

## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 19 JULY 2005**

**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)  
Councillor G Innes AM (Roseville Ward)  
Councillor M Lane (Gordon Ward)

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

*The Meeting commenced at 7.01pm*

*The Mayor offered the Prayer*

### 259 **APOLOGIES**

File: S02194

Councillor M Shelley (ill) tendered an apology for non-attendance and requested leave of absence.

#### **Resolved:**

(Moved: Councillors Innes/Malicki)

That the apology by Councillor Shelley for non-attendance be accepted and leave of absence be granted.

**CARRIED UNANIMOUSLY**

### **DECLARATION OF PECUNIARY INTEREST**

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

No such interest was declared.

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

File: S02499

### **Resolved:**

(Moved: Councillors Cross/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 Purchase of Environmentally Sensitive Land  
(*Section 10A(2)(c) - Information that would confer a commercial advantage*)

**CARRIED UNANIMOUSLY**

## **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: Mayoral Minute - Leta Webb

Late Item: Refers to Minute No KTC.11 - General Matter - Knox Garden Day 2005 - Memorandum by Director Technical Services dated 19 July 2005

**Councillor Bennett arrived**

## **CONFIRMATION OF MINUTES**

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

File: S02131

Meeting held 28 June 2005

Minutes numbered 236 to 258

### **Resolved:**

(Moved: Councillors Innes/Hall)

That Minutes numbered 236 to 258 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

**CARRIED UNANIMOUSLY**

## **MINUTES FROM THE MAYOR**

262 **Leta Webb**

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File: S04118

I would like to formally acknowledge the very valuable contribution made to Council by Ms Leta Webb, who has resigned as Director of Planning and Environment.

In the two years she has held this position, Ms Webb has played a pivotal role in helping shape the major physical changes Ku-ring-gai is undergoing.

She has been instrumental in developing stage one of Ku-ring-gai's residential strategy and undertaking planning for stage two.

Ms Webb has overseen development of a strategy that allows for a greater variety of housing choices and accommodates our share of Sydney's growing population.

Most recently, Ms Webb has led extensive community consultation for stage two of our residential strategy which has seen surveys sent to more than 27,000 Ku-ring-gai households. This input is being used to develop integrated plans for our six major town centres.

Ms Webb's talent, knowledge and skill in the planning field have been a great asset to Council – and we are sorry to see her leave.

Ms Webb, I speak on behalf of all councillors, the General Manager and Directors in saying that it has been a pleasure working with you.

Finally, best wishes and good luck with your new role at Leichhardt Council.

### **Resolved:**

That the Mayoral Minute be received and noted.

**CARRIED UNANIMOUSLY**

## **PETITIONS**

263 **27 Richmond Avenue & 400 Mona Vale Road, St Ives - Petition In Support Of Heritage Listing Of Pettit & Sevitt Homes - (One Hundred & Ninety-Two [192] Signatures)**

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File: S03747

**The following Petition was presented to Council by Councillor Bennett:**

"The group of homes in St Ives, including 400 Mona Vale Road, 17, 19, 21, 23, 25, 27 and 29 Richmond Avenue, are all members of the original Pettit & Sevitt Display Village built in the early 1960's. This group has been acclaimed by such authorities as the National Trust of Australia, the Royal Australian Institute of Architects, Docomomo International as of significance in the evolution of residential architecture and domestic landscaping in Australia.

We, the undersigned residents of Ku-ring-gai value this group as an important part of Ku-ring-gai's heritage and accordingly we urge the Ku-ring-gai Council to take the necessary steps to include all the properties in the group, as heritage items in Schedule 7 of the Ku-ring-gai Planning Scheme Ordinance."

**Resolved:**

(Moved: Councillors Bennett/Malicki)

That the Petition be received and considered in conjunction with NM.1 - 27 Richmond Avenue & 400 Mona Vale Road, St Ives.

**CARRIED UNANIMOUSLY**

6TH INTERNATIONAL CITIES, TOWN CENTRES &  
COMMUNITIES CONFERENCE 2005

Councillor Andrew tabled the Conference Papers  
for Councillors' information

**REPORTS FROM COMMITTEES**

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

File: S02110  
Meeting held 23 June 2005  
Minutes numbered KTC 10 to KTC 14

264 **General Matter Items Under Delegated Authority**

File: S02738  
*Vide Minute No KTC.10*

Advice on matters considered under the Delegated Authority.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

That the information regarding traffic facilities approved in April, May and June 2005 under Delegated Authority, be noted.

**CARRIED UNANIMOUSLY**

**General Matter - Knox Garden Day 2005**

File: S02250

*Vide Minute No KTC.11*

Ward: St Ives

Electorate: Ku-ring-gai

To consider a request from Knox Grammar Senior School Mothers' Group to close Telegraph Road as part of its Garden Day on Friday, 9 September 2005.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That Council note that Knox Senior Mothers' Group's Traffic Management Plan (TMP) numbered 935-3, has been approved by the Roads and Traffic Authority (RTA).
- B. That Council approve the Knox TMP for the closure of Telegraph Road on Friday 9 September 2005, subject to:
  - 1. That the closure being between 10.00am and 2.00pm only, and implemented in all respects by the Applicant.
  - 2. Residents of Telegraph Road between Merrivale Road and Mona Vale Road, and in other streets affected by the closure, being informed by a letter box drop, undertaken by Knox Grammar Senior Mothers' Group, of the proposed traffic arrangements and the impact on them.
  - 3. Knox Grammar Senior Mothers' Group operating a shuttle bus service between Pymble railway station and Telegraph Road via Station Street, Merrivale Street and Telegraph Road.
  - 4. The event organizer providing adequate RTA accredited traffic control personnel to control traffic and parking in the event area, as suggested in the traffic study undertaken by Abi Road Maintenance.
  - 5. That Knox Grammar Senior Mothers' Group pays a further fee of \$172 for additional processing of its application by Council.
  - 6. The Local Area Commander Kuring-gai be requested to patrol the area and monitor traffic conditions during the event.
  - 7. Knox Grammar Senior School Mothers' Group supply 20 million dollars Public Liability insurance cover, naming Ku-ring-gai Council as principal. A certificate of currency is to be sighted by Council's Director Technical Services before the event is approved.

8. Knox Grammar Senior School Mothers' Group responding in writing to Council by 19 August 2005, confirming its acceptance of Council's decision for conducting the 2005 Knox Garden Day.

**CARRIED UNANIMOUSLY**

266 **General Matter - Federal Office of Road Safety National Black Spot Program**

File: S03476

*Vide Minute No KTC.12*

To consider sites for inclusion in the 2006/2007 National Black Spot Program.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That applications be made for funding allocations under the National Black Spot Program for 2006/2007 for the following sites:
- i. Pentecost Avenue/Merrivale Road;
  - ii. Link Road/Killeaton Street.
- B. That prior to Council submitting its application for funding, that consultation be undertaken with directly affected residents, regarding the proposal for Link Road/Killeaton Street, and that modelling of the impact of the proposed work on the intersection of Mona Vale Road and Link Road be undertaken.
- C. That the RTA be requested to address the adverse crash histories, using Blackspot funding where appropriate, at the locations on arterial roads and at signalised intersections listed.

**CARRIED UNANIMOUSLY**

267 **Pentecost Avenue, Pymble**

File: 88/05930/03

*Vide Minute No KTC.13*

Wards: St Ives & Wahroonga

Electorate: Ku-ring-gai

To consider the outcome of resident consultation regarding two treatment options in Pentecost Avenue at Merrivale Road/ Merrivale Lane and recommend approval of the median/refuge island option.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That Council notes the responses received to the advertising of improvements to the intersection of Pentecost Avenue and Merrivale Road/Merrivale Lane and

that the majority of responses indicate support for the option showing median and refuge islands.

- B. That the median and refuge island option, favoured by directly affected residents, be approved by Council.

**CARRIED UNANIMOUSLY**

268 **Lucinda Avenue, Wahroonga**

File: 88/05725/03

*Vide Minute No KTC.14*

Ward: Comenarra

Electorate: Hornsby

To consider resident feedback regarding proposed treatments in Lucinda Avenue and determine action.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That Council notes:

1. The overall rejection by affected residents, by a significant margin, of the proposed traffic calming devices outside their properties.
2. The relatively low score under Council's priority ranking system, of treating Lucinda Avenue.
3. That the RTA has altered signposting and linemarking to prohibit direct access from Lucinda Avenue to the F3 Freeway, but that a significant number of motorists continue to make this movement.

- B. That, after reviewing the resident responses to advertising of treatments in Lucinda Avenue, and the score under Council's priority ranking system, Council not proceed with traffic calming in Lucinda Avenue.

- C. That the existing 'All Traffic Left' (W1-3A) sign on the seagull island in Lucinda Avenue at Pacific Highway be replaced with a larger W1-1B sign to support the existing facilities at the intersection.

- D. That residents of Lucinda Avenue and Sydney Adventist Hospital be informed of Council's decision and the reason for the decision.

**CARRIED UNANIMOUSLY**

*A Motion was moved by Councillors Malicki and Andrew  
to hear all speakers was CARRIED*

*For the Resolution: Councillors Andrew, Bennett, Cross, Ebbeck, Hall & Malicki*

*Against the Resolution: The Mayor, Councillor A Ryan, Councillors Innes & Lane*

*The above Resolution was carried as an Amendment to the Original Motion. The Original Motion was:*

*A motion was moved by Councillors Innes and Lane to hear a maximum of 3 speakers for and 3 against each item and hear all speakers on Item GB.13 - St Ives Town Centre Planning.*

## **GENERAL BUSINESS**

269 **6 to 8 Culworth Avenue, Killara - Demolition of Two (2) Residential Dwelling Houses and Construction of Three (3) x Five (5) Storey Residential Flat Buildings Comprising Fifty-Four (54) Units and Basement Car Parking for One Hundred and One (101) Vehicles.**

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File: DA1369/04

Ward: Gordon

Applicant: Staldone Corporation Pty Ltd

Owner: 6 Culworth Avenue - J M Roberts, 8 Culworth Avenue - J Irvine

To determine Development Application No.1369/04, which seeks consent for the demolition of two (2) residential dwelling houses and construction of three (3) x five (5) storey residential flat buildings comprising fifty-four (54) units and basement car parking.

### **Resolved:**

(Moved: Councillors Lane/Ryan)

- A. That consideration of DA1369/04 at 6 to 8 Culworth Avenue, Killara 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**

270 **52 Pentecost Avenue, Pymble - Construction of Five (5) Seniors Living Villas including Basement Parking and Modification of the Existing Swimming Pool**

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File: DA1317/04

Ward: St Ives



Applicant: Mr A Freeman  
Owner: Ms B Kavanagh

To determine development application No. 1317/04, which seeks consent for construction of five (5) Senior Living villas including basement parking and modification of the existing swimming pool at 52 Pentecost Avenue, St Ives.

**Resolved:**

(Moved: Councillors Bennett/Hall)

- A. That consideration of DA1317/04 at 52 Pentecost Avenue, Pymble 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**

271 **23A Werona Avenue, Killara - Construction of a SEPP (Seniors Living) 2004 Development Comprising of the Conversion of the Former Killara Post Office to a Dwelling and the Construction of Four (4) Additional Units with Basement Parking for Eight (8) Vehicles and Landscaping.**

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File: DA0429/04

Ward: Gordon

Applicant: Impact Construction Management Pty Ltd

Owner: Hyatt Properties Pty Ltd

To determine development application No DA 429/04, which seeks consent for the conversion of the former Killara Post Office to a dwelling and the construction of four (4) additional units under the provisions of SEPP (Seniors Living) 2004 development

**Resolved:**

(Moved: Councillor Lane/Mayor Ryan)

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

THAT the Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No. 1 – Development Standards* to clauses 25(2)(b), 38(4)(c) and 81(b) of SEPP (Seniors Living) 2004 is well founded. The Council is also of the opinion that strict compliance with the development standards is unreasonable and unnecessary in the circumstances of this case.

THAT the Council, as the consent authority, grant development consent to DA429/04 for the construction of a SEPP (Seniors Living) 2004 development comprising of the conversion of the former Killara Post Office to a dwelling and the construction of four

(4) additional units with basement parking for eight (8) vehicles and landscaping on land at 23A Werona Avenue, Killara, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

#### GENERAL

1. The development to be in accordance with Development Application No 429/04 and Development Application plans prepared by Architecture Unlimited, reference number 2103-01(C1), 2103-02(C2), 2103-03(C1), 2103-04(B1), 2103-05(B2), 2103-06(C1), 2103-07(C1), 2103-08(B1), dated 11 February 2005 and lodged with Council on 8 March 2005.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
7. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
8. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

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

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

16. 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.

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

20. The fence and footings shall be constructed entirely within the boundaries of the property.
21. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
22. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
23. Where a new development is not commencing immediately following demolition, the demolition shall be limited to the extent of the footprint of the building/s on the site and no excavation shall be carried out.
24. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
25. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover

Authority. The Authority is the controlling body for the safe removal, handling and disposal of asbestos. The Authority supervises and monitors contractors engaged in asbestos removal.

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

26. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
27. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
28. The creation of a Restriction as to use of land under Section 88E of the Conveyancing Act 1919, restricting the occupation of the premises to:
  - a. People 55 or over or people who have a disability;
  - b. People who live with people 55 or over or people who have a disability;
  - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.
29. The development is to remain as Housing for Aged or Disabled Persons within the meaning of State Environmental Planning Policy Seniors Living 2004, at all times.
30. All advertising, signage, marketing or promotion of the sale of the dwellings in this development shall make clear reference to the fact that this is a SEPP Seniors Living 2004 development and that at least one occupier shall be aged 55 years or over or have a disability.
31. The burning of undergrowth, foliage, building refuse and like matter on the site is prohibited.

32. Under no circumstances shall building materials, demolition waste, fill, soil or any other material from any source be placed or stored within any public reserve.
33. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
34. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
35. To preserve and enhance the natural environment, sediment removed from erosion and sediment control structures shall be disposed of to an approved sediment dump.
36. For the protection of the health and safety of occupants, workers and the environment, any person renovating or demolishing any building built before the 1970's should be aware that surfaces may be coated with lead-based paint. Lead dust is a hazardous substance. Persons are required to follow the attached recommended guidelines to prevent personal and environmental contamination.
37. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
38. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
39. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.
40. The buildings are not to be used or occupied until an Occupation Certificate has been issued.
41. External paved access for vehicles and pedestrians being of contrasting materials to the satisfaction of the Principal Certifying Authority.
42. All areas of common property, including visitor car parking spaces and on-site stormwater detention shall be included on the final plans of subdivision.
43. 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.

44. Separate written approval under Council's Tree Preservation Order is required prior to the REMOVAL of the following trees within the subject property:

No./Tree/Location

17 / *Eucalyptus saligna* (Sydney Blue Gum) / Adjacent to and towards the southeastern end of the site's eastern boundary.

45. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
46. The screen planting shall be completed prior to the issue of the final Certificate of Compliance and be maintained in a satisfactory condition at all times.
47. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
48. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
49. All excavation carried out within the specified radius of the trunk/s of the following tree/s for installation of the pick-up pit shall be hand dug:

Tree/Location

Radius From Trunk

*Xylosma senticosa* (Xylosma) 3m  
Close to the site's northern corner.

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

No./Tree/Location

Radius From Trunk

11 / *Angophora floribunda* (Rough barked Apple) 5m  
Adjacent to the site's Werona Avenue boundary  
and near its southern corner.

12 / *Ficus microcarpa 'Hillii'* (Hills Weeping Fig) 5m  
Werona Avenue nature strip close to the site's  
southern corner

*Xylosma senticosa* (Xylosma) 3m  
Close to the site's northern corner.

51. On completion of the landscape works including tree planting and screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the

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

52. 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

*Asparagus densiflorus* (Asparagus Fern)  
*Hedera helix* (English Ivy)  
*Jasminum polyanthum* (Jasminum)  
*Ligustrum lucidum* (Large-leaved Privet)  
*Ligustrum sinense* (Small-leaved Privet)  
*Ochna serrulata* (Ochna)  
*Olea europaea subsp. africana* (African Olive)  
*Sida rhombifolia* (Paddy's Lucern)

53. 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.
54. 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.
55. A mandatory rainwater re-use tank system, together with the additional on-site stormwater detention/retention requirements described in chapter 6 of Councils Water Management Development Control Plan 47 (adopted March 2004), shall be provided for the development. DCP47 is available in hard copy at Council and on the Council website.
56. For stormwater control a 200mm wide grated channel/trench drain with a heavy-duty removable galvanised grate is to be provided at the base of the ramped driveways and connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
57. 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, inlets and/or barriers that direct runoff to the formal drainage system.
58. A maintenance period of six (6) months shall apply to the work in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's specifications, or as would reasonably be expected under the operating conditions.



59. 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.
60. 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.**
61. 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.
62. 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".
63. For the purpose of any inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final consent from Council.
64. 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.

65. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
66. 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.
67. A contractor with specialist excavation experience must undertake the excavations for the basement level and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure.

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

68. 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.

69. 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).
70. 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.

71. 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.
72. To ensure structural stability, engineer's details (in duplicate) of retaining walls, prepared by a qualified practising structural engineer, shall be submitted to the Principal Certifying Authority for consideration prior to the issue of the Construction Certificate.
73. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF FIVE ADDITIONAL DWELLINGS IS CURRENTLY \$54,556.35. 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 30 June 2004, calculated for additional person as follows:

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - Killara	\$6,384.75
3. Sportsgrounds Works	\$1,318.32

4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons
Large dwelling (110 - under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3 persons

74. 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.

75. 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 amended plan shall include the following details:

- To protect and enhance native vegetation for the conservation and promotion of biodiversity, at least 25% of the trees and shrubs for planting at the site shall be selected from the Blue Gum High Forest assemblage of vascular plants (included) as the site is located more than 300 metres from bushland.
- Shrub screening between Units 1 and 3 and the site's eastern boundary shall be have light coloured and more open foliage to maximize natural illumination of adjacent rooms.

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.

76. A plan detailing screen planting between the site's northeastern boundary and Units 1 and 2 shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 2.5 and 3 metres respectively.

77. The property shall support a minimum number of 7 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.
78. 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.
79. A CASH BOND/BANK GUARANTEE of \$10,000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

80. To preserve the following tree/s, footings of the proposed LOW BRICK WALL ALONG THE WERONA AVENUE BOUNDARY 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.

No./Tree/Location	Radius in Metres
11 / <i>Angophora floribunda</i> (Rough barked Apple) Adjacent to the site's Werona Avenue boundary and near its southern corner.	4m
13 / <i>Angophora floribunda</i> (Rough barked Apple)	5m

Close to the site's southern corner.

81. Prior to issue of the Construction Certificate footpath and driveway levels for the fully new driveway crossing 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.**

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. 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.

82. Prior to issue of the Construction Certificate the applicant shall submit and have approved by the Principal Certifying Authority (PCA), full construction drawings for the proposed method of achieving Council requirements for the on-site stormwater retention and detention system(s) specified in chapter 6 of Councils Water Management DCP 47 (adopted by Council March 2004). Where utilised, the hydraulic service plans S040180-H-000, 100, 101, 102, 103 by Steve Paul and Partners dated March 2004, must be revised to comply with DCP47 and shall include details of the following (to a detail suitable for construction purposes):

- a. A total stormwater *retention* requirement of **3000 litres per unit** to be installed with retained water to be plumbed for toilet flushing in each unit and garden irrigation, as a minimum.
- b. A reduction in the on-site detention volume is permissible in accordance with the guidelines specified in chapter 6.7 of Water Management Development Control Plan 47.

The design shall comply with any manufacturers' specifications and the relevant plumbing codes for proprietary products. Rainwater tank(s) shall be designed to capture and retain runoff from a minimum 100m<sup>2</sup> roof area for every 5000 litres of storage (pro rata). 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. DCP47 is available on the Council website and at Council customer services.

83. 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, toilet flushing and cold laundry. 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 layout.
84. 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/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.
85. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction design plans and calculations for provision of a basement stormwater pump-out system for the driveway ramp runoff and subsoil drainage. The system shall comprise of both duty and back-up pumps, shall be designed for the 100 year runoff and have an emergency alarm system. The system is to include a holding well which has a storage capacity equivalent to the runoff volume from a 2 hour 100 year ARI storm event so that the basement is safeguarded from flooding during power failure for such a storm over such a period. Plans and details, including but not limited to, holding well volume calculations, inflow and outflow calculations, pump specification and duty curves are to be prepared by a qualified civil/hydraulic engineer.
86. Prior to the issue of a Construction Certificate the Applicant shall submit and have approved by the Principal Certifying Authority, revised plans which show the basement layout plan (2103-01 C by Architecture Unlimited dated 02.04.04) amended to include the following details:
  - The width of spaces 4 & 5 increased to 3.2 metres (minimum). The increase in width is required to ensure compliance with clause 56 of the Seniors Living State Environment Planning Policy for all vehicle spaces.
  - A convex mirror to be installed at a suitable location on the curved access driveway to allow incoming and exiting vehicles to be aware of each other and allow for passing at the designated driveway area.

In addition, a qualified civil/traffic engineer shall provide a written certification on the revised basement level plan, stating that the proposed basement parking plan satisfies the following requirements with respect to car parking and access:

- a. Clause 56 of the State Environmental Planning Policy for Senior Living,
  - b. Australian Standard 2890.1 - 2004 “Off-street car parking”,
  - c. The 2.5 metres headroom requirement under the Seniors Living State Environment Planning Policy.
87. Prior to issue of the Construction Certificate the Applicant must have full engineering plans approved by Council (only) which detail the following infrastructure works to be carried out in the Public Road:
- a. Construction of a fully new concrete strip footpath (with asphalt overlay) having a constant longitudinal grade over the full Werona Ave site frontage. Maximum crossfall in the new footpath to be 2.5% (towards street) to facilitate acceptable pedestrian and wheelchair access to the intersection and bus stop.
  - b. Removal of redundant asphalt areas and reinstatement of turf cover strip over the Werona Ave site frontage between the outer edge of the new concrete footpath and the kerb alignment.
  - c. Removal of all redundant driveway crossing and layback section and reinstatement to upright kerb and gutter.
  - d. Construction of a fully new accessible kerb ramp at the corner intersection fronting the site to facilitate access across Werona Ave.
  - e. Construction of a new double width concrete driveway crossing (with asphalt overlay) and layback for vehicular access from Werona Avenue.

This development consent under the EP&A Act does **NOT** give approval to these works on Council property which must be completed. **THE APPLICANT MUST OBTAIN A SEPARATE APPROVAL FROM COUNCIL UNDER SECTION 138 AND 139 OF *THE ROADS ACT 1993*** for these works in the Public Road. The Construction Certificate must not be issued, and these works must not proceed, until Council has issued a formal written approval and stamped the plans under the *Roads Act 1993*.

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

All works in the road reserve are to be designed in accordance with Council’s “Specification for Road and Drainage Works” and related Standards. In addition, the drawings must detail all existing services and trees affected by the works, erosion control requirements and traffic management requirements during the course of works. Traffic management is to be certified on the drawings as being in accordance with the documents SAA HB81.1 – 1996 – Field Guide for



Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998).

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

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

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

88. 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).

89. Prior to the issue of a Construction Certificate the applicant shall lodge a \$15,000 (fifteen thousand dollar) bond with Council. This bond is to cover the restoration by Council of any damage to public infrastructure, caused as a result of construction works, in close proximity to the subject development. The bond will also cover the finishing of any incomplete works required in the road reserve required as part of the approved development. The bond shall be refundable following completion of **all** works relating to the proposed development or at the end of any maintenance period stipulated by consent conditions upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

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

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

90. 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.

91. Details of the colour, finish and substance of all external materials are to be submitted to Council for approval prior to commencement of work. New materials shall match existing as closely as possible but shall be discernible from original work. Samples of all external materials, finishes and colours to be submitted for approval by the Principal Certifying Authority prior to the commencement of work.
92. A simple photographic record of the affected parts of the heritage item are to be submitted to Council prior to the commencement of work. Recording shall be undertaken in accordance with the *Guidelines for Photographic Recording of Heritage Sites, Building and Structures* prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of black and white photographs, referenced to plans of the affected property. Two (2) copies (one (1) copy to include negatives of photographs) shall be submitted to Council's Department of Environmental and Regulatory Services, to be held in the Local Studies Collection of Ku-ring-gai Library.

93. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.
94. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
95. 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.

No./Tree/Location	Radius in Metres
14 / <i>Angophora floribunda</i> (Rough barked Apple) Adjacent to the site's central southeastern boundary	3m
16 / <i>Cupressus torulosa</i> (Bhutan Cypress) Close to the site's eastern corner.	2m

96. 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 SENIORS LIVING UNITS and AUXILLIARY STRUCTURES 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:

No./Tree/Location	Radius From Trunk
2 / <i>Eucalyptus paniculata</i> (Grey Ironbark) Close to the northern end of Unit 5.	5m
11 / <i>Angophora floribunda</i> (Rough barked Apple) Adjacent to the site's Werona Avenue boundary and near its southern corner.	5m
13 / <i>Angophora floribunda</i> (Rough barked Apple) Close to the site's southern corner.	3m
15 / <i>Eucalyptus pilularis</i> (Blackbutt) Near the site's central southeastern boundary.	5m
<i>Xylosma senticosa</i> (Xylosma) Close to the site's northern corner.	3m

97. 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.
98. 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.
99. Council property adjoining the construction site must be fully supported at all times during all excavation, demolition and building construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified Structural Engineer or Geotechnical Engineer, must be submitted for the approval of the Principal Certifying Authority (PCA), before the commencement of the works, and prior to issue of the Construction Certificate. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.
100. Prior to the commencement of any works on site 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:
  - a. 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.
  - b. 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.

- c. 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).
- d. The existing groundwater levels in relation to the basement structure, where influenced.
- e. 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 any 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. 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 or during 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.

101. 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 for the construction period. 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. The maintenance of existing parking restrictions around the site at all times

**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.

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. 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.

102. Prior to the commencement of any works on site, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install a 'Work Zone' in Werona Ave as close as possible to the site. Further, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed and the adopted fee paid prior to commencement of any works on the site. Where such a 'Work Zone' is not considered to be feasible by Council Traffic Engineers, the zone will not be required. This condition is to facilitate a dedicated on-street parking area for construction related vehicles during work hours. A need for a 'Work Zone' arises given the existing on-street parking restrictions around the site and the existing high demand for on-street parking generated by the rail station opposite.

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

103. Low level lighting shall be provided along the entrance pathway and the driveway to the front entries of each unit in accordance with the requirements of SEPP Seniors Living 2004. The lighting must provide at least 50 lux at ground level. Documentary evidence of such is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.
104. To ensure compliance with the requirements of SEPP Seniors Living 2004 and the documentation submitted with the development application the garages shall be provided with a power operated roller door. Additionally the visitor car parking spaces shall have a minimum dimension of 6 x 3.2 metres 98.
105. To ensure compliance with the requirements of SEPP Seniors Living 2004, every entry must have an entry door handle and other hardware that complies with AS 1428. Additionally all exterior doors for each dwelling shall be keyed alike. The entrance must comply with clauses 4.3.1 and 4.3.2 of AS 4299. Documentary evidence shall be submitted prior to the release of an Occupation Certificate.
106. To ensure compliance with the requirements of SEPP Seniors Living 2004, each interior door must have a clearance of at least 820 millimetres, internal corridors must have a width of at least 1000mm and the width at internal door approaches must be at least 1200mm. Documentary evidence shall be submitted prior to the release of an Occupation Certificate.
107. To ensure compliance with SEPP Seniors Living 2004, the living room must have a circulation space of at least 2250mm in diameter as set out in clause 4.7 of AS4299 and a telephone adjacent to a general power point. Additionally the living and dining room must have a potential illumination of at least 300 lux.
108. To ensure compliance with the requirements of Clause 61 of SEPP Seniors Living 2004 the kitchen shall meet the following requirements:

- a. a width of at least 2.7 metres and a clear space between benches of at least 1 450 millimetres, and
- b. a width at door approaches of at least 1 200 millimetres, and
- c. benches that include at least one work surface:
  - i. that is at least 800 millimetres in length, and
  - ii. the height of which can be adjusted from 750 millimetres to 850 millimetres, and
- d. a tap set:
  - i. that is located within 300 millimetres of the front of the sink, and
  - ii. that is a capstan tap set or that comprises lever handles or a lever mixer, and
- e. a thermostatic mixing valve for the hot water outlet, and
- f. cook tops:
  - i. with either front or side controls, and
  - ii. with controls that have raised cross bars for ease of grip, and
  - iii. that include an isolating switch, and
- g. a worksurface adjacent to the cook top and at the same height and that is at least 800 millimetres in length, and h. an oven that is located adjacent to a worksurface the height of which can be adjusted, and
- h. ``D'' pull cupboard handles that are located towards the top of below-bench cupboards and towards the bottom of overhead cupboards, and
- j. general power outlets: at least one of which is a double general power outlet within 300 millimetres of the front of a work surface, and one of which is provided for a refrigerator in such a position as to be easily accessible after the refrigerator is installed.

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

109. To ensure compliance with SEPP Seniors Living 2004, the main bedroom shall be provided with 2 double general power outlets on the wall where the head of the bed is likely to be; at least one general power outlet on the wall opposite the wall where the head of the bed is likely to be; a telephone outlet next to the bed on the side closest to the door and a general power outlet beside the telephone outlet and a potential illumination level of at least 300 lux. The bedroom must have an area sufficient to accommodate a wardrobe and a queen-size bed with a clear area at least 1200mm wide at the foot of the bed. Documentary evidence shall be submitted prior to the release of an Occupation Certificate.

110. To ensure compliance with the requirements of Clause 63 the bathrooms must comply with the following:
- a. an area that complies with AS 1428, and
  - b. a slip-resistant floor surface, and
  - c. a shower:
    - i. the recess of which is at least 1 160 millimetres × 1 100 millimetres, or that complies with AS 1428, or that complies with clause 4.4.4 and Figures 4.6 and 4.7 of AS 4299, and
    - ii. the recess of which does not have a hob, and
    - iii. that is waterproofed in accordance with AS 3740, and
    - iv. the floor of which falls to a floor waste, and
    - v. that can accommodate a grab rail that complies with Figure 4.6 of AS 4299 and AS 1428, and
    - vi. that has a tap set that is a capstan tap set or that comprises lever handles and that has a single outlet, and
    - vii. that has the tap set positioned so as to be easily reached from the entry to the shower, and
    - viii. that can accommodate an adjustable, detachable hand-held shower rose mounted on a slider grab rail or a fixed hook, and
    - ix. that can accommodate a folding seat that complies with Figure 4.6 of AS 4299, and
  - d. thermostatic mixing valves for all hot water outlets, and
  - e. a washbasin with clearances that comply with Figure 4.4 of AS 4299, and
  - f. a wall cabinet that is sufficiently illuminated to be able to read the labels of items stored in it, and
  - g. a mirror, and
  - h. a double general power outlet beside the mirror.
111. To ensure compliance with SEPP Seniors Living 2004, the laundry within each dwelling shall have a thermostatic mixing valve for all hot water outlets and a slip-resistant floor surface. There must also be a clear space in front of appliances of at least 1300 mm.
112. To ensure compliance with Clause 68 a self-contained dwelling must be provided with a lined cupboard that is:
- a) able to be operated with one hand, and
  - b) located between 900mm and 1100mm above floor level.
113. To ensure compliance with SEPP Seniors Living 2004, door handles for opening doors must be able to be operated with one hand and located between 900mm and 1100mm above floor level.



114. To ensure compliance with SEPP Seniors Living 2004, all balconies and external paved areas must have slip resistant surfaces and switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
115. To ensure compliance with SEPP Seniors Living 2004, switches must be located between 900mm and 1100mm above floor level. General purpose outlets must be located at least 600mm above floor level.
116. "Peep holes" shall be provided to the entrance doors of units 2, 3 and 5 for personal security.
117. To ensure compliance with SEPP Seniors Living 2004, street signage incorporating house numbers must be provided at each intersection.
118. To ensure compliance with SEPP Seniors Living 2004, every entry (whether a front entry or not) to a self-contained dwelling, not being an entry for employees:
  - a) Must not have a slope that exceeds 1:40; and
  - b) Must comply with clause 4.3.1 and 4.3.2 of AS 4299, and
  - c) Must have an entry door handle and other hardware that complies with AS 1428.
119. To ensure compliance with SEPP Seniors Living 2004, an outside garbage storage area must be provided in an accessible location.
120. To ensure compliance with SEPP Seniors Living 2004, each self-contained dwelling must have a toilet on the ground floor:
  - a) That is a visitable toilet within the meaning of clause 1.4.12 of AS 4299, and
  - b) That is installed in compliance with AS 1428, and
  - c) That has a slip-resistant floor surface, and
  - d) The WC pan of which is located from fixed walls in accordance with AS 1428, and
  - e) That can accommodate a grab rail that complies with Figure 4.5 of AS 4299 and AS 1428.

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

121. 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.

122. Prior to occupation or issue of an Occupation Certificate the following works must be completed:
- a. Construction of the new driveway crossings and layback in accordance with the levels and specifications issued by Council,
  - b. Completion of footpath and associated works approved by Council under the *Roads Act 1993*,
  - c. Removal of all redundant laybacks and driveway crossings. Full reinstatement of these areas to upright kerb to the satisfaction of Council. Reinstatement works shall match surrounding adjacent infrastructure with respect to integration of levels and materials.

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.

123. Prior to occupation or issue of an Occupation Certificate the approved road, footpath and/or drainage works must be completed in the road reserve, in accordance with the Council approved *Roads Act 1993* drawings, conditions and specifications. The works must be supervised by the applicant's designing engineer and the works shall be completed and approved in full to the satisfaction of Council's Engineers. The supervising consulting engineer is to provide certification upon completion that the works were constructed in accordance with the Council approved drawings. The works are also to be subject to inspection by Council at the hold points noted on the approved drawings. Any conditions attached to the approved drawings for these works must be met in full.

124. Prior to occupation or issue of an Occupation 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 and retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

125. Prior to occupation or issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate for the building must be obtained and submitted to the Principal Certifying Authority (PCA).
126. Prior to occupation or issue of an Occupation 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 car park complies with the approved Construction Certificate plans, and*
- b. *The dimensions of all as-constructed private car parking spaces meet the dimension requirements of the Seniors Living SEPP (as last amended), and*
- c. *The vehicular headroom requirements of:*
  - *the Seniors Living SEPP (as last amended) for accessible parking spaces, and*
  - *Australian Standard 2890.1 - "Off-street car parking", and*
  - *2.5m height clearances are met from the public street into and within the applicable areas of the basement car park, and*
- d. *The gradients of the constructed access driveway from the public street to the basement car park are in accordance with AS2890.1 and will not result in the scraping of the underside of cars, and*
- f. *A convex mirror has been installed at a suitable location on the access driveway to allow incoming and exiting vehicles to be aware of each other and allow for passing at the designated area.*

127. Prior to occupation or issue of an Occupation 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.

In addition, 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.

128. Prior to occupation or issue of an Occupation 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.
- The provision of water mains back-up system to each collection tank for periods of low rainfall.
- 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.
- That all toilet flushing 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.
- Evidence of Sydney Water recognition of 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.
- 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.

129. Prior to occupation or issue of an Occupation 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)

*This condition shall not apply where the size of the installed retention system negates the need for on-site detention in accordance with Water Management DCP 47.*

130. Prior to occupation or 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. *This condition shall not apply where the size of the proposed retention system negates the need for on-site detention in accordance with Water Management DCP 47.*

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.

131. Prior to occupation or issue of an Occupation 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(s), in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

132. Prior to occupation or issue of an Occupation Certificate a maintenance regime shall be prepared for the basement stormwater pump-out system and submitted to Principal Certifying Authority. The regime shall specify that the system is to be regularly inspected and checked by qualified practitioners.
133. Prior to occupation or issue of an Occupation Certificate (and at the completion of the works) a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying Authority (PCA) that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out :
  - a. According the relevant Australian Standards and guidelines and
  - b. According to any approved Geotechnical report undertaken for the development and
  - c. In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.
134. Prior to occupation or issue of an Occupation Certificate the creation of a Restriction-on-Use on the existing title under the Conveyancing Act, restricting the occupation of the premises to:
  - a. People aged 55 years or over, or people with a disability as defined by the provisions of the State Environmental Planning Policy for Seniors Living.
  - b. People who live with such people as defined in (a) above.
  - c. Staff employed to assist in the administration of and provision of services to housing provided in this development.

## BUILDING CONDITIONS

135. 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.
136. 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.
137. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
138. 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).
139. 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.
140. 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.
141. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:
- |                        |                      |                      |
|------------------------|----------------------|----------------------|
| <b>Risers:</b>         | <b>Maximum 190mm</b> | <b>Minimum 115mm</b> |
| <b>Going (Treads):</b> | <b>Maximum 355mm</b> | <b>Minimum 240mm</b> |

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.

142. 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.

143. 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.

144. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
  - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
  - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.



- d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
- f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.

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

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

272     **175 Kissing Point Road, Turramurra - Request for Return of Land which Formed a part of the Abandoned Road Widening of Kissing Point Road**

File: P48346

For Council to consider a request from the Estate of the late G Warren owner of 175 Kissing Point Road, Turramurra for the return of a strip of land approximately 18.29 x 7.5 metres dedicated for road widening of Kissing Point Road.

**Resolved:**

(Moved: Councillors Malicki/Andrew)

- A. That Council agree to the transfer of the land component at no cost to the Estate of the late owner.
- B. That all costs associated with the closure of the unformed road and subsequent transfer of land are to be borne by the applicant and subject to the requirements of the Department of Lands.
- C. That Council authorise the General Manager and the Mayor or their nominees to execute all documentation associated with the road closure and transfer of the land.
- D. That Council approve the affixing of the Common Seal of Council to all necessary documentation.

**CARRIED UNANIMOUSLY**

273     **Airspace Lease over Wade Lane, Gordon - Option to Renew Lease**

File: P54342

To advise Council that the lease option of the airspace over Wade Lane Gordon, has been validly exercised, and request Council to authorise the affixing of the Common Seal of Council to the new lease.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That Council approve the renewed lease for a further period of ten (10) years commencing 1 July 2004.
- B. That Council authorise the Mayor and the General Manager to execute all necessary documentation associated with the lease.
- C. That Council approve the affixing of the Common Seal of Council to all necessary documentation.

**CARRIED UNANIMOUSLY**

274

**Order to Place Carlotta Avenue Depot Site Masterplan on Title as a Public Positive Covenant**

File: S02054

To advise Council on the legal procedure to place the Carlotta Avenue Depot Site Masterplan as a public positive covenant on the Certificate of Title and to seek approval for the consolidation of all lots forming 1-7 Carlotta Avenue Gordon into a single parcel.

**Resolved:**

(Moved: Councillors Lane/Innes)

- A. That Council orders that a public positive covenant be imposed on Council's land described in the Order and that the owner for the time being of such land (other than Ku-ring-gai Council) must comply with the requirements of the Carlotta Avenue Depot Site Masterplan adopted by Ku-ring-gai Council on 5 April 2005, in respect of any development on such land or any part thereof. Council's land to which this Order relates is the land being Lots 10 and 11 in Deposited Plan 3387, Lot 2 in Deposited Plan 218590 and Lots 11,12,13,14 and 15 in Deposited Plan 712122, or as consolidated. The prescribed authority for the purposes of Section 88D of the Conveyancing Act 1919 (NSW) in which the land in this Order is vested, is Ku-ring-gai Council.
- B. That Council approve the consolidation of the individual parcels of land that form 1-7 Carlotta Avenue, Gordon as identified in A above, as 1 single lot.
- C. That Council authorise the Mayor and the General Manager to execute all documentation associated with the 88D instrument and the Plan of Consolidation.
- D. That Council approve the affixing of the Common Seal of Council to all necessary documentation.

**CARRIED UNANIMOUSLY**

**Ku-ring-gai Retail Centres Study**

.  
Files: S02921, S04151

To present the findings of the Ku-ring-gai Retail Centres Study and seek endorsement from Council for a future retail hierarchy for Ku-ring-gai to be established through Stage 2 of the Residential Strategy.

**Resolved:**

(Moved: Councillors Lane/Innes)

- A. That Council receive and note the Ku-ring-gai Retail Centres Study.
- B. That Council endorse the retail strategy Option 3 as recommendation in the Ku-ring-gai Retail Centres Study.
- C. That the extent of the expansion of Gordon Centre be identified as part of the town centre planning process for Gordon.

**CARRIED UNANIMOUSLY**

**Five Year Road Program**

.  
File: S02362

To seek Council's approval of the five year rolling works program for 2005/2006.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

That Council adopts the proposed 2005/2006 Road Program and the draft Five Year Rolling Road Works Program as attached in **Appendix A**.

**CARRIED UNANIMOUSLY**

**Road Naming Squadron Court and Brevet Avenue Lindfield**

.  
File: S03211

To report on the proposal to name two roads in the new Lindfield subdivision running off Bradfield Road as 'Squadron Court' and 'Brevet Avenue.'

**Resolved:**

(Moved: Councillors Innes/Lane)

- A. That Council names the new streets off Bradfield Road into the Lindfield subdivision as 'Squadron Court' and 'Brevet Avenue'.
- B. That a notice of the new street names be published in a local newspaper and the NSW Government Gazette.
- C. That Council informs Australia Post, the Registrar General, Surveyor General and the Geographical Names Board of the new street names.

**CARRIED UNANIMOUSLY**

278 **26 to 30 Marian Street - Extinguishment of Stormwater Drainage Easement**

File: DA1243/04

To consider a request by the applicants of 26 -30 Marian Street, Killara to relocate the Council stormwater pipeline and extinguish the Council drainage easement over the subject property.

**Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That Council grants approval to extinguish the existing drainage easement burdening lots 1 & 2 DP 378243, known as 28 & 30 Marian Street (the Site) subject to:
  - i. Satisfactory prior completion, by the applicant and at no cost to Council, of the drainage works in Marian Street and Caithness Street shown on drawing plan 342820, Sheets D1 - D6, Revision 0, dated June 2005 by AFCE Environment and Building, and as amended. These works are to be undertaken and completed in accordance with conditions of the approval to be obtained pursuant to Section 138 of the Roads Act, and prior to commencement of any works within the Site pursuant to the approval in Development Application 1243/04; and
  - ii. following the completion of the works described in (i), the Council drainage line traversing the Site being decommissioned and new drainage line in road reserve made operative at a time approved by the Director Technical Services.
- B. That authority be given to the General Manager and Mayor to affix the common Seal of the Council to the instrument for release of the easement.
- C. That costs associated with the extinguishment of the said Easement and Council approved drainage works in the road reserve by the Applicant in

accordance with terms of Council Roads Act approval for drainage be at the Applicant expense.

**CARRIED UNANIMOUSLY**

279 **Proposed Additional Sites for Advertising and Non-Advertising Bus Shelter Locations**

.  
File: S03552

To report on requested and identified additional sites for advertising and non-advertising bus shelters and to seek approval for public consultation.

**Resolved:**

(Moved: Councillors Lane/Hall)

That Council endorses the locations for additional advertising and non-advertising bus shelters for further public consultation.

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

*Against the Resolution:    Councillor Bennett*

280 **Implementation of Banning of Smoking at Sporting Venues**

.  
File: S03433

In accordance with Council's resolution of 19 October 2004, "that staff prepare a report on the implementation of the banning of smoking at sporting venues and public places" this report outlines Council's actions to date and actions proposed.

**Resolved:**

(Moved: Councillors Malicki/Ebbeck)

That Council receive and note the implementation of smoking bans in designated Open Space areas.

**CARRIED UNANIMOUSLY**

## **Open Space Capital Works Program and Environmental Levy Projects 2005/2006**

File: S04387

To recommend to Council the Open Space Capital Works Program following adoption of Council's 2005-2009 Management Plan, including projects funded by the Environment Levy.

### **Resolved:**

(Moved: Councillors Lane/Ebbeck)

- A. That the projects as outlined in this report and attachments form the projects for the 2005/06 Open Space Capital Works and Environmental Levy Programs.
- B. That forward design commence for those projects identified in this report for 2006/07 programs.
- C. That matching funds for Council's contribution to walking track upgrades from Echo Point to Moores Creek and from 7 Little Australians to Eastern Road be allocated as outlined in the Environmental Levy program, should the Metropolitan Greenspace and Sydney Harbour Foreshore Access Grant Applications be successful.

**CARRIED UNANIMOUSLY**

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

### **Treated Pine at Childcare Centres**

File: S04278

#### **Notice of Motion from Councillor L Bennett dated 11 July 2005.**

I move:

- "A. That a report be brought to Council on the extent of treated pine equipment at Childcare Centres including consideration of the health implications and costs of replacement.
- B. That the report cover all Childcare Centres which operate on Council-owned land."

### **Resolved:**

(Moved: Councillors Bennett/Ebbeck)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

*Standing Orders were suspended following a Motion moved by  
Councillors Ebbeck and Innes to deal with items where  
there are speakers was CARRIED UNANIMOUSLY*

## **GENERAL BUSINESS (cont)**

283

### **4 Glen Road, Roseville - New Double Carport and Front Fence**

File: DA1178/04

Ward: Roseville

Applicant: Mr C A Drummond

Owner: Mr C A and Mrs D Drummond

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

#### **D Drummond**

To consider Development Application No. 1178/04 for a new double carport and front fence.

#### **Resolved:**

(Moved: Councillors Malicki/Bennett)

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

THAT Council, as the consent authority, refuse development consent to Development Application No. 1178/04 for a detached double carport and front fence on land at 4 Glen Road, Roseville, as shown on plans referenced Drawing No. A/01/B, dated 8 November 2004, drawn by T H West for the following reasons:

#### **Streetscape**

1. The double carport and associated driveway and paving forward of the building façade of the house results in an adverse streetscape impact.

#### **Particulars**

- i) The proposed carport is a dominant structure of excessive scale and bulk. The carport will be unsympathetic to the natural and built environment in this location. The carport and driveway/paving do not allow for sufficient soft landscaping area which is inconsistent with the objectives set out in Schedule 9 (Clauses 1(a), 1(b), 2(e), 2(f) of the Ku-ring-gai Planning Scheme Ordinance.

It is proposed to cover more than 50% of the front setback area with hard surface area which will undermine the streetscape setting of the locality due to an inadequate landscaped area in the front setback compared to the adjoining properties and the street in general.

- ii) The proposed carport, being located 3.0m from the street, is forward of the established building line and fails to comply with the minimum front setback requirement of 12m as prescribed by cl.5.1.3 of Development Control Plan 38.
  - iii) The proposed carport, being located 200 mm from the south-eastern boundary, fails to comply with the setback requirement of 1.5 metres and would not encourage appropriate landscaping to be established between the proposed carport and adjoining properties as prescribed by cl.5.1.3 and cl.5.3.4 of Development Control Plan No.38.
2. The proposed driveway, paving, retaining wall and steps are likely to have a detrimental impact on the following significant tree:

Tree/Location	Radius in metres
Jacaranda mimosifolia (Jacaranda)/front boundary	4m

The proposed works are likely to have a detrimental impact on the health of the above tree as a result of excess cut and fill within the primary and critical root zone of the tree. Insufficient evidence has been provided to demonstrate that the proposed works will not have a detrimental impact on the tree.

*For the Resolution:           The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Lane, Malicki*

*Against the Resolution:   Councillors Cross, Ebbeck, Hall and Innes*

*The above Resolution was carried as a Foreshadowed Motion to the Original Motion. The Original Motion was:*

(Moved: Councillors Innes/Cross)

THAT Council, as the consent authority, grant development consent to Development Application No. 1178/04 for a detached double carport and front fence on land at 4 Glen Road, Roseville, as shown on plans referenced Drawing No. A/01/B, dated 8 November 2004, drawn by T H West subject to the following conditions:

- 1. The development to be in accordance with Development Application No 1178/04 and Development Application plans prepared by *T H West*, reference number *A/01/B*, dated *November 2004* and lodged with Council on *10 November 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. The approved building works shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. 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. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
10. 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.
11. 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.

12. 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.**
13. 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.
14. 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".
15. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
16. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.  
  
Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.
17. 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.
18. 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.m

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

19. 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.

20. 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).
21. 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.
22. 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)I 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 WORK COMMENCING**

- 23. 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.
- 24. 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 the Principal Certifying Authority prior to the commencement of work.

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

- 25. 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.

*For the Resolution:*                      *Councillors Cross, Ebbeck, Hall and Innes*

*Against the Resolution:*      *The Mayor, Councillor A Ryan, Councillors Andrew, Bennett, Lane, Malicki*

284      **1580 to 1596 Pacific Highway, Wahroonga**

File: DA1081/04

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

**J Brooker  
L De Stoop  
K Nash  
R Edgar  
S Young**

**L Brennan  
A Carol**

To refer the application back to Council following the Council meeting of the 28 June 2005 and seek Council's determination of the development application.

*During discussion, Council resolved into Closed Session  
to the Ante Room after a Motion was  
moved by Councillors Bennett and Cross  
to discuss the legal issues*

*For the Resolution: Councillors Andrew, Bennett, Cross, Ebbeck, Innes & Malicki*

*Against the Resolution: The Mayor, Councillor A Ryan, Councillors Hall & Lane*

***To Open Council***

**Resolved:**

(Moved: Councillors Andrew/Malicki)

- A. That consideration of this application be deferred to allow the applicant to submit amended plans for consideration which include a reduction in the height of Block G to a height of 2.6 storeys and a further setback of Block G from the Sydney Blue Gum numbered 131 of at least 1.5 additional metres.
- B. The applicant also to amend Block C to reduce the impact on the Heritage item at 1574-1576 Pacific Highway by incorporating more of the changes recommended both by Council's Heritage Advisor in the report of 18 April and by the site specific DCP55.

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

*Against the Resolution: Councillors Cross & Lane*

*The above Resolution was carried as an Amendment to the Original Motion. The Original Motion was:*

(Moved: Councillors Malicki/Andrew)

THAT Council, as the consent authority, refuse consent to Development Application No. 1081/04 for the construction of seven strata titled residential flat buildings containing 158 apartments and parking for 218 cars on land at No. 1580-1596 Pacific Highway, Wahroonga for the following reasons:

**1. Heritage**

The development has an unsatisfactory impact upon the heritage curtilage and setting of the adjoining heritage item at No. 1574 Pacific Highway.

*Additionally:*

- (i) *The development is non-compliant with Part 3 (local context) of DCP 55, in that, the proposed development has a setback of 13-14 metres from the garage to the heritage item, in lieu of the 15 metre setback required by the DCP.*

## **2. Setbacks**

The setback of the development to Pacific Highway has an unsatisfactory impact upon the Pacific Highway streetscape.

*Particulars:*

- (i) *The development is non-compliant with Part 4.3 (C-1(b)) of DCP 55, in that, 67% of the development is located within the 10-12 metre building footprint zone, whereas, the DCP only allows for a maximum occupancy of 40% of the building within this area.*

## **3. Built form and articulation**

The development is of unsatisfactory built form and articulation.

*Particulars:*

- (i) *The development is non-compliant with Part 4.4(C-1) of DCP 55, in that, the following components of the development are non-compliant with the 81m<sup>2</sup> (max) wall plane area control:*
  - Block A – south-eastern elevation (99m<sup>2</sup>)*
  - Block A – south-western elevation (86m<sup>2</sup> & 93m<sup>2</sup>)*
  - Block B – east-eastern elevation (84m<sup>2</sup>)*
  - Block B – north-western elevation (107m<sup>2</sup>)*
  - Block C – west elevation (218m<sup>2</sup>)*
  - Block C – east elevation (137m<sup>2</sup>)*
  - Block D – west elevation (182m<sup>2</sup>)*
  - Block D – east elevation (178m<sup>2</sup>)*
  - Block E – east elevation (201m<sup>2</sup>)*
  - Block F – west elevation (132m<sup>2</sup>)*
  - Block G – south elevation (87m<sup>2</sup>)*
  - Block G – west elevation (180m<sup>2</sup>)*
  - Block G – north elevation (140m<sup>2</sup>)*
- (ii) *The development is non-compliant with Part 4.4(C-3) of DCP 55, in that, the Blocks A & B have widths of 36.5 metres to the street, in lieu of the 36m maximum width control.*
- (iii) *The development is non-compliant with Part 4.4(C-6) of DCP 55, in that, the balconies to Blocks C, D, E, F & G have a projection of 2.4m in lieu of the 1.2m control within the DCP.*

## **4. Residential amenity**

- (a) The development has unsatisfactory internal separation that generates privacy impacts between buildings within the development.

*Particulars:*

- (i) *The development is non-compliant with Part 4.5.2 (C-2) of DCP 55, in that the separation between the dwellings forming the development fail to meet the required 18m separation as required by the DCP. Non-compliances are as follows:*

*9m between Blocks A & B  
10m between Blocks D & E  
14m between Blocks C & D*

- (b) The development is unsatisfactory in that the ground floor terrace areas and above ground balconies are not of sufficient size to allow for passive and recreational use.

*Particulars:*

- (i) *The development is non-compliant with Part 4.5.5 (C-1) of DCP 55, in that, the ground floor apartments do not have terrace or private courtyards greater than 25m<sup>2</sup>. Non-compliances are as follows:*

*Block C: 14m<sup>2</sup> (1 x 1 bedroom unit)  
Block D: 15m<sup>2</sup> (4 x 1 bedroom unit)  
Block E: 16m<sup>2</sup> (1 x 1 bedroom unit)  
Block F: 12m<sup>2</sup> (2 x 1 bedroom unit)  
Block G: 12m<sup>2</sup> (2 x 1 bedroom unit and 1 x 2 bedroom unit).*

- (ii) *The development is non-compliant with Part 4.5.5 (C-2) of DCP 55, in that, the above ground balconies do not meet the requirements of the DCP (i.e. 1 bedroom units – 10m<sup>2</sup>, 2 bedroom units – 12m<sup>2</sup>, 3 bedroom units – 15m<sup>2</sup>. Non-compliances are as follows:*

*Block G: 8m<sup>2</sup> (2 x 1 bedroom unit)  
Block B, E & F: 11m<sup>2</sup> (6 x 2 bedroom units respectively)*

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

*Against the Resolution: Councillors Cross and Lane*

285

**11 to 19 Moree Street, Gordon - Construction of Two, Five Storey Residential Flat Buildings with 42 Apartments over Basement Parking Containing 81 Car Spaces and Landscaping**

File: DA0240/05

Ward: Gordon

Applicant: IPM Pty Ltd

Owner: Moree Street Pty Ltd

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

**A Novakovic**

**S Young**

To determine development application DA240/05, which seeks consent for the construction of two, five storey residential flat buildings with 42 apartments over basement parking containing 81 car spaces and landscaping.

**Resolved:**

(Moved: Councillors Lane/Mayor Ryan)

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

THAT Council, as the consent authority, refuse development consent to Development Application No. 0240/05 for the construction of two, five storey residential flat buildings with forty-two (42) apartments , over basement parking containing eighty-one (81) car spaces and landscaping on land at 11-19 Moree Street, Gordon, for the following reasons:

1. The location of the proposed driveway within the western side boundary setback fails to provide sufficient area of deep soil landscaping to ensure the establishment of large canopy trees and landscape screening for the adjoining properties and Moree Street, as required under section 4.1 Landscape Design of DCP 55 - Ku-ring-gai Multi-Unit Housing.

Particulars:

- a. A side setback of 2.6 meters has been provided to the western boundary for the driveway. This limits the potential for deep soil landscaping and tall tree canopy planting are required by LEP 194 and DCP 55 and has an unreasonable impact on the adjoining townhouses to the west at 21-27 Moree Street. (*Refer: LEP194 clause 25I Heads of Consideration (1)I and DCP 55 Part 4.1, C-3*).
2. No information has been submitted in relation to the design of the development with regards to Urban Conservation Area 15 – West Gordon as identified in section 3.4 Development within an urban conservation area and appendix B of DCP 55 - Ku-ring-gai Multi-Unit Housing.
3. The front setback, use and design of the front setback, and design of the apartment building front elevation, results in undue imposition of built form (height and bulk) upon the streetscape and adjoining properties.

Particulars:

- a. A front setback of 10 metres has been provided to Moree Street. This limits the potential for deep soil landscaping and tall tree canopy as required by LEP194 and DCP 55 and has consequent adverse impact on the Moree Street streetscape.
- b. The limited front setback to Moree Street includes courtyards with a minimum setback of 6.2 metres as opposed to a required 8 metres. This will not allow for acceptable deep soil landscaping and sufficient tall tree canopy within the front setback and has consequent adverse impact on the More Street streetscape. (*Refer: LEP194 clause 25I Heads of Consideration (1)I and DCP 55 Part 4.3, C-2 and C-7*).



4. The location of the proposed driveway within the western side boundary setback fails to provide sufficient deep soil landscaping to ensure the provision of privacy and amenity to the adjoining properties (*Refer: LEP 194 clause 25I(1)(b) Heads of consideration*).

**CARRIED UNANIMOUSLY**

286

**35 to 37 Millewa Avenue, Wahroonga - Demolition of Dwellings, Construction of a 4 Storey Residential Flat Building Containing 18 Dwellings, Associated Car Parking and Strata Subdivision**

File: DA0135/05

Ward: Wahroonga

Applicant: Advocate Developments Pty Ltd

Owner: John Briggs (No 35), Donald James Mackenzie (No 35) and JO and KJ Plume (No 37)

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

**D Hart**

**J Briggs**

**M Taylor**

To determine DA135/05, which seeks consent for the demolition of 2 existing dwellings, the construction of a 4 storey residential flat building containing 18 residential units above basement car parking for 27 vehicles, landscaping and strata subdivision

**Resolved:**

(Moved: Councillors Ebbeck/Cross)

**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 135/05 for the demolition of existing dwellings, construction of a residential flat building and strata subdivision on land at 35-37 Millewa Avenue Wahroonga, be approved for two (2) years on a deferred commencement basis, subject to the following conditions:

**Schedule A**

1. The applicant is to submit documentary evidence that the entire property benefits from a drainage easement as far as the point of discharge to the public drainage system. This information is to include as a minimum, registered title documents demonstrating the benefit and burden, together with the instruments describing the easement. Documentation is to be submitted to Council and approved prior to the operation of the consent.

2. The applicant shall submit full hydraulic design documentation for the required interallotment drainage system from the subject property to the approved point of discharge to the public drainage system. Plans are to be prepared by a suitably qualified and experienced consulting civil/hydraulic engineer in accordance with Council's Water Management DCP 47 (available on Councils website and at Customer Services) and the Plumbing and Drainage Code (AS3500). New pipes within the downstream easement drainage system must be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property.

The following details must be included:

- a. Plan view of interallotment system to scale showing dimensions, location and reduced levels of all pits, grates, pipe inverts, flushing facilities and exact point of discharge,
- b. The contributing catchment calculations and supporting pipe sizing information,
- c. Longitudinal section showing existing ground levels and proposed pipe invert levels, grades and flow capacities,
- d. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system,
- e. Means to preserve the root systems of trees within seven (7) metres of the drainage system,
- f. Means to maintain support to the footings of adjacent buildings and to maintain the integrity of other services which may exist within the easement.

The plan is to note that the pipe is to be installed by thrust boring within the canopy of the tulip tree on the neighbouring property, with the pipe obvert at least 1 metre below natural ground level.

Plans are to be submitted to Council and approved prior to the operation of the consent.

## **Schedule B**

### **GENERAL CONDITIONS**

1. The development must be carried out in accordance with plans numbered DA01-DA12 Issue C, dated 4 November 2004, drawn by Krikis Tayler Architects and Landscape Plans numbered L01, dated February 2005 drawn by City Plan Landscapes endorsed with Council's approval stamp, except where amended by the following conditions:
2. 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.

3. 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.
4. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
5. Landscape works shall be carried out in accordance with Landscape Drawing No 24-020 prepared by City Plan Landscapes and dated February 2005 submitted with the Development Application, except as amended by the following:
6. The proposed planting of two *Angophora costata* (Sydney redgum) located immediately adjacent to the western side of the proposed building are to be relocated with a minimum setback from the building footprint of 4.0m. If a different species is required to comply, effective privacy screening for the western adjoining dwelling shall be maintained.

To promote biodiversity, the proposed planting of tall canopy trees is to have a greater selection of species. Tree species are to be selected from the Sydney Bluegum High Forest plant community and include a mix of the following tree species; *Angophora floribunda* (Rough barked apple), *Eucalyptus paniculata* (Grey Ironbark), *Eucalyptus pilularis* (Blackbutt) and *Syncarpia glomulifera* (Turpentine).

The proposed planting of *Prunus blireana* (Flowering Plum) is to be substituted for another plant species/ornamental blossom species that grows well in Ku ring gai and can cope with Sydney's humidity. The flowering plum is not an appropriate species due to it dropping its leaves mid summer due to humidity.

The proposed street tree planting of *Lophostemon confertus* (Brushbox) is to be located so it has a minimum offset from the proposed driveway crossover of 4.0m.

7. REMOVAL/PRUNING of the following tree/s from Council's nature strip to permit vehicular access shall be undertaken at no cost to Council by an experienced Tree Removal Contractor/Arborist holding Public Liability Insurance amounting to a minimum cover of \$10,000,000.

Tree/Location  
 #13 *Lophostemon confertus* (Brushbox)  
 Millewa St nature strip

8. 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.

9. 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
Lophostemon confertus (Brushbox)	5.0m
Millewa St nature strip	

10. 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.
11. Following removal of the TREE SPECIES from Council's nature strip, the nature strip shall be rehabilitated to the satisfaction of Council's Director Open Space at no cost to Council.
12. 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.
13. 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.
14. In order to protect the visual privacy of the rear adjoining dwelling at No. 3/12 Woniora Avenue, Wahroonga, a 500mm lattice screen shall be attached to the existing timber paling fence along the northern boundary of No. 35 and No. 37 Millewa Avenue.

Screen planting achieving a mature height of two metres shall be planted at regular intervals along the northern boundary to achieve effective screening.

## **Sydney Water**

15. The developer is required to obtain a Section 73 Compliance Certificate from Sydney Water. Sydney Water recommends that Council stipulate that the developer secures a Section 73 Certificate from Sydney Water as a condition of consent for an individual development. Issuing of the Certificate will confirm that the developer has met Sydney Water's detailed requirements, which include:
- Correctly sized water and wastewater mains; extensions or amplifications to existing water and wastewater systems (if necessary);
  - Building over/adjacent to Sydney Water's existing water, sewerage or stormwater infrastructure;
  - Payment of Sydney Water Charges; and
  - The completion of any other requirements.

Adjustments to existing Sydney Water systems resulting from developer activity will be charged to the particular development. Developers are advised to engage the services of a Water Servicing Coordinator (WSC) to obtain a Section 73 Certificate and manage the servicing aspects of their projects. Details are available from any Sydney Water Customer Centre on 132092 or Sydney Water's website at [www.sydneywater.com.au](http://www.sydneywater.com.au)

16. A Sydney Water 225mm sewer main and 100mm water traverse are adjacent to the site respectively. These mains are shown on the attached plan. Any development on site, which may impact on these assets, will be required to comply with Sydney Water's *Guidelines on Precautions to be Taken when Building over or adjacent to Sydney Water's Assets* (which is enclosed for your information).
17. In relation to any proposed landscaping, Sydney Water emphasizes the potential for tree roots to cause damage to water and sewer pipes. There are a number of tree species that are of concern to Sydney Water because they have significant biomass and/or invasive root systems, which can cause cracking or blockage of Sydney Water assets. Pipe damage in turn may increase the risk of sewer overflows under certain weather conditions, and significantly increases the maintenance costs to the water and sewer system. Enclosed is a list of tree species of concern to Sydney Water.

### **Energy Australia**

18. The developer is required to install a minimum of 4 off 150mm conduits in the footway across the frontage of the development within EnergyAustralia's allocation and installed to EnergyAustralia's Network Standard NS 130 *Installation of Network Cables*.
19. Solid, high fencing is not consistent with the existing streetscape. No approval is given to the proposed front fence. The plans submitted with the Construction Certificate application shall reflect this change.

### **Advice**

The applicant is advised to contact service providers such as Energy Australia and Sydney Water in relation to specific service requirements.

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

20. 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.

21. 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).

22. 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.
23. Prior to issue of the Construction Certificate the Applicant must consolidate the existing Torrens lots which will form the development site. Evidence of lot consolidation, in the form of a plan registered with Land and Property Information, must be submitted for approval of the Principal Certifying Authority prior to issue of the Construction Certificate. This condition is imposed to ensure continuous structures will not be placed across separate titles.
24. Prior to issue of the Construction Certificate any security gate, grille or door shown on the DA plans, which would prevent unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, must be deleted from the plans to be approved with the Construction Certificate. Such details shall be to the satisfaction of the Principal Certifying Authority (PCA).
25. Prior to issue of the Construction Certificate, a plan detailing services trenches in accordance with the relevant supply authorities (including electricity, gas, telephone, water and sewerage), shall be submitted for approval by the Principal Certifying Authority (PCA). The Notice of Requirements for Sydney Water must be obtained prior to issue of the Construction Certificate.
26. Prior to issue of the Construction Certificate the Applicant shall contact Energy Australia regarding power supply for the subject development. A written

response detailing the full requirements of Energy Australia (including cabling, need for substations or similar within the development) shall be submitted to the Principal Certifying Authority (PCA) for approval prior to Construction Certificate issue. Any structures or requirements of Energy Australia shall be reflected on the plans issued with the Construction Certificate to the satisfaction of the PCA. The requirements of the utility provider shall be met in full prior to issue of the Occupation Certificate.

27. Prior to issue of the Construction Certificate, footpath and driveway levels for the required driveway crossing 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.** 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. 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.

28. The Applicant must construct a new concrete footpath at the existing footpath levels for the full frontage of the development site. The works are to be carried out in accordance with Council's standard detail for footpaths.

Traffic management is to be 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).

29. 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 LANDCOM document "Soils and Construction" (2004). 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). The design is to reflect the ultimate means of disposal of stormwater runoff from the site. Runoff to be pumped out of the basement excavation is to be clarified by a suitable agent and then pumped into a formal drainage system. Sediment basins are to be clear of tree protection zones.

30. Prior to issue of the Construction Certificate the applicant shall submit, for approval by the Principal Certifying Authority (PCA), construction details for the proposed method of achieving Council requirements for the mandatory re-use of water on the property including general garden irrigation, car washing, laundry and toilet flushing within each unit. The necessary plumbing components for re-use, including pumps and back up power supply in the event of blackout, shall be shown on these plans to a detail suitable for installation by the plumbing services contractors. The plans, with all supporting documentation, are to be prepared by a qualified and experienced civil/hydraulic engineer.
31. 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 the on-site stormwater retention system. The minimum storage volumes and designs shall comply with Councils Water Management DCP 47 (available on the Council website and at Council customer services), any manufacturers' specifications and the relevant plumbing codes. Rainwater tank(s) shall be designed to capture and retain runoff from the entire roof area as a minimum. 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. The design is to incorporate means to keep the retained roofwater sealed, free from mosquitoes and separate from surface runoff. Pipes within Tree Protection Zones are to be installed by thrust boring. The design may be generally in accordance with the Stormwater Drainage plans prepared by GHD Pty Ltd, submitted with the development application, and advanced as necessary for construction issue purposes.
32. 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 requirements for **water quality control** as given in Chapter 8 of DCP 47 Water Management. The details may be incorporated into the overall stormwater management plan for the development.
33. 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 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.
34. Prior to the issue of a Construction Certificate the applicant must lodge a **\$20,000** public infrastructure damage bond with Council. This bond is applied pursuant to Section 97 of the *Local Government Act 1993* to cover the cost of:



Making good any damage that may be caused to any public infrastructure as a consequence of doing or not doing any thing to which this approval relates, Completing any public infrastructure works that are required in connection with this approval.

The bond shall be lodged in the form of a deposit or bank guarantee and will be refundable following completion of all works relating to the proposed development and at the end of any maintenance period stipulated by consent conditions, upon approval by Council's Engineers. Further, Council shall have full authority to make use of the bond for such restoration works as deemed necessary by Council in the following circumstances:

Where the damage constitutes a hazard in which case Council may make use of the bond immediately, and

The applicant has not repaired nor commenced repairing damage within 48 hours of the issue by Council in writing of instructions to undertake such repairs or works.

Works in the public road associated with the development are to an unacceptable quality.

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

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

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.

36. 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 IS CURRENTLY \$276,797.45 (based on 2 x small dwellings, 11 x medium dwellings, 4 x large dwellings and 1 x very large dwelling with a credit of 1 x large and 1 x very large dwelling).**

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 30 June 2004, calculated for additional person as follows:

1. Community Facilities	\$1,117.76
2. Park Acquisition and Embellishment Works - Wahroonga	\$6,574.28
3. Sportsgrounds Works	\$1,318.32
4. Aquatic / Leisure Centres	\$27.82
5. Traffic and Transport	\$150.28
6. Section 94 Plan Administration	\$100.04

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

Small dwelling (under 75sqm)	1.27 persons
Medium dwelling (75 - under 110sqm)	1.78 persons
Large dwelling (110 - under 150sqm)	2.56 persons
Very Large dwelling (150sqm or more)	3.48 persons
New Lot	3.48 persons
SEPP (Seniors Living) Dwelling	1.3 persons

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

37. Stormwater runoff from all hard surfaces generating runoff or landscaped areas which are not at natural ground level shall be piped to the interallotment stormwater drainage line benefiting the subject site. The interallotment line is to be covered by the necessary easement for drainage which may exist or need to be created under this consent.
38. A mandatory rainwater re-use tank system comprising stormwater tanks and rainwater tanks of minimum volume required in chapter 6 of Councils Water Management Development Control Plan 47 (DCP47), must be provided for the development. Retained water must be made available for garden irrigation, car washing, all toilet flushing and laundry use within each unit. A mains top-up shall be provided for periods of low rainfall, with a void space left for runoff storage purposes.
39. For stormwater control, 200mm wide grated channel/trench drains with heavy-duty removable galvanised grates are to be strategically placed to collect driveway runoff and must be connected to the main stormwater drainage system. The channel drain shall have an outlet of minimum diameter 150mm to prevent blockage by debris.
40. A maintenance period of six (6) months shall apply to all works in the public road reserve carried out by the applicant after works have been completed to Council's satisfaction. In that period, the applicant shall be liable for any section of the work which fails to perform in the manner outlined in Council's

specifications, or as would reasonably be expected under the operating conditions.

41. Where required, the adjustment or additions 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.
42. All public footways and accessways 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.**
43. 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.
44. 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" as a minimum requirement.
45. For the purpose of any further plan assessment and works inspections by Council engineers, the corresponding fees set out in Councils adopted Schedule of Fees and Charges are payable to Council. A re-inspection fee per visit may be charged where work is unprepared at the requested time of inspection, or where remedial work is unsatisfactory and a further inspection is required. Engineering fees must be paid in full prior to any final sign-off from Council.
46. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
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. Applicant shall 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. During construction, stormwater runoff must be disposed in a controlled manner that is compatible with the erosion and sediment controls on the site. Immediately upon completion of any impervious areas on the site (including roofs, driveways, paving) and where the final drainage system is incomplete, the necessary temporary drainage systems shall be installed to control runoff as far as the approved point of stormwater discharge. Such measures shall be to the satisfaction of the Principal Certifying Authority (PCA).
49. Geotechnical aspects of the development works, particularly excavation, support, retention and hydrogeological considerations must be undertaken in accordance with the recommendations of the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers (refer report 18946VBrpt dated 28 October 2004) and the subsequent geotechnical investigations and monitoring carried out for construction purposes.
50. A contractor with specialist excavation experience must undertake the excavations for the development and a suitably qualified and consulting geotechnical engineer must oversee the excavation procedure. Geotechnical aspects of the development work, namely:

- Appropriate excavation methods and techniques,
- Vibration management and monitoring,
- Support and retention of excavated faces,
- Hydrogeological considerations,

must be undertaken in accordance with the recommendations of Jeffery and Katauskas Report 18946Vrpt, dated 28 October 2004, and all subsequent geotechnical inspections carried out during the excavation and construction phase. Approval must be obtained from all affected property owners, including Ku-ring-gai Council where rock anchors (both temporary and permanent) are proposed below adjacent private or public property.

51. The geotechnical and hydrogeological works implementation, inspection, testing and monitoring program for the excavation and construction works must be in accordance with the report by Jeffery and Katauskas Report 18946Vrpt, dated 28 October 2004. Over the course of the works a qualified Geotechnical/hydrogeological Engineer must complete the following:
- Further geotechnical investigations and testing recommended in the above report(s) and as determined necessary,
  - Further monitoring and inspection at the hold points recommended in the above report(s) and as determined necessary,
  - Written report(s) including certification(s) of the geotechnical inspection, testing and monitoring programs.

52. Approval is to be obtained from Ku-ring-gai Council Traffic Committee for any temporary public road closures and/or placement of cranes on public land.
53. All demolition and construction traffic control and management measures shall be implemented in accordance with an approved *Construction and Traffic Management Plan* to be submitted and approved by Council prior to the commencement of works. The Principal Certifying Authority shall monitor the traffic control and management situation over the course of construction works. Where it is found that the Traffic control and management measures may be improved, this shall be undertaken under the supervision of qualified traffic control persons and in consultation with Council.
54. In order to allow unrestricted access for Council waste collection vehicles to the basement garbage storage/collection area, no doors or gates shall be provided in the access driveways to the basement carpark which would prevent this service.
55. All new public utility services, or appropriate conduits for the same, including electricity, gas, telephone, water and sewerage shall be provided underground by the developer in accordance with the specifications of the supply authorities.
56. A mirror is to be installed at each entry to the basement carpark.
57. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the existing footpath and road shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
<i>Lophostemon confertus</i> (Brushbox)	5.0m
Millewa St nature strip	

58. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
59. Upon completion of the installation of the required tree protection measures you are required to contact the principal certifying authority to arrange an inspection of the site. 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.
60. Prior to the commencement of any works on site the applicant shall submit to **Council** a full dilapidation report on the visible (**including photos**) and structural condition of the full road pavement width of Millewa Avenue including kerb and gutter, over the site frontage.

The report must be completed by a consulting structural/civil engineer.  
Particular attention must be paid to accurately recording (both via photo and in

written format) *existing* damaged areas on the aforementioned infrastructure so that:

- Council is fully informed when assessing any damage to public infrastructure caused as a result of the development, and
- Council is able to refund infrastructure damage bonds, in full or parts thereof, with accuracy.
- The developer may be held liable to all damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded under the requirements of this condition prior to the commencement of works. In this respect, the infrastructure damage bond lodged by the subject developer may be used by Council to repair the damage regardless.

A second dilapidation report, recording structural conditions of all structures originally assessed prior to the commencement of works, must be carried out at the completion of the works and be submitted to Council.

61. Prior to the commencement of *any* works on site the applicant must submit, for review by Council Engineers, a *Construction and Traffic Management Plan*. The following matters must be specifically addressed in the Plan:

**A plan view of the entire site and frontage roadways indicating:**

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage any pedestrians and construction related vehicles in the frontage roadways,
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of any Work Zones in the frontage roadways,
- Location of proposed crane standing areas
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected.
- The provision of an on-site parking area for employees, tradesperson and construction vehicles where possible.

**Traffic Control Plan(s) for the site**

All traffic control devices installed in the road reserve must be in accordance with the RTA publication “Traffic Control Worksite Manual” and designed by a person licensed to do so (minimum RTA ‘red card’ qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each. Approval is to be obtained from Ku-ring-gai Council for any temporary road closures or crane use from public property.

**A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided.**

Light traffic roads and those subject to a load or height limit must be generally avoided.

A copy of this route is to be made available to all contractors, and shall be clearly depicted at a location within the site.

Truck routes are to be temporarily signposted for the duration of the demolition and construction works.

In addition, the plan must address:

- A schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations. These must specify that construction-related vehicles to comply with the approved requirements.
  - No construction traffic movements in school peak periods, ie 8.00 to 9.30am and 2.30 to 4.00pm.
  - For those construction personnel that drive to the site, the Applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.
  - The *Construction and Traffic Management Plan* shall be submitted to and reviewed by Council, attention Development Engineer. A written acknowledgment from Council shall be obtained and submitted to the Principal Certifying Authority prior to the commencement of any works on site. 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. The construction management measures contained in the approved plan shall be implemented in accordance with the plan prior to the commencement of, and during, works on-site including excavation.
62. Prior to the commencement of any works on the site, the applicant shall submit, for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of the buildings at 33 and 39 Millewa avenue and 3/12 Woniora Avenue. The report must be completed by a consulting structural/geotechnical engineer. A second dilapidation report, recording structural conditions of all structures originally assessed prior to issue of the Construction Certificate, must be carried out at the completion of the works and be submitted to Council. The report shall have regard to protecting the Applicant from spurious claims for structural damage and shall be verified by all stakeholders as far as practicable. If a structure has been demolished in the meantime under a separate Development Approval then no such report is required.
63. If a Works Zone is proposed, the Applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the 'Work Zone'. The application must be made at least 15 days prior to the commencement of any works on site approved under this consent. Works Zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Works Zones will generally not be

approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site. If the Works Zone is approved by the Committee, the Applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit a copy of this to the Principal Certifying Authority for approval prior to commencement of any works on the site. Where approval of the 'Work Zone' is resolved by the Committee, the necessary 'Work Zone' signage shall be installed (at the cost of the Applicant) and the adopted fee paid prior to commencement of any works on the site. Further, at the expiration of the Works Zone approval, the Applicant is required to remove the Works Zone signs and reinstate any previous signs, all at the Applicant's cost.

64. Approval is to be obtained from the property owner for any anchors proposed beneath adjoining private property, as stated in Jeffery and Katauskas Report 19152VBrpt dated 31 January 2005. If such approval cannot be obtained, then the excavated faces are to be shored or propped in accordance with the recommendations of the geotechnical and structural engineers.
65. Excavation in rock is to commence away from likely critical areas to allow electronic monitoring of vibrations and selection of alternative equipment if necessary. Reporting of the monitoring is to be submitted to Council and the Principal Certifying Authority prior to commencement of bulk excavation in critical areas.
66. To reduce or eliminate the transport of sediment from the construction site onto public roads, a temporary construction exit, together with necessary associated temporary fencing, shall be established prior to commencement of any work on the site and shall be maintained throughout the duration and progress of construction.
67. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.
68. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.

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



69. To preserve and enhance the natural environment, earthworks and/or demolition of any existing buildings shall not commence until an Erosion and Sediment Control Plan (ESCP) is prepared, submitted to the Principal Certifying Authority, approved and implemented to the satisfaction of the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing Manual "Managing Urban Stormwater: Soils and Construction" Certificate.
70. To preserve and enhance the natural environment, earthworks shall not commence until a perimeter drainage structure (i.e. diversion bank/catch drain) designed and located to prevent contaminated diffuse runoff from construction and disturbed areas from leaving the site untreated and runoff from entering the site from upslope areas, is established. Such a drain or bank shall be wholly situated on the building site and designed to safely and adequately collect and convey all diffuse runoff from the site to an appropriately designed and located sediment control structure on-site.

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

71. 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 retention/ 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 instruments for protection of retention/ detention facilities - to the satisfaction of Council.
72. 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.
73. Prior to release of the linen plan/issue of the subdivision certificate, the Section 73 Sydney Water compliance certificate **which refers to the subdivision application** must be obtained and submitted to the Council.
74. For endorsement of the linen plan/issue of the subdivision certificate, the Applicant shall submit an original plan of subdivision plus six (6) copies, suitable for endorsement by the consent authority. The following details **must** be submitted with the plan of Subdivision and its (5) copies, where Council is the consent authority:
  - a. The endorsement fee current at the time of lodgment.
  - b. The 88B Instruments plus six (6) copies,
  - c. A copy of the Occupation Certificate,
  - d. The Consulting Engineer's certification of the on-site stormwater detention facility. This must be on the standard Council on-site detention certification sheet, available from Council's customer services.

- e. A copy of all works-as-executed plans required under the consent,
- f. All Surveyor's and/or Consulting Engineer's certification(s) required under this consent,
- g. The Section 73 (Sydney Water) Compliance Certificate.

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

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

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

Note 3: If the certifying authority is not Council, then a copy of all of the above must be provided to Council

- 75. For endorsement of the linen plan / subdivision certificate issue, the Applicant shall submit an original instrument under Section 88B of the Conveyancing Act with the plan of subdivision, plus six (6) copies. This is to create any required easements, rights-of-carriageway, positive covenants, restrictions-on-use or other burdens/benefits as may be required. Ku-ring-gai Council must be named as the authority whose consent is required to release, vary or modify the same.
- 76. All parking spaces and all areas of common property, including visitor car parking spaces and on-site detention facilities, which are to be common property, must be included on the final plans of strata subdivision.

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

- 77. Prior to the completion of the detention retention tank(s), the construction of the required interallotment drainage system must be completed in full. The designing engineer or equivalent professional engineer must supervise the works. At the completion of works, and prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, the following shall be submitted to the Principal Certifying Authority (PCA):
  - a. Certification from the supervising engineer that that the as-constructed works comply with the approved interallotment design documentation, and
  - b. A full works-as-executed drawing of the as built drainage line (dimensions, grades, materials, invert levels) prepared by a registered surveyor, and
  - c. Certification from the surveyor that all drainage structures are wholly contained within the drainage easement(s).
- 78. Prior to issue of the Occupation Certificate, a complete record of geotechnical inspections, testing and monitoring with certifications as specified in the Report on Geotechnical Investigation by Jeffery and Katauskas Consulting Engineers (refer report 19152VBrpt dated 31 January 2005), and the professional geotechnical input over the course of the works, must be compiled in report format and submitted to the Principal Certifying Authority for approval.
- 79. Prior to issue of the Occupation Certificate a suitably qualified and consulting geotechnical engineer is to provide certification to the Principal Certifying

Authority that excavation and construction of the basement level, including temporary and permanent shoring and retention measures, have been carried out:

- According the relevant Australian Standards and guidelines, and
- According to any approved Geotechnical report undertaken for the development, and
- In a manner that ensures that the structural amenity of adjoining structures and property is fully maintained.

80. Prior to issue of an Occupation Certificate the following works must be completed to the satisfaction of Council Engineers:

Completion of the new driveway crossing in accordance with levels and specifications issued by Council.

- Completion of all new footpath works in accordance with Council's standard detail.
- Removal of **all** redundant driveway crossings and kerb laybacks (or sections thereof). 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.
- Full repair and resealing of any road surface damaged during construction.
- Full replacement of damaged sections of grass verge 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. This shall be at no cost to Council.

81. Prior to issue of an Occupation Certificate the Section 73 Sydney Water compliance certificate must be obtained and submitted to the Principal Certifying Authority (PCA).

82. Prior to issue of an Occupation Certificate a suitably qualified consulting civil/hydraulic engineer is to provide engineering certification for approval by the Principal Certifying Authority (PCA). The certification is to make **specific reference** to each of the following aspects of the installed drainage and stormwater management measures:

- That construction of the stormwater drainage and management systems has been carried out by a contractor licensed to do so.
- That all necessary Sydney Water approvals have been obtained for the domestic use of reticulated water.

- That the as-built retention systems achieve the design storage volumes approved by the Principal Certifying Authority with the Construction Certificate (engineer must complete the form in the appendices of DCP47 in relation to the system).
  - The as-built drainage layout (including pits, pipes and ancillary plumbing) is in accordance with the relevant stormwater management and drainage plans approved by the Principal Certifying Authority with the Construction Certificate,
  - The overall as built drainage and stormwater management systems will achieve the discharge control intent of the approved construction plans and Councils Water Management DCP47.
83. Prior to issue of an Occupation Certificate the applicant shall submit a Works-as-Executed (WAE) drawing(s) to the Principal Certifying Authority in relation to the installed stormwater drainage and managements systems. These plans shall show:
- As built location and indicative internal dimensions of the retention structures on the property (plan view) and horizontal distances to nearest adjacent boundaries and buildings on site
  - As built locations of all access pits and grates in the retention systems, including dimensions.
  - The achieved capacity of the retention storages and derivative calculations.
  - Top water levels of storage areas and indicative RL's through the escape flow path in the event of blockage of system.
  - As built surface and invert levels for all drainage pits and junction points.
  - Gradients of drainage lines, materials and sizes.
  - As built level(s) at the approved point of discharge to the public drainage system.
  - The WAE(s) is to be prepared by a **registered surveyor** and shall show all critical constructed levels, materials and dimensions in comparison to those shown in the relevant designs approved by the Principal Certifying Authority with the Construction Certificate. All relevant details indicated must be denoted **in red** on the Principal Certifying Authority stamped construction certificate stormwater drawings. The plan shall not be prepared until final surfaces (such as landscaping) are laid.
84. Prior to issue of an Occupation Certificate the following must be provided to Council (attention Development Engineer):
- A copy of the approved Construction Certificate stormwater drainage plans which show the retention systems.
  - A copy of all the works-as-executed drawings as specified in this consent relating to drainage and stormwater management,
  - All Engineers' certifications specified in this consent.
  - This condition is required so Council may maintain its database of as-constructed on-site stormwater detention/retention systems, and also applies if the Principal Certifying Authority (PCA) is not the Council.

85. Prior to issue of the Occupation Certificate, a qualified civil/traffic engineer must undertake a site inspection of the completed basement vehicle access and accommodation areas which shall include full dimension measurements as necessary. At the completion of this site inspection, this engineer shall provide certification to the Principal Certifying Authority that:
- Vehicle access and accommodation arrangements (including but not limited to space dimensions, aisle, ramp and driveway widths and grades, height clearances and the like) comply with Australian Standard 2890.1 – 2004 “Off-Street car parking” and/ or the and
  - No security doors, grilles or gates are provided which would prevent access to the garbage storage area by Councils waste collection vehicle, including the truck manoeuvring area for forward egress.
86. Prior to issue of the Occupation Certificate, separate underground electricity, gas, phone cable, sewer and water services shall be provided for the development in accordance with the requirements of those utility providers. A suitably qualified and experienced engineer or surveyor is to provide certification to the Principal Certifying Authority that the development has ready underground access to the services of electricity, gas, phone cable, sewer and water. Alternatively a final compliance letter from the respective supply authorities may be supplied for approval.
87. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the structures originally assessed at 33 and 39 Millewa Avenue and 3/12 Woniora Avenue. The report must be completed by a consulting structural/geotechnical engineer and must address the structural conditions of all structures originally assessed prior to issue of the Construction Certificate. The report shall be verified by all stakeholders as far as practicable. If a structure has been demolished in the meantime under a separate Development Approval then no such report is required.
88. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate (and at the completion of the works) the Applicant shall submit to the Principal Certifying Authority (PCA) a follow up dilapidation report on the visible and structural condition of the following public infrastructure originally assessed:
- Full road pavement width of Millewa Avenue including kerb and gutter, over the site frontage.
  - The Report must be completed by a practicing consulting structural engineer and be submitted for Council records prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate.
89. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.

90. The screen planting shall be completed prior to release of the Certificate of Occupation and be maintained in a satisfactory condition at all times.

## BUILDING CONDITIONS

91. 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.
92. 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.
93. **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.

94. To maintain existing ground levels all excavated material shall be removed from the site.
95. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
96. 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.
97. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
98. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that

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

99. 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.
100. 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.

101. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
102. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
103. 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.
104. 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.
105. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
106. 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.
107. 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.
108. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
109. To preserve and enhance the natural environment, all soil erosion and sediment control structures shall be inspected following each storm event and any necessary maintenance work shall be undertaken to ensure their continued proper operation. Sediment shall be removed from the soil erosion and sediment control structures when no more than forty percent (40%) capacity has been reached. These structures shall continue in proper operation until all development activities have been completed and the site fully stabilised.
110. To prevent pollution, all vehicles making a delivery to or from the site are to be covered to prevent loose materials, dust etc falling from the vehicles.
111. To prevent pollution, all disturbed areas which are not to be built upon or otherwise developed within 14 days shall be stabilised with mulch, woodchip or other rehabilitation methods to provide permanent protection from soil erosion.

**CARRIED UNANIMOUSLY**

287

**Draft (Heritage Conservation) Local Environmental Plans No 31, 134 to 138  
Eastern Road, Wahroonga and 32, "The Oaks", 517 Pacific Highway, Killara**

File: S04156 S04074

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



## **A Carol**

For Council to consider the abandonment of Draft (Heritage Conservation) Local Environmental Plans No 31 (DHLEP31), 134-138 Eastern Road, Wahroonga and consider DHLEP32 "The Oaks", 517 Pacific Highway, Killara (DHLEP32) following exhibition.

### **Resolved:**

(Moved: Councillors Lane/Andrew)

- A. That Council adopts Draft (Heritage Conservation) Local Environmental Plan No.32 "The Oaks" 517 Pacific Highway, Killara, and submit the Draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act 1979 with request that the Plan be made.
- B. That Council notifies the NSW Heritage Office informing them of Council's decision.
- C. That Council notifies all affected residents and all people who made a submission of its decision.
- D. That Council abandon Draft (Heritage Conservation) Local Environmental Plan No.31 (134-138 Eastern Road, Wahroonga) and the Department of Infrastructure Planning and Natural Resources be notified.
- E. That Council notifies all affected residents and all people who made a submission of its decision.

**CARRIED UNANIMOUSLY**

**The Mayor, Councillor Ryan vacated the Chair  
and the Deputy Mayor, Councillor Ebbeck assumed the Chair**

## **288 St Ives Town Centre Planning**

File: S04019

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

**T Martire  
C Berlioz  
N Ingham  
K McLintock  
J Hudson  
J Roberts**

**The Mayor, Councillor Ryan resumed  
the Chair during addresses**

To present to Council a summary of work undertaken to date for the planning of St Ives Town Centre area and to seek a Council resolution to prepare a Local

Environmental Plan to rezone certain lands in and around the town centre and to prepare a Development Control Plan to set more detailed development controls for this land.

**Council adjourned for a short interval at 11.15 pm  
after a Motion moved by the Mayor, Councillor Ryan &  
Councillor Ebbeck was CARRIED UNANIMOUSLY  
and the Chairperson ruled accordingly.  
The Meeting resumed at 11.55pm**

Those present were:

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

**At 11.55pm a Motion moved by Councillors Bennett & Innes to  
extend the meeting until 1.00am was put to the vote  
and CARRIED UNANIMOUSLY**

**Resolved:**

(Moved: Councillors Bennett/Cross)

- A. (i) That Council adopt the hybrid retail commercial option as shown in attachment D to guide future development of retail and commercial activity in St Ives as amended.
- (ii) Council adopts the recommendation of the retail consultant that there be a range of 3,500 to 5,000sqm retail increase on the East side of Mona Vale Road. That the lower figure be adopted in view of the impacts on Stanley Street and the Stanley Street/Mona Vale intersection.

*For the Resolution: Councillors Andrew, Bennett, Cross, Ebbeck and Malicki*

*Against the Resolution: The Mayor, Councillor A Ryan, Councillors Hall, Innes, Lane*

- (iii) The St Ives Shopping Village be increased by a maximum of 10,000sqm to 28,000sqm of retail including the strip shops on Mona Vale Road;

- B. That Council prepare a draft LEP to rezone land for mixed use and medium density residential in the St Ives study area and notify the Department of its resolution under Section 54 Environmental Planning and Assessment Act.
- C. That Council notify relevant government agencies of its intention to prepare an LEP as required under Section 62 of the Environmental Planning and Assessment Act.
- D. That the draft LEP propose rezoning of the lands shown as either light blue or dark blue and edged with a dark line (including “Eden Brae” Lot 1-24 Stanley Close but excluding 152 Mona Vale Road), on the map shown in attachment G for mixed use development permitting development of 4 to 6 storeys in accordance with the principles for mixed use set out in the Section headed “Proposals for Zoning”.
- E. That the traffic consultant model the (traffic and parking) impacts of the additional commercial zoning recommended in Attachment G and that the written analysis be presented to the Planning Committee.

That the draft LEP propose the rezoning of the lands shown dark red and edged with a dark line on the map shown in attachment G to permit commercial and professional consultancy use, and associated parking with the density in LEP 194”

- F. That the draft LEP rezone the following properties to permit medium density development up to 5 storeys consistent with the density in LEP 194:
  - 1. 201 Mona Vale Road, St Ives
  - 2. 165 Mona Vale Road, St Ives
  - 3. 8 Shinfield Avenue, St Ives
  - 4. 12, 16, 18-22 Stanley Street, St Ives
  - 5. 5 to 9 Cowan Road, St Ives.

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

*Against the Resolution:   Councillors Andrew, Bennett, Cross and Malicki*

- G. That the draft LEP rezone the following properties to permit medium density development up to 3 storeys:
  - 1. 124, 126 and 128 Killeaton Street, St Ives
  - 2. 161 and 163 Rosedale Road, St Ives
  - 3. 27 College Crescent, St Ives Chase (also known as 327 Link road – former CBA Training Centre)
  - 4. 238-240 Mona Vale Road, St Ives (formerly known as Camelia Grove Nursery)

H. That the draft LEP propose reclassification of the following site from community land to operational land:

1. 176 Mona Vale Road, St Ives (Lot 103 DP 627012/Lot 105 DP 629388).
2. 261 Mona Vale Road, St Ives (Lot 31 DP 19052)
3. St Ives Shopping Centre Car park (Lot A DP 321567, Lot 1 DP 504794, Lots A & B DP 336206, Lot 2 DP 822373, Part lot1 DP 420106, Lots B & C DP 322331) includes the St Ives Library, Early Childhood Centre & Neighbourhood Centre (Part Lot 1 DP 420106, Lots B & C DP 322331).

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

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

4. Car Park 208-210 Mona Ave Road St Ives (Lots 11 & 12 DP 29167)

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

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

- I. That the Draft LEP be exhibited in accordance with the requirements of LEPs and *Council Land Best Practice Guideline* (January 1997).
- J. That a public hearing be conducted as part of the LEP exhibition in accordance with the relevant provisions of the Local Government Act 1993.
- K. That Council prepare a draft DCP for the St Ives Town Centre in accordance with the table of contents shown in Attachment J to provide more detailed development controls. This DCP is to incorporate the vision statement for St Ives, the principles and objectives as set out in this report and set site specific building envelopes. That the DCP and LEP be considered by the Planning Committee.
- L. In relation to the properties known as Eden Brae that there be provisions in either the LEP or DCP requiring that the site be amalgamated and redeveloped as a whole.

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

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

- M. That prior to being placed on exhibition that the draft LEP and draft DCP be brought back to Council to further resolve to exhibit the documents as presented to Council.

- N. That Council prepare a public domain concept plan for the St Ives Centre, an action plan for traffic and parking management, proposals for community facilities and other proposals for a schedule of works for inclusion in a draft Section 94 Plan. That staff recommendations on these matters be referred to the Planning Committee for discussion.
- O. That Council obtain economic feasibility assessment by a suitably qualified consultant to test the proposed controls in the LEP and DCP for land rezoned for mixed use and or medium density development.
- P. Two week exhibition period during the preparation period of the draft LEP & DCP prior to its formal presentation to Council.

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

*Against the Resolution:   Councillors Andrew, Bennett, Cross and Malicki*

- Q. That a Report on the traffic implications of the staff recommendations be brought to Council in August.
- R. That the public domain concept plan include proposals for the removal of Village Green Parade and removal of current surface car parking on Council's car park that runs in parallel to Village Green Parade so as to create additional open space between the retail areas and the village green. However, the proposal should show areas for the retention of some surface car parking accessible from Cowan Road and some surface car parking accessible from Memorial Avenue.
- S. That a report be brought back to Council on amendments that will be necessary to the Community Land Plan of Management for the St Ives Village Car Park to incorporate the changes.

*The following voting is for the sections of the Resolution where there was no separate voting:*

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

*Against the Resolution:   Councillors Bennett and Malicki*

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

289   **27 Richmond Avenue & 400 Mona Vale Road, St Ives**

File: S03747

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

**S Robertson  
I Stutchbury**

**J Boyd  
Z Edwards  
S Rahmani  
R Hubbard  
T Williams**

*At 1.00am a Motion moved by Councillors Bennett & Malicki to  
extend the meeting until 1.15am was put to the vote*

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

*Against the Resolution:   Councillor Cross*

**At 1.15am a Motion moved by Councillors Bennett & Ebbeck to  
extend the meeting until 1.30am was put to the vote**

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

*Against the Resolution:   Councillor Hall & Cross*

**Notice of Motion from Councillor L Bennett dated 11 July 2005.**

I move:

- A. That with respect to 27 Richmond Avenue St Ives, Council adopts Draft (Heritage Conservation) Local Environmental Plan No 29 and submit the draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act with a request that the Plan be made..
- B. That with respect to 400 Mona Vale Road St Ives, Council adopts Draft (Heritage Conservation) Local Environmental Plan No 29 and submit the draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act with a request that the Plan be made.
- C. That Council notifies the NSW Heritage Council informing them of Council's decision.
- D. That Council notifies all affected residents and all people who made a submission of its decision.

**Resolved:**

(Moved: Councillors Bennett/Malicki)

- A. That with respect to 27 Richmond Avenue St Ives, Council adopts Draft (Heritage Conservation) Local Environmental Plan No 29 and submit the draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act with a request that the Plan be made..

*For the Resolution: Councillors Andrew, Bennett, Cross, Ebbeck and Malicki*

*Against the Resolution: The Mayor, Councillor A Ryan, Councillors Hall, Innes, Lane*

- C. That Council notifies the NSW Heritage Council informing them of Council's decision.
- D. That Council notifies all affected residents and all people who made a submission of its decision.

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

*Against the Resolution: Councillors Hall, Innes and Lane*

*Part B of the Original Motion when put to the vote was LOST. Part B of the Original Motion was:*

*(Moved: Councillors Bennett/Malicki)*

- B. That with respect to 400 Mona Vale Road St Ives, Council adopts Draft (Heritage Conservation) Local Environmental Plan No 29 and submit the draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act with a request that the Plan be made.

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

*Against the Resolution: Councillor Cross & Hall*

## **GENERAL BUSINESS (cont)**

### **290 Five Year Footpath Program 2005 to 2010**

File: S02627

To seek Council's approval of a Five Year Rolling New Footpath Program for the years 2005 to 2010.

#### **Resolved:**

(Moved: Councillors Andrew/Malicki)

That Council adopts the 2005-2006 New Footpath Program and the 2006-2010 program as a draft rolling program.

That a further report be brought back to Council on ways to improve pedestrian safety in the areas listed in the attachment which are considered to be either too costly or impractical to construct as standard footpaths.

**CARRIED UNANIMOUSLY**

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

**Councillor Hall departed**

291

**27 RICHMOND AVENUE & 400 MONA VALE ROAD, ST IVES**

File: S03747

The following item was not considered after a Motion by Councillors Bennett & Malicki to have the matter dealt with at the Council Meeting was LOST.

*For the Resolution: Councillors Andrew, Bennett & Malicki*

*Against the Resolution: The Mayor, Councillor A Ryan, Councillors Cross, Ebbeck, Innes & Lane*

**Notice of Rescission from Councillors T Hall, G Innes & M Lane dated 20 July 2005.**

"We, the undersigned, move that the Council's decisions, in respect of (A) made under NM.1 be and is hereby revoked and Council take no further action in relation to Draft LEP 29."

**Recommendation:**

That the above Notice of Rescission as printed be adopted.

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

292

**Purchase of Environmentally Sensitive Land**

*(Section 10A(2)(c) - Information that would confer a commercial advantage)*

File: S02006 & P57395

Report by Director Finance & Business dated 1 July 2005.

**Resolved:**

(Moved: Councillors Bennett/Ebbeck)

- A. That Council receive and note the updated valuation for the property known as 100-102 Rosedale Road from BEM Property Consultants Pty Ltd.
- B. That Council agree to funds currently held in Council's new facilities reserve being allocated to the part purchase of 100-102 Rosedale Road, St Ives. The amount of this commitment as agreed by Council.



- C. Council formally contact State and Federal Ministers of the Environment to confirm Council's Financial commitment to the part purchase of the site.
- D. That the outcome of negotiations with State and Federal Ministers is reported back to Council as soon as information becomes available to enable this matter to be progressed.

**CARRIED UNANIMOUSLY**

The General Manager adverted to the consideration of the matter referred to in Minute numbered 292, and to the resolution contained in such Minute.

*The Meeting closed at 1.25am*

The Minutes of the Ordinary Meeting of Council held on 19 July 2005 (Pages 1 - 89) were confirmed as a full and accurate record of proceedings on 26 July 2005.

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General Manager

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Mayor / Chairperson