



**ORDINARY MEETING OF COUNCIL
TO BE HELD ON TUESDAY, 4 MAY 2004 AT 7.00PM
LEVEL 3, COUNCIL CHAMBERS**

A G E N D A

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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 27 April 2004

Minutes numbered 179 to 204

MINUTES FROM THE MAYOR

PETITIONS

P.1 3 To 5 Merriwa Street, Gordon - Petition Of Objection By Residents To Development Application 0271/04 (Thirteen [13] Signatures)

File: DA0271/04

"We, the undersigned. would like to voice our objections to the development of 3 to 5 Merriwa Street, Gordon. Our concerns are:

1. Construction

To minimise noise and traffic congestion in Merriwa Street, which is residential, during construction vehicles use Fitzsimons Lane, which is entirely commercial.

2. Traffic Control

In view of Merriwa Street, narrowing in the relevant area, and commercial traffic adding to already present congestion, the parking entry/exit of the proposed development be altered to feed into Fitzsimons Lane, NOT Merriwa Street.

3. Winter Shadowing

Re Section 5.5 of the Application, shadow diagrams show that at the height proposed by the architect, the development may overshadow the North-east corner of 26-30 Merriwa Street between 9 am and 12 midday, and severely shade residential land further east on Merriwa Street from 12 midday to 3 pm.

This is unacceptable."

P.2 Kendall Street, West Pymble - Objection To Proposed Footpath (Nineteen [19] Signatures)

File: 88/05614/01

"We, the residents of Kendall Street, oppose the construction of a 1.2 metre wide concrete footpath along the southern side of Kendall Street - between Ryde Road and Inverallan Avenue.

Our objections are:

1. A footpath already exists on the opposite side of the road.
2. This construction will spoil the biological pleasantness of a natural grassway.
3. This pathway does not lead to anywhere, stopping at Inverallan Avenue, is of no value to say, walking to the school or shops.

4. We, the residents, think this is a waste of our Council's money, does not add to the natural beauty, safety, or value of Kendall Street."

REPORTS FROM COMMITTEES

Minutes of Ku-ring-gai Traffic Committee

File: S02110

Meeting held 22 April 2004

Minutes numbered KTC5 to KTC9

GENERAL BUSINESS

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

GB.1 22 Surrey Road, Turramurra - Demolition Of An Existing Dwelling And The Construction Of An Attached Dual Occupancy

1

File: DA 393/03

Ward: Wahroonga

Applicant: Glendinning Minto & Associates

Owner: Mr R Marzbani

To demolish the existing dwelling and construct a two storey attached dual development.

Recommendation:

Approval, subject to conditions

GB.2 54 Cowan Road, St Ives - Supplementary Report

101

File: DA1154/02

To address matters raised at the site inspection of 24 April 2004 and for Council to determine a Development Application for the construction of a SEPP 5 development incorporating the existing dwelling.

Recommendation:

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

185

To address matters raised at the site inspection of 24 April 2004 and for Council to determine a Development Application for the demolition of existing structures and construction of a SEPP 5 development.

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

269

For Council to make appointments for representation on the Northern Sydney Regional Organisation of Councils (NSROC).

That Council make appointments to the Northern Sydney Regional Organisation of Councils (NSROC).

272

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

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

281

To report on Council's financial liability on legal matters before the Land & Environment Court for the first three quarters of the 2003/2004 financial year.

That the analysis of Land & Environment Court Costs for the first three quarters of the 2003/2004 financial year be received and noted.

GB.7 Re-Valuation Of Council's Infrastructure And Open Space Assets

291

File: S02135

To present to Council the outcome of the re-valuation of Council's Infrastructure and Open Space Assets.

Recommendation:

That the information contained in this report is used by Council as a basis for future budget deliberations.

EXTRA REPORTS CIRCULATED AT MEETING

MOTIONS OF WHICH DUE NOTICE HAS BEEN GIVEN

NM.1 Methods Of Electing The Mayor

313

File: S03352

Notice of Motion from Councillor M Lane dated 28 April 2004.

I move:

That the General Manager bring back a report to Council within 6 months on the methods of electing the Mayor and the possible effects on the operation of Council with a view to Councillors being fully informed of these in order that they may ensure that the people of Ku-ring-gai are fully aware of both the advantages and disadvantages should a referendum be held on this matter.

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

3 TO 5 MERRIWA STREET, GORDON - PETITION OF OBJECTION BY RESIDENTS TO DEVELOPMENT APPLICATION 0271/04 (THIRTEEN [13] SIGNATURES)

"We, the undersigned, would like to voice our objections to the development of 3 to 5 Merriwa Street, Gordon. Our concerns are:

1. Construction

To minimise noise and traffic congestion in Merriwa Street, which is residential, during construction vehicles use Fitzsimons Lane, which is entirely commercial.

2. Traffic Control

In view of Merriwa Street, narrowing in the relevant area, and commercial traffic adding to already present congestion, the parking entry/exit of the proposed development be altered to feed into Fitzsimons Lane, NOT Merriwa Street.

3. Winter Shadowing

Re Section 5.5 of the Application, shadow diagrams show that at the height proposed by the architect, the development may overshadow the North-east corner of 26-30 Merriwa Street between 9 am and 12 midday, and severely shade residential land further east on Merriwa Street from 12 midday to 3 pm.

This is unacceptable."

RECOMMENDATION

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

PETITION

KENDALL STREET, WEST PYMBLE - OBJECTION TO PROPOSED FOOTPATH (NINETEEN [19] SIGNATURES)

"We, the residents of Kendall Street, oppose the construction of a 1.2 metre wide concrete footpath along the southern side of Kendall Street - between Ryde Road and Inverallan Avenue.

Our objections are:

1. A footpath already exists on the opposite side of the road.
2. This construction will spoil the biological pleasantness of a natural grassway.
3. This pathway does not lead to anywhere, stopping at Inverallan Avenue, is of no value to say, walking to the school or shops.
4. We, the residents, think this is a waste of our Council's money, does not add to the natural beauty, safety, or value of Kendall Street."

RECOMMENDATION

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

DEVELOPMENT APPLICATION

SUMMARY SHEET

REPORT TITLE:	22 SURREY ROAD, TURRAMURRA - DEMOLITION OF AN EXISTING DWELLING AND THE CONSTRUCTION OF AN ATTACHED DUAL OCCUPANCY
WARD:	Wahroonga
DEVELOPMENT APPLICATION N^o:	393/03
SUBJECT LAND:	22 Surrey Road, Turramurra
APPLICANT:	Glendinning Minto & Associates
OWNER:	Mr R Marzbani
DESIGNER:	Hans Waldmann & Associates
PRESENT USE:	Single occupancy dwelling
ZONING:	Residential 2c
HERITAGE:	No
PERMISSIBLE UNDER:	Ku-ring-gai Planning Scheme Ordinance
COUNCIL'S POLICIES APPLICABLE:	Development Control Plan 43 - Car Parking, Development Control Plan 40 - Waste Management, Dual Occupancy Development Control Code
COMPLIANCE WITH CODES/POLICIES:	No
GOVERNMENT POLICIES APPLICABLE:	State Environmental Planning Policy No 53
COMPLIANCE WITH GOVERNMENT POLICIES:	Yes
DATE LODGED:	7 April 2003
40 DAY PERIOD EXPIRED:	17 May 2003
PROPOSAL:	Demolition of an existing dwelling and the construction of an attached dual occupancy
RECOMMENDATION:	Approval, subject to conditions

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DEVELOPMENT APPLICATION N^o	393/03
PREMISES:	22 SURREY ROAD, TURRAMURRA
PROPOSAL:	DEMOLITION OF AN EXISTING DWELLING AND THE CONSTRUCTION OF AN ATTACHED DUAL OCCUPANCY
APPLICANT:	GLENDINNING MINTO & ASSOCIATES
OWNER:	MR R MARZBANI
DESIGNER	HANS WALDMANN & ASSOCIATES

PURPOSE FOR REPORT

To demolish the existing dwelling and construct a two storey attached dual development.

EXECUTIVE SUMMARY

The proposed development for a dual occupancy development has been assessed in the terms set out in s79C(1) of the Environmental Planning and Assessment Act and is found to be acceptable from a planning perspective subject to conditions of consent. In that assessment the concerns raised by residents have been considered and where warranted, design modifications have been suggested as conditions of consent that would satisfactorily overcome any well-founded issues raised.

HISTORY & REQUEST FOR INDEPENDENT PLANNING ASSESSMENT

Council has considered this matter previously as follows:

- 16 December 2003 at which time it was resolved that further consideration of the matter be deferred pending a site inspection.
- 17 January 2004 further review of the application undertaken at a formal site inspection at which time further information was sought in relation to issues raised.
- 3 February 2004 at which time consideration was given to further information, whereupon it was resolved that the matter be deferred for independent town planning assessment.

It is the intention of this report to provide Council with an independent town planning review of the proposed development. This assessment has been undertaken by Patrick Robinson, Town Planning Consultant. The development statistics have been checked against Council's controls and it has been found that those matters have been accurately set forth in the Council report of the 5 December 2003. Consequently, matters of compliance are not revisited here.

THE SITE

Zoning:	Residential 2c
Visual Character Study Category:	1945-1968
Lot Number:	31
DP Number:	16889
Area:	860m ²
Side of Street:	Southern - on The Mall and Western on Surrey Road

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Cross Fall:	Northwest to southwest
Stormwater Drainage:	On site detention
Heritage Affected:	No
Required Setback:	9.0 metres
Integrated Development:	No
Bush Fire Prone Land:	No
Endangered Species:	No
Urban Bushland:	No
Contaminated Land:	No

SITE DESCRIPTION

Located on the south-western corner of The Mall and Surrey Road, the site is provided with an east west orientation in terms of its long access with a 35.54 metres frontage to The Mall and a 25.49 metres frontage to Surrey Road. The site is irregularly configured, narrowing substantially to the rear with a western boundary width of 15.17 metres. In total, the site is provided with an area of approximately 860 square metres. Topographically, the site falls from west to east and there is a slighter, secondary fall to the south. The combination of the slope of the land, its irregular shape and east-west orientation results in a relatively constrained site in terms of planning.

Existing improvements consist of a single storey weatherboard cottage with out house which is built upon a substantial sandstone foundation to its south-east elevation and exhibits a roof ridge of 163.85 AHD which, because of the fall in the land, is only some 550mm less than the second storey ridge height of the neighbouring dwelling to the south. The architectural expression of the building is simple with a confined building footprint.

Whilst currently overgrown with weeds and shrubbery, significant trees on site are identified as, a two metres high Magnolia on the south-eastern corner, an 8 metres high Jacaranda adjacent to the southern boundary and a 3 metres high Japanese Maple adjacent to the western boundary of the site. More importantly there are 4 significant street trees on The Mall to the north of the site, being Chinese Pistachios ranging in height from 10 metres to 16 metres. These street trees are an important feature of neighbourhood, serving to screen the site when viewed from the north. With the exception of the Jacaranda, all trees on site will be removed as a result of the development however the four significant street trees are conditioned to be retained and protected.

The surrounding built environment is eclectic in terms of its architectural form, massing and height. Immediately to the west of the site at 145 Bannockburn Road, is a substantial part one/part two storey dwelling which, as a result of its topography and separation, is elevated in respect of the subject site. To the north of the site, at 2 to 8 The Mall, are dark face brick bungalows whilst to the east of the site, at 19 to 25 Surrey Road, are single storey dwellings of various architectural styles and materials. A part one part two storey weatherboard dwelling is located to the immediate south.

THE PROPOSAL

Is a new front fence part of the proposed development?	Yes
Is a new swimming pool part of the proposed development?	No

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It is proposed to demolish all structures on site and to construct a two storey attached dual occupancy development. The development is adequately described by architectural drawings No. 775.03.1 and combined site plan and site analysis drawing No. 775.03.2 submitted by Hans Waldmann & Associates dated February 2003.

Because of the slope of the land, the development will occur at two different levels, with the lower dwelling to the east having a finished ground floor level of 157.59 AHD and addressing Surrey Road, whilst the more elevated dwelling to the west, with a ground floor finished floor level of 159.200 AHD addresses The Mall. The submitted plans identify the western most dwelling as 'House 1' whilst the eastern dwelling is identified as 'House 2'. For convenience, this report will adopt the same nomenclature.

Each dwelling is provided with its main living areas at ground floor, comprising living, dining and kitchens and three bedrooms per dwelling located at first floor level. The living areas in House 2 are well designed for solar access with the majority of living areas benefiting from north-facing windows. As suggested in the report by Council's Urban Design & Heritage Consultant (provided at page 7 of Council report of 5 December 2003) House 2 is not planned well from an internal amenity perspective with an internal wall and the centrally located stairwell effectively blocking any northern light from the kitchen and family room. As a result, the family room is provided with a western and southern aspect whilst the kitchen is not provided with any natural light and ventilation whatsoever. Similarly bedroom 2 of House 2 is provided with an expansive western window which would result in poor amenity, particularly in the summer months.

Pedestrian access to both dwellings is provided from the Mall whilst vehicular access to the double garage to House 1 is gained from the Mall and from Surrey Road in the case of House 2.

Landscape plans dated 17 February 2003 (issue A) prepared by Julian Brady – Landscape Architects, indicate mass screen planting on the southern and western elevation consisting mostly of Yellow Pittosporum capable of achieving a height of 4.5 metres. These plans also indicate the introduction of 5 significant trees, capable of achieving heights ranging from 7 metres to 18 metres. Additionally, the existing Jacaranda on the southern boundary is shown to be retained. The most substantial trees proposed are an Angophora on the south-eastern corner, an Iron Bark on the north eastern corner and a Bachousia on the south-western corner of the site.

The site plans indicate a retaining wall extending from the common dividing wall of the dual occupancy to the southern boundary after which it veers westward.

CONSULTATION - COMMUNITY

In accordance with Council's policy, adjoining owners were given notice of the application. The notification procedure attracted 12 submissions objecting to the proposed development. These objections have been adequately summarised at pages 4 to 6 of the report to Council dated 5 December 2003.

For the purposes of this review the objections are grouped into two general categories being;

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- those submitters who are not immediately adjacent to the proposed development, but raise concern in relation to the form of development *per se*, and
- those submitters whose property either share a boundary with the subject site, or are in close proximity and who raise issues of overshadowing, privacy, view corridor loss and the like.

General neighbourhood concerns

(a) *Whether or not a dual occupancy style development should be permitted at all.*

The Ku-ring-gai Planning Scheme Ordinance defines dual occupancy buildings as a form of development that may be carried out with the consent of the Council under clause 8 of Sydney Regional Environmental Plan No 12 – Dual Occupancy (this instrument is superseded by State Environmental Planning Policy 53). Part III of the Instrument, in the table to clause 23 – *Development Control Table*, permits, with consent, any development in a Residential “C” zone which is not exempt (Column 2) or expressly prohibited (Column 4). Consequently, a dual occupancy style development is a permissible use in the zone. The overriding State Instrument, SEPP No. 53, at clause 17, specifically provides that two dwellings are permitted on one allotment of land if a dwelling house is a permissible use.

As a consequence, the statutory controls pertinent to the land contemplates this form of development in the case of the KPSO, whilst SEPP 53 specifically provides for dual occupancy development. It would therefore be difficult to sustain an argument that dual occupancy development is inappropriate for the site. Hence this resident concern is not supported from a planning perspective.

(b) *That the proposed development does not fit in with its surroundings by virtue of its size bulk and scale.*

The statutory and non-statutory controls associated with this form of development define bulk and scale in a variety of ways and these will be dealt with in more detail below. However, for the purpose of this section the scale of a development is prescribed by controls such as floor space ratio, site coverage height, formal setbacks and building height planes. The proposed development complies with the majority of these controls, with the exception of site coverage and the setback provisions to the rear and to The Mall Street alignment.

In relation to site coverage, which exceeds the control by some 27.6 square metres, it is considered that the proposal is amenable to a reduced building foot print thereby reducing, albeit not entirely resolving, the level of non-compliance. Because the objectives of site coverage mostly deal with issues of landscaping and stormwater management, which are deemed acceptable, it is important to note that the amendments suggested primarily seek to resolve issues of privacy and perceived bulk rather than arbitrarily reduce building footprint *per se*.

It is suggested that the rear verandah together with the roof form above, located on the south-western corner of the development be deleted and the roof form be replaced with a simple skillion awning to provide weather protection to this access way (**See Condition No.60**). This relatively minor modification will mitigate adverse impacts in a number of ways; firstly because this verandah element is located on some 400mm of fill, it has an elevated relationship with the southern

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boundary and to the rear yard area of 20 Surrey Road and exacerbates the perception of development bulk and mass as viewed from the rear yard of this dwelling.

Secondly, being a weather protected external space with an elevated configuration, the verandah unnecessarily increases the potential overlooking of the property to the south. The deletion of this element and the redesign of the roof form will result in a simple rear access way leading to the formal landscaped open space to House 1, avoiding possible congregation of residents adjacent to the boundary. Finally, the verandah element itself provides little amenity or utility to future residents given its location to the south of the double garage. **(See Condition No.60).**

The second area of foot print that may be reduced is to the northern building alignment of House 2. This wing, which includes the verandah component and a small proportion of the living area, may be reduced in line with the living room wall to House 1. Once again, this modification, together with the commensurate modification to the ground floor roof form, will reduce the perception of bulk and scale from both Surrey Road and to a lesser extent from The Mall without significantly compromising the internal living area of the dwelling **(see Condition No.57).**

The combined affect of these modifications will be a reduction of the built-upon area to a level where the development will come within 1% of complying with the Council's own dual occupancy code which is a reasonable outcome.

General concerns raised in relation to bulk and scale are highlighted in a number of submissions by including a photo montage study of the development as it relates to the submitters individual properties and to the streetscape generally. The photomontages have constituted the proposed development as being constructed in a light brick. This study is helpful in the assessment of the proposed development and underscores the effect that inappropriate colours and material can have on issues of visual dominance within any built environment.

It is certainly the case that any two storey development, whether or not a dual occupancy - particularly in an elevated situation - if built in unrelieved light coloured materials would unnecessarily dominate the streetscape. In order to mitigate this potential impact, it is suggested that any consent granted to the proposed development be conditioned to require that the development be constructed in a dark face brick consistent with housing on the northern side of The Mall. Combined with the screening afforded by the existing street trees on The Mall, the use of visually recessive colours and material would satisfactorily resolve any issues of bulk and scale within the context of the site **(see Condition No.59).**

Concern has also been raised at the failure of the development to achieve compliance with the building height plane control. The area of non-compliance relates to a large first floor bathroom on the southern elevation to House 2. It is agreed that the external expression of this bathroom represents an extrusive form on the southern side, involving a gable end roof. By setting this element back 500mm and converting the gable roof to a simple hip form, the development would largely achieve compliance with the building height plane standard under the Council's Dual Occupancy Code and effectively mitigate perceptions of bulk and scale without unreasonably compromising the utility of the main bathroom to House 2. A condition of consent in this regard is attached to the recommendation **(see Condition No.58).**

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(c) *Intensity of use and traffic generation*

A number of submissions have raised concerns in relation to traffic generation on the local road network. As discussed under the heading 'site description', the site currently accommodates a single dwelling. It is unlikely that the introduction of a second dwelling on the site would give rise to any unreasonable increase in traffic generation. Further, the garaging arrangement proposed provides for vehicular access from both street frontages avoiding unnecessary concentration of traffic activity. This objection is not supported from a planning perspective.

Concerns from immediate neighbours

(a) *Privacy*

The residents of properties immediately to the south and to the west have raised concerns that the amenity of their dwellings will be compromised due to overlooking impacts from the proposed development.

As discussed above, the land slopes significantly from east to west. This has resulted in the existing landform being altered to accommodate the development and involves cut and fill. Consequently, the finished floor level of the western 'House 1' will be elevated in terms of its relationship with the dwelling at No. 20 Surrey Road. Because No. 20 Surrey Street is at a lower level than the subject property, it is agreed that the proposed development may give rise to both real and perceived overlooking impacts, particularly to the private recreation space and pool area of the objector's property. It is also noted, however, that the existing rear yard of No. 22 Surrey Road is elevated and, as a consequence, the privacy impact of the proposal will not be substantially greater than is currently the case. Thus privacy impact would not in balance represent grounds for refusal. Notwithstanding, minor modifications listed below would effectively mitigate the overlooking impacts concerning the objector. These are as follows:

1. *Obscure glazing of the family room window to House 1 on the southern elevation to a level of 1500mm from finished floor level.*

Because this fenestration is located on the southern side of the dwelling, it has limited utility in terms of providing natural light and therefore the installation of obscure glazing in this manner is unlikely to compromise the internal amenity of the proposed dwelling. Furthermore, the family room is provided with substantial glazing on its western boundary which, although not ideal from a passive heating and cooling perspective, will provide adequate light to this room. **(See Condition No. 61).**

2. *Deletion of the rear (western) veranda component to the family room to house.*

As discussed above, the verandah component to the family room to House 1 is elevated in relation to the common boundary with the dwelling to the south. Therefore, introducing weather protected external space, albeit relatively constrained in size, some 2.0 metres from the boundary will potentially give rise to an increased overlooking impact. Given that the purpose of the verandah area appears to be an access to the rear yard, this element is easily converted to a simple pathway whilst the veranda roof form may be converted to a small

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skillion awning sufficient to provide shade to the glazing during the hotter summer months.
(See Condition No. 60).

3. *Deletion of the doorway from the laundry area.*

A condition of consent was suggested in the previous report to Council requiring that the floor space for the kitchen and the laundry be swapped in order to provide reasonable light and ventilation to the kitchen. As a result, the doorway that served the laundry is no longer required. By deleting this doorway, pedestrian activity on the southern boundary would be substantially reduced ameliorating overlooking impacts.(See Condition No.61).

It is also noted that the resident to the south has raised concern at the proposed upper level fenestration. Because this fenestration serves a bathroom and the third bedroom, it is unlikely that significant or unreasonable privacy impacts would flow from these upper level windows. For abundant caution however a condition is suggested requiring that the bathroom windows at first floor on the southern elevation to House 1 and House 2 be fixed and obscured (see Condition No.61).

Concern has also been expressed by the property owner to the west regarding overlooking. Whilst this concern is acknowledged, it is noted that the dwelling at 145 Bannockburn Road is in fact elevated above the subject site. Additionally, because the dwelling itself is located on a corner site, its rear yard is currently visible from the public way (The Mall). Therefore, its rear open space is not entirely private in its current form. Notwithstanding, because the location of the window to bedroom 2 of House 1 is a poor solution from an internal amenity viewpoint this window is conditioned to be deleted (see Condition No. 61).

(b) *Overshadowing.*

Concern has been raised by the resident to the south in relation to loss of solar access. It is certainly the case that any development on this site, be it a dual occupancy or a single dwelling which complies with the provisions of Development Control Plan No 38 will give rise to an increased overshadowing impact to the rear yard of this neighbour. This mostly arises as a function of the east/west orientation of the site.

It is noted that the dwelling at No 20 Surrey Road has very limited north-facing fenestration, comprising a single ground floor window on its north-facing gable end and a small window on the eastern end of its northern first floor elevation. The ground floor north-facing window is, because of its close proximity to the existing dwelling and as a result of vegetation on the common boundary, unlikely to receive significant winter solar access currently. This situation is not exacerbated by the proposed development. The upper level north-facing window is located forward (east) of the building line of the proposed development and will therefore not be impacted on at all.

As such, issues of solar access rest mainly with the amount of shadowing that will fall to the rear yard of No 20 Surrey Road. In this regard, it has already been noted that the shadow diagrams submitted to Council have been drawn to magnetic north rather than true north. The implication of this error is that the impact to the rear yard of the southern neighbour appears worse than will actually be the case.

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In reviewing the shadow diagrams, it is revealed that the 9.00am and 12.00noon shadows pass from the rear yard earlier than depicted and in the afternoon solar access to the rear yard will increase sooner to the pool area. Measurements also indicate that solar access in the order of 50% of the rear yard area of No 20 Surrey Street will be maintained after 11 00 am at winter solstice. Further, it will be noted that the swimming pool area of the objector's property would not be highly utilised during the winter months and that by the equinox the pool area will enjoy substantially greater solar access. Hence, whilst the concerns of the resident are acknowledged, it is unlikely that the proposed development would impact sufficiently to warrant rejection on the basis solar access.

(c) *View corridors and 'visual impact'*

The objector at 145 Bannockburn Road has submitted that their view corridor, enjoyed from the eastern side of their dwelling, will be compromised as a result of the development. From a planning perspective it is important to distinguish between a view corridor and what is generally described as an 'outlook'. Although not indicated in the drawing marked 'drawing 1' attached to the objector's submission, the dwelling at 145 Bannockburn Road is substantially separated from, and elevated above the subject site. As such, there is currently a local 'outlook' afforded to this property by its wrap around verandahs. These verandahs are elevated above natural ground level in the case of its eastern elevation. The dwelling does not however enjoy a 'view corridor' to any particular natural feature such as a water view, or a built feature such as a city skyline. Therefore, even though it is the case that the general neighbourhood outlook will, to an extent, be truncated as a result of the proposed development, this is not sufficient to warrant rejection of the application from a planning perspective.

Concern has also been raised in relation to the visual impost that the development will have on the immediately adjoining neighbours. As mentioned previously, a photo montage study has been submitted to support this objection. Again, it is noted that this study has been done assuming that the development will be constructed in blonde brick or light materials. In such circumstances it is agreed that the development would likely dominate the surrounding built environment. However, a dark face brick construction would suitably mitigate this perception of bulk and scale allowing the development to better resolve its relationship to the surrounding residential building mass. Apart from this, the development is well articulated and provides an appropriate level of built form in terms of Council's controls. On this basis, subject to appropriate conditions of consent, this objection is not supported.

CONSULTATION - WITHIN COUNCIL

The Officer's report to Council reproduces assessments made by Council's Development Control Engineer, Landscape Development Officer and Urban Design Consultant.

Summarising these assessments it is noted that, subject to conditions of consent Council's Engineer and Urban Designer raise no particular objection to the proposed development. Similarly, the Landscape Officer supports the application however raises concern in relation to the location of the retaining wall that extends from the common dividing wall of the dual occupancy to the southern boundary and then westwards to the verandah. Given that the retaining wall has not been shown on the landscape plans, an amended landscape plan is required which should relocate the retaining wall

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1.8 metres from the southern boundary to support the pedestrian access and drying area and to allow the proposed boundary shrub screen to be established at a natural grade.

PROVISIONS OF RELEVANT LEGISLATION

The Environmental Planning & Assessment Amendment Act 1979 Section 79C

1. Environmental Planning Instruments

Ku-ring-gai Planning Scheme Ordinance

This application constitutes Local Development under Part 4 of the Environmental Planning & Assessment (Amendment) Act and the proposal for an attached dual occupancy style development is permissible with consent pursuant to clause 23 of the Ku-ring-gai Planning Scheme Ordinance.

The Ku-ring-gai Planning Scheme Ordinance does not contain any specific controls in relation to dual occupancy developments. However, the aims and objectives of the Ordinance as outlined in Schedule 9 may be applied where relevant to this application.

Following is an assessment of the proposed development against the relevant objectives.

1(a) To maintain and where appropriate, improve the existing amenity and environmental character of residential zones; and

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

Comment: The site is provided with a built environment, which comprises many single storey dwellings, however, it is adjoined by a two storey dwelling to the immediate south and a substantial dwelling to the west which reads, on its eastern elevation, as two storeys. Surrey Road is also punctuated by two storey developments and is described as having a mid to late 20th Century architectural context and hence is not so homogenous as to justify a prescribed form of development. Consequently, it is difficult to support the contention that the proposed development would unreasonably impact or dominate its surrounding architectural context. No objection is raised to the proposed development subject to compliance with conditions requiring that colours and materials are either dark face brick.

2(c) any building or development work shall maintain or encourage replacement of tree cover whenever possible to ensure the predominant landscape quality of the Municipality is maintained and enhanced;

Comment: The application has been reviewed by Council's landscape development officer who supports the application. Critically, the development will be conditioned to protect the street trees on The Mall that are of great importance to the landscape quality of the precinct.

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2(d) *any building or development works on a site avoids total or near total site utilisation by maintaining a reasonable proportion of the site as a soft landscaping area.*

Comment: Clause 60C(2) of the KPSO applies a maximum built-upon area of 60%. The proposed built-upon area - as required by condition of consent - will be reduced to approximately 41% being consistent with this requirement.

State Environmental Planning Policy No 53

SEPP 53 aims to encourage the provision of housing in metropolitan areas that will:

- (a) *broaden the housing choice of building types and locations available in the housing market,*
- (b) *make more efficient use of existing infrastructure and services,*
- (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) *be of good design.*

Clause 3 of the SEPP states that these aims will be achieved by:

- (a) *establishing planning controls that will provide opportunities for a variety of housing types to be developed in areas the councils of which have not adopted development strategies,*
- (b) *setting out design principals that, if followed, will achieve built form that responds to the characteristics of its site and location, and*
- (c) *encouraging councils to prepare and adopt residential development strategies an supporting local environment plans and policies that will achieve those aims, and by allowing local government areas to be exempted from the whole or parts of this policy when those strategies are in place.*

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

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

Clause	Standard	Proposal	Compliance
Lot size	400sqm	860sqm	Yes
Floor-space ratio	0.5:1	0.41:1	Yes
Car parking	4 car spaces	4 car spaces	Yes

Clause 31 states that a consent authority cannot approve a development unless it has taken into consideration a site analysis prepared in accordance with the SEPP. The documentation submitted with the application is satisfactory.

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

a. Streetscape

As discussed above the existing streetscape is eclectic and does not provide a level of homogeneity that would warrant a prescriptive design solution for the site. There are a number of examples of two-storey development within the visual catchment of the site. Consequently, even though the site is elevated above much of the surrounding built environment, it is able to sustain a two-storey form provided that colours and materials are compliant with **Condition No.59** below. Additionally, by reducing the footprint on the eastern side of the north elevation any potential dominating effect of the proposal is further mitigated.

Concern is raised to the unbalanced fenestration to the northern elevation of bedroom 2 of House 1. However, a single window is proposed to this facade component that results in an asymmetrical configuration. Both from an urban design view point and from a climatic design perspective it is considered that a second northern window should be introduced on this wall and located some 1200mm to the west of the proposed window adjacent to the balcony. This will have the benefit of increasing the quantity of northern light to the bedroom and will improve the design of the building. Presumably the blank wall is proposed to accommodate bedroom furniture. This will not be an issue once the western window to this room is deleted as required in **Condition No.61** below.

Subject to conditions of consent, the proposed development will be of a suitable appearance and will satisfy the streetscape principles of SEPP 53.

b. Visual and acoustic privacy

Private open space has been provided to the rear of each House 1 and to the south of House 2.

Having a corner location, it is the southern and western elevations that are sensitive to privacy issues. As discussed in detail under the heading '*Consultation - Community*' the development is mostly well mannered in terms of its fenestration patterns and does not seek to introduce intrusive features such as upper level balconies visible from the south. It is suggested that because of the elevated finished floor level of House 2 that the rear verandah on the western elevation and the door to the laundry be deleted and that the southern full length windows at ground floor to the family room be provided with obscure glazing to a level of 1500mm from finished floor level.

As a result of the elevation of the property to the west and its substantial separation from the development site it is not envisaged that any significant overlooking will occur in this direction.

c. Solar access and design for climate

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Whilst not optimally designed, particularly in relation to House 1 - which it is noted has located much of its fenestration at ground level to either the south or the west - it is generally considered that the internal amenity of the development is adequate provided that the kitchen and laundry floor space in House 1 are 'swapped'. The only other issue of internal amenity is the proposed western window to bedroom 2 in House 1. This element will result in an uncomfortably hot environment in summer and is not optimal in terms of increased air-conditioning and increased demands on non-renewable energy resources. Given the discussion above, it is considered appropriate that this window be deleted entirely by condition of consent.

Issues of solar access have been discussed in detail under the heading *Consultation - Community*, suffice to say hear that the proposed development is unlikely to give rise to a significant reduction in solar access to the property on its southern boundary.

d. Stormwater

This aspect is fully considered by the Council's Development Control Engineers and is considered to be satisfactory, subject to the imposition of recommended conditions.

e. Crime prevention

The proposed dwellings have pedestrian access from The Mall and vehicular access from Surrey Road and the Mall. In addition, the proposed living/lounge areas at ground floor level allow general observation opportunities of the dwelling entry areas. The occupants of the dwelling will enjoy acceptable levels of both passive and active surveillance in accordance with the Crime Prevention objectives under State Environmental Planning Policy No 53.

f. Accessibility

Safe pedestrian links are available to local facilities from the subject property. Convenient access and parking is available for future residents of the proposed development.

g. Waste Management

Suitable space exists on the property for the storage of waste management containers although this has not been shown on the submitted plans this may be resolved by condition of consent.

h. Bulk

The building form, setbacks and height of the proposed development are consistent with surrounding development subject to conditions of consent.

The proposal provides an acceptable presentation to the street and will relate adequately to the built environment of the locality. The architecture within the street is varied in

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respect to height, bulk, scale and style. Having considered the size and scale of the surrounding developments, the proposal is reasonably in keeping with the area.

Sydney Regional Environmental Plan No. 20 - Hawkesbury/Nepean River

The development site is located within the catchment area of the Hawkesbury River and is therefore subject to the provisions of this Instrument. The stated aim of Sydney Regional Environmental Plan No. 20 is to

“protect the environment of the Hawkesbury/Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.”

In this regard, consideration of matters such as water quality, water quantity, flora and fauna, wetlands and heritage must be given prior to the granting of any consent. The site is not located in close proximity to any sensitive natural environment in terms of the SREP and water quality will be regulated and improved as a result of the stormwater detention proposed as part of the application. In consideration of the matters contained in SREP No. 20, Council may be satisfied that the development will not give rise to an adverse natural environmental impact.

Non-Statutory Controls

The proposed development is relevantly affected by Development Control Plan 43 – Car Parking, Development Control Plan 40 - Waste Management and Council’s own Dual Occupancy Control Code.

The performance of the development against these controls has been discussed in detail in the Council report of 5 December 2003. The matters of compliance have been reviewed, and it has been found that the previous report accurately assessed these issues. It is not, therefore, proposed to present a discussion of compliant controls here. Suffice to say that the development achieves a majority of compliance with the non-statutory standards and where, in the case of the Waste Management DCP, compliance has not been formally demonstrated it is considered that compliance can be achieved by condition of consent.

Referring to the compliance table provided in the 5 December 2003 report it will be noted that the proposed development fails to comply with the side and rear setback control, the built upon area control and the disabled access control of the Ku-ring-gai Code for Dual Occupancy Development. These matters are discussed below.

Set Backs

Clause 4.9.1 of the Code deals with building setbacks and prescribes a 12 metres building line on the high side of the street which is relevant here, and a 7 metres setback for the secondary street alignment in the case of corner blocks. Discretion is also provided to reduce the secondary building line to 5 metres for no more than 50% of the relevant building alignment.

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Whilst compliance is achieved with the primary building alignment setback development only provides setbacks to the secondary building alignment in the range of 4.0 metres to 5.5 metres and thus does not comply with the set or discretionary standard.

The clause provides a series of three objectives that underpin the numerical provisions, being;

- *Where a development is located in a corner site it should be located appropriately in relation to both streets.*
- *Appropriate articulation of the corner should be considered in relation to built form and open space.*
- *The setback of the development from the secondary street will provide a transition between the proposed and existing dwellings that complements the street.*

As mentioned previously, the site is constrained by its irregular shape, narrowing from over 25 metres in width on its eastern side to some 15 metres on its western boundary. The result is that strict compliance with the control is difficult in the circumstances. This in itself is not justification for the departure rather it is necessary to consider the performance of the development against the stated objectives of the control.

Whilst it is acknowledged that front building alignments are consistent in the surrounding streetscapes, it is noted that side setbacks, for corner developments are variable. For example 145 Bannockburn Road exhibits substantial setbacks from both its street alignments and essentially presents a 'primary' frontage to both Bannockburn Road and to The Mall. However, this site is very large and mostly unconstrained and is amenable to this type of solution. Contrastingly, the dwelling at 25 Surrey Road, located on the corner of Chester Road presents a more traditional side elevation, which is in the order of four metres from its secondary alignment – albeit this dwelling is single storey in height.

The subject site also benefits from significant vegetative screening in the form of four substantial and densely foliated street trees on its northern elevation, which effectively mitigate any perceived dominance of the structure as it relates to The Mall. Further, as suggested previously, the foot print of the building on its north eastern wing may be reduced in line with the northern setback of 'House 1', thereby reducing further the prominence of the structure within its built environment.

Despite the non-compliance and in view of the constrained nature of the site, it is concluded that requiring strict adherence with the secondary setback control would be difficult to sustain from a planning perspective.

In the case of side and rear setbacks, clause 4.9.1 of the code provides that;

“setbacks should allow for sufficient landscaping between buildings particularly for two storey structures to soften the visual appearance when viewed from the street and from the neighbouring property.”

The numerical requirements of this clause are predicated on the width of the site with variations to the standard based on the site being less than, or above 20 metres in width. As

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noted, this site ranges between 15 metres and 25.5 metres in width, thus the applicable side setbacks vary in terms of the location of the relevant footprint. Generally, the site width is greater than 20 metres as it relates to the building foot print of 'House 2' and less than 20 metres as it relates to 'House 1'. House 2, with an average width of 22.7 metres, should provide a side setback of 2.8 metres from the southern boundary. With setbacks ranging from 3.5 up to 7.0 metres, compliance is well achieved. House 1, with an average site width of 17.5 metres, is required to have a setback of 2.0 metres from the southern boundary. It has setbacks ranging from 2.0 metres to 3.5 metres again complying with the controls.

Finally the clause provides that rear setbacks should be a minimum of 15% of the average site depth or 3 metres, whichever is the greater. With an average depth of 40 metres the rear setback should be 6.0 metres. The rear setback is 6.5 metres on the southern corner of the western footprint reducing to 4.5 metres on the northern corner of the western footprint. The result is that approximately 5 metres of the garage structure intrudes into the rear setback area.

In terms of performance, it will be noted that this element of the development, being a single storey garage structure to House 1, is located at RL 159.47 which is some 1.2 metres topographically below the rear yard of No 145 Bannockburn Road. The single storey structure is also devoid of fenestration on its western elevation. Subject to screen planting which is provided for in the landscape plans, it is unlikely that this area of non compliance will give rise to a discernible impact to the property to the west. It may also be noted that the location of the garage structure has no implication for the dwelling to the south. As a consequence, there would be little justification for requiring strict compliance with the rear setback standard.

Built Upon Area

Clause 4.9.3 of the Code for Dual Occupancy Development prescribes a 40% built-upon area in circumstances where both dual occupancy dwellings are two storeys.

The objective of this control is to ensure that;

Dual occupancy development is to retain a sufficient proportion of the site as soft landscaping so as to provide for adequate stormwater infiltration. The built upon area should be reduced where stormwater cannot be directed to the street.

In its current form, the proposed development provides a built-upon area of some 43%. As a result of modifications suggested previously, and set out in recommended **Condition No. 57 and 60**, this built upon area will be reduced by 17.96 square metres resulting in a site coverage of approximately 41%. In so far as Council's Development Engineer and Landscape Officer have not raised objection to the proposal in terms of stormwater management or landscape quality, it may be concluded that the development is consistent with the objectives of the standard irrespective of the minor residual non-compliance.

Disabled Access

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Whilst the provisions of the Council's Dual Occupancy Code requiring disabled access are noted, disabled access provisions under the Disability Discrimination Act do not apply to Class 1 buildings under the BCA. Thus, irrespective of whether or not the slope of the site is considered significant, there is no statutory provision to compel compliance with AS1428.2.

General Comment

By way of conclusion to the assessment of the development against the non-statutory requirements it will be noted that majority compliance has been achieved or is capable of being achieved, subject to conditions of consent. In relation to those areas of non-compliance discussed above, it will be noted that the proposed development achieves compliance with the provisions of SEPP 53 and to the extent of any inconsistency the State Instrument prevails. Consequently, any rejection of the proposal in respect to the non-compliances with the non-statutory standards would be difficult to sustain within this statutory framework.

2. Likely Impacts

The proposal is unlikely to have any significant impact on the environment, landscape or scenic quality of the locality, threatened species, populations or ecological communities or their habitats or any other protected fauna or protected native plants as the site is neither within a wilderness area nor an area of critical habit.

All relevant impacts of the development in terms of the amenity of adjoining residents have been considered, and it is found that the likely impacts on the visual privacy, solar access and general amenity of the adjoining dwellings to the south and west are acceptable, subject to conditions.

3. Suitability of The Site

The site is situated in the midst of an established residential context and is of an adequate form in terms of the provisions of SEPP No 53. Additionally, there are no known environmental or infrastructure constraints to its development. All services are available and there are no hazards such as contaminated land, bushfire, flooding or the like. Finally, the size shape and topography of the site is sufficient to sustain the development form proposed without giving rise to unreasonable adverse environmental consequences to surrounding residential uses.

4. Any Submissions

Matters raised in submissions have been considered and discussed in this report. As stated in the body of this report, a number of the concerns are supported, and it is recommended that those well founded can be addressed by way of suitable conditions.

5. Public Interest

In the circumstances of the case, the public interest is served by the orderly economic development of land in a form which is well mannered in terms its design and siting. Given

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the foregoing assessment, it is considered that the development as proposed is satisfactory in this regard. In addition, the broader public interest is served by the better utilising public infrastructure by permitting opportunities for two dwellings to be developed on a single allotment.

CONCLUSION

The proposed development is appropriately located in a residential 2C zone pursuant to the provisions of the KPSO and SEPP 53. On assessment it is found that, irrespective of minor non-compliances with the standards contained in the Council's Dual Occupancy Code, the development achieves full compliance with the standards contained in the relevant State Instrument and is held to be acceptable in this regard. It will be noted that concerns have been raised by local residents in relation to the form and likely impact of the development, both generally to the neighbourhood and specifically to nearby and adjoining residents. Those concerns are acknowledged and, where appropriate, conditions of consent have been suggested that will alleviate those well-founded issues. The concerns raised are not such that would warrant the rejection of the application.

Consequently, having regard to the provisions of section 79C(1) of the Environmental Planning and Assessment Act no objection is raised to the proposal from an environmental planning perspective, subject to conditions of consent.

RECOMMENDATION

That Development Application 393/03 for the demolition of the existing dwelling and outbuilding on site and the construction of an attached dual occupancy on lot 31, DP 16889, being 22 Surrey Road, Turramurra, be approved for a period of 2 years, subject to the following conditions.

1. The development to be in accordance with Development Application No 393/03 and Development Application plans prepared by Hans Waldmann & Associates, reference number 775.03.1 & 2, dated 5 October 2003 and lodged with Council on 7 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.

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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. 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.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. 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:

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

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

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

15. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
16. 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.

17. The fence and footings shall be constructed entirely within the boundaries of the property.
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. 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.
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

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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. 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. 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.
24. 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.
25. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
26. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
27. 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.
28. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
29. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.

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30. 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.
31. 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.
32. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
33. 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.
34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
35. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.
36. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
37. To provide protection from the sun, the west facing window of Bedroom No 2 in Dwelling No 1 and the eastern windows to the living room of Dwelling No 2 are to be provided with an appropriate shading device. Details of which are to be submitted to and approved by Council.
38. To provide external lighting and ventilation the kitchen in Dwelling 1 is to be reversed with the laundry/WC. ie. The kitchen is to be located to the southern side of the dwelling where the laundry/WC is indicated on Drawing 775.03.1. Details of which are to be submitted for approval.

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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 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 landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
41. 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.
42. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
43. Pruning to raise the canopy 2.3 metres above the driveway crossing to House 1 of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location

Pistacia chinensis (Pistacia)
Tree 02 / The Mall nature strip

44. The driveway crossing for House 1 shall be constructed at existing grades to avoid damage to the root system of *Pistacia chinensis* (Pistacia) - Tree 02.
45. 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

Pistacia chinensis (Pistacia)
Tree 02 / The Mall nature strip

6 metres

46. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.

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47. Excavation for the installation of conduits/sewer/stormwater/gas within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
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<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 06 / Near the site's southeastern corner	6 metres
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48. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Surrey Road. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

1 *Eucalyptus paniculata* (Grey Ironbark) and 1 *Syncarpia glomulifera* (Turpentine)

49. On completion of the landscape works including tree and 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.
50. 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

Anredera cordifolia (Madeira Vine)
Asparagus densiflorus (Asparagus Fern)
Asparagus plumosus (Climbing Asparagus)
Hedera helix (English Ivy)
Hedychium gardnerianum (Ginger lily)
Jasminum polyanthum (Jasminum)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Nephrolepis cordifolia (Fishbone fern)
Ochna serrulata (Ochna)
Sida rhombifolia (Paddy's Lucern)
Tecomaria capensis (Cape Honeysuckle)
Tradescantia albiflora (Wandering Jew)
Wisteria sp. (Wisteria Vine)

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

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52. For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided in front of the garage door to House 1 and connected to the stormwater drainage system.
53. 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 to House 2 and Council's footway to collect all surface water from the driveway.
54. The construction of kerb and gutter and road shoulder along the The Mall frontage of the subject property to the satisfaction of Council's Development Engineer.
55. 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.
56. 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%.

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

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

57. The northern wall of House 2, including the roof form to the verandah, being set back in line with the northern wall of the living room to 'House 1'.

Revised plans are to be submitted and approved by Council or the Principal Certifying Authority.

58. The upper floor bathroom to House 2 shall be set back from the ground floor level by 500mm and the gable end roof form associated with the bathroom shall be modified to a simple hipped form consistent with the balance of the roof design.
59. The building shall be constructed in a dark face brick commensurate with existing development on the northern side of The Mall, in this regard a variegated colour scheme is to be used with darker materials used for the construction of the first floor level. Samples are to be submitted and approved by Council at the Principal Certifying Authority.

Revised plans are to be submitted and approved by Council or the Principal Certifying Authority.

60. The verandah at ground level to the family room for House 1 shall be deleted and the related roof form be converted to a simple skillion awning over the windows and glass doors, any hard paving associated with the glass door access to the rear yard shall be constrained to a permeable pathway.
61. The following modifications shall be carried out to fenestration.
- The southern ground floor window to the family room of 'House 1' shall be affixed with obscure glazing to a minimum height of 1500mm above finished floor level.
 - The windows to the upper level bathrooms located on the southern first floor of House 1 and House 2 shall be constructed entirely of fixed obscure glazing.
 - The west-facing window to bedroom 2 in House 1 shall be deleted and a second north-facing window, of similar dimensions to the proposed northern window to bedroom 2 shall be introduced in a balanced and symmetrical manner.
 - The doorway on the southern elevation serving House 1 shall be deleted.
62. 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.
63. 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

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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).

64. 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.
65. 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 \$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	

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	for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Turrumurra/Warrawee	\$1,966.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turrumurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75sqm)	1.25 persons
Medium dwelling (75 - under 110sqm)	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

66. A revised plan that indicates the on-site location of waste management facilities for each dwelling is to be submitted and approved by Council.
67. The northeastern (front) and southeastern (side) walls of House 2 shall to include drop edge-beam construction to avoid fill within the front garden and the root zone of the *Jacaranda mimosifolia* (Jacaranda) – Tree 06, except for the driveway. Details for the drop edge-beam footings shall be submitted to Council and approved prior to release of the Construction Certificate.
68. Detention tank 1 shall be located behind the retaining wall and beneath the drying court and access adjacent to House 1 and detention tank 2 shall be located beneath the lawn along contour line 156. Amended plans showing their locations shall be submitted to Council and approved prior to release of the Construction Certificate.
69. 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.

70. 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.

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The amended landscape plan shall include the following items:

- 4 canopy trees that will attain 13 metres height at the site.
- A retaining wall that extends to 1.8 metres from the southern (side) boundary from the common dividing wall of the dual occupancy and returning west to the verandah to support the drying and pedestrian access.
- To protect and enhance native vegetation to conserve and promote biodiversity 25% of the tree and shrub plantings, to be included in the landscape works, shall be derived from the Blue Gum High Forest assemblage of vascular plants as the site is located greater than 300 metres from bushland.
- Confirm whether *Eucalyptus paniculata* (Grey Ironbark) or *Eucalyptus pilularis* (Blackbutt) is the species intended.

71. The property shall support a minimum number of 4 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.
72. 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.

73. 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

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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.

74. Prior to the issue of the Construction Certificate, longitudinal sections are to be provided along both sides of each 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.

75. 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 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.

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

OR

For stormwater retention, provision of a 2000 litre rainwater tank for each dwelling designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings 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.

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.

76. To prevent surface stormwater from entering the buildings, the finished habitable ground floor level(s) of each 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.

77. The Applicant must carry out the following infrastructure works in the Public Road:

- a. construction of kerb and gutter and road shoulder along the The Mall frontage of the subject property.

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

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

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

To ensure that works on Council property required by this Condition are carried out to Council's requirements, the developer must lodge a bond to the value of \$10,000. The Bond may be in the form of a bank guarantee and must be lodged prior to the issue of a Construction Certificate. The Bond will not be released until Council has inspected the site at all hold points specified in the *Roads Act* Approval, and is satisfied that the works have been carried out to Council's requirements. Council may use part or all of the bond to complete the works to its satisfaction if the works do not meet Council's requirements. After Council's final inspection of these works 10% of the bank guarantee will be retained for a further twelve (12) month period and used by Council to repair any defects or temporary works necessary after the final inspection.

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

NOTE 2: An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Councils Development Engineers. In addition, a copy of this condition must be provided, together with a

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covering letter stating the full address of the property and the accompanying DA number. Failure to do so may delay the processing of the application.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

78. 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.
79. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
80. 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.
81. A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the commencement of any work on the site.
82. 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

Pistacia chinensis (Pistacia)

6 metres

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Trees 01 - 04 / Near the site's southeastern corner

83. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed dual occupancy 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
<i>Jacaranda mimosifolia</i> (Jacaranda) Tree 06 / Near the site's southeastern corner	6 metres

84. 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.
85. 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

86. 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.
87. 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.
88. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to Occupation, that:
- The works were carried out and completed in accordance with the approved plans.
 - All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

89. 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)

90. 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.

91. 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

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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.

92. 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.
93. Construction of the road, footpath and/or drainage works in the public road in accordance with the Council approved drawings and to the satisfaction of Council's Development Engineer prior to the issue of an Occupation Certificate or Subdivision Certificate. The works are to be supervised by the Applicant's designing engineer or surveyor who is to provide certification upon completion that the works were constructed in accordance with the approved drawings. The works are also to be subject to inspection by Council as noted on the approved drawings. Any conditions attached to the approved drawings for these works are also to be met to the satisfaction of Council's Development Engineer. The completed works are to be approved by Council's Development Engineer prior to the issue of an Occupation Certificate or Subdivision Certificate.

BUILDING CONDITIONS

94. 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.
95. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of

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compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

96. 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.

97. 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.
98. To ensure compliance with this determination a Registered Surveyor's Report confirming reduced levels as shown on the approved plans with particular regard to the future finished level of the ground floor shall be submitted to the Principal Certifying Authority on completion of that floor.
99. 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.
100. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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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.

101. So as to ensure adequate fire separation, walls and floors separating occupancies are to be constructed in accordance with the requirements of Part 3.7.1 of the Building Code of Australia Housing Provisions. Details of the proposed method of compliance are to be submitted.
102. 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.

103. 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.

P Robinson
Consultant Town Planner

54 COWAN ROAD, ST IVES - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To address matters raised at the site inspection of 24 April 2004 and for Council to determine a Development Application for the construction of a SEPP 5 development incorporating the existing dwelling.
BACKGROUND:	Council at its meeting of 27 April 2004 deferred consideration of the application pending a report on the matters raised at the site inspection.
COMMENTS:	The matters raised at the site inspection 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 24 April 2004 and for Council to determine a Development Application for the construction of a SEPP 5 development incorporating the existing dwelling.

BACKGROUND

An assessment report was prepared and considered by Council on 27 April 2004 where Council resolved to defer determination pending consideration of a report on the matters raised at the site inspection carried out on Saturday 24 April 2004. The following matters were raised at the site inspection and are addressed accordingly.

1. Concern was raised regarding the likelihood of asbestos contamination resulting from the process of relocating the heritage item.

The report does not specifically mention the likely impact of asbestos contamination that may arise from the relocation of the heritage item nor the replacement of the existing asbestos roof tiles. In order to address this concern, the following condition should be imposed:

Condition 73a

In relation to the relocation of the heritage item and the replacement of the existing asbestos roof tiles:

- (i) *A Workplan shall be submitted to Council or the Accredited Certifier prior to the issue of the Construction Certificate in accordance with AS2601 – Demolition of Buildings. This report shall contain details regarding:*
 - (a) *the type of hazardous material;*
 - (b) *proposed methods of containment; and*
 - (c) *proposed methods of disposal.*
- (ii) *Any works involving asbestos cement sheeting must be undertaken in accordance with the requirements of the Workcover Authority in relation to removal, handling and disposal of material and the Work Safe Australia Asbestos Code of Practice.*

2. Concern was raised regarding the separation between the new two storey building and the heritage item. The issue of separation was identified as being a merit related issue. The Councillors requested that staff prepare a report indicating what controls apply to the separation between developments upon the same allotment of land.

In relation to controls that determine the separation of two buildings upon one allotment of land, SEPP 5 does not have numerical development standards. However, determination of a proposal relies upon a merit assessment, and whether the proposed development demonstrates

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that adequate regard has been given to principles such as visual and acoustic privacy, solar access and visual bulk.

3. **Concern was raised as to whether the units within the proposed SEPP development upon No.54 Cowan Road would receive adequate solar access in light of the development at No.56 Cowan Road. Council staff were to provide a report to Council on this matter.**

The units at 54 Cowan Road will receive adequate solar access given the development at 56 Cowan Road. The shadow diagram submitted in support of 56 Cowan Road, indicates that Unit 3 of No.54 will be overshadowed in the morning, and to a lesser extent, in the afternoon on 22 June (midwinter). Unit 3 will receive approximately two hours of solar access in the afternoon and have adequate daylight to its main living areas. Unit 2 of 54 Cowan Road will be overshadowed from around 12.30pm on 22 June (midwinter). Consequently, No.54 Cowan Road will receive adequate solar access to its main living areas in accordance with the requirement of SEPP 5.

4. **It was questioned whether the Cypress Trees could be retained. The applicant advised that it was their intention to keep these trees. Council staff confirmed this and indicated that Condition 26 of the recommended consent requires, in the event of the trees not surviving the proposed works, these trees being replaced with super advanced trees of the same species. This condition has been imposed as the landscaping buffer these trees currently provided has been recognised.**

Noted.

5. **Within the development to No.56 Cowan Road a proposed Blue Gum is to be located within the southern end of the development. Concern has been raised in respect of the impact this tree has upon view corridors to No.54 Cowan Road as well as safety impacts that may arise due to the location of the tree to the development upon No.54 Cowan Road. Council staff are requested to review the plans for No.56 Cowan Road and advise as to whether an alternate location for the planting of this tree can be provided.**

Council's Landscape Development Officer has nominated the south-western corner of the site as a suitable place to locate the Blue Gum rather than the south-eastern corner of No.56 as proposed. A suitable condition may be added to the recommendation of 56 Cowan Road, St Ives. This issue is included in the Supplementary Report for 56 Cowan Road, St Ives.

RECOMMENDATION

That Development Application No.1154/02 for the retention, relocation and adaptation of the existing cottage and construction of a SEPP 5 development consisting of five (5) units (including the cottage) and basement carparking for Lot B in DP 375380, being 54 Cowan Road, St Ives be approved for a period of two (2) years, subject to the following conditions:

GENERAL CONDITIONS

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1. Development being generally in accordance with plans numbered DA 01A-DA 09A, dated 13 October 2003, submitted by SDA International Pty Ltd. and the Landscape Plan 001700/TM prepared by Urban Landscape Planners (ULP), dated 09/10/03, as modified by any conditions of this consent/approval.
2. 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.
3. 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 an Occupation Certificate has been issued.
4. 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.
5. The works shall be erected in conformity with the approved plans and specifications and in accordance with the conditions of approval set out herein.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. Due to the close proximity to St Ives Shopping Centre and the likelihood of pedestrian traffic and reasonable volume of vehicular traffic using Cowan Road assistance shall be provided to heavy vehicles entering and leaving this development during construction and demolition. This assistance shall be in the form of an accredited traffic control person.
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

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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. 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.
14. With regard to the proposed rock breaking the following conditions are to be observed:
 - a. The Geotechnical Engineer shall supervise the works in progress.
 - b. A dilapidation report on adjoining or nearby properties shall be prepared prior to any excavation, rock breaking, or associated work commencing and shall be submitted to the Principal Certifying Authority.
 - c. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
 - d. All material removed from or imported to the site shall be loaded, unloaded or conveyed in such a manner that will minimise nuisance. Trucks shall be covered and site controls shall include shaker grids at the exits of the site. All materials falling to any part of the road or footpath or any public place shall be immediately cleaned up.
15. 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.
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.

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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. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
19. To maintain residential amenity, all electrical services to the site are to be provided underground and must not disturb the root system of any trees. Please contact the energy supply authority's local customer service office to obtain documentary evidence that the authority has been consulted and that their requirements have been met. This information is to be submitted to Council prior to the release of the occupation Certificate.
20. If the work involved in the erection or demolition of a building:
- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - 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.

21. The developer shall submit to Council a letter from the energy supply authority and either Telstra or Optus, confirming that satisfactory arrangements have been made for the provision of underground telephone and power services, prior to the release of the Subdivision Certificate or Occupation. Application may be made to Energy Australia Phone No. 13 1525

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and either Optus, Network Operations, Facsimile No 9837 9060, Phone No 9837 9010, or Telstra Phone No 12 455.

22. The fence and footings shall be constructed entirely within the boundaries of the property.
23. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
 - a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
24. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy No 5 at all times.
25. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP5 development and that at least one occupier shall be aged 55 years or over or have a disability:
26. 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.

NOTE: The 3 x *Cupressocyparis x leylandii* (Leyland Cypress) located close to the Northern boundary are within 3 metres of the proposed building and are intended to be retained because they provide instant screening. In the event that they are damaged or die due to building works they shall be replaced with super advanced plants of the same species which are at least 3 metres in height at the time of planting.

27. Canopy 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

Tree 1 – *Quercus robur* (English Oak)/ Northern boundary close to Unit 3

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Note: Pruning of branches which are outside the approved building works will require separate written approval under the Tree Preservation Order.

28. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
Tree 1 - <i>Quercus robur</i> (English Oak) Northern boundary	8.5 metres

29. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the Council shall be required at monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

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

Tree/Location	Radius From Trunk
Tree 1 - <i>Quercus robur</i> (English Oak) Northern boundary	8.5 metres
Tree 3 – <i>Liquidambar styraciflua</i> /(Liquidambar) Near front boundary	5.0 metres

31. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
Tree 1 - <i>Quercus robur</i> (English Oak) Northern boundary	8.5 metres

NOTE: Over excavation shall not exceed 0.5m beyond the line of the basement walls.

32. 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.
33. Landscape works shall be carried out in accordance with Landscape Drawing No 001700/TM prepared by Urban Landscape Planners and dated 9/10/03 submitted with the Development Application, except as amended by the following:

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- A note shall be affixed to the plan adjacent to the three trees designated as “16” which indicates that should these trees be damaged beyond repair or die during construction they are to be replaced with three 100 litre size *Cupressocyparis x leylandii* (Leyland Cypress).

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

Tree/Location	Radius From Trunk
Tree 1 - <i>Quercus robur</i> (English Oak) Northern Boundary	8.5 metres

35. A planter box is to be provided along the entire western side of the balcony of Unit 4. Such a planter box shall be a minimum of 1.0 metres high above the finished floor level and have an internal planter width of 750mm. This condition has been imposed to protect the visual privacy of the residents of No. 56 Cowan Road.
36. For stormwater control a 200mm wide grated channel/trench drain with heavy duty removable galvanised grates is to be provided at the base of the ramped driveway and connected to the stormwater drainage system.
37. For stormwater control all paved areas are to be drained to the main drainage system.
38. Stormwater runoff from all hard surfaces, or landscaped areas, which are not at natural ground level, shall be piped to the street drainage system via the site detention/ re use 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 via a suitably sized galvanised RHS. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.
39. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual and generally in accordance with the Stormwater Concept Plans by Henry & Hymas, drawing 02093 SWC-01, Revision C, dated September 2003. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The 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.

40. 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.
41. 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.
42. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
43. The excavation and development works must be undertaken in accordance with the recommendations of the Geotechnical report to be prepared under the conditions of this consent.
44. Provision of suitable oil separator units in the drainage systems of basement carparking areas, which are designed to remove oils and sediment from any water runoff from these areas prior to discharge to the stormwater system.

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45. 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.
46. The proposed driveway exit to Cowan Road is to meet the pedestrian sight distance requirements of Section 3.2.4 of AS2890.1.
47. A maintenance period of six (6) months shall apply to the work in the public road carried out by the Applicant after it has been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the designed conditions.

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

48. A measured drawing of the existing house shall be prepared along with details of the proposed changes. The maximum amount of existing fabric shall be retained.
49. Asbestos diamond patten slates shall be replaced with modern equivalent material (grey Eternit slates). Existing terra cotta cappings shall be carefully salvaged and reinstated on the roof.
50. A simple archival record shall be made of the building before the commencement of the work. The record shall be in accordance with the Heritage Office guidelines for photographic recording and shall consist of key drawings, black and white photographs of the exterior and significant interiors with some colour slides of general views.
51. A north facing window shall be inserted in the family room of unit 3 and landscaping outside this window amended to suit. The pergola of unit 5 shall be detailed to admit winter sun to the living room while controlling summer sun. External sun shading shall be provided to west-facing ground floor windows of units 2 & 3.
- 51a. The kitchen windows of Units 2 and 4 being of a high-lite design or contain opaque glazing for privacy.
52. To enable compliance with the requirements of Clause 25(e) of SEPP 5 the main entrance to each unit shall be provided with a glazed panel 200mm in width for either the entire height of the door or alternatively from a height of 1.0metre from the finished floor level to at least 1.8 metres above the finished floor level. Additionally each main entrance shall be provided with an eye 'peep hole' to enable residents to view persons at the front door without the need to open the front door. Details of such shall be provided in the Construction Certificate Plans.

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53. To enable compliance with the requirements of Clause 25(g) of SEPP 5 the garbage storage area is to be located adjacent to the pedestrian entry to the site, on the northern side of the pathway and set back 5 metres from the street frontage. Details of the garbage store, including appropriate landscape screening, are to be provided with the application for the Construction Certificate. Additional landscape provision should be included for the original nominated location for the garbage storage area on the southern boundary.
54. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate. Note: Required if cost of works exceed \$25,000.00.
55. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).
56. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
57. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. 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.

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- 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 of \$15.00 for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

58. 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 FOUR (4) ADDITIONAL DWELLINGS IS CURRENTLY \$48,473.20. 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 Library bookstock	\$17.95
4. New Public Art	\$2.93
5. Acquisition of Open Space - St Ives	\$7,851.00
6. Koola Park upgrade and reconfiguration	\$143.09
7. North Turramurra Sportsfield development	\$986.80
8. Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
9. Section 94 Officer for period of Plan 2000-2003	\$118.42
10. Preparation of New SEPP 5 Residents Kit	\$22.44
11. SEPP 5 S94 Study and Interim Plan, 2000-2003	\$108.95

59. For stormwater retention, provision of a rainwater reuse tank/ structure within the subject property designed to capture and retain runoff until the design volume is achieved and the runoff bypasses the tank and reverts to the main drainage system. Design to be generally in accordance with the Stormwater Concept Plan and calculations prepared by Henry & Hymas, drawing 02093 SWC-01, revision C, dated September 2003. Full construction drawings and calculations shall be submitted and approved by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate. The design is to incorporate the following requirements:
- a. The design is to note compliance with the BCA and AS 3500.3.2:1998
 - b. The stormwater retention tank is to be readily accessible for maintenance and cleaning purposes.
 - c. All recycled stormwater outlet points are to have permanently affixed plaques in readily observable locations which read "Recycled Stormwater – Not for Drinking" or equivalent.

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- d. The provision of water mains backup system in the holding tank.
- e. Evidence of Sydney Water approval to the proposed system and mains backflow prevention.
- f. All toilet flushing and garden tap water usage is to be sourced from the stormwater retention tank.
- g. The provision of filtration devices to ensure no blockage of delivery plumbing systems.
- h. An overflow system from the stormwater retention holding tank.
- i. Compliance with the "Interim Guidelines for the installation of Rainwater Tank Systems in Urban Areas where a reticulated Potable Water Supply is Installed" issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW dated 11 June 2002.

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

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

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.

61. The Applicant must carry out the following infrastructure works in Cowan Road to ensure an accessible route to transport and services, which is required under the SEPP 5 provisions:
- a. Construction of a pedestrian refuge facility fronting the subject site on Cowan Road, incorporating delineation, signage, linemarking and pram ramps on both sides of Cowan Road. The design must maintain vehicular access to existing driveway crossings on Cowan Road in the vicinity.
 - b. Construction of footpath fronting the site to facilitate use by wheelchairs and provide access to the refuge.

Development Consent under the EP&A Act does NOT give approval to these works on Council property. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL UNDER SECTION 138 AND 139 OF THE ROADS ACT 1993** for the works in the Public

Road, required by this condition. The Construction Certificate **MUST NOT** be issued, and these works must not proceed, until Council has issued a formal written consent under the *Roads Act 1993*.

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

All works are to be designed in accordance with the RTA Technical Direction for pedestrian refuges. It is advised that the Applicant liaise with Council Traffic and Design Engineers when preparing the design. In addition, the drawings are to detail traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). When designing, **consideration must be given to the impact that the refuge will have on the driveways of No. 25 and 56 Cowan Road (particularly swept paths).**

NOTE 1: The pedestrian refuge and associated signage shall be referred to the Local Traffic Committee (LTC) for approval.

NOTE 2: A minimum of three (3) weeks will be required for assessment. Early submission is highly recommended to avoid any delays in obtaining a Construction Certificate.

NOTE 3: An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees.

NOTE 4: Plans and specifications must be marked to the attention of Councils Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number. Failure to do so may delay the processing of the application.

62. Full construction drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.
63. Provision of a basement stormwater pump-out system for the driveway ramp runoff. The system is to comprise both duty and back-up pumps and be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over

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such a period. Design drawings which include holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

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

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

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

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

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

65. 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.
66. Provision to Council, **prior** to the issue of a Construction Certificate, of a \$15,000.00 (fifteen thousand dollars) bond. This is to cover the restoration by Council of any damage to Council's infrastructure in the public road along the frontage or within close proximity to the subject development caused as a result of construction works relating to the subject development. The bond may also be used to complete outstanding works required under their consent, including works approved under the Roads Act 1993. The bond shall be refundable following completion of all works relating to the proposed development, or at the end of any

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maintenance period stipulated by consent conditions, upon approval by Council's Engineers. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately.
- b. The damage has not been repaired, or incomplete works have not been completed, by the Applicant within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.

67. Submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate, that the parking provisions provided in common areas and within private parking areas comply with:

- SEPP 5 (as amended December 2000), including space dimensions of 3.2m x 6m and height clearance of 2.5metres, and
- Australian Standard 2890.1 – 1993 "Off-street car parking"

Note 1: This is to specifically include certification that headroom requirements are met beneath all suspended service lines in the basement carpark, including stormwater and sewer lines.

Note 2: All driveway access widths, grades, transitions, circulation aisle widths, sight distances, signage, clearances are to comply with these requirements.

68. 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.

NOTE: No pedestrian access is permitted between the northern boundary and the northern wall of Units 3/5 during construction to reduce the damage to the English Oak and three existing Leyland Cypress during construction.

69. A CASH BOND/BANK GUARANTEE of \$10,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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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.

70. 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

Tree 1 – *Quercus robur* (English Oak)/ Northern boundary

71. The applicant shall ensure that no underground services (i.e. 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.
72. To preserve the following tree/s, footings of the proposed northern and eastern wall of Unit 3 and the walls of the detention basin shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

The location and details of the footings shall be submitted to Council's Landscape Development Officer and be approved prior to release of the Construction Certificate.

Tree/Location	Radius in Metres
Tree 1 - <i>Quercus robur</i> (English Oak) Northern boundary	7.5 metres
Tree 3 – <i>Liquidambar styraciflua</i> (Liquidambar)	5.0 metres

73. The stormwater plans shall be amended to show that any excavation beneath the canopy of the *Liquidambar styraciflua* (Liquidambar) for drainage pipes shall be hand dug and no excavation is permitted within a 4 metres radius of its trunk. The amended plans shall be submitted with the application for the Construction Certificate.

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73a. In relation to the relocation of the heritage item and the replacement of the existing asbestos roof tiles:

- (i) A Workplan shall be submitted to Council or the Accredited Certifier prior to the issue of the Construction Certificate in accordance with AS2601 – Demolition of Buildings. This report shall contain details regarding:
 - (a) the type of hazardous material;
 - (b) proposed methods of containment; and
 - (c) proposed methods of disposal.
- (ii) any works involving asbestos cement sheeting must be undertaken in accordance with the requirements of the Workcover Authority in relation to removal, handling and disposal of material and the Work Safe Australia Asbestos Code of Practice.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

74. 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.
75. A Geotechnical Report with supporting information (including borehole investigations of founding material) must be prepared and submitted to the Principal Certifying Authority (PCA) for approval, prior to issue of a Construction Certificate and prior to commencement of any excavation on the site. The report must include geotechnical investigations to determine the design parameters appropriate to the specific development and site. This would typically include:
 - Location of nearby foundations/ footings (site and neighbouring)
 - Proposed method of excavation
 - Permanent and temporary support measures for excavation
 - Potential settlements affecting footings/ foundations
 - Ground water levels (if any)
 - Proposed batter slopes
 - Potential vibration caused by method of excavation
 - De-watering including seepage and off site disposal rate where required.

The report must also include professional recommendations on appropriate construction techniques to ameliorate any potential adverse impacts. The report is to be prepared by a suitably qualified and practising Geotechnical Engineer with previous experience in such investigations and construction techniques. All works must proceed in accordance with the recommendations of the geotechnical report to be prepared.

76. A practicing structural engineer must prepare a full dilapidation report on the structural condition of all existing structures at the following locations:

- 52 Cowan Road, St Ives

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The Report must be completed and submitted to Council prior to the commencement of any demolition, excavation or construction works. A second report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council, prior to occupation, issue of the Occupation Certificate and/ or Subdivision Certificate.

77. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - Should the development be certified by a Principal Certifying Authority other than Council, a fee of \$15.00 for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
78. To preserve the following trees, no work shall commence until the area beneath the canopy of the following tree excluding that area of proposed Unit 3 & 5 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 shall be maintained intact until the completion of all demolition/building work on site.

NOTE: Where the building intrudes into the exclusion zone, the fence must be erected no more than 0.5 metres outside the line of the building.

Tree/Location	Location of Fence
Tree 1 – <i>Quercus robur</i> (English Oak) Northern boundary	8.5 metres

79. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Liquidambar styraciflua</i> (Liquidambar) Eastern boundary	4.0 metres

80. 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.

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NOTE: It may be necessary for the fence to be lower than this because of the location of the canopy of the trees. The tree limbs are not to be trimmed to accommodate the fence.

81. 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.
82. To ensure the relocation of the existing cottage is carried out with due care and no irreversible damage is incurred; a CASH BOND/BANK GUARANTEE of \$250,000 shall be lodged with Council prior to any works commencing on the site and prior to the release of the Construction Certificate.

The bond will be refunded upon final issue of Compliance where the development, as approved is satisfactorily completed including the relocation and alterations to the exiting cottage.

It is the responsibility of the applicant to notify Council in relation to the refunding of the bond at the end of the development period. Where 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.

CONDITIONS TO BE COMPLIED WITH PRIOR TO ISSUE OF THE FINAL COMPLIANCE CERTIFICATE

83. A contractor with specialist excavation experience must undertake the excavations for the proposal. A suitably qualified and practising geotechnical engineer must supervise the excavation procedure. At the completion of the works and prior to issue of the Final Compliance Certificate, this engineer is to provide certification to the Principal Certifying Authority (PCA) that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:
 - a. According the relevant Australian Standards and guidelines, and
 - b. According to the recommendations of the geotechnical report prepared prior to the commencement of works
 - c. In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
84. Prior to occupation, issue of the Occupation Certificate and/ or Subdivision Certificate, a convex mirror must be installed in a suitable location at the base of the ramped driveway. The mirror is to ensure that egressing vehicles are aware of approaching ingressing vehicles on the driveway ramp, and vice versa.

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85. Submission of certification to the Principal Certifying Authority from a suitably qualified and experienced civil/traffic engineer that:
- The dimensions of all as-constructed private carparking spaces meet the requirements of SEPP 5 (as amended December 2000).
 - The as-constructed driveway dimensions accord with the plans approved with the Development Consent/Construction Certificate.
 - A convex mirror system is installed which ensures egressing vehicles are aware of approaching ingressing vehicles on the driveway ramp.
 - The vehicular headroom requirements of SEPP 5 (as amended December 2000) for parking spaces are met. This is to specifically include certification that headroom requirements are met beneath all suspended service lines in the basement carpark areas, including stormwater lines.
 - All driveway access grades including transitions meet the requirements of AS2890.1.
 - The proposed driveway exit to Cowan Road meets the pedestrian sight distance requirements of Section 3.2.4 of AS2890.1.

The certification must be submitted prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.

86. The creation of a Restriction-on-Use under the Conveyancing Act, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate, restricting the occupation of the premises to:
- People aged 55 years or over, or people with a disability as defined by the provisions of State Environmental Planning Policy No 5 (as amended December 2000).
 - People who live with such people as defined in (a) above.
 - Staff employed to assist in the administration of and provision of services to housing provided in this development.
87. Construction of the infrastructure works in the public road (pedestrian refuge and associated works) must be undertaken prior to occupation, issue of the Occupation and/ or Subdivision Certificate, and in accordance with the Council approved drawings. The works are to be to the satisfaction of Council's Development Engineer and must be supervised by the Applicant's designing engineer. This engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council as noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met to the satisfaction of Council's Development Engineer. The completed works are to be approved by Council's Development Engineer prior to occupation, issue of the Occupation Certificate and/ or Subdivision Certificate.
88. Construction of the property stormwater drainage works, including retention measures, is to be supervised and upon completion certified by a suitably qualified and experienced hydraulic engineer or surveyor, prior to occupation, issue of the Occupation Certificate and/ or Subdivision Certificate, that:

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- 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.

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

The Certificate is to be with respect to compliance with:

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

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

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

90. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to issue of the

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Final Compliance Certificate or issue of a Subdivision Certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available to include items above) 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.

91. A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works (at 52 Cowan Road, St Ives,) must be undertaken at the completion of the works and be submitted to Council, prior to occupation, issue of the Occupation Certificate and/ or Subdivision Certificate.
92. 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, issue of the Occupation Certificate and/or Subdivision Certificate.
93. Prior to occupation, issue of the Occupation Certificate and/or Subdivision Certificate, all redundant driveway crossings and/or kerb laybacks are to be reinstated as verge and kerb and/or gutter to the satisfaction of Council's Development Engineer. Any infrastructure within the road reserve which has been damaged as a result of construction works on the subject site must be repaired to the satisfaction of Council's Development Engineer.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

94. The landscape works shall be completed prior to occupation of the units and shall be maintained in a satisfactory condition at all times.
95. 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 the Occupation Certificate.
96. Low level lighting shall be provided along the entrance pathway and the driveway to the front entries of each unit in accordance with the requirements of SEPP 5. The lighting must provide at least 50 lux at ground level. Documentary evidence of such is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
97. To ensure compliance with the requirements of SEPP 5 13(6) and the documentation submitted with the development application the garages shall be provided with a power operated roller door. Additionally the visitor car parking spaces shall have a minimum dimension of 6 x 3.2 metres

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98. To ensure compliance with the requirements of SEPP 5 every entry must have an entry door handle and other hardware that complies with AS 1428. Additionally all exterior doors for each dwelling shall be keyed alike. The entrance must comply with clauses 4.3.1 and 4.3.2 of AS 4299. Documentary evidence shall be submitted prior to the release of an Occupation Certificate.
99. To ensure compliance with the requirements of SEPP 5, clause 13A(9) each interior door must have a clearance of at least 820 millimetres, internal corridors must have a width of at least 1000mm and the width at internal door approaches must be at least 1200mm. Documentary evidence shall be submitted prior to the release of an Occupation Certificate.
100. To ensure compliance with SEPP 5, clause 13A (10) the living room must have a circulation space of at least 2250mm in diameter as set out in clause 4.7 of AS4299 and a telephone adjacent to a general power point. Additionally the living and dining room must have a potential illumination of at least 300 lux.
101. To ensure compliance with the requirements of Clause 13A(11) of SEPP 5 the kitchen shall meet the following requirements:
- a. a width of at least 2.7 metres and a clear space between benches of at least 1 450 millimetres, and
 - b. a width at door approaches of at least 1 200 millimetres, and
 - c. benches that include at least one work surface:
 - i. that is at least 800 millimetres in length, and
 - ii. the height of which can be adjusted from 750 millimetres to 850 millimetres, and
 - d. a tap set:
 - i. that is located within 300 millimetres of the front of the sink, and
 - ii. that is a capstan tap set or that comprises lever handles or a lever mixer, and
 - e. a thermostatic mixing valve for the hot water outlet, and
 - f. cook tops:
 - i. with either front or side controls, and
 - ii. with controls that have raised cross bars for ease of grip, and
 - iii. that include an isolating switch, and
 - g. a worksurface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and
 - h. an oven that is located adjacent to a worksurface the height of which can be adjusted, and
 - i. ``D" pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
 - j. general power outlets:

at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

Documentary evidence shall be submitted prior to the release of an Occupation Certificate

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102. To ensure compliance with Clause 13A(12) of SEPP 5 the main bedroom shall be provided with 2 double general power outlets on the wall where the head of the bed is likely to be; at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be; a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet and a potential illumination level of at least 300 lux. The bedroom must have an area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1200mm wide at the foot of the bed. Documentary evidence shall be submitted prior to the release of an Occupation Certificate
103. To ensure compliance with the requirements of Clause 13A (13) the bathrooms must comply with the following:
- a. an area that complies with AS 1428, and
 - b. a slip-resistant floor surface, and
 - c. a shower:
 - i. the recess of which is at least 1 160 millimetres × 1 100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
 - ii. the recess of which does not have a hob, and
 - iii. that is waterproofed in accordance with AS 3740, and
 - iv. the floor of which falls to a floor waste, and
 - v. that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
 - vi. that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
 - vii. that has the tap set positioned so as to be easily reached from the entry to the shower, and
 - viii. that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
 - ix. that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
 - d. thermostatic mixing valves for all hot water outlets, and
 - e. a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
 - f. a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
 - g. a mirror, and
 - h. a double general power outlet beside the mirror.
104. To ensure compliance with Clause 13A (16) the laundry within each dwelling shall have a thermostatic mixing valve for all hot water outlets and a slip-resistant floor surface. There must also be a clear space in front of appliances of at least 1300 mm.
105. To ensure compliance with Clause 13A (17) a self-contained dwelling must be provided with a lined cupboard that is:
- a) able to be operated with one hand, and
 - b) located between 900mm and 1100mm above floor level.

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106. To ensure compliance with Clause 13A(18) door handles for opening doors must be able to be operated with one hand and located between 900mm and 1100mm above floor level.
107. To ensure compliance with Clause 13A (19) and (2) all balconies and external paved areas must have slip resistant surfaces and switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
108. To ensure accessibility to from the living/dining rooms to the private open space the variation between the FFL of the rooms and the courtyard will be provided with a small threshold ramp in accordance with AS1428.1.
109. To ensure compliance with Clause 13A (20) switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
110. To ensure compliance with Clause 13A(2)(d), 10% of the dwellings within the proposed development shall be capable of being modified so that they have wheelchair access by a continuous path of travel (within the meaning of AS1428) to all essential areas and facilities inside the dwelling. Documentary evidence shall be submitted prior to the release of an Occupation Certificate indicating compliance with this condition prior to the release of an Occupation Certificate.
111. 1.8m lapped and capped timber courtyard fences are to be provided as required in Development Control Code 1/2003 – Housing for Older People or People with a disability.
112. To ensure further compliance with Development Control Code 1/2003 – Housing for Older People or People with a disability, the applicant must provide lockable letterboxes adjacent to the main pedestrian entry.
113. Certification prepared by a Registered Surveyor confirming the development consists of a maximum of floor space ratio of 0.5:1 in accordance with the definition with State Environmental Planning Policy No 5 shall be submitted to the Principal Certifying Authority prior to the release of any Occupation Certificate.
114. 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.

Requirements to obtain a certificate from Sydney Water (Section 73 Subdivider/developer compliance certificate)

G Bolton
**Team Leader, St Ives
Ward**

M Prendergast
**Manager
Development Assessment
Services**

M Miocic
**Director
Environment &
Regulatory Services**

Attachments: **Location Sketch**
 Site Plan
 Elevations
 Original report to Council meeting 27 April 2004

56 COWAN ROAD, ST IVES - SUPPLEMENTARY REPORT

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To address matters raised at the site inspection of 24 April 2004 and for Council to determine a Development Application for the demolition of existing structures and construction of a SEPP 5 development.
BACKGROUND:	Council at its meeting of 20 April 2004 deferred consideration of the application pending a site inspection. A site inspection occurred on 24 April 2004.
COMMENTS:	The matters raised at the site inspection 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 24 April 2004 and for Council to determine a Development Application for the demolition of existing structures and construction of a SEPP 5 development.

BACKGROUND

An assessment report was prepared and considered by Council on 20 April 2004 where Council resolved to defer determination pending a site inspection. The site inspection was carried out on Saturday 24 April 2004. The following matters were raised at the site inspection and are addressed accordingly:

Concern was raised with respect to the relationship of the lift shaft to Building B of the development upon No.56 Cowan Road to 54 Cowan Road. The lift shaft is to be located 1.1 metres from the boundary. Concern was raised regarding the visual prominence of the wall to the lift shaft, and the fact that there is insufficient area in which to provide planting to screen the wall.

The applicant agreed to review the location of the wall and will provide a response to Council staff at the end of business Tuesday 27 April 2004.

The applicant has confirmed his undertaking to setback the lift shaft 2 metres from the eastern (common) boundary with 54 Cowan Road. Council is advised that this modification does not necessitate any change to the set back of the development to the western boundary. The 2 metre setback to the eastern boundary will provide adequate area to screen the lift shaft wall. Condition No.89a is recommended for imposition. This condition gives affect to the relocation of the lift shaft wall as shown in the plans submitted by the applicant.

Concern was raised as to whether the Oak and Blackbutt trees were to be retained. It was confirmed that both trees are to be retained.

Noted.

Concern was raised as to whether the units within the proposed SEPP 5 development upon No.54 Cowan Road would receive adequate solar access in light of the development at No.56 Cowan Road.

The proposed SEPP 5 development at 54 Cowan Road will receive adequate solar access given the development at 56 Cowan Road. The shadow diagram submitted in support of the proposal at 56 Cowan Road, indicates that Unit 3 of No.54 Cowan Road will be overshadowed in the morning, and to a less extent, in the afternoon on 22 June (mid winter). Unit 3 will receive approximately two hours of solar access in the afternoon and have adequate daylight to its main living areas. Unit 2 of 54 Cowan Road will be overshadowed from around 12.30pm on 22 June (mid winter). Consequently, No.54 Cowan road will receive adequate solar access in accordance with SEPP 5 requirements.

Within the development to No.56 Cowan Road a proposed Blue Gum is to be located within the southern end of the development. Concern has been raised in respect of the impact this tree has upon view corridors to No.54 Cowan Road as well as safety impacts that may arise due to the location of the tree to the development upon No.54 Cowan Road. Council staff are requested to review the plans for No.56 Cowan Road and advise as to whether an alternate location for the planting of this tree can be provided.

Council's Landscape Development Officer has nominated the south-western corner of the site to locate the Blue Gum rather than the south-eastern corner of No.56 as proposed. The location of the Blue Gum in the south-western corner of the site will not interfere with the view corridor as it will be located in front of a group of existing substantial Liquid Amber trees. Condition No.58 has been amended to include the relocation of the Blue Gum.

RECOMMENDATION

That Development Application No.1488/03 for the demolition of existing structures, the construction of a SEPP 5 development comprising six (6) dwellings and Strata Subdivision of Lots 1 and 3, DP's 664701 and 20586, 56 Cowan Road, St Ives, be granted Deferred Commencement Consent, subject to the following conditions:

SCHEDULE A

1. Further information in the form of an amended stormwater drainage design is to be submitted to Council and approved prior to the operation of the consent. The design and documentation are to demonstrate that:
 - an easement is available for runoff from Lot 1 to be conveyed to the public drainage system within the Pymble Golf Club; or
 - by analysis of the Kanoona Street drainage system as far as Memorial Avenue, the proposed additional inflow from the subject property, including Lot 1, can be accommodated without exceeding the capacity of the system as required by Council's Stormwater Management Manual; or
 - site discharge for storms up to 50 year ARI can be restricted to the permissible site discharge from the area which drains naturally to the Kanoona Street drainage system, by providing a larger detention storage volume, with overflows for storms up to 100 year ARI safely conveyed to the public drainage system as sheet flows as required by Council's Stormwater Management Manual.

The matters referred to in Schedule A must be completed to Council's satisfaction within two years from the date of this deferred commencement approval. The consent will not become operable until Council has confirmed in writing that the conditions in Schedule A have been satisfied and then comes operable subject to the conditions in Schedule B.

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SCHEDULE B

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1488/03 and Development Application plans prepared by The Winter Group, Drawing Nos 20315/DA01, 20315/DA03, 20315/DA05, 20315/DA06 Revision A, 20315/DA02 Revision D and 20315/DA04 Revision C dated October 2003, March 2004, and lodged with Council on 17 November 2003 and 16 March 2004, as amended by conditions of this consent.
2. 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.
3. 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.
4. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
5. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
6. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.

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9. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
10. 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.
11. 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.

12. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
13. 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.

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

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

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

15. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

16. If the work involved in the erection or demolition of a building:
- is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - 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.

17. The fence and footings shall be constructed entirely within the boundaries of the property.
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. 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.
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.

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- 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.
25. 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.
26. 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.
27. Existing stormwater lines on the site are to be blocked and made inoperable after buildings are demolished so as to prevent the conveyance of silt or sediments into the gutter or street drainage system.
28. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
29. Fire hoses are to be maintained on site during the course of demolition.
30. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
31. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
32. A photo record of the buildings to be demolished and vegetation on site is to be submitted to Council for archival purposes.
33. 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

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- 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.
34. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
35. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
- a. People 55 or over or people who have a disability;
 - b. People who live with people 55 or over or people who have a disability;
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
36. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy No 5 at all times.
37. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP5 development and that at least one occupier shall be aged 55 years or over or have a disability:
38. The landscape ponds having a maximum water depth of 300mm for safety.
39. The garbage collection area shall allow a Council truck to enter the site, access the garbage collection area and leave the site in a forward direction.
40. The courtyard fences having a maximum height of 1.8 metres.
41. A 1.8m high screen being located adjacent to the pathway to preserve the privacy of the bedroom and study windows of units 1 and 2.
42. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system or to an interallotment drainage easement, depending on the results of amended design submitted to satisfy Schedule A of this consent.
43. To maintain capacity of the Public drainage system, an On-site Stormwater Detention System must be provided in accordance with the amended stormwater drainage design submitted to satisfy Schedule A of this consent. 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: 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 3: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

44. For stormwater control all balconies are to be drained to the main drainage system via outlets fitted with raised leaf guards.
45. For stormwater control all paved areas are to be drained to the main drainage system.
46. A maintenance period of six (6) months shall apply to the work in the public road carried out by the Applicant after it has been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the designed conditions.
47. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
48. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of AUS-SPEC.

Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 "*Traffic Control Devices for Work on Roads*".

If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

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49. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
50. For the purpose of any Council inspections, the appropriate fees set out in Councils adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
51. 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.
52. The entry driveway is to be widened to 5.5 metres for 6 metres from the frontage roadway, in accordance with the requirements of AS2890.1-1993.
53. Garages 3 and 4 are to be widened to 6.4 metres internal width to comply with SEPP 5 Clause 13A(6).
54. Provision of suitable oil separator units in the drainage systems of basement carparking areas which are designed to remove oils and sediment from any water runoff from these areas prior to discharge to the stormwater system.
55. In order to allow unrestricted access by Council's waste collection vehicles to the basement carpark area, no doors or gates are to be provided in the access driveway(s) to the basement carpark.
56. In order to provide for carwashing, a section of the basement carpark, which may include one of the visitor spaces, is to be designed as a carwashing bay. This bay is to provide a water tap and runoff collection which is to be directed to the sewer system. Suitable signposting advising of the carwashing bay, to encourage use by residents, is to be provided. Approval from Sydney Water to the proposed facility is to be obtained.
57. 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.

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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.

58. Landscape works shall be carried out in accordance with Landscape Drawing No 03:10:02 prepared by Wallman Partners Pty Ltd and dated October 2003 submitted with the Development Application, except as amended by the following:
- Proposed Cupressocyparis 'Leighton Green' to be substituted with shrub species able to attain a maximum height of 3.5m eg Viburnum odoritissimum
 - The Blue Gum proposed at the south-eastern corner of the site is to be relocated to the south-western corner of the site.
59. 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.
60. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.
- | | |
|--|-------------------|
| Tree/Location | Radius From Trunk |
| <i>Quercus robur</i> (English Oak)
Adjacent to southern site boundary in neighbouring property | 4.2m |
| <i>Eucalyptus pilularis</i> (Blackbutt)
Centrally located in front garden | 7.0m |
| <i>Lophostemon confertus</i> (Brushbox) x 4
Adjacent to northern site boundary in neighbouring property | 7.0m |
| <i>Nyssa sylvatica</i> (Sour Gum)
Adjacent to eastern (front) site boundary | 4.0m |
61. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the Council shall be required at monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.
62. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying

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Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
<i>Quercus robur</i> (English Oak) Adjacent to southern site boundary in neighbouring property	4.2m
<i>Nyssa sylvatica</i> (Sour Gum) Adjacent to eastern (front) site boundary	4.0m

63. 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.
64. 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.
65. 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.
66. To preserve the ongoing health and vigour of the *Quercus robur* (English Oak) located adjacent to the southern site boundary in the neighbouring property, NO excavation is permitted within a 4.2m radius of the tree trunk base. Revised/amended plans are to be submitted to the principal certifying authority complying with this requirement for approval prior to the issue of the Construction Certificate.
67. To preserve the ongoing health and vigour of existing trees to be retained, the proposed drainage pipes are to be attached to the outside of the basement wall prior to backfilling. Documentary evidence of compliance with this condition is to be submitted to the principal certifying authority prior to the final Certificate of Compliance.
68. To preserve the ongoing health and vigour of existing trees to be retained, the proposed 'pump line from the basement' is to be located outside of the Critical Root Zone of ANY tree located on site to be retained. Documentary evidence of compliance with this condition is to be submitted to the principal certifying authority prior to the issue of the final Certificate of Compliance.

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

69. Approval is to be obtained from Council, as the consent authority, pursuant to Section 138 of the Roads Act 1993 for the location and design of a pedestrian refuge in Cowan Road outside the subject property or a neighbouring property to allow safe access to the St Ives Shopping Centre in accordance with Clause 12(1) of SEPP 5 and the SEPP 5 Guide.

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70. 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.

71. 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).
72. 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.
73. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

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74. 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 FIVE (5) ADDITIONAL DWELLINGS IS CURRENTLY \$60,591.50. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

75. The garbage storage area is to be designed in accordance with Council's Development Control Plan No 40 and have sufficient space for the quantity of waste generated and to promote source separation of materials (eg recyclables). Details being submitted and approved prior to the issue of a Construction Certificate.
76. Details of the large external columns being submitted and approved prior to the issue of a Construction Certificate.

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77. Submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, that the parking provisions provided in common areas and within private parking areas comply with:

- SEPP 5 (as amended December 2000), and
- Australian Standard 2890.1 – 1993 “Off-street car parking”, and
- The 2.44 metre headroom requirement under DCP40 for waste collection trucks.

Note 1: This is to specifically include certification that headroom requirements are met beneath all suspended service lines in the basement carpark, including stormwater and sewer lines.

Note 2: All driveway access widths, grades, transitions, circulation aisle widths, sight distances, signage, clearances are to comply with these requirements.

78. 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.
79. The provision of permanent stormwater pollution control measures. Such measures are to capture suspended solids and nutrient runoff from the whole as-constructed development and be readily maintainable. Details are to be provided for approval with the Construction Certificate.
80. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
81. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

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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.

82. Provision of on-site stormwater retention trenches and/or rainwater tanks which are to be designed to have a void-space and/or tank-space available volume which is sufficient to capture and retain the first 5mm of rainfall from the total subject property after which the trenches/tanks are to be designed to bypass and divert to the main drainage system. Appropriate sediment and litter arrestor pits/provisions are to be provided upstream from these trenches/tanks. Any rainwater tanks are to be located so that they may be readily used for landscaping watering purposes. 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: Retention trenches may be achieved by the use of a separate low-level outlets from pits located on the main drainage system.

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

NOTE 3: Trenches shall be 700mm wide x 700mm deep and fitted with half round PVC (450mm 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: Trenches are 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 trenches.

NOTE 6: Trenches are 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: Maximum capacity of an individual rainwater tank to be 3000 litres.

NOTE 8: If abutting a wall of the dwelling, rainwater tanks must be below the eaves line.

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NOTE 9: Rainwater tanks must not be located on the front facade of a dwelling.

NOTE 10: If rainwater tanks are 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 11: Maximum height of a rainwater tank is 1.8 metres above natural ground level where installed along the side boundary setback of a dwelling.

NOTE 12: Rainwater tanks to be commercially manufactured tanks designed for the use of water supply and to be installed in accordance with manufacturers specifications.

NOTE 13: Rainwater tanks to be located above an available landscaped area so that the tank may be readily used for watering purposes.

NOTE 14: Rainwater tanks 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 15: Rainwater tanks to be fitted with measures to prevent mosquito breeding.

83. Provision of a basement stormwater pump-out system for the driveway ramp runoff. The system is to comprise both duty and back-up pumps and be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Design drawings which include holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

84. The Applicant must carry out the following infrastructure works in the Public Road:

- a. Construction of a pedestrian refuge facility fronting the subject site on Cowan Road, incorporating delineation, signage, line marking and pram ramps on both sides of Cowan Road. The works are to be in accordance with the current RTA Technical Direction for pedestrian refuges.
- b. Construction of footpath fronting the site to facilitate use by wheelchairs and provide access to the refuge.
- c. Works associated with conveying stormwater drainage from the site to the Kanoona Street drainage system, including provision of a kerb inlet pit in C

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

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

All works are to be designed in accordance with Council's "Specification for Road and Drainage Works". In addition, the drawings are to detail erosion control requirements and traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998). Consideration must be given in the design to the impact that the refuge will have on the driveways of Nos. 25 and 56 Cowan Road (particularly swept paths).

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

NOTE 2: An hourly assessment fee (set out in Councils adopted fees and charges) will be charged and Council will withhold any consent until full payment of the correct fees.

NOTE 3: Plans and specifications must be marked to the attention of Councils Development Engineers. In addition, a copy of this condition must be provided, together with a covering letter stating the full address of the property and the accompanying DA number. Failure to do so may delay the processing of the application.

85. Submission to Council prior to the issue of a Construction Certificate of a \$15,000.00 bond. This bond will cover the restoration by Council of any damage to Council's infrastructure in the public road along the frontage or within close proximity to the subject development caused as a result of construction works relating to the subject development. The bond will also cover any incomplete works,. The bond shall be refundable following completion of all works relating to the proposed development, or at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Development Engineer. Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

- a. Where the damage constitutes a hazard in which case Council may make use of the bond immediately.
- b. The damage has not been repaired, or incomplete works have not been completed, by the Applicant within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.

86. Prior to the issue of the Construction Certificate, a suitably qualified and experienced geotechnical engineer is to investigate and certify that the proposed excavations required by the subject development will not affect the footings of structures on neighbouring properties by any

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means including consideration of zones of influence and watertable drawdown and that subsurface aquifers/groundwaters will not be redirected to cause nuisance to any neighbouring properties.

87. Due to the location of the development site on a main or arterial road or close to heavy pedestrian movements, the Applicant shall produce a Traffic Control Plan, in general accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998), addressing all of the following matters:

Heavy Vehicle Routes

- a. Details of the proposed route of heavy vehicles servicing the site. Light traffic roads and those subject to a load limit are to be avoided.

Safe Ingress and Egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flagperson to control vehicle movements to and from the site.
- b. How safe egress for vehicles will be managed where forward egress is not possible.
- c. How pedestrians will be safely managed across the frontage of the site.

Parking Control

- a. The provision of on-site parking for employee, tradesperson and construction vehicles.
- b. Establishment of a no-parking zone for the full frontage of the site prohibiting on-street parking during the relevant morning and afternoon peak periods where located on main or arterial roads or during school peak periods where located near schools of full time where located near shopping centres.

RTA Concurrence

- a. Evidence of consultation with and concurrence of the RTA for the Traffic Control Plan where located on an arterial road or where parking restrictions are proposed prior to submission with Council.

Stages

- a. The Plan must recognise the different stages of the work, including site establishment, bulk excavation, concrete pours and tradesperson and landscaper access, and specify the traffic management requirements of each stage.

NOTE 1: The Traffic Control Plan shall be submitted to and approved by Council, attention Development Engineer, prior to the issue of the Construction Certificate. The Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the

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abovementioned documents and the requirements of this condition. Evidence of RTA concurrence, as required above, is to be lodged concurrently with Council.

NOTE 2: The traffic management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of any works on-site including excavation.

88. A CASH BOND/BANK GUARANTEE of \$10 000.00 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.

89. A CASH BOND/BANK GUARANTEE of \$18 000.00 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	
<i>Eucalyptus pilularis</i> (Blackbutt)	(8,000.00)
Centrally located in front garden	
<i>Quercus robur</i> (English Oak)	(8,000.00)
Adjacent to southern site boundary in neighbouring property	
<i>Nyssa sylvatica</i> (Tupelo)	(2,000.00)
Adjacent to eastern site boundary	

- 89a. In accordance with the supplementary plan dated 27 April 2004, the lift shaft wall of Building B shall be setback 2 metres from the eastern site boundary. The two metre set back shall be appropriately landscaped with *Acmena smithii* 'Minor' so as to screen the lift shaft wall.

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Revised plans being submitted to Council or the Accredited Certifier prior to the issue of a Construction Certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

90. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s is fenced off at the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site.

Tree/Location	Radius in Metres
<i>Nyssa sylvatica</i> (Tupelo) Adjacent to eastern site boundary	4.0m
<i>Eucalyptus pilularis</i> (Blackbutt) Centrally located in front garden	4.0m
<i>Quercus robur</i> (English Oak) Adjacent to southern site boundary in neighbouring property	4.0m

91. 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.
92. 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.
93. 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.
94. 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.
95. 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.
96. 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.

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

97. 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.

98. 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.
99. Prior to issue of the Subdivision Certificate, the creation of a Restriction-on-Use under the Conveyancing Act, restricting the occupation of the premises to:
- a. People aged 55 years or over, or people with a disability as defined by the provisions of State Environmental Planning Policy No 5 (as amended December 2000).
 - b. People who live with such people as defined in (a) above.
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
100. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which is to be denoted common property, be included on the final plans of strata subdivision.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

101. Prior to issue of the 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. Reinstatement works to generally match surrounding infrastructure. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer, at the Applicant's cost.

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102. 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 and stormwater pollution control facilities on the property. These must be created prior to issue of the Occupation Certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) 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. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

103. 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 issue of the Occupation Certificate.
104. Construction of the road, footpath and/or drainage works in the public road in accordance with the Council approved drawings must be undertaken prior to issue of the Occupation Certificate. The works are to be to the satisfaction of Council's Development Engineer and must be supervised by the Applicant's designing engineer. This engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council as noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met to the satisfaction of Council's Development Engineer. The completed works are to be approved by Council's Development Engineer prior to issue of the Occupation Certificate.
105. Prior to issue of the Occupation Certificate, an easement for waste collection is to be provided. This is to permit legal access for Council, and Council's contractors, and their vehicles over the subject property for the purpose of collecting waste from the property. The terms of the easement are to indemnify Council, and Council's contractors, against damages to private land or property whilst in the course of carrying out waste collection services. The terms of the easement are to be generally in accordance with Council's draft terms for an easement for waste collection.
106. Submission of certification from a suitably qualified and experienced traffic/civil engineer to the Principal Certifying Authority, prior to issue of the Final Compliance Certificate, that:
- The dimensions of all as-constructed private carparking spaces meet the dimension requirements of SEPP (as amended December 2000).
 - The as-constructed carpark complies with the approved Construction Certificate plans.
 - That the vehicular headroom requirements of SEPP 5 (as amended December 2000) for parking spaces and the headroom requirements of AS2890.1 and the headroom of

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2.44m for waste collection trucks (DCP 40), if required, are met from the public street into and within the respective relevant areas of the basement carpark.

- That the access driveway from the public street to the basement carpark has been constructed in accordance with the approved Construction Certificate plans and that the gradients of the driveway are in accordance with AS2890.1 and will not result in the scraping of the underside of cars.

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

The Certificate is to be with respect to compliance with:

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

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

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

108. Construction of the property stormwater drainage works, including retention and pollution control measures, is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to issue of the Occupation Certificate, that:

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

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

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

109. The creation of a Restriction-on-Use under the Conveyancing Act, prior to the issue of an Occupation Certificate, restricting the occupation of the premises to:
- a. People aged 55 years or over, or people with a disability as defined by the provisions of State Environmental Planning Policy No 5 (as amended December 2000).
 - b. People who live with such people as defined in (a) above.
 - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
110. The basement stormwater pump-out system is to be regularly inspected and maintained by suitably qualified personnel. Prior to the issue of an occupation certificate, the Applicant shall submit written evidence to the Principal Certifying Authority that a contract has been let to this effect.

BUILDING CONDITIONS

111. 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. Retaining walls and associated drainage.
 - d. Wet area waterproofing details complying with the Building Code of Australia.
 - e. Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - f. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - g. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
112. 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.

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- 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.

- 113. 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.
- 114. 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).
- 115. 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.
- 116. 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 equaling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

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117. 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.

118. Smoke control shall be provided as required by the Building Code of Australia, Part E 2.1. Details of the system are to be submitted for approval.
119. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
 - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
 - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
 - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
 - e. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
 - f. A Compliance Certificate that the slow combustion or oil fired stove complies with Part G2.21 of the Building Code of Australia.
120. The development is to meet the requirements of Clause 13 A(2) to (20) inclusive, of State Environmental Planning Policy No 5. A Compliance Certificate is to be submitted from a suitably qualified person to the effect that the building complies with the relevant design standard.

G Bolton
**Team Leader, St Ives
Ward**

M Prendergast
**Manager
Development Assessment
Services**

M Miocic
**Director
Environment &
Regulatory Services**

Attachments: **Site Location Plan**
 Site Analysis Plan
 Elevations
 Landscape Plan
 Original report to Council meeting of 20 April 2004

REPRESENTATION ON NORTHERN SYDNEY REGIONAL ORGANISATION OF COUNCILS (NSROC)

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	For Council to make appointments for representation on the Northern Sydney Regional Organisation of Councils (NSROC).
BACKGROUND:	NSROC is a voluntary organisation of local government.
COMMENTS:	The next meeting of the Northern Sydney Regional Organisation of Councils (NSROC) is on 6 May 2004 and Council has yet to determine its delegates.
RECOMMENDATION:	That Council make appointments to the Northern Sydney Regional Organisation of Councils (NSROC).

PURPOSE OF REPORT

For Council to make appointments for representation on the Northern Sydney Regional Organisation of Councils (NSROC).

BACKGROUND

The Northern Sydney Regional Organisation of Councils (NSROC) is a voluntary organisation of local government established to provide strong local government leadership, to work co-operatively for the benefit of the Northern Sydney region, and effectively advocate on agreed regional positions and priorities.

The seven (7) member Councils are Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, North Sydney, Ryde and Willoughby.

COMMENTS

Council is represented on the Northern Sydney Regional Organisation of Councils (NSROC) by the Mayor plus one Councillor plus one Alternate.

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Not applicable.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

Not applicable.

RECOMMENDATION

- A. That Council appoint the Mayor, plus one Councillor, plus one alternative representative to the Northern Sydney Regional Organisation of Councils (NSROC) for the forthcoming 6 months.

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28 April 2004

- B. That the Northern Sydney Regional Organisation of Councils (NSROC) be informed of Council's representatives.

Brian Bell
General Manager

INVESTMENT CASH FLOW & LOAN LIABILITY AS AT 31 MARCH 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 March 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) again kept the official cash rate unchanged at 5.25% during March. Interest rates are expected to remain stable as a result of a slowdown in the domestic economy.
RECOMMENDATION:	That the summary of investments, daily cash flows and loan liability for March 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 March 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 March Council's cash decreased by \$750,000 and gross capital appreciation on Council's investments was \$90,500.

Council's total investment portfolio at the end of March 2004 is \$17,038,900. This compares to an opening balance of \$15,719,100 as at 1 July 2003.

Council's General Fund interest on investments for March year-to-date is \$717,400. This compares favourably to the year-to-date budget of \$615,000.

Council's total debt as at 31 March 2004 is \$10,855,700. 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.

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▪ **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**

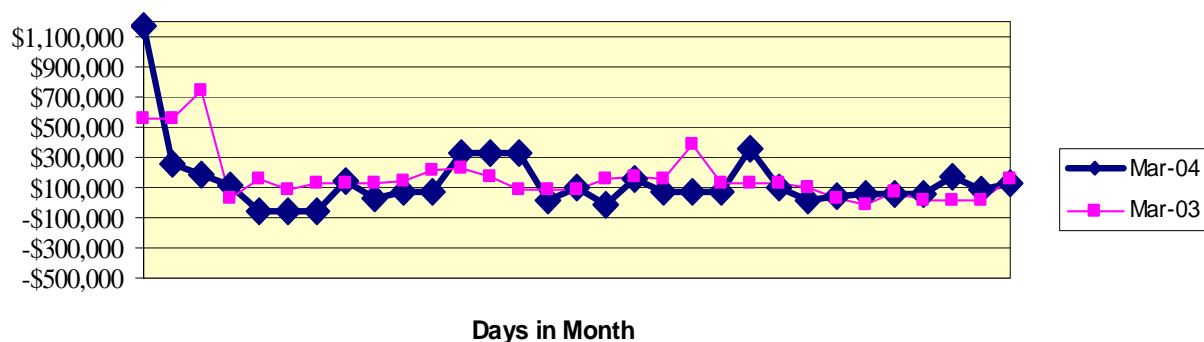
This is a summary of Council's borrowings. It lists each of Council's loans, original amounts borrowed, principal repayments made, outstanding balances, interest rates and maturity dates.

March 2004

Management of General Fund Bank Balance

During March Council had an outflow of funds of \$750,000. This was due to large monthly payments made to Collex Waste Management, Waste Services Australia and State Cover Mutual Limited.

Management of General Fund Bank Balance



Funds Performance against the UBSWA Bank Bill Index

The weighted average return for the total portfolio of managed funds during March was 6.20% compared to the benchmark of the UBSWA Bank Bill Index of 5.80%.

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

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Fund Manager	Terms	Opening Balance	Cash flow Movement	Income Earned (net of fees)	Closing Balance	Interest Rate
BT Institutional Managed Cash	At Call	\$887,014	(\$350,000)	\$4,422	\$541,436	5.80%
Macquarie Diversified Treas.	At Call	\$5,036,570	(\$700,000)	\$26,367	\$4,362,938	6.38%
Perennial Cash Enhance Fund	At Call	\$5,399,229	-	\$27,021	\$5,426,250	6.30%
BT Institutional Enhanced Cash	At Call	\$3,270,470	\$300,000	\$17,850	\$3,588,319	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		\$17,713,283	(\$750,000)	\$88,862	\$17,038,943	

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.

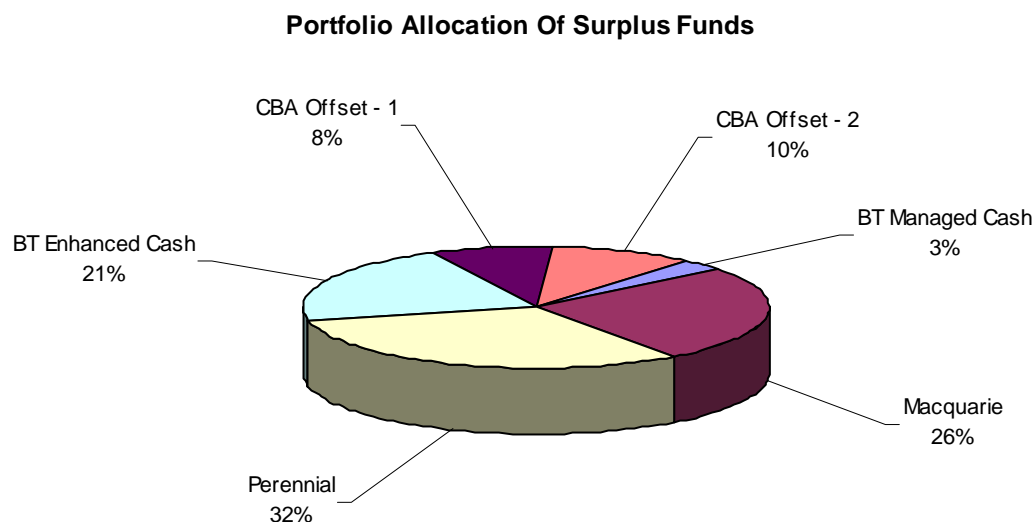
Fund Manager	Performance Annualised for July 2003– March 2004	UBSWA Bank Bill Index Annualised for July 2003 – March 2004
BT Institutional Managed Cash	5.20%	5.17%
Macquarie Diversified Treas.	5.76%	
Perennial Cash Enhanced Fund	5.92%	
BT Institutional Enhanced Cash	5.81%	
CBA Offset No.1	4.90%	
CBA Offset No.2	4.90%	

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Allocation of Surplus Funds:

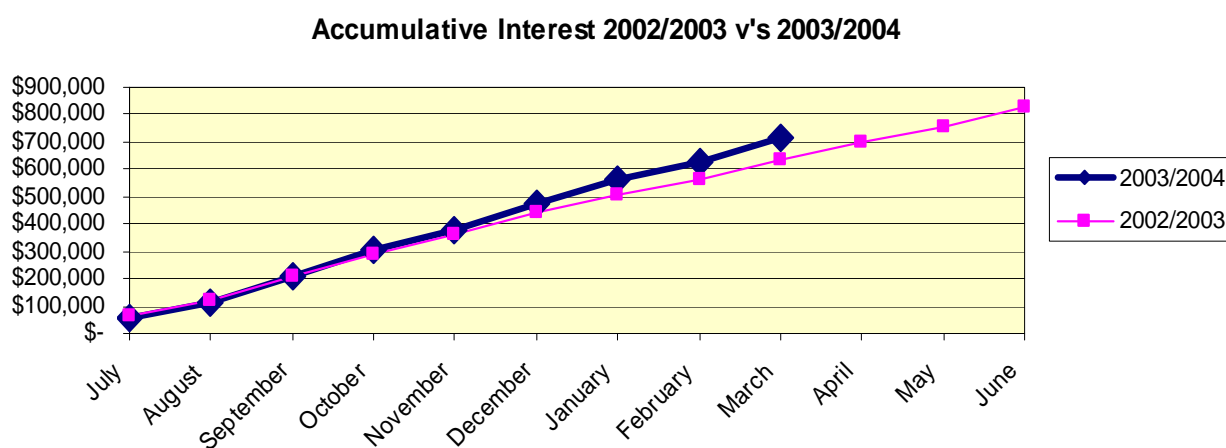
Council's funds during March were allocated as follows:



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 March 2004, year to date interest earnings totalled \$717,400. This compares to \$634,800 at the same time last year, an increase of \$82,600.

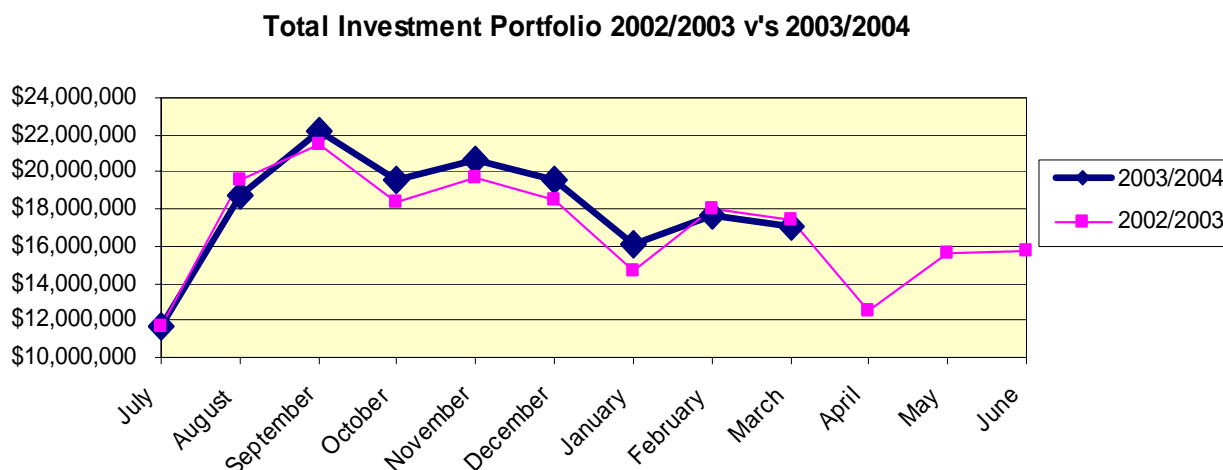


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Total Investment Portfolio

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



During March 2004 Council's investment portfolio decreased by \$750,000. In comparison, during March 2003 Council's investments decreased by \$650,000.

Council's closing investment portfolio of \$17,038,900 in March 2004 is \$354,700 lower than the March 2003 closing balance of \$17,393,600.

Capital Works Projects

As at the end of March 2004 Council has expended \$6,101,900 on capital works, which is \$466,200 higher than at the same time last year when \$5,635,700 had been expended.

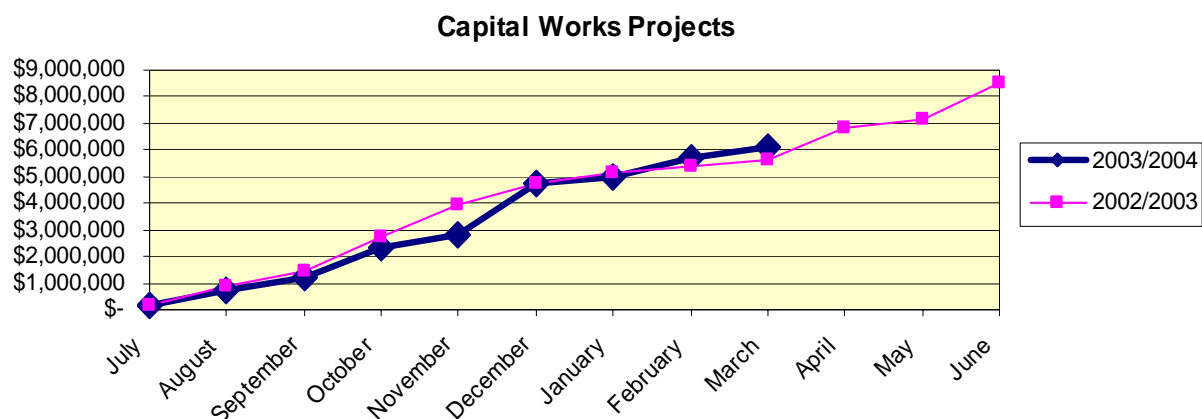
During March 2004 Council expended \$410,600 on capital works, which compares to \$215,900 during March 2003, an increase of \$194,700.

Council's 2003/2004 total budget for capital works (excluding fleet replacement) is \$11,655,100 which leaves funds of \$5,553,200 unspent at the end of March.

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

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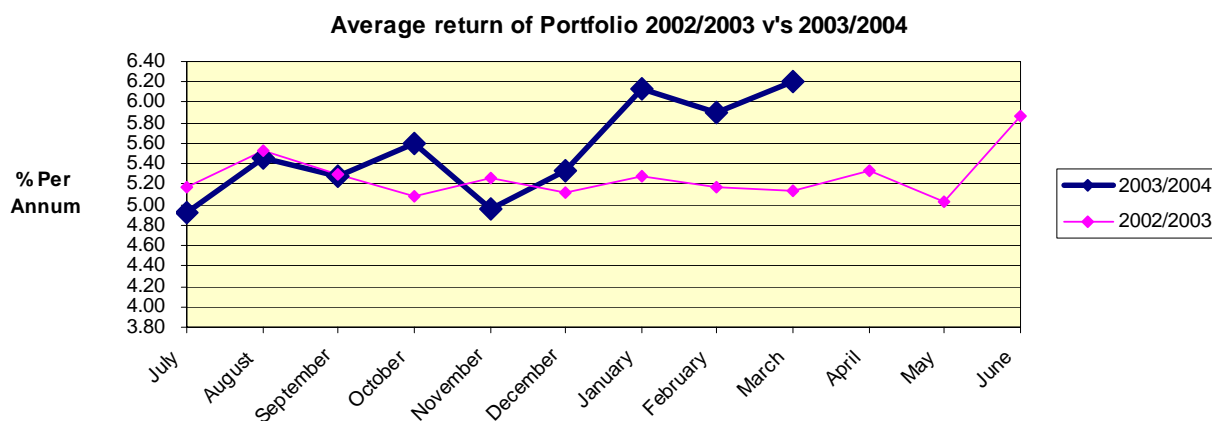


Portfolio Performance Average Return 2002/2003 versus 2003/2004

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

In March 2004 earnings before fees were 6.20%, this compares to 5.13% in March 2003.

For the period July 2003 – March 2004 Council's average earnings before fees were 5.67%. This compares to 5.26% for the same period last financial year.



2003/2004 Portfolio Performance against the UBSWA Bank Bill Index

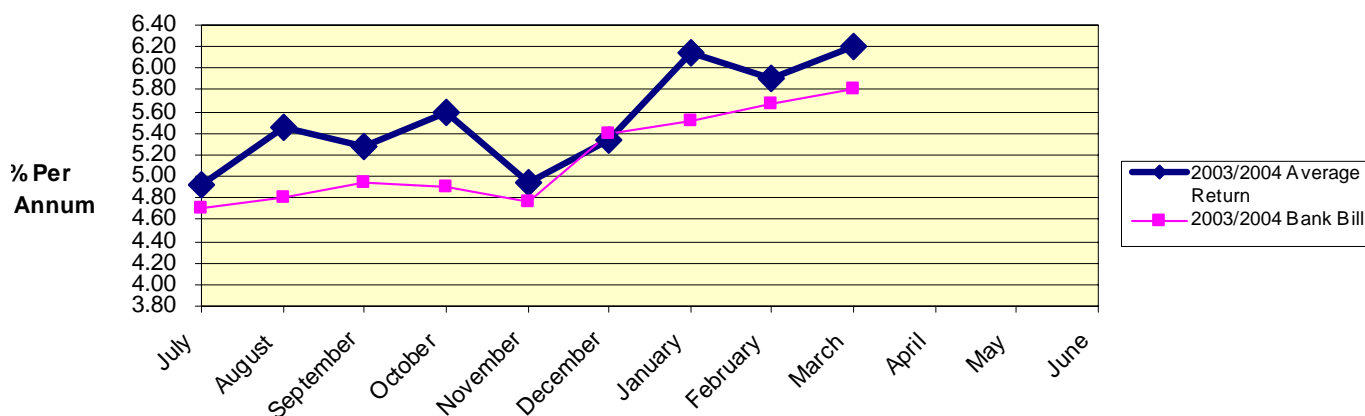
Council's average portfolio return performed above the UBSWA Bank Bill Index in March.

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

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Average return of Portfolio against Bank Bill Index 2003/2004



Summary of Borrowings

During March Council repaid \$25,272 in borrowings, reducing the total level of debt at month end to \$10,855,700. 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	\$1,922,952	\$77,048	9.70%	28-Jun-94	28-Jun-04
Westpac	124	\$4,000,000	\$3,383,069	\$616,931	10.95%	02-Feb-95	02-Feb-05
Westpac	125	\$1,000,000	\$829,379	\$170,621	6.27%	02-Feb-95	02-Feb-05
Westpac	126	\$1,500,000	\$1,371,705	\$128,295	9.13%	21-Sep-96	21-Jun-04
Westpac	127	\$1,000,000	\$472,819	\$527,181	6.32%	29-Jun-98	29-Jun-08
CBA Offset No 1	128	\$2,600,000	\$1,170,000	\$1,430,000	5.27%	29-Jun-99	13-Jun-09
CBA Offset No 2	129	\$2,600,000	\$910,000	\$1,690,000	5.27%	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	\$12,420,344	\$10,855,656			

CONSULTATION

Not applicable

FINANCIAL CONSIDERATIONS

The Reserve Bank of Australia (RBA) again kept the official cash rate unchanged at 5.25% during March. Australia's domestic economy is beginning to show signs of slowing down, as the effects of higher interest rates begin to impact on housing activities and consumer spending. Domestic demand is expected to continue to slow which is most likely to prompt the RBA to keep interest rates on hold.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

Not applicable.

SUMMARY

As at 31 March 2004:

- Council's total investment portfolio is \$17,038,900. This compares to an opening balance of \$15,719,100 as at 1 July 2003.
- Council's General Fund interest on investments totals \$717,400. This compares favourably to the year-to-date budget of \$615,000.
- Council's total debt is \$10,855,700. 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 March 2004 be received and noted.

Mellissa Crain
Manager Business Development

John McKee
Director Finance and Business

ANALYSIS OF LAND & ENVIRONMENT COURT COSTS 3RD QUARTER 2003/2004

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To report on Council's financial liability on legal matters before the Land & Environment Court for the first three quarters of the 2003/2004 financial year.
BACKGROUND:	Council has a statutory obligation to report on an annual basis the total cost of legal fees and the outcome of each case. This requirement (under section 428 of the Local Government Act 1993) provides an historical review of proceedings.
COMMENTS:	For the third quarter ended March 2004, Council's legal costs and associated expenses in relation to Land & Environment Court matters were \$1,450,707. This compares to the year-to-date budget of \$1,223,250.
RECOMMENDATION:	That the analysis of Land & Environment Court Costs for the first three quarters of the 2003/2004 financial year be received and noted.

PURPOSE OF REPORT

To report on Council's financial liability on legal matters before the Land & Environment Court for the first three quarters of the 2003/2004 financial year.

BACKGROUND

Council has a statutory obligation to report on an annual basis the total cost of legal fees and the outcome of each case. This requirement (under Section 428 of the Local Government Act 1993) provides an historical review of proceedings. This report will outline:

1. All matters that have been referred to the Land and Environment Court.
2. The appropriate category of each matter.
3. The decision appealed against.
4. The legal firm to which each matter has been referred.
5. The Court's decision.
6. Staff recommendations on each matter.
7. Council's resolution in terms of recommendations made.
8. Costs associated with each matter.

COMMENTS

OVERVIEW

During the first three quarters of the 2003/2004 financial year Council has expended \$1,450,707 on legal costs and associated expenses in relation to Land & Environment Court matters. This compares to the year-to-date budget of \$1,223,250 a deficit of \$227,457. In addition to these costs \$24,555 has been spent on expert legal advice regarding development assessment matters.

For the third quarter ended 31 March 2004 there have been 106 new appeals lodged in the Land & Environment Court against decisions relating to development assessment matters. Of the 106 matters, costs of \$623,720 have been incurred on 50 matters. Costs for the remaining 56 matters are yet to be realised by Council.

Further costs of \$826,987 have been incurred on 51 appeals lodged in the Land & Environment Court in the 2002/2003 financial year.

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6 April 2004

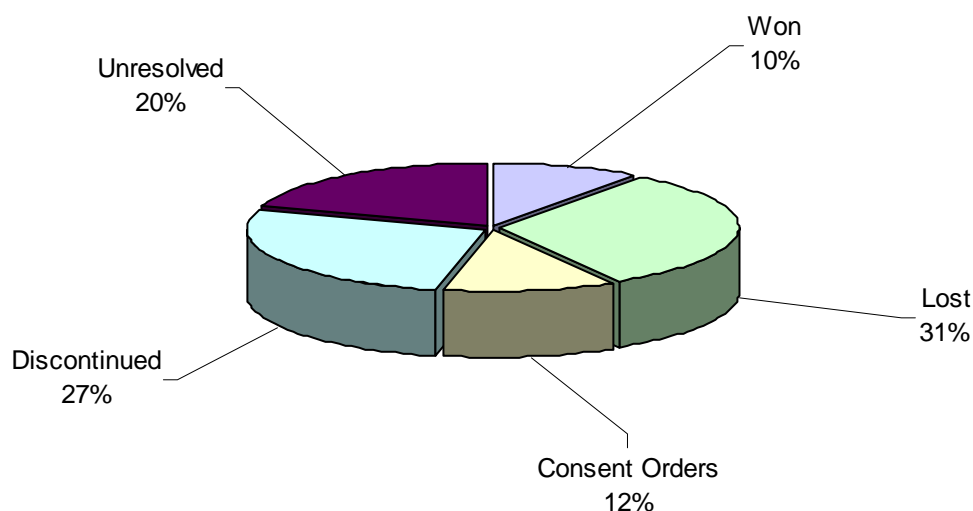
This brings to a total of 101 matters during the first three quarters of the 2003/2004 financial year on which legal costs have been incurred by Council (50 from 2003/2004, 51 from 2002/2003).

Of the total 101 matters, Council has won 10 and lost 32. In addition, 12 matters were subject to consent orders, 27 were discontinued and the remaining 20 are unresolved. Success is generally measured in terms of matters satisfactorily resolved. That is, appeals that are dismissed, discontinued or where consent orders are issued.

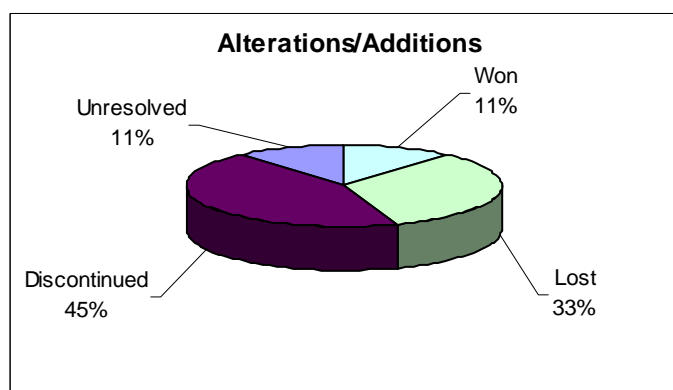
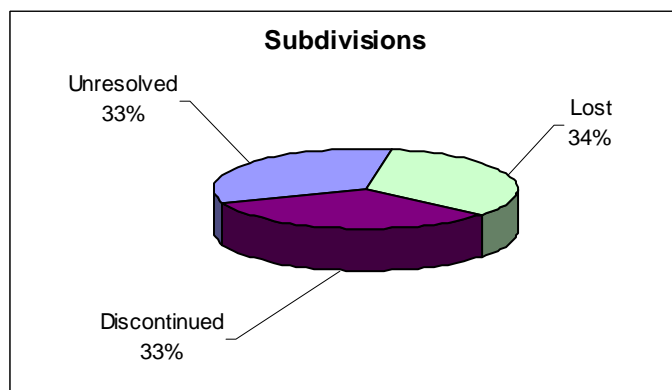
Many of the appeals that are discontinued are a result of Council approving the application prior to hearing and appeals resolved by consent orders indicate that Council did not oppose approval of relevant applications by the Court.

The following graph represents results achieved in the first three quarters of 2003/2004.

Total cases @ 31 March 2004

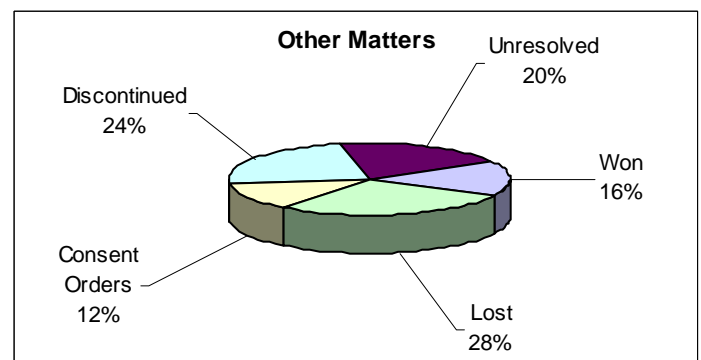
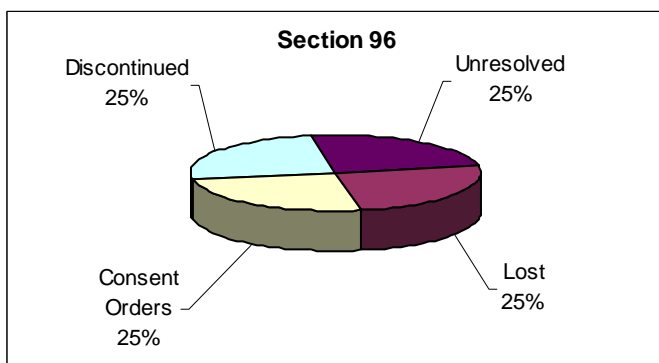
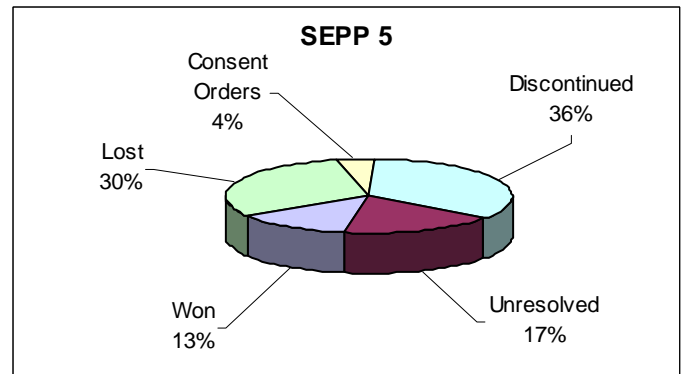
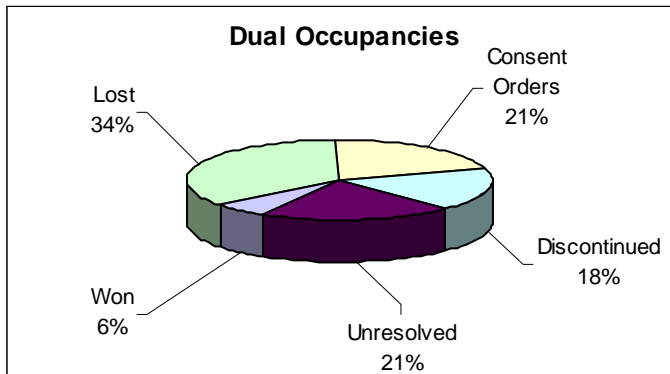


A breakdown by case category is illustrated in the following graphs.



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OFFICER/COUNCIL CONSENSUS

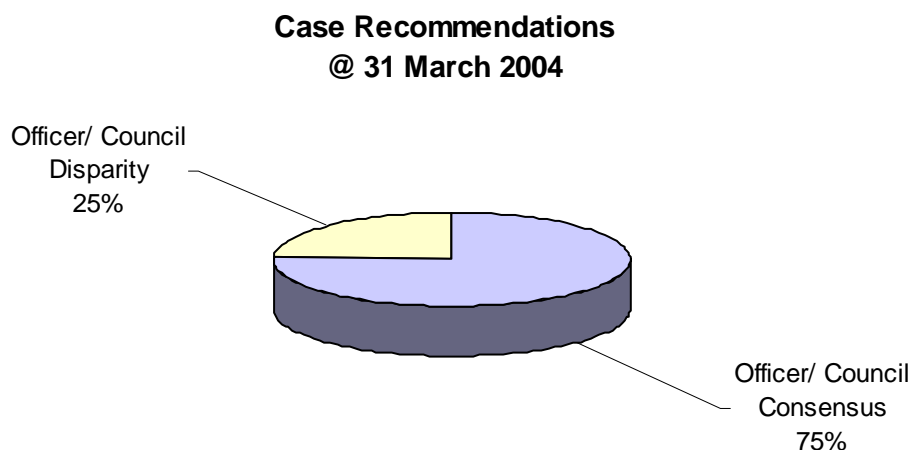
Of the total 101 matters there were 43 matters for which Council reached consensus with officer's recommendations. Of these 43 matters, 39 matters have been determined thus far at a hearing. Of the 43 matters, Council has won 4 (9%). Based on the 43 matters, total costs of \$907,615 have been incurred, this represents an average cost to Council of \$21,100 per case.

There were also 12 applications for which Council resolved to refuse against officer's recommendations and 2 applications for which Council resolved to approve against officer's recommendations. Of these 14 matters, 13 matters have been determined thus far at a hearing. Of the 13 matters, Council has won 3, lost 4, 3 were subject to consent orders and 3 discontinued. These matters incurred costs of \$248,647.

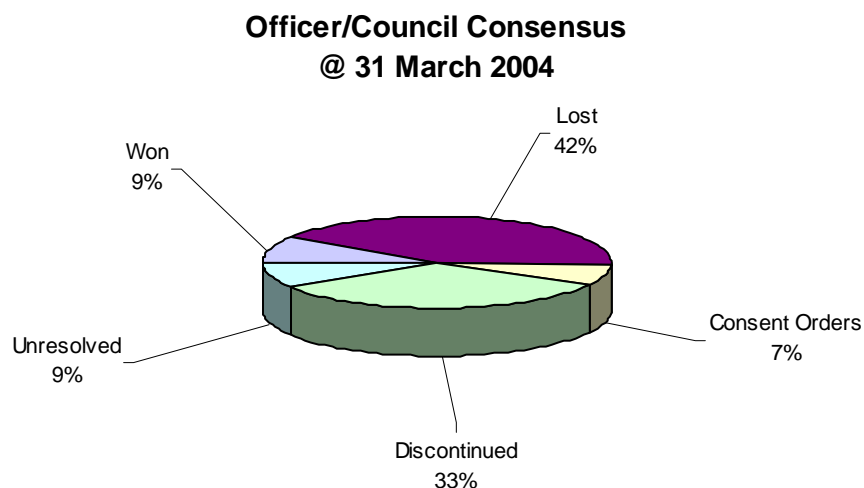
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The following graph illustrates Council's resolutions for the first three quarters of 2003/2004 on those matters where there has been both an officers recommendation and a decision by Council.

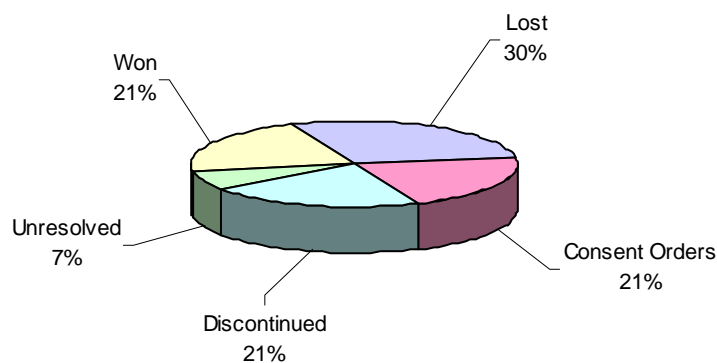


The following graph illustrates the outcomes of those cases where Council officers and Council reached consensus.



The following graph illustrates the outcomes of those cases where Council officers and Council did not reach consensus.

**Officer /Council Decision Disparity
@ 31 March 2004**



SUMMARY BY CATEGORY

A breakdown by case category shows that Dual Occupancy matters were the most common and most costly to Council. The following table shows the number of matters and total cost per category as at end of the third quarter 2004.

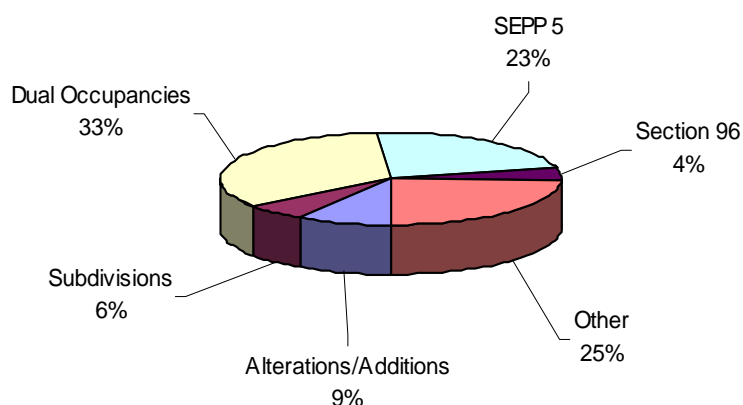
Category	No. of Matters	Total Cost	Average Cost per Case (to date)
Alterations/Additions	9	\$20,154	\$2,239
Subdivisions	6	\$66,967	\$11,161
Dual Occupancies	34	\$652,411	\$19,189
SEPP 5	23	\$319,436	\$13,889
Section 96	4	\$27,564	\$6,891
Other Matters	25	\$364,175	\$14,567
Total	101	\$1,450,707	\$14,363

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The following graph illustrates case costs per category.

**Cases by category
@ 31 March 2004**



SUMMARY BY WARD

A summary of Land & Environment Court costs by Ward as at 31 March 2004 is shown in the following table.

Land & Environment Court costs by Ward as at quarter ended March 2004		
Comenarra	\$165,117	11.4%
Gordon	\$425,489	29.3%
Roseville	\$45,549	3.1%
St Ives	\$439,341	30.3%
Wahroonga	\$375,211	25.9%
Total Costs	\$1,450,707	100.0%

COST COMPARISON WITH PREVIOUS YEARS

At the comparative stage last year Council had expended \$1,418,743 on matters before the Land and Environment Court.

The following table shows the legal costs and associated expenses for the current and previous financial years.

Legal Costs and Associated Expenses 2001/2002 - 2003/2004				
<i>Financial Year</i>	<i>1st quarter September</i>	<i>2nd quarter December</i>	<i>3rd quarter March</i>	<i>4th quarter June</i>
2001/2002	\$420,000	\$843,000	\$1,343,000	\$2,104,000
2002/2003	\$302,000	\$754,000	\$1,419,000	\$2,252,000
2003/2004	\$468,000	\$846,000	\$1,451,000	

CONSULTATION

Not applicable.

FINANCIAL CONSIDERATIONS

Land & Environment Court legal costs form part of Council's recurrent operating budget.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

This report has been developed with input from Finance and Business Development and Environment and Regulatory Services.

SUMMARY

For the three quarters ended March 2004 Council has expended \$1,450,707 on legal costs and associated expenses in relation to Land & Environment Court matters. This compares to the year-to-date budget of \$1,223,250 a deficit of \$227,457.

There are a total of 101 matters on which Council has incurred costs. Council has won 10, lost 32, 12 matters were subject to consent orders, 27 were discontinued and the remaining 20 are unresolved.

This is summarised in the following table.

Council Officer	Council	Total Cases	Won	Lost	Consent Orders	Discontinued	Unresolved	Total Costs
Approve	Approve	16	-	1	3	11	1	\$119,916
Refuse	Refuse	27	4	17	-	3	3	\$787,699
Approve	Refuse	12	3	4	2	2	1	\$218,123
Refuse	Approve	2	-	-	1	1	-	\$30,524
Other Matters		44	3	10	6	10	15	\$294,445
Total		101	10	32	12	27	20	\$1,450,707

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Note: There are 44 'other matters' as at 31 March 2004, including matters deferred for site inspections, compliance matters where the applicant has not complied with an order, or matters that are deemed refusals that have not yet been the subject of a report to Council.

RECOMMENDATION

That the analysis of Land & Environment Court Costs for the first three quarters of the financial year 2003/2004 be received and noted.

Mellissa Crain
Manager Business Development

John McKee
Director Finance & Business

Jamie Taylor
Corporate Lawyer

Michael Miocic
Director Environment & Regulatory Services

Attachments: **A. Individual Case Recommendations March 2004 (Confidential).**
 B. Summary of Case Recommendations March 2004.

RE-VALUATION OF COUNCIL'S INFRASTRUCTURE AND OPEN SPACE ASSETS

EXECUTIVE SUMMARY

PURPOSE OF REPORT:	To present to Council the outcome of the re-valuation of Council's Infrastructure and Open Space Assets.
BACKGROUND:	In November 2002 Council was presented with a report to determine funds required to address deterioration in asset infrastructure. This report provides an update of the current position.
COMMENTS:	This report addresses all of Council's asset categories across Open Space and Technical Services.
RECOMMENDATION:	That the information contained in this report is used by Council as a basis for future budget deliberations.

PURPOSE OF REPORT

To present to Council the outcome of the re-valuation of Council's Infrastructure and Open Space Assets.

BACKGROUND

The 2003 – 2007 Management Plan contains the following requirements:

Action:

“Long term financial planning strategies which make sufficient allowance to sustain Council’s operations and assets.”

Key Performance Indicator:

“Condition audits to be presented to Council to clearly determine funds required to address deterioration in Council’s asset infrastructure by December 2003.”

In November 2002, Council was presented with a report on the status with condition audits for all infrastructure and open space assets and the funding levels required to ensure that Council’s assets are maintained to a satisfactory standard.

COMMENTS

To assist with the long term financial planning of Council’s assets, Council needs to ensure that there are sufficient funds allocated to maintenance and capital works. Consequently, condition audits and asset management systems need to be in place to identify the ongoing and future requirements to either replace, upgrade or satisfactorily maintain Council’s assets.

The following categories of assets have been analysed and are included in this report.

Roads	Playgrounds
Footpaths	Parks
Drains	Sportsfields
Traffic Facilities	Tennis Courts
Buildings	Swimming Pool
Golf Courses	

Infrastructure Assets

Asset Type	Method of Assessment
Roads	SMEC – Pavement Management System
Footpaths	Survey of trip hazards and conditions. Data entered into Reflect for trip hazard locations and SMEC system for condition of footpaths. Policy and program adopted by Council.
Drains	Data collected using Geographical Information System (GIS) Condition. Condition audit not carried out at this stage. Analysis of Cowan and Middle Harbour catchments carried out and review of findings is currently being carried out by Council staff.
Traffic Facilities	Survey carried out. Data stored in GIS and Access.
Buildings	Condition audit survey carried out by SKM. Data entered in Excel and Access for programming.

Roads

A condition audit assessment of Council's road network infrastructure has been undertaken using the SMEC Pavement Management System (PMS). All roads have been surveyed and the data entered into the SMEC PMS for the allocation of works. Each year 20% of the road network is re-surveyed in order to keep the database up to date. This also includes updating the database with completed works.

The analysis has identified a need to commit \$60,000,000 to restore the road network over the next 15 years. In accordance with these findings Council has resolved to formally allocate \$4,000,000 plus CPI increases to road rehabilitation on an annual basis since 2001/2002.

The rolling works program is reported to Council in August each year.

This requirement is contained in Council's Management Plan as follows:

Action:

"Budget drawn up in accordance with principles of sound financial management."

Key Performance Indicator:

"A total of \$4,000,000 allocated to road rehabilitation."

This program also forms part of Council's 10 Year Financial Model.

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To assist in funding a sustainable rehabilitation program, Council was successful in obtaining a road Infrastructure levy for the period 2001/02 – 2005/06. Further consideration will need to be given to an extension of the Levy or identifying alternative sources of funding.

The levy represents an increase of 5% over and above the rate peg and will generate approximately \$8,000,000 in revenue over 5 years. Also, the Federal Government has recently announced the continuation of the Roads to Recovery Program to 2009. This equates to an allocation of approximately \$470,000 per annum.

Current Expenditure

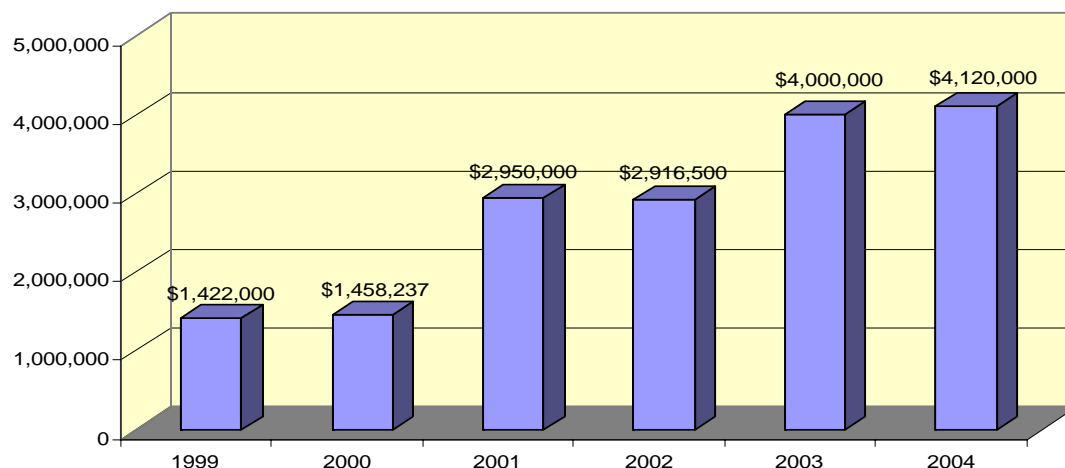
Capital Projects		
Road Rehabilitation Program		\$4,120,000
Capital Funding Source		
▪ Loans	\$1,151,900	
▪ Grants	\$722,000	
▪ Infrastructure Levy	\$1,646,100	
▪ Infrastructure Restoration Reserve	\$600,000	
	<u>\$4,120,000</u>	
Recurrent		
▪ Patching	\$77,100	
▪ Restorations	\$500,100	
▪ Road Maintenance – Asphalt	\$683,900	
▪ Kerb & Gutter Maintenance	\$150,200	
▪ Road Maintenance – Rd Shoulders	\$322,600	
▪ Road Maintenance – Management	\$388,600	
	<u>\$2,122,500</u>	
Grand Total		<u>\$6,242,500</u>

The following graph illustrates the significant commitment that Council has made to the restoration of the road network over the past four years.

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Roads



Summary Recommendation

The recurrent and capital funding currently allocated to roads is viewed as adequate given the competing demands on Council's funds. However, consideration will need to be given to maintaining the funding when the Infrastructure Levy ceases.

Capital expenditure on road works is to be indexed at 3% over the next 10 years.

Footpaths

A condition audit survey has been undertaken for all existing paved footpaths and has been entered into the SMEC system. A survey of existing footpaths for known trip hazards has also been carried out and the estimated cost to bring the existing footpaths up to a satisfactory standard is \$2,200,000. A three year program for these repairs has been developed and is currently being implemented and there are sufficient funds available in the recurrent budget for this purpose.

A priority system for the installation of new footpaths and cycleways has been adopted by Council and a five year rolling program is in place. The program is reported to Council in August each year.

Funding

Capital Projects

Footpath Program (excludes shopping centre footpath works of \$183,000)	\$360,000
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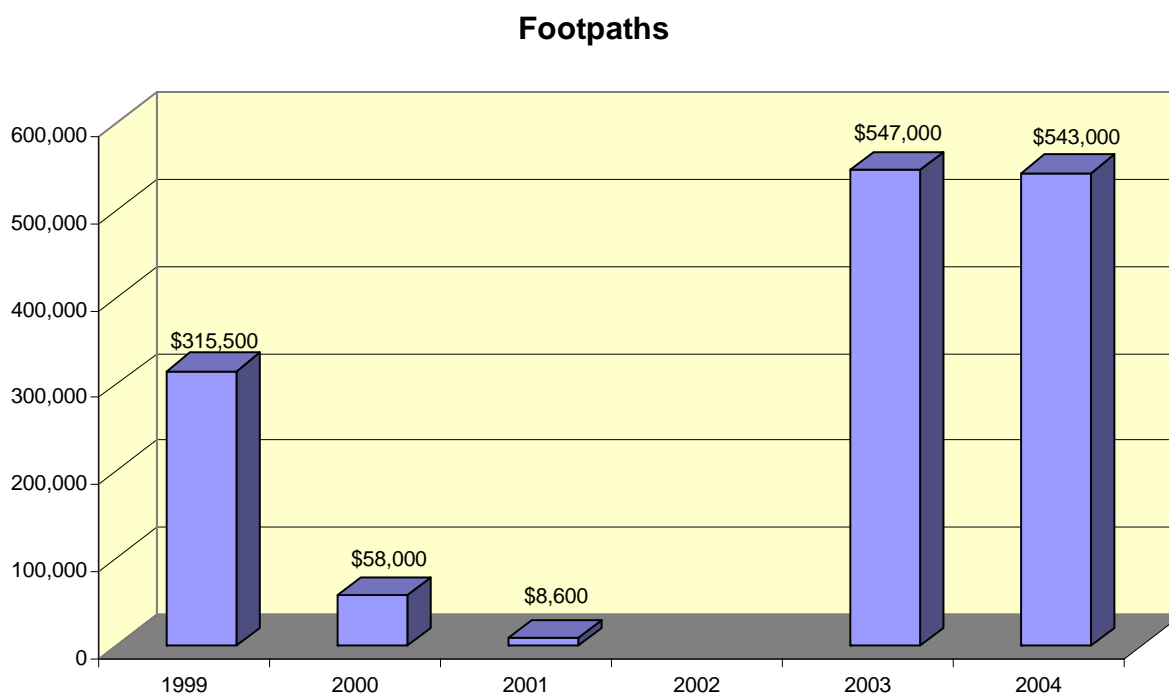
Recurrent

▪ Footpath Maintenance – asphalt	\$418,800	
▪ Footpath Maintenance – concrete	\$496,300	
		\$915,100
Grand Total		\$1,275,100

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21 April 2004

A graph of Council's Capital Works Program for footpaths over the past six years is shown below. The graph indicates a significant increase in the level of funding provided in the last two financial years for new footpath works. The 2003 and 2004 years also include \$183,000 for shopping centre footpath works.

**Summary Recommendation**

The allocation for capital works is for new footpaths, whereas the recurrent budget is used for repairs to existing footpaths.

The recurrent budget will accommodate the repairs to existing footpaths. The allocation for new footpath works is approximately \$360,000 per annum and the allocation for business centres improvements works is \$183,000 per annum.

Drains

Council's drainage system has been entered into the Geographical Information System (GIS). A condition audit has not been carried out, but all known flooding problems have been mapped. A program of drainage improvements has been developed on a risk management approach.

Catchment analysis has been undertaken for both the Cowan Creek and Middle Harbour catchments, further assessment and revision of the findings of the studies is in progress and is expected to be finalised shortly.

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Based on previous information, it has been broadly estimated that approximately \$66,000,000 is required to bring the drainage system up to a satisfactory standard for a 1 in 20 year design storm. However, this will be re-evaluated following completion of the catchment analysis.

Funding

Capital Projects

Drainage Upgrade	\$290,000	
Catchment Analysis	\$200,000	
	<u> </u>	\$490,000

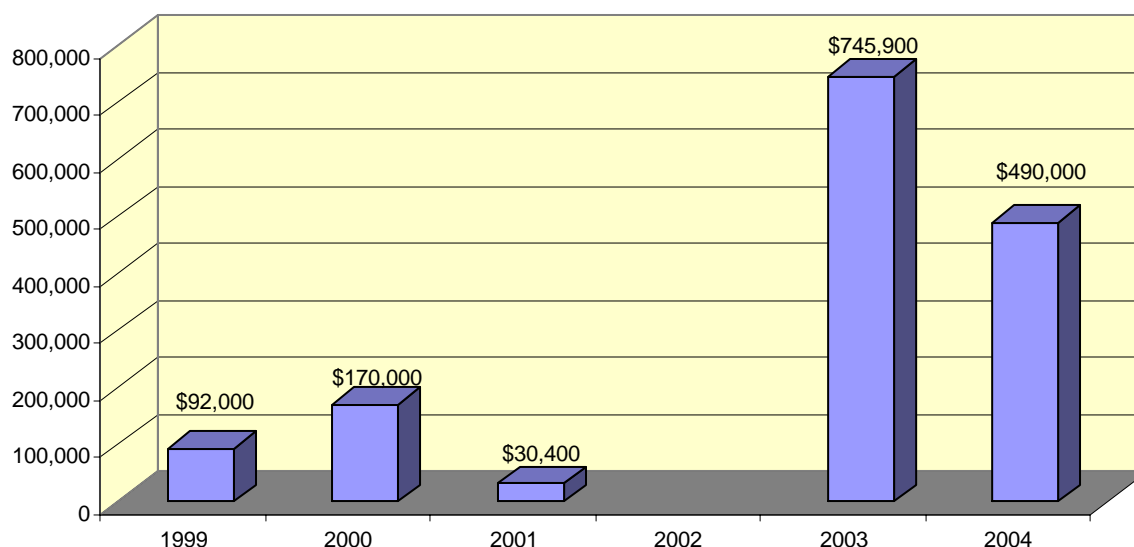
Recurrent

▪ Drainage Maintenance & Repairs	\$443,100	
▪ Routine Pit Clearance	\$95,900	
▪ Drainage Structure Concrete repair	\$149,600	
	<u> </u>	\$688,600
Grand Total		<u><u>\$1,178,600</u></u>

Summary Recommendation

The following graph shows capital funding allocated to drains for the past six years. Funding required for drainage will be re-evaluated and reported to Council following completion of the catchment analysis. Until this process is finalised the five year drainage program has been based on a risk management assessment.

Drains



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Traffic Facilities

A survey of all of Council's Traffic Facilities has been carried out and the data has been entered into the Geographical Information System (GIS). While the survey was essentially an inventory survey, each type of traffic facility device was assessed according to its estimated useful life.

The estimated value of Council's Traffic Facilities assets is \$2,355,144. Based on the life cycle and cost of replacement, the amount per annum required is \$572,111.

Funding

Capital Projects

Traffic Facilities Program (for outstanding works)	\$140,000	\$140,000
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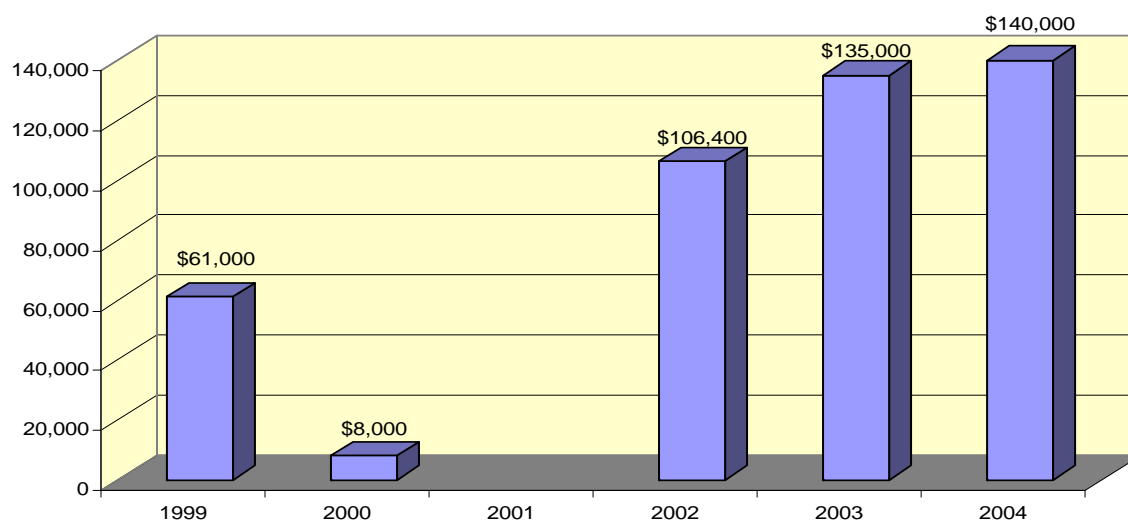
Recurrent

Investigation & Design	\$622,000	
Road Safety	\$132,400	
Traffic Management	\$478,700	
		\$1,233,100
		<u>\$1,373,100</u>

Summary Recommendation

The funding for capital works is to complete outstanding traffic improvement works. The RTA currently carry out and fund traffic facilities works such as sign posting and line marking. Council has traditionally not accepted the block grant because of the estimated shortfall and forwards traffic facility requests to the RTA.

Traffic Facilities



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A condition audit of Council's buildings was carried out by Sinclair Knight Merz during June to August 2002. This information together with a survey of preventative maintenance requirements has been used in the development of a seven year building maintenance program. The estimated cost to bring all of Council's major buildings up to a satisfactory standard is \$7,360,000.

Further assessment of a number of minor building assets is required to be carried out.

At Council's meeting of 10 February 2004, Council considered a report on the criteria for replacement of Council's buildings which indicated that the cost of replacement of Council's buildings is estimated at \$76,640,659.

Funding**Capital Projects**

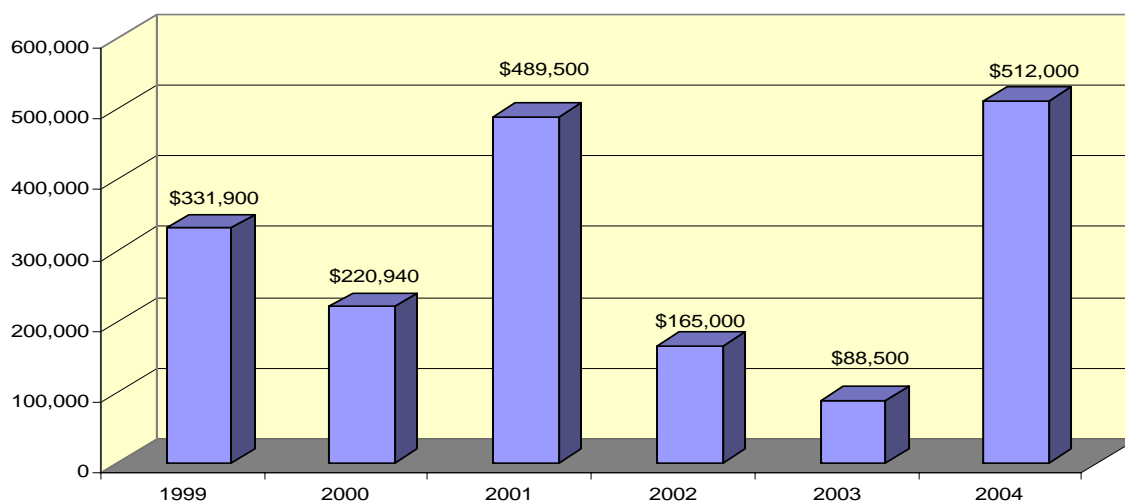
Depot Re-location & Building Works	\$512,000
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Recurrent

▪ Building Trades	\$1,550,000
	<u>\$1,550,000</u>
Grand Total	<u>\$2,062,000</u>

Summary Recommendation

Based on the condition audits carried out a seven year rolling building maintenance program has been established based on allocating approximately \$1 million per year to maintenance works. The building depreciation value indicates that approximately \$1.6 million per annum is allocated to building maintenance works and this is equivalent to the amount provided by Council each year. Funding has been set aside in the building reserve for the replacement or capital improvements to Council's buildings. This commitment currently stands at \$410,000 per annum.

Buildings

Open Space Assets

Asset Type	Method of Assessment
Playgrounds	External Audit and Condition Assessment on the playgrounds by Playfix Pty Ltd.
Parks	An asset inventory and condition audit process is currently being developed with Playfix Pty Ltd. Inspections are being undertaken by staff and consultants.
Sportsfields	Initial asset survey of sportsfields have been completed via visual assessment and through Council's adopted prioritisation process.
Tennis Courts	A combination of staff and various consultants have assisted with visual assessments and generic life cycle costings. Consultants have identified future asset needs.
Swimming Pool	All external audit of asset condition depreciation and maintenance needs has been completed by Geoff Ninnies Fong & Partners Pty Ltd.
Golf Courses	Asset work is focussed towards the implementation of the respective golf courses master plans as funding allows.

Playgrounds

An external assessment of Council's playgrounds was completed in August 2002. This audit demonstrated a replacement value of approximately \$1,500,000 with a then current value of approximately \$880,000. Utilising this information Council adopted a process to maximise the value of its commitment to an adopted 10 year replacement strategy with a prioritisation process and external audit also driving a proactive maintenance strategy for the utilisation of recurrent funds.

Council's current level of financial commitment to playgrounds will not need to increase in real terms to manage the existing asset. Eleven new or upgraded playgrounds have been constructed in the first two years of this program. Further assessment of gaps in playground distribution have been undertaken and have been incorporated into forward design which has commenced for the 2004-2005 program, subject to available funds.

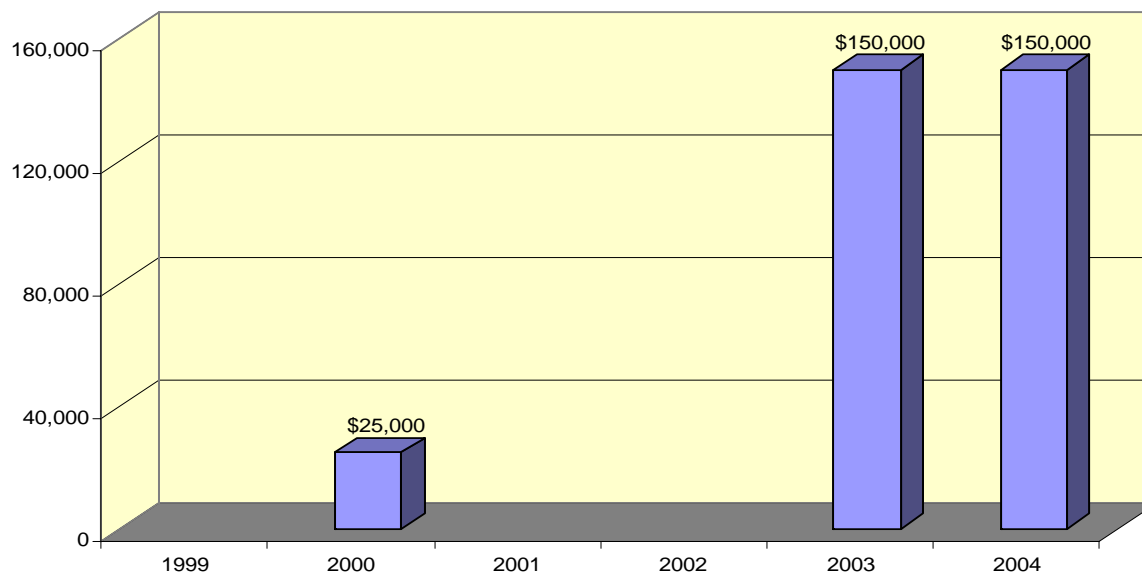
Funding**Capital Projects**

Playground program	\$150,000
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Recurrent

▪ Open Space Playgrounds	\$123,500	
		\$123,500
Grand Total		<u>\$273,500</u>

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21 April 2004**Playgrounds****Summary Recommendation**

That Council's annual commitment to playgrounds be maintained at \$150,000.

Parks

A comprehensive asset inventory and condition audit process is currently being undertaken for all of Council's Parks and will also include all assets within sportsgrounds. The process is being developed by staff and consultants so that it may be fully integrated into Council's various corporate systems. The system was initially piloted at four parks and over 100 sites have now been completed.

This is a significant project that will take some time to fully complete and will provide a sound basis for the development of future maintenance and asset management programs. In the interim, funding of capital programs should continue on the current priority basis at the levels indicated in this report. Funds available are utilized to support playground projects to ensure that infrastructure surrounding the playground is enhanced. Funds from this source support and leverage Metropolitan Greenspace and Sport & Recreation Grant Funds from the State Government. Specific projects currently underway include Stage 2 works at Bicentennial Park (supported by a \$87,000 grant), restoration of the heritage fountain at Wahroonga Park and enhancement and access works to Echo Point at Roseville.

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Funding

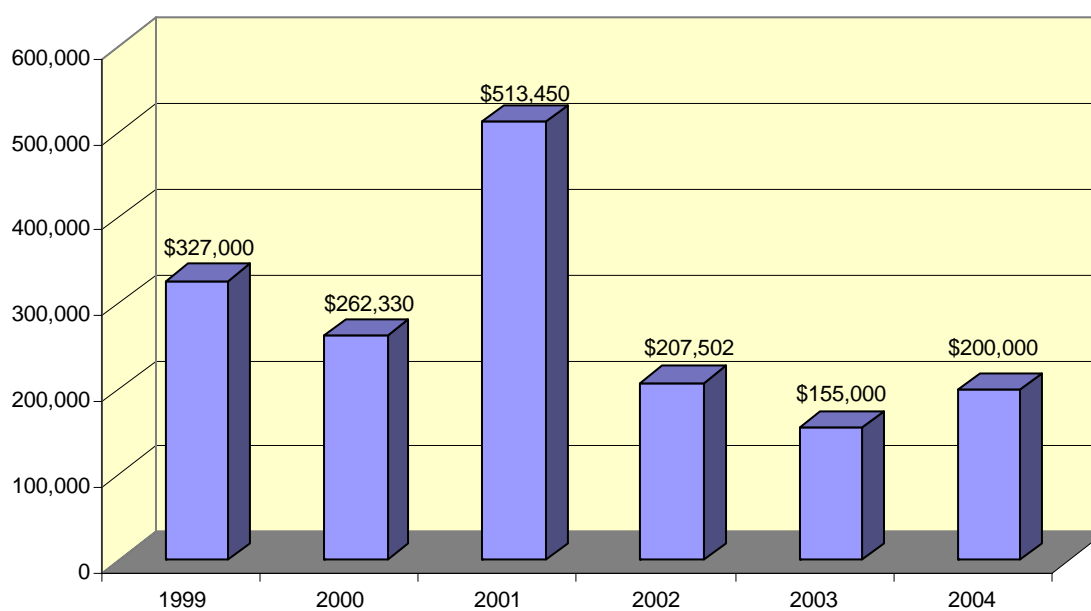
Capital Projects

▪ Park development	\$200,000	
		\$200,000

Recurrent

▪ Business Centre Landscapes	\$6,700	
▪ Railway Gardens	\$115,100	
▪ District Gardens	\$300,100	
▪ Open Space Landscapes	\$261,600	
▪ Open Space Trees	\$188,500	
▪ Local Parks	\$345,200	
▪ Bicentennial Park	\$19,000	
▪ Urban Parks	\$357,500	
▪ Public Gardens	\$53,300	
		\$1,647,000
Grand Total		<u>\$1,847,000</u>

Parks



Summary Recommendation

That commitment to parks development is maintained at \$200,000. This commitment is to be reviewed and reported to Council once a full audit of all parks is complete.

Sportsfields

Council faces a number of challenges in relation to its sportsfield assets. The majority of Council's sportsfields have been constructed to long surpassed standards and many are used either at or beyond capacity.

In addition the current unavailability of Queen Elizabeth Reserve due to contamination, potential loss of the use and reconstruction costs relating to Regimental Park during necessary works to the reservoir structure, further complicate issues of management of Council's sportsfield asset.

Irrigation is one of the most essential components of upgrading and managing our sportsfields. Given the likely permanent nature of water restrictions meaning that access to water will become more difficult, the opportunity for water recycling and re-use needs thorough investigation for each site. Council's current adopted program is currently being reconfigured to address re-use opportunities.

To date, visual assessment of all Council's Sportsfields has been completed and initial costing of required works at the highest prioritised locations as part of the prioritisation matrix has been completed. Generic costing has been applied to all other facilities which assumes that all components of a sportsfield, including lighting, irrigation, supporting infrastructure and surface quality require addressing.

The data indicates a total of over \$6,000,000 in outstanding works for Council's Sportsfields. In reality not all of Council's Sportsfields will require such redevelopment or even initial development to this standard. A period of 15 years is regarded as a satisfactory lifespan prior to revisiting each site in terms of significant capital maintenance or improvement. Accordingly with the total cost of outstanding works discounted to remove unnecessary projects a cost for outstanding works of \$4,800,000 is reached. At current levels of capital funding, all sites will be visited over a 15 year period.

It should be noted that this estimate excludes costs associated for North Turrumurra Recreation Area and Koola Park which are addressed by the current S94 plan and also any required work at Canoon Road Netball Courts or any proposal for Greenwood Quarry (which is a site that has been proposed for future development of a major netball facility).

Council's draft Section 94 Plan also identifies considerable funding for sportsgrounds. Identified projects include continued funding for North Turrumurra Recreation Area, Koola Park and also enhancement works for other sportsgrounds totaling some \$4.4 million.

A prioritisation process for the allocation and timing of identified works has been adopted by Council. Under that program, Bannockburn Oval, has been completed and Council's current adopted project for Barra Brui is undergoing redesign to address the issue of water re-use from the local stormwater system for irrigation purposes and enhanced environmental management.

Priorities for next years work will be reviewed and considered by Council prior to 30 June 2004 to allow forward design and consultation with users to commence.

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Funding

Capital Projects

Sportsfield Rehabilitation Development	\$320,000
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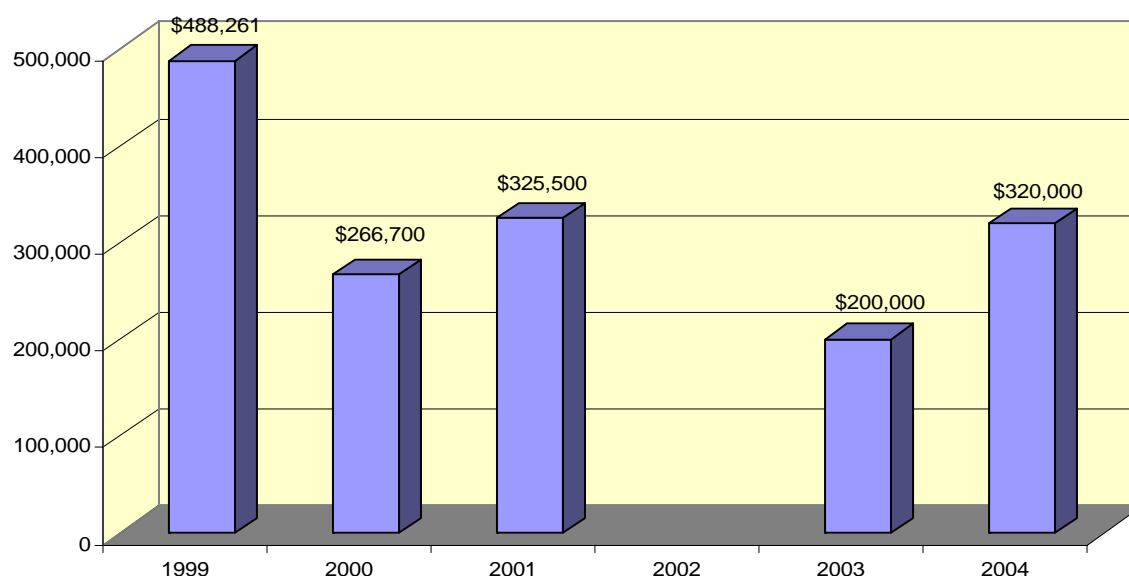
Recurrent

▪ Recreation Reserves	\$723,500
▪ Turf Wickets	\$312,100
▪ General Sportsfields	\$825,700
▪ St Ives Showground	\$359,500
▪ Sports & Recreation Management	\$413,600

\$2,634,400

Grand Total	<u>\$2,954,400</u>
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Sportsfields



Summary Recommendation

Council's current level of funding (including anticipated funding from the new Section 94 Plan) for sportsground refurbishment and enhancement will take approximately ten years to complete initial refurbishment and enhancement of all locations. Specific funding has not yet been identified for the rehabilitation of Queen Elizabeth Reserve. If it is to be remediated, reconstructed and returned to play for the 2005 winter season, other sportsfield works may need to be delayed or Council's mix of capital works changed. It is recommended that should Council's funding commitment not change, that priority should be focused at the return of Queen Elizabeth Reserve to play and following adoption of Council's prioritisation for general sportsground upgrades that consultation and forward

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design be undertaken on several of the highest priorities to enable works to commence as soon as funds are available.

Tennis Courts

Considerable work has been undertaken in the development of required programs for Council's 71 tennis courts that will address both the issues of an ageing, depreciating asset and the service needs of the asset.

Asset condition work has been undertaken by a combination of visual inspection and generic lifetime analysis of the tennis courts. This information has been combined with projected service needs for the asset to maximise community access, satisfaction and ultimately its financial sustainability.

A business plan for the courts has been considered and capital funding of approximately \$120,000 per annum has been applied to development of the courts to halt what was a rapidly declining income and profit. Improvements have focused on repairs to courts that were closed due to safety concerns, installation of lights at selected locations and conversion of old hard court surfaces to preferred synthetic grass surfaces. The business plan also suggests that limited rationalisation and ultimately reconstruction of several key locations with a more pro-active management regime will increase the long term effectiveness of the program and its financial return to Council.

Funding

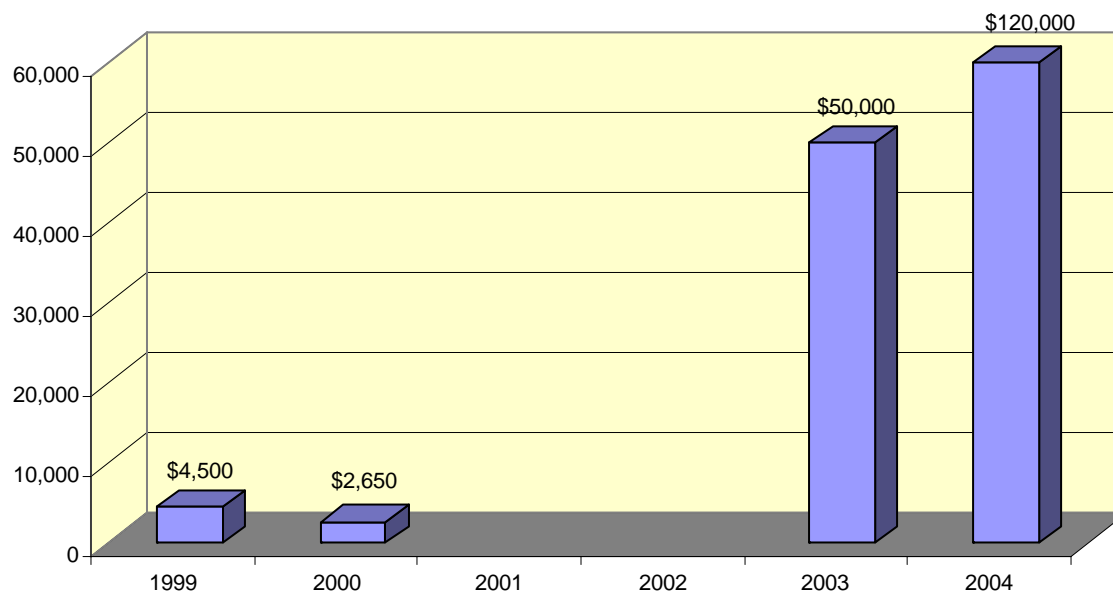
Capital Projects

Tennis Courts	\$120,000
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Recurrent

▪ Tennis Courts	\$107,200	
		\$107,200
Grand Total		<u>\$227,200</u>

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21 April 2004**Tennis Courts****Summary Recommendation**

It is proposed that given the improvement that is becoming evident in the courts, Council needs to review its marketing plan for the courts and this has been identified as a task for Council's consideration in the draft management plan.

Council's current commitment in capital terms is viewed as adequate given competing demands for funds.

Swimming Pool

An external audit of this facility was undertaken by Geoff Ninnes Fong & Partners Pty Limited in 2002 to establish facility condition, maintenance and depreciation.

The brief called for recommendations relating to ongoing maintenance and capital needs to assist in the preparation of a business plan for the facility. Recommendations in the consultant's report have been costed and proposed timeframes for their implementation reported to Council previously.

Recommendations in descending order of priority from the draft report are listed below. A full list of tasks with individual costs is attached. The recommendations in the draft report suggest significant expenditure is required in the short term for the pool to meet Health Department Guidelines. Expenditure relating to the structure of the asset, according to the report, needs to occur within several years and be phased over the next 5-10 years. The consultants have estimated that it will be at least 10-15 years before major expenditure on the pool shells is required.

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More detailed investigation will be required to finalise costing estimates for the basis of asset requirements, but based on the initial finding of the consultants the following program is provided. Further analysis of the draft report including discussion with consultants to ensure staging of the outcomes is in Council's best overall interests has been undertaken.

A five year program of \$1.5 million would be required to ensure that the asset needs of the pool would be fully met. Stage 1 works (following a tender process) are to commence immediately following the pool's closure at the end of the 2004 swimming season (early May 2004) and focus on separation of and replacement of filtration and reticulation associated with the small pools (babies, toddlers and learners). A tender will be reported to Council on 11 May to enable Stage 2 works to commence immediately following Stage 1 and are to be completed prior to the commencement of the next pool season (commencing in September 2004).

This work should be viewed concurrently with Council's business strategy for the pool. A feasibility study is planned to be undertaken next financial year to examine implementation of redevelopment of this facility to ensure that it continues to meet the long term needs of the community.

The draft Section 94 Plan has identified that contributions towards this redevelopment can be levied. The extent to which Council wishes to redevelop the pool will determine the final cost. Whilst an additional outdoor pool has potential funding sources identified, a more comprehensive development, including indoor facility will involve additional funds for which funding has not been identified.

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Pool	YEAR 1		YEAR 2		YEAR 3	
	Work	\$	Work	\$	Work	\$
50m Pool	Additional/Upgrading Pipework	\$55,000	Joints Repair / Replacement	\$40,000	Conversion to Wet Deck Gutter System	\$125,000
	Balance Tank Upgrade	\$65,000	Life of Surface Finishes (before requiring major repairs)	Unknown	Upgrading of Central Return Line	\$70,000
					New Filtration System	\$410,000
Learners Pool			Conversion to Wet Deck Gutter System	\$30,000		
			Upgrading of Central Return Line	\$15,000		
			Life of Surface Finishes (before requiring major repairs)	Unknown		
Toddlers Pool			Conversion to Wet Deck Gutter System	\$15,000	Life of Surface Finishes (before requiring major repairs)	Unknown
			Upgrading of Central Return Line	\$10,000		
Babies Pool	Conversion to Wet Deck Gutter System	\$19,000			Life of Surface Finishes (before requiring major repairs)	Unknown
	Upgrading of Central Return Line	\$12,000				
Learners/Toddlers/Babies	New Filtration System	\$252,000				
	Additional/Upgrading Pipework	\$35,000				
	New Heating System	\$90,000				
	New Balance Tanks	\$45,000				
	New Backwash Tanks	\$45,000				
TOTALS	Year 1 Total	\$618,000	Year 2 Total	\$110,000	Year 3 Total	\$605,000
Life Spans Before Major Structural Works Required						
Life of Pool Shells	10 to 15 years					
Life of Tanks	5 to 10 years					
Life of Filter Cells	2 to 10 years					

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Funding

Capital Projects

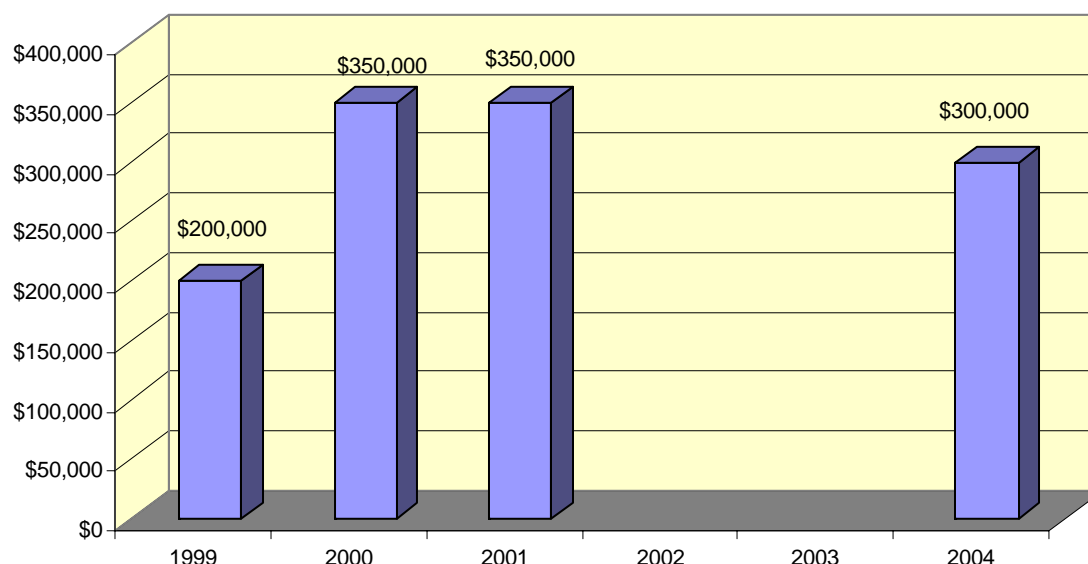
Swimming Pool Improvements	\$300,000	\$300,000
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Recurrent

▪ Swimming Pool	\$40,000	
		\$40,000

Grand Total	\$340,000
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Swimming Pool



Please note the funds allocated to swimming pools in the 1999, 2000, 2001 years were budgeted amounts and were not spent.

Summary Recommendation

That the current allocation towards asset management of the pool continues and that years four and five of the program need to be viewed in conjunction with Council's long term direction for the facility, incorporating any potential redevelopment.

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21 April 2004**Golf Courses**

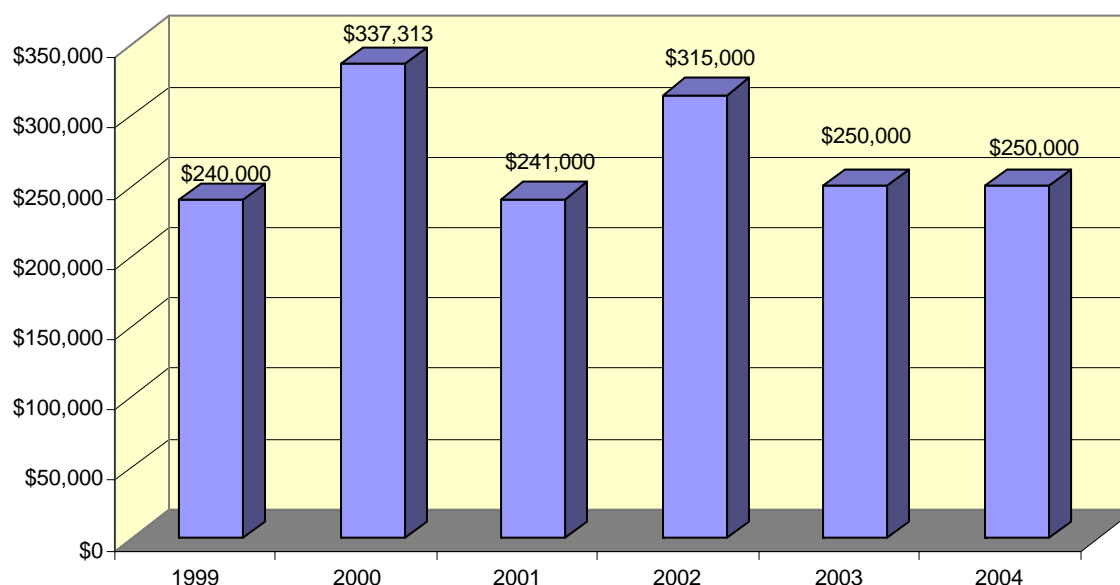
The focus and priority of Council's Golf Courses in terms of asset management has been the implementation of the respective course master plans. Funded by the Golf Course Improvement Levy to a level of approximately \$250,000 per year, have enabled sustainable increases to the value and appeal of the courses. Through the current tender process Council is looking to modestly increase the amounts being reserved to this Levy, particularly should a favourable income result be attained through the process. This will allow for a gradual building of the reserve funds to finance some substantial improvements that currently cannot be funded. eg upgrade of irrigation systems. This is particularly pertinent given a direction of establishing infrastructure at the courses that will facilitate reuse of site water. Alternative funding sources including environmental type grants should be pursued as a component of a longer-term program for the implementation of the master plans. A review of the golf course masterplan in consultation with stakeholders has been undertaken and a 10 year program for its implementation is nearing completion for consideration by Council.

Funding**Capital Projects**

Golf Course Improvement Levy	\$250,000
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Recurrent

▪ Gordon Golf Course	\$578,000
▪ North Turramurra Golf Course	\$558,500
	<u>\$1,136,500</u>
Grand Total	<u>\$1,386,500</u>

Golf Courses

Summary Recommendation

That Council continue to fund the Golf Course Improvement Levy at its current level and give consideration to increases that do not impact on the overall return to Council.

Summary of Current Funding

Asset Category	Capital Projects	Recurrent	Total
Roads	\$4,120,000	\$2,122,500	\$6,242,500
Footpaths	\$360,000	\$915,100	\$1,275,100
Drains	\$490,000	\$688,600	\$1,178,600
Traffic Facilities	\$140,000	\$1,233,100	\$1,373,100
Buildings	\$512,000	\$1,550,000	\$2,062,000
Playgrounds	\$150,000	\$123,500	\$273,500
Parks	\$200,000	\$1,647,000	\$1,847,000
Sportsfields	\$320,000	\$2,634,400	\$2,954,400
Tennis Courts	\$120,000	\$107,200	\$227,200
Swimming Pool	\$300,000	\$40,000	\$340,000
Golf Courses	\$250,000	\$1,136,500	\$1,386,500
Total	\$6,962,000	\$12,197,900	\$19,159,900

CONSULTATION

Council has consulted with a number of external organisations to obtain the condition audits for the various classes of assets.

FINANCIAL CONSIDERATIONS

Council's 10 Year Financial Model was modified in 2002 to commit sufficient funds to each category of asset. Council has continued to maintain this level of funding since that date.

CONSULTATION WITH OTHER COUNCIL DEPARTMENTS

The Directors Finance and Business, Open Space and Technical Services are the joint authors of this report.

SUMMARY

The 2003 – 2007 Management Plan requires that a report be submitted to Council detailing condition audits and funds required to address deterioration in asset infrastructure.

This condition audit work enables Council to:

- Ensure that the allocation of limited resources to competing demands is optimised.
- Plan effectively for the programming of asset maintenance and replacement in the longer term.

The following Categories of Assets have been analysed in this report:

Roads	Playgrounds
Footpaths	Parks
Drains	Sportsfields
Traffic Facilities	Tennis Courts
Buildings	Swimming Pool
Golf Courses	

The information contained in this report will assist Council in making decisions about the level and mix of resource allocation in coming years.

RECOMMENDATION

- A. That Council receive and note the contents of this report.
- B. That the information is used by Council as a basis for future budget deliberations.

Greg Piconi
Director Technical Services

Steven Head
Director Open Space

John McKee
Director Finance & Business

Attachments:

NOTICE OF MOTION

METHODS OF ELECTING THE MAYOR

Notice of Motion from Councillor M Lane dated 28 April 2004.

I move:

That the General Manager bring back a report to Council within 6 months on the methods of electing the Mayor and the possible effects on the operation of Council with a view to Councillors being fully informed of these in order that they may ensure that the people of Ku-ring-gai are fully aware of both the advantages and disadvantages should a referendum be held on this matter.

RECOMMENDATION

That the above Notice of Motion as printed be adopted.

Cr Michael Lane
Councillor for Gordon Ward