

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 20 JULY 2004

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

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

The Meeting commenced at 7.02pm

The Mayor offered the Prayer

DECLARATION OF PECUNIARY INTEREST

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

No such interest was declared.

ADDRESS THE COUNCIL

The following member of the public addressed Council on an item not on the Agenda:

B Coleman

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:

Refers GB.3: 37 Grosvenor Street, Wahroonga – Memorandum from Director Environment & Regulatory Services dated 20 July 2004

Refers GB.10: Rezoning of B2 Road Reservation, Wahroonga to South Turramurra – Memorandum from Director Planning & Environment dated 20 July 2004

CONFIRMATION OF MINUTES

321 Minutes of Ordinary Meeting of Council

File: S02131

Meeting held 29 June 2004

Minutes numbered 303 to 318

Resolved:

(Moved: Councillors Innes/Ebbeck)

That Minutes numbered 303 to 318 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

322 Minutes of Extraordinary Meeting of Council

File: S02131

Meeting held 6 July 2004

Minutes numbered 319 to 320

Resolved:

(Moved: Councillors Ebbeck/Lane)

That Minutes numbered 319 to 320 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

PETITIONS

323 Kokoda Track Memorial Project - Support For Building A Memorial - (Sixty-Three [63] Signatures)

File: S02092

"We, the undersigned, support the building of a memorial at the entrance to Kokoda Avenue, Wahroonga to recognise the battle for the KOKODA TRAIL in New Guinea in 1942.

The building of this memorial recognises the bravery and sacrifice of those who took part in this battle, and the fact that Kokoda Avenue is so named to commemorate the events of 1942.

We consider the position and design of the memorial on the nature strip adjacent to the side boundary of No 2 Kokoda Avenue to be the appropriate site."

Resolved:

(Moved: Councillors Cross/Ebbeck)

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

CARRIED UNANIMOUSLY

REPORTS FROM COMMITTEES

Minutes of Ku-ring-gai Traffic Committee

File: S02110

Meeting held 24 June 2004

Minutes numbered KTC13 to KTC17

324

General Matter - Item under Delegated Authority

File: S02738

Vide Minute No KTC13

Advice on matters considered under the Delegated Authority.

Resolved:

(Moved: Councillors Lane/Cross)

That the information regarding traffic facilities approved in May and June 2004 under Delegated Authority, be noted.

CARRIED UNANIMOUSLY

325

General Matter - Knox Garden Day 2004

File: S02250

Ward: Wahroonga
Electorate: Ku-ring-gai
Vide Minute No KTC14

To consider a request from Knox Grammar Senior School Mothers' Group to hold an annual "Knox Garden Day" in Billyard Avenue and Water Street on Friday 10 September 2004.

Resolved:

(Moved: Councillors Lane/Cross)

That approval be given to Knox Grammar Senior School Mothers' Group to conduct Knox Garden Day in Billyard Avenue and Water Street and permit the temporary closure of Billyard Avenue (between Cleveland Street and Plymouth Close) and Water Street (between Cleveland Street and Young Street) on Friday 10 September 2004 between 10.00am and 2.00pm, subject to:

1. The closure being advertised by Council as required by Section 116 of the Roads Act 1993 and no substantial objections to the proposal which cannot be addressed, being received by the closing date of the advertising.
2. Residents of Water Street, Billyard Avenue, Young Street, Sutherland Avenue, Mona Street, Hillcrest Street, Randolph Street, Halcyon Avenue and Lambert Avenue as well as the Principals of the affected schools, including Wahroonga Public School being informed by a letter, via letterbox drop, of the proposed access restriction at Water Street and Billyard Avenue on the Garden Day. This notification to be undertaken by the Knox Grammar Senior Mothers' Group.
3. Temporary 'No Parking' restrictions on both sides of Young Street between Bangalla Street and Chilton Parade, and the same restriction on the eastern side of Cleveland Street south of Billyard Avenue being in place during the event, as shown on Sketch Plan No. Knox Garden Day/KTC/06/04.
4. The Knox Grammar Senior School Mothers' Group provide, install, maintain and remove the proposed 'No Parking' signs at its cost.
5. The event organiser provide adequate Roads and Traffic Authority accredited traffic control personnel to control traffic and parking in the event area, as suggested in the traffic study undertaken by Transport and Traffic Planning Associates.
6. The Local Area Commander Kuring-gai be requested to patrol the area and monitor traffic conditions during the event.
7. The Knox Grammar Senior School Mothers' Group supply 10 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. A Regulatory Officer visiting the site throughout the day to monitor traffic conditions to ensure Council's conditions of approval are being observed and to report back within 30 days of the event, to Council's Director Technical Services of any traffic congestion or other safety issues.
9. The Knox Grammar Senior School Mothers' Group responding in writing to Council by 20 August 2004, confirming its acceptance of Council's decision for conducting the 2004 Knox Garden Day.

CARRIED UNANIMOUSLY

326 **Wahroonga Shopping Centre**

File: S03125

Ward: Wahroonga
Electorate: Ku-ring-gai
Vide Minute No KTC16

To consider responses to advertising proposed improvements in the Wahroonga shopping centre.

Resolved:

(Moved: Councillors Lane/Cross)

- A. That Council note the responses received to the advertising of the proposed scheme for Wahroonga shopping centre.
- B. That the roundabout and crossing relocation be endorsed, and that further consultation be undertaken with Wahroonga Chamber of Commerce and directly affected businesses, regarding the design of the proposed roundabout and crossing relocation.
- C. That no action be taken regarding traffic signals on Pacific Highway at Redleaf Avenue and at Coonanbarra Road.
- D. That funding for the work be considered in the 2004/05 Traffic Facilities and Business Centres Improvement Program.

CARRIED UNANIMOUSLY

327 **Tryon Road, East Lindfield**

File: 88/06150/03, DA0324/04

Ward: Roseville

Electorate: Davidson
Vide Minute No KTC17

To consider traffic facilities near Lindfield East Public School.

Resolved:

(Moved: Councillors Lane/Cross)

- A. That Council note that alterations were made in 2003 to kerbside restrictions in Tryon Road to maximise set down/pick up opportunities in front of the school, that this area is not supervised by the school and that the school has the opportunity to provide set down/pick up and improved parking facilities on site.
- B. That it be noted that improvements to the intersection of Melbourne and Wellington Roads, incorporating pedestrian facilities, is ranked 9 on Council's Preliminary Ranked List of Sites for Traffic Management Works adopted by Council on 4 May 2004, and that at current funding levels, improvements are expected to be undertaken in 2006/07.
- C. That the requested right turn restrictions during peak times of 8.30am-9.30am and 2.30pm-3.30pm on school days only, from Melbourne Road into Tryon Road be advertised to seek resident support.
- D. That the school be permitted to paint the kerb only, yellow in No Stopping and blue in No Parking zones, subject to the school being responsible for its maintenance and any future liability resulting from its work.
- E. That parking restrictions not be introduced in Robinson Street.
- F. That the school's request for traffic signals in Tryon Road at Melbourne Road be referred to the RTA for consideration.
- G. That, as provided for in Council's Traffic and Transport Policy, Lindfield East Primary School's concerns with the on street set down/pick up facilities available to it, be referred to the Department of Education and Training, requesting that an on site vehicular facility be provided, rather than imposing safety hazards on school children and the local community.

CARRIED UNANIMOUSLY

328

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

File: S03476

Vide Minute No KTC15

To consider sites for inclusion in the 2005/2006 National Black Spot Program.

Resolved:

(Moved: Councillors Cross/Ebbeck)

- A. That applications be made for funding allocations under the National Black Spot Program for 2004/2005 for the following sites:
 - i. Pentecost Avenue/Merrivale Road;
 - ii. Link Road/Killeaton Street.
- B. That the Roads and Traffic Authority be requested to support the nominated treatments under the program.
- C. That preliminary consultation be undertaken with directly affected residents for the nominated projects.
- D. That the provision of an advance stop line for eastbound cyclists in Burns Road at Bobbin Head Road be investigated.
- E. That the intersecting of Bobbin Head Road and Burns Road be deferred for further investigation to examine right turn phases on all four directions.

CARRIED UNANIMOUSLY

329 **Minutes of Inspections Committee**

File: S02131

Meeting held 26 June 2004

Minutes numbered INS15 & INS16

Resolved:

(Moved: Councillors Malicki/Ebbeck)

That Minutes numbered INS15 & INS16 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

330 **Rezoning Of B2 Road Reservation, Wahroonga - South Turramurra**

File: S02846

To update Council on progress and recommendation for formal exhibition of Draft

Local Environmental Plan No 201 (DLEP201), Rezoning of the Abandoned B2 Road Corridor between The Comenarra Parkway, Wahroonga and Kissing Point Road, South Turramurra.

Resolved:

(Moved: Councillors Andrew/Malicki)

That consideration of the rezoning of B2 Road Reservation, Wahroonga to South Turramurra be deferred pending a site inspection.

CARRIED UNANIMOUSLY

331

33 Lochville Street, Wahroonga - Connection To Council Pipeline

File: DA318/04

To consider a request by the owners of 33 Lochville Street, Wahroonga to alter the terms of the council drainage easement over downstream properties and to permit discharge into a council pipeline.

Resolved:

(Moved: Councillors Innes/Ebbeck)

- A. That Council grant approval to alter the terms of the Council Easements burdening Lots 11 & 12 in DP 21774, known as 33 and 31 Lochville Street, and Lots 1 and 2 in DP 850147, known as 113A and 113 Coonanbarra Road, Wahroonga to allow the connection of surface, roof and stormwaters from 33 Lochville Street into Council's pipeline.
- B. That authority be given to affix the Common Seal of the Council to the appropriate instrument for the release and creation of the easements.
- C. That altering the terms of the easement for drainage be carried out by the applicants' solicitors and costs for all survey, legal and disbursements associated with this request be borne by the applicant.
- D. That a saddle pit be constructed to Council drawing, No 92-083 with a flushed mounted hinged grate in the rear yard for the connection to Council's pipeline.

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

Against the Resolution: Councillor Bennett

332 **5 Suakin Street / 986 Pacific Highway, Pymble - Energy Australia Request For Short Term Lease**

File: P54824

For Council to approve a request from Energy Australia for a short term lease over a portion of Council owned vacant land at 5 Suakin Street/986 Pacific Highway, Pymble (lot 1 in DP 830320).

Resolved:

(Moved: Councillors Innes/Malicki)

- A. That Council approve the grant of a six month lease over part of 5 Suakin/986 Pacific Highway, Pymble to Energy Australia at a rent of \$500 per month.
- B. That Council authorise the Mayor and General Manager to sign the lease documentation.
- C. That Council authorise the affixing of the Common Seal of Council to the lease documentation.

CARRIED UNANIMOUSLY

333 **Investment Cash Flow & Loan Liability As At 30 June 2004**

File: S02722

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

Resolved:

(Moved: Councillors Innes/Cross)

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

CARRIED UNANIMOUSLY

334 **Pecuniary Interest Returns Register**

File: S02167

To table the Pecuniary Interest Returns of the newly elected Councillors in accordance with the Local Government Act 1993.

Resolved:

(Moved: Councillors Innes/Lane)

That the tabling of the Pecuniary Interest Returns Register be noted.

CARRIED UNANIMOUSLY

335 **Bushcare - Draft Strategy**

File: S02462

To provide a draft strategic plan for bushcare that considers its current and future environmental, economic and social benefits.

Resolved:

(Moved: Councillors Innes/Malicki)

- A. That Council receive and note the draft Bushcare Strategy.
- B. That the draft Bushcare Strategy be exhibited to seek comment.
- C. That the draft Bushcare Strategy be considered at the first meeting of the Bushland, Catchments and Natural Areas Reference Group.
- D. That resources to implement the draft Bushcare strategy and other expanded programs are considered further by Council.

CARRIED UNANIMOUSLY

336 **West Pymble Swimming Pool - Management Lease - Preferred Tenderer**

File: S02381

For Council to consider the appointment of a provider for West Pymble Pool Management Services

Resolved:

(Moved: Councillors Innes/Malicki)

- A. That Mr. Ian and Mrs. Michele Martin be appointed to provide the commercial swimming pool management services for West Pymble Pool commencing 1 September 2004 in terms consistent with the Invitation to Tender, the tender response and those matters outlined in this report.

- B. That the period of the contract be for a period of three years with a further option of up to two years with the agreement of both parties.
- C. That the Mayor and General Manager be authorised to execute all necessary documents relating to the contract.
- D. That the common seal of Council be affixed to all necessary documents.
- E. That all tenderers be informed of Council's decision.

CARRIED UNANIMOUSLY

337

38 Parkinson Avenue, Turramurra - Alterations And Additions To An Existing Building To Create An Attached Dual Occupancy

File: DA501/03

Ward: Comenarra

Applicant: B Abrahams c/- Glendinning Minto and Associates P/L

Owner: B Abrahams

Determination of an application for an attached dual occupancy development.

Resolved:

(Moved: Councillors Malicki/Andrew)

That Development Application 501/03 for alterations and additions to an existing dwelling to create an attached dual occupancy development at 38 Parkinson Avenue, Turramurra, being Lot 114, DP 223317, be approved for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 501/03 lodged with Council on 29 April, 2003 and Development Application plans prepared by Robin Edmiston and Associates Pty. Ltd. Drawings WD-03 Rev. A dated April 2003 as amended dated 10/6/04.
2. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
3. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.

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

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
7. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
8. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
9. To maintain existing ground levels all excavated material shall be removed from the site.
10. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
11. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
12. 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.

- 13. 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.
- 14. Your attention is directed to the operation of the Commonwealth Disability Discrimination Act 1992, which may impose greater obligations on providing access to disabled persons other than compliance with the Building Code of Australia. You are advised to seek advice from the Human Rights and Equal Opportunity Commission (phone (02) 9284 9600) in respect of your application.
- 15. Adequate lighting is to be provided to all paths, accessways, parking areas and building entries so as to enhance amenity and security around dual occupancy dwellings. Refer to Clause 4.6.3 of Council's Dual Occupancy Code.
- 16. Locks are to be installed on all windows and doors, with chains and viewers to be installed on all front doors. Where security grills are fitted, they are to be sympathetic to the architectural style of the dwelling and not to restrict surveillance.
- 17. The development shall comply with the requirements of DCP 40 and Policy for Construction and Demolition Waste Management.
- 18. A suitable 1800mm screen is to be attached to the western side of the rear deck to the upper level unit.
- 19. 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.

20. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
21. 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.
22. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance
23. 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.
24. 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
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<i>Liquidambar styraciflua</i> (Liquidambar) Adjacent to the site's western boundary	6.0 metres
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25. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
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<i>Liquidambar styraciflua</i> (Liquidambar) Adjacent to the site's western boundary	6.0 metres
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26. No mechanical excavation of the proposed structure shall be undertaken within the specified radius of the trunk/s of the following tree/s until root pruning by hand along the perimeter line of such works is completed:

Tree/Location	Radius From Trunk
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<i>Liquidambar styraciflua</i> (Liquidambar) Adjacent to the site's western boundary.	6.0 metres
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27. 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.

28. 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.
29. 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)
Chlorophytum comosum (Spider Plant)
Cinnamomum camphora (Camphor laurel)
Erigeron karvinskianus (Seaside Daisy)
Hedera helix (English Ivy)
Hedychium gardnerianum (Ginger lily)
Ligustrum lucidum (Large-leaved Privet)
Ligustrum sinense (Small-leaved Privet)
Nephrolepis cordifolia (Fishbone fern)
Senna pendula (Cassia)
Tecomaria capensis (Cape Honeysuckle)

30. 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.
31. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority.
32. The combined access driveway to Nos. 36 and 38 Parkinson Avenue is to be maintained free and clear of vehicles and materials in order to provide 24 hour access to the property at No. 36 Parkinson Avenue.

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

33. An amended plan shall be lodged for approval of Council and the Principal Certifying Authority related to the car parking spaces on each side of the building and the turning/manoeuvring bay on the western side of the site within

the front setback. The amended plan shall indicate the full extent of the driveway and parking/turning spaces designed to conform with the B99 turning template as indicated in Council's Development Control Plan No.43 (Car Parking).

34. 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.

35. 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).
36. 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.
37. 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.
38. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE (1) ADDITIONAL DWELLING IS CURRENTLY \$9,789.78. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

39. A guardrail or equivalent safety barrier is to be provided to the driveway where drop offs greater than 150mm or slopes greater than 45 degrees are proposed. Details are to be approved by the Principal Certifying Authority prior to release of the Construction Certificate.
40. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

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

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

Landscape Plan Certification Fees

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

42. To protect and enhance native vegetation to conserve and promote biodiversity, at least 50% of the tree and shrub plantings shall be derived from the Sydney Sandstone Gully Forest assemblage of species as the site is located between 100 and 300 metres from bushland.
43. A plan detailing screen planting of the EASTERN AND WESTERN (SIDE) BOUNDARIES shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 3 - 4 metres.
44. The property shall support a minimum number of five 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.

45. The four trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
46. A CASH BOND/BANK GUARANTEE of \$2000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

47. A CASH BOND/BANK GUARANTEE of \$1000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

Liquidambar styraciflua (Liquidambar) / Adjacent to the site's western boundary.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

48. 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.

49. 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.
50. A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the commencement of any work on the site.
51. To preserve the following tree/s, no work shall commence until the trunk/s are protected by the placement of 2.0 metre lengths of 50 x 100mm hardwood timbers spaced at 150mm centres and secured by 2mm wire at 300mm spacings. The trunk protection shall be maintained intact until the completion of all work on site. Any damage to the tree/s shall be treated immediately by an experienced Horticulturist/Arborist, with minimum qualification of Horticulture Certificate or Tree Surgery Certificate and a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

Tree/Location

Liquidambar styraciflua (Liquidambar) / Adjacent to the site's western boundary

52. 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 STRUCTURE 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

Lagerstroemia indica (Crepe Myrtle)
Close to the site's western boundary

3.0 metres

Prunus sp. (Prunus)
Adjacent to the site's western boundary

3.0 metres

53. 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.
54. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

55. Prior to the release of any occupation certificate, a compliance certificate must be obtained from an accredited certifier, certifying that the building works for the building to be occupied comply with the plans and specifications approved by this development consent; and any construction certificate associated with this consent for the buildings to be occupied. If the PCA is not the Council, then this compliance certificate must be submitted to the Council at the same time as the occupation certificate is submitted to the Council in accordance with Clause 151(2) of the E P & A Act regulations.

BUILDING CONDITIONS

56. 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.
57. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
 - c. The completed landscape works in accordance with the approved plans.
 - d. The completed structure prior to occupation.

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

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

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

58. 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.

59. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

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

60. The FLOORS and WALLS of the separate units shall have a Sound Transmission Classification in accordance with the requirements of the Building Code of Australia. Details of the proposed method of compliance are to be submitted.
61. So as to ensure adequate fire separation, walls and floors separating occupancies are to be constructed in accordance with the requirements of the Building Code of Australia. Details of the proposed method of compliance are to be submitted.
62. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. A Compliance Certificate from a suitably qualified person that the dual occupancy complies with the relevant deemed to satisfy provisions of the Building Code of Australia.

CARRIED UNANIMOUSLY

338 **51 Billyard Avenue, Wahroonga - Subdivision Of One (1) Allotment To Create Three (3) Allotments**

File: DA68/04

Ward: Wahroonga

Applicant: M & R Civil Pty Ltd C/- Glendinning Minto & Associates Pty Ltd

Owner: D W & P E Gudex

Determination of a Development Application for the subdivision of 51 Billyard Avenue, Wahroonga to create three (3) Torrens Title allotments.

Resolved:

(Moved: Councillors Ebbeck/Cross)

- A. That Council, as the consent authority, is of the opinion that the objection under *State Environmental Planning Policy No.1 – Development Standards* to Clause 60C(2) of the Ku-Ring-Gai Planning Scheme Ordinance is well founded. The Council is also of the opinion that strict compliance with the development standard is unnecessary in the circumstances of this case as the non-compliance will not adversely impact on vehicle access, the streetscape and landscape amenity of the surrounding residential zone or generate adverse effects in relation traffic safety.
- B. That Development Application No 0068/04 for the subdivision of the existing allotment to create three allotments at Lot 1, DP 735609, being 51 Billyard Avenue, Wahroonga, be approved for two years on a deferred commencement basis, subject to the following conditions:

SCHEDULE A

1. The applicant shall demonstrate that the subject site benefits from the necessary easement(s) for stormwater drainage as far as the approved point of discharge to the public drainage system. Documentary evidence of the creation of the required drainage easements on the titles of the downstream properties must be submitted to Council and approved prior to the consent becoming operational.

NOTE: The matters referred to in Schedule A must be completed to Council's satisfaction within TWO YEARS from the date of this Deferred Commencement Approval before the Consent operates.

NOTE: It is the applicant's responsibility to check the title of the subject land to establish if the application is affected by any easements, covenants or restrictions on the use of the land that may affect the proposed structure.

THIS CONSENT will be ISSUED SUBJECT TO CONDITIONS OF APPROVAL as specified hereunder in Schedule B.

This permit shall be read in conjunction with the approved plans and specifications.

The following conditions specified hereunder in Schedule B shall be imposed on the Development Application.

SCHEDULE B

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No. 0068/04 and Development Application plans prepared by Craig & Rhodes, reference number 254/03, Dwg File 25403L1, Sheet 1, dated November 2003

and Dwg Ref 25403e01, dated 15 March 2004 and lodged with Council on 28 January 2003 and 19 March 2004.

2. The works set forth in the plans and specifications and approved under this consent, once commenced, shall be completed within two (2) years from the date of commencement.
3. 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.
4. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
5. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the interallotment stormwater drainage line benefiting the subject site.
6. To maintain capacity of the Public drainage system, an On-site Stormwater Detention System must be provided for the existing dwelling in accordance with Council's Stormwater Management Manual. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

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

NOTE 2: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.

NOTE 3: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.

NOTE 4: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.

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

7. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of AUS-SPEC.

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

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

8. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
9. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
10. 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.
11. Separate written approval under Council’s Tree Preservation Order is required prior to the REMOVAL of the following trees within the subject property:

Tree/Location

T18, 19 and 20 - 3 *Pinus radiata* (Monterey Pine)

Adjacent to the access handle's eastern side boundary.

12. Any future dwelling to be erected within Lot 3 shall be located a minimum distance of 10 metres from Trees 6 and 7 – 2 *Eucalyptus saligna* (Sydney Blue Gum) located adjacent and close to its Billyard Avenue boundary.
13. 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.
14. 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.
15. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.

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

16. Submission of design documentation for the required interallotment drainage system from the subject property to the proposed point of discharge to a recognised public drainage system. Plans are to be prepared by a suitably qualified and experienced consulting engineer in accordance with the requirements of Council's Stormwater Management Manual, and approved by the Principal Certifying Authority prior to the issue of a Construction Certificate. Plans must include the following details:
 - a. Surrounding survey detail including all trees within seven (7) metres of the proposed drainage system.
 - b. Longitudinal section showing existing ground levels and proposed invert levels.
 - c. Means to preserve the root systems of trees within seven (7) metres of the drainage system.
 - d. New pipes within the downstream easement drainage system are to be sized to have adequate capacity to carry design flowrates, or detention system overflows where detention systems are to be provided, from the subject property.
17. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
18. The property drainage system (including but not limited to gutters, downpipes, pits, joints, flushing facilities and all ancillary plumbing) shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces. Design drawings and

calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council's Stormwater Management Manual and the national Plumbing and Drainage Code. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

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

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

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

19. For stormwater control, the provision of an interceptor drainage system to capture and convey all stormwater runoff arriving at the subject property from upslope areas to the Council or public drainage system and bypassing any on-site stormwater detention systems. The drainage system is to comprise suitable inlet pits, grated drains, pipes and channels and is to be designed in accordance with Council's Stormwater Management Manual. This drainage system is to be designed for storm events up to and including the 100-year ARI. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
20. 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. A plan detailing services trenches, which shows distances from proposed and existing trees, shall be submitted to the Principal Certifying Authority and approved prior to the issue of the Construction Certificate.
21. Prior to the issue of the Construction Certificate, a CCTV inspection and report of the Council drainage pipeline traversing the subject property is to be undertaken and provided to Council, attention Development Engineer. The report is to include a copy of the video footage of the pipeline.
22. The applicant shall demonstrate that the subject site benefits from the necessary easement(s) for stormwater drainage as far as the approved point of discharge to the public drainage system. Documentary evidence of the creation of the required drainage easements on the titles of the downstream properties must be submitted to the Principal Certifying Authority and approved prior to issue of the Construction Certificate.

23. A 5.5 metre wide passing bay is to be provided which complies with AS2890.1-2004. Details are to be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
24. The driveway shall be amended to a straight alignment with the passing bay located adjacent to the brick garage on the site at 53 Billyard Avenue.
25. The combined width of the access handles shall be a minimum of 7.32m with the driveway set back a minimum of 1m from the eastern boundary to accommodate screen planting for the full length of the access handles.
26. 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.
27. 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.
28. 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 TWO (2) ADDITIONAL ALLOTMENTS IS CURRENTLY \$66,114.44. The amount of the payment shall be in accordance with the Section 94 charges as at the date of payment. The charges may vary at the time of payment in accordance with Council's Section 94 Contributions Plan to reflect changes in land values, construction costs and the consumer price index.

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

29. 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.
30. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

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

31. The construction of the proposed interallotment drainage system. The works are to be supervised by the designing engineer and certified upon completion that the as-constructed works comply with the approved design documentation and with Council's Stormwater Management Manual. A registered surveyor is to provide a Works-as-executed drawing of the as constructed works and must certify that all drainage structures are wholly contained within the drainage easement(s). The certification and Works-as-executed drawing must be submitted to the Principal Certifying Authority for approval prior to the issue of the Subdivision Certificate.
32. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to issue of the Subdivision Certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council.
33. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to issue of the Subdivision Certificate.
34. Provision of an overland flowpath along Council's drainage easement and along the driveway within the subject property as shown on Craig & Rhodes Drawing 25403e01, dated 15.3.04. Certification of the as-constructed system is to be provided to the Principal Certifying Authority prior to issue of the Subdivision Certificate.
35. Prior to issue of the Subdivision Certificate, any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site must be fully repaired to the satisfaction of Council's Development Engineer and at no cost to Council.
36. The Section 73 Sydney Water compliance certificate must be obtained and submitted prior to issue of the Subdivision Certificate.
37. Prior to issue of the Subdivision Certificate, the submission of an original Plan of Subdivision plus five (5) copies, suitable for endorsement by the certifying authority.

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

- a. The 88B Instrument.

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

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

- 38. The submission of an instrument under Section 88B of the Conveyancing Act with the Plan of Subdivision, plus five (5) copies, creating any required easements, rights-of-carriageway, positive covenants, restrictions etc. Ku-ring-gai Council must be named as the authority empowered to release, vary or modify the same.
- 39. Prior to issue of a Subdivision Certificate, creation of all burdens including drainage easements, service easements and rights-of-carriageway as required. Reciprocal rights of way shall be created over the access handles benefiting lots 1, 2 and 3. A registered surveyor is to certify, prior to issue of the subdivision certificate, that all existing interallotment drainage lines, services and/or driveways are fully contained within the proposed burdens and/or that future provision of such are fully covered by the proposed burdens. Alternatively, where the surveyor is of the opinion that no interallotment easements or rights-of-carriageway are required, then certification to this effect must be submitted.
- 40. The provision of separate underground electricity, gas, telephone, sewer and water services, or appropriate conduits for the same, to each allotment. The certifier to verify that these services are provided to every lot prior to the issue of the Subdivision Certificate. The provision of these measures is to be certified by a consulting engineer or surveyor prior to the issue of a Subdivision Certificate.
- 41. Prior to issue of the Subdivision Certificate, a CCTV inspection and report on the Council drainage pipeline traversing the subject property is to be undertaken and provided to Council, attention Development Engineer. The report is to include a copy of the video footage of the pipeline. Any damage which has occurred to this section of the pipeline since the commencement of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer prior issue of a Subdivision Certificate.
- 42. Prior to the release of the Subdivision Certificate a suitably qualified and experienced engineer or surveyor is to certify that all new lots have ready access to the services of electricity, gas, telephone, sewer and water.
- 43. Lot numbers 1, 2 and 3 shall support a minimum number of 10, 10 and 7 trees respectively that will attain 13 metres height at 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.

44. The existing trees, and additional trees to be planted within Lot 1, shall be shown on a Site Plan. The Plan shall be submitted to Council and approved by Council's Landscape Development Officer. Tree planting shall be completed prior to release of the Certificate of Subdivision.
45. A plan detailing screen planting of species attaining 6 metres height and punctuated by trees, shall be prepared for the space between the driveway and the eastern boundary of the access handle and the full length of the eastern boundary of Lot 1, with the exception of any area dedicated to the shared driveway. The plan shall be submitted to Council and approved by Council's Landscape Development Officer. The screen and tree planting shall be completed prior to release of the Certificate of Subdivision.
46. 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 Certificate of Subdivision.

Plant Species

Acetosa sagittata (Turkey Rhubarb)
Ailanthus altissima (Tree of Heaven)
Araujia hortorum (Moth Vine)
Asparagus asparagoides (Bridal Creeper)
Asparagus densiflorus (Asparagus Fern)
Cinnamomum camphora (Camphor laurel)
Erigeron karvinskianus (Seaside Daisy)
Hedera helix (English Ivy)
Hedera sp. (Ivy)
Hedychium gardnerianum (Ginger lily)
Ipomoea indica (Morning Glory)
Impatiens balsamina (Impatiens)
Jasminum polyanthum (Jasminum)
Ligustrum lucidum (Large-leaved Privet)
Macfadyena unguis-cati (Cat's-claw Creeper)
Nephrolepis cordifolia (Fishbone fern)
Ochna serrulata (Ochna)
Senna pendula (Cassia)
Solanum mauritianum (Wild Tobacco)
Toxicodendron succedaneum (Rhus Tree)
Tradescantia albiflora (Wandering Jew)
Wisteria sp. (Wisteria Vine)

47. The existing in-ground swimming pool, carport, tennis court, cabana and existing driveway, with the exception of the driveway area dedicated to Lot 1, are to be removed prior to issue of the subdivision certificate.
48. A 1.8m high timber paling fence shall be constructed along the full length of the northern and eastern boundaries of Lot 1, with the exception of any area dedicated to the shared driveway.

CARRIED UNANIMOUSLY

File: DA1502/03

S Sefton addressed Council

To address matters raised at the site inspection of 26 June 2004 and for Council to determine a development application for the construction of a tennis court.

Resolved:

(Moved: Councillors Hall/Innes)

That Council, as the consent authority, grant development consent to Development Application No 1502/03 for the construction of a tennis court at 17-19 Orana Avenue, Pymble be approved for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development to be in accordance with Development Application No 1502/03 and Development Application plans numbered 1 and 3 Issue C prepared by Bo Piotrowski dated 28 April 2004 and lodged with Council on 7 May 2004.
2. 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.
3. 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.
4. 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.
5. **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.

6. 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.
7. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
8. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.
9. 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.
10. No rock breaking or other machinery for the excavation, drilling or removal of rock shall be used on the site without the prior approval of the Principal Certifying Authority. Should rock breaking or associated machinery be required, the following details are to be submitted to the Principal Certifying Authority for consideration:
 - a. The type and size of machinery proposed.
 - b. The routes of all trucks to convey material to and from the site.
 - c. A report by a Geotechnical Engineer detailing the measures recommended in undertaking the work so as to prevent any damage to any adjoining or nearby buildings.
11. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
12. The fence and footings shall be constructed entirely within the boundaries of the property.
13. The use of the tennis court for any purpose other than normal domestic usage is prohibited and the tennis court is not to be let or used for any commercial purpose in contravention of the provisions of the Ku-ring-gai Planning Scheme Ordinance.
14. For the purpose of residential amenity the tennis court shall not be used for night play and its illumination by any means is prohibited.

15. The use of the tennis court shall not interfere with the amenity of the local neighbourhood.
16. For the purpose of residential amenity and to minimise the impact on adjoining properties, the height of the tennis court fencing shall not exceed 3.6 metres.
17. The height of the retaining wall surrounding the tennis court is to be reduced by 100mm to RL 131.2 so as to be 200mm higher than the surface of the tennis court.
18. 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.

19. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
20. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
21. 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.
22. No tree roots of 50mm or greater in diameter located within the specified radius of the trunk/s of the following, tree/s shall be severed or injured in the process of any site works during the construction period.

Tree/Location	Radius From Trunk
<i>Magnolia grandiflora</i> Adjacent to south east site corner	4.0m
<i>Ficus microcarpa</i> (Hills Fig) Orana Ave nature strip	7.0m
<i>Liquidambar styraciflua</i> (Sweet Gum) Orana Ave nature strip	8.0m

23. 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.
24. 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.
25. 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. Storage of building materials and waste containers on the footpath/nature strip is to be subject to an application to Council and payment of the prescribed fee in accordance with Council's Materials and Waste Storage Policy.
26. To preserve landscape and streetscape amenity the existing screening hedge located adjacent to the southern (front) site boundary is to be retained.
27. Stormwater runoff from all hard surfaces, or landscaped areas that are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No. 82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanized RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
28. The proposed tennis court must be constructed as a stormwater detention system by provision of the following measures:

A standard discharge control pit in accordance with Council's drawing No. 83-082.

A minimum 200mm high water-retaining kerb around the perimeter of the court.
A 65mm diameter orifice plate within the discharge control pit.

The kerb height and orifice diameter may be varied if it is proposed to use the tennis court as a detention storage for the whole site.
29. For stormwater control a 200mm wide grated drain with heavy duty removable galvanised grates is to be located within the property at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.
30. 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.

31. 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.

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

32. 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.

33. 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).
34. 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.

35. 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.
36. A plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works.
37. A plan detailing screen planting of the western site boundary adjacent to the tennis court shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 3.0 metres.
38. The property shall support a minimum number of ten (10) 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. It is required that a minimum of 30% of the trees be native endemic species.

39. The trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
40. Prior to issue of the Construction Certificate footpath and driveway levels for any fully new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Council. Such levels are only able to be issued by Council under the *Roads Act 1993*. All footpath crossings, laybacks and driveways are to be constructed according to Council's specifications "Construction of Gutter Crossings and Footpath Crossings" or as specified by Council. These are issued with alignment levels after completing the necessary application form at Customer Services and payment of the adopted fee.

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

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

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

41. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/ hydraulic engineer in accordance with Council's requirements. These must be submitted to and approved by the Principal Certifying Authority prior to issue of the Construction Certificate.
42. Certification is to be provided to the Principal Certifying Authority by the designing engineer that the eastern tennis court retaining wall has been designed taking account of the proximity of the foundation system of the existing dwelling.

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

43. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.

44. To preserve and enhance the natural environment, the downslope side of the proposed construction area of the site is to be enclosed with a suitable erosion control barrier (e.g. straw bales or geofabric fence) along contour before any other work on the site commences.

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

45. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to issue of the Final Certificate of Compliance.
46. 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.
47. Prior to occupation, issue of an Occupation Certificate or issue of the Final Compliance Certificate, a certificate from a suitably qualified person is to be submitted to the Principal Certifying Authority for approval with respect to compliance of the as-constructed tennis court with the requirement to be a stormwater detention system.

BUILDING CONDITIONS

48. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - b. Retaining walls and associated drainage.
 - c. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
49. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.

- b. Any pier holes and/or foundation material.
- c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
- d. Any stormwater drainage works prior to covering.
- e. The completed landscape works in accordance with the approved plans.
- f. The completed structure prior to occupation.

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

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

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

- 50. All electrical services to the site are to be provided underground and must not disturb the root systems of any trees.

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

Against the Resolution: Councillors Bennett and Malicki

The above Resolution was CARRIED as a Foreshadowed Motion to the LOST Original Motion. The Lost Original Motion was:

(Moved: Councillors Bennett/Malicki)

That Development Application No 1502/03 for the construction of a tennis court, retaining walls and alterations to the existing driveway on Lot 10 & Lot 11, DP 15832, 17-19 Orana Avenue as shown on Plan No's 1 and 3 Issue C prepared by Bo Piotrowski dated 28 April 2004 and lodged with Council on 7 May 2004 be refused for the following reasons:

- 1. *The proposed tennis court structure and associated fencing within the front building line setback will have an unsatisfactory impact on the streetscape.*

Particulars:

- (a) *Clause 1B of the KPSO (Aims and Objectives for Residential Zones, in that the proposed development fails to satisfy: Part 1 (a) of Schedule 9 of the KPSO, in that the development fails to maintain and improve the existing amenity and environmental character of*

residential zones; and Part 2 (e) of the KPSO, in that the structure fails to harmonise with the neighbouring development.

- (b) Part 5.1.3 of DCP 38 (Building Line - Front Setback) , in that the non compliance with the 12 m minimum setback for development on the high side of the street results in the development not being appropriately located on the site having regard to the adjoining properties and the predominant pattern of development in the street, and the location of the structure will restrict the ability to allow for landscaping and the planting of mature trees within the front setback area.*
- (c) Part 5.7.2 of DCP 38 (Tennis Courts), in that the location of the proposed tennis court structure will not maintain the required 3m min setback to the western side boundary which is necessary to minimise potentially adverse impact such as noise, overlooking and visual intrusion and to provide for appropriate landscaping; and the proposed tennis court will not maintain the minimum 5m setback from the habitable areas of any dwelling.*

- 2. The location of the tennis court within the front setback of the dwelling will result in the loss of existing significant tree cover from the site, as well as reducing the potential for the site to re-establish a tree cover and landscape character which is consistent with the character of Ku-ring-gai.*

Particulars:

- (a) Clause 1B of the KPSO (Aims and Objectives for Residential Zones), in that the proposed development fails to satisfy: Part 1 (a) of Schedule 9 of the KPSO, in that the development fails to maintain and improve the existing amenity and environmental character of residential zones; and Part 2 (c) of the KPSO, in that the development does not maintain or encourage the replacement of tree cover where possible to ensure the predominant landscape quality of the Municipality is maintained and enhanced;*
- (b) Part 5.3.3 of DCP 38 (Soft Landscaping Area) in that the development's proposed site cover of 58.3% represents a non-compliance with the minimum soft landscaping area requirement of 50% for this site of the site. The result being that the area available to provide for adequate soft landscaping and the required number of significant trees for the site is unreasonably reduced.*
- (c) Part 5.3.4 (Landscape Character), in that the proposed tennis court structure will result in an unreasonable reduction in the area available within the site to provide for supplementary planting of trees that will on maturity have a height that will contribute to Ku-ring-gai's tree canopy.*

- (d) *Part 5.3.5 (Tree Preservation), in that the proposed tennis court structure will result in the loss of and impact upon existing significant trees and landscape planting within the site.*
- (e) *Part 5.3.6 (Tree Replenishment), in that the construction of the proposed tennis court structure, which in addition to the approved swimming pool development at the rear of the site, will unreasonably reduce the area available within the site for additional tree planting to contribute to the re-establishment of the tree character of Ku-ring-gai.*
- (f) *Part 5.2.15 (Cut and Fill) in that the proposed excavation to a depth of 2700mm will substantially exceed the maximum control of 900mm in cut relative to natural ground level.*

- 3. *The proposed tennis court in association with all existing structures results in an overdevelopment of the site.*

Particulars:

- (a) *Part 5.2.7 (Built Upon Area), in that the proposed built upon area exceeds 50% of the site area.*

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37 Grosvenor Street, Wahroonga - Detached Dual Occupancy, Comprising Demolition Of The Existing Dwelling And Construction Of Two, Two Storey Dwellings

File: 1698/03

Ward: Wahroonga

Applicant: W & J Wu

Owner: William Wu & Ju Fang Zhang

I Glendinning addressed Council

To determine development application No. 1698/03, which seeks consent for a detached dual occupancy, comprising demolition of the existing dwelling and construction of two, two storey dwellings and a 1.2m high wrought iron front fence.

Resolved:

(Moved: Councillors Cross/Ebbeck)

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

THAT Council, as the consent authority, grant development consent to Development Application No 1698/03 for demolition of an existing dwelling and a new dual occupancy development comprising construction of two detached, two-storey

dwellings on land at 35 Grosvenor Street, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

GENERAL CONDITIONS

1. The development must be carried out in accordance with plans labelled Job No 2841/03, Sheets 1 and 2, dated 4 December 2004, Sheet 3, dated 22 June 2004 and Sheet 5, dated 5 December 2004, all drawn by Lindsay Little & Associates Pty Ltd, and endorsed with Council's approval stamp, except where amended by the following conditions:
2. To ensure reasonable levels of privacy are maintained for Dwelling B, Dwelling A shall be amended as follows:
 - obscure glazing to a minimum height of 1.7m above finished floor level shall be installed in all south facing upper level windows, with the exception of the stairwell window, but including the south and south-east facing bay feature windows.
3. To ensure reasonable levels of privacy are maintained for the southern adjoining property, 35 Grosvenor Street, Dwelling B shall be amended as follows:
 - obscure glazing to a minimum height of 1.7m above finished floor level shall be installed in all south facing upper level windows, with the exception of the stairwell window, but including the south and south-east facing bay feature windows.
4. The external finishes and colour schemes of Dwelling A and B are to be different. External finishes and colours are to be sympathetic to the surrounding environment. Samples of materials and finishes are to be submitted to and approved by Council prior to the commencement of work.
5. The proposed front fence is to be deleted and the existing front fence to Grosvenor Street is to be retained.
6. All building works shall comply with the Building Code of Australia.
7. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
8. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and an Occupation Certificate has been issued.
9. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.

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

Whilst work on Saturdays may be performed until 5.30pm, such work or any associated activities shall not involve the use of any noise generating processes or equipment.
12. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
13. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
14. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
15. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
16. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
17. 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.
18. 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.

19. 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.

20. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
21. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
- 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.
22. Soil on vacant sites is to be stabilised as soon as possible to prevent erosion and the site shall be kept clear of excess vegetation.
23. A temporary construction exit and sediment trap to reduce the transport of sediment from the site onto public roads shall be provided before demolition commences.
24. 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.
25. All combustible material shall be removed from the site on a daily basis. Material shall not be burnt on the site.

26. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
27. Trees and vegetation on a site shall not be disturbed except with the approval of the Council.
28. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
29. The applicant or builder/developer is responsible for the cost of making good any damage that may be caused to any Council property as a result of work associated with the demolition.
30. Waste storage facilities for Dwelling A and Dwelling B shall be provided in accordance with Council's Waste Management Development Policy.
31. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the street drainage system. Drainage line connections to the kerb shall conform and comply with the detailed requirements contained within Council's Plan No82/024 ("Connections of Drainage Lines to Kerb and R.C. Pipe"). Drainage crossings of the footway area shall be a single 100mm diameter sewer grade uPVC pipe with kerb adaptor, where the total design flows from the property are within the capacity of such a pipe, otherwise suitably sized galvanised RHS shall be used. To ensure compliance with this condition, a Certificate from the installer is to be submitted to the Principal Certifying Authority prior to issue of the Final Compliance Certificate.
32. To maintain capacity of the public drainage system, an On-site Stormwater Detention System must be provided for the proposed residences in accordance with Council's Stormwater Management Manual. Separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

The system is to be cleaned regularly and maintained to the satisfaction of Council.

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

NOTE 2: Earth mounding and/or timber retaining wall will not be accepted as the storage perimeter wall. Any perimeter walls must be in masonry on a reinforced concrete footing.

- NOTE 3: If the applicant wishes to vary the prescribed storage and outflow volumes contained in Council's Stormwater Management Manual, a detailed analysis must be provided following the guidelines set out in Council's requirements for on-site detention with full computations accompanying the submission including a flood routing analysis.
- NOTE 4: All roof, driveway and other hard-surface runoff water is to be intercepted and directed to the on-site stormwater detention system. If some areas of hard-surface are unable to be directed to the detention system an adjustment to the rate of discharge is to be made to attain the required site discharge.
- NOTE 5: If a landscaped surface type detention system is used the storage volume required is to be increased by 20%.
- NOTE 6: The standard Council On-site Stormwater Detention Calculation Sheet is to be completed and included on design drawings. This is available from Council upon request.
33. 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.
34. For the purpose of any Council inspections, the appropriate fees set out in Council's adopted Schedule of Fees and Charges are payable to Council, prior to the release of the approved plans. A re-inspection fee per visit may be charged where remedial work is unprepared at the requested time of inspection or where remedial work is unsatisfactory and a further inspection is requested. Engineering fees must be paid prior to the final approval of the works.
35. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92. Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
36. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
37. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways

fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers and in accordance with the relevant clauses of the current edition of Council's Specification for Drainage and Road Works.

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

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

38. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
39. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access, accommodation arrangements and passing opportunities must be designed and constructed to comply with Australian Standard AS 2890.1 – "Off-Street car parking".
40. 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.

41. The landscape works shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
42. The screen planting shall be completed prior to issue of final Certificate of Compliance and maintained in a satisfactory condition at all times.
43. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the issue of the final Certificate of Compliance.

44. 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.
45. The trees to be retained shall be inspected, monitored and treated when necessary by a qualified Arborist before, during and after completion of development works to ensure their long term survival. Regular reports from the Arborist to the Council shall be required at monthly intervals. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.
46. Paving works within the specified radius of the trunk/s of the following tree/s shall be constructed to ensure that existing water infiltration and gaseous exchange to the tree/s root system is maintained. Details for the paving shall be submitted to the Principal Certifying Authority for approval by a suitably qualified professional prior to the commencement of paving construction:

Tree/Location	Radius From Trunk
<i>Quercus palustris</i> (Pin Oak) Close to the site's north-western (front) corner	7 metres

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

Tree/Location	Radius From Trunk
<i>Metrosideros excelsa</i> (New Zealand Christmas Tree) Close to the site's central boundary.	4 metres
<i>Castanospermum australe</i> (Moreton Bay Chestnut) Close to the site's south-western (front) corner.	3 metres

48. 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.
49. 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.
50. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Documentary

evidence of compliance with this condition shall be submitted to the Principal Certifying Authority prior to the release of the final Compliance Certificate:

Plant Species

Acer negundo (Box Elder)
Asparagus densiflorus (Asparagus Fern)
Cardiospermum grandiflorum (Balloon Vine)
Chlorophytum comosum (Spider Plant)
Cinnamomum camphora (Camphor laurel)
Hedera helix (English Ivy)
Impatiens balsamina (Impatiens)
Nephrolepis cordifolia (Fishbone fern)
Ochna serrulata (Ochna)
Tradescantia albiflora (Wandering Jew)
Wisteria sp. (Wisteria Vine)

51. All builders' refuse, spoil and/or material unsuitable for use in landscape areas shall be removed from the site on completion of the building works.
52. The *Schinus terebinthifolius* (Brazilian Pepper Tree) located at the rear of proposed Dwelling A is to be retained. (This tree was incorrectly identified in the submitted landscape plan as an unhealthy *Fraxinus sp.* (Ash)).
53. The 5 *Carya illinoensis* (Pecan), growing in the Grosvenor Street nature strip forward of the site, shall be preserved.
54. To preserve the *Quercus palustris* (Pin Oak) located close to the site's north-western (front) corner, no excavation into the tree's root system is permitted for construction of the driveway to Dwelling A.

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

55. 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.

56. Details of external finishes as required by conditions of this consent shall be submitted to the Principle Certifying Authority prior to the issue of a Construction Certificate.
57. An amended plan and specification of the proposed landscape works for the site shall be prepared in accordance with Council's Development Control Plan No 38, by a Landscape Designer to enhance the amenity of the built environment

and protect the Ku-ring-gai landscape character. The plan must be submitted to Council prior to the release of the Construction Certificate and be approved by Council's Landscape Development Officer prior to the commencement of works. A Landscape Assessment fee of \$120 will be payable on lodgement of the required landscape plan, in accordance with the following schedule.

The following amendments shall be made to the Landscape Plan:

- The *Harpephyllum caffrum* (Kaffir Plum) shall be replaced with an appropriate native species;
 - The trees required to be maintained by conditions of this consent shall be indicated as such.
58. A plan detailing screen planting of the site's northern and southern side and rear boundaries shall be submitted to Council prior to the release of the Construction Certificate and approved by Council's Landscape Development Officer, prior to completion of building works. The plan shall incorporate species capable of attaining a height of 3 metres.
59. 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.
60. The two (2) trees to be planted shall be maintained in a healthy and vigorous condition until they attain a height of 5.0 metres whereby they will be protected by Council's Tree Preservation Order. Any of the trees found faulty, damaged, dying or dead shall be replaced with the same species.
61. A cash bond/bank guarantee of \$2000 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

Fifty percent (50%) of the 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.

62. A cash bond/bank guarantee of \$5000 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

Quercus palustris (Pin Oak) / Close to the site's north-western (front) corner.

Michelia champaca (Golden Champa) / Close to the site's north-eastern (rear) corner.

Podocarpus elatus (Brown Pine) / Close to and towards the northern end of the site's rear boundary.

Eucalyptus sp (Gum) / Close to the site's central rear boundary.

63. To protect and enhance native vegetation for the conservation and promotion of biodiversity, at least 25% of the tree and shrub plantings on the landscape plan for the site shall be selected from the Sydney Turpentine/Ironbark Forest assemblage of vascular plants (included) as the site is located more than 300 metres from bushland.
64. DRIVEWAYS AND FOOTPATHS: Approval of this Development Application is for works wholly within the property and does not imply approval of footpath or driveway levels, materials or location within the road reserve regardless of whether this information is shown on the Application.
65. Footpath and driveway levels at the property boundary/road alignment are to be obtained from Council prior to release of the Construction Certificate. All footpaths and driveways are to be constructed strictly in accordance with Council's specifications "Construction of Gutter Crossings and Footpath Crossings". This is issued with alignment levels after completing the necessary application form at Customer Services and payment of the appropriate fee.

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

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

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

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

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

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

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

67. The stormwater plan prepared by AFCE, Drawing No. 342894/D1 and D2, dated 12/2002 shall be amended to, but not limited to the following:
- i. Incorrect catchment code has been used. The site is in Spring Gully Creek Catchment (SG).
 - ii. Grates are to be provided in each corner of the OSD tanks in order to allow accesses for maintenance. All inlet pipes are to be connected directly under the grate access to the control outlet of the OSD tank. This is to minimise any need to enter the tank for maintenance reasons.
 - iii. All downpipe adaptors are to be located above the Top Water Level (TWL) of the on-site systems to ensure no overflows in upstream lines due to backwater effects.
 - iv. The OSD tank is to be located fully underneath the proposed driveway of each dwelling.

Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and all supporting calculations are to be prepared by a suitably qualified and experienced civil/hydraulic engineer in accordance with Council requirements. These must be submitted to and approved by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

68. For stormwater retention, provision of a 2000 litre rainwater tank within the subject property designed to capture and retain runoff from at least one roof downpipe after which runoff bypasses the tank and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced civil/hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

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

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

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

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

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

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

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

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

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

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

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

69. 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.

70. 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).
71. 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.
72. A contribution is to be paid for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

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

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

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

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

OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

73. The following are required details and must be submitted to the Principal Certifying Authority prior to issue of the Construction Certificate. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
 - Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
 - Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
 - Retaining walls and associated drainage.
 - Wet area waterproofing details complying with the Building Code of Australia.
 - Mechanical ventilation details complying with Australian Standard 1668-1993 Mechanical Ventilation & Airconditioning.
 - Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.

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

CONDITIONS TO BE COMPLIED WITH PRIOR TO WORK COMMENCING

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

Tree/Location	Radius in Metres
<i>Michelia champaca</i> (Golden Champa) Close to the site's north-eastern (rear) corner.	5 metres
<i>Podocarpus elatus</i> (Brown Pine) Close to and towards the northern end of the site's rear boundary.	5 metres
<i>Schinus terebinthifolius</i> (Brazilian Pepper Tree) Near and towards the northern end of the site's rear boundary.	4 metres
<i>Eucalyptus sp</i> (Gum) Close to the site's central rear boundary.	6 metres
<i>Metrosideros excelsa</i> (New Zealand Christmas Tree) Close to the site's central boundary.	4 metres
<i>Castanospermum australe</i> (Moreton Bay Chestnut) Close to the site's south-western (front) corner.	3 metres
<i>Podocarpus elatus</i> (Brown Pine) Close to the site's central front boundary.	3 metres

76. 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 dwellings 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
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<i>Quercus palustris</i> (Pin Oak) Close to the site's north-western (front) corner.	7 metres
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<i>Agonis flexuosa</i> (Willow Myrtle) Adjacent and close to the site's southern front boundary.	6 metres
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77. 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.
78. 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.
79. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
80. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
 - a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
 - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
 - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
 - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.

CONDITIONS TO BE COMPLIED WITH PRIOR TO OCCUPATION

81. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be created prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms

of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council.

82. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate.
83. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to occupation, or the issue of an Occupation Certificate, or the issue of a Subdivision Certificate, that:
 - a. The works were carried out and completed in accordance with the approved plans.
 - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.

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

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

The Certificate is to be with respect to compliance with:

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

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

- invert levels
 - surface or pavement levels
 - floor levels including adjacent property floor levels
 - maximum water surface level to be achieved in the storage zone
 - dimensions of basin(s), tank(s), pit(s), etc.
 - location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
 - storage volume(s) provided and supporting calculations
 - size of orifice(s)
85. Prior to occupation, or the issue of an Occupation Certificate or the issue of a Subdivision Certificate, all disused driveway crossings, pipe crossing and/or kerb laybacks are to be reinstated as footway and kerb and/or gutter to the satisfaction of Council's Development Engineer. Reinstatement works to generally match surrounding infrastructure. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer, at the Applicants cost.
86. The Section 73 Sydney Water compliance certificate must be obtained and submitted prior to issue of the Final Compliance Certificate or issue of the Subdivision Certificate.

BUILDING CONDITIONS

87. 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.
88. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
 - b. Any pier holes and/or foundation material.
 - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
 - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.

- e. Any stormwater drainage works prior to covering.
- f. The completed landscape works in accordance with the approved plans.
- g. The completed structure prior to occupation.

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

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

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

- 89. 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).
- 90. 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.
- 91. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

Note: Dimensions must also comply with limitations of two (2) Risers and one (1) going equaling a maximum 700mm or minimum 550mm. The Risers and Goings shall be uniform throughout the length of the stairway.
- 92. 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.

93. 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.

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

CARRIED UNANIMOUSLY

341 **Submission On Development Application For Minister's Targeted Site No 6 At 4-14 Merriwa Street & 3-11 McIntyre Street, Gordon**

File: S02983

To have Council endorse a submission to the Department of Infrastructure, Planning and Natural Resources on the Development Application by Stockland Development Pty Ltd for the Minister's Targeted Site No 6 at 4 - 14 Merriwa Street and 3 - 11 McIntyre Street, Gordon.

Resolved:

(Moved: Councillors Hall/Innes)

- A. That Council endorse the attached submission entitled "Submission from Kuring-gai Council to the Department of Infrastructure, Planning and Natural Resources (DIPNR) on the Development Application from Stockland Development Pty Ltd for 4 - 14 Merriwa Street and 3 - 11 McIntyre Street, Gordon.
- B. That the submission be forwarded to the Department of Infrastructure, Planning and Natural Resources as Council's response to the Development Application submitted in relation to part of the Minister's Site No 6.
- C. That Council request a formal meeting with the Department of Infrastructure, Planning and Natural Resources to discuss in detail Council's submission on the Development Application.

CARRIED UNANIMOUSLY

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

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

342

Special Areas 3 and 5

File: S02036

Councillor Malicki raised this matter as urgent business as Draft DCP55 is going to Council soon for endorsement for exhibition.

Resolved:

(Moved: Councillors Malicki/Andrew)

- A. That Council engage the services of a suitably qualified urban design consultant to prepare design concepts for those parcels of land that were previously identified as Special Areas 3 and 5 so that the concepts and associated controls can be exhibited as an amendment to DCP 55 and that an additional sum to a maximum \$40,000 be allocated for this purpose.

- B. That funding options be identified as part of the report on the September budget review.
- C. That the landscape characteristics for Special Area 5 to be a central focus of the designs as well as the drainage issues and steepness of the topography.

CARRIED UNANIMOUSLY

QUESTIONS WITHOUT NOTICE

343 **Avon Road & Pymble Avenue, Pymble - Objections To Revised Plans For Targetted Site**

File: S02973

Question Without Notice from Councillor E Malicki

Did we send in objections to the revised plans for the Avon Road/Pymble Avenue targetted site? They were due on 19 July 2004?

Answer by Director Planning & Environment

We do have comments and we are preparing those now and we got an extension for our comments.

344 **Inappropriateness Of Site Cover - Discussion With Minister**

File: S02973

Question Without Notice from Councillor E Malicki

How soon can we begin to hold discussions with the Minister, our staff and consultants on the inappropriateness of the 35% site cover?

Answer by the Mayor

I am actually going to be making a phone call in the morning and backing that up with a letter, as well, requesting an urgent meeting with the Minister.

Councillor Malicki

We need our consultants there!

Continuing Answer by Mayor

Absolutely, it will be in the presence of Miss Webb, Mr Fabbro, the Minister, the consultant, the one we all saw last night and, obviously, also, who was other one, Miss Webb?

Answer by Director Planning & Environment

We are going to ask if the Minister does agree, that she, in fact, also bring along a member of the Urban Design Advisory Service which is her urban design advisors.

Answer by Mayor

As soon as we get a response, we hopefully will get a favourable response, I will let you know Councillors.

345 **Lighting At Hassell Park, St Ives - Application For Council Grant**

File: S02285

Question Without Notice from Councillor T Hall

I refer to the St Ives Rugby application of 18 July 2004 for top-up funding for lighting at Hassell Park and ask the Director Open Space to expedite consideration of this request.

Answer by Director Open Space

In fact I intend to raise that issue with Councillors during discussion of the Capital Works Program for this year.

346 **Chatswood Transport Interchange Upgrade - Result Of Attempted Submission**

File: S03538

Question Without Notice from Councillor G Innes

Could you advise of the result of the attempt to make a submission on the Chatswood Transport Interchange upgrade?

Answer by Director Technical Services

I will probably have to specifically speak to Councillor Innes and Councillor Shelley a bit more about it. I have actually received all the documentation but there doesn't appear to be the claims about the Boundary Street impacts as what was stated previously, from my readings of the reports but I have got further reading and further information, I want to go through the report before I actually categorically say that at this stage.

Supplementary Question by Councillor Innes

Was Council provided with the opportunity to lodge a submission and was Council advised as to the import of such a submission lodgement?

Answer by Director Technical Services

My discussion with the actual consultant group that was doing that, I did ask that the potential as to whether we can actually put in a further submission or any other information, they said yes we would be willing to accept that but, at this stage, they felt that it wasn't appropriate to advise Council of all that information because the actual original study and information indicated that there wasn't an impact on this particular area.

347 **Publication Of DA Floor Plans**

File: S02662

Question Without Notice from Councillor T Hall

I ask whether the Director Environmental & Regulatory Services might review the DA application form to provide applicants the opportunity to permit publications of their DA floor plans as is practised in most other North Shore Councils?

It otherwise is creating some suspicion from third parties where floor plans are retained confidential.

Answer by Director Environmental & Regulatory Services

I will take that on notice and respond.

348 **APOLOGIES**

File: S02194

Resolved:

(Moved: Councillors Cross/Lane)

That the apology by Councillor G Innes for non-attendance (business commitment) on 27 July 2004 be accepted and leave of absence be granted.

CARRIED UNANIMOUSLY

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place on Wednesday, 28 July 2004 commencing at 4.30pm to view the following location:

B2 Corridor

The Meeting closed at 9.03pm

The Minutes of the Ordinary Meeting of Council held on 20 July 2004 (Pages 1 - 68) were confirmed as a full and accurate record of proceedings on 27 July 2004.

General Manager

Mayor / Chairperson