

## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 14 DECEMBER 2004**

- Present:** The Mayor, Councillor A Ryan (Chairperson)(Gordon Ward)  
Councillors A Andrew & E Malicki (Comenarra Ward)  
Councillors L Bennett & T Hall (St Ives Ward)  
Councillors I Cross & N Ebbeck (Wahroonga Ward)  
Councillors G Innes AM & M Shelley (Roseville Ward)  
Councillor M Lane (Gordon Ward)
- Staff Present:** General Manager (Brian Bell)  
Director Development & Regulation (Michael Miocic)  
Manager Development Assessment Services (Matthew Prendergast)  
Director Planning (Leta Webb)  
Manager Strategic Planning (Antony Fabbro)  
Strategic Planner (Craige Wyse)  
Director Technical Services (Greg Piconi)  
Director Open Space (Steven Head)  
Director Community Services (Janice Bevan)  
Director Finance & Business (John McKee)  
Senior Governance Officer (Geoff O'Rourke)  
Office Co-ordinator/WP (Casey Locke)

*The Meeting commenced at 7.07pm*

*The Mayor offered the Prayer*

### **DECLARATION OF PECUNIARY INTEREST**

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

The Mayor, Councillor A Ryan and Councillor M Lane declared a pecuniary interest in the late item – Notice of Rescission re 657 to 661 Pacific Highway, Killara (Greengate Hotel) – Draft LEP 202 (financial contributions to election campaign).

### **610 CONFIRMATION OF REPORTS TO BE CONSIDERED IN CLOSED MEETING**

File: S02499

#### **Resolved:**

(Moved: Mayor, Councillor Ryan/Councillor Ebbeck)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of C.1 – Staff Matter.

**CARRIED UNANIMOUSLY**

## **ADDRESS THE COUNCIL**

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

P Tuft  
A Fredericks

## **DOCUMENTS CIRCULATED TO COUNCILLORS**

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

- |                       |   |
|-----------------------|---|
| Late Item:            | 657 to 661 Pacific Highway, Killara – Draft LEP 202 – Notice of Rescission from Councillors Hall, Andrew & Ebbeck dated 23 November 2004                              |
| Refers GB.1, 10 & 12: | Telstra Communications and Hutchison 3G Australia Pty Ltd – Deeds of Access – Memorandum from Directors Open Space and Finance & Business dated 14 December 2004      |
| Refers GB.20:         | Riparian Policy – Memorandum from Director Open Space dated 14 December 2004  |
| Refers GB.22:         | Draft DCP 55 – Memorandum from Director Planning dated 14 December 2004 re Supplementary Report, attachments and amendments to recommendation                         |
| Refers GB.26:         | Draft Masterplan for Carlotta Avenue Depot Site – Memoranda from Director Technical Services dated 13 December 2004 and Director Planning dated 10 & 14 December 2004 |
| Refers GB.27:         | Review of Trial Night Time Fixtures at Sportsgrounds – Memorandum from Director Open Space dated 9 December 2004  |
| Refers GB.30:         | Draft LEP 201 – Memorandum from Director Planning dated 14 December 2004  |

## **CONFIRMATION OF MINUTES**

### **611 Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 7 December 2004

Minutes numbered 584 to 609

#### **Resolved:**

(Moved: Councillors Hall/Lane)

That Minutes numbered 584 to 609 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

**Councillor Shelley arrived**

## **GENERAL BUSINESS**

### **612 3-5 Merriwa Street, Gordon - Construction of a 6-Storey Commercial Building**

File: DA0271/04

Ward: Gordon

Applicant: Nettleton Tribe Partnership Pty Ltd

Owner: A & G Altomonte

To determine development application no 271/04 which seeks consent for the construction of a 6 storey commercial building with basement parking for 93 cars.

#### **Resolved:**

(Moved: Councillor Lane/Mayor Councillor Ryan)

- A. That consideration of Development Application No 271/2004 for the construction of a six storey commercial building on land at 3-5 Merriwa Street, Gordon be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

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

*Against the Resolution:      Councillor Innes*

613      **403 Mona Vale Road, St Ives - Demolition of the Existing Dwelling and Construction of an Attached Dual Occupancy**

File: DA0677/04

Ward: St Ives

Applicant: Paul and Sara Rumble C/O Glendinning Minto and Associates

Owner: Paul and Sara Rumble

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

**Resolved:**

(Moved: Councillors Bennett/Hall)

- A. That consideration of Development Application No 0677/04 for demolition of the existing dwelling and erection of an attached dual occupancy on land at 403 Mona Vale Road, St Ives be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

**CARRIED UNANIMOUSLY**

614      **Telstra Communications - Deed of Access to use part of Hassell Park for Telecommunication Network**

File: S02285

For Council to grant a Deed of Access reflecting commercial terms with Telstra Communications following their notification regarding works authorised by the low impact provisions of the Telecommunication Act (1997).

**Resolved:**

(Moved: Councillors Innes/Shelley)

- A. That Council as Trustee of the Hassell Park (R28761) Reserve Trust, give approval to proceed with the Deed of Access between Council as Reserve Trust Manager and Telstra Communications for the antenna on the existing sports light pole and the associated equipment shelter located on the south western corner of Hassell Park (corner Mawson Street and Hassell Street, St Ives).

- B. That the Deed of Access be referred to the Minister of the Department of Infrastructure Planning and Natural Resources for approval.
- C. That the Mayor and General Manager on behalf of the Hassell Park Reserve Trust be authorised to execute all necessary documentation
- D. That the Council Seal be affixed to the Deed of Access.
- E. That Council does not support or condone the installation of low impact telecommunication facilities on Council owned or managed land as provided for in the Telecommunications Act 1997 (Cth)

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

*Against the Resolution:   Councillor Malicki*

615     **Killara West Pymble Rugby Club - 5-Year Licence for use of Lofberg Oval Clubhouse - West Pymble**

File: S02743

For Council to consider granting a five year licence to Killara West Pymble Rugby Club for the use of Lofberg Oval Clubhouse, Yanko Road, West Pymble.

**Resolved:**

(Moved: Councillors Innes/Shelley)

- A. That Council approve the granting of a 5 year licence to the Killara West Pymble Rugby Club for the use of the clubhouse at Lofberg Oval, West Pymble under the terms outlined in this report.
- B. That Council issue a public notice as prescribed by section 47A of the local Government act 1993.
- C. That the licence term is to commence at the expiration date of the period of public notification, which will be in accordance with Section 47 – 47 A of the local Government Act 1993.
- D. That Council authorise the Mayor and the General Manager to sign the licence documentation should no substantial objections be received following the period of public notice.
- E. That Council authorise the affixing of the Common Seal to the licence documents.

- F. That a report be brought back to Council if there are any substantial objections received to the proposal.

**CARRIED UNANIMOUSLY**

616 **Lindfield Soldiers Memorial Park Clubhouse - Licence to Lindfield Rugby Club and Lindfield Junior Rugby Club**

File: S02568

For Council to consider granting a five year licence to Lindfield Rugby Club and Lindfield Junior Rugby Club to use Lindfield Soldiers Memorial Park Clubhouse at Tryon Road, Lindfield.

**Resolved:**

(Moved: Councillors Innes/Shelley)

- A. That Council as Trustee of the Lindfield Soldiers Memorial Park (R41399) Reserve Trust approve the granting of a five year licence to Lindfield Rugby Club and Lindfield Junior Rugby Club, for the use of the Lindfield Soldiers Memorial Park clubhouse, commencing on the date of Council resolution and on the terms and conditions as outlined in this report.
- B. That Council authorises the Mayor and General Manager to sign and execute all necessary licence documents.
- C. That Council authorise the affixing of the Common Seal to the licence document.
- D. That following the execution of the new licences, the documents are submitted to the Department of Lands for the Minister's consent.

**CARRIED UNANIMOUSLY**

617 **Lindfield Heritage Organ Restoration**

File: S02095

To advise Council that a request for financial assistance has been received from Associate Professor Geoffrey Stacey for the restoration of the Lindfield Pipe Organ for the amount of \$8,000.

**Resolved:**

(Moved: Councillors Innes/Hall)

That Council consider a contribution of \$8,000 towards the restoration of the Lindfield Jackson Heritage Organ as part of the December quarterly review.

**CARRIED UNANIMOUSLY**

618 **5 - 7 Eastern Road, Turramurra - Option to Renew Lease**

File: P41845

To advise Council of Lifestart Co-operative Ltd exercising its option to renew the lease for the premises located within Cameron Park, 5-7 Eastern Road, Turramurra to operate the Lifestart Early Childhood Intervention Program.

**Resolved:**

(Moved: Councillors Innes/Lane)

- A. That Council receive and note the valid exercise of option and approve the grant of a 3 year lease to Lifestart Co-operative Ltd. over Council premises at 5-7 Eastern Road, Turramurra.
- B. That the Mayor and General Manager be authorised be authorised to execute all necessary lease documents.
- C. That Council authorise the affixing of the common seal of Council to the lease agreement.

**CARRIED UNANIMOUSLY**

619 **Parks, Sport and Recreation Reference Group - Minutes of Meetings held 14 October and 18 November 2004**

File: S03447

To bring to the attention of the ordinary meeting of Council the minutes from the Parks, Sport and Recreation Reference Group meetings held 14 October and 18 November 2004.

**Resolved:**

(Moved: Councillors Innes/Ebbeck)

- A. That the minutes of the Parks, Sport and Recreation Reference Group meetings held 14 October and 18 November 2004 be received and noted.

- B. That Council consider the recommendation of the Reference Group with regard to the Night Lighting of Sportsfields in a separate Report to council addressing that issue.

**CARRIED UNANIMOUSLY**

620

**Hutchison 3G Australia Pty Ltd - Deed of Access to use a portion of Road Reserve adjacent to 200 Pacific Highway, Lindfield**

File: P54581

For Council to grant a Deed of Access to Hutchison 3G Australia Pty Ltd (H3GA) to use a portion of the road reserve for its telecommunication network.

**Resolved:**

(Moved: Councillors Innes/Shelley)

- A. That Council approve the Deed of Access between Council and Hutchison 3G Australia Pty Ltd for the antenna and equipment shelter on the portion of road reserve adjacent to 200 Pacific Highway, Lindfield.
- B. That the Mayor and General Manager be authorised to execute all documentation associated with the Deed of Access.
- C. That the Council Seal be affixed to the Deed of Access.
- D. That Council does not support or condone the installation of low impact telecommunication facilities on Council owned or managed land as provided for in the Telecommunications Act 1997 (Cth).

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

*Against the Resolution:   Councillor Malicki*

621

**Draft Plan of Management - Unit 1, 12 - 18 Tryon Road, Lindfield**

File: S03609

To further action in respect of the Draft Plan of Management for the Unit 1, 12 to 18 Tryon Road, Lindfield.

**Resolved:**

(Moved: Councillors Innes/Shelley)



The Draft Plan of Management for Unit 1, 12 to 18 Tryon Road, Lindfield be adopted.

**CARRIED UNANIMOUSLY**

622 **Hutchison 3G Australia Pty Ltd - Deed of Access to use a portion of Road Reserve on the corner Pentecost Avenue and Bobbin Head Road, Pymble**

File: S03110

For Council to grant a Deed of Access to Hutchison 3G Australia Pty Ltd (H3GA) to use a portion of the road reserve for its telecommunication network.

**Resolved:**

(Moved: Councillors Innes/Shelley)

- A. That Council approve the Deed of Access between Council and Hutchison 3G Australia Pty Ltd for the antenna and equipment shelter on the portion of road reserve adjacent to the corner Pentecost Avenue & Bobbin Head Road, Pymble.
- B. That the Mayor and General Manager be authorised to execute all documentation associated with the Deed of Access.
- C. That the Council Seal be affixed to the Deed of Access.
- D. That Council does not support or condone the installation of low impact telecommunication facilities on Council owned or managed land as provided for in the Telecommunications Act 1997 (Cth)

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

*Against the Resolution:   Councillor Malicki*

623 **48 St Johns Avenue, Gordon – Property Improvements for Drainage**

File: P00417

To seek Council's approval for the creation of an easement to drain water. Also to advise Council on the proposed measures required at 48 Johns Avenue, Gordon to manage risk and improve conveyance of stormwater by the piped and overland flow paths.

**Resolved:**

(Moved: Councillor Innes/Mayor, Councillor Ryan)

- A. That approval be given to the creation of an Easement to Drain Water 1.8 metres wide over Lot 54, in Deposited Plan 6395, known as 48 St Johns Avenue, Gordon.
- B. That authority be given to affix the Common Seal of the Council to the appropriate instrument for the creation of an Easement to Drain Water.
- C. That approval be given to the installation of new fencing incorporating flow-through sections on both sides of the property, removal of obstructions in the flow path pertaining to 48 St Johns Avenue Gordon and appending terms on Section 149 (5) Certificate.
- D. That funding for these drainage works and legal requirements be made available from Council's Drainage Reserve.
- E. That the owners of No 46 and No 50 St Johns Avenue be advised of Council's decision in relation to the creation of the easements and the need for flow-through fencing.

**CARRIED UNANIMOUSLY**

624

**Bushland, Catchments and Natural Areas Reference Group - Minutes of 18 October and 29 November 2004**

File: S03448

To bring to the attention of Council the proceedings from the first two Bushland, Catchments & Natural Areas Reference Group meetings held on Monday 18 October and Monday 29 November, 2004

**Resolved:**

(Moved: Councillors Innes/Andrew)

- A. That Council receive and note the attached Minutes of the Bushland, Catchments & Natural Areas Reference Group meetings of 18 October and 29 November, 2004.
- B. That Council consider the recommendations of the Reference Group in relation to Council's draft Riparian Policy and funding for Environment Programmes in separate reports to Council.

**CARRIED UNANIMOUSLY**

625

### **11 - 21 Cowan Road, St Ives - Option to Renew Lease**

File: S02105

To advise Council that the Ku-ring-gai Neighbourhood Centre Inc. has exercised its option to renew the lease for the premises located at 11-21 Cowan Road, St Ives.

#### **Resolved:**

(Moved: Councillors Innes/Hall)

- A. That Council receive and note the exercise of option and approve the grant of a 3 year lease to the Ku-ring-gai Neighbourhood Centre Inc. for the Council premises at 11-21 Cowan Road, St. Ives.
- B. That the Mayor and General Manager be authorised to execute all necessary lease documents.
- C. That Council authorise the affixing of the Common Seal of Council to the lease agreement.

**CARRIED UNANIMOUSLY**

626

### **Sustainable Funding for Environmental Improvements**

File: S03894

This report seeks the support of Council to prepare a draft submission to the Minister for Local Government for a Special Variation in rates to fund environmental improvements across the Ku-ring-gai local government area as part of the development of the 2005-2010 Management Plan.

#### **Resolved:**

(Moved: Councillors Innes/Shelley)

- A. That Council support the development of a draft application for variation to rates commencing 2005/06 for the purpose of funding a range of environmental initiatives

- B. That the submission be incorporated within the development of the draft Management Plan and budget for 2005/06
- C. That as part of the submission community consultation be undertaken to determine support and direction of the program
- D. That a further report be presented back to Council for its consideration on the details, support, direction and community consultative mechanisms of the program in February 2005.

**CARRIED UNANIMOUSLY**

627

**Riparian Policy**

File: S03491

To adopt the draft Riparian Policy.

**Resolved:**

(Moved: Councillors Innes/Lane)

- A. That Council adopt the amended Draft Riparian Policy.
- B. That Development Control Plan 47 be amended to comply with this policy.
- C. That the policy be reviewed by December 2005 including its effectiveness, validity of buffer widths within key vegetation communities and future mapping.

**CARRIED UNANIMOUSLY**

628

**39 Todman Avenue, West Pymble - Attached Dual Occupancy**

File: DA1295/03

Ward: Comenarra

Applicant: T & A Tran, c/- Glendinning Minto & Associates Pty Ltd

Owner: T & A Tran

To determine development application No. 1295/03, which seeks consent for the demolition of the existing dwelling and the construction of an attached dual occupancy development.

**Resolved:**

(Moved: Councillors Malicki/Andrew)

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

THAT the Council, as the consent authority, grant development consent to DA 1295/03 for demolition of the existing house and the erection of an attached dual occupancy on land at 39 Todman Avenue, West Pymble, for a period of two (2) years from the date of the Notice of Determination subject to the following conditions:

#### GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1295/03 lodged with Council on 9 October 2003 and Development Application plans prepared by Hans Waldmann and Associates, Drawing Nos. 790-01-03, 790-02-03 and 790-03-03 dated 16 April 2004.
2. 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.
3. 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.
4. **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.

5. 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.
6. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.

7. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
8. To maintain existing ground levels all excavated material shall be removed from the site.
9. 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.
10. 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.

11. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
12. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
13. 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.
14. 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.
15. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.

16. 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.
17. 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.
18. 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.
19. 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.
20. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
21. 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.
- 22. All building works shall comply with the Building Code of Australia.
- 23. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
- 24. To maintain capacity of the Public drainage system, an On-site Stormwater Detention System must be provided for the proposed residence in accordance with Council's Stormwater Plan DCP47. 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: Earth mounding and/or timber retaining wall will not be accepted as the storage perimeter wall. Any perimeter walls must be in masonry on a reinforced concrete footing.

NOTE 3: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Plan DCP47, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

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



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

NOTE 6: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available in Council's Stormwater Plan DCP47.

25. 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.
26. 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.
27. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
28. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
29. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Specification for Drainage and Road Works.
30. 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*".
31. If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

32. 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.
33. 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.

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

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

Tree/Location	Radius From Trunk
<i>Cedrus deodara</i> (Himalayan Cedar) /South western side of Dwelling 2	5 metres
3 x <i>Grevillea robusta</i> (Silky Oak) /Adjoining property, 41 Todman Ave	5 metres

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

35. In order to soften the appearance of the development within the Todman Avenue streetscape, that area of the site located between the Todman Avenue boundary and the proposed courtyard fencing shall contain vegetation achieving heights between 3-6m and be of an appropriate species to enhance the landscape setting of the site. Details are to the Accredited Certifier prior to the issue of the Construction Certificate.

36. In order to soften the appearance of the unrelieved north-western wall of Dwelling 1, landscaping of an appropriate species consistent with the surrounding natural environment and achieving a height of 3 metres shall be planted along the north-western boundary of the site. Details are to the Accredited Certifier prior to the issue of the Construction Certificate.
37. 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.

38. 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.
39. 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.
40. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

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

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

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space	
	- Roseville	\$3,931.00
	- Lindfield	\$7,851.00
	- Killara	\$7,851.00
	- Gordon	\$7,851.00
	- St Ives	\$7,851.00
	- Pymble	\$1,966.00
	- Turramurra/Warrawee	\$1,966.00
	- Wahroonga	\$7,851.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

41. 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.

42. 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.

43. In the drainage plan prepared by Nasser Associates, Job No. D1378, dated 7/8/03, the following issues are to be addressed and submitted to the Principal Certifying Authority for approval, prior to the issue of the Construction Certificate:-

On Site Detention for both houses.

The roof gutter, down pipe and drainage system of the dwelling is to be sized to catch and convey the 50 year ARI storm event to the OSD system. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.

Suitable kerbs or other approved “cut off” systems are to be provided in the OSD design to ensure a maximum possible amount of overland flow is directed to the OSD system. These kerbs etc, are to be sized for all storms up to the 50 year ARI storm event. An engineer is to provide certification the Construction Certificate plans, that this has been achieved.

Earth mounding or timber retaining walls are not acceptable as the storage perimeter wall. Any perimeter walls must be in masonry on a reinforced concrete footing.

Where OSD storage is by way of underground storage:

- A) Inflow pipes to the storage chamber are to be located below inspection grates.
- B) If soil and turf are to cover the tank, then a minimum depth of soil to be 350mm.

Drainage design details are to be compatible with the landscaping plans. Councils landscape officer is to consider the final location of all drainage infrastructure including (a) drainage lines, (b) OSD tanks and (c) OSD basin walls. Only after the Council Landscape Officer’s approval, can the Construction Certificate be issued.

The access grate above the control chamber is to be a grate of 600mm x 900mm or greater. Apart from the grate above the control chamber, other grates to have the following minimum sizes, depending on the pit depth as follows:-

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

44. 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.
45. For stormwater retention, provision of a 2000 litre rainwater tank within the subject property designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage

system. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

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

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

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

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

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

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

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

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

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

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

46. 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.
47. The property shall support a minimum number of 5 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.

48. The 2 trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

The 2 additional trees to be planted shall be locally occurring trees such as; *Angophora costata* (Sydney Red Gum), *Corymbia gummifera* (Red Bloodwood), *Eucalyptus haemastoma* (Scribbly Gum), *Eucalyptus sieberi* (Silvertop Ash).

49. 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.

50. A CASH BOND/BANK GUARANTEE of \$3,000.00 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

*Cedrus deodara* (Himalayan Cedar)  
/ South western side of Dwelling 2

*Jacaranda mimosifolia* (Jacaranda)  
/ south western side of Dwelling 1



3 x *Grevillea robusta* (Silky Oak)  
/ Adjoining property, 41 Todman Ave

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

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

To preserve the following tree no excavation is permitted (excluding the approved dwelling) within the specified distance of the tree's trunks. The detention basin for Dwelling 2 shall not be located beneath the canopy of the *Cedrus deodara* (Himalayan Cedar).

Details of the stormwater shall be submitted to the Principal Certifying Authority for approval prior to the release of the Construction Certificate.

Tree/Location	Radius from Trunk
<i>Cedrus deodara</i> (Himalayan Cedar)	4 metres

52. To preserve the following tree/s, footings of the proposed north western side of Dwelling 1 and south western side of Dwelling 2 shall be isolated pier or pier and beam construction within the specified radius of the trunk/s. The piers shall be located such that no roots of a diameter greater than 50mm shall be severed or injured in the process of any site works during the construction period. The beam shall be located on or above existing soil levels.

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

Tree/Location	Radius in Metres
<i>Cedrus deodara</i> (Himalayan Cedar) / South western side of Dwelling 2	5 metres
3 x <i>Grevillea robusta</i> (Silky Oak) / Adjoining property, 41 Todman Ave	5 metres

53. Certification from an appropriately qualified person stating that the dwellings achieve a 3.5 star NatHERS rating shall be provided to the accredited certifier prior to the issue of the construction certificate.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

54. 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.
55. 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.
56. 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.
57. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained.

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

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

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

58. 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>Cedrus deodara</i> (Himalayan Cedar) / South western side of Dwelling 2	3 metres
<i>Jacaranda mimosifolia</i> (Jacaranda) / South western side of Dwelling 1	3 metres
<i>Eucalyptus haemastoma</i> (Scribbly Gum) / Southern corner of property	3 metres

59. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.

## CONDITIONS TO BE COMPLIED WITH PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE

60. 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.
61. 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.
62. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council.
63. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate.
64. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate, that:

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

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

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

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

The Certificate is to be with respect to compliance with:

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

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

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

66. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.

**CARRIED UNANIMOUSLY**

**23 Ryde Road, Pymble**

File: DA0968/03

To address the issues raised at the site inspection of 30 October 2004 and for Council to determine a development application for the demolition of the existing dwelling and the construction of a commercial building.

**Resolved:**

(Moved: Councillor Lane/Mayor, Councillor Ryan)

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to Clause 30A(2) of the Ku-ring-gai Planning Scheme Ordinance and LEP 100 is well founded. The Council is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the topography of the land will accommodate a building of a height greater than 12m and that building will be consistent with the established building heights of the area.

THAT the Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 968/03 is consistent with the aims of the Policy, grant development consent to DA 968/03 for a six storey commercial building on land at 23 Ryde Road, subject to the relevant standard conditions and the following special conditions:

**GENERAL CONDITIONS**

1. The development to be in accordance with Development Application No 968/03 and Development Application plans prepared by Krikis Tayler Architects & Site Image Landscape Architects, reference number DA-01-D, DA-02-F, DA-03-F, DA-04-F, DA-05-E, DA-06-E and DA-07-E, dated 9 January 2003 and lodged with Council on 11 February 2004 and 15 May 2004.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

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

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

7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. 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. 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.
- 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:
  - 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. Compliance with the general terms of approval issued by Department of Infrastructure, Planning and Natural Resources.
17. 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.

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.



- 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. 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.
30. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
31. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
32. 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.
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. During demolition and construction, an accredited traffic control person is to assist pedestrians crossing the driveway & traffic when vehicles and heavy machinery are entering and leaving the site.
  36. 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.

37. Landscape works shall be carried out in accordance with Landscape Drawing No LP101 prepared by Site Image Pty Ltd and dated 27 February 2003 submitted with the Development Application, except as amended by the following:
  - Amend building footprint to be consistent with architectural drawings
  - Landscape plan to be drawn at minimum 1:100 scale
  - Details of retaining walls including top of wall levels
  - Existing and proposed levels to be shown
  - Details of planting on slab
  - Correct north point
  - *Cedrus deodara* (Himalayan Cedar)/street frontage - to be removed
  - Minimum 3no endemic trees that can attain 13m height to be located in front setback such as *Syncarpia glomulifera* (Turpentine), *Angophora costata* (Sydney Red Gum), *Eucalyptus paniculata* (Grey Ironbark) and *Eucalyptus resinifera* (Red Mahogany).
  - 4 endemic trees located at the north east corner of the site to be retained and protected.

- Proposed planting shown along the south eastern boundary are located on the adjoining property (service station), and should be deleted
  - Proposed *Acmena smithii* 'Minor' along the north eastern boundary is to include plantings of *Elaeocarpus reticulatus* to the north of the stairwell
  - 5 *Eucalyptus saligna* (Sydney Blue Gum) are to be planted on the north western bank of the watercourse.
38. 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.
39. 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
<i>Angophora costata</i> (Sydney Red Gum) southern boundary, front setback, adjoining property	7 metres

40. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
41. On completion of the landscaped works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
42. 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

*Ageratina adenophora* (Crofton Weed)  
*Ipomoea indica* (Morning Glory)  
*Ligustrum lucidum* (Large-leaved Privet)  
*Ligustrum sinense* (Small-leaved Privet)  
*Lonicera japonica* (Honeysuckle)

43. 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.
44. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip

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

45. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.
46. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”.
47. The Applicant must obtain a Section 73 Compliance Certificate under the *Sydney Water Act 1994*. An application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
48. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage area, no doors or gates shall be provided in the access driveways to the basement car park which would prevent this service.
49. Stormwater runoff from all hard surfaces, or landscaped areas that are not at natural ground level, shall be piped to the watercourse within the site. A headwall and energy dissipater structure shall be constructed at the discharge point. Unless specified by plans approved with the Development Consent or other Conditions of this Consent, this structure is to be solidly constructed from mortared sandstone bushrock so that it has a low impact on local landscape and vegetation. It must not impede flows along the watercourse nor or lead to ongoing erosion of the watercourse.
50. To maintain capacity of the public drainage system, an on-site stormwater detention system must be provided in accordance with Council’s Stormwater Management Manual, and generally in accordance with the indicative concept plan 3528 by Mepstead & Associates. 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 Council prescribed storage and outflow volumes, 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. This is available from Council upon request.

NOTE 6: Earth mounding and/or timber log walls will not be accepted as a storage area perimeter wall. Any perimeter wall shall be constructed in either brick/masonry on a reinforced footing.

51. The vehicular crossing is to be 6 metres wide splaying out to 7 metres wide at the kerblin in Ryde Road.
52. All works/regulatory sign posting associated with the development is to be at no cost to Council or the Roads and Traffic Authority.
53. Any work which requires a permit under Part 3A of the Rivers and Foreshores Improvement Act 1948 ("Part 3A permit") is not to commence until such time as a Part 3A permit has been applied for, and subsequently issued by DIPNR. Any work the subject of a Part 3A permit must be carried out in accordance with drawings and any other documents required by these conditions, and which are approved by DIPNR, and which will accompany the Part 3A permit.
54. All works proposed must be designed, constructed and operated so that they result in NIL or minimal harm to aquatic and riparian environments and do not

cause erosion, sedimentation, or increase flood levels of protected waters. Works that result in net positive outcomes for aquatic and riparian environments are encouraged.

55. All activities at the Site are to be undertaken by persons suitably experienced in that aspect of the work they are doing, and such persons must be under the direction and supervision of a person with knowledge, qualifications and experience to industry standards in the relevant aspect of the operations being undertaken.
56. If, in the opinion of a DIPNR officer, any work is being carried out in such a manner that it may damage or detrimentally affect protected waters or protected land, or damage or interfere in any way with any work, such work shall cease immediately upon oral or written direction of such officer.
57. Should any of the conditions of the Part 3A permit not be complied with, DIPNR may issue a Stop Order on Part 3A permit related operations at the Site until the conditions have been complied with.
58. If requested by DIPNR, work as executed survey plans of a professional standard, and including information required by DIPNR, shall be forwarded to DIPNR within 14 calendar days of such request.
59. The Part 3A permit holder shall carry out any instructions given by DIPNR with a view to preventing damage to the environment of protected waters or protected land.
60. If any Part 3A permit condition is breached, the permit holder shall follow DIPNR directions to address the breach and shall rehabilitate the Site as directed by, and to the satisfaction of, DIPNR. If any breach of the permit conditions requires a special site inspection by DIPNR, then the permit holder shall pay a supplementary permit fee for this inspection and for each and every subsequent inspection until the breach has been rectified.
61. Any vegetation or other material removed from the area of operations shall be disposed of lawfully to an appropriate site where the debris cannot be swept into protected waters during a flood. Burning must not be carried out unless an approval has been obtained from the relevant authority(ies).
62. Detailed designs of any stormwater outlets and any necessary scour protection works within the riparian zone or any protected waters are to be prepared by a person with relevant knowledge, qualifications and experience to industry standards, and to the satisfaction of Council and DIPNR, and approved by DIPNR, **prior to the issue of the Part 3A Permit**. The designs must include one or more representative surveyed cross sections and a long section showing existing and proposed bed and bank profiles and water levels at the outlet point. The sections are to extend beyond the structure for a distance of 5m for the cross section, and for the long section, 5m beyond the landward extent of the riparian zone and 5m from the toe of the bank of the receiving protected waters. Any proposed stormwater outlets are to be designed in accordance with the DIPNR

guideline: *Stormwater Outlet Structures to Streams (For pipes, culverts, drains and spiliways - VersionJ)* (Attachment A).

63. Stormwater outlets must be designed, located and constructed to minimise any erosion or scour of riparian zones or the bed or banks of any protected waters. The construction methods adopted must ensure that disturbance to soil and vegetation in these areas is kept to an absolute minimum.
64. Construction of stormwater outlets is to be undertaken by persons suitably experienced in such work and they must be under the supervision of a person with relevant qualifications, knowledge and experience to industry standards in such work.
65. Points of constriction or any other places where scour is likely within or near any protected waters or any part of the riparian zones on the Site, are to be suitably protected against scour. Designs, based on predicted velocities and scour potential, are to be prepared by, and implemented under the supervision of, a person with relevant knowledge, qualifications and experience to industry standards, and to the satisfaction of Council and DIPNR, and approved by DIPNR.
66. All permanent rock scour protection must consist of hard and durable run-of-quarry rock, sized to resist predicted scour velocities. Rock must be angular and blocky rather than flat, to ensure a good “bind” and to resist negative hydraulic pressure. Rock is to be placed over a 200mm deep layer of 140mm median size angular cobbles over geotextile to prevent erosion of underlying fine bed sediments and to facilitate placement.
67. All finished rock rip-rap surfaces are to be rough, and evenly aligned with the adjoining bed, bank and floodplain profile and must not reduce the capacity of protected waters in any way.
68. All rock and cobbles installed for scour protection are to be packed with topsoil and the crevasses in the rip-rap planted with local native sedges and rushes, to further stabilise the works and to increase riparian zone values and functions.
69. Wire mesh structures and concrete grouting are not permitted for use with rip rap scour protection unless shown on plans approved by DIPNR.
70. All works within protected waters are to be monitored after each major storm event for the duration of any Part 3A permit issued by DIPNR. Stabilisation works consisting of soft- engineered designs are to be undertaken as required, after seeking advice and approval from DIPNR, if there are signs of erosion or instability of protected waters.
71. All works within protected waters must be consistent with the requirements of NSW Fisheries.

72. Riparian zones, consisting of local native plant species, shall be established and maintained along all edges of all protected waters, including beneath bridges, for their entirety within the Site.

The extent of the riparian zones, unless otherwise approved by DLPNR, shall be:

- a. Of an average width of 10m measured horizontally from the top of the bank and at right angles to the alignment of the bank.
73. Following the completion of bulk earthworks at the Site, a registered surveyor must undertake a “peg out survey”. The survey must clearly show on the ground the location and extent of the riparian zones described in these conditions. DIPNR must inspect and approve the “peg out survey” prior to the release of any cash bond or bank guarantee associated with the earthworks or structures at the Site.
74. Site rehabilitation must protect any remnant local native riparian vegetation at the Site and restore any riparian zones, including within protected waters, disturbed or otherwise affected by the development to a state that is reasonably representative of the natural ecotone of the protected waters system and as required in a Vegetation Management Plan (VMP).
75. The VMP is to be prepared by a person with professional qualifications, knowledge and experience in bushland rehabilitation practices and in the preparation of such plans, in consultation with, and with the approval of, DIPNR prior to the issue of the Part 3A Permit. The VMP is to be in accordance with, but not limited to, the guideline: “*How to Prepare a Vegetation Management Plan — Version 4*” (Attachment B).
76. The VMP is to fully address all issues relating to the protection, establishment and maintenance of the riparian zone. The VMP is to include drawings that clearly show the approved extent of the riparian zones. The VMP is to clearly state planting densities and the species mix for all areas to be rehabilitated.
77. The riparian zones are to consist of a diverse range of native plant species local to the area and fully structured (ie trees, shrubs and groundcovers). The plant species used are to consist of species and communities that emulate the original situation. Planting densities are to be as follows:
- a. At least 1 tree or 1 shrub (in approximately equal numbers) alternately planted at 1 plant per square metre and in addition, groundcover plants at 4 plants per square metre, unless otherwise specified in the VMP.
  - b. The riparian zones may be rehabilitated using a combination of methods, such as natural bush regeneration, brush matting, hydro-seeding, direct seeding or tubestock planting, provided the required densities are achieved by the end of the maintenance period. The methods and performance standards necessary to achieve the above are to be identified in the VMP.
  - c. Revegetation must be carried out over all areas in the riparian zone affected by the works, including all areas that are temporarily occupied by soil and water management controls, once those controls have been



decommissioned and the ground surfaces restored to the correct profile and stabilised.

78. Bush regeneration, for weed control and to promote natural regeneration, is to be undertaken for a minimum distance of 10 metres beyond any disturbed areas in the riparian zones. Revegetation, in accordance with the standards required by these conditions, is to be undertaken in this 10 metre wide area if it is significantly degraded or is likely to give rise to weed invasion due to lack of native vegetation cover before or after weed control.
79. The VMP is to be implemented by persons suitably experienced in such work and they must be under the supervision of a person with professional qualifications, knowledge and experience in bushland rehabilitation practices.
80. DIPNR is to be advised of the person responsible for any seed propagation prior to the commencement of propagation.
81. The person responsible for implementing the VMP must certify in writing to DIPNR that plantings (including follow-up plantings) have been carried out using stock propagated from seed or plant material collected only from native plants from the local botanical provenance. This certification is to be provided with the first 6 monthly monitoring report and with the next monitoring report thereafter for any supplementary plantings.
82. Rehabilitated riparian zones must be maintained and monitored for a period of at least two years after final planting. Maintenance must include sediment and erosion control, watering, weed control, replacement of plant losses, disease and insect control, mulching and any other requirements necessary for achieving successful vegetation establishment.
83. A brief and concise report addressing the performance criteria as specified in the VMP and any problems implementing the VMP, as well as means to overcome these, shall be forwarded to DIPNR every six months for the duration of the maintenance period. The report must also comment on the stability and condition of any associated stream works.
84. No exotic plant species, other than temporary sterile cover crops, are to be planted within, or within 10 metres of, the riparian zones on the Site, unless otherwise approved by DIPNR.
85. Only certified weed free and contaminant free mulch is to be used on the Site. This is because mulch products imported onto the Site may contain weed seeds and viable vegetative matter and other contaminants, which could impact adversely on the vegetation, soil, water quality or ecology of the Site.
86. Works and activities at the Site must not compromise the implementation of the VMP in any way.
87. Riparian zones are to function as ecological systems and as such, all works, access routes, roads, recreational areas, service easements and any other non-

ecologically functioning work or activity are to be located beyond riparian zones, unless detailed on plans approved by DIPNR, prior to the issue of a Part 3A permit.

88. All accessways, being cycleways, pedestrian pathways or other non-vehicular form of accessway that may be proposed for the Site, are to be located preferably beyond the riparian zones. Any accessways that may be required to intrude into a riparian zone must be elevated with a minimum underside clearance of 300mm and with a natural ground surface beneath, and must have a grated or slatted deck sufficient to allow the growth of groundcover vegetation beneath the structure. The width of any accessway is to be kept to an absolute minimum should it intrude into a riparian zone.
89. Any accessway proposed to be located within any riparian zone or protected waters is not to be constructed without consultation with, and prior approval of, DIPNR.
90. Any requirements for bushfire asset protection zones are not to compromise in any way the extent, form or function of the riparian zones.
91. The development is to satisfy all requirements of Council in relation to flooding issues, but in so doing, must not compromise in any way the form and function of the works and riparian zones required by these conditions.
92. The development is to satisfy all requirements of Council in relation to drainage issues, but in so doing, must not compromise in any way the form and function of the works and riparian zones required by these conditions.
93. Wherever possible, riparian zone soils should be those naturally occurring at the Site. In the event that importation of soil material into the riparian zone is unavoidable, such soil is to be weed free and similar to that which occurs naturally in local riparian areas. Any soil selected for importation must be suitable for the establishment and on-going viability of riparian vegetation. Such soil must be tested and certified by a NATA registered soils laboratory to be:
  - i) similar to the naturally occurring local soil,
  - ii) suitable for the establishment and on-going viability of riparian vegetation,
  - iii) free of any weed propagules, and, iv) free of any contaminants.

Documentation arising from this testing and certification must be provided to DIPNR prior to the placement of any soil.

94. Any fill material placed in a riparian zone that is inconsistent with the requirements of the previous condition must be removed and relocated beyond the riparian zone or taken off-Site and disposed of in a lawful manner.
95. The structure of the soils in the riparian zones must be suitable for the vegetative rehabilitation of the Site and are therefore not to be proof rolled or subjected to other unsuitable compaction unless otherwise approved by DIPNR.

96. The Applicant must ensure that the amount of dirty water and sediment from the Site that enters protected waters or that is exposed to the flow of protected waters, or that is likely to detrimentally affect water quality, riparian vegetation or habitat or the environment, is minimised in a manner acceptable to DIPNR.
97. The Applicant must submit a Soil and Water Management Plan (SWMP) indicating how the works at the Site will achieve the outcome required in the previous condition. The SWMP must be prepared by a person, with professional qualifications, knowledge and experience to industry standards, and to the satisfaction of Council and DIPNR, and approved by DIPNR, prior **to the** issue of the Part 3A permit. The SWMP must cover all works on protected land and in protected waters, and staging and maintenance requirements. The SWMP must meet the requirements outlined in the NSW Department of Housing's publication *Managing Urban Stormwater: Soils and Construction* (3rd Ed.)(1998). The SWMP is also to meet any EPA licence requirements.
98. All works and activities at the Site are to satisfy all requirements of Council in relation to water pollution issues. Oils and greases, or any other contaminants, must not be permitted to pass to protected waters.
99. All relevant Site drainage and sediment and erosion control works and measures, and any other pollution controls, as required by these conditions, shall be implemented prior to commencement of any other works at the Site.
100. All erosion and sediment control measures at the Site are to be inspected and maintained as required on a weekly basis and immediately following any rainfall events to ensure the efficient operation of these devices. This obligation remains until the Site has been fully stabilised.
101. Decommissioning of all sediment and erosion controls and any water diversion structures must be documented in detail to the satisfaction of DIPNR. Decommissioning must meet the requirements outlined in the NSW Department of Housing's publication *Managing Urban Stormwater: Soils and Construction* (3rd Ed.)(1998). The timeframes for decommissioning are to be cross-referenced to the implementation of any riparian zone plantings. Decommissioning of sediment and erosion controls is not to detrimentally affect the implementation of the VMP.
102. A costing based on current industry rates is to be provided for all works and activities that are associated with the DA and that are subject to these conditions. The costing is to identify each type of work or activity and is to present the costing in a break-down format that covers each aspect of that work or activity. Costings are to cover labour, equipment and materials and maintenance and reporting where these tasks are relevant. The costing is to cover, but may not be limited to, the following works and activities:
  - a) construction of any stormwater outlets and their revegetation as described in the VMP
  - b) construction of any scour protection works and their revegetation as described in the VMP

- c) implementation of the VMP, including monitoring, reporting and maintenance for a period of not less than two years after the date of final planting
  - d) construction of any accessways in any riparian zones
  - e) decommissioning of any temporary works in any protected waters or any riparian zone, including sediment and erosion controls, or other pollution controls, and water diversion structures.
103. The applicant for a Part 3A permit will be required, as a pre-condition to the granting of the Part 3A permit, to provide a cash bond or bank guarantee, prior to the issue of any Part 3A permit, for the amount required to cover the cost of completing the works and activities listed in the previous condition and in accordance with the conditions of the Part 3A permit.
104. Any bank guarantee is to be provided from a bank licensed pursuant to the Banking Act 1959 (Cth) and is to be provided in favour of DIPNR and it must be in the format provided in Attachment C.
105. Any cash or bank guarantee will be held until such time as the works and activities the subject of the cash bond or bank guarantee have been satisfactorily completed in accordance with the conditions of the Part 3A permit.
106. The sum held may be reduced on application to DIPNR, subject to the satisfactory completion of stages of works or activities required by the Part 3A permit.
107. DIPNR may at any time, and more than once and without notice to the Part 3A permit holder, utilise any cash provided or demand all or part of the moneys available under a bank guarantee, if in its opinion, the Part 3A permit holder has failed at any time to satisfactorily complete the works or activities in accordance with the requirements of the Part 3A permit.
108. In the event that there is any inconsistency between the drawings, other documentation and the conditions herein, the interpretation that will result in the best outcome for the stabilisation of the Site and the subsequent rehabilitation and maintenance of the Site and protected land and protected waters is to prevail. Such interpretation is to be applied in consultation with, and with the approval of, DIPNR.
109. Any Part 3A permit issued for works proposed under the DA, and as required by these conditions, must be kept current by payment of the appropriate fee until such time as the Site has been fully stabilised and rehabilitated, and any required maintenance satisfactorily completed and reported on, in accordance with these conditions. Any application for renewal is to be lodged at least 1 month prior to the expiry date of the Part 3A permit.
110. The design and construction of the gutter crossing in Ryde Road is to be in accordance with RTA requirements. A detail of this requirement is to be obtained from RTA's Project Services Manager, Traffic Projects Section on Phone: (02) 8814 2331 for "Works Instruction".

111. If not in place full time “No Stopping” parking restriction is to be implemented along the Ryde Road frontage of the subject property.

Prior to installation of “No Stopping” parking restriction the applicant is to contact the RTA’s Traffic Management Services on 8814 2331 for a “Work Instructions”.

112. It is noted that the vehicular access to the subject site off Ryde Road shall be restricted to left in and left out only.
113. All works including regulatory sign posting associated with the development shall be at no cost to the RTA.
114. Any redundant driveway along Ryde Road is to be removed and replaced with kerb and gutter (Type SA) to match existing.
115. Layout of the basement car Park including ramp grades, aisle widths, turning path, sight distances and parking bay dimensions should be in accordance with AS 2890.1-1993.
116. Suitable provision should be made on site for all construction vehicles to alleviate any need to park on the Ryde Road.
117. All vehicles should be able to enter and exit the subject site in a forward direction.
118. Stormwater run-off from the subject site onto Ryde Road, as a result of the proposed development is not to exceed the existing level of run-off from the subject site.
119. The building is to be designed to comply with AS2890 – Design for Access and Mobility in order to facilitate access for the disabled.
120. The reflectivity index of any external glass used in the design of the building shall not exceed 20%

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

121. 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.

122. 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.

123. 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.
124. The payment to Council of a contribution for Child Care Facilities in accordance with the provisions of Section 94 of the Environmental Planning and Assessment Act 1979 and Ku-ring-gai Municipal Council's Section 94 Contributions Plan No 1. Such contribution is calculated as \$48,645.00 and is to be paid prior to the issue of a Construction Certificate. 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. The levy is based on:
- \$23.50 per additional square metre of commercial/office floorspace.
125. 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.

126. A plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works.
127. The property shall support a minimum number of 15 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.
128. A CASH BOND/BANK GUARANTEE of \$3,000.00 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.

129. A CASH BOND/BANK GUARANTEE of \$2,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

*Angophora costata* (Sydney Red Gum)

Southern boundary, front setback, adjoining property

*Angophora costata* (Sydney Red Gum)

North east corner of site, good condition, 400DBH

130. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document “Managing Urban Stormwater – Soils and Construction” (1998). A suitably qualified and experienced civil/environmental engineer or surveyor shall prepare this plan in accordance with the above guidelines and section 8.2.1 of Councils Water Management DCP 47 (available on the Council website).
131. 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 prior to issue of the Construction Certificate.
132. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council’s Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.  
  

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

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.
133. Prior to issue of the Construction Certificate, submission of details and certification by a qualified civil/traffic engineer, for approval by the Principal Certifying Authority (PCA), that the parking provisions comply with the following standards:
  - a. Australian Standard 2890.1 – 2004 “Off-street car parking” and



- b. The 2.5 metres headroom requirement under DCP40 for waste collection trucks.
  - c. No doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection from the basement garbage storage area.
134. Prior to issue of the Construction Certificate footpath and driveway levels for the new vehicular crossing between the property boundary and road alignment must be obtained from Council. The footpath crossing is to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings". These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

The design and construction of the layback is to be in accordance with RTA requirements. A detail of this requirement is to be obtained from the Roads and Traffic Authority's Project Services Manager, Traffic Projects Section on (02) 8814 2331 for a "Works Instruction". A copy of this detail should be submitted to Council with the driveway levels application.

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

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

135. Details of the proposed pylon sign are to be submitted to Council for approval prior to the release of the Construction Certificate. The details required include colours, font and wording.
136. A waste management plan is to be submitted to and approved by the Council prior to the release of the Construction Certificate.

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

137. 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.
138. 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 retaining wall/driveway shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location

Radius From Trunk

*Angophora costata* (Sydney Red Gum)

southern boundary, front setback, adjoining property 7 metres

139. 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.
140. 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.
141. Prior to the commencement of any works on site and prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a Geotechnical/Civil Engineering report which addresses (but is not limited to) the following:
- The type and extent of substrata formations by the provision of a minimum of four (4) representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
  - The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
  - The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property, structures and road reserve if nearby (full support to be provided within the subject site).
  - The existing groundwater levels in relation to the basement structure, where influenced.
  - The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater.

Where it is considered there is the potential for the development to create a “dam” for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flowpath is constructed, artificial drains such as perimeter drains and through drainage may be utilised.

- f. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate.

NOTE: The design principles for the geotechnical report are as follows:

- No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- No changes to the ground water level are to occur as a result of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- No changes to the ground water level are to occur during the construction of the development that are sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these Design Principles.
- An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table C1 of AS 2870 – 1996.

142. Prior to the commencement of any works on site and prior to issue of the Construction Certificate the applicant must submit, for review by Council Engineers, a Traffic Control Plan. The plan must be prepared by a qualified civil/traffic engineer 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)”. The following matters must be addressed:

### **Heavy vehicle routes**

- a. Safe points of vehicular access to the construction site and 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 controlled on those occasions 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 or 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 the site is located on an arterial road.

### **Stages**

- a. The Traffic Control 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 reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained 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 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.

143. A full time “No Stopping” parking restriction is to be implemented along the Ryde Road frontage of the subject property. Prior to installation of the “No Stopping” parking restriction the applicant is to contact the Roads and Traffic Authority’s Traffic Management Services on (02) 8814 2331 for a “Works Instruction”.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

144. 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.
145. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to Council confirming floor/ceiling levels and boundary setbacks prior to occupation.
146. Without further written consent of Council, the development is to comply with the following indices:
- a. Maximum Floor Space area (2070m<sup>2</sup>)

A Surveyor’s Certificate is to be submitted to the Principal Certifying Authority confirming compliance with the above indices prior to occupation.

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

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.

148. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following must be provided to Council (attention Development Engineer):

- a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
- b. A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
- c. The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

149. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, an easement for waste collection must 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.

150. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).

151. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built on-site detention are to be submitted to the Principal Certifying Authority (PCA) for approval. Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The certificate is to specifically acknowledge compliance of the on-site detention system with the approved Construction Certificate plans and also compliance with the design requirements of appendix 5 in Councils Water Management DCP 47 - "Design of on-site detention systems". The Works-as-Executed details shall be marked in red on the approved Construction Certificate design for the on-site detention system, and shall specifically include:

- As constructed levels in comparison to design levels
- As built location of all detention devices on the property (plan view) and distances to nearest adjacent boundaries, buildings and easements
- As built locations of all pits and grates in the detention system, including dimensions.
- The size of the orifice or pipe control fitted.

- Dimensions of the discharge control pit and access grates
- The achieved capacity of the detention storage and derivative calculation.
- The maximum depth of storage over the outlet control.
- Top water levels of storage areas and RL's at overflow point(s)

152. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:

- a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
- b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500,.3.2, and
- c. 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 (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:

- a. As built reduced surface and invert levels for all drainage pits and connection points.
- b. As built reduced level(s) at the approved point of discharge to the public drainage system.
- c. Gradients of drainage lines, materials and dimensions.

153. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following works must be completed:

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

Any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must

be fully repaired to the satisfaction of Council and RTA. This shall be at no cost to Council or the RTA.

154. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit to the Principal Certifying Authority (PCA) certification from a suitably qualified and experienced traffic/civil engineer, that:
- a. The as-constructed carpark complies with the approved Construction Certificate plans, and
  - b. The vehicular headroom requirements of:
    - Australian Standard 2890.1 - "Off-street car parking", and
    - 2.44m height clearance for waste collection trucks (DCP 40) are met from the public street into and within the applicable areas of the basement carpark, and
  - c. The gradients of the constructed access driveway from the public street to the basement carpark are in accordance with AS2890.1 and will not result in the scraping of the underside of cars.
  - d. No doors or gates have been provided in the access driveways to the basement carpark, which would prevent unrestricted access for internal garbage collection from the basement garbage storage area.

#### BUILDING CONDITIONS

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

155. 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.
156. 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 Development & Regulation, 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.

157. Noise levels from plant used within the building and the plant room are not to exceed environmental noise levels prescribed by the Environmental Protection Authority.

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

*Against the Resolution:   Councillors Andrew and Malicki*

630      **48 Fairlawn Avenue, Turramurra - Connection to Council Drainage Easement**

File: DA0924/02

To consider a request by owners of 48 Fairlawn Avenue, Turramurra, to alter the terms of the Council drainage easement over downstream properties to permit discharge into a Council pipeline.

**Resolved:**

(Moved: Councillors Ebbeck/Cross)

- A. That Council grants approval to alter the terms of the Council Easement (LD1510 and LD 1812) burdening No 1 Karloo Street, 52 and 52A Fairlawn Avenue, 59A, 59B, 61 and 67 The Chase Road, Turramurra.
- B. That Council grants approval for the creation of new easement known as "Easement to Drain Water" in favour of Council within No 63 and 65 The Chase Road, Turramurra.
- C. That authority be given to affix the Common seal of the Council to the appropriate instrument for release and creation of the easements.

- D. That altering the terms of the Easements to Drain Water be carried out by the Applicant's Solicitors including payment of Council's legal costs and disbursement for the checking of associated documentation.

**CARRIED UNANIMOUSLY**

*Standing Orders were suspended to deal with the Business Paper items where there are speakers but deal with the Notice of Rescission first after a Motion moved by Councillors Hall and Ebbeck was CARRIED*

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

*Against the Motion: Councillors Bennett, Innes, Malicki and Shelley*

**The Mayor, Councillor Ryan and Councillor Lane declared a pecuniary interest under Section 451 of the Local Government Act 1993 in respect of the following item – Notice of Rescission – 657 to 661 Pacific Highway, Killara – DLEP 202 and withdrew from the Chamber taking no part in discussion and voting on the item**

**The Deputy Mayor, Councillor Ebbeck assumed the Chair**

631 **657 - 661 Pacific Highway, Killara - Draft LEP 202**

File: S02029

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

**J Thiessen  
G Smith  
T Smith**

**Notice of Rescission from Councillors T Hall, A Andrew & N Ebbeck dated 23 November 2004.**

We, the undersigned, move that the decision not to proceed with the rezoning of 657 to 661 Pacific Highway, Killara is hereby rescinded and the Officer's recommendation to adopt Draft LEP 202 be approved.

**Resolved:**

(Moved: Councillors Hall/Andrew)

- A. That the decision not to proceed with the rezoning of 657 to 661 Pacific Highway, Killara is hereby rescinded.

*For the Resolution: Deputy Mayor, Councillor Ebbeck, Councillors Andrew, Cross and Hall*

*Against the Resolution: Councillors Bennett, Innes, Malicki and Shelley*

*The voting being EQUAL, the Deputy Mayor exercised his Casting Vote  
IN FAVOUR of the Motion*

(Moved: Councillors Cross/Innes)

- B. 1. That Council adopt Draft Local Environmental Plan No 202 with the following amendment:

Add to clause 4 of the LEP

“(4) future development must provide an additional 25% of landscaped area with a minimum soil depth of 2m”.

2. That Council forward Ku-ring-gai Draft Local Environmental Plan No 202 as adopted, the Council report and details of submissions to the Department of Infrastructure, Planning and Natural Resources in accordance with Section 69 of the Environmental Planning and Assessment Act 1979 together with its submissions.
3. That all parties making submissions and those owners whose lands were the subject of proposed zoning change under the exhibited Draft LEP 202 be advised to Council’s decision.
4. That relevant DCP controls for the site be prepared for incorporation into Draft DCP No 55 – Multi-Unit Housing Pacific Highway/Railway Corridor and St Ives Centre.

*For the Resolution: Deputy Mayor, Councillor Ebbeck, Councillors Andrew, Cross and Hall*

*Against the Resolution: Councillors Bennett, Innes, Malicki and Shelley*

*The voting being EQUAL, the Deputy Mayor exercised his Casting Vote  
IN FAVOUR of the Motion*

*The above Resolution (Part B) was CARRIED as an Amendment to the Original Motion. The Original Motion was:*

(Moved: Councillors Hall/Andrew)

- A. *That Council adopt Draft Local Environmental Plan No 202 as exhibited.*
- B. *That Council forward Ku-ring-gai Draft Local Environmental Plan No 202 as adopted, the Council report and details of submissions to the Department of Infrastructure, Planning and Natural Resources in accordance with Section 69 of the Environmental Planning and Assessment Act 1979 together with its submissions.*
- C. *That all parties making submissions and those owners whose lands were the subject of proposed zoning change under the exhibited Draft LEP 202 be advised to Council's decision.*
- D. *That relevant DCP controls for the site be prepared for incorporation into Draft DCP No 55 – Multi-Unit Housing Pacific Highway/Railway Corridor and St Ives Centre.*

**Council adjourned for a short interval at 9.20pm  
after a Motion moved by Councillors Shelley and Cross  
was CARRIED and the Acting Chairperson ruled accordingly.  
The Meeting resumed at 9.30pm**

**The Mayor, Councillor Ryan resumed the Chair  
and Councillor Lane returned following the adjournment**

Those present were:

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

632      **1 Berrillee Street, Turramurra - Supplementary Report**

File: 0535/04

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

**D Farrugia  
J Willmore**

To address matters raised at the site inspection of 30 October 2004 and for Council to determine a development application for a detached double carport, front fence and additions and alterations to an existing dwelling.

**Resolved:**

(Moved: Councillors Cross/Ebbeck)

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

THAT Council, as the consent authority, grant development consent to Development Application No. 0535/04 for a detached dual carport and additions and alterations to an existing dwelling on land at 1 Berrillee Street, Turramurra, for a period of two (2) years from the date of the notice of determination, subject to the following conditions:

**GENERAL CONDITIONS**

1. The development must be carried out in accordance with plans referenced Drawing No. DA1 A to DA5 A, dated November 2004, drawn by Jo Willmore Designs, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
5. 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.
6. 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.
7. **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.

8. 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.
9. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
10. 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.
11. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
12. 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.
13. 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.

14. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.
15. 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.
16. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.

17. 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.
18. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
19. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
20. A mandatory on-site stormwater retention and re-use system must be provided in accordance with Council's requirements described in chapter 6 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
21. For stormwater control all paved areas are to be drained to the main drainage system. This may require the installation of suitable cut-off structures and/or barriers that direct runoff to the formal drainage system.
22. Where required, the adjustment of any utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the Applicants responsibility to ascertain impacts of the proposal upon utility services and Council accepts no responsibility for any matter arising from its approval to this application involving an influence upon utility services provided by another authority.
23. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition at all times during the course of the development works. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to the public access ways fronting the construction site. Where public infrastructure is damaged, repair works must be carried out when and as directed by Council officers. Where circulation is diverted on to the roadway, clear directional signage and protective barricades must be installed in accordance with AS1742-3 1996 "*Traffic Control Devices for Work on Roads*". If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
24. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis

and after each major storm, and/or as directed by the Principal Certifying Authority and Council officers.

25. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard 2890.1 – 2004 “Off-Street car parking”.
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.

27. 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.
28. 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.
29. 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.
30. The following tree species shall be planted, at no cost to Council, in the nature strip fronting the property along Berrillee Street. The tree/s used shall be 25 litre container size specimen/s:

Tree Species

*Franklinia axillaris* (Gordonia)

31. 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.
32. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.



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

33. The front fence shall be setback 600mm from the front (southern) boundary. The setback is to be planted with low level landscaping capable of attaining a minimum height of 500mm. Details are to be provided to the accredited certifier prior to issue of the construction certificate.
34. 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 or the PCA prior to the commencement of work.
35. A plan detailing screen planting of the LOCATION/STRUCTURE shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of HEIGHT (NUMBER ONLY) metres.

To carport	along eastern boundary	2.5m
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36. To preserve neighbour amenity, the carport should be setback minimum 600mm from eastern boundary to allow sufficient area for screen planting. Amended plan to be submitted to Certifying Authority for approval prior to release of Construction Certificate.
37. The property shall support a minimum number of 5 trees that will attain 13.0 metres in height on the site, to preserve the tree canopy of Ku-ring-gai, in accordance with Council's policy of Tree Retention/Replenishment on Residential Allotments adopted 26 April 1988. The existing tree/s, and additional tree/s to be planted, shall be shown on the Landscape Plan/Site Plan. The plan shall be submitted to Council prior to release of Construction Certificate and approved by Council's Landscape Development Officer, prior to commence of work.
38. The 4 trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
39. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the Roads Act 1993. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

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

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

40. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details and specifications for provision of the mandatory rainwater tank(s) within the subject property. To allow the rainwater tank(s) to work effectively, the tank(s) shall be designed to capture and retain runoff based on the ensuing table, after which runoff shall revert to the main drainage system.

Volume of Rainwater Tank	Minimum Roof Area Required
2000L	50 sqm
3000L	60 sqm
5000L	100 sqm

Note: Linear interpolation should be used for any tank volumes not mentioned above.

Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 (appendix 6), available in hard copy at Council and on the Council website.

41. Prior to issue of the Construction Certificate the Applicant shall submit, for approval by the Principal Certifying Authority (PCA), a plan of the new drainage system components required for the approved development. The plan shall be prepared by a qualified civil/hydraulic engineer or licensed plumber. The new components of the property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence). Any new connection points to the public drainage system (eg kerb, table drains, pits, pipes) must be shown accurately on the plan.

42. Prior to issue of the Construction Certificate, the Applicant shall submit for the approval of the appointed Principal Certifying Authority, details which demonstrate the following:
- The driveway width to be increased to a minimum 3.0m (currently 2.8m). This condition is imposed to ensure compliance with AS/NZS 2890.1 (2004) - "Off-street car parking".
43. 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.
44. 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).
45. 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.

46. 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.

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

47. 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.
48. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

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

49. Prior to issue of the Final Compliance Certificate, the following works must be completed:

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

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

50. Prior to issue of the Final Compliance Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the as-built retention and re-use system, are to be submitted to the Principal Certifying Authority (PCA) for approval. Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. Construction of the retention and re-use system is to be supervised by the designing engineer, or similar.

- The Certificate is to be with respect to compliance with:
- Compatibility of the system with the approved Construction Certificate plans.
- All garden tap water usage for the approved dwelling being sourced from the stormwater retention tank(s).
- Provision of a readily maintainable “first flush” system to collect sediment/debris before entering the tank(s).
- Any pumping equipment is readily accessible for maintenance and cleaning purposes.
- The soundness of supporting and retention structures.
- The adequacy of any pumping mechanism to achieve delivery rates as required.
- The capacity of the retention storage as approved.
- Provision of leaf gutter guards to all delivery roof gutters.
- Compliance with AS 3500.2 & AS3500.3:1998.
- An air gap being provided at the top of the tank(s).
- Sediment sump of 150mm minimum being provided at the base of the tank(s).
- All recycled stormwater outlet points having permanently affixed plaques in readily observable locations which read “Recycled Stormwater – Not For Drinking” or equivalent.
- Installation of measures to prevent mosquito breeding.
- An overflow system from the stormwater retention tank to the approved point of stormwater disposal.

- Compliance with relevant sections of the latest “Plumbing and Drainage Code of Practice” issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.

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

- Pump details, where installed
  - dimensions of basin(s), tank(s), pit(s), grates
  - location(s) of basin(s), tank(s) and distances to adjacent buildings, boundaries, and easements
  - storage volume(s) provided and supporting calculations
51. Prior to issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit certification from a consulting engineer or the installing plumbing contractor to the Principal Certifying Authority (PCA), that:
- a. The components of the new drainage system have been installed in accordance with the Plumbing and Drainage code AS3500.3.2 and by a licensed plumbing contractor, and
  - b. The stormwater drainage works have been carried out in accordance with the approved Construction Certificate drainage plan and Councils Water Management DCP 47.

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

52. 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.

#### BUILDING CONDITIONS

53. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
54. 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.

55. 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).
56. A fully detailed first floor joist layout (in duplicate) complying with the National Timber Framing Code or accompanied by a structural engineer's Certificate of Adequacy shall be submitted to and approved by the Principal Certifying Authority.
57. 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.
58. 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.

59. 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.

60. 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.

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



- b. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.

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

*Against the Resolution: Councillors Bennett and Malicki*

633 **Council Adoption of Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 - Pacific Highway / Railway Corridor and St Ives Centre**

File: S03730

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

**S Young  
S Sheinagel  
T Martire  
C Berlioz**

To report to Council on the public exhibition and consultation of Draft Ku-ring-gai Multi-Unit Housing Development Control Plan (DCP) No 55 - Pacific Highway / Railway Corridor and St Ives Centre and to present a final amended DCP to Council for consideration for adoption.

**Resolved:**

(Moved: Councillors Bennett/Cross)

- A. That Council adopt “Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 – Pacific Highway / Railway Corridor and St Ives Centre” as included in “**Attachment A**” to this report with the following amendments:

Definitions

Add new definition “street width – the distance between the face of kerb to face of kerb where kerb and gutter exists or the distance between the centre line of the table drains where kerb and gutter do not exist”.

Section 4.3

Add new O-1 “Buildings set behind gardens dominated by canopy trees which screen the buildings, soften the urban form and maintain the garden character of Ku-ring-gai”.

Re-order subsequent objectives in section 4.3 accordingly.

C-2 delete “the existing dominant street setback is greater than that stated in C-1 and”

C-3 delete “includes”, insert instead “applies to all elements of the development including”.

Add new C-6 “the building alignment shall be parallel to the property alignment” and an explanatory diagram.

Re-order subsequent controls accordingly.

C-6 add “or 11m where the setback is 13-15m”.

#### Section 7.3.1

Third dot point delete “with a new major entry to the village green”.

#### Section 4.1

C-7 Permeable paving to meet relevant access standards.

#### Section 4.3

C-1(c) change to “Street boundary setbacks where street width is less than 12m may be reduced, but no less than 6m.”

- B. That the Development Control Plan take effect upon notice of its adoption by Council appearing in the local newspaper.
- C. That those people who made a submission on the Draft DCP be advised of Council’s decision.
- D. That a comprehensive review of the implementation of the DCP be conducted after 6 months.
- E. That traffic access to the Memorial, Link and Mona Vale triangle be reviewed in March 2005 to assess the feasibility of an access point adjacent to Stanley Street. A report to come to Council on the feasibility of this option taking into account patterns of land ownership at that time and legal advice on the options available to Council for acquisition of land under the Roads Act.

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

*Against the Resolution:   Councillor Hall*

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

*(Moved: Councillors Hall/Ebbeck)*

- A. *That Council adopt “Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 – Pacific Highway / Railway Corridor and St Ives Centre” as included in “Attachment A” to this report, with the deletion of*

*the references to FSR including control and definition in the draft DCP and with the following amendments:*

*Definitions*

*Add new definition “street width – the distance between the face of kerb to face of kerb where kerb and gutter exists or the distance between the centre line of the table drains where kerb and gutter do not exist”.*

*Section 4.3*

*Add new O-1 “Buildings set behind gardens dominated by canopy trees which screen the buildings, soften the urban form and maintain the garden character of Ku-ring-gai”.*

*Re-order subsequent objectives in section 4.3 accordingly.*

*C-2 delete “the existing dominant street setback is greater than that stated in C-1 and”*

*C-3 delete “includes”, insert instead “applies to all elements of the development including”.*

*Add new C-6 “the building alignment shall be parallel to the property alignment” and an explanatory diagram.*

*Re-order subsequent controls accordingly.*

*C-6 add “or 11m where the setback is 13-15m”.*

*Section 7.3.1*

*Third dot point delete “with a new major entry to the village green”.*

*Section 4.1*

*C-7 Permeable paving to meet relevant access standards.*

*Section 4.3*

*C-1(c) change to “Street boundary setbacks where street width is less than 12m may be reduced, but no less than 6m.”*

- B. That the Development Control Plan take effect upon notice of its adoption by Council appearing in the local newspaper.*
- C. That those people who made a submission on the Draft DCP be advised of Council’s decision.*
- D. That a comprehensive review of the implementation of the DCP be conducted after 6 months.*

634 **Draft Masterplan for Carlotta Avenue Depot Site**

File: S02054

To present to Council a Draft Masterplan for the redevelopment of the Carlotta Avenue Depot site for residential purposes.

**Resolved:**

(Moved: Councillors Shelley/Innes)

- A. That Council endorse for exhibition purposes only, the draft Ku-ring-gai Council Depot Site Masterplan as a draft amendment to Ku-ring-gai Multi-Unit Housing Development Control Plan No 55 – Pacific Highway / Railway Corridor and St Ives Centre.
- B. That the draft Masterplan be publicly exhibited in accordance with Clause 18 of the Environmental Planning and Assessment Act Regulation 2000.
- C. That the draft Masterplan be placed on public exhibition at the Council Chambers and Council's web site from January until mid February 2005.
- D. That the traffic management report and proposed solutions be placed on public exhibition with the draft Masterplan for public comment.

**CARRIED UNANIMOUSLY**

635 **Draft Local Environmental Plan No 201 - Consideration of Submissions**

File: S02846

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

**C Young  
B Waldron**

**Councillor Bennett returned during address**

To consider the submissions made in respect of the exhibition of Draft Local Environmental Plan No 201 (DLEP 201) and for Council to resolve the manner in which to finalise the Draft Plan.

**Resolved:**

(Moved: Councillors Malicki/Andrew)

- A. That Council adopt Draft Local Environmental Plan No 201 as exhibited with the omission of Lots 21 and 22 DP538546 and the affected parts of 34 Chisholm Street and 6 Paroo Place, South Turramurra from the Plan and the unzoned blocks bounded by Kerela Avenue, Muttama Street and The Broadway, Wahroonga.
- B. That the Draft Local Environmental Plan No 201 as adopted, the Council Planning report and details of submissions be forwarded to the Department of Infrastructure Planning & Natural Resources in accordance with Section 68(4) of the Environmental Planning & Assessment Act 1979.
- C. That Council request the gazettal of Draft Local Environmental Plan No 201 as adopted (subject only to minor drafting amendments as may be necessary by Parliamentary Counsel which do not affect intent).
- D. That all parties who made submissions and those whose lands are the subject of proposed zoning change under the exhibited Draft Local Environmental Plan No 201 be advised of Council's resolution.
- E. That a report be brought back to Council in respect of Lots 21 and 22 DP538546, 34 Chisholm Street and 6 Paroo Close, South Turramurra for Council's consideration as to their appropriate future zoning.
- F. That at the first Planning Meeting of 2005, Councillors be briefed an options for a possible Memorandum of Understanding with the Department of Infrastructure Planning and Natural Resources in the terms as generally set out in the Department's letter of 15 November 2004 to Council and the General Manager bring a report on options. Options for the Kerela/Muttama/The Broadway should be discussed at the same meeting.
- G. That Council enter into discussions on a possible Memorandum of Understanding with the Department of Infrastructure Planning and Natural Resources in the terms as generally set out in the Department's letter of 15 November 2004 to Council and the General Manager bring a report on options.

**CARRIED UNANIMOUSLY**

636

### **Community Consultation**

File: S02090

To report to Council on the options for conducting community surveys.

### **Resolved:**

(Moved: Councillors Innes/Shelley)

- A. That Council establish a Residents' Feedback Register, with the assistance of consultants with appropriate qualifications, as an ongoing consultative forum.
- B. That \$10,000 for the establishment of the register be allocated from Council's Working Funds.
- C. That in accordance with the Council Resolution of 9 November 2004, a Community Consultative Forum be held in February 2005, to discuss public participation and consultative processes.
- D. That Council notes its general policy on community consultation does apply to consultation and notification as required by the Environmental Assessment Act and that this will be addressed through a separate Development Control Plan.
- E. That Council's current consultative processes be continued where appropriate.
- F. That a report be brought back to Policy Committee outlining how Council will work with the Reference Group with current consultative processes and the results of the Community Consultative Forum.

**CARRIED UNANIMOUSLY**

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

*(Moved: Councillors Malicki/Bennett)*

- A. *That in accordance with the Council Resolution of 9 November 2004, a Community Consultative Forum be held in February 2005, to discuss public participation and consultative processes.*
- B. *That Council defer until after the Community Consultative Forum in February, and that a report be brought back to Council incorporating suggestions from this forum on the Residents Feedback Register as well as issues the subject of the November 9 Resolution.*
- C. *That Council notes its general policy on community consultation does apply to consultation and notification as required by the Environmental Assessment Act and that this will be addressed through a separate Development Control Plan.*

637 **10 Year Financial Model**

File: S03096

To present to Council the 10 Year Financial Model 2005 to 2014 incorporating financial planning, capital works funding, debt reduction and depreciation funding strategies.

**Resolved:**

(Moved: Councillors Shelley/Ebbeck)

That Council's 2005/2006 budget incorporate the following:

- A. Reductions in debt servicing costs are restricted to Works of Direct Community Benefit. This amounts to \$2,176,600.
- B. Interest earned on Council's depreciation reserves is restricted back to those reserves. This amounts to \$669,500.
- C. 0.5% of general rate revenue is maintained in Council's contingency reserve to fund unforeseen or emergency expenditure requirements. Minimum balance required is \$182,800.
- D. 15% of Council's depreciation liability to be transferred to depreciation reserves and allocated as follows:

▪ Buildings reserve	\$160,000
▪ Road reserve	\$160,000
▪ Footpath reserve	\$200,000
▪ Drainage reserve	\$200,000
▪ Additional projects/transfers to be determined	\$410,000
<b>Total</b>	<b>\$1,130,000</b>

- E. Net debt repayments of \$138,500.

- F. Indicative capital works program to include:

Road rehabilitation	\$4,328,600
Footpath works	\$378,200
Drainage works	\$304,400
Traffic facilities	\$147,100
Business centre improvements	\$185,000
Plant & fleet replacement	\$1,050,000
Planning projects (RDS Stage 2)	\$599,000
IT initiatives	\$100,000
Depot relocation	\$713,000
Golf course levy improvement works	\$250,000
Sportsfield improvements	\$320,000
Park improvements	\$200,000

Playground improvements	\$150,000
Tennis court improvements	\$262,000
Swimming pool refurbishment	\$300,000
Tree planting	\$120,000
Catchment analysis	\$100,000
Catchment management	\$150,000

- G. The capital works program identified in 'F' above will be subject to refinement by Council in February 2005 as outlined in this report.
- H. That 'windfall gains' continue to be allocated to Council's depreciation reserves at each quarterly budget review.
- I. That operational savings identified by Technical Services and Open Space be restricted at year end to fund Capital Works in those departments.
- J. That Council determine the allocation of savings received from the Superannuation Holiday during 2005/2006 budget preparations.

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

*Against the Resolution: Councillor Bennett*

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

*(Moved: Councillors Bennett/Malicki)*

*That Council's 2005/2006 budget incorporate the following:*

- A. *Reductions in debt servicing costs are restricted to Works of Direct Community Benefit. This amounts to \$2,176,600.*
- B. *Interest earned on Council's depreciation reserves is restricted back to those reserves. This amounts to \$669,500.*
- C. *0.5% of general rate revenue is maintained in Council's contingency reserve to fund unforeseen or emergency expenditure requirements. Minimum balance required is \$182,800.*
- D. *15% of Council's depreciation liability to be transferred to depreciation reserves and allocated as follows:*
- |                            |                  |
|----------------------------|------------------|
| ▪ <i>Buildings reserve</i> | <i>\$160,000</i> |
| ▪ <i>Road reserve</i>      | <i>\$160,000</i> |
| ▪ <i>Footpath reserve</i>  | <i>\$200,000</i> |
| ▪ <i>Drainage reserve</i>  | <i>\$200,000</i> |



▪ Additional projects/transfers to be determined	\$410,000
<b>Total</b>	<b>\$1,130,000</b>

E. Net debt repayments of \$138,500.

F. Indicative capital works program to include:

Road rehabilitation	\$4,328,600
Footpath works	\$378,200
Drainage works	\$304,400
Traffic facilities	\$147,100
Business centre improvements	\$185,000
Plant & fleet replacement	\$1,050,000
Planning projects (RDS Stage 2)	\$599,000
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Park improvements	\$200,000
Playground improvements	\$150,000
Tennis court improvements	\$262,000
Swimming pool refurbishment	\$300,000
Tree planting	\$120,000
Catchment analysis	\$100,000
Catchment management	\$150,000

G. The capital works program identified in 'F' above will be subject to refinement by Council in February 2005 as outlined in this report.

H. That 'windfall gains' continue to be allocated to Council's depreciation reserves at each quarterly budget review.

I. That operational savings identified by Technical Services and Open Space be restricted at year end to fund Capital Works in those departments.

J. That Council determine the allocation of savings received from the Superannuation Holiday during 2005/2006 budget preparations.

K. That a working party be set to consider optimal allocations of competing infrastructure needs and recommends a series of scenarios to the meetings organised to consider the Management Plan in February 2005.

File: S02294

To advise Council of the current status of the NSROC / SHOROC Joint Tender for Waste Transfer Processing and Disposal Services to participating Councils.

**Resolved:**

(Moved: Councillors Hall/Innes)

- A. That in accordance with the Local Government (Tendering) Regulations 1999, Clause 19(2) (b) both tenders be rejected in accordance with legal advice and for reasons that no price or community benefit is achieved in a collective Contact.
- B. That NSROC be advised of this Council's resolution.
- C. That in accordance with the Local Government (Tendering) Regulations 1999, Clause 19(3)(c), that negotiations commence with Waste Service NSW and Collex Pty Ltd with a view to entering into a medium term Contract up to 5 years, for the supply of waste transfer, processing and disposal services of this Council's putrescible.
- D. That the negotiations be conducted under delegated authority to the General Manager to secure a five (5) year term Contract for waste disposal services.

**CARRIED UNANIMOUSLY**

639

**133 Coonanbarra Road, Wahroonga - Supplementary Report**

File: DA0639/04

To address matters raised at the site inspection of 27 November 2004 and for Council to determine a development application for a detached dual occupancy development, comprising retention of the existing residence and construction of a second dwelling.

**Resolved:**

(Moved: Councillors Hall/Lane)

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

THAT the Council, as the consent authority, grant development consent to DA 0639/04 for a new dual occupancy development comprising retention of an existing dwelling and construction of a detached, two-storey dwelling on land at 133 Coonanbarra Road, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

**GENERAL CONDITIONS**

1. The development must be carried out in accordance with plans labelled Job No DA02, DA04 & DA06, dated 11 June 2004, DA03, DA05, DA07 – DA10, dated 15 October 2004 , all drawn by VM Design Studio, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. The proposed and existing front fence associated with Dwellings A and B, along Carrington Road, Wahroonga shall be deleted and removed.
3. The proposed privacy wall associated with the rear courtyard of Dwelling B shall have a maximum height of 1.5m and be translucent.
4. The driveway width for Dwelling B shall not exceed 3.5m.
5. The proposed rainwater tanks for Dwelling A are to be relocated to the southern elevation of Dwelling A.
6. All building works shall comply with the Building Code of Australia.
7. 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.
8. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
9. 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.
10. 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.
11. **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.

12. 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.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. 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.
15. Waste storage facilities for Dwelling A and Dwelling B shall be provided in accordance with Council's Waste Management Development Policy.
16. The existing vehicular crossing is to be reconstructed. The crossing and driveway materials are to be specified by a suitably qualified arborist and approved by Council's Landscape Development Officer. The works are to be carried out under the supervision of the arborist.
17. Stormwater runoff from new hard surfaces generating runoff or landscaped areas that are not at natural ground level shall be piped to the street drainage system. New drainage line connections to the street system shall conform and comply with the requirements described in sections 5.3 and 5.4 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website.
18. An on-site stormwater detention and/or retention system(s) must be provided for each dwelling in accordance with Council's requirements described in chapter 6 of Councils Water Management Development Control Plan 47, available in hard copy at Council and on the Council website. Separate systems are to be provided for each residence, except where a single combined system may be located in a common location readily accessible by both owners (such as under a shared driveway). In this case appropriate cross burdens are to be created on title(s) as necessary.
19. 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.

20. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
21. 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.
22. All public footways and roadways fronting and adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of Council’s Specification for Drainage and Road Works.

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

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

23. 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.
24. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access, accommodation arrangements and passing opportunities must be designed and constructed to comply with Australian Standard AS 2890.1 – “Off-Street car parking”.
25. 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.

26. To maintain the treed character of the site tree #8 *Acer palmatum* (Japanese Maple) located adjacent to the northern site boundary of the existing dwelling and #9 *Lagerstroemia indica* (Crepe Myrtle) located on Council's Coonanbarra Rd nature strip, are to be retained.
27. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
28. To preserve the ongoing health and vigour of the two *Eucalyptus acmenoides* (White Mahogany) #'s 30 & 31, the proposed retaining wall is not to encroach within a 3.0m radius of each tree as measured from the base of the tree trunk. Documentary evidence/revised plans showing compliance with this condition is to be submitted to the principal certifying authority prior to the issue of the construction certificate.
29. To preserve landscape and neighbour amenity the proposed timber deck/drying area is to have a minimum setback of 1.5m from the site boundaries to allow for screen planting.
30. 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.
31. 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
#30 <i>Eucalyptus acmenoides</i> (White Mahogany) Adjacent to eastern site boundary	3.0m
#31 <i>Eucalyptus acmenoides</i> (White mahogany) Adjacent to eastern site boundary	3.0m
#27 <i>Eucalyptus acmenoides</i> (White mahogany) Adjacent to northern site boundary/driveway for proposed dwelling	3.0m
#11 <i>Eucalyptus acmenoides</i> (White Mahogany) Carrington Rd nature strip	4.0m

32. 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
#27 <i>Eucalyptus acmenoides</i> (White mahogany) Adjacent to northern site boundary/driveway for proposed dwelling	4.0m
#11 <i>Eucalyptus acmenoides</i> (White Mahogany) Carrington Rd nature strip	4.0m

33. 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.
34. 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.
35. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

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

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

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

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

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

37. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council storage volume requirements for an on-site stormwater detention/retention system. The design shall be generally based on the concept plan 342608 by AFCE Environment + Building, and shall be advanced for construction issue purposes. The storage volumes and design shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), the manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from a minimum 100m<sup>2</sup> roof area for each 5000 litres of storage. Overflow shall revert to the main drainage system. The design and construction plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer and may be incorporated on the overall site drainage plan.
38. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including garden irrigation, laundry and toilet flushing. The necessary pumping, housing, filtration and delivery plumbing equipment for re-use shall be shown on this design. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer. These details may be incorporated on the overall stormwater management plan and design for the retention/detention system.
39. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design drawings and calculations for the property drainage system components. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) and shall be compatible with the necessary retention and/or detention devices. Plans and calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Councils Water Management Development Control Plan 47 available on the Council website and at Council, and AS 3500.2 - Plumbing and Drainage Code.



40. 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.

41. 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 or the PCA prior to the commencement of work.
42. The submitted concept landscape plan is not approved. A detailed 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 Kuring-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.
43. A plan detailing screen planting shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan is to show:
- Screen planting of the boundary between Dwelling A and B, forward of the building line, on each side of the proposed fence.
  - Screen planting along the southern boundary behind Dwelling A and B, where building line setback is greater than 1.2m,
  - Screen planting along the eastern boundary,
  - Screen planting capable of attaining a height of 2.5m, along the western (internal) boundary of the rear courtyard of Dwelling B.

The plan shall incorporate species capable of attaining a height of 6.0, 2.5, 3.0, 3.0 and 2.5 metres respectively.

44. The property shall support a minimum number of three trees on each site that will attain 13.0 metres in height on the site, to preserve the tree canopy of Kuring-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.
45. The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by

Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.

46. A cash bond/bank guarantee of \$2 000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

47. 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.

48. 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).

49. 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.

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

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$33,057.22. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

1.	Preparation of New Residents Kit	\$38.43
2.	New Resident Survey	\$34.55
3.	New child care centre (including land acquisition and construction of facility)	\$882.46
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$8.44
5.	New Library bookstock	\$62.83
6.	New Public Art	\$10.26
7.	Acquisition of Open Space - Turramurra	\$27,478.50
8.	Koola Park upgrade and reconfiguration	\$500.82
9.	North Turramurra Sportsfield development	\$3,453.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$172.69
11.	Section 94 Officer for period of Plan 2000-2003	\$414.47

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

51. 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.
52. 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. Such provisions recommended within the plan and approved by the PCA shall be implemented prior to the release of the construction certificate.

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

53. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location

#11 *Eucalyptus acmenoides* (White Mahogany)

Adjacent to existing driveway crossover/Carrington Rd nature strip

54. 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

#16 *Pittosporum undulatum* (Sweet Pittosporum)

3.0m

Adjacent to northern site boundary

#27 *Eucalyptus acmenoides* (White Mahogany)

2.0m

Adjacent to northern site boundary

#30 *Eucalyptus acmenoides* (White Mahogany)

2.5m

Adjacent to eastern site boundary

#31 *Eucalyptus acmenoides* (White Mahogany)

2.5m

Adjacent to eastern site boundary

#3 *Eucalyptus acmenoides* (White Mahogany)

5.0m

Adjacent to western site boundary

#6 *Eucalyptus acmenoides* (White mahogany)

4.0m

North west site corner

#8 *Acer palmatum* (Japanese Maple)

3.0m

Northern site boundary

55. 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.
56. 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.
57. 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.

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

#### CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

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

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 reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

60. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following must be provided to Council (attention Development Engineer):
- a. A copy of the approved Construction Certificate stormwater detention/retention design for the site, and
  - b. A copy of the works-as-executed drawing of the as-built on-site detention/retention system, and
  - c. The Engineer's certification of the as-built system.

This condition is required so Council may maintain its database of as-constructed on-site stormwater detention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

61. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, any damaged public infrastructure caused as a result of construction works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) must be fully repaired to the satisfaction of Council Engineers at no cost to Council.
62. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).
63. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, Certification and a Works-as-Executed (WAE) plan, in relation to the installed rainwater retention devices, are to be submitted to the Principal Certifying Authority (PCA). Certification is to be provided by a suitably qualified consulting civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor.

The Certificate is to certify:

- Compatibility of the retention system(s) with the approved Construction Certificate plans.
- Compliance with AS 3500.2 & AS3500.3:1998.
- Overflow from the installed retention devices directed to an approved disposal point.
- The capacity of the retention storage as approved.
- Provision of leaf gutter guards to all roof gutters.
- Measures to prevent mosquito breeding nuisance.
- Provision of a readily maintainable “first flush” system to collect sediment/debris before entering the tank(s).
- Installation of proprietary tank products in accordance with manufacturers’ specifications.
- The structural adequacy of tank and supporting structures/slabs.
- Where required by this consent, that all toilet flushing, laundry and garden tap water usage for the approved development is sourced from the stormwater retention tank(s).
- All pumping equipment is readily accessible for maintenance and cleaning purposes and the adequacy of the pumping mechanism to achieve delivery rates as required.
- An air gap being provided at the top of the tank(s).
- Mains backflow prevention devices being installed at all relevant locations for reticulated systems
- Sediment sump of 150mm minimum being provided at the base of the tank(s)
- All recycled stormwater outlet points having permanently affixed plaques in readily observable locations which read “Recycled Stormwater – Not For Drinking” or equivalent.

- The provision of water mains back-up system to each collection tank for periods of low rainfall.
- Evidence of Sydney Water approval to the proposed system.
- The provision of filtration devices on each system to ensure no blockage of delivery plumbing systems.
- Compliance with relevant sections of the latest “Plumbing and Drainage Code of Practise” issued by the Committee on Uniformity of Plumbing and Drainage Regulations in NSW.

The Works-as-Executed drawing(s) is to be marked up in red on the approved Construction Certificate design, and shall include:

- As constructed levels in comparison to design levels
  - As built location of all tanks/retention devices on the property and distances to adjacent boundaries, buildings and easements
  - Dimensions of all retention tanks/devices
  - Top water levels of storage areas and RL’s at overflow point(s)
  - Storage volume(s) provided and supporting calculations/documentation.
64. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of works), the applicant shall submit certification from a consulting civil/hydraulic engineer to the Principal Certifying Authority (PCA), that:
- a. Construction of the stormwater drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) has been carried out by a licensed plumbing contractor, and
  - b. The works have been completed in accordance with the approved Construction Certificate drainage plans and the Plumbing and Drainage Code AS3500,.3.2, and
  - c. 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 (WAE) drawing of the property stormwater drainage system is to be prepared by a registered surveyor and submitted to the Principal Certifying Authority (PCA) prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate. The WAE plan shall show the following as built details, marked in red on the approved construction certificate stormwater drawings:

- a. As built reduced surface and invert levels for all drainage pits and connection points.
  - b. As built reduced level(s) at the approved point of discharge to the public drainage system.
  - c. Gradients of drainage lines, materials and dimensions.
65. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the



requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council.

## BUILDING CONDITIONS

66. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
67. 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.

68. 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).

69. A fully detailed first floor joist layout (in duplicate) complying with the National Timber Framing Code or accompanied by a structural engineer's Certificate of Adequacy shall be submitted to and approved by the Principal Certifying Authority.
70. 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.
71. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equalling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.

72. For fire safety an automatic fire detection and alarm system shall be installed throughout the dwelling in accordance with the following requirements:
- a. A smoke alarm system complying with Part 3.7.2 of the Building Code of Australia Housing Provisions; or
  - b. Smoke alarms which:
    - i. comply with Australian Standard 3786 or listed in the Scientific Services Laboratory Register of Accredited Products (all accredited products should have scribed on them the appropriate accreditation notation); and
    - ii. are connected to the mains and have a standby power supply; and
    - iii. are installed in suitable locations on or near the ceiling and as prescribed under Part 3.7.2 of the Building Code of Australia Housing Provisions.

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

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

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.

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

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

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

**At midnight a motion moved by Councillors Malicki and Shelley  
to extend the meeting until the finish of business  
was put to the vote and CARRIED**

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

*Against the Motion:*       *Councillor Bennett*

640    **Centenary of Local Government in Ku-ring-gai Research Project**

File: S02646

To seek Council approval to engage consultants to undertake a research project on 100 years of Local Government in Ku-ring-gai.

## **Resolved:**

(Moved: Councillors Malicki/Andrew)

That Council engage Pauline Curby and Virginia Macleod to undertake a research project and writing a 20,000 word history over approximately 26 weeks on 100 years of Local Government in Ku-ring-gai, commencing in January 2005.

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

*Against the Resolution:   Councillor Bennett*

641

## **Draft Development Control Plan for Child Care Centres**

File: S03420

To have Council consider and adopt for public exhibition a new Draft Development Control Plan for Child Care Centres.

## **Resolved:**

(Moved: Councillors Hall/Shelley)

- A. That Council adopt the Draft Development Control Plan – Child Care Centres for exhibition.
- B. That the Draft Development Control Plan be exhibited and notified in accordance with the provisions of the Environmental Planning and Assessment Act, allowing an extended exhibition period of three (3) months in order to give consideration to the school holiday period.
- C. That the relevant child care providers and the NSW Department of Community Services be notified of the Draft Development Control Plan.
- D. That a report be brought back to Council at the end of the exhibition period.

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

*Against the Resolution:   Councillors Bennett and Malicki*

642

## **State Environmental Planning Policy No 65 - Design Review Panel**

File: S02240

To allow Council to consider establishing a State Environmental Planning Policy (SEPP) No. 65 - Design Review Panel to assist in promoting the design quality of residential flat developments in Ku-ring-gai.

***Council resolved itself into Closed Meeting  
for discussion only, with the Press and Public Excluded***

***Council resumed Open Meeting***

**Resolved:**

(Moved: Councillors Shelley/Innes)

- A. That Council write to the Minister for Infrastructure Planning & Natural Resources of Council's intention to establish a Design Review Panel under SEPP65 and request that the Minister appoint a SEPP65 Design Review Panel for Ku-ring-gai Council.
- B. That Council put forward to the Minister the preferred members of the Design Review Panel for a Ku-ring-gai panel.
- C. That in the interim until a Panel is established Council engages the services of an Urban Designer (to be paid out of Planning and Environment budget for Design Review Panels) to assist in the assessment of Residential Flat Building development.

**CARRIED UNANIMOUSLY**

**Councillor Bennett departed**

643 **Review of Trial Night Time Fixtures at Sportsgrounds**

File: S02993

To advise Council of both the communities and sporting user groups response to the trial and to consider an amendment to Council's current policy of no night sporting fixtures at any location.

**Resolved:**

(Moved: Councillors Ebbeck/Innes)

That Council approve a change in policy permitting the playing of night fixtures and training on a location by location basis for a maximum of one night per week if the following criteria and conditions are met:

1. Requests are considered for individual sites only.
2. The floodlights meet the relevant Australian Standards (AS2560 & AS4282).
3. That development consent for floodlights does not prohibit playing night fixtures or training.
4. That the first 12 months at any location be considered a trial, and reviewed at the conclusion of the initial season.
5. The 'home' clubs at each location agree to sign and abide by an Action Plan developed in consultation with local residents and as part of Council's conditions of hire for booking open space.
6. That residents be provided with the copy of the Action Plan which includes the 'home' clubs community liaison officers contact details at the beginning of the season.
7. That residents be notified before and after the trial season and provided the opportunity to provide input, feedback and comments.
8. That overall use of each ground utilised for night fixtures is managed to ensure no appreciable deterioration in the quality of the playing surface.
9. Where night fixtures are undertaken Sunday use is allowable to a maximum of eight Sundays in any given season.

**CARRIED UNANIMOUSLY**

## **QUESTIONS WITHOUT NOTICE**

644 **Financial Cost re Development Staff Support - Land and Environment Court Matters**

File: S02466

Question Without Notice from Councillor M Shelley

Would the Director report on the possible cost of supplying a junior Development staff member to support Council Solicitors in matters before the Land and Environment Court where Council has refused consent (not for deemed refusals), regardless of whether a Court-appointed expert has been appointed?

**Answer by the Mayor**

The Director Development & Regulation will report back.

645 **Report on Number, Cost and Reason for Staff Redundancies in 2004 to 2005**

## **Financial Year**

File: S03865

Question Without Notice from Councillor M Shelley

Could the General Manager report on the number, cost and reason for all staff redundancies in the 2004 to 2005 Financial Year - on a year-to-date basis by the first meeting in March 2005?

### **Answer by the Mayor**

The General Manager advises that this is an operational matter, however he is happy to discuss this matter informally.

646

## **Council's Website - Difficulty in Downloading Information**

File: S02097

Question Without Notice from Councillor E Malicki

Many people have complained of difficulty in downloading or even accessing files from Council's website.

Can overcoming these problems be a focus of the IT Department over the coming break?

### **Answer by the Mayor**

Indeed.

647

## **Cyclists in Kissing Point Road, Turramurra**

File: S02777

Question Without Notice from Councillor E Malicki

This morning I witnessed an ambulance attending a cycling accident at the top of Kissing Point Road. Ten days ago, a young off duty policeman was badly injured in the same general area. I personally know three young men who have been injured in cycling accidents at the top section of Kissing Point Road.

What action can be taken urgently to help prevent further accidents and when will this road receive the priority for a completed cycleway that it deserves?

## **Answer by the Mayor**

The Director will respond accordingly.

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

The next Inspections Committee will take place during the second week of January 2005 to view the following properties:

3 to 5 Merriwa Street, Gordon  
403 Mona Vale Road, St Ives

*Council resolved itself into Closed Meeting  
with the Press and Public Excluded to deal with the following item:*

648

### **STAFF MATTER**

*(Section 10A(2)(a) - Personnel matters concerning particular individuals)*

File: S03001

### **Resolved:**

(Moved: Mayor, Councillor Ryan/Councillor Ebbeck)

That the recommendation, as amended, in the Mayor's confidential memorandum dated 7 December 2004 be adopted.

**CARRIED UNANIMOUSLY**

*The Meeting closed at 1.29am*

The Minutes of the Ordinary Meeting of Council held on 14 December 2004 (Pages 1 - 104) were confirmed as a full and accurate record of proceedings on 1 February 2005.

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General Manager

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Mayor / Chairperson