in partnership with media sponsor <i>Sydney Weekly Courier</i> . The Awards aim to recognise the achievements of the small business community on the North Shore. The Awards program has been running for 19 years and was previously sponsored by the Cumberland Newspaper Group.
COMMENTS:	Sponsorship of the Business Awards will give Council the opportunity to strengthen its reputation as a supporter of the local business community.
RECOMMENDATION:	That Council determine whether it wants to enter into an agreement with Precedent Productions to become a "Support Sponsor" of the 2004 North Shore Business Awards.

PURPOSE OF REPORT

To advise Council of a proposal to sponsor the 2004 North Shore Business Awards.

BACKGROUND

The 2004 North Shore Business Awards are being run by Precedent Productions in partnership with media sponsor *Sydney Weekly Courier*. The Awards program has been running for 19 years and was previously sponsored by the Cumberland Newspaper Group.

The objectives of the Awards are to:

- Deliver the premier awards program for local small businesses that recognises their outstanding achievements.
- Promote the high standard that exists within the local business community and encourage small business excellence.
- Improve community awareness and acknowledge the economic value of local small businesses.
- Provide finalists and winners with a marketing tool to enhance their reputation and reach a wider market.
- Link sponsors with the prestige and goodwill of the Awards.

The Awards program is conducted over an eleven week period commencing 14 April 2004 with an official media launch, and culminating in the Presentation Evening on 16 June. The Awards will be judged by an independent judging panel who will assess each business based on criteria such as product/service range, presentation, customer relations, innovation and staff support.

COMMENTS

The Awards aim to recognise the achievements of the small business community on the North Shore. Sponsorship of the Business Awards will give Council the opportunity to strengthen its reputation as a supporter of the local business community, and to give public recognition to the many local businesses that make an outstanding contribution to the Ku-ring-gai community.

As a Support Sponsor Council would receive the following benefits:

- Acknowledgment as a support sponsor with the Ku-ring-gai Council logo appearing on all advertising campaigns and media releases.
- Dedicated editorial promoting Council as a sponsor.
- The Council logo to appear on the coupon, finalist certificate, invitation and presentation program.
- Council literature included in finalist's kits.
- The Mayor to present 2-3 awards at the Presentation Evening.
- Four complimentary tickets to the North Shore Business Awards Presentation Evening.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Support Sponsorship of the 2004 North Shore Business Awards costs \$3,500. This cost has not been allocated in the Mayoral or Communications budget for the current year. Council would need to vote monies from existing working funds. The balance in working funds currently stands at \$250,000.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Finance and Business Development has been consulted regarding the financial implications of the proposal.

SUMMARY

Council has been approached to sponsor the 2004 North Shore Business Awards. Such a sponsorship would demonstrate Council's support of the business community, and would also provide promotional opportunities for Council.

RECOMMENDATION

That Council determine whether it wants to enter into an agreement with Precedent Productions to become a Support Sponsor of the 2004 North Shore Business Awards.

Janice Bevan
DIRECTOR COMMUNITY SERVICES

Attachments: Sponsorship Proposal

NOTICE OF MOTION

PUBLIC SAFETY AND CRIME PREVENTION

Notice of Motion from Councillor T Hall dated 25 February 2004.

I move:

That Council forthwith establish a standing committee consisting of the Mayor and one Councillor from each other Ward, representatives of local Police, Education Department, and Department of Community Services with a view of developing policies designed to improve public safety and crime prevention initiatives in the Ku-ring-gai Local Government Area.

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Tony Hall
Councillor for St Ives Ward

NOTICE OF MOTION

NEGOTIATE WITH DIPNR WITH REGARD TO LAND

Notice of Motion from Councillor E Malicki dated 24 February 2004.

I move:

That Council should negotiate with DIPNR with regard to the land comprising the former B2 corridor at the rear of Lucinda Avenue Wahroonga, along Eastbourne Avenue and Fox Valley Roads, requesting that a portion of this land should be dedicated to Council as Open Space as part of the future rezoning of the corridor lands.

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Elaine Malicki
Councillor for Comenarra Ward