

MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 20 NOVEMBER 2007

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

Staff Present: General Manager (John McKee)
Director Corporate (John Clark)
Director Development & Regulation (Michael Miocic)
Manager Development Assessment Services (Matthew Prendergast)
Director Operations (Greg Piconi)
Manager Urban Planning (Antony Fabbro)
Urban Planner (Terri Southwell)
Manager Sustainability & Natural Environments (Peter Davies)
Director Community (Janice Bevan)
Senior Governance Officer (Geoff O'Rourke)
Minutes Secretary (Christina Randall-Smith)

The Meeting commenced at 7.03pm

The Mayor offered the Prayer

469 **APOLOGIES**

File: S02194

Councillor E Malicki tendered an apology for non-attendance [family commitment] and requested leave of absence.

Resolved:

(Moved: Councillors Shelley/Lane)

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

CARRIED UNANIMOUSLY

DECLARATIONS OF INTEREST

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

No such interest was declared.

DOCUMENTS CIRCULATED TO COUNCILLORS

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

Late Items: **Minutes of Ordinary Meeting of Council** held 13 November 2007

Refer GB.9 - Budget Review 2007 to 2008 - 1st Quarter Review as at end September 2007 - Amended Attachment B - Restricted Asset Forecast & Amended Attachment C - Restricted Asset Actuals.

Refer GB.11 - University of Technology Lindfield - Submission to Part 3A Application - Attachment 3a - Aerial Photo of UTS Site with Concept Plan super imposed, Attachment 3b - Council's Slope Map with details from Concept Plan super imposed & Attachment 6 - Australian Museum Business Services Review of ERM Study.

Councillors Information: **Wahroonga Traffic & Parking Forum** - Memorandum by Director Operations dated 16 November 2007 in reference to a Question Without Notice raised by Councillor Elaine Malicki at the Ordinary Meeting of Council held 30 October 2007.

Flying Australian Flag - Memorandum by Director Operations dated 9 November 2007 in reference to a Question Without Notice raised by Councillor Tony Hall at the Ordinary Meeting of Council held 30 October 2007

Memorandums: **Refer GB.9 - Incorrect Asset Descriptions** - Memorandum by Director Corporate dated 16 November 2007 referring to Attachments B & C of the report.

Refer GB.10 - Analysis of Land & Environment Court Costs - First Quarter 2007-2008 - Memorandum by Director Corporate dated 20 November 2007.

Refer GB.11 - University of Technology Lindfield - Submission to Part 3A Application - Memorandum by Manager Urban Planning dated 16 November 2007.

Refer GB.11 - University of Technology Lindfield - Submission to Part 3A Application - Memorandum by Manager Urban Planning dated 20 November 2007.

CONFIRMATION OF MINUTES470 **Minutes of Ordinary Meeting of Council**

File: S02131

Meeting held 13 November 2007
Minutes numbered 443 to 468

Resolved:

(Moved: Councillors Cross/Lane)

That Minutes numbered 443 to 468 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting except for Minute No 457.

CARRIED UNANIMOUSLY

471 **Private Certifiers**

File: S02465
Vide Minute No 457

Resolved:

(Moved: Councillors Hall/Lane)

That Minute No 457, as amended, be adopted as follows:

Question Without Notice from Councillor T Hall

Following recent amendments to the Environmental Planning & Assessment Act, the accreditation of private certifiers has been tightened and so have complaints against accredited certifiers.

Would the General Manager provide advice that such complaints in this local government area be brought to the notice of full Council for consideration **and** where appropriate determination of these complaints?

Answer by the General Manager

Happy to do that Councillor Hall.

CARRIED UNANIMOUSLY

GENERAL BUSINESS

472

15 Carinya Road, Pymble - Section 96 Modification of DA 947/03 - Proposing Removal of a Liquidambar

File: MOD0301/07

Ward: St Ives

Applicants: Mr & Mrs Thalagala

Owners: Mr & Mrs Thalagala

To determine a Section 96 modification of consent to Development Application No 947/03 to permit the removal of a Liquidambar tree from the front of the site. The Liquidambar is required to be retained and protected by conditions of consent.

To determine a Section 96 modification of consent to Development Application No 947/03 to permit the removal of a Liquidambar tree from the front of the site. The Liquidambar is required to be retained and protected by conditions of consent.

Resolved:

(Moved: Councillors Hall/Bennett)

- A. That consideration of Development Application No 947/03 at 15 Carinya Road, Pymble be deferred pending a site inspection.
- B. That the applicant be requested to have the location of the proposed development pegged out on site for the inspection.

*For the Resolution: Councillors Andrew, Bennett, Cross, Hall, Lane, Ryan
& Anderson*

Against the Resolution: The Mayor, Councillor N Ebbeck & Councillor Shelley

473

Council Meeting Cycle for 2008

File: S02355

To consider the proposed Council Meeting Cycle for 2008 which takes account of school holidays, public holidays, the 2008 Local Government Elections and the Christmas Recess.

Resolved:

(Moved: Councillors Ryan/Shelley)

A. That Council amend its meeting cycle for 2008, as follows:

8 April 2008	Ordinary Meeting of Council
29 April 2008	Ordinary Meeting of Council
22 July 2008	Ordinary Meeting of Council
29 July 2008	Ordinary Meeting of Council
9 September 2008	Ordinary Meeting of Council
23 September 2008	Ordinary Meeting of Council (CANCELLED)
14 October 2008	Ordinary Meeting of Council
21 October 2008	Ordinary Meeting of Council
2 December 2008	Ordinary Meeting of Council
9 December 2008	Ordinary Meeting of Council

B. That the first meeting for 2009 be held on 3 February 2009 and the normal meeting cycle resume on 24 February 2009.

CARRIED UNANIMOUSLY474 **Draft Sponsorship Policy**

File: S05650

To provide a final report to Council on the draft Sponsorship Policy, following the public exhibition period.

Resolved:

(Moved: Councillors Ryan/Shelley)

That the draft Sponsorship Policy be adopted by Council.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: Councillor Bennett

475 **Investment Report as at 31 October 2007**

File: S05273

To present to Council investment allocations and returns on investments for October 2007.

Resolved:

(Moved: Councillors Ryan/Shelley)

- A. That the summary of investments and performance for October 2007 be received and noted.
- B. That the Certificate of the Responsible Accounting Officer be noted and the report adopted.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: Councillor Bennett

476 **2006 to 2007 Annual Report**

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File: S02015

To present to Council the Statutory Annual Report for 2006/2007 in accordance with Section 428 of the Local Government Act 1993.

Resolved:

(Moved: Councillor Ryan/Mayor, Councillor Ebbeck)

That the Annual Report for the period of 1 July 2006 to 30 June 2007 be received and noted

CARRIED UNANIMOUSLY

477 **2007 to 2011 Management Plan 1st Quarter Review as at 30 September 2007**

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File: S05708

To report to Council on progress made toward achieving Key Performance Indicators as contained in Council's 2007 to 2011 Management Plan.

Resolved:

(Moved: Councillors Ryan/Shelley)

That the report on the progress of the Key Performance Indicators contained in the 2007 to 2011 Management Plan for the 1st quarter of the Plan, be received and noted.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: Councillor Bennett

478 **Budget Review 2007 to 2008 - 1st Quarter Review as at end September 2007**

File: S05708

To present to Council the quarterly financial review for the 1st quarter ended 30 September 2007.

Resolved:

(Moved: Councillors Ryan/Shelley)

That Council adopts the budget adjustments contained in this report.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Cross, Hall, Lane, Ryan, Shelley & Anderson

Against the Resolution: Councillor Bennett

479 **Analysis of Land & Environment Court Costs – First Quarter 2007 - 2008**

File: S02466

To provide information in relation to proceedings to which Council is a party in the Land & Environment Court for the quarter ended 30 September 2007, including appeals commenced, costs incurred by Council and outcomes.

Resolved:

(Moved: Councillors Ryan/Shelley)

That the analysis of Land & Environment Court costs for the first quarter ended September 2007 be received and noted.

CARRIED UNANIMOUSLY

*A Motion moved by
Councillor Cross & the Mayor, Councillor Ebbeck
to hear all 4 speakers for GB.1 - 12 Woonona Avenue, Wahroonga was
CARRIED UNANIMOUSLY*

*Standing Orders were suspended to deal with
Business Paper items where there are speakers after a
Motion moved by Councillors Ryan & Lane was
CARRIED UNANIMOUSLY*

480 **12 Woonona Avenue, Wahroonga**

File: DA0416/07

Ward: Wahroonga

The following members of the public addressed Council:

P Sotiriou

J Fuller

A Fuller

G Quint

Council adjourned for a short interval at 7.25pm
after a Motion moved by Councillor Cross & the Mayor, Councillor Ebbeck
was CARRIED
and the Chairperson ruled accordingly.

The Meeting resumed at 7.30pm

Those present were:

The Mayor, Councillor N Ebbeck
Councillor Anderson
Councillor Andrew
Councillor Bennett
Councillor Cross
Councillor Hall
Councillor Lane
Councillor Ryan
Councillor Shelley

To refer the application back to Council following a site inspection and to address submissions made at the site inspection.

Resolved:

(Moved: Councillors Anderson/Hall)

- A. That this matter be deferred and referred to the Heritage Advisory Committee and such a meeting be held as a matter of urgency, so that the Minutes of that meeting can be considered at the Council meeting of 11 December 2007 and, in accord with Clause 61E. of the KPSO.
- B. That the Heritage Advisory Committee give advice upon Council seeking a second opinion from an independent Heritage Consultant with advice from the Heritage Office of NSW.

*For the Resolution: Councillors Andrew, Bennett, Cross, Hall, Lane,
Ryan, Shelley & Anderson*

Against the Resolution: The Mayor, Councillor N Ebbeck

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

(Moved: Councillor Cross/Mayor, Councillor Ebbeck)

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

1. APPROVAL – SEPP 1 REQUIRED

THAT Council, as the consent authority, is of the opinion that the objection under State Environmental Planning Policy No. 1 – Development Standards to minimum site area requirement under Cl.25E 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 unreasonable and unnecessary in the circumstances of this case as the development meets the underlying objectives of the control and strict compliance with the development standard would tend to hinder the achievement of the Objects of Section 5(a)(i) and (ii) of the Environmental Planning and Assessment Act, 1979.

AND

THAT Council, as the consent authority, being satisfied that the objection under SEPP No. 1 is well founded and also being of the opinion that the granting of consent to DA 416/07 is consistent with the aims of the Policy, grant development consent for a residential flat building on land at 12 Woonona Avenue, Wahroonga, for a period of two (2) years from the date of the Notice of Determination, subject to the following conditions:

CONDITIONS THAT IDENTIFY APPROVED PLANS:

1. Approved architectural plans and documentation (new development)

The development must be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan No.	Drawn by	Dated
<i>DA01a, DA02a, DA03, DA04a, DA05a, DA06a</i>	<i>Wolski Lycenko Brecknock Architects</i>	<i>May 2007</i>
<i>Survey Plan 060106CP Sheet 1 of 2 & 2 of 2</i>	<i>V W Cochrane & Associates Pty Ltd</i>	<i>17/01/2006</i>
<i>Hydraulic Details S-07-20094</i>	<i>Civil & Structural Engineering Design Services Pty Ltd</i>	<i>08/08/2007</i>
<i>EF01 External Finishes</i>	<i>Wolski Lycenko Brecknock Architects</i>	<i>May 2007</i>
Document(s)	Dated	
<i>Statement of Environmental Effects by Metroplan</i>	<i>May 2007</i>	
<i>SEPP 1 Objection by Metroplan</i>	<i>August 2007</i>	

<i>Assessment of Traffic and Parking Implications by Transport and Traffic Planning Associates</i>	<i>August 2007</i>
<i>Preliminary Geotechnical Report by Jack Hodgson Consultants</i>	<i>18 April 2006</i>
<i>Tree Management Report by Naturally Trees Arboricultural Consulting</i>	<i>11 May 2007</i>
<i>Landscape specification by iScape Landscape Architecture</i>	<i>May 2007</i>
<i>BASIX Certificate 146816M</i>	<i>4 July 2007</i>

Reason: *To ensure that the development is in accordance with the determination of Council.*

2. Inconsistency between documents

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent prevail.

Reason: *To ensure that the development is in accordance with the determination of Council.*

3. Approved landscape plans

Landscape works shall be carried out in accordance with the following landscape plan(s), listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

Plan no.	Drawn by	Dated
<i>30.07/050, Rev A & 30.07/051</i>	<i>iScape</i>	<i>May 2007</i>

Reason: *To ensure that the development is in accordance with the determination of Council.*

CONDITIONS TO BE SATISFIED PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION:

3. Notice of commencement

At least 48 hours prior to the commencement of any development or excavation works, a notice of commencement of building or subdivision work form and appointment of the principal certifying authority form shall be submitted to Council.

Reason: *Statutory requirement.*

4. Notification of builder's details

Prior to the commencement of any development or excavation works, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder intending to carry out the approved works.

Reason: *Statutory requirement.*

5. Dilapidation survey and report (public infrastructure)

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that a dilapidation report on the visible and structural condition of all structures of the following public infrastructure, has been completed and submitted to Council:

Public infrastructure

- *Full road pavement width, including kerb and gutter, of Woonona Avenue over the site frontage.*
- *All driveway crossings and laybacks opposite the subject site.*

The report must be completed by a consulting structural/civil engineer. Particular attention must be paid to accurately recording (both written and photographic) existing damaged areas on the aforementioned infrastructure so that Council is fully informed when assessing any damage to public infrastructure caused as a result of the development.

The developer may be held liable to any recent damage to public infrastructure in the vicinity of the site, where such damage is not accurately recorded by the requirements of this condition prior to the commencement of works.

Note: *A written acknowledgment from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any excavation works.*

Reason: *To record the structural condition of public infrastructure before works commence.*

6. Construction and traffic management plan

Prior to the commencement of any works on site, the applicant must submit for review by Council's engineers a construction and traffic management plan. The following matters must be specifically addressed in the plan:

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

- *dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways*
- *turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site*
- *the locations of proposed work zones in the frontage roadways*
- *location of any proposed crane and concrete pump and truck standing areas on and off the site*

- *a dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries*
- *material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected*
- *an on-site parking area for employees, tradespersons and construction vehicles as far as possible*

B. Traffic control plan(s) for the site

All traffic control plans must be in accordance with the RTA publication "Traffic Control Worksite Manual" and prepared by a suitably qualified person (minimum 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each stage.

Approval is to be obtained from Council for any temporary road closures or crane use from public property. Applications to Council shall be made a minimum of 4 weeks prior to the activity proposed being undertaken.

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

Light traffic roads and those subject to a load or height limit must be avoided where alternate routes exist.

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

The plan must provide evidence of RTA concurrence where construction access is provided directly from or within 20m of an arterial road.

The plan must provide a schedule of site inductions to be held on regular occasions and as determined necessary to ensure all new employees are aware of their construction management obligations. These must specify that construction-related vehicles are to comply with the approved requirements.

The plan must provide measures for minimising construction related traffic movements during school peak periods.

For those construction personnel that drive to the site, the applicant shall attempt to provide on-site parking so that their personnel's vehicles do not impact on the current parking demand in the area.

The construction and traffic management plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition. The construction management measures contained in the approved plan shall be implemented in

accordance with the plan prior to the commencement of, and during, works on-site including excavation.

As the plan has a direct impact on the local road network, the plan shall be submitted to and reviewed by Council's Development Engineer. Written acknowledgment from Council's Engineer shall be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying Authority prior to the commencement of any works on site.

Reason: *To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.*

7. Work zone

If a works zone is proposed, the applicant must make a written application to the Ku-ring-gai Local Traffic Committee to install the work zone. Work zones are provided specifically for the set down and pick up of materials and not for the parking of private vehicles associated with the site. Work zones will generally not be approved where there is sufficient space on-site for the setting down and picking up of goods being taken to or from a construction site.

If the work zone is approved by the Local Traffic Committee, the applicant must obtain a written copy of the related resolution from the Ku-ring-gai Local Traffic Committee and submit this to the Principal Certifying Authority prior to commencement of any works on site.

Where approval of the work zone is resolved by the Committee, the necessary work zone signage shall be installed (at the cost of the applicant) and the adopted fee paid prior to commencement of any works on site. At the expiration of the work zone approval, the applicant is required to remove the work zone signs and reinstate any previous signs at their expense.

In the event the work zone is required for a period beyond that initially approved by the Traffic Committee, the applicant shall make a payment to Council for the extended period in accordance with Council's schedule of fees and charges for work zones prior to the extended period commencing.

Reason: *To ensure that appropriate measures have been made for the operation of the site during the construction phase.*

8. Erosion and drainage management

Earthworks and/or demolition of any existing buildings shall not commence until an erosion and sediment control plan is submitted to and approved by the Principal Certifying Authority. The plan shall comply with

the guidelines set out in the NSW Department of Housing manual "Managing Urban Stormwater: Soils and Construction" certificate. Erosion and sediment control works shall be implemented in accordance with the erosion and sediment control plan.

Reason: *To preserve and enhance the natural environment.*

9. Tree protection fencing

To preserve the following tree/s, no work shall commence until the area beneath their canopy is fenced off at the specified radius from the trunk/s 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.

Schedule

Tree/location	Radius in Metres
<i>Tree 7 Syncarpia glomulifera (Turpentine)</i>	<i>5 metres</i>
<i>Tree 12 Cupressus macrocarpa (Monterey Cypress)</i>	<i>5 metres</i>
<i>Tree 14 Jacaranda mimosifolia (Jacaranda)</i>	<i>5 metres</i>

Reason: *To protect existing trees during the construction phase.*

10. Tree protection signage

Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated at 10 metres intervals or closer where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

- *tree protection zone*
- *this fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted*
- *any encroachment not previously approved within the tree protection zone shall be the subject of an arborist's report*
- *the arborist's report shall provide proof that no other alternative is available*
- *the arborist's report shall be submitted to the Principal Certifying Authority for further consultation with Council*
- *The name, address, and telephone number of the developer.*

Reason: *To protect existing trees during the construction phase.*

11. Tree protection mulching

Prior to works commencing and throughout construction, the area of the

tree protection zone is to be mulched to a depth of 100mm with composted organic material being 75% Eucalyptus leaf litter and 25% wood.

Reason: *To protect existing trees during the construction phase.*

12. Tree fencing inspection

Upon installation of the required tree protection measures, an inspection of the site by the Principal Certifying Authority is required to verify that tree protection measures comply with all relevant conditions.

Reason: *To protect existing trees during the construction phase.*

13. Construction waste management plan

Prior to the commencement of any works, the Principal Certifying Authority shall be satisfied that a waste management plan, prepared by a suitably qualified person, has been prepared in accordance with Council's DCP 40 – Construction and Demolition Waste Management.

The plan shall address all issues identified in DCP 40, including but not limited to: the estimated volume of waste and method for disposal for the construction and operation phases of the development.

Note: *The plan shall be provided to the Certifying Authority.*

Reason: *To ensure appropriate management of construction waste.*

14. Archival recording of buildings

Prior to the commencement of any development or excavation works on site, the Principal Certifying Authority shall be satisfied that an archival report has been submitted to Council's Heritage Advisor.

The report must consist of an archival standard photographic record of the building (internally and externally), its garden and views of it from the street illustrating its relationship to neighbouring properties and the streetscape. Recording shall be undertaken in accordance with the guidelines for "Photographic Recording of Heritage Items Using Film or digital Capture (2006)" prepared by the New South Wales Heritage Office.

Information shall be bound in an A4 report format. It shall include copies of photographs, referenced to plans of the site. Two (2) copies, one (1) copy to include negatives or CD of images shall be submitted to Council's Heritage Advisor. The recording document will be held in the local studies collection of Ku-ring-gai Library, the local historical society and Council's files.

Note: *A written acknowledgement from Council must be obtained (attesting to this condition being appropriately satisfied) and submitted to the Principal Certifying*

Authority prior to the commencement of any works.

Reason: *To ensure the proper management of historical artefacts and to ensure their preservation.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE:

15. Amendments to approved landscape plan

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the approved architectural plans, listed below and endorsed with Council's stamp, have been amended in accordance with the requirements of this condition as well as other conditions of this consent:

Plan No.	Drawn by	Dated
Da02	Wolski Lycenko Brecknock Architects	May 2007

The above architectural plan(s) shall be amended in the following ways:

- i) To minimise impacts on Tree 7 Syncarpia glomulifera (Turpentine) the proposed steps adjacent to the eastern side of the family room of unit 1 shall be deleted and replaced with a low retaining wall. The retaining wall shall be constructed as a dry stone wall or similar that doesn't require a footing.*
- ii) All existing trees shall be numbered to correspond with the approved landscape plan.*
- iii) To effectively screen the development from the adjoining heritage property to the west. The garden bed adjacent to the lawn area along the western (rear) boundary shall be widened to 3 metres excluding the clothes drying area. The planting along the rear boundary shall include layered screen planting ranging in height from 6 to 4 metres.*

Reason: *To protect existing trees.*

16. Long service levy

In accordance with Section 109F(i) of the Environmental Planning and Assessment Act a Construction Certificate shall not be issued until any long service levy payable under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 (or where such levy is payable by instalments, the first instalment of the levy) has been paid. Council is authorised to accept payment. Where payment has been made elsewhere, proof of payment is to be provided to Council.

Reason: *Statutory requirement.*

17. Builder's indemnity insurance

The applicant, builder, developer or person who does the work on this development, must arrange builder's indemnity insurance and submit the

certificate of insurance in accordance with the requirements of Part 6 of the Home Building Act 1989 to the 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. The builder's indemnity insurance does not apply to commercial or industrial building work or to residential work valued at 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).

Reason: Statutory requirement.

18. Design changes

The following design changes shall be implemented:

- a) The verandas on the northern elevation at the ground and first floor levels shall be reduced in width from 3.7 metres to a maximum 3.0 metres. The second floor veranda shall also be proportionally reduced in width. The hipped roof form is to be retained;*
- b) The pergola on the second floor is to be constructed of timber instead of steel;*
- c) A continuous length planter box is to be constructed above the top of the slab at the ground floor level over the driveway/ entry ramp to account for the shortfall of veranda width;*
- d) All existing trees shall be numbered on the architectural plans to correspond with the approved landscape plan; and*
- e) The piers of the front fence are to be reduced in height to a maximum 1.6 metres and the metal palisade in fill is to be reduced to have a maximum height of 1.2 metres. The dwarf wall to the front fence is to be reduced in height relative to the reduction of the piers and metal in-fill palisade. The heights are to be measured from the finished footpath level.*
- f) An 8ft or 2.44 metres high timber lapped and capped fence is to be constructed along the western property boundary to 14 Woonona Avenue, Wahroonga. The height is to be measured from the finished ground level.*

Details of the above are to be provided prior to the issue of the Construction Certificate.

Reason: *To ensure minimal impacts to the adjoining heritage item and existing trees located on and adjoining the subject site*

19. Engineering construction details

Prior to the issue of a Construction Certificate, the Certifying Authority shall be satisfied that the engineering construction details for the basement car park, complies with the following requirements:

The engineering construction plans shall note the following details:

- i) To preserve the following trees the basement car park shall be excavated with near vertical angles. The side surfaces of the excavated basement shall be covered with water proof covers whenever work is not being carried out. All up slope run-off shall be diverted away from the cut surfaces.*
- ii) The construction details shall indicate the following trees on the plans.*
- iii) the construction details shall indicate that the following trees are to be protected with no over excavation of the basement to take place.*

Schedule**Tree/location****Tree works**

Tree 7 Syncarpia glomulifera (Turpentine)

Front yard on site

Tree 12 Cupressus macrocarpa (Monterey cypress) rear.

Adjoining property to rear.

Tree 13 Liquidambar styraciflua (Liquidambar) rear.

Adjoining property to rear.

Tree 14 Jacaranda mimosifolia (Jacaranda) rear.

Adjoining property to rear.

Reason: *To protect existing trees.*

20. Air drying facilities

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that a common open space area dedicated for open air drying of clothes is provided. This area is to be located at ground level behind the building line and in a position not visible from the public domain.

In lieu of the above, written confirmation that all units will be provided with internal clothes drying facilities prior to the Occupation Certificate is to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: *Amenity & energy efficiency.*

21. Access for people with disabilities (residential)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that access for people with disabilities to and from and between the public domain, residential units and all common open space areas is provided. Consideration must be given to the means of dignified

and equitable access.

Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be provided to the Principal Certifying Authority prior to the issue of the Construction Certificate. All details shall be prepared in consideration of the Disability Discrimination Act, and the relevant provisions of AS1428.1, AS1428.2, AS1428.4 and AS 1735.12.

Reason: *To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.*

22. Adaptable units

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all the nominated adaptable units within the development application [Units 1, 2, 3], are designed as adaptable housing in accordance with the provisions of Australian Standard AS4299-1995: Adaptable Housing.

Note: *Evidence from an appropriately qualified professional demonstrating compliance with this control is to be submitted to and approved by the Certifying Authority prior to the issue of the Construction Certificate.*

Reason: *Disabled access & amenity.*

23. Stormwater management plan

Prior to issue of the Construction Certificate, the applicant must submit, for approval by the Principal Certifying Authority, scale construction plans and specifications in relation to the stormwater management and disposal system for the development. The plan(s) must include the following detail:

- *exact location and reduced level of discharge point to the public drainage system*
- *Layout of the property drainage system components, including but not limited to (as required) gutters, downpipes, spreaders, pits, swales, kerbs, cut-off and intercepting drainage structures, subsoil drainage, flushing facilities and all ancillary stormwater plumbing - all designed for a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence)*
- *location(s), dimensions and specifications for the required rainwater storage and reuse tanks and systems and where proprietary products are to be used, manufacturer specifications or equivalent shall be provided*
- *specifications for reticulated pumping facilities (including pump type and manufacturer specifications) and ancillary plumbing to*

fully utilise rainwater in accordance with Ku-ring-gai Council Development Control Plan 47 and/or BASIX commitments

- *details of the required on-site detention tanks required by Ku-ring-gai Water Management DCP 47, including dimensions, materials, locations, orifice and discharge control pit details as required (refer Chapter 6 and Appendices 2, 3 and 5 of DCP 47 for volume, PSD and design requirements)*
- *the required basement stormwater pump-out system is to cater for driveway runoff and subsoil drainage (refer appendix 7.1.1 of Development Control Plan 47 for design)*

The above construction drawings and specifications are to be prepared by a qualified and experienced civil/hydraulic engineer in accordance with Council's Water Management Development Control Plan 47, Australian Standards 3500.2 and 3500.3 - Plumbing and Drainage Code and the Building Code of Australia. The plans may be generally based on the hydraulic details submitted with the development application, which are to be advanced as necessary for construction certificate issue purposes.

Reason: *To protect the environment.*

24. Stormwater retention

Prior to the issue of a Construction Certificate, the Principal Certifying Authority is to be satisfied that:

1. *A mandatory rainwater retention and re-use system, comprising storage tanks and ancillary plumbing is provided. The minimum total storage volume of the rainwater tank system, and the prescribed re-use of the water on site must satisfy all relevant BASIX commitments and the requirements specified in Chapter 6 of Ku-ring-gai Water Management Development Control Plan 47; and*
2. *An on-site stormwater detention system must be provided to control the rate of runoff leaving the site. The minimum volume of the required on-site detention system must be determined in accordance with Chapter 6 of the Ku-ring-gai Council Water Management Development Control Plan 47 - having regard to the specified volume concession offered in lieu of installing rainwater retention tanks. The on-site detention system must be designed by a qualified civil/hydraulic engineer and must satisfy the design controls set out in Appendix 5 of DCP 47.*

Reason: *To protect the environment.*

25. Excavation for services

Prior to the issue of the Construction Certificate, the Principal Certifying shall be satisfied that no proposed underground services (ie. water, sewerage, drainage, gas or other service) unless previously approved by conditions of consent, are located beneath the canopy of any tree

protected under Council's Tree Preservation Order, located on the subject allotment and adjoining allotments.

Note: *A plan detailing the routes of these services and trees protected under the Tree Preservation Order, shall be submitted to the Principal Certifying Authority.*

Reason: *To ensure the protection of trees.*

26. Landscape plan

Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall be satisfied that a landscape plan has been completed in accordance with Council's DA Guide, relevant development control plans and the conditions of consent by a landscape architect or qualified landscape designer.

Note: *The landscape plan must be submitted to the Principal Certifying Authority.*

Reason: *To ensure adequate landscaping of the site.*

27. Noise from plant in residential zone

Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation of an individual piece of equipment or operation of equipment in combination will not exceed more than 5dB(A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00 am) when measured at the boundary of the site.

Note: *A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction Certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.*

Reason: *To comply with best practice standards for residential acoustic amenity.*

28. Location of plant (residential flat buildings)

Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that all plant and equipment (including but not limited to air conditioning equipment) is located within the basement.

Note: *Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.*

Reason: *To minimise impact on surrounding properties, improved visual appearance and amenity for locality.*

29. Driveway crossing levels

Prior to issue of the Construction Certificate, driveway and associated footpath levels for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment must be obtained from Ku-ring-gai 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".

Specifications are issued with alignment levels after completing the necessary application form at Customer Services and payment of the assessment fee. 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.

This development consent is for works wholly within the property. Development 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 development application plans. 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 required alignment levels fixed by Council may impact upon these levels.

The construction of footpaths and driveways outside the property in materials other than those approved by Council is not permitted.

Reason: *To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.*

30. Driveway grades – basement car-parks

Prior to the issue of the Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The traffic engineer shall provide specific written certification on the plans that:

- *vehicular access can be obtained using grades of 25% (1 in 4) maximum and*
- *all changes in grade (transitions) comply with Australian Standard 2890.1 – "Off-street car parking" (refer clause 2.5.3) to prevent the scraping of the underside of vehicles.*

If a new driveway crossing is proposed, the longitudinal sections must incorporate the driveway crossing levels as issued by Council upon prior application.

Reason: *To provide suitable vehicular access without disruption to pedestrian and vehicular traffic.*

31. Basement car parking details

Prior to issue of the Construction Certificate, certified parking layout plan(s) to scale showing all aspects of the vehicle access and accommodation arrangements must be submitted to and approved by the Certifying Authority. A qualified civil/traffic engineer must review the proposed vehicle access and accommodation layout and provide written certification on the plans that:

- *all parking space dimensions, driveway and aisle widths, driveway grades, transitions, circulation ramps, blind aisle situations and other trafficked areas comply with Australian Standard 2890.1 – 2004 “Off-street car parking”*
- *a clear height clearance of 2.5 metres (required under DCP40 for waste collection trucks) is provided over the designated garbage collection truck manoeuvring areas within the basement*
- *no doors or gates are provided in the access driveways to the basement car park which would prevent unrestricted access for internal garbage collection at any time from the basement garbage storage and collection area*
- *the dimensions of all parking spaces, including lengths and widths, comply with the State Environmental Planning Policy for Senior Living relating to height clearances and space dimensions (delete clause if not seniors living)*
- *the vehicle access and accommodation arrangements are to be constructed and marked in accordance with the certified plans*

Reason: *To ensure that parking spaces are in accordance with the approved development.*

32. Car parking allocation

Car parking within the development shall be allocated in the following way:

Resident car spaces	5
Visitor spaces	1
Total spaces	6

Each adaptable dwelling must be provided with car parking complying with the dimensional and location requirements of AS2890.1 – parking spaces for people with disabilities.

At least one visitor space shall also comply with the dimensional and location requirements of AS2890.1 – parking spaces for people with disabilities.

Consideration must be given to the means of access from disabled car parking spaces to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with the Construction Certificate.

Reason: *To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with federal legislation.*

33. Number of bicycle spaces

The basement car park shall be adapted to provide 2 bicycle spaces in accordance with DCP 55. The bicycle parking spaces shall be designed in accordance with AS2890.3. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Reason: *To provide alternative modes of transport to and from the site.*

34. Energy Australia requirements

Prior to issue of the Construction Certificate, the applicant must contact Energy Australia regarding power supply for the subject development. A written response detailing the full requirements of Energy Australia (including any need for underground cabling, substations or similar within or in the vicinity the development) shall be submitted to the Principal Certifying Authority for approval prior to issue of the Construction Certificate.

Any structures or other requirements of Energy Australia shall be indicated on the plans issued with the Construction Certificate, to the satisfaction of the Principal Certifying Authority and Energy Australia. The requirements of Energy Australia must be met in full prior to issue of the Occupation Certificate.

Reason: *To ensure compliance with the requirements of Energy Australia.*

35. Utility provider requirements

Prior to issue of the Construction Certificate, the applicant must make contact with all relevant utility providers whose services will be impacted upon by the development. A written copy of the requirements of each provider, as determined necessary by the Certifying Authority, must be obtained. All utility services or appropriate conduits for the same must be provided by the developer in accordance with the specifications of the utility providers.

Reason: *To ensure compliance with the requirements of relevant utility providers.*

36. Underground services

All electrical services (existing and proposed) shall be undergrounded from the proposed building on the site to the appropriate power pole(s) or other connection point. Undergrounding of services must not disturb the root system of existing trees and shall be undertaken in accordance with the requirements of the relevant service provided. Documentary evidence that the relevant service provider has been consulted and that their requirements have been met are to be provided to the Certifying Authority prior to the issue of the Construction Certificate. All electrical and telephone services to the subject property must be placed underground and any redundant poles are to be removed at the expense of the applicant.

Reason: *To provide infrastructure that facilitates the future improvement of the streetscape by relocation of overhead lines below ground.*

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE OR PRIOR TO DEMOLITION, EXCAVATION OR CONSTRUCTION (WHICHEVER COMES FIRST):

37. Public liability insurance – works on public land

Any person or contractor undertaking works on public land must take out public risk insurance with a minimum cover of \$10 million in relation to the occupation of, and approved works within Council's road reserve or public land, as approved in this consent.

The policy is to note and provide protection for Ku-ring-gai Council as an interested party and a copy of the policy must be submitted to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). The policy must be valid for the entire period that the works are being undertaken on public land.

Note: *Applications for hoarding permits, vehicular crossings etc will require evidence of insurance upon lodgement of the application.*

Reason: *To ensure the community is protected from the cost of any claim for damages arising from works on public land*

38. Infrastructure restorations fee

To ensure that damage to Council Property as a result of construction activity is rectified in a timely matter:

- a) All work or activity taken in furtherance of the development the subject of this approval must be undertaken in a manner to avoid damage to Council Property and must not jeopardise the safety of any person using or occupying the adjacent public areas.*

- b) *The applicant, builder, developer or any person acting in reliance on this approval shall be responsible for making good any damage to Council Property, and for the removal from Council Property of any waste bin, building materials, sediment, silt, or any other material or article.*
- c) *The Infrastructure Restoration Fee must be paid to the Council by the applicant prior to both the issue of the Construction Certificate and the commencement of any earthworks or construction.*
- d) *In consideration of payment of the Infrastructure Restorations Fee, Council will undertake such inspections of Council Property as Council considers necessary and also undertake, on behalf of the applicant, such restoration work to Council Property, if any, that Council considers necessary as a consequence of the development. The provision of such restoration work by the Council does not absolve any person of the responsibilities contained in (a) to (b) above. Restoration work to be undertaken by the Council referred to in this condition is limited to work that can be undertaken by Council at a cost of not more than the Infrastructure Restorations Fee payable pursuant to this condition.*
- e) *In this condition:*

“Council Property” includes any road, footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, letter bins, trees, shrubs, lawns, mounds, bushland, and similar structures or features on any road or public road within the meaning of the Local Government Act 1993 (NSW) or any public place; and

“Infrastructure Restoration Fee” means the Infrastructure Restorations Fee calculated in accordance with the Schedule of Fees & Charges adopted by Council as at the date of payment and the cost of any inspections required by the Council of Council Property associated with this condition.

Reason: *To maintain public infrastructure*

39. Section 94 Contribution – residential development

A contribution pursuant to section 94 of the Environmental Planning and Assessment Act as specified in Ku-ring-gai Section 94 Contributions Plan 2004-2009 for the services detailed in column A and for the amount detailed in Column B is required.

Column A	Column B
<i>community facilities</i>	<i>\$9,199.16</i>
<i>park acquisition and embellishment works</i>	<i>\$54,104.38</i>
<i>sportsgrounds works</i>	<i>\$10,849.77</i>
<i>aquatic / leisure centres</i>	<i>\$228.95</i>
<i>traffic and transport</i>	<i>\$1,236.80</i>
<i>section 94 Plan administration</i>	<i>\$823.33</i>
<i>Sub Total: Credit for existing very large dwelling</i>	<i><u>\$76442.39</u></i>
	<i><u>\$32,324.00</u></i>
Total contribution is:	<u>\$44,120.00</u>

The contribution shall be paid to Council prior to the commencement of any development (including demolition) or prior to the issue of the Construction Certificate (whichever comes first). 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. Prior to payment, you are advised to check the contribution amount required with Council.

Reason: *To ensure 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 the development.*

CONDITIONS TO BE SATISFIED DURING THE DEMOLITION, EXCAVATION AND CONSTRUCTION PHASES:

40. Approved plans to be on site

A copy of all approved and certified plans, specifications and documents incorporating conditions of consent and certification (including the Construction Certificate if required for the work) shall be kept on site at all times during the demolition, excavation and construction phases and must be readily available to any officer of Council or the Principal Certifying Authority.

Reason: *To ensure that the development is in accordance with the determination of Council.*

41. Prescribed conditions

The applicant shall comply with any relevant prescribed conditions of development consent under clause 98 of the Environmental Planning and Assessment Regulation. For the purposes of section 80A (11) of the Environmental Planning and Assessment Act, the following conditions are prescribed in relation to a development consent for development that involves any building work:

- The work must be carried out in accordance with the requirements of the Building Code of Australia*
- In the case of residential building work for which the Home Building Act 1989 requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any works commence.*

Reason: *Statutory requirement.*

42. Statement of compliance with Australian Standards

The demolition work shall comply with the provisions of Australian Standard AS2601: 2001 The Demolition of Structures. The work plans required by AS2601: 2001 shall be accompanied by a written statement

from a suitably qualified person that the proposal contained in the work plan comply with the safety requirements of the Standard. The work plan and the statement of compliance shall be submitted to the satisfaction of the Principal Certifying Authority prior to the commencement of any works.

Reason: *To ensure compliance with the Australian Standards.*

43. Demolition, excavation and construction work hours

Demolition, excavation, construction work and deliveries of building material and equipment must not take place outside the hours of 7.00am to 5.00pm Monday to Friday and 8.00am to 12.00pm Saturday. No work and no deliveries are to take place on Sundays and public holidays.

Excavation or removal of any materials using machinery of any kind, including compressors and jack hammers, must be limited to between 9.00am and 4.00pm Monday to Friday, with regular breaks of 15 minutes each hour.

Reason: *To ensure reasonable standards of amenity to neighbouring properties.*

44. Construction noise

During excavation, demolition and construction phases, noise generated from the site shall be controlled in accordance with the recommendations of the approved noise and vibration management plan.

Reason: *To ensure reasonable standards of amenity to neighbouring properties.*

45. Site notice

A site notice shall be erected on the site prior to any work commencing and shall be displayed throughout the works period.

The site notice must:

- *be prominently displayed at the boundaries of the site for the purposes of informing the public that unauthorised entry to the site is not permitted*
- *display project details including, but not limited to the details of the builder, Principal Certifying Authority and structural engineer*
- *be durable and weatherproof*
- *display the approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice*
- *be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted*

Reason: *To ensure public safety and public information.*

46. Dust control

During excavation, demolition and construction, adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood. The following measures must be adopted:

- *physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust*
- *earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed*
- *all materials shall be stored or stockpiled at the best locations*
- *the ground surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs*
- *all vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust*
- *all equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays*
- *gates shall be closed between vehicle movements and shall be fitted with shade cloth*
- *cleaning of footpaths and roadways shall be carried out daily*

Reason: *To protect the environment and amenity of surrounding properties.*

47. Post-construction dilapidation report

The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the Principal Certifying Authority. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the Principal Certifying Authority must:

- *compare the post-construction dilapidation report with the pre-construction dilapidation report*
- *have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.*

A copy of this report is to be forwarded to Council at the completion of the construction works.

Reason: *Management of records.*

48. Use of road or footpath

During excavation, demolition and construction phases, no building materials, plant or the like are to be stored on the road or footpath

without written approval being obtained from 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.

Reason: *To ensure safety and amenity of the area.*

49. Guarding excavations

All excavation, demolition and construction works shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

Reason: *To ensure public safety.*

50. Toilet facilities

During excavation, demolition and construction phases, toilet facilities are to be provided, on the work site, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Reason: *Statutory requirement.*

51. Recycling of building material (general)

During demolition and construction, the Principal Certifying Authority shall be satisfied that building materials suitable for recycling have been forwarded to an appropriate registered business dealing in recycling of materials. Materials to be recycled must be kept in good order.

Reason: *To facilitate recycling of materials.*

52. Construction signage

All construction signs must comply with the following requirements:

- *are not to cover any mechanical ventilation inlet or outlet vent*
- *are not illuminated, self-illuminated or flashing at any time*
- *are located wholly within a property where construction is being undertaken*
- *refer only to the business(es) undertaking the construction and/or the site at which the construction is being undertaken*
- *are restricted to one such sign per property*
- *do not exceed 2.5m²*
- *are removed within 14 days of the completion of all construction works*

Reason: *To ensure compliance with Council's controls regarding signage.*

53. Road reserve safety

All public footways and roadways fronting and adjacent to the site must be maintained in a safe condition at all times during the course of the development works. Construction materials must not be stored in the road reserve. A safe pedestrian circulation route and a pavement/route free of trip hazards must be maintained at all times on or adjacent to any 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 pedestrian circulation is diverted on to the roadway or verge areas, 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 across the site frontage, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.

Reason: *To ensure safe public footways and roadways during construction*

54. Road repairs necessitated by excavation and construction works

It is highly likely that damage will be caused to the roadway at or near the subject site as a result of the construction (or demolition or excavation) works. The applicant, owner and builder (and demolition or excavation contractor as appropriate) will be held responsible for repair of such damage, regardless of the Infrastructure Restorations Fee paid (this fee is to cover wear and tear on Council's wider road network due to heavy vehicle traffic, not actual major damage).

Section 102(1) of the Roads Act states "A person who causes damage to a public road is liable to pay to the appropriate roads authority the cost incurred by that authority in making good the damage."

Council will notify when road repairs are needed, and if they are not carried out within 48 hours, then Council will proceed with the repairs, and will invoice the applicant, owner and relevant contractor for the balance.

Reason: *To protect public infrastructure.*

55. Services

Where required, the adjustment or inclusion of any new utility service facilities must be carried out by the applicant and in accordance with the requirements of the relevant utility authority. These works shall be at no cost to Council. It is the applicants' full responsibility to make contact with the relevant utility authorities to ascertain the impacts of the proposal upon utility services (including water, phone, gas and the like). Council accepts no responsibility for any matter arising from its approval to this application involving any influence upon utility services provided by another authority.

Reason: *Provision of utility services.*

56. Erosion control

Temporary sediment and erosion control and measures are to be installed prior to the commencement of any works on the site. These measures must be maintained in working order during construction works up to completion. 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.

Reason: *To protect the environment from erosion and sedimentation.*

57. Drainage to street

Stormwater runoff from all new impervious areas and subsoil drainage systems shall be piped to the street drainage system. New drainage line connections to the street drainage system shall conform and comply with the requirements of Sections 5.3 and 5.4 of Ku-ring-gai Water Management Development Control Plan No. 47.

Reason: *To protect the environment.*

58. Grated drain at garage

A 200mm wide grated channel/trench drain, with a heavy-duty removable galvanised grate is to be provided in front of the garage door/basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

Reason: *Stormwater control.*

59. Sydney Water Section 73 Compliance Certificate

*The applicant must obtain a **Section 73 Compliance Certificate** under the Sydney Water Act 1994. An application must be made through an authorised Water Servicing Co-ordinator. The applicant is to refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-develop" 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 Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.*

Reason: *Statutory requirement.*

60. Arborist's report

The trees to be retained shall be inspected, monitored and treated by a qualified arborist during and after completion of development works to

ensure their long term survival. Regular inspections and documentation from the arborist to the Principal Certifying Authority are required at the following times or phases of work:

Schedule

Tree/location

Time of inspection

Tree 7 Syncarpia glomulifera (Turpentine)

During excavation and construction of the basement car park.

Tree 12 Cupressus macrocarpa (Monterey cypress)

During excavation and construction of the basement car park.

Tree 13 Liquidambar styraciflua (Liquidambar)

During excavation and construction of the basement car park.

Reason: *To ensure protection of existing trees.*

61. Completion of landscape works

Prior to the release of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that all landscape works, including the removal of all noxious and/or environmental weed species, have been undertaken in accordance with the approved plan(s) and conditions of consent.

Reason: *To ensure that the landscape works are consistent with the development consent.*

62. Canopy/root pruning

Canopy and/or root pruning of the following tree(s) which is necessary to accommodate the approved building works shall be undertaken by an experienced arborist/horticulturist, with a minimum qualification of the horticulture certificate or tree surgery certificate:

Schedule

Tree/location

Tree works

Tree 7 Syncarpia glomulifera (Turpentine)

Canopy and root pruning.

Tree 12 Cupressus macrocarpa (Monterey cypress)

Root pruning.

Tree 13 Liquidambar styraciflua (Liquidambar)

Root pruning.

Tree 14 Jacaranda mimosifolia (Jacaranda)

Root pruning.

Reason: *To protect the environment.*

63. Approved tree works

Approval is given for the following works to be undertaken to trees on the site:

Schedule**Tree location****Approved tree works**

<i>Tree1 Camellia sasanqua (Chinese Camellia)</i>	<i>Removal</i>
<i>Tree2 Camellia japonica (Japanese Camellia)</i>	<i>Removal</i>
<i>Tree 3 Acer palmatum (Japanese Maple)</i>	<i>Removal</i>
<i>Tree 4 Chamaecyparis sp. (Cypress)</i>	<i>Removal</i>
<i>Tree 5 Cotoneaster sp. (Cotoneaster)</i>	<i>Removal</i>
<i>Tree 6 Acer negundo (Box Elder)</i>	<i>Removal</i>
<i>Tree 7 Syncarpia glomulifera (Turpentine)</i>	<i>Minor pruning of branches on outside edge of canopy to clear the approved building.</i>
<i>Tree 8 Jacaranda mimosifolia (Jacaranda)</i>	<i>Removal</i>
<i>Tree A Camellia sasanqua (Chinese Camellia)</i>	<i>Removal</i>
<i>Tree B Camellia sasanqua (Chinese Camellia)</i>	<i>Removal</i>
<i>Tree D Camellia sasanqua (Chinese Camellia)</i>	<i>Removal</i>

Removal or pruning of any other tree on the site is not approved.

Reason: *To ensure that the development is in accordance with the determination of Council.*

64. Excavation near trees

No mechanical excavation 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:

Schedule**Tree/location****Radius from trunk**

<i>Tree 7 Syncarpia glomulifera (Turpentine)</i>	<i>8 metres</i>
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Reason: *To protect existing trees.*

65. No storage of materials beneath trees

No activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order at any time.

Reason: *To protect existing trees.*

66. Removal of refuse

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.

Reason: *To protect the environment.*

67. Canopy replenishment trees to be planted

The canopy replenishment 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

Reason: *To maintain the treed character of the area.*

**CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF AN
OCCUPATION CERTIFICATE:**

68. Compliance with BASIX Certificate

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that all commitments listed in BASIX Certificate No. 146816M have been complied with.

Reason: *Statutory requirement.*

69. Clotheslines and clothes dryers

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that the units either have access to an external clothes line located in common open space or have a mechanical clothes dryer installed.

Reason: *To provide access to clothes drying facilities.*

70. Mechanical ventilation

Following completion, installation and testing of all the mechanical ventilation systems, the Principal Certifying Authority shall be satisfied of the following prior to the issue of any Occupation Certificate:

1. *The installation and performance of the mechanical systems complies with:*
 - *The Building Code of Australia*
 - *Australian Standard AS1668*
 - *Australian Standard AS3666 where applicable*
2. *The mechanical ventilation system in isolation and in association with other mechanical ventilation equipment, when in operation will not be audible within a habitable room in any other residential premises before 7am and after 10pm Monday to Friday and before 8am and after 10pm Saturday, Sunday and public holidays. The operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when*

measured at the nearest adjoining boundary.

Note: *Written confirmation from an acoustic engineer that the development achieves the above requirements is to be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.*

Reason: *To protect the amenity of surrounding properties.*

71. Accessibility

Prior to the issue of an Occupation Certificate, the Principal Certifying Authority shall be satisfied that:

- *the lift design and associated functions are compliant with AS 1735.12 & AS 1428.2*
- *the level and direction of travel, both in lifts and lift lobbies, is audible and visible*
- *the controls for lifts are accessible to all persons and control buttons and lettering are raised*
- *international symbols have been used with specifications relating to signs, symbols and size of lettering complying with AS 1428.2*
- *the height of lettering on signage is in accordance with AS 1428.1 – 1993*
- *the signs and other information indicating access and services incorporate tactile communication methods in addition to the visual methods*

Reason: *Disabled access & services.*

72. Retention and re-use positive covenant

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the property with the requirement to maintain the site stormwater retention and re-use facilities on the property.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instruments for protection of retention and re-use facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Water Management Development Control Plan No. 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the reuse and retention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents showing the covenants and restrictions must be submitted to and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: *To protect the environment.*

73. Provision of copy of OSD designs if Council is not the PCA

Prior to issue of the Occupation Certificate, the following must be provided to Council's Development Engineer:

- *a copy of the approved Construction Certificate stormwater detention/retention design for the site*
- *A copy of any works-as-executed drawings required by this consent*
- *The Engineer's certification of the as-built system.*

Reason: *For Council to maintain its database of as-constructed on-site stormwater detention systems.*

74. Certification of drainage works (dual occupancies and above)

Prior to issue of the Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- *the stormwater drainage works have been satisfactorily completed in accordance with the approved Construction Certificate drainage plans*
- *the minimum retention and on-site detention storage volume requirements of BASIX and Ku-ring-gai Water Management Development Control Plan No. 47 respectively, have been achieved*
- *retained water is connected and available for use*
- *basement and subsoil areas are able to drain via a pump/sump system installed in accordance with AS3500.3 and Appendix 7.1.1 of Ku-ring-gai Water Management Development Control Plan No. 47*
- *all grates potentially accessible by children are secured*
- *components of the new drainage system have been installed by a licensed plumbing contractor in accordance with the Plumbing and Drainage Code AS3500.3 2003 and the Building Code of Australia*
- *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*

The rainwater certification sheet contained in Appendix 13 of the Ku-ring-gai Water Management Development Control Plan No 47, must be completed and attached to the certification. Where an on-site detention system has been constructed, the on-site detention certification sheet contained in Appendix 4 of DCP 47 must also be completed and attached to the certification.

Note: *Evidence from a qualified and experienced consulting civil/hydraulic engineer documenting compliance with the above is to be provided to Council prior to the issue of an Occupation Certificate.*

Reason: *To protect the environment.*

75. WAE plans for stormwater management and disposal (dual occupancy and above)

Prior to issue of the Occupation Certificate, a registered surveyor must provide a works as executed survey of the completed stormwater drainage and management systems. The survey must be submitted to and approved by the Principal Certifying Authority prior to issue of the Occupation Certificate. The survey must indicate:

- *as built (reduced) surface and invert levels for all drainage pits*
- *gradients of drainage lines, materials and dimensions*
- *as built (reduced) level(s) at the approved point of discharge to the public drainage system*
- *as built location and internal dimensions of all detention and retention structures on the property (in plan view) and horizontal distances to nearest adjacent boundaries and structures on site*
- *the achieved storage volumes of the installed retention and detention storages and derivative calculations*
- *as built locations of all access pits and grates in the detention and retention system(s), including dimensions*
- *the size of the orifice or control fitted to any on-site detention system*
- *dimensions of the discharge control pit and access grates*
- *the maximum depth of storage possible over the outlet control*
- *top water levels of storage areas and indicative RL's through the overland flow path in the event of blockage of the on-site detention system*

The works as executed plan(s) must show the as built details above in comparison to those shown on the drainage plans approved with the Construction Certificate prior to commencement of works. All relevant levels and details indicated must be marked in red on a copy of the Principal Certifying Authority stamped construction certificate stormwater plans.

Reason: *To protect the environment.*

76. Basement pump-out maintenance

Prior to issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that a maintenance regime has been prepared for the basement stormwater pump-out system.

Note: *A maintenance regime specifying that the system is to be regularly inspected and checked by qualified practitioners is to be prepared by a suitable qualified*

professional and provided to the Principal Certifying Authority.

Reason: *To protect the environment.*

77. OSD positive covenant/restriction

Prior to issue of the Occupation Certificate, the applicant must create a positive covenant and restriction on the use of land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot.

The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council (refer to appendices of Ku-ring-gai Council Water Management DCP 47). For existing titles, the positive covenant and the restriction on the use of land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the on-site detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

Registered title documents, showing the covenants and restrictions, must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

Reason: *To protect the environment.*

78. Sydney Water Section 73 Compliance Certificate

Prior to issue of an Occupation Certificate the Section 73 Sydney water Compliance Certificate must be obtained and submitted to the Principal Certifying Authority

Reason: *Statutory requirement.*

79. Certification of as-constructed driveway/car park – RFB

Prior to issue of an Occupation Certificate, the Principal Certifying Authority is to be satisfied that:

- *the as-constructed car park complies with the approved Construction Certificate plans*
- *the completed vehicle access and accommodation arrangements comply with Australian Standard 2890.1 – 2004 "Off-Street car parking" in terms of minimum parking space dimensions*
- *finished driveway gradients and transitions will not result in the scraping of the underside of cars*
- *the vehicular headroom requirements of Australian Standard 2890.1 – "Off-street car parking",*

Note: *Evidence from a suitably qualified and experienced traffic/civil engineer indicating compliance with the above is to be provided to and approved by the Principal Certifying Authority prior to the issue of an Occupation Certificate.*

Reason: *To ensure that vehicular access and accommodation areas are compliant with the consent.*

80. Reinstatement of redundant crossings and completion of infrastructure works

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that the following works in the road reserve have been completed:

- *new concrete driveway crossing in accordance with levels and specifications issued by Council*
- *removal of all redundant driveway crossings and kerb laybacks (or sections thereof) and reinstatement of these areas to footpath, turfed verge and upright kerb and gutter (reinstatement works to match surrounding adjacent infrastructure with respect to integration of levels and materials)*
- *full repair and resealing of any road surface damaged during construction*
- *full replacement of damaged sections of grass verge with a non-friable turf of native variety to match existing*

All works must be completed in accordance with the General Specification for the Construction of Road and Drainage Works in Ku-ring-gai Council, dated November 2004. The Occupation Certificate must not be issued until all 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) is fully repaired to the satisfaction of Council. Repair works shall be at no cost to Council.

Reason: *To protect the streetscape.*

81. Infrastructure repair

Prior to issue of the Occupation Certificate, the Principal Certifying Authority must be satisfied that any damaged public infrastructure caused as a result of construction works (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub contractors, concrete vehicles) is fully repaired to the satisfaction of Council Development Engineer and at no cost to Council.

Reason: *To protect public infrastructure.*

82. Mechanical ventilation

Prior to the issue of the Occupation Certificate, the Principal Certifying Authority shall be satisfied that all mechanical ventilation systems are installed in accordance with Part F4.5 of the Building Code of Australia and comply with Australian Standards AS1668.2 and AS3666 Microbial Control of Air Handling and Water Systems of Building.

Reason: *To ensure adequate levels of health and amenity to the occupants of the building.*

CONDITIONS TO BE SATISFIED AT ALL TIMES:**83. Car parking**

At all times, the visitor car parking spaces are to be clearly identified and are to be for the exclusive use of visitors to the site. On site permanent car parking spaces are not to be used by those other than an occupant or tenant of the subject building. Any occupant, tenant, lessee or registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of any car parking spaces to those other than an occupant, tenant or lessee of the building.

These requirements are to be enforced through the following:

- *restrictive covenant placed on title pursuant to Section 88B of the Conveyancing Act, 1919*
- *restriction on use under Section 68 of the Strata Schemes (Leasehold Development) Act, 1986 to all lots comprising in part or whole car parking spaces*

Reason: *To ensure adequate provision of visitor parking spaces.*

481 University of Technology Lindfield - Submission to Part 3A Application

File: S03621

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

To provide a response to the Concept Plan proposal, the State Site Significant Study and Environmental Assessment for the re-development of the University of Technology, (UTS) Ku-ring-gai Campus.

Resolved:

(Moved: Councillors Shelley/Anderson)

- A. That Council adopt the report as the basis for a submission to the Department of Planning.
- B. That the Ecological consultant's report assessing the ecology assessment and its conclusions be included with the submission.
- C. That the final submission be to the satisfaction of the General Manager and Mayor and submitted to the Department of Planning prior to 30 November 2007.
- D. That the submission be released on Council's website, to enable the public to use it as a basis for their own submissions.

CARRIED UNANIMOUSLY

482 **Term of Appointment of Mayors**

File: S03662

To advise Council of a Circular from the Department of Local Government and to resolve a response.

Resolved:

(Moved: Councillors Lane/Ryan)

That Council make a submission supporting a term of 2 years for Mayors elected by Council.

CARRIED UNANIMOUSLY

BUSINESS WITHOUT NOTICE - SUBJECT TO CLAUSE 14 OF MEETING REGULATION

Councillor Ryan advised Council that a group of residents is seeking to submit an independent Noise Assessment Report in relation to the proposed lighting of the Killara Lawn Tennis Club Courts prior to the matter being considered.

*The following item was dealt with after a Motion
moved by Councillors Ryan and Lane
to have the matter dealt with at the meeting was CARRIED
and the Mayor ruled Urgency*

*For Urgency: The Mayor, Councillor N Ebbeck, Councillors Andrew,
Bennett, Cross, Hall, Lane, Ryan and Anderson*

Against Urgency: Councillor Shelley

483 **8 Arnold Street, Killara - Killara Lawn Tennis Club**

File: REV0007/07

Business Without Notice by Councillor Adrienne Ryan dated 20 November 2007.

Resolved:

(Moved: Councillors Ryan/Lane)

That an independent Noise Assessment Report, to be submitted by the objectors, be considered as part of the Officer's supplementary report on the Killara Lawn Tennis Club application.

For the Resolution: The Mayor, Councillor N Ebbeck, Councillors Andrew, Bennett, Cross, Hall, Lane, Ryan & Anderson

Against the Resolution: Councillor Shelley

Councillor Hall sought to have the following Motion dealt with as urgent business as the Mayor is meeting with the Minister for Planning this week in relation to a possible Planning Panel.

*A Motion moved by Councillors Hall & Shelley
to deal with the following Motion at the Meeting
was LOST and the Mayor did not rule Urgency*

Proposed Motion:

484 **Recruitment - Director Strategy**

File: S04144

Business Without Notice by Councillor Tony Hall dated 20 November 2007.

I move:

"That the General Manager be requested to restructure the Council's administration to include a Director of Planning Strategy and a Director of Open Space Strategy to replace the current position of Director of Strategy position now vacant following the resignation of Mr S Head and that he proceed to advertise for these two new positions forthwith".

QUESTIONS WITHOUT NOTICE**485 Bill Posters - Federal Election Posters**

File: S02666

Question Without Notice from Councillor M Lane

I understand that attaching election material to public land or structures is unlawful for Federal Elections. I note that there are various Election posters in numerous locations especially Pacific Highway and Secondary Road 2043.

Would the relevant Director please ensure that the illegal material is removed as soon as possible?

Answer by the Director Development & Regulation

We have been in touch with the Australian Electoral Commission. They have confirmed that the erection of election posters on public land is, in fact, an offence. We have already commenced removing those offending signs, those illegal signs and impounding them and will continue to do so.

486 Soldiers Memorial Park - Toilets

File: S03345

Question Without Notice from Councillor M Shelley

Would the Director Operations report on the condition of the toilets used by the Lindfield Rugby and Cricket Clubs at Soldiers Memorial Park as I understand that they are in an unsanitary condition?

Answer by the Director Operations

I received a letter on that. It will be involved in a meeting with staff and also an inspection of that particular area and then we will report back to Council and the resident concerned.

487 Roseville Railway Bridge & Gordon Railway Bridge - Proposal for Murals

Files: S02213, S02626

Question Without Notice from Councillor M Shelley

Would the Director Community advise the progress regarding the proposal for murals at the Roseville Railway Bridge and at the Gordon Railway Bridge?

Answer by the Director Community

I can advise probably within about a week or so. There has been some work done on it.

488 Mayor's Letter - Conduct Committee

File: S04462

Question Without Notice from Councillor T Hall

I ask the Mayor whether he is aware that the Minister for Local Government is considering legislation so that Mayors and General Managers are excluded from their Council-appointed Conduct Committees and would he ascertain the status of such legislation, announced at the 2007 Local Government Association Annual Conference last month?

Answer by the General Manager

Yes, we are both aware of it and both grateful for it. Mr Lynch did announce that those changes are in the pipeline. Your interpretation of in the pipeline is good enough of my interpretation of it but it will be done shortly he said.

489 Torrens Title Subdivisions of Dual Occupancies

File: S02501

Question Without Notice from Councillor T Hall

As a consequence of the claims of delay in respect of the debate on the consent of 7 Shelby Road, St Ives, I ask Mr Miocic whether a DA for Torrens Title Subdivision sought under Clause 58(5) of the KPSO is critical before physical works may commence under a prior dual occupancy consent?

Is it a fact that a subdivision certificate can only be issued after the dual occupancy has been completed and delay is not an issue in these proposals?

Answer by the Director Development & Regulation

That is correct. The physical works consistent with the DA for the erection of a dual occupancy can proceed without the need for it to be subdivided and a subdivision certificate cannot be issued prior to the development being completed.

490 Arbitrators - Proposal by Minister for Planning

File: S04151

Question Without Notice from Councillor J Anderson

Can Councillors please receive a staff report on the proposal by Minister Sartor on arbitrators?

Answer by the General Manager

That will be done.

491 **DA Delays & Planning Panel**

File: S04151

Question Without Notice from Councillor L Bennett

Is the issue of DA delay one of the considerations taken into account by the Minister in respect to the appointment of a planning panel?

Answer by the General Manager

Yes.

INSPECTIONS COMMITTEE - SETTING OF TIME, DATE AND RENDEZVOUS

The next Inspections Committee will take place on Saturday, 1 December 2007 to view the following property:

15 Carinya Road, Pymble

The Meeting closed at 8.50pm

The Minutes of the Ordinary Meeting of Council held on 20 November 2007 (Pages 1 - 46) were confirmed as a full and accurate record of proceedings on 4 December 2007.

General Manager

Mayor / Chairperson