

## **MINUTES OF ORDINARY MEETING OF COUNCIL HELD ON TUESDAY, 23 MARCH 2004**

**Present:** The Mayor, Councillor I Cross (Chairperson) (Wahroonga Ward)  
Councillors L Bennett & T Hall (St Ives Ward)  
Councillors B Coleman & J Kitson (Gordon Ward)  
Councillors E Keays & A Little (Roseville Ward)  
Councillor E Malicki (Comenarra Ward)  
Councillor T Roach (Wahroonga Ward)

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

*The Meeting commenced at 7.02pm*

*The Mayor offered the Prayer*

### **DECLARATION OF PECUNIARY INTEREST**

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

No such interest was declared.

**Councillor Little arrived**

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

File: S02499

#### **Resolved:**

(Moved: Councillors Malicki/Keays)

That in accordance with the provisions of Section 10 of the Local Government Act 1993, all officers' reports be released to the press and public, with the exception of the advice from Anthony Rowan Pty Ltd in relation to 20 Park Crescent, Pymble that may be released after the discussion of the item.

**CARRIED UNANIMOUSLY**

## **ADDRESS THE COUNCIL**

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

V Bray

## **DOCUMENTS CIRCULATED TO COUNCILLORS**

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

- Refers GB.5: 20 Park Crescent, Pymble – Confidential Memorandum from Director Regulatory Services dated 23 March 2004
- Refers GB.7: Water Management Development Control Plan – Memorandum from Director Planning & Environment dated 23 March 2004
- Refers GB.9: Draft (Heritage Conservation) LEP28 – 50 Pentecost Avenue, Pymble – New Report by Director Planning & Environment dated 18 March 2004

## **CONFIRMATION OF MINUTES**

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

File: S02131

Meeting held 2 March 2004

Confirmation of Minute No 99 - Inspection Committee Minutes of 28 February 2004 – 22-24 Henry Street, Gordon – Memorandum from Senior Governance Officer dated 16 March 2004

### **Resolved:**

(Moved: Councillors Kitson/Little)

That Minute No 99 be confirmed as accurate with the following note:

NOTE: The meeting closed because the site was not pegged out.

*For the Resolution:*      *The Mayor, Councillor I Cross, Councillors  
Coleman, Hall, Keays, Kitson, Little, Malicki and  
Roach*

*Against the Resolution:*      *Councillor Bennett*

142      **Minutes of Ordinary Meeting of Council**

File: S02131  
Meeting held 9 March 2004  
Minutes numbered 117 to 139

**Resolved:**

(Moved: Councillors Coleman/Little)

That Minutes numbered 117 to 139 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting, with the exception of Minute No 128.

**CARRIED UNANIMOUSLY**

143      **64 to 66 Pacific Highway, Roseville – Demolition of Existing Commercial  
Building (No 66) and Additions and Alterations to a Club Building –  
Supplementary Report**

File: DA1366/02  
*Vide Minute No 128*

**Resolved:**

(Moved: Councillors Little/Keays)

That the mover and seconder of the Motion be recorded as **Councillors Little/Keays**.

**CARRIED UNANIMOUSLY**

**MINUTES FROM THE MAYOR**

144      **Vale Herbert Cornish**

File: S02791

It was with sadness that we learned last week of the passing of former Mayor, Herbert Cornish, at the age of 94.

‘Bert’ Cornish was Mayor of Ku-ring-gai for four consecutive one year terms, from 1953 through to 1956. He was first elected to Council in 1948 and served as a Councillor, or Alderman as they were called in those days, for twelve years.

Throughout his long term in Council he made an incalculable contribution to this community and was responsible for the acquisition and development of many facilities and recreation areas which we use today.

Bert Cornish is remembered for his warmth, generosity and ready smile, as well as for all his many achievements.

He was born here in Ku-ring-gai – in Pymble – in December 1909 and started his education at Gordon Public School.

In 1934, he married the beautiful Winnie Lorimer of St. Ives. In such a small community, their families had mixed socially all their lives, playing tennis, having picnics and spending evenings singing around the piano.

Bert had always raced pigeons, and when War came he led a successful delegation to the Minister for the Army which resulted in the establishment of the Australian Army Carrier Pigeon Service.

As Captain Cornish, he became the Officer commanding this service in the South West Pacific Region for the Australian and American operations. Without a doubt, this was a service which was responsible for saving many lives.

After the War, Bert returned home to Pymble, to the building and plumbing businesses which had originally been founded by his father. He was Managing Director of both companies for 52 years.

Bert built the family home – in Killeaton Street, St. Ives – where he lived for nearly 60 years.

In 1947, Bert was elected Foundation President of the Pymble branch of the RSL. He was also a Charter Member of the Rotary Club of Ku-ring-gai; Foundation President and Life Member of the Ku-ring-gai Professional and Businessman's Club; and a co-founder the Ku-ring-gai Old Peoples' Welfare Association, which continues to flourish as a Senior Citizen's Group.

It is abundantly clear that Bert Cornish was one of those rare people who worked tirelessly and quietly to achieve great things in his life – for his family and for his community.

He will be remembered with affection, in many spheres, and by many people.

### **Recommendation:**

- A. That Council acknowledge the contribution to the Ku-ring-gai Council and the community made by 'Bert' Cornish.
- B. That Council pass on to Mr Cornish's family its sincere condolences together with a copy of this Mayoral Minute.

**CARRIED UNANIMOUSLY**

*One minute's silence was observed.*

## **MAYORAL STATEMENT**

The Mayor thanked the Councillors for their dedicated hard work for the people of Ku-ring-gai.

## **PETITIONS**

- 145 **NSW Rural Fire Services Guideline For Bushfire Prone Land Mapping – (Ninety-three [93] Signatures)**

File: S02006

### **The following Petition was presented by Councillor Little:**

We the undersigned residents of East Roseville, Roseville Chase and East Lindfield, believe we have been unfairly disadvantaged by Ku-ring-gai Council in its application of the NSW Rural Fire Services “Guideline for Bushfire Prone Land Mapping”, (the Guideline). We request Council urgently review the Bushfire Vegetation Categories and resultant buffer zones applicable to these areas, with particular emphasis on the issues raised overleaf.

### **Resolved:**

(Moved: Councillors Little/Keays)

That the Petition be received and referred to Director Open Space for attention.

**CARRIED UNANIMOUSLY**

## **REPORTS FROM COMMITTEES**

- 146 **Minutes of Inspections Committee**

File: S02131

Meeting held 13 March 2004

Minutes numbered INS7 to INS8

### **Resolved:**

(Moved: Councillors Little/Malicki)

- A. That Minutes numbered INS7 to INS8 circulated to Councillors were taken as read and confirmed as an accurate record of the proceedings of the Meeting.
- B. That it be noted that a site inspection took place at the following locations:

23 to 25 Stanley Street, St Ives  
14 Arthur Street, Killara  
West Pymble Pool

(Moved: Councillors Little/Keays)

C. That a further issue be added to the issues raised at the inspection of 14 Arthur Street, Killara:

11. Whether the separation between the buildings should be increased to 2 metres to allow for boundary fencing and access for maintenance of the buildings.

**CARRIED UNANIMOUSLY**

## **GENERAL BUSINESS**

147

### **Delegation Of Authority**

File: S02355

For Council to give consideration to the issue of Delegations during the period between the last Council meeting and the Election of Mayor in new Council.

### **Resolved:**

(Moved: Councillors Keays/Coleman)

- A. That the Mayor exercise those powers as granted in Section 226 of the Local Government Act 1993 in a caretaker capacity until such time as the new Mayor is elected.
- B. That the General Manager, Brian Bell, and the Mayor, Councillor Ian Cross, be granted Delegated Authority to exercise all powers, authorities, duties and functions of Council except those that are set out in Section 377 of the Local Government Act 1993 for the period 24 March 2004 until the election of the Mayor of the new Council subject to the following conditions:
  1. Such powers, authorities, duties and functions may only be exercised by the Mayor and General Manager jointly and any decision of the General Manager whether or not to exercise any such power, authority, duty or function or as to the manner of such exercise shall not be subject to any direction by the Mayor.
  2. Any such power, authority, duty or function shall only be exercised by the Mayor and General Manager jointly where they are both of the opinion that the exercise of any such power, authority, duty or function could not be deferred until a meeting of the new Council.

148

**Water Management Development Control Plan**

File: S02252

To present the Water Management Development Control Plan (DCP47) to Council for adoption following exhibition.

**Resolved:**

(Moved: Councillors Malicki/Keays)

- A. That Council adopt the Water Management DCP (DCP47) with the following amendment:
  - i. On page 37 Section 7.6 (c) delete the dot point headed “Footings”.
  - ii. On page 28 Table 6.4 Type 6. Business Commercial Retail replace “1000L per office” with “1000L per 100m<sup>2</sup>”.
- B. That those persons who provided feedback on Draft DCP47 during the course of its development be thanked for their input and advised of Council’s decision.
- C. That Draft DCP47 be reviewed upon commencement of BASIX.

*For the Resolution:           The Mayor, Councillor I Cross, Councillors Bennett, Coleman, Hall, Keays, Kitson, Malicki and Roach*

*Against the Resolution:   Councillor Little*

*Standing Orders were suspended to deal with the  
Business Paper items where there are speakers first  
after a Motion moved by Councillors Coleman and Malicki  
was CARRIED UNANIMOUSLY*

149

**Evaluation And Acceptance Of Tender For New Waste And Recycling Collection Contract**

File: S03185

**M Barton addressed Council**

To present to Council the outcome of the tender for the new waste and recycling collection contract and the evaluation of the tenders received.

**Resolved:**

(Moved: Councillors Hall/Malicki)

- A. That Council accepts the tender for the Waste and Recycling Collection Contract to Collex Waste Management Pty Ltd for a 10 year period including the following service options:
  - 1. The supply of 340 litre mobile containers for green waste to be collected on a fortnightly frequency.
  - 2. Council to own the recycling product and direct the contractor to the transfer site as nominated by Council.
- B. That Council prepares tender documents and call tenders for the sale of its recycling product.
- C. That the Mayor and General Manager be delegated authority to sign the contract documents and affix the seal of Council.
- D. That the waste charges be phased in over a three year period by a reduction in the Domestic Waste Reserve with the domestic and trade waste charges to be finalised and included in Council's adopted Management Plan and Fees and Charges.

**CARRIED UNANIMOUSLY**

150

**47 Bent Street, Lindfield - Supplementary Report**

File: DA1262/03

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

**G Mallory**

**G Lee**

To address issues raised in a supplementary report to Council and seek Council's determination of the development application.

**Resolved:**

(Moved: Councillors Keays/Little)

That Development Application No 1262/03 for the demolition of the existing dwelling and construction of a detached Dual Occupancy on Lot 1, DP 955134, 47 Bent Street, Lindfield, be approved for a period of two (2) years, subject to the following conditions:

**GENERAL CONDITIONS**



1. The development to be in accordance with Development Application No 1262/03 and Development Application plans prepared by J Wood, Drawing No's DA 02 to DA 08 and DA10, dated August 2003 and lodged with Council on 1 October 2003, DA 09A, dated October 2003 and DA11A-12A and DA13B, all dated January 2004 and landscape plans prepared by Precinct Landscapes, Drawing No. 1178-2, dated 12 September 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.
4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. To ensure compliance with the relevant standards, an effective and approved safety fence with self closing gate complying with the minimum requirements of Australian Standard 1926-1986 "Fences and Gates for Private Swimming Pools" shall be provided to the Principal Certifying Authority's satisfaction in the location indicated on the approved plans prior to any water being placed in the pool.
7. Compliance with the general terms of approval issued by Department of Infrastructure, Planning and Natural Resources, to be attached to the Notice of Determination.
8. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
9. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
10. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the

abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

11. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
12. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
13. To maintain existing ground levels all excavated material shall be removed from the site.
14. For the purpose of maintaining visual amenity, no permanent electricity supply poles are to be erected forward of the building setback without the prior Consent of Council. It is the onus of the applicant to consult with the authorised statutory electricity provider prior to construction commencing to ensure that direct connection to the building is possible. Details of any proposed permanent pole must be submitted to and approved by Council prior to installation.
15. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
16. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

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

furnish particulars of the excavation to the owner of the building being erected or demolished.

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

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

18. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
19. If the work involved in the erection or demolition of a building:
  - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

20. All noise generating equipment associated with any proposed mechanical ventilation system/s shall be located and/or soundproofed so the equipment is not 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. Furthermore, the operation of the unit outside these restricted hours shall emit a noise level of not greater than 5dbA above the background when measure at the nearest adjoining boundary.
21. Sites shall not be re-shaped, re-contoured, excavated nor the levels on any part of the site altered without the Consent of the Council being obtained beforehand.
22. For the purpose of health and amenity, effective measures are to be taken at all times to prevent any nuisance being caused by noise, vibrations smells, fumes, dust, smoke, waste water products and the like.
23. The applicant's attention is directed to any obligations or responsibilities under the Dividing Fences Act in respect of adjoining property owner/s which may arise from this application and it is advised that enquiries in this regard may be made at the nearest Local Court.

24. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
25. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
26. Stormwater runoff from all hard surfaces, or landscaped areas which are not at natural ground level, shall be piped to the watercourse within the site, via the site drainage systems for each dual occupancy. For any new connections to the watercourse, a headwall and energy dissipater structure shall be constructed at the discharge point. Unless specified by plans approved with the Development Consent or other Conditions of this Consent, this structure is to be solidly constructed from mortared sandstone bushrock so that it has a low impact on local landscape and vegetation. It must not impede flows along the watercourse nor or lead to ongoing erosion of the watercourse.
27. To alleviate drainage impacts downstream, an on-site stormwater detention system must be provided in accordance with Council's Stormwater Management Manual, and generally in accordance with the "Stormwater management general arrangement plan" by Xenith Project Services, drawings 03-121-DA01 to DA 03 inclusive, dated 13 September 2003 (except where modifications are required under the conditions of this consent). Separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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

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

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

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

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

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

28. For stormwater control all paved areas are to be drained through the main drainage system.
29. The dual occupancy structure closest to the watercourse shall be constructed in accordance with the details on the “flood extent plan” drawing CO1A, and documentation with reference and job number 03/0516, by Richmond Ross Consulting Engineers, dated 19 and 22 December 2003. In accordance with this submission, the following measures shall be adopted:
  - a. Finished floor level of rear dwelling to be set at minimum level of RL 56.93, with minimum freeboard of 500mm provided between 1:100 year top water level and habitable areas.
  - b. Rear portion of dwelling at rear to be constructed on reinforced concrete piers socketed into underlying rock, and capable of withstanding water and potential impacts of debris associated with conveyance of the 1:100 year flood event through the site.
  - c. The sub-floor area under the slab within the flood zone is to be maintained free from any structure/impediments to water flow.
30. Driveways and access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standard AS 2890.1 – “Off-Street car parking”.
31. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works. A safe pedestrian circulation route a minimum of 1.5m wide and with a pavement free of trip hazards must be maintained at all times on or adjacent to the public footways fronting the construction site. Where the footpath is damaged, repair works must be carried when directed by Council officers. Where circulation is diverted on to the roadway clear directional signage and protective barricades must be installed in accordance with Aust AS1742-3 1996 “*Traffic Control Devices for Work on Roads*”. If pedestrian circulation is not satisfactorily maintained, and action is not taken promptly to rectify the defects, Council may undertake proceedings to stop work.
32. The relocation or adjustment of any utility service facilities must be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
33. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities must be maintained in working order during construction works and up

to the completion of the maintenance period. All sediment traps must be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.

34. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of Sydney Water’s web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92. Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design.
35. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
36. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council’s Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council’s Tree Preservation Order.

37. Landscape works shall be carried out in accordance with Landscape Drawing No 1178A prepared by Precinct Landscapes and dated 12 September 2003 submitted with the Development Application, except as amended by the following:
  - 2 *Eucalyptus punctata* (Grey Gum) be replanted in the landscaping.
  - At least 50% of all replenishment plantings should be of provenance stock (grown from locally sourced plants) and seed from trees to be removed be passed on to Council’s community nursery for propagation.
  - All replenishment plantings below the tip edge of the watercourse embankment shall be derived from species within the Sydney Turpentine/Ironbark Forest assemblage of vascular plants that naturally inhabit riparian zones.
  - All mulch shall consist of native leaf litter instead of woodchip.
  - At least 50% of all tree and shrub plantings within the site, beyond the top edge of the watercourse embankment, shall be derived from the Sydney

Turpentine/Ironbark Forest assemblage of vascular plants, as the site is located between 100 and 300 metres from urban bushland.

38. All disturbed areas, which are not to be built upon or otherwise developed, shall be rehabilitated to provide permanent protection from soil erosion within fourteen (14) days of final land shaping of such areas.
39. Any imported fill material shall be restricted to material from the local soil landscape on which the site is located or be derived from sandstone geology sites.
40. Excavation for the installation of stormwater within the specified radius of the trunk/s of the following tree/s shall be carried out using the thrust boring method. Thrust boring shall be carried out at least 600mm beneath natural ground surface at the tree/s to minimise damage to tree/s root system. Documentary evidence of compliance with this condition shall be submitted to Council with the final Certificate of Compliance.

Tree/Location	Radius From Trunk
T1- <i>Araucaria heterophylla</i> (Norfolk Island Pine) On the property's southwestern (side) boundary 6 metres south of the watercourse.	3 metres
T7- <i>Syncarpia glomulifera</i> (Turpentine) Close to the property's southwestern (side) boundary	3 metres

41. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
42. Transplanting of the following trees/shrubs shall be directly supervised by an experienced Arborist/Horticulturist with a minimum qualification of the Horticulture Certificate or Tree Surgery Certificate.

Species/Location

T9-*Archontophoenix cunninghamiana* (Bangalow Palm)/Adjacent to the driveway's south-western side.

43. On completion of the landscape works including tree and screen planting, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of final Certificate of Compliance.
44. The following noxious and/or undesirable plant species shall be removed from the property prior to completion of the proposed building works. Removal of the weed species shall be progressively conducted in consultation with the Department of Infrastructure, Planning and Natural Resources and according to sound riparian bush regeneration principles to minimise potential erosion during

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

#### Plant Species

*Ageratina adenophora* (Crofton Weed)  
*Ageratina riparia* (Mist Weed)  
*Asparagus densiflorus* (Asparagus Fern)  
*Cardiospermum grandiflorum* (Balloon Vine)  
*Celtis australis* (Nettle Tree) seedlings  
*Chlorophytum comosum* (Spider Plant)  
*Cinnamomum camphora* (Camphor laurel)  
*Conyza sp* (Fleabane)  
*Hedychium gardnerianum* (Ginger lily)  
*Impatiens balsamina* (Impatiens)  
*Ipomoea indica* (Morning Glory)  
*Ligustrum lucidum* (Large-leaved Privet)  
*Ligustrum sinense* (Small-leaved Privet)  
*Macfadyena unguis-cati* (Cat's-claw Creeper)  
*Ochna serrulata* (Ochna)  
*Olea europaea subsp. africana* (African Olive)  
*Senna pendula* (Cassia)  
*Setaria palmifolia* (Palm Grass)  
*Solanum nigrum* (Blackberry Night-shade)  
*Tradescantia albiflora* (Wandering Jew)

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

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

46. Proof of receiving the 3A permit from Department of Infrastructure and Natural Resources shall be submitted to Council prior to the release of the Construction Certificate.
47. To minimise damage to the root systems of the following trees protected under Council's Tree Preservation Order and located on the subject property and adjoining property, the applicant shall ensure that the stormwater drainage lines and pits are located within 1 metre of the external walls of the rear house and garage. Details of the amended plans shall be submitted to Council for approval prior to release of the Construction Certificate:

#### Tree/Location

T3-*Syncarpia glomulifera* (Turpentine)  
3 metres from the western façade of the rear house.

T7-*Syncarpia glomulifera* (Turpentine)  
3 metres from the southern façade of the rear house.



T11-*Syncarpia glomulifera* (Turpentine)  
3 metres from the southeastern corner of the rear house.

T11A-*Brachychiton acerifolius* (Flame Tree)  
3 metres from the northern corner of the rear garage.

T12-*Eucalyptus resinifera* (Red Mahogany)  
On the property's northeastern side boundary near the rear garage.

48. A Landscape Assessment fee of \$120.00 shall be paid to Council prior to release of the Construction Certificate.
49. A CASH BOND/BANK GUARANTEE of \$2,000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

50. A CASH BOND/BANK GUARANTEE of \$10,000.00 shall be lodged with Council prior to the release of the Construction Certificate to ensure that the following trees are maintained in the same condition as found prior to commencement site development work.

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

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

Tree/Location

T3-*Syncarpia glomulifera* (Turpentine)  
3 metres from the western façade of the rear house.

T7-*Syncarpia glomulifera* (Turpentine)  
3 metres from the southern façade of the rear house.

T11-*Syncarpia glomulifera* (Turpentine)  
3 metres from the southeastern corner of the rear house.

T11A-*Brachychiton acerifolius* (Flame Tree)  
3 metres from the northern corner of the rear garage.

51. The Construction Certificate shall not be released until a Site Management Plan is submitted to the Principal Certifying Authority and approved by a suitably qualified professional.

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

52. To minimise damage to the root systems of the following trees protected under Council's Tree Preservation Order and located on the subject property and adjoining property, the applicant shall ensure that the stormwater drainage lines and pits are located within 1 metre of the external walls of the rear house and garage. Details of the amended plans shall be submitted to Council for approval prior to release of the Construction Certificate:

Tree/Location

T3-*Syncarpia glomulifera* (Turpentine)  
3 metres from the western façade of the rear house.

T7-*Syncarpia glomulifera* (Turpentine)  
3 metres from the southern façade of the rear house.

T11-*Syncarpia glomulifera* (Turpentine)  
3 metres from the southeastern corner of the rear house.

T11A-*Brachychiton acerifolius* (Flame Tree)  
3 metres from the northern corner of the rear garage.

T12-*Eucalyptus resinifera* (Red Mahogany)  
On the property's northeastern side boundary near the rear garage.

53. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate.

Note: Required if cost of works exceed \$25,000.00.

54. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the

Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

55. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
56. The balconies off bedroom 1 of the front and rear dwellings are to be roofed to assist in the control of solar access to the bedrooms. Details to be provided for approval with the construction certificate.
57. The following privacy measures are to be provided:
  - a. A 0.5m wide horizontal projection is to be provided from the window sill of the western lounge room window of the rear dwelling and obscure glazing is to be provided to a height of 1.5m above the floor level of alternatively a highlight window to the same height is to be provided to the southern lounge room window to ensure the protection of privacy to the adjoining rear yard.
  - b. The balcony off bedroom 1 of the front dwelling is to have a 1.5m high privacy screen provided to the eastern edge, wrapping around the northern edge for a distance of 1m to ensure the protection of privacy of the adjoining rear yard.
  - c. The first floor eastern hall windows of the front dwelling are to be provided with obscure glazing and the east facing bedroom 1 window is to

have obscure to a height of 1.5m above the floor level of alternatively a highlight window to the same height is to be provided.

Details of the above privacy measures are to be provided for approval with the construction certificate.

58. The plans are to be amended to correct the erroneous height shown for the front dwelling. The first floor ceiling of the front dwelling is not to exceed RL 72.1 and the roof is not to exceed RL73.7. The amended plans to this affect are to be approved with the construction certificate.
59. The courtyard to the north eastern boundary of the front dwelling is to be reduced in width by 1.5m, with the 1.5m strip being retained at existing ground level and landscaped to ensure an appropriate landscaped separation between the proposal and the neighbouring property. Details are to be provided for approval with the construction certificate.
60. Proposed Landscape Plan No 1178.2 shows the courtyard /patio of the rear house (between the living and dining rooms) is located within the 5 metres riparian zone. This is not approved. The courtyard/patio shall be relocated to the west of the dining room and shall not be located in the riparian zone.
61. The submitted "Stormwater management general arrangement plan" by Xenith Project Services, drawings 03-121-DA01 to DA 03 inclusive, dated 13 September 2003, shall be amended to address the following issues:
  - a. The on-site detention tank for proposed "lot B" shall be relocated outside the 1:100 year flood zone identified on the "flood extent plan" drawing CO1A, job number 03/0516, by Richmond Ross Consulting Engineers, dated 22nd December 2003.

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

62. Due to the location of the development site on the narrow section of Bent Street, the Applicant shall produce a Traffic Control Plan, in general accordance with the documents SAA HB81.1 – 1996 – Field Guide for Traffic Control at Works on Roads – Part 1 and RTA Traffic Control at Work Sites (1998), addressing all of the following matters:

#### Safe Ingress and Egress

- a. How the site will be safely accessed by all vehicles servicing the site including provision for forward ingress and egress and details of traffic control for the site, including provision of a flagperson to control vehicle movements to and from the site.

- b. How safe egress for vehicles will be managed where forward egress is not possible,
- c. How pedestrians will be safely managed across the frontage of the site.

#### Parking Control

- a. The provision of on-site parking for employee, tradesperson and construction vehicles.
- b. Maintaining the existing no-parking zone for the full frontage of the site prohibiting on-street parking at all times.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

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

68. Prior to the commencement of any work, the Principal Certifying Authority shall be notified in writing of the name and contractor licence number of the owner/builder who intends to carry out the approved works.
69. A construction management plan must be submitted for the approval of Council's Development Engineer before the commencement of demolition, excavation or construction works. The Plan must:
  - a. **Describe the anticipated impact of the construction works on:**
    - local traffic routes
    - pedestrian circulation adjacent to the building site;
    - and on-street parking in the local area; and;
  - b. **Describe the means proposed to:**
    - manage construction works to minimise such impacts;
    - provide for the standing of vehicles during construction;
    - provide for the movement of trucks to and from the site, and deliveries to the site; and
  - c. **Show the locations of:**
    - any site sheds and any anticipated use of cranes and concrete pumps;
    - any areas of Council property on which it is proposed to install a construction zone, or to erect structures such as hoardings, scaffolding or shoring, or to excavate.

The Plan must make provision for all materials, plants, etc. to be stored within the development site at all times during construction. Structures or works on Council property such as hoardings, scaffolding shoring or excavation need separate consent from Council. Standing of cranes and concrete pumps on Council property will need consent on each occasion.

**Note:** A minimum of eight weeks will be required for assessment. Work must not commence until the Construction Management Plan is approved. Failure to comply with this condition may result in fines and proceedings to stop work.



70. Prior to commencing any construction or subdivision work, the following provisions of the Environmental Planning & Assessment Act, 1979 (the 'Act') are to be complied with:
- a. A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
  - b. A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act.
  - c. Council is to be notified in writing, at least two (2) days prior to the intention of commencing buildings works, in accordance with Section 81A(2)(c) of the Act.
  - d. Should the development be certified by a Principal Certifying Authority other than Council, a fee for each Part 4A Certificate is to be paid to Council on lodgement of those Certificates with Council.
71. To preserve and enhance the natural environment, a geofabric filter fence shall be installed along contour immediately downslope of construction and disturbed areas prior to any earthworks or construction commencing. Both ends shall be turned uphill by 1.0 metre. Approved geofabric, such as CSR - Humes "Propex" Terram 1000, Polyfelt TS500, Bidim U24 or Terratrack 2415 or equivalent is to be stretched between posts placed at 2.0 to 3.0 metre centres. The base of the fabric must be buried at least 200mm in the ground on the upslope side. Geofabric material shall be replaced at intervals not exceeding 18 months, or as directed by the Principal Certifying Authority.
- The geofabric filter fence shall be maintained in an operational condition until the development activities have been completed and the site fully stabilised. Sediment shall be removed from the structure when 40% capacity has been reached.
72. To preserve and enhance the natural environment, earthworks and/or demolition of any existing buildings shall not commence until an Erosion and Sediment Control Plan (ESCP) is prepared, submitted to the Principal Certifying Authority, approved and implemented to the satisfaction of the Principal Certifying Authority. The plan shall comply with the guidelines set out in the NSW Department of Housing Manual "Managing Urban Stormwater: Soils and Construction" Certificate.
73. A Compliance Certificate pursuant to Section 73 Sydney Water Act 1994, as evidence of compliance with the provisions of Division 9 of that Act, to be obtained from Sydney Water prior to the commencement of any work on the site.
74. To preserve the following tree/s, no work shall commence until the area beneath the canopy of the following tree/s excluding that area of the proposed rear house and garage shall be fenced off for the specified radius from the trunk to prevent any activities, storage or the disposal of materials within the fenced area. The fence/s shall be maintained intact until the completion of all demolition/building work on site:

Tree/Location	Radius From Trunk
T3- <i>Syncarpia glomulifera</i> (Turpentine) 3 metres from the western façade of the rear house.	3.0 metres
T7- <i>Syncarpia glomulifera</i> (Turpentine) 3 metres from the southern façade of the rear house.	3.0 metres
T11- <i>Syncarpia glomulifera</i> (Turpentine) 3 metres from the southeastern corner of the rear house.	3.0 metres
T11A- <i>Brachychiton acerifolius</i> (Flame Tree) 3 metres from the northern corner of the rear garage.	3.0 metres
T12- <i>Eucalyptus resinifera</i> (Red Mahogany) On the property's northeastern side boundary near the rear garage.	3.0 metres

75. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.
76. Upon completion of the installation of the required tree protection measures you are required to contact Council on telephone 9424 0888 or facsimile 9418 1117 to arrange an inspection of the site, in this regard a minimum of 24 hours notice is required. Following the carrying out of a satisfactory inspection and subject to the payment of all relevant monies and compliance with any other conditions of approval, work may commence.

#### CONDITIONS TO BE COMPLIED WITH DURING WORKS

77. Any piers located in the vicinity of trees are to be hand dug to protect the root systems of the trees.

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

78. The creation of a Restriction-on-Use and a Positive Covenant on the title, with Council being named as a party whose consent is required to vary, release or modify, the terms of which:
  - a. Require the riparian zone, a minimum total width of ten (10) metres (5m on either side of the bank) measured horizontally from the top of bank to be maintained in accordance with the planting requirements stipulated in Department of Infrastructure and Natural Resources General Terms of Approval. Such requirements are to be included in the wording of the respective Covenant.
79. The landscape works shall be completed prior to release of the Certificate of Occupation and maintained in a satisfactory condition at all times.

80. Tree planting to satisfy tree retention/replenishment requirements shall be completed prior to the release of the Occupation Certificate.
81. To ensure compliance with the consent, a final report from a Registered Surveyor shall be submitted to Council confirming floor/ceiling levels and boundary setbacks prior to occupation.
82. At the completion of works and prior to occupation or issue of the Occupation Certificate, a qualified civil/hydraulic engineer shall certify that:
  - a. The dual occupancy structure closest to the watercourse has been constructed in accordance with the "flood extent plan" drawing CO1A, and documentation with reference and job number 03/0516, by Richmond Ross Consulting Engineers, dated 19 and 22 December 2003.
  - b. The finished floor level of rear dwelling has been set at minimum level of RL 56.93, with minimum freeboard of 500mm provided between 1:100 top water level and habitable areas.
  - c. The rear portion of the dwelling at rear has been constructed on reinforced concrete piers socketed into underlying rock, and capable of withstanding water and potential impacts of debris associated with conveyance of the 1:100 year event through the site.
  - d. The sub-floor area under the slab within the flood zone is free from any structure/impediments to water flow.

Certification shall be submitted and approved by the Principal Certifying Authority (PCA) prior to occupation or issue of the Occupation Certificate.

83. Any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer, at the Applicants cost.
84. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property. These must be prior to occupation or issue of the Occupation Certificate or issue of a Subdivision Certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" (available from Council on request) and to the satisfaction of Council.

For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch, attached as an annexure to the request forms.

85. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer prior to occupation or issue of the Occupation Certificate.
86. Creation of a Restriction-on-Use on the title of the subject site prior to occupation or issue of the Occupation Certificate. The restriction is to be over the 100 year ARI flood zone identified on the "flood extent plan" drawing CO1A, job number 03/0516, by Richmond Ross Consulting Engineers, dated 22nd December 2003, and must prevent the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within that zone. Ku-ring-gai Council is to be named as the authority whose consent is required to release, vary or modify the restriction.
87. The Section 73 Sydney Water compliance certificate must be obtained and submitted prior to issue of the Final Compliance Certificate or issue of the Subdivision Certificate.
88. Construction of the on-site stormwater detention systems is to be supervised and upon completion a Certificate and Works-as-Executed (WAE) plan is to be submitted to the Principal Certifying Authority for approval, prior to occupation or issue of the Occupation Certificate. Certification is to be provided by a suitably qualified civil/hydraulic engineer and the WAE plan is to be prepared by a registered surveyor. The certifying engineer must also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

The Certificate is to be with respect to compliance with:

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

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

- invert levels
- surface or pavement levels
- floor levels including adjacent property floor levels
- maximum water surface level to be achieved in the storage zone

- dimensions of basin(s), tank(s), pit(s), etc.
  - location(s) of basin(s), tank(s) and distances from buildings, boundaries, and easements, etc.
  - storage volume(s) provided and supporting calculations
  - size of orifice(s)
89. Construction of the property stormwater drainage works is to be supervised and upon completion certified by a suitably qualified and experienced civil/hydraulic engineer, prior to occupation or issue of the Occupation Certificate, that:
- a. The works were carried out and completed in accordance with the approved plans.
  - b. All enclosed floor areas, including habitable and garage floor levels, are safeguarded from outside stormwater runoff ingress by suitable differences in finished levels, gradings and provision of stormwater collection devices.
90. Prior to occupation or issue of the Occupation Certificate, the Applicant shall reconstruct the existing dilapidated concrete driveway crossing and layback between the site and Bent Street. Existing levels and grades must be maintained in the footpath area. No steps are to be installed in the footpath area.

#### BUILDING CONDITIONS

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

the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.
  - d. Retaining walls and associated drainage.
  - e. Wet area waterproofing details complying with the Building Code of Australia.
  - f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
93. Any mechanical ventilation installed in a dwelling shall comply with the requirements of Part 3.8.5.0 of the Building Code of Australia Housing Provisions. Documentary evidence of compliance is to be obtained from a suitably qualified person and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.
94. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes and/or foundation material.
  - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
  - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - e. Any stormwater drainage works prior to covering.
  - f. The completed landscape works in accordance with the approved plans.
  - g. The completed structure prior to occupation.

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

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

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

95. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
96. A fully detailed first floor joist layout (in duplicate) complying with the National Timber Framing Code or accompanied by a structural engineer's Certificate of Adequacy shall be submitted to and approved by the Principal Certifying Authority.
97. For the purpose of safety and convenience a balustrade of 1.0 metre minimum height shall be provided to any landing, verandah, balcony or stairway of a height exceeding 1.0 metre above finished ground level. The design may consist of vertical or horizontal bars but shall not have any opening exceeding 125mm. For floors more than 4.0 metres above the ground, any horizontal elements within the balustrade or other barrier between 150mm and 760mm above the floor must not facilitate climbing.
98. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

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

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

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

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

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

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

101. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
- a. Wet area waterproofing details complying with the Building Code of Australia.
  - b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
  - c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
  - e. A Compliance Certificate from a suitably qualified person that the dwelling and alterations and additions complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
  - f. Waterproofing of walls/floors below ground level to prevent the entry of water into the building.
  - g. A Registered Surveyor's Report on completion of footings but before external walls are above floor level verifying compliance with this consent.
  - h. A Registered Surveyor's Reports confirming approved floor levels for all floors.
  - i. Registered Surveyor's Report confirming that the 'height' of the building (as defined in the Ku-ring-gai Planning Scheme Ordinance 1971) does not exceed 8.0 metres.

102. The following are required details and must be submitted to the Council on completion of the works. Any matter listed below must have a Certificate



attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.

- a. Wet area waterproofing details complying with the Building Code of Australia.
- b. Mechanical ventilation details complying with Australian Standard 1684 Mechanical Ventilation & Airconditioning.
- c. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
- d. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
- e. A Compliance Certificate from a suitably qualified person that the smoke alarms, fire separation and sound insulation complies with the relevant deemed to satisfy provisions of the Building Code of Australia.
- f. A Registered Surveyor's Reports confirming approved floor levels for all floors.

103. The Crepe Myrtle located adjacent to the southern boundary to the rear of the proposed front dwelling is to be retained at least until such time as the proposed landscaping achieves a similar height and density to protect the privacy of the adjoining property.

**CARRIED UNANIMOUSLY**

151 **20 Park Crescent, Pymble**

File: DA1772/02

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

**M Middleton  
G Witters  
I Glendinning**

**Resolved:**

(Moved: Councillors Malicki/Keays)

That the matter be deferred until later in the evening (refer Minute No 153).

**CARRIED UNANIMOUSLY**

152 **West Pymble Pool Business Strategy**

File: S02381

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

**K Wake**  
**M Nesteroff**

The purpose of this report is to advise Council of feedback received during the period of public exhibition of the draft West Pymble Pool Business Strategy, associated funding implications and to endorse the business strategy for future actions.

Additionally the existing lease expires in September 2004 and as per the previous resolution Council requires that a tender process be undertaken to market test the lease incorporating items outlined in the business strategy.

**Resolved:**

(Moved: Councillors Keays/Bennett)

- A. That Council adopt Option 2 as outlined in the draft West Pymble Pool Business Strategy as its preferred direction for the future management and development of the pool.
- B. That a detailed feasibility be considered for inclusion in the 2004/05 Management Plan including full financial analysis.
- C. That Council acknowledge the efforts of those who have contributed to the development of the West Pymble Pool Business Strategy as outlined in the report.
- D. That further analysis be undertaken of options and demand for an indoor swimming pool.
- E. That a selective tender process be used for the selection of qualified companies or bona fide partnerships for delivery of pool management services for a three year period commencing September 2004.
- F. That at the conclusion of tender evaluation a further report be considered by Council with regards to the appointment of a suitable tenderer to undertake those works as tendered.

**CARRIED UNANIMOUSLY**

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

(Moved: Councillors Malicki/Hall)

- A.
  - 1. *That Council adopt Option 2 outlined in the draft West Pymble Pool Business Strategy as amended below as its preferred direction for future management and development of the pool.*
  - 2. *Option 2 includes the development of a 25 metre indoor pool, upgrade of the existing buildings and the retention or replacement of the wading and programme pools whilst seeking to maintain the*

*open landscaped character of the present facility including increasing the area of the facility outside of the current fenced area.*

- B. That a detailed feasibility be considered for inclusion in the 2004/05 Management Plan including full financial analysis.*
- C. That Council acknowledge the efforts of those who have contributed to the development of the West Pymble Pool Business Strategy as outlined in the report.*
- D. That further analysis be undertaken of options and demand for an indoor swimming pool.*
- E. That a selective tender process be used for the selection of qualified companies or bona fide partnerships for delivery of pool management services for a three year period commencing September 2004.*
- F. That at the conclusion of tender evaluation a further report be considered by Council with regards to the appointment of a suitable tenderer to undertake those works as tendered.*

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## **20 Park Crescent, Pymble - Supplementary Report (Cont'd)**

File: DA1772/02

To report in relation to an independent landscape assessment of the proposal and to determine a Development Application for the construction of a dwelling to create a detached dual occupancy.

### **Resolved:**

(Moved: Councillors Malicki/Little)

That Development Application No 1772/02 for the demolition of the existing inground pool and carport and the construction of an additional dwelling to form a Detached Dual Occupancy development on Lot C, DP 331955, 20 Park Crescent, Pymble be approved for a period of 2 years, subject to the following conditions:

### **GENERAL CONDITIONS**

1. The development to be in accordance with Development Application No 1772/02 and Development Application plans prepared by Craig Meredith Associates , reference number DA762.1-9, dated September 2003 as amended and lodged with Council on 20 December 2002 and 13 October 2003.
2. All building works shall comply with the Building Code of Australia.
3. The submission of the approved plans to Sydney Water, before any work is commenced to ensure that the proposed structure meets that Authority's By-

Laws. Failure to submit these plans before commencing work will render the owner liable to a penalty and may result in the demolition of work.

4. The approved building shall not be occupied unless the development has been completed in accordance with all conditions of consent and the approved plans and a Occupation Certificate has been issued.
5. The opening of any footway, roadway, road shoulder or any part of the road reserve shall not be carried out without a Road Opening Permit being obtained from the Council (upon payment of the required fee) beforehand.
6. The works shall be erected in conformity with the approved plans and specifications and in accordance with the conditions of approval set out herein.
7. For the purpose of ensuring the compliance with the terms of the approval, an approved copy of the plan and this Consent and Construction Certificate shall be kept on site at all times.
8. For the purpose of safety and amenity of the area, no building materials, plant or the like are to be stored on the road or footpath without the written approval being obtained from the Council beforehand. The pathway shall be kept in a clean, tidy and safe condition during building operations. Council reserves the right, without notice, to rectify any such breach and to charge the cost against the applicant/owner/builder, as the case may be.
9. **HOURS OF WORK:** For the purpose of residential amenity, noise generating work carried out in connection with building and construction operation, including deliveries of building materials and equipment, is restricted to the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted. The use of the following items of plant on the site is also restricted to the abovementioned hours: compressors, bulldozers, power operated woodworking machines, excavators and loaders, jackhammers, Ramset guns, concrete mixers and concrete delivery wagons, hoists, winches, welding and riveting plant.

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

10. For the purpose of public safety, a sign shall be erected on the site prior to any work commencing which is clearly visible from a public place stating that unauthorised entry to the site is not permitted and showing the name of the builder or another person responsible for the site and a telephone number for contact outside working hours. The sign may only be removed on satisfactory completion of the works.
11. A sign shall be erected in a prominent position on the site which states the name and contact details of the Principal Certifying Authority.
12. All excavations shall be properly guarded and protected with hoardings or fencing to prevent them from being dangerous to life and property.

13. Any excavation of rock involving hydraulic or compressed air rock hammers or other excavation equipment shall comply with the requirements of Council's Code for the Control and Regulation of Noise on Building Sites.
14. The applicant is advised that the Construction Certificate plans and specifications must comply with the provisions of the Building Code of Australia.
15. All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

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

16. Toilet facilities are to be provided, within the work site on which work involved in the erection or demolition of a building is being carried out, at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.
17. If the work involved in the erection or demolition of a building:
  - a. is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
  - b. building involves the enclosure of a public place, a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.

The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.

Any such hoarding, fence or awning is to be removed when the work has been completed.

18. The demolition is to be carried out in accordance with the guidelines contained in Australian Standard 2601-1991: The Demolition of Structures.
19. Access to demolition sites shall be protected as directed by the Principal Certifying Authority by the use of suitable fences or hoardings.
20. Demolition work, including removal of material or debris from the site, on any building in a residential area shall only be carried out during the following hours: Mondays to Fridays inclusive: 7.00am to 5.30pm. Saturdays: 8.00am to 12.00 noon. Sundays and Public Holidays: Not Permitted.
21. A person taking down or demolishing or causing to be taken down or demolished any building or part thereof shall, upon identifying or suspecting that asbestos is present in the building, immediately notify the Workcover

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

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

22. Erosion control measures shall be provided on demolition sites to prevent the siltation of watercourses and drainage systems.
23. Dust control measures shall be taken on all demolition sites so as to avoid a nuisance to adjoining properties and harm to the environment.
  - a. A person taking down or demolishing or causing to be taken down or demolished any building or portion of any building shall:
    - i. cause the windows or other openings in the external walls to be close boarded or otherwise covered;
    - ii. cause screens of canvas, hessian, boards, mats or other suitable material to be fitted in appropriate locations;
    - iii. cause areas, components and debris to be wetted down; in such a manner as to minimise, as far as practicable, the nuisance arising from the escape of dust during such taking down or demolition.
  - b. Such person shall not chute, throw or let fall or cause to chute, throw or let fall from the floor to floor or into any basement of such building any building materials or any other matter so as to cause dust to escape from the building or cause any such material to fall or cast upon a public way to the annoyance, inconvenience, or danger of persons using such public way.
24. Materials salvaged from a demolition may be stored on site provided they are non combustible, neatly and safety stockpiled and not likely to become a harbourage for vermin.
25. Adequate precautions shall be taken to ensure the protection of adjoining premises and persons therein from damage and injury during the process of demolition.
26. Buildings built prior to the 1970's may contain lead based paint. Lead dust is a hazardous substance. You are advised to follow the attached WorkCover guidelines to prevent personal and environmental contamination.
27. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:
  - a. stating that unauthorised entry to the work site is prohibited, and
  - b. showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

This clause does not apply to:

- a. building work carried out inside an existing building, or
  - b. building work carried out on premises that are to be occupied continuously (both during and outside working hours) while the work is being carried out.
28. All demolition materials of value for re-use either on-site or elsewhere, shall be separated and made available for re-cycling.
29. For stormwater control all paved areas are to be drained to the main drainage system.
30. Stormwater runoff from all hard surfaces, or landscaped areas, which are not at natural ground level, shall be piped to the existing stormwater drainage easement on the low side of the development lot.
31. For stormwater control, an On-site Stormwater Detention System is to be provided in accordance with Council's Stormwater Management Manual. Separate detention systems are to be provided for each residence. An overflow is to be incorporated that will direct any excess flow to the downstream drainage system and subsoil drainage is to be provided from the underside of the sediment control sump to the outlet line or other approved location.

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

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

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

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

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

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

32. All structures are to be sited clear of any drainage easements, drainage lines, watercourses and floodways. In the event of a pipeline being uncovered during construction, all work is to cease and the Principal Certifying Authority is to be contacted immediately for advice.

The footpath entry steps, proposed over the drainage easement, are to be supported on a reinforced concrete foundation. The foundation is to be designed so that it is possible to fully excavate the existing pipe without disturbing the constructed steps.

In this regard details are to be shown as to how this condition is to be satisfied. The details are to be submitted to and approved by the PCA prior to the issue of the construction certificate.

33. The existing service for the existing house to be relocated if they are affected by the new dwelling. Easements are to be provided where necessary.
34. The Design and construction of works in the accessway as detailed below to the satisfaction of Council's Development Engineer.

In this regard details are to be shown for the design of works and to show how this condition is to be satisfied. The details are to be submitted to and approved by the PCA prior to the issue of the construction certificate.

The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with Council's requirement. A registered surveyor is to also submit a works-as-executed drawing of the as-constructed works.

The driveway works are to include:

- a) Kerb along the low side of the driveway for the full length of the existing and proposed driveway.
- b) Reconstruction of a one (1) meter wide cracked section of the existing driveway, on both sides of the existing box drain that crosses the driveway. Box grate is to be reconstructed and grates replaced.
- c) Reconstruction of a one (1) meter wide section of driveway adjacent to a construction joint on the driveway.
- d) Reconstruction of the cracked corner on the concrete section of the existing driveway.
- e) Reconstruct failed sections of bitumen driveway adjacent to the public road. As a minimum reconstruct at least 9.0sq meters.
- f) Resheet the entire bitumen section of the entry adjacent to the public road. The bitumen is to be 25 mm thick and be constructed in the appropriate hotmix.
- g) Sealed driveway to both dwellings.



35. The provision of temporary sediment and erosion control facilities and measures are to be installed, prior to the commencement of any works on the site to minimise and/or eliminate unnecessary erosion and loss of sediment. These facilities are to be maintained in working order during construction works and up to the completion of the maintenance period. All sediment traps are to be cleared on a regular basis and after each major storm, and/or as directed by the Principal Certifying Authority, with all silt being removed from the site, or to an approved location within the site.
36. The relocation or adjustment of any utility service facilities are to be carried out by the Applicant in accordance with the requirements of the utility authority at no cost to Council.
37. The public footways and roadways adjacent to the site are to be maintained in a safe condition, at all times, during the course of the works.
38. A Tree Preservation Order exists within the Ku-ring-gai Council area whereby the removal, lopping or destruction of any tree exceeding 5.0 metres in height or 4.0 metres in canopy spread (except where exempt as defined under Council's Tree Preservation Order) without prior written consent of Council is prohibited.

Release of the Construction Certificate gives automatic approval to the removal ONLY of those trees located on the subject property within the footprint of a proposed new building/structure or within 3.0 metres of a proposed new dwelling. Where this application is for a building/structure other than a dwelling then ONLY trees within the area to be occupied by this building/structure may be removed. Other trees SHALL NOT be REMOVED or DAMAGED without an application being made under Council's Tree Preservation Order.

39. The applicant shall ensure that at all times during the construction period no activities, storage or disposal of materials shall take place beneath the canopy of any tree protected under Council's Tree Preservation Order.
- 39A. The driveway be realigned approximately 2.5 metres further to the north, with the three (3) trees not to be affected by the realignment.

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

40. The Long Service Levy is to be paid to Council in accordance with the provisions of Section 34 of the Building and Construction Industry Payments Act 1986 prior to the issue of the Construction Certificate. Note: Required if cost of works exceed \$25,000.00.
41. It is a condition of consent that the applicant, builder or developer or person who does the work on this residential building project arrange the Builders Indemnity Insurance and submit the Certificate of Insurance in accordance with the requirements of Part 6 of the *Home Building Act 1989* to the Council or other Principal Certifying Authority for endorsement of the plans accompanying the Construction Certificate. It is the responsibility of the applicant, builder or developer to arrange the Builder's Indemnity Insurance for residential building

work over the value of \$12,000 and to satisfy the Council or other Principal Certifying Authority by the presentation of the necessary Certificate of Insurance so as to comply with the applicable requirements of Part 6 of the *Home Building Act 1989*. The requirements for the Builder's Indemnity Insurance does not apply to commercial or industrial building work or for residential work less than \$12,000, nor to work undertaken by persons holding an Owner/Builder's Permit issued by the Department of Fair Trading (unless the owner/builder's property is sold within 7 years of the commencement of the work).

42. The Infrastructure Restorations Fee calculated in accordance with the Council's adopted schedule of Fees and Charges is to be paid to the Council prior to any earthworks or construction commencing. The applicant or builder/developer will be held responsible for and liable for the cost any damage caused to any Council property or for the removal of any waste bin, building materials, sediment, silt, or any other article as a consequence of doing or not doing anything to which this consent relates. "Council Property" includes footway, footpath paving, kerbing, guttering, crossings, street furniture, seats, litter bins, trees, shrubs, lawns mounds, bushland, and similar structures or features on road reserves or any adjacent public place. Council will undertake minor restoration work as a consequence of the work at this site in consideration of the "Infrastructure Restorations Fee" lodged with the Council prior to the release of the Construction Certificate. This undertaking by the Council does not absolve the applicant or Builder/developer of responsibility for ensuring that work or activity at this site does not jeopardise the safety or public using adjacent public areas or of making good or maintaining "Council property" (as defined) during the course of this project.
43. In order to maintain an appropriate level of solar performance for the buildings, the western windows of the development are to be provided with appropriate shading devices/shutters to protect against the summer sun. Details being submitted with the Construction Certificate plans.
44. Submission of revised elevational drawings that are consistent with the floor plan and site layout changes indicated within the revised plans lodged with Council in October 2003.
45. The payment of a contribution for the provision, extension or augmentation of community facilities, recreation facilities, open space and administration that will, or are likely to be, required as a consequence of development in the area.

TOTAL CONTRIBUTION FOR THIS DEVELOPMENT OF ONE ADDITIONAL DWELLINGS IS \$12,459.72 if paid by 30 June 2003. Payments after this date shall be in accordance with the schedule of Section 94 charges as at the date of payment. The schedule of charges may vary in accordance with any CPI indexing of Council's Section 94 Contributions Plan. Rates are usually adjusted annually as at 1 July.

This contribution shall be paid to Council prior to the release of the Construction Certificate and the amount payable shall be in accordance with the Council's

adopted Section 94 Contributions Plan for Residential Development, effective from 20 December 2000, calculated for additional person as follows:

1.	Preparation of New Residents Kit	\$10.98
2.	New Resident Survey	\$9.87
3.	New child care centre (including land acquisition and construction of facility)	\$252.13
4.	Additions/alterations to Acron Rd child care centre for additional 20 places	\$2.41
5.	New Library bookstock	\$17.95
6.	New Public Art	\$2.93
7.	Acquisition of Open Space - Turramurra	\$1996.00
8.	Koola Park upgrade and reconfiguration	\$143.09
9.	North Turramurra Sportsfield development	\$986.80
10.	Section 94 2000-2003 Study and Interim Plan preparation cost	\$49.34
11.	Section 94 Officer for period of Plan 2000-2003	\$118.42

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

#### OCCUPANCY RATES FOR DIFFERENT DWELLING SIZES

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

46. The drainage design associated with the Construction Certificate is to incorporate details that address the following points:-
  - a. All trees in close proximity to drainage infrastructure, that are to be retained, are to be drawn to scale.
  - b. Pits, drainage walls and pipelines constructed under the tree canopies of trees to be retained, are to take into account the impact the works will have on the existing trees.
  - c. Drainage details are to be compatible with the landscaping plans.
  - d. The On Site Detention system is to be set at so that the outlet of the orifice plate is set no lower than the level of the AR1 50 year flood in the receiving drainage system. This is so the outlet from the OSD system is free draining and is not effected by backwater for all storm events up to the 50 year ARI event.
  - e. Suitable kerbs or other approved “cut off” systems are to be provided in the OSD design to ensure all overland flow from storms up to the 50 year ARI storm event is conveyed to the OSD system.
  - f. A 100mm high concrete kerb is to be provided along the low side of the existing driveway to cut off stormwater and direct it to the OSD system.
  - g. If an underground storage tank is provided, the inflow pipes are to be located below inspection grates.
  - h. The access grate above the control chamber is to be a grate sized 600mm x 900mm or greater.

- i. The roof gutter, down pipe and drainage system for the two dwellings is to be sized to catch and convey the 50 year ARI storm event to the OSD system.
47. Prior to the issue of the Construction Certificate, a Stormwater Drainage Plan for the development site must be submitted and approved by the Principal Certifying Authority (PCA). This Condition is imposed to ensure site stormwater is disposed in a controlled and sustainable manner.

The Stormwater Drainage Plan must show the proposed drainage system, and method and point of discharge to a Council-approved system. The plan must be based on the site survey as a minimum. The following requirements apply to all stormwater drainage systems:

Where it is proposed to connect to the existing site drainage system, the applicant must supply to the PCA an inspection report for the entire site drainage system from a suitably qualified engineer. This inspection report must confirm:

- a. The point and method of discharge (by way of sketch or plan) for the existing stormwater drainage system,
- b. Provision of suitable drainage infrastructure within existing system,
- c. The satisfactory condition of the existing system,
- d. The satisfactory capacity for continued usage, and
- e. No deleterious effect on existing, adjacent or downstream properties as a result of the continued use of this existing system.

If this certification cannot be given, then the applicant is to submit design documentation for a new system for approval with the Construction Certificate application. Plans are to be prepared by a suitably qualified and experienced consulting engineer or surveyor in accordance with the requirements of Council's Stormwater Management Manual.

No stormwater drainage system is to be connected to any Sydney Water sewage system.

Any new drainage works must incorporate a piped connection to an existing drainage system (satisfying the requirements of this Condition) or to an Approved Council discharge point. New drainage systems must be designed having regard to the need to prevent stormwater from entering buildings in accordance with the Building Code of Australia (BCA).

48. The applicant is to provide Plans with the Construction Certificate application from a suitably qualified and experienced engineer or surveyor, detailing the following works:
- a. Kerb along the low side of the driveway for the full length of the existing and proposed driveway.
  - b. Reconstruction of a one (1) meter wide cracked section of the existing driveway, on both sides of the existing box drain that crosses the driveway. Box grate is to be reconstructed and grates replaced.

- c. Reconstruction of a one (1) meter wide section of driveway adjacent to a construction joint on the driveway.
  - d. Reconstruction of the cracked corner on the concrete section of the existing driveway.
  - e. Reconstruct failed sections of bitumen driveway adjacent to the public road. As a minimum reconstruct at least 9.0sq meters.
  - f. Re-sheet the entire bitumen section of the entry adjacent to the public road. The bitumen is to be 25 mm thick and be constructed in the appropriate hotmix.
  - g. Sealed driveway to both dwellings.
49. For stormwater retention and quality control, provision of a five (5) metre long first-flush absorption trench within the subject property designed to capture and retain the first-flush stormwater runoff from the subject property after which runoff bypasses the trench and reverts to the main drainage system. Design drawings are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) **prior** to issue of the Construction Certificate.

NOTE 1: The first-flush system may be achieved by the use of a separate low-level outlet from a pit located on the main drainage system.

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

NOTE 3: The trench shall be 700mm wide x 700mm deep and fitted with half round PVC (230mm radius) dome sections backfilled with crushed or round river gravel to within 150mm of surface level, surrounded with suitable geofabric and finished with topsoil.

NOTE 4: The trench is to be at least 5 metres from private property boundaries and 3 metres from the footings of any structure.

NOTE 5: A suitably designed litter and coarse sediment 450mm square grated arrestor pit is to be provided immediately upstream of the trench.

NOTE 6: The trench is not to require excavation underneath the canopy areas of any trees to be retained unless as approved by a qualified arborist's certification that such excavation will not affect the longevity of the subject tree(s).

NOTE 7: Upon completion, certification from a suitably qualified person is to be submitted to the Principal Certifying Authority with respect to this condition being satisfied.

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

**OR**

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

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

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

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

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

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

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

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

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

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

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

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

50. To prevent surface stormwater from entering the building, the finished habitable ground floor level(s) of the building shall be a minimum of 150mm above adjacent finished ground level(s). The entire outside perimeter of the building must have overland flow escape routes which will protect all finished floor levels from flooding during times of complete subsurface drainage blockage.
51. The property drainage system shall be designed and based upon a 235mm/hour rainfall intensity for a duration of five (5) minutes (1:50 year storm recurrence) for impervious surfaces and in accordance with Council's Stormwater Management Manual. Design drawings and calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for

approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.

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

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

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

52. Full design drawings of the proposed method of achieving the requirements for on-site stormwater detention and supporting calculations are to be prepared by a suitably qualified and experienced hydraulic engineer and submitted for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate.
53. Submission, for approval by the Principal Certifying Authority (PCA) prior to issue of the Construction Certificate, of a Soil and Erosion Control Plan prepared in accordance with the NSW Department of Housing document "Managing Urban Stormwater – Soils and Construction" (1998) by a suitably qualified and experienced engineer or surveyor. Such controls should include but not be limited to appropriately sized sediment basins, diversion systems, appropriate controls for each stage of works identified and barrier fencing which maximises and protects areas which are not to be disturbed. The plan must also specify inspection and maintenance regimes and responsibilities and rehabilitation measures.
54. A *CASH BOND/BANK GUARANTEE* of \$2000.00 shall be lodged with Council as a Landscape Establishment Bond prior to the release of the Construction Certificate to ensure that the landscape works are installed and maintained in accordance with the approved landscape plan or other landscape conditions.

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

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

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

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

56. i. The paved area adjacent to the kitchen (RL 146.75) is to be constructed as a suspended slab to retain the cypress located adjacent to the laneway to Taunton Street. The suspended slab is to be designed so that there will not be any piers or footings within 2.0 metres from the trunk of the Cypress. The extent of the paved terrace is to be reduced as far as possible under the drip line of the Cypress to lessen any impact on the tree. Details being submitted prior to the issue of a Construction Certificate.
- ii. In order to retain the Photinia hedge, there is not to be any piers or footings associated with the construction of the paved terrace within 500mm of the extremity of the foliage (the drip line) of the existing photinias. Details to be submitted prior to the issue of a Construction Certificate.
- iii. A qualified arborist is to detail requirements for protective fencing and other appropriate measures to be implemented prior to the issue of a Construction Certificate, to facilitate the ongoing success of the Cypress and the Photinia hedge.

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

57. To preserve the existing trees to be retained along the driveway, no work shall commence until a fence is erected along the SW edge of the driveway to prevent any activities, storage or the disposal of materials within the fenced area. The fences shall be maintained intact until the completion of all demolition/building work on site.
58. The tree protection fence shall be constructed of galvanised pipe at 2.4 metre spacings and connected by securely attached chain mesh fencing to a minimum height of 1.8 metres prior to work commencing.

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

59. The construction of the works in the accessway handle, including the seven (7) items above, prior to issue of an Occupation Certificate. The works are to be supervised by the designing engineer or surveyor and certified upon completion that the as-constructed works comply with the approved design documentation and relevant Council Specifications. The designing engineer or surveyor is to also submit a works-as-executed drawing of the as-constructed works. A registered surveyor is to certify that works are wholly contained within the relevant allocations.



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

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

61. Construction of the On-site Stormwater Detention System is to be supervised and upon completion a Certificate and Works-as-Executed drawing issued by a suitably qualified and experienced engineer or surveyor is to be submitted to the Principal Certifying Authority prior to occupation or issue of an Occupation Certificate.

NOTE 1: The Certificate is to be with respect to compliance with:

- a. The soundness of the structure.
- b. The adequacy of the outlet control mechanism to achieve the discharge as specified.
- c. The capacity of the detention storage as specified.
- d. The size of the orifice or pipe control fitted.
- e. The maximum depth of storage over the outlet control.
- f. The adequate provision of a debris screen.
- g. The inclusion of weepholes in the base of the outlet control pit.
- h. The provision of an emergency overflow path.

NOTE 2: The certifying engineer and surveyor is to also complete and submit Council's standard On-site Stormwater Detention Certification sheet.

NOTE 3: The Works-as-Executed drawing(s) are to include all relevant levels including:

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

62. The creation of a Positive Covenant and Restriction on the Use of Land under Section 88B of the Conveyancing Act 1919, burdening the property with the requirement to maintain the on-site stormwater detention facilities on the property prior to occupation or the issue of an occupation or subdivision

certificate. The terms of the instruments are to be generally in accordance with the Council's "draft terms of Section 88B instrument for protection of on-site detention facilities" and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA.

63. In order to maintain Council's database of as-constructed on-site stormwater detention systems, if the Principal Certifying Authority is not Council then a copy of the approved stormwater detention design, the works-as-executed drawings and the Engineer's certification of the as-constructed system is to be provided to Council, attention Development Engineer, prior to occupation, the issue of the Occupation Certificate or the issue of a subdivision certificate.
64. Prior to occupation, the issue of an Occupation Certificate or the issue of a Subdivision Certificate any infrastructure within the road reserve along the frontage of the subject site or within close proximity which has been damaged as a result of construction works on the subject site is to be repaired to the satisfaction of Council's Development Engineer.
65. The designing engineer is to certify the remaining sections of the existing driveway are structurally adequate to convey all design vehicles up to a fully laden concrete truck. If this certification cannot be provided, the applicant is to reconstruct the driveway to current standards.
66. Landscape works shall be carried out in accordance with Landscape Drawing No 93/02 prepared by Sally Bourne Landscapes and dated 28 November 2002 submitted with the Development Application. The landscape works shall be completed prior to the release of the Certificate of Occupation and be maintained in a satisfactory condition at all times.
67. On completion of the landscape works, a Landscape Architect or qualified Landscape Designer shall submit a report certifying correct installation, faithful to the landscape plan to the Principal Certifying Authority with a copy to Council, prior to issue of the Occupation Certificate.

## BUILDING CONDITIONS

68. The following are required details and must be submitted to the Principal Certifying Authority *prior to issue of the Construction Certificate*. Any matter listed below must have a Certificate attached from a suitably qualified person to the effect that the design or matter complies with the relevant design Standard or Code which the Certificate must identify.
  - a. Details prepared by a practicing structural engineer for all or any reinforced concrete, structural steel or timber framing.
  - b. Wind bracing details complying with AS 1684-1992 National Timber Framing Code, AS 1170.2-1989 Wind Load Code or AS 4055-1992 Wind Loads for Housing Code.
  - c. Upper floor joist details, engineered or complying with AS 1684-1992 National Timber Framing Code.

- d. Retaining walls and associated drainage.
  - e. Glazing details complying with AS 1288-1989 Glass in Buildings and Installation Code.
  - f. Stormwater disposal details complying with Council's Stormwater Management Manual and/or other conditions of this consent.
69. The building works are to be inspected during construction by the Council, an accredited certifier or other suitably qualified person/s (as applicable) and a Compliance Certificate shall be issued prior to proceeding to the subsequent stages of construction, encompassing not less than the following stages:
- a. All sediment and erosion control and tree protection measures and installations in place on the site prior to the commencement of any earthworks, excavations or other work.
  - b. Any pier holes and/or foundation material.
  - c. Any steel reinforcement prior to placement of concrete. This includes all reinforcement of floors, slabs, trenches, columns, beams and stairs (if components of this structure).
  - d. Any structural components (i.e. timber framework, structural steelwork or the like) before fixing any lining or covering.
  - e. Any stormwater drainage works prior to covering.
  - f. The completed landscape works in accordance with the approved plans.
  - g. The completed structure prior to occupation.

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

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

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

70. To ensure compliance with this determination the building shall be set out by a Registered Surveyor and the Survey Report shall be lodged with the Principal Certifying Authority prior to the external wall construction proceeding above floor level.
71. For the purpose of safe ingress and egress the stairs are to be constructed within the following dimensions:

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

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

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

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

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

Council has a non chemical policy for termite control but will consider proposals involving physical barriers in combination with approved chemical systems. Handspraying is prohibited.

Where a monolithic slab is used as part of a termite barrier system, the slab shall be constructed in accordance with Australian Standard 2870.1 or as designed by a structural engineer but in either case shall be vibrated to achieve maximum compaction.

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

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

*For the Resolution: The Mayor, Councillor I Cross, Councillors Hall, Little, Malicki and Roach*

*Against the Resolution: Councillors Bennett, Coleman, Keays and Kitson*

*The above Resolution was CARRIED as a Foreshadowed Amendment to the Original Motion and the Lost Amendment.*

*The Original Motion was:*

*(Moved: Councillors Bennett/Kitson)*

*That the matter be deferred to invite the applicant to submit revised plans, which will address the following issues:*

- 1. The need to site the second dwelling so that the area in which it sits does not appear as an area dominated by the footprint of the roof and paved areas with minimal provision for soft landscaping.*
- 2. To move the fence line between the existing dwelling and the new dwelling to the north to provide a larger more effective open space to the new dwelling and increase its site area so reducing the built upon area of the new dwelling in its allotment.*
- 3. To realign the access driveway for the existing house to achieve greater separation from the northern side elevation of the new dwelling and allow for 2 above to occur, with a turning head closer to the existing dwelling.*
- 4. To reduce the number of parking spaces below the new dwelling to 2 to provide for greater turning opportunity.*
- 5. To reduce the extent of paving on the southern side of the new dwelling to achieve greater planting.*
- 6. To reduce the depth of the roof eaves on the new dwelling to reduce its bulk, footprint (built upon area) and perceived volume from external and internal vantage points.*
- 7. Other issues raised in confidential advice to Council by Anthony Rowan.*
- 8. That until revised plans are accepted by Council, Council continue to defend the matter in court.*

*The Lost Amendment was:*

*(Moved: Councillors Hall/Malicki)*

*The officer's Recommendation for approval.*

**Councillors Roach and Malicki withdrew**

154 **Character Statement Of Ku-ring-gai**

File: S02152

**C Levins addressed Council**

Following Council's resolution dated 9 March 2004 to adopt two statements on

heritage and character, that Council consider its options for incorporating the statements into planning and policy documents.

**Resolved:**

(Moved: Councillors Bennett/Hall)

That Council note the report and include the statements in future planning and policy documents.

**CARRIED UNANIMOUSLY**

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

*(Moved: Councillor Hall/Mayor, Councillor Cross)*

- A. *That Council note the report and include the statements in future planning and policy documents.*
- B. *That a further report be brought to Council on whether the statement can be incorporated as a schedule to the Ku-ring-gai Planning Scheme Ordinance.*

155

**Draft (Heritage Conservation) Local Environmental Plan No 28 - 50 Pentecost Avenue, Pymble**

File: S03037

**J Toon addressed Council**

To finalise Draft (Heritage Conservation) Local Environmental Plan No 28 (DLEP 28).

**Resolved:**

(Moved: Councillors Bennett/Kitson)

- A. That Council adopt Draft (Heritage Conservation) Local Environmental Plan No 28 and submit the Draft Plan to the Minister with a report under Section 69 of the Environmental Planning and Assessment Act with a request that he makes the Plan.
- B. That Council notify the NSW Heritage Council informing them of Council's decision.
- C. That Council notify all affected residents of its decision.

**CARRIED UNANIMOUSLY**

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

156      **Traffic Study Of Proposed Medium Density Of Council Depot And Adjoining Sites**

File: S02054

**Notice of Motion from Councillor J Kitson dated 17 March 2004.**

**R McDonald addressed Council**

I move:

- A.    That Council undertake a study of the traffic implications, in conjunction with residents, for the precinct of Carlotta, Pearson, Mount William, Highlands, Park Avenue on the traffic generated from the proposed rezonings associated with the five storey residential development of the Council Depot site and other potential medium density sites in the precinct.
- B.    That the study particularly refer to the potential impact on the two exit/entry points through the Werona/Pearson/Park Avenue intersection or the slip road off Mona Vale Road into Pacific Highway during peak traffic times.
- C.    That the study refers to the proposed location of potential road access points for any development of the Council Depot site or adjoining medium density sites.

**Resolved:**

(Moved: Councillors Kitson/Coleman)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

**Councillor Bennett withdrew**

157      **Bicycle Advisory Committee Meeting - Minutes Of 18 February 2004**

File: S02696

To advise Council of the Minutes of the Ku-ring-gai Bicycle Advisory Committee meeting of 18 February 2004.

**Resolved:**

(Moved: Councillors Malicki/Hall)

That Council receive and note the Minutes of the Bicycle Advisory Committee meeting held on 18 February 2004.

**CARRIED UNANIMOUSLY**

158

**Guidelines For Regeneration Of Riparian Vegetation**

File: S02251

**Notice of Motion from Councillor A Little dated 17 March 2004.**

I move:

That Council develop guidelines and procedures suitable for use by development control staff, landscape professionals, bush care volunteers and the general public for environmentally sensitive regeneration of native riparian vegetation. This is to be considered for inclusion in the next Council Management Plan.

**Resolved:**

(Moved: Councillors Little/Keays)

That the above Notice of Motion as printed be adopted.

**CARRIED UNANIMOUSLY**

159

**Expression Of Appreciation**

File: S02024

**Resolved:**

(Moved: Councillors Hall/Malicki)

That Council express appreciation to the General Manager, Directors and staff for their co-operation and support both as Council and individual Councillors during the term of this Council.

**CARRIED UNANIMOUSLY**

**QUESTIONS WITHOUT NOTICE**

160

**Invitation to Conduct Quarterly Briefing Sessions by State Members – Notice of Motion dated 30 July 2003**



File: S02320

Question Without Notice from Councillor J Kitson

In the interests of transparency, what happened to my Notice of Motion which cordially invited the local Members of Parliament to meet with Councillors?

(Please remind me of the date of my Notice of Motion?)

When were the invitations issued?

Were any reasons given for declining the invitation?

**Answer by the General Manager**

Mr Mayor and Councillors, in the interests of transparently answering that, that was done on the following day, or very soon after the Notice of Motion and I had a verbal response from at least one of the members indicating that they would be happy to do that but I have had no further notification from them since that time.

161 **8 Fairbairn Avenue, Killara**

File: DA2058/99-004

Question Without Notice from Councillor B Coleman

Could the General Manager and the Director Environmental and Regulatory Services investigate and report on the issues raised by Mrs V Bray regarding the development at 8 Fairbairn Avenue, Killara, namely:

1. Expiration of the DA2058/99;
2. Removal of Condition 119 regarding the 12m front setback;
3. The diversion of Machine Creek; and
4. The extended unavailability of plans to residents?

**Answer by the Mayor**

The General Manager has noted, will investigate and will respond.

*The Meeting closed at 11.04pm*

The Minutes of the Ordinary Meeting of Council held on 23 March 2004, (Pages 1 – 57), were confirmed as a full and accurate record of proceedings on 13 April 2004.

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General Manager

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Mayor / Chairperson